

**OPEN BIDS: Spec. No. HE-1 (Attachments for Back Hoe)**

**Required Notice to Bidders was legally advertised in the Daily Gazette, the Post Star and the Saratogian Newspapers.**

At 7:03 p.m., Supervisor Johnson called the bid opening to order. The Town Clerk opened and read the one bid received aloud as follows:

|                              |             |
|------------------------------|-------------|
| Nortrax                      | \$19,793.80 |
| 14 Crossing Blvd. PO Box 433 |             |
| Clifton Park, NY 12065       |             |

Supervisor Johnson asked Superintendent Kirklin Woodcock, to go over the bid and get back to the board later in the meeting. He then closed the bid opening at 7:04 p.m..

**PUBLIC HEARING:           Zoning Changes/Subdivision Reg. Changes)**

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

**PLEASE TAKE NOTICE** that the Town Board of Wilton, New York, County of Saratoga, will hold a public hearing to amend Chapter 129-Zoning Regulations and Chapter 109-Subdivision Regulations.

**SAID PUBLIC HEARING** would amend the uses and location of the RB-1 zone and create a new RB-2 zone along Rt. 9 and Rt. 50. It would also change Section 129-115-PUD Regulations to allow 90 days for the Planning Board referral, if used. The Timber Harvesting, Soil Disturbance, and Silviculture Permit requirements would be amended. The Amended Site Plan Approval option would be added to 129-147 – Minor Site Plan Approval. Certifications for Stormwater Management Facilities would be added to chapter 109-35. Miscellaneous changes would also affect Code Sections 109-35J, 109-31, 129-176H, and 129-176M.

**SAID PUBLIC HEARING** will be held on Thursday February 1, 2007 at 7:05 p.m., at the Wilton Town Hall located on 22 Traver Road in said town at which time all persons will be given the opportunity to be heard.

Immediately following the bid opening Supervisor Johnson called the public hearing to order at 7:04 p.m.. The Supervisor asked the Town Clerk to read the public hearing notice aloud, she did so. The Supervisor then explained by using the old zoning maps and the new zoning map what the changes were and where they would take place. The Supervisor then asked Town Engineer Keith Manz, to explain the Harvesting and Silvicultural portion of the changes. **Town Engineer Manz**, explained that they tried to streamline it and make it a little more practical. What we did not have in the timber harvesting, soil disturbance and silvicultural before was notifying adjoining property owners. That will be

required by certified mail when an applicant comes in to get approval. For silvicultural which is a recurring practice of managing normally larger parcels of land by thinning the timber that will require a silvicultural plan and the actual activity overseen by a certified forester. The third thing we are adding for both; timber harvesting, which is a one time permit and silviculture is that they must pledge that their operation are carried out under the permit and they will conform to the best management practices under New York State. Engineer Manz also explained that the differences between silviculture, timber harvesting and soil disturbance. Timber harvesting, soil disturbance is one to five acres, the building department will issue the permit, five acres or up will have to go to the Planning Board for a recommendation before the building department can issue the permit. Silvicultural, anything over an acre the building department can and will issue a permit providing the six items are met. **Supervisor Johnson** explained that one of the changes is that Planned Unit Developments have been deleted from the new RB-2 zone and secondly which is more administrative, was before if the Town Board received a PUD application we were required to pass it on to the Planning Board for comment. This will change, if the Town Board receives a PUD application that it particularly did not care for or did not fit; the board would not pass it on and waste the Planning Board's time. The Supervisor then asked for public comment. **Mr. Gary Hasbrouck**, a Planning Board member, stated that he wanted the board to step back and take some time to think about these changes. There are a lot of property owners up and down Rt.50 and Rt. 9 that have various ideas about what they would like to do with their property. He also stated that the board should wait 30 days and get public input before making a decision. **Mr. Hasbrouck** stated that he did not like the idea of changing the zone to RB-2 thereby eliminating the possibility of a PUD. I think the Town Board should have the prerogative to review things like that, not just stifle it. **Mr. Lawrence LaBelle**, Attorney for Mr. Fitzpatrick stated that he concurred with Mr. Hasbrouck and would like the board to take some time and think about the rezoning. His client has owned property on Rt. 50 for many years and is interested in what will happen to his property if it is rezoned. **Deputy Supervisor O'Connor** asked Mr. LaBelle where Mr. Fitzpatrick's property was located. **Mr. LaBelle** stated it was south of the Biss Farm across from Stewarts on Rt. 50. **Deputy Supervisor O'Connor** explained that from 1974 until a couple of years ago the entire stretch (illustrating on zoning map) south on Rt.50, was zoned for 2 acre residential use. The zoning change we are talking about would allow a lot more than what it had been zoned for the last 40 years. Supervisor Johnson recognized Mr. Louis Yellen a property owner on Rt. 50. **Mr. Yellen** stated that he liked the new proposal because it would bring the zoning back to the way it was, predominately residential use. He stated that there are a lot of homes on Rt.50 and with the regulations that are in effect now, I could sell my property there and someone could put a restaurant up in between the homes on either side I don't think that's proper. Mr. Yellen also explained that eliminating PUD's is an excellent idea. Historically, the only thing PUD's have brought to Wilton is high density development. **Mr. George Vanderploeg** explained to the board that he has a business selling and repairing cars on the corner of Rt.9 and Gailor Rd. He wanted to know if the zoning change would affect him adding on to his business. **Engineer Manz** stated that he thought he could get up to a 100% expansion of a pre existing grandfathered use. **Mr. Frances Coccozza**, a resident on Apple Tree Lane off Northern Pines Rd., explained that he was concerned about all the developments going up in the town. There are four major

