

TOWN OF WILTON

22 TRAVER ROAD

WILTON, NEW YORK

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Susan Baldwin, Town Clerk

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PUBLIC HEARING: Best Value Methodology

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

At 7:00 p.m., Supervisor Johnson called the public hearing to order and asked the Town Clerk to read the public hearing notice aloud.

PLEASE TAKE NOTICE that the Town Board of Wilton, New York, County of Saratoga, will hold a public hearing concerning Local Law #1 of 2014, which would authorize contract awards based on best value methodology.

SAID PUBLIC HEARING will consider Local Law # 1 of 2014 which would authorize the award of Town contracts on the basis of "best value" rather than simply to the lowest bidder pursuant to the provisions General Municipal Law §103. The determination to award a particular contract on the basis of best value would be made by the Purchasing Agent and would include the specific factors to be applied in determining best value.

SAID PROPOSED LOCAL LAW provides an additional procurement option to the Town which may expedite the procurement process and result in cost savings.

SAID PUBLIC HEARING will be held on Thursday, June 5, 2014 at 7:00 p.m. at Wilton Town Hall located at 22 Traver Road in the Town of Wilton, at which time all persons will be given an opportunity to be heard. Copies of proposed Local Law #1 will be available for review in the Town Clerk's office during regular business hours.

Supervisor Johnson asked if anyone had any question or comments. There were none.

Supervisor Johnson closed the public hearing at 7:02 p.m.

BY RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WILTON

PUBLIC HEARING: Ethics and Disclosure Law

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

At 7:10 p.m., Supervisor Johnson called the public hearing to order and asked the Town Clerk to read the public hearing notice aloud.

PLEASE TAKE NOTICE that the Town Board of Wilton, New York, County of Saratoga, will hold a public hearing concerning Local Law No. 2 of 2014, which would amend Local Law No. 4 of 2012, known as Ethics and Disclosure.

SAID PUBLIC HEARING will consider an amendment to the Ethics and Disclosure legislation, Section 9-7 A., which provides that the Ethics Advisory Board (EAB) shall consist of five members, each appointed by unanimous vote of the Town Board. The proposed amendment is as follows: The Ethics Advisory Board (EAB) shall consist of five members, each appointed by a simple majority vote of the Town Board.

SAID PUBLIC HEARING will be held on Thursday, June 5, 2014 at 7:10 p.m. at Wilton Town Hall located at 22 Traver Road, Wilton, New York. At that time all persons will be given an opportunity to be heard. A copy of proposed Local Law No. 2 will be available for review in the Town Clerk's office during regular business hours.

BY RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WILTON

Supervisor Johnson asked if there was anyone here to speak about the public hearing.

Nancy Dwyer asked if this was only in regard to changing that verbiage and nothing else. **Supervisor Johnson** stated it was.

Dan Tagliento asked if it was at all possible to paraphrase what the change is. **Supervisor Johnson** said the law currently requires a unanimous vote of the town board to appoint an Ethics Advisory Board member. The proposal is to appoint a member by simple majority, a vote of three board members.

Supervisor Johnson asked if there were any more questions or comments. There were none. The public hearing was closed at 7:12 p.m.

OPEN BIDS:

Highway Department 2014-2 New 4X4 supercrew truck.

Supervisor Johnson called the bid opening to order. The Town Clerk opened and read the bid aloud.

Two bids were received as follows:

Carbone Automotive Group-\$27,832.00

Nemer Ford-\$27,752.40

Highway Department 2014-3 Used 2009 or newer vacuum street sweeper.

One bid was received from Cyncon Equipment Co., Inc. for \$125,000.00.

Supervisor Johnson stated the award of the bids will be subject to approval from Highway Superintendent Kirklin Woodcock.

REGULAR TOWN BOARD MEETING-JUNE 5, 2014

Supervisor Johnson called the Regular Town Board meeting to order at 7:13 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 except Councilman McEachron who was excused.

Arthur Johnson-Supervisor
Steve Streicher-Deputy Supervisor
Joanne Klepetar-Councilwoman
John Lant-Councilman

Also present were Town Comptroller Jeffrey Reale and Director of Planning and Engineering, Ryan Riper.

Public Comment Session

Supervisor Johnson asked if anyone signed up for public comment.

Nancy Dwyer, 12 New Kent Drive, *I am before the board regarding an incident I recorded on April 15, inappropriate, disparaging remarks and verbal desire to inflict physical assault on her made by a town employee to a third, non-town employee during business hours in the main public area of the town hall. She submitted the correspondence, to date, for the above referenced matter that I first notified you of on April 15. I did not see on the agenda that I printed the other day or on tonight's agenda, that an executive session was scheduled for this evening. To date, I have not been notified of any action taken on your part regarding the action of this employee. I was informed the employee denied saying they wanted to hit me and that the third party person would neither confirm nor deny the statements in my letter to you. I submit to you tonight, a signed, notarized letter from that person confirming that not only is what I said accurate, but that she did indeed verbally confirm when asked by the Supervisor's office during their investigation I respectfully request that this matter be dealt with as this has been dragging on going on two months now. I submitted this issue to our Town's Ethics committee and was informed that this is not a matter they can consider because it is outside the scope of the Ethics Law as it is currently written for the Town of Wilton. At our March Town Board Meeting it was requested that a committee be formed to look at our Ethics Law. I urge you to consider broadening the scope of their authority to consider behavior and actions of Town Employees. As Councilman Lant said...the Board should not be both judge and jury. Even Councilman Streicher suggested I submit my complaint to the Ethics Committee and that the right to investigate town employees was within the committee's scope. As you have written the law Mr. Streicher...no it is not. Thank you for your consideration in these matters.*

Supervisor Johnson said the Ethics Advisory Board did review the complaint. The Town Board did not receive any correspondence because the complaint was found to be not subject to their review. Personnel issues are not discussed in public but the matter is being dealt with. The matter has been investigated and has been turned over to our outside consultant, HR Consultants. Ms. Dwyer said she was not aware of that.

Dan Tagliento, 29 Jones Road, said he wanted to talk about a subject that has been evolving due to traffic and the growth of the town, traffic devices. At present, it was a political decision to remove the money from outside sources, from Albany and the Senate. That money was to upgrade and make travel safer in and out of the Route 50 Cornelius Vanderbilt highway. Lanes were going to be narrowed and traffic speeds reduces. Plantings were going to be put in down the center of the highway. There was also going to be a walkway. He said he would like to request the Town of Wilton set up a committee to address future growth and needs of the highway as it has to do with traffic control. There are a number of locations that warrant traffic signals. The other subject is the most used avenue for people to leave Wilton to get onto the Northway at 15 is Gick/Jones Road. All of the other intersections were upgraded but left Gick/Jones Road without a right hand turn lane. Yet they continue to improve storm drains that could have been moved to anticipate the right hand turn land. The island is constantly hit by vehicles. A sign is taken down eight or nine times a year. He said he would like to see a traffic committee to prepare for the future. **Ryan Riper**, Director of Planning and Engineering, said there is nothing planned for improvements right now but discussions with DOT are in the works for improvements at that intersection.

Approve Pending Minutes

On a motion introduced by Councilwoman Klepetar, the board adopted the following resolution:

RESOLUTION #110

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the May 1, 2014 meeting, as typed.

The adoption of the resolution was seconded by Deputy Supervisor Streicher, duly put to a vote, all in favor. The motion carried 4-0.

Friends of Grant Cottage

Tim Welch, President of Friends of Grant Cottage said he would like to thank the Town of Wilton for its generosity in funding and in kind services from the highway department and Highway Superintendent Kirklin Woodcock. Over the past few years attendance records have been set. Last year there were 5300 visitors last year. The cottage is the only state historic site with no state employees. We operate with three part-time employees and charge \$5.00 per person for a tour. The Mount McGregor

Correctional Facility will be closing on July 26, 2014. All of the utilities for Grant Cottage are supplied by the prison.

The 18th President of the United States spent the last 6 weeks of his life at the cottage writing his memoirs while trying to get his family out of debt. His son got him involved in a Ponzi scheme and took all of his money, \$150,000.00 and he was dying of throat and tongue cancer. The President arrived at the cottage by train and finished the last two volumes of his memoirs. Within one year of his death, June 23, 1885, his wife received \$450,000.00 in royalties from the sale of the book, \$11,000,000.00 in today's money.

A short slide show was shown.

Mr. Welch said the state has promised to parcel off approximately 50 acres of the property presently on the McGregor Correction Facility property. It will be merged with a larger parcel with Moreau State Park. The park police will monitor the site and the state police will utilize an existing firing range. The visiting center has an existing septic system and the cottage should be able to tie into it once the prison closes. A security audit has been requested. Mr. Welch said the Friend of Grant Cottage appreciate everything the town has done over the past 10 or more years. The Department of Parks and Rec has assured there will be no impact on the 2014 season that lasts through Columbus Day. There will be negotiations as to what happens after that. Mr. Welch thanked everyone.

Supervisor Johnson said the he and the supervisors from Moreau and Corinth have been contacted by Empire State Development Corporation and have been proactive with the redevelopment of the facility. All of the supervisors have agreed the Grant Cottage must be supplied with utilities. We have been assured by Empire State Development Corporation and Senator Marchione's office that they realize the importance of Grant Cottage and will do everything possible to ensure there will be no interruption of services.

Road Acceptance

On a motion introduced by Deputy Supervisor Streicher, the board adopted the following resolution contingent upon Town Counsel review:

RESOLUTION #111

NOW, THEREFORE, BE IT RESOLVED, to accept the following roads in the Mill at Smith Bridge Subdivision as town roads, conditioned upon final sign off by Town Engineer, Town Highway Superintendent and Town Counsel:

**Portion of Cider Mill Way
Waterwheel Drive
Saw Mill Court**

FURTHER IT BE RESOLVED, the Supervisor of the Town of Wilton and Town Counsel is authorized to execute any documents in connection with the acceptance of the road.

The adoption of the resolution was seconded by Councilwoman Klepetar, duly put to a vote, all in favor. The motion carried 4-0.

Councilwoman Klepetar the comments are not in regard to this subdivision but she said the pathways plan talks about connectivity between subdivisions and open space deeded to the town. She asked if these things are being looked at and are the connections being made between the subdivisions. **Supervisor Johnson** said that is reviewed in the planning stages.

Best Value Methodology

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

RESOLUTION #112

NOW, THEREFORE, BE IT RESOLVED, to adopt Local Law # 1 of 2014, Best Value Methodology, as written.

The adoption of the resolution was seconded by Deputy Supervisor Streicher, duly put to a vote, all in favor. The motion carried 4-0.

Ethics and Disclosure

On a motion introduced by Councilwoman Klepetar, the board adopted the following resolution:

RESOLUTION #113

NOW, THEREFORE, BE IT RESOLVED, to adopt Local Law #2 of 2014, amending Local Law # 4 of 2012, Ethics and Disclosure

FURTHER IT BE RESOLVED, each member shall be appointed by the affirmative vote of at least four (4) members of the Town Board.

The adoption of the resolution was seconded by Deputy Supervisor Streicher, duly put to a vote, all in favor. The motion carried 4-0.

HW2014-2 Bid Award

Discussion was held regarding the price difference between a three quarter ton truck on state contract and an F150 truck at bid.

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

RESOLUTION #114

NOW, THEREFORE, BE IT RESOLVED, to accept the low bid of \$27,832.00 from Carbone Automotive Group for the 2014 F150 XL Crew Cab.

The adoption of the resolution was seconded by Councilman Lant, duly put to a vote, all in favor. The motion carried 4-0.

HW2014-3 Bid Award

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

RESOLUTION #115

NOW, THEREFORE, BE IT RESOLVED, to accept the bid of \$125,000.00 from Cyncon Equipment Co., Inc. for the 2009 Johnson J605 Vacuum Sweeper.

The adoption of the resolution was seconded by Councilwoman Klepetar, duly put to a vote, all in favor. The motion carried 4-0.

Minutes/Agenda

Councilwoman Klepetar said last year two residents requested the town board meeting minutes be posted online two weeks after the meeting. According to Open Meetings Law, the secretaries of the different boards need to have the minutes typed and ready for the public to FOIL two weeks after the meeting. The request is to have a set policy in place for the minutes to be ready, in draft form, to go on the website so residents can read the minutes. **Supervisor Johnson** said the minutes are done in two weeks. The town board minutes are put on the website in draft form. The department heads from planning and zoning would rather not have the draft minutes on the website. The town complies with Open Meetings Law. **Attorney Schachner** said the town board could impose more strict requirements on the planning and zoning minutes. The town clerk is an elected official and has some discretion on the town board minutes. Attorney Schachner said as far as he knows, the current practices are in compliance with all applicable laws. **Mr. Riper** said he had discussions with Mark Mykins regarding the posting of draft zoning board minutes. Mr. Mykins indicated he would prefer to have town counsel

review the minutes of the public hearing prior to them being posted on the website. The notices of decision are posted at town hall five days after the meeting. **Supervisor Johnson** asked if there has been a specific demand for the draft minutes. **Mr. Riper** said there has not been. If something is controversial, someone may FOIL it. **Supervisor Johnson** asked if that happens very often. **Mr. Riper** said it does not. **Councilwoman Klepetar** said the request is for the ease rather than having to FOIL the minutes. **Supervisor Johnson** asked if there has been someone that hasn't been able to get them. **Councilwoman Klepetar** said no. The reason she brought it up was because two people brought it up last year and she was following up on it.

Councilwoman Klepetar asked if there was a set policy for placing items on the agenda. **Supervisor Johnson** said his policy is to have the agenda finalized and posted on the Monday before the meeting.

Ms. Dwyer said she likes to do a little bit of refreshing by reading the prior month's minutes before attending a board meeting. Instead of the minutes being available two weeks after a meeting can it be X number of days prior to the next meeting? Sometimes a FOIL can take 20 to 40 days. If you FOIL something, you don't get it the next day. **Jeff Reale** noted the video of the town board meeting is on the website and TWC airs it on the following Friday after the meeting. **Ms. Dwyer** said the town board minutes are not a problem because they are posted. It is more the other board meeting minutes. **Supervisor Johnson** said he didn't want to make it a strict policy but the minutes could go up prior to the next meeting. **Mr. Riper** said if the minutes are FOILed, they are in a PDF and the request should be filled right away. **Councilman Lant** said he thought Mr. Riper and Mr. Mykins had some good points and maybe the board should go with their wishes. **Mr. Coleman** said Robert Freeman gave a presentation at the town and the minutes have to be available when someone FOILs them. The agenda and minutes do not have to be on the website. **Councilwoman Klepetar** asked if the planning and zoning board meetings are on video. **Attorney Schachner** said neither is.

Committee Reports

Councilman Lant said the Emergency Plan with Saratoga County Radio System for a backup system in case of emergency has been approved. We should have five portable radios. The funding will be in the Comptroller's report.

Appointments

Supervisor Johnson said there was an interview prior to the meeting to fill an Ethic Advisory Board vacancy.

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

RESOLUTION #116

NOW, THEREFORE, BE IT RESOLVED, to appoint Chuck Hodgson to the Ethics Advisory Board with a term to expire on 12/31/15.

The adoption of the resolution was seconded by Deputy Supervisor Streicher, duly put to a vote, all board members in favor. The motion carried 4-0.

Councilman Streicher noted Boy Scout Troop #24 is celebrating their 60th anniversary at Camp Saratoga on Scout Road June 22, 2104 from 1 p.m. to 4 p.m.

The Wilton Heritage Society moved the Strawberry Social from June 15, 2014 to June 29, 2014 from 1 p.m. to 4 p.m.

Supervisor Johnson said the Elks Club Flag Day Parade is June 14, 2014, starts on North Broadway in Saratoga Springs at Noon.

1.) Comptroller's Report
(Including Bills & Transfers)

April 2014 Cash Disbursements

General Fund	\$260,237
<u>Highway Fund</u>	<u>\$134,561</u>
Total	\$394,798

2.) 2014 Budget Transfers and Amendments
(See attached) Budget Transfers

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

RESOLUTION #117

NOW, THEREFORE, BE IT RESOLVED, to approve the 2014 budget transfers and amendments requested for and listed in the Comptroller's 6/5/14 report (attached).

The adoption of the resolution was seconded by Deputy Supervisor Streicher, duly put to a vote, all in favor. The motion passed 4-0.

3.) Capital Project #444 2013-14 Gavin Park Improvements

Mr. Reale said Mr. Riper received an estimate of \$72,291.00 from National Grid to connect the new electrical service. The fee is required to be paid up front.

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

RESOLUTION #118

NOW, THEREFORE, BE IT RESOLVED, to approve the estimated budget amendment of \$72,291.00 for connection of the new electrical service at Gavin Park

FURTHER IT BE RESOLVED, the Supervisor of the Town of Wilton is authorized to execute any documents in connection with the upfront payment to National Grid.

The adoption of the resolution was seconded by Deputy Supervisor Streicher, duly put to a vote, all in favor. The motion passed 4-0.

4.) Disposal of Assets

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

RESOLUTION #119

NOW, THEREFORE, BE IT RESOLVED, to ratify the decision to allow for the disposal of town assets (see attached list).

The adoption of the resolution was seconded by Councilman Lant, duly put to a vote, all in favor. The motion carried 5-0.

5.) Overnight Travel

Councilman Lant made a motion for Tina Westover, Nicole Monroe and Kathy Austin to go to the "Valuation with RPS" in Ithaca, New York. **Supervisor Johnson** noted the motion is to approve overnight travel. Who is sent is the responsibility of the department head. Discussion was held regarding training. **Councilwoman Klepetar** seconded the motion. Councilman Lant and Councilwoman Klepetar were in favor. Supervisor Johnson and Deputy Supervisor Streicher were opposed. The motion failed 2-2.

Deputy Supervisor Streicher made a motion to approve overnight travel for Nicole Monroe and Kathy Austin to go to the "Valuation with RPS" in Ithaca, New York. There was no second. The motion failed.

6.) Parks Department

On a motion introduced by Councilwoman Klepetar, the board adopted the following resolution:

RESOLUTION #120

NOW, THEREFORE, BE IT RESOLVED, to approve the request for Parkfest vendor checks to be distributed by Steve Porto directly after the event.

The adoption of the resolution was seconded by Deputy Supervisor Streicher, duly put to a vote, all in favor. The motion passed 4-0.

Respectfully Submitted,

Susan Baldwin, Town Clerk

Supervisor, Arthur Johnson

Councilman, John Lant

Deputy Supervisor, Steve Streicher

Excused Councilman, John McEachron

Councilwoman, Joanne Klepetar