

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-September 1, 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

There was none.

Approve Pending Minutes

On a motion introduced by Councilwoman Klepetar, the board adopted the following resolution:

RESOLUTION #136

NOW, THEREFORE, BE IT RESOLVED, to
approve the minutes from the August 4,
2016 meeting, as typed.

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

Reappointment-Board of Assessment Review

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

RESOLUTION #137

NOW, THEREFORE, BE IT RESOLVED, to reappoint Melvin Abbondandolo as Chairman of the Board of Assessment Review for a five year term, 10/01/2016-9/30/2021.

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

Tooker Farm Conservation Project

Supervisor Johnson said Maria Trabka, Executive Director for Saratoga PLAN and Mr. Donald Tooker are here tonight. Mr. Tooker would like to donate a conservation easement to Saratoga Plan for his property at the intersection of Route 50 and Jones Road.

Ms. Trabka said she is the Director of Saratoga PLAN. It is a land conservation organization helping landowners and municipalities throughout Saratoga County to accomplish their conservation goals. Mr. Tooker approached Saratoga PLAN and asked if we would like to keep his farmland forever farmland and take a conservation easement. We are here tonight to ask for the Town's support for the project and also for a county grant application that we have submitted for funding for the land conservation program. That funding would help us cover some of the transactional costs. Even though Mr. Tooker is donating the conservation easement to Saratoga PLAN we still have all the costs associated with legal, survey, title insurance and all of those types of transactional costs. We submitted a grant to the county. It does require a local municipal endorsement of the project. We have also asked the town to consider funding the project because the county grant will not cover all of the costs. **Mr. Tooker** said he would like to keep the property agricultural and not built up with houses. Someday, there will be a shortage of food. There is a need for the little farms to grow food with the increase in population. There are food shortages now. **Mr. Tooker** said he doesn't have children to pass the land onto. **Supervisor Johnson** said he discussed potential future road and intersection improvements with our town engineer. **Ms. Trabka** said she spoke to Mr. Tooker about the potential need for road widening, maybe a roundabout or intersection alignment. Mr. Tooker has seen a conceptual idea of what the town might someday want to do. In the easement, we can allow for that and there will be no restrictions for that kind of improvement. **Supervisor Johnson** said he sent a letter in support to submit with the grant. There has been no money set aside but it can be discussed during the 2017 budget workshops. The resolution is to

support the county grant application. **Councilman Lant** thanked Mr. Tooker. **Supervisor Johnson** thanked Mr. Tooker for his very generous donation. It is a very valuable piece of land.

RESOLUTION # 138

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

WHEREAS, the Town of Wilton's collective vision in its 2015 Comprehensive Plan states that the "community shares a sense of responsibility for the Town's natural, agricultural, open space, and scenic resources. The Town enjoys a high quality of life and a healthy tax base resulting from a conscious balance of commercial development, residential growth and natural areas." Furthermore, the Comprehensive Plan recommendations include:

- "Continue to recognize the significance of community resources (such as ecology, visual resources and history) and encourage measures to protect them";
- "Conserve important open space" and "Preserve quality open space";
- "Continue to support open space as a component of the adopted Open Space, Recreation and Pathways Plan...to protect farmlands...and scenic areas as part of a larger effort to preserve natural character in the Town"; and
- Maintain and protect natural character and scenic resources."

WHEREAS, Donald Tooker, town resident for 87 years, of 131 Old Gick Road wishes to willingly donate a perpetual conservation easement on 95.5 acres of land located on Old Gick Road, Route 50, Jones Road, and Putnam Lane to Saratoga PLAN for permanent conservation of open space land and public benefit;

WHEREAS, Mr. Tooker's gift will protect fertile farmland soils producing food and economic vitality; woodlands providing habitat for native plants and animals, and maintain air and water quality essential to public health, scenic views from public roads and bike trail along Jones Road, and cleansing and replenishment of groundwater reserves, natural pest controls, storm water absorption, and climate moderation in summer and winter;

WHEREAS, Saratoga PLAN is a not-for-profit conservation organization dedicated and able to preserve the rural character, natural habitats, and scenic beauty of Saratoga County so these irreplaceable assets are accessible to all and available for present and future generations;

WHEREAS, Saratoga PLAN assists landowners and communities with accomplishing their conservation goals for farmland, trail systems, view sheds, water resources, and wildlife habitats and its Board of Directors has approved acceptance of a conservation easement on the Tooker Farm, if funding can be obtained to cover project costs;

WHEREAS, Saratoga County offers grants for transactional costs for land preservation projects and Saratoga PLAN would like to apply for a grant for the Tooker Farm project;

WHEREAS, Saratoga County requires local municipalities to endorse and facilitate land preservation projects when considering grant applications from private conservation organizations;

NOW, THEREFORE, BE IT RESOLVED that the Town of Wilton Town Board at its September 1, 2016 meeting voted to endorse the Tooker Farm conservation project and Saratoga PLAN's application for

funding from Saratoga County, is willing to serve as the conduit for grant funding from Saratoga County to Saratoga PLAN, and is willing to consider contributing to the project.

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

Committee Reports

Councilwoman Klepetar said Jeff Reale sent out a letter to members of our Senior Center. 37 responses were received. Part of the survey was to find out if the seniors felt as though they would benefit from having a part time director. Overwhelming, they do want a part time director and they want Robin Corrigan who is the acting president. Maybe that can be discussed at budget time. Ms. Corrigan has a lot of ideas. She is taking the seniors swimming in a couple of weeks. She is setting up the bingo room to show old movies. Things are going very well.

Councilman Lant said he sat down with the highway superintendent and his three foremen. It was brought to his attention some of the wording in the personnel policy may be incorrect. The committee should sit down and go over a few minor items. **Councilman McEachron** said fire response and fire extinguisher training were two of the items.

Councilman McEachron said Kirk Woodcock, Highway Superintendent wanted to speak about a couple of items. **Highway Superintendent Woodcock** said he has spoken to all of the board members. There is an issue with the foremen taking town vehicles home. There is a separation between town board and the highway superintendent's position under New York State Law. He said he spoke to legal counsel at the Association of Towns.

Highway Superintendent Woodcock said there is some concern about the foremen taking a vehicle home for emergencies. It was designed many years ago. As superintendent, he said he covers the west side of town. Frank Holden covers the north side of town. Rich McCane covers the east side and Mike Monroe covers the south side of town for emergencies. The town is covered 24/7 for all emergencies. It has worked and worked well. There has been conversation that this is an abuse or it is costing a lot of money. The foremen are about three miles from their homes. They carry equipment in the vehicle to handle emergencies. One of the big issues is the safety and the liability of the residents of this community. We respond to when we have to. There isn't a project that the highway department hasn't assisted in, the helipad at the Wilton Fire house, the Wilton Emergency Squad, the Splash Park and many more at the request of the town board.

Highway Superintendent Woodcock said he spoke to legal counsel at the Association of Towns. There has to be a separation between town boards and highway superintendents. The policies the town board might put in place for general fund does not necessarily apply to the highway department. He said he was waiting to see if the board has made a decision about discussions last week.

Councilman McEachron asked how many times does a foreman go out and take a tree out of the road. **Highway Superintendent Woodcock** said the town comptroller has charge of payroll. He has all of the records so you have to go to him. **Councilman McEachron** asked how many times has a foreman gone out and removed a tree from the road in the middle of the night. **Highway Superintendent Woodcock**

said many times. **Councilman McEachron** said if you have a foreman who shows up at a site with a tree across the road, what happens. **Highway Superintendent Woodcock** said he protects the scene. **Councilman McEachron** said at that time is a crew called in or does he call another foreman? **Highway Superintendent Woodcock** said he can call in whoever he chooses to call in to make the site safe. **Councilman McEachron** said he was told they were doing their own cleanup with one pickup and one person, removing a tree unprotected against traffic. **Highway Superintendent Woodcock** said he is not going to address a bunch of lies with the town board members. **Councilman Lant** said it would be up to the superintendent to know how many times the foreman go out. 99% of the emergencies in the town activate the fire departments. The fire departments were activated for the storm two weeks ago. **Highway Superintendent Woodcock** said there was an incident on Route 9 and there was nobody available at the fire house. It is a state highway. **Councilman McEachron** said at that incident, the state requested the Town of Wilton. The highway department volunteered to go and then complained on site about what had to be done for the fire department. If you didn't want to do it, all you had to do is tell the state you were too busy. **Highway Superintendent Woodcock** said he spoke to the deputy chief and solved the problem.

Deputy Supervisor Streicher said he wanted to know if the highway superintendent has to follow town policy. **Councilman McEachron** asked who owns the trucks. **Councilman Lant** said the taxpayers own the trucks. **Highway Superintendent Woodcock** said you can say what you want about who owns the trucks and you're probably right. There is a separation between town boards and highway superintendents.

Councilman McEachron said the personnel policy was updated to include one foreman can take one truck home. Right now, there are three foremen taking three trucks home. Highway Superintendent Woodcock is requesting this changed back and by law he can allow for three trucks to go home. **Attorney Schachner** said the general proposition under state law does supersede any local policy. The highway superintendent does have control over the highway department equipment. Separation that the highway superintendent is referring to exists on some issues but not all issues. The best example is Highway Law Section 142 subdivision A is directly above the section the highway superintendent distributed. When the highway superintendent wants to purchase equipment, the section includes "with the approval of the town board". There is an example of a function where there is not the separation spoken about. It is a mutual approval required by the highway supervisor and the town board. The general proposition of state law regarding the use of equipment, the highway superintendent has control over the use of the equipment. **Supervisor Johnson** said the personnel policy was updated to allow one foreman to take one truck home. Previously, all three foremen took a truck home. The new policy allows for one foreman with a vehicle to be on call and they can alternate who takes a truck home. **Councilman Lant** said they could take turns or the senior foreman could take the truck home. He said he was elected to watch over taxpayer's money and believes it is a waste of money. Most emergencies, 99% of them, are answered by the two fire departments. For the next six months the emergency calls should be tracked and then looked at again. **Highway Superintendent Woodcock** said he was going to go along with the advice of the town counsel and with the two attorneys at the Association of Towns. As this time, the highway department is going to be run according to state law and the state law says *"All tools, implements and other highway equipment owned either by the town or the highway districts therein, shall be used by the town superintendent in such manner and in such places in such towns as he shall deem best. They shall be under the control of the superintendent and be cared for by him at the expense of the town"*. That law is written by New York State and cannot be changed by this town.

Supervisor Johnson asked Attorney Schachner if the law is something that needs to be researched and is the town is wrong in changing the policy of foremen taking home vehicles. **Attorney Schachner** said the

town could lawfully restrict or prohibit personal use but can't lawfully tell the highway superintendent how, when or where the equipment, owned by the town, can be utilized for highway purposes.

Attorney Schachner said he has not seen the personnel policy but from what is being said, it would be his advice not to restrict the highway superintendent's ability to utilize the equipment for work purposes. If the board would like to curtail personal use, they can. **Supervisor Johnson** said he would like counsel to look at the personnel policy and report back to the board.

Comptroller's Report

1.) July 2016 Cash Disbursements

General Fund	\$483,055
<u>Highway Fund</u>	<u>531,166</u>
Total	\$1,014,221

2.) 2016 Budget Transfers and Budget Amendments

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

RESOLUTION #139

NOW, THEREFORE, BE IT RESOLVED, to approve the 2016 budget transfers and amendments requested for and listed in the Comptroller's 9/1/2016 report (attached) to the Town Board.

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

3.) Personnel

a.

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

RESOLUTION #140

NOW, THEREFORE, BE IT RESOLVED, to accept Ray Holden's resignation from the Highway Department position of MEO, effective August 8, 2016.

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

b.

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

RESOLUTION #141

NOW, THEREFORE, BE IT RESOLVED, to approve the hiring of Tyler Sarro into the vacant full time MEO position at a base rate of \$16.98/hour with benefits, effective August 22, 2016.

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

c.

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

RESOLUTION #142

NOW, THEREFORE, BE IT RESOLVED, to approve the request for Richard Washburn to be assigned to the Court Security Part Time-Competitive position at an hourly rate of \$30/hour with a minimum of 3 hours on each court night, effective immediately.

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

4.) LED Lighting for Gavin Park

Mr. Reale said John King and Kim Brock had National Grid at the Park to do an analysis on converting over the lighting at Gavin Park to LED lighting. There is grant money available. It was done in the highway garage a few years ago and we saved a lot of money. The total project cost is about \$37,000. After the grant it will be about \$19,000 with the town's cost at about \$17,000. If the board approves the project, the town would make up the money over 20 months.

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

RESOLUTION #143

NOW, THEREFORE, BE IT RESOLVED, to approve the LED project at Gavin Park.

BE IT RESOLVED, to approve a \$12,000 budget transfer from A1671.4 to A7110.4.

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

NOT ON THE AGENDA

Highway Superintendent said Bonded Concrete on Blue Lupine Lane is building a new structure. They had about 3,000 yards of crushed concrete. They called and asked if we would like it. It is material used in the shoulders of the road. We picked it all up today. The cost is about \$7 a ton and all we had to do is haul it. There is no connection with Bonded Concrete. We did the same thing with stone dust from Pallette. **Councilman McEachron** asked what would happen if one of the town trucks backed into someone while loading on private property. **Highway Superintendent Woodcock** said we loaded our own trucks.

Councilwoman Klepetar said our Assistant Assessor, Tina Weber, has been with the assessment office for 22 years. She has now successfully satisfied the qualifications standards to become a state certified candidate for assessor should a position open either here or anywhere else in New York State. A formal request must be made by the applicant to New York State to review all experience and course records. A cover letter may be included and signed by the town board where the applicant is currently employed, by a department head or by a potential employer, but none of these is required. To show support of the candidate, it would make sense for the town board to sign this request for the state to review her qualifications.

On a motion introduced by Councilwoman Klepetar, the board adopted the following resolution:

RESOLUTION #144

NOW, THEREFORE, BE IT RESOLVED, to support, by way of cover letter, an official request to the State of New York, on behalf of Tina Weber, asking for the applicant's qualifications to be reviewed.

The adoption of the resolution was seconded by Councilman McEachron duly put to a vote, Councilwoman Klepetar, Councilman Lant and Councilman McEachron were in favor. Supervisor Johnson and Deputy Supervisor Streicher were opposed. The motion passed 3-2.

Deputy Supervisor Streicher said he voted no because he asked Ms. Weber to go to her supervisor first and have her look it over and have her sign it. If her supervisor wouldn't sign it, he said he would want to know why and then he would sign it. **Supervisor Johnson** said his review of Tax and Finance Laws is that the cover letter is a request for qualifications by the municipality that is seeking to employ a

particular individual for the position. He said he hopes Ms. Weber has met the qualifications and will be certified. He said a letter from the town board is not going to change the fact that she is either qualified or not qualified and has met the educational requirements or not. **Supervisor Johnson** said, in his opinion, the letter isn't necessary. **Councilman McEachron** said it may not be necessary but it does look good.

Adjournment

On a motion introduced by **Councilwoman Klepetar** and seconded by **Deputy Supervisor Streicher** with all board members in favor, the meeting was adjourned at 7:45 p.m.

Respectfully Submitted,

Susan Baldwin, Town Clerk

Supervisor, Arthur Johnson

Deputy Supervisor, Steve Streicher

Councilman, John Lant

Councilman, John McEachron

Councilwoman Joanne Klepetar