

**Stillwater Town Board Meeting & Public Hearing
(CSR Drainage District)
November 19, 2020 7:00 PM
Stillwater Town Hall**

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

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

Via Phone: Councilwoman Artie Baker
Via Zoom: Councilwoman Ellen Vomacka

By Zoom: 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.

Public Hearing Cold Springs Road Drainage District

Purpose: To consider a Map, Plan and Report and the establishment of the Cold Springs Road Mixed Use Drainage District

Supervisor Kinowski called the Public Hearing to order.

Public Input: There was no public input and no communication received thru mail or email.

A brief discussion was held who was affected by this drainage district and cost.

With everyone having the opportunity to comment Supervisor Kinowski closed the public hearing at 7:05 PM.

Business Meeting

Adoption of Minutes: Motion by Councilman Baker and seconded by Councilman D'Ambro to adopt the minutes of the October 16, 2020 and November 5, 2020 Town Board meeting. **Motion carried.**

Agenda Items Resolutions #72

Resolution #72 Local Law Regarding Regulations on Public Demonstrations

Introduced by: _____ Supervisor

WHEREAS, the Town Board has identified a need for a local law regarding regulations on Public Demonstrations; 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, a Public hearing was conducted on October 15, 2020 and under 6NYCRR 617.5 this Type II action requires no further review.

Now, therefore, be it

RESOLVED, that the Town Board hereby adopts Local Law No. 3 of 2020, a Local Law Regarding Regulations on Public Demonstrations, effective upon the filing of the Local Law with the Secretary of State; 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. 3 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. 3 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 Town Clerk shall attach a copy of Local Law No. 3 of 2020 to the minutes of this Town Board meeting.

Motion by Councilman Baker and seconded by Councilman D'Ambro to adopt Resolution No. 72 of 2020.

A roll call was taken on Resolution No. 72 of 2020 as follows:

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

Resolution No. 72 of 2020 was adopted unanimously.

Local Law 3 of 2020

PUBLIC DEMONSTRATIONS

1. Purpose.
 - a. The purpose of this local law is to add a new chapter to the Town Code in order to provide for the regulation of public demonstrations 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.
 - b. The right to peaceably assemble and demonstrate is afforded to all persons and protected by the First Amendment of the United States Constitution and the New York State Constitution, Article I, Sections 8 & 9. These constitutional privileges are not, however, unlimited as it pertains to maintaining public safety. The Town may impose reasonable time, place, and manner restrictions on demonstrations.
2. Definitions. The following definitions shall apply to this chapter:
 - a. **DEMONSTRATION.** For the purpose of this chapter, a "demonstration" is a gathering by 5 or more persons, in a public place, that is intended to attract public attention.
 - b. **BANNER.** Any sign, as defined herein, hung above a street, from a building, bridge structure or a vehicle or towed by a vehicle, including but not limited to an aircraft, watercraft or trailer.

- c. PUBLIC PLACE. Any place to which the public has unrestricted access, but "public place" shall not mean the interior floor space of any building or any space covered by part of a building's permanent roof.
- d. SIGNS. Any display of words, symbols, flags, or other visual images made of cloth, paper, plastic, cardboard or other material or any combination of such display intended to be used for purposes of a demonstration.
- e. SPECIAL EVENT. Any event, occasion or celebration open to the public and held in or upon any public right-of-way, public street, public park or other public place or conducted in such a manner as to significantly impede public access to any public right-of-way, public street, public park or other public place, or disrupt a public speaker or other public event.
- f. TOWN. The Town of Stillwater, Saratoga County, New York.
- g. TOWN CLERK. The Town Clerk of the Town of Stillwater, Saratoga County, New York.

3. General Provisions.

- a. No person, corporation, partnership or other entity shall hold or cause to be held any demonstration without first filing a declaration where required by this chapter at least 7 days prior to the intended day of any such demonstration.
- b. This chapter shall not apply to parades, sporting events, musical concerts, fairs, carnivals, or other similar public events.
- c. Demonstrations pursuant to this chapter must comply with Chapter 141 "Noise" of the Town Code and all other applicable Town Code provisions and New York state laws, including but not limited to, the New York penal code.
- d. Nothing in this chapter shall be construed so as to limit any of the provisions of the New York State Building and Fire Codes, or Chapter 81 "Construction Codes" of the Town Code.

4. Prohibited items or activities. The following items and activities are prohibited from demonstrations.

- a. Alcoholic beverages. Alcoholic beverages in any open container shall not be carried or possessed by participants of a demonstration.
- b. Banners. The use of banners, as defined during a demonstration, is prohibited.
- c. Explosives, fireworks or pyrotechnics. No person shall carry or possess any kind or mixture of explosives, fireworks or pyrotechnics.
- d. Facial coverings. Facial coverings, regardless of the material of which they are made, are not permitted to cover the face from the chin area to the forehead. However, the use of masks or facial coverings, whether or not mandated pursuant to local, state or federal requirements, for purposes of preventing the spread of communicable illnesses, such as COVID-19,

shall not be prohibited so long as any such mask or facial covering covers the mouth and nose areas of the face but does not otherwise obscure the face, eyes, or head.

- e. Fencing material. Materials commonly used for fencing on property, or a safety zone including barricades and which could be used to obstruct governmental administration shall not be carried or possessed unless placed at a demonstration site by governmental agencies to control demonstration participants and to continue to allow free access to sidewalks and other public places as allowed by statute, law, code or ordinance.
- f. Flammable or combustible liquids or gases. Flammable or combustible liquids, compressed gases or gases shall not be carried or possessed by demonstrators.
- g. Gas masks. Gas masks or similar devices designed to filter air breathed and protect the respiratory tract and face against the irritating, noxious or poisonous gases shall not be carried, possessed, or worn by demonstrators.
- h. Handcuffs. Handcuffs or similar-type restraining devices shall not be carried, possessed, or worn.
- i. Injury, physical. The conduct of the demonstration shall not be reasonably likely to cause physical injury to persons or property.
- j. Interference with emergency services. The demonstration will not unduly interfere with proper fire and police protection or emergency services to contiguous areas of such assembly areas.
- k. Obscene material. No person shall display, carry, or possess any obscene material as defined by § 235.20 of the New York State Penal Law.
- l. Noxious materials. No person shall use, carry, or possess any noxious material of any kind or strength while participating in a demonstration.
- m. Plastic or metal pipe. It is unlawful to carry or possess any length of plastic pipe more than 1/4 inch thick. Any metal pipe, metal angle iron, box steel, flat steel or similar plastic material is not permitted.
- n. Projectile launchers. Projectile launchers or other devices commonly used for the purpose of launching, hurling, or throwing any object, liquid, material, or substance shall not be carried or possessed by demonstrators.
- o. Sidewalks (blocking). No person or group of persons shall block any lawful use of a public sidewalk or any ingress to or egress from any building by standing within 15 feet of said doorway or entrance or of any driveway to any building.
- p. Signs. No sign or combination of signs shall render impassable any public way or any ingress to or egress from any public way, or render passage to, from or across a public way unreasonably difficult or hazardous. Posters, plaques or notices mounted on a support or handheld, constructed solely of cloth, paper, plastic or cardboard material no greater than 1/4 inch thick are permitted. Signs must be of such size and construction as to be safely carried and displayed.

- q. Sirens or air horns. No demonstrator/participant shall use, carry, or possess any hand-carried or vehicle-mounted siren or air horn.
 - r. Splinter groups. No demonstrator/participant or small group thereof is permitted to break off the main group to stage smaller demonstrations or picketing unless a new and separate permit is first obtained.
 - s. Strong acid or base chemicals in solid, liquid or gas. No demonstrator/participant shall use, carry, or possess any acidic or basic chemical regardless of its physical state.
 - t. Traffic (blocking). No person shall block or otherwise interfere with highway, road, or rail traffic to include ingress to or egress from a building or onto property.
 - u. Wood or wood products. No person shall carry or possess any length of lumber, wood or wood lath unless the wood object is blunted at both ends, is 1/4 inch or less in thickness and two inches or less in width or, if not generally rectangular in shape, does not exceed 3/4 inch at its thickest.
5. Restricted items or activities. The following items or activities have restricted use during demonstrations.
- a. Flyovers. Flyovers and aircraft trailing banners are not permitted unless requested for in the filing of the declaration in advance. A copy of the FAA authorization permit is required to be filed with the declaration.
 - b. Firearms. Firearms use or carry, real or replica, whether for ceremonial use as in a color guard or not, must be approved in advance by the Police Department.
 - c. Sound-producing or amplifying devices. The use of any sound producing, or amplifying devices is permitted if the sound shall not be amplified to be heard at a distance of more than 250 feet from the perimeter of the demonstration. The use of said equipment must also comply with restrictions and limitations contained in the Noise Ordinance of the Town Code.
 - d. Electricity. Electrical connections are not publicly available from the Town. Electrical connections and electrical generators from private property are permitted, provided such connections shall have been inspected by a certified Electrical Inspector as to safety and compliance with the National Electrical Code. A copy of the inspection shall be filed with the Highway Superintendent prior to said use.
6. Application.
- a. Application for a demonstration declaration shall be made to the Town Clerk on the forms provided by the Clerk. Completed applications will be forwarded to the Town Board for review and approval.
 - b. Weekly, monthly or yearly declarations for recurring public demonstrations may be issued by the Clerk. Such declaration shall include a schedule for each day of the demonstration, together with any other

information the Clerk may deem necessary. All such declarations shall expire at the end of the calendar year in which they are granted.

- c. For any event that will attract 5,000 or more persons, the applicant must obtain a permit from the New York State Department of Health and include it with the declaration. A safety plan, as required by the Department of State, must also be included with the application.

7. Fees.

There shall be no fee charged for a demonstration declaration.

8. Responsibility for cleanup.

The Town Board shall have the authority, in situations where it is determined that the proposed demonstration is of such magnitude or character that it will generate an excessive or extraordinary amount of debris upon the public ways, to require an agreement from the applicant stating that the applicant shall be responsible for the costs of cleanup of the public ways after the demonstration. The Board may enter into any agreement with the applicant as may be necessary for this purpose.

9. Issuance.

If the Town Board finds that all applicable provisions of this chapter have been complied with or will be complied with by the applicant, a declaration shall be issued to hold a demonstration and shall be conditional upon such reasonable limitations and requirements as may be deemed necessary for the protection of the public health, safety and welfare.

10. Alterations.

The Town shall be empowered to alter the date and/or time of the demonstration should such an alteration be in the best interest of public health, safety, and welfare.

11. Notice to officials.

Immediately upon the application for a demonstration declaration, the Town Clerk shall send a copy of the declaration to the following:

- a. Town Supervisor.
- b. Town Board members.
- c. Police Commissioner.
- d. Arvin Hart Fire Chief.
- e. Attorney for the Town.

12. Contents of Declaration. Each demonstration declaration shall state the following information:

- a. The starting and ending times.
- b. Location of the demonstration, including the portions of the streets to be traversed.
- c. The name of the responsible party and telephone number.
- d. Such other information as the Town Clerk, Town Supervisor, Town Board, Police Commissioner, Fire Chief and/or Attorney for the Town shall find necessary to the enforcement of this chapter.

13. Duties of declaration holder.

- a. The holder of the declaration hereunder shall comply with all directions from public officials regarding the application, permit and/or declaration and will abide by conditions contained within the permit and with all applicable laws and ordinances.
- b. Possession of declaration. The demonstration chairperson or the person heading or leading such activity shall be present and carry the demonstration declaration upon his/her person during the conduct of such demonstration.

14. Penalties for offenses.

- a. Unless otherwise specifically provided in this article, any person who violates any provision of this chapter shall, upon conviction thereof, be subject to a fine not exceeding \$250 or imprisonment for a term not exceeding 15 days, or both for each violation. Each day that such violation continues shall constitute a separate offense.

15.

**Resolution #73 Adopting Local Law No. 4 of 2020,
A Local Law Regarding Amending the Use of Town Parks**

Introduced by: _____ Supervisor _____

WHEREAS, the Town Board has identified a need for amendment to the current local law regarding use of Town Parks; 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, a Public hearing was conducted on October 15, 2020 and under 6NYCRR 617.5 this Type II action requires no further review.

Now, therefore, be it

RESOLVED, that the Town Board hereby adopts Local Law No. 4 of 2020, a Local Law Regarding Amending the Use of Town Parks, effective upon the filing of the Local Law with the Secretary of State; 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. 4 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. 4 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 Town Clerk shall attach a copy of Local Law No. 4 of 2020 to the minutes of this Town Board meeting.

Motion by Councilman Baker and seconded by Councilman D'Ambro to adopt Resolution No. 73 of 2020.

A roll call was taken on Resolution No. 73 of 2020 as follows:

Supervisor Kinowski YES

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

Resolution No. 73 of 2020 was adopted unanimously.

Local Law #4

Local Law amending the use of Town parks

1. Purpose.

The purpose of this Local Law is to amend the rules and regulations of Town parks and to expand the Town's parks and recreation standards to include Brown's Beach in order to protect the health, safety and well being of the residents of the Town and of the people who use the Town parks and beaches.

2. Underlines indicate added language, cross-outs indicate deleted language.

Use of Town Parks

[Adopted 11-7-2013 by L.L. No. 4-2013; Amended ____ by L.L No. ____]

§ 152-1 Use of Town Parks

A. Findings and determinations.

It is hereby the finding and determination of the Town Board that use of parks, park areas, town beaches, public swimming areas, and public navigable waters, within the Town of Stillwater beyond established times or in violation of the following prohibitions constitutes and creates disturbance for homeowners and others residing within the vicinity of Town parks and park areas and jeopardizes the health and safety of the people who use the said areas for recreational purposes

B. Parks, defined

For purposes of this Chapter, "Parks" shall mean Town owned or controlled property, lands, waterways, beaches, swimming and boating areas, structures thereon and appurtenant objects associated therewith intended for the protection of the scientific, historic, cultural and architectural interest thereof and to make such lands available for public recreation. This shall include sports fields, courts, playground equipment, trails, designated swimming and boating areas, roads and parking facilities within those areas, and any other area or facility intended for any form of lawful outdoor public recreation.

§ 152-2

Hours.

All parks and park areas within the Town of Stillwater shall be open for public use from the hours of 5:30 a.m. until 10:00 p.m. or as otherwise posted. This limitation shall apply to all exterior areas and shall not be applicable to activities inside any buildings within any of the aforesaid areas. This limitation may also be amended if the Town Parks Coordinator receives advance notice and determines that the request to extend the park hours is reasonable and will not create a disturbance for homeowners and others residing within the vicinity of the Town park areas.

§ 152-3

Prohibited activities.

It shall be unlawful and constitute an offense for any person to:

A.

Utilize or make use of any park within the Town except during the hours set forth in § 152-2 hereinabove.

B.

Use or utilize any park within the Town for any act or use which is prohibited by this article or by any other law or regulation

C.

Vandalize, spray paint, break, or damage any property, fixture, building, facility, improvement or structure, or any trees, shrubbery, landscaping materials, and the like in any park or park area within the Town.

D.

Operate any motor vehicle of any sort on any field, court, or recreational facility other than for official purposes and in designated areas. This shall include motor vehicles, all-terrain motorized vehicles, snowmobiles, motorized trail bikes, motorcycles, boats, jet skis, wave runners, or any other motor-driven craft or watercraft, except as provided for herein

§ 152-4

Parking limited to park use.

