

# **TOWN OF WILTON**

**22 TRAVER ROAD**

**WILTON, NEW YORK**

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Susan Baldwin, Town Clerk  
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**OPEN BIDS: Gavin Park Equipment (purchase)  
Toro Sand Pro Groomer 5040**

At 7:01 p.m. Supervisor Johnson called the bid opening to order. The Town Clerk opened and read the bid aloud. One bid was received as follows:

Grassland: \$33,529.44

Jeff Reale, Comptroller stated that the amount is within what was budgeted. The approval can be subject to the Park Director's approval.

**REGULAR TOWN BOARD MEETING**

Immediately following the bid opening, Supervisor Johnson called the Regular Town Board meeting to order at 7:04 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 Pulsifer who was absent.

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

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

### **Public Comment Session**

Supervisor Johnson noted no one signed up.

### **Approve Pending Minutes**

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

#### **RESOLUTION #122**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the minutes from the June 6, 2013 meeting as typed without amendment.

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

### **Traffic Mitigation Fees**

Ryan Riper said the project started last spring with Kirklin Woodcock and Keith Manz. There is a site distance issue at the intersection of Smith Bridge Road and Jones Road. As vehicles stop on Smith Bridge Road, there are shrubs to the north on the Vincek property and there are trees to the south. Highway Superintendent Woodcock spoke to the owners of the property and Mr. Vincek agreed to let the work happen. The shrubs and trees are not in the right of way therefore the Town cannot take down the trees. It is a safety issue. Peter Belmonte has offered to get the work done. Mr. Vincek would like the trees replanted further north on the property to reduce the glare of headlights from people exiting Gavin Park. Mr. Belmonte has asked that the traffic mitigation fees be offset by the work being done. There have been three quotes ranging from \$16,670.00, \$16,250.00 and \$12,400.00. The work is something that Mr. Belmonte is not required to do but is willing to do if the traffic mitigation fees can be offset by the work. The Planning Board has already approved his project. Supervisor Johnson said it is an opportunity to get the work done and the Town cannot do the work since it is on private property. Mr. Riper said it is a safety issue. Deputy Supervisor Rice asked if there have been issues. A traffic study has not been done to include this. Mr. Riper said money from the traffic mitigation fund cannot be used to do the work because a traffic study was not done for the intersection. Additionally, the monies could not be used because the work is being done on private property. Supervisor Johnson said Mr. Belmonte's traffic mitigation fees could be offset to enable the work to get done. Otherwise, the Town would have to wait until the traffic study is updated to include the intersection. The property is still private property so there is still an issue since the Town cannot do the work. Mr. Riper said Mr. Vincek realizes there is an issue and is willing to get the work done. Supervisor Johnson asked if the bids and the work were all the same. Mr. Riper said they were and the lowest bid was \$12,400.00 and traffic mitigation fees are approximately \$34,000.00. Deputy Supervisor Rice asked how the low bid will be

paid. Mr. Riper said Mr. Belmonte will pay the contractor and deduct that from the traffic mitigation fees. Supervisor Johnson noted that the work will be contracted through Mr. Belmonte and it will be private. Councilman Lant said Mr. Belmonte bought the property, is going to build houses and make a lot of money. Mr. Belmonte is spending millions of dollars so \$34,000.00 is not a big deal. The new development is going to cause more hazards there with the increased traffic. The Town doesn't do anything for any resident landowners so why should the Town do anything for Mr. Belmonte. The fees should not be cut for Mr. Belmonte, he is building the houses and brings the traffic. Mr. Riper said Mr. Belmonte is not required to do the work. Councilman Lant said the Town should have forced upon the Vincek's years ago. The fire department has had an issue with this for years. Supervisor Johnson said he didn't think the town could force a private landowner to cut down trees. Attorney DeVall said that is correct. Supervisor Johnson said this is the only viable way to resolve the issue. It is not part of Mr. Belmonte's project. Councilman Lant said Mr. Belmonte is bringing the traffic and is making a huge profit. Supervisor Johnson said Mr. Belmonte did not cause the intersection problems. Mr. Riper said they are pre-existing conditions. Councilman Lant said Mr. Belmonte is adding to it. There were many residents in the area that were against Mr. Belmonte's project. Once again, the Town is letting the residents down. Supervisor Johnson said the Planning Board looked into the issue. Mr. Riper said they did and the work is not a condition of the project. It is a pre-existing condition that was discussed numerous times. Mr. Belmonte is adding some traffic to the road. If Mr. Belmonte doesn't do the work it won't get down until after the traffic study is done. Supervisor Johnson said Mr. Belmonte is doing the work for a reason but it is costing him the same, one way or another. Mr. Riper said the private property issues would still have to be resolved. Mr. Vincek is in agreement with the work being done. Councilman Streicher said the Planning Board never required Mr. Belmonte to do the work. Attorney DeVall said they board cannot do that. In the past, there were a series of litigation in courts in which planning boards were routinely telling developers to go off their site and do some traffic mitigation. It can no longer be done, it is illegal. Now, a traffic mitigation study is done for all town wide needs and how they are impacted or affected by proposed projects. Developers pay into the traffic mitigation fund and in turn the fund pays for the identified traffic issues. This is the exact type of problem that was trying to be fixed previously and is now illegal. The board cannot tell Mr. Belmonte to fix a traffic problem that is off his site. The traffic mitigation fees go into a pool to protect everyone's rights. Councilman Streicher said the intersection is dangerous and it needs to be fixed.

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

#### **RESOLUTION #123**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the work at the intersection of Jones Road and Smith Bridge Road, on the Vincek property, by Peter Belmonte Builders.

**WHEREAS,** the sum of \$12,400 for the improvements will negatively offset the

traffic mitigation fees for The Mill at Smith's Bridge. (See attached scope of work).

The adoption of the resolution was seconded by Councilman Streicher, duly put to a vote, all in favor except Councilman Lant. The motion carried 3-1.

### **Committee Reports**

**Councilman Streicher** said construction of a walking/jogging path has begun. A special thank you to the Highway Department and Superintendent Woodcock for getting the project started. Eventually, there will be benches and distance markers.

**Supervisor Johnson** noted that Wilton Community Day, known as Parkfest, will be held on Saturday July 13, 2013 from 11:00 a.m. to 9:00 p.m. It is the one big event that the Town sponsors for the community. This year there will be a terrific lineup for all family events concluding with an Alonzo fireworks display. There will be great entertainment, rides and food and encourage everyone to come.

### **Comptroller's Report**

#### **2. 2013 Budget Transfers and Amendments**

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

#### **RESOLUTION # 124**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the budget transfers and amendments requested for and listed in the Comptroller's 7/3/2013 report to the Town Board.

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

#### **3. Personnel**

a.

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

#### **RESOLUTION #125**

**NOW, THEREFORE, BE IT RESOLVED,** to accept Ray Steady's resignation, effective June 13, 2013.

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

**b. and c.**

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

**RESOLUTION #126**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the donation of 40 hours (each) of vacation time from Rich McCane and Frank Holden to Jason Brueckner.

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

**4. Internal Reviews**

Jeff Reale said the annual internal reviews of all departments that handle money are complete. The reports are filed in the comptroller's office if anyone would like to view them.

**5. Parks Department**

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

**RESOLUTION # 127**

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

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

**Toro Sandpro Groomer 5040 Bid**

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

## RESOLUTION # 128

**NOW, THEREFORE, BE IT RESOLVED,** to accept the only bid, in the amount of \$33,529.44, from Grassland Equipment and Irrigation Corp. for a Toro Sandpro Groomer 5040 conditioned upon final approval of Parks and Recreation Director.

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

Dan Tagliento asked how many houses will be built in The Mill at Smith's Bridge. Deputy Supervisor Rice said there will be around 62. Mr. Tagliento said Parkfest is a wonderful thing. We know it is not going to break even and the Town is going to underwrite it. How much will it cost? Will it be more than or less than last year? Supervisor Johnson said the total estimate of Parkfest is about \$38,000.00. There are sponsorships from local businesses between \$15,000.00 and \$18,000.00. The Town's cost will be around \$20,000.00. Mr. Tagliento said there is time from staff for setup, cleanup and additional power costs. It is our money, steward it well. Supervisor Johnson said it is a great family event. Mr. Tagliento agreed. He said next year the vendors will ask for all new hundred dollar bills handed to them in pink envelopes as they unplug their last piece of equipment. They should be treated like any other vendor. If you start giving them special relationships, it is going to bite you.

Connie Towers asked what the \$34,000.00 in traffic mitigation fees going towards. Attorney DeVall said it is going towards fixing problems like this. Every few years, a town wide study is done and areas are examined. Ms. Towers said she wasn't talking about that. What is specific to Belmonte and what the fee is supposed to be for. Attorney DeVall said when a traffic mitigation study is done, it identifies anticipated projects and costs, it identifies the number of projects in or about to go into the pipeline and an accounting analysis is done and is calculated by the number of housing units. Ms. Towers said no one discussed what the rest of the traffic mitigation fees are supposed to be for. Mr. Riper said it goes into a fund and the money is used for projects that have been identified in the traffic study. Ms. Towers said she understood that. She said when they were going to build an office they were going to be charged \$3,500.00 for traffic mitigation fees on Ernst Road. It was reduced to \$1,800.00. There are some specific things on Smith Bridge Road that are going to affect Route 9 and the other side of it. Mr. Riper said if they are not identified in the study, the monies from the fund cannot be used. Deputy Supervisor Rice asked Mr. Reale if he knew how much money is in the traffic mitigation fund. Mr. Reale stated there was approximately \$650,000.00. Mr. Riper said there was a study done in 2006 and in 2009. Ms. Towers said she didn't understand why the traffic mitigation fees weren't specific to the project. Attorney DeVall said it is illegal. Ms. Towers said there has to be something that is directly affected by this project. Attorney DeVall said traffic mitigation funding was created after the courts stopped town boards, planning boards and zoning boards from requiring developers to fix areas off of their sites. The

work at the intersection of Jones Road and Smith Bridge will be completed in a legally tested way that allows for the town to get the developer to do work off his site. Ms. Towers said there should be more discussion so people can understand. Mr. Tagliento said when the board votes they should say why they are voting in that manner. Mr. Riper stated that the existing traffic study does not identify the Smith Bridge Road and Jones Road in the improvement plan. Ms. Towers said this is what happens with cumulative effects. There is an old traffic study that doesn't take the new development into consideration. Supervisor Johnson said that is why they are updated every few years. Ms. Towers said every ten years. Mr. Riper said the last one was in 2009 and prior to that was 2006. Supervisor Johnson said it is a complicated process and formula. If further information is needed, Ms. Towers should stop in at the office. Ms. Towers said she did understand, it is in a pool not site specific. If the \$12,000.00 is being taken out, what is the formula for the remainder of the \$34,000.00. Mr. Riper said the money will go towards fixing the intersection of Jones Road and Carr Road or if Jones Road and Smith Bridge Road is identified in a new report, it can go towards that. Ms. Towers said that is all people need to know. No one discussed what was going to happen to the remainder of the money after the \$12,000.00 was used. Mr. Riper said it goes into the fund with the other monies. Ms. Towers thanked the board.

**Adjournment**

On a motion introduced by Deputy Supervisor Rice, and seconded by Councilman Streicher with all board members in favor. The meeting was adjourned at 7:30 p.m.

Respectfully Submitted,

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Susan Baldwin, Town Clerk

\_\_\_\_\_  
Supervisor, Arthur Johnson

\_\_\_\_\_  
Councilman, John Lant

Absent \_\_\_\_\_ Councilman, Robert Pulsifer

\_\_\_\_\_  
Deputy Supervisor Rice

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Councilman, Steve Streicher