

TOWN OF WILTON
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REGULAR TOWN BOARD MEETING-October 3, 2013

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 were present.

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

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

Supervisor Johnson the Wilton Rebels 12U Baseball Team is present and congratulations are in order as they were the 2013 Eastern New York Champions. The team was also won the 11U Championship last year. The team consists of Andrew Canjura, Kyle Hennessey, Kaden Learch, Rece McClements, Lee Gnau, Jon Irons, Quinn Leffler, Matt Myers, Terel Tillman, Jake Hart, Max Jackson, Ben Mason and Alden Schuster. The head manager is Joe McClements and assisted by Eric Jackson and Mike Myers. The plaque reads *"Presented to Cal Ripkin 2013 Eastern New York State Champions, Wilton Youth Baseball, Wilton Rebels 12U Allstars. Congratulations from the Wilton Town Board to the players and coaches for this great achievement."*

Public Comment Session

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

Rich Pollock of 17 Carlisle Terrace said there is a new development, Pine Brook Landing, being built behind his house. He said he is present before the board hoping that the town code was misinterpreted and if it isn't he said he has a suggestion for a change. The issue is there is a grinder being used in the development and continued to be used until 7:30 p.m. They start at 7:00 a.m. and for 12 ½ hours there was loud noise. He said he looked up the town code and in the beginning of the section the purpose of the noise ordinance is to preserve, protect and promote peace and quiet in the Town of Wilton for its inhabitants. It also talks about unlawful acts *"noise shall be prohibited when the intensity and duration that a reasonable person would not tolerate under the circumstances"* and that is the key item, it is loud to grind up stumps but when the duration goes on for 12 ½ hours, it is excessive. The last section *"or would cause or create a risk of public inconvenience, annoyance or alarm"*. He said he can assure the board it was inconvenient and annoyed him. They were still grinding at 7:00 p.m. tonight. Mr. Pollock said his wife called the Town this morning and asked if it was allowed. She was told it is allowed, according to the code. He said when he looked at the code there are two sections of the code that discuss the exceptions. *Section 5-Construction, Demolition and Excavation: the erection, including excavating; demolition; alteration; or repair of any building other than between 7:00 a.m. and 9:00 p.m., except in case of an urgent necessity in the interest of public safety.* He said he could understand if there was a building that had to be built or torn down and it would take longer to do it, the work would have to continue. The normal duration of a day is 8 hour or maybe 10 hours. 12 hours is pushing the limits. *Section 13-Noise from tools, machinery and heavy equipment in the construction, repair or alteration of property. The use of domestic or industrial tools, machinery and equipment of any kind in construction, repair or alteration of property, resulting in loud grinding, hammering, sawing or similar noise, shall be prohibited if said noise is unnecessary or unreasonable under the circumstances.* It is necessary to develop the property but the duration is absolutely unreasonable and unnecessary. If this is a misinterpretation, hopefully code enforcement can ask them to pull the plug after 8 hours. If the code is being properly interpreted, that part of the code should be reexamined and the hours should be shortened to 8 hours maximum of the duration of using the grinders. They are grinding up entire trees and it has to happen but for 12 hours, it's too much.

Supervisor Johnson asked Mr. Mykins and Mr. Riper to contact Mr. Pollock about the situation.

Nancy Dwyer-Dear Board Member and Residents of Wilton, I am speaking tonight for two reasons: 1.) I have met with the town's attorney, Rich DeVall, and presented information regarding allegations that our assessor has broken the welcome neighbor law, and while awaiting a reply, I am asking that the Board reconsiders its premature reappointment of our Assessor Kathy Austin. There are enough issues that bring into question Kathy's ability to perform the duties of her job that it may be a prudent move for the board to take some time to investigate these issues and make an informed decision rather than the hasty one made last June. With the information that I have gathered, it is my opinion that Kathy Austin is a liability to the Town of Wilton. 2.) To the resident of the Town of Wilton-I know there are many of you

that have had issues and negative experiences with our assessor. I think it's time we come together. We deserve an assessor that is knowledgeable, fair, approachable and courteous. In addition there are many of you that don't even know that this past year, 2013, homes comparable to yours had their assessments lowered and you didn't simple because theirs sold in the recent past! Your assessment may be out of line and you don't even know it. If you have any questions, concerns or input on these assessment matters please let me know-leave a message at 518-928-1238 or email me at ndwyer12@gmail.com. Thank you for the opportunity to speak, Nancy Dwyer.

Approve Pending Minutes

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

RESOLUTION #131

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the September 5, 2013 meeting as typed without amendment.

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

2014 Tentative Budget

**Tentative Budget received by Town Clerk
& copies distributed to board members**

Supervisor Johnson said his philosophy on the budget is never to spend more money than what is taken in by revenue. The tentative budget is a balanced budget. The revenues and expenses are equal. There is no use of any surplus fund to balance the budget. The total budget for 2014 is \$7,321,705.00. It represents less spending than the 2013 budget. It is 1% lower than the original budget presented in 2013 and 3% lower than the June amended budget. The budget is a very simple, no-frills budget and very similar to the 2013 budget. All services provided to the residents in 2013 are provided in the tentative budget. There are a few capital projects that involve the town hall. The building is now 20 years old and the roof is starting to leak. There is \$80,000.00 in the budget to replace the roof. There is \$14,000.00 for a fire and security system for the town complex. Last year, construction of a new storage facility for the highway department was approved. At that time it did not include lighting and doors. There is now \$28,000.00 in the budget for those items. There is \$18,500.00 for additional fencing at Gavin Park. There is \$29,000.00 in the code enforcement/building department budget for the replacement of a vehicle. The highway department has an additional \$100,000.00 in funding

for road improvements, another \$50,000.00 for road repairs. The highway department has a replacement and repavement plan that needs to get on schedule with. There is \$100,000.00 in the highway equipment reserve fund. There is another request in the Comptroller's report for an additional \$150,000.00. That will bring the highway equipment reserve fund up to \$250,000.00. Included in the budget is \$86,000.00 for a medium duty dump truck.

The revenue portion of the budget is a very conservative estimate on sales tax income. That is the town's primary source of revenue. This year, the town will exceed the estimated revenue from sales tax as well as mortgage tax. The 2014 estimates on revenue are very conservative. We are using our estimated receipt of taxes based the actual amount received in 2013. The budget does not call for any increase in tax receipts, not knowing what the economy will bring in 2014. All indications are that the sales tax revenue will again increase in 2014.

The town is in very good financial health. At the end of this year, the town will have a \$6,000,000.00 fund balance. There would be \$7,000,000.00 in the fund but in August, money was transferred to a capital projects account for improvements at Gavin Park for \$750,000.00 to potentially fund four projects, which include connection to the town's water system, electrical upgrades, maintenance garage and the spray pad. There is another \$150,000.00, being requested on the comptroller's report, to be put in the highway reserve fund.

The New York State Comptroller's Office issues reports on towns and cities that are fiscally stressed. Each receives a rating and the Town of Wilton is proudly a 0 rating. It is a compliment to the board that we are fiscally responsible to our residents.

There is a workshop scheduled for October 8, 2013 to meet with department heads and discuss any budget issues.

The board set a public hearing for the 2014 Town Budget for November 7, 2012 at 7:00 p.m.

Resolution Opposing the closure of Mt. McGregor Correctional Facility

Supervisor Johnson said the Governor announce the closure of four prisons in the state. One of which is Mt. McGregor Correctional Facility. In 2010, the minimum security portion of the prison was closed and many jobs lost. The closure of the prison affects 330 jobs, many of which live in Wilton and the surrounding areas. This can create a very negative impact in the town and county. There was a rally at the prison two weeks ago and our state Senators and Assemblymen who were there for support and will help us at the state level to keep the prison open. They asked for local support. There is a resolution before the board in opposition of the closure and would like the board to consider passing it. It will be sent to all of our state legislatures to work towards keeping the prison open. The same resolution will go before the Saratoga County Board of Supervisors.

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

RESOLUTION # 132

**OPPOSING THE CLOSING OF THE MEDIUM SECURITY
CORRECTIONAL FACILITY AT MOUNT MCGREGOR**

WHEREAS, the New York State Department of Corrections has announced its intention of closing its medium security facility at Mount McGregor; and

WHEREAS, since 1976 the prison facility has furnished employment to Saratoga County residents; and

WHEREAS, the closing of the medium security facility will cause the loss of more than 330 jobs, many held by Wilton residents; and

WHEREAS, this ill-advised decision will not result in the savings which are being discussed, but will end up being more costly in the long run;

NOW, THEREFORE, BE IT RESOLVED, that the Wilton Town Board strongly opposes any closing of the medium security prison facility at Mount McGregor, and urges the Department of Corrections to reconsider its decision;

AND, FURTHER BE IT RESOLVED, that a copy of this Resolution be forwarded to the Commissioner of Corrections, Governor Cuomo, Senator Kathy Marchione, Senator Chuck Schumer, Assemblyman Tony Jordan, Assemblyman James N. Tedisco, Assemblyman Phil Steck, Assemblywoman Didi Barrett, Assemblywoman Patricia Fahy and Assembly Speaker Sheldon Silver.

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

Deputy Supervisor Rice asked if the Town of Moreau passed a similar resolution. **Supervisor Johnson** said they did. **Deputy Supervisor Rice** said there are ideas for what can be done with

the prison in terms of taking prisoners in from out of state. He said they haven't looked at every angle.

Councilman Lant suggested the same support be given to the employees of General Electric in Fort Edward. **Supervisor Johnson** agreed and said he would reach out to General Electric and offer support.

Wilton Wildlife Preserve and Park Quarterly Report

Margo Olson, Executive Director of Wilton Wildlife Preserve and Park, said it was a busy summer with a lot of programs. They have continued to work with the Recreation Department at Gavin Park. The staff went to Gavin Park twice a week in July and presented the programs there.

The new intern, Brian Solinsky, started in the end of August. A grant was received allowing for a second intern for second year through the New York State Conservation Partnership Program and is administered by the Land Trust Alliance. Mr. Solinsky graduated from Union College with a degree in Environmental Sciences. Another of our interns, Sarah Cartwright, has decided to stay on as a second year intern. With her expertise and with what she has learned over the past year, she will be able to mentor the new intern.

There are new programs that have been scheduled with Ballard Elementary, Dorothy Nolan, Lake Avenue School and Schuylerville School District as well as with BOCES and the after school program.

Our longtime Recreation Chairperson, Pieter Litchfield, has resigned from his position and from the board. He was a founding member of the board and is responsible for so much that goes on at the Preserve and Park. We will miss him terribly and are looking at all of the volunteer efforts that he put in maintaining the trails and the winter grooming program. We are looking at finding ways to continue providing the level of programming that people have become accustomed to without Mr. Litchfield doing all of the work.

The Saratoga Stryder's Club has their five 5K fun summer runs. They are looking forward to the snow to start their snowshoe program.

Over the summer, the last thing Mr. Litchfield built was a boardwalk. It is a new access point from Ballard Road, next to the church, to access the trails from Opdahl Farm. There is also a new parking area with fencing and a new kiosk. The area is more visible, safer and easier access for people from Ballard Road.

Skidmore College has a Student Conservation Corps. Last year there were six students, this year there were twelve. They worked two days in August with a Biologist from the Department of Environmental Conservation. They did tremendous amount of habitat work. They were able to get other DEC workers to come and do a lot of preparation work.

With fall coming, we have several volunteers that help with seed picking. Blue lupine, New Jersey Tea and butterfly milkweed were picked in order to make the habitat stronger.

Wilton Wildlife Preserve and Park were selected by the company, Tom's of Maine, to be their New York State non-profit. The program is called 50 States of Good. We can win \$10,000.00 if we finish in the top 15. If anyone is on Facebook, you can vote for us every day until October 15.

We are having our annual fall fundraiser, Wild about Blue, at the Saratoga National Golf Course on October 20. There are still tickets available. We are honoring Heather Mabee for the work she has done in the community.

The new pavilion at Camp Saratoga looks great and thank you to the Town. **Supervisor Johnson** stated that Mark Mykins and Scott Harrington built the pavilion.

Deputy Supervisor Rice noted that Ms. Olson deserves a lot of credit for the interns we have. **Ms. Olson** said the two interns last year, Sarah Cartwright and Anna Papperman, both applied for the Natural Leaders Network, run by Children of Nature. There were 50 spots available for people from all over the country and internationally. They were both selected for the program in Washington State which was a weeklong training program. It is a testament of the great job they have done and how well-spoken they are.

Committee Reports

Councilman Streicher congratulated Gavin Park for celebrating 25 years since it was established in 1988. It has come a long way and grown tremendously. He said he worked there in his youth.

The 1.23 mile walking path has been completed and there will be a ribbon cutting ceremony on October 10th at 2 p.m. Thank you to Highway Superintendent, Kirklin Woodcock and his team for their hard work on the walking path.

The ice rink at Gavin Park is scheduled to be open this winter. It will be located outside of the pavilion near the restrooms. The rink is 100' X 72' and should be a nice addition. Residents can use the rink after school and on weekends. Hopefully there will be lights setup. **Supervisor Johnson** thanked Highway Superintendent Woodcock for the great job on the walking path.

Supervisor Johnson said he was happy to announce, the cinemas at the mall, Bow Tie, will be reopening, officially on October 25, 2013. There are eight state of the art cinemas with theatre style seating with one 3D theatre. On October 24, there will be a pre-opening fundraising event to benefit the YMCA. The public is welcome. Tickets are \$25.00 to get in. The band from Saratoga Springs High School will be performing. From 5:30 p.m. to 7:00 p.m. there will be a reception. At 7:00 p.m., there will be a movie shown. It is for a great cause.

Comptroller's Report

2. Capital Project #444 2013-2014 Gavin Park Improvements

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

RESOLUTION #133

NOW, THEREFORE, BE IT RESOLVED, to approve the recommended electrical upgrades for Gavin Park.

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

3. Highway Equipment Reserve

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

RESOLUTION #134

NOW, THEREFORE, BE IT RESOLVED, to approve the transfer of \$150,000.00 from the General Fund to the Highway Fund Equipment Reserve account.

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

4. Town Court Request to apply for JCAP

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

RESOLUTION #135

WHEREAS, the Town of Wilton Town Justices request to submit a New York State Office of Court Administration 2013-2014 Justice Court Assistance Program (JCAP) Grant application; and,

WHEREAS, said grant application will be for funding to install new carpeting in the courtroom and security improvements, including security windows for court clerks' office; and

WHEREAS, said JCAP grant application must be signed by both Town Justices and the Town Supervisor.

NOW, THEREFORE BE IT RESOLVED, the Town Board of the Town of Wilton authorizes the JCAP grant application be made on behalf of the Town of Wilton.

NOW THEREFORE BE IT FURTHER RESOLVED,
that the Town Board of the Town of Wilton
authorizes the Town Supervisor to sign the
JCAP grant Application.

Seconded by Deputy Supervisor Rice, duly put
to vote, all in favor.

Town Credit Card Policy And Procedures Manual

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

RESOLUTION #136

NOW, THEREFORE, BE IT RESOLVED, to
approve the Credit Card Policy.

FURTHER BE IT RESOLVED, said credit card
limit is \$1,000.00 per purchase

FURTHER BE IT RESOLVED, said credit card
per purchase limit may be waived upon prior
approval from Town Comptroller.

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

Executive Session

Supervisor Johnson said there will be an Executive Session for personnel, appointments and Attorney DeVall would like to update the board on potential litigation.

Deputy Supervisor Rice made a motion to adjourn to Executive Session at 8:42 p.m. Councilman Streicher seconded the motion. All board members were in favor.

Councilman Lant made a motion to reconvene at 8:52 p.m. Councilman Streicher seconded the motion. All board members were in favor.

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

RESOLUTION #137

NOW, THEREFORE, BE IT RESOLVED, to
approve the appointment of Amy DiLeone to

the Building/Zoning Clerk position with benefits, retroactive to October 1, 2013.

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

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

RESOLUTION # 152

NOW, THEREFORE, BE IT RESOLVED, to reappoint William Campola as a member of the Independent of Review, new term 10/01/13-9/30/18.

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

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 8:55 p.m.

Respectfully Submitted,

Susan Baldwin, Town Clerk

Supervisor, Arthur Johnson

Councilman, John Lant

Councilman, Robert Pulsifer

Deputy Supervisor Rice

Councilman, Steve Streicher