

**Stillwater Town Board  
Agenda Meeting  
November 1, 2007 7:00PM  
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 into the Pledge to the Flag.

Sue Cunningham, Town Clerk took the roll call.

**Approval of Minutes: Motion** by Councilman Petronis and seconded by Councilwoman Winchell to approve the minutes of the October 4, 2007 Agenda Meeting of the Stillwater Town Board. **Motion carried.**

**Communications:** None

**Reports and Resolutions** *(Town Board Members & Dept Heads)*  
**Supervisor Connors**

**Veterans' Day Ceremonies:** Sunday, November 11<sup>th</sup> is Veterans' Day. Ceremonies in the Town of Stillwater will all be held on Saturday the 10<sup>th</sup> beginning at 10:00 AM at the Riverside Veterans Park (weather permitting) sponsored by the Henry Lefko Post #1644; the Militia will conduct a ceremony beginning at 11:30 AM at Blockhouse Park with a march to Earl J. Manning Post #490 at 12:30 PM for a 1:00 PM ceremony. Post #490 will host a dinner party to honor our Veterans; American Legion Post #91 in Mechanicville will hold a dinner dance (both on Saturday, November 10<sup>th</sup>) and the Mechanicville-Stillwater Elks Lodge will hold a breakfast for all veterans, their families and members of the public on Sunday, November 11<sup>th</sup> with opening ceremonies to begin at 9AM. Breakfast will be served until Noon. At the Riverside Ceremony a special program has been planned. Recently it was discovered that a high percentage of Riverside residents were casualties of World War II. Of the 13 Town & Village of Stillwater casualties, 6 were from Riverside. Local military historians have told us that when compared to the then population of Riverside, the casualty rate in Riverside was the highest of all neighborhoods in Stillwater and among the highest neighborhood casualty rate in all Saratoga County. As a special recognition to those residents of Riverside who paid the ultimate price in defense of our nation and in cooperation with Commander Dick Shields and the members of the Lefko Post #1466, tonight I will ask the Members of the Town Board to adopt a resolution dedicating several town roads on Riverside in the names of those who left Stillwater and never returned. All casualties are buried in military cemeteries in Europe and the Philippines.

**PFC Joseph F. Carp** a U.S. Army Veteran was Killed in Action on January 29, 1945; Donnelly Avenue where he was raised will be dedicated to Private Carp.

**S/Sgt. Frank J. Goverski** a U.S. Army Veteran was Killed in Action on January 19, 1945; Ferris Street will be dedicated to S/Sgt. Goverski.

**PFC Henry F. Lefko** a US Army Veteran was killed in Action on October 10, 1944; Lefko Street will be dedicated to Private Lefko.

**S2c Anthony Micklas** a US Navy Veteran was Killed at Sea on August 9, 1942; Micklas Street will be dedicated to Seaman Micklas.

**Pvt. Stanley S. Struneski** a US Army Veteran was killed in Action on June 19, 1944; West Street will be dedicated to Private Struneski.

**PFC John A. Yankowski** a US Army Veteran was killed in Action on February 7, 1945; East Street will be dedicated to Private Yankowski.

Residents should not be concerned that this action by the Town Board will rename any streets on Riverside. With the assistance of the Highway Superintendent the signs are a distinctly different color and serve only as a respectful reminder of the price our community paid for our freedom in

World War II and the price we continue to pay today. In addition to the Highway Superintendent, I would also like to thank Commander Dick Shields and Mike Garland of the Lefko Post and Mike Sullivan from Mechanicville for their help and guidance with this project.

Water Rate Increase: Consistent with the terms and conditions of the water agreement executed between the Town and Village of Stillwater in February of 1996, the Town has been advised by the Village Board of Trustees that town residents using village water (Water District #1) will see a \$1.50 per thousand gallon increase in their cost of water spread out over the next 18 months. The Village has informed the Town Water Committee that a .50 increase will be imposed in April 2008; another .50 increase will be imposed in October 2008 and a third .50 increase will be imposed in April of 2009. The current rate of \$3.83 per 1000 gallons will remain in effect for the November 2007 and February 2008 billings. These rate increases will raise the cost of water per thousand to \$5.33 as of April 2009. As the Members are aware, in an effort to reduce these expenses to our residents who purchase water from both the Village of Stillwater and City of Mechanicville, all 3 communities are preparing to apply for a Shared Service Initiative Grant that if approved by the Department of State, will fund a study that will identify long-term solutions to this water cost crisis. Residents need to be assured that the joint Town/Village Water Committees, our respective Water Superintendents and the City of Mechanicville are working closely on this important matter. We hope to be able to propose affordable solutions for all residents in all communities by the middle of 2008.

Town-Wide Cleanup: Our last town-wide cleanup for 2007 will be held this Saturday, November 3<sup>rd</sup> from 7:00 AM to 2:00 PM at the Highway Garage on Lansing Street. There is a nominal charge and proof of residency is required.

Election Day: Tuesday, November 6<sup>th</sup> is Election Day throughout New York State. Polls are open from 6:00 AM to 9:00 PM. Residents living in Election Districts #2 & #3 are advised that the mailing from the County Board of Elections stating that the election polls are only open from 6PM to 9PM was in error. A new notice with the correct times was mailed on Tuesday by the County Board of Elections.

Monthly Financial Reports: Financial Reports for the Month of October have been provided to each member of the Town Board and Department Heads. Copies are available in the Office of Fiscal Management. If anyone has any questions, please feel free to either contact me or our Director of Fiscal Management.

Several Important Dates to Remember:

Wednesday, November 7<sup>th</sup> at 9:00 AM – Public Hearing on the proposed Saratoga County Sewer Rates for 2008. The Hearing will be held in the Board of Supervisors Chambers at the County Complex in Ballston Spa.

Thursday, November 8<sup>th</sup> at 7:00 PM – Public Hearing on the proposed 2008 Town Budget; (Town Hall)

Thursday, November 15<sup>th</sup> at 7:00 PM - Public Hearing on the proposed Local Law enacting a Cold War Era Veterans Exemption for eligible property owners in the Town/Village of Stillwater; (Town Hall)

Tuesday, November 20<sup>th</sup> at 7:00 PM – A Special Meeting of the Town Board to act on the proposed 2008 Town Budget and the Cold War Era Veterans Exemption; (Town Hall)

Tuesday, November 27<sup>th</sup> at 7:00 PM – A Public Workshop on the Brownfield Opportunity Area Grant awarded to the Town and Village of Stillwater; (Stillwater Central School District Auditorium)

Thursday, December 6<sup>th</sup> at 7:00 PM – A Public Hearing on the proposed amendment to the 1988 Brown's Landing PDD legislation.

**RESOLUTIONS FOR THE BUSINESS MEETING**

Authorize the Highway Superintendent to perform work on the Marshall Pond dry-hydrant to improve fire protection in this area of the town;

Adopt the Audit Findings of the Town Justice Court as performed by the Office of Fiscal Management

Authorize The Chazen Companies to prepare a grant application on behalf of the Town of Stillwater, Village of Stillwater and City of Mechanicville for funding related to a Shared Service Initiative dealing with the affordable and efficient delivery of public water & sewer in our respective communities;

Adopt a RESOLUTION in support of the grant application submitted on behalf of the Town & Village of Stillwater and City of Mechanicville for a Shared Service Initiative Grant administered through the NYS Department of State;

Adopt a RESOLUTION of SUPPORT in favor of Assembly Bill A.5333 authorizing state reimbursement to counties for Medicaid Fraud Investigations.

And any other RESOLUTION necessary to conduct the business of the Town of Stillwater;

Councilwoman Winchell questioned the Grant funding and what portion the Town would be responsible for. She requested paperwork in advance.

Supervisor Connors stated that he believed that there was a ten percentage match, the information would be contained in the paperwork that the Town Board would have no later than Monday. He stated that the cost of the grant application and preparation will be shared by all three municipalities.

Councilwoman Winchell inquired as to the cost of preparing the grant application and the deadline for submitting the grant.

Supervisor Connors stated that it was about \$6,000 and the deadline was either the first or second week of December.

Further discussion was held on the process of the grant and the plans for the grant.

### **Councilwoman Ronda**

Election: Councilwoman Ronda stated that the Election Committee had been invited to attend a meeting on November 11<sup>th</sup> with the Arvin Hart Fire Commissioners.

Water: Councilwoman Ronda reported that there would be an increase in the Village water rate in May and August of 2008 and May of 2009 of fifty cents. She said this would raise the rates to \$4.33, \$4.83 and \$5.33 during the next eighteen months.

