

**Stillwater Town Board  
Agenda Meeting  
April 1, 2021 7:00 PM  
Stillwater Town Hall**

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

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

**Via Phone:** Councilman Artie Baker

**Absent:** Councilwoman Ellen Vomacka

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

Sue Cunningham, Stillwater Town Clerk took the roll call.

**Adoption of Minutes: Motion** by Councilman D'Ambro and seconded by Councilwoman Masterson to adopt the minutes of March 18, 2021. **Motion carried.**

**Agenda Items** Resolution #11 and #20--#23 & #25 & #27

**Motion** by Councilwoman Masterson and seconded by Councilman D'Ambro to remove Resolution #11 from the Table. **Motion carried.**

**Resolution #11 To 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 a 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

WHEREAS, because Amedore Homes was originally responsible for acquiring this easement and turning it over to the Town, Amedore Homes will be required to pay the Town's costs for acquiring the easement now.

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, on the condition that Amedore Homes deposits sufficient money in escrow to pay the Town's costs for acquiring the easement(s) by eminent domain.

**Motion** by Councilwoman Masterson to Untable and Adopt and seconded by Councilman Baker to Adopt 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	ABSENT

**Motion carried.** Resolution No. 11 of 2021 was untabled and adopted unanimously.

**Resolution #20**

**Awarding Contracts for Gas, Diesel Fuel and Heating Oil**

Introduced by: Supervisor

WHEREAS, as authorized by Resolution No. 14 of 2021 adopted on March 3, 2021, Highway Superintendent Harris solicited bids for Gas, Diesel Fuel and Heating Oil; and

WHEREAS, the Town received two responsive bids, that being from John Ray & Sons for Diesel and #2 Heating Oil and G.A. Bove Fuels, for non-ethanol 91 Octane and 89 Octane;

Now, therefore, be it

RESOLVED, the Town Board finds John Ray & Sons to be the most responsive bidder for Diesel at .19 cents markup and #2 Heating Oil at .19 markup; and be it further

RESOLVED, the Town Board finds G.A. Bove Fuels to be the lowest responsive bidder for Non-ethanol 91 Octane at .41 markup and 89 Octane at .20 markup; and be it further

RESOLVED, that the Town Board hereby awards contracts for the supply of Diesel Fuel and Heating Oil to John Ray & Sons and gas to G.A. Bove Fuels at their respective bid prices; and be it further

RESOLVED, that the Supervisor is authorized to sign Agreements with John Ray & Sons and G.A. Bove Fuels for Gas, Diesel Fuel and Heating Oil at their respective prices listed.

**Motion** by Councilwoman Masterson and seconded by Councilman Baker to Adopt Resolution No. 20 of 2021.

A roll call was taken on Resolution No. 20 of 2021 as follows:

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

**Motion carried.** Resolution No. 20 of 2021 was adopted unanimously.

**Resolution #21**

**Declaring Highway Equipment Surplus and Authorize the Highway Superintendent to Trade Surplus Equipment Toward New Equipment Off State Contract**

Introduced by: Highway Superintendent

WHEREAS, the Highway Superintendent has declared that the following equipment, CAT 589D Skid Steer VIN #CAT0289DCTAW06432, 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 but in this instance, the value as a trade-in towards new equipment exceeds what the Town would sell the equipment for at public auction;

WHEREAS, the Highway Superintendent has identified a 2021 John Deere 331G Skid Steer listed on the State Contract at a cost of approximately \$30,000.00; and

WHEREAS, the items selected off the New York State contract are exempt from the competitive bidding requirements of the General Municipal Law



**Resolution #23**

**Purchase Items to Finish the New Ballfield**

Introduced by: Supervisor Kinowski

WHEREAS, a need has been identified for additional items to finish the Riverside Ball Field including a base set, base covers and back stop fence; and

WHEREAS, the Town has received the attached quote from Beacon Athletics and the cost is \$2,604.00 for the items needed;

Now, therefore, be it

RESOLVED, the Town Board hereby authorizes the Supervisor to purchase items for the Riverside Ball Field from Beacon Athletics in a total amount not to exceed \$2,605.00.

**Motion** by Councilwoman Masterson and seconded by Councilman Baker to Adopt Resolution No. 19 of 2021.

A roll call was taken on Resolution No. 23 of 2021 as follows:

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

**Motion carried.** Resolution No. 23 of 2021 was adopted unanimously.

**Resolution #24**

**Adopt the Emergency Plan Required by New York State**

Introduced by: Supervisor Kinowski

WHEREAS, the Town of Stillwater may be subjected to emergencies and disasters of all types; and

WHEREAS, the Town will continue to be prepared to respond during emergencies and disasters to protect public peace, health and safety and to preserve lives and property of the people; and

WHEREAS, the Town will plan and prepare in order to implement efficient emergency operations and mitigate the effects of emergencies and disasters; and

WHEREAS, such planning and operations have been a coordinated effort of local departments and agencies; and

WHEREAS, the Town will coordinate emergency prevention, mitigation, preparedness, response and recovery activities through the County and State in a manner consistent with the requirements of the New York Saratoga County Office of Emergency Services and New York State Emergency Management Office;

Now, therefore, be it

RESOLVED, the Town of Stillwater Emergency Management Plan for 2021 is hereby approved and adopted and shall serve as the basis to assist all citizens in time of emergency or disaster.

**Motion** by Councilman D'Ambro and seconded by Councilman Baker to TABLE Resolution No. 24 of 2021.

A roll call was taken on Resolution No. 24 of 2021 as follows:

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

**Motion carried.** Resolution No. 24 of 2021 was TABLED unanimously.

**Resolution #25 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 below

INCREASE BUDGET

Establish B-1620.100	Buildings, Salaries	To cover additional work done by Building Dept.	\$5,000.00
B-99	Fund Balance	To cover additional Work done by building Dept.	\$5,000.00
A-1620.100	Building Salaries	To cover additional Work done by building Dept.	\$5,000.00
A-599	Fund Balance	To cover additional Work done by building Dept.	\$5,000.00

**Motion** by Councilwoman Masterson and seconded by Councilman Baker to Adopt Resolution No. 25 of 2021.

A roll call was taken on Resolution No. 25 of 2021 as follows:

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

**Motion carried.** Resolution No. 25 of 2021 was adopted unanimously.

**Resolution #26 Authorize the Supervisor to Sign Proposal for Repair and Replacement of Kitchen and Bar Floor Area at Brown’s Beach Building**

Introduced by: Supervisor Kinowski

WHEREAS, it has become necessary to repair and replace the kitchen and bar floor areas at Brown’s Beach building; and

WHEREAS, the repairs are necessary for the full utility of the building as currently licenses; and

WHEREAS, because these items fall under the monetary threshold required for competitive bidding under General Municipal Law § 103;

Now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to accept the proposal submitted by \_\_\_\_\_, to repair and replace the kitchen and bar floor areas at

Brown’s Beach Building, in an amount not to exceed \$25,000.00.

**Motion** by Councilwoman Masterson and seconded by Councilman Baker to Adopt Resolution No. 26 of 2021.

A roll call was taken on Resolution No. 26 of 2021 as follows:

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

**Motion carried.** Resolution No. 26 of 2021 was adopted unanimously.

**Resolution #27                                      Authorizing the Supervisor to  
Sign a Contract for Sale of the Myrtle Avenue Property  
Known a Portion of Mulah Hill**

Introduced by: Supervisor

WHEREAS, the Town has identified the need to sell land located at 0 Myrtle Avenue, Stillwater and designated as tax map number 253.-3-11; and

WHEREAS, Saratoga Village LLC has offered to buy the parcel at a price of \$14,000.00 and stated in the attached contract.

Now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a purchase and sale agreement with Saratoga Village LLC to sell 0 Myrtle Avenue (tax map parcel 253.-3-11) for \$14,000.00; and be it further

RESOLVED, that the Supervisor is authorized to do and perform any and all such acts, including execution of any and all documents and certificates, as he shall deem necessary or advisable, to carry out the purposes and intent of the foregoing resolution; and

RESOLVED, that any actions taken by the Supervisor prior to the date of the foregoing resolution are hereby ratified, confirmed and approved; and be it further

RESOLVED, that the proposed sale by the Town of the above-referenced property is subject to a permissive referendum pursuant to §220 of the NYS Town Law; and be it further

RESOLVED, that the Town Clerk is hereby directed to post and publish a Notice of Adoption of this Resolution, together with a copy of the Resolution, in the Town’s official newspaper or a daily newspaper alternative within 10 days after its adoption; and be it further

RESOLVED that the Town Clerk file a Certificate of No Petition for Referendum with the Saratoga County Clerk no less than 30 days, and no more than 40 days, after the Notice of Adoption of Resolution Subject to Permissive Referendum has been posted and published.

**Motion** by Councilwoman Masterson and seconded by Councilman Baker to Adopt Resolution No. 27 of 2021.

A roll call was taken on Resolution No. 27 of 2021 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman D’Ambro	YES

Councilwoman Masterson     YES  
Councilwoman Vomacka        ABSENT

**Motion carried.** Resolution No. 27 of 2021 was adopted unanimously.

**Reports**        **Town Board & Dept Heads**

**Parks:** Councilman Baker inquired about opening Glen Hollow Park early. After a brief discussion was held the consensus was to open the park early and possibly put in port a john until the bathrooms can be opened.

Supervisor Kinowski gave a brief update on the Riverside Ballfield.

Councilwoman Masterson brought up the request regarding potential filming at Riverfront Park.

Supervisor Kinowski stated that he talked to the gentleman who made the request and said that they may want to use a bucket truck instead of the scissor device originally planned.

After a lengthy discussion regarding the request, secure device for filming, the wetness of the ground and other potential issues supervisor Kinowski turned it over to Sue Cunningham, Town Clerk, Highway Supt Harris, and Clay (Park Maintenance) to follow up on condition of ground, other potential area of the park for filming and other logistics.

**Public Input:** No public input

**Audited Claims**

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

General	\$15,948.12
Town Outside	\$530.23
Highway	\$5,917.99
Water/Sewer	\$436.02

**Motion carried.**

**Motion** by Councilman D’Ambro and seconded by Councilwoman Masterson to adjourn into executive session at 7:50 pm to litigation. (Note: The Town Board will not resume the regular scheduled meeting).

Respectfully submitted by

Sue Cunningham  
Stillwater Town Board