

**Stillwater Town Board  
Business Meeting & Public Hearing  
(TWC Franchise Agreement)  
May 19, 2016 7:00 PM  
Stillwater Town Hall**

**Present:**      **Councilman Artie Baker  
Councilwoman Lisa Bruno  
Councilwoman Ellen Vomacka  
Supervisor Ed Kinowski**

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

**Absent:**        **Councilman Ken Petronis**

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

Sue Cunningham, Town Clerk took the roll call.

**7:00 PM Public Hearing      TWC Franchise Agreement**

Supervisor Kinowski spoke on the pending merger between Time Warner and Charter Communications. He stated that they need to sign the Agreement so it can be filed with the new company. He said there are two changes being made in the agreement: 1. The Town will receive 5% revenue from TWC instead of the 3% they were receiving and 2. Cable will be brought to homes 200ft from the road instead of 100ft.

**Public Input**

John B commented on the increase cost since he moved to Stillwater and is happy to see the Town getting 5% revenue instead of 3%. He stated he was in favor of the agreement.

With no further comment from the public Supervisor Kinowski closed the public hearing at 7:05 pm. He stated he would have an update at the next meeting.

**Special Presentation**

Ed McClements who is presently relocating back to Stillwater has made an offer to purchase the Fiber Mill which is next to the Blockhouse. He said one unit was designed to be a cafeteria and hopefully he can accomplish this. He would like to serve breakfast and lunch, have fresh baked goods, etc. His intention is not to compete with other businesses in Town.

Supervisor Kinowski stated that with the Fiber Mill being in the Village he should also speak to the Village Board. He also said that at this time they are working on a waterfront revitalization project which may be of help to him.

**Agenda Items                      Resolutions #**

**Resolution #30                                      Appoint a Member  
to the Zoning Board of Appeals**

Introduced by: Supervisor

WHEREAS, a vacancy exists for a Member on the Zoning Board of Appeals; and

WHEREAS, the Chairman of the Zoning Board of Appeals has interviewed several candidates and had made recommendations to the Town Board;

Now, therefore, be it

RESOLVED, that the Town Board hereby appoints Dale Smith as an Alternate Member of the Zoning Board of Appeals for a term beginning May 5, 2016 through December 31, 2017; and be it further

RESOLVED, that a current Alternate Member, Timothy Schunck, be appointed as a Member of the Zoning Board of Appeals for the balance of his existing term.

**Motion** by Councilwoman Bruno and seconded by Councilwoman Vomacka to adopt Resolution No. 30 of 2016.

A roll call vote was taken on Resolution No. 30 of 2016 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	ABSENT
Councilwoman Bruno	YES
Councilwoman Vomacka	YES

**Motion carried.** Resolution No. 30 of 2016 was adopted unanimously.

**Resolution #31 Making a SEQRA determination regarding Franchise Agreement to Provide Cable Television Services**

Introduced by: Supervisor

WHEREAS, Time Warner Cable has applied under the provisions of Federal Law to the Town of Stillwater for a renewal of its franchise, granting it the right to construct and operate a cable television system and provide cable service; and

WHEREAS, the Town Board has compared the proposed action with the criteria for determining significance in SEQRA 6 NYCRR 617.7 and has duly considered the attached Short Environmental Assessment Form prepared by the Chazen Companies;

Now, therefore, be it

RESOLVED, that the Town Board has reviewed the Environmental Assessment Form (EAF) prepared by The Chazen Companies and has determined that the renewal of the existing cable franchise is a Type II Action pursuant to Part 617.5 of SEQRA and that no further environmental review is necessary.

**Motion** by Councilwoman Bruno and seconded by Councilwoman Vomacka to adopt Resolution No. 31 of 2016.

A roll call vote was taken on Resolution No. 31 of 2016 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	ABSENT
Councilwoman Bruno	YES
Councilwoman Vomacka	YES

**Motion carried.** Resolution No. 31 of 2016 was adopted unanimously.

**Resolution #32 Authorizing the Supervisor to Negotiate and Sign a Franchise Renewal Agreement With Time Warner Cable**

Presented By: Supervisor

WHEREAS, Time Warner Cable Northeast LLC has applied under the provisions of Federal law to the Town of Stillwater for a renewal of its franchise granting it the right to

construct and operate a cable television system and provide cable service within the Town of Stillwater; and

WHEREAS, Time Warner Cable is providing such service pursuant to a franchise dated October 1, 2004 and has substantially complied with the material terms of the franchise and applicable law; and

WHEREAS, the Agreement is proposed for a term of ten (10) years with an annual franchise fee payment in an amount equal to five percent (5%) of Time Warner Cable’s Gross Revenues as described in Section 2.9. of the Franchise Renewal Agreement; and

WHEREAS, a Public Hearing was duly noticed and held on May 19, 2016 to receive board and public comment on the proposed Franchise Renewal Agreement and its Environmental Impact;

Now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to negotiate and sign the attached Franchise Renewal Agreement for a term of ten (10) years with an annual franchise fee payment in an amount equal to five percent (5%) of Time Warner Cable’s Gross Revenues and to negotiate for other concessions for the general resident population.

**Motion** by Councilwoman Bruno and seconded by Councilwoman Vomacka to adopt Resolution No. 32 of 2016.

A roll call vote was taken on Resolution No. 32 of 2016 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	ABSENT
Councilwoman Bruno	YES
Councilwoman Vomacka	YES

**Motion carried.** Resolution No. 32 of 2016 was adopted unanimously.

**Resolution #33                      Budget Adjustments**

WHEREAS, Colleen Zabielski, Director of Fiscal Management has recommended that the following budget transfers be accomplished:

From:	To:
B7140.0 Park and Recs Equipment \$15,000.00	B7140.4682 Brown’s Beach                      \$15,000.00

RESOLVED, that the above Budget Adjustment is hereby approved.

**Motion** by Councilwoman Bruno and seconded by Councilwoman Vomacka to adopt Resolution No. 33 of 2016.

A roll call vote was taken on Resolution No. 33 of 2016 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	ABSENT
Councilwoman Bruno	YES
Councilwoman Vomacka	YES

**Motion carried.** Resolution No. 33 of 2016 was adopted unanimously.

**Resolution #34**

**Hire DSM Enterprises for  
Sealcoating and Filling Cracks at the  
Stillwater Community Center**

Introduced by: Supervisor

WHEREAS, the parking lot at the Stillwater Area Community Center is in need of sealcoating and filling cracks; and

WHEREAS, the Town Board has received quotes from several companies regarding the sealcoating and filling of cracks;

Now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to hire DSM Enterprises for sealcoating and filling cracks at the Stillwater Area Community Center for an amount not to exceed \$750.00.

**Motion** by Councilwoman Vomacka and seconded by Councilwoman Vomacka to TABLE Resolution No. 34 of 2016.

A roll call vote was taken on Resolution No. 34 of 2016 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	ABSENT
Councilwoman Bruno	YES
Councilwoman Vomacka	YES

**Motion carried.** Resolution No. 34 of 2016 was TABLED unanimously.

**Resolution #35**

**Authorizing the Preparation of  
the Map, Plan and Report Regarding The Formation of  
Extension 1 to Water District 5**

Introduced by: Supervisor

WHEREAS, the Town Board wishes to appropriate funds for the preparation of a Map, Plan and Report (“MPR”), drafted by The Chazen Companies, which provides for the Formation of Extension 1 to Consolidated Water District #5; and

WHEREAS, the Town Board also wishes to schedule a Public Hearing to consider the Map, Plan and Report and the formation of the District Extension;

Now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the preparation of the Map, Plan and Report, and be it further

RESOLVED, that the cost of preparing the MPR is a General Town Charge and this Resolution may be subject to a Permissive Referendum in accordance with §209-b of the New York State Law but that should Extension 1 be established, the cost of the MPR shall be assessed to Extension 1 of Water District 5; and be it further

RESOLVED, that a Public Hearing be scheduled for Thursday, June 16, 2016 at 7:00p.m. at the Stillwater Area Community Center, 19 Palmer Street, Stillwater, New York 12170, to consider the Map, Plan and Report, SEQRA, and the formation of Extension 1 to Water District #5; and be it further

RESOLVED, that the Town Clerk is hereby directed to publish Notice of Adoption of this Resolution as being subject to permissive referendum; and be it further

RESOLVED, that the Town Clerk is also hereby directed to publish Notice of the Public Hearing at least 10 days, but not more than 20 days, prior to the Public Hearing.

**Motion** by Councilwoman Bruno and seconded by Councilwoman Vomacka to adopt Resolution No. 35 of 2016.

A roll call vote was taken on Resolution No. 35 of 2016 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	ABSENT
Councilwoman Bruno	YES
Councilwoman Vomacka	YES

**Motion carried.** Resolution No. 35 of 2016 was adopted unanimously.

**Resolution #36**                      Adopt the Stillwater Emergency Traffic Plan

Introduced By:           Councilwoman Vomacka          

WHEREAS, the Town of Stillwater wishes to adopt the Stillwater Emergency Traffic Plan (the “Plan”) proposed by the Stillwater Emergency Planning Committee; and

WHEREAS, the purpose of this plan is to enable response agencies to efficiently react to a traffic management emergency in the Town of Stillwater and adjacent jurisdictions.

Now, therefore, be it

RESOLVED, that the Town Board has considered the Emergency Traffic Plan from the Stillwater Emergency Planning Committee and concurs in its recommendations and hereby adopts the Plan.

**Motion** by Councilwoman Bruno and seconded by Councilwoman Vomacka to adopt Resolution No. 36 of 2016.

A roll call vote was taken on Resolution No. 36 of 2016 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	ABSENT
Councilwoman Bruno	YES
Councilwoman Vomacka	YES

**Motion carried.** Resolution No. 36 of 2016 was adopted unanimously.

**Resolution #37**                      **Summer Scheduling of  
Town Board Meetings for 2016**

Introduced by:           Supervisor          

WHEREAS, Resolution No. 1 of 2016 scheduled both an agenda meeting and a business meeting for the Town Board on the first and third Thursdays of each month, respectively; and

WHEREAS, due to vacations of residents, staff members and board members, the Town Board traditionally modifies its schedule to hold just one meeting per month in July and August;

Now, therefore, be it

RESOLVED, that the Town Board hereby determines that the Town Board meeting schedule be modified to reflect that the Town Board will conduct only one meeting in the



A roll call vote was taken on Resolution No. 38 of 2016 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	ABSENT
Councilwoman Bruno	YES
Councilwoman Vomacka	YES

**Motion carried.** Resolution No. 38 of 2016 was adopted unanimously.

**Public Input**

Ann Marie H inquired if the Business & public hearings would be held at the Community Center.

Supervisor Kinowski stated that the June 19<sup>th</sup> meeting would be held at the community center.

John B inquired what Water Dist #5 was and who was responsible for the application. Supervisor Kinowski stated that this would expand water services through the Town along the Village water line. The town would be responsible for the Town application as the Village would be responsible for their application. He said the Town would administer, bill and collect the bills and the Village would maintain.

A brief discussion was held on formation, mapping, homeowners, agreements, etc.

Ann Marie H inquired where the proposed Water Dist 5 line was.

Supervisor Kinowski stated that it was the Village water line through Town excluding Mackey & Iovinello areas.

Coke C inquired if that line was a transmission line.

Engineer Lanaro commented that this would be extension #1 of their line, its municipalities helping each other.

Supervisor Kinowski stated that this will allow town residents to hook up where water is going through the Town. He said everything would be explained at the meeting.

**Audited Claims**

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

General	\$7,420.70
Town Outside	\$20,274.44
Highway	\$12,751.96
Water & Sewer	\$106.00
Capital Projects	\$7,132.32

**Motion carried.**

**Motion** by Councilman Baker and seconded by Councilwoman Bruno to adjourn the Business meeting at 7:45 pm and enter into executive session to discuss contracts.

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

Respectfully submitted by

Sue Cunningham  
Stillwater Town Clerk