

TOWN OF WILTON

22 TRAVER ROAD

WILTON, NEW YORK

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Susan Baldwin, Town Clerk

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Public Hearing:

Conservation Subdivision Design Law-Local Law #1 of 2015

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

CONSERVATION SUBDIVISION DESIGN LAW

PLEASE TAKE NOTICE that the Town Board of Wilton, New York, County of Saratoga, will hold a public hearing concerning proposed Local Law No. 1 of 2015 which would amend Section 109-21, Conservation Subdivision Design, of the Code of the Town of Wilton.

SAID PROPOSED LOCAL LAW would amend Section 109-21G (1-4), general rules applicable to ownership, use and maintenance of regulated lands and dedicated open spaces, to provide clarification of the process of dedication of lands to the Town of Wilton.

SAID PUBLIC HEARING will be held on Monday, January 5, 2015 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 the proposed Local Law No. 1 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

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.

Supervisor Johnson asked if there were any questions or comments.

Joe Dannible of Environmental Design Partnership was present on behalf of Belmonte Builders as it relates to the changing of the proposed zoning code. Belmonte Builders has an application submitted to the Wilton Planning Board that is under review. In the application a density bonus is being requested. The application has been prepared along with a cessation of lands to the town in exchange for the density bonus. Everything done to date has been based on the current zoning code. The offer was made to the town on December 17, 2014. The application was also heard by the planning board on December 17, 2014. In addition, there is a public hearing scheduled at the January planning board meeting for continuation of the additional subdivision lots being requested. As the town board is looking at the change to the law the request is to consider the existing applications that are pending. We ask that those applications be "grandfathered" and continue under the current zoning code.

Mr. Tucker said the parcel is approximately 21 acres. It is a long thin parcel with frontage on Perry Road. The proposal is for a 110 unit independent living senior apartment building with 68 detached garages, some outside recreation spaces including a bocce ball court, pickle ball court and a trail system. The second phase of the project is a 92 unit assisted living facility toward the back of the property. The proposal also includes a two lot subdivision. Each building will be on a separate lot for financing purposes.

Supervisor Johnson noted the special permit was referred to the Wilton Planning Board and the Saratoga County Planning Board for recommendations. Both boards recommended approval.

Supervisor Johnson asked if there were any questions or comments.

Bernard Pratt of 130 Perry Road said his property directly abuts the proposed Senior Community. The building of the Paddocks Apartments has increased the traffic on Perry Road and it is not very well policed. There is a lot of speeding going on. What will the finished project look like and how much land will be cleared? He asked if the buffer between his house and the project will be cleared. There are not enough details to answer all of the concerns. The biggest concern is the intersection of Perry Road and Route 50. It is one of the most dangerous intersections in the county. The Saratogian did an analysis of intersections several years ago. He said with the traffic, size and the scope of the project he is not comfortable with it directly next to his house. It has nothing to do with the nature of the project. It has to do with the size and the proximity to his house.

Supervisor Johnson said if the project moves forward and the Special Use Permit is granted, the project has to go through a thorough site plan review process with the planning board. Many of the details, including traffic and other items mentioned, are discussed. It is recommended, if the project moves forward, to attend the planning board meeting and voice your opinions.

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

REGULAR TOWN BOARD MEETING-Monday, January 5, 2015

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.

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

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

Public Comment Session

Councilman McEachron said it has been his pleasure serving on the board for the past year. The board has accomplished a lot and is looking forward to the next three years. He said he attended a meeting a week before and was denied the privilege to talk at a Board of Fire Commissioners meeting by the chairman, Richard Spackmann. According to the law people may attend the meetings but may not speak. He said he is glad the Town of Wilton allows people to speak. We may not always agree but at least you have the opportunity to speak. If the residents come out in November to cast a ballot for us the least we can do when you come to the meetings is to allow you to speak.

Organizational Resolutions #1-#58

RESOLUTION #1: **REGULAR MEETINGS-RESOLVED**, pursuant to Town Law §62 that all regular meetings of the Wilton Town Board shall be held at the Wilton Town Hall, 22 Traver Road on the first (1st) Thursday of each month beginning at 7:00 p.m., except that additional meetings will be scheduled as deemed necessary by the board.

RESOLUTION #2: **CONDUCT OF MEETINGS-RESOLVED**, pursuant to Town Law §63, that "Robert's Rules of Order" shall prevail as the source of clarification for any questions as to Parliamentary Procedure.

RESOLUTION #3: **PLEDGE OF ALLEGIANCE-RESOLVED**, pursuant to Resolution #67 adopted January 3, 1991 that all official town meetings shall be opened by reciting the Pledge of Allegiance to the Flag.

RESOLUTION #4: **COMMITTEES-RESOLVED**, pursuant to Town Law §63, that the Supervisor shall appoint committees of Town Board members and others to aid the full Board.

RESOLUTION #5: **OFFICIAL NEWSPAPERS-RESOLVED**, pursuant to Town Law §64 (11), to designate The Saratogian as the Official Newspaper of the Town of Wilton. Legal advertising will also be placed in the Daily Gazette and the Post Star newspapers.

RESOLUTION #6: **EMPLOYEE BENEFITS-RESOLVED**, to provide employee benefits to all General Fund and Highway Fund employees as outlined in the Town's Personnel Policies under separate cover, except health insurance benefits see resolution # 56.

RESOLUTION #7: **EMPLOYEE SALARIES-RESOLVED**, to pay Town employees according to the attached 2015 pay rate schedule effective 1/1/15-12/31/15. Also to pay merit pay as per schedule attached

in lump sum payment during the month of January.

RESOLUTION # 8: STANDARD WORKDAY AND REPORTING RESOLUTION

BE IT RESOLVED, that the Town of Wilton hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Elected Officials					
Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Employer Record of Time worked (Y/N)	Days/Month (based on sample Record of Activities)
Supervisor	Arthur Johnson	6	01/01/2014-12/31/2015	No	N/A
Councilman	John McEachron, Sr.	6	01/01/2014-12/31/2017	No	
Councilwoman	Joanne Klepetar	6	01/01/2014-12/31/2017	No	
Councilman	John Lant	6	01/01/2012-12/31/2015	No	1.92
Councilman	Steve Streicher	6	01/01/2012-12/31/2015	No	6.04
Town Clerk	Susan Baldwin	7	01/01/2014-12/31/2015	No	20
Town Justice	Gerald Worth	6	01/01/2014-12/31/2017	No	N/A
Town Justice	David Towne	6	01/01/2012-12/31/2015	No	N/A
Hway. Super.	Kirclin Woodcock	8	01/01/2014-12/31/2015	No	N/A
Appointed Officials					
Comptroller	Jeffrey Reale	7	01/01/2014-12/31/2015	Yes	20
Engineer	Ryan Riper	7	01/01/2014-12/31/2015	Yes	20
Assessor	Kathy Austin	7	10/01/2013-09/31/2019	Yes	20

RESOLUTION #9: **REIMBURSEMENT FOR TRAVEL-RESOLVED**, to establish the rate of reimbursement for travel on town business at the prevailing annual rate established by the Internal Revenue Service.

RESOLUTION #10: **HOLIDAYS (PAID)-RESOLVED**, pursuant to Gen Mun Lw §90 and §92, that the following dates be designated as paid holidays for all full-time employees and all town offices shall be closed in observance of these holidays:

January 1, 2015	(Thursday)	New Year's Day
January 19, 2015	(Monday)	Martin Luther King Day
February 16, 2015	(Monday)	Washington's Birthday
May 25, 2015	(Monday)	Memorial Day
July 3, 2015	(Friday)	Independence Day
September 7, 2015	(Monday)	Labor Day
October 12, 2015	(Monday)	Columbus Day
November 11, 2015	(Wednesday)	Veterans Day
November 26, 2015	(Thursday)	Thanksgiving Day
November 27, 2015	(Friday)	Post Thanksgiving Day
December 25, 2015	(Friday)	Christmas Day

RESOLUTION #11: **PETTY CASH-RESOLVED**, pursuant to Town Law §64(1a) to allocate the following amounts of Petty Cash to the department heads indicated:

Comptroller	100
Town Clerk	200
Town Justices (2) (\$50 each)	100
Planning Board Chairman	50

Zoning Board Chairman	25
Tax Collector	150
Recreation Director	200
Dog Control Officer	<u>50</u>
TOTAL PETTY CASH ALLOCATED	\$875

RESOLUTION #12:

CELLULAR PHONES-RESOLVED, that the following employees are authorized to use cellular telephones. Amendment to policy on May 5, 2011 would give employees two options:

1. Employee would use their own cell phone and get a flat reimbursement rate of \$30 per month for phone only or \$65 per month for phone/data.
2. To continue the same way it is now, where they chose not to take a flat reimbursement rate and continue to use the Town's cell phones.

Kirclin Woodcock, Highway Superintendent

Michael Monroe, Working Foreman

Frank Holden, Working Supervisor

Richard McCane, Working Supervisor 5/1/08

Ronald Stunzi, Dog Control Officer

Steve Porto, Recreation Director

John King, Super. Maint. Worker 4/3/08

Arthur J. Johnson, Supervisor

Steve Streicher, Councilman

Susan Baldwin, Town Clerk

Larry Gordon, Emergency Services Coordinator

Jeff Reale, Comptroller

Lori Olson, Highway Clerk (amended 6/7/07)

Kathy Austin, Town Assessor

David Towne, Judge

Gerald Worth, Judge

Ryan Riper, Town Engineer

Mark Mykins, Senior Building Inspector, Fire Marshall

John Herlihy, Assistant Building Inspector

Scott Harrington, Buildings and Grounds Maintenance Supervisor

Don Phillips, Buildings and Grounds Maintenance

Ross MacNeil, Recreation Assistant

Bill Lloyd, Recreation Maintenance

Tracey Kubis, Assistant Recreation Director

Front Desk, Recreation Department

(2) After School Care, Recreation Department

Maintenance, Recreation Department

RESOLUTION #13: **HIGHWAY DEPARTMENT (4-TON ROAD LIMIT)-RESOLVED**, to post all town roadways at a 4-ton road limit until further notice.

RESOLUTION #14: **HIGHWAY SUPERINTENDENT SPENDING (TOWN ROADWAYS)-RESOLVED**, pursuant to Highway Law §284, that the Town Board and the Town Highway Superintendent shall enter into an Agreement for the Expenditure of Highway Funds for the repair and improvement of town highways

AND, BE IT RESOLVED, that these funds shall be expended at such places and in such manner as may be agreed upon by the Town Board and the Town Highway Superintendent

AND, BE IT FURTHER RESOLVED, that this Agreement is to be executed and signed by a majority of the Town Board members and the Highway Superintendent.

NOTE: Chapter 173 of the Laws of 1994 amended S284 of the Highway Law to delete the requirement that the County Highway Superintendent must approve all agreements for the

expenditure of town highway funds.

RESOLUTION #15: **HIGHWAY SUPERINTENDENT SPENDING (MACHINERY TOOLS, MINOR EQUIPMENT & OTHER IMPLEMENTS)-RESOLVED**, pursuant to Hwy Lw §142(a), to authorize spending by the Highway Superintendent for machinery, tools, minor equipment and implements up to \$3,000 without prior approval from the Town Board provided that sufficient appropriations exist, and the purchase has been made in compliance with the town's procurement policies and procedures and a Purchase Order has been issued for purchases of more than \$1,500.

RESOLUTION #16: **DEPUTY HIGHWAY SUPERINTENDENT-RESOLVED**, pursuant to Town Law §32(2) to establish the position of Deputy Highway Superintendent

AND, BE IT FURTHER RESOLVED, to appoint Sandra Woodcock to the position at no remuneration.

RESOLUTION #17: **ELECTIONS (VOTER REGISTRATION DAY)-RESOLVED**, to consolidate election districts for Voter Registration Day at the Town Hall Annex, 20 Traver Road. **NOTE:** Pursuant to Saratoga County Board of Elections resolution adopted January 7, 1993, there shall be no meetings for local registration except in presidential and vice-presidential election years.

RESOLUTION #18: **ZONING BOARD OF APPEALS-RESOLVED**, pursuant to Town Law §267(1) to establish a Zoning Board of Appeals consisting of seven (7) members with terms of office effective from January 1 through December 31 (7-year terms).

RESOLUTION #19: **PLANNING BOARD-RESOLVED**, pursuant to Town Law§271(1) and 272 to establish a Planning Board consisting of seven (7) members with terms of office effective from January 1 through December 31 (7-year terms).

RESOLUTION #20: **BOARD OF ASSESSMENT REVIEW- RESOLVED**, pursuant to Real Property Tax Law §523 to establish a five-member Board of Assessment Review with terms of office effective from October 1 to September 30 (5-year terms).

RESOLUTION #21: **CHAIRPERSONS FOR BOARDS –RESOLVED**, pursuant to Town Law §271 (1) the Town Board shall designate the chairpersons to the following Boards on a yearly basis and;

FURTHER BE IT RESOLVED, to appoint the following chairpersons

to said boards for the terms listed below:

a.) **Planning Board** Michael Dobis Current term 1/1/15-12/31/15

b.) **Zoning Board** Joseph O'Brien Current term 1/1/15-12-31/15

c.) **Ethics Advisory Board** Matthew Lindley Current term 1/1/15-12/31/15 and;

FURTHER BE IT RESOLVED, to approve the extended terms of chairmanship of the Planning, Zoning and Ethics Advisory Boards when those terms would expire and their scheduled meeting would occur prior to the first available organizational Town Board meeting at such time resolutions will be passed for the current chairmanship terms.

RESOLUTION #22: **SARATOGA COUNTY YOUTH BUREAU-RESOLVED**, to appoint the Town's Recreation Director to serve as the Town of Wilton's representative on the Youth Advisory Board.

RESOLUTION #23 **DIVISION FOR YOUTH SPENDING-RESOLVED**, pursuant to Resolution #159 of 2014, amending Resolution #89 of 1990, adopted on December 4, 2014 by the Wilton Town Board, to authorize the Town Supervisor, on behalf of the Parks & Recreation Department, to apply for funding through the Division for Youth.

RESOLUTION #24: **TAX BILLS/THIRD PARTY DESIGNATION-RESOLVED**, Pursuant to a unanimous decision of the Wilton Town Board on November 6, 1986, and to comply with Chapter 758 of the Real Property Tax Laws of 1986, that the receiver of taxes shall include with each tax bill a notice that elderly and disabled tax-payers may designate an adult third party to receive duplicate copies of tax bills and notices of unpaid taxes

AND, BE IT FURTHER RESOLVED that all eligible taxpayers must file said application on or before the first day of November of each year.

RESOLUTION #25: **TAX COLLECTOR DEPOSITS-RESOLVED**, pursuant to General Municipal Law §11, to authorize the Town Clerk to temporarily deposit or invest monies not required for immediate expenditure in special time deposit accounts, or certificates of deposit, in any bank approved by the Town of Wilton as an Official Depository.

RESOLUTION #26: **OFFICIAL DEPOSITORIES RESOLVED,** pursuant to Town Law §64(1), Bk Lw §96-6 and Gen Mun Lw §93, to designate the institutions listed below as Official Depositories of the Town of Wilton:

- Adirondack Trust Company
- Saratoga National Bank & Trust Company
- Key Bank of New York
- NBT Bank
- Ballston Spa National
- HSBC (added 5/7/07) (resolution # 133)

All Official Depositories must enter into a Custodial Agreement with the Town of Wilton if deposits exceed \$250,000. Maximum investment amount for each institution is not to exceed \$9,000,000.

RESOLUTION #27: **INVESTMENT POLICY-RESOLVED,** pursuant to a unanimous decision of the Town Board on June 3, 1993 and updated annually, to establish an Investment Policy to minimize risk to principal and interest, define eligible investments, provide sufficient liquidity to insure the availability of cash when needed and to insure a competitive rate of return. (See Attached).

RESOLUTION #28: **CAPITAL ASSETS PROGRAM-RESOLVED,** pursuant to a unanimous decision of the Town Board on May 7, 1987 and updated annually, to establish a Fixed Assets Program for the Town of Wilton with physical inventories to be conducted by all department heads by December 31 of each year. (Capital Assets Policy Attached).

RESOLUTION #29: **PURCHASE ORDER SYSTEM/PROCUREMENT POLICIES AND PROCEDURES-RESOLVED,** pursuant to a unanimous decision of the Town Board on November 12, 1987 to establish a Purchase Order System for use by all departments with the Account Clerk serving as Purchasing Coordinator.

AND, BE IT FURTHER RESOLVED, pursuant to Resolution #115 adopted on April 2, 1992, amended on December 4, 2003, and December 6, 2007, July 1, 2010 and updated annually, to follow the procurement policies and procedures contained in that resolution for the procurement of goods and services not subject

to bidding requirements under Gen Mun Lw §103 or any other law, such procurement policies having been reviewed and reaffirmed by the Town Board annually. Pursuant to Resolution #194 adopted on July 6, 1995, the Comptroller is authorized to approve budget transfers after conferring with at least three (3) Town Board members with such action to be ratified by resolution at the next Town Board meeting. All town vouchers shall be certified or verified. (See Procurement Policy).

