

REGULAR MEETING -BOARD OF TRUSTEES- SEPTEMBER 17, 2019-7:00 P.M.

PRESENT: MAYOR – JUDY WOOD-SHAW, TRUSTEE DOROTHY DEMARCO, TRUSTEE JUDY WOOD-ZENO, TRUSTEE TIMOTHY CAMPBELL, TRUSTEE JOHN BASILE
CLERK/TREASURER: SHERISTIN TEDESCO
DEPT. OF PUBLIC WORKS: MATT RIFENBURGH - Absent
BUILDING CODE OFFICER: LARRY WOLCOTT - Absent
ATTORNEY: JAMES PELUSO
FIRE CHIEF: TONY CONTI
ENGINEER – ED HERNANDEZ

Public Attendance – 1

The meeting began with The Pledge of Allegiance and a moment of silence.

MOTION to open the public hearing to establish Sewer Rents and Sewer Tax Charges effective October 1, 2019 made by Trustee Campbell, seconded by Trustee Zeno
Motion carried 4-0

Trustee Basile explained the sewer debt versus the sewer operation and maintenance rate. The debt is based upon your assessment of your property and the sewer rate is based upon your consumption. He explained the sewer debt history and loan information.

Treasurer Tedesco explained it was, in her professional opinion, necessary to raise the sewer O&M rates because we are spending more than we are bringing in, therefore using our fund balance. She explained if continue with the same spending and revenue collecting pattern, we will be out of fund balance in two years. This is due mainly in part to the increased costs of hauling to the county and the fact we have not raised rates in over four years. Treasurer Tedesco advises to raise the rate to \$5.00 per 1000 gallons used.

MOTION to close the public hearing to establish Sewer Rents and Sewer Tax Charges effective October 1, 2019 made by Trustee Basile, seconded by Trustee Campbell
Motion carried 4-0

CORRESPONDENCE – Mayor Shaw stated we received very good results from our internal audit and the final draft will be available soon. She made special note of the auditor’s statement “We feel the books and records of the Village are in strong condition, and We would specifically like to recognize Sher Tedesco for her cooperation during our field visit. Sher demonstrated a positive attitude while jointly performing her day-to-day responsibilities and acting as a liaison for our requests. We enjoyed working with the Village and the professional attitude and pride they take in their work showed in the quality of the samples we tested.”

FIRE DEPARTMENT CHIEF: Quiet month, one alarm. The coin drop went very well and we will be doing the house to house collection on October 9th and 10th.

FIRE MARSHALL – Laurence Case stated he did multiple inspections during the month. The library is almost ready for another inspection after fixing the identified problems and 1111 Hudson is working on correcting some issues also. He has 6 inspections scheduled. He is working with Matt Mehan to add hazardous info into the fire software so firefighters can be more prepared when called to a scene of the potential risks they may encounter.

DPW – (Report on file)

BCO – (Report on file)

ENGINEERING – The monthly reports were reviewed, and no compliance issues were noted with either system. The grant has been submitted for the water line replacement project from Hillside to Hudson Ave. via Lake Street. It is a match grant with a low interest loan requested to EFC.
(Report on file)

COMMITTEE REPORTS:

Trustee Basile described the NYSEG LED conversion project. It was decided the board chooses to go ahead with the 4000 lumens lights and they will be full cut off lights. Trustee Basile will move forward with NYSEG. Trustee Basile stated he has been in contact with representatives from Eon and they expect to begin the battery project very soon. He gave some antique papers to the Fire Dept that he had received from Milt Aldrich. The papers included a resolution from 1944 and also some vouchers paid.

Trustee Campbell – Stated the sewer truck should be ready by the end of October. He also said the American Legion will be installing a new commercial security camera system at their new building and offered if the village would like to purchase cameras for the DPW garage and splashpad/basketball areas. The Village Board decided that would be a good idea and asked Trustee Campbell to get more information on cost.

Trustee DeMarco – Stated the playground equipment was ordered and we were successful in setting up an account online for Walmart.com. She will request the representative from Copeland come and give a presentation to the Board about the basketball court paving.

Trustee Zeno – Attended the Planning Committee meeting on 9/12/19 and is requesting all participants take an active part and have a job to do for the committee. If members do not show up at meetings, she is going to request they resign and ask new members to join. Trustee Zeno also recognized Mayor Shaw for doing a wonderful job at the 9/11 Memorial ceremony.

VILLAGE ATTORNEY – Stated the mandated sexual harassment training has to be completed by 10/9/19. The Mayor stated she will call our insurance rep in the am to see if they have the training completed as of yet.

TREASURER REPORT

Voucher Totals By Account for the month

“A” General Fund	\$ 20,772.14
“F” Water Fund	\$ 2,902.45
“G” Sewer Fund	\$ 6,573.19
TOTAL	\$ 30,247.78

Treasurer’s Report – copy provided to all board members

Up to date Revenue and Expense Control Reports have been provided to all board members.

The Clerk is currently working on water/sewer bills to be mailed for October 1, 2019.

MOTION to accept the budget adjustment as presented below made by Trustee Basile, seconded by Trustee Campbell
Motion carried 4-0

Increase A.7110.400 by \$4000.00, from the General Fund, to cover Splashpad Incidentals per VB approval.

MOTION to open the floor to the public and press made by Trustee Basile, seconded by Trustee Campbell
Motion carried 4-0

Jeff Mahar asked about Ali’s Automotive dismantling trailers right in front of the firehouse and the Mayor stated she will have Code Enforcement investigate the situation.

MOTION to close the floor to the public and press made by Trustee Basile, seconded by Trustee Campbell
Motion carried 4-0

NEW BUSINESS

There will be a flu shot clinic at the SACC, date and time to be verified

OLD BUSINESS

MOTION to increase the authorization for Kenneth A. Ingersoll, SC from \$2,850 approved November 2017 to \$6,042.63 for the completion of construction of the Cordero Blvd. Chlorine Structure made by Trustee Basile, seconded by Trustee Zeno
Motion carried 4-0

RESOLUTION

**VILLAGE OF STILLWATER
BOARD OF TRUSTEES
September 17, 2019**

**Decision Extending Special Use Permit for
Stillwater Energy Storage, LLC at 982 Hudson Avenue**

Motion By: Trustee Wood-Zeno
Seconded By: Trustee Basile

WHEREAS, by Resolution dated September 18, 2018, the Board of Trustees of the Village of Stillwater approved an application for a Special Use Permit by Stillwater Energy Storage, LLC to install and operate a lithium-ion powered battery energy storage system (BESS) at 982 Hudson Avenue (Tax Map # 244-1-8); and

WHEREAS, pursuant to the Village of Stillwater's zoning laws, including Local Law No. 3 of 2007 as amended (Village of Stillwater Zoning Code) and Local Law No. 2 of 2017 as amended (Village of Stillwater Form-Based Code), the special use permit shall expire if construction has not commenced within one year or been completed within two years or the special use ceases for more than 12 months; and

WHEREAS, the Stillwater Energy Storage, LLC seeks to extend the Special Use Permit; and

WHEREAS, the Board of Trustees has reviewed the original application and subsequent materials submitted by Stillwater Energy Storage, LLC in support of their request for an extension of said permit; and

WHEREAS, permit extensions may be granted at the discretion of the Village Board pursuant to the applicable local laws;

NOW, THEREFORE, BE IT KNOWN AND RESOLVED THAT pursuant to Village of Stillwater Local Law No. 4 of 1994 (Land Development), Article VI of Local Law No. 3 of 2007 (Zoning Law) and Article VI of Local Law No. 2 of 2018 (Form-Based Code), the Village Board of Trustees hereby approves an extension of the September 18, 2018 Special Use Permit subject to the following conditions:

1. Approval is conditioned upon the applicant obtaining any federal, state, local or other permits/approvals as may be necessary, including but not limited to the requested use variance for a fence from the Zoning Board of Appeals;
2. This special use permit shall expire if project construction has not been commenced within one (1) year and has not been completed within two (2) years of the date of this resolution approving the extension of the special use permit.
3. This special use permit shall expire if the special use shall have ceased for more than twelve (12) consecutive months for any reason.
4. This special use permit shall expire on a date to be determined ten years after the battery is declared in service (unless it should expire sooner by reason of conditions 2 or 3 above). Extensions may be granted at the discretion of the Village Board of Trustees.
5. Approval is conditioned on the battery project not exceeding 10 dBs above the baseline ambient sound. Prior to placing the battery project into service, an ambient baseline sound survey shall be performed including the three nearest points of the adjacent residences. It shall ignore noise emanating from passing vehicles. The parameters of the baseline survey shall be agreed to by the Village Engineer. Upon placing the project into service and after the landscape screening is installed around the fencing, the sound survey shall be repeated. If the sound in decibels is greater than 10 dB above the baseline, additional sound attenuation shall be made by the applicant until the ambient sound increase is equal to or less than the 10 dBs at the three nearest points of the adjacent residences; and
6. Approval is conditioned upon the applicant submitting an amended site plan showing the revised location of the battery project behind the residence at 982 Hudson Avenue, which amended site plan shall be subject to acceptance by the Village Mayor; and
7. Approval is conditioned upon the Village Mayor's acceptance of mutual agreement between Stillwater Energy Storage, LLC and the Village for a Public Benefit Fee and/or a Payment In Lieu of Taxes; and
8. Approval is conditioned upon Stillwater Energy Storage, LLC complying with the October 25, 2018 Use Variance granted by the Village Zoning Board of Appeals for the proposed fence enclosing the project; and
9. Prior to installation of a second battery module, the Village reserves the right to impose additional conditions.

The Village Board Members present upon roll call vote were:

VOTE:

Trustee Basile	<u>Yes</u>
Trustee Campbell	<u>Yes</u>

Trustee DeMarco	<u>Yes</u>
Trustee Wood-Zeno	<u>Yes</u>
Mayor Wood-Shaw	<u>Yes</u>

I, Sheristin Tedesco, Village Clerk, do hereby verify that the foregoing is a true copy of a Resolution and Decision adopted by the Board of Trustees of the Village of Stillwater, Saratoga County, New York on September 17, 2019. Said decision shall be forthwith filed with the Village Clerk's Office and a copy mailed to the applicant.

RESOLUTION

**VILLAGE BOARD OF TRUSTEES
VILLAGE OF STILLWATER
SEPTEMBER 17, 2019
HUDSON RIVER VALLEY GREENWAY GRANT APPLICATION**

Motion by: Trustee DeMarco
Seconded by: Trustee Basile

WHEREAS, the Village of Stillwater is applying to the Hudson River Valley Greenway for a grant under the Hudson River Valley Greenway Community Grant Program for a project entitled Stillwater Heritage/Culture Pride project to be located in Village of Stillwater,

NOW, THEREFORE BE IT RESOLVED that the governing board of Village of Stillwater hereby does approve and endorse the application for a grant under the Hudson River Valley Greenway Community Grant Program, for a project known Stillwater Heritage/Culture Pride project and located within this community.

VOTE:	VOTE
Trustee Basile	<u>Yes</u>
Trustee Campbell	<u>Yes</u>
Trustee DeMarco	<u>Yes</u>
Trustee Wood-Zeno	<u>Yes</u>
Mayor Wood-Shaw	<u>Yes</u>

I, Sheristin Tedesco, Village Clerk, do hereby verify that the foregoing is a true copy of a Resolution adopted by the Board of Trustees of the Village of Stillwater, Saratoga County, New York on September 17, 2019.

RESOLUTION

**BOARD OF TRUSTEES
VILLAGE OF STILLWATER
September 17, 2019**

Resolution Establishing Sewer Debt Service Tax Charge Effective October 1, 2019

Motion By: Trustee Basile
Seconded By: Trustee Campbell

WHEREAS, pursuant to Local Law No. 1 of 2013, the Village is authorized to set sewer rents and charges by resolution after a public hearing, which comprise of separate charges billed to sewer users for (i) Debt Service and (ii) Operational and Maintenance; and

WHEREAS, there is positive fund balance relative to the Debt Service on the Village's sewer system due to increases in revenue from other sources and the end of certain loan payments on capital projects related to the Village's waste water treatment plant. As a result, the present collection of funds now exceeds the amount required to service the sewer debt; and

WHEREAS, the Board of Trustees desires to reduce the annual Debt Service charge

for inside users from \$1.20 per \$1,000 assessed value to \$0.90 per \$1,000 assessed value. One-half of the annual Debt Service charge is billed on a biannual sewer bill; and

WHEREAS, after due notice a public hearing was duly held before the Board of Trustees at the Village Hall on September 17, 2019 to consider and establish a such sewer rents and charges.

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Stillwater pursuant to said local law, hereby establishes, effective October 1, 2019, a sewer Debt Service tax to be charged to insider users of \$.90 per \$1,000 assessed value.

The Village Board Members present were:

Voting:	Yes	No	Abstain	Absent
Trustee Basile	<u> X </u>	_____	_____	_____
Trustee Campbell	<u> X </u>	_____	_____	_____
Trustee DeMarco	<u> X </u>	_____	_____	_____
Trustee Wood-Zeno	<u> X </u>	_____	_____	_____
Mayor Wood-Shaw	<u> X </u>	_____	_____	_____

I, Sheristin Tedesco, Village Clerk, do hereby verify that the foregoing is a true copy of a Resolution adopted by the Board of Trustees of the Village of Stillwater, Saratoga County, New York on September 17, 2019.

RESOLUTION

**BOARD OF TRUSTEES
VILLAGE OF STILLWATER
September 17, 2019**

Resolution Establishing Sewer Operation & Maintenance Charges October 1, 2019

Motion By: Trustee Basile
Seconded By: Trustee Campbell

WHEREAS, pursuant to Local Law No. 1 of 2013, the Village is authorized to set sewer rents and charges by resolution after a public hearing, which comprise of separate charges billed to sewer users for (i) Debt Service and (ii) Operational and Maintenance; and

WHEREAS, due to the increased costs to operate and maintain the Village's sewer system, the fund balance relative to Operation and Maintenance is insufficient to cover budgeted costs; and

WHEREAS, the Board of Trustees desires to increase the annual Operation and Maintenance charge for insider users from \$4.50 per 1,000 gallons of water consumed to \$5.00 per \$1,000 gallons of water consumed; and

WHEREAS, after due notice a public hearing was duly held before the Board of Trustees at the Village Hall on September 17, 2019 to consider and establish a such sewer rents and charges.

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Stillwater pursuant to said local law, hereby establishes, effective October 1, 2019, a sewer Maintenance and Operation rent for insider users of \$5.00 per 1,000 gallons of water consumed.

The Village Board Members present were:

Voting:	Yes	No	Abstain	Absent
Trustee Basile	<u> X </u>	_____	_____	_____
Trustee Campbell	<u> X </u>	_____	_____	_____
Trustee DeMarco	_____	<u> X </u>	_____	_____
Trustee Wood-Zeno	_____	<u> X </u>	_____	_____
Mayor Wood-Shaw	_____	<u> X </u>	_____	_____

Resolution failed.

Mayor Wood-Shaw stated that there would be a probable increase to the Sewer O&M for the April 2020 billing, and possibly a water rate increase.

MOTION to approve the audit claims for the month made by Trustee Campbell, seconded by Trustee DeMarco
Motion carried 4-0

MOTION to approve the Treasurer's report made by Trustee Campbell, seconded by Trustee Zeno
Motion carried 4-0

MOTION to approve the minutes from Regular Meeting dated 8/20/2019 made by Trustee Basile, seconded by Trustee Campbell
Motion carried 4-0

MOTION to enter executive session for attorney advice on contractual issues made by Trustee Zeno, seconded by Trustee Campbell
Motion carried 4-0

MOTION to exit executive session for attorney advice on contractual issues made by Trustee Campbell, seconded by Trustee Basile
Motion carried 4-0

MOTION to authorize the Clerk/Treasurer to enter into a payment plan agreement with Customer 630002 for an outstanding invoice, to be paid in full by March 30, 2020 made by Trustee Campbell, seconded by Trustee Zeno
Motion carried 4-0

MOTION to adjourn made by Trustee Campbell, seconded by Trustee Basile
Motion carried 4-0

Meeting adjourned 9:15 PM

Respectfully submitted,

Sheristin Tedesco
Clerk/Treasurer