Stillwater Town Board Meeting & Public Hearing Kings Isle PDD North September 17, 2020 7:00 PM Stillwater Town Hall

Present:Councilman Chris D'Ambro
Councilwoman Ellen Vomacka
Councilwoman Valerie Masterson
Supervisor Ed KinowskiAlso Present:Sue Cunningham Town Clerk
Supt Matt Harris
Joe Lanaro, Engineer for the Town
James Trainor, Attorney for the Town

<u>Via Telephone:</u> 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.

Public Hearing 7:00 pm King Isle PDD North

Supervisor Kinowski inquired if any written comments were received. Sue Cunningham, Town Clerk stated that one inquiry was received which was forwarded to Lyndsey Buck, Town Planner who answered the inquiry. No other comments were received.

Purpose: To receive comment from the public regarding the amending the Kings Isle PDD. The proposed local law shall be known as "Local Law Modifying the King's Isle Apartments of Stillwater Planned Development District Local Law No. 3 of 2015 and Amending Local Law No. 1 of 2001 (Zoning) To be known as Kings Isle Apartments Amendment North, Phase 4 and 5. creating a Planned Development District known as "Amendment No. 1 of King's Isle Apartments of Stillwater Planned Developments of Stillwater Planned Development District known as "Amendment No. 1 of King's Isle Apartments of Stillwater Planned Development District".

Scott Lansing representing Kings Isle stated that the Kings Isle PDD amendment consists of 23.97 acres located on the North side of Route 67 at the Town of Malta and Stillwater border. Stillwater tax ID is 251.-1-15.1. The project will consist of 1 senior housing building with 123 units and 8 apartment building with 11 units for a total of 88 apartment.

With everyone having the opportunity to comment supervisor Kinowski closed the public hearing at 7:10pm.

Regular Town Board Meeting

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

Agenda Items Resolutions #55--#65

Resolution #55 Accepting the Proposal Del Palmer Appraisal Co. and Authorizing and Appraisal for the King's Isle Tax Certiorari

Introduced by: <u>Supervisor</u>

WHEREAS, to defend the King's Isle tax certiorari against the Town of Stillwater, which challenges the assessment on its property, it is necessary to hire a certified appraiser to value the property; and

WHEREAS, the Shenendehowa CSD has offered to split the appraisal expenses as specified on the attached proposal;

Now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to accept the proposal of Del Parlmer Appraisal Co. to provide the Town of Stillwater with an appraisal report at a proposed cost of \$4,000.00 plus \$125 per hour for trial in order to defend or settle the King's Isle tax certiorari proceeding.

<u>Motion</u> by Councilman Baker and seconded by Councilwoman Vomacka to adopt Resolution No. 55 of 2020.

A roll call was taken on Resolution No. 55 of 2020 as follows:

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

Motion carried. Resolution No. 55 of 2020 was adopted unanimously.

Resolution #56

Accepting the Proposal from Empire State Appraisal Consultants and Authorizing an Appraisal Regarding the Stillwater Elgen, LLC Tax Certiorari Matter

Introduced by: <u>Supervisor</u>

WHEREAS, in defending of the Stillwater Elgen, LLC tax certiorari against the Town of Stillwater, which challenges the assessment on its property, it is necessary to hire a certified appraiser to value the property; and

WHEREAS, the Stillwater CSD has been requested to split the appraisal expenses;

Now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to hire Empire State Appraisal Consultants to provide the Town of Stillwater with an appraisal report at a proposed cost of \$15,600.00 plus \$195 per hour for trial in order to defend the Stillwater Elgen, LLC tax certiorari proceeding.

<u>Motion</u> by Councilman Baker and seconded by Councilwoman Vomacka to adopt Resolution No. 56 of 2020.

A roll call was taken on Resolution No. 56 of 2020 as follows:

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

Motion carried. Resolution No. 56 of 2020 was adopted unanimously.

Resolution #57 Setting a Workshop and Public Hearing Regarding the 2021 Budget

Introduced by: <u>Supervisor</u>

WHEREAS, Supervisor Kinowski has recommended that a Workshop and Public Hearing be set for discussing and taking public input on the proposed 2021 Budget; and

WHEREAS, the Mechanicville-Stillwater Business Economic Summit is not being held this year due to COVID-19 concerns;

Now, therefore, be it

RESOLVED, that Budget Workshop is hereby scheduled for 6:00 pm on October 15, 2020 at Town Hall; and be it further

RESOLVED, that a public hearing is hereby scheduled for Thursday, November 5, 2020, at 7:00 p.m. at Town Hall 881 Hudson Avenue, Stillwater, New York, to receive comments from the public regarding the proposed 2021 Budget; and be it further

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

<u>Motion</u> by Councilman Baker and seconded by Councilwoman Vomacka to adopt Resolution No. 57 of 2020.

A roll call was taken on Resolution No. 57 of 2020 as follows:

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

Motion carried. Resolution No. 57 of 2020 was adopted unanimously.

Resolution #58 Setting a Public Hearing Regarding Local Law No. _____ of 2020 A Local Law to Override the Property Tax Cap For the 2021 Budget

Introduced by: <u>Supervisor</u>

WHEREAS, effective in 2012, local governments are subject to a tax levy limitation as a result of the New York State Property Tax Cap Legislation set forth in General Municipal Law Article 2, §3-c; and

WHEREAS, there is a provision within the legislation that requires the Town to pass a local law by a 60% majority vote that states that it wishes to override said tax cap limit if the tax levy limit established by the preliminary budget will exceed the tax cap limit; and

WHEREAS, Paragraph 5 of §3-c of Article 2 of the General Municipal Law reads in full: "A local government may adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year, not including any levy necessary to support the expenditures pursuant to subparagraphs (i) through (iv) of paragraph g of subdivision two of this section, only if the governing body of such local government first enacts, by a vote of sixty percent of the total voting power of such body, a local law to override such limit for such coming fiscal year only, or in the case of a district or fire district, a resolution, approved by a vote of sixty percent of the total voting power of such body, to override such limit for such coming fiscal year only." And

WHEREAS, Supervisor Kinowski has recommended that a Public Hearing be set for taking public input on the proposed Local Law to Override the Property Tax Cap because it may be needed to exceed the tax cap of approximately two percent (2%) for the 2021 Budget;

Now, therefore be it

RESOLVED, that a public hearing is hereby scheduled for November 5, 2020 at 7:05 p.m. at Town Hall 881 Hudson Avenue, Stillwater, New York, to receive comments from the public regarding the attached Local Law to Override the Tax Cap; and be it further

RESOLVED, that Town Clerk is hereby directed to publish appropriate notice of the public hearing a minimum of five (5) days prior to the Public Hearing on November 5, 2020.

<u>Motion</u> by Councilman Baker and seconded by Councilwoman Vomacka to adopt Resolution No. 58 of 2020.

A roll call was taken on Resolution No. 58 of 2020 as follows:

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

Motion carried. Resolution No. 58 of 2020 was adopted unanimously.

Resolution #59Scheduling a Public Hearing
Regarding Local Law No. _____of 2020
Regarding Regulations on Public Demonstrations

Introduced by: <u>Supervisor</u>

WHEREAS, the Town has identified a need for a new chapter to the Town Code in order to provide for regulation of public demonstrations; and

WHEREAS, a local law has been proposed to provide regulation within the Town of Stillwater in order to protect the public health, welfare, safety, peace and tranquility of Town residents, attendees of such mass gatherings, and the general public while affording the right to peaceably assemble and demonstrate as protected by the First Amendment of the United States Constitution; a copy of the proposed Local Law is attached hereto showing the proposed language;

Now, therefore, be it

RESOLVED, that a Public Hearing be scheduled regarding Local Law No. ______ of 2020, a Local Law regarding Public Demonstrations on October 15, 2020 at 7:00PM at the Town Hall, 881 Hudson Avenue, Stillwater, New York; and be it further

RESOLVED, that the Town Clerk publish appropriate notice of the Public Hearing at least 10 days, but not more than 20 days, prior to the October 15, 2020 Public Hearing; and be it further

RESOLVED, that the Town Clerk make the proposed Local Law Available at her office for public inspection during normal business hours.

