

**Stillwater Town Board Meeting
Public Hearings- Tax Cap Override & 2022 Budget
November 4, 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
Supt of Highways, Matt Harris
Joe Lanaro, Engineer for the Town
James Trainor, Attorney for the Town

Via Phone: Councilman Artie Baker

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

Sue Cunningham, Town Clerk took the roll call.

Adoption of Minutes: Motion by Councilwoman Masterson and seconded by Councilwoman Vomacka to adopt the minutes of October 21, 2022. **Motion carried.**

Public Hearing Local Law--Tax Cap Override

Purpose: To receive comment from the public on the proposed Local Law to override the 2022 tax cap.

Public Input

A resident requested an explanation of the tax cap.

Supervisor Kinowski gave a brief overview of the purpose the proposed Local Law. He stated that this a standard procedure they do every year. There is no tax increase in the budget but because of State law they do this as a precaution.

Sharon G inquired if this is something that has to be done every year.

Supervisor Kinowski stated that he requests this every year as a precaution but they have not had to use it.

Councilwoman Masterson stated that she does not see a reason for this if they are not over riding the tax cap regarding the budget.

A discussion was held on the tax cap law and that it was not based on a 2% tax cap but a formula.

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

Public Hearing 2022 Budget

Purpose: To receive public comment on the 2022 Budget.

Supervisor Kinowski gave a brief overview on the budget process and stated that there was no tax increase in the proposed 2022 budget.

Public Input

Sharon G commented on the salaries and the hefty increase for some.

Supervisor Kinowski commented on the basis of pay, fund balance and having a healthy salary to maintain good workers. He spoke on how they go above and beyond their work load and the level of work they do.

Sharon G inquired about the salary for Historian when at this time there is no historian.

Supervisor Kinowski stated they kept this on the books until they make a final decision on position of Historian.

Sharon G stated that she just sees salary increases but what about programs for residents.

Councilman D'Ambro commented on the programs at the community center and how the Town subsidizes the programs. This is a way of serving the community as a whole. Supervisor Kinowski stated that the town contributes to the ambulance service, parks, Brown's Beach, Highway, veteran programs, and the hiring of local kids for jobs.

Karen L commented on the salary and jobs being held by Stillwater residents where the money would stay in Stillwater and Town Code regarding positions held by residents. Supervisor Kinowski stated that with some of the positions they needed to go off the county civil service list.

With no other comments Supervisor Kinowski closed the public hearing at 7:30 pm.

Regular Meeting

Agenda Items **Resolutions #83--#87**

Resolution #83 **Approve Purchase of New Police Vehicle**

Introduced by: Supervisor

WHEREAS, the Police Commission reviewed a request to purchase a new Police Sedan to enhance police operations; and

WHEREAS, an opportunity to acquire a 2021 Dodge Charger, VIN# 2C3CDXKG3MH636860 became available and will help fill a gap to provide property Town coverage and necessary backup for vehicles in maintenance; and

WHEREAS, this unit being unmarked, can provide our police the ability to apply stealth surveillance and approach; and

Now, therefore, be it

RESOLVED, the Town Board hereby ratifies, approves and affirms the Police Department's purchase of the 2021 Dodge Charger, VIN #2C3CDXKG3MH636860 at a cost of \$30,200.00.

Motion by Councilman Baker and seconded by Councilwoman Vomacka Adopt Resolution No. 83 of 2021.

A roll call was taken on Resolution No. 83 of 2021 as follows:

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

Motion carried. Resolution No. 83 of 2021 was adopted unanimously.

Resolution #84 **Hire a Part Time Clerk in the Assessor's Office**

Introduced by: Supervisor

WHEREAS, the Town of Stillwater Assessor has determined the need for a part-time clerk; and

WHEREAS, the position was recently vacated by Shirley Harrington;

Now, therefore, be it

RESOLVED, the Town will hire Mrs. Penny D. Davis and her schedule will be 3 – 4 days per week from 10:00 a.m. to 2:00 p.m. at an hourly rate of \$16.00 from November

to March. Ms. Davis will work under the direct supervision of Assessor Colleen Adamec.

Motion by Councilman Baker and seconded by Councilwoman Vomacka Adopt Resolution No. 84 of 2021.

A roll call was taken on Resolution No. 84 of 2021 as follows:

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

Motion carried. Resolution No. 84 of 2021 was adopted unanimously.

Resolution #85 Adopting Local Law No. 2 of 2021--A Local Law to Override the Property Tax Cap For the 2022 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 a Local Law to Override the Property Tax Cap be adopted to exceed the tax cap of approximately two percent (2%) for the 2022 Budget; and

WHEREAS, a public hearing was held on November 4, 2021 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. 2 of 2021, a Local Law to Override the Property Tax Cap for the 2022 Budget is hereby approved.

A motion by Councilman Baker, seconded by Councilwoman Vomacka Adopt Resolution No. 85 of 2021.

A roll call was taken on Resolution No. 85 of 2021 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman D’Ambro	YES
Councilwoman Masterson	NO
Councilwoman Vomacka	YES

Motion carried. Resolution No. 85 of 2021 was adopted unanimously.

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 2022 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, 2021, 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 2022 fiscal year. Furthermore, as the Budget will require a tax levy that is greater than the tax levy limit, this local law is proposed in accordance with New York General Municipal Law section 3-c (5). Following the adoption of this Local Law, the Town Board, vested with the authority to override the tax levy limit for fiscal year 2022, will move to adopt a budget for fiscal year 2022 requiring a real property tax levy in excess of the amount otherwise prescribed in New York General Municipal Law section 3-c.

2. Authority.

This Local Law is enacted pursuant to subdivision five of the New York General Municipal Law section 3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of 60% of the Town Board.

3. Tax Levy Limit Override.

The Town of Stillwater Town Board is hereby authorized to override the tax levy limit established pursuant to New York General Municipal Law section 3-c, for fiscal year 2022, and to adopt a Final Budget for fiscal year 2022 that requires a real property tax levy in excess of the amount otherwise prescribed in New York General Municipal Law section 3-c.

4. Severability.

If any clause, sentence, paragraph, section or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to said clause, sentence, paragraph, section or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such order or judgment shall be rendered.

5. Effective Date.

This Local Law shall become effective immediately upon its filing with The New York Department of State.

Resolution #86 Adopting the Budget for 2022

Introduced by: Supervisor Kinowski

WHEREAS, the Town Board proposed its Preliminary 2021 Budget at a Public Workshop on October 21, 2021 and at a Public Hearing on November 4, 2021, where the Budget was reviewed and comments from the public were received;

Now, therefore be it

RESOLVED, that the final 2022 Budget, a copy of which is on file at both the Supervisor’s office and the Town Clerk’s office, is hereby approved.

Motion by Councilman Baker and seconded by Councilwoman Vomacka Adopt Resolution No. 86 of 2021.

A roll call was taken on Resolution No. 86 of 2021 as follows:

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

Motion carried. Resolution No. 86 of 2021 was adopted unanimously.

Resolution #87 Budget Adjustments

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

Now, therefore, be it

RESOLVED, that the following budget adjustments be approved:

Increase Budget			
B-599	Fund Balance	Riverside scoreboard	11,000.00
	Parks & Rec	Installation	
B-714.2	Parks Contractual	Riverside scoreboard	11,000.00
		Installation	
SS-2120	Sewer Income	To increase budget	1350.00
A-1620.41	Building Contractual	To cover cost of concrete	17,300.00
		Slabs for new oil tanks	
		SACC & Town Hall	
A-599	Building Contractual	To cover cost of concrete	17,300.00
		Slabs for new oil tanks	
		SACC & Town Hall	

Motion by Councilman Baker and seconded by Councilwoman Vomacka to adopt Resolution No. 87 of 2021.

A roll call was taken on Resolution No. 87 of 2021 as follows:

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

Motion carried. Resolution No. 87 of 2021 was adopted unanimously.

Town Board Reports

Councilwoman Vomacka

Cemetery: Councilwoman Vomacka gave a brief report on a preliminary meeting that was held. She stated that there are 16 cemeteries in the Town and once they have been abandoned for 7 years the Town is responsible for them. She spoke on the committee, grants, and funds available.

Councilman Baker

Parks: Councilman Baker stated that Salvadore tree removal will be removing several dead trees from Blockhouse Park. He will also be pursuing a contract for yearly cleanup and landscaping.

John Nett, Police Commissioner spoke on Stillwater ranking #44 out of 100 on a list of safest small Towns in the US.

Supervisor Kinowski

Police: Supervisor Kinowski commented on the old landfill that consist of 43 acres being turned into a gun range for Police safety and training purposes.

Water Tower: Supervisor Kinowski stated that the tower may be taken down soon and an inter-module pole will be put up for the Verizon cell tower.

Water Line: Supervisor Kinowski stated that they are applying for another grant to replace the water line on East St.

Blockhouse: Supervisor Kinowski stated that at the Blockhouse park a Hudson River erosion study will be done.

Public Input

Karen L spoke on the highway signs not being up to code.

Supt Harris stated that he has placed a call to his contact at the state and is waiting for a call back.

A discussion was held on the highway signs and Supervisor Kinowski stated that this is something where they can start the process but not do the signs all at once.

Dick D inquired about the pond digging at the corner of Route 76 and Route 9P.

Lindsey Buck, Town Planner stated that this is being done in the Town of Malta.

Audited Claims

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

General	29,680.27
Town Outside	36,372.05
Highway	8,537.19
Water	492.56
Capital Projects	5,535.00

Motion carried.

Motion by Councilwoman Vomacka and seconded by Councilman D’Ambro to adjourn the Town Board meeting and enter into executive session to discuss a personnel matter at 7:55 pm. **Motion carried.** (Note: The Town Board will not resume the regular meeting)

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk