

Stillwater Town Board
Business Meeting/Public Hearing
Community Development Block Grant Program
July 18, 2013 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 meeting to order and led everyone in the Pledge to the Flag.

Sue Cunningham, Town Clerk took the roll call.

Public Hearing 7:00 PM

Purpose: The Town of Stillwater will submit a funding application to the New York State Department of Housing and Community Renewal on or about August 12, 2013, in an amount not to exceed \$750,000 under the 2013 Competitive Round Community Development Block Grant Program.

Public Input

John V stated that he was in favor of the grant.

Coke C inquired what the money could be used for and an article in the paper stating that Malta bough Browns Beach.

Sean Doughty stated that it was to be used for development improvement.

Supervisor Kinowski commented that the Town will seek all available grants to improve Browns Beach and as for the article it was an inaccurate statement made which he has no control over.

With everyone having the opportunity to comment Supervisor Kinowski closed the public hearing at 7:10 pm.

Business Meeting 7:10 pm

Supervisor Kinowski called the business meeting to order.

Communications

Supervisor Kinowski had two communications.

1. Letters received thanking the Town for the recent grant money.
2. Letter from Daisy the Clown requesting a proclamation from the Town making August 1-7 clown week. The consensus of the Board was to proclaim the week of August 1-7 clown week.

Adoption of Minutes: Motion by Councilwoman Whitman and seconded by Councilman Petronis to adopt the minutes of July 18, 2013. **Motion carried.**

Tabled Resolution #56)

Kathy Peacock from the Stillwater Rescue Squad was on hand to answer questions on Resolution #56 in regard to savings, contract, budget and how things will work thru Malta.

Resolution #56 Authorizing the Supervisor to Sign a Contract for Emergency Services with Malta Ambulance Squad for Services in the Town of Stillwater

Introduced by: Supervisor

WHEREAS, several discussions have occurred between the Stillwater Ambulance Fund and the Malta Ambulance Squad regarding the provision of Advance Life Support (“ALS”) and Basic Life Support (“BLS”) services within the Town of Stillwater; and

WHEREAS, the Malta wants to provide emergency services to the residents of the Town of Stillwater and to merge its emergency services with the Stillwater Ambulance Fund subject to the terms of new contract between the Town and the new entity;

Now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to negotiate and sign a contract for emergency services with the new entity for a period of _____ (____) years.

Motion by Councilman Petronis and seconded by Councilwoman Whitman to TABLE Resolution #56 of 2013.

A roll call vote was taken on Resolution #56 of 2013 as follows:

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

Resolution #56 of 2013 was TABLED at a meeting of the Town Board of the Town of Stillwater duly conducted on June 20, 2013.

Motion was made by Councilman Baker to REINTRODUCE Resolution #56 of 2013, seconded by Councilwoman Bruno on July 18, 2013. A roll call vote was taken to reintroduce Resolution #56 of 2013 as follows:

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

Motion carried to REINTRODUCE Resolution #56 of 2013 was unanimously adopted at a meeting of the Town Board of the Town of Stillwater duly conducted on July 18, 2013.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #56 of 2013.

A roll call vote was taken on Resolution #56 of 2013 as follows:

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

Motion carried. Resolution #56 of 2013 was adopted unanimously.

Reports (Town Board & Dept Heads)

Councilman Baker

Community Center: Councilman Baker requested a resolution to spend up to \$2,000 to reline and seal the parking lot.

A discussion was held on obtaining quotes and cost. The Board authorized Councilman Baker to obtain quotes.

Councilwoman Whitman

Day at the Races: Councilwoman Whitman reminded everyone that the Day at the Races is August 18th.

Free Concert: Councilwoman Whitman reported that the next concert was July 26th and possibly another one on September 13th.

Fall Clean-up: Councilwoman Whitman reported the next date for the fall clean-up would be October 19th.

Supervisor Kinowski

Esplanade: Supervisor Kinowski stated that representatives for the Esplanade project recently met with the Planning Board in regard to the changes in the project. Changes include eliminated businesses and adding 1 1/2 stories.

Discussion was held on park & rec fees, units & acres in Stillwater and GEIS fees.

Executive session: Supervisor Kinowski requested executive session to discuss personnel & contracts.

Paul Tonko: Supervisor Kinowski stated that there was going to be a round table discussion/meeting here at the Town Hall tomorrow morning.

Agenda Items (Resolutions #67-#81)

Resolution #67

Declaration of Lead Agency

For the Water District No. 6 Water Main Extension Project

Introduced By: Supervisor Kinowski

WHEREAS, the Town of Stillwater is proposing to replace the current water supply for newly consolidated Water District No. 6 with a regional water connection to the Saratoga County Water Authority ("SCWA") water supply to accommodate future connections and water mains within the Stillwater business area/district along Cordero Boulevard, Cold Springs Road, Fitch Road, Elmore Robinson Road, George Thompson Road, McDermott Road, Van Ness Road and County Route 75; and

WHEREAS, a new Town water storage tank of approximately 750,000 gallon will be installed on the Arvin Hart Fire District property; and

WHEREAS, Water District No. 5 and several out of district customers will continue to receive water from the Village of Stillwater and several out of district connections along Route 67 will continue to receive service from the City of Mechanicville; and

WHEREAS, the proposed action encompasses areas zoned rural residential (R/R) as well as the business improvement district along Route 67; and

WHEREAS, the proposed construction of water transmission and distribution infrastructure along the above corridor is proposed as an Unlisted Action, pursuant to New York State Environmental Quality Review Act ("SEQRA") 6 NYCRR Part 617; and

WHEREAS, on May 14, 2013 by Resolution No. 46 of 2013, the Town Board declared its intent to be Lead Agency and authorized the circulation of Part 1 of Environmental Assessment Form and the Lead Agency Agreement to all of the involved and interested agencies; and

WHEREAS, after 30 days of mailing the Lead Agency Agreement, the NYS Department of Environmental Conservation has consented to the Town of Stillwater Town Board acting as SEQRA lead agency for this project and no involved or interested agency has objected to the Town Board acting as Lead Agent;

Now, therefore, be it

RESOLVED, that, pursuant to Part 617.6 of SEQRA, the Town Board hereby declares itself Lead Agency for the coordinated SEQRA evaluation of the proposed action.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #67 of 2013.

A roll call vote was taken on Resolution #67 of 2013 as follows:

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

Motion carried. Resolution #67 of 2013 was adopted unanimously.

**Resolution #68 Finding that the Water District No. 6 Water
Main Extension Project Will Not Have a
Significant Environmental Impact**

Introduced: Supervisor Kinowski

WHEREAS, the Town of Stillwater is proposing to construct a water main extension construction project in existing public roadway corridors along Cordero Boulevard, Cold Springs Road, Fitch Road, Elmore Robinson Road, George Thompson Road, McDermott Road, Van Ness Road and County Route 75 in order to connect newly consolidated Water District No. 6 to the Saratoga County Water Authority (“SCWA”) water system and the acquisition of needed easements along the road corridor to install the pipeline pursuant to the Eminent Domain Procedural Law (“EDPL”); and

WHEREAS, by Resolution No. 46 of 2013, adopted by the Town Board on May 14, 2013, the Town Board proceeded as if the proposed action was to be an Unlisted Action pursuant to 6 NYCRR Part 617 (“SEQRA”) and declared its intent to serve as lead agency and authorized circulation of a lead agency agreement to other involved or interested agencies; and

WHEREAS, on or about June 14, 2013 a Part I Environmental Assessment Form (“EAF”) was prepared by the Chazen Companies in order to evaluate the potential environmental impacts of the water main extension construction project; and

WHEREAS, a Public Hearing was conducted at a regularly scheduled Town Board meeting on June 20, 2013, but kept open through July 18, 2013 for submission of additional written comments and the public hearing was officially closed on July 18, 2013, at which the environmental impacts of the project were presented and discussed; and

WHEREAS, the proposed action encompasses Cordero Boulevard, Cold Springs Road, Fitch Road, Elmore Robinson Road, George Thompson Road, McDermott Road, Van Ness Road and County Route 75 in the Rural Residential Zoning District (R-R) as well as the business Route 67 Business Overlay District; and

WHEREAS, the Town Board has considered the action as defined in Parts 617.2(b) and 617.3(g), and has reviewed Part 1 of the Environmental Assessment Form (“EAF”) and the criteria contained in subdivision (c) of Part 617.7 and any other supporting information to identify the relevant areas of environmental concern; and

WHEREAS, the Town Board has thoroughly analyzed the identified relevant area of environment concern to determine if the action may have a significant adverse impact on the environment; and

WHEREAS, the Town Board has considered the impacts that may be reasonably expected results from the proposed action and compared them against the criteria contained in Part 617.7(c); and

WHEREAS, the Town Board has compared the proposed action with the criteria for determining significance in 6 NYCRR 617.7(c) and has duly considered the proposed Negative Declaration attached hereto; and

Now, therefore, be it

RESOLVED, that the Town Board, acting as lead agency for the coordinated SEQRA evaluation of the Water District No. 6 Water Main Extension Construction and Eminent Domain Project hereby determines that the proposed actions will not have a significant environmental impact and therefore determines that a draft environmental impact statement will not be prepared pursuant to the applicable standards of 6 NYCRR Part 617 (SEQRA); and be it further

RESOLVED, that the Town Board authorizes the dissemination of the attached Notice of Determination of Non-Significance to all involved and interested agencies.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #68 of 2013.

A roll call vote was taken on Resolution #68 of 2013 as follows:

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

Motion carried. Resolution #68 of 2013 was adopted unanimously.

**Resolution #69 Adoption of Determination and Findings
for the Town of Stillwater Water District No. 6
Water Main Extension Project**

Introduced By: Supervisor Kinowski

WHEREAS, the Town Board, during a regularly scheduled Town Board meeting conducted a public hearing regarding the Water District No. 6 Water Main Extension Project (“the Project”) on June 20, 2013, but kept open through July 18, 2013 for submission of additional written comments and the public hearing was officially closed on July 18, 2013, at the Stillwater Town Hall located at 881 Hudson Avenue, Stillwater, NY and due notice of the hearing was both published and served on members of the public and each assessment record billing owner of effected properties; and

WHEREAS, in accordance with Article 2 (§204) of the New York State Eminent Domain Procedure Law (“EDPL”), certain Determinations and Findings are required to be made by the Town Board within 90 days of the public hearing; and

WHEREAS, the Town Board, as lead agency for the coordinated review of the project is also required to make specific findings regarding the environmental significance of the project pursuant to the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Town Board has, immediately prior hereto, has established itself as lead agency for this action and has classified it as an Unlisted Action pursuant to SEQRA;

Now, therefore, be it

RESOLVED, that the Town Board hereby adopts the attached Determination and Findings pursuant to Section 204 of the Eminent Domain Procedure Law and authorizes the Town Supervisor to sign the same on behalf of the Board; and be it further

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

Motion carried. Resolution #71 of 2013 was adopted unanimously.

**Resolution #72 Legal Services For the Water District No. 6 Water
Main Extension Construction Project**

Introduced By: Supervisor Kinowski

WHEREAS, James P. Trainor, Esq. and the law firm of Cutler, Trainor & Cutler, LLP have previously been hired by the Town of Stillwater to conduct its general legal affairs by Resolution No. 1 of 2013, adopted on January 3, 2013; and

WHEREAS, the attorneys have been asked to provide supplemental legal services regarding the easement acquisitions for the above project; and

WHEREAS, the attorneys, by letter, have previously estimated the legal fees, expenses and disbursements to third parties;

Now, therefore, be it

RESOLVED, that the Town Board hereby approves the payment of additional legal fees to James P. Trainor, Esq. and Cutler, Trainor & Cutler, LLP for legal services rendered for the easement acquisitions in the Water District No. 6 Water Main Extension Construction Project; and be it further

RESOLVED, that the law firm’s estimate correspondence, together with the adopted version of this Resolution shall constitute an amendment to the Engagement Agreement between the Town and its attorneys dated January 3, 2013.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #72 of 2013.

A roll call vote was taken on Resolution #72 of 2013 as follows:

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

Motion carried. Resolution #72 of 2013 was adopted unanimously.

**Resolution #73 Declaration of Lead Agency
For the Water District No. 6 Consolidation Project**

Introduced By: Supervisor Kinowski

WHEREAS, the Town of Stillwater is proposing a consolidation of existing Water Districts No. 1, 3, 4 and 4 Extension 1 into new Water District No. 6 with a regional water connection to the Saratoga County Water Authority (“SCWA”) water supply to accommodate future connections and water mains within the Stillwater business area/district along Cordero Boulevard, Cold Springs Road, Fitch Road, Elmore Robinson Road, George Thompson Road, McDermott Road, Van Ness Road and County Route 75; and

WHEREAS, the proposed consolidation of existing Water Districts No. 1, 3, 4 and 4 Extension 1 into new Water District No. 6 is proposed as an Unlisted Action, pursuant to New York State Environmental Quality Review Act (“SEQRA”) 6 NYCRR Part 617; and

WHEREAS, on May 14, 2013 by Resolution No. 46 of 2013, the Town Board declared its intent to be Lead Agency and authorized the circulation of Part 1 of Environmental Assessment Form and the Lead Agency Agreement to all of the involved and interested agencies; and

WHEREAS, after 30 days of mailing the Lead Agency Agreement, no one has objected and the NYS Department of Environmental Conservation has consented to the Town of Stillwater Town Board acting as SEQRA lead agency for this project; no involved or interested agency has objected to the Town Board acting as Lead Agent;

Now, therefore, be it

RESOLVED, that, pursuant to Part 617.6 of SEQRA, the Town Board hereby declares itself Lead Agency for the coordinated SEQRA evaluation of the proposed action.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #73 of 2013.

A roll call vote was taken on Resolution #73 of 2013 as follows:

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

Motion carried. Resolution #73 of 2013 was adopted unanimously.

**Resolution #74 Finding that the Consolidation of Existing Water Districts
Into New Water District No. 6 Will Not Have a
Significant Environmental Impact**

Introduced: Supervisor Kinowski

WHEREAS, the Town of Stillwater is proposing a consolidation of existing Water Districts No. 1, 3, 4 and 4 Extension 1 into newly consolidated Water District No. 6 to connect to the Saratoga County Water Authority (“SCWA”) water system; and

WHEREAS, by Resolution No. 46 of 2013, adopted by the Town Board on May 14, 2013, the Town Board proceeded as if the proposed action was to be an Unlisted Action pursuant to 6 NYCRR Part 617 (“SEQRA”) and declared its intent to serve as lead agency and authorized circulation of a lead agency agreement to other involved or interested agencies; and

WHEREAS, on or about June 14, 2013 a Part I Environmental Assessment Form (“EAF”) was prepared by the Chazen Companies in order to evaluate the potential environmental impacts of the water district consolidation project; and

WHEREAS, a Public Hearing was conducted at a regularly scheduled Town Board meeting on June 20, 2013, but kept open through July 18, 2013 for submission of additional written comments and the public hearing was officially closed on July 18, 2013, at which the environmental impacts of the project were presented and discussed; and

WHEREAS, the proposed action encompasses Cordero Boulevard, Cold Springs Road, Fitch Road, Elmore Robinson Road, George Thompson Road, McDermott Road, Van Ness Road and County Route 75 in the Rural Residential Zoning District (R-R) as well as the business Route 67 Business Overlay District; and

Councilman Petronis	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES

Motion carried. Resolution #77 of 2013 was adopted unanimously.

Resolution #78 Re-Appointing Town Assessor

Introduced by: Councilwoman Whitman

WHEREAS, pursuant to Real Property Tax Law §310 the appointed Town Assessor shall serve a six (6) year term of office, which current term shall expire on September 30, 2013; and

WHEREAS, the current Town Assessor, Colleen Adamec, desires to continue her services to the Town;

Now, therefore, be it

RESOLVED, that the Town Board hereby reappoints Colleen Adamec to serve as Town Assessor for a term beginning October 1, 2013 through September 30, 2019.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #78 of 2013.

A roll call vote was taken on Resolution #78 of 2013 as follows:

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

Motion carried. Resolution #8 of 2013 was adopted unanimously.

**Resolution #79 Authorizing the Supervisor to Sign
Grant Agreement**

Presented By: Supervisor

WHEREAS, the Town desires to apply to the New York State Department of Housing and Community Renewal under the 2013 Competitive Round Community Development Block Grant Program for funds up to \$750,000 to be used toward for economic development, public facilities, and public infrastructure improvements and the like; and

WHEREAS, a Public Hearing was conducted on July 18, 2013 where public input was received;

Now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign all documents necessary on behalf of the Town to apply for, receive and expend the funds received from the New York State Department of Housing and Community Renewal under the 2013 Competitive Round Community Development Block Grant Program for funds up to \$750,000.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #79 of 2013.

A roll call vote was taken on Resolution #79 of 2013 as follows:

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

Motion carried. Resolution #79 of 2013 was adopted unanimously.

**Resolution #80 Authorizing the Issuance of Serial Bonds to Finance the
Acquisition of Browns Beach.**

A regular meeting of the Town Board of the Town of Stillwater, Saratoga County, New York was convened in public session at the Town Hall in said Town on July 18, 2013.

The meeting was called to order upon roll being called, the following members were:

PRESENT:

Edward D. Kinowski	Supervisor
Art Baker	Councilman
Lisa Bruno	Councilwoman
Ken Petronis	Councilman
Ginger Whitman	Councilwoman

ABSENT:

The following persons were ALSO PRESENT:

Sue Cunningham	Town Clerk
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The following resolution was offered by Councilman Petronis, seconded by Councilwoman Bruno, to wit;

BOND RESOLUTION DATED JULY 18, 2013

A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF STILLWATER, SARATOGA COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$4,100,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE ACQUISITION OF BROWN'S BEACH AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

BE IT RESOLVED, by the Town Board of the Town of Stillwater, Saratoga County, New York (the "Town") (by the favorable vote of not less than two-thirds of all of the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the acquisition of the property known as Brown's Beach located at 511 New York State Route 9P in the Town. The estimated maximum cost of said purpose is \$4,100,000.

SECTION 2. The Town Board plans to finance the total cost of said purpose by the issuance of serial bonds of the Town in an amount not to exceed \$4,100,000, hereby authorized to be issued therefor pursuant to the Local Finance Law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 21(a) of paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30) years.

WHEREAS, the Letter of Intent (“LOI”) between the Town and owners of Brown’s Beach dated June 3, 2013 anticipates that a Purchase Contract would be agreed upon by July 31, 2013; and

WHEREAS, since the LOI was signed on June 3, 2013, Chazen has performed survey work and a Phase I Environmental Site Assessment, and the attorneys for the Town have had a title search performed and additional investigation has been conducted; and

WHEREAS, the attached Contract will be proposed to the owners of Brown’s Beach based upon the “due diligence” cited above;

Now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign the attached proposed Contract for the Purchase of Brown’s Beach in the amount of \$4.1 million dollars; and be it further

RESOLVED, that the Supervisor is also authorized to negotiate and revise the Contract as he deems necessary to finalize the purchase transaction; and it be it further

RESOLVED, that this Resolution authorizing the acquisition of real estate is subject to a permissive referendum pursuant to NYS Town Law §§64 and 220; and be it further

RESOLVED, that the Town Clerk is hereby directed to publish a Notice of the Adoption of Resolution to Acquire Brown’s Beach in both the *Mechanicville Express* and the *Schenectady Gazette* as required by law.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #81 of 2013.

A roll call vote was taken on Resolution #81 of 2013 as follows:

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

Motion carried. Resolution No. 81 of 2013 was adopted unanimously.

Public Input

Coke C commented on a water test he had done a couple of weeks ago and inquired if VanNess Hill was completed & if the work was warranty.

A discussion was held on the water test.

Supervisor Kinowski said the work was completed and it was warranty work.

Art F inquired why water district #2 & #5 was not included in the new proposed water district and questioned the plans for Browns Beach.

Supervisor Kinowski stated that there is no water district #2 and district #5 is to far north. As for Browns Beach it will be restored to beach & waterfront. DOH & DEC rules will be followed to restore it to its natural state again.

More discussion was held on Browns Beach.

John V commented on trailers being brought in the park, has concerns with them catching on fire and the park being sold.

Supervisor Kinowski stated that trailers being brought in should be addressed to the building department and there is nothing he can do about the park potentially being put up for sale.

Audited Claims

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

General	#275-#284	\$3554.32
Town Outside	#122-#125	\$877.59
Highway	#270-#284	\$10605.05
Water & Sewer	#43	\$420.00
Capital Projects	#16-17	\$10635.35

Motion carried.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adjourn the Town Board meeting at 8:45 and enter into executive session for personnel and contracts.

Motion carried. (Note: The Town Board will not return into the regular meeting)

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk