

**Stillwater Town Board  
Business Meeting  
December 18, 2008 6:15 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**  
**James Trainor, Attorney for the Town**  
**Joe Lanaro, Engineer for the Town**

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

Sue Cunningham, Town Clerk took the roll call

**Motion** by Councilwoman Whitman and seconded by Councilman Petronis to adopt the Minutes of the November 20, 2008 Business Meeting of the Stillwater Town Board. **Motion carried.**

**Bid Opening      (2002 Police Car)**

Sue Cunningham, Town Clerk stated that 5 bids were received. Two of the bids came unsealed in a large envelope through the police department and one bid was received today in the mail.

Steve Svenson	\$426.00
Bob Garrett	\$878.00
Doris Russom	\$1005.00
Frank D'Aloia	\$750.00
Russell Miller	\$651.00

**Motion** by Councilman Baker and Councilman Petronis to accept the high bid of \$1,005.00.  
**Motion carried.**

**Communications**

Sue Cunningham, Town Clerk stated that three communications were received, a copy has been forwarded to all Board members and she gave a brief summary of the communications which will be attached to the minutes.

- (1) A communication from the Assessor concerning her strong objections to a key policy and anyone having a key to her office. (The following is a copy of the Assessors letter)

This email is a foilable document. It is my request it be read under correspondence at the next town board meeting, December 18th, and include it in the minutes as part of the record.

A resident taxpayer brought it to my attention that the town board will be issuing a key policy, because Supervisor Connelly attempted to get into my office per his statements at the December 4th town board meeting.

Supervisor Connelly and Ray Abbey did not request Chris to get any information from my office after Sheila had left for the day. Supervisor Connelly did ask for the 2007 zoning board minutes about a week ago. Sheila was in my office at the time and could not provide him with the information. Jim Ferris had to produce them.

There is no public record information in my office. All public record information is in the room where Chris' desk resides.

What is contained in my office is non-foilable information pertaining to my taxpayers (social security numbers, income information, etc). This information falls under the Cyber laws and is not accessible to any unauthorized individuals. Sheila and I are the only two authorized.

At this time, if you pass a key policy for the Town of Stillwater which requires a key to my office to be in the hands of anyone except myself and my clerk, I will be obligated to ignore and still refuse you access to this personal information. I will be looking forward to the court case "Stillwater Town Board vs. Assessor, Town of Stillwater". After two and one-half years it will finally put an end to this silly nonsense. All court costs will be paid by the Town of Stillwater taxpayers. This will be an excellent case for the State of New York and elected official who thinks they have a right to this information.

At this time I feel it absolutely necessary to put you on notice for any accidental injury to the health, well-being, and estates of myself, my assessment clerk, and/or our friends and family.

- (2) A communication from residents Pete Ellis & Tammy Ross thanking the Board & the Emergency Management & Preparedness Committee for their hard work during the past weekends' ice storm.
- (3) A communication from resident Annetta Melber on the job well done during the recent ice storm.

### **Public Input**

Resident I inquired about the status of Resolution #188.

Councilwoman Whitman stated that the Attorney has recommended some revisions and inquired why they couldn't pass the Personnel Policy and then make revisions. She also stated that she submitted the policy to the Board on the November 6<sup>th</sup> meeting, with nobody getting back to her with comments or recommendations.

Resident II commented on the personnel Policy and inquired why there were so many resolutions before the Board tonight when she doesn't remember them being discussed at any previous meetings.

Resident II questioned Resolutions #183.

Supervisor Connelly stated that this was to take the unexpended line item for parks and create a Capital fund in order to develop and maintain the parks.

Resident II questioned the maintaining of pay in Resolution #185.

Supervisor Connelly stated that a discrepancy in the Highway Secretary pay was found. She was receiving a higher pay rate than what the union contract called for.

Councilwoman Whitman stated that she would be pulling this resolution for discussing.

Resident II questioned Resolution #186.

Supervisor Connelly stated that instead of hiring two seasonal employees they can hire one full time employee which would not cost any more than two seasonal.

Discussion was held on this.

Resident II inquired about Resolution #187 in regard to when this was discussed.

Supervisor Connelly stated that any requested resolutions must be submitted to his secretary the Friday prior to the Business meeting.

A discussion was held on the purpose of an Agenda meeting.

Resident II questioned Resolution #190 in regard to paying the employees.

Supervisor Connelly stated that the Town Hall would close at the discretion of the Supervisor.

Councilwoman Bruno stated that she will be requesting an amendment before acting on in regard to paying employees.

Resident II questioned Resolution #192 in regard to what this procedure was for.

Councilman Baker stated that it was an easement needed so that they can turn the sewer over to the County.

Resident II questioned Resolution #195 and if training would be provided to the appointed tax collector.

Supervisor Connelly stated that Anne Robyck was being appointed and the County is working with her now.

Councilwoman Bruno stated that Anne Robyck would be appointing a previous tax collector as her Deputy which will be a help to her.

Resident II requested further explanation of Resolution #196.

Supervisor Connelly stated that Saratoga Plan approached the Town of Stillwater & Town of Malta in regard to acquiring the property and making it a State or County Park. He went on to explain the process and the need to have something substantial to show the County in order to continue with this option.

Resident II questioned Resolution #197 in regard to designating holidays to Town Employees. Councilman Baker stated that can't do this because the Highway Dept is under Union contract. Councilwoman Bruno stated that she requested this because there is no policy in place.

Resident III commented on the ice storm and if the Town would pick up the fallen trees/branches if put along the road.

Supt Minick stated that they would pick up the debris.

## **Agenda Items(*Resolutions #176---#197*)**

Resolution #175: Setting a Public Hearing to amend Local Law #5 of 2004 regarding penalty of Violations.

Resolution #176: Setting a public hearing to consider Local Laws #\_\_, #-\_\_ &#\_\_ of 2009 and adoption of a Town Code.

Resolution #177: Setting the Date & Time of Re-Organizational Meeting of the Stillwater Town Board for 2009

Resolution #178: Approving year end budget transfers.

Resolution #179: Approving the 2009 Police Contract

Resolution #180: Adopting the statement of findings regarding the AMD PDD Amendments:

Resolution #181: Adopting Local Law #\_\_ of 2008 enacting the AMD PDD Amendments.

Resolution #182: Authorizing the Supervisor to sign a Development Agreement with AMD.

Resolution #183: Establishing a Capital reserve Fund for Parks.

Resolution #184: Awarding contract to G. A. Bove Fuels for Gas, Diesel Fuel & Heating Oil.

Resolution #185: Maintaining rate of pay for the Highway Dept Secretary.

Resolution #186: Hiring one full time employee for Highway, Park & Community Services.

Resolution #187: Purchase a front mount mower with bagger for the Highway Dept off State Contract.

Resolution #188: Adopting a personnel policy for Town Employees.

Resolution #189: Authorizing the Supervisor to sign a discharge mortgage for Carmella Hein.

Resolution #190: Permitting the closure of Town Hall due to inclement weather or safety concerns.

Resolution #191: Install a water fountain and replace the gym pads at the Stillwater Area Community Center.

Resolution #192: Authorizing the Eminent Domain of certain properties.

Resolution #193: Honoring Patty Paduano for her Planning Board Service.

Resolution #194: Co-Sponsoring the Annual Frost Faire held at the SNHP.

Resolution #195: Appointing a Tax Collector to fill the position that was recently vacated.

Resolution #196: Authorizing an Intermunicipal Agreement with the Town of Malta and possibly Clifton Park & Halfmoon to jointly complete an appraisal and report of the Browns Beach property.

Resolution #197: Designating holidays for Town Employees.

Councilman Petronis requested a separate vote on Resolutions #180, #181, & #182.

Councilwoman Bruno requested a separate vote on Resolutions # 190 & #197.

**Motion** by Councilman Baker and seconded by Councilman Petronis to table Resolution #188 with the intent to bring it back at the January 1, 2009 Re-Organizational meeting.

A roll call vote was taken as follows on Resolution #188:

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

**Motion carried.** Resolution #188 was tabled unanimously. (No discussion)

Councilman Baker requested a separate vote on Resolution #196.

Councilwoman Whitman requested a separate vote on Resolutions #185, #186, & #187.

**Motion** by Councilman Petronis and seconded by Councilwoman Bruno to adopted Resolutions #175, #176, #177, #178, #179, #183, #184, #189, #191, #192, #193, #194, & #195.

A roll call vote was taken as follows:

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

**Motion carried.** Resolutions #175, #176, #177, #178, #179, #183, #184, #189, #191, #192, #193, #194, & #195 were adopted unanimously. (Copies attached and made part of the minutes).

Resolution #180 (Adopting the Statement of Findings regarding the AMD PDD Amendments)

**Motion** by Councilman Petronis and seconded by Councilman Baker to adopt Resolution #180.

Discussion: Councilman Petronis requested an amendment be added after the first resolve.

The amendment read as follows: RESOLVED, that the Town Board hereby adopts the attached Statement of Findings in connection with the AMD PDD amendments contained in Local Law 3 of 2008; with the following Amendment to Paragraph 4.14(3) – the words “and the amendments further clarify the amount of the payments” at the end thereof be deleted, and be it further

A roll call vote was taken as follows:

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

**Motion carried.** Resolution #180 was adopted unanimously as amended. (Copy attached and made part of the minutes).

Resolution #181: (Local Law #3 of 2008 enacting the AMD PDD Amendments)

**Motion** by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #181.

Discussion: Councilman Petronis requested that an amendment be added after the first resolve. The amendment read as follows: RESOLVED, that the Town Board hereby adopts Local Law 3 of 2008, a Local Law enacting amendments to Local Laws Nos. 4 and 8 of 2004 regarding the Luther Forest Technology Campus Planning Development District as proposed in the final version of the Local Law (color coding and deletions excepted) presented to the Town Board Members on December 10, 2008, with the following further changes, which are deemed not to be substantive in nature:

1. This approval is conditional upon AMD funding an escrow account for a tax attorney’s review of the development and build out within the District as required by Paragraph X.9.b of the legislation and Resolution n No. 167 of 2008 of this Town Board in the amount of \$15,000.00 by December 31, 2008; and
2. Paragraph X.6.a.(1): should read “Nanotechnology Manufacturing Facility in Development Area 1: \$100,000.00 for each of the three anchor facilities in Development Area 1; and”

A roll call vote was taken as follows:

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

**Motion carried.** Resolution #181 was adopted unanimously as amended. (Copy attached and made part of the minutes).

Resolution #182: (Authorizing the Supervisor to sign a Development Agreement with AMD).

**Motion** by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #182.

Discussion: No discussion

A roll call vote was taken as follows:

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

**Motion carried.** Resolution #182 was adopted unanimously. (Copy attached and made part of the minutes).

Councilman Petronis read a statement as follows:

“Many hours were put into the AMD PDD Amendments by the Town Board, Planning Board the Attorneys for the Town & Engineers for the Town.

There were public hearings. There were works shops. There were many meetings. There were many hours of reading the many revisions. It seemed each time we met or the Attorneys and Engineers met, we had another revision to digest and make comments on.

I would like to thank all those involved in this major task. I know I'll miss someone, but I would like to thank a few people who worked on this project. To start I thank Shawn Connelly, Supervisor and the Town Board members, JoAnn Winchell and the Planning Board, Cutler, Trainor & Cutlet, LLC Attorneys for the Town, the Chazen Companies, Engineers for the Town in particular Stuart Mesinger, Sue Cunningham, Town Clerk for the minutes and copying she has done, and a big thank you to Mark Minick, he had a part in pulling this all together.

I am satisfied that we did everything we had to do to protect the Town of Stillwater and its residents.

Therefore that is why I voted yes to the amendments."

Councilwoman Whitman stated that she is pleased to part of the vote to accept the draft findings so diligently worked on the Planning Board, Attorneys, and Engineers. She is sure that AMD/Foundry Co will bring to the area the much needed economic boost, which is so needed. She looks forward to knowing that a committee will be formed to recommend the expenditures for the host benefits to be received over a four year period. These benefits should enable the board to work on some community projects and at the same time assist them in not raising taxes for the projects.

**Resolution #185** (Rate of pay for the Highway Department Secretary)

**Motion** by Councilman Petronis and seconded by Councilman Baker to adopt Resolution #185.

Discussion: Councilwoman Whitman stated that this was not intentional on their part. It was discovered as they were preparing for the 2009 budget. The Office of Fiscal Management and she came up with two different salaries for this position. This Highway Secretary is under contract with CSEA but she received in 2007 an 8% raise and in 2008 she received a 5% raise for a 13% raise over a two year period when it should have been a 6 1/2 percent raise. She stated in executive session on November 6<sup>th</sup> the Supervisor informed them that the Union said if they didn't make her pay back what she owed that they would go back to the contract salary on January 1, 2009. She believes that the contract has been broke and that the highway men could come back and ask them for 6 1/2% because she was under contract for the same as the highway men. Councilwoman Whitman stated that just because someone goes from 19 1/2 hours to 35 hours doesn't mean the contract salary changes.

Councilman Petronis stated that at the time they authorized her to be full time her current rate of pay was \$14.18 and he doesn't believe the union will go after her for anything.

Councilwoman Whitman stated that in January 2007 she went to \$13.51 instead of 12.51.

Further discussion entailed on the rate of pay.

Supervisor Connelly stated that there were two options that were presented (1) stay at the current rate of pay and pay back over \$4,000 (2) go back to the contract rate of pay and not pay anything back. Supervisor Connelly asked the Highway Supt if he talked to her about what she wanted to do.

Supt Minick stated that what he understood was the she would be staying at her current salary of the 14.18.

Supervisor Connelly stated that the salary discussed was the current contract salary. He stated that the bottom line according to the contract her salary should have been \$13.47 regardless of the hours. He understands that there may have been an agreement at another time which was never documented for an increase rate of pay. He stated that a contract is a contract and the Town has to follow it on there side when it benefits them so it is only right that when it doesn't benefit them they have to accept the same.

Discussion continued on the salary.

A role call vote was taken as follows:

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

**Motion defeated.** Resolution #185 was defeated by a 4 to 1 vote. (Copy attached and made part of the minutes).

**Resolution #186** (Hire one full time employee for Highway, Parks & Community Services)  
**Motion** by Councilman Baker and seconded by Councilwoman Bruno to adopt Resolution #186.

Discussion: Councilwoman Whitman stated that this resolution is to hire a new full time Highway Employee effective on 1/1/09 – the 2009 Budget allows for two part-time to be hired in May to do mowing. Councilwoman Whitman, was against another full-time, with the economic climate, and the lay offs in this area, she just could not as a Town Board Member hire another full time person. The Board has agreed two part-time, then somewhere along the way the opinion changed. She presented figures, over a 5 to 10 year period, with benefits and overtime, showing that 2 part-time at this time were more cost effective.

Councilwoman Bruno stated that she opposed this resolution on the basis that she doesn't believe it is in the best interest of the town during the economic times that we are facing. She believes that with 2 part-time workers they can get more work done than with one person.

Councilman Petronis stated that they could get a lot more work accomplished with one full time than with two part-time and that every year they would probably have to hire different people. Supervisor Connelly stated that in the beginning he was for hiring two part-time but once given the figures and felt that hiring one full time would not cost any more than hiring two part-time.

A roll call vote was taken as follows on Resolution #186:

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

**Motion carried.** Resolution #186 was adopted by a 3 to 2 vote. (Copy attached and made part of the minutes)

Resolution #187 (Front Mount Mower)

**Motion** by Councilman Petronis and seconded by Councilman Baker to adopt Resolution #187.

Discussion: Councilwoman Whitman stated that Councilwoman Bruno and she knew nothing about this purchase until the day before the meeting; it was for a new lawn mower (tractor) for 23,000. She said that she is for purchasing equipment if needed, on the 3 years lease buy, even with the interest payments, over a three year period, she presented figures showing a savings this year could have been around \$55,000, which would of helped with the tax rate.

Councilwoman Bruno stated that she was opposed to this resolution because she did not know where it came from and it seemed like it came out of nowhere. It has not been mentioned or discussed before. She asked why it was sprung at them at the last minute and given a dollar amount the day before they were to vote on it.

Supervisor Connelly stated that they are not authorizing him to spend any additional money it is money that he already has in his budget.

Supt Minick commented on the new board and their motives. He stated that they have had twelve months to come and talk to him and take a tour of the Highway Dept. He said that the Highway Dept is the most important department in the Town, if they don't take care of the roads today it will cost more tomorrow. He has chosen to take care of the roads, equipment and that his Dept is well respected by other communities.

Councilwoman Bruno stated that she has no motive but has a problem with how the resolution was brought about.

Further discussion entailed on the Highway Dept. and its equipment.

A roll call vote was taken as follows on Resolution #187:

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

**Motion carried.** Resolution #187 was adopted by a 2 to 3 vote. (Copy attached and made part of the minutes).

Resolution #190 (Closure of Town Hall/Inclement Weather)

**Motion** by Councilwoman Whitman and seconded by Councilman Baker to adopt Resolution #190.

Discussion: Councilwoman Bruno requested Resolution #190 be amended to add the following Whereas , in the event of a full days closure the Supervisor may close Town Hall with the ratification of the full board without requiring town employees to use their leave credits;

A roll call vote was taken as follows on Resolution #190:

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

**Motion carried.** Resolution #190 was adopted unanimously as amended. (Copy attached and made part of the minutes).

Resolution #196 (Appraisal & report of Browns Beach)

**Motion** by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #196.

Discussion: Councilman Baker stated that he was not in favor of this and would like to see it remain on the tax roll.

Councilwoman Bruno inquired who would be lead agency and stated that she would like to see a letter of intent from the other communities before authorizing the Supervisor to sign.

Supervisor Connelly stated that Stillwater would be the lead agency and commented on the funding if monies came from State or County.

Councilman Petronis stated that this piece of property is a jewel and commented on projects that could come before the in the future in regard to the property.

A roll call vote was taken as follows on Resolution #196

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

**Motion carried.** Resolution # 196 was defeated by a 3 to 2 vote. (Copy attached and made part of the minutes).

Resolution #197 (Designating Holidays for Town Employees)

**Motion** by Councilwoman Baker and seconded by Councilwoman Whitman to adopt Resolution #197.

Discussion: Councilwoman Bruno stated that with Christmas falling on a Thursday some employees are taking Friday off and this is just protecting the Town with no policy in place.

Councilman Baker requested the resolution be amended to state the Town Hall would be closed on Friday December 26, 2008.

A roll call vote was taken as follows on Resolution #197 as amended:

Councilman Baker	Yes
Councilman Petronis	Yes
Councilwoman Bruno	Yes
Councilwoman Bruno	Yes
Supervisor Connelly	Yes

**Motion carried.** Resolution #197 was adopted unanimously. (Copy attached and made part of the minutes)

#### **Audited Claims**

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

General	#569-#601	\$10,961.48
Highway	#543-#562	\$10,868.52
Town Outside	#134-#138	\$3,287.35
Capital Projects	#82-#85	\$160,430.99
Sewer & Water	#66-#67	\$138.00

**Motion carried.**

**Motion** by Councilman Baker and seconded by Councilman Petronis to adjourn the Business Meeting of the Stillwater Town Board at 8:40 PM. **Motion carried.**

Respectfully submitted by  
Sue Cunningham  
Stillwater Town Clerk

