

Stillwater Town Board Meeting & Public Hearing
(Water Dist.6 ext. #3)
December 16, 2021 7:00 PM
Stillwater Town Hall

Present: Councilman Chris D'Ambro
Councilwoman Ellen Vomacka
Councilwoman Valerie Masterson (Arrived 7:50pm)

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

Via Phone: Councilman Artie Baker

Absent: Supervisor Kinowski

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

Sue Cunningham, Town Clerk took the roll call.

Deputy Supervisor Vomacka commented on the retirement of the Town Clerk, Sue Cunningham and thanked her for her many years of service to the Town.

Public Hearing—Water District 6 Extension 3

Deputy Supervisor Vomacka called the public hearing to order.

Engineer Lanaro gave a brief summary. The general area of the proposed District is proposed to have water supplied by the Town through an existing system connection to the Saratoga County Water Authority system. Water District 6 extension 3 is proposed to provide water to two subdivision development projects, the Cold Springs Road Mix-Use subdivision and the Forest Ridge Mixed-Use Development.

Public Input: No public input.

With everyone having the opportunity to comment Deputy Supervisor Vomacka closed the public hearing.

Special Presentation Chazen-Labela Business Integration

Engineer Lanaro gave a brief presentation in regard to Chazen Company and service provided to the Town of Stillwater over the last 22 years.

A representative of Labela gave a brief presentation on their firm and how the business integration will bring the same trusted services but with expanded services and resources.

Deputy Supervisor Vomacka and Councilman D'Ambro praised Chazen Company for their work over the years and are looking forward to working with them in the future. Councilman D'Ambro commented on the many grants Chazen has acquired for the Town.

Adoption of Minutes: Motion by Councilman Baker and seconded by Councilman D'Ambro to adopt the minutes of December 4, 2021. **Motion carried.**

Councilman Baker thanked the Town Clerk for her many years of service.

Agenda items Resolution #95--#98

Resolution #95 Making a SEQRA determination regarding the Formation of Water District #6 Extension 3

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 previously prepared by Chazen Companies when the application was submitted in 2021, a copy which is on file in the Town Planner's Office; and

WHEREAS, the Map, Plan and Report dated November 10, 2021 indicates no significant environmental impacts as a result of the proposed extension formation; and

WHEREAS, a Public Hearing was conducted at the Town Board meeting on December 16, 2021 at which time the environmental impacts of the project were presented and discussed; and

Now, therefore, be it

RESOLVED, that the Town Board has determined that the proposed Formation of Water District 6, Extension 3 is an Unlisted Action pursuant to 6 NYCRR Part 617 (SEQRA), has determined that the Town Board should be declared the lead agency, and 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 Baker seconded by Councilman to adopt Resolution No. 95 of 2021.

A roll call was taken on Resolution No. 95 of 2021 as follows:

Supervisor Kinowski	Absent
Councilman Baker	Yes
Councilwoman Vomacka	Yes
Councilman D'Ambro	Yes
Councilwoman Masterson	Absent

Motion carried. Resolution No. 95 of 2021 was adopted unanimously.

**Resolution #96 Establishing Extension 3
to Consolidated Water District 6**

Introduced by: Supervisor

WHEREAS, a Map Plan and Report, ("MPR") dated November 10, 2021, by the Chazen Companies, a copy of which is attached hereto and has been filed with the Town Clerk's Office for public inspection, providing for a water district extension to be known as the Extension 3 to Consolidated Water District 6 (the "District") as more particularly described in the attached MPR; and

WHEREAS a Public Hearing was held by the Town Board at its regularly scheduled meeting on December 16, 2021, to consider the formation and environmental impact of the Extension 3, Consolidated Water District 6 pursuant to Article 12-A of the NYS Town Law as described in the attached Notice of Hearing, and the public was given an opportunity to comment thereon; and,

WHEREAS, the attached Map, Plan and Report provides a description of the boundaries of Extension 3 to Water District 6, the improvements proposed, the maximum amount to be expended, the proposed method of financing and the environmental significance thereof;

Now, therefore, be it

RESOLVED, that the Town Board makes the following findings and conclusions pursuant to Article 12-A of the New York Town Law:

1. That the Notice of Public Hearing was published and posted as required by law and is otherwise sufficient;
2. That all the property and property owners included within the proposed extended District are benefited thereby;
3. That all the property and property owners benefitted are included within the limits of the proposed extended District;
4. That the establishment of the extended District is in the public interest;
5. That the expenses for the formation of the extended District and the construction of any improvements shall be assessed, levied and collected on a benefit basis from the owners within the extended District;
6. That the establishment of the extended District and any construction of water system improvements required for it are hereby approved at a cost to the extended district of \$713 Total Annual Cost per Typical Single Family Home;
7. That following review of the Short Environmental Assessment Form and after due deliberations thereon, the Town Board conducted an Uncoordinated Review of the Unlisted Action and issued a Negative Declaration (Determination of Non-Significance) pursuant to the provisions of Article 8 of the New York Environmental Conservation Law (SEQRA); and be it further,

RESOLVED, that Extension 3 to Consolidated Water District 6 be established in the Town, and will include those parcels of property set forth in the map and description annexed to the attached Map, Plan and Report; and it is further;

RESOLVED, that submission of an application for approval to the State Comptroller is not required as the cost to the typical homeowner is estimated at \$713 per year, far below the threshold of \$887 per year requiring Comptroller approval; and be it 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.