RESOLUTION #30: **RETURN CHECK CHARGE-RESOLVED**, pursuant to General Obligation law 5-328, to charge \$20.00 for checks returned as unpaid.

RESOLUTION #31: **TOWN COMPTROLLER-RESOLVED**, pursuant to Town Law Article 8-§124 that the Comptroller assumes the duties of an Accounting Supervisor with approval to countersign checks and/or to use the Supervisor's signature stamp as deemed necessary.

RESOLUTION #32: **FUND TRANSFERS-RESOLVED**, pursuant to a unanimous decision of the Town Board on December 27, 1984, to approve fund transfers into appropriations at the same time expenditures not budgeted are approved. This shall be done at the Regular Town Board Meeting whenever bills are approved for payment

RESOLUTION #33: **WIRE/TELEPHONE TRANSFERS-RESOLVED**, pursuant to a unanimous decision of the Town Board on August 13, 1987, that the Principal Account Clerk, in the Comptroller's office, is authorized to make wire/telephone transfers at the Adirondack Trust Company and Saratoga National Bank from the Money Market Account to the various checking accounts. **WITHDRAWALS ARE NOT AUTHORIZED except for payroll transactions related to the payment of taxes and direct deposit.**

RESOLUTION #34: **CERTIFIED PUBLIC ACCOUNTANTS-RESOLVED**, to retain Cusack and Company Certified Public Accountants to provide professional services for the annual audit.

RESOLUTION #35: **SECTION 125 PREMIUM ONLY PLAN-RESOLVED**, pursuant to Resolution #165 adopted on August 5, 2004, which allows employees to have pre-tax monies withheld from their paycheck to cover the cost of the employee's premium portion of Health Insurance, Group-Term Life Insurance and Disability Plans. Effective July 1, 2004 renewed on a yearly basis.

RESOLUTION #36: **CONTRACTS-RESOLVED** that the Town Board authorizes the Supervisor to enter into the following contracts:

Contract	Description	Location of Contract	Terms
Adirondack Trust Bank	Banking Agreement	Town Clerk	On-going
Active Net	Parks Software	Bookkeeper	On-going
Schachner, Mark	Planning Board Atty.	Town Clerk	1/1/2015 – 12/31/2015
United Healthcare	Medicare Advantage	County	1/1/2015 – 12/31/2015
Woshanko, Paul and Linda	Camp Saratoga Caretaker	Town Clerk	On-going
CDPHP	Health Insurance	Human Resources	12/1/2014 – 11/30/2015
Christopher Dailey Foundation	Ground Lease	Town Clerk	7/29/2005 – 7/29/2035
Christopher Dailey Foundation	Facility Lease	Town Clerk	8/8/2005 – 8/8/2025
Delta Dental	Dental Insurance	Human Resources	1/1/2015 – 12/31/2015
Miller, Mannix, Schachner and Hafner, LLC	Town Counsel	Town Clerk	1/1/2015 – 12/31/2015
EarthLink Business	Phone Lines	Human Resources	
Fundbalance	Accounting Software Maint. Agreement	Bookkeeper	1/1/2015 – 12/31/2015
Friends of Ulysses S. Grant	Service Agreement	Town Clerk	1/1/2015 – 12/31/2015
Maple Ave. Fire District	Gasoline Agreement	Town Clerk	12/5/2011, On-going
Wilton Heritage Society	Service Agreement	Town Clerk	1/1/2015 – 12/31/2015
HSBC	Banking Agreement	Town Clerk	10/23/2007, On-going
HUD	Section 8 Program	Town Clerk	10/23/2007, On-going
H&V	Gravel Pit Access	Town Clerk	Expires 12/31/2017
City Saratoga Springs	Intermunicipal Agreement-snow plow	Town Clerk	5 year term, 2/22/12-2/22/17, On-going
Multiple Towns	Shared Services	Town Clerk	See file
MM Hayes	KRONOS Time clocks	Bookkeeper	1/1/2015 – 12/31/2015
Marshal, William	Court Security Officer	Town Clerk	3/13/2012, hourly-
MJ Engineering	Engineering Services	Town Clerk	1/10/13, On-going
National Grid	Outdoor Lighting	Town Clerk	6/27/2005, On-going
Northern Pines Hsg Dev	PILOT Program	Town Clerk	2007-08, 25 Years
PENFLEX	Service Award Program-WES		2/1/2000, On-going
Pitney Bowes	Mailing Lease	Bookkeeper	9/17/13 – 9/17/2018
Reale, Jeffrey	Comptroller	Town Clerk	1/1/2014 - 12/31/2015
Riper, Ryan	Engineer	Town Clerk	1/1/2015- ongoing
Saratoga County Animal Shelter	Impoundment of Dogs	Bookkeeper	1/1/2015 – 12/31/2015
Saratoga County Animal	Dog Shelter	Town Clerk	1/1/2015 – 12/31/2015

Shelter			
Saratoga County Office of the Aging	Nutrition Agreement Transportation Agreement	Town Clerk	1/1/2015 – 12/31/2015 1/1/2015 – 12/31/2015
Saratoga County Office of Emergency Services	Mutual Aid	Town Clerk	6/1/09--5 year renewal
Saratoga County Intermunicipal Agreement	SC Sheriff's Dept. Substation/Wilton Mall	Town Clerk	Expires 11/30/2019 5 year contract
Saratoga County Rural Preservation	Administer HUD Section 8 Program	Town Clerk	6/3/2005, On-going
Saratoga National Bank	Bank Agreement/ACH	Town Clerk	On-going
Saratoga National Bank	Credit Card	Bookkeeper	2/8/2010, On-going
Saratoga Springs School District	Summer Camp Buses	Bookkeeper	1/1/2015 – 12/31/2015
Saratoga Springs School District	School Land Lease	Town Clerk	3/25/2014 – 3/14/2019
Saratoga/Wilton Youth Soccer Club	Field Rental	Town Clerk	6/1/2009, Ongoing
Smith Conservation Subdivision Agreement	Naming Rights for open space	Town Clerk	7/2/2009, On-going
Spa Net, LLC	IT Services	Town Clerk	1/10/2011, Ongoing
TECH II	Phones	Bookkeeper	9/10/2013 – 9/10/2015
Thomas, Christopher	Health Officer	Town Clerk	1/1/2015 – 12/31/2015
Time Warner Cable	Franchise Fee	Town Clerk	Expired-Year to Year
Saratoga/Wilton Soccer Club	Travel Soccer	Town Clerk	5/10/2011, On-going
Value Payment Systems	Tax collection	Town Clerk	12/16/2010, On-going
Verizon Wireless	Wireless Service	Human Resources	On-going contract NYS OGS
Vincek, John	Land Lease	Town Clerk	1/1/2015 – 12/31/2016
Vincelette, Daniel	Assessment Attorney	Town Clerk	1/1/2015 – 12/31/2015
Wilton Emergency Services	Ambulate Services	Town Clerk	1/1/2015 - 12/31/2015
Wilton Emergency Squad	Gasoline Agreement	Town Clerk	1/1/2015 – 12/31/2015
Wilton Fire District	Snow Removal Services	Town Clerk	9/1/2014 - 4/30/2015, ongoing
Wilton Fire District	Gasoline Agreement	Town Clerk	1/12/2004, On-going
WWSA	Building Lease	Town Clerk	6/28/2011, On-going
WWPP	Service Agreement	Town Clerk	1/1/15-12/31/15
Wilton Youth Baseball	Field Rental	Town Clerk	

RESOLUTION #37:

RECORDS MANAGEMENT OFFICER-RESOLVED, pursuant to a unanimous decision of the Town Board on March 2, 1989 to dispose of town records according to Schedule MU-1 issued

pursuant to Article 57-a of the Arts & Cultural Affairs Law and;

BE IT FURTHER RESOLED, to appoint Susan Baldwin to the position of Records Management Officer.

RESOLUTION #38: **REGISTRAR OF VITAL STATISTICS-RESOLVED**, Pursuant to Public Health Law §4130, to establish the position of Registrar of Vital Statistics and;

BE IT FURTHER RESOLVED, to appoint Susan Baldwin to the position. Amount included in salary. (This appointment is the responsibility of the Supervisor).

RESOLUTION #39: **DEPUTY REGISTRAR OF VITAL STATISTICS-RESOLVED**, pursuant to Public Health Law §4130, to establish the position of Deputy Registrar of Vital Statistics and;

BE IT FURTHER RESOLVED, to appoint Julie Hotaling to the position. (This appointment is the responsibility of the Registrar of Vital Statistics).

RESOLUTION #40: **SAFETY OFFICER, RESOLVED**, to appoint Nancy Riely to the position at \$1,553 per annum. Established 2/1/96 (Hazard Communication Program).

RESOLUTION #41: **FIRE MARSHALL, RESOLVED**, to appoint Mark Mykins to the position of Fire Marshall, established in 1998.

RESOLUTION #42: **DOG CONTROL OFFICER-RESOLVED**, to establish the position of Dog Control Officer and;

BE IT FURTHER RESOLVED, to appoint Ronald Stunzi to the position at \$ 15,795 per annum.

RESOLUTION #43: **DEPUTY DOG CONTROL OFFICER-RESOLVED**, to establish the position of Deputy Dog Control Officer and;

BE IT FURTHER RESOLVED, to appoint Joan Kelly to the position at \$ 12,419 per annum.

RESOLUTION #44: **TOWN HISTORIAN-RESOLVED**, to establish the position of Town Historian and;

BE IT FURTHER RESOLVED, to appoint Jeannine Woutersz to the position at \$ 3,121 per annum.

RESOLUTION #45: **INSECT CONTROL COORDINATOR- RESOLVED**, to establish the

position of Insect Control Coordinator and;

BE IT FURTHER RESOLVED, to appoint Julie Hotaling to the position at \$1,250 per annum.

RESOLUTION #46: **TOWN HEALTH OFFICER- RESOLVED**, to establish the position of Town Health Officer and;

BE IT FURTHER RESOLVED, to appoint Dr. Christopher W. Thomas, M.D. to the position at \$1,500 per annum (under separate contract).

RESOLUTION #47: **TOWN COUNSEL-RESOLVED**, to authorize engagement of Town Legal Counsel and;

BE IT FURTHER RESOLVED, to appoint Mark Schachner (Miller, Mannix Schachner and Hafner, Attorneys At Law) as Town Legal Counsel at \$33,000 per annum and at \$190 per hour for services involving litigation, bond counsel and labor law (under separate cover).

RESOLUTION #48: **PLANNING BOARD AND ZONING BOARD OF APPEALS ATTORNEY-RESOLVED**, authorize engagement of Town Planning Board and Zoning Board of Appeals Legal Counsel **AND, BE IT FURTHER RESOLVED**, to appoint Miller, Mannix, Schachner and Hafner, Attorneys At Law to the position at \$14,000 per annum (under separate contract).

RESOLUTION #49: **DEPUTY SUPERVISOR-RESOLVED**, to establish the position of Deputy Supervisor and;

BE IT FURTHER RESOLVED, to appoint Steven Streicher, to the position at \$2,500 per annum. (This appointment is the responsibility of the Supervisor).

RESOLUTION #50: **NOTIFICATION POLICY FOR BREACH OF PRIVATE INFORMATION SECURITY-RESOLVED**, to adopt this policy in accordance with New York State Technology Law Section 208 as added by Chapters 442 and 491 of the laws of 2005, and is consistent with the provisions of said Section. The purpose of this policy is to require the **Town of Wilton** to Notify a New York Resident when there has been or is reasonably believed to have been an unauthorized acquisition of the residents' private information from the computerized records maintained by the **Town of Wilton**.

RESOLUTION # 51: **EMERGENCY SERVICES COORDINATOR- RESOLVED**, to appoint **Larry Gordon** to the annual position of Emergency Services Coordinator, effective 1/1/15-12/31/15, the position was established at the April 5, 2007, Town Board meeting under the Home Land Security Law (Resolution # 115) with no remuneration.

RESOLUTION #52: **DEPUTY EMERGENCY SERVICES COORDINATOR -RESOLVED**, to appoint **Mark Mykins** to the annual position of Deputy Emergency Services Coordinator, effective 1/1/15-12/31/15, the position was established at the March 6, 2014 Town Board meeting (Resolution #84) with no remuneration.

RESOLUTION # 53: **DEPUTY RECEIVER OF TAXES -RESOLVED**, pursuant to Town Law §20(3-c) to establish the position of Deputy Tax Receiver and;

BE IT FURTHER RESOLVED, to appoint Julie Hotaling to the position, at \$2,500 per annum. (This appointment is the responsibility of the Town Clerk).

RESOLUTION # 54: **PREVIOUS YEARS ENCUMBRANCES**, to authorize the Town Comptroller to roll forward all outstanding encumbrances and budget appropriation.

RESOLUTION #55: **GAVIN PARK REFUND POLICY -RESOLVED**, pursuant to a unanimous decision by the Wilton Town Board (Resolution #104 of 2014) on May 1, 2014, authorizing the Director of Park and Recreation to refund fees in accordance with Facility Rental and Program Registration Refund Policy (see attached).

RESOLUTION #56 **HEALTH INSURANCE BENEFITS**, to provide health insurance benefits to all eligible town employees, under separate cover.

RESOLUTION #57: **HEALTH REIMBURSEMENT ARRANGEMENT**, that the following is a formal record of action taken by the governing body of the Town of Wilton (the "Company") with respect to the adoption of the Town of Wilton Health Reimbursement Arrangement (the "Plan"), the following resolution are hereby adopted:

NOW, THEREFORE, BE IT RESOLVED, that the Plan be adopted in the form attached hereto, which Plan is hereby adopted and approved;

RESOLVED FURTHER That the appropriate officers of the Company be, and they hereby are, authorized and directed to execute the Plan on behalf of the Company;

RESOLVED FURTHER: that the officers of the Company be, and they hereby are, authorized and directed to take any and all actions and execute and deliver such documents as they may deem necessary, appropriate or convenient to effect the foregoing resolutions including, without limitation, causing to be prepared and filed such reports, documents or other information as may be required under applicable law.

RESOLUTION #58: **FUND BALANCE POLICY**, for increased financial stability, the Town of Wilton desires to manage its financial resources by establishing a fund balance policy for the General Fund. (See Attached).

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

RESOLUTION #59

NOW, THEREFORE, BE IT RESOLVED, to approve Organizational Resolutions 1-58.

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

Supervisor Johnson said each year he appoints liaison assignments and they are as follows:

Ryan Riper-Wilton Water and Sewer Authority

Nancy Riely-Insurance Committee

Councilman McEachron-Highway Department

Councilman Lant-Courts/Justice Department
Safety Review Committee
Town Historian

Councilwoman Klepetar-RUOK
Seniors
Americans with Disabilities
Personnel

Deputy Supervisor Streicher-Parks and Recreation Commission
Deputy Supervisor

Approve Pending Minutes

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

RESOLUTION #60

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the December 4, 2014 meeting, as typed.

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

Local Law #1 of 2015

Supervisor Johnson said there was a public hearing earlier for the Conservation Subdivision Design Law, Local Law #1 of 2015. Attorney Schachner was asked to give the board some options as to when the law becomes effective and what pending applications it would apply to if the board adopts the local law. **Attorney Schachner** said when a town board makes a decision like this and changes a zoning provision or subdivision provision, it is very important, in addition to making whatever amendments, to draw the line with pending application whether the amendment applies to some of the pending applications, none of the pending applications or all of the pending applications. The decision is often overlooked and the board is faced with very difficult situations after the adoption of the amendment. There is no strong recommendation where to draw the line but an extremely strong recommendation to draw the line somewhere. The board can decide that any pending application is subject to the existing rules prior to amendment, any pending application is subject to the new rules no matter what stage of approval or the board can draw a line somewhere else along the way. There is a common misconception in New York State that no matter where the application is in the review process it is "grandfathered" in under old or existing rules. That is not true under New York Law. There is a tremendous amount of discretion to decide whether a pending application is subject to an amendment or not. That discretion is lost when someone puts time, money and effort into an application with actual physical construction costs. If an industrial establishment spent several hundred thousand dollars on actual physical construction, hard costs, not soft cost like engineering, consulting or legal fees and then the town decides to amend the code and prohibits the continued construction of the building when hundreds of thousands of dollars have been spent, the applicant has vested rights. The town would not be able to lawfully stop them. There are several subdivision applications pending before the planning board where the density bonus lot issue is at play. None are considered to have vested rights now. The board can decide to apply the new law to all of the subdivision applications, only pending subdivision applications that have received some levels of approval or no pending subdivision applications. It is the board's discretion. If the amendment is favorably considered is suggested that a line be drawn. There are three possibilities mentioned, and there are others, that it not apply to any subdivision for which application has already

been made and is pending. Another choice is it doesn't apply to any subdivision for which application has been made and preliminary approval has been granted by the planning board. One application is pending for a subdivision for which final approval has already been obtained and the subdivision map has been filed in the Saratoga County Clerk's Office. Lots have been sold and it is an active subdivision. There has been an application filed for modification to the subdivision with an offer of property to the town and a request for the 10% density bonus. That is the Belmonte Builders subdivision that Mr. Dannible spoke about. There are a couple of applications with requests for the density bonus based on offers of dedication of lands that have received preliminary approval.

Supervisor Johnson said one application, Belmonte Builders, was talked about and there is another on the agenda for R.J. Taylor Builders on Loudon Road. The third one is the Trice Subdivision on North Road. **Councilman McEachron** asked how often the town has given the density bonus in the past.

Supervisor Johnson said it was his understanding the offer had to be accepted in order to receive the density bonus. **Councilman McEachron** asked if one of the big builders found a loop hole. **Supervisor Johnson** said the way the code is currently written is not correct, it's pretty clear the developer only has to offer the land. The intent has always been the town had to accept the land. **Councilman Lant** said the town does not have to accept the land if it is offered. **Attorney Schachner** said that is correct, the town is not obligated to accept any offer of dedication of land. The question is whether or not the board wants to amend the code so that whether the board accepts the land or not relates to whether the density bonus is offered. **Supervisor Johnson** said the change is if the land is offered and not accepted there is no density bonus. **Councilman McEachron** said it makes sense if it is good land. **Supervisor Johnson** agreed and said the land has to have some use or some value to the town such as recreation. **Councilwoman Klepetar** asked if the two votes are for one, changing the code and two, where it starts. **Attorney Schachner** it is an issue and a sub-issue. It isn't necessary for two votes but it can be done that way. **Supervisor Johnson** said the board could choose option A which would "grandfather" the three pending subdivisions. Option B would "grandfather" two of the pending applications with preliminary approval or C which would exclude Belmonte Builders because they already have final approval. If Belmonte Builders is excluded, the applicant could come back before the board and make an offering under the new code. **Deputy Supervisor Streicher** asked if Belmonte Builders offered the land after receiving final approval and now wants to change it. **Mr. Belmonte** said he does have an approval for subdivision that is presently operating. There has been some conversation with the town about lot count amendments that made sense. The approved subdivision has been amended, primarily in a future phase that has yet to be constructed, that the 10% bonus would be partially taken in a parcel of a vacant land that the remaining portion of the 10% bonus taken. We are not attempting to take the entire 10% bonus, only a portion, for a minor modification to the total lot count. It is in a neighborhood that has two of the three phases filed and the third phase yet to be filed. The offer of cession has been completed along with the deeds and title work and has been in the town's possession since December 17, 2014. Of the three applications, we have gone the complete journey to make the offer to the town and pending the board's approval. We are not sure why we didn't bring it to the board for offering but the town has had it for quite some time. It is there subject to the town accepting it. **Councilman McEachron** said he believes that any project that is in the "pipeline" should be allowed the density bonus. **Councilman Lant** agreed. **Supervisor Johnson** noted that one is an amendment to an approved subdivision, after the fact. The other two have received preliminary

approval. **Supervisor Johnson** said there is better land that could have been offered in the Belmonte Subdivision. **Mr. Belmonte** said he is open to that conversation. He said they feel they have offered the town the more valuable land with the vista. There are a variety of ways to evaluate a parcel of land. The vista portion has always been viewed as the most prime. **Supervisor Johnson** said he thought the piece of land across the street on Smith Bridge Road would be a much better offering. It would allow for the town to realign Smith Bridge Road sometime in the future. **Mr. Belmonte** said he thought that suggestion came after the offering was composed and was 100% behind it as long as the town helps get the barn out of there. **Councilwoman Klepetar** said she thinks it's important to put the town and the residents first. **Supervisor Johnson** said it would be a great benefit to the town if the road was realigned at some point.

Deputy Supervisor Streicher said he and Councilwoman Klepetar are on the Comprehensive Plan Update Committee. One of the items being discussed is interconnectivity of developments to enable residents to walk to another neighborhood or to a park. **Mr. Belmonte** said Mr. Riper has advised him the town is looking for this in the future. There is a future application to the planning board that has a link to another community. **Councilwoman Klepetar** asked if there is property on the Smith Bridge Subdivision that would link it to somewhere else. **Councilman McEachron** said there had to be another subdivision to link it to. **Councilwoman Klepetar** said it doesn't necessarily have to be a subdivision.

Supervisor Johnson said the motion has to be specific to include the amendment shall not apply to any subdivision for which application has already been made to the Town of Wilton Planning Board and for which application is pending. **Councilwoman Klepetar** said she would rather have two separate votes because she agrees with the code amendment but not the options. **Attorney Schachner** said that is acceptable and can vote "no" on the motion or make a motion with another option and see if there is a second to the motion.

Councilman Lant said the Belmonte Subdivision is a nice looking project. It has a hydrant system that the town never would have had. Hopefully the system will someday extend down Davison Drive and Route 9. It will bring in more businesses.

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

RESOLUTION #61

NOW, THEREFORE, BE IT RESOLVED, to adopt Local Law # 1 of 2015, Conservation Subdivision Design Law, as written.

FURTHER IT BE RESOLVED, the amendment shall not apply to any subdivision for which application has already been made to the Town of Wilton Planning Board and for which application is already pending.

The adoption of the resolution was seconded by Councilman Lant duly put to a vote, all in favor except for Councilwoman Klepetar who was opposed. The motion carried 4-1.

Land Dedication-Acceptance of Open Space for Conservation Subdivision-Louden Road, R.J. Taylor

Scott Lansing of Lansing Engineering appeared before the board representing R.J. Taylor Builders. **Mr. Lansing** said he wanted to thank the board on behalf of his client for the decision the board made regarding the density bonus.

Mr. Lansing said the project parcel is approximately 39 acres located on Loudon Road. It is a proposed 17 lot subdivision including the 10% density bonus that is included in the provisions of the zoning ordinance. Clustering and conservation subdivisions are a very useful tool for the town, developer and the environment as well in that you would have a parcel of land with two acre zoning with no open space where the cluster provision allows the town to preserve significant areas of open space while still allowing the developer to develop the parcel with a number of lots. When you decrease the size of the lots the developer does not see as much of a retail value for those lots. It helps the developer to develop a cluster subdivision.

Mr. Lansing said the plan is proposing 19.1 acres of open space. The plan (indicating) does show where the area of open space is located there is a wetland in the back portion of the parcel and focusing a lot of the open space around that environmental constraint. To the west of the parcel there is a wetland area and a proposed open space area around the wetlands. The frontage of the parcel will have the homes positioned away from the road to preserve the natural carriage way along the road. The homestead lot will also be preserved. The open space is good valuable land. Of the 19.01 acres, 4.58 acres is wetlands. At the request of the planning board, the applicant is asking the town to accept dedication of the open space area. There are some options to the dedication. It could be dedicated to the town, privately owned or put in a Homeowner's Association. The proposal to the planning board was individual ownership where the lot lines would go back. There would be areas of deed restricted open space. Each lot would have deed restricted areas. The overall open space would still be 19.01 acres.

Councilman Lant asked where the parcel is located. **Mr. Ripper** said it is across from Loudon Oaks Mobile Home Park. **Supervisor Johnson** noted town counsel suggested a formal process of either accepting or rejecting an offer of dedication of lands and that is why it is an agenda item.

Councilwoman Klepetar noted although she is shown a map, she would like to physically visit proposed sites and walk the property. **Supervisor Johnson** said it would be a good idea for some sites but it isn't feasible for this one. **Councilman McEachron** said he didn't think the town had an interest in wetlands. **Supervisor Johnson** said there is no connectivity to other subdivisions and it is wetlands. It would most likely be more appropriate to extend the lot lines of the individual lots. **Councilman McEachron** said he didn't think an HOA was a good option. **Mr. Lansing** said the developer would rather extend the lot lines than have a Homeowner's Association.

Mr. Ripper said approximately 25% of the land is wetlands and beyond that there is a 100' buffer on the DEC lands. That increases the protected area. There is no interconnectivity from the front of the parcel to the back. There is no trail system nearby. **Highway Superintendent Woodcock** said he grew up near that area. With the extension of the water line on Loudon Road to the town line, there are a lot of areas

that are undesirable such as the corner of Louden Road and Ruggles Road. It is all shale. The town had a shale bank in the 1940's and 1950's. If you go further east there are a lot of rolling hills and farmland. There is a large amount of wetlands in the area. The water is on that side of the town and it shouldn't be saturated with development because of it. He said that is his opinion as a private citizen.

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

RESOLUTION #62

NOW, THEREFORE, BE IT RESOLVED, to reject the offer of land dedication on Louden Road from R.J. Taylor Builders

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

Appointments

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

RESOLUTION #63

NOW, THEREFORE, BE IT RESOLVED, to appoint the following board members;

**Joseph O'Brien-ZBA 1/1/15-12/31/21
(7 year term)**

**Hal VanEarden-WPB 1/1/15-12/31/21
(7 year term)**

**Gerard Zerbala-ZBA 1st Alternate
1/1/15-12/31/15**

**Scott Kingsley-ZBA 2nd Alternate
1/1/15-12/31/15**

**Brett Hebner-WPB 1st Alternate
1/1/15-12/31/15**

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

Committee Reports

Deputy Supervisor Streicher announced the skating rink is open at Gavin Park.

Comptroller’s Report

1.) November 2014 Cash Disbursements

General Fund	\$277,855
<u>Highway Fund</u>	<u>\$107,834</u>
Total	\$385,689

2.) 2014 Budget Transfers and Amendments

(See attached) Budget Transfers

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

RESOLUTION #64

NOW, THEREFORE, BE IT RESOLVED, to approve the budget transfers and amendments requested for and listed in the Comptroller’s 11/05/2014 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.) Carry forward of 2014 Budget to 2015

Mr. Reale said Highway Superintendent Woodcock asked to carry forward monies in the Road Improvements DA5112.2. Due to weather the roads were unable to be completed in 2014. Councilman Lant said the Superintendent and highway crew did a nice job on the paving and the widening of the shoulders.

RESOLUTION #65

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

NOW, THEREFORE, BE IT RESOLVED, to approve the carryforward of funds for Road Improvements DA5112.2 for the following amounts for the paving of;

- Kyer Farm Road-\$28,880.00
- Tom Sawyer Drive-\$57,985.00

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.) Personnel

A. Merit Pay

Mr. Reale asked for approval for the release of merit pay checks on Friday, January, 9, 2015.

RESOLUTION #66

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

NOW, THEREFORE, BE IT RESOLVED, to approve the release of merit pay checks on January 9, 2015

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

B. Overnight Travel

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

RESOLUTION #67

NOW, THEREFORE, BE IT RESOLVED, to approve overnight travel requests for;

Mark Mykins

John Herlihy

Scott Harrington

to attend the Code Enforcement Conference in Lake Placid, New York, March 1-5, 2015.

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

Solar Energy Project UPDATE

Mr. Reale said he has spoken to four vendors and has received two proposals. The third vendor has not replied since December 9, 2014. The fourth vendor should be submitting a proposal this week. The four

options will be discussed hopefully before the next board meeting and make a proposal to the town board. The proposals are available for review. The new funding will be out on April 1, 2015.

Executive Session

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

Councilman McEachron made a motion to adjourn for Executive Session at 7:35 p.m. The motion was seconded by Councilwoman Klepetar, with all board members in favor. The motion carried 5-0.

Councilman McEachron made a motion to reconvene at 8:47 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 Councilwoman Klepetar, with all board members. The motion carried 5-0. The meeting was adjourned at 8:51 p.m.

Respectfully Submitted,

Susan Baldwin, Town Clerk

Supervisor, Arthur Johnson

Councilman, John Lant

Councilwoman, Joanne Klepetar

Deputy Supervisor, Steve Streicher

Councilman, John McEachron