

At 7:05 p.m., Supervisor Johnson called the regular meeting to order.

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 members present:

Arthur Johnson-Supervisor
Raymond O’Conor-Deputy Supervisor
Shirley Needham-Councilwoman
Larry Gordon-Councilman
Charles Gerber- Councilman

Also present: Town Attorney, Richard DeVal, Town Planner, Kate Maynard, Town Engineer, Keith Manz and Town Comptroller, Jeffrey Reale.

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 # 128

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the May 7, 2009 meeting as typed, without amendment.

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

Bike/Pedestrian Pathway

Peter Faith

Supervisor Johnson asked Mr. Faith to give a brief update on the pathway. **Mr. Faith** stated that at the end of April we had a public meeting and received a lot of comments. He addressed some of the issues that had come up along with the updated construction cost estimate as well. He started with the issue of crosswalks, which was the most critical part of the trails. The path is pretty straight forward, but the most critical and biggest safety aspect is making sure people can cross the two town roads safely to get to the path. Mr. Faith explained their recommendations regarding the issues of crosswalks at Carr and Jones Roads such as: Locating and designing the crossings based on the actual travel speeds in the area and providing well signed non signalized crosswalks. There was a recommendation that we provide a crosswalk walk at Northern Pines Road and Carefree Lane to get into the Fairways. We do not have

enough information on speed and sight distance at that location to include that now. Another issue is maintenance cost of this path and we have advanced this project as a paved path not a stone dust path. The reason is, there is less maintenance with a paved path. Mr. Faith explained that the existing paved area will increase by 0.24%. Lastly, the updated cost estimate based on Preliminary Design Plans to be \$300,000 for the first two segments. We also noted that if the McGregor Villas segment is constructed by others, the town's estimate is reduced to \$225,000, which is consistent with the estimates presented in the Feasibility Study. There were more utility conflicts than originally anticipated. There is a need for easements, construction cost easements and permit easements that Engineer Keith Manz and Town planner Kate Maynard will negotiate with the home owners that need to be filed. Also Legal descriptions and maps need to be prepared and filed. There are fourteen easements required. This Design proposal is more than we had presented previously because of those easements. **Supervisor Johnson** asked Kate Maynard to give an update on acquiring those easements. **Kate Maynard** explained that from some residents they had talked to, they had 9 verbal ok's. We will work with each property owner to understand what we are looking at in terms of the public amenities, what impact this will have on them and that the intent of the easement is that their property would not change their property values would stay the same. The easements are very specific in terms of the use as a recreational pathway. The other question was liability. We have worked with Attorney DeVall who created the drafted easement and it states that any legal action that is filed related to the path would come to the town in terms of the municipal policy. Kate Maynard also stated that Maintenance will not be a concern if asphalt is used. We recommend that the town go out once a year for cleanup. **Supervisor Johnson** explained that Mr. Faith's job is pretty much done to date, the next phase would be to move on to final design. Then continue on with the easements. We have the proposal before the board to do that. **Deputy Supervisor O'Connor**, asked Mr. Faith if the town should not wait until we have every property owner nailed down. **Mr. Faith** explained that the project cannot go out to bid until we get all the easements. I think it is prudent to start advancing both at this time. If something needs more effort to secure an easement, we will know that before we put the project out to bid and certainly we can stop. The schedule we have identified is to try and get the project out to bid this fall. **Deputy Supervisor O'Connor** explained that he was a little reluctant to spend the money on designing something that one property owner could be a deal killer on. **Town Engineer Keith Manz** explained that there is a plan B and C over these potential no's, we may have to cross the road, possibly narrow up the path, or move a utility pole. What Kate and I would do is go to the property owners and try to iron that out. **Highway Superintendent Kirklin Woodcock** voiced his concerns regarding pedestrians crossing Jones Road, stating it is not a safe road to cross. **An unidentified resident** who just moved here explained that she was not enthusiastic about the easement. We just bought this property for a lot of money. We are not opposed to the bike path, but we do not like the idea of the easement coming so close to our wall. It would affect other parts of our property as well, our underground water system and various other things. We live on the corner of Jodi Lane. **Engineer Manz** stated that if we want to go forward, I think we should at least authorize task one and two, because that's the utility conflict resolution and the additional design survey and mapping would iron out where the exact property wall is on Carr. After some discussion regarding safety crossing Jones Road, between the residents and the board, the board asked Attorney DeVall to come with a letter of intent for residents to sign off on easements, before a lot of money is invested. **Engineer Manz** suggested the board adopt task one and two and work on the interim document and if residents sign stating they will sign in the future, the details can come out later, once we get all the yeses. **Councilman Gerber** had a question asking Mr. Faith originally after the preliminary design was done we thought we had two easements that we needed. Tonight we are told there are fourteen, without doing hard core on the ground survey work can we definitively say there are not more easements needed. **Mr. Faith** stated that the only way would be if the utility conflict surprises us with what we think we need to do to relocate the utilities. **Councilman Gerber** stated that with all due respect to the contingency plans that

Mr. Manz eluded to, in my mind if one land owner says I am not giving you an easement, if we have to cross the road again you have four road crossings. That would be a total deal killer to me. I think safety is the biggest thing, not to mention the cost. Money is tight everywhere, I know it is coming from mitigation fees but is this is the highest priority use of the mitigation money. Mitigation fees are going down due to lack of growth. The other projects like the Old Gick Road and Route 50 improvements that were recommended in the traffic study, when will those things get done, in my option that is a bigger public safety issue then inviting tons of kids to cross the roads. I believe everything I have been told but in my mind I cannot reconcile the safety thing crossing Jones Road.

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

RESOLUTION # 129

NOW, THEREFORE, BE IT RESOLVED, to adopt part of the Proposal for the Final Design of the Gavin Park Neighborhood Path as follows: Task 1: Utility Conflict, and Task 2: Additional Design Survey and Mapping in the amount of \$11,600.

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

Speed Limit Reduction (Ernst Rd.)

Letter from Dennis Towers

Supervisor Johnson explained that this item was a request for a speed limit reduction between Route 9 and Gailor Road. The request is to reduce to 30 MPH. Since this is not in our jurisdiction we will move this on to the County, then to the state.

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

RESOLUTION # 130

NOW, THEREFORE, BE IT RESOLVED, to request a lower speed limit On Ernst Road between Route 9 and Gailor Road from 40 mph to 30 mph.

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

Hazardous Waste (Resolution)

Authorization to file application for State Assistance

Supervisor Johnson explained that there is a Hazardous Waste Day here at Town Hall in October 17, 2009. Councilwoman Needham is coordinating that. Councilwoman Needham explained that DEC requires a resolution from the Town stating that we are in favor of holding this Hazardous Waste Day.

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

RESOLUTION # 131

WHEREAS, a resolution authorizing the filing of an application for State Assistance from the Household Hazardous Waste (HHW) State Assistance Program and signing of the Associated State Contract, under the Appropriate Laws of New York State.

WHEREAS, the State of New York provides financial aid for household hazardous waste programs; and

WHEREAS, The **TOWN OF WILTON** herein called the **MUNICIPALITY** deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a contract by and between **THE PEOPLE OF THE STATE OF NEW YORK**, herein called the **STATE**, and the **MUNICIPALITY** be executed for such state aid;

NOW, THEREFORE, BE IT RESOLVED BY, The Town of Wilton Town Board

- 1.** That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurance contained in said application is hereby authorized.
- 2.** That Town Supervisor, Arthur Johnson is directed and authorized as the official representative of the **MUNICIPALITY** to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the **STATE**;
- 3.** That the **MUNICIPALITY** agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for the State share of such costs.

4. That five (5) certified copies of this resolution be prepared and sent to the NYSDEC together with a complete application.
5. That this resolution shall take effect immediately.

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

708 Route 9 (PUDD)

Thomas Farone

Last discussed 3/5/09

Approved recommendation by the Town Planning Board

With modification

Approved recommendation by Saratoga County Planning Board

With comments

Supervisor Johnson explained that this item had been before us in March, since then it has been referred to the County Planning as well as the Town Planning Board. The Town Planning Board gave a positive recommendation with a density modification and the County planning Board also recommended approval we are not looking for action tonight only to set a public hearing. Gordon Nicholson is here and there has been some revision to the plan since we last discussed it. He then asked Mr. Nicholson to discuss those revisions. **Mr. Nicholson**, from Environmental Design Partnership, LLP explained the revisions as follows: **1.** density has been reduced from 54 to 46 units. The density on the 6.328 acres of net buildable area in the RB-1 zone is 7.27 units per acre. **2.** The eastern 4.0 acres of the site in the R-1 zone will remain forever wild as deed restricted open space. **3.** The architectural style of the units will be identical to the units constructed in phase I of the Saratoga Heritage Apartment project. **4.** Thomas J. Farone and Son will use long term quality building materials that "stand the test of time." **5.** The residential units are centralized in the site and the garage units have been relocated along the side property lines where they screen adjoining lands from noise and headlights. **6.** The plans depict as shade tree lined boulevard entrance from US Route 9 with monument style project identification signage and period street lighting. **7.** The resident parking is located as close to the front of the units as possible for handicap accessibility and seasonal considerations. **8.** An earth berm with a double row of evergreen plantings is proposed to screen the residential land use that is adjacent to the northwest corner of the site and the site entrance. **9.** The existing vegetation along the property lines will be preserved to maintain the established site character in the neighborhood including the lands of Sodemann and Johnson. **10.** A pedestrian and or a vehicular access corridor is proposed to the property line adjacent to Mountain Ledge Commercial Office Park to facilitate connectivity between the existing McGregor Village Apartments, the previously approved future development at the Mountain Ledge Commercial Office Park and the proposed project. It should be noted that the site layout that has been depicted to date does not result in any disturbance to wetland corridors along the southern property line that are within the jurisdiction of the United States Army Corps of Engineers and that this pedestrian and or vehicular connectivity if required may result in disturbance. **11.** The project includes a central green area containing a gazebo for passive recreation interests of the residents. **12.** The applicant has also committed to compile traffic impact studies to confirm adequate sight distance and the potential impact of the proposed project on the surrounding highway system. The board set a

public hearing for July 2, 2009 at 7:05 p.m.. **Councilman Gordon** explained that he wanted the applicant to know how he feels about the project and what the solution might have to be. He went through the minutes of the Planning Board and read the letters that came in and they basically said “the use is fine but the density is too high, they are looking for a lower density.” You have a Planning Board who spent a lot of time on to work on this. They would like to see the density even lower, He then brought up the Comprehensive Plan and the zoning changes that were made and stated he would vote no on this. **Supervisor Johnson** explained that we can deal with the issues next month.

Reappointments (Park & Rec. Comm.)

Kenneth Bishop

John Rossner

Terms to expire 6/30/09

New Terms 7/1/09-6/30/12

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

RESOLUTION # 132

NOW, THEREFORE, BE IT RESOLVED, to reappoint Kenneth Bishop to the position of member of the Park and Recreation Commission new term 7/1/09-6/30/12.

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

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

RESOLUTION # 133

NOW, THEREFORE, BE IT ERSOLVED, to reappoint John Roessner to the position of Chairman of the Park and Recreation Commission new term 7/1/09-6/30/12.

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

Receiver of Taxes (LL No. 3 of 2009)

Abolish Elected Office & transfer duties to Town Clerk’s office

Supervisor Johnson explained that the board has discussed this issue before. Terri Baker has been receiver of taxes for a long time and now she is retiring. We had decided that for efficiency purposes and for convenience of residents we like to put that duty of collecting taxes under the Town Clerk. Carol has been working with Terri for the last two years to learn the position. So what we need to do is

eliminate the elected position. People could come in any work day during business hours and pay their taxes to Carol or her deputy. This requires a Mandatory Referendum and will be on the ballot for November. The first step is to pass a Local Law. **Highway Superintendent Kirclin Woodcock** asked the Supervisor if we could do a proposition at the same time to change the elected positions of Supervisor, Town Clerk and Highway Superintendent to a four year term instead of a two year term and have it on the ballot. **Supervisor Johnson** stated that he had not thought about it. That will take a separate local law. We will discuss it again before November. The board set a public hearing for July 2, 2009 at 7:00 p.m..

Committee Reports (If Any)

Supervisor Johnson asked if anyone had any committee reports.

Historic Properties and Economic Development

Deputy Supervisor O’Conor stated that he was continuing to work on the Historic Properties and the Assessment incentive for that. We will have something for the board next month. Kate Maynard and I had a meeting with the L.A. Group on the Economic Plan for Exit 16 and 15. We have gotten a lot done; a lot of mapping there is an expansion of scope that Kate and I agreed needed to go into the document. We have been drafting some of that stuff ourselves and the L.A Group is doing some additional work at no additional cost. We will have something on that for the next meeting.

Supervisor Johnson stated he had a couple of announcements. First; as chairman of the County Board, Saturday I am hosting a Tails of the Trails Day at the Saratoga National Park in Stillwater. Second; the Elks Parade on the 13th at 11:30 on Broadway in Saratoga.

Comptroller’s Report
(Including Bills & Transfers)

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

RESOLUTION # 134

NOW, THEREFORE, BE IT RESOLVED, to approve the 2009 budget transfers and amendments requested for and listed in the Comptroller’s 6/4/09 report to the Town Board and;

FURTHER BE IT RESOLVED, to approve the Highway Fund Budget Amendments requested for and listed in the Comptroller’s report regarding the Bike Path (Task 1 & 2).

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

Personnel

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

RESOLUTION # 135

NOW, THEREFORE, BE IT RESOLVED, to approve the request submitted by Kathy Austin to attend the Annual Seminar on Appraising at Cornell University from July 13-17, 2009 in the amount of \$1,300. This course provides CE credits.

The adoption of the resolution was seconded by Councilwomen Shirley Needham, duly put to a vote, all in favor.

Procurement Policy Update

Comptroller Reale explained that in the board packets was the procurement policy for the board’s discussion or approval. There are a few changes to it; one is increasing the amount for a purchase order, the current amount is \$1,000 this would increase it to \$1,500. The other change is the verbiage was taken out and a table, that is a lot easier for department heads to read, was put in. The last one is a mandate by the State listing all the departments would be responsible for procurements of their departments. **Councilman Gerber** suggested that he would like to wait until after the department head meeting to see if anyone has any input. After some discussion, Comptroller Reale requested that the board adopt the mandate by the State, which is Section VII that went into effect January 2009.

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

RESOLUTION # 136

NOW, THEREFORE, BE IT RESOLVED, to approve the mandated change to the General Municipal Law (Section VII) of the procurement policy and defer the other changes until next month.

The adoption was seconded by Councilman Needham, duly put to a vote, all in favor.

Highway

Comptroller Reale explained that at the last board meeting the board approved funding for the Corinth Mountain Road. Larry Gordon, Keith Manz and Marc Miligiore from NYDEC agree that this was an emergency situation, so the board should amend resolution #120 to declare that.

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

RESOLUTION # 137

NOW, THEREFORE, BE IT RESOLVED, to amend Resolution # 120 to declare that the funding for the Corinth Mountain Road was indeed an emergency for procurement purposes.

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

Informational

Town's Independent Audit

Comptroller Reale stated that the audit has been completed by Cusak and Company and filed with the Town Clerk and the NYS Office of the State Comptroller. There were no audit findings by the auditors for this period of review.

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

On a motion introduced by Deputy Supervisor O'Connor, and seconded by Councilman Gordon, the meeting was adjourned at 8:35 p.m., all in favor.

Respectfully submitted,

Carol Maynard, Town Clerk

_____ Supervisor, Arthur Johnson

_____ Councilman, Raymond O'Connor

_____ Councilman, Charles Gerber

_____ Councilman, Larry Gordon

_____ Councilwoman, Shirley Needham