

**REGULAR MEETING -BOARD OF TRUSTEES-NOVEMBER 16, 2010-7:00 P.M.**

**PRESENT: ERNEST W. MARTIN, MAYOR; TRUSTEES - JOHN BASILE, KEN BAKER, KEITH COLLINS, ELLEN VOMACKA**

**ALSO PRESENT: ATTORNEY, JAMES PELUSO; SUPT. OF PUBLIC WORKS, JOHN SCOTT; FIRE CHIEF TONY CONTI**

Mayor Martin called the meeting to order at 7:00 P.M. and led the pledge to the flag.

**NOTICE OF PUBLIC HEARING  
SPECIAL USE PERMIT  
VILLAGE OF STILLWATER**

PLEASE TAKE NOTICE that the Village Board of Trustees of the Village of Stillwater will hold a public hearing on November 16, 2010 at 7:00 pm, at the Village Hall, 1 School Street, Stillwater, NY 12170, on the request of Robert Kruczowy, regarding property located at 751 Hudson Avenue, known as Tax Map No. 253.27-1-9 and located in a B district. The application is for a Special Use Permit to convert first floor retail space to a studio apartment. The application is open to inspection at the Village Clerk Office at 1 School Street, Stillwater, NY 12170 between the hours of 9:00 am and 3:00 pm from Monday through Friday. Persons wishing to appear at the hearing may do so in person or by other representation.

**MOTION** to open the Public Hearing made by Trustee Basile, seconded by Trustee Baker  
Motion carried 4-0

Robert Kruczowy, owner of 751 Hudson Ave. explained his need to relocate one of his long term tenants and requested permission to convert the ground floor commercial space into a studio apartment to house this tenant.

**MOTION** to close the Public Hearing made by Trustee Basile, seconded by Trustee Vomacka  
Motion carried 4-0

**MOTION** to accept Robert Kruczowy's Special Use Permit application as presented made by Trustee Basile, seconded by Trustee Baker  
Motion carried 4-0

**VILLAGE OF STILLWATER  
BOARD OF TRUSTEES - PLANNING BOARD  
SPECIAL USE PERMIT**

**BE IT KNOWN THAT** pursuant to Article VI of the Village of Stillwater Zoning Law, permission is hereby granted by the Village Board of Trustees, acting as the Planning Board under said zoning law, to Robert Kruczowy, as owner of certain lands in the Village known and distinguished as 751 North Hudson Avenue identified by Tax Map No. 253.27-1-9, to convert the existing first floor retail space to a single apartment unit in accordance with the maps and plans submitted in support of its application, and with all other applicable laws, rules, and regulations, provided that the following conditions shall be and continue to be observed, kept, and satisfied by said owner, to wit:

This Special Use Permit shall expire upon vacancy of the proposed tenant  
Edna Young.

**BE IT FURTHER KNOWN**, that in case of a violation of any of the aforesaid conditions, this permit may be revoked, provided, however, that after activities under this permit shall have been properly commenced, there shall be no such revocation until substantial evidence of such violation shall have been presented to the Village Board of Trustees at a meeting of said Board called for the purpose of hearing such evidence on notice to the owner.

Trustee Kenneth Baker	Voting yes
Trustee John Basile	Voting yes
Trustee Keith Collins	Voting no
Trustee Ellen Vomacka	Voting yes
Mayor Martin	Voting yes

Application for Special Use Permit granted 4-1

Jason Rich owns the former Diner property and wants to convert the space into a four unit apartment; the property is in the Business District and therefore, will require a Special Use Permit. Additional expansion to create a small storage area is being considered. Mr. Rich was originally told no Special Use Permit was required but since that was incorrect and he's already in the process of refinancing the property and has hired contractors, he needs Board permission as soon as possible. Mayor indicated an application for a Special Use Permit needed to be filed so we could hold a Public Hearing but Mr. Rich advised he would instead file for a permit to make the building a one family so he could proceed and return for a SUP at a later date.

**CORRESPONDENCE –**

**MOTION** authorizing the Mayor to provide John Murphy a letter of support for his application to NYS DOT to obtain a curb cut at 919 Hudson Avenue made by Trustee Collins, seconded by Trustee Basile  
Motion carried 4-0

**BUILDING CODE OFFICER –** Absent – The Mayor reviewed Lynn Goman's written report (copy on file)

**FIRE CHIEF –** Tony Conti – reviewed his written report (copy on file)

**MOTION** Joseph Fitzpatrick Jr. be reinstated to the Fire Department rolls made by Trustee Collins, seconded by Trustee Basile  
Motion carried 4-0

**SUPT. OF PUBLIC WORKS –** John Scott

Supt. Scott reviewed his written report (copy on file) and advised he had spoken to the Regional Engineer regarding the non-compliance event at the WWTP. Discussion was held on the recent water line break on Russell Drive, the public was notified via radio and television and the Supt. was instructed to notify the Town and the School in the event of another break.

**COMMITTEE REPORTS**

Trustee John Basile – EFC application for 0% loan will be discussed under old business.

Trustee Ellen Vomacka – A second DOT review has been completed and the Village will not be allowed to connect to the school due to pipe size. An alternate route is being reviewed with an additional cost of between \$75,000 and \$100,000.

**MOTION** to begin the BAN process for the estimated legal, technical, and administrative costs through final design for the Storm Water Project for an amount not to exceed \$193,000 made by Trustee Vomacka, seconded by Trustee Basile  
Discussion: Trustee Basile requested Trustee Vomacka contact The Chazen Companies for an updated construction estimate for the entire project and asked how much had already been spent.  
Motion carried 4-0

Trustee Keith Collins – will discuss SCWA easement and contract progress during Executive Session

Trustee Ken Baker – no report

**ATTORNEY** - James Peluso - no report

**CLERK-TREASURER** – Patti Ryan

The annual Saratoga County Planning and Zoning Conference will be held Wednesday, January 26, 2011. All registration forms must be submitted to the Clerk on or before January 3, 2011 to meet the deadline for a discounted fee.

Unpaid Village taxes have been relieved to Saratoga County in the amount of \$27,371.69 compared to \$35,271.12 last year. The reduction is primarily due to changing the due date for water/sewer billing. Unpaid April 1 bills were added to the taxes on June 1 with a significant number of those bills paid by mortgage escrow.

**MOTION** to amend the Sewer Fund Budget to transfer \$1.00 from 9730710G Split Interest to 9730700G Engineering Interest made by Trustee Baker, seconded by Trustee Basile  
Motion carried 4-0

The Volvo BAN is no longer eligible for renewal and needs to go to long term financing. The current balance is \$70,000 with a \$15,000 pay down in the budget. After consulting with Hiscock & Barclay, the Clerk proposed converting to a statutory installment bond for a period of 5 years, 11,000 per year, with a preliminary rate of 2.75% which is the same as the current BAN.

**MOTION** authorizing the Mayor to accept Hiscock & Barclay's letter of engagement and retainer in the amount of \$950 plus disbursements made by Trustee Basile, seconded by Trustee Baker Discussion: Trustee Collins stated the legal fees added 1.6% to the transaction and suggested the Clerk investigate consolidating the Backhoe and Dodge BANs with the Volvo Loan and have a single Bond. In the event that is not feasible, she is authorized to convert the Volvo financing.  
Motion carried 4-0

RESOLUTION  
VILLAGE OF STILLWATER  
GENERAL VILLAGE ELECTION  
RESOLUTION DESIGNATING THE OFFICES TO BE FILLED  
AND THE TERMS THEREOF

**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, THEREFORE, BE IT RESOLVED**, that a General Village Election of the Village of Stillwater, New York will be held on Tuesday, 15<sup>th</sup> day of March 2011, and the offices to be filled and the terms thereof are as follows:

Trustee – four years  
Trustee – four years  
Mayor – four years

Resolution offered by Trustee Basile, seconded by Trustee Baker  
Resolution adopted 4-0

We received a bill from GA Bove for repairs to one of the fuel tanks in the municipal building. The Mayor was in the building when a Bove employee delivered fuel and overfilled the tank, breaking the gauge and causing a fuel spill.

**MOTION** to decline to pay GA Bove Invoice #62999, dated 11-2-2010 in the amount of \$203.20 made by Trustee Collins, seconded by Trustee Basile Discussion: The Mayor should return the bill with a letter of explanation  
Motion carried 4-0

10192010regmtg

The Clerk requested an Executive Session for personnel and a contract/litigation matter.

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

Jim Champlin asked about the Superintendent's personal use of a Village vehicle and was provided with a copy of the professional opinion received from the CPA firm of Whittemore, Down & Ricciardelli, LLP. Mr. Champlin gave the Mayor a diagram of gasoline usage showing the cost had doubled and asked if the taxpayers would have to continue to pay for it. The Mayor said no, a new method would be instituted.

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

## **NEW BUSINESS**

Mayor Martin thanked Mr. & Mrs. Renner for their generous donation of a new tree for Cannon Park

**MOTION** authorizing the Mayor to enter into an outside user contract to sell water to Sharon Gavitt of 24 Stratton Lane made by Trustee Basile, seconded by Trustee Baker Discussion: The Mayor has asked Supervisor Kinowski to investigate adding our outside users to District #5.  
Motion carried 4-0

## **OLD BUSINESS**

### **Resolution Authorizing Execution and Delivery of Water Supply Agreement With Saratoga County Water Authority**

**Whereas**, the Village of Stillwater (the "Village") desires to obtain a new long-term source of water to supply its municipal water system and to serve the needs of all customers and other lawful users of the water delivered through the Village's municipal water system; and

**Whereas**, the Saratoga County Water Authority (the "Authority") has constructed water intake, treatment and pumping facilities in the Town of Moreau and a water main from such facilities to a new water tank in the Town of Stillwater to supply water on a wholesale basis to municipalities and other users in the county; and

**Whereas**, representatives of the Village and the Authority have negotiated a proposed agreement which is attached hereto as Schedule A (the "Proposed Agreement"); and

**Whereas**, the Proposed Agreement has been reviewed by the members of this Board; and

**Whereas**, the Village has engaged an engineering firm to identify a route and to do all design work required for the construction of a water main to connect the Village's water distribution system with the Authority's water supply system; and

**Whereas**, the Village is in the process of obtaining all easements and other property rights necessary for it to construct the water main to connect the Village's water distribution system with the Authority's water supply system; and

**Whereas**, the Village Board of Trustees adopted a resolution on April 21, 2009 authorizing the construction of such water main and the issuance by the Village of its debt obligations in the amount of up to \$6,000,000 to finance the costs of such construction; and

**Whereas**, the Village has heretofore taken all action required under the State Environmental Quality Review Act ("SEQRA") for coordinated review of the environmental impacts of the proposed construction of such water main by the Village and the Village obtaining water from the Authority under a multi-year contract, and, on the basis of such review, the Village Board of Trustees determined on April 21, 2009 that such actions would not have a negative impact on the environment and issued a negative declaration to that effect; and

Whereas, the Village Board of Trustees has determined that it is the best long-term interests of the Village to enter into a long-term water supply contract with the Authority in substantially the form of the Proposed Agreement;

**NOW, THEREFORE, BE IT RESOLVED** as follows:

**Section 1.** The Village Board of Trustees hereby authorizes the Village enter into a water supply agreement with the Authority in substantially the form of the Proposed Agreement, with such changes, variations, omissions and insertions as the Mayor, in consultation with counsel deems necessary under the circumstances.

**Section 2.** The Mayor is hereby authorized, on behalf of the Village, to execute and deliver a water supply agreement with the Authority in substantially the form of the Proposed Agreement, and the Village Clerk/Treasurer is hereby authorized to affix the seal (or a facsimile thereof) of the Village to such agreement and to attest same, with such changes, variations, omissions and insertions as the Mayor, in consultation with counsel, shall approve. The execution of such agreement by the Mayor shall constitute conclusive evidence of that approval. The water supply agreement entered into pursuant to this Resolution is hereinafter referred to as the "Water Supply Agreement."

**Section 3.** The Mayor, other officers, employees and agents of the Village are hereby authorized and directed for and in the name and on behalf of the Village to do all acts and things required or provided for by any of the provisions of the Water Supply Agreement, and to execute and deliver any notices or other communications contemplated by the Water Supply Agreement and to pay all fees, charges and expenses and to do all other acts as may be necessary, or in the opinion of the Mayor, other officer, employee or agent, desirable or proper to effectuate the purposes of this Resolution and the Water Supply Agreement and to cause compliance by the Village with all of the terms, covenants and provisions of the Water Supply Agreement binding upon the Village. None of the officers, employees or agents of the Village, however, shall have any personal liability under the Water Supply Agreement.

**Section 4.** The Mayor is hereby authorized to perform any and all acts necessary or convenient for the completion and finalization of the Water Supply Agreement, all within the parameters set forth in this Resolution.

**Section 5.** If and to the extent that State Public Authorities Law Section 1199-eee, subd. 20, is applicable to the provision of water to the Village by the Authority under the Water Supply Agreement, this resolution shall constitute a request by the Village to the Authority to supply water to the Village under the terms of the Water Supply Agreement in compliance with such Section.

**Section 6.** A copy of this Resolution, together with its attachments, shall be placed on file in the office of the Authority where the same shall be available for public inspection during business hours.

**Section 6.** This Resolution shall take effect immediately

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

	Aye	Nay	Absent
Mayor Ernest W. Martin	X		
Trustee: Kenneth Baker	X		
Trustee: John Basile	X		
Trustee: Keith Collins	X		
Trustee: Ellen Vomacka	X		

The resolution was thereupon declared duly adopted effective November 16, 2010.

**MOTION** to modify the Professional Services agreement with Delaware Engineering, reducing engineering costs by \$42,000 for the sewer rehabilitation projects made by Trustee Basile, seconded by Trustee Collins  
Motion carried 4-0

**MOTION** to approve Treasurer's Report made by Trustee Baker, seconded by Trustee Basile  
Motion carried 4-0

Motion to approve minutes of September 21, October 19 & 25 made by Trustee Basile, seconded by Trustee Vomacka  
Motion carried 4-0

**MOTION** to approve the audited claims:

- A- \$32,188.54
- F - \$33,953.96
- G - \$18,482.24
- H - \$25,855.89

made by Trustee Baker, seconded by Trustee Vomacka  
Motion carried 4-0

**MOTION** to adjourn to executive session at 9:00pm to discuss matters related to easement acquisition, contract negotiations, personnel, and litigation made by Trustee Basile, seconded by Trustee Vomacka  
Motion carried 4-0

Return to regular session at 10:30pm

**MOTION** to accept and adopt the findings of Renee Law from WDR, LLP regarding commuting in Village vehicles made by Trustee Collins, seconded by Trustee Basile  
Discussion: Ms. Law's summary was read into the record and the Board agreed the draft policy proposed should be adopted by the Village and included in our Personnel Manual at a later date  
Motion carried 4-0

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

Meeting adjourned 10:35pm

Respectfully submitted,

Patricia A. Ryan  
Clerk-Treasurer