

**Stillwater Town Board
Business Meeting
Dec 15, 2016 7:00 pm
Stillwater Town Hall**

Present: **Councilman Artie Baker
Councilman Ken Petronis
Councilwoman Lisa Bruno
Supervisor Ed Kinowski**

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

Absent **Councilwoman Ellen Vomacka**

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

Sue Cunningham, Town Clerk took the roll call.

Agenda Items **Resolutions #104--#108**

**Resolution #104 Authorizing the Supervisor
To Sign a Grant Disbursement Agreement
With Empire State Development Corporation
Regarding Cold Springs Road
Corridor Reconstruction Project Contract No. 2**

Introduced by: Supervisor

WHEREAS, the attached Grant Disbursement Agreement (“GDA”) has been proposed between the Empire State Development Corporation (“ESDC”) and the Town of Stillwater with regard to funding the Cold Springs Road Corridor Reconstruction Project Contract No. 2; and

WHEREAS, the GDA extension is needed because ASACOE has determined that additional monitoring is needed for some environmentally sensitive areas within the CSR Project area;

Now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an extension of the Grant Disbursement Agreement in a form substantially similar to the prior GDA with Empire State Development Corporation with regard to funding the Cold Springs Road Corridor Reconstruction Project Contract No. 2, and be it further

RESOLVED, that the signing of the Grant Disbursement Agreement Extension with Empire State Development Corporation, in its final form, shall be accomplished in consultation with the Town’s Attorneys, Engineers, the Town Supervisor and Highway Superintendent.

Motion by Councilman Baker and seconded by Councilwoman Bruno to adopt Resolution No. 104 of 2016.

A roll call vote was taken on Resolution No. 104 of 2016 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES

Councilman Petronis	YES
Councilwoman Bruno	YES
Councilwoman Vomacka	ABSENT

Motion carried. Resolution No. 104 of 2016 was adopted unanimously.

**Resolution #105 Authorizing the Advertisement for
Bids for Helical Pile Foundation for Brown’s Beach Public Pavilion**

WHEREAS, the Town Board has proposed a Public Pavilion be built at Brown’s Beach;
and

WHEREAS, this is a phased construction project with the foundation and basic building
funded through a State and Municipal Facilities Program (SMA) Grant and Town
matching funds;

WHEREAS, the design and specification are being provided by the Chazen Corporation;
and

WHEREAS, pursuant to the General Municipal Law it is necessary to advertise for
competitive bids in connection with the project;

Now, therefore, be it

RESOLVED, that the Town is hereby authorized to advertise for bids in accordance with
the General Municipal Law.

Motion by Councilman Baker and seconded by Councilwoman Bruno to adopt
Resolution No. 105 of 2016.

A roll call vote was taken on Resolution No. 105 of 2016 as follows:

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

Motion carried. Resolution No. 105 of 2016 was adopted unanimously.

Resolution #106 Engaging Trial Counsel for the Barber/Fascia Litigation

WHEREAS, the Barber and Fascia EDPL claims for compensation will be going to trial
next springs, necessitating specialized legal services to help defend the claims; and

WHEREAS, the attorneys for the Town have recommended that David C. Rowley, Esq.
of the firm of Cooper, Erving & Savage, LLP be engaged to provide trial counsel related
legal services for both the Barber and Fascia matters pending in Saratoga County
Supreme Court;

Now, therefore, be it

RESOLVED, that the Town Board hereby engages the services of the law firm of
Cooper, Erving & Savage LLP as trial counsel to the Town for pending EDPL matters
and agrees to compensate them on a monthly basis at the discounted hourly rate of
\$195.00 per hour plus disbursements; and it is further

RESOLVED, that the Supervisor is hereby authorized to execute a retainer agreement
and any other necessary documents to retain the services of the firm.

Motion by Councilman Baker and seconded by Councilwoman Bruno to adopt
Resolution No. 106 of 2016.

A roll call vote was taken on Resolution No. 106 of 2016 as follows:

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

Motion carried. Resolution No. 106 of 2016 was adopted unanimously.

**Resolution #107 Approving a Contract for
Snow Removal at the Saratoga National Historic Park for 2017**

Introduced by: Supervisor _____

WHEREAS, as in years past, the Saratoga National Historic Park has asked the Town's Highway Superintendent to provide snow removal services over the roads located within the National Park from December 1, 2016 through April 30, 2017 in accordance with the existing contract terms; and

WHEREAS, the Highway Superintendent has negotiated a price of \$225.00 per "sweep";

Now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign the proposed agreement with the Saratoga National Historic Park for snow removal at the park entrance road at a price of \$225.00 per "sweep" for the period December 1, 2016, through April 30, 2017.

Motion by Councilman Baker and seconded by Councilwoman Bruno to adopt Resolution No. 107 of 2016.

A roll call vote was taken on Resolution No. 107 of 2016 as follows:

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

Motion carried. Resolution No. 107 of 2016 was adopted unanimously.

**Resolution #108 Authorizing the Highway Superintendent
To Purchase a Mulcher and Grapple off the
New York State Office of General Services Contract #PC66988**

Introduced by: Supervisor _____

WHEREAS, the Highway Superintendent has identified a need to purchase a mulcher and grapple for highway department services as provided in the 2016 budget; and

WHEREAS, the Highway Superintendent has identified a mulcher and grapple listed on the New York State OGS Contract #PC66988; and

WHEREAS, the item selected off the New York State OGS contract is exempt from the competitive bidding requirements of the General Municipal Law;

Now, therefore, be it

RESOLVED, that the Highway Superintendent is authorized to purchase a mulcher and grapple, off the New York State OGS contract at a cost not to exceed \$32,000.

Motion by Councilman Baker and seconded by Councilwoman Bruno to adopt Resolution No. 108 of 2016.

A roll call vote was taken on Resolution No. 108 of 2016 as follows:

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

Motion carried. Resolution No. 108 of 2016 was adopted unanimously.

Public Input

Rich D inquired about Resolution #106 and if the loser has to pay attorney fees. Attorney Trainor explained the eminent litigation and stated that generally attorney fees are not awarded for reimbursement.

Coke C inquired about the Grapple mulcher. Supt Minick explained the piece of equipment.

A resident commented on issues involving parking in front of her home on Mitchell Rd with another resident on that road.

Supervisor Kinowski stated that he is waiting for answers from DOT on parking requirements.

Another resident spoke on the same situation.

Amy Salecker, Community Center wanted to thank the Town Board for all their help and support throughout the year.

Councilwoman Bruno commented on the Breakfast with Santa being held on Sat from 9-11 at the community center.

Rick Nelson, Village Mayor commented on the attendance for the Village tree lighting and for the Town's 1st Annual Lights of Peace Hope and Remembrance at the Blockhouse.

Audited Claims

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

General	\$14,629.59
Town Outside	\$10,346.23
Highway	\$33,980.72
Water & Sewer	\$1,385.00
Capital Projects.	\$6,411.00

Motion carried.

Motion by Councilman Baker and seconded by Councilwoman Bruno to adjourn the business meeting of the Town Board and enter into executive session to discussion litigation and a personnel matter at 7:20 pm. **Motion carried.** (Note: The Town Board will not resume the regular meeting of the Town Board).

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk

