

**Stillwater Town Board
Agenda Meeting/ Public Hearing
Tax Cap Override
December 18, 2014 7:00 PM
Stillwater Town Hall**

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

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

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 Tax Cap Override

Purpose: To receive comments from the public regarding the proposed Local Law to Override the Tax Cap.

Supervisor Kinowski commented that this proposed local law for one year only. He explained that anytime the Board goes above the two percent tax cap they will need to do this.

Public Input

Richard D inquired the percent of tax increase to the 2015 budget. Supervisor Kinowski stated that he did not have the exact amount but believed it to be approx. 3.2 percent.

With everyone having the opportunity to comment Supervisor Kinowski closed the public hearing.

Regular Mtg. 7:05 pm

Adoption of Minutes: Motion by Councilwoman Whitman and seconded by Councilman Petronis to adopt the minutes of November 20, 2014. **Motion carried.**

Special Presentation

Jackie M. of Friends of Glen Hollow Park presented two checks to the Town Board that was raised by the Friends. One was for \$7700 for the tennis court and one for \$5000 for the basketball court.

Supervisor Kinowski thanked her for all their help and commented on all the volunteer work and money raised for the park.

Agenda Items

Resolutions #90 & 98-104

**Resolution #90 Untable and Amend Resolution No. 90 of 2014
to Adopt the Budget for 2015 and
Adopt Local Law 4 of 2014 to Override the Tax Cap**

Introduced by: _____ Supervisor _____

WHEREAS, the Town Board proposed its Preliminary 2015 Budget at a Public Workshop on October 22, 2014 and at Public Hearings conducted on November 6, 2014

and December 18, 2014, where the Budget was reviewed and comments from the public were received;

WHEREAS, Resolution No. 90 of 2014 to Adopt the Budget for 2015 was TABLED at the November 20, 2014 Town Board Meeting;

Now, therefore, be it

RESOLVED, that Resolution No. 90 of 2014 be UNTABLED and Amended as provided for below; and be it further

RESOLVED, that the 2015 Budget, a copy of which is on file at both the Supervisor's office and the Town Clerk's office, is hereby approved.; and be it further

RESOLVED, that Resolution No. 90 of 2014 is amended by adding thereto that Local Law 4 of 2014, Authorizing an Override of the Tax Cap Limit, is hereby adopted.

Motion by Councilman Petronis and seconded by Councilman Baker to adopt Resolution No. 90 of 2014.

A roll call was taken on Resolution No. 90 of 2014 as follows:

Supervisor Kinowski	YES
Councilman Petronis	YES
Councilman Baker	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES

Motion carried. Resolution No. 90 of 2014 was unanimously adopted.

LOCAL LAW NO. 4 OF 2014

A Local Law to Override the
Tax Levy Limit for Fiscal Year 2015

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 an amended budget for fiscal year 2015 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), as of November 21, 2014, the preliminary budget, with such changes, alterations and revisions, if any, as shall have been made by the Town Board, shall constitute the Budget for the 2015 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 2015, will move to adopt an amended budget for fiscal year 2015 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 2015, and to adopt an amended budget for fiscal year 2015 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.

**Resolution #98 Setting a Public Hearing Regarding the Application
By NYSEG For Amendment to the LFTC PDD Local Law**

WHEREAS, by Local Law 4 of 2004, as amended, the Town of Stillwater adopted the Luther Forest Technology Campus Planned Development District (“LFTC PDD”) to facilitate the construction of one or more semiconductor manufacturing facilities in the Luther Forest Technology Campus; and

WHEREAS, any amendment of the LFTC PDD requires an amendment to the Town’s local laws, to include the consideration of specific legislative language, potential referral to the Town’s Planning Board for review and comment, consideration of its potential environmental impacts under SEQRA and ultimately site plan review by the Town’s Planning Board; and

WHEREAS, the Attorney of the Town has recommended to the Town Board that it obtain both legal and engineering reviews of the proposed PDD amendment simultaneously with the Town Planning Board’s review;

WHEREAS, through Resolution No. 48 of 2014 dated June 5, 2014, legal and engineering review has been completed;

WHEREAS, Supervisor Kinowski has recommended that a Public Hearing be set for taking public input on the proposed Amendment to the Local Law;

Now, therefore be it

RESOLVED, that a public hearing is hereby scheduled for January 8, 2015 at 7:00 p.m. at Town Hall 881 Hudson Avenue, Stillwater, New York, to receive comments from the public regarding the attached LFTC PDD Local Law Amendment; and be it further

RESOLVED, that Town Clerk is hereby directed to publish appropriate notice of the public hearing.