subdivisions going up with in a mile of his home. He hoped the Town would consider all the traffic problems and the burdens on the schools. Supervisor Johnson told the audience that the public hearing would stay open for 30 days for public in-put which we would like to receive in writing. **Supervisor Johnson** told the audience that some of the zoning changes would not be voted on tonight. **Deputy Supervisor O'Connor** explained that the changes to the PUD ordinance he wanted to close the public hearing on that issue tonight. **Councilman Gerber** stated that the timber harvesting section can wait. **Councilman Gordon** explained that there are two items that were not mentioned that are more clerical but they do fall under the current road planning and subdivision regulations. One is: We want to adopt a standard for box beam railing in the town especially in the new subdivisions where we need to protect the vehicle from going into the waterways or steep slope area. Second: We need to pass an amendment tonight that where the developments are going you can no longer bury stumps on property where the customer is buying a lot. **Supervisor Johnson** stated that the board would not be voting on the uses of the RB-1 and RB-2 zones tonight. **Deputy Supervisor O'Connor** stated the town tries to avoid conflict in zoning. He illustrated on the map the different rural areas surrounding the town and explained that the town is trying to avoid conflict of uses to make this a place where people want to come to live. **Supervisor Johnson** concluded the public hearing at 7:30 p.m..

**REGULAR TOWN BOARD MEETING**

Immediately following the public hearing, Supervisor Johnson opened the regular meeting at 7:31 p.m..

Before the regular town board meeting Supervisor Johnson introduced Sheriff Brown and Sheriff Salisbury who have been patrolling the town since January 1, 2007. The town had introduced this item in the 2007 budget and contracted with the Saratoga County Sheriff's Department for extra patrols.

**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  
Raymond O'Connor-Deputy Supervisor  
Lawrence Gordon-Councilman  
Ian McGaughey-Councilman  
Charles Gerber-Councilman

Also present were Town Attorney Richard DeVall, Town Comptroller Jeffrey Reale and Director of Planning and Engineering Keith Manz.

**Commendation**

**Commending Karen Brummett**  
**For her community services**

**Supervisor Johnson** asked Councilman Gerber to do the commendation since Ms. Brummett is his neighbor. **Councilman Gerber** told the board that every Saturday morning he sees Ms. Brummett on Bullard Lane and Edie Road picking up debris from the side of the road. It occurred to him to commend her for the dedicated service to the Town of Wilton. I think you exemplify what a good citizen is. On behalf of the Town of Wilton I would like to present you with a plaque commemorating you for your dedicated community services. Ms. Brummett thanked the board.

**Approve Pending Minutes**

**Supervisor Johnson** asked for a motion and a second to approve the pending minutes from the last meeting.

On a motion introduced by Deputy Supervisor O'Connor, the board adopted the following resolution:

**RESOLUTION # 73**

**NOW, THEREFORE, BE IT RESOLVED**, to  
approve the minutes, from the January 4, 2007  
meeting as typed, without amendment.

The adoption of the resolution was seconded by  
Councilman McGaughey, duly put to a vote, all  
in favor.

**Highway Equipment (Award Bids)**  
**Attachments for Back Hoe**

**Supervisor Johnson** asked Superintendent Woodcock if he agreed with the specs.

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

**RESOLUTION # 74**

**NOW, THEREFORE, BE IT RESOLVED**, to accept the bid submitted from Nortrax in the amount of \$19,793.80 for attachments for the Back Hoe.

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

**Zoning Changes/Sub. Reg. Changes**  
**Public Hearing held @ 7:10 p.m.**

Engineer Manz described the changes that would be adopted tonight. They are as follows:

**Subdivision Regulation Changes-Chapter**

**109.** In **109-35** Final Inspection, D. (7), add sentence after "...have occurred." As follows; "A certification by P.E. or R.L.A. that the stormwater management facilities meet the approved plan (or As-Builts, if prepared) are required in all cases."

**109-35J**, add sub-item "(8) all stumps, grubblings, logs and limbs generated from subdivision projects shall be hauled off-site and disposed of properly. Chipping/tub grinding of this material on-site will be allowed in lieu of off-site disposal, if approved by the Planning Board. These grindings shall not be disposed of on any defined open space areas."

**109-31** Road Specifications, J. (1) Add sentence at end, "All guiderails shall be box beam per NYSDOT specifications." Change guardrail to guiderail in first sentence.

**129-176** Standard requirements for specific uses, M. Apartment houses/multifamily dwellings, (1), b. Change 12 to 8 units per an acre.

**129-176, H.** Senior living communities, (5) remove, "..., not to exceed 20% as defined by this chapter." (The building coverage column in all commercial schedules was eliminated, with the site layout being governed only by meeting the parking requirements and the 35% greenspace requirements.)

**129-147** Minor site plan approval, change to “Minor **or Amended** Site Plan Approval.”

**129-115** PUD Regulations, B, change to read; “The Town Board shall refer the application to the Town Planning Board **and the Saratoga County Planning Board (if applicable) for an initial advisory opinion** within **90** days of the date of the application **if, in the sole discretion of the Town Board, the application meets the intent of the PUD Regulations and the Comprehensive Plan.**”

**129-147, A.,** delete (1), (2), & (3) and replace with the following:

**“Minor Site Plan:**

(1) Modifications to the site are clearly minor in nature.

(2) The scope of the review issues is very limited.

**Amended Site Plan:**

(1) An original site plan approval was granted by the Planning Board at an earlier time.

(2) The applicant met all of the applicable conditions required by the original site plan approval.

(3) Construction that has occurred on-site is in accordance with the approved plans.

(4) The scope of the review issues is very limited.”

In CR-2 schedule, footnote 2, change CR-1 to CR-2.

**129-147, B.,** to read “Under the circumstances when the Planning Board finds that only a minor **or amended** site plan review is required, the following submission requirements shall be met:”

Add the following second sentence to 129-147, C., “**For amended site plan, the Planning Board is not required to hold a public hearing.**”

Change 129-147, D., to read, “The following fees shall be required for the minor **or amended** site plan review:” (1), (2), & (3) that follow remain the same.)

On a motion introduced by Deputy Supervisor O'Connor, the board adopted the following resolution:

**RESOLUTION # 75**

**NOW, THEREFORE, BE IT RESOLVED**, to establish the Wilton Town Board as lead agency for SEQR in this Type 1 action and;

**FURTHER BE IT RESOLVED**, to issue a Negative Declaration under SEQR (Type 1 action) for the Zoning Changes/Subdivision Regulations Changes.

The adoption of the resolution was seconded by Councilman McGaughey, duly put to a vote, all in favor.

On a motion introduced by Deputy Supervisor O'Connor, the board adopted the following resolution:

**RESOLUTION # 76**

**NOW, THEREFORE, BE IT RESOLVED**, to accept all the items subject to the public hearing with exception to the issues related to the R-1 zone.

The adoption of the resolution was seconded by Councilman McGaughey, duly put to a vote, all in favor.

**Drainage Basin (Preston Court)**  
**Northern Pines (PUD) (Swift Builders)**  
**Attorney DeVall**

On Attorney Devall's advise to the board. The supervisor asked for a motion and a second to accept.

On a motion introduced by Deputy Supervisor O'Connor, the board adopted the following resolution:

**RESOLUTION # 77**

**NOW, THEREFORE, BE IT RESOLVED**, to accept the drainage basin on Preston Court in the Northern Pines PUD.

The adoption of the resolution was seconded by Councilman Gerber, duly put to a vote, all in favor.

**Committee Reports (If Any)**

**Supervisor Johnson** asked if there were any committee reports. Supervisor Johnson commended Councilman McGaughey for his work on a program called RUOK. **Councilman McGaughey** explained that the Town in conjunction with the Maple Avenue Fire Department, Wilton Fire Department and Wilton Emergency Squad is launching a new program which is designed to assist seniors and folks in town who have special needs during an emergency. It is called RUOK, it is really a network of neighbors helping neighbors. Seniors and residents with special needs can register in this confidential data base no charge and in the event of an emergency, volunteers will take this data base and make calls to make sure these people are ok. If the volunteer determines that there is a problem the appropriate emergency responders will be notified.

**Keith Manz** explained that the bid documents are ready for the salt shed. There is no resolution needed at this time because it is in the budget however, bid packages will be available and are due February 26, 2007, there are two bid packages one for the foundation and one for the structure we will award the bids at the March 1, 2007, Town Board Meeting.

**Supervisor Johnson** explained that he wanted to appoint another committee. The Town has a Code of Ethics, which was first done by Deputy Supervisor O'Connor in 1989. A lot of things have changed and I think it needs to be updated. I am asking Deputy Supervisor O'Connor to once again head that committee to amend the Ethics Law. I would also like to appoint Carol Maynard, Chairman of the Ethics Board Eugene Cole and our Town Attorney Rich DeVall.

**Comptroller's Report**  
**(Including Bills & Transfers)**

**Budget (Final 2006 Transfers)**

On a motion introduced by Deputy Supervisor O'Connor, the board adopted the following resolution:



**RESOLUTION # 78**

**NOW, THEREFORE, BE IT RESOLVED**, to approve the budget transfers requested for and listed in the Comptroller's 2/1/07 report to the Town Board.

The adoption of the resolution was seconded by Councilman McGaughey, duly put to a vote, all in favor.

**Personnel**

**a.) Education (Mark Mykins)**

On a motion introduced by Deputy Supervisor O'Connor, the board adopted the following resolution:

**RESOLUTION # 79**

**NOW, THEREFORE, BE IT RESOLVED**, to approve the request submitted by Mark Mykins to attend the 12<sup>th</sup> Annual Educational Conference in Lake Placid on March 5-8 estimated cost of conference is \$880.

The adoption of the resolution was seconded by Councilman Gerber, duly put to a vote, all in favor.

**b.) Carryover Time (Steve Porto)**

**Comptroller Reale** explained that Parks Director Steve Porto, was due to take a vacation last week but due to employee illness he had to cover the office.

On a motion introduced by Deputy Supervisor O'Connor, the board adopted the following resolution:

**RESOLUTION # 80**

**NOW, THEREFORE, BE IT RESOLVED**, to approve the request from Steve Porto, to carry over to 2007 13.97 hours of vacation time that he was unable to use under those circumstances.

The adoption of the resolution was seconded by Councilman Gerber, duly put to a vote, all in favor.

**Highway Department**

**a.) Budget Amendment (Highway Machinery Equipment)  
(Items for Skid Steer not in estimated budget amount)**

On a motion introduced by Deputy Supervisor O'Connor, the board adopted the following resolution:

**RESOLUTION # 81**

**NOW, THEREFORE, BE IT RESOLVED**, to authorize a 2007 budget amendment in the amount of \$3,100 increasing DA599 Appr. Fund Balance and increasing DA5130.2 Highway Machinery Equipment to purchase items for the Skid Steer.

The adoption of the resolution was seconded by Councilman Gordon, duly put to a vote, all in favor.

**b.) Budget Amendment (Highway Machinery Equipment)  
(Increased amount for Western Star Tractor)**

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

**RESOLUTION # 82**

**NOW, THEREFORE, BE IT RESOLVED**, to authorize a 2007 budget amendment in the amount of \$15,000 increasing DA599 Appr. Fund Balance and increasing DA5130.2 Highway Machinery Equipment due to the new emission requirements set by NYS and new contract pricing on the amount for the Western Star Tractor under NYS contract.

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

**NYS Parks and Recreation Grant**

On a motion introduced by Deputy Supervisor O'Connor, the board adopted the following resolution:

**RESOLUTION # 83**

**NOW, THEREFORE, BE IT RESOLVED**, to accept a grant from the NYS Environmental Protection Fund in the amount of \$100,000. Total budget amount is \$228,270 for the Gavin Park Recreation Improvements EPF-540572-S5 and;

**FURTHER, BE IT RESOLVED**, to authorize the Town Supervisor to enter into an agreement with NYS Parks and Recreation.

The adoption of the resolution was seconded by Councilman Gerber, duly put to a vote, all in favor.

**Wilton Emergency Squad PENFLEX Review**

**Comptroller Reale** stated that he had completed his review of the Wilton Emergency Squad PENFLEX Service Award Program for the 2006 year end. The approved listing and a certified copy of the resolution will then be posted at the squad for 30 days. If there are no changes, it can be sent to PENFLEX. If changes are needed, it will come back to the Board for further approval before it is sent to PENFLEX who will compute and bill the Town for the contributions due for the year ended December 31, 2006.

On a motion introduced by Deputy Supervisor O'Connor, the board adopted the following resolution:

**RESOLUTION # 84**

**NOW, THEREFORE, BE IT RESOLVED**, to approve the Service Award Program list of all 2006 volunteer ambulance workers of the Wilton Emergency Squad, Inc.

The adoption of the resolution was seconded by Councilman McGaughey, duly put to a vote, all in favor.

Supervisor Johnson stated that 2006 annual reports have been filed from the following departments: Planning & Engineering, Building Dept. and the Town Clerk's department.

**McGregor Prison**

**Pat Phillips**, a town resident, stated his concern in regards to the Governor's announcement that he was going to look into the prisons again. We have McGregor Prison some initiatives might be at this time is to be pro-active whether that be a town petition or some discussion or getting assemblyman involved. **Deputy Supervisor O'Connor** stated that Senator Hugh Farley, has already voiced his concern about Mt. McGregor and I have a meeting with him in Albany, next week. **Supervisor Johnson** stated that the last time this was brought up this Town Board passed a resolution in opposition to any closing and at the County level, we also as part of the County Legislative agenda that we brought to our Legislators the closing of Mt. McGregor was also part of that. I think we can at least do those things and get the committee together to be pro-active.

**Executive Session**

**Supervisor Johnson** asked for a motion and a second to adjourn to executive session to discuss a personnel matter.

On a motion introduced by Deputy Supervisor O'Connor, and seconded by Councilman Gerber, the board adjourned to executive session at 8:02 p.m..

On a motion introduced by Deputy Supervisor O'Connor, and seconded by Councilman Gordon, the reconvened the Regular Town Board Meeting at 8:44 p.m..

**Item discussed in executive session**

**Supervisor Johnson** stated that action taken in executive session was the approval of a new position titled "Building Maintenance Supervisor."

On a motion introduced by Deputy Supervisor O'Connor, the board adopted the following resolution:

**RESOLUTION # 85**

**NOW, THEREFORE, BE IT RESOLVED**, to establish a new position titled “Building Maintenance Supervisor” at Grade 7 and;

**FURTHER, BE IT RESOLVED**, to request Saratoga County to approve the established position.

The adoption of the resolution was seconded by Councilman Gordon, duly put to a vote, all in favor.

**Supervisor Johnson:** If there is no other business, I will entertain a motion to adjourn.

On a motion introduced by Deputy Supervisor O’Conor, and seconded by Councilman McGaughey, the meeting was adjourned at 8:45 p.m., all in favor.

Respectfully Submitted,

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Carol Maynard, Town Clerk

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Supervisor, Arthur Johnson

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Councilman, Raymond O’Conor

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Councilman, Charles Gerber

\_\_\_\_\_  
Councilman, Larry Gordon

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Councilman, Ian McGaughey