

**Stillwater Town Board
Business Meeting & 3 Public Hearings
(Saratoga Water Services, Tax Cap Override
& 2016 Budget)
November 5, 2015
Stillwater Town Hall**

Present: **Councilman Artie Baker
Councilman Ken Petronis
Councilwoman Lisa Bruno
Councilwoman Ellen Vomacka
Deputy Supervisor John Murray**

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

Absent: **Supervisor Ed Kinowski**

Deputy Supervisor Murray 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—Saratoga Water Service Franchise Extension

Deputy Supervisor Murray called the public hearing to order.

Marissa MacKay representing Saratoga Water Service gave a brief overview on the extension of the Saratoga Water Service Franchise Area for inclusion of the Grace Moore Road water main extension to RM Dalrymple.

Public Input

John B commented that the extension would need to go before the Public Service Commission.

M. MacKay commented on the various departments it will need to get approval from but that this is the first step to the extension.

Richard D inquired about the initial line.

M. MacKay gave a brief description of where the original line was.

John B stated that Village has a water line that runs down County 76 and would object to an exclusive water line being run.

Attorney Trainor stated that this would not be an exclusive water line extension.

John B stated that he does not object as long as it was not an exclusive water line extension.

Karen L inquired if this would require any zoning changes.

Deputy Supervisor Murray stated that no zoning changes would be required. All lots have large road frontage in that area.

M. MacKay commented on the lots having deed restrictions.

With everyone having the opportunity to comment Deputy Supervisor Murray closed the public hearing at 7:10 PM.

7:10 pm Public Hearing—Tax cap Override

Deputy Supervisor Murray called the public hearing to order.

Attorney Trainor stated that the purpose of the proposed Local Law is to permit the Town Board to override tax cap limit. According to NYS Municipal Law the Town Board will

need to adopt the proposed Local law by a vote of 60% of the Town Board in order to override the tax levy limit.

Public Input

Lisa S commented on any tax increase being a hardship on many residents in the Town. She spoke against the tax increase and requested the Town Board find another way to close the budget gap.

Dennis L inquired on the shortfall and asked why they are exceeding the tax cap. Councilwoman Bruno commented on previous administration not putting money away to cover costs such as health insurance and with recent State mandates which are costs passed on to the Towns. The rate increase would be approximately \$27.50 per \$100,000 assessed home.

Deputy Supervisor Murray commented on the tax cap formula and how restrictive it is. He stated that eventually almost all towns will have to go above the tax cap limit. The most the Town would be able to raise taxes is \$63,000. If you go over the \$63,000 even by one dollar you have gone over the tax cap limit and the proposed Local Law needs to be adopted.

Dennis L commented on extra money for parks and trails. He stated he has faith in the Town Board to better manage funds and anticipate in the future.

Karen L stated she appreciates the dilemma the Town Board faces and feels they have done a lot for the residents regarding greenspace. She said that residential taxes do not pick up the cost to cover taxes. She commented on the comprehensive plan which is not set up for commercial business.

Councilwoman Bruno stated that they need to revisit the comprehensive plan.

Patrick N commented on the property tax cap. He said that he would like 2 proposed budgets prepared. One with a tax increase and one without and to leave it to the people to decide which budget they want.

John B commented on conservation easements. He stated that he does not believe in this and inquired on how much is budgeted for this.

Engineer Lanaro stated that the town collects GEIS fees (open space) from developers. It is these funds which are collected for open space, planning & parks. It is not a budgeted item.

Karen L stated that GEIS fee saves the taxpayer money.

Ann Marie H commented on attending the budget workshops. She said the budget was good, conservative and not many increases. She said not using the fund balance was a good choice and overall it was a good budget if they stay within the budget.

With everyone having the opportunity to comment on the proposed Local law Deputy Supervisor Murray closed the public hearing at 7:25 pm.

7:25 pm Public Hearing—2016 Budget

Deputy Supervisor Murray stated that budget workshops were held and recommendations were implemented.

Richard D stated that he was here for the budget workshops, not many here as there are tonight, sat n listened to the board and feels the Town Board had to do what they did.

With everyone having the opportunity to comment Deputy Supervisor Murray closed the public hearing at 7:30 pm.

Adoption of Minutes: Motion by Councilman Petronis and seconded by Councilwoman Vomacka to adopt the minutes of October 1, 2015. **Motion carried.**

Increase:

B2555 Building Permits Revenue \$25,000.00

Increase:

B7140.100 Parks and Recs Personal Services
\$25,000.00

RESOLVED, that the above Budget Transfers and Budget Increases are hereby approved.

Motion by Councilman Baker and seconded by Councilwoman Bruno to adopt Resolution No. 76 of 2015.

A roll call vote was taken on Resolution No. 76 of 2015 as follows:

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

Motion carried. Resolution No. 76 of 2015 was adopted unanimously.

