

Stillwater Town Board
Agenda Meeting/Public Hearing
(2012 Budget)
November 3, 2011 7:00 PM
Stillwater Town Hall

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

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

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

Barbara McManus, Deputy Town Clerk took the roll call.

7:00 PM Public Hearing (2012 Budget)

Supervisor Kinowski gave a brief overview of the budget, workshops held and tax base.

Public Input

Andrea D. inquired about the combined services of the Fire Marshall & 911 Administrator, if they were funding the Mechanicville Library and tax increase for Town Highway & Town Outside.
Supervisor Kinowski stated that Peter Hughes was the Fire Marshall & 911 Administrator at no additional cost. He also explained increased funding to improve town services to residents which include improving the Town parks and the library.

With everyone having the opportunity to comment Supervisor Kinowski declared the public hearing adjourned at 7:31 PM.

Regular Meeting

Motion by Councilwoman Whitman and seconded by Councilman Petronis to adopt the minutes of October 6, 2012. **Motion carried.**

Communications

Supervisor Kinowski reported that the Stillwater/Mechanicville Elks will be holding a memorial service on November 11th.
Supervisor Kinowski requested that whoever is planning to attend the Association of Towns meeting in February notify him so that reservations can be arranged.
Supervisor Kinowski reported that he is looking into a new phone system because the present one is outdated.
Supervisor Kinowski brought up the possibility of having a roofing contractor to do maintenance on the Town Hall and Community Center buildings. He would like to have them do quarterly inspections.
Brief discussion was held and Councilman Petronis will look into obtaining quotes for roofing contractors.

Reports

Joe Lanaro gave a brief summary of the Engineers report. He commented on a possible workshop for December 1st for water on George Thompson, Elmore Robinson, McDermott, County Rd 75 and Van Ness; grant Applications and the sink hole on Van Ness Rd. The Van Ness Road situation was explained in greater detail. At this time, repairing with macadam to pave costs less then rebuilding the whole road until further studies are done.

Councilman Baker

Elder Care Van: Councilman Baker reported that Elder Care Van is in need of repair. Discussion was held on how the van is used and will be looked at more closely to determine exactly what type of vehicle is needed for the future. Repair cost for the van is approximately \$3,000.

Motion by Councilman Baker and seconded by Councilwoman Bruno to have the Elder Care Van repaired. **Motion carried.**

Councilman Baker also reported that there was a leak in the hot water tank, a new generator was purchased and work was done to the gym floor at the Community Center.

Councilwoman Bruno

Water Pressure: Councilwoman Bruno inquired if there were water pressure issues on Franklin Court.

Supt Minick confirmed that there was an issue but it was a Village problem.

Supt of Highways Mark Minick

Supt Minick gave a brief summary of the work the Highway Dept has been doing such as; stock piling winter sand & salt, preparing the plow trucks & trimming dead trees. Sup Minick commented on the town budget and the Highway budget being reduced. He felt that this was not in the best interest of the Town and taxpayers. Supt Minick also gave a short statement in defense of the Highway budget for 2012.

Supervisor Kinowski feels that Highway was done an injustice by growing too big and feels that it may be cost effective to use contractors and other measures to lower overhead.

A discussion was held on the Highway budget.

Agenda Items (Resolutions #68--#71)

Resolution #68 Setting a Public Hearing to Consider Repealing Recent Changes to the Town Comprehensive Plan Regarding The Route 67 Overlay District

Introduced by: _____ Supervisor _____

WHEREAS, the Town Board conducted a public hearing in April 2011 and adopted certain changes to the Town Comprehensive Plan to enact the Route 67 Overlay District; and

WHEREAS, the procedure used by the Town for giving notice of the public hearings may not have resulted in publication of the public hearing notices in a sufficient number of days before the hearings and the Town now wishes to redo the procedure;

Now therefore be it,

RESOLVED, that a public hearing is hereby scheduled for 7:00 p.m. on November 17, 2011 at Stillwater Town Hall, 66 East Street, Stillwater, New York 12170 to consider the repeal of Resolution No. 36 of 2011 regarding the Comprehensive Plan Amendment Changes in the attachment hereto; and be it further

RESOLVED, that pursuant to the authority vesting in the Town Board by virtue of the New York State Constitution and the Municipal Home Rule Law, the Town Board hereby exercises the authority to supersede New York State Town Law Sections 264 and 265 requiring ten (10) days prior publication of the Public Hearing and shortening the period to five (5) days prior to the hearing pursuant to Municipal Home Rule Law Section 20; and be it further

RESOLVED, that the Town Clerk is directed to immediately post and publish the attached Notice of Public Hearing in the Schenectady Gazette and the Mechanicville Express preferably ten (10) days prior to November 17, 2011 but, no later than five (5)

days prior to November 17, 2011 and to obtain Affidavits of Publication therefore; and be it further

RESOLVED, that the Town Supervisor is hereby directed to mail individual notices to property owners within the Route 67 Overlay District as proposed in the attached letter not later than November 7, 2011; and be it further

RESOLVED, that the Town Clerk and Town Supervisor shall complete and file in the Office of the Town Clerk the attached Affidavits of Posting/Publication and mailing, respectively, not later than November 17, 2011.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #68 of 2011.

A roll call vote was taken on Resolution #68 of 2011 as follows:

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

Motion carried. Resolution #68 of 2011 was unanimously adopted.

**Resolution #69 Setting a Public Hearing to Consider Local Law No. ____ of
2011 A Local Law Repealing Local Law No. 3 of 2011
Which Establishes the Route 67 Overlay District and
Amended Local Law No. 1 of 2001**

Introduced by: Supervisor

WHEREAS, the Town Board conducted a public hearing in April 2011 and adopted certain changes to the Zoning Code to enact the Route 67 Overlay District; and

WHEREAS, the procedure used by the Town for giving notice of the public hearings may not have resulted in publication of the public hearing notices in a sufficient number of days before the hearings and the Town now wishes to redo the procedure;

Now therefore be it,

RESOLVED, that a public hearing is hereby scheduled for 7:01 p.m. on November 17, 2011 at Stillwater Town Hall, 66 East Street, Stillwater, New York 12170 to consider the repeal of Local Law No. 3 of 2011 regarding the Zoning Code Changes in the attachment hereto; and be it further

RESOLVED, that pursuant to the authority vesting in the Town Board by virtue of the New York State Constitution and the Municipal Home Rule Law, the Town Board hereby exercises the authority to supersede New York State Town Law Sections 264 and 265 requiring ten (10) days prior publication of the Public Hearing and shortening the period to five (5) days prior to the hearing pursuant to Municipal Home Rule Law Section 20; and be it further

RESOLVED, that the Town Clerk is directed to immediately post and publish the attached Notice of Public Hearing in the Schenectady Gazette and the Mechanicville Express preferably ten (10) days prior to November 17, 2011 but no later than five (5) days prior to November 17, 2011 and to obtain Affidavits of Publication therefore; and be it further

RESOLVED, that the Town Supervisor is hereby directed to mail individual notices to property owners within the Route 67 Overlay District as proposed in the attached letter not later than November 7, 2011; and be it further

RESOLVED, that the Town Clerk and Town Supervisor shall complete and file in the Office of the Town Clerk the attached Affidavits of Posting/Publication and mailing, respectively, not later than November 17, 2011.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #69.

A roll call vote was taken on Resolution #69 of 2011 as follows:

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

Motion carried. Resolution #69 of 2011 was unanimously adopted.

**Resolution #70 Setting a Public Hearing to Consider The Adoption of
Amendments to the Town Comprehensive Plan
Regarding the Route 67 Overlay District**

Introduced by: Supervisor _____

WHEREAS, the Town Board conducted a public hearing in April 2011 and adopted certain changes to the Town Comprehensive Plan to enact the Route 67 Overlay District; and

WHEREAS, the procedure used by the Town for giving notice of the public hearings may not have resulted in publication of the public hearing notices in a sufficient number of days before the hearings and the Town now wishes to redo the procedure;

Now therefore be it,

RESOLVED, that a public hearing is hereby scheduled for 7:02 p.m. on November 17, 2011 at Stillwater Town Hall, 66 East Street, Stillwater, New York 12170 to consider the Enactment of Resolution No. ____ of 2011 regarding certain Comprehensive Plan Amendments for the Route 67 Corridor as proposed in the attachment hereto; and be it further

RESOLVED, that pursuant to the authority vesting in the Town Board by virtue of the New York State Constitution and the Municipal Home Rule Law, the Town Board hereby exercises the authority to supersede New York State Town Law Sections 264 and 265 requiring ten (10) days prior publication of the Public Hearing and shortening the period to five (5) days prior to the hearing pursuant to Municipal Home Rule Law Section 20; and be it further

RESOLVED, that the Town Clerk is directed to immediately post and publish the attached Notice of Public Hearing in the Schenectady Gazette and the Mechanicville Express preferably ten (10) days prior to November 17, 2011 but no later than five (5) days prior to November 17, 2011 and to obtain Affidavits of Publication therefore; and be it further

RESOLVED, that the Town Supervisor is hereby directed to mail individual notices to property owners within the Route 67 Overlay District as proposed in the attached letter not later than November 7, 2011; and be it further

RESOLVED, that the Town Clerk and Town Supervisor shall complete and file in the Office of the Town Clerk the attached Affidavits of Posting/Publication and mailing, respectively, not later than November 17, 2011, and be it further

RESOLVED, that The Chazen Companies are hereby directed to immediately refer the proposed Comprehensive Plan Amendments to the Town and County Planning Boards

pursuant to the Town's Zoning Code and Section 239-m of the General Municipal Law, respectively, for comments prior to November 17, 2011 pursuant to the attached referral letter; and be it further

RESOLVED, that The Chazen Companies ensure compliance with NYS Agriculture & Markets Law Articles 25-AA, 25-AAA, especially Section 305-a thereto, and also ensure that the requirements of the State Environmental Quality Review Act ("SEQRA") and complied with.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #70 of 2011.

A roll call vote was taken on Resolution #70 of 2011 as follows:

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

Motion carried. Resolution #70 of 2011 was unanimously adopted.

Resolution #71 Setting a Public Hearing to Consider Local Law No. ____ of 2011 A Local Law Establishing the Route 67 Overlay District and Amending Local Law No. 1 of 2001

Introduced by: _____ Supervisor _____

WHEREAS, the Town Board conducted a public hearing in April 2011 and adopted certain changes to the Zoning Code to enact the Route 67 Overlay District; and

WHEREAS, the procedure used by the Town for giving notice of the public hearings may not have resulted in publication of the public hearing notices in a sufficient number of days before the hearings and the Town now wishes to redo the procedure;

Now therefore be it,

RESOLVED, that a public hearing is hereby scheduled for 7:03 p.m. on November 17, 2011 at Stillwater Town Hall, 66 East Street, Stillwater, New York 12170 to consider Local Law ____ of 2011 adopting Zoning Code Changes regarding the Route 67 Overlay District; and be it further

RESOLVED, that pursuant to the authority vesting in the Town Board by virtue of the New York State Constitution and the Municipal Home Rule Law, the Town Board hereby exercises the authority to supersede New York State Town Law Sections 264 and 265 requiring ten (10) days prior publication of the Public Hearing and shortening the period to five (5) days prior to the hearing pursuant to Municipal Home Rule Law Section 20; and be it further

RESOLVED, that the Town Clerk is directed to immediately post and publish the attached Notice of Public Hearing in the Schenectady Gazette and the Mechanicville Express preferably ten (10) days prior to November 17, 2011 but no later than five (5) days prior to November 17, 2011 and to obtain Affidavits of Publication therefore; and be it further

RESOLVED, that the Town Supervisor is hereby directed to mail individual notices to property owners within the Route 67 Overlay District as proposed in the attached letter not later than November 7, 2011; and be it further

RESOLVED, that the Town Clerk and Town Supervisor shall complete and file in the Office of the Town Clerk the attached Affidavits of Posting/Publication and mailing, respectively, not later than November 17, 2011, and be it further

RESOLVED, that The Chazen Companies are hereby directed to immediately refer the proposed Zoning Code Amendments to the Town and County Planning Boards pursuant to the Town's Zoning Code and Section 239-m of the General Municipal Law, respectively, for comments prior to November 17, 2011 pursuant to the attached referral letter; and be it further

RESOLVED, that The Chazen Companies ensure compliance with NYS Agriculture & Markets Law Articles 25-AA, 25-AAA, especially Section 305-a thereto, and also ensure that the requirements of the State Environmental Quality Review Act ("SEQRA") and complied with.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution # 71 of 2011.

A roll call vote was taken on Resolution #71 of 2011 as follows:

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

Motion carried. Resolution #71 of 2011 was unanimously adopted.

Public Input

Andrea D commented on the Highway budget and felt that the Town Board was acting in the best interest of the town taxpayer.

Supt Minick stated that overall in the long run it would cost the Town more if the repairs & improvements were not kept up.

A general discussion was held on the Highway Dept. repairs & improvements and the overall budget for that department.

Jackie M thanked the Town Board for signage. She also reported that the Halloween scavenger hunt items were donated, they are continuing to look for resources to fund the park, looking into a possible summer recreation program and the crosswalk signs would cost approximately \$23,000.

Supervisor Kinowski questioned Ben Baskin, Director of Community Center if he would consider expanding the summer program to the park.

Ben Baskin stated that he would have to look into this because there is no running water at the park.

Supervisor Kinowski thanked the Park Committee for all the work they have done to bring the park to reality.

Audited Claims

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

General	#323--#348	\$10,950.85
Town Outside	#268--#286	\$38,259.49
Highway	#383--#426	\$107,649.84
Water & Sewer	#55--#59	\$1,127.33
Capital Projects	#32	\$171.30

Motion carried.

Motion by Councilman Baker and seconded by Councilman Petronis to adjourn the agenda meeting at 8:55 PM and enter into executive session for litigation. **Motion carried**

Respectfully submitted by

Barbara McManus
Deputy Town Clerk