<u>Motion</u> by Councilman Baker and seconded by Councilwoman Vomacka to adopt Resolution No. 59 of 2020.

A roll call was taken on Resolution No. 59 of 2020 as follows:

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

Motion carried. Resolution No. 59 of 2020 was adopted unanimously.

Resolution #60Scheduling a Public Hearing
Regarding Local Law No. _____of 2020
Regarding the Amendment of Use of Town Parks

Introduced by: <u>Supervisor</u>

WHEREAS, the Town has identified a need for Amendments to the current Town Parks Use Local Law; and

WHEREAS, a local law has been proposed to amend certain sections of the Town Park Local Law, and a copy of the proposed Local Law is attached hereto showing the proposed language;

Now, therefore, be it

RESOLVED, that a Public Hearing be scheduled regarding Local Law No. ______ of 2020, a Local Law regarding Amendment of Use of Town Park Local Law on October 15, 2020 at 7:05PM at the Town Hall, 881 Hudson Avenue, Stillwater, New York; and be it further

RESOLVED, that the Town Clerk publish appropriate notice of the Public Hearing at least 10 days, but not more than 20 days, prior to the October 15, 2020 Public Hearing; and be it further

RESOLVED, that the Town Clerk make the proposed Local Law Available at her office for public inspection during normal business hours.

<u>Motion</u> by Councilman Baker and seconded by Councilwoman Vomacka to adopt Resolution No. 60 of 2020.

A roll call was taken on Resolution No. 60 of 2020 as follows:

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

Motion carried. Resolution No. 60 of 2020 was adopted unanimously.

Resolution #61 SEQRA determination regarding the Adoption of Local Law No. ____ of 2020, Regarding Establishing the King's Isle North PDD

Introduced by: <u>Supervisor</u>

WHEREAS, Bruce Tanski has submitted an application for the Kings Isle North PDD regarding property located on NYS Route 67 more fully identified as Tax Map Number 251.-1-15.2; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed adoption of the PDD local law is an unlisted action requiring SEQRA review; and

WHEREAS, pursuant to 6 NYCRR §617.6, the Stillwater Town Board is the lead agency for SEQRA review of the PDD Local Law; and

WHEREAS, the applicant has submitted a full completed Short Environmental Assessment Form (EAF); and

WHEREAS, the Town Board has duly reviewed the EAF and has considered the criteria contained in 6 NYCRR §617.7(c), to determine if the proposed action will have a significant impact on the environment;

WHEREAS, the Town Board has duly reviewed the EAF and has considered the criteria contained in 6 NYCRR §617.7(c), to determine if the proposed action will have a significant impact on the environment;

WHEREAS, the Town Board reviewed each of the 11 factors contained in Part 2 of the EAF and determined that the proposed action will have no, or only a small, environmental impact;

Now, therefore, be it

RESOLVED, that the Town Board hereby determines that the proposed action by the applicant, Bruce Tanski, for adoption of the Kings Isle North PDD regarding property located on NYS Route 67, more fully identified as Tax Map Number 251.-1-15.2, will not have a significant impact on the environment.

<u>Motion</u> by Councilman Baker and seconded by Councilwoman Vomacka to adopt Resolution No. 61 of 2020.

A roll call was taken on Resolution No. 61 of 2020 as follows:

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

Motion carried. Resolution No. 61of 2020 was adopted unanimously.

Resolution #62 Adopting Local Law No. ____ of 2020, A Local Law Regarding the Kings Isle PDD North

Introduced by: <u>Supervisor</u>

WHEREAS, Bruce Tanski has proposed the Kings Isle PDD North Local Law in order to construct apartments and senior housing; and

WHEREAS, a local law has been proposed and a copy of the proposed Local Law is attached hereto showing the proposed language; and

WHEREAS, the project was referred to, reviewed by and received an approval recommendation from the Town's Planning Board, as evidenced by the attached Planning Board Resolution 28 of 2020; and

WHEREAS, a Public hearing was conducted and a Negative Declaration issued on September 17, 2020.

Now, therefore, be it

RESOLVED, that the Town Board hereby adopts Local Law No. _____ of 2020, a Local Law Establishing the Kings Isle Apartments Amendments North, Phase 4 and 5, effective upon the filing of the Local Law with the Secretary of State; and; and be it further

RESOLVED, that the Town Clerk is hereby directed to publish a descriptive notice of the adoption of the Local Law No. _____ of 2020 within 5 days of its adoption by the Town Board; and be it further

RESOLVED, that the Town Clerk is hereby directed to file a Certified Copy of Local Law No. _____ of 2020 with the New York State Department of State within 20 days of the date of its adoption by the Town Board; and be it further

RESOLVED, that the Director of the Department of Building and Planning shall file a copy of the Local Law No. _____ of 2020 with the Town and County Planning Boards; and be it further

RESOLVED, that the Town Clerk shall attach a copy of Local Law No. _____ of 2020 to the minutes of this Town Board meeting.

<u>Motion</u> by Councilman Baker and seconded by Councilwoman Vomacka to adopt Resolution No. 62 of 2020.

A roll call was taken on Resolution No. 62 of 2020 as follows:

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

Motion carried. Resolution No. 62 of 2020 was adopted unanimously.

Resolution #63

Budget Adjustments

WHEREAS, Anne Marie Hallum, Director of Fiscal Management has recommended that the following budget transfers and adjustments be accomplished:

BUDGET IMPACT STATEMENT: as stated above

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

TRANSFERS:			
A-3010.4	Emergency Mgt Contractual	COVID 19	1,300.00
A-6410.4	Publicity Contractual	COVID-19	-1,300.00
B-1440.444	Attorney Services	Law Suite	5,000.00
B-599	Fund Balance	Law Suite	-5,000.00
B-7140.2	Parks Contractual	Baseball field per resolution	38,000.00
B-599	Fund Bal Pks & Open Space	Baseball field per resolution	-38,000.00
B-7140.4683	Glen Hollow Park	Increase Budget	1,300.00
B-7140.2	Parks Contractual	Increase Budget	-1,300.00
B-7989.100	Other Cult& Rec PP Salaries	Adjustment	22,000.00
B-7989.4	Other Cult & Rec PP Contract	Adjustment	-9,000.00
B-599	Fund Balance	Increase Budget	-10,000.00
B-7140.100	Park & Rec Salaries	Increase Budget	10,000.00
B-7140.4682	Park & Rec Contractual	Increase Budget	-10,000.00
ADJUSTMENTS			
B-2770	Miscellaneous Revenue	Toyota Donation Score Bd	10,000.00
B-7140.2	Parks Contractual	Toyota Donation Score Bd	10,000.00
B-2025	Marina Income	Additional Revenues	25,000.00
B-7180.41	Special Recreation Marina	Additional Expense	25,000.00
DB-3501	Consolidated Highways	Additional Chips Monies	4,296.03
DB-5112.20	Chips Contractual	Additional Chips Monies	4,296.03
SW-2665	Sale of Equipment # 1	Additional Revenue	3,000.00
SW-8340.461	Water Transm & Dist #1	Additional Expense	3,000.00
SW-2153	Interest & Penalties Dist # 5	Increase Budget	100.00
SW-9035.85	Medicare Dist # 5	Increase Budget	100.00

<u>Motion</u> by Councilman Baker and seconded by Councilwoman Vomacka to adopt Resolution No. 63 of 2020.

A roll call was taken on Resolution No. 63 of 2020 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilwoman Masterson	YES

Councilman D'Ambro	YES
Councilwoman Vomacka	YES

Motion carried. Resolution No. 63 of 2020 was adopted unanimously.

Resolution #64Accepting Dedication of Lake Pointe Way in
Saratoga Pointe Subdivision from Mason Street LLC

Introduced: Supervisor Kinowski

WHEREAS, Mason Street, LLC has requested to dedicate a roadway named "Lake Pointe Way" within the Saratoga Pointe PDD to the Town of Stillwater to satisfy a condition of their subdivision approval; and

WHEREAS, the applicant has now substantially complied with the Town's procedures for acceptance and dedication of roads as reviewed by the engineers and attorneys for the Town;

Now, therefore, be it

RESOLVED, that the Town accepts the dedication of Lake Pointe Way in the Saratoga Pointe PDD from Mason Street, LLC conditional upon the items on the Highway, Planning, Zoning and Building checklists, and the legal review requirements and tax payments or escrows, being satisfied prior to the recording of the transfer documents; and be it further

RESOLVED, that the acceptance of this dedication of infrastructure and property shall be further subject to the approval of, and conditions required by, the Town Supervisor, and the Highway Superintendent as well as the engineers and attorneys for the Town as they deem appropriate; and be it further

RESOLVED, that the Supervisor is hereby authorized to sign and the attorneys and engineers to the Town are directed to prepare and file all necessary documents to effectuate the transfer of Lake Pointe Way.

<u>Motion</u> by Councilman Baker and seconded by Councilwoman Vomacka to adopt Resolution No. 64 of 2020.

A roll call was taken on Resolution No. 64 of 2020 as follows:

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

Motion carried. Resolution No. 64 of 2020 was adopted unanimously.

Resolution #65 Authorizing the Supervisor To Extend the Health Benefits of Employee, William Stewart

Introduced by: Supervisor

WHEREAS, William Stewart is an employee of the Town and has been on disability since March 31, 2020; and

WHEREAS, under the Town Personnel Policy, the Town may extend health benefits until October 31, 2020 for an employee on approved disability;

Now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to extend the health benefits for William Stewart for one (1) month until October 31, 2020 for a cost of \$1771.98 of which William Stewart is responsible for \$222.96.

<u>Motion</u> by Councilman Baker and seconded by Councilwoman Vomacka to adopt Resolution No. 65 of 2020.

A roll call was taken on Resolution No. 65 of 2020 as follows:

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

Motion carried. Resolution No. 65 of 2020 was adopted unanimously.

Reports

Supervisor Kinowski

Supervisor Kinowski reported that the Malta-Stillwater EMS received the American Heart Association gold +award for cardiac excellence. He also reported that ground work is being done for the new emergency building.

<u>Brown's Beach</u>: supervisor Kinowski reported that Brown's Beach did fairly well at $\frac{1}{2}$ capacity.

Councilwoman Masterson

<u>Fall Clean-up day</u>: Councilwoman Masterson reported that October 17th is the fall cleanup day.

Audited Claims

<u>Motion</u> by Councilman D'Ambro and seconded by Councilwoman Vomacka to pay the audited claims.

\$10,491.90
\$58,721.96
\$71,164.74
\$2,177.79
\$5,197.50

Motion carried.

<u>Motion</u> by Councilwoman Vomacka and seconded by Councilwoman Masterson to adjourn the Town Board meeting at 7:35 pm and enter into executive session to discuss a litigation matter. <u>Motion carried.</u> (Note: The Town Board will not resume the regular Town Board meeting).

Respectfully submitted by

Sue Cunningham Stillwater Town Clerk