



TOWN OF STILLWATER

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

Town Board Meeting Minutes February 1, 2024 - 7:00 PM at Stillwater Town Hall

Present: Supervisor Ed Kinowski
Councilman Artie Baker- via Zoom
Councilman Chris D'Ambro
Councilwoman Ellen Vomacka
Councilwoman Jennifer Weaver

Also Present: Matt Harris, Superintendent of Highways
Danielle Cowin, Town Clerk
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 Baker to adopt the minutes of January 18, 2024

Motion carried.

Agenda Items **Resolutions No. 4-5**

Resolution No. 4

A Resolution Authorizing the Supervisor to Extend an Agreement for Landscaping

Introduced by: Councilman Baker

WHEREAS the Town solicited and considered several landscaping proposals last year in order to ensure all Town parks and buildings were presentable to the public and were receiving proper yearly maintenance; and

WHEREAS, in Resolution 35 of 2023, the Town Board selected Paul’s Lawn Care LLC to provide all necessary landscaping services to the Town Hall and five town parks from May through November 2023 and has been pleased with the services rendered.

NOW therefore, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to extend the 2023 Agreement with Paul’s Lawn Care LLC, as provided in the attached proposal, to provide landscaping services at Town Hall, Route 4 Park, Glen Hollow Park, Brown’s Beach, Turning Point Park and Frog Island Park from May through November 2024 at a cost of \$18,860.00 for the season.

MOTIONED BY Councilperson D’Ambro, seconded by Councilperson Weaver, to adopt Resolution No. 4 of 2024.

A roll call vote was taken on Resolution No. 4 of 2024 as follows:

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

Resolution No. 4 of 2024 was adopted at a meeting of the Town Board of the Town of Stillwater duly conducted on February 1, 2024.

Resolution No. 5

A Resolution Approving the Purchase of Highway Equipment

Introduced by: Supervisor

WHEREAS, the Highway Superintendent has recommended the purchase of a 2024 RAM 350 with enclosed body for the water department off contract ONGOV-106-19, which does not require competitive bidding; and

WHEREAS the purchase price will not exceed \$75,000.00 and will be paid for out of 2024 budgeted funds for the water department.

NOW therefore be it,

RESOLVED, that the Town Board hereby approves the purchase of a 2024 RAM 350 with enclosed body for the water department off contract ONGOV-106-19 at a purchase price not to exceed \$75,000.00, to be paid for from 2024 water budgeted funds.

MOTIONED BY Councilperson D’Ambro, seconded by Councilperson Weaver, to adopt Resolution No. 5 of 2024.

A roll call vote was taken on Resolution No. 5 of 2024 as follows:

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

Resolution No. 5 of 2024 was adopted at a meeting of the Town Board of the Town of Stillwater duly conducted on February 1, 2024.

Discussion

Supervisor Kinowski stated Paul’s Lawn Care contract has been extended with no increase in price.

Public Input

Resident, L. Buchal thanked the highway department for moving the courts belongings and furniture up to the new building on Route 76.

With no other comments, public input closed at 7:05 pm

Other Business

Highway Superintendent, Matt Harris

Reported they need to keep up with replacing equipment every year to a year and a half.

Supervisor Kinowski

Reported all three occupants (Court, EMS and Police) are moved into the new Public Safety Facility located on Route 76. Looking at an open house celebration end of March or early April.

Court proceedings will start on February 7th, 2024. A notice will be sent to the Express newspaper.

Councilperson Vomacka

Met with a new vendor to replace the Pony Paddock at the beach. This vendor will be serving ice cream among other items, yet to be determined.

Attorney for the Town

Jim Trainor announced that the Patrick Force case has been settled. See letter attached.

Monthly Report/Audited Claims

The Town Clerk presented the following for the Town Board’s review. The Town Clerk’s Monthly report (January) and the audited claims.

General	\$45,278.19
Town Outside	\$22,072.86
Highway	\$68,649.62
Water	<u>\$ 7,167.22</u>
	\$143,167.89

Motion by Councilperson D’Ambro and seconded by Councilperson Weaver to pay the audited claims.

Motion carried.

Adjournment

Motion by Councilperson D’Ambro and seconded by Councilperson Baker to adjourn meeting at 7:15 and enter into executive session to discuss litigations.

Motion carried. (Note: The Town Board will not resume back into the regular Town Board meeting.)

Respectfully submitted by,

Danielle Cowin, Stillwater Town Clerk

James P. Trainor, Esq., Member
Ryan P. Pezzulo, Esq., Member
Diana C. DeSanto, Esq., Member
Kate L. Ernst, Esq., Associate
Elizabeth A. Marcuccio, Esq., CPA, Of Counsel



Tara L. Phillips, Senior Paralegal
Stephanie L. Burchell, Legal Assistant
Danielle L. Darling, Office Administrator
Shari A. Keegan, Administrative Assistant

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February 1, 2024

Memorandum re: Settlement of the Patrick Force v. Panzas and the Town of Stillwater

On August 9, 2019, Dutchess County resident Patrick Force and some friends visited Saratoga County to celebrate Patrick's 38th birthday. After a morning of golf and an afternoon of boating on Saratoga Lake, Patrick and his friends sat down for dinner inside Dock Browns Lakeside Tavern at Brown's Beach. Shortly after arriving, Patrick left the group to take a swim and dove head-first off Panza's courtesy dock into shallow water, suffering spinal cord damage and paralysis from the shoulders on down.

Attorneys for Mr. Force commenced a lawsuit in Supreme Court, Saratoga County against the Town and Panzas on July 31, 2020 and discovery and depositions were completed. John Bailey, Esq. of the Albany firm of Bailey, Johnson and Peck P.C. was selected to defend the Town's interests. Expert witness reviews for both sides were conducted and several conferences were held with the Honorable James Walsh, the judge assigned to the case, in 2022 and 2023.

Travelers Insurance provided coverage to Panzas and the Town in two separate policies from the inception of the case. However, the Town's general liability insurance carrier, Argonaut Insurance, refused to cover the claim or provide a defense to the Town, and the Town was forced to sue Argonaut in federal court to compel it to honor its contractual obligations under its insurance policy. David Morgen, Esq. of the Albany firm of Hinman Straub was selected by the Town to prosecute the federal case against Argonaut.

The Town was ultimately able to convince Argonaut Insurance to contribute a significant portion of its policy toward settling the case, and, along with the two Travelers policies and active mediation efforts by Judge Walsh, the case settled on January 24th for \$5.5M, all of which will come from the available insurance policies.

The Town feels it took great care to ensure all necessary safety precautions were taken at Brown's Beach before the accident as well as some additional measures after the accident. We can only hope that all the Town's efforts taken to date will prevent such extremely unfortunate incidents in the future.

Respectfully submitted.
TRAINOR, PEZZULO & DESANTO PLLC

By: s/ James P. Trainor
James P. Trainor, Esq.