

**Stillwater Town Board  
Business Meeting  
December 16, 2010 7:00 PM  
Stillwater Town Hall**

**Present:**      **Councilman Artie Baker**  
**Councilman Ken Petronis**  
**Councilwoman Lisa Bruno**  
**Councilwoman Virginia Whitman**  
**Supervisor Ed Kinowski**

**Also Present:**      **Sue Cunningham, Town Clerk**  
**Mark Minick, Supt of Highways**  
**James Trainor, Attorney for the Town**  
**Joe Lanaro, Engineer for the Town**

Supervisor Kinowski 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 Petronis to adopt the minutes of the November 4, 2010 and November 18, 2010 meeting of the Stillwater Town Board. **Motion carried.**

**Communications:** Town Clerk reported a communication was received regarding a culvert being replaced on Route 9P which will result in road closure and detours.

Supervisor Kinowski gave a brief detail of the work that will be done.

**Community Center:** Ray Quackenbush, Community Center Board president, requested that the Town Board allow alcohol at an upcoming adult comedy night event being held at the Community Center. He said it would be beer & wine only, 6 to midnight and someone will be checking ID's at all times.

**Reports**

**Councilwoman Whitman**

**Clean Up Report:** Councilwoman Whitman reported that the cost of the fall clean up was \$848.62 to the Town.

**Thanksgiving Food Drive:** Councilwoman Whitman reported on the Toyota Food Drive.

**County personnel:** Councilwoman Whitman requested that the Supervisor explain the policy of hiring procedures that Towns should follow.

Supervisor Kinowski explained the Towns past practices, the practices the Town must follow according the County and how they will be re-organizing the Building Dept.

**Supervisor Kinowski**

**911 Administrator:** Supervisor Kinowski reported that the 911 administrator has resigned.

**Trails:** Supervisor Kinowski reported that Greenway Belt is offering a matching grant of \$20,000.

**PCB/Hudson River:** Supervisor Kinowski stated that an action group has been formed, will be meeting once a month and providing an updated dredging report once a month.

**Budget:** Supervisor Kinowski reported that the 2011 Budget is available for viewing on the Town's website.

**Insurance:** Supervisor Kinowski stated that due to an oversight three employees have lost their eye care. He stated that CSEA has offered to allow the employees to enroll in their vision plan. Supervisor Kinowski stated that he would like the Town to pay the difference from what the employees paid prior.

He did not have an exact number on the cost difference at this time.

The Board agreed that it was only fair to pay the difference.

**Agenda Items                  Resolutions #111 thru #117**

**Resolution #111                  Adopting Local Law 10 of 2010  
A Local Law Amending the Town's Animal Control Law**

Introduced by: \_\_\_\_\_ Supervisor

WHEREAS, the New York State Department of Agriculture and Markets will no longer be administering the dog licensing program as of January 1, 2011 due to changes in the 2010-2011 State Budgets; and

WHEREAS, the amendments are needed to the Town's existing Local Laws in order to assume previous responsibilities; and

WHEREAS, a public hearing was held on November 18, 2010, at which comments from the public were considered;

Now, therefore, be it

RESOLVED, that Local Law 10 of 2010, a copy of which is attached hereto, is hereby adopted effective January 1, 2011; and be it further

RESOLVED, that the Town Clerk is directed to file the adopted Local Law with the New York State Department of State forthwith.

**Motion** by Councilman Baker and seconded by Councilwoman Bruno to adopt Resolution #111.

A roll call vote was taken on Resolution #111 of 2010 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES

**Motion carried.** Resolution #111 was adopted unanimously.

**Resolution # 112                  Adopt Local Law 11 of 2010  
Regarding a Water Cross-Connection Control Program**

Introduced by: \_\_\_\_\_ Supervisor

WHEREAS, during an annual inspection of the Town's water systems, the New York State Department of Health recommended that a water cross connection control program be put in place; and

WHEREAS, The Chazen Companies recommended that the Town adopt the policy attached hereto; and

WHEREAS, a public hearing was duly noticed and held on November 18, 2010, to consider public comment on the proposed policy;

Now, therefore, be it

RESOLVED, that Local Law 11 of 2010, a Local Law adopting a water cross connection control program is hereby adopted; and be it further

RESOLVED, that the Town Clerk is directed to file the adopted Local Law with the New York State Department of State forthwith.

**Motion** by Councilman Baker and seconded by Councilwoman Bruno to adopt Resolution #112.

A roll call vote was taken on Resolution #112 of 2010 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES

**Motion carried.** Resolution #112 was adopted unanimously.

**Resolution #113      Recognizing and Honoring Resident Edward Dague**

Introduced by: Councilwoman Bruno

**WHEREAS**, Ed Dague was formerly the voice of authority in the Capital District and consistently the top-rated and highest paid local TV anchor; and

**WHEREAS**, Ed's career has spanned four decades and included stints at Channels 10, 6 and 13 before retiring in 2003; and

**WHEREAS**, Ed has been a long time resident of the Town of Stillwater and is currently battling a near debilitating disease with courage and poise; and

**WHEREAS**, With him throughout have been his wife, Donna of 42 years, two grown children, and 12-year-old female dachshunds Katherine and Nathan (named after the hot dogs), all of whom feel privileged to be a part of his life and rejoice in his achievements; and

**WHEREAS**, Ed has recently completed his memoirs entitled "Six and Eleven: A Television News Anchor's Story"; Now, therefore, be it

**RESOLVED**, that the Town Board of the Town of Stillwater hereby recognizes and honors Mr. Edward Dague for his dedication and service in providing many years of professional journalism, to the residents of Stillwater and the greater Capital Region.

**Motion** by Councilman Baker and seconded by Councilwoman Bruno to adopt Resolution #113.

A roll call vote was taken on Resolution #113 of 2010 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES

**Motion carried.** Resolution #113 was adopted unanimously.

**Resolution #114      Regarding the Service of Alcohol at the SACC**

Introduced by: Supervisor

**WHEREAS**, the Stillwater Area Community Center ("SACC") has requested the Town's permission to serve alcohol at an adult comedy night held on site on January 22, 2011; and

**WHEREAS**, the Town Board wishes to ensure that appropriate protections are in place before granting such authority on Town owned property;

Now, therefore, be it

**RESOLVED**, that the Town Board hereby authorizes the SACC to serve alcohol on the Town premises at the Stillwater Area Community Center on January 22, 2011 under the following conditions and restrictions:

1. No one under the legal age limit of 21 years old will be served any alcohol;

2. No one who is visibly intoxicated will be served any further alcohol;
3. Anyone who appears even slightly intoxicated, or whose ability to drive in any way appears to be impaired by alcohol, will not be permitted drive a vehicle on or from the premises;
4. The SACC will sign a Indemnification Agreement holding the Town harmless from any property damages or personal injuries arising out of its service of alcohol on the Town's property; and
5. The SACC will provide the Town with a certificate of liability insurance in a coverage amount of no less than \$1,000,000.00 listing the Town of Stillwater as an additional insured.

**Motion** by Councilman Baker and seconded by Councilman Petronis to adopt Resolution #114.

Discussion was held on allowing the Center to make it own decisions, protection of the Town and fund raising events.

It was decided to have the present resolution restrict the date to January 22, 2011 only and to take this into consideration when renewing the Community Centers new contract.

A roll call vote was taken on Resolution #114 of 2010 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	YES
Councilwoman Bruno	NO

**Motion carried.** Resolution #114 was adopted by a 4 to 1 vote.

**Resolution #115      Setting a Public Hearing Regarding Utility Permits for the Village Water Line Along Cold Springs Road**

Introduced by: \_\_\_\_\_ Supervisor \_\_\_\_\_

WHEREAS, the Village of Stillwater ("the Village") water connection to the Saratoga County Water Authority requires the relocation of water lines within the Town's permanent easement areas along Cold Springs Road; and

WHEREAS, The Village has requested that the Town grant the Village a Utility Permit in order to allow it to locate the pipes within the permanent easement; and

WHEREAS, New York State Town Law Section 64 (7) requires that the Town Board conduct a Public Hearing before authorizing the Supervisor to sign the Utility Permit;

Now, therefore, be it

RESOLVED, that the Town Board hereby schedules a Public Hearing at 7:00 p.m. on January 20, 2011 at Town Hall, 66 East Street, Stillwater, New York, to consider granting a Utility Permit to the Village of Stillwater in the Town's permanent easement areas along Cold Springs Road, as proposed in the attachments hereto; and it is further

RESOLVED, that the Town Clerk is directed to publish appropriate notice of the Public Hearing in the Town's official newspaper.

**Motion** by Councilman Baker and seconded by Councilwoman Bruno to adopt Resolution #115. 2010.

A roll call vote was taken on Resolution #115 of 2010 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	YES

Councilwoman Bruno        YES

**Motion carried.** Resolution #115 was adopted unanimously.

**Resolution #116     Setting a Policy for the Payment of FGEIS Mitigation Fees**

Introduced by: Supervisor

WHEREAS, The Final Generic Environmental Impact Statement accepted by the Town Board on February 19, 2009 called for the payment of various mitigation fees for projects within the Town; and

WHEREAS, the Town Board wishes to encourage responsible growth within the Town by permitting applicants to pay the mitigation fees for their projects in installments;

Now, therefore, be it

RESOLVED, that it is hereby the Policy of the Town that the payment of mitigation fees called for in the FGEIS adopted on February 19, 2009, as amended, shall be payable in installments as follows:

1. One-third of the total mitigation fees are to be paid immediately upon Planning Board or Town Board final approval as a condition of such approval;
2. One-third of the total mitigation fees are to be paid upon application for a Building Permit but in no event later than six (6) months after final Board approval; and
3. One-third of the total mitigation fees are to be paid upon application for a Certificate of Occupancy, but in no event later than one (1) year after final Board approval.

**Motion** by Councilman Baker and seconded by Councilwoman Bruno to adopt Resolution #116.

A roll call vote was taken on Resolution #116 of 2010 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES

**Motion carried.** Resolution #117 was adopted unanimously.

**Resolution #117     Adopt Year End Budget Transfers and Corrections**

Introduced by: Supervisor

WHEREAS, certain year end budget transfers and corrections to contingent appropriations must be undertaken to maximize the use of 2010 appropriated funds; and

WHEREAS, the Bookkeeper will work with the Supervisor to finalize all transactions for fiscal close-out, insure the necessary transfer and use of unexpended balances to balance the 2010 budget, make corrections to contingent appropriations with the 2010 budget, adjust the distribution of sales tax revenues between B and DB Funds, as required by the board, and encumber the necessary funds to pay unpaid 2010 obligations;

Now, therefore, be it

RESOLVED, that the Town Board hereby approves year end budget transfers, corrections to contingent appropriations and adjustment to the distribution of sales tax revenues; and be it further

RESOLVED that the Town Board hereby directs the Bookkeeper to work with the Supervisor to make the appropriate transfers and corrections and annotate the same in the Town's financial records.

**Motion** by Councilman Baker and seconded by Councilwoman Bruno to adopt Resolution #117. Discussion: Councilman Petronis requested a list of transfers be provided to the Board members.

A roll call vote was taken on Resolution #117 of 2010 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES

**Motion carried.** Resolution #117 was adopted unanimously.

#### **Public Input**

John V. commented on zoning laws in regard to trailer parks.

Art G. inquired who would pay for the entertainment for the Community Center event, the heating & electric for the center, if the Town defended Mr. Lilac and the hours of the Highway Dept.

Supervisor Kinowski stated that the sale of tickets would pay for the Entertainment for the center's event, the Town just paid for fuel for the center from past fill-ups and the Town did not pay for Mr. Lilac's defense.

Supt Minick stated that the Highway Dept hours were 7 to 4.

Further discussion was held on the future finances of the center.

Art F. questioned the timing of the culvert being replaced on Route 9P just after the opening of the bridge closure.

Supervisor Kinowski stated that it was NYS DOT that makes the decisions.

Jacqueline commented on the Stillwater Glen Hollow Park and email addresses for Board members.

Supervisor Kinowski stated that he would be forming a committee for Town parks at the Town Re-organizational meeting.

#### **Audited Claims**

**Motion** by Councilman Baker and seconded by Councilwoman Whitman to pay the audited claims.

General	#503-#521	\$7,075.88
Highway	#520-#534	\$2,870.74
Town Outside	#176-#184	\$2,420.99
Water & Sewer	#99-#101	\$298.11
Capital Projects	#74-#75	\$790.00

**Motion carried.**

**Motion** by Councilman Baker and seconded by Councilman Petronis to adjourn the Town Board meeting at 8:10 PM. **Motion carried.**

Respectfully submitted by

Sue Cunningham  
Stillwater Town Clerk