

Stillwater Town Board
Business Meeting & Public Hearing
Zoning Changes
May 21, 2009 7:00 PM
Stillwater Town Hall

Present: Councilman Artie Baker
Councilman Ken Petronis
Councilwoman Lisa Bruno
Councilwoman Virginia Whitman
Supervisor Shawn Connelly

Also Present: Sue Cunningham, Town Clerk
Mark Minick, Supt of Highways
Chris Rounds, Engineer for the Town
James Trainor, Attorney for the Town
Ray Abbey, Bldg/Code Enforcement

Public Hearing—7:00 PM

Purpose: The purpose of the hearing is to inform the public of the proposed zoning changes and local law regarding lot width requirements, to consider the need for the proposed changes, to review the public benefit to be gained by the proposed changes, and to afford all persons having an interest to give oral or written statements concerning the proposed amendments.

Supervisor Connelly called the public hearing to order.

Engineer Rounds gave a brief overview proposed zoning changes concerning the width of building lots. He commented that 50% of ZBA cases deal with area requirements that are not met by the current zoning and the ZBA usually grants approval. The changes that are proposed deal with Section 3.5 that relate to Use and Area Regulations and Article 13 that relate to Non Conforming Use of structures and lots.

A discussion was held on preexisting lots and it was stated that they would all still need to meet all other setback requirements. The Town Board was also sending this to the Planning Board and Zoning Board for their input.

Public Input

Phil M. was in favor of the zoning changes since he does not meet the current zoning with 280 ft. frontage and will have to go before the ZBA for a variance.

Marty D. commented that the zoning calls for 300 ft of open buildings lot and does not necessarily mean 300 ft. road frontage.

Ed K. inquired if the amendments proposed was for all zoning districts or just rural and if this could open up trailer parks.

This would be looked into.

Supervisor Connelly adjourned the Public Meeting until they hear back from the Planning & Zoning Board at 7:15 PM at which time they will reopen the public hearing.

Regular Business Meeting

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

Sue Cunningham, Town Clerk took the roll call.

Adoption of Minutes: Motion by Councilwoman Whitman and seconded by Councilman Baker to adopt the minutes of the April 16 Business Meeting of the Stillwater Town Board. **Motion carried.**

Reports

Councilwoman Whitman reported that there would be a senior citizen luncheon on May 28th at the Saratoga City Center.

Special Presentation

Jay Verro, Real Estate Practitioner spoke on behalf of Larkin Commercial Properties, Inc. He stated that his client is selling a multi family property known as Riverview I & II Apartments located on No Hudson Ave in the Village. The marketing of these properties is mandated to be to local non-profit organizations and public bodies for the first 60 days, after 60 days, the properties must be introduced to regional and national non-profit organization and public bodies. To purchase and operate the property, a non-profit or public body must agree to subsidize the housing complex for very low and low income families or persons for the remaining useful life of the housing and related facilities similar on how it is used now.

Discussion was held on funding and grants available to help with cost of purchase expenses.

Sue P. inquired where the present owner lives now, evictions and the legal process.

Terry S. commented on the process.

Public Input

Barbara H., Community Center Board Member gave a brief statement regarding the Community Center and Resolution #76. They are requesting that the Town Board rescind the out dated resolution and let the Community Center hold adult functions and be able to serve adult refreshments. The purpose is to raise funds for more programs for members of the community.

John Basile, Village Trustee was here on behalf of the Village to give a status report of the water system. He reported that the filter system that has been put in place seems to be working and is removing all detachable PCB's.

A discussion was held on the dredging operations and location of the wells was held.

Resident I inquired about the status of any stimulus money the Village might receive.

Mr. Basile stated that they were unsure at this time but the application is still active and rates very high. He said that they are also seeking low interest loans and grants.

Resident I commented on Resolution #76 and stated that the two don't go hand in hand. She inquired if the Town has looked into liability issues, if the Board checked to see if other municipalities allow alcohol in their community centers, and stated that she disagreed with the community center serving adult beverages.

Supervisor Connelly stated that there would be an umbrella policy same as for the additional Blockhouse parking.

Councilwoman Whitman stated that she called around and the municipalities she called do not allow adult beverages in their community centers.

Attorney Trainor recommended that the Supervisor talk with the Town insurance company to discuss appropriate coverage the community center should provide.

Sue Petronis, Town Court Clerk spoke on behalf of herself and Lorraine Buchal, Court Clerk and they both are strongly opposed to serving alcohol in the community center. She recited statistics of alcohol related cases that appear before the Town Court. She commented on a past event in which alcohol was serve and a fight broke out between adults.

Resident II commented on the amount of insurance that was proposed for serving alcohol and inquired about the energy audit done at the community center.

Supervisor Connelly stated that they are waiting for additional information from Mr. Savage, the presenter of the audit at the last meeting.

Resident III inquired about the easements and sewer on Farley Road in regard to the Cold Springs Road Project and how wide the road will be.

Attorney Trainor stated that they are acquiring easements on both sides of the road.

Supt Minick commented that the entire corridor covers both sides of the road, the sewer project is in the hands of LFTC, will be coming up the west side of the road and the Reconstruction Road Project is being handled by the Town of Stillwater. He stated that the road would be 11ft. lanes for a total of 22 feet wide.

Resident IV inquired if when the GEIS was adopted if the comments from the open forum were adopted as well, mitigation fees concerning Ma & Pa subdivisions vs. development and if other companies were given a chance to provide a quote for the energy audit that was done at the community center

Engineer Rounds stated that within the final GEIS all comments were cataloged. Supervisor Connelly stated that they are still waiting on answers in regard to the energy audit and it was requested they use Town vendors.

Resident V commented on the energy audit done at the community center and stated that it saved his company significant. He also stated that he was in favor of Resolution #76 and that the community center should be given a chance.

Resident VI commented on Resolution #76 in regard to the community center's need to improve services, the needs of the people and other fund raising opportunities. He questioned what message this is sending the kids. He suggested that the Town Board consider tabling Resolution #76 until they have time to canvass the community regarding serving adult beverages at the community center.

Resident VII commented on Resolution #9 and on an interview the Supervisor did with Channel 9 News.

Supervisor Connelly stated that he has a right to his own opinion in regard to the interview.

Resident VIII inquired about the web site in regard to the Village minutes, e-mail addresses, FOIL requests regarding the use of Town Board members using personal e-mails and if the Code Enforcement Officer was certified.

Sue Cunningham, Town Clerk stated that she has never received any minutes from the Village to be put on the web site.

Attorney Trainor commented on the FOIL request regarding Board members using their personal e-mail address for Town Business.

Ray Abbey confirmed that he had the completed hours for certification last year and that this year he has completed some of those hours.

Resident I inquired if the Supervisor would excuse himself from voting on Resolution #76 since his wife was a community center board member.

Supervisor Connelly stated that he would not since it had no financial benefit to her.

Resident VI questioned if the GEIS was law, if the Town was compelled to adopt the GEIS and stated that it is a significant expense to the average homeowner.

Engineer Rounds stated that the findings of the GEIS are binding and the rationale is that development creates great demand on community infrastructure. The Town Board can either increase taxes where all residents pay through taxes and the rationale was that new development creates the new demand so the new resident should pay for that demand. He proceeded to go through the apportionment process of the fees and the dedicated accounts that are set up for those fees.

Discussion was held on the process of the GEIS and the fees to the average small homeowner vs the larger developments.

Barbara H., Community Center Board Member commented on the energy audit and stated that if anyone else has questions regarding the energy audit they are welcome to come to the next Community Center Board meeting and she will ask Mr. Savage to come and answer any questions that someone may have. She also spoke on the adult beverage issue and feels that they can separate the issues concerning day time youth activities vs. organized events in the evening. Councilwoman Whitman stated that she would rather cut the rent to the community center than have alcohol served.

Resident IX questioned the cost to obtain a permit to serve alcohol, Resolution #80 and wind power restrictions.

Barbara H., Community Center Board Member stated that they are unsure of the cost for the permit.

Sue Cunningham, Town Clerk gave a brief overview of the process of the document destruction.

Supervisor Connelly stated that there are no restrictions regarding wind power.

Agenda Items Resolutions # 75- #82

Resolution #75: Scheduling a Public Hearing for June 18, 2009 at 7:00 PM to consider Local Law # ___ regarding prosecution of local traffic infractions.

Resolution #76: Authorizing the SACC to serve alcohol on the Town premises at the Stillwater Area Community Center under certain conditions and restrictions.

Resolution #77: Authorizing the Town Supervisor to sign a Mutual Aid Agreement on behalf of the Town of Stillwater in conjunction with all or most other municipalities in Saratoga County.

Resolution #78: Declaring certain Highway Equipment as surplus.

Resolution #79: Rescind Local Law #3 and #4 of 1997, retroactively and effective November 5, 1997.

Resolution #80: Authorizing the Town Clerk to engage the services of 3N Document Destruction at \$25 per 31/2 banker boxes full of documents.

Resolution #81: Authorizing the Town Clerk to co-sponsor the Annual Kid's Fishing Tournament on June 7, 2009 at a cost not to exceed \$250.

Resolution #82: Setting the Eminent Domain Procedure Law Public Hearing regarding the Cold Springs Road Improvement Project.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to pull Resolution #76 for discussion and separate vote. **Motion carried.**

Motion by Councilman Petronis and seconded by Councilwoman Bruno adopt Resolutions #75, #77, #78, #79, #80, #81 & #82.

A roll call vote on Resolutions #75, #77, #78, #79, #80, #81 & #82 was taken as Follows:

| | |
|----------------------|-----|
| Councilman Baker | Yes |
| Councilman Petronis | Yes |
| Councilwoman Bruno | Yes |
| Councilwoman Whitman | Yes |
| Supervisor Connelly | Yes |

Motion carried. Resolutions #75, #77, #78, #79, #80, #81 & #82 were adopted unanimously. (Copies attached and made part of the minutes)

Resolution #76 Authorizing the SACC to Adult Beverages

Motion by Councilman Petronis and seconded by Councilman Baker to adopt Resolution #76.

Discussion: Councilwoman Bruno read the following inserts from minutes of April 4, 2002 meeting, April 24, 2002 meeting including Resolution #109 and July 18, 2002 along with amended Resolution #109. (She requested that these inserts be put into the record this evening)

April 4, 2002: Alcohol in Town Buildings: Councilman Petronis said he would like to have a discussion or a resolution banning booze in our public buildings.

Supervisor Lilac said he would ask the Town Board if they had a questions or comments about it at this point. If not he suggested Councilman Petronis work with the Attorneys office to create the resolution that he feels comfortable with and bring it to the business meeting. He stated they would have it as part of the resolutions and have the discussion at that time.

Councilwoman Winchell asked if this resolution would be for all Public Town owned buildings. Councilman Petronis responded it would be for all Town Buildings.

Councilwoman Winchell said for the benefit of the Town Board she knows that there is an agenda item at the Tuesday Board of Directors Meeting as well. She knows that there are municipalities in our general area that have rules and regulations and it does appear on their regulations. She asked if they would like to have them at the meeting or she could get them ahead of time.

Supervisor Lilac said he thought it would be good to get them ahead of time. He stated that he thinks the ultimate decision is going to rest with this board because it is our building.

Councilman Baker stated that they granted it in the first place.

Supervisor Lilac said it was nice that the Board of Directors is addressing the issue.

Councilwoman Ronda asked if they wanted it to include smoking.

Councilman Baker said there was no smoking allowed at the center now.

Councilman Petronis said he would like to work out one thing at a time.

Councilwoman Winchell said it was currently a New York State law not allowing smoking in public buildings, schools, etc.

Councilwoman Ronda said that some of them included grounds.

Councilwoman Ronda stated that she and Councilman Petronis are on that committee and can work with the Attorney's Office.

Councilman Petronis asked if they wanted them to work on both.

Supervisor Lilac replied whatever the committee decides.

April 24, 2002: Resolution #109—Prohibiting alcoholic beverages on Town property unless a variance is granted for certain activities.

Resolution #109:

Motion by Councilman Petronis and seconded by Councilwoman Ronda to table Resolution #109 until they have a full Board to vote on this.

Roll call vote was taken as follows:

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| Councilman Baker | No |
| Councilman Petronis | Aye |
| Councilwoman Ronda | Aye |
| Supervisor Lilac | Aye |

Motion carried. Resolution #109 is tabled.

July 18, 2002: Motion by Councilwoman Winchell and seconded by Councilman Petronis to remove Resolution #109 from the table.

Motion carried:

Discussion: Councilwoman Winchell asked to have the resolution read as written.

Supervisor Lilac read Resolution #109.

Councilwoman Winchell stated she has concerns and offered several points of contention. She said she believes that the Resolution as proposed does not set out to accomplish the Booze Ban proposed by Councilman Petronis. She has been made aware that the Town's current insurance does not have coverage for liquor liability. She said she believes there are sufficient number of locations available located in Stillwater to host fundraisers that allow alcoholic beverages. She felt that the concept of allowing alcohol at the Town-owned buildings is inconsistent with governmental intentions and inconsistent with the Stillwater Area Community's Mission Statement. She said it was brought to her attention that there could be a potential tax issue. Councilman Petronis stated they have an amended Resolution to take the place of Resolution #109

Councilman Baker stated that Resolution #109 has been reworded.

Councilman Petronis read Resolution #109A at this time.

Councilman Baker stated that resolution #109 stated just the Community Center and Resolution #109A includes all Town owned buildings.

Councilwoman Winchell asked about past alcohol being served at the Town Hall.

Supervisor Lilac stated that at the re-organizational meeting they might have had a friendly toast.

Councilman Petronis said he could only recall one time at the Town Hall.

Councilwoman Winchell stated that the two resolutions are the same.

Councilman Petronis said that the permit system would regulate alcohol in Town Buildings but that he is still against alcohol in Town Buildings.

Councilwoman Winchell asked who would enforce the resolution and if the liability would fall with the vendor as was the case with the Millennium Gala of 2000.

Supervisor Lilac said the difference was that Resolution #109 discriminated against other Town Buildings and the amended resolution #109A included all Town Buildings.

Motion by Councilman Petronis and seconded by Councilman Baker to adopt resolution #109A, an amended version of Resolution #109.

Discussion: Councilwoman Winchell asked what the perimeters of the permit would be.

Supervisor Lilac stated that the Town Board would create the permit.

Councilman Petronis said that he offered the amendment but no matter how you look at it he is still against alcohol in town buildings.

Councilwoman Winchell asked who would be liable.

Supervisor Lilac commented that the Community Center would carry insurance and show proof of insurance.

Councilwoman Winchell said she has attended other presentations by the Community Center without alcohol and they have been successful. She also asked for clarification on what a yes or no vote would mean.

Supervisor Lilac stated that if the Resolution stays tabled then things remain the same, voting yes means they have to seek permission, and voting no means no alcohol in town buildings.

Councilwoman Ronda said she was for no alcohol in Town Buildings and the amended resolution is just an open door.

A roll call vote was taken on Resolution #109A as follows:

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|-----------------------|-----|
| Councilman Baker | Aye |
| Councilman Petronis | No |
| Councilwoman Ronda | No |
| Councilwoman Winchell | No |
| Supervisor Lilac | Aye |

Motion defeated: Resolution #109 was defeated by a 3-2 vote. (Copy attached and made part of the minutes.

Resolution #109A of 2002 (Amended)

Whereas, Resolution 109 of the year 2002 had been tabled by the Town Board at a meeting held on April 18, 2002; and

Whereas, Resolution 109 has been removed from the table; and

Whereas, certain amendments to Resolution #109 have been offered; now, therefore, be it

Resolved, that Resolution 109 is hereby amended and adopted to be Resolution #109

(Amended), as follows:

Whereas, the Town Board has determined that the consumption of alcohol is inappropriate in public buildings where public business is being conducted; and

Whereas, the Town Board recognizes that there are certain holiday observances or public events at which the availability of alcohol beverages may be appropriate; now, therefore, be it

Resolved, that the consumption of alcoholic beverages shall be permitted for specific holiday observances of public events, within public buildings and upon public grounds within the Town

of Stillwater upon application, provided that the Town Board determines that the necessary permit has been issued and that the Town Board approves such application.

Councilwoman Bruno spoke on alcohol related incidents & statistics, she reached out to some residents (most were against) there was too much loose language within the Resolution and once again there has been no prior discussion of this.

Councilwoman Whitman stated that there was a fight once which could happen again anytime and they should consider the liability and lawsuits that could come about from allowing this.

Councilman Baker commented on the past fight, he has seen the Community Center grow and feels they should be given another chance.

Supervisor Connelly stated that people drink no matter what, this would be in a controlled environment and that he is in favor of giving them another chance.

Councilman Petronis stated that prior incident should never have happened, questioned if alcohol would be stored in the center, was against it before but with the proper supervision the community center should be given another chance. The resolution can always be rescinded at anytime.

Councilman Baker suggested that they reevaluate the issue at the end of the year.

Councilwoman Bruno stated that she would like to see the Resolution clearly written and the language cleaned up.

A roll call vote was taken as follows on Resolution #76 as follows:

| | |
|----------------------|-----|
| Councilman Baker | Yes |
| Councilman Petronis | Yes |
| Councilwoman Bruno | No |
| Councilwoman Whitman | No |
| Supervisor Connelly | Yes |

Motion carried. Resolution #76 was carried by a 3 to 2 vote. (Copy attached and made part of the minutes)

Motion by Councilman Baker and seconded by Councilman Petronis to pay the audited claims.

| | | |
|------------------|-----------|-------------|
| General | #233-#255 | \$10,758.66 |
| Highway | #224-#250 | \$23,252.27 |
| Town Outside | #55-#59 | \$6,306.96 |
| Capital Projects | #37-#39 | \$68,906.19 |
| Water & Sewer | #30-#33 | \$624.00 |

Motion carried.

Motion by Councilman Petronis and seconded by Councilman Baker to adjourn the Town Board meeting and enter into executive session at 9:00 PM for discussion on contracts. **Motion carried.**

Respectfully submitted by
Sue Cunningham
Stillwater Town Clerk