

**Stillwater Town Board Meeting
August 20, 2020 7:00 PM
Stillwater Town Hall**

Present: Councilman Chris D'Ambro
Councilwoman Ellen Vomacka
Councilwoman Valerie Masterson
Supervisor Ed Kinowski

Also Present: Sue Cunningham Town Clerk
Supt Matt Harris
Joe Lanaro, Engineer for the Town
James Trainor, Attorney for the Town

Via Telephone: Councilman Artie Baker

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

Sue Cunningham, Town Clerk took the roll call.

Adoption of Minutes: Motion by Councilman Baker and seconded by Councilwoman Vomacka to adopt the minutes of July 16, 2020 and August 3, 2020 (Special Meeting).

Motion carried.

Agenda Items Resolutions #52--#54

**Resolution #52 RETENTION AND DISPOSITION SCHEDULE
FOR NEW YORK LOCAL GOVERNMENT RECORDS**

Introduced by: Supervisor

WHEREAS, Article 57-A of the Arts and Cultural Affairs Law discusses retention periods for local government records; and

Now, therefore be it

RESOLVED, by the Town Board of the Town of Stillwater, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein; and be it

FURTHER RESOLVED, that in accordance with Article 57-A:

- (a) Only those records will be disposed of that are described in *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, after they have met the minimum retention periods described therein;
- (b) Only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

Motion by Councilman D'Ambro and seconded by Councilwoman Vomacka to adopt Resolution No. 52 of 2020.

A roll call was taken on Resolution No. 52 of 2020 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilwoman Masterson	ABSENT
Councilman D'Ambro	YES
Councilwoman Vomacka	YES

Motion carried. Resolution No. 52 of 2020 was adopted unanimously.

**Resolution #53 APPOINTING THE BUILDING INSPECTOR-
CODE ENFORCEMENT OFFICER TO FULL-TIME**

Introduced by: Supervisor

WHEREAS, Eric Rutland was appointed as the Building Inspector-Code Enforcement Officer in 2014 and is currently on a part-time basis; and

WHEREAS, the Building Department has been processing a consistent level of New Construction Projects, which yield significant parks, recreation, open space, engineering and inspection fees; and

WHEREAS, the first series of new inspections begins on September 1, 2020 and the inspections required for the remaining calendar year cannot be completed by one building inspector;

Now, therefore be it

RESOLVED, that Eric Rutland is hereby appointed as full-time Building Inspector-Code Enforcement Officer at an annual salary of \$60,000.00 effective September 1, 2020.

Motion by Councilman D'Ambro and seconded by Councilwoman Vomacka to adopt Resolution No. 53 of 2020.

A roll call was taken on Resolution No. 53 of 2020 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilwoman Masterson	ABSENT
Councilman D'Ambro	YES
Councilwoman Vomacka	YES

Motion carried. Resolution No. 53 of 2020 was adopted unanimously.

BUDGET IMPACT: \$26,000 to pay associated salary and benefits from
September 1 through December 31, 2020.

A brief discussion was held on the projects before the Town and the need for additional staff.

**Resolution #54 APPROVING SETTLEMENT OF
PATENAUDE TAX CERTIORARI CASE**

Introduced by: Supervisor

WHEREAS, James Patenaude filed a tax certiorari Petition regarding 3 and 5 Best Avenue to challenge the 2020 assessments on those properties; and

WHEREAS, the properties have been foreclosed upon, there are approximately \$175,000.00 owed in back taxes and it will cost over \$700,000.00 to remediate the properties of toxic asbestos and hazardous chemicals stored at the site; and

WHEREAS, the proposed purchaser of the properties, DeCrescente Distributing Co., or an affiliated assignee, is willing to pay or resolve the back taxes, pay for the remediation of the site, and pay the mortgage holder, New York Business Development Corporation \$50,000.00 in order to demolish the existing buildings and redevelop the site.

Now, therefore, be it

RESOLVED, that the Town Board hereby agrees to settle the tax certiorari matter filed by James Patenaude regarding 3 and 5 Best Avenue by stipulating to a combined assessment of both properties for 2020 of \$50,000.00; upon the following conditions:

1. Title to both properties is transferred to DeCrescente Distributing Co., Inc. (“DDC”) no later than July 1, 2021;
2. DDC or Affiliated Assignee resolves the back taxes owed on the properties by December 31, 2021;
3. DDC or Affiliated Assignee remediates the properties to the DEC’s satisfaction by December 31, 2023;
4. DDC or Affiliated Assignee demolishes and removes two of the existing buildings by December 31, 2023;
5. DDC or Affiliated Assignee proposes a redevelopment of the site and enters into a PILOT Agreement on both properties by December 31, 2023;

and be it further

RESOLVED, that the Supervisor is authorized to sign all documents needed to effectuate the foregoing.

Motion by Councilman D’Ambro and seconded by Councilwoman Vomacka to adopt Resolution No. 54 of 2020.

A roll call was taken on Resolution No. 54 of 2020 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilwoman Masterson	ABSENT
Councilman D’Ambro	YES
Councilwoman Vomacka	YES

Motion carried. Resolution No. 54 of 2020 was adopted unanimously.

Reports

Supervisor Kinowski stated that they would need to appoint a new Board of Assessment member at the September 17, 2020 meeting.

Public Input

Laurie S n inquired about an easement issue that has been going on for quite some time. it involves a clubhouse built on a Town easement, kids hanging around, harassing, trespassing on her property, etc.

Supervisor Kinowski stated that she every right to call the police when kids are trespassing or she is being harassed but even if clubhouse is removed they can’t stop kids from playing on a public street.

It was also determined that the Attorney and Supt of Highway work to possibly resolve the easement issue.

Audited Claims

Motion by Councilman D’Ambro and seconded by Councilwoman Vomacka to pay the audited claims for August.

General	\$24,219.14
Town Outside	\$53,046.27
Highway	\$77,459.91
Water & Sewer	\$1,203.37
Capital Projects	\$6,164.50

Motion carried.

Motion by Councilman D’Ambro and seconded by Councilwoman Vomacka to adjourn into executive session to discuss a litigation issue. **Motion carried.** (Note: The Town Board will not resume the regular meeting).

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk