

TOWN OF WILTON

22 TRAVER ROAD

WILTON, NEW YORK

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Susan Baldwin, Town Clerk

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REGULAR TOWN BOARD MEETING-May 5, 2016

Supervisor Johnson called the Regular Town Board meeting to order at 7:03 p.m.

Pledge of Allegiance

Supervisor Johnson led the board and the audience in reciting the Pledge of Allegiance to the Flag.

Roll Call

Roll Call by the Town Clerk showed all board members present.

Arthur Johnson-Supervisor

Steve Streicher-Deputy Supervisor

Joanne Klepetar-Councilwoman

John Lant-Councilman

John McEachron-Councilman

Also present was Director of Planning and Engineering, Ryan Riper, P. E., Jeff Reale, Comptroller and Town Counsel, Mark Schachner.

Public Comment Session

Cheryl Wood of 13 Peach Lane, Northumberland, said she is representing the Wilton Senior Citizens Center. They meet every Tuesday and Thursday. She said they have ceramics in the morning on Tuesday. Others play card games or bingo. There is a lunch break and on Tuesday they have pizza and on the third Tuesday Chinese food is ordered. On the fourth Thursday, there is a covered dish meal. If a person doesn't bring a dish, the cost is \$4. We take bus trips supported by the town. The center is open on Thursdays mostly for playing cards. There is an organization called Samaritan's Purse. It is run by Franklin Graham. Shoe boxes are filled for children and shipped all over the world. They go to Africa and other countries as well as orphanages. All of the items have to fit in a shoe box. We make dresses out of pillow cases. We cut up t-shirts and make pouches out of the sleeves and put in tic tac toe, marbles, jacks and a ball. Last year, the Glens Falls area sent out 3300 boxes, which was 20% more than the prior year. Everyone contributes. Those that don't do crafts help with purchasing items and postage.

We have a picnic every year at Moreau State Park. It is an enjoyable catered picnic.

In the afternoon we have game time. We also have a yearly card party to raise money.

The Cloggers have come as well as the Moreau Fun Band.

Ms. Wood said she is the representative for the Saratoga County Office of the Aging. There is a resource publication that addresses services that are available to seniors.

The center also works with Saratoga Senior Center through Community Connections.

The Office of the Attorney General of New York State was contacted and 50 copies of a publication with information about scams, direct mailing and other subjects. A representative will be speaking at the Senior Center. The general public and other seniors will be invited. An acupuncturist and a woman who practices Chinese medicine and nutrition will also be speaking at the Senior Center. The center would also like to host a Tai Chi master.

Steve Rossi of 87 Cobble Hill Drive appeared before the board. Mr. Rossi said he purchased his home in January. When buying the house, the advertising and marketing of the house stated the lot next door was “forever wild” for extra privacy. The Northway is in the back of the house. He said they didn’t really love that but the “forever wild” woods to the right which almost mitigated it. Twenty one days after purchasing the house, Mr. Tom Roohan came in and cut down all of the trees. The information obtained shows he purchased the lot for \$5,000 and paid off the back taxes that were never paid. He said he has also spoken to the previous owners, the Dennis family, who stated they never believed they could build a house there. If they could of, they would of. In a fully developed neighborhood, this lot was vacant and empty for a reason. It was a shock when the call was received from his wife. We were not even out of the boxes in the house. Mr. Rossi said he is a family law attorney and that does not mean he is a property law attorney. He said he asked the town to help him out and they did by providing some information. It shows in the process of the Fairways III subdivision upon receiving approval, questions were asked about the lot which was “forever wild”. In addressing it on June 6, 1990, Paul Tommell, who was working on the subdivision, stated there was no buildable area there and it would remain “forever wild”. Mr. Tommell also said it would be part of the Fairways III, which is not owned by the corporation, as making the golf course “forever wild”. There is no buildable area there and it will be left as part of the Fairways III. This lot at the present time is 1.63 acres in size. It is two to three times bigger than any other lot in the subdivision. In speaking with the neighbors, three of them, while trying to purchase a home in this development were told they could not build there. Mr. Rossi said he doesn’t have anything against Mr. Roohan but he is literally in his back yard. He bought it for about 20% of market value, cut down the trees without asking anybody and believes he is just going to put a house there. The documents show this lot was supposed to remain “forever wild” as the open space for the Fairways III subdivision. Mr. Rossi said he wasn’t sure if something changed or if something happened that made it so Mr. Roohan could come in and cut down all the trees and say that his shed is on his lot and the pool is just about on his lot. He said he’s had to hire an attorney and is in the process of having a survey completed. Mr. Roohan had a survey done on the property that has never had one done. Mr. Rossi said he didn’t believe a house should be built on the lot for multiple reasons, most importantly the subdivision wasn’t approved with the understanding a house would be there. There is no building envelope and it wasn’t numbered. Mr. Rossi said he lives at 87 Cobble Hill and the house next door is 89 Cobble Hill. They want to call this house 87B. Pretty soon the backhoes and excavators are going to show up and start digging. This will become much more complicated. Mr. Rossi said he is trying the best he can but does not have the funds to keep up with these people forever. He said he is asking the town to please take a look at the matter. If the town is going to say Mr. Roohan can build just give a reason why. The answer should be Mr. Roohan shouldn’t be able to build and should landscape and make the lot back to what it used to be to the extent possible. Mr. Rossi said it is his understanding Mr. Roohan’s main interest is the water rights for the development across the Northway and the house is just something he can conveniently put up while he bought the lot. Mr. Rossi said he was also told that

when buying the lot, he never told the previous owner, it was his intention to build a house there. In fact, it was the previous owner's understanding the lot was purchased strictly for water rights. Mr. Rossi said he has a petition signed by 20 of his neighbors and he could have twenty more signatures tomorrow. Everyone wants to help and they want to know what they can do. There is also a letter, dated March 11, 2016 from an attorney that addresses the issues that have been brought up that shows the planning board minutes and how the lot was specifically stated it would not be built on and it would remain "forever wild". Mr. Rossi stated once the lot is purchased and construction starts, he won't be able to stop it and the town probably won't be able to stop it but right now we can take a look at this. **Councilman Lant** said he thought the town attorney should take a look at it. **Attorney Schachner** said he and Mr. Riper have talked about it. **Mr. Riper** said a building permit has not been issued. **Councilman Lant** said he didn't think a building permit should be issued until our town attorney reviews it and protects Mr. Rossi's rights. **Attorney Schachner** said it has been looked into and found no planning board conditions. There is nothing on the map that indicated the lot is an unbuildable area. We didn't find any planning board condition of approval that it is not a buildable area. We did find a statement made by the applicant's representative. **Mr. Riper** said a general comment was made that there was not enough buildable area. **Attorney Schachner** agreed and some statement was found from an applicant's representative. **Mr. Riper** said it was Paul Tommell. **Mr. Rossi** said it wasn't a general statement. It was an affirmative condition that part of the approval process would be the lot would be "forever wild" and not buildable. A map is not going to show anything to say it is or isn't buildable. **Attorney Schachner** said we need to be careful because the statement just said from Mr. Rossi is generally not true. Subdivision maps very, very frequently will indicate on the map if any area is buildable or not. **Mr. Rossi** said the lot does not have a building envelope on the lot and every other parcel does. **Supervisor Johnson** said before any building permit is issued we are authorized to issue it. **Attorney Schachner** said what we are going to find is there is not a crystal clear, black white answer. We saw statements made from an applicant's representative but they were not incorporated in any planning board condition of approval and they were not incorporated in any note on the subdivision map. If the planning board makes that sort of decision, it is incorporated in a note on the subdivision map and it is reflected on the subdivision map with words on the map "area not to be built on" or "permanent open space" or whatever it is. That is something the planning board is now very careful about as well as the town engineer and planning board attorney. We cannot speak about what was in people's minds in 1990 but the planning board does not appear to have incorporated the applicant's representative's statements as part of the approval. When this type of situation occurs elsewhere, when people go back in time and find imprecision in prior decisions, most town board's will see the issue but it is between the two property owners. Mr. Rossi has engaged counsel. There are ways for the property owner to pursue his rights and there are ways for the developer to pursue his rights. It is entirely possible that pursuing their rights may cost them money. Most towns stay away from it and say it is not a town issue.

Nancy Gatland of 28 Timbira Drive said she wanted to remark on last month's meeting regarding the committee appointed to review the Updated Comprehensive Plan and to amend the Town Code to be in compliance with it. This certainly raised a red flag because three or four years ago the zoning changes came up and we were told there were no real zoning changes, just a little housekeeping, tweaking. That tweaking led us to the not exactly pleasing Gordon building because of the allowed density change in the hamlet area. Now we are told the committee is just going to conform the code to changes made in the Comprehensive Plan, minor changes to clarify codes and language. What exactly is your definition of minor, I would like to know? According to Supervisor Johnson, a large building is in the works on the parcel across the street from the Gordon building because of the previous zoning changes. Also mentioned in the last meeting is that there isn't enough land left in the hamlet are for any more

buildings of this size. But I'm wondering, what if some of the buildings that are already there, if they are sold and the parcels are put together and now we can build a larger building. Are we going to end up with Route 9 in Wilton looking like Route 9 in Malta. I'd like to urge the committee to review the density and make zoning changes to reduce it.

Approve Pending Minutes

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

RESOLUTION #106

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the April 7, 2016 meeting, as typed.

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

Proposed Fee Changes

Supervisor Johnson stated the board received copies of the recommended fee changes last month from the Fee Committee. **Supervisor Johnson** asked if there were any questions before the public hearing is set. **Councilwoman Klepetar** asked about the fee schedule for minor or amended site plan review. Should the word "minor" be explained or a foot note stating what "minor" actually means. **Mr. Riper** said he and the planning board chairman would look at the plan and determine if it was minor in nature. Usually, a minor site plan review would require a public hearing. Safety items and impacts to neighbors are reviewed. If a developer comes in with small addition to an existing building, it is usually considered and amended site plan. If it something that requires further input, we have a public hearing and it's considered a minor site plan review. **Councilwoman Klepetar** said the fees ran along the inflation lines, for the most part, in the last 20 years. Some of the fees were set in 1997. **Deputy Supervisor Streicher** asked if the fees are in line with other local municipalities. **Mr. Riper** said they are.

Supervisor Johnson set the public hearing for June 2, 2016 at 7:00 p.m.

Committee Reports

Councilman Lant said everyone has a copy of the personnel policy. He thanked Nancy Riely, Sue Baldwin and Jeff Reale for all of the work they did. **Supervisor Johnson** thanked Councilman Lant for his work on the committee as chairman.

Councilman Lant said he drove by the museum. They are doing a great job repairing the building and it was money well spent.

Supervisor Johnson said he appointed a code revision committee last month. After some thought, most of the people on the committee were on the Comprehensive Plan Update Committee. Two people were

left off and should be on the code revision committee. Councilwoman Klepetar and Mike Dobis have been added to the committee.

Comptroller's Report

1.) March 2016 Cash Disbursements

General Fund	\$
Highway Fund	_____
Total	\$

2.) 2016 Budget Transfers and Budget Amendments

Supervisor Johnson said there is a substantial transfer in the Capital Account and an explanation is warranted. The town set up a Capital Project for the splash park, maintenance garage and some other items. That account has been depleted. Drainage and paving still have to be completed for the maintenance garage. Equipment for the concession stand at the splash park still has to be purchased. **Mr. Reale** said the expenses have been broken down. There are some expenses at \$9,000. Landscaping around the splash park will be \$12,165. The town has been working to put in a new parking lot in front of the maintenance garage. **Supervisor Johnson** said he wanted to make one last transfer to get everything done for the summer.

Mr. Reale noted the last transfer is for the new truck. The bids will be opened tomorrow.

Councilman McEachron asked Highway Superintendent Woodcock if the truck being taken to auction is a 2000 GMC dump truck. **Superintendent Woodcock** said it is and the new truck will replace it.

Councilman McEachron said a four wheel drive vehicle is being replaced by a two wheel vehicle.

Highway Superintendent Woodcock said he doesn't need a four wheel drive vehicle. **Councilman Lant** asked if any bids have been received. The clerk noted two have been received.

Mr. Reale asked if the town board wanted to approve the bids or approve them subject to the highway superintendent's and Councilman McEachron's review. **Councilwoman Klepetar** asked if this is a truck replacing another truck. **Councilman McEachron** said it is and the old one is going to auction.

Councilwoman Klepetar asked if the truck is definitely going to auction. **Councilman McEachron** said it is.

Mr. Reale asked if the bids should be subject to the supervisor's approval. **Supervisor Johnson** said he would like input from Councilman McEachron and Highway Superintendent Woodcock. **Mr. Reale** said it could be approved tonight subject to the Supervisor, Highway Superintendent and Councilman McEachron's approval. **Attorney Schachner** said that is not the typical way it is done. It can be done at the next town board meeting or have another meeting before that. **Supervisor Johnson** said the bids can be reviewed and awarded at the next meeting if the board desires.

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

RESOLUTION #107

NOW, THEREFORE, BE IT RESOLVED, to approve the 2016 budget transfers and amendments requested for and listed in the

Comptroller's 5/5/2016 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.) State and Municipal Facilities Program

Mr. Reale said at the last town board meeting, resolution 2016-104 was approved for a budget amendment of \$100,000. Last month, we did not have all of the budgets in line.

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

RESOLUTON #108

NOW, THEREFORE, BE IT RESOLVED, to rescind Resolution #2016-104 and replace with a budget amendment of \$178,000. (See attached).

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

4.) Personnel

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

RESOLUTION #109

NOW, THEREFORE, BE IT RESOLVED, to approve the budget request of \$25,000 for the building inspector position, Grade 6, Step 2, \$21.39 per hour, effective May 17, 2016.

BE IT FURTHER RESOLVED, to approve the appointment of John Herlihy to the building inspector position.

BE IT FURTHER RESOLVED, to approve the request to fill the vacant assistant building inspector position and grant the supervisor

permission to hire the candidate prior to the next town board meeting.

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

5.) Disposal of Assets

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

RESOLUTON #110

NOW, THEREFORE, BE IT RESOLVED, to approve the request for the disposal of assets (See attached list).

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

6.) Independent Auditors Report 2015

Mr. Reale said the town's annual Independent Auditor's Report has been filed with the town clerk. The report is on the town's website for yearend 2015.

Executive Session

Supervisor Johnson said there will be an Executive Session to discuss acquisition and/or sale of property.

Deputy Supervisor Streicher made a motion to adjourn for Executive Session at 7:48 p.m. The motion was seconded by Councilman Lant with all board members in favor. The motion carried 5-0.

Deputy Supervisor Streicher made a motion to reconvene at 8:09 p.m. The motion was seconded by Councilman Lant with all board members in favor.

Supervisor Johnson said no action was taken in Executive Session.

Adjournment

On a motion introduced by Councilman McEachron and seconded by Councilwoman Klepetar, the meeting was adjourned at 8:10 p.m.

Respectfully Submitted,

Susan Baldwin, Town Clerk

____ Supervisor, Arthur Johnson

____ Councilman, John Lant

____ Councilman, John McEachron

____ Deputy Supervisor Steve Streicher

____ Councilwoman Joanne Klepetar

DRAFT