



TOWN OF STILLWATER

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

Town Board Meeting Minutes June 1, 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: Matt Harris, Superintendent of Highways
Barbara McManus Deputy Town Clerk
James Trainor, Attorney for the Town
Joe Lanaro, Engineer for the Town
John Nett, Police Commissioner

Absent/Excused: Danielle Cowin, Town Clerk

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

Barbara McManus, Deputy Town Clerk took the roll call.

Adoption of Minutes:

Motion by Councilwoman Vomacka and seconded by Councilman D'Ambro to adopt the minutes of May 18, 2023.

Motion carried.

Agenda Items Public Hearing: Farley Estates PDD
Resolutions No.36-39 of 2023

Lansing Engineering was present for the owner to answer questions on the proposed apartments and convenience store/gas station.

Public Input

J. Erno, stated that it is a project that is out of character for this rural area. The area is not walkable with traffic now and will become more dangerous with added traffic.

M. VanPatten wondered how many acres project is being built on and doesn't believe the town should allow this change to the area,

D. VanPatten questioned the minimum requirement for apartment buildings and how it would affect the school

J. Boel commented that all their money has been put into their homes and believes there will be too many cars with apartments creating more traffic concerns ruining the surroundings of their home.

A Mackay commented that the area is being too overdeveloped ruining the original nature of the area.

C. Dunn has concerns about the developer. She also questioned the wood operation at the top of the hill by the builder, and she is also concerned gas station being built on such a small parcel where there are underwater springs.

Lansing Engineer answered that a geotechnical analysis would be done to make sure the plan would be allowable.

L. Dunn asked what school district the project would be in. In the past has been Stillwater but the plans indicate Shenendehowa?

L. Mormile commented that Stillwater is constantly changing and what would be the advantage to this project.

Supervisor Kinowski did respond that there would be added revenue to the town, no impact on Stillwater schools and more residences will entice more businesses coming to this area.

D. Galarneau wanted to know what type of apartments were proposed.

Lansing Engineer replied not luxury, affordable apartments for average price.

E. Arnold already believes there are traffic problems pulling out and request a speed change on Farley Road.

L. Dinardo wanted to know if the police are part time because they do not see a patrol in the Farley road area.

Discussion was held.

The Public hearing was closed at 8:03 and will be passed on to the Planning Board for review.

Resolution No.36

A Resolution Authorizing HVAC System Emergency Replacement at the main Brown's Beach Building

Introduced by: Supervisor

WHEREAS, the HVAC system for both heat and air conditioning at the main Brown's Beach building became inoperable last week and the beach season has begun; and

WHEREAS, the two gas furnaces that provide heat and air conditioning need to be replaced on an emergency basis and Colonie Mechanical Contractors Inc. has provided a quote to do the work which is less than the monetary thresholds requiring competitive bidding.

NOW, therefore, be it

RESOLVED, that the Town Board hereby approves the emergency replacement of the two gas furnaces with Air Conditioning by Colonie Mechanical Contractors Inc at a cost not to exceed \$18,714.00.

Motion by Councilman D’Ambro, seconded by Councilwoman Masterson, to adopt Resolution No. 36 of 2023.

A roll call vote was taken on Resolution No. 36 of 2023 as follows:

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

Resolution No. 36 of 2023 was adopted at a meeting of the Town Board of the Town of Stillwater duly conducted on June 1, 2023.

Resolution No. 37

**A Resolution Authorizing the Advertisement for
Bids for Replacement of the SACC Roof**

Introduced by: Supervisor

WHEREAS, the Town Board has identified that the roof needs to be replaced at the Stillwater Area Community Center (“SACC”); and

WHEREAS, the attached Invitation to Bid describes the full scope of the project; and

WHEREAS, pursuant to the General Municipal Law it is necessary to advertise for competitive bidding in connection with the project;

Now, therefore, be it

RESOLVED, that the Town Clerk is hereby authorized to advertise for bids in accordance with General Municipal Law section 103 per the attached Invitation to Bid.

Motion by Councilman D’Ambro, seconded by Councilwoman Masterson, to adopt Resolution No. 37 of 2023.

A roll call vote was taken on Resolution No. 37 of 2023 as follows:

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

Resolution No. 37 of 2023 was adopted at a meeting of the Town Board of the Town of Stillwater duly conducted on June 1, 2023.

Resolution No. 38

A regular meeting of the Town Board of the Town of Stillwater, Saratoga County, New York was convened in public session at the Town Hall in said Town on June 1, 2023 at 7:00 p.m., local time.

The meeting was called to order by Edward D. Kinowski, and, upon roll being called, the following members were:

PRESENT:

Edward D. Kinowski	Supervisor
Arthur Baker	Councilman
Christopher D’Ambro	Councilman
Ellen Vomacka	Councilwoman
Valerie Masterson	Councilwoman

ABSENT: None – all were present.

The following persons were ALSO PRESENT:

Barbara McManus	Deputy Town Clerk
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The following resolution was offered by Christopher D’Ambro, seconded by Valerie Masterson, to wit;

**RESOLUTION NO. 38 of 2023
BOND RESOLUTION DATED JUNE 1, 2023**

A RESOLUTION SUPPLEMENTING A BOND RESOLUTION DATED AUGUST 18, 2022, AUTHORIZING THE ISSUANCE OF ADDITIONAL SERIAL BONDS OF THE TOWN OF STILLWATER, SARATOGA COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$900,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE CONSTRUCTION OF A PUBLIC SAFETY FACILITY AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, pursuant to a bond resolution dated August 18, 2022 (the “Prior Resolution”), the Town Board of the Town of Stillwater, Saratoga County, New York (the “Town”) authorized the issuance of serial bonds of the Town in an amount not to exceed \$4,500,000 to finance the construction of a public safety facility at an estimated maximum cost of \$4,500,000; and

WHEREAS, the Town Board of the Town has determined that, due to increased costs of materials and services, additional funds are required to finance said purpose and desires to supplement the Prior Resolution by authorizing the issuance of additional serial bonds of the Town in an amount not to exceed \$900,000;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town (by the favorable vote of not less than two-thirds of all of the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as “purpose”) to be financed pursuant to this resolution is the construction of a 13,010 square-foot public safety facility on County Route 76 to house the

Town's police department, emergency medical services and court offices. The estimated maximum cost of said purpose is \$5,400,000.

SECTION 2. The Town Board plans to finance the additional cost of said purpose by the issuance of additional serial bonds of the Town in an amount not to exceed \$900,000, hereby authorized to be issued therefor pursuant to the Local Finance Law. The balance of the cost of said purpose, that being \$4,500,000, shall be financed as provided in the Prior Resolution.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 11(b) of paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is twenty-five (25) years.

SECTION 4. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will be in excess of five (5) years.

SECTION 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 6. The proceeds of the bonds authorized by this resolution, and any notes issued in anticipation thereof, may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the specific purpose set forth herein. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations.

SECTION 7. Each of the bonds authorized by this resolution, and any notes issued in anticipation thereof, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on said bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

SECTION 8. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes, and the power to prescribe the terms, form and contents of said serial bonds and said bond anticipation notes (including, without limitation, dates, denominations, maturities, interest payment dates, consolidation with other issues, manner of execution and redemption rights), and the power to determine to issue said bonds providing for substantially level or declining debt service, and the power to sell (including, without limitation, receipt of bids submitted in an electronic format) and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of said bonds, are hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Town Clerk is hereby authorized to affix the corporate seal of the Town to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 9. The Town Supervisor is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or

(3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 11. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in The Express Newspaper and The Daily Gazette, two newspapers having a general circulation in the Town and hereby designated as the official newspapers of the Town for such publication, after the period of time shall have elapsed for the submission and filing of a petition for a permissive referendum and a valid petition shall not have been submitted and filed.

SECTION 12. This resolution is adopted subject to a permissive referendum pursuant to Section 35.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Edward D. Kinowski	YES
Arthur Baker	YES
Christopher D'Ambro	YES
Ellen Vomacka	YES
Valerie Masterson	YES

The foregoing resolution was thereupon declared duly adopted on June 1, 2023.

Resolution No. 39

A Resolution Authorizing the Supervisor to Sign A Listing Agreement for the Sale of the Town's Ambulance Property

Introduced by: _____ Supervisor _____

WHEREAS, the Town has identified the need for selling its surplus property at 915 Hudson Avenue; and

WHEREAS, Joseph D'Agostino of Howard Hanna Real Estate Services has proposed to list and market the properties for the Town per the attached Listing Agreement.

Now therefore, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to sign the attached Listing Agreement for the sale of the Town's ambulance property at 915 Hudson Avenue with Joseph D'Agostino of Howard Hanna Real Estate Services; and be it further

RESOLVED, that the eventual sale contracts for the Town's surplus real estate will be subject to a permissive referendum in accordance with the New York State Town Law.

Motion by Councilman D'Ambro seconded by Councilwoman Masterson to adopt Resolution No. 39 of 2023.

A roll call was taken on Resolution No. 39 of 2023 as follows:

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

Resolution No. 39 of 2023 was adopted at a meeting of the Town Board of the Town of Stillwater duly conducted on June 1, 2023.

Audited Claims

The Town Clerk presented the following reports for the Town Board review. The Town Clerk's Monthly report and the Financial Officer's report for the month of May 2023.

Audited Claims.

General	\$6130.84
Town Outside	\$10963.95
Highway	\$86403.35
Water	\$2469.77

Prepaid Audited Claims

General	\$60466.18
Outside	\$30212.09
Highway	\$218,101.79
Capital Projects	\$1,341,332.94
Water/Sewer	\$109,717.74
Trust & Agency	\$27646.64
Lighting	\$2750.07
Total	\$1790,227.45

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

Motion carried.

Motion by Councilwoman Masterson and seconded by Councilman D'Ambro to adjourn into executive session re: litigation at 8:20 pm. **Motion carried.** (Note: The Town Board will not resume back into the regular Town Board meeting.)

Respectfully submitted by

Barbara McManus, Deputy Town Clerk