



# TOWN OF STILLWATER

ESTABLISHED 1788 – SITE OF THE TURNING POINT OF THE AMERICAN REVOLUTION

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## Town Board Meeting Minutes April 20, 2023- 7:00 PM at Stillwater Town Hall

**Present:** Supervisor Ed Kinowski  
Councilman Artie Baker (via zoom)  
Councilman Chris D'Ambro  
Councilwoman Ellen Vomacka  
Councilwoman Valerie Masterson

**Also Present:** Danielle Cowin, Town Clerk  
Matt Harris, Superintendent of Highways  
James Trainor, Attorney for the Town  
Joe Lanaro, Engineer for the Town  
John Nett, Police Commissioner

**Absent/Excused:** None.

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

Danielle Cowin, Town Clerk took the roll call.

### **Adoption of Minutes:**

**Motion** by Councilperson D'Ambro and seconded by Councilperson Masterson to adopt the minutes of March 16 and April 6 of 2023.

**Motion carried.**

### **Agenda Items**

**Bid opening** for fuel, heating oil and diesel.

Town Clerk opened each bid, read price, mark up and today's price. John Ray & Sons and the G.A. Bove and Sons Inc. were the only two bids that applied. The Town Clerk will make copies of each bid to give to the Superintendent of Highway, Matt Harris. The original bids will remain filed in the Town Clerk's Office.

### **Presentation on Proposed Transfer of Development Rights Law**

**Matt Rogers of La Bella Associates**

The Town of Stillwater Comprehensive Plan/GEIS recommends the Town adopt a Transfer of Development Rights (TDR) law to encourage development in appropriate locations, while reducing sprawl and the loss of farmland and key open space areas. The TDR law is intended to allow for unused development rights within existing and future T2 Zoning Districts to be

transferred to areas where higher density development is being encouraged. The proposed local law provides a means for direct transfer between land owners and developers when combined with a site plan or subdivision review process.

A Public Hearing will be announced soon and the public will have input at that time.

**Resolutions No. 20 & 23-28 of 2023 ALSO Resolution No. 29 added  
Resolution No. 20**

**A Resolution Approving the Highway §284 Plan for 2023**

Introduced by: Supervisor

WHEREAS, the attached Agreement has been proposed by the Highway Superintendent for Budget Year 2023; and

WHEREAS, Resolution 20 was TABLED at the April 6<sup>th</sup> Town Board Meeting; and

WHEREAS, the Town Board has reviewed the Agreement and finds it acceptable;

Now, therefore, be it

RESOLVED, that Resolution 20 is hereby restored to the table for voting; and be it further

RESOLVED, that the attached Highway §284 Plan is hereby approved for Budget Year 2023; and be it further

RESOLVED, that the Supervisor, Superintendent, and Town Board Members are authorized to Sign the Agreement.

**Motion** by Councilperson D'Ambro, seconded by Councilperson Vomacka, to adopt Resolution No. 20 of 2023.

A roll call vote was taken on Resolution No. 20 of 2023 as follows:

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

**Motion carried.** Resolution No. 20 of 2023 was adopted at a meeting of the Town Board of the Town of Stillwater duly conducted April 20, 2023.

**Resolution No. 23**

**A Resolution Approving a Defibrillator for a Town Emergency Services Location**

Introduced by: Supervisor

WHEREAS, the Town has determined that a need exists for a Defibrillator at a Town Emergency Services Location; and

WHEREAS, the Supervisor is proposing to expend up to \$1,500.00 for the purchase of a Defibrillator for the Town Emergency Services Location at the American Legion Post 490.

Now, therefore, be it

RESOLVED, that the Town Board hereby approves the expenditure of up to \$1,500.00 to purchase a Defibrillator for the Town Emergency Services Location at American Legion Post 490.

**Motion** by, Councilperson D'Ambro, seconded by Councilperson Vomacka, to adopt Resolution No. 23 of 2023.

A roll call vote was taken on Resolution No. 23 of 2023 as follows:

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

**Motion carried.** Resolution No. 23 of 2023 was adopted at a meeting of the Town Board of the Town of Stillwater duly conducted on April 20, 2023.

#### **Resolution No. 24**

##### **A Resolution of the Town Board's Intent to Serve as SEQRA Lead Agency Regarding its Proposed TDR Local Law**

Introduced by: Supervisor

WHEREAS, the Town Building, Planning and Development Department has submitted a proposed Transfer of Development Rights ("TDR") local law for the Town Board's consideration; and

WHEREAS, the Town Board feels it is appropriate to conduct a coordinated review of the proposed legislation pursuant to the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Town Board wishes to have notices sent to potential involved or interested agencies of the Board's intent to serve as Lead Agency for the SEQRA review.

Now, therefore, be it

RESOLVED, that the Town Board hereby declares its intent to serve as Lead Agency for the SEQRA review of the proposed TDR local law; and be it further

RESOLVED, that the Town Planner is hereby requested to send a Letter of Intent to Serve as Lead Agency to all involved or interested agencies regarding the TDR SEQRA review

**Motion** by Councilperson D’Ambro, seconded by Councilperson Vomacka, to adopt Resolution No. 24 of 2023.

A roll call vote was taken on Resolution No. 24 of 2023 as follows:

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

**Motion carried.** Resolution No. 24 of 2023 was adopted at a meeting of the Town Board of the Town of Stillwater duly conducted on April 20, 2023.

### **Resolution No. 25**

**A Resolution Setting a Public Hearing to Consider Local Law No. \_\_\_\_,  
a Local Law Establishing a Transfer of Developmental Rights Program**

Introduced by: Supervisor

WHEREAS, the Town Board is considering establishing a Transfer of Development Rights (“TDR”) program to promote and conserve open space in the Town; and

WHEREAS, the attached draft of the TDR Local Law has been created through the involvement of many interested people in town and is now ready for public review.

Now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for May 18, 2023 at 7:00 pm at the Stillwater Town Hall, 881 Hudson Avenue, Stillwater, NY to consider Local Law No. \_\_\_\_, a local law establishing a TDR program in the Town of Stillwater; and be it further

RESOLVED, that the Town Clerk is requested to publish notice of the public hearing at least 5, but no more than 20, days before the public hearing in the Town’s official newspaper.

**Motion** by Councilperson D’Ambro, seconded by Councilperson Vomacka, to adopt Resolution No. 25 of 2023.

A roll call vote was taken on Resolution No. 25 of 2023 as follows:

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

**Motion carried.** Resolution No. 25 of 2023 was adopted at a meeting of the Town Board of the Town of Stillwater duly conducted on April 20, 2023.

**Resolution No. 26**

**A Resolution Authorizing the Supervisor to Sign Two Agreements Regarding the Transfer of the Luther Forest Technology Campus from LFTCEDC to GF Innovation LLC**

Introduced by: Supervisor

WHEREAS, in 2008 the Town of Stillwater adopted the Luther Forest Technology Campus Planned Development District (“PDD”) which, among other things, required certain responsibilities and obligations from the landowners within the PDD area; and

WHEREAS, in 2009 the Luther Forest Technology Campus Economic Development Corporation (“LFTCEDC”) signed a Declaration of Covenants, Conditions and Restrictions (“Declaration”) whereby it undertook certain responsibilities and obligations to maintain the property it owned on the Luther Forest Technology Campus (“LFTC” or “Campus”); and

WHEREAS, the Declaration requires LFTCEDC to notify and obtain the consent of the Town of Stillwater to a proposed transfer of land on the Campus and to ensure that the property transferee undertakes LFTCEDC’s obligations under the Declaration and PDD; and

WHEREAS, one of the obligations to be undertaken by the property transferee is to undertake to maintain the Non-Standard Features within the rights-of-way of the sections of Luther Forest Boulevard and Luther Forest Boulevard Extension located within the Town of Stillwater.

Now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to sign an Agreement with Saratoga County and GlobalFoundries Innovation LLC whereby the ownership of the portions of Luther Forest Boulevard and Luther Forest Boulevard Extension located in the Town of Stillwater will be transferred to the County and the maintenance of the Non-Standard Features within the road rights-of-way will be undertaken by either GlobalFoundries Innovation LLC or the County of Saratoga; and be it further

RESOLVED, that the Town Board also hereby authorizes the Supervisor to sign an Assignment and Assumption Agreement transferring LFTCEDC’s obligations under the Declaration to GlobalFoundries Innovation LLC, the proposed property transferee; and be it further

RESOLVED, that this Resolution authorizing the conveyance of Town real property is subject to a permissive referendum pursuant to NYS Town Law §§64 and 220; and be it further

RESOLVED, that the Town Clerk is hereby requested to publish a Notice of the Adoption of this Resolution to enter into a conveyance Agreement with Saratoga County in both the Mechanicville Express and the Schenectady Gazette as required by law.

**Motion** by Councilperson D'Ambro, seconded by Councilperson Vomacka, to adopt Resolution No. 26 of 2023.

A roll call vote was taken on Resolution No. 26 of 2023 as follows:

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

**Motion carried.** Resolution No. 26 of 2023 was adopted at a meeting of the Town Board of the Town of Stillwater duly conducted April 20, 2023.

### **Resolution No. 27**

#### **A Resolution Authorizing One-Day Marriage Officiant Licenses**

Introduced by: Supervisor

WHEREAS, the NYS Domestic Relations Law, Chapter 14, Article 3 has been amended for Town/City Clerks to provide for designation of a one-day marriage officiant license, which became effective March 28, 2023, and

WHEREAS, the authority is limited to applicants who want to marry a couple to whom the Town Clerk issued a marriage license and limited to the specific couple identified in the application and for that specific ceremony; and

WHEREAS, the NYS legislation clearly states the information to be included in the application for a one-day officiant license and its requirements, and entitles the Town Clerk to collect a twenty-five-dollar fee for the service to be retained by the Town.

Now, therefore, be it

RESOLVED, that the Town Clerk is authorized to accept applications for and issue One-Day Marriage Officiant Licenses upon ensuring that all NYS requirements are met and may collect a twenty-five-dollar fee to be retained by the Town.

**Motion** by Councilperson D'Ambro, seconded by Councilperson Vomacka, to adopt Resolution No. 27 of 2023.

A roll call vote was taken on Resolution No. 27 of 2023 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilwoman Vomacka	YES

Councilman D'Ambro        YES  
Councilwoman Masterson    YES

**Motion carried.** Resolution No. 27 of 2023 was adopted at a meeting of the Town Board of the Town of Stillwater duly conducted on April 20, 2023.

**Resolution No. 28**

**A Resolution Allowing an Alternate Water Connection for the Hudson Heights Apartment Complex**

Introduced by: Supervisor

WHEREAS, the Turning Point PDD legislation contained in the Town Code currently requires that the developer establish a secondary water connection through the Hudson Heights Apartment complex to the public water main on Brickyard Road; and

WHEREAS, the developer has requested via the attached letter, and the Town's Highway Superintendent recommends, that the secondary water connection requirement be waived to allow just the primary connection to a private water line located at the end of Artillery Approach; and

WHEREAS, Section 144 of the Turning Point PDD legislation provides that the Town Board may, upon the request of the owners of the site, modify any of the provisions of the PDD local law upon such terms as the Town Board determines to be reasonable.

Now, therefore, be it

RESOLVED, that pursuant to the authority contained in Section 144 of the PDD legislation, the Town Board hereby waives the current PDD requirement for the developer to establish a secondary water connection to the public water main at Brickyard Road and instead utilize a private water line as the primary water source connection for the Hudson Heights Apartment complex, conditional upon the private water line being designed and constructed to Town of Stillwater Consolidated Water District standards.

**Motion** by Councilperson D'Ambro, seconded by Councilperson Vomacka, to adopt Resolution No. 28 of 2023.

A roll call vote was taken on Resolution No. 28 of 2023 as follows:

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

**Motion carried.** Resolution No. 28 of 2023 was adopted at a meeting of the Town Board of the Town of Stillwater duly conducted on April 20, 2023.

**Resolution No. 29**

**A Resolution Authorizing Change Order No. 1for the East Street Neighborhood Watermain Replacement Project**

Introduced by: Supervisor

WHEREAS, Kubricky Construction has submitted Change Order No. 1 to the East Street Watermain Replacement Project for total of \$110,000.00 to cover its overtime charges in dealing with unexpected conditions on the project; and

WHEREAS, LaBella Associates has also incurred additional contract administration expenses to oversee Kubricky’s overtime work by an additional \$52,000.00.

Now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to sign Change Order No. 1 to the East Street Neighborhood Watermain Replacement Project to pay the Kubricky Company the additional amount of \$110,000.00; and

RESOLVED, that the Town Board hereby approves an additional payment to LaBella Associates in the amount of \$52,000.00 for additional contract administration expenses.

**Motion** by Councilperson D’Ambro, seconded by Councilperson Vomacka, to adopt Resolution No. 29 of 2023.

A roll call vote was taken on Resolution No. 29 of 2023 as follows:

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

**Motion carried.** Resolution No. 29 of 2023 was adopted at a meeting of the Town Board of the Town of Stillwater duly conducted on April 20, 2023.

**Topics for discussion**

**Supervisor Kinowski**

Stated there is a contract change with Global Foundries LFTEC. See Resolution No. 26 applied above.

Budget monies- Marriage officiant fees will go into the general fund account.

**Joe Lanaro- La Bella Engineers**

Construction contract change order- East St. has started with Tom Kubricky and they encountered unforeseen structures. A lot of items need to be repaired which resulted in more



work and labor hours, Increase in contract by \$110,000.00. This will need to take place at this or the next board meeting.

The contractor will need this to be executed as the first payment needs to include this work. This is a 10% change from original which includes a 10% contingency. Currently at 2 weeks into a 4-month process. This is the worst section of the town.

Any forthcoming changes need to be approved by the Town Board.

Supervisor Kinowski explained process of resolutions and the public input process at meetings.

Storm water management will be available on website and at town hall, first week of May.

### **Public Input**

Don, resident of 1512 Route 4, questioned why do we have a TDR program, what makes it Ok? Supervisor Kinowski recommended they attend the public hearing on May 18<sup>th</sup>.

Supervisor Kinowski spoke of enforcement in town codes. A lot of complaints with residents riding ATV, etc. fast and loud up and down neighborhood roads. Putting livestock on properties where they are not allowed. Residents are starting to look at greens and animals on their properties. He added, we will start to address. Police commissioner and Chief of police will look into codes.

Josh, resident from Soshine Farm Rd., asked about minutes and when they are posted. It was explained that meeting minutes are drafted and approved by next board meeting then posted on website.

### **Other Business**

#### **Councilperson Masterson**

Stated she and Danielle Cowin, Town Clerk, met with E Waste company regarding the possibility of having an electronics day or days in our town and will send Matt the materials. Further discussion to be determined.

Town wide cleanup day is May 6<sup>th</sup>. Village garage sales same weekend along with a car show at the school.

#### **Supervisor Kinowski**

The framing is up on the public safety building and moving along.

A flag of the Town of Stillwater was created by a student named – Tim Van Vracken years ago and was excepted by the Town Board.

#### **Councilperson Vomacka**

Working with town historian on a historical trail starting at the Blockhouse and ending at the National Cemetery for the 250<sup>th</sup> Saratoga County Bicentennial Celebration.

Boy Scouts will start painting the interior of the blockhouse for their community service.

Financial Officer's report for the month of April of 2023.

**Audited Claims**

General	\$11906.78
Town Outside	\$ 6660.15
Highway	\$13118.15
Water	\$ 8581.11

**Motion** by Councilperson Vomacka and seconded by Councilperson Masterson to pay the audited claims.

**Motion carried.**

**Motion** by Councilperson Vomacka and seconded by Councilperson D'Ambro to adjourn the Town Board meeting at 8:05 pm.

**Motion carried.**

Respectfully submitted by

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Danielle Cowin  
Stillwater Town Clerk