

Mayor Rathbun

Stated in reference to the June 26, 1989 letter from William Dora, Senior Sanitary Engineer, ENCON, to the Mayor and Village Board, regarding ENCON's position on new service connections to the Village sanitary sewer system, is the Board correct in assuming that this letter indicates no major hook-ups, i.e., developments, as opposed to three or four single hook-ups.

Q. Kestner

Stated that he believed the letter indicated a few single hook-ups would not cause a problem, that ENCON does not want to see any major hook-ups until the new plant is operating.

ITEM H

Board discussion and action on the following items:

1. Review of Colonial Village subdivision

Mayor Rathbun

Requested Mr. Kestner to remain at this meeting, if possible, for any input he may have on this issue. Mayor Rathbun turned the floor over to Mr. Harold Berger, the Engineer of this project, representing Joseph Fondano.

Harold Berger

Stated that this is a 29 lot subdivision on Colonial Road. Due to circumstances, all the lots that were to be located in the Town on property that Mr. Fondano owns, has been eliminated. The plans were sent to Mr. Kestner and the plans have been modified accordingly to Mr. Kestner's suggestions that he believed to be in the best interest of the Village. All the comments listed in Mr. Kestner's letter have been addressed. Mr. Berger also stated in his last letter, he indicated that he was in the process of submitting these plans to ENCON and the NYS Department of Health. This has not been fully executed as of yet due to the lack of a final plot plan, stamped and sealed by a licensed land surveyor. Not having this final plot plan constitutes an incomplete submittal to the State and that would be the first comment of the State. At the last meeting attended, there was discussion of pulling all of the roads into Village property. That was a request of the Board. This has been completed. It was also mentioned by Bob Hayes, attorney for Mr. Fondano, to pull all of the lot lines back into the Village so that no portion of any lot lies in the Town. What has been accomplished is all lot lines have been aligned on the Town/Village line as much as possible. One lot line does run over the line into the Town property. Mr. Berger stated that the home will completely lie within Village property. The two dead ends have also been changed to the T-turnarounds so that they would fit within the Village boundaries. The current set of plans represent the culmination of all issues addressed by Mr. Kestner.

Mayor Rathbun

Stated that one issue he would like to address is the retention area. The Village does not want to accept ownership of this area. We do

not want to take responsibility for that area. This was also the opinion of the Village Attorney as well as the Board. The other issue that should be addressed is the traffic flow issue.

H. Berger

To address the retention area, there does seem to be a basic reluctance for communities to take over retention areas, they most often due. There is no question that this area does represent a liability issue. It is the opinion of Mr. Berger that this issue will not have to be a point of argumentation. If a Homeowner's Association has to be formed, this will be done.

Mayor Rathbun

Inquired who has ownership in the meantime.

H. Berger

Stated that whoever owns the project will also own the retention area. This will have to be insured under that person's name.

J. Ciulla

Stated that beyond that assurance, the Board is also looking for some assurance that this area will be maintained. Even if this area is retained in the name of the developer, what if that person does not pay taxes and walks away from this. This could possibly become Village property. The Homeowner's Association is a good idea and should be investigated completely.

Bob Hayes (attorney for Mr. Fondano)

Stated that with his experience in developing these types of Associations they do not always work well. They do not have much of a purpose for existence. Mr. Hayes also stated that he believes the best answer is to have the developer retain ownership and insure it. If the Village does require a Homeowner's Association, they would be willing to do so.

J. Ciulla

Inquired about the possibility of increasing the size of the lots to include a section of that retention area so that the homeowners each own a section of that area.

H. Berger

Stated that he does not have a problem with that suggestion and believed it to be a viable solution.

Mayor Rathbun

Inquired of the Trustees if there was a problem with that suggestion.

The Trustees agreed that this was a good solution to the problem.

H. Berger

To address the traffic study issue:

When this project was beginning, it was 61 lots. That was a fairly large subdivision with a large impact on any community. At that point, Mr. Fondano was informed by Mr. Berger that it was not an unreasonable request to do a traffic study on this area. As the project got smaller, it is the standpoint of Mr. Berger, that 29 homes, the current plan for this subdivision, will not have a significant impact on the traffic in this area. It is the opinion of Mr. Berger that the configuration of the entry, a split entry, taking up 25 or 80 feet in width will improve the intersection and improve Colonial Road. Mr. Berger believes that Colonial Road is not in the best condition, and would suggest that Mr. Fondano use the money to improve that situation rather than invest it into a traffic study.

J. Herrick

Inquired if Mr. Berger was indicating that Mr. Fondano is willing to improve Colonial Road.

H. Berger

Stated that he cannot answer this for Mr. Fondano but there is some willingness to allocate a certain amount of monies to improve this area. Mr. Berger stated he could not indicate exactly what the scope of this is, what he did state was if money was going to be spent, it would be better to spend it on improvements to the area.

Mayor Rathbun

To address another concern, the drainage issue needs to be addressed more. There is concern about what this development will do to the Noonan property.

H. Berger

Stated that the culvert is presently plugged. There will still be water in that area but there will also be an improvement to that area.

Mayor Rathbun

Stated that he is aware of a manhole in the area. Could a storm sewer be placed and drain into the manhole near the playground.

H. Berger

Stated that the reason there is water backed up into the Noonan property is that there is no defined drainage way off of that property. Inquired of Mr. Kestner if he was aware of that area.

Q. Kestner

Stated that he was not overly concerned with where this development would drain off onto Colonial Road as this development would not create a significant amount of drainage. The area does need some improvement as it stands now.

M. Hanehan

Stated that this area was private property.

H. Berger

Stated that there will not be anymore water then than there is now.

Mayor Rathbun

Stated that at Spring time, during the heavy rains, there is a significant amount of water that sits there due to the Canal being filled in with bark years ago. The possibility of draining that area to the manhole by the playground which drains directly into the River.

H. Berger

Stated he would like to go over this area with M. Simoncavage to further investigate this alternative.

J. Herrick

Inquired what will become of the pond that currently exists.

H. Berger

Stated that this will be filled in. Once those low areas are filled in and the site is graded, there will be no more water. This will be filled in because of the grading of the road and the lots. The water will slowly be pushed away and moved out to a lower lying area.

M. Hanehan

Inquired of Mr. Berger if he is sure that that is just surface water.

H. Berger

Stated that he is positive of this because they have had a surveyor in that area.

Mayor Rathbun

Inquired if this pond was spring fed.

H. Berger

Stated that he has had no indication that this is spring fed.

J. Herrick

Stated that he is concerned with displacing the water and causing problems for another homeowner in that area.

H. Berger

Stated that the work will be done during a low water time, therefore, the amount of water being displaced will be minimum.

Mayor Rathbun

Stated that at this point, Mr. Berger will meet with Superintendent Simoncavage and Mr. Kestner to further investigate this area, and the plans will be modified per an agreement with both Attorney Ciulla and Attorney Hayes regarding the lot size.

Q. Kestner

Stated that this area is close to the sewer plant which also had some water problem as well, it was discovered that the water was sitting on top of clay. This would eliminate the possibility of this being spring fed. It is Mr. Kestner's opinion that this probably was not spring fed.

J. Herrick

Stated he believed there was no comparison of water in those areas. The site of the new plant did not have as much water as this site does.

Q. Kestner

Stated that there were wet spots in the plant area and it was water sitting on top of clay. The situation of the areas is similar.

Mayor Rathbun

Inquired about drilling a test hole.

Q. Kestner

It is Mr. Kestner's opinion that this area will not create a problem.

H. Berger

Stated that he believes there will not be any problems created by this and assured Trustee Herrick that when the water is displaced, he does not foresee a problem.

M. Hanehan

Inquired of Mr. Berger, once this is filled, where is the drainage going to be if it is rainwater.

H. Berger

It would go into the retention area and then be dispersed from that area.

J. Herrick

Inquired if there would be anymore water going into the Canal.

Q. Kestner

Stated that the water will drain into the retention area and to the Canal, that is where the water wants to go. It is possible that a catch basin may not be needed since this situation will be improved by the retention area.

M. Hanehan

Inquired if the detention area has to be an open area. Could it be filled with stone.

Q. Kestner

Stated that this probably would not be good idea.

Q. Kestner (continued)

Stated that the concept of the detention area is to hold the water back and release it at a pre-construction rate.

Mayor Rathbun

Stated that a meeting with Superintendent Simoncavage should be arranged. Once all issues are addressed, the Board would hold a special meeting on this topic.

J. Herrick

Inquired of Mr. Fondano if he is willing to pay for improvements to Colonial Road.

J. Fondano

Stated that he would like to check the situation out more carefully, but did agree that he would have to encumber some expenses toward the improvement of Colonial Road to some degree.

Alternating the Agenda schedule, Mayor Rathbun returned to ITEM E and called for a motion to open the floor to the public.

ITEM E

Open meeting to public for questions and discussion from the floor

**MOTION: To open the meeting to the public for questions
and comment from the floor**

**Made by: M. Manahan, seconded by E. Martin
MOTION CARRIED 5-0.**

Bob Rivers (resident of North Hudson Avenue)

Inquired if there have been any developments on the proposed duplexes on the corner of North Hudson Avenue and Barbolt Court

Q. Kestner

Stated that he received a call from Mr. Laurenzo's consultant regarding a drainage study. There is agreement that a study should be done and Mr. Laurenzo was going to do so.

Mayor Rathbun

Stated that the residents of Barbolt Court and the neighbors affected by this proposed development would be kept informed of this issue. If a special meeting was to be called, these residents would be informed in order to attend.

Michael Coleman

Inquired if there has been a decision made regarding the appointment of two new members to the Citizens Advisory Committee.

REGULAR VILLAGE BOARD MEETING - JANUARY 14, 1991 - 7:00 P.M.

PRESENT: Mayor Rathbun, Trustees M. Hanehan, J. Herrick, E. Martin and F. Hanehan

ALSO PRESENT: Superintendent M. Simoncavage, Attorney J. Ciulla, Bldg. Inspctr. M. Riccardi, Q. Kestner, J. Fondano, H. Berger and R. Hayes

Press: Chris Sturgess

ITEM A

7:00 p.m. - Mayor Rathbun called the meeting to order and pledged the flag

ITEM B

Review of Colonial Village Subdivision

Mayor Rathbun

Stated that before this presentation was made, he would like to share a letter with all those concerned from the office of Wiley Lavigne, Raybrook ENCON to Mr. Paul Tommel, Bill Carpenter's engineer. This letter states in Item #12, The Regional Water Engineer, has directed this office to inform you that due to excessive infiltration inflow within the existing Village sewer system, the Village will have to remove a quantity of I & I (infiltration inflow) equal to the 20,000 gallon a day of wastewater being generated from your project. The removal of the I & I will have to be accomplished prior to the approval of the subdivision. By receiving a copy of this letter, the Village is being notified of our position.

Mayor Rathbun further states that this letter just arrived and he has discussed this letter with Q. Kestner. All approvals for developments will have to be tabled until a meeting with ENCON. This does pose a problem for the Village. Mayor Rathbun will ask the Board's permission to set up a meeting with ENCON to discuss this matter further. Q. Kestner has stated to Mayor Rathbun that this situation is also happening in other areas, not just Stillwater. Mayor Rathbun stated that no action on the Fondano proposal can be taken but the Board will listen to this presentation.

Bob Hayes (attorney for J. Fondano)

Stated that this project has been around for several years and during those years, the project has decreased in size considerably. The GAC did give its approval in March of 1990 to this project. The main issues that still need to be addressed is the drainage issue. A report was prepared by Joseph Sporko, R.L.A. after studying this issue and states that the increase in run-off due to the proposed project equates to less than a five percent increase. The existing culvert has adequate carrying capacity for both the pre and post construction conditions. The minute increase due to this project, is deemed to have an insignificant impact on all downstream conditions.

Mr. Hayes is aware that no decision can be made at this time but would like to close this file up either way as soon as possible.

M. Hanehan

Stated he would like to question the issue of drainage on Mr. Noonan's property.

M. Hanehan (continued)

Stated that if there is a problem with water on the Noonan property after this development is approved and built, would the Village be liable. This question was directed to Attorney Ciulla.

J. Ciulla

Stated that possibly the Village could, but we do have the Engineer's Report that states in his opinion (the engineer's), there would not be a problem with water on the Noonan property.

Q. Kestner

Stated that there will not be much of a drainage change, however, if there is a drainage problem already existing, corrective measures should be outlined for the developer to participate in.

The change will be insignificant. If there is a problem now, there will be no increase to this problem. The culvert that exists now is not working satisfactorily. If the culvert were improved the problem would improve. These calculations are based on additional flow. The amount of increase would be small.

J. Herrick

Stated that this small amount of increase would add to an already existing problem.

Q. Kestner

Stated that the developer should assist in trying to correct the existing problem.

B. Hayes

Stated that Mr. Fondano has already gone on record as offering to contribute \$10,000 to improvements.

J. Herrick

In quired if \$10,000 was the maximum amount the developer would be willing to give toward these improvements.

B. Hayes

Stated that in all fairness to Mr. Fondano, this development is not a large one and that there has already been a long string of concessions made by Mr. Fondano so far.

H. Berger

Inquired if anyone can remember when the last time that culvert was cleaned and functioned properly. What was the effect of this properly functioning culvert on the Noonan property.

Mr. Noonan

Stated that the culvert was originally put there to eliminate the volume of water that built up in the Sabatino cellar. The culvert emptied onto his property, but at that time, there was no development north of his property. Since the old canal has been filled in with bark, the natural flow of the

Mr. Noonan (continued)

water has been interrupted and now his land does not drain at all.

Q. Kestner

Stated that it is his recommendation that no approvals for any developments be given until the issue with ENCON has been resolved.

J. Herrick

Stated in his opinion, the project would cost more than the Village would be getting back with taxes and does not see any benefit to the Village from this development.

E. Martin

Stated that he was in agreement with Trustee Herrick and also voiced his concern with reference to the traffic increase in that area.

Mayor Rathbun

Stated that this issue could be tabled if that was the Board's desire, until the issue with ENCON is resolved.

B. Hayes

Stated that he would like a line of communication between himself and J. Ciulla regarding this issue.

ITEM C

Approval of minutes of December 10, and 17, 1990 and January 7, 1991

This item was tabled until further along in the meeting.

ITEM D

Correspondence

- Letter from Hudson River EPA, Region II
- Letter from Blue Cross/Blue Shield outlining two options for medical benefits

ITEM E

Open meeting to public for questions and discussion from floor

MOTION: To open the floor to the public for question and discussion from the floor

Made by: J. Herrick, seconded by M. Hanahan
MOTION CARRIED 5-0.

There were no questions/comments

MOTION: To close the floor to the public

Made by: M. Hanahan, seconded by F. Hanahan
MOTION CARRIED 5-0.

MOTION: To open the floor to the public
Motion made by Trustee Herrick; seconded by Trustee Bryan
There was no discussion on the motion
Motion carried: 4-0.

The floor was then opened to the public.

Bert Mang Asked if Attorney Ciulla had a chance to find out the legality of her maintaining a Village file cabinet in her home. Attorney Ciulla replied that he did not have a chance to look into the matter.

There were no more questions from the floor.

MOTION: To close the floor to the public
Motion made by Trustee Herrick; seconded by Trustee Bryan
There was no discussion on the motion
Motion carried: 4-0.

The next item of business before the Board was the discussion of the Colonial Road development by Joseph Fondano. Harold Berger was present to represent Mr. Fondano.

Mayor Hanehan read a letter to Mr. Berger dated May 10, 1991 and received today from Terry Crannell of the Department of Environmental Conservation. The letter regarded the sewer collection system. The letter stated that the Village's collection system is not structurally of a combined system, and functions as one system. During periods of rainfall and snow melting, excessive inflow and infiltration causes untreated sewage to discharge into the Hudson River. Such untreated discharges are in violation of Environmental Conservation Law. Future expansion or extension of municipal collection systems upstream of the CSO are not allowed where additional wastewater flows will increase during the duration or frequency of the CSO discharges. N.Y.S. Department of Environmental Conservation is requiring a commensurate volume of I/I be removed before new sewer extensions are allowed upstream of CSOs. EnCon is in communication with Mike Simoncavage and Quentin Kestner in an effort to formulate an agreement that will work toward reducing CSO discharges while allowing limited expansion of Stillwater's collection system to provide for future development. Mr. Simoncavage and Mr. Kestner have documented a number of work efforts completed by Stillwater's DPW and they claim to have reduced I/I by 247,655 gallons per day.

The letter further stated that Mr. Crannell inspected the corrective work on April 30, 1991 and found only three of the five work items stated in Mr. Kestner's letter to DEC of March 27, 1991 were completed. Mr. Crannell found that the cover for Manhole #9 is at the lowest elevation of its surrounding area and surface runoff from Routes 4 & 32 flows to it. During Mr. Crannell's inspection, a substantial volume of runoff was flowing to Manhole #9 and entering the sanitary sewer through and around the cover. The letter further stated that DEC is presently reviewing a proposed sewer extension to serve the Colonial Acres subdivision. Approval of this extension is contingent upon the sealing of Manhole #9 along Routes 4 & 32 to prevent surface runoff from entering the sanitary sewer and permanently plugging the Clinton Court pump station overflow. The letter urged the Village to continue to complete corrective work on its sewage collection system. Future sewer expansion approvals will be contingent upon the removal of I/I.

Mike Simoncavage explained that the letter clearly states that if the problems DEC request be corrected, that it applies to only approved development and not to any future development.

Mr. Berger stated that Mr. Fondano will build the drainage system in compliance with the Board's request. Mr. Berger asked if the Board would consider approving the development contingent upon building the drainage system as part of the approval package, and contingent upon DEC agreeing with the Village insofar as the removal of another 12,000 gallons per day of I/I. Mr. Berger would work with the Village to try and facilitate this. Attorney Ciulla said that he believed that there were major traffic issues that must also be addressed. Mr. Berger felt that the traffic issues had been resolved. Mr. Ciulla stated the Board doesn't feel that all traffic issues had been addressed. The reduction of the number of houses

to be built still doesn't address the traffic issue. Mr. Berger felt that the cost of the traffic study would be better spent on improvements to Colonial Road. Trustee Herrick stated that the Board agreed that the street in front of the proposed development needed to be improved, but the question was who would pay for the improvement. Mr. Berger believed that the project should pay whatever is reasonable, for widening of the road, etc.

Trustee Herrick questioned the ownership of the retention pond. Mr. Berger explained that the individual homeowners would own the retention pond and not the Village.

Attorney Ciulla stated that if the Village granted approval to Mr. Fondano, they still must seek approval from EnCon and it is unlikely that EnCon will approve the project. Mr. Berger understands that before he can file his maps with the County Clerk, he must get EnCon and DOH approvals.

Attorney Ciulla stated that the Village does not desire to sign another Consent Order with DEC that is open-ended as far as cost, especially when the \$1.7 Million sewage treatment plant has plenty of capacity to handle future development in the Village.

Mr. Berger would like to speak with DEC to find out what their perceptions of the problems are as it relates to this project. The Board had no objections to Mr. Berger speaking with DEC. However, Trustee Herrick asked Mr. Berger and Mr. Fondano to obtain a written proposal of what improvements would be made, i.e., the road, the drainage, etc. Trustee Herrick instructed Mr. Berger and Mr. Fondano to submit final plans to Quentin Kestner for his review.

Trustee Herrick also stated that Mr. Fondano must submit a subdivision fee in the sum of \$200.00. Mr. Berger stated that Mr. Fondano would submit such a fee.

Mayor Hanehan then asked the Deputy Clerk/Treasurer to read the following correspondence:

1. Letter from Kestner Engineers, P.C., dated April 29, 1991, addressed to Laquidara, Inc. with a copy to Mayor Hanehan, regarding additional paving for the Village of Stillwater on Rundle Lane.
 2. Letter from James J. O'Keefe, Associate Attorney with Division of Equalization and Assessment, dated April 26, 1991, addressed to Anthony J. Murphy, Esq., with a copy to Attorney Ciulla, acknowledging receipt of Parts 1 and 2 of the assessor's report for the 1990 assessment roll of the Village of Stillwater. The letter further requests Mr. Murphy to find that the Village failed to file the report in a timely manner and asks that Mr. Murphy recommend to the State Board that the proceeding be discontinued. (Attorney Ciulla stated that this matter had been taken care of).
 3. Letter from Edward C. Farrell, Executive Director, New York State Conference of Mayors and Other Municipal Officials, dated April 17, 1991, addressed to John Herrick Trustee, regarding the Village's submission of entries for the "NYCOM Empire State Report Local Government Achievement Award" competition. The letter stated that the projects rated highly, but they did not do well enough to receive an award.
 4. Letter from National Casualty Insurance Company stating that they will defend the Village's Notice of Claim on property on Major Dickinson Avenue.
 5. Letter from State Board of Equalization and Assessment addressed to Michael Hanehan, Mayor, stating the tentative equalization rate for the 1990 assessment roll to be 70.65. The letter further states that a hearing will be held on the same on June 3, 1991 at 10:00 a.m.
- RESOLUTION:** To make the appointment of Village Clerk/Treasurer and Laborer, effective June 1, 1991. The appointments would be of Cathy Yankowski to the position of Village Clerk/Treasurer at an annual salary of \$14,000.00, and of Paul O'Kosky as Laborer at the hourly rate of \$7.00 per hour.
- Motion made by Trustee Herrick; seconded by Trustee Bryan

There was no discussion on the motion.

Ciulla said that it was obviously a mistake. Mrs. D'Ambro further stated that the map clearly defines the subject property as being owned by either the Town or Village and not D'Ambro or Hallum. Donald D'Ambro stated that they do not own any portion of the old canal, but rather the adjacent property. Mr. D'Ambro stated that his purpose in attending the meeting was to request permission from the Village to run the drain tile across their property and connect to a catch basin at the road.

Mike said that to resolve the problem with the canal, the water needs to be drained off. Before, the only alternative was to go through the playground property. Mayor Hanehan expressed concern about the creek, and said if the Village were to start draining to the east side, you are going to bring all the water down from the Fondano property as well as from the Cannon property. Superintendent stated that his purpose in bringing up the matter was to see if there was any possible way to drain the water to the storm system and then into the river. Superintendent Simoncavage stated that he didn't realize that there was a creek on this property.

Attorney Ciulla requested Mr. and Mrs. D'Ambro to get the deed reference from the map at the County so that it can be determined who owns the subject premises.

Superintendent Simoncavage then asked the Board if the subject property was determined to be owned by the Village, would the Board desire to fill the property this summer. Trustee Herrick expressed concern over the property being filled. He stated that he would rather see the property trenched so that in the event of another flood, the water would have a path to follow.

Superintendent Simoncavage continued with his report. Under streets, Mechanicville is coming up tomorrow with the street sweeper to take care of the main road, village streets and sidewalks. Trustee Herrick asked if the City of Mechanicville charged the Village for the use of the street sweeper. Mike replied that they do charge for the use of the sweeper. There was allowed in the budget the sum of \$1,500 for street sweeping. The bill for this use will come in June. An additional broom had to be rented to clean the sidewalks off.

Under parks, Superintendent Simoncavage had already made arrangements with Mrs. Dyer to plant the flower box at the park and to fill the urns at the park.

Also, under streets, NYSEG representative Vincent Luciano, has been in contact with the Superintendent requesting that the Board contact him. He is the planner for NYSEG. They want to move the pole line back behind houses ^{on Perry Lane}. Mike indicated to NYSEG that he had the preliminary engineering design set up for the sewer down through that area. The telephone company also has been in contact with the Superintendent stating that they also want to utilize the right of way. Superintendent Simoncavage recommended that the village be the center and that the village set up a meeting for the village, NYSEG, the telephone company and the cable company and jointly work on an easement.

Under buildings, Superintendent Simoncavage presented the board with the estimate for the purchase and installation of smoke detectors for the firehouse.

There was some concern over who authorized the work that was done on the roof of the firehouse. The Board will check with Trustee Martin to see who authorized the work.

The sewer plant road was paved today.

Under water, Superintendent Simoncavage had the estimate for the radio control shut off for overflow on the water tanks at the water station. The radio control fee would consist of \$150.00 for the electrician, the electrical work to be performed by the electrician at the tank is \$300.00, the pole would be purchased and placed by the village would cost \$149.00, NYSEG will not charge for their work. Emerick's bill, the company who would supply the relays within the tank going to the radio equipment, would be \$1,351.00, and then the radio equipment both at the tank and at the station would be \$2,074.00, for a total of \$4,024.00. Using the telephone method would cost a total of \$3,112.00, cheaper than the radio method, but every year there would be a \$43.00 a month or \$670.00 per year for the rental of the phone line which cost would increase. Superintendent Simoncavage

that he had used 10,000 gallons in one week. Mayor Herrick told Mr. LaFrancis that he would have Superintendent Simoncavage pull the meter from his home and take it to the shop to be tested.

-Eileen Gannon of 80 Lake Street, Stillwater, New York addressed her concerns to the Board regarding the possible approval at tonight's meeting on the Fondano project. (Mrs. Gannon is an adjacent property owner to the Fondano property). Mrs. Gannon stated that she had been in contact with other adjacent property owners regarding the possible Fondano subdivision and the possible adverse affects that the draining of the pond may have on their respective properties. Mrs. Gannon had been in contact with Mr. and Mrs. Edgar Luther, Beth Ingersoll and Luella Ford who are also adjacent property owners. Mrs. Gannon stressed her concern and wish to the Board that they carefully think over how this project may affect wetlands and the canal if the pond on the Fondano property is drained as well as the affect it may have on the condition of adjacent properties.

-Edgar Luther expressed concern on the draining of the Fondano pond and the possibility of part of the water draining onto his property. He further expressed concern about the water table on his land. He claims that he constantly has water in his basement. He inquired where the water will drain to.

Mayor Herrick then addressed the public stating that part of the Fondano property will be filled in. He acknowledged that the displacement of water on the Fondano property has been a major concern of the Board for approximately four years. He stated that a storm sewer will be installed in front of the Fondano property and that some water would be sent through the storm sewer and eventually reach the river. The retention area would drain to the canal at a controlled rate. Mayor Herrick then asked Mr. Fondano's attorney Robert Hayes to enter the meeting and address some concerns. Mr. Hayes was with Mr. Fondano's engineer, Harold Berger.

Mr. Berger stated that if Mr. Fondano's project were to be approved, that the proposed building lots will be smaller than originally planned. He also stated that they realize that there may be some off-site problems. Mr. Berger stated that the project will not cause an increase in storm water running from the Fondano project once the entire project is complete. When the size of the project was decreased, that did not diminish the size of the retention area. Mr. Berger stated that the drainage matter has been reviewed by the Village Engineer. Mr. Berger didn't believe that the water problem should be a cause for concern as they will not be impacting off-site conditions. He believes that the drainage problems in that area will be improved by the Fondano project.

Mr. Luther then asked Mr. Berger where the water will drain to. Mr. Berger responded that the positioning of the retention area is proposed to correct all the run off area including property within the Town that would not be developed. 95% of the run off will be in the same pattern that it is now.

-John Murphy, who owns the property adjacent to the area where the water now drains previously asked the Board of Health to inspect the Noonan property and adjoining properties regarding the water in the drainage area. Dr. Vinett of the Board of Health stated that there might be a health problem with the current state of the water in the drainage area. Mr. Murphy stated that the Village previously wanted to use HUD money to improve the drainage system but the cost was prohibitive; and to continue the current existing condition does make him or his neighbors happy.

Mr. Berger told Mr. Murphy that the project will pay for drainage improvements.

Mayor Herrick stated that improvements to the culvert under the road and the storm sewer to the Major Dickinson playground will be paid by the developer. Mayor Herrick further stated that the developer will clean up the existing situation and will control water from his development to Colonial Road.

Eileen Gannon asked if the Board would pass a resolution that would state that there would be no more water flowing onto the adjacent properties. Attorney Ciulla addressed Mrs. Gannon's question by saying that if there properties were to become flooded as a result of the Fondano project, they would have a right to commence a lawsuit against the developer.

Mayor Herrick stated that he received a letter from the Department of Environmental Conservation earlier this spring about the I/I problem. DEC stated that they are not happy with the current situation and they are trying to get the Village to do more to correct the problem. He further stated that by the Village Board approving Mr. Fondano's project does not mean that DEC will approve the project. He stated that the sewer plant is capable of handling the additional proposed 29 houses. As to the inflow and infiltration problem, that is a problem that Mr. Fondano must address with DEC.

Mr. Berger stated that he and Mr. Fondano were very much aware of the I/I problem and the DEC requirements.

Mr. Murphy felt that before the Village increases the sewage flow, they should reduce the water problem. He then referred to the Resolution before the Board regarding Fondano. He questioned the widening of the each lane on Colonial Road. The resolution reads "Widen each lane for 130' to 10' minimum per lane." Mayor Herrick addressed this question stating that the resolution should read "Widen each lane for 130' to 20'".

-Marvin Kipp expressed concern about his water bill.

Mayor Herrick explained that the water, sewer, debt service bills were mailed to property owners today. The Village needs to collect approximately \$100,000 in debt service money to pay the first payment on the 40-year mortgage. The original intention of the Village was to divide the annual debt service charge onto two billings - April and October. However, because of the delay in the closing on the project with Farmers Home Administration, the total debt service charge for this year had to be put onto one billing. However, in future years, it will be divided between the April and October billings. Mayor Herrick further explained that when the construction of the new sewer plant was first discussed in the 1970's, the Village decided not to tie into the Saratoga County Sewer District because of the cost. He explained that four possible options were looked at in this regard. 1) Raising the General Tax. 2) Creating a sewer district. 3) Special Benefit Assessment. 4) User fee based on the amount of water used and the assessed valuation. All options were reviewed with the Audit and Control Laws and the Finance Laws of the State of New York. By opting to use the assessed valuation method, it passes 40% of the mortgage onto the school district, which covers a much larger base, because residents of other areas than the Village are within the Stillwater School District. The Hydroelectric Plant must hook onto the Village sewer system and will be paying approximately 7% of the mortgage.

INSURANCE ACCOUNT, THE SUM OF ONE THOUSAND FIFTY DOLLARS (\$1,050.00); AND BE IT FURTHER

RESOLVED THAT THE 1991/1992 VILLAGE BUDGET IS AMENDED BY TRANSFERRING FROM A1990.4 CONTINGENT ACCOUNT TO A9730.8 DEBT SERVICE BAN (DUMP TRUCK), THE SUM OF THREE THOUSAND TWO HUNDRED DOLLARS (\$3,200.00) TO CORRECT THE DEFICIT NEEDED TO PAY THE BOND ANTICIPATION NOTE DUE NORSTAR BANK ON OCTOBER 22, 1991.

Motion made by Trustee Martin; seconded by Trustee Powers. There was no discussion on the motion and the motion carried 5-0.

(4) BE IT RESOLVED THAT THE CLERK/TREASURER AND MAYOR ARE HEREBY AUTHORIZED AND DIRECTED TO PAY THE FIRST PAYMENT OF A FIVE-YEAR BORROWING PLAN ON A BOND ANTICIPATION NOTE FOR THE DUMP TRUCK WITH PLOW TO NORSTAR BANK AND TO PAY THE SUM OF ELEVEN THOUSAND TWO HUNDRED DOLLARS (\$11,200.00) IN PRINCIPAL AND THREE THOUSAND SIX HUNDRED EIGHTY-FIVE DOLLARS AND FIFTY CENTS (\$3,685.50) IN INTEREST FOR A TOTAL SUM DUE IN THE AMOUNT OF FOURTEEN THOUSAND EIGHT HUNDRED EIGHTY-FIVE DOLLARS AND FIFTY CENTS (\$14,885.50).

Motion made by Trustee Bryan; seconded by Trustee Powers. There was no discussion on the motion and the motion carried 5-0.

(5) BE IT RESOLVED THAT THE VILLAGE BOARD OF TRUSTEES DOES HEREBY AUTHORIZE AND DIRECT THE CLERK/TREASURER TO PREPARE A LIST OF DELINQUENT VILLAGE TAXES AND TO SUBMIT SAID LIST TO THE SARATOGA COUNTY TREASURER FOR THE PURPOSE OF RELEVY ON TO THE 1992 COUNTY TAX. THE LIST OF DELINQUENT TAXES IS AVAILABLE FOR REVIEW AND MADE A PART OF THIS RESOLUTION.

Mayor Herrick explained that this Resolution was the standard resolution that the Board must pass each year to turn the taxes over to the county for relevy.

Motion made by Trustee Bryan; seconded by Trustee Powers. There was no further discussion on the motion and the motion carried 5-0.

(6) Approval of Fondano Subdivision

WHEREAS, Joseph Fondano has applied to the Village of Stillwater for approval of a twenty-nine (29) lot subdivision on his lands located off Colonial Road in said Village; and

WHEREAS, the Village of Stillwater has reviewed the project and after numerous meetings and discussions, the developer has agreed to major renovations of the project and improvements to the Village's road and drainage systems, and

WHEREAS, the Village of Stillwater desires to approve the project conditioned upon the completion of the renovations, improvements and drainage installations, and

WHEREAS, the State of New York Department of Environmental Conservation has informed the Village that they will not approve any additional subdivisions in the Village until such time as the Village has removed an unspecified amount of Wastewater Infiltration Inflow and made certain other unspecified improvements to the Village's Sewer System in regard thereto, and

WHEREAS, the Village of Stillwater has no present intention or desire to negotiate this matter with the Department of Environmental Conservation and has informed the developer, Joseph Fondano, of this situation and that if the Village approves the subdivision it will under no circumstances undertake the removal of the I & I unless and until the Village has determined that it is in it's best interest to

do so, and

WHEREAS, the developer has agreed to sign a memorandum agreement whereby he agrees to each and every item to be set forth as a condition herein including a condition that in any agreement for sale of the approved subdivision, he will inform the purchaser of each and every term contained herein,

NOW, THEREFORE, BE IT RESOLVED, that the Village of Stillwater hereby approves the 29 lot subdivision of Joseph Fondano off of Colonial Road in said Village subject to the following terms and conditions:

1. That the developer will make the following improvements to Colonial Road solely at his expense before the issuance of any Certificates of Occupancy in the development:
 - a. Re-pave approximately One hundred thirty (130') feet of Colonial Road at the proposed subdivision entrance with 2-1/2" base and 1" wearing surface blacktop.
 - b. Install new culvert pipe, as per plan and remove old culvert.
 - c. Rebuild swales for drainage on Colonial Road.
 - d. Widen each lane for 130' to 40' minimum per lane on Colonial Road.
 - e. Location of electrical and gas lines should be added to the road cross-section detail on sheet No. 7 of 7 of plans submitted to the Village Engineer.
2. That the developer agrees at his sole expense before the issuance of the first Certificate of Occupancy in the subdivision, to connect to the storm sewer located on Major Dickinson Avenue as outlined in the proposal provided to the Village Engineer by the developer's engineer, Harold Berger.
3. That the developer will follow all grading and landscaping specifications set forth in the plans for the retention area and will include this area in the lots to be sold.
4. That the developer will sell all lots with restrictive covenants, in the forms attached hereto, which covenants shall attach to and run with the land.
5. That the developer, prior to the Village Clerk stamping the Village's approval on the subdivision plot, will sign a memorandum of agreement whereby he acknowledges that the Village has informed him of the New York State Department of Environmental Conservation's decision to not approve any additional subdivisions in the Village until the Village has removed an unspecified amount of wastewater infiltration inflow and made other unspecified improvements to its sewer system; that the Village has informed him that at this time they have no plans or intentions to do this work; that the developer agrees that the Village is not under any obligation to him to do the above work so that the Department of Environmental Conservation approval can be granted; that he will agree for himself, his heirs and assigns to make no attempt of any kind or nature to force the Village to do so and that the developer will inform any potential buyer of the subdivision of all of these terms and agreements.
6. That the developer, prior to the Village Clerk stamping the Village's approval on the subdivision plot, will reconfigure the lot lines so that all proposed lots and improvements lie wholly within the Village of Stillwater and all cul-de-sacs have a Seventy (70') foot turning radius.

7. That the developer pay any and all required fees.
8. That all final drawings shall be stamped by a licensed Professional Engineer and Land Surveyor.
9. That the developer prior to commencement of any work on the project, must present to the Village a Letter of credit, performance bond or security, satisfactory to the Village Attorney in the amount of One hundred percent (100%) of the estimated cost for construction of all work on Colonial Road and/or the proposed drainage easement.
10. That the developer obtain all necessary state and federal approvals and permits prior to any construction or development.

Mayor Herrick requested a motion on the Fondano resolution from the Board. He further wanted it stated for the record that his property borders the Fondano property.

Trustee Bryan voiced concern that at the previous Board meeting, the Board decided that there should be no more development in the Village but now there is a motion before the Board to allow this development to be approved.

Mayor Herrick said that the extension of the water and sewer lines to the Fondano project would be at the expense of the developer and will not cost the Village any money. Mayor Herrick further stated that Mr. Fondano has agreed to the resolution presented to the Board tonight with the covenants and restrictions therein contained.

There was no more discussion on the resolution.

MOTION: TO GRANT APPROVAL OF THE FONDANO PROJECT

Mayor Herrick asked for a roll call vote:
Trustee Martin - Nay
Trustee Hanehan - Nay
Trustee Bryan - Nay
Trustee Powers - Aye
Mayor Herrick - Aye

The resolution was defeated by a vote of 3-2.

G. Presentation - Linda Sanders, Historian - 8:43 p.m.

Ms. Sanders said that it was the 175th anniversary of the Village. Ms. Sanders then gave a brief presentation regarding the history of the Village of Stillwater.

Ms. Sanders suggested that a committee should be formed to meet with the people at the hydroelectric plant to see if the blockhouse can be moved. She said that a name will have to be decided on for the new park at the hydroelectric plant.

Mayor Herrick thanked Ms. Sanders and Mrs. Abel for preparing the ad for the Saratoga County BiCentennial Gala.

Mayor Herrick said that the hydroelectric plant will be donating the land for the proposed park but could not get involved with the actual moving of the blockhouse to the site of the park or with the maintenance or upkeep of the blockhouse. Mayor Herrick stated that he will try to get a corporate sponsor to provide funds to move the blockhouse to the new park. He then asked the Board Members if they wished to be on the Blockhouse Committee.

proposed developments is for the Town to provide the finances necessary to make improvements to the Village system.

Trustee Powers further explained that what the Village charges outside users for water is reasonable.

If the Town is successful in obtaining water from Mechanicville, the Village will entertain discussions on servicing other parts of the Town. The Village cannot guarantee that whatever amount of water is replaced by Mechanicville would continue to be available to the Town.

Trustee Powers further indicated that the Village wishes to work with the Town for the betterment of both municipalities.

Trustee Powers indicated that the Water Committees were to meet again on November 20, 1991 at 7:00 p.m.

(7) Citizens Advisory Committee - Mayor John Herrick

Mayor Herrick stated that the organizational meeting for the Citizens Advisory Committee was held and John Nett is presently acting as Chairman.

Mayor Herrick also explained that there was still one seat vacant on the Citizens Advisory Committee if anyone was interested in filling the seat, they should notify the Clerk.

Mayor Herrick also explained that the Blockhouse Committee is being chaired by Linda Sanders. Kathy Blinn and Ross Clothier are presently serving on the Committee representing the Village.

J. OLD BUSINESS

(1) Fondano Project - Trustee Ernest Martin.

Trustee Martin asked the Village Board to bring the proposed Fondano project back for a vote of the Village Board. Trustee Martin asked the Village Board to reconsider the project because he now believes that the project will be an asset to the Village in the increased revenues as well as the improvements that Mr. Fondano is willing to make.

Attorney Ciulla explained that he had re-entered into negotiations with Mr. Fondano's attorney. Mr. Fondano's attorney is to inform Mr. Ciulla what further improvements Mr. Fondano is willing to make for the Village of Stillwater in the near future.

Mayor Herrick stated that a Resolution will be prepared and discussed at the December Board Meeting. Such resolution will modify the previous resolution of the Board which disapproved the Fondano project.

REGULAR MEETING OF STILLWATER BOARD OF TRUSTEES
DECEMBER 17, 1991 - 7:00 P.M.

PRESENT: MAYOR JOHN HERRICK, TRUSTEE ERNEST MARTIN, TRUSTEE
FLORENCE HANEHAN, TRUSTEE EDWARD BRYAN, TRUSTEE HARRY POWERS

ALSO PRESENT: MICHAEL SIMONCAVAGE, SUPERINTENDENT OF DEPARTMENT OF
PUBLIC WORKS, MARTIN RICCARDI, BUILDING INSPECTOR and JOHN H.
CIULLA, JR., ESQ., VILLAGE ATTORNEY

THERE WERE NO MEMBERS OF THE PRESS IN ATTENDANCE.

(1) The meeting was called to order by Mayor Herrick at 7:00 p.m.
and the flag was pledged.

(2) Approval of Board Minutes from 11/06/91 and 11/19/91.

MOTION: TO APPROVE THE MINUTES OF THE MEETINGS OF 11/06/91 AND
11/19/91.

Motion made by Trustee Hanehan; seconded by Trustee Powers.
There was no discussion on the motion and the motion carried 5-0.

(3) Treasurer's Report. The Treasurer's Report for the period
11/20/91 through 12/17/91 was read to those in attendance. The
Treasurer's Report is available for inspection at the Village
Clerk's Office.

The vouchers presented to the Board for auditing tonight consist of
the following:

General Fund	\$5,844.19
Water Fund	\$7,401.62
Sewer Fund	\$9,461.68
Capitol Fund	\$1,000.00

(4) Correspondence

-Letter dated December 6, 1991 from Margaret E. Nolan, Deputy
Clerk/Treasurer resigning her duties as Deputy Village
Clerk/Treasurer effective December 12, 1991, due to personal
reasons.

-Letter dated December 2, 1991 from Joseph D. Hilton, Director of
Municipal Research and Statistics addressed to John Herrick. This
letter was notification that the annual financial report for the
Village of Stillwater still had not been filed with the Office of
the State Comptroller.

-Letter dated November 16, 1991 from William H. Muench, Jr., Vice
President, NewChannels/Troy Division addressed to John Herrick. The
letter indicated that effective January 1, 1992 Troy NewChannels
will be adjusting their monthly service rates by \$1.50 or \$1.75
depending on the combination of services a customer has.

(5) Open floor to public

MOTION: TO OPEN THE FLOOR TO THE PUBLIC
MOTION MADE BY TRUSTEE BRYAN; SECONDED BY TRUSTEE MARTIN.
There was no discussion on the motion and the motion carried 5-0.

The floor was opened to the public at 7:08 p.m.

-Matt Mellon spoke regarding the plowing of snow onto the sidewalks.

Mr. Mellon stated that there was a considerable amount of snow on the sidewalk on Major Dickinson Avenue. Mr. Mellon stated that the Village should purchase a small tractor with a plow to plow the snow from the sidewalks. Mr. Mellon further stated that a few businesses in the Village are plowing their parking lots and leaving large snow piles on the sidewalks. Mr. Mellon stated that he believed that Village Law states that homeowners are liable for keeping sidewalks in front of their property clean, but if they don't, then he believes that the Village is liable for injuries because they are not enforcing the law.

Mayor Herrick acknowledged that there was a problem with some homeowners not cleaning their sidewalks and said that Attorney Ciulla had done some research on the legalities of this matter. Mayor Herrick stated that he would like to see the sidewalks being cleaned.

Mr. Mellon stated that other municipalities remove snow from their sidewalks and thinks the Village of Stillwater should also remove the snow from the sidewalks. Trustee Hanehan was in agreement with Mr. Mellon and stated that she also knows of other municipalities that remove the snow from their sidewalks.

Attorney Ciulla disagreed with Mr. Mellon's assumption that the Village is liable for removing snow from Village sidewalks. He stated that the matter had been brought before the New York State Legislature who determined that it was the homeowner who was responsible for maintaining the sidewalks. Attorney Ciulla stated that if the Village wished to purchase a tractor and plow snow from the sidewalks, it was up to them but it was against his advice.

Superintendent Simoncavage addressed the issue by agreeing with Mr. Mellon that the sidewalks should be kept clean. The Department of Public Works tries not to pile snow onto the sidewalks when they plow, but if you have one snow storm followed by another, it is difficult for snow not to be piled onto the sidewalk.

Mayor Herrick asked Superintendent Simoncavage to inform any business owner who leaves a pile of snow on the sidewalk after plowing, that they must remove it. Superintendent Simoncavage agreed that he would do so.

Mayor Herrick stated that he would like to be able to purchase a small tractor with a plow, but there isn't money in the budget for it this year. Mayor Herrick asked the Chairman of the Streets Committee, Trustee Bryan, if he would contact other municipalities to see if they plow their sidewalks, how they have gotten around the liability issue, what kind of equipment is used, and report back to the Board. Perhaps next year, plowing of sidewalks will be possible.

Trustee Bryan stated that he would check into the matter and stated that he has informed Quik Serve that they must remove piles of snow from the sidewalks.

--John Noonan of Colonial Road asked to speak about the 29-unit subdivision proposed by Mr. Fondano. He questioned whether the Resolution to be presented to the Board tonight was the same Resolution which was defeated at the October Board Meeting. Mayor Herrick responded that the only difference in tonight's resolution was that the developer was agreeing to repave Colonial Road from the intersection of Broughton Lane all the way up to the edge of the cemetery. The original Resolution said that only 130' feet of road would be repaved, and that an additional 200 feet of repaving has

been added.

Attorney Ciulla stated that he had received a fax late this afternoon from Mr. Fondano's attorney. The letter was from Harold Berger to Joseph Fondano dated December 16, 1991. Mr. Berger feels that widening the road for the whole 20 feet from Broughton Lane down would present a problem, because of telephone poles, driveway cuts, etc. Attorney Ciulla read the following excerpt from Mr. Berger's letter: "The idea of widening the road to 20 feet in that same stretch discussed above is also questionable because of the configurations of driveways, drainage patterns and locations of poles. The benefit derived from such a plan is highly questionable and I recommend that we offer to taper back to existing width from the southern point of your property in a distance of say, ten feet. This way property owners along that segment of road won't get upset. Shaping of drainage swales along that portion could be accomplished if you wish to offer that as part of the package, but I wouldn't think it appropriate at all to extend the 20 feet width down that far."

Mayor Herrick asked if the letter meant that the developer would repave the road at the present width. Attorney Ciulla stated that they would repave the road the 20 feet for the 130 feet area in front of the Fondano land, but the next 10 feet coming southerly towards Broughton Lane would be narrowed back from 20 feet to 18 feet.

Attorney Ciulla stated to adjacent homeowners present at the meeting that they must remember that they don't own all the property to the road, there is a right of way that extends beyond the pavement portion of the roadway. Mr. Fondano intends to widen the road into the right of way portion and would not by taking any land belonging to adjacent property owners. Most roads have a 50 foot right of way, although Mr. Ciulla wasn't certain what the right of way was on Colonial Road.

Mr. Noonan stated that his deed shows that the 8 foot from his stairs to the roadway is grandfathered, and the Town or Village cannot take that property from him. Attorney Ciulla said that would have to be researched. He further stated that most houses on North Hudson Avenue are located partially within the State's right of way and are likewise grandfathered.

Mr. Noonan also asked about the location of the storm sewer that Mr. Fondano is going to hook into. Mayor Herrick stated that the storm sewer is at the playground. It is located in front of Dominick Bruno's property but on the playground. Mr. Noonan asked if Mr. Fondano intended to drain the whole area into the storm sewer. Mayor Herrick responded that Mr. Fondano intends to clean out the ditch on his side of the road and the culvert under the road and install storm sewers that will run down to the playground and eventually drain into the river. Mr. Fondano intends to drain some of the water that way. Some of the other water will be directed toward the canal. Mr. Noonan said that if he was going to install the storm sewer that will drain into the river, he should direct all the water into the storm sewer. Mayor Herrick said that the plans call for a retention pond and that water will be released into the storm sewer over a period of time. The intent is to clean the culvert up so that water will continue to drain through it.

Mayor Herrick stated that one of the biggest concerns before the Board for the past four years is the effects on the water draining onto Colonial Road. The engineer has devised a plan to carry that water to the storm sewer at Major Dickinson playground. The Village

Engineer says that is a workable solution. Mayor Herrick believes that will probably clean up the existing problem when there are heavy rains.

Trustee Hanahan believed that water would still drain from the hill, no matter how many storm sewers are installed. Mayor Herrick agreed that water would still come down from the hill, but the difference would be that the water would go into the drainage ditches and storm sewers.

John Murphy asked if the drainage would be on Mr. Noonan's side of the road. Attorney Ciulla stated that Mr. Fondano will have to be granted an easement by Mr. Noonan to install the storm sewer. The culvert has to go across Colonial Road so that the drainage can flow from Noonan's property down. Mr. Noonan also has a further water problem not caused by the Fondano project that will hopefully be alleviated by the building up of the Noonan property. Mr. Murphy said that in other words, Mr. Fondano must get an easement to run the culvert under the road onto the Noonan property into a storm drain on the Noonan property running south to the playground and drain not only the Noonan property, but also Fondano's property at the same time. Attorney Ciulla agreed. Attorney Ciulla said that the Noonan property would be rebuilt with top soil and to put a drainage pipe under his lot to drain the water and will rehabilitate the Noonan property.

Mr. Noonan stated that he had not been approached regarding the granting of an easement.

Mayor Herrick stated that the engineering plans should improve the conditions on Colonial Road. Mr. Noonan stated that he had not seen the engineering plans and wanted to know where he could get a copy. Mayor Herrick told him that Mr. Berger, Mr. Fondano's engineer, should be able to provide him with a copy.

Attorney Ciulla expressed concern that the Village had been under the impression that Mr. Noonan had been contacted and consented to an easements. Mr. Noonan is disputing that fact.

Mayor Herrick said that the Clerk will contact the Village Engineer to get copies of the engineering plans.

Louella Ford asked the Board if they had considered the impact that the proposed subdivision would have on the schools, i.e., more room will be needed in the school to house the additional children. She further asked if the Board had considered the impact on the increased traffic on Colonial Road as a result of the subdivision. Mayor Herrick responded that the proposed improvements to Colonial Road such as repaving and storm sewers would cost about \$80,000, and if the Village were to undertake those projects, there would be a 90% increase in the general fund property tax. The impact on the schools would be minimal. The demographics from the State on the school show that the graduating classes for the next ten years will not exceed 113 students. Mrs. Ford stated that the elementary grades don't have enough room now. Mayor Herrick stated that the debt service on the school and the sewer plant will continue for years. Mayor Herrick stated that the only way that people living on fixed incomes will be able to afford to live in the Village will be if the tax base expands. Since there is no industry in the Village, the tax base must expand through development. The debt service on the sewer plant will not go down unless the tax base expands by development. After all the 29 proposed houses are built and on the tax roll, the debt service on the sewer plant could decrease by about 9%.

Louella Ford asked if a larger sewer plant will have to be built to accommodate the 29 additional houses. Mayor Herrick responded that the sewer plant has the capacity to handle the proposed 29 houses, plus additional houses.

Trustee Martin stated that we don't have sufficient revenue coming in at the present time and we need development to broaden the tax base.

Louella Ford then asked where the run off will be in the canal. Mayor Herrick stated that the water will run in the direction of Lake Street.

Mayor Herrick further stated that he stands to lose more than anyone else by the proposed Fondano development, because the project will border his property. Mayor Herrick stated that if he were to vote against the Fondano project, he would be doing a disservice to the Village taxpayers. He doesn't believe that he should vote his personal interest over the interest of the Village.

Mrs. Ford said that she believed that the Board had just rejected the Fondano project by a vote of 3-2. Trustee Martin said that he changed his mind on the Fondano project because the Village of Stillwater needs the additional revenue so that taxes won't increase drastically in the Village. Trustee Martin believes that Mr. Fondano's project will improve the area of Colonial Road and generate additional revenue that the Village much needs.

-John Murphy read that the improvements could result in an \$80,000 benefit to the Village, and asked Mayor Herrick to explain that. Mayor Herrick explained that the cost to the Village if they had to pay someone to install a storm sewer would be approximately \$42,000. The cost could be less if the Village installed it themselves. The repaving of the roadway from Broughton Lane to the cemetery would cost a substantial amount.

Mayor Herrick explained that all of the Village's major revenues are based on either assessed value or population. Approximately \$90,000 was raised by property tax this year. The Saratoga County sales tax money the Village receives is approximately \$100,000.00. The County uses a formula based on village's assessed valuation and population. The mortgage tax revenue received is based on the amount of transactions from housing sales. The entire Fondano project has a large economic value on the village, which is one reason the development should be approved. The other reason is that the developer has agreed to improvements that will benefit the Village. If the Board doesn't approve this project, then the Board is essentially saying they don't want development in the village and the village taxes will increase because the tax base isn't expanding. The Village taxes haven't increased in the past few years because of development offsetting the need to raise taxes. If you stop development, taxes will have to be raised.

-Matthew Mellon questioned the Village supplying water to Hillside. Mayor Herrick stated that the contract the Village has with Hillside states that the Village will supply them with its excess water. If the Village doesn't have the excess, then Hillside doesn't receive water. Eventually, Mayor Herrick believes that the Village will not be able to supply Hillside with water.

-Ralph Thompson of Hudson Avenue asked if the Village had enough water to supply the Fondano project. Mayor Herrick explained that the Village's first obligation is to supply Village residents with

water.

-Teresa Sabatino of Colonial Road asked where the location of the road into the development would be. Mayor Herrick said the road would be next to her property. Mrs. Sabatino expressed concern that the road would be too close to her property. Trustee Martin stated that the road would be between the cemetery property and the Sabatino property.

Mayor Herrick explained that even if the Board approves the development, there is still the issue with the Department of Environmental Conservation. A certain amount of I/I has to be removed from the storm sewers. The resolution before the Board addresses that issue and states that the Village will not be under any pressure or obligation to make improvements to remove the I/I. EnCon will not grant Fondano approval until the issue of I/I has been corrected. Even if the Village Board approves the Fondano project, EnCon and Department of Health still have to approve it. The Village is just the first approving body for this project.

John Noonan asked if Mr. Fondano can go to court to force the Village to comply with the EnCon requirement of the removal of I/I. Attorney Ciulla replied that it is defined in the Resolution before the Board that Mr. Fondano must sign a Memorandum of Agreement with the Village stating that he will not attempt to force the Village to correct the I/I problem, as well as informing any potential buyer of the project that the Village may not be forced to address the I/I problem until such time as they deem it appropriate.

Mayor Herrick stated that Mr. Fondano also must present a bond for the cost of the improvements on Colonial Road before he does any work on the project site.

Mayor Herrick asked the Clerk to read the Fondano resolution. (The Resolution entitled, "Resolution for Approval of a -29- Lot Single Family Residential Subdivision on Colonial Road Lands of Joseph Fondano" is attached to these Minutes and made a part thereof.)

Mayor Herrick stated basically the resolution encompasses several concerns that the Board and residents have had for years. The resolution protects the Village in that the improvements needed for the Village will be taken care of at the developer's expense and relieves the burden from the Village.

John Murphy stated that in order for him to fully understand the project, he would like to see the maps prepared by Harold Berger. He further expressed concern about the long term implications for homeowners if the natural causeway is interrupted.

Mayor Herrick said that the Board has had intense discussions with Mr. Fondano's engineers regarding the placement of water from the Fondano property onto adjacent property, with Eileen Gannon's property being the most affected.

Trustee Powers stated that his understanding of Municipal Law is that all adjacent property owners along the canal lands are required to incur the cost of making sure that water in the canal flows the proper way.

Attorney Ciulla said that it would be costly to prove who is causing the water in the canal to improperly drain.

John Murphy believed that part of the 87 HUD money could have been used for improvements on Colonial Road. Mayor Herrick replied that

he doesn't believe that there was left over money from the 87 HUD grant that could have been used for this purpose.

-Eileen Gannon of Lake Street stated that she had spoken with a number of citizens in the Village and has not been able to find anyone in favor of the approval of the project. Mrs. Gannon felt that it was the obligation of the Board to represent the concerns of the Village citizens. Mrs. Gannon took pictures of her property this week which indicate a substantial amount of standing water. Mrs. Gannon fears that if the Fondano project is approved, that the water problem on her property will worsen. Mrs. Gannon said that she didn't feel that most people were aware of the size of the pond on the Fondano lands. She stated that the pond was 600 feet long and 300 feet across, being in two sections, with a connecting creek in between. She doesn't want the pond to drain onto her lands and onto the lands of other homeowners. The pictures were presented to the Board for their review. Mrs. Gannon stated that she was informed that Mr. Fondano may choose to sue the Village Board if the project was rejected, and she wanted the Board to know that she may choose to commence a lawsuit if the project was approved.

-Marie Gray wanted to know if the project was approved, would the storm sewer would drain the water into the sewer system. Mayor Herrick replied that the storm sewer would drain the water to the river. The storm drain would tie into the catch basin at the Major Dickinson playground which drains into the river.

-Jim Thomas of Clarmont Road voiced his concern about the renaming of Clarmont Road to Hallum Road. He stated that after the implementation of 911 about 10 months ago, he was concerned because there was no street sign for emergency vehicles to use for identification, so he went to the Town Board and requested a sign be installed. The Town Board authorized the purchase and installation of a street sign. The sign was installed which stood until a month ago when Ruth Hallum raised a problem with the sign. Mrs. Hallum purchased a Hallum Road sign which was installed in the place of the Clarmont Road sign. Mr. Thomas asked the Village Board to reconsider and reinstall the Clarmont Road sign. Mayor Herrick then explained that the Village placed the Clarmont Road sign on the Village right of way. Mrs. Hallum then purchased the Hallum Road sign and asked the Village to install the same. Superintendent Simoncavage then brought the matter before the Board at their November meeting and the Board decided that Mrs. Hallum should be able to name the road whatever she desired because she owned the road; the Board wanted some sign on the road for emergency services purposes. Since that time, the matter was discussed at the joint Village/Town Board meeting in early December, and the matter was left unresolved until Supervisor Lilac, Mayor Herrick and Mrs. Hallum could meet to discuss the same. A possible solution that was discussed would be the installation of the Clarmont Road sign with an arrow and the installation of the Hallum Road sign also. It must be determined if this road is a private or public road. Mr. Lilac is going to arrange this meeting. If Mrs. Hallum doesn't agree to the installation of both signs, it was the feeling of Mayor Herrick that the Village Board may have to take some action to resolve the matter. Another problem with the road is that part of the road is in the Town and part of the road is in the Village.

Mr. Thomas then asked if the sign Mrs. Hallum purchased was authorized by the Village Board. Mayor Herrick stated that it was not authorized by the Board and that Mrs. Hallum had the sign made at her own expense.

Mayor Herrick stated that he would have the Village Attorney do

research to determine if the road is a private or public road. Mayor Herrick also stated that he did send a letter to 9 or 10 emergency service agencies explaining that the Hallum Road sign was posted and that Claremont Road is for all intents and purposes the same as Hallum Road.

MOTION: TO CLOSE THE FLOOR TO THE PUBLIC.

Motion made by Trustee Powers; seconded by Trustee Martin. There was no discussion on the motion and the motion carried 5-0.

The floor was closed to the public at 8:38 p.m.

(6) Discussion and action on resolutions

(A) Approving 29-unit Subdivision of Fondano. Mayor Herrick stated that the Clerk had already read the Resolution to the public and there had already been extensive discussion on the Resolution. Mayor Herrick made a suggestion to improve the resolution stating that in light of John Noonan's comment that he was not aware of the necessity of the easement to be granted by him to Mr. Fondano, Mr. Herrick suggested that the Resolution be amended to include a contingency that the approval be based on the granting of the easement by John Noonan. Or in the alternative, to have the developer reappear before the Board with maps to clarify the questions regarding the development and to have the developer speak with Mr. Noonan before the next board meeting.

Trustee Martin said that he would like to see everything in writing and he would like Mr. Berger to speak with Mr. Noonan and to the Board and members of the public exactly how the storm sewer system will work, and what improvements the developer proposes for the west side of Colonial Road insofar as drainage swales going down toward the playground and how that drainage water will intercept into the storm sewer on Major Dickinson Avenue.

Attorney Ciulla stated that in the previously referred to letter that he received today, the developer voiced an objection to the resurfacing of the road with the installation of a 2-1/2 inch base. The developer would like to reduce the base to 1-1/2 inches. Attorney Ciulla stated that he had not had a chance to review this matter with Superintendent Simoncavage, and that needs to be considered.

Trustee Martin said that until all matters are resolved in writing, he felt that the Board should table the Resolution and meet again to discuss the approval or disapproval.

MOTION: THAT THE RESOLUTION ON THE FONDANO PROJECT BE TABLED UNTIL SUCH TIME AS THE ENGINEER AND DEVELOPER CAN MEET WITH JOHN NOONAN TO DISCUSS THE PROJECT AND THE BOARD MEMBERS HAVE THE CHANCE TO REVIEW THE FAX THAT JOHN CIULLA RECEIVED THIS DAY AND THAT THE MATTER BE PLACED ON THE JANUARY AGENDA.

Motion made by Trustee Martin; motion seconded by Trustee Hanehan. There was no discussion on the motion and the motion carried 5-0.

The Clerk will get the engineering maps back from the Village Engineers and make them available for public inspection.

(B) Approving Procurement Policy. Mayor Herrick directed the Clerk to read the Procurement Policy. The Procurement Policy is attached to these Minutes and made a part hereof.

Mayor Herrick explained that the Village Board is required by State

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to who will maintain the road. Mayor Herrick replied that it will be the Village's position that the subject road is not a Village road and will not be responsible for maintaining same. Mayor Herrick further stated that the Town has been maintaining the road based on a "gentlemen's agreement" of years ago. The Village has not maintained the road, and unless it is determined that the road is a public road, the Village will not maintain it.

Mrs. Hallum requested that when a decision was reached as to ownership of the road, that such decision appear in the Village Board Minutes and she would also like such decision in writing so that future boards will have documentation of ownership.

Supervisor Lilac stated that he would speak to the Town Highway Superintendent to see if the Town has been maintaining the road, and if the Town Highway Superintendent does not wish to maintain the road, Supervisor Lilac will meet with the Village Board to arrive at a solution.

John Murphy asked if maps were available for review on the Fondano project. Mayor Herrick stated that maps were available for inspection at the Village Clerk's Office during normal business hours. Mr. Murphy said that it was his understanding that water would drain from the Fondano project through the Noonan property and through the playground, and will also drain waters from the Champlain Canal adjacent to John Herrick's property. Attorney Ciulla stated that Mr. Murphy's statement was incorrect. Mayor Herrick didn't believe that the canal would tie in to the proposed drainage system. Attorney Ciulla stated that because of the grade, the entrance way to the proposed development, when it is blacktopped, will promote additional run-off toward the Noonan property than is otherwise there because of the presence of the grassy lands. This proposal is solely to drain that water that might be additional as a result of the paving of the entrance way to the crest of the hill. It has nothing to do with the subdivision itself. There is another proposal to deal with the water on the top of the hill.

John Murphy then asked where the water from the two ponds will drain to. Attorney Ciulla stated that those waters will continue to drain into the Champlain Canal as they presently do. Attorney Ciulla stated that it was his understanding that the two ponds that currently exist on top of the property will be filled, and that a significant amount of fill must be brought on to the site to eliminate the ponds. The Board's next concern was with the ponds no longer in existence, that run off from roofs and blacktopped areas will drain significantly faster into the canal than the current drainage system allows. To counteract that, the developer proposes to install a large retention area with a decreased flow from the retention area that will not permit the water to leave the retention area at any faster rate than currently the ponding allows for drainage from the development. The Village Engineer's report confirms the developer's engineer's report that the water leaving the site will not leave at a faster rate than currently happens because of the retention area. This is contained in the Resolution presently before the Board.

Mayor Herrick stated that the Fondano Project will not be voted on at this meeting. Mayor Herrick stated that Attorney Ciulla received a late afternoon fax on December 17, 1991 from Mr. Berger addressed to Mr. Fondano discussing the rebuilding of Colonial Road. The information contained in that facsimile and the fact that Mr. Noonan has had no discussion with Mr. Fondano and/or his representatives regarding the granting of an easement by him to Fondano, reculted in the Board tabling the Fondano matter once again. That resolution will remain on the table until the Village receives more information or Mr. Fondano agrees to all of the points contained in the resolution. Mayor Herrick stated the only information the Board has received from Mr. Fondano and/or his representatives is that which was presented tonight.

Mayor Herrick stated that the easement from Noonan is a key to the entire drainage situation, and if Mr. Fondano does not agree to the Village's specifications for the rebuilding of Colonial Road, the issue is probably moot.

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John Murphy wanted to know how the previously quoted figure for improvements by the developer to the Village was arrived at. Mayor Herrick explained that Mr. Berger quoted a figure of \$46,600 for the drainage system and the other improvements outlined in the resolution would be the balance of \$14,000.00. Mr. Murphy said that he believes when a developer and engineer estimate costs for proposed improvements they inflate them. Mr. Murphy asked if Superintendent Simoncavage or the Village Engineer could cost out the specifications of this project. Mayor Herrick explained that if the Village were to use their own equipment and manpower to install the drainage system, etc., the cost could probably be reduced. He believes that the developer should bear the cost of such improvements. When the time comes that the resolution is again coming before the Board for action, cost estimates could be obtained by the Village, if necessary.

John Murphy said that the total benefit to the Village should be considered as well as the impact on the school district, water and sewer, if the project is approved. Mayor Herrick said that everyone should realize that Mr. Fondano can construct four houses on the property at this time without paying anything for improvements.

Ralph Thompson said that he thought the Fondano resolution had been voted down and questioned how the Board could now resurrect the resolution. Mayor Herrick explained that the Fondano resolution had been previously voted down, but that any Trustee could re-introduce a resolution at any time and in this case, Trustee Martin re-introduced the Fondano resolution, with an amendment to extend the improvements on Colonial Road.

Eileen Gannon again expressed her concern in regard to flooding from the ponds. She stated that she had been in contact with a biologist at EnCon who informed her that a retention pond will allow the water to flow at a faster rate for a shorter time than would otherwise be the case. Mrs. Gannon also expressed concern about the possible effect that the retention ponds will have on the Village recreation field. She again asked the Board to carefully study the issue before rendering a decision.

Jim Thomas arrived at the meeting late and wanted to know if the Clarumont/Hallum Road matter had been resolved. Mayor Herrick explained that no decision had been made yet but that a resolution was before the Board and will be discussed.

MOTION: TO CLOSE THE FLOOR TO THE PUBLIC.

Motion made by Trustee Powers; seconded by Trustee Bryan. There was no discussion on the motion. MOTION CARRIED 5-0. The floor was closed to the public at 8:05 p.m.

(F) Discussion and action on Resolutions

(1) MOTION: BE IT RESOLVED THAT THE SUPERINTENDENT OF PUBLIC WORKS IS HEREBY AUTHORIZED AND DIRECTED TO IMMEDIATELY PLACE A CLARUMONT ROAD SIGN ON THE SAME SIGN POST AS HALLUM ROAD.

Mayor Herrick explained that there was substantial amount of discussion on the motion and many good points were raised by both residents of Hallum/Clarumont Road, the owner, Ruth Hallum, and with Supervisor Lilac. Mayor Herrick said that the Town of Stillwater had referred the matter to the Highway Committee and the Village Board could do likewise if they desired.

Mayor Herrick stated that a motion was needed to either table the resolution, adopt the resolution, disapprove the resolution or amend the resolution.

RESOLUTION NO. 1, 1992: TO TABLE THE RESOLUTION. AUTHORIZING THE SUPERINTENDENT OF PUBLIC WORKS TO IMMEDIATELY PLACE A CLARUMONT ROAD SIGN ON THE SAME SIGN POST AS HALLUM ROAD, AND TO REFER THE MATTER TO THE VILLAGE STREETS COMMITTEE WHICH WILL MEET WITH THE TOWN HIGHWAY COMMITTEE.

Motion made by Trustee Martin; seconded by Trustee Bryan.

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responsibility of the homeowner.

(3) Fondano Project. The facsimile to Attorney Ciulla and the letter sent from Mr. Berger to Mr. Noonan are the last two pieces of correspondence from Mr. Fondano and/or his representatives. Until and unless Mr. Fondano provides the Board with any additional information, that proposal will remain on the table.

(J) NEW BUSINESS

(1) Appointing a Deputy Registrar of Vital Statistics. Mayor Herrick explained that the Registrar of Vital Statistics has the power to appoint a Deputy. That position is at no compensation. Any fees that the Registrar or Deputy Registrar receive in the course of the duties as such are considered the only compensation given.

Registrar of Vital Statistics, Cathy Yankowski, made the appointment of Helen J. Ford as Deputy Registrar of Vital Statistics at no compensation. The Registrar will administer the Oath of Office to the Deputy Registrar. Mayor Herrick asked the Registrar to extend his thanks to Mrs. Ford for accepting the position.

(2) Scheduling March 1992 meeting. The regular meeting of the Board in March falls on Election Day.

The Board will meet on March 10, 1992 at 7:00 p.m. to conduct the regular monthly meeting.

The Board will meet at 9:15 p.m. on March 17, 1992 to certify the election results.

Attorney Ciulla also pointed out that Village Law states that the organizational meeting must be held during the first week in April, 1992.

(3) 1992/1993 Budget Requests. The forms will be distributed soon for Committee Chairmen and Department Heads to complete and return.

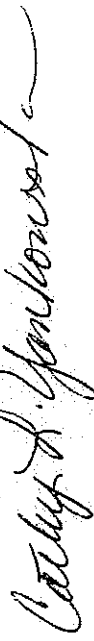
(K) MOTION: TO ACCEPT TREASURER'S REPORT AND PAY AUDITED VOUCHERS. Motion made by Trustee Hanehan; seconded by Trustee Powers. There was no discussion on the motion. MOTION CARRIED 5-0.
General Fund-#119A-153A; Water Fund-#60F-73F; Sewer Fund-#81G-91G; Capital-#9H
(L) Adjournment

MOTION: TO ADJOURN THE MEETING.

Motion made by Trustee Hanehan; seconded by Trustee Bryan. There was no discussion on the motion. MOTION CARRIED 5-0.

The meeting was adjourned at 10:15 p.m.

Respectfully submitted,



Cathy L. Yankowski
Village Clerk/Treasurer