**Resolution #77 Consenting to a Certificate of Amendment
 To the Certificate of Incorporation of
 Saratoga Water Services, Inc.**

Presented By: Deputy Supervisor

WHEREAS, Saratoga Water Services, Inc. is incorporated as a Transportation Corporation and is required by State Law to obtain the consent of the Town before extending its water services to new users or areas within the Town; and

WHEREAS, the Town has previously consented to Saratoga Water Services, Inc. operation of its water franchise within the Town and the Corporation now seeks to amend its Certificate of Incorporation to encompass the proposed new service area along Grace Moore Road; and

WHEREAS, the Town Board is satisfied that Saratoga Water Services, Inc. has complied with the requirements of New York State Transportation Law Sections 41 and 44;

Now, therefore, be it

RESOLVED, that the Application of Saratoga Water Services, Inc. for the Town's consent to the Certificate of Amendment to its Certificate of Incorporation to extend its franchise and water service to portions of Grace Moore Road as proposed in the attachment hereto is granted.

Motion by Councilman Baker and seconded by Councilwoman Bruno to adopt Resolution No.77 of 2015.

A roll call vote was taken on Resolution No. 77 of 2015 as follows:

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

Motion carried. Resolution No. 77 of 2015 was adopted unanimously.

Resolution #78 Adopt Local Law 6 of 2015 to Override the Tax Cap

Introduced by: Deputy Supervisor

WHEREAS, the Town Board conducted a Public Hearing November 5, 2015, where the Local Law No. 6 of 2015, a Local Law to Override the Tax Levy Limit for Fiscal Year 2016 was reviewed and comments from the public were received;

Now, therefore, be it

RESOLVED, that Local Law 6 of 2015, A Local Law to Override the Tax Levy Limit for Fiscal Year 2016, is hereby adopted.

Motion by Councilman Baker and seconded by Councilwoman Bruno to adopt Resolution No. 78 of 2015.

A roll call vote was taken on Resolution No. 78 of 2015 as follows:

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

Motion carried. Resolution No. 78 of 2015 was adopted unanimously.

TOWN OF STILLWATER
LOCAL LAW NO. 6 OF 2015
A Local Law to Override the
Tax Levy Limit for Fiscal Year 2016
1. Purpose.

The purpose of this Local Law is to permit the Town Board to override the tax levy limit on the amount of property taxes that may be levied by the Town of Stillwater pursuant to New York General Municipal Law section 3-c; and to allow the Town to adopt a budget for fiscal year 2016 that requires a real property tax levy in excess of the “tax levy limit” as defined by the aforementioned section of the General Municipal Law. Such override is necessary and is in the best interests of the Town.

Pursuant to New York Town Law section 109 subdivision (3) and unless the Final Budget is adopted earlier, as of November 21, 2015, the Preliminary Budget, with such changes, alterations and revisions, if any, as shall have been made by the Town Board, shall constitute the Final Budget for the 2016 fiscal year. Furthermore, as the Budget will require a tax levy that is greater than the tax levy limit, this local law is proposed in accordance with New York General Municipal Law section 3-c (5). Following the adoption of this Local Law, the Town Board, vested with the authority to override the tax levy limit for fiscal year 2016, will move to adopt a budget for fiscal year 2016 requiring a real property tax levy in excess of the amount otherwise prescribed in New York General Municipal Law section 3-c.

2. Authority.

This Local Law is enacted pursuant to subdivision five of the New York General Municipal Law section 3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of 60% of the Town Board.

3. Tax Levy Limit Override.

The Town of Stillwater Town Board is hereby authorized to override the tax levy limit established pursuant to New York General Municipal Law section 3-c, for fiscal year 2016, and to adopt a final budget for fiscal year 2016 that requires a real property tax levy in excess of the amount otherwise prescribed in New York General Municipal Law section 3-c.

4. Severability.

If any clause, sentence, paragraph, section or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to said clause, sentence, paragraph, section or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such order or judgment shall be rendered.

5. Effective Date.

This Local Law shall become effective immediately upon its filing with The New York Department of State.

Public Input

Richard D inquired about the gates for Browns Beach. Councilman Baker stated that they were to be extended out in the water to keep people from going around the fencing that is in place now.

Patrick N commented on the zoning ordinance in regard to infringing on people’s rights in regard to context of signs or political signs. Councilman Baker stated that when it came to political signs it was a party agreement. Attorney Trainor stated the municipalities can review and regulate signs.

Lisa S inquired if it was a done deal on charging entrance to Brown’s Beach. Councilwoman Bruno stated that it was still in discussion, nothing has been decided on who pays and what to charge. These are all the avenues that need to be discussed. In a survey residents were open to charging a fee. Councilwoman Vomacka stated that it is premature to answer and that operation & maintenance of the beach was not free. Lisa S if the Board is not considering fees than why are they putting up gates and charging would bring less people to the area and less money spent at local businesses. Marissa M commented that beaches aren’t free. There is operation & maintenance cost and you need a way to cover this cost and remain within the budget. With ongoing O&M you need a way to feed the fund. Deputy Supervisor Murray commented that the cost of O&M could further the tax cap problem with the budget which would put the burden on the taxpayer.

Audited Claims

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

General	\$20,628.22
Town Outside	\$6,686.71
Highway	\$15,707.92
Water & Sewer	\$692.20
Capital Projects	\$43,836.65

Motion carried

Motion by Councilman Baker and seconded by Councilman Petronis to adjourn the Town Board meeting at 7:50 pm. **Motion carried.**

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk