

**PUBLIC HEARING: Subdivision Regulations Changes
(Alternative Septic Systems)**

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 the Code of Town of Wilton, Subdivision Regulations.

SAID PROPOSED AMENDMENT would amend Chapter 109, Subdivision of Land, Section 109-30, Subsection C. to read as follows, "Alternative septic systems, such as raised (fill)systems, shall not be allowed in Realty Subdivisions [i.e. subdivisions that fall within the jurisdiction of the New York State Department of Health (DYSDOH)]. The Town will now be consistent with NYSDOH's requirement of two feet separation between the bottom of septic adsorption facilities and seasonal high groundwater/bedrock/impermeable layer."

The prior subsection C. stated the Town's four feet requirement, in lieu of NYSDOH's two feet requirement.

SAID PUBLIC HEARING will be held on Thursday, April 5, 2007 at 7:00 p.m. at Wilton Town Hall located on Traver Road in the town at which time all persons will be given an opportunity to be heard.

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, she did so. Supervisor Johnson asked Town Engineer Keith Manz, to explain what the Town would like to do. **Engineer Manz** explained that for that public hearing notice the change is to the prior subsection C. stating the Town's four foot requirement, in lieu of the two foot requirement. But after the public hearing notice was published there was some discussion and there was another change. It is confusing, so I would rather answer any questions anyone has. **Deputy Supervisor O'Conor** stated that under the present code. Let's take DOH first, the two feet of separation between the bottom of septic absorption facilities and seasonal high groundwater/bedrock/impermeable layer under the DOH regulations, does that have to be natural. **Engineer Manz** asked is that for subdivisions? **Deputy Supervisor O'Conor:** That's correct. **Engineer Manz:** It has to be natural otherwise it is called a filled system. If you have to put fill on a lot to get your two feet that's a filled system. **Deputy Supervisor O'Conor:** in a subdivision, according to the definition you described earlier, what is the minimum natural separation that there needs to be. **Engineer Manz:** The minimum is 24 inches. **Deputy Supervisor O'Conor:** If it is only one foot they will not let you put in a fill system, correct. **Engineer Manz:** Right. **Deputy Supervisor O'Conor** stated that under our current code similarly, does that first two feet have to be natural. **Engineer Manz:** Right. **Deputy Supervisor O'Conor:** So our existing code allows you to go to four feet with the second two feet being a fill system is safer and more conservative then DOH's. **Engineer Manz** stated that ours is more conservative.

Deputy Supervisor O’Conor stated that is only in subdivisions of five lots or more where the lot sizes are less then five acres. **Engineer Manz:** Correct. **Gary Hasbrouck**, a member of Planning Board voiced his concerns and would like to see the town get input from the Department of Health and the Department of Environmental Conservation and let them be your guide for drafting legislation for this change. If you go with four foot down to natural ground water and not allow fill systems you are going to take a lot of property right off the map. That will take a lot of people’s property and make it worthless. **Councilman Gordon** stated that the land that is left to develop is extremely wet with a very high fluctuating water table. What four feet does over two feet is give you that much more protection. I truly believe we need that protection and so does the building inspectors and our planning board chairman. I have to lean with the consumer. I can not be worried about someone buying a piece of swamp land and looking at twenty thousand dollar bills. If it shouldn’t be developed, so be it. Councilman Gordon also stated that we have systems in this town that have been engineer’s signatures that just do not work. **Councilman Gerber** questioned the reason why we are being proactive and preemptive with putting in place laws that are more stringent then the Department of Health. I think professionals that put their stamps on it and are willing to say “I’m standing behind this and if there is a problem, my license is in jeopardy”. I think you have to put some credence in that otherwise there is no sense in having a licensed engineer do anything. I would like to get some professionals in involved before we make a decision. After some discussion, Supervisor Johnson closed the public hearing at 7:25 p.m..

REGULAR TOWN BOARD MEETING

Immediately following the public hearing, supervisor Johnson called the Regular Town Board meeting to order at 7:26 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
- Raymond O’Conor – Deputy Supervisor
- Lawrence Gordon – Councilman
- Ian McGaughey – Councilman
- Charles Gerber – Councilman

Also present were Town Attorney Richard DeVall, and Town Engineer Keith Manz, Comptroller Jeffrey Reale was absent.

Supervisor Johnson: I would like to welcome some special guests tonight. We have the Boy Scouts from Troop 70, the American Legion Hall on West Ave. in Saratoga Springs. Supervisor Johnson then introduced the scout master and the scouts by name and asked the scout master to explain what they are working on. The merit badge councilor explained that part of the program is to work on merit badges and they do them on various topics. The one we are working on tonight is Citizenship in the Community. There are certain badges required to become an Eagle Scout, and this is one of the badges. One of the requirements is to attend a public meeting and interview an official, which they will do tonight.

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’Conor, the board adopted the following resolution:

RESOLUTION # 103

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the March 1, 2007 meeting as typed, without amendment.

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

Plaque for Don McPherson (Park & Rec. Comm.)

Supervisor Johnson stated that the Town Board is very fortunate to have volunteers who give back to the community. One of those people is Don McPherson. Don has been on the Park & Recreation Commission for ten years and has served as chairman. He served under very difficult times, the park has grown and expanded tremendously. We have redesigned the park and Don has been instrumental in overseeing all that happen. Unfortunately, Don resigned as of the first of the year and I would like to recognize Don for his hard work in the community. Supervisor Johnson then read the inscription on the plaque and presented it to Mr. McPherson. **Mr. McPherson** thanked the Town Board for everything.

Subdivision Reg. (Changes) (Alternative Septic Systems)
Public Hearing held earlier

Supervisor Johnson asked if there were any further comments. **Councilman McGaughey** stated that he agreed with some of the other comments. This is the right thing to do for the benefit of the consumer. There is really nothing more important than the health and welfare of the residents of the Town. It is a step in the right direction, keep it at four feet. **Councilman Gerber** stated that he agreed there is nothing more important than protecting the health, safety and welfare of the residents. My fear and the reason I will not vote in favor of this at this time. I think four foot is an arbitrary number that has been picked out of the air. After consulting with the Town Engineer, who has agreed that the proposal that was before us on March 14th, was adequate, and identical to Department of Health's standards and my understanding is; that protects the welfare of the residents, protects the rights of private property owners and is a good balance. If there are experts out there that say we need to increase the depth to ground water I will vote in favor of it. I'm not going to vote on this until I talk to those experts. After some discussion between the board members Supervisor Johnson asked for a motion and a second to approve.

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

RESOLUTION # 104

NOW, THEREFORE, BE IT RESOLVED, to keep the four foot rule and not allow filled systems in reality subdivisions.

The adoption of the resolution was seconded by Councilman Gordon, duly put to a vote, all in favor, except Councilman Gerber, who voted against the changes.
Motion carried 4 to 1.

Zoning/Subdivision Reg. (Changes)
Last discussed 3/1/07
Zoning changes-Chapter 129 (Timber Harvesting)

Supervisor Johnson explained that these were previous subdivision reg. changes that we adopted a few months ago. One of the items that had been left out was Timber Harvesting, Silviculture regulations and we needed to modify the language. The board has the latest version. Supervisor Johnson asked for a motion to approve.

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

RESOLUTION # 105

NOW, THEREFORE, BE IT RESOLVED, to adopt Zoning Regulations Changes – Chapter 129 (Timber Harvesting) (See Legislation).

The adoption of the resolution was seconded by Deputy Supervisor O’Conor, duly put to a vote, all in favor. Councilman Gerber abstained from voting.

Ernst Road & Route 9 (PUD)
Tommell & Associates
(Richard Woodcock Property)

Supervisor Johnson explained the board had received a PUD application from Tommell & Associates regarding the Richard Woodcock property. He then asked them to give a brief description of the proposed plan. Mr. Bessler, a representative from Tommell & Associates discussed the Planned Unit Development consisting of a trailer sales and maintenance facility along with approximately 28 rental townhouse units. **Supervisor Johnson** asked if the property was zoned RB-1. **Mr. Bessler:** Yes it is. **Councilman McGaughey** stated that part of the parcel is R-1, correct. **Mr. Bessler:** That is correct. **Supervisor Johnson** asked if the proposed 28 unit density is that based on the acres calculation according to our PUD ordinance. **Mr. Bessler** explained that the density calculation is based on units per acre and that is based on, after you subtract out wet lands, steep slopes plus 20% for interior roadways. We don’t have information at this time on wet lands and steep slopes. **Deputy Supervisor O’Conor**, stated that generally, when we have gotten applications in the past all that data was present and available. My own personal opinion is; this is too rough, there is too much information missing to give you an opinion as to whether or not it is acceptable. **Mr. Bessler** stated that he would like to get a recommendation from the Town Board to go to the Planning Board. **Supervisor Johnson** and the board agreed that it was too early for that recommendation. Supervisor Johnson stated that they needed to draft the local law and they were not even close to being prepared. Supervisor Johnson also stated that in the RB-1 zone multi-family are allowed by PUD. The trailer facility is not something that is allowed in the RB-1 zone. After some discussion, **Deputy Supervisor O’Conor** stated that the precedent we have had in the past with this kind of thing is: If you are going to have a combination of uses, both residential and commercial they would have to be allowed already in the underlying zoning. After some discussion the board decided to take no action (Tabled).

Resolution to expend funds from reserve fund (permissive referendum)

Supervisor Johnson explained that the town has a highway reserve fund and we plan on using \$50,000 of that to purchase highway equipment. That requires a permissive referendum. There is a resolution to expend those funds.

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

RESOLUTION # 106

NOW, THEREFORE, BE IT RESOLVED, to authorize the expenditure of funds from the Reserve Fund for Capital Improvements (Highway Equipment Reserve Fund) as authorized by General Municipal Law, Section 6-c. in the amount of \$50,000.

AND FURTHER BE IT RESOLVED, to authorize and direct the Supervisor of the Town of Wilton to transfer such sum from the Reserve Fund to the (Highway Machinery 200-513.000-500.2 account) for the purchase of highway vehicles.

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

8 Huntington Ct. (Knotek)
Swimming pool in easement
Rich DeVall

Supervisor Johnson stated that this item goes back to last year. We were looking to give some land for an easement for a pool. He then asked Town Attorney Rich DeVall, to explain. **Attorney DeVall** stated that Mr. Knotek has constructed a pool and afterwards there was some concern that they had encroached on a drainage easement that had been depicted on a subdivision map. Attorney DeVall asked Attorney Jim Snyder, Mr. Knotek’s attorney to address the board as to what they want to do. **Attorney Snyder** explained that a resolution was passed allowing the pool in the easement and then the board requested that Mr. Knotek go to a professional and have a professional give an opinion to the board. I have filed with the board a copy of the report from the L.A. Group stating the drainage easement that exists is not needed and that the Town would not need to go onto to property. Attorney Snyder explained that he and Attorney DeVall would work out a plan to remove that easement from the town record and provide the property

back to the property owner. **Supervisor Johnson** stated that that was the plan when we first addressed this last year.

On a motion introduced by Deputy Supervisor O’Conor, the board adopted the following resolution:

RESOLUTION # 107

NOW, THEREFORE, BE IT RESOLVED, to authorize the Supervisor to execute any instrument which might be necessary to alter the easement on 8 Huntington Ct. along the lines of the conception line.

AND FURTHER BE IT RESOLVED to consent to the amendment of the boundary of that easement as set forth in the submission by Mr. Snyder.

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

Amend Local Law No 5 of 1985
(Illegally Parked Vehicles)
Section II to include no parking within
10 feet of edge of pavement including driveways

Supervisor Johnson asked Highway Superintendent Woodcock, to explain the reason to amend the Local Law. **Superintendent Woodcock** stated that he would like the Local Law to contain (including driveways) because people are parking in their driveways to close to the road and it is difficult to plow the roads. Attorney DeVall explained that it should read no parking ten feet from the paved portion. **Supervisor Johnson** stated he would draft the new Local Law and distribute it to everyone. He then set a public hearing for May 7th, at 7:00 p.m..

Building Use & Waive Fees
(Court Room)
Heritage Hunters of Sara. Co.
Joan Cady & Pat Peck

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

RESOLUTION # 108

NOW, THEREFORE, BE IT RESOLVED, to waive the fees for the Heritage Hunters of Saratoga County to use the Court Building for their meetings on specified dates.

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

Weibel Ave. (Road Project)
Kirk Woodcock, Highway Superintendent

Supervisor Johnson asked Councilman Gordon, to explain this item. Councilman Gordon stated that the request for proposals under the state and county bid process allows us to contract without bid and Kubricky came in with a job that is under our budget. That includes that we would do the hauling for the rubble to be taken out and replace the shoulder material as well as the repaving. It comes to actual payment to the contractor of savings of about \$30,000.

On a motion introduced by Deputy Supervisor O’Conor, the board adopted the following resolution:

RESOLUTION # 109

NOW, THEREFORE, BE IT RESOLVED, to waive the purchasing policy in order to complete the striping within the scope of Kuibricky’s work on that project.

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

Eagle Scout Project (Camp Saratoga)
(Waive Building Permit Fee)
Christopher Reepmeyer

On a motion introduced by Deputy Supervisor O’Conor, the board adopted the following resolution:

RESOLUTION # 110

NOW, THEREFORE, BE IT RESOLVED, to waive the building permit fee for Christopher Reepmeyer, a Boy Scout, who wants to build two lean-to's on the Camp Saratoga property as an Eagle Scout project.

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

314 Louden Rd. (Lot 44)
(Waive Building Permit Fees)
Rebuilding Together Saratoga

Supervisor Johnson stated that his group has done projects in the Town before and we have always waived the fees.

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

RESOLUTION # 111

NOW, THEREFORE, BE IT RESOLVED, to waive the building permit fees for Rebuilding Together Saratoga a group who will be building a handicapped ramp at lot 44, 314 Louden Road.

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

Ridge View Estates (Deed)
Rich DeVall

Supervisor Johnson asked Attorney DeVall to explain this item. **Attorney DeVall** explained that Matt Gabryshak who is developing at Ridgeview property and the PUD approved by the Town Board contemplates some property will be deeded to the Town. I told Mr. Gabryshak he should go to the Planning Board to approve his subdivision conditioned upon the Town Board accepting the property as previously conditioned by the Town Board.

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

RESOLUTION # 112

NOW, THEREFORE, BE IT RESOLVED, to direct Town Attorney Richard DeVall, to make sure that the legal technicalities are met and there is a clear title for the open space at Ridge View Estates being dedicated to the Town and also have the Town Engineer Keith Manz, review the documents and;

FURTHER BE IT RESOLVED, to authorize the Town Supervisor to execute all documents.

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

Adopt National Incident Management System
Supervisor Johnson

Supervisor Johnson stated that in 2004, the Department of Homeland Security issued a National Incident Management System, known as NIMS, it requires all local governments to participate and implement the system. Paul Lent, the County Emergency Service Director, is coordinating this with all localities.

On a motion introduced by Deputy Supervisor O’Conor, the board adopted the following resolution:

RESOLUTION # 113

NOW, THEREFORE, BE IT RESOLVED, to adopt in principle that the National Incident Management System will be incorporated in the Town’s Emergency Management Plan.

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

Mutual Aid & Assistance Agreement
Supervisor Johnson

On a motion introduced by Deputy Supervisor O’Conor, the board adopted the following resolution:

RESOLUTION # 114

NOW, THEREFORE, BE IT RESOLVED, to authorize the Town Supervisor to sign the Mutual Aid & Assistance Agreement.

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

Appointment (Emergency Coordinator)

On a motion introduced by Deputy Supervisor O’Conor, the board adopted the following resolution:

RESOLUTION # 115

NOW, THEREFORE, BE IT RESOLVED, to appoint Larry Gordon, to the position of Emergency Coordinator, for the Town of Wilton.

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

Committee Reports (If Any)

Supervisor Johnson asked if there were any committee reports.

Councilman Gordon stated that there are a couple of things: The quarterly report for the exchange under mutual aid for the use of highway equipment. There was no activity during the months of January, February or March. The second thing is be prepared, because we are going to have to relocate the electric service for the Senior Citizen Building to an underground service. Councilman Gordon also mentioned that fishing is great at Scout Camp.

Deputy Supervisor O’Conor explained that after reviewing some revisions we had made and some other communities’ regulations, Attorney DeVall and I had talked about a more simple language type of Ethics Law. Deputy Supervisor O’Conor also explained that he had done some drafting and editing to the present code and asked the Town Clerk to retype and distribute to everyone for review.

Supervisor Johnson asked Park Director Steve Porto, to address the board. **Mr. Porto** explained that May 19th, is Wilton Community Day along with Adopt-a-Soldier, celebrating Armed Forces Day from 12 Noon to eight p.m.. There are some handouts available explaining the events taking place at the park. It will be a lot of fun with food and fireworks at night.

Comptroller’s Report
(Including Bills & Transfers)

Budget (2007 Transfers)

On a motion introduced by Deputy Supervisor O’Conor, the board adopted the following resolution:

RESOLUTION # 116

NOW, THEREFORE, BE IT RESOLVED, to approve the budget transfers for 2007 requested for and listed in the Comptroller’s 4/5/07 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.) Robert Roeckle (OT/Comp hours)

On a motion introduced by Deputy Supervisor O’Conor, the board adopted the following resolution:

RESOLUTION # 117

NOW, THEREFORE, BE IT RESOLVED, to approve the request submitted by Engineer Manz to pay Robert Roeckle, Assistant Building Inspector, for the OT/Comp hours that he has

accumulated to date plus add 20 hours for the 2nd Quarter. Total cost \$2,310 and;

FURTHER BE IT RESOLVED, to transfer \$2,310 from Contingency to cover that cost.

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

b.) Workplace Violence Policy

Supervisor Johnson explained that this is a new State Law that the Town has to have in Place by March 4th.

On a motion introduced by Deputy Supervisor O’Conor, the board adopted the following resolution:

RESOLUTION # 118

NOW, THEREFORE, BE IT RESOLVED, to approve the “Workplace Violence Policy” and have it included as part of the Personnel Manual.

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

Correspondence

Letter from Assistant Building Inspector, Robert Roeckle Re: Subdivision of Johnson’s junkyard.

Letter from Joseph Ritchey, Sara. Co. Comm. of Public Works Re: Speed Limit Request on Wilton/Gansevoort Rd. (not Warranted) Ernst Rd. has two distinct zones. The southern end Of Rt. 9 & Gailor Rd. warrants a 40 MPH speed limit North of Gailor Rd. the road widens and warrants a 45 MPH speed limit.

Town Historian’s 2006 Annual Report to Town Board (filed with Town Clerk)

Wilton Wildlife Preserve & Park’s Quarterly Report submitted to Town Board

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,

Carol Maynard, Town Clerk

Supervisor, Arthur Johnson

Councilman, Raymond O’Conor

Councilman, Charles Gerber

Councilman, Larry Gordon

Councilman, Ian McGaughey