Stillwater Town Board Meeting & Public Hearing--CDBG February 18, 2021 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

Joe Lanaro, Engineer for the Town James Trainor, Attorney for the Town

Matt Harris, Highway Supt

Via Phone: Councilwoman 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—Community Development Block Grant

<u>Purpose</u>: To receive public comments on the Town of Stillwater's community development needs, and to discuss the possible submission of Community Development Block Grant (CDBG) applications for the 2020 program year.

Supervisor Kinowski stated on the Town received \$750,000 from the last grant submission which replaced water lines on West St.

Engineer Lanaro gave a brief overview and timeline for submittal of the next grant.

Public Input: There was no public input.

With everyone having the opportunity to comment Supervisor Kinowski adjourned the meeting at 7:10pm.

Business Meeting

<u>Adoption of Minutes:</u> <u>Motion</u> by Councilman D"Ambro and seconded by Councilwoman Masterson to adopt the minutes of February 4, 2021. <u>Motion carried.</u>

Resolution #8 Authorize the Supervisor to Sign Proposal for Siding and Window Repair at Brown's Beach Restaurant Introduced by: Councilman Baker WHEREAS, it has become necessary to replace siding and repair a window at the restaurant at Brown's Beach at the recommendation of Councilman Baker; and WHEREAS, because these items fall under the monetary threshold required for competitive bidding under General Municipal Law § 103 and a proposal was received from ______ who supplies the specific mulch needed; Now, therefore, be it RESOLVED, that the Supervisor is hereby authorized to accept the proposal submitted

by_______, to install siding and repair windows, in an amount not to exceed \$______, for the restaurant at Brown's Beach;

<u>Motion</u> by Councilman Baker and seconded by Councilwoman Masterson to Table Resolution No. 8 of 2021.

A roll call was taken on Resolution No. 8 of 2021 as follows:

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

Motion carried. Resolution No. 8 of 2021 was Tabled unanimously.

Resolution #9 Adopting the Town of Stillwater Comprehensive Plan and GEIS Update

WHEREAS the Town Board of the Town of Stillwater identified the need to update the Comprehensive Plan as a result of the Town of Stillwater's growth and change since the adoption of the 2006 Comprehensive Plan; and

WHEREAS, the Town Board formed a Comprehensive Plan Committee on February 16, 2017 and charged it with creating a Comprehensive Plan and GEIS Update; and

WHEREAS, with much public input and with much time and effort, the Comprehensive Plan Committee has recommended to the Town of Stillwater a draft Comprehensive Plan Update to replace the current 2006 Comprehensive Plan; and

WHEREAS, said draft Comprehensive Plan Update is available on the Town's website for examination and review by the public; and

WHEREAS, the Town Board, on behalf of the Comprehensive Plan Committee, held a public hearing on the draft Comprehensive Plan and GEIS update on December 3, 2020; and

WHEREAS, as per the regulations implementing the New York State Environmental Quality Review Act (SEQRA), the adoption or update of a Comprehensive Plan is classified as a Type I Action; and

WHEREAS, pursuant to Title 6, Part 617 of the New York Code, Rules and Regulations of the State of New York ("NYCRR"), the Town may waive the requirement for an Environmental Assessment Form ("EAF") if a DGEIS is prepared or submitted under 6 NYCRR 617.6(a)(4); and

WHEREAS, the DGEIS may be treated as an EAF for the purpose of determining significance of the action; and

WHEREAS, the Town Board has caused the preparation of the Draft Generic Environmental Impact Statement evaluating the cumulative impacts of growth on the community, is the only involved agency for the purpose of this project, and was declared SEQR Lead Agency for the review of the proposed action on October 15, 2020; and

WHEREAS, the draft Comprehensive Plan Update incorporates a DGEIS, which was submitted to the Town Board on September 17, 2020 and the Town Board has reviewed the same in order to determine the potential for significant adverse environmental impacts and the adequacy of the DGEIS pursuant to SEQR;

WHEREAS, the Town Board previously determined that the Comprehensive Plan Update had the potential for significant adverse impacts and directed that a Positive Declaration be prepared, filed, and published on its behalf, as required in 6 NYCRR Part 617 State Environmental Quality Review; and

WHEREAS, the Town Board previously determined the DGEIS is adequate for public review and directed that a Notice of Completion of the DGEIS be prepared, filed, and published on its behalf, as required in 6 NYCRR Part 617 State Environmental Quality Review; and

WHEREAS, a public hearing to receive public comment on the DGEIS and Comprehensive Plan Update was duly noticed and conducted on January 21, 2021 at 7 PM; and

WHEREAS, the written comment period continued until close of business day on January 31, 2021 or ten (10) days after the close of the public hearing, whichever was later.

Now, therefore, be it

RESOLVED, that the Town Board hereby adopts the Comprehensive Plan and GEIS update posted on the Town Website at

https://www.youtube.com/watch?v=OKE6Bp8gOXY&feature=youtu.be; and be it further

RESOLVED, that the Town Clerk is directed to publish a Notice of Adoption of the Comprehensive Plan and GEIS Update in the Town's official newspaper, and be it further

RESOLVED, that Chazen is directed to file the final Comprehensive Plan and GEIS update as required under SEQRA, 6 NYCRR Park 617.

<u>Motion</u> by Councilman Baker and seconded by Councilwoman Masterson to Table Resolution No. 9 of 2021.

A roll call was taken on Resolution No. 9 of 2021 as follows:

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

Motion carried. Resolution No. 9 of 2021 was Tabled unanimously.

Resolution #10 Authorizing The Submission of A Grant Application To The New York State Office Of Community Renewal

FY 2020 Community Development Block Grant Public Infrastructure Program

WHEREAS, the New York State Office of Community Renewal (OCR) is accepting applications from eligible communities to compete for funds available through the NYS administered Community Development Block Grant (CDBG) Program; and

WHEREAS, CDBG is a federally-funded program that provides financial resources to assist in the development of viable communities by providing decent housing and a suitable living environment by expanding economic opportunities, principally for persons of low and moderate income; and

WHEREAS, the **Town of Stillwater** has hosted a Public Hearing in review of its housing, economic and/or community development needs, priority projects and has identified CDBG as a grant resource to support the public infrastructure initiatives; and

WHEREAS, the **Town of Stillwater** plans to submit a CDBG grant application for public infrastructure waterline upgrades recognizing the OCR application process requires that the governing body of the application authorize the submission of the application and relate actions; and,

THEREFORE BE IT RESOLVED, that the **Town** Board hereby authorizes and directs the **Supervisor** to submit the application to OCR and to act in connection with the submission of the application, including execution of all required certifications and forms and to provide such additional information as may be required.

<u>Motion</u> by Councilman D'Ambro and seconded by Councilwoman Vomacka to Adopt Resolution No. 10 of 2021.

A roll call was taken on Resolution No. 10 of 2021 as follows:

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

Motion carried. Resolution No. 10 of 2021 was Adopted unanimously.

Resolution #11	Obtain Easements By Means of Eminent Domain
Introduced by:	Supervisor

WHEREAS, the Winding Brook PDD was established by this Board for the development of single-family homes located off of New York Route 423 and includes stormwater management and drainage areas as required by applicable zoning codes; and

WHEREAS, in order to properly maintain the stormwater management areas, the Town needs to acquire easements from property owners that are adjacent to said areas, and

WHEREAS, a majority of the property owners have voluntarily executed easements in favor of the Town; and

WHEREAS, one property owner has not voluntarily executed an easement in favor of the Town and it is necessary for the Town to proceed with eminent domain proceedings; and

WHEREAS, the Town Board determined that the action is an Type II Action pursuant to 6 NYCRR Part 617 (SEQRA) and no further review is required; and

WHEREAS, pursuant to the provisions of Article 2 of the New York Eminent Domain Procedure Law ("EDPL"), certain procedural prerequisites to acquiring a property interest through eminent domain proceedings, including the conduct of a public hearing on notice and the rendering by the condemning authority of determination and findings are applicable unless one or more exemptions to such procedural requirements is applicable; and

WHEREAS, one exemption from compliance with the provisions of EDPL Article 2 is established by Section 206(D), when in the opinion of the condemnor the acquisition is de minimis in nature so that the public interest will not be prejudiced by the construction of the project; and

WHEREAS, that the easement to be acquired is much smaller in scale compared to the entire parcel and only involves a small portion of the property directly adjacent to the stormwater management area already existing and it will not require the removal of any existing structures or otherwise interfere with the current residential use of the parcel or its visual appearance, and will each serve a valid public purpose, that being the long-term maintenance and operation of the stormwater management area; and

Now, therefore, be it

RESOLVED, based upon the relatively small size and scale of the easement acquisition needed at 33 Walden Circle, Saratoga Springs, New York, 12866, further identified as tax map parcel number 219.9-1-37, and the lack of appreciable interference with the condemnees' use of or appearance of their property, the benefit the project will have to

the affected and nearby parcels, it is hereby determined that the acquisition of the real property interests described herein and depicted in the attachments, are de minimis in nature so that the public interest will not be prejudiced by the easement, and as a result, the proceedings will be exempted from the procedural requirements of Article 2 of the EDPL; and it is further

RESOLVED, each easement to be acquired is necessary for the completion, construction and future maintenance of the Winding Brook PDD stormwater management area, and without the acquisition, the Town will be unable to maintain said stormwater management area, and therefore, the easement to be acquired is for a public use and will confer a public benefit; and it is further

RESOLVED, the description of the parcel of real property to be acquired and its location, by metes and bounds is attached; and it is further

RESOLVED, the attorney for the Town is hereby authorized and directed to proceed to have the necessary papers prepared to satisfy the requirements of the Eminent Domain Procedure Law, and to prepare and file the necessary petition and accompanying documents with the Supreme Court, Saratoga County, New York for an order granting the Town permission to obtain an easement over the subject property for the purpose of maintaining the stormwater management area.

