

**Stillwater Town Board
Business Meeting
September 20, 2007 7:00 PM
Stillwater Town Hall**

Present: Councilman Artie Baker
Councilman Ken Petronis
Councilwoman Joan Ronda
Councilwoman Jo Ann Winchell
Supervisor J. Gregory Connors

Also Present: Mark Minick, Supt of Highways
Sue Cunningham, Town Clerk
Robert Beebe, Attorney for the Town
Joe Lanaro, Engineer for the Town

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

Sue Cunningham, Town Clerk took the roll call.

Approval of Minutes: Motion by Councilman Petronis and seconded by Councilwoman Ronda to approve the minutes of the August 16, 2007 Business meeting of the Stillwater Town Board.

Motion carried.

Communications: Sue Cunningham reported that there were four communications in which copies were made for all Board members and distributed.

1. Friends of the Stillwater Free Library-Meeting Sept 25th @6:30 PM
2. Karen Lorf-regarding a FOIL request
3. Anthony Marotta-regarding Browns Beach
4. Kevin Simmons, School project for Government Class

Public Input

Resident I inquired about Resolution #167 and if they were purchasing new.

Supt Minick stated that one item would be new and one would be used (Roller).

Resident I questioned whether purchases like this could be put on the ballot for the voters to decide.

Supervisor Connors stated that the resolution was to bid for cost and there was no guarantee they would be purchasing.

Resident I inquired about the cost, life cycle of the equipment, and other options for hydro-seeding.

Supt Minick stated that it would be more cost effective to own than it would be to rent.

Resident I inquired about Resolution #172.

Supervisor Connors explained that the BAN is subject to renewal.

Resident II inquired about the Paul F Lilac Park and if this has gone out to bid.

Supervisor Connors stated that the amount is on the 2006 construction cost based on the design.

Resident II inquired if the funds would come from the general fund or town only fund.

Supervisor Connors stated that he thought it would come from the town wide.

Resident III stated that he had a question.

Supervisor Connors informed Resident III that residents had the opportunity to speak first.

Resident III inquired asked if this was a written policy of the Town Board.

Supervisor Connors stated that it was not a written policy. He said it was not his turn to speak until he was recognized by the chair and he has not been recognized by the chair

Resident IV commented that he was against Resolution #173 which reappoints Colleen Adamec to the position of Assessor. He said he had concerns with the process of him receiving veteran's exemption because he lives in a trailer park.

Supervisor Connors stated that the Town Board decides the appointment and they have trust in her judgment.

Resident IV stated that he would file a formal complaint with the Office of Real Property.

Resident V commented on Resolution #171 and the association with Browns Beach who offered the Town \$1,000,000 if their plan goes through.

Supervisor Connors stated that the developers agreed to the full build out of the park at the Town's specifications.

Resident V inquired if the Town Park has gone through an Environmental Impact Statement.

Supervisor Connors stated that the land upon which the Park will be built was donated to the Town by the Developers of the Saratoga Glen Hollow Park consistent with the instructions of the Town Planning Board.

Engineer Lanaro stated that the parcel itself was part of a Planned Development District and part of the environmental impact statement that was developed as part of that application.

Resident V inquired if the Park had received the funding from the Browns Beach developers would that entitle it to be part of the project.

Supervisor Connors said that there have been several discussions on this issue. He said that for several years the Town has invoked benefit assessments on developers doing business in the Town. He stated that it was that it never came to the point on who would develop the park, the Town or the developers of Browns Beach. There was just an agreement that they would do it if the legislation was considered.

Resident V inquired about the park, a trail down to the lake and the requirement of a study of a negative impact before it was put up for referendum.

Supervisor Connors stated that he doesn't know specifically know of a trail that goes from the PDD and to Route 9P. There were a number of trails within the PDD that was donated by the developer as part of the park.

Discussion was held on the park, trails within the park and a trail down to the lake.

Resident VI inquired about Resolution #172 and the interest rate.

Supervisor Connors stated that it was an interest rate subject to the market at the time it is renewed. The interest rate this year is a little lower than the interest rate they had last year.

Resident VI inquired about the shape of the land in regard to Paul F. Lilac/Saratoga Glen Hollow Park.

Supt Minick stated that it was basically a field with a berm around it.

Resident VI asked if the kids played there and why they just don't leave it alone and let the kids do what they wish with it.

Resident VI inquired about Resolution #166 and how old the youths are who benefit from the service.

Supervisor Connors stated that this was a program administered by the Community Center. He asked Mr. Lilac, Executive Director to respond if he would like.

Mr. Lilac stated that it went from preschool up to high school.

Resident VI inquired if the Town Local Laws pertained to the Village.

Supervisor Connors stated that they just pertain to the Town.

Resident VII inquired about non-residents having to wait last to speak.

Supervisor Connors stated that it is at the discretion of the chair.

Resident VII commented on a statement in the paper regarding the Town has been under harassment by the number of FOILs that have been filed. She asked the Town Clerk who handles the FOILS if there has been a substantial number of FOILS filed lately.

Town Clerk stated that no more usual have been filed.

Resident VII asked on what basis the Supervisor made that comment.

Supervisor Connors stated that there has been a great deal more of FOIL's in his office.

Resident VII stated that according to Municipal Law town records are supposed to be kept by the Town Clerk and that she is the "Keeper of Records".

Attorney Beebe stated that is not so for all of the records of the Town.

Resident VII asked what records she is supposed to be the keeper of because she only found two exceptions and that was the Assessor and Building Dept records.

Attorney Beebe stated that he was not prepared to give her a list or offer an opinion.

Resident VII stated that she was astounded when she requested records and the FOIL has to go to his office. If she is the keeper of records she should be getting the records. She stated that she requested to see a contract of a grant but couldn't because it hasn't been released to her.

Supervisor Connors stated that he would look into it.

Resident VII stated that she was submitting another appeal in regard to a FOIL request that had to do with 5 Campbell Rd.

Discussion was held on the FOIL timeframe.

Attorney asked why she was distributing the appeal to the Board members and stated that this would go to the appeal officer, who is Supervisor Connors.

Resident VII stated that she was informing all Board members.
Resident VII inquired why her FOIL was denied.
Supervisor Connors stated that he didn't believe it was denied.
Resident VII read the FOIL law and timeframe.
Supervisor Connors stated that it was a difference of opinion and he will look into it and get the record to the Records Access officer as quickly as practical.
Resident VII inquired about Resolution #170 and the inter-fund transfer.
Supervisor Connors stated that the Justice Court transfers of existing funds within there 2007 appropriation to pay for court security officers, increase the salary of the court clerks and pay for the operation of youth court.
Resident VII inquired about Resolution #171 and the Saratoga Glen Hollow Park. She asked if the Plans were going to be made available to the public for review prior to voting.
Supervisor Connors stated that he didn't know if that was going to be the case.
Councilman Petronis stated that they would probably have to make them available.
Resident VII inquired if they considered a phased approach ever looked at for this park.
Supervisor Connors stated that a phased approach was not promised to the residents of Saratoga Glen Hollow.
Resident VII stated that two PDDs went up nearby and asked if any consideration was given to use public benefit for the park.
A discussion was held on benefit assessment and green space fees.
Resident VII inquired about the demolition of 5 Campbell Rd. in regard to Councilman Petronis saying there were no plans to demolish the building and inquired about the timeframe of the decision made to demolish.
Councilman Petronis stated at the time there were no plans to demolish the building at the time but upon inspecting the building and with the plans they came up with he was all for the demolition.

Resident VIII inquired if the Saratoga Glen Hollow Park was contingent on the development of Browns Beach.
Supervisor Connors stated that originally part of the Development Agreement that they had with Brown's Beach was a full build out of the Park. He said that now that Brown's Beach Project has stalled and the Town obviously wants to get the park built.
Councilman Petronis stated that if Browns Beach ever comes back in with a proposal and it's ever approved then they will still be responsible for the development of that park. If the voters approve the project and the park is done the builders will still pay the cost.
Councilman Baker stated that the proposal will raise the taxes next year.
Resident VIII inquired if the park was initiated under a previous administration and not the present administration.
Supervisor Connors stated that it was.
Councilman Petronis stated that this property was donated to the Town & dedicated to the Supervisor at the time, Paul "Butch" Lilac along with \$10,000 which was given to the Engineers for a design.
Councilwoman Winchell stated that it is customary that when there is a PDD that the developer has one of two things to do. He can either put money in lieu of greenspace or he can create greenspace. This particular developer chose to dedicate greenspace which is the park and a network of trails.
Discussion was held on when the park was donated and the two sets of construction plans prepared by the Chazen Companies.

Resident V commented on the association between Browns Beach and the Saratoga Glen Park. He said that the magnified proposal came in after the original PDD was awarded. He said to magnify the parks expectation because they magnified the proposal and everybody is going to make out is not the right way to go to plan for a park. He stated that if they were going to have plans for a park they should be specs to what the Town could afford in case Browns Beach fails to deliver.
Discussion was held on the 2006 detailed designs and the original conceptual design.

Resident IX commented on the difference between the cost of the original conceptual design and the 2006 design cost.

Resident X commented on the structure being built on 1 Battery Blvd., the setbacks and how the building got approved.

Attorney Beebe stated that he received a letter from the gentlemen's attorney and he will be looking into the situation.

Resident X stated that the building activity should have been stopped and taken care of long before now.

Attorney Beebe stated that it needs to be decided whether it is within the setbacks or if it violates the setback. He said that this was not the place to discuss this and explained the PDD process and stated that the question is whether the site plan is equivalent to the set back.

Resident X stated that according to the deed there is a thirty foot setback.

Attorney Beebe stated that he would respond to his attorney and stated that there is no legal setback in registration.

Resident XI commented on the building in question. He commented that when he first started building the garage he was issued a stop work order because it was reported that it was going to be a business. He stated that it was not a business and the garage was built. He stated that his family is being harassed and their privacy invaded and he would like it to stop.

Supervisor Connors stated that the setback is the Towns concern.

Resident XII commented that the reason the neighborhood considered it a business is because flyers were put in mailboxes regarding small engine repair. It is a 1088 sq ft garage and that the original plans are not what was built. She stated that the homeowner/builder brings things in after dark.

Discussion was held on the size of the garage, whether it is a business, the setback, and the feeling of harassment from neighbors.

Supervisor Connors commented that if it is found to be a business it will be shut down and for the setback determination, the attorney's will meet on this.

Resident XIII inquired about plans for the surplus money from the County.

Supervisor Connors stated that this would be decided during the budget process.

Resident XIII commented on Resolution #171 and the official name of the Saratoga Glen Hollow Park. He stated that the resolution should be clear on the true name of the Park.

Resident XIII stated that he would like to know who leaked to the press the investigative report on the Community Center. He requested to have that investigated and inquired as to who has copies of the report.

Supervisor Connors stated who received a copy of the report.

Resident XIII stated that the reason he was compensated while recuperating at home from knee surgery is that he worked out of his home.

Resident XIV commented on a comment made by the Supervisor in regard to being harassed by FOIL's. He stated that his FOIL to review the receipt books for the building dept was a valid FOIL and the appeal he filed for the denial was valid.

Supervisor Connors thought the books were made available to him and he would check with administrative assistant regarding this.

Resident XV inquired if the residents were involved in the design plan for the Saratoga Glen Hollow Park.

Supervisor Connors stated that the construction plans were based on the concept plans.

Engineer Lanaro stated that the conceptual plans were based on resident input.

Resident XV inquired if it would be possible before you ask the residents to face another brunt of a tax increase to have three alternatives for the residents to vote on.

Supervisor Connors stated that if the proposition gets defeated by the voters then there would certainly be a number of options that would have to be considered.

Discussion was held on options, the construction drawings, and cost estimates off conceptual drawings.

Supervisor Connors stated that they have detailed construction drawings and if the Town Board members want to defeat the resolution before them tonight, that's their discretion, and if the voters of the Town & Village want to defeat the proposition that will create another challenge for the them to overcome to build the park.

Resident V inquired about Brown's Beach.

Supervisor Connors stated that Brown's Beach is not a matter before the Town Board it's not a proposal or anything.

Resident V commented that he feels they are putting undo stress on the community in regard to putting 1.4 million dollars on a proposition for the Park. He stated that pressure on the residents

to approve the Brown's Beach proposal or they are going to end up paying the 1.4 million dollars. He commented on the 1988 PDD and the difference between the two proposals.

Supervisor Connors said that the 1988 legislation is still in place.

A discussion was held on Browns Beach, SEQR, Type 1 action, lack of sunset provision, promises made, DEC being made lead agency, whether it's still considered a viable project, and if the Town has been formally informed they are pulling the proposal.

Attorney Beebe stated that the 1988 legislation is in effect and they came in with an entirely different proposal and the determination he made, said that the proposal is so different that they would have to amend the PDD. They came in and made an application for this project which would require the Town Board to amend the PDD which has not happened. He stated that the process has run its usual course, that its been approximately six months since they have heard anything, the Board has said to them it been too long, and they will have to come back in if they want to propose an amendment.

Resident XVI inquired if the Community Center Investigative Committee had to sign confidentially clauses.

Supervisor Connors stated that he never asked them to.

Resident XVI inquired if the Brown Beach proposal goes through and the money for the park is donated, will the Town receive the money before or after the project.

Supervisor Connors stated that would be subject to negotiation if and when they came back before the Board. He stated that the negotiations, before they said they weren't waiting any longer, was that the project had to be done simultaneously with the construction of the resort and it had to be started within forty-five days after final approval of their application.

Resident XVI inquired if Resolution #171 does pass, Browns Beach doesn't go through if the taxpayers would have to pay the note until someone else develops it.

Supervisor Connors stated that there is provision now for benefit assessments with other commercial projects and development agreements with Luther Forest Technology Campus.

Resident II inquired on the communication from Kevin Simmons regarding the taping of the next meeting for a school project and if it has to have special approval.

Supervisor Connors stated that they can just approve the request.

Resident II questioned how the Board came up with the amount of 1.4 million dollars for the Saratoga Glen Hollow Park.

Supervisor Connors stated that the Board didn't come up with that amount the construction drawings did.

Resident II questioned how this proposition came to light if the Board has not discussed it.

Councilman Petronis stated that the Parks & Recreation Committee discussed it and seeing that Browns Beach is on hold this is what they came up with.

Resident II inquired about the letter sent out to residents in the Saratoga Glen Hollow Park by the Supervisor. She commented on the proposition already being decided without Town Board discussion. She also commented on the 1.4 million dollar cost of the park and that it was contingent on the developer paying the bill in relationship to the size of the developer's project.

Supervisor Connors stated that the negotiations were based on their full build out. Depending on what they come back to the Town Board or Planning Board with, it would be subject to negotiations again. He stated that they can't borrow more than what is approved but they can borrow less.

Discussion was held on the proposition, scale of the project, benefit assessed and negotiations held.

Resident XIV inquired if David Connors was employed by the Town last week and if the Town Board accepted his resignation effective September 7, 2007.

Supervisor Connors stated that at the last meeting it was extended until last Friday.

Resident XIV asked if there was a resolution in regard to this.

Councilman Petronis stated that he did request that they ask David Connors to stay on one more week in helping with the transition of the department.

Resident XIV inquired with the acceptance of his resignation if his keys and all equipment have been accounted for.

Supervisor Connors stated that they were.

Resident VII stated that the Town Board accepted the resignation of David Connors by motion, at the last Town Board Councilman Petronis requested extending his employment one additional week, the Supervisor stated that he could ask him but there was no motion or anything else but that brief discussion.

Supervisor Connors stated that the Town Attorney told them at the time a resolution was not necessary.

Resident VII asked if they accepted the resignation by motion than why is it that they didn't have to accept extending his time by motion.

Councilwoman Winchell stated that she believes to extend his employment they would have to have had another motion but one was not made.

Attorney Beebe stated that if it was determined that it be appropriate to extend it by a motion the Town Board could ratify that.

Resident VII stated that it wasn't done.

Attorney Beebe stated that the Board approved it and assumes that it went in the minutes.

Resident VII stated that it was not approved by the Town Board.

Resident XVII inquired if there is a list of buildings that have been inspected by the Fire Marshall.

Supervisor Connors stated that they are working on that.

Supervisor Connors inquired if the Town Board members have any objections to a non-resident speaking.

There were no objections.

Resident III thanked the Board for allowing him to speak and he realizes that it is a privilege for residents to speak. He commented on exercising his right as a citizen of the US, State of New York, Saratoga County, City of Mechanicville. He commented that his tax dollars are being spent by the Town of Stillwater via grant money to purchase property to develop a multi-use trail.

Resident III stated that he had a map and asked for verification of the purchase of 3 parcels. He stated that he has requested a copy of the survey, purchase price, abstract title, title search and back taxes paid.

Supervisor Connors stated that a survey has not been done yet.

Resident III stated that the problem he sees is that there is an encroachment issue.

Supervisor Connors stated that he is not concerned about an encroachment that can be easily removed or handled by a boundary agreement.

Resident III commented on the FOIL laws, timeframes, and options the residents have to pursue in order to obtain the information requesting.

Councilwoman Winchell questioned the process of an Article 78 and whether it would be against the Town Board Members or the Town itself. She stated that she knows FOILs have been submitted but personally they do not pertain to her or the committees she is on.

Resident III commented on his FOIL request and appeal. He stated that he doesn't understand why the public doesn't have access to information and why it is not made available.

Supervisor Connors stated that he is trying to compile the records.

Discussion was held on FOILs.

Resident III continued to question further the normal business conducted for the sale of property, and why paperwork relating to the sale for Campbell Road wasn't readily available for review, especially when it is directly tied to grant funding. He questioned why back taxes were paid by a title company owned by Nancy Tedeschi. He further questioned how the Town handled the sale with three separate deeds.

Resident III inquired whether there may have been an issue with the adopted Code of Ethics and the manner in which the sale was ultimately concluded.

Resident VII stated that she is more than willing to sit in the Town Clerk's Office, under the supervision of the Town Clerk and review the requested documents.

Agenda Items (Resolutions #166-#173)

Resolution #166: Authorizing the Supervisor to execute and submit the attached contract to the County Board of Supervisors in order to receive \$2,300 reimbursement for sponsoring youth activities in conjunction with the Board of Supervisors Youth week 2007.

Resolution #167: Authorizing the Highway Supt to solicit bids for the purchase of a hydro-seeder and a pavement roller.

Resolution #168: Authorizing the Highway Supt. to solicit bids for diesel fuel, gasoline, heating oil, and propane gas for the fiscal year 2008.

Resolution #169: Authorizing the Town Historian and Deputy Town Historian to attend the Association of Public Historians of New York State training conference in Hunter NY.

Resolution #170: Authorizing the Supervisor to make the following inter-fund transfers. (Court)
Resolution #171: Authorizing the Town Attorney to take the steps necessary to have a proposition placed on the ballot for the November, 2007 general election authorizing the Town of Stillwater to borrow \$1,400,000 to construct the Saratoga Glen Hollow Town Park.
Resolution #172: Renewal of the Bond Anticipation Note for water District #4.
Resolution #173: Reappointing Colleen Adamec to the position of Assessor for the Town of Stillwater for the term commencing on October 1, 2007 and expiring on September 30, 2013.

Councilman Baker requested Resolution #171 to be pulled for discussion.

Motion by Councilman Petronis and seconded by Councilwoman Ronda to adopt Resolutions #166, #167, #168, #169, #170, #172, #173 be adopted in a block.

Discussion:

Resolution #167: Councilwoman Winchell inquired if this resolution was just to solicit bids and if other options have been looked into.

Supt Minick stated that the hydro-seeder is not on state contract and buying used is not available at this time. He stated that with the recent changes in laws regarding stormwater management this is the best way to stay one step ahead.

Councilwoman Winchell inquired who would write the specs.

Supt Minick stated that he would.

Resolution #170: Councilwoman Winchell inquired about the budget transfers. She requested an explanation of the increase in salary for the court clerks, and questioned the way the transfer of funds was being done.

Supervisor Connors stated that with the Village Court dissolving the work load for the court clerks has increased.

Councilwoman Winchell asked if this was requested by the Office of Fiscal Management.

Councilman Baker questioned the increase in mid year and stated that this is not usually done.

A roll call vote was taken as follows on Resolutions #166, #167, #168, #169, #170, #172, #173.

Councilman Baker	Yes
Councilman Petronis	Yes
Councilwoman Ronda	Yes
Councilwoman Winchell	Yes
Supervisor Connors	Yes

Motion carried. Resolutions #166, #167, #168, #169, #170, #172, #173 were adopted unanimously. (Copies attached and made part of the minutes).

Resolution #171 (Saratoga Glen Hollow Park Proposition)

Motion by Councilman Petronis and seconded by Councilwoman Ronda to adopt Resolution #171.

Discussion:

Councilman Baker stated that he was very disturbed that he read about this proposition in the paper and then received a phone call from a resident in regard to this. He suggested that the proposed park be phased in as to not affect the taxpayer.

Supervisor Connors went over the last several years of budgeted monies for parks.

Councilman Baker asked why they just didn't appropriate \$100,000 to start. He said that they could in a pavilion, basketball court, tennis court and leave the field open to start.

Supervisor Connors stated that there was no money to build.

Councilwoman Winchell commented on having to read his letter to the residents of Saratoga Glen Hollow and the proposition in regard to the Paul F. Lilac Park in The Express.

Councilwoman Winchell stated that without the courtesy of any discussion regarding this proposition she feels that a special meeting should be called to discuss the proposition and would like to postpone this resolution until the Board meets to discuss all options.

Supervisor Connors stated that developing the park has been discussed for the last 18 months at the Parks & recreation committee. He stated that the residents were promised a park in 2003.

Supervisor Connors also stated that the proposition needs to be provided to the Board of elections by September 26th.

Councilwoman Winchell stated that the letter was dated September 6th and inquired why this was not brought to the attention of the Board prior to tonight's meeting.

Further discussion was held in regard to grants, other options and the lack of a Board Meeting to discuss the proposition.

Councilwoman Winchell stated that this resolution was premature and asked about the tax impact this would have on the residents.

Supervisor Connors stated that the impact was 2.1 cents per thousand if funded town-wide and 2.8 cents per thousand if funded town outside.

Councilwoman Winchell commented that in reference to the parks name in the resolution(s) it should be referred to the Paul F. Lilac Park.

Supervisor Connors inquired if the Board had any objection to the resolution(s) referring to the park as the Paul F. Lilac Park. (No objections were made)

Councilman Baker stated that the residents should be informed of the figures and tax increase that this proposition would have on their tax bill.

A roll call vote was taken as follows on Resolution #171 as follows.

Councilman Baker	No
Councilman Petronis	No
Councilwoman Ronda	No
Councilwoman Winchell	No
Supervisor Connors	No

Motion defeated. Resolution #171 was defeated unanimously. (Copy attached and made part of the minutes.)

Motion by Councilman Petronis and seconded by Councilwoman Winchell to refer the construction and financing of the park back to the Parks & Recreation Committee.

Discussion:

Councilman Baker requested that the Town Board be made aware of the recommendation before it comes to the Board for a vote.

Councilwoman Winchell requested a presentation and discussion.

Supervisor Connors and Councilman Petronis agreed to their requests.

A roll call vote was taken as follows (Resolution #174)

Councilman Baker	Yes
Councilman Petronis	Yes
Councilwoman Ronda	Yes
Councilwoman Winchell	Yes
Supervisor Connors	Yes

Motion carried. Resolution #174 was adopted unanimously. (Copy attached and made part of the minutes.)

Audited Claims

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

General	#424-#442	\$7,520.87
Highway	#399-#422	\$11,620.92
Town Outside	#88-#94	\$6,287.82
Water & Sewer	#61-#63	\$1,068.00
Capital Projects	#63-#66	\$23,181.89
(Cold Springs Rd., Multi-Use Trail & Campbell Rd.)		

A roll call vote was taken as follows:

Councilman Baker	Yes
Councilman Petronis	Yes
Councilwoman Ronda	Yes
Councilwoman Winchell	Yes
Supervisor Connors	Yes

Motion carried.

Supervisor Connors requested executive session at 6:00 PM prior to the next Board Meeting on October 4, 2007 to discuss contracts.

Motion by Councilman Baker and seconded by Councilman Petronis to adjourn the Business meeting of the Stillwater Town Board at 9:35 PM. **Motion carried.**

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk

