

**Stillwater Town Board  
Business Meeting  
June 21, 2012      7:00 PM  
Stillwater Town Hall**

**Present:**                    **Councilman Artie Baker  
Councilman Ken Petronis  
Councilwoman Lisa Bruno  
Councilwoman Virginia Whitman  
Supervisor Ed Kinowski**

**Also Present:**            **Sue Cunningham, Town Clerk  
Mark Minick, Supt of Highways  
James Trainor, Attorney for the Town  
Joe Lanaro, Engineer for the Town**

Supervisor Kinowski 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 Whitman to adopt the minutes of the May 17, 2012 agenda meeting of the Stillwater Town Board. **Motion carried.**

**Special Presentation**                    **Peter Hughes—911 coordinator/Fire Marshall**  
Peter Hughes gave a special presentation on the interactions of his positions with the building inspectors/code enforcement conforming to NYS Uniform Code. How the Building Department is improving by being more consistent, creating outreach programs with the police dept & fire dept, and policy procedure being incorporated.

Dick Butler, Director of the Building Dept spoke briefly on enforcement issues and correcting violations.

**Agenda Items**                    **Resolutions #51--#59**  
Councilman Baker requested a separate vote on Resolutions #56 & #57.

**Resolution #51**                    **SEQRA Determination Regarding  
Glen Hollow Park Crosswalk Project**

Introduced by: Supervisor \_\_\_\_\_

WHEREAS, at the request of the Town Board The Chazen Companies have previously submitted a description of the proposed project; and

WHEREAS, the project involves the installation of traffic control devises (crosswalk, etc.) on an existing street, road or highway;

Now therefore be it,

RESOLVED, that pursuant to 6 NYCRR Part 617.5 (c)(16) (“SEQRA”), the Town Board finds this action to be a Type II action, that is not subject to review under SEQRA.

**Motion** by Councilman Petronis and seconded by Councilman Baker to adopt Resolution #51 of 2012.

A roll call vote was taken on Resolution #51 of 2012 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES



WHEREAS, permit approval from the DEC is still pending but not expected to substantially alter the design or requirements put in place by ACOE; and

WHEREAS, CP Rail is willing to both design and construct river front access areas for Town residents and pay the Town for the use of the wetland's mitigation areas; and

WHEREAS, both the ACOE and DEC have undertaken a coordinated review of this project in connection with CP Rail's permit applications and have conditioned their approvals on certain environmental impact mitigation measures being taken by CP Rail;

Now therefore be it,

RESOLVED, that the Town Board hereby authorizes the Supervisor to sign the attached agreement with CP Rail providing for the construction of both the wetland mitigation and river front access areas in the river front park, as well as the payment by CP Rail to the Town of \$24,000; and be it further,

RESOLVED, that the Town Board also authorizes the Supervisor to sign the attached Declaration of Restricted Covenants permanently dedicating a certain area within the river front park for wetlands mitigation/conservation, a copy of which is to be recorded at the Saratoga County Clerk's Office.

**Motion** by Councilman Petronis and seconded by Councilman Baker to adopt Resolution #53 of 2012.

Discussion: Councilwoman Whitman inquired if this money would go into the park funds.

Supervisor Kinowski stated that it is part of the contract and would be used for the Riverfront Park.

A roll call vote was taken on Resolution #53 of 2012 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES

**Motion carried.** Resolution #53 of 2012 was adopted unanimously.

**Resolution #54**                      **SEQRA Determination Regarding  
Van Ness Road Emergency Road Repair Project**

Introduced by: Supervisor \_\_\_\_\_

WHEREAS, at the request of the Town Board The Chazen Companies have previously submitted a description of the proposed project; and

WHEREAS, the project involves emergency actions that are immediately necessary on a limited and temporary basis for the protection or reservation of life, health, property or natural resources;

Now therefore be it,

RESOLVED, that pursuant to 6 NYCRR 617.5 (c)(33) ("SEQRA"), the Town Board finds this action to be a Type II action that is not subject to review under SEQRA.

**Motion** by Councilman Petronis and seconded by Councilman Baker to adopt Resolution #54 of 2012.

A roll call vote was taken on Resolution #54 of 2012 as follows:







A roll call vote was taken on Resolution #57 of 2012 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	NO
Councilwoman Bruno	YES

**Motion carried.** Resolution #57 of 2012 was adopted unanimously.

**Resolution #58**                      **Accept Bid/Proposal for New Town Hall Roof**

Introduced by: Supervisor \_\_\_\_\_

WHEREAS, Resolution No. 50 of 2012 authorized the Supervisor to solicit bids/proposals to replace the Town Hall roof which had suffered major damage by the recent rain storm; and

WHEREAS, the cost of the project was anticipated to be under the threshold contained in General Municipal Law §103 to require competitive bidding; and

WHEREAS, a bid submitted by Ken Ingersoll in the amount of \$20,000.00 was the lowest, most responsible proposal to replace the roof at Town Hall;

Now, therefore, be it

RESOLVED, that the Town Board hereby accepts the attached proposal from Ken Ingersoll in the amount of \$20,000 for the replacement of the Town Hall roof; and be it further

RESOLVED, that the Town Supervisor is hereby authorized to enter into an agreement with Ken Ingersoll for the stated roof repair at the stated price and to disburse the needed funds as appropriate.

**Motion** by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #58 of 2012.

Discussion: Councilman Petronis suggested that they address the drains prior to fixing the roofs.

Supervisor Kinowski state that the drains are part of the contract.

A roll call vote was taken on Resolution #58 of 2012 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES

**Motion carried.** Resolution #58 of 2012 was adopted unanimously.

**Resolution #59**                      **Amending the Town’s Employee Personnel Manual**

Introduced by: Supervisor \_\_\_\_\_

WHEREAS, an amendment to the Town’s Employee Personnel Manual establishing new Standard work day and/or hours for fulltime, part time, elected and appointed officials (“Town Hall Employees”) is required to comply with new State Retirement Laws; and

WHEREAS, the current language shall be replaced as follows:

“The standard day or hourly work schedules for our Town Hall Employees:

Elected Officials: Supervisor, Council Members, Town Clerk, Tax Collector and Highway Superintendent, Judge(s): Minimum 6 hours

Appointed Officials: Fire Marshall/911 Coordinator – Minimum 6 hours (Work schedule as set by Supervisor)

Full Time: Confidential Secretary, Book Keeper, Building Inspector, Historian: 7 hours. Work schedule flex between 7 am and 4 pm.

Part time: Minimum 6 hours for all employees and: Secretary to Assessor - Minimum 6 hours (Work schedule as set by Assessor), Deputy Clerk - Minimum 6 hours (Work schedule as set by Town Clerk), Court Clerks - Minimum 6 hours (Work schedule as set by Judges), Canine Control Officer minimum 6 hours (Work schedule as set by Supervisor), Town Hall Cleaner - minimum 6 hours (Work schedule set by Supervisor), Deputy Historian: 6 Hours (Work schedule as set by Historian).

(Note: Holiday and Vacation time will be accrued for pay and/or retirement in accordance with Personnel Manual)

The standard day hours indicated are established to comply with NYS law for retirement calculation purposes only. New York State form RS 2417-A and B will be approved by yearly resolution upon any changes made to employee staff or elected officials. All elected and appointed personnel will participate in the Town Time Keeping system."; and

WHEREAS, attached to this resolution are the required RS 2417-A and B forms identifying all Elected and appointed Officials in the Town of Stillwater enrolled in the NYS retirement system; and

WHEREAS, the appropriate approvals have been obtained by the Saratoga County Personnel Department;

Now, therefore, be it

RESOLVED, that the proposed amendment to Town of Stillwater Employee Personnel Manual be adopted.

**Motion** by Councilman Petronis and seconded by Councilman Baker to adopt Resolution #59 of 2012.

A roll call vote was taken on Resolution #59 of 2012 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES

**Motion carried.** Resolution #59 of 2012 was adopted unanimously.

**Public Input**

Vince B commented on the proposed water district. He stated that he has not to talk to anyone who wants the water line and asked why the Town Board would continue to spend the money and that he doesn't want to see commercial development.

John V who is in water district #4 commented on the benefit unit charged to landowners and that he doesn't want to see development.

Ron R stated that he has lived here all his life, he is all for moving forward but feels the way benefit units are being assessed is unfair. He would love to have the water but not on the backs of his neighbors.

Russell spoke on behalf of Ben Baskin, Executive Director of the Community Center. He felt that the Board should look into what is going on at the Community Center.

Tom R inquired about the Van Ness Hill improvements.  
Supt Minick explained the area where work would be.

A resident spoke on behalf of Ben Baskin, executive Director of the Community Center.

Lynn L questioned why Global Foundries money wasn't obtained to for the proposed water line.

Dennis P stated that he did not feel the Town Board was representing the residents by proceeding with funding for the proposed water line.

A resident questioned the Village water line and if he would have to pay cost of benefit unit for their water line.

Supervisor Kinowski stated that only the Village residents had to pay the benefit unit.

A resident asked who oversees the Community Center Board of Directors and spoke on behalf of Ben Baskin.

Supervisor Kinowski stated that there was no one who oversaw the Board of Directors. Councilwoman Whitman stated that she has experience working with non for profit. By-laws are given to the board to follow; they run the center and hire the director. She also stated that she is not for taking over the Community Center.

A resident commented on the by-laws, community center and questioned if they could petition to get rid of the community center board.

Supervisor Kinowski stated that only if it is written in the by-laws and legalities need to be addressed prior to the Town Board being involved.

Butch L. stated that Ben Baskin was doing a good job, has the community in mind and supports keeping Ben as executive director of the community center.

Jim K had questions about Van Hill improvements.

Supt Mimic stated that it would be west of his property, have some possible impact and would meet with him to show him where the work would be done.

Ben Baskin, Executive Director of the Community Center thanked the community for their support and read the following: Thank you for this opportunity to speak.

I was disappointed but not surprised to hear that my two-year contract was not being renewed in September. There's been much speculation as to why the Board is not renewing my contract when every measure indicates SACC is moving in the right direction – more money, more programs, more internal controls than ever before; and the staff, tenants, volunteers, and participants who use SACC think I am doing a good job. I have here a list of accomplishments and testimonials to share.

Just to preface, every reference I make here was discussed at public board meetings, so no confidentiality is being broken.

Ever since two board leaders late last year realized I wasn't going hire one of their friends, give preference to their preferred vendors, nor ban from SACC a perfectly good

volunteer that they didn't like, I believe that they've been on a campaign to eliminate me. It's why they've worked around me, having committee meetings without informing me, and why their hand-chosen friends who join the board are antagonistic even before they meet me. It's why recommendations I made concerning board training, fundraising, and renovation of the old Battle room were always met with 'we'll do that in September'.

And it's why every board meeting is like going into battle. We have disagreed on issues big and small and the interactions have not always been pleasant between us.

In case you're wondering if there's some deep, dark transgression I've committed - In my contract, the Board can fire me at any time if they have just cause. They've been wanting to fire me for the better part of a year, but they just didn't have a reason that would stand up. That's why they've chosen to wait out the contract, because then they don't legally need to provide a reason to let me go. Despite my requests, they have never given me a reason why they are not renewing.

The SACC board has mentioned that its vote was unanimous, and I'd like to address that. It's curious because there's one new board member, an existing board member's friend and neighbor, who was only on the board less than a month when this vote took place, and never contributed to nor experienced a single SACC program prior to his vote. Two other friends joined in January and have, until recently, also been uninvolved.

Let me share what else the board was unanimous on: I alone wanted to promote the Burczak Family fundraiser, which took place at SACC, to raise funds for the family after a terrible tragedy. I got a call from the board president on a Saturday morning while cooking breakfast for my kids lambasting me for mentioning the fundraiser on SACC's Facebook page. No board member spoke up on behalf of the Burczak family. As a result, I didn't promote the fundraiser again, and the 570 people on SACC's email newsletter and on our web site may have never known about it. I was also admonished by the president for actively supporting a new senior program at SACC, sponsored by the Village. Again, no board member spoke in support of the senior program. Yes, they are equally cohesive against me and against any program that is not their own brainchild.

Sadly, the Board has taken its eyes off the mission of the Center, has materially hurt the Center's mission, preferring to micromanage and pick battles with me, in order to maximize their personal control over this valuable community resource.

It's been my pleasure and honor to serve the Stillwater Community, my home away from home. I'm asking the Town Board, as the Center's major funder, to recommend to the SACC Board of Directors to reconsider its decision. Thank you.

Discussion was held by the Town Board meeting regarding getting involved. The consensus was that they will research to what extent they could get involved.

Michelle D questioned if they would research and have an answer prior to Ben's contract expiring.

Supervisor Kinowski stated that they hope to have an answer by the next meeting.

Bill questioned whether the residents would be able to vote on the proposed water district.

Supervisor Kinowski stated that all information on the resident's options will be made available when the Board has all the information available to make a decision on the proposed water line.

Tim H questioned when the construction of Van Ness Hill would be begin and end.

Supervisor Kinowski stated that it would be done this year and hopefully be done before school starts in the fall. They just had a meeting and the Attorney cannot obtain some of the easements needed so they have to follow the emergency route to proceed.

Engineer Lanaro stated that they will meet with those involved to inform them prior to construction.

Art F inquired the length of the new proposed water line, stated that he waited a long time to have water, was glad to have the water and supported the Town Boards efforts.. Supt Minick stated that he did not know the exact length but it was less than water district #4.

Marty D inquired if van Ness Hill would be closed off.  
Engineer Lanaro stated that there would be temporary road closure.

Mike C stated that he has been coming to Town Board meetings for approximately 4 years and they have come a long way. He suggested that if residents want to support Ben Baskin's position with the community center go to community centers meetings; send letters of support, and go to the meetings all the time not just when a problem arises.

Marty M spoke on behalf of Ben Baskin. He stated that he resigned from the Community Center board and there are no documents on wrong doing by Ben only positive things done by him. Good people have been pushed out.  
Supervisor Kinowski stated that they will research all potential options.

Judy wood-Shaw, Village Trustee inquired if the Town Board would have answers by the July meeting. She stated that the Village supports Ben as the Director of the community center and the Village started supporting the community center after he was made director.

Discussion was held on the community center board.

Chris D commented that if the Town could get involved if the programs are being hurt than maybe people should consider not sending their kids to the community center.

Russell B stated that he sees familiar faces here this evening and some new ones. He said that people don't want the debt of the proposed water line and suggested the Town Board represent the people and drop the issue.

Tim R questioned what would happen if the community center board members don't meet prior to Ben Baskin's contract expiring.  
Councilwoman Bruno stated that according to their by-laws they cannot cancel meetings.

Jim K inquired as to the status of Mechanicville's water situation.  
Supervisor Kinowski stated that he has not received any information from them.

Lynn L commented on the Town Board voting to move forward in seeking funding for the proposed water district.  
Councilman Baker stated that he has been a Board member a long time and he will base his decision on comments from residents once the whole package is presented to the residents at a public hearing.

Vince B suggested that the Town Board do a survey of residents involved as to whether they are in favor or not in favor of the proposed water district.

John V commented that residents get nothing back by investing in the proposed water district and the only ones who make any money are the contractors and engineers.

Art F questioned work done on George Thompson Rd.  
Supt Minick stated they did slope stabilization.

\*\*Councilwoman Whitman left at this time.

Judy wood-Shaw, Village Trustee commented on a senior program sponsored by the Village and was wondering if the community center van could be used to bring senior residents to the program held at the community center  
Supervisor Kinowski stated that the laws are drafted by the county and would have to be looked into.

Councilman Baker suggested that they hold the next Town Board meeting at the community center do to the volume of residents who attended tonight's meeting regarding the community center.

The consensus of the Town Board was to hold the July meeting at the community center at 7:00 PM.

Councilwoman Bruno commented on the proposed water line how the Town needs to look at the future of the Town. This is a process of workshops, hearings, and feed back from residents. The Town Board is not on the fast track and need to look at all options before making a decision.

Supervisor Kinowski went over the time line of the proposed water line, how it started through a shared service grant with the Village of Stillwater and City of Mechanicville and the direction each community followed. Supervisor Kinowski also stated that the Town's main concern was to make sure residents have good potable water. During the Shared Service initiative he learned both suppliers had some major issues, Mechanicville with the reservoir & dam and the Village with PCB's leaving the Town with no other water source.

He stated that the Town Board would be remiss in their duties not to have an alternative plan under these conditions which is the main reason for pursuing the proposed water project.

This project can support other future endeavors for the Town and they would be remiss in their duties if they didn't take advantage of all opportunities that could be obtained from this project or any other project in the Town.

Supervisor Kinowski has opened his door for anyone who wishes to come in, sit down and discuss their concerns with him.

Supt Minick stated that this project was an investment in the Town's future and in the Town's best interest.

Councilman Petronis said he represents the best interests of all residents in the Town. He stated that when Supervisor Kinowski was first elected he was invited to some capital projects meeting which was an eye opener for him. He spoke on the shared service grant and direction other municipalities went. When all information is presented he will do what is best for all residents.

**Audited Claims**

**Motion** by Councilman Baker and seconded by Councilwoman Bruno to pay the audited claims.

<b>General</b>	<b>#242--#263</b>	<b>\$5,783.08</b>
<b>Town Outside</b>	<b>#116--#138</b>	<b>\$42,347.87</b>
<b>Highway</b>	<b>#200--#224</b>	<b>\$42,220.10</b>
<b>Water &amp; Sewer</b>	<b>#28--#30</b>	<b>\$1,221.24</b>
<b>Capital Projects</b>		<b>\$45,438.08</b>

**Motion carried.**

**Motion** by Councilman Petronis and seconded by Councilman Baker to adjourn the business meeting and enter into executive session for litigation & contracts at 9:15 PM.

Respectfully submitted by

Sue Cunningham  
Stillwater Town Clerk