A motion by Councilman Baker seconded by Councilman D'Ambro to adopt Resolution No. 96 of 2021.

A roll call was taken on Resolution No. 96 of 2021 as follows:

Supervisor Kinowski	Absent
Councilman Baker	Yes
Councilwoman Vomacka	Yes
Councilman D'Ambro	Yes
Councilwoman Masterson	Absent

Motion carried. Resolution No. 96 of 2021 was adopted unanimously.

**Resolution #97 Authorize the Supervisor to Renew
Board of Assessment Review Grievance Intermunicipal Agreement**

Introduced by: Supervisor Kinowski

WHEREAS, members of the Board of Assessment Review ("BARs") of the Towns of Malta and Stillwater at times may wish to challenge assessments of real property they own in their respective Towns; and

WHEREAS a conflict of interest exists with respect to BARs hearing challenges to assessments of real property owned by their members; and

WHEREAS the Town of Malta is willing to enter into an agreement allowing the BARs of the respective Towns to hear such assessment challenges of BAR members from the other Town;

Now, therefore, be it

RESOLVED, that the Town Supervisor is authorized and directed to renew the attached Board of Assessment Review Grievance Intermunicipal Agreement with the Town of Malta annexed hereto for another three years.

Motion by Councilwoman Baker and seconded by Councilman D'Ambro to adopt Resolution No. 97 of 2021.

A roll call was taken on Resolution No. 97 of 2021 as follows:

Supervisor Kinowski	Absent
Councilman Baker	Yes
Councilwoman Vomacka	Yes
Councilman D'Ambro	Yes
Councilwoman Masterson	Absent

Motion carried: Resolution No. 97 of 2021 was adopted unanimously.

**RESOLUTION #98 A Resolution to Adopt Year End Budget
Transfers and Corrections**

Introduced by: Supervisor

WHEREAS, certain year end budget transfers and corrections to contingent appropriations should be undertaken to maximize the use of 2021 appropriated funds; and

WHEREAS, the Office of Fiscal Management will work with the Supervisor to finalize all transactions for fiscal close-out, ensure the necessary transfer and use of unexpended balances to balance the 2021 budget, make corrections to contingent appropriations with the 2021 budget, adjust the distribution of sales tax revenues between B and DB Funds, as required by the board, and encumber the necessary funds to pay unpaid 2021 obligations;

Now, therefore, be it

RESOLVED, that the Town Board hereby approves the described year end budget transfers, corrections to contingent appropriations and adjustments to the distribution of sales tax revenues; and be it further

RESOLVED that the Town Board hereby directs the Office of Fiscal Management to work with the Supervisor to make the appropriate transfers and corrections and annotate the same in the Town's financial records.

A motion by Councilman Baker, seconded by Councilman D'Ambro, to adopt Resolution No. 98 of 2021.

A roll call was taken on Resolution No. 98 of 2021 as follows:

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

Motion carried. Resolution No. 98 of 2021 was adopted unanimously.

Public Input

Dan Coffey (Attorney) representing residents from Secretariat Lane in the Saratoga Glen Development spoke on the proposed amendment changes and the sunset provision within the original PDD. If the owner does not build all lots within five years, the PDD expires and the parcels revert back to the original zoning. He also spoke on the owner having the right to request a two-year extension which was never requested, granted and that also would have expired. Mr. Coffey also read a statement from another resident against the proposed amendment.

Andrew Brick (Attorney) representing TDNI stated that they do not believe the sunset is warranted and the Town should uphold the zoning. If residents are challenging the zoning law it belongs in a court of law and not at a Town Board meeting. He also stated that the owner of PDD has the right to request an extension, with no time line of when the request has to be made, he is formally requesting a two-year extension.

Karen L commented on the Town road signs not being up to state standards and if they plan on correcting this. She also questioned work being done prior to site plan approval, why she has not received a copy of a letter from DEC she requested in regard to Town property on County Rd 76, agenda items and information not being made available online prior to a meeting, FOIL information and why certain records of correspondence are not filed with the Town Clerk for record retention.

Supt Harris stated that the color of road signs was adopted by prior administration and the State standards are being rewritten.

Councilman D'Ambro stated that it is hard to know what is going to be on the agenda since things are removed and added right up until the meeting sometimes.

Discussion was held on the posting of agenda items and when to post.

A discussion was held on the FOIL process and the Town Clerk explained her duties and the appeal process.

Sharon C inquired if they had an update on the water runoff from Revolutionary Heights to Sunrise Lane.

Supt Harris stated that he met with Engineer Lanaro and they did a walk thru.

Engineer Lanaro stated they need to define what approach to take to manage the drainage and stormwater.

Sarah a resident of Saratoga Glen questioned the proposed changes in regard to it being two separate parcels. She stated that it would not amend but expand the proposed changes. She requested that they look at the impact, defend the zoning, and asked if the application was within the boundaries of the PDD.

Attorney Trainor stated that they are looking to expand the boundaries and that it was within the boundaries.

Sara suggested they look at the process and clarify the process at the beginning of the public hearing.

Audited Claims

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

General	\$20,181.41
Town Outside	\$6,537.84
Highway	\$31,708.38
Water / Sewer	\$2,387.32
Capital Projects	\$182.69

Motion carried.

Motion by Councilman D'Ambro and seconded by Councilman Baker to adjourn the Stillwater Town Board meeting at 8:10 pm. **Motion carried.**

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk