

**Stillwater Town Board
Business Meeting
May 17, 2007 6:30PM
Stillwater Town Hall**

Present: **Councilman Artie Baker
Councilman Ken Petronis
Councilwoman Joan Ronda (Deputy Supervisor)
Councilwoman Jo Ann Winchell**

Also Present: **Barbara McManus, Deputy Town Clerk
Mark Minick, Supt of Highways
Robert Beebe, Attorney for the Town
Joe Lanaro, Engineer for the Town**

Absent: **Supervisor J. Gregory Connors
Sue Cunningham, Town Clerk**

Deputy Supervisor Ronda called the meeting to order.

Roll call taken by the Barbara McManus, Deputy Town Clerk.

Motion by Councilman Petronis and seconded by Councilman Baker to adjourn into executive session. **Motion carried.**

Motion by Councilman Petronis and seconded by Councilman Baker to resume the regular Business Meeting of the Stillwater Town Board. **Motion carried.**

Approval of Minutes: Motion by Councilwoman Winchell and seconded by Councilman Baker to approve the minutes of the April 19, 2007 Business Meeting of the Stillwater Town Board. **Motion carried.**

Report & Resolutions (Town Board & Dept Heads)

Deputy Supervisor Ronda commented that this was the Business meeting and that there are no reports. She stated that at this time she was going to have public input only on the proposed resolutions.

Public Input

Resident I inquired about Resolution #123 and the intended use for the 5 Campbell Rd. property. Deputy Supervisor Ronda read Resolution #123 for the public.

Resident II inquired about the public input only being for the Resolutions.

Deputy Supervisor Ronda stated that for right now before they vote on the Resolutions.

Resident II inquired about the parcel on Route 423 that was offered as a donation and would have cost about \$13,000 in comparison to the one the Town is purchasing on 5 Campbell Rd for \$90,000.

Councilman Petronis stated that there was a lot of discussion on the Campbell Rd. property. He stated that it gives a parking area, extra parking for the fire dept, the means to correct a bad drainage problem in the area, and at this time the house would not be torn down which maybe they could sell the house at a later time.

Councilwoman Ronda stated that the grant received on the multi use trail allowed for acquisition for property.

Resident II inquired about environmental issues.

Attorney Beebe stated that this would be one of the contingency of the contract.

Resident III inquired about Resolution #119 and \$ 122 in regard to the cost.

Deputy Supervisor Ronda stated that in Resolution #119 the cost was not to exceed \$975 and the cost in Resolution #122 was \$16,000.

Councilwoman Winchell stated that a grant was applied for from the Office of Aging and they awarded \$16,000 towards the new senior van.

Resident I inquired about Resolution #123 and if the money was coming from grant money and not out of parks and recreation.

Deputy Supervisor Ronda stated that it could come out of the multi-use trail grant and money has been received as a grant from Senator Bruno's Office. Her understanding is that the money is coming from the grant.

Resident I inquired if any projects planned for parks and recreation and if there was anything specific.

Councilman Petronis stated that they have plans to follow up with Riverside Park and yes they have plans to continue with the parks and recreation program.

Resident I inquired about the length of the course and cost that would be covered in Resolution #119.

Deputy Supervisor Ronda stated that the conference would be held from May 20th thru May 22nd and would cover the cost of conference registration, lodging and transportation.

A resident spoke on the US General Services Administration and the recommended per diem expenses referenced on their website.

Agenda Items (Resolutions #115-#123)

Resolution #115: Authorizing the Supervisor to pay Camoin Associates the sum of \$7,700 for preparation of the Small Cities Grant application.

Resolution #116: Authorizing the office of Fiscal management to release the \$16,000 bond/letter of credit to TDNI Properties for the construction of Whitney Rd South.

Resolution #117: Adopting the Saratoga County Community Alert System Policies and Procedures and authorizing the Supervisor to execute a copy of the Policies and Procedures signifying acceptance to the Saratoga County Director of Emergency Services.

Resolution #118: Authorizing the Stillwater Area Community Service Center to organize and administer the Town of Stillwater Youth Recreation Program for 2007.

Resolution #119: Authorizing the Director of Building, Planning & Development to attend the International Code Council in Rochester.

Resolution #120: Authorizing the Supervisor to expend \$3,000 in Town funds to assist in defraying the cost of Stillwater Family Day.

Resolution #121: Awarding the bid for the 1985 Chevrolet Blazer to Mr. Larry Whalen.

Resolution #122: Authorize the Supervisor to execute the contract from the Saratoga County Office for the Aging.

Resolution #123: Authorizing the Supervisor to execute a Purchase and sale Agreement in the amount of \$90,000 for the purchase of the subject parcel located at 5 Campbell Road upon the approval by the Town Attorney.

Resolution #124: Authorizing the rentals of portable toilets for Riverside Park and Blockhouse Park.

Resolution #125: Authorizing the purchase of Welcome to the Town of Stillwater Banners for Route 9P around Saratoga Lake.

Motion by Councilman Petronis and seconded by Councilman Baker to adopt all Resolutions in a block.

Councilwoman Winchell requested to have #123 pulled.

Councilman Petronis requested to have #116 tabled.

Motion by Councilman Petronis and seconded by Councilwoman Winchell to table resolution #116. **Motion carried.**

Motion by Councilman Petronis and seconded by Councilman Baker to adopt Resolutions #115, #117, #118, #119, #120, #121, #122, #124, & #125.

Discussion:

Resolution #115 (Small Cities Grant Application)

Councilwoman Winchell requested discussion on #115. She questioned if this money was to establish an account, go to Camion for administration and the money was going to be totally reimbursed once the grant was received.

Deputy Supervisor Ronda stated that this was correct.

Resolution #124 (Port-a-Johns)

Councilwoman Winchell inquired on the number of port-a-johns since one is already at the Riverside Park and a voucher is before the Board tonight for two months. She questioned if they were duplicating or an additional port-a-john for the Riverside Park.

Supt Minick stated that it was requested for the Riverside Park seeing that they have already been using the park.

A roll call vote was taken by Barbara McManus, Deputy Town Clerk as follows:

Councilman Baker	Yes
Councilman Petronis	Yes
Councilwoman Ronda	Yes
Councilwoman Winchell	Yes
Supervisor Connors	Absent

Resolution #123 (Acquisition of 5 Campbell Rd)

Discussion: Councilwoman Winchell stated that she just heard about this less than 2 hours ago. She stated that she had several questions regarding the acquisition. She stated that a sold sign went up yesterday and wanted to know if the Town entered into a contract. She knows that the asking price is \$80,000 through Prudential Reality but the Resolution is for a different reality and a different amount of money. Councilwoman Winchell stated that she is fully aware of the drainage problem on both sides which can be corrected whether the Town owns the property or not. She said it was being proposed as a trail head for the multi-use trail. She said that there was a great deal of property between this property and the trail. She stated that in the past all she has requested was the simple courtesy of a presentation prior to resolution. She said that is why she is respectfully requesting that Resolution # 123 be tabled until the Parks & Recreation Committee come in and explain the purpose of this.

Motion by Councilwoman Winchell and seconded by Councilman Baker to table Resolution #123 until the next meeting.

Councilman Baker and Supt Minick were called out at this time and were expected to return soon.

Councilman Baker requested before he left that a voucher be removed from the table and acted on tonight.

A roll call vote was taken by Barbara McManus, Deputy Town Clerk as follows:

Councilman Baker	Excused
Councilman Petronis	Yes
Councilwoman Ronda	Yes
Councilwoman Winchell	Yes

Motion carried. Resolution #123 was tabled unanimously.

Audited Claims

Motion by Councilman Petronis and seconded by Councilwoman Winchell to remove the voucher from abstract #9 for Justice Cavotta for expenses incurred from the table for consideration of payment. **Motion carried.**

Deputy Supervisor Ronda stated that this was tabled for clarification from the Comptrollers Office which, no response has not been received.

Attorney Beebe commented that he received a call from the Comptrollers Office and there was a question regarding whether the Supervisor should sign the check.

Councilman Petronis stated that he felt a moral obligation to pay this voucher.

A discussion was held on the number of votes needed and the Attorney stated they needed three votes in order to pay. The Council members decided to wait for Councilman Baker to return in order to vote on this voucher.

Motion by Councilman Petronis and seconded by Deputy Supervisor Ronda to pay the rest of the audited claims.

General	#231-#252	\$11,012.71
Highway	#213-#242	\$20,574.78
Town Outside	#31-#37	\$15,672.15
Water & Sewer	#37-#40	\$972.39
Capital Projects	#31-#33	\$11,313.73
(Boilerhouse & Sewer Dist #2.3 &4)		

Motion carried.

Public Input

Resident I commented on the budget increase to the Office of Building, Planning & Development to help offset the cost money was to be received from Senator Bruno's Office. He asked if that money was received as of yet.

The Town Board had no knowledge as to whether the money was received.

Attorney Beebe stated that a fair amount has been received.

Resident I stated that recently Supervisor Connors proposed change of policy in question of fees regarding the Department of Building, Planning & Development to be collected by the Town Clerk. He said that the Supervisor stated that this was required in the absence of any other enabling legislation. He question if the Board was aware that 2007 Local Law #1 Article 3 gives the responsibility of collecting fees to the Director and Assistant Director of Department of Building, Planning & Development. He asked if this wouldn't be enabling legislation.

Attorney Beebe asked if this was in the Local Law.

Resident I stated that it was in the Local Law and submitted copies of the legislation to the Town Board members.

Councilwoman Ronda stated that they also have the authority to change this.

Councilwoman Winchell stated she believes that the Town Board would have to do this.

Attorney Beebe asked if there was an assistant director.

Resident I stated that this issue should have been put before the whole Board and not just the Supervisor. He felt that the Supervisor was just bullying the Town Clerk into taking on this added responsibility without consulting the rest of the Town Board.

Resident II commented that he purchased a home on County Rd 76 and stated that they have a neighbor who sunbathes nude or topless. He stated that they recently found out in Saratoga County that there is no law in New York State against this. He was recommended to go to the local town and have an ordinance put in against this. He stated that they have a 14 year old son who does not need to be subject to this.

Councilwoman Winchell asked if they called the police.

Resident II said that they spoken to their neighbor. They asked the neighbor to put up a screen or something and the neighbor refused. They called the Sheriff's Dept and were told they couldn't do anything and suggested they go to there local Town Board to request an ordinance against this. They were told as long as she was not performing lewd acts it was legal in NYS.

Deputy Supervisor Ronda stated that they would look into this.

Resident III commented on property that they bought on Putnam Rd. They had a subdivision approval in 2004. In May of 2006 at a preconstruction meeting they were informed of a new law that was passed after their approval went through stipulating that road dedication be done between April 15th and October 15th. This law went into effect after their subdivision was approved and they received absolutely no notification of this change. She briefly went over problems they ran into due to weather and issues with National Grid. They were aware that they wouldn't make the Oct deadline so their attorney sent a letter of request for a building permit on a corner lot that had direct access from Putnam Rd. She stated that they received no response from the building department. She proceeded to go over a timeline of dates in regard to her situation as follow: November 6th she started making frequent calls to the building department; December 6th received a call from the department with a verbal rejection, she asked for something in writing stating the reason for the rejection, was told she would receive a letter from the Attorney before December 21st and to date she has not received the letter; Feb 7th received a letter in response to the letter sent back in October informing them the Town has decided to grant them a building permit; March 20th submitted a building permit application and received a letter back denying to process the application due to outstanding invoices for establishment of escrow. She stated that no invoice was ever sent to them. Attached to the letter was a letter dated 10/2/06 from Chazen issued to the Town for escrow, It took five months for the building department to issue an invoice which was not sent to them; April 8th, 9th & 10th called the department and left message, no call back. She stated that after being frustrated she sought assistance from the Town's accounting dept., Joel Bianchi of Chazen. Within two days they had the escrow issue resolved, cut a check on April 20th and sent it to the Town. Only then did she received an inappropriate phone call from the Building Director upset with her for going around his system that just doesn't work. She still has not received her building permit or her calls from May 9th, 10th & 16th have remained unanswered.

She stated that this is becoming a huge financial hardship to them. She proceeded to go over the enormous financial hardship that has incurred due to this situation. She stated that the unwillingness of the Building Dept. to communicate month after month shows total lack of dedication as a public employee it should be dealt as such. To add insult to injury their land classification changed from vacant land to approved building lots changing taxes from \$727 in 2006 to \$6,789 in 2007 for which she is seeking a credit.

She stated that in the past they have built a couple of homes in Stillwater and enjoyed a professional courteous relationship. When they decided to do a subdivision they wanted it to be in this Town, a small Town with a great school and much history.

She commented on the work ethic of the building dept. in regard to inspections. The Residents stated that the building inspector doesn't show up for inspections and he is willing to issue a permit to someone other than them for a pool on a Deekan Home before a certificate of occupancy was issued and a final closing of the home. She feels she has been treated unfairly and she would like something done.

A brief discussion was held on the road dedication, building of the road, escrow account with the Town Board.

Deputy Supervisor Ronda stated that they would have something for them before the next meeting.

****Supt Minick arrived at this time****

Resident IV commented on the Code Enforcement Officer and when she came into the Town Hall she was treated in a less than professional manner. She commented on the Civil Service Test and comments made by Supervisor Connors at the April 19th meeting regarding how many passed the test in 2005 his information was erroneous. She requested to have the information clarified for the record that two people did pass the test.

*****Superintendent Minick left again at this time*****

Resident IV commented on the recent qualifications on the posted job for the Director of Building, Planning & Development. She questioned before who brought the information to the County and Supervisor Connors stated at a previous meeting that the County actually came up with the exam. She stated that she FOILED the County and if you look at the FOIL information received Supervisor Connors name is all over it.

Resident IV stated that she was confused with the 434 qualifications, according to the state you actually have a one year period to meet that qualification so she wanted to know why for civil service that qualification had to be met upon appointment. She spoke on comparisons to other Towns who recently had similar job opportunities available through Civil Service and their qualifications in regard to job descriptions.

Attorney Beebe asked if she was saying that Stillwater's requirements or duties of the Director are more extensive.

Resident IV stated that they are similar to Malta and that Malta is more extensive as far as the education requirements.

Councilwoman Winchell commented that any applicant has one year to become full code qualified.

Resident IV stated that the way it is written now it only focuses on just the code enforcement aspect of the position and not any of the other things that go along with Director of the department responsibilities. She questioned the ethical process of who wrote the qualifications in the first place. There is a close family relationship between the person who holds the job and the person who wrote the qualifications.

Attorney Beebe stated that the examples she gave didn't seem to be inconsistent with the responsibilities.

A discussion was held on qualifications requirements submitted on other job comparables she submitted in regard to job duties.

Deputy Supervisor Ronda asked her to sum up inquiries.

Resident IV stated that she believes the civil service exam for the position was written inappropriately and she feels questions should be asked why it was written this way and the relationship needs to be looked at in regard to the person who wrote it and the person who holds the position.

Resident V commented on a hazardous trailer in Saratoga Hills Trailer Park. and on a letter he submitted to the Canine Control Officer that he has not received a response from as of yet. He

feels that the position of canine control is 24/7 and if he doesn't do his job he will file something with the Attorney General.

Resident V inquired as to when the Boilerhouse Park will be built.

Resident VI commented on the Town Clerk being bonded and collecting money.

Deputy Supervisor Ronda stated that she believes anyone who handles money is bonded.

Resident VI inquired if the Social Host law passed and commented on the social gathering aspects of it.

Councilman Petronis stated that it did pass.

A discussion was held on "Social" gathering.

Resident VII stated that at the last meeting down here nails were found under vehicles in the parking lot. He stated that some damage was done to the Town Clerks tire on her truck and requested that the Town Board consider reimbursement or some kind of action.

Deputy Supervisor Ronda stated that there was a police report done on this.

Councilman Petronis thanked resident VII for helping out the Town Clerk that night.

Councilman Baker arrived at this time.

Motion by Councilman Petronis and seconded by Councilwoman Winchell to pay the submitted voucher from abstract #9 for Justice Cavotta for expenses incurred.

A roll call vote was taken as follows:

Councilman Baker	Yes
Councilman Petronis	Yes
Councilwoman Ronda	No
Councilman Winchell	Yes

Motion carried.

Motion by Councilman Baker and seconded by Councilman Petronis to adjourn the Business meeting of the Stillwater Town Board. **Motion carried.**

Respectfully submitted by

Barbara McManus
Deputy Town Clerk