It shall be unlawful and constitute an offense under this article for any person to park any motor vehicle in a Town park or public park at a time when the operator of the motor

vehicle is not utilizing the park or park facilities for their lawful purpose(s). This provision includes, but is not limited to, boats and other watercraft at Town beaches, waterways, and docks, such that any unauthorized boat or other watercraft parking and/or anchoring at any Town park, beach, marina, dock, slip, courtesy dock or waterway shall constitute an offense subject to the provisions herein.

§152-5

Sunbathing, nude, partially nude and/or topless prohibited

The Town expressly adopts the provisions of New York Penal Law §245.01, as amended from time to time, to prohibit sunbathing in Town parks in a manner that amounts to “exposure” as defined by law. A person is guilty of exposure if he or she appears in a public place, park, recreation area, swimming area, boating area, waterway, or beach in such a manner that the private or intimate parts of his or her body are unclothed or exposed. For purposes of this section, the private or intimate parts of a female person shall include, but not be limited to, her genitalia and that portion of the breast which is below the top of the areola. This section shall not apply when actively breastfeeding infants. The private or intimate parts of a male shall include, but not be limited to, his genitalia.

§ 152-6

Penalties for offenses.

A.

Any person found to have violated any of the provisions of §§ 152-2, 152-3, 152-4 and 152-5 of this article shall be guilty of a violation and shall be penalized according to the following provisions.

B.

Any person found to have violated any of the provisions of this article shall be guilty of a violation and shall be subject to a fine of up to \$250 for the first offense, and up to \$1,000 for every subsequent offense committed within 18 months, or, in either case, imprisonment for a term not to exceed 15 days, or both such fine and imprisonment, in addition to restitution for any damage to Town property.

§ 152-7

Prohibitions specific to Brown’s Beach at Saratoga Lake

In addition to the provisions of §§ 152-2, 152-3, 152-4, 152-5, 152-6, and 152-7 of this article, it shall be unlawful and constitute an offense for any person at Brown's Beach on Saratoga Lake to:

A. Park, dock, moor, tie, anchor or otherwise store any boat or recreational watercraft in any area at Brown's Beach or in Saratoga Lake except for those persons who are members of the Marina and who rent dock space or are lawfully utilizing a public access dock ("courtesy dock.") This prohibits unauthorized anchoring or mooring in any water area other than authorized users of the specified docks herein. Courtesy docks are for short-term use only and any person found parking any such watercraft beyond two hours in any day and use shall be guilty of a violation of this article. Marina docks are for members or authorized boaters who enter into an agreement with the Marina operator to rent dock/slip space. Such docks are reserved solely for the Marina members and unauthorized watercraft parking is prohibited.

B. Sunbathe, Dive, run, jump, play, fish or swim from, or on, any marina dock or courtesy dock; docks are intended for boat and watercraft parking only and are not to be used for sunbathing, swimming, fishing, diving, or any other form of water recreation

C. Diving headfirst from any dock, courtesy dock, or slip is expressly prohibited due to the inherent risk of injury due to shallow water and/or obscured underwater risks. Swimming and bathing in the lake shall be done safely and only within the designated swimming areas. Bathers must ascertain and thereby assume all risks of diving swimming, boating and recreational water activities.

D. Any person found to have violated any of the provisions of this section shall be guilty of a violation and shall be subject to a fine of up to \$250 for the first offense, and up to \$1,000 for every subsequent offense committed within 18 months, or, in either case, imprisonment for a term not to exceed 15 days, or both such fine and imprisonment, in addition to restitution for any damage to Town property.

Resolution #74

**Purchase Marina Fuel Tank
for Brown's Beach**

Introduced by: _____

WHEREAS, the Town Board has identified a need to purchase Marina fuel tank and have

been provided a quote of \$31,000.00 from the Dalrymple Company, Inc.;

WHEREAS, competitive bidding is not required as a sole source is permitted for specified equipment and the monetary threshold of General Municipal Law of §103 has not been reached in the amount of \$35,000.00;

Now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to purchase a Marina fuel tank from the Dalrymple Company, Inc. at a cost not to exceed \$31,000.

Motion by Councilman Baker and seconded by Councilman D’Ambro to adopt Resolution No. 74 of 2020.

A roll call was taken on Resolution No. 74 of 2020 as follows:

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

Motion carried: Resolution No. 74 of 2020 was adopted unanimously.

Resolution # 75 Purchase and Repair the Fence at Brown’s Beach

Introduced by: Supervisor Kinowski

WHEREAS, a need has been identified for a fence to be repaired and replaced around the Brown’s Beach swimming area; and

WHEREAS, competitive bidding is not required as the monetary threshold of General Municipal Law of §103 has not been reached; and

WHEREAS, Siena Fence Co. Inc.. supplied a quote for materials and installation in the amount of \$2,770.00;

Now, therefore, be it

RESOLVED, the Town Board hereby authorizes the Supervisor to enter into an agreement with Siena Fence Co. Inc. for the repair and replacement of the fence at Brown’s Beach not to exceed \$2,770.00.

Motion by Councilman Baker and seconded by Councilman D’Ambro to adopt Resolution No. 75 of 2020.

A roll call was taken on Resolution No. 75 of 2020 as follows:

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

Motion carried. Resolution No. 75 of 2020 was adopted unanimously.

**Resolution #76 Adopting Local Law No. 5 of 2020
A Local Law to Override the Property Tax Cap
For the 2021 Budget**

Introduced by: Supervisor

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 Local Law to Override the Property Tax Cap be adopted to exceed the tax cap of approximately two percent (2%) for the 2021 Budget; and

WHEREAS, that a public hearing was held on 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 attached Local Law to Override the Tax Cap

Now, therefore be it

RESOLVED, that Local Law No. 5 of 2020, a Local Law to Override the Property Tax Cap for the 2021 Budget is hereby approved.

Motion by Councilman Baker and seconded by Councilman D’Ambro to adopt Resolution No. 76 of 2020.

A roll call was taken on Resolution No. 76 of 2020 as follows:

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

Motion carried. Resolution No. 76 of 2020 was adopted unanimously.

Local Law #5

A Local Law to Override the Tax Levy Limit for Fiscal Year 2021

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 a budget for fiscal year 2021 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) and unless the Final Budget is adopted earlier, as of November 20, 2020, the Preliminary Budget, with such changes, alterations and revisions, if any, as shall have been made by the Town Board, shall constitute the Final Budget for the 2021 fiscal year. Furthermore, as the Budget will

**Resolution #78 Approving the Carry Over of Balance of Unused
Vacation Hours to 2021**

Introduced by: Supervisor

WHEREAS, the Town of Stillwater's Personnel Manual states that a request in writing must be made for approval to carry over the balance of 2020 vacation hours into the next year; and

WHEREAS, the attached Memo to the Town Board states the employee's names and how many hours each employee is requesting to carry over from 2020 into 2021;

Now, therefore, be it

RESOLVED, that the Town Board hereby approves the carryover of the balance of unused vacation hours from 2020 into 2021 for the employees on the attached memorandum, subject to adjustments for any vacation hours taken between the adoption of this resolution and December 31, 2020.

A motion by Councilman Baker, seconded by Councilman D'Ambro to adopt Resolution No. 78 of 2020.

A roll call was taken on Resolution No. 78 of 2020 as follows:

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

Motion carried. Resolution No. 78 of 2020 was adopted unanimously

Resolution #79 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 below Budget Transfers and Adjustments are hereby approved.

B-7140.4683	Glen Hollow	Increased water bill/misc	3000.00
B-7140.2	Parks Contractual	Increased water bill/misc	-3000.00
B.7989.100	Other Cultural & Rec	Ellen V Salary for PP	14000.00
B-599	Fund Balance	Ellen V Salary for PP	14000.00
B-3620.100	Code Enforcement Sal	Hiring of Eric Rutland	18000.00
B-599	Fund Balance	Hiring of Eric Rutland	18000.00
INCREASE BUDGET			
B-2025	Spec Rec Marina Income	Budget Increase	35000.00
B-7180.100	Spec Rec Marina Sal	Budget Increase	25000.00
B-7180.4	Spec Rec Marina Contr	Budget Increase	10000.00
B-2770	Miscellaneous Income	Cannon Repair Blockhouse comm Monies	3500.00
B-7510.4	Historian Contractual	Cannon Repair	3500.00
SW-2665	Sale of Equip Dist 1	Excess Income	7000.00
SW-8340.461	Water Trans Dist 1	Increase budget	7000.00
SW-2141	Metered Sales District 3	Excess Income	550.00
SW-9030.83	Social Sec Dist 3	Increase budget	500.00
SW-9035.83	Medicare Dist 3	Increase budget	50.00
			-
B-3620.4	Code enforcement Contr	New code enforce empl	800.00
B-3620.2	Code Enforcement Equip	New code enforce empl	-800.00

Transfer \$70990 to capital projects when budget adjustments are completed.

Motion by Councilman Baker and seconded by Councilman D'Ambro to adopt Resolution No. 79 of 2020.

A roll call was taken on Resolution No. 79 of 2020 as follows:

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

Councilwoman Vomacka YES

Motion carried. Resolution No. 79 of 2020 was adopted unanimously.

Resolution #80 Making a SEQRA determination regarding Formation of the Cold Springs Road Mixed Use Drainage District

Introduced by: _____ Supervisor _____

WHEREAS, the Town Board has compared the proposed action with the criteria for determining significance in SEQRA 6 NYCRR 617.7 and has duly considered the Short Environmental Assessment Form prepared by Lansing Engineering on behalf of the Luther Forest Corporation, attached hereto; and

WHEREAS, a Public Hearing was conducted at the Town Board meeting on November 19, 2020 at which time the environmental impacts of the project were presented and discussed.

Now, therefore be it

RESOLVED, that the Town Board hereby determines that the proposed action will not have any significant environmental impacts in the following areas:

1. There will be no creation of material conflict with the Town's officially adopted zoning regulations.
2. There will be no substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels.
3. There will be no substantial increase in potential for erosion, flooding, leaching or drainage problems.
4. There will be no removal or destruction of large quantities of vegetation or fauna.
5. There will be no substantial increase in traffic or the use of existing infrastructure.
6. There will be no significant impairment of the character or quality of architectural or aesthetic resources or of the existing neighborhood character; and be it further

RESOLVED, that the Town Board has determined that the proposed changes are an Unlisted Action pursuant to 6 NYCRR Part 617(SEQRA), has determined that the Town Board should serve as Lead Agency, finds pursuant to the criteria in Part 617.7 that the proposed action will not have an adverse environmental impact and hereby issues a negative declaration.

Motion by Councilman Bake and, seconded by Councilman D’Ambro to adopt Resolution No. 80 of 2020.

A roll call was taken on Resolution No. 80 of 2020 as follows:

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

Motion carried. Resolution No.80 of 2020 was adopted unanimously.

Resolution #81 Establishing the Cold Springs Road Mixed Use Drainage District

Introduced by: _____ Supervisor _____

WHEREAS, a Map Plan and Report, (“MPR”) dated June 13, 2016, revised May 9, 2017 by Lansing Engineering on behalf of the Luther Forest Corporation (the "Applicant"), the developer of the Cold Spring Road Mixed Use Subdivision (the "Subdivision"), has been submitted requesting the approval of a drainage district to be known as the Cold Springs Road Mixed Use Drainage District (the "District") as more particularly described in the attached MPR, and

WHEREAS, a Resolution of this Board calling for a public hearing thereon, which Resolution is dated October 15, 2020, caused a Notice to be published by the Clerk as set forth in her Affidavit of Publishing and Posting, and

WHEREAS a Public Hearing was held at 7PM at Town Hall, 881 Hudson Avenue, Stillwater, New York on November 19, 2020 to consider the formation and environmental impact of the Cold Springs Road Mixed Use Drainage District pursuant to Article 12-A of the NYS Town Law as described in the attached Notice of Hearing, and

WHEREAS, the Town Board determined that the action is an Unlisted Action pursuant to 6 NYCRR Part 617(SEQRA), determined that the Town Board should serve as Lead Agency, found pursuant to the criteria in Part 617.7 that the proposed action will not have an adverse environmental impact, and issued a negative declaration, and

WHEREAS, the formation of the Drainage District is not subject to State Comptroller approval pursuant to §209-f of the New York State Town Law because the cost to the typical property falls below any applicable threshold, and

WHEREAS, the Town Board has given due deliberation to the comments of the public presented and has determined that the formation of the District is in the public interest;

Now, therefore, be it

RESOLVED, the Town Board finds that said Map, Plan and Report dated June 13, 2016 and revised May 9, 2017 for the creation of the District in the Town is sufficient and complies with the provisions of Article 12-A of the New York Town Law; and it is further;

RESOLVED, the Town Board finds that all of the property, property owners and interested persons within said proposed district are benefited thereby, and that all property or property owners benefited are included therein, and that no property or property owners or interested persons benefited thereby have been excluded therefrom, and it is further;

RESOLVED, that the Cold Springs Road Mixed Use Drainage District be established in the Town, and will include 39 parcels of property included in the boundaries of the description annexed hereto as Schedule “A”; and it is further;

RESOLVED, that the expense of constructing the infrastructure to be operated by the District shall be borne by the Luther Forest Corporation, and it shall install all improvements to the Town’s satisfaction prior to relinquishing control of the drainage infrastructure to the Town; and it is further;

RESOLVED, that once the drainage infrastructure has been constructed by the Luther Forest Corporation and turned over to the Town, the cost for operating the District shall be assessed, levied and collected from the several lots and parcels of land within the said district in proportion as nearly may be to the benefit which each lot or parcel of land in said district will derive therefrom and it is further;

RESOLVED that this Resolution is subject to a permissive referendum pursuant to Article 7 and §209-e of the New York Town Law and the Town Clerk is directed to post and publish a Notice of Adoption of this Resolution in the Express within 10 days.

Motion by Councilman Baker and seconded by Councilman D’Ambro to adopt Resolution No. 81 of 2020.

A roll call was taken on Resolution No. 81 of 2020 as follows:

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

Motion carried. Resolution No. 81 of 2020 was adopted unanimously.

**Resolution #82 Awarding a Stipend to COVID Responders
for Services Rendered During the Pandemic**

Introduced by: Supervisor _____

WHEREAS, Thomas Rinaldi skillfully led the Town's emergency services COVID response team during the pandemic; and

WHEREAS, John Neff undertook to investigate and fix two security cameras at Brown's Beach and the Blockhouse during the pandemic without having to be asked;

Now, therefore, be it

RESOLVED, that the Town hereby awards Thomas Rinaldi and John Neff a stipend of \$1000 each with gratitude for their skillful services rendered to the Town during the COVID-19 Pandemic.

Motion by Councilman Baker and seconded by Councilman D'Ambro to adopt Resolution No. 82 of 2020.

A roll call was taken on Resolution No. 82 of 2020 as follows:

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

Motion carried. Resolution No. 82 of 2020 was adopted unanimously.

Town Board discussions

Parks: Councilwoman Masterson brought up the possibility of keeping Riverfront Park open for winter activities such as snowshoeing and cross-country skiing. Discussion was held on liability issues. Councilwoman Masterson will look into insurance issues and any additional cost.

Audited Claims

Motion by Councilman D'Ambro and seconded by Councilwoman Masterson to pay the audited claims.

General	\$5,782.37
Town Outside	\$7,379.89
Highway	\$38,035.14
Water & Sewer	\$1,417.60
Capital Projects	\$52.00

Motion carried.

Motion by Councilman Baker and seconded by Councilman D'Ambro to adjourn the Town Board meeting at 7:35 pm.

Respectfully submitted by
Sue Cunningham
Stillwater Town Clerk