<u>Motion</u> by Councilman Baker and seconded by Councilwoman Masterson to Table Resolution No. 11 of 2021.

A roll call was taken on Resolution No. 11 of 2021 as follows:

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

Motion carried. Resolution No. 11 of 2021 was Tabled unanimously.

Resolution #12 Declaring Highway Equipment Surplus and
Authorize the Highway Superintendent
to Conduct an Auction for Surplus Equipment

Introduced by: <u>Highway Superintendent</u>

WHEREAS, the Highway Superintendent has declared that the following equipment, Case 1052 Tractor VIN# JK149749 with mowers, Highlander HSHY2-10 Sander Serial# AS 01 AK 4827, Miller Mig welder Serial# LC016686, John Deere Backhoe Serial# T0310D6784333, has no further useful life to the Town Highway Department and therefore declares it to be "surplus" to the Town: and

WHEREAS, in accordance with State Law and the Town's Procurement Policy, the surplus town equipment should be sold to the highest bidder at public auction;

Now, therefore, be it

RESOLVED, that the Case 1052 Tractor VIN# JK149749 with mowers, Highlander HSHY2-10 Sander Serial# AS 01 AK 4827, Miller Mig welder Serial# LC016686, John Deere Backhoe Serial# T0310D6784333 is hereby declared surplus and the Highway Superintendent is authorized to conduct an auction for the sale of the surplus equipment to the highest bidder.

<u>Motion</u> by Councilman D'Ambro and seconded by Councilwoman Vomacka to Adopt Resolution No. 12 of 2021.

A roll call was taken on Resolution No. 12 of 2021 as follows:

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

Motion carried. Resolution No. 12 of 2021 was adopted unanimously.

Reports Department Heads & Committees

John Nett, Police Commissioner gave a brief report on the status of the Police Reform Committee to date. Mr. Nett reported that the Police reform and Reinvention Committee met for a second time, posted a survey on social media asking residents to provide input on the Town Police Dept., and that the Police Dept and Police Commission have been updating the departments procedures and policies. He stated that a draft will be completed by their meeting in March, then submitted to the Town Board for review and filed with the State by the April 1st deadline.

Supervisor Kinowski

<u>COVID</u>: Supervisor Kinowski stated they are working on an extensive list of seniors 65 and over for future use if more vaccines become available. Calls are being made to those residents to verify their contact information.

<u>Code Red:</u> Supervisor Kinowski encouraged residents to sign up for Code Red in order to be notified in the event of emergency situations or community alerts such as boil water etc.

Councilwoman Vomacka

<u>Cemeteries</u>: Councilwoman Vomacka stated she is still working on the cemeteries in regard to main to maintaining and fixes them up. Majors concerns were liability and ownership. She stated that more information needed to gathered and clarification on the law

Discussion was held on ownership, liability, maintaining and grants.

<u>Pony Paddock:</u> Councilwoman Vomacka reported that she met with Councilman D'Ambro and another gentleman who owns a small café regarding the snack bar. He offered to look at the snack shack and offer ways to help make it more self-efficient.

Councilman Baker

<u>Senior Class:</u> Councilman Baker commented on an e-mail received requesting a donation to help sponsor a 2021 senior class parade.

Discussion was held on past donations to non-profit groups and if it was appropriate to donate to a specific group.

Attorney Trainor stated that if it was a town wide benefit than it would be appropriate. Councilwoman Masterson stated that she would contact the school superintendent for further information and e-mail the Town Board with the information.

Public Input

No public input.

Audited Claims

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

General	\$13,657.32
Town Outside	\$2,865.83
Highway	\$36,929.50
Water & Sewer	\$1915.32

Motion carried

<u>Motion</u> by Councilwoman Vomacka and seconded by Councilman D'Ambro to adjourn the Town Board meeting and enter into executive session at 7:50 pm to discuss 3 contractual items and 1 litigation items. (Note: The Town Board will not resume the regular meeting of the Stillwater Town Board) <u>Motion carried.</u>

Respectfully submitted by

Sue Cunningham Stillwater Town Clerk