

TOWN OF WILTON

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REGULAR TOWN BOARD MEETING-September 4, 2014

Supervisor Johnson called the Regular Town Board meeting to order at 7:02 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

Joanne Klepetar-Councilwoman

Steve Streicher-Deputy Supervisor

John McEachron-Councilman

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

Supervisor Johnson noted there was a young man in the audience he would like to recognize, Arlen Barndt-Jackson who is working towards his Eagle Scout. Mr. Barndt-Jackson said the Wilton Wildlife Preserve and Park would like two sets of stairs built. Each set will include a platform at the top and the bottom, handrails and stringers. It will improve access to fishing areas. **Supervisor Johnson** thanked Mr. Barndt-Jackson for his work.

Public Comment Session

Linda Morzillo, 26 Meditation Way, said she wrote a letter to the Wilton Town Board regarding bike trails and multi-use trails in the Town of Wilton. Many people have probably read the City of Saratoga Springs is building Green Belt Trails around the city. She said she believes Wilton should tie into those trails. Many of the roads in Wilton have become impossibly busy. Anyone who walks or bikes on some of the main roads is in a dangerous situation. The Town of Wilton should think about having trails to connect to Gavin Park, on the shoulder of roads such as Northern Pines Road and Jones Road, where in spots, there is no usable shoulder. She said she wrote a letter to the Town Board last week and another

one in 2008, proposing bike trails. In the 2008 letter, it was proposed to have trails to connect neighborhoods. Clifton Park has a lot of small wooded trails that connect neighborhoods and adults and children are able to bike and walk without having to go out on a main road. The town owns 15' on each side of the pavement, there is room for trails and safe passage for people. They can be used for snowshoeing and cross-country skiing in the winter. It is not just limited to the warm weather. Kirklin Woodcock did a great job repaving Waller and Worth Roads. There are no markings on the roads but maybe when it comes time to stripe them maybe we should have 4'-6' on the side just for people who are walking and biking.

Supervisor Johnson said the board did receive the letters. Ryan Riper, Town Engineer, is in the process of responding to the letter and advising of the things the town has been doing, many that have already been implemented. This year the town has been paving the shoulders of roads that are not designated bike routes. The town has always paved areas on road that are designated bike routes in our pathways plan. Waller Road now has wider shoulders due to it being heavily used by bicyclists and pedestrians. Northern Pines Road is a county road and the town does not have jurisdiction. The town does recognize the suggestions and we are doing what we can to improve.

Jim Zack, 4 Woodland Drive, read a letter to the board.

Honorable member of the Board of the Town of Wilton,

As you well know, recently the Saratoga Springs Central School District (SSCSD) erected and began displaying an electronic, animated sign on parcel 153.-1-11 in the Town of Wilton. This parcel is owned by SSCSD and zoned as "School District". The primary land is adjacent to the Greenfields parcel containing Maple Avenue Middle School.

I am appalled by the erection and placement of this sign. The intersection of the School entrance, Loughberry Lake Road, and State Route 9 is one of the most treacherous in our town. This is going to be exacerbated by the construction of the new Saratoga Health and Wellness building whose driveway is a mere 200 feet south of this intersection. The display of the new sign just adds to the distraction drivers, cyclists and pedestrians encounter, especially during the hours of 7am-8am and 2pm-4pm. The cars along Route 9 are routinely violating New York State Law where driving on the shoulder is illegal. Indeed, on any given school day morning, cars carrying students can be seen queuing up on the southbound shoulder of Route 9 from Daniels road to the entrance to the Middle School. To further compound this situation, drivers, when faced with a stopped vehicle attempting to make a left turn to access the School's entrance blatantly pass said vehicle by driving on the shoulder, even if there is limited visibility behind, say, a left -turning school bus. When reported to the State Police, a mere shaking of the head is the standard response, passing the blame on to either the Department of Transportation or the School District, who likewise shirks its responsibility and says it is a State Police and DOT matter. Let's not even talk about the crosswalk in front of the School with clearly visible signs showing two patently insane students crossing street with black silhouettes on a "safety yellow" background.

In a meta-analysis of the impact on safety conducted by the American Association of State Highway and Transportation Officials (AASHTO), not a single reviewed study shows there is no impact through distraction from such signs. They make recommendations for moderating such impacts, including shorter dwell times, longer message transition times, placement well out of the field of view of passing motorists, and many more. The time between messages on the School sign is sometimes as rapid as three seconds. Furthermore the "wipe" and crawler transitions between the messages are completely unnecessary and serve only to attract the attention of passers-by. The display on the sign has the look and feel of PowerPoint presentation.

I also question the protocol for erecting such a sign. There is a reason that, just last year, the Wilton Town Board restricted such signs to C-1 commercial zones. Where in the Wilton town Code is it hinted

that the Town cedes its right to enforce its code on all property owners within its boundaries? Who paid for the sign? Were any special permits required? Were neighboring property holder made aware of the sign before it came to be? What will happen in the next fog or rainstorm during the night? Will drivers see only the sign and ignore the task at hand?

Are there not enough distractions for today's drivers? Cellphone use and texting are major contributors to distracted driving, and we don't have to add an animated electronic digital sign to a recipe for disaster.

Mr. Zack submitted the letter and noted there was addition information of legal precedent in the letter.

Approve Pending Minutes

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

RESOLUTION #134

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the August 7, 2014 meeting, as typed.

The adoption of the resolution was seconded by Councilwoman Klepetar, duly put to a vote, all in favor. The motion passed 5 to 0.

Solar Power Presentation

Ryan Guay thanked the board for allowing him to make a presentation and teach the board and the audience a little bit about solar power. Mr. Guay said he was a resident of Middle Grove and is currently a resident of Saratoga Springs. He said he previously worked for Monolith Solar as Director of Field Operations and eventually to Director of Operations. From there he said he developed his own development firm, EPC Solar as well as the Director of Operations of Apex Solar Power.

Mr. Guay said he and his team have successfully managed over 250 solar projects totaling over 9 million watts over the past two years working with a range of customers from non-profits to commercial customers. Installations have also taken place at Knolls Atomic Power. Their specialty is schools and municipalities. We helped bring a solar energy curriculum as well as entire installation for all of their facilities to over 10 districts and worked with the New York State Education Department.

New York State is currently exploding with the solar industry. By next year, it will most likely be the third largest state for solar installations following Massachusetts and California. The market has developed at such a great rate national firms are coming in for resident and commercial opportunities. As town and school budgets shrink and energy prices are going up solar is an affordable option and depending on the model, no money out of pocket.

PON 2112 is a guaranteed submittal program for systems up to 200,000 watts as long as the paperwork and contracts are correct. The watts are counted per meter. As long as each meter is under 200,000 watts, the PON 2112 can be used. If all of the uses go to one site, a competitive bid program has to be used. The federal investment tax credit is the second driver on the national level. There is a 30% tax credit if you invest in a solar project. This has allowed Wall Street companies and big banks that have a

large tax liability to invest in solar power, get return on the investment and pay taxes with the credit. The combination of both state and federal incentives can bring any good project to life.

Net metering is also big driver in solar growth. It allows customers to generate their own electricity from solar power and feed it back to the grid. If you have one meter with 50,000 watts of usage and another with 100,000 watts of usage, the two can be combined and still be eligible for the guaranteed program. National Grid's capacity for net metering is rapidly shrinking. Hopefully the PFC is going to come up with an expansion so it doesn't kill commercial solar in National Grid's territory. There is still a pretty good window within the next couple of months for places like the Town of Wilton to get on board and take advantage of this.

The City of Schenectady just finished with a 3,000 panel project on their water storage facility. The County of Schenectady and the Town of Queensbury just finished project as well as the City of Amsterdam, Schuylerville School District and Schodack School District. The City of Saratoga Springs has a project that will be done by Sun Edison at their landfill.

Some of the locations being looked at are the Town of Wilton landfill, the municipal building complex, Gavin Park and the Wilton Wildlife Preserve and Park. The landfill site behind Target could be difficult to finance. If all of the town's usage was put on the landfill site, it would have to go through a competitive bid. The last competitive bid just closed in July and another may not open until after December. With the capacity being taken up, the town may want to move forward as soon as possible.

At the municipal complex, southern facing roofs get the most sun per day. Each meter has been broken down. Special meters are looked for that have a higher kilowatt charge per hour. Those meters are the ones a commercial customer would want to tie into. The customer will get credited at the rate the kilowatt hour is charged. If the site was at the landfill a meter would have to be dropped there. It would be a remote net meter. There is a standard remote net meter rate that fluctuates between \$.135 and \$.14 per kilowatt hour. There are better meters at the municipal center and at Gavin Park. There is also a good meter at Wilton Wildlife Preserve and Park but because it is a preserve it is a last choice.

Year one, the financier of the project would be paid \$48,400. National Grid is currently being paid roughly \$60,000. There would be no upfront cost to the town, the financier puts up the money. Other companies develop it, install it and maintain it over the course of 20 years. There would be no cost to the town.

The model is the one used for every municipality that has been worked with in the Capitol District. It's a great way for schools and towns to cut down the bottom line and reinvest slowly into the community. There is a contract signing, the buildings are evaluated, all electrical systems are looked at and the board would need to make a decision with community involvement to see if this would be good option.

An engineering team would draw up the plans and then be approved through NYSEDA, National Grid and at the town level. A project would be built, get a commission and start saving money.

Skidmore College just commissioned Apex with 2,000,000 watts of solar power. It will cover the entire usage of Skidmore. The United States Department of Energy predicts a steady rise in utility rates.

Supervisor Johnson asked if the projected savings is based on panels at the landfill or the municipal center. **Mr. Guay** said the savings would be a little bit less at the landfill because better meters were found at the municipal center. It would be approximately \$1,000 less per year. **Supervisor Johnson** asked how many panels would be used. **Mr. Guay** said a 2,000 watt commercial system would be roughly 600-750 panels. The installation process is non-intrusive and stamped by a structural engineer. The racking systems are warranted and pre-engineered. **Deputy Supervisor Streicher** asked how many solar watts would it take to cover the town's facilities. **Mr. Guay** said 400,000 watts. The town uses approximately 550,000 to 600,000 kilowatts a year. Two 200,000 systems will produce approximately 425,000 kilowatt hours per year. The town would be credited at a monetary rate. It won't cover the exact usage but it would cover the monetary portion. **Supervisor Johnson** asked if the town would be off National Grid. **Mr. Guay** said the town would not be off completely. There are still supply charges

and bottom end charges. There would still be a \$1,500 bill at the end of the year. You have to pay to be a National Grid customer. **Nancy Dyer** asked what happens at the end of 20 years and what is the life expectancy of the panels and cells. **Mr. Guay** said all of the panels are performance guaranteed for 25 years. After 20 years the contract would be renegotiated with the financier, the development company and the build company. At that point, the panels could be purchased for fair market value and extend the purchased power agreement for another 10-20 years or the panels can be taken out. The technology has evolved so the panels will last for 35-40 years. The only part of the system that does fail is the inverter. It fails at about 10 years. There would be no liability to the town at that time. **Scott Kingsley** asked if the power that the town used is purchased from the developer or National Grid. **Mr. Guay** said it would be purchased from National Grid. National Grid will swap out the meters to get a net meter. It is a bi-directional meter that actually goes backwards. You are really never off the grid because in New York State you have to be interconnected to the grid. **Mr. Kingsley** asked what would happen if the company goes bankrupt in 5 years. **Mr. Guay** said the financier is the real driver behind the project. They want their investment back. There are credit checks and it is actually the financier that is checking on the company they contract with, the town. **Deputy Supervisor Streicher** asked if the federal tax credit was included in the savings. **Mr. Guay** said the town cannot take the credit, the third party financier would get it. **Supervisor Johnson** asked if there was termination clause in the contract in case the town is not happy with the system or if the estimates are not being met. **Mr. Guay** said that can all be negotiated in the contract. If the system is not meeting the set goals it is the third party financier that is unhappy. The town would pay nothing for the system and get credit for the amount of solar power produced.

Maple Avenue Middle School Signage

Ryan Riper, Director of Planning and Engineering said he has spoken to the superintendent of the school district and he was not aware of this being an issue. A formal letter will be sent to the district to address the signage and take correct action. They were unaware of the requirements. **Jim Zack** said during discussion with property administration advisory committee the minutes reflect the Town of Wilton approved the zoning. **Mr. Zack** said he couldn't find any record of that in the zoning minutes. **Supervisor Johnson** said that was not correct. The school district did not come in and get an approval from the town. We will be working with the school district to resolve this.

Resolution for Undertaking-NYS DOT

Mr. Riper said there is a standard form to work in the New York State Department of Transportation right of way.

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

RESOLUTION #135

NOW, THEREFORE, BE IT RESOLVED, to approve the undertaking for the benefit of the New York State Department of Transportation in connection with work affecting state highways.

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

The adoption of the resolution was seconded by Deputy Supervisor Streicher, duly put to a vote, all in favor. The motion passed to 5-0.

Reappointment-Board of Assessment Review

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

RESOLUTION #136

NOW, THEREFORE, BE IT RESOLVED, to approve the reappointment of Carol Green to the Board of Assessment Review for a five year term:

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

Committee Reports

As announced at the August meeting, **Supervisor Johnson** said a Comprehensive Plan Update Committee has been appointed as follows:

Steve Streicher-Deputy Supervisor
Joanne Klepetar-Councilwoman
Michael Dobis-Planning Board Chairman
Ron Slone-Planning Board
Chris Ramsdill-Vice Chairman, Zoning Board
Robert Barrett-Zoning Board
Jackie Hakes-MJ Engineering
Mark Schachner-Town Counsel
Ryan Riper, Coordinator, Town of Wilton Director of Planning and Engineering
Mark Mykins-Building and Code Enforcement Officer
Lucy Harlow, Secretary

Councilwoman Klepetar asked how the public will be involved with this. **Supervisor Johnson** said there will be public hearings once the committee is done with their work. If we need more than one or progressive ones we can have those. This is an update to an existing plan and there probably won't be a

lot of changes. The process will be open and transparent and the public will have an opportunity to comment as it progresses. **Councilman Lant** said a notice should be put on the website regarding the committee. **Supervisor Johnson** said the minutes will be posted. **Councilwoman Klepetar** said we should learn from the mistakes of the past and make sure people are involved. **Supervisor Johnson** said the public will be involved as far as the workings of the committee. **Mr. Reale** said a separate webpage can be set up for the comprehensive plan update.

Comptroller's Report**1.) July 2014 Cash Disbursements**

General Fund	\$354,970
<u>Highway Fund</u>	<u>\$420,946</u>
Total	\$775,916

2.) 2014 Budget Transfers and Amendments

(See attached) Budget Transfers

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

RESOLUTION #137

NOW, THEREFORE, BE IT RESOLVED, to approve the budget transfers and amendments requested for and listed in the Comptroller's 9/4/14 report (attached) to the Town Board.

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

3.) Highway Truck Request

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

RESOLUTION #138

NOW, THEREFORE, BE IT RESOLVED, to approve the amendment of the budget from the highway reserve fund for the purpose purchasing a tandem truck for \$205,000.

The adoption of the resolution was seconded by Deputy Supervisor Streicher, duly put to a vote, all in favor. The motion passed 5-0.

4.) Town Hall Roof Bid

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

RESOLUTION #139

NOW, THEREFORE, BE IT RESOLVED, to approve the request to go out to bid for a new roof at Town Hall.

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

5.) Gavin Park Maintenance Building

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

RESOLUTION #140

NOW, THEREFORE, BE IT RESOLVED, to approve the request to go out to bid for a new maintenance building at Gavin Park.

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

6.) Town Court Request to apply for JCAP

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

RESOLUTION #141

NOW, THEREFORE, BE IT RESOLVED, to approve the request for the Wilton Town Court to apply for the 2014-2015 Justice Court Assistance Program (JCAP)

AND FURTHER IT BE RESOLVED, to authorize the Supervisor of the Town of Wilton to execute all documents related to the JCAP grant.

The adoption of the resolution was seconded by Deputy Supervisor Streicher, duly put to a vote, all in favor. The motion passed 5-0.

Executive Session

Supervisor Johnson said there will be an Executive Session for a personnel matter involving the performance of a particular individual.

Deputy Supervisor Streicher made a motion to adjourn for Executive Session at 7:55p.m. The motion was seconded by Councilman Lant, with all board members in favor. The motion carried 5-0.

Councilman Lant made a motion to reconvene at 8:14 p.m. The motion was seconded by Deputy Supervisor Streicher, with all board members in favor. The motion carried 5-0

Supervisor Johnson said there no action was taken in Executive Session.

Adjournment

On a motion introduced by Deputy Supervisor Streicher and seconded by Councilman Lant, the meeting was adjourned at 8:14 p.m.

Respectfully Submitted,

Susan Baldwin, Town Clerk

Supervisor, Arthur Johnson

Councilman, John Lant

Councilwoman, Joanne Klepetar

Deputy Supervisor, Steve Streicher

Councilman, John McEachron