Motion by Councilman Petronis and seconded by Councilman Baker to adopt Resolution No. 98 of 2014.

A roll call was taken on Resolution No. 98 of 2014 as follows:

Supervisor Kinowski YES

Motion by Councilman Petronis and seconded by Councilman Baker to adopt Resolution No. 103 of 2014.

A roll call was taken on Resolution No. 103 of 2014 as follows:

Supervisor Kinowski	YES
Councilman Petronis	YES
Councilman Baker	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES

Motion carried. Resolution No. 103 of 2014 was unanimously adopted.

Resolution #104 Budget Transfers

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

From:		To:	
A1620.461 New Town Hall	\$450.00	A1345.4 Grant Writing	\$450.00
B3620.100 Bldg Dept Salaries	\$500.00	B7140.4682 Browns Beach	\$500.00
B3620.100 Bldg Dept Salaries	\$700.00	B3620.4 Bldg Dept Contractual	\$700.00

RESOLVED, that the above Budget Transfers are hereby approved.

Motion by Councilman Petronis and seconded by Councilman Baker to adopt Resolution No. 104 of 2014.

A roll call was taken on Resolution No. 104 of 2014 as follows:

Supervisor Kinowski	YES
Councilman Petronis	YES
Councilman Baker	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES

Motion carried. Resolution No. 104 of 2014 was unanimously adopted.

Reports/Comments Town Board & Dept. Heads

Councilwoman Whitman

Global Foundries: Councilwoman Whitman inquired about the new water tanks at Global Foundries and if they would hook up to the County water source or go with Mackay water source.

Supervisor Kinowski stated that the County is deferring any action to the towns until they receive answers from DOH.

Councilwoman Bruno

Town Calendar: Councilwoman Bruno brought up a suggestion a resident made regarding a Town calendar on Google and the Town website. Discussion was held and consensus was to look into it further.

Supervisor Kinowski

Sue Petronis, Court Clerk: Supervisor Kinowski announced the retirement of Sue Petronis after 22 years of service.

Browns Beach: Supervisor Kinowski stated that he would like to continue with renovations to the marine buildings to be ready for the upcoming season. Monies will come out of the 2015 budget.

Executive session: Supervisor Kinowski requested executive session to discuss personnel.

January 2015 TB Meetings: Supervisor Kinowski reported that the Town Board meeting for January would be on the 8th and 22nd.

Public Input

Saratoga Glen resident spoke on traffic & speeding in the development and requested stop signs.

Supervisor Kinowski spoke on concerns putting up stop signs.

Supt Minick spoke on traffic codes and criteria not being met for use of stop signs. He said that stop signs are not meant to be used for traffic control. It would be up to the town to supersede the state criteria but it is not recommended do to liability issues.

Jackie M commented on early morning traffic issues.

A discussion was held options, amount of cars and enforcement.

Engineer Lanaro commented on a municipal agreement, construction workers and a roundabout road being built which will help alleviate traffic going to Global Foundries.

Harold W made an observation regarding having a calendar on the town website. He stated that most town websites have a calendar of events on the websites.

Richard D inquired who owned the water tank up in Hillside and why they don't consider putting on cell tower up there where it would affect more people.

Supervisor Kinowski commented that the town doesn't go to the companies; they reach out to the Town and request putting up a cell tower. He said he wouldn't know to approach regarding this.

Ann Marie H inquired where the revenue goes from the Community Center tower.

Supervisor Kinowski stated that it would go in the A fund.

Coke C commented on today's society regarding traffic & speeding.

Ann Marie H commented on the scope of criteria for signs & speed.

Supt Minick stated that the formula used would be a 30 mph speed zone.

Audited Claims

Motion by Councilwoman Whitman and seconded by Councilman Petronis to pay the audited.

General	\$5,213.49
Town Outside	\$2,127.59
Highway	\$18,778.97
Water & Sewer	\$462.99
Capital Projects	\$23,980.32

Motion carried.

Motion by Councilman Petronis and seconded by Councilman Baker to adjourn into executive session to discuss personnel. **Motion carried.** (Note: The Town Board will not resume the regular meeting).

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk