

TOWN OF WILTON

22 TRAVER ROAD

WILTON, NEW YORK

PHONE: 518-587-1939

FAX: 518-587-2837

Susan Baldwin, Town Clerk
sbaldwin@townofwilton.com

OPEN BIDS: Gurn Springs Road Culvert Rehabilitation

At 7:00 p.m. Supervisor Johnson called the bid opening to order. The Town Clerk opened and read the bid aloud. Three bids were received as follows:

James H. Maloy, Inc.-\$288,000.00

Jablonski Excavating, Inc.-\$207,000.00

Anjo Construction-\$198,000.00

Supervisor Johnson stated the award of the bid should be subject to approval from Town Engineer Ryan Riper and Highway Superintendent Kirklin Woodcock.

REGULAR TOWN BOARD MEETING-August 1, 2013

Immediately following the bid opening, Supervisor Johnson called the Regular Town Board meeting to order at 7:03 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 were present.

Arthur Johnson-Supervisor

John Lant-Councilman

Robert Pulsifer-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 asked if anyone had signed up for the public comment session. No one had. Supervisor Johnson noted Nancy Dwyer, a resident, was unable to attend the meeting and she submitted a letter to the board. The letter is in the board member's packets.

Approve Pending Minutes

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

RESOLUTION #129

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the July 3, 2013 meeting as typed without amendment.

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

Highway Department-330 Gurn Springs Road

Highway Superintendent Kirklin Woodcock stated there is a tree that was hit by lightning. It is on private property. Part of the tree fell on the shoulder of the town's road. It was cleaned up. A neighbor was concerned the property owner wouldn't take care of the tree. Superintendent Woodcock said he spoke to the property owners and put them on notice. The tree needs to be taken down. There is a letter from the neighbor whose property the tree fell on and it will be forwarded to the Town Attorney. The property owner stated she called a tree removal company but nothing has been done yet.

Park and Rec Fees

Supervisor Johnson said Park and Recreation Director Steve Porto requested increases in two programs. The after school program increase is from \$390.00 to \$400.00 for two months. The Jr. NBA program is a \$5.00 increase to cover the cost of the jerseys. The Park and Recreation Commission approved the increases for the two programs. All other fees remain the same. The summer camp fees may change for next year after the final numbers are looked at when the season is finished. Deputy Supervisor Rice asked if a field is not being used, can people use it for a pickup game without paying a field rental fee. John King said that is correct.

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

RESOLUTION #130

NOW, THEREFORE, BE IT RESOLVED, to approve the fee increases for Gavin Park (\$10.00 increase for 2 months of after school care and \$5.00 increase for Jr. NBA).

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

Road Acceptance-Ushu Court

Ryan Riper stated that all documents are in order and he inspected the road with Highway Superintendent Kirklin Woodcock.

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

RESOLUTION #131

NOW, THEREFORE, BE IT RESOLVED, to accept the following road in the Traver Road Subdivision as a town road:
Ushu Court

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

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

Committee Reports-None

Peddling and Soliciting

Supervisor Johnson said there was a Peddling and Soliciting Application before the board. The clerk noted the application was for Lisa Lewis and she would be offering financial services for Edward Jones. Deputy Supervisor Rice said he didn't think the board should be involved with this type of action. If someone would like to do business, they can. If people don't want them knocking, they can put out a "No Soliciting" signs. Attorney DeVall said there have been problems in the distant past. Ten or more years ago there were people going door to door offering goods for sale that were stolen property. The application and license shows us who is out there. Councilman Streicher asked if a person was going

door to door offering a blacktopping service would it be illegal in the Town of Wilton. Attorney DeVall said without a peddler's license, it probably is. The Peddler's License is usually for organized peddling like the ice cream man. Deputy Supervisor Rice said he didn't want to deny the applicant because we choose to intervene in the process. People that are not reputable and solicit will not apply for a peddler's license. Councilman Pulsifer said the town board shouldn't be getting involved with the private interactions with citizens but since the law is on the books, a motion will be made.

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

RESOLUTION #132

NOW, THEREFORE, BE IT RESOLVED, to approve a Peddling and Soliciting application for Lisa Lewis.

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

Councilman Streicher asked what would have to be done to change the law. Councilman Pulsifer said it could be repealed. Councilman Lant said he thinks there should be a license for peddling and soliciting so our senior citizens aren't taken advantage of. Our job is to protect the citizens. Supervisor Johnson agreed that the town would only want reputable people peddling. There should be a process. The current applicant signed off allowing for a background check.

The clerk noted New York Public Interest Research Group Fund, Inc. (NYPIRG) is also requesting to solicit for 30 days. Deputy Supervisor Rice asked if, technically, the Girl Scouts and Boy Scouts need a peddler's license. Councilman Pulsifer said he didn't think NYPIRG needs a license. They are actually soliciting money to make a political statement. Supervisor Johnson said the NYPIRG did not fill out an application, therefore, no action will be taken.

Comptroller's Report

2. 2013 Budget Transfers and Amendments

Councilman Streicher asked Mr. King what the \$79,000.00 truck would be used for. Mr. King said the truck will be used to pick up supplies, move material around within the park and currently, the park does not have a truck for snow removal. When the lights need to be worked on, a truck and trailer have to be borrowed for the high lift. Deputy Supervisor Rice asked if the price includes the rigging of the plow. Mr. King said it does. Supervisor Johnson said it does include the plow, dump body and sander. It is going to replace two vehicles that are in disrepair. Deputy Supervisor Rice asked if the truck was on state contract. Mr. Reale said there is no state contract for medium duty trucks. Highway Superintendent said the cab and chassis is a bid and the plow equipment is state contract.

Mr. Reale said the highway department would like to replace the body on Truck #75. The estimated cost is \$26,000.00. Councilman Lant asked if this is the truck that was patched up last year. Highway Superintendent Woodcock said it is. Councilman Lant asked when the highway department would get rid of the truck. Highway Superintendent Woodcock said he didn't have an answer. The truck is a 2000 or a 2001. It still runs good and everything is in good order, maybe in the next four or five years. He said it's a good solution to put a new body back on it. It does plow snow every time.

Mr. Reale said the last item is the Gurn Springs Road Culvert Rehabilitation and the bids were just opened. The budget amendments can be subject to the selection of the contractor. It can be subject to one of three bids plus \$5,000.00 for construction inspection fees. Highway Superintendent Woodcock said there was already \$66,000 in unexpended monies on the project. It was originally put in the budget but the department wasn't able to finish the job due to a silt/sand problem. Mr. Reale said the purchase order was for \$44,000.00. The funds were put back into road repairs. There is some money left in the account but it is for other road repairs.

Mr. Reale said the motion can be for one of the three bids as long as it's not the high bid since there isn't enough money in the highway surplus to cover it. For tonight, the amount can be for \$205,000.00. Deputy Supervisor Rice said the board should use the middle bid plus \$5,000.00. Mr. Reale said that would be \$212,000.00.

Deputy Supervisor Rice asked if there was any county involvement in the project. Highway Superintendent Woodcock said there is not.

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

RESOLUTION # 133

NOW, THEREFORE, BE IT RESOLVED, to approve the budget transfers and amendments requested for and listed in the Comptroller's 8/1/2013 report to the Town Board.

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

3. New Capital Project #444 2013-2014 Gavin Park Improvements

Supervisor Johnson noted the transfer is not a commitment to do any or all of the projects. The money can be transferred back to the general fund at any time. The money should be transferred so it is not part of the 2014 operating budget and there is an issue with the Comptroller's Office for having too much money in the unallocated fund balance. Councilman Pulsifer asked if there was any reason it couldn't wait till next month since it is the first time he has seen it. It is a lot of money being transferred. Supervisor Johnson said the transfer is only to allocate funds to a capital account. Any project considered would be put before the board separately for approval and funding. Councilman Pulsifer said he would like to do some homework on it. Councilman Lant asked what the funding for the water line is for. Supervisor Johnson said it is to connect Gavin Park to the municipal water system. Councilman Lant asked any thought was put into running the line down Beverly Street and Loriann

Drive. It would help the homeowner's with fire protection and homeowner's insurance ratings. Supervisor Johnson said it could go on the route but the town would want the homeowner's to participate. The moving of the funds is not to approve the projects and how they are done, it only to allocate the funds.

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

RESOLUTION #134

NOW, THEREFORE, BE IT RESOLVED, to approve the budget amendment in the amount of \$750,000.00.

The adoption of the resolution was seconded by Councilman Streicher, duly put to a vote, all in favor except Councilman Pulsifer, who was opposed. The motion passed 4-1.

4. Personnel

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

RESOLUTION #135

NOW, THEREFORE, BE IT RESOLVED, to approve the hiring of Amy DiLeone to the temporary senior clerk's position, at a rate of \$15 per hour with no benefits, beginning August 5, 2013 through September 30, 2013 or later.

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

5. Amend Resolution 2013-12

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

RESOLUTION #136

NOW, THEREFORE, BE IT RESOLVED, to amend Resolution 2013-12, authorized cell phone users, to add Steve Streicher.

The adoption of the resolution was seconded by Deputy Supervisor Rice, duly put to a vote, all in favor except for Councilman Streicher who abstained.

6. County Sales Tax Distribution

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

RESOLUTION # 137

NOW, THEREFORE, BE IT RESOLVED, to approve the Town of Wilton being paid sales tax revenue versus credit against County tax levy.

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

Other Business

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

RESOLUTION # 138

NOW, THEREFORE, BE IT RESOLVED, to appoint Dave Buchyn as first alternate to the Wilton Zoning Board of Appeals with a term to expire on 12/31/13.

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

Adjournment

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

Respectfully Submitted,

Susan Baldwin, Town Clerk

____ Supervisor, Arthur Johnson

____ Councilman, John Lant

____ Councilman, Robert Pulsifer

____ Deputy Supervisor Rice

____ Councilman, Steve Streicher