

TOWN OF WILTON

22 TRAVER ROAD

WILTON, NEW YORK

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Susan E. Baldwin, Town Clerk

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11/5/2015 7:00 P.M.

Public Hearing:

Preliminary Budget 2016

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

PLEASE TAKE NOTICE That the Town Board of the Town of Wilton, New York, County of Saratoga, will hold a public hearing on the Preliminary Budget for the Town of Wilton for the fiscal year beginning January 1, 2016.

SAID PUBLIC HEARING will be held on Thursday, November 5, 2015 at 7:00 p.m. at the Wilton Town Hall located on 22 Traver Road in said town at which time all persons will be given an opportunity to be heard.

SAID PRELIMINARY BUDGET will be completed and filed in the office of the Town Clerk of the Town of Wilton at 22 Traver Road where it may be examined by any interested person during regular business hours.

IN ACCORDANCE WITH TOWN LAW, SECTION 108, PROPOSED SALARIES OF TOWN OFFICERS ARE LISTED BELOW:

Supervisor \$24,990

Councilman (4) (each) \$13,366

Highway Superintendent \$72,971

Town Clerk/Tax Receiver \$55,162

Town Justice (2) (each) \$33,238

BY RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WILTON

At 7:00 p.m., Supervisor Johnson called the public hearing to order.

Supervisor Johnson said since the budget was introduced at the last meeting the town board had a workshop. There were some minor changes totalling approximately \$7,000 added to the budget.

There were no comments.

Supervisor Johnson closed the public hearing at 7:02 P.M.

REGULAR TOWN BOARD MEETING-November 5, 2015

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

Pledge of Allegiance

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

Roll Call

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

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

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

Public Comment Session

There was none.

Approve Pending Minutes

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

RESOLUTION #162

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the October 1, 2015 meeting, as typed.

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

2016 Preliminary Budget

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

RESOLUTION #163

NOW, THEREFORE, BE IT RESOLVED, to approve the 2016 preliminary budget with the amendments.

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

Councilwoman Klepetar apologized because she was away during the workshops and missed the whole process. She said she had a few questions and the first one is regarding snow removal and asked if the amount was for town hall or additional snow removal. The amount was over \$300,000. **Councilman Lant** said it is for town properties and town roads. **Councilwoman Klepetar** asked if the crossing guard is for Dorothy Nolan School. **Supervisor Johnson** said the town pays a crossing guard to direct the children who live across the street in the mobile home park. **Councilwoman Klepetar** said another item is a \$0 amount for a receptionist. **Supervisor Johnson** said there was a receptionist position but there is no one in it, therefore no funding for it. **Comptroller Reale** said that was correct. The budget line item is still there but not funded. **Councilwoman Klepetar** said the other item was the town clerk line. It went from \$89,000 in 2015 to \$109,000 in 2016. **Comptroller Reale** said the amount is for the part time position. **Councilwoman Klepetar** asked what part time position. **Supervisor Johnson** said the Town Clerk requested a part time person for tax season and other busy times. People come into the building and no one is at the desk. **Comptroller Reale** said we had a receptionist position for years. After the last one left, we felt there wasn't enough work for a full time receptionist. Now we are at a point where we have combined the position of tax receiver and town clerk and we have saved money. The Town Clerk has asked for part time coverage, especially during tax season. The person will sit out front and the hours have not been determined. **Councilwoman Klepetar** asked if the person would mostly be greeting people that come in and usher them where they need to go or answer the phone. The Town Clerk noted the position is being filled to help in the tax office and clerk's office. The person can direct people, as that duty has fallen on our department. The deputy was out for a few weeks during tax season and it was a burden. There is no room for error in the department and we really need the extra coverage. **Councilwoman Klepetar** asked if the person would learn a lot of the things the clerk's office takes care of. The clerk said that was correct. **Councilwoman Klepetar** said that it was fine to leave in the budget but had another thought. She said she would like to volunteer for the position to save the town some money. She said she had time and would like to do it. **Supervisor Johnson** said it could be discussed. **Councilwoman Klepetar** said she would like to talk about it. She said she thought she might volunteer and see what goes on here.

Supervisor Johnson said he would like to thank Jeff Reale, Comptroller and the Town Board for all of their insight and workshop input on the budget. It's a good budget for the residents, with all of the same services with no town tax.

Comprehensive Land Use Plan Update

Supervisor Johnson said the Comprehensive Land Use Plan has been being worked on since last fall. It was a very well thought out committee that was put together. Town Engineer, Ryan Riper was the

Chairman and led the committee with our consultants from MJ Engineering and Jackie Hakes. We are at the final stage where the plan is ready to be adopted. It has been a very open and transparent process. The public had every opportunity to give input as well as town board members. Two of our town board members were on the committee, Steve Streicher and Joanne Klepetar, as well as the other committee members. There are two resolutions, the first being the SEQRA findings.

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

Resolution #164

**Issuance of SEQRA Written Findings and Certification of the 2015 Comprehensive Plan
And Final Generic Environmental Impact Statement**

WHEREAS, the Wilton Town Board is responsible for the preparation and adoption of the Town of Wilton Comprehensive Plan pursuant to Section 272-a of New York State Town Law; and

WHEREAS, the 2015 Comprehensive Plan also serves as a Generic Environmental Impact Statement (GEIS) pursuant to the State Environmental Quality Review Act (SEQRA) and the SEQRA Regulations found at 6 NYCRR Part 617 and the Wilton Town Board, serving as Lead Agency, evaluated the potential environmental impacts of proposed recommendations; and

WHEREAS, on August 6, 2015 the Town Board accepted the Draft 2015 Comprehensive Plan and Draft GEIS from the appointed six-member Comprehensive Plan Committee; and

WHEREAS, on September 3, 2015 the Town Board held a properly noticed Public Hearing on the Draft 2015 Comprehensive Plan and Draft GEIS in accordance with New York State Town Law Section 272-a and the SEQRA

Regulations found at 6 NYCRR Part 617;
and

WHEREAS, on October 1, 2015 the Town Board accepted the Final GEIS in accordance with the SEQRA Regulations found at 6 NYCRR Part 617;

NOW, THEREFORE, BE IT RESOLVED, that the Wilton Town Board hereby issues the attached_written Statement of Findings_for the 2015 Comprehensive Plan and Final GEIS in accordance with the SEQRA Regulations found at 6 NYCRR Part 617.11 and certifies that the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable and that the requirements of 6 NYCRR Part 617 have been met.

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

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

Resolution #165

Adoption of the 2015 Comprehensive Plan and Final Generic Environmental Impact Statement

WHEREAS, the Wilton Town Board is responsible for the preparation and adoption of the Town of Wilton Comprehensive Plan pursuant to Section 272-a of New York State Town Law; and

WHEREAS, on August 6, 2015 the Town Board accepted the Draft 2015 Comprehensive Plan and Draft GEIS

from the Board-appointed six-member Comprehensive Plan Committee and made available for public review on the Town website and at Town Hall; and

WHEREAS, on September 3, 2015 the Town Board held a properly noticed Public Hearing on the Draft 2015 Comprehensive Plan and Draft GEIS in accordance with New York State Town Law Section 272-a and the SEQRA Regulations found at 6 NYCRR Part 617; and

WHEREAS, the 2015 Draft Comprehensive Plan also serves as a Draft Generic Environmental Impact Statement (GEIS) pursuant to the State Environmental Quality Review Act (SEQRA) 6 NYCRR Part 617 and the Wilton Town Board, on November 5, 2015, adopted a written Statement of Findings which certified that the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable and that the requirements of 6 NYCRR Part 617 have been met;

NOW, THEREFORE, BE IT RESOLVED, that the Wilton Town Board hereby adopts the 2015 Comprehensive Plan and Final GEIS.

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

Committee Reports

Supervisor Johnson said on November 21, 2015, there is an event for Viet Nam Vets at the City Center in Saratoga Springs. It is being sponsored by Saratoga County and there is a committee for the 50th anniversary of the Viet Nam War. If there are any vets that have not been contacted please make sure to tell them so they can attend the event.

Councilman Lant said in June, Vito and Elizabeth Trapani of 61 Traver Road were selling their house and had a problem with their leech field. They were told they had to connect into the county sewer but they couldn't afford it. In the meantime, their house caught on fire. They have changed their plans. The insurance didn't pay for everything and they've used a lot of their savings to finish the house. The paperwork the board received states it is recommended to tie into the sewer. The town board should "grandfather" them so they can repair the leech field. The town does more for big businesses than we do for our residents. **Mr. Riper** said the board discussed the problem but the building codes seem to be the issue and Mark Mykins enforcing them. The language may have said "where feasible" it is required to tie in or when you have a failing septic system. **Deputy Supervisor Streicher** said we were cautioned about making comments. **Attorney Schachner** said he thought it was a state building code issue. We need to be careful because the town board has very limited authority to authorize variance from the New York State Uniform Fire Prevention and Building Code. There is a Department of State Variance Board that has that authority. People can avail themselves of that. Under certain limited circumstances, the town board has the authority to meet as the board of health and issue variances from some provisions of the building codes, sanitary sewage disposal code and the like. If the town board would like to do that it requires a hearing and a process that has to happen but not knowing if this falls under the ability to do that. To the best recollection, this is a straight New York State Fire Prevention and Building Code issue. If that is true, the town board does not have the authority to grant the variance. We can find out. **Councilman Lant** said it seems strange the town people don't have any say in their own town. **Councilman McEachron** said he read a letter and thought it said if they put the leech field in the same spot, without making changes, it can be done but if they alter it in any way that is when they would have to tie in. **Mr. Riper** said a leech field location would have to be moved and requires a professionally engineered design. It's called a replacement system. The leech field would have to be relocated but there is the provision, if sanitary sewer is available and feasible to make the connection. **Councilman McEachron** asked if the town board had the authority to waive the fees to tie into the sewer. **Mr. Riper** said that would be Wilton Water and Sewer Authority. **Supervisor Johnson** said this should be deferred to our attorney and it can be looked into to see if the code enforcement officer has some discretion.

Comptroller's Report

1.) August Cash Disbursements

General Fund	\$335,007
Highway Fund	\$190,726
Total	\$525,733

2.) 2015 Budget Amendments

Supervisor Johnson said there was a request for AED in all of the town buildings. **Comptroller Reale** said new AEDs will be placed in the Town Office Building, Highway, Court and the Senior Center. Gavin Park has them. **Supervisor Johnson** said the fire departments and emergency squad have the same type. We are purchasing them through the emergency squad and received a discounted price.

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

RESOLUTION #166

NOW, THEREFORE, BE IT RESOLVED, to approve the 2015 budget amendments requested for and listed in the Comptroller's 11/05/2015 report (attached) to the Town Board.

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

3.) Personnel

a.

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

RESOLUTION #167

NOW, THEREFORE, BE IT RESOLVED, to ratify the decision to promote Tammy Morgan to the title of Senior Clerk, effective October 26, 2015, at a pay rate of \$18.09 per hour.

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

4.) Employee Handbook Update

Comptroller Reale said the town has an employee handbook that each employee receives. It is a large handbook put together by a committee, appointed by the supervisor, a few years ago. Every year, the town provides updates. We are not experts when it comes to labor laws. Nancy Riely has been working with HR Consultants and they have worked for the town on a number of issues. Supervisor Johnson, Nancy Riely and I believe we should consult with HR Consultants to revamp the personnel policy to ensure it's up to code and we are adhering to all of the labor laws and policies. **Councilman Lant** said it protects the town and the employees. **Supervisor Johnson** said there have been many changes with drug policies, CDL policies, sexual harassment and workplace violence. We need to be up to date and follow proper procedures. **Comptroller Reale** noted if the town decides to use HR Consultants, a budget amendment of \$5,250 will be necessary.

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

RESOLUTION #168

NOW, THEREFORE, BE IT RESOLVED, to approve the request to hire HR Consultants for improvements and modifications to the Town's Employee Handbook

FURTHER IT BE RESOLVED, to approve the budget amendment from Contingency (A1990.4) to Personnel (A1430.4) for the professional services estimated at \$5,250.

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

Councilwoman Klepetar asked if this item is something that has to go out to bid. **Comptroller Reale** said professional services do not have to go out to bid. **Councilwoman Klepetar** said she would like to find a person, locally in the Town of Wilton, which does this kind of work. **Councilman Lant** said the town has used the company and he is happy with them. **Supervisor Johnson** said the town has a very good working relationship with HR Consultants. It is a very specialized field and they are in the Glenville. We have been satisfied with their work. **Councilwoman Klepetar** said she thought it was very pricey. **Supervisor Johnson** said everyone thought that at first but when it is broken down by what will be involved and the meetings with staff.

New Capital Project #445 Town Trails Project

Comptroller Reale stated the town was successful in receiving a grant from the county in the amount of \$12,500 for trail work. A new capital project account #445 Town Trails, will have to be set up and the project will start in 2015 and continue into 2016. It will be funded from the grant from the county, in addition to another \$12,500 from the town's traffic mitigation fund. **Supervisor Johnson** said the trails will be on the Bullard Lane property. **Mr. Riper** said the lands were recently acquired and are north of Jones Road and Southwest of Bullard Lane and is approximately 38 acres. We are looking to make a trail connection from the existing trails on the county land, across Bullard Lane and eventually connect to Jones Road and Gavin Park trail systems. The funds will be used to survey the parcel and connect the trails.

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

RESOLUTION #169

NOW, THEREFORE, BE IT RESOLVED, to approve the creation of Capital Project Account #445, Town Trails

FURTHER IT BE RESOLVED, to transfer \$12,500 from Traffic Mitigation monies to Capital Projects Account #445.

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

Deputy Supervisor Streicher asked what the funds would be paying for. **Mr. Riper** said the property has to be surveyed. A pathway will be made, avoiding wetlands, make the trail connections on Bullard Lane and there are some legal issues on Bullard Lane extension. The pathway will be made down Jones Road and make any other existing trial connections, possibly from Camp Saratoga. It is all in the Comprehensive Land Use Plan.

Executive Session

Supervisor Johnson said the board will have an executive session to discuss assessment litigation.

Deputy Supervisor Streicher made a motion to adjourn for Executive Session at 7:32 p.m. The motion was seconded by Councilman McEachron with all board members in favor. The motion carried 5-0.

Deputy Supervisor Streicher made a motion to reconvene at 8:00 p.m. The motion was seconded by Councilman Lant with all board members in favor. The motion carried 5-0.

Dan Vincelette appeared before the board as special counsel for assessment matters. There was a trial for the Wilton Mall litigation which was schedule and began on October 26, 2015 in Ballston Spa at Saratoga County Supreme Court. All parties were represented by counsel including Wilton Mall, Town of Wilton and the Saratoga Springs School District. The parties reached a settlement in principle.

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

RESOLUTION #170

WHEREAS, Wilton Mall LLC and the Town of Wilton are desirous of having certain assessment issues resolved as to property owned by Wilton Mall LLC in the Town of Wilton, and

WHEREAS, a settlement proposal resolving pending tax certiorari litigation was recommended by Daniel G. Vincelette, trial counsel to the Town of Wilton, and reviewed by the Wilton Town Board at its regular monthly meeting, and

WHEREAS, such a proposed settlement would present the parties with an expeditious and economic alternative to further litigation so as to resolve issues between the parties, and

WHEREAS, the Town Board has determined that the proposed settlement is in the best interests of the Town; now

THEREFORE BE IT RESOLVED, that the Town Board does hereby accept a proposed settlement for the 2012, 2013 and 2014 tax certiorari proceedings filed by Wilton Mall LLC with the following terms:

- the 2012, 2013 and 2014 assessed values of the subject property (Parcel No. 153-3-86.111) shall be reduced from \$77,000,000 to \$69,000,000, with Petitioner receiving a refund based upon the reduction, waiving statutory interest; and
- the 2015, 2016 and 2017 assessed values of the subject property (Parcel No. 153-3-86.111) shall be subject to the terms of Real Property Tax Law §727 and remain at \$77,000,000, with Petitioner receiving a refund based upon the reduction, waiving statutory interest, if applicable; and
- The parties agree that the agreed-upon settlement assessed value shall survive any revaluation or update during the years set forth in this resolution.

AND IT IS FURTHER RESOLVED, that the Town Board does hereby adopt this resolution to end the litigation between Wilton Mall LLC and the Town of Wilton as to the above referenced assessment.

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

Adjournment

On a motion introduced by Councilman McEachron and seconded by Councilman Lant with all board members in favor, the meeting was adjourned at 8:03 p.m.

Respectfully Submitted,

Susan Baldwin, Town Clerk

Supervisor, Arthur Johnson

Councilman, John Lant

Deputy Supervisor Steve Streicher

Councilwoman Joanne Klepetar

Councilman McEachron