Councilwoman Winchell asked if the Village has ever projected this far out with water increases and how does this new rate compare with Mechanicville.

Councilwoman Ronda said they have never projected this out and the rate will be up there with Mechanicville.

A discussion was held on looking at viable options and implementations of providing water to Town & Village residents.

### **Councilman Baker**

Community Center: Councilman Baker reported that there was some water damage at the Community Center due to clogged gutters that caused water backup. He stated that the Highway Dept has cleaned out the gutters and that the insurance co. has been notified and will be taking care of the situation.

### **Councilman Petronis**

Town Hall: Councilman Petronis stated that he contacted someone to take a look at the drain over the Town Clerk's Office which is leaking into the Town Clerk's Office.

Councilman Petronis stated that replacing or repairing the Town Hall roof should be considered for a capital project.

Councilman Petronis reported that the upstairs and downstairs doors are in need of repair.

Landfill: Councilman Petronis stated that the landfill report looked good and recommended it be reported to the State.

Community Center: Councilman Petronis reported that Johnson Controls is working on the boilers and are addressing a number of issues. It has been recommended that storage be moved out of the Boiler area.

Zoning: Councilman Petronis stated at the last zoning meeting a question was brought up in regard to minimal road frontage & driveway and the Town Zoning Regulations.

A discussion was held on Town and State Law being consistent on widths of roadway.

Councilman Baker inquired if the Johnson Control would be going back up to the Community Center and if they would be the ones to look at control for the circulation in the new gym.

Councilman Petronis stated to leave a note for them as to what they want them to look at or contact him and he would call them.

Supervisor Connors stated that they need to be aware of unauthorized repairs of the boilers. He said that in the interest of knowing what is going on with the building they should call Councilman Petronis or Councilwoman Ronda and they can contact Johnson Control.

### **Councilwoman Winchell**

Landfill: Councilwoman Winchell reported on the last clean-up for 2007.

Travel Policy: Councilwoman Winchell requested a resolution for the Business Meeting to adopt the travel policy she submitted as prepared.

Budget: Councilwoman Winchell stated that she had concerns over salaries and submitted a ten year analysis regarding increments of salaries she prepared. She stated that she would like to see all clerk salaries standardized and looking at the Assessor's budget worksheet it clearly states a request for a pay raise for the Assessor's Clerk.

Multi-Use Trail: Councilwoman Winchell requested an evening meeting with the residents along Railroad Ave to Campbell Rd when they came to that phase of the project.

Councilman Petronis will finalize a date and time for a meeting with the residents.

Councilwoman Winchell commented on the funding documents which clearly state the trail would be from the Riverside section of Town to the North.

A discussion was held on the railroad crossing that cuts between the trail and the Riverside section of Town.

Supervisor Connors stated that they will have a safe crossing.

Councilwoman Winchell stated that she hasn't seen an addendum or any acquisition of property for this.

Supervisor Connors stated that an addendum was submitted 90 days ago for review and has not come back as of yet.

A discussion was held on the trail now being used and the liability of the Town when the trail has not officially opened.

Employee Manual: Councilwoman Winchell requested that the employee manual that is being prepared also cover the distribution of payroll checks.

Supervisor Connors stated that they should have the first draft form by the end of the year.

Brown's Beach Sunset Clause: Councilwoman Winchell stated that she was not happy with the timeframe and would like to see it shortened by a year.

Attorney Beebe stated that they can offer alternatives.

A discussion was held on reasonable timeframes.

Fixed Asset Report: Councilwoman Winchell inquired about the status of the Fixed Asset Report she requested.

Supervisor Connors stated that it was works in progress.

A discussion was held on the purpose of a fixed asset report and how the previous budget officer prepared one.

Councilman Baker inquired if one was filed in the Town Clerk's Office.

Sue Cunningham, Town Clerk stated she knew one was being prepared by the previous budget officer but she did not have a copy of the report.

Supervisor Connors stated that he has never seen one.

**Town Attorney** *(Robert Beebe)*

Codification: Attorney Beebe stated that they are in the process of reviewing the draft of the codification.

**Town Engineer** *(Joe Lanaro)*

Engineer Lanaro submitted a report to the Board Members and briefly went over the report. (A copy is filed in the Town Clerks office for anyone wishing to review).

Councilman Petronis inquired about the schedule of paving in regard to the Multi-Use Trail.

Engineer Lanaro stated that that they would be paving as soon as the pressure testing & cleaning of the lines are completed and the landscaping is finalized.

**Supt of Highway** **(Mark Minick)**

Bids: Supt Minick inquired if the Town Board wished to rebid the fuel.

It was decided to rebid the fuel with the bid deadline and the opening of bids for Nov 15th.

Supt Minick stated that he was hoping to have resolutions and act on the bids for the hydro-seeder and the roller tonight.

The Town Board decided to have a special meeting on November 8<sup>th</sup> right after the public hearing to act on the purchase of a hydro-seeder and a roller.

Buildings: Supt Minick stated that the boiler is up and running. He suggested that they have Johnson Controls come back and check everything. He stated that there was a switch sticking when they first fired it up.

Supt. Minick stated that the new card came for the generator so that will run once a week automatically.

Supt Minick stated that they boarded up a window that was broken in the back of the Community Center.

Hydrant Flushing: Supt Minick stated that the hydrant flushing has been completed.

Supt Minick stated that he is working with Chazen with a situation in regard to the Water Dist #3 pump station. He stated that there were a couple of valves that aren't working properly.

Councilman Petronis inquired about putting a roof over the electrical installation for water district #3.

Supt Minick stated that they haven't gotten that far. It needs a concrete pad and a roof over that. He stated that it's a matter of funding and time.

Brushing, Culvert & Catch Basins: Supt Minick stated that they have been brushing on the side of the road, and culvert & ditch maintenance. Supt Minick stated that they replaced the culvert on Campbell Rd.

Supt Minick stated that snow plow frames have been put on the trucks.

Gurba Pump Station: Councilman Baker informed the Board that the Gurba Pump Station and Mulberry Pump Station has been dismantled and filled in. He stated that the new pump station is up and running.

Water Meter: Supt Minick stated that there is an issue with one resident's water meter. He stated that they tested the water meter and found nothing wrong so it has been sent back to the factory for testing. The problem is the resident's water bill is extremely high and was unsure if a resolution was necessary to hold penalty until they hear back from the factory.

A discussion was held on whether to hold the penalty, when the penalties would be going on, the last day to accept payment before the water bill is relieved on to their tax bill and whether once it is relieved can it be taken off the tax bill if the meter is found not to be working properly. Supervisor Connors requested that Attorney Beebe look into the options available for this situation.

**Town Clerk (Sue Cunningham)**

Sue Cunningham, Town Clerk had nothing at this time.

**Historian (Linda Sanders)**

Conference: Linda Sanders gave a brief overview of the conference that Linda Palmieri and herself attended.

Community Center: Linda Sanders reported that there was an open house on Friday evening from 6PM to 8 PM and the Historians Office will be open.

Isaac Man: Linda Sanders reported that they recently had a visitor from Canada who was a direct descendent of Isaac Man who was the first permanent settler of Stillwater and a loyalist who eventually ended up in Canada.

Linda Sanders reported that the Historian's Office would be closed on Monday.

Councilman Baker stated that all Town offices would be closed on Tuesday, Election Day.

**Public Input**

Resident I commented on the addendum for the Multi-Use Trail. He stated that he called the State regarding the Empire State Grant, spoke to a Mary McQueen and was told they did not find a copy of the addendum to the grant.

Supervisor Connors stated that her name did not sound familiar to him and asked if he had a number so that he could contact her and inquire about this.

Councilman Baker asked the Executive Director of the Community Center, who was in attendance, if there would be an Election Day Luncheon.

Paul Lilac, Executive Director informed the Town Board that there would be a luncheon.

Resident II inquired about the investigation of the Community Center.

Supervisor Connors stated that there was an investigation that has been concluded and the report is now filed in the Town Clerk's Office.

Resident II commented on the trailers moving in and if there is a plan on how the owners are going to run the park. He asked if they were going to follow the 1974 law or were they going to keep violating the Town law.

Supervisor Connors stated that the only thing he has is a copy of the tenant rules & regulations. He knows that they have applied for building permits to site each new trailer.

A discussion was held on the new owners and applied building permits.

Resident II inquired if they were hooked up to the County Sewer.

Supervisor Connors stated that they are working to complete the project.

Resident III inquired about the Building Planning & Development Law and if they were going to eliminate the director position.

Supervisor Connors stated that he didn't know if they would eliminate it, expand it or amend it.

They will be reviewing this over the next couple of months.

Resident III commented on certain laws being illegal asked if they would be correcting the document itself.

Councilwoman Winchell stated that currently to this day they are not using that document. Supervisor Connors stated that no amendments have been proposed to the document. Resident III stated that he going to send the document to professional standing on the Beebe Law Firm on the violation of laws that he brought up in 2004, he sent a copy of his records, briefs and notes on the law requesting that they do a preliminary inquiry and asking if they find that they are violating the law all attorneys be dismissed from practicing in NYS. He also was going to file a document with Human Rights for sexual discrimination against the Town. He commented on the lawsuit against the Town in regard to the Animal Control law and that he was trying to take this to the US District Court but he has to first give the Town the opportunity to correct the law first.

Resident IV stated that he was glad to see that the Board is trying to get the cost of water down. He inquired if they were trying to do anything with the sewer.

Supervisor Connors stated that they have asked the Engineer to see if there would be a dollar savings to reintroduce the proposed sewer for his area with the upgrades to the pumping station already being completed.

Resident IV inquired about grant requests for sewer.

Supervisor Connors stated that they have to have a plan first and once the engineer looks at the cost options than they can submit a cost analysis to the Environmental Facility Corporation.

Resident IV offered a suggestion of creating a Sewer District 31/2.

Engineer Lanaro stated that they can take his suggestion into consideration.

Resident V inquired about Resolution #177 which was the reduction of Camelot's assessment.

Attorney Beebe stated that the Assessor reviewed the petition filed by Camelot.

Resident V inquired about the hydro-seeder and the roller. He asked how they could receive bids on second-hand equipment without seeing the equipment first.

Supt Minick stated that only the roller was second-hand and the specs specified not to exceed hours used.

A discussion was held on the year and hours used.

Planning Board: Councilman Petronis stated that he spoke to Ed Richardson and asked him if he was interested in resuming his position on the Planning Board. Councilman Petronis informed the Board that he was not interested in coming back.

#### **Agenda Items (Resolution #185)**

Resolution #185: Honoring six veterans from the Riverside neighborhood of Stillwater who were killed in action during World War II

Motion by Councilman Petronis and seconded by Councilwoman Ronda to adopt Resolution #185.

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. Resolution #185 was adopted unanimously. (Copy attached and made part of the minutes).

Resolution #186: Supervisor Connors stated that this was a resolution that temporarily waves payment and all interests & penalties assessed to a resident in water district #1, until such time as the water meter is determined to be defective or as authorized for payment by the Water Superintendent.

Discussion: Supervisor Connors stated that he would consider waving the interest & penalties because of the difficulties.

Attorney Beebe stated that it seems they could suspend payment until such time the meter came back. Then just give the resident a period to pay.

Supt Minick stated that normally if it's not paid by Nov 1<sup>st</sup> it's turned over to the County for relevy on their tax bill and we don't accept partial payments.

A discussion was held on the water software program, penalties, relevies and holding the bill.

Councilman Baker inquired if they could just go with it and make a correction of reimbursement if they have to.

Attorney Beebe stated that they could let the unpaid payment go through the process and if it is found to be a mistake he believes that it can be corrected. He would look into this in the morning. If the bill is found not to be wrong then they can do up a Resolution that the Board has talked about.

Councilman Baker suggested that they adopt a resolution based on the Attorney's findings.

**Motion** by Councilwoman Ronda and seconded by Councilman Petronis to adopt Resolution #186.

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

**Motion carried.** Resolution #186 was adopted unanimously. (Based on the Attorney's findings one will be attached if necessary).

### **Audited Claims**

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

|                                       |           |             |
|---------------------------------------|-----------|-------------|
| General                               | #490-#501 | \$5,342.56  |
| Highway                               | #477-#492 | \$17,327.20 |
| Town Outside                          | #114-#120 | \$6,013.82  |
| Water                                 | #71       | \$453.72    |
| Capital Projects<br>(Multi-Use Trail) | #71-#72   | \$68,711.79 |

**Motion carried.**

**Motion** by Councilman Petronis and seconded by Councilwoman Ronda to adjourn the Agenda Meeting at 8:55 PM. **Motion carried.**

Respectfully submitted by

Sue Cunningham  
Stillwater Town Clerk