

PUBLIC HEARING: Receiver of Taxes (Local Law No. 3 of 2009)

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 adopt a Local Law known as Local Law No. 3 of 2009, to abolish the elected office of Receiver of Taxes.

SAID PROPOSED LOCAL LAW, pursuant to the provisions of the Municipal Home Rule Law; would abolish the elected office of Receiver of Taxes and transfer the duties to the Town Clerks office.

This Local Law is SUBJECT TO MANDATORY REFERENDUM.

SAID PUBLIC HEARING will be held on Thursday, July 2, 2009 at 7:00 p.m., at the Wilton Town Hall located on 22 Traver Road in the town at which time all persons will be given the opportunity to be heard.

BY RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WILTON

At 7:05 p.m., Supervisor Johnson called the first public hearing to order and asked the Town Clerk to read the public hearing notice aloud, she did so. Supervisor Johnson asked if anyone had any comments regarding this local law. There were no comments. Supervisor Johnson then closed the first public hearing at 7:06 pm..

PUBLIC HEARING: 708 Rte 9 PUDD (Local Law No. 4 of 2009)

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 of Wilton, New York, County of Saratoga, will hold a public hearing to adopt a Local Law amending the Code of the Town of Wilton. Providing the Creation of a Planned Unit Development District (PUDD) to be known as; Local Law No. 4 of 2009, 708 Rte 9 Planned Unit Development District, Town of Wilton.

SAID PROPOSED LOCAL LAW would amend the Code and Zoning Map of the Town of Wilton, as set forth therein by changing from the existing zoning district RB-1 Residential Business District to the newly described area a planned development district known as "708 Route 9, Town of Wilton". The proposed construction of multi-family apartments, will consist of forty six (46) units all two bedroom apartments and six (6) garage buildings. The area of the Planned Unit Development District consists of 12.9 plus or minus acres and is located on the east side of N.Y.S. Route 9, south of the intersection of Worth Road and is known as Tax Map No.s 140.00-1-66.1, 140.00-1-66.2 and 140.00-1-12.112.

SAID PROPOSED LOCAL LAW known as Local Law No. 4 of 2009, may be examined by any interested person in the office of the Town Clerk of the Town of Wilton at Town Hall on 22 Traver Road during regular business hours.

SAID PUBLIC HEARING will be held on Thursday July 2, 2009, at 7:05 p.m., at the Wilton Town Hall at which time all persons will be given the opportunity to be heard.

BY RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WILTON

Immediately following the first public hearing, Supervisor Johnson opened the second public hearing at 7:06 p.m., Supervisor Johnson stated that some concerned residents have signed up at the beginning of the meeting to speak on this public hearing, he then called on the first resident, Mr. Bill Johnson. **Mr. Johnson** who resides at 712 Route 9, explained that he had spoke on this issue before and was not at the meeting to take anything away from anyone else but to maintain a relative statusquo for myself and my family and my property. He has been a resident of Wilton many years and wanted to maintain the peace and quiet and privacy he was used to having. He was here to ask the board for help and he knew the board would do what is best for the town residents. **Supervisor Johnson** thanked Mr. Johnson and the next speaker, Mike Worth to address the board. **Mr. Worth** explained that he wanted to present to the board a letter protesting the change from adjacent property owners. He then mentioned Town Law Section 265, if 20% of the immediately adjacent land owners protest the rezoning it has to go to a super majority. He had called the Department of State and they had told him to present the letter and a map of the property owners who signed it to the board. Mr. Worth stated that he had figured the percentage by lineal feet, stating that Mr. Farone has between 5600 and 6,000 feet of property and the property owners have about 2,400 feet that signed that petition, this works out to be about 42% of the adjacent property owners but, If you do it by acreage, there is approximately 60 acres of total adjoining property around that piece of property. The people that signed that have 19 acres of land between property owners. **Attorney DeVall** stated that he would take a look at all items presented to the board and that Mr. Worth was right, there is a law on the books he would review and get back to the board. **Mr. Worth** stated that he had gone through New York State investigating Planned Unit Development legislations. Most of them state that Planned Unit Development is a creative way to take a certain amount of units, condense them into