

**Stillwater Town Board
Business Meeting
June 18, 2009 7:00 PM
Stillwater Town Hall**

Present: **Councilman Artie Baker**
 Councilman Ken Petronis
 Councilwoman Lisa Bruno
 Councilwoman Virginia Whitman
 Supervisor Shawn Connelly

Also Present: **Sue Cunningham, Town Clerk**
 Mark Minick, Supt of Highways
 James Trainor, Attorney for the Town
 Joe Lanaro, Engineer for the Town
 Ray Abbey, Bldg Inspector/Code Enforcement

Supervisor Connelly called the meeting to order and led everyone in the Pledge to the Flag.

Sue Cunningham, Town Clerk took the roll call.

7:00 PM Public Hearing

Purpose: The purpose of the Public Hearing is to consider granting a Utility Permit to national Grid in the Town's permanent easement area over the lands of The Luther Forest Corporation along Cold Springs Road.

Supervisor Connelly called the Public Hearing to order.

Public Input: There was no comment from the public in regard to this public hearing.

Motion by Councilwoman Whitman and seconded by Councilman Petronis to adjourn the public hearing at 7:03 PM. **Motion carried.**

7:03 PM Public Hearing

Purpose: The purpose of the Public Hearing is to receive comment from the public regarding a Local Law prohibiting the use of wireless phones to compose, read or send text messages while operating a motor vehicle.

A discussion was held among the Town Board members as to what prompted this Local Law, who presented the local law and money that would be generated from this Local Law. Supervisor Connelly stated that he was presenting this Local Law and in talking with officials from the City of Mechanicville who have a similar Local Law thought it was a way to generate money for the Town. If a fine is reduced to a Town law or the ticket is written on Town law a larger portion of monies collected would stay within the Town.

Public Input

Jim C. questioned whether this Local Law was just to generate money or a safety issue.

Richard R. asked if there was already a State law on the books regarding this.

Councilwoman Bruno stated a similar law has been passed in the Assembly but not in the Senate.

Art F. asked if this would be any safer than people playing with the stereos in the car. He feels they are just after money.

Supervisor Connelly commented if the Town has a Local law that mirrors a state law and the ticket is written or reduced to a Town Local Law a larger portion of monies collected will stay within the Town instead of going to the State.

Motion by Councilman Baker and seconded by Councilwoman Bruno to adjourn the public hearing at 7:10 PM. **Motion carried.**

7:11 PM Public Hearing:

Purpose: *The purpose of the Public Hearing is to receive comment from the public regarding a Local Law regulating parking within Town limits.*

Councilman Baker stated that they already have a Local Law regarding parking for certain times of the year.

Supervisor Connelly stated that this is a way for the Court to reduce tickets on a Town law where a larger portion of the monies stays within the Town.

Councilwoman Whitman stated that she is not in favor of this Local Law.

Councilman Petronis stated that a lot of the Town roads and developments there is no chose but to park on pavement. He was not in favor of this Local Law.

Public Input

Jim C. inquired what this was about and if it was just for the revenue.

Supervisor Connelly stated that this is a way for the Court to reduce tickets on a Town law where a larger portion of the monies stays within the Town.

Terry S. questioned if this would encourage more ticket writing, how they would determine who would be ticketed and who would decide.

Ed K. stated that he understands the reasoning for this but realistic there are many events that create revenue for the Town & Village. What you are creating a law that you know people are going to willingly going to park against Town regulations. Why have something on the books that you know would create a problem?

Syd T. stated that you could go out any day or night throughout the town and show where this law would be violated. Did not feel this Law was realistic.

Supervisor Connelly stated that he was just suggesting a way where tickets that are reduced they could be reduced to a Town Law where the money would stay in the Town and not go to the State.

Motion by Councilman Petronis and seconded by Councilwoman Whitman to adjourn the public hearing at 7:20 PM.

Business Meeting

Supervisor Connelly called the business meeting to order and led everyone in the Pledge to the Flag.

Sue Cunningham, Town Clerk took the roll call.

Adoption of Minutes: **Motion** by Councilman Petronis and seconded by Councilwoman Bruno to adopt the minutes of the May 21, 2009 Business Meeting of the Stillwater Town Board.

Motion carried.

Communications: None

Special Presentation

Saratoga Pointe: John Gay of Northeast Land Survey & Land development Consultants gave a brief presentation of the proposed PPD in regard to the project description, project location, purpose of this proposal and the development site. The PDD is a subdivision of 81 acre parcel of land creating 139 single family homes with a variety of detached village homes and duplex carriage homes. (Copy of the PDD is filed in the Town Clerk's Office.)

Councilwoman Whitman inquired if these homes would target senior citizens.

Mr. Gay stated that there will be one and two story homes targeting those who are retiring or downsizing.

Councilman Petronis inquired if there was any discussion on providing a connection to the proposed Saratoga Cluster PDD in order to give them a second entrance.

Mr. Gay stated that it has been discussed.

Supervisor Connelly thanked Mr. Gay for coming and informed him that the Town Board would refer the proposed PDD to the Planning Board for their recommendation and comments.

Public Input

Resident I inquired if Resolution #96 & #97 have been discussed at prior meetings before appearing on the agenda this evening and if the Village was notified of the meeting on June 29th regarding water.

Supervisor Connelly stated that he has spoken about them in the past and the reason for the. Councilwoman Bruno stated that she did receive something on them approximately a month ago but just receive the language of the Local Laws before the Board this evening.

Supervisor Connelly stated that he sent an email to the Village Mayor inviting him and the village board to the meeting. He stated that he plans to follow up with a letter.

Resident II inquired about the informational meeting on water.

Supervisor Connelly stated that there is one scheduled for June 29th to give an overview of the Village plans and the Towns plan.

Resident II commented on the dredging and they way they are doing it. It was his understanding it would be done through a vacuum and instead they are using the clamshell method. Obviously whatever spills out of the clamshell will be flowing downstream.

Supervisor Connelly stated that at the last meeting and this issue was brought up. They were told that these are leap holes. There is re-suspension into the water but the levels have still not reached 500 parts per trillion.

Discussion was held on the dredging and PCB's and the method being used.

Resident III commented on the number of years that dumping PCB's in the river has occurred and the water source. He stated that for years officials from the Town Board & Village Board knew the water was contaminated.

Resident IV commented on the location of the development being proposed, the close proximity to Route 9P and the condition of Route 9P. He also inquired about Resolution #86 in regard to the funding.

Engineer Lanaro stated that there were two projects that were funded using DOT Multi Modal money. One project was the Multi Use Trail and the second project was the Cold Springs Road Reconstruction Project. The Multi Modal program is administered by the Dept of Transportation is a reimbursement program. With this type of program the Town needs to borrow the money, spend the money, than submit for reimbursement and when the project is completed the Ban would be paid off.

Discussion of the breakdown of the monies and who was responsible to pay for what portions was held.

Resident V inquired about who was mowing Saratoga Glen Hollow Park, who the new summer help for the Highway Dept, receipts for the ice storm, \$300,000 member item, part time retirement credits, list of people who have applied for employment with the Highway Dept, and legality of non-Board members sitting in on executive session.

Supt Minick stated that the Highway bush hogged the park last week and there is a resident who mows an area so they can play soccer, Peter Hoogeveen and Mark Minick were hired as summer help, the \$300,000 is for a water line, sweeper & skid and they have open applications submitted all the time for employment and the summer help usually come back every year.

Supervisor Connelly stated that he has spoken with Mr. Nett and Mr. Lilac in regard to receipts from the ice storm. Most of the items the center received were donated so there are no receipts. A discussion was held on what they were looking for to submit for reimbursement.

Councilwoman Whitman stated that all employees had to be asked if they would like to join the retirement system.

Attorney Trainor went over the guidelines for executive session and who may attend.

Resident VI commented on the Jib Dr and Saratoga Pointe PDD and the hold up on the water line that has been discussed for ones on Route 9P to hook into.

Councilman Baker stated that the water line was part of another development and was a private water authority. It had nothing to do with the Town. He suggested that they bring these questions up to the Planning Board when a public hearing is scheduled regarding the PDD's.

Resident VII commented on Resolution #96.

Supervisor Connelly stated that the Resolution doesn't seem to have support and explained again the reason for proposing this Local Law.

Resident IV asked if Resolution #87 was being pulled and commented on the language in Resolution #89 in regard to install specific features. He feels that this wording could have long range impact on residents in the area.
Supervisor Connelly stated that Resolution #87 will be tabled when they move to agenda items.

Resident VIII questioned a commented made at a prior meeting during discussion of parks. He asked what was meant by “our kids”. If this meant just Stillwater kids when most teams are Mechanicville-Stillwater?
Councilwoman Whitman stated she wanted to see for practice fields for the area children. A discussion was held on Moohlah Hill and it was decided to look into cost and have the area ready next spring for practice fields.

Resident V questioned Resolution #92 and suggested that the Town Board look into using the reverse 911 to notify the people that there will be a water meeting on June 29th.
Attorney Trainor went over the procedure of filing a grievance on your assessment, when that doesn’t satisfy the person a lawsuit is filed.
Supervisor Connelly stated that he will look into the reverse 911.

Agenda Items (Resolutions #85--#99)

Resolution #85: Authorizing the Supervisor to sign the Supplemental Agreement with Creighton Manning Engineering, LLP with regard to the Cold Springs Road Reconstruction Project Contract 1.

Resolution #86: Authorizing the Supervisor to sign a memorandum of Understanding with LFTC regarding the Cold Springs Road Improvement Project.

Resolution #87: Adopting Local Law # ____ of 2009 changing Zoning Regulations related to width of Building Lots.

Resolution #88: Referring the amended application by VLG Real Estate Developers, LLC regarding the Saratoga Lake Cluster PDD to the Town Planning Board for its review and comments.

Resolution #89: Authorizing the Supervisor to sign agreements to install specific features within a Town Utility Easement, Right of Way or on property dedicated to the Town and Maintenance Agreement for Appurtenances on dedicated lands regarding Stillwater Woods PDD.

Resolution #90: Approving Utility permit along Cold Springs Road to National Grid

Resolution #91: Authorizing the Town Clerk to accept Payments by MasterCard & Visa

Resolution #92: Authorizing the Review of PNL’s Tax Certiorari Appraisals

Resolution #93: Acting on SEQRA for the Town of Stillwater Town Board/Court Room Renovation Project.

Resolution #94: Authorizing the advertisements for Bids for Town Board/Court Room Renovations at Town Hall.

Resolution #95: Authorizing the conveyance of the Gurba Sewer Pump Station to Saratoga County Sewer District No. 1

Resolution #96: Enacting Local Law No. _____ of 2009 regulating parking within Town Limits.

Resolution #97: Enacting Local Law No. ____ of 2009 prohibiting the use of texting while operating a motor vehicle.

Resolution #98: Honoring Joe Lanaro as Engineer of the Year.

Resolution #99: Authorizing the Supervisor to sign bid award & contract with conditions regarding Cold Springs Road Corridor Reconstruction Project Contract No.1.

Resolution #87: **Changing Zoning Regulations**

Motion by Councilman Petronis and seconded by Councilwoman Whitman to table Resolution #87.

A roll call vote was taken as follows on Resolution #87:

Councilman Baker	Yes
Councilman Petronis	Yes
Councilwoman Bruno	Yes
Councilwoman Whitman	Yes
Supervisor Connelly	Yes

Motion carried. Resolution #87 was tabled unanimously. (Copy attached and made part of the minutes)

Councilwoman Bruno requested a separate vote on Resolution #96.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #96.

A roll call vote was taken as follow on Resolution #96:

Councilman Baker	Yes
Councilman Petronis	Yes
Councilwoman Bruno	Yes
Councilwoman Whitman	Yes
Supervisor Connelly	Yes

Motion carried. Resolution #96 was defeated unanimously. (Copy attached and made part of the minutes)

Motion by Councilman Petronis and seconded by Councilman Baker to adopt Resolutions #85, #86, #88, #89, #90, #91, #92, #93, #94, #95, #97, #98, #99.

Discussion

Resolution #98 *Honoring Joe Lanaro as Engineer of the Year*

Councilman Petronis wanted to read Resolution #98 into the record.

WHEREAS, the Vice President in charge of the local Chazen offices, Joseph Lanaro, PE, is the lead engineer in charge of municipal services for the Town of Stillwater; and

WHEREAS, the Joseph Lanaro, PE has recently been recognized by the National Society of Professional Engineers has recognized Mr. Lanaro as Engineer of the Year and the Town wishes to congratulate him for that achievement.;

Now, therefore, be it

RESOLVED, that Joseph Lanaro, PE of The Chazen Companies is hereby recognized and honored in his achievement in obtaining the designation of “Engineer of the Year” by the National Society of Professional Engineers of 2009.

Resolution #88 *Saratoga Lake Cluster PDD*

Councilwoman Whitman requested discussion on Resolution #88. She questioned the time limit and if it would be enough time since the Planning Board only met once a month through the summer.

After a brief discussion it was the consensus of the Board to amend the resolution and remove the 90 day timeframe.

Motion by Councilman Baker and seconded by Councilman Petronis to amend the resolution to exclude the ninety days. **Motion carried.**

Resolution #99 *Cold Springs Road Corridor Reconstruction Project Contract No.1.*

Councilwoman Whitman questioned the language of “Contract 1” and what Creighton Manning involvement was...

Engineer Lanaro stated that Contract 1 was put out to bid for the Cold Springs Road Reconstruction Project, the bids came in and now they have to award the bid to the lowest bidder. Creighton Manning is the construction administrator for the construction concept.

Resolution #89 *Town Utility Easement/Stillwater Woods*

Councilman Petronis questioned what type of specific features they are referring to and wanted to make sure it wasn't for catch basins or something similar to that.

Attorney Trainor stated that this is a specific agreement which is a maintenance agreement for landscaping that is going into a Town utility area. This resolution authorizes the Supervisor to sign the agreement and allow the developer to go in and put landscaping in.

A roll call vote was taken on the following Resolutions #85, #86, #88, #89, #90, #91, #92, #93, #94, #95, #97, #98, & #99.

Councilman Baker	Yes
Councilman Petronis	Yes
Councilwoman Bruno	Yes
Councilwoman Whitman	Yes
Supervisor Connelly	Yes

Motion carried. Resolutions #85, #86, #88, #89, #90, #91, #92, #93, #94, #95, #97, #98, & #99 were adopted unanimously. (Copies attached and made part of the minutes)

Resolution #72 Energy Audit/Community Center

Motion by Councilwoman Bruno and seconded by Councilman Petronis to remove Resolution #72 from the table.

A brief discussion was held on the documentation that was received.

Motion by Councilman Petronis and seconded by Councilman Baker to adopt Resolution #72.

Councilman Baker	Yes
Councilman Petronis	Yes
Councilwoman Whitman	Yes
Councilwoman Bruno	Yes
Supervisor Connelly	Yes

Motion carried. Resolution #72 was adopted unanimously. (Copy attached and made part of the minutes).

Motion by Councilman Baker and seconded by Councilman Petronis to pay the audited claims.

General	#275--#301	\$29,703.89
Highway	#263--#301	\$105,460.99
Town Outside	#65--#69	\$18,772.69
Water & Sewer	#39--#43	\$854.03
Capital Projects	#43--#46	\$9,579.62

Motion carried.

Motion by Councilman Petronis and seconded by Councilwoman Whitman to adjourn the regular meeting at 8:30 PM and go into executive session for litigation and personnel. **Motion carried.**

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk