

**REGULAR MEETING-PUBLIC HEARING-BOARD OF TRUSTEES-OCTOBER 17,
2006-7:00 P.M.**

**PRESENT: MAYOR, ERNEST W. MARTIN; TRUSTEES – MICHAEL HANEHAN,
MARTIN RICCARDI, RAYMOND WALKER
ABSENT: TRUSTEE – JOHN MURPHY**

**ALSO PRESENT: ATTORNEY, JAMES PELUSO; BUIDLING CODE OFFICER,
LYNN GOMAN; FIRE CHIEF, SHANE MAHAR; SUPT. OF PUBLIC WORKS,
ROBERT GERASIA**

PUBLIC HEARING

Mayor Martin called the Public Hearing to order, he then read the notice of Public Hearing that was published in the newspaper.

Mr. John DuCharme, representing NKT Land Acquisitions explained the project that has been proposed.

- 39 single family homes
- Approximate cost \$300,000 for each home
- Construction traffic to use the curb cut off Hudson Avenue
- 100 ft buffer with regard to DEC wetlands
- Federal wetlands within the project have been addressed
- One access off of Clinton Court

Mr. DuCharme explained they are requesting a resolution passing a negative declaration with regard to SEQR and another resolution approving the project as presented.

A resident questioned the location of the street and questioned why it was not put at the end of Clinton Ct. rather than between two houses. He felt it would make more sense to go to the end of the road thus eliminating the turn around situation that now exists.

Mr. Basile questioned the storm water drainage system, if that would be sump pumps. It was explained that they are working with architects to address these issues.

Mr. Champlin questioned what benefit the Village would realize from this project other than improvement to the Clinton Court road.

Trustee Walker explained \$100,000 would be received to upgrade the pump station in Clinton Court.

Mr. Champlin questioned the nature trail.

Trustee Walker explained the village would have to create the nature trail; prior to the project we have not had access to the riverfront property.

Mr. Caulfield questioned why they consider traffic not a problem. It was explained that a traffic study was completed for the prior project and there would be no significant impact.

Ms. Farrell questioned if there were any plans to provide buffer for the current properties adjoining the project.

Mr. Basile questioned the acreage, how many acres are wetlands to be dedicated to the village.

38.8 acres, approximately 12-14 acres wetlands.

Mr. Champlin questioned the land to be dedicated to village. He feels it is worthless land.

Ms. Simmons questioned if a builder has been selected for the project. Not yet.

Trustee Walker reviewed the SEQR part 2 for the Board and the public. (copy of SEQR on file) It was advised that a negative declaration be passed.

Attorney Peluso explained there are two issues to address.

Board Discussion:

Trustee Riccardi – questioned “liquid effluent will be conveyed off the site to facilities which do not exist or have inadequate space”. Attorney explained this is requesting municipal sewer service rather than on site septic systems. This would be subject to DEC approval.

MOTION to close the public hearing at 7:30 P.M. made by Trustee Walker, seconded by Trustee Riccardi.
Motion carried 3-0

Mayor Martin called the regular meeting to order at 7:35 P.M. and led the Pledge to the Flag.

CORRESPONDENCE

Clerk read a letter from Mrs. Thompson requesting her water and sewer account for 78 Hudson Avenue be deleted as she is having the house demolished.

MOTION to delete account 400078, turnoff water at the street and plug the sewer connection made by Trustee Hanehan, seconded by Trustee Walker.
Motion carried 3-0

Mayor read a note of thanks from Trustee Walker’s family.

BUILDING CODE OFFICER – Lynn Goman

Issued 2 permits for the month
1 at the diner and 1 for new siding and windows, Colonial Rd.
Met with contractor to convert old Stewart’s in to a restaurant.
78 Hudson Ave, tenant is out of building but personal property is still there must wait additional time to allow them to remove personal property.
10/13 met with representative from ISO
Received 3 certificates toward certification.

FIRE CHIEF – Shane Mahar

Quiet month – report on file
Received a \$25,000 grant from Senator Bruno to purchase needed equipment.
Will be going to training tower at the end of the month; have invited Arvin/Hart and the City of Mechanicville Department to join Village Department.
Have purchased training manuals
Web site is getting an upgrade
Will be holding house to house fund drive to help offset expenses.
Received resignations from 3 members: Andrew Walts, Rachel Walts and Jack Bushell

MOTION to accept the resignations submitted by Andrew Walts, Rachel Walts and Jack Bushell made by Trustee Walker, seconded by Trustee Hanehan.
Motion carried 3-0

Saturday October 21st will be the annual “Old Tymer’s Banquet” upstairs Mayor and Board are invited to attend, would like to request permission to provide alcoholic beverages, would have 5 members act as dry crew in the event of an emergency.

MOTION to authorize the Newland-Wood Fire Dept. to serve beverages at the “Old Tymer’s Banquet” made by Trustee Riccardi, seconded by Trustee Walker.

Discussion: Mayor would like Arvin Hart on automatic stand by.

Addition to motion “Arvin Hart on automatic standby”

Roll call vote: Trustee Walker – yes
Trustee Riccardi – yes
Trustee Hanehan – no
Mayor Martin – yes

Motion carried 3-1

SUPT. OF PUBLIC WORKS – Robert Gerasia

Maintained the village properties – equipment – Clinton Ct. floats were bad, had to be replaced. Moved flag pole for American Legion – flushed settling tanks and hydrants. Jetted lines Russell Drive, complaint sewage in basement 30 Russell Drive due to clogged sewer line – repaired blower motor at sewer plant, replaced pump, emptied sludge holding tank.

COMMITTEE REPORTS

Trustee Raymond Walker – Zoning committee making great strides, work on maps completed at last meeting.

Trustee Martin Riccardi – nothing

Trustee Michael Hanehan – nothing

ATTORNEY – James Peluso

Nothing at this time

CLERK-TREASURER – Margo Partak

Clerk advised there would be an election in March, Board needs to pass a resolution designating office and terms thereof.

RESOLUTION

WHEREAS, Section 15-104, Sub.3.(a) of the Election Law of the State of New York provides that the Board of Trustees shall adopt a resolution, at least four (4) months prior to the general village election, designating the offices to be filled and the terms thereof, such resolution to be published within (10) days of adoption.

NOW THEREFOR, BE IT RESOLVED, that a General Village Election of the Village of Stillwater, New York will be held on Tuesday, the 20th day of March 2007, and the office to be filled and the terms thereof are as follows:

Mayor – four years

Trustee – four years

Trustee – four years

Village Justice – four years

Resolution moved by Trustee Hanehan, seconded by Trustee Riccardi.

Motion carried 3-0

Clerk advised that a resolution needs to be passed with regard to the health insurance premium paid by the employees so that it is pre tax deduction.

RESOLUTION

RESOLVED, that the form of Cafeteria Plan effective 4/1/2006, presented to this meeting is hereby approved and adopted and that the duly authorized agents of the Employer are hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.

RESOLVED, that the Administrator shall be instructed to take such actions that are deemed necessary and proper in order to implement the Plan, and to set up adequate accounting and administrative procedures to provide benefits under the Plan.

RESOLVED, that the duly authorized agents of the Employer shall act as soon as possible to notify the employees of the Employer of the adoption of the Cafeteria Plan by delivering to each employee a copy of the summary description of the Plan in the form of the Summary Plan Description presented to this meeting, which form is hereby approved.

Resolution moved by Trustee Walker, seconded by Trustee Riccardi.

Motion carried 3-0

Clerk-Treasurer advised Board a refund check from NYSEG was received in the amount of \$2,299.78; we also received an invoice from COMPUTEL Consultants requesting 50% as per our agreement. Would like Board authorization to pay COMPUTEL.

MOTION authorizing Clerk-Treasurer to forward a check to COMPUTEL Consultants in the amount of \$1149.89 made by Trustee Riccardi, seconded by Trustee Walker.

Motion carried 3-0

MOTION to open the floor to the public and press made by Trustee Hanehan, seconded by Trustee Walker.

Motion carried 3-0

Andrew Walts: Mr. Walts explained his reason for moving on to Arvin Hart, would like to see village provide pension plan for the many dedicated individuals who volunteer in the Newland Wood Fire Department.

Mayor Martin thanked Mr. & Mrs. Walts for all of their dedication to the Village during their membership. He advised he has been investigating the possibility of offering a pension plan, it needs to be determined if it would be cost prohibitive.

Jeff Mahar advised there is a streetlight out at the corner of Campbell & Hudson Avenue; it is very dark in that area without the light. He also stated that there were limbs of a tree burning on Lake Street due to the limbs resting on the electric wires someone one should notify NYSEG of the concerns regarding trees on wires. Village Dept. did notify County emergency services regarding this situation.

Teri Simmons questioned the retirement for firefighters. It was explained that there are various requirements other than being a member.

Shawn Connelly questioned if the village had plans to flush hydrants 3 times per year, understands that the Town is planning to flush 3 times.

Ms. Simmons questioned how many days per week the DPW employees work. She was advised they are now working 5 days per week with one employee working on weekends, they alternate weekend work. She also questioned the status of the strip mall proposal. It was explained that a concept only was brought to the Board and no application has been submitted due to the fact that no sewer connections were available. Trustee Hanehan advised that the DPW does work 4-10 hour days from Memorial Day through Labor Day.

MOTION to close the floor to the public and press made by Trustee Walker seconded by Trustee Hanehan.

Motion carried 3-0

NEW BUSINESS

Veteran's Day Ceremony to be held at the American Legion with the dedication of the new flag pole and war memorial.

Mayor Martin requested a Resolution authorizing a grant application for "Shared Municipal Services Initiative for Shared Consolidation of Service Evaluation". He gave various consolidation options. Trustee Hanehan questioned if this was a forerunner for dissolving the Village.

MOTION to authorize the grant application for share municipal services made by Trustee Walker, seconded by Trustee Riccardi.

Discussion: Trustee Hanehan is against the application. Trustee Walker verified that this is for an investigation only.

Roll call vote: Trustee Hanehan – no

Trustee Riccardi – no

Trustee Walker – yes

Motion defeated

Mayor advised that the Stillwater Free Library is requesting support of their Grant application for funding.

MOTION authorizing the Mayor to send a letter of support for the Stillwater Free Library funding made by Trustee Hanehan, seconded by Trustee Walker.

Motion carried 3-0

Attorney Peluso explained the procedures necessary with regard to the NKT Land Acquisition proposal and SEQRA.

MOTION that the Village, as lead agency with regard to SEQRA for a 39 unit housing proposal presented by NKT Land Acquisitions Inc., make a negative declaration based on information from the village engineer made by Trustee Walker, seconded by Trustee Riccardi.

Motion carried 3-0

RESOLUTION

**VILLAGE BOARD OF TRUSTEES
OF THE VILLAGE OF STILLWATER**

WHEREAS, NKT Land Acquisitions, Inc. (“Applicant”) of 521 Vischers Ferry Road, Clifton Park, New York, has submitted a land development application for construction of a thirty-nine lot residential subdivision on NYS Route 4 & 32 and Clinton Court, on lands identified as Tax Map parcel Nos. 244-2-27.1 & 244-2-27.2; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617, the proposed action is a Type I Action requiring SEQRA review; and

WHEREAS, pursuant to 6 NYCRR § 617.6, the Village of Stillwater Board of Trustees has previously declared itself lead agency concerning the action proposed by Applicant; and

WHEREAS, the Applicant has completed a Full Environmental Assessment Form (EAF), Part I; and

WHEREAS, a public hearing was noticed and duly held on October 17, 2006 to consider the environmental significance of the proposed action; and

WHEREAS, the Village Board has carefully considered and weighed the input by the public; and

WHEREAS, the Village Board has reviewed the environmental findings and recommendations of the Village’s engineers with respect to the proposed action, and has duly reviewed the EAF and has considered the criteria contained in 6 NYCRR §617.7(c) to determine whether the proposed action will have a significant impact on the environment;

NOW, THEREFORE, BE IT RESOLVED, that the Village Board hereby determines that the proposed action by the applicant, N.K.T. Land Acquisitions Inc., to create a thirty-nine lot subdivision of the lands located on NYS State Route 4 & 32 and Clinton Court, and identified as Tax Map parcel Nos. 244.-2-27.1 and 244.-2-27.2 will NOT have a significant adverse impact on the environment; and

IT IS FURTHER RESOLVED, that the Village Board adopts the findings and conclusion relating to probable environmental impacts contained within the attached EAF and Negative Declaration and authorizes the Mayor and Village Clerk to execute the EAF and file the Negative Declaration in accordance with the applicable provisions of law.

MOTION to adopt the SEQRA Resolution as presented made by Trustee Walker, seconded by Trustee Hanehan.

Trustee Hanehan	Voting - yes
Trustee Riccardi	Voting - yes
Trustee Walker	Voting - yes
Mayor Martin	Voting - yes

MOTION authorizing the Clerk Treasurer to send the Notice of Negative Declaration with regard to SEQRA to interested parties made by Trustee Walker, seconded by Trustee Riccardi.

Motion carried 3-0

Mr. DuCharme reviewed the information relevant to the project; he explained that changes that have been made since the last meeting.

Attorney Peluso explained that Trustee Murphy has been the liaison with regard to the project, he is unable to attend due to a prior commitment, and Trustee Walker is acting on his behalf.

Attorney explained that the Board is presented with a land development application, site plan, construction documents and various legal documents. He spoke to Mike Tucker, "infinigy engineering", they have reviewed the initial set of plans, and they received a revised set recently. The Engineer recommendation to the Board with respect to the proposed sub-divisions: the Board could grant preliminary approval before final approval is given, there are items the engineer would like included on the proposed sub-division maps that are not there at this time. The Engineer said preliminary approval could be made contingent upon final approval meeting all conditions and recommendations of the engineer before final approval by the Village Board.

Additional detail the Board might want to consider is as follows:

Map showing lot areas

Property line descriptions

Access to storm water maintenance, utilities & drainage

Any other issued the Board might want addressed (i.e. lighting which was discussed)

Attorney stated other issues raised by the Board and public were:

Clinton Court improvements

\$100,000 mitigation fee

Board needs to review the specific proposal for Clinton Court

Wastewater Treatment issue pending before DEC

Delineation of wetlands by the Army Corp. of Engineers

Finally rights of way, easements to be reviewed by Engineers & Attorney

Trustee Hanehan questioned that it be understood that each home would be required to pay a water & sewer hookup fee.

Discussion was held regarding lighting, sidewalks, landscaping etc.

The Board was advised that these details would be passed on to the builder.

Trustee Hanehan questioned if a sidewalk was to be installed from Clinton Court to the school, the developer stated they could not install a sidewalk on land they did not own

Attorney recommended for the record it should be mentioned that the Board had a prior application for 150 units on the same parcel.

OLD BUSINESS

Chief Mahar gave a brief update of the Training Seminar that was given by Tom Rinaldi regarding Disaster Preparedness. Very informative entry level class.

MOTION to approve the Treasurer Report made by Trustee Hanehan, seconded by Trustee Walker.

Motion carried 3-0

MOTION to approve the minutes of September 19, 2006 made by Trustee Riccardi, seconded by Trustee Walker.

Motion carried 3-0

MOTION to approve the audited claims:

A - \$12,199.97

F - \$42,326.60

G - \$84,174.60

H - \$ 3,800.00

Made by Trustee Walker, seconded by Trustee Hanehan

Motion carried 3-0

RESOLUTION

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF STILLWATER

WHEREAS, NKT Land Acquisitions, Inc. (“Applicant”) of 521 Vischers Ferry Road, Clifton Park, New York, has submitted a land development application for construction of a thirty-nine lot, single family residential subdivision on NYS Route 4 & 32 and Clinton Court, on lands identified as Tax Map parcel Nos. 244-2-27.1 & 244-2-27.2; and

WHEREAS, the Applicant has concurrently engaged in the subdivision, site plan and environmental review process; and

WHEREAS, the Village’s engineers have reviewed the land development application, including the proposed subdivision map, site plans and related construction documents, and provided their findings and recommendations to the Village Board; and

WHEREAS, a public hearing on the land development application was duly held on October 17, 2006; and

WHEREAS, the Village Board completed a SEQRA review and issued a Negative Declaration by Resolution dated October 17, 2006; and

WHEREAS, the Village Board has duly considered the land development application, public comment, and findings and recommendations of its engineers;

NOW, THEREFORE, BE IT RESOLVED, that the land development application of N.K.T. Land Acquisitions Inc., for a thirty-nine lot, single family residential subdivision of the lands located on NYS Route 4 & 32 and Clinton Court, more fully identified as Tax Map parcel Nos. 244.-2-27.1 and 244.2-27.2, is hereby granted preliminary approval pursuant to the drawings, specifications and documents filed with the Clerk’s office subject to the following conditions:

- I. Approval of the 39 lot subdivision is conditioned upon the subdivision map containing all restrictions and conditions deemed necessary by the engineers for the Village subject to approval by the Village Board.
- II. Approval of the site plans are condition upon a site plan map showing lot areas, property line descriptions, sidewalks, lighting, access to storm water maintenance, easements for utilities and drainage, together with any other conditions deemed necessary by the engineers for the Village and the Village Board.
- III. Approval is conditioned upon the Applicant submitting a landscaping plan showing trees, shrubs, vegetation and buffer zone areas acceptable to the Board.
- IV. Applicant has agreed to reshape and repave Clinton Court and provide the Village with a \$100,000 public benefit/mitigation fee for improvements to the Clinton Court pump station, which plans and specifications are subject to review by the Village’s engineers and approval by the Board.
- V. Approval of the Applicant’s proposed connection to the Village’s wastewater treatment system is conditioned upon approval by DEC. The applicant acknowledged that the Village has, separate and apart from the instant project, applied to the NYS Department of Environmental Conservation for approval of additional hook-ups and increased sanitary flow to the Village’s wastewater treatment system, which approval remains pending.
- VI. Approval is conditioned upon the Applicant obtaining all other necessary State and Federal permits as may be required by applicable law.
- VII. Approval of all proposed easements, deeds, rights of way or other conveyances for

streets, utilities, or other improvements is subject to review and approval by the Village's engineers and attorneys, and the dedication of any roads, utilities, or other improvements shall be made only after inspection and approval of the same.

VIII. The proposed dedication of certain wetlands and a trail system is subject to further review and consideration by the Board of Trustees.

IX. Any subsequent modifications are to be agreed upon by the Applicant and the Village Board.

MOTION to adopt the preliminary approval of the NKT Land Acquisition Inc. proposal for land adjacent to Stillwater Central School and Clinton Court subject to all New York State approvals and to include all conditions of the foregoing resolution made by Trustee Walker, seconded by Trustee Hanehan.

Trustee Hanehan	Voting - yes
Trustee Riccardi	Voting - yes
Trustee Walker	Voting - yes
Mayor Martin	Voting - yes

MOTION to adjourn to executive session at 9:20 P.M. made by Trustee Walker, seconded by Trustee Hanehan.

Motion carried 3-0

MOTION to adjourn made by Trustee Hanehan, seconded by Trustee Riccardi.

Motion carried 3-0

Meeting adjourned at 9:55 P.M.

Respectfully submitted,

Margo L. Partak
Clerk-Treasurer