

PUBLIC HEARING: **C-2 Zoning Change** (add indoor/outdoor recreation facilities)

The following Notice of Public Hearing was legally advertised in the Daily Gazette, the Post Star and the Saratogian newspapers.

PLEASE TAKE NOTICE that the Town of Wilton, New York, County of Saratoga, will hold a public hearing to amend the Code of the Town of Wilton, Section 129-55 Zoning.

SAID PROPOSED AMENDMENT would amend Article X and 129 Attachment 15 (Schedule I) C-2 Business/Light Industrial District, by adding Indoor/Outdoor Recreational Facilities as a permitted use.

SAID PUBLIC HEARING will be held on Thursday April 5, 2012, at 7:00 p.m., at Wilton Town Hall located on Traver Road in the Town of Wilton at which time all persons will be given an opportunity to be heard.

BY RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WILTON

At 7:04 p.m., Supervisor Johnson called the public hearing to order and asked the Town Clerk to read the public hearing notice aloud, she did so. He then asked if any had any comments on this item. No comments. He then closed the public hearing at 7:05 p.m..

REGULAR TOWN BOARD MEETING

Immediately following the public hearing, Supervisor Johnson called the Regular Town Board meeting to order at 7:05 p.m..

Pledge of Allegiance

Supervisor Johnson led the board and the audience in reciting the Pledge of Allegiance to the Flag.

Roll Call

Roll Call by the Town Clerk showed all board members present.

Arthur Johnson-Supervisor
John Lant-Councilman
Robert Pulsifer-Councilman
Robert Rice-Deputy Supervisor
Steve Streicher-Councilman

Also present were Town Attorney Richard DeVall, Town Comptroller Jeffrey Reale and Director of Planning and Engineering Keith Manz.

Public Comment

Supervisor Johnson asked if anyone had signed up for the public comment session.

Dennis Towers: Stated that the Wilton Food Pantry is having its first fund raising event April 15th, which is an empty bowl fund raiser. Skidmore Ceramic Arts is making the bowls and the chefs at Skidmore are

making chili soup and bread. There will be refreshments, music and a silent auction. Tickets are \$15.00 or \$20.00 at the door.

Approve Pending Minutes

On a motion introduced by Councilman Pulsifer, the board adopted the following resolution:

RESOLUTION # 93

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the March 1, 2012 meeting as typed without amendment.

The adoption of the resolution was seconded by Deputy Supervisor Rice, duly put to a vote, all in favor.

C-2 Zoning Change

**(add indoor/outdoor recreation facilities)
public hearing held earlier
approval rec'd from County Planning Bd.**

On a motion introduced by Councilman Pulsifer, the board adopted the following resolution:

RESOLUTION # 94

NOW, THEREFORE, BE IT RESOLVED, to approve a Negative Declaration under SEQR for the proposed zoning amendment to the C-2 zone.

The adoption of the resolution was seconded by Deputy Supervisor Rice, duly put to a vote, all in favor.

On a motion introduced by Councilman Pulsifer, the board adopted the following resolution:

RESOLUTION # 95

NOW, THEREFORE, BE IT RESOLVED, to approve the amendment to the C-2 zone adding indoor/outdoor recreation facilities.

The adoption of the resolution was seconded by Councilman Lant, duly put to a vote, all in favor.

Building Use Policy

After some discussion by the board, the decision was made to table this item to clarify the NOT-FOR-PROFIT language.

Camp Saratoga Delegan Pond
Fishing program

On a motion introduced by Deputy Supervisor Rice, the board adopted the following resolution:

RESOLUTION NO. 96

Camp Saratoga Delegan Pond, Scout Pond, Fishing Program

The Town of Wilton Town Board, owners of property known as Camp Saratoga has stocked Scout Pond for resident fishing.

1. The stocking program is for the **Town of Wilton residents only**.
2. April 1st to July 1st, will be reserved for fishing by Town of Wilton resident **youths age 16 or under**, and may be assisted by an immediate adult family member.
3. The remainder of the trout fishing season will be open to Town residents to October 15th, the last day of trout season, for all persons over the age of 16 with a required, valid, New York State Fishing License.
4. Fishing limit is 2 per day.
5. Adults after July 1st (catch and release) is recommended.
6. **No** live bait is permitted (worms and lures permitted).

THIS RESOLUTION WAS APPROVED BY THE TOWN OF WILTON TOWN BOARD APRIL 5, 2012.

The adoption of the resolution was
seconded by Councilman Streicher, duly put
to a vote, all in favor.

Appointment Health officer (Contractual)
Christopher Thomas M.D.

On a motion introduced by Deputy Supervisor Rice, the board adopted the following resolution:

RESOLUTION # 97

NOW, THEREFORE, BE IT RESOLVED, to appoint Christopher Thomas, M.D. as the Town Health Officer as per the contract with the Town of Wilton and;

FURTHER BE IT RESOLVED, to authorize the Supervisor to execute the contract.

The resolution was seconded by Councilman Streicher, duly put to a vote, all in favor.

Resignation (Zoning Board)

Albert Mottau

On a motion introduced by Councilman Pulsifer, the board adopted the following resolution:

RESOLUTION # 98

NOW, THEREFORE, BE IT RESOLVED, to accept Albert Mottau's resignation as a long standing member of the Zoning Board of Appeals with sadness effective immediately.

The adoption of the resolution was seconded by Councilman Streicher, duly put to a vote, all in favor.

Committee Reports (If Any)

Supervisor Johnson asked if anyone had any committee reports.

Councilman Streicher, stated that he and Councilman Lant have been working the new Ethics Law and would have a draft ready for the board members in a couple of weeks and ready for the May meeting.

Supervisor Johnson stated that Annual Elks Flag Day Parade which all board members are invited to is Saturday, June 9th, at noon on North Broadway.

Councilman Lant, asked Superintendent Woodcock how the Historical Building was coming along.

Superintendent Woodcock stated it was coming along very well.

Councilman Lant stated that the building does not have a centralized fire alarm system in it and a lot of our history is in that building.

Supervisor Johnson explained that it is not the Town's building but, we have a contract with them so maybe we could amend it so the town could fund it.

Comptrollers Report
(including Bills & Transfers)**February 2012 Cash Disbursements**

General Fund	\$ 238,675
Highway Fund	\$ 412,689
Total	\$ 651,364

2012 Budget Transfers and Amendments

On a motion introduced by councilman Pulsifer, the board adopted the following resolution:

RESOLUTION # 99

NOW, THEREFORE, BE IT RESOLVED, to approve the budget transfers and amendments requested for and listed in the Comptroller's 4/5/12 report to the Town Board.

The adoption of the resolution was seconded by Councilman Streicher, duly put to a vote, all in favor.

Highway Department**Road Program**

Comptroller Reale stated that Superintendent Woodcock is proposing instead of doing Woodard and Nichols at \$180,044 he would rather do Old Route 9-\$200,239, with the balance of \$20,195 coming from the road repair and maintenance account. Supervisor Johnson suggested not transferring the money now but waiting until the end of the year. (NO MOTION REQUIRED)

Truck Replacement

On a motion introduced by Councilman Pulsifer, the board adopted the following resolution:

RESOLUTION # 100

NOW, THEREFORE, BE IT RESOLVED, to approve a budget amendment from the Appropriate Fund Balance account (DA599) to the DA513-200 account. To replace truck # 46 (2000 Chevy pick-up) using the unexpended balance (\$175,000). The new truck would be approximately \$85,000.

The adoption of the resolution was seconded by Deputy Supervisor Rice, duly put to a vote, all in favor, except Councilman Lant, who opposed. 4-1 vote.

Parks Department (2012 Capital Budget)

Comptroller Reale stated that Steve Porto, Parks Director is requesting to remove project #2 Stone Dust Removal Field D and replace Security Fencing Project adjacent to the T-ball field, no charge in budget amount. After some discussion the board agreed upon the 5 ft. high fence for \$4370.00, but not the back stop. Funding would come from park fees. (no motion required)

Wilton Emergency Squad-Penflex Service Award Program:

On a motion introduced by Deputy Supervisor Rice, the board adopted the following resolution:

RESOLUTION # 101

NOW, THEREFORE, BE IT RESOLVED, to approve the Service Award Program list of all the 2011 volunteer ambulance workers of the Wilton Emergency Squad, Inc.

The adoption of the resolution was seconded by Councilman Lant, duly put to a vote, all in favor.

Adjournment to Executive Session

On a motion introduced by Deputy Supervisor Rice, and seconded by Councilman Streicher, the board adjourned to executive session at 7:50 p.m..

On a motion introduced by Councilman Streicher, and seconded by councilman Pulsifer, the board reconvened the Regular Town Board meeting at 8:40 p.m..

Action Taken

Goodhue Property

On a motion introduced by Councilman Pulsifer, the board adopted the following resolution:

RESOLUTION # 102

WHEREAS, Goodhue Wilton Properties LLC and the Town of Wilton are desirous of having certain assessment issues resolved as to property owned by Goodhue Wilton Properties LLC in the Town of Wilton, and

WHEREAS, a settlement proposal resolving pending tax certiorari litigation was recommended by Daniel G. Vincelette, trail counsel to the Town of Wilton, and reviewed by the Wilton Town Board at its regular monthly meeting, and

WHEREAS, such a proposed settlement would present the parties with an expeditious and economic alternative to further litigation so as to resolve issues between the parties, and

WHEREAS, the Town Board has determined that the proposed settlement is in the best interests of the Town; now

THEREFORE, BE IT RESOLVED, that the Town Board does hereby accept a proposed settlement for the 2009 tax certiorari proceeding filing by Goodhue Wilton Properties LLC with the following terms, in which the assessed value of the subject property shall be reduced to reflect the values on the annexed schedule as to the 29 discrete parcels. The terms of Real Property Tax Law §727 shall apply, i.e. the assessment shall remain unchanged for the 2010 and 2011 assessment rolls, provided that a petition was filed and served upon the Town, County and School District, consistent with the applicable law.

And it is further

RESOLVED, that the Town Board does hereby adopt this resolution to end the litigation between Goodhue Wilton Properties LLC and the Town of Wilton as to the above referenced assessment.

The adoption of the resolution was seconded by Deputy Supervisor Rice, duly put to a vote, all in favor.

Wal-Mart Stores

On a motion introduced by Councilman Pulsifer, the board adopted the following resolution:

RESOLUTION # 103

WHEREAS, Wal-Mart Stores, Inc. and the Town of Wilton are desirous of having certain assessment issues resolved as to property it leases that is owned by THF Saratoga Development in the Town of Wilton, and

WHEREAS, a settlement proposal resolving pending tax certiorari litigation was recommended by Daniel Vincelette, trail counsel to the Town of Wilton, and reviewed by the Wilton Town Board at its regular monthly meeting, and

WHEREAS, such a proposed settlement would present the parties with an expeditious and economic alternative to further litigation so as to resolve issues between the parties, and

WHEREAS, THE Town Board has determined that the proposed settlement is in the best interests of the Town; now

THEREFORE BE IT RESOLVED, that the Town Board does hereby accept a proposed settlement for the 2011 tax certiorari proceeding filed by Wal-Mart Stores Inc. with the following terms:

The 2012, 2013 and 2014 assessed values of the subject property (Parcels No. 153-3-13) shall be set at \$19,450,000, with Petitioner receiving no refund or costs. The terms of Real Property Tax Law §727 shall apply, i.e. the assessment shall remain unchanged for 2012, 2013 and 2014.

And it is further

RESOLVED, that the Town Board does hereby adopt this resolution to end the litigation between Wal-Mart Stores Inc. and the Town of Wilton as to the above referenced assessment.

The adoption of the resolution was seconded by Councilman Streicher, duly put to a vote, all in favor.

Adjournment

On a motion introduced by Deputy Supervisor Rice, and seconded by Councilman Pulsifer, the meeting was adjourned at 8:41 p.m..

Respectfully Submitted,

Carol Maynard, Town Clerk

Supervisor, Arthur Johnson

Councilman, John Lant

Councilman, Robert Pulsifer

Councilman, Steve Streicher

Deputy Supervisor Robert Rice

RESOLUTION

WHEREAS, Goodhue Wilton Properties LLC and the Town of Wilton are desirous of having certain assessment issues resolved as to property owned by Goodhue Wilton Properties LLC in the Town of Wilton, and

WHEREAS, a settlement proposal resolving pending tax certiorari litigation was recommended by Daniel G. Vincelette, trial counsel to the Town of Wilton, and reviewed by the Wilton Town Board at its regular monthly meeting, and

WHEREAS, such a proposed settlement would present the parties with an expeditious and economic alternative to further litigation so as to resolve issues between the parties, and

WHEREAS, the Town Board has determined that the proposed settlement is in the best interests of the Town; now

THEREFORE BE IT RESOLVED, that the Town Board does hereby accept a proposed settlement for the 2009 tax certiorari proceeding filed by Goodhue Wilton Properties LLC with the following terms, in which the assessed value of the subject property shall be reduced to reflect the values on the annexed schedule as to the 29 discrete parcels. The terms of Real Property Tax Law §727 shall apply, i.e. the assessment shall remain unchanged for the 2010 and 2011 assessment rolls, provided that a petition was filed and served upon the Town, County and School District, consistent with the applicable law.

and it is further

RESOLVED, that the Town Board does hereby adopt this resolution to end the litigation between Goodhue Wilton Properties LLC and the Town of Wilton as to the above referenced assessment.

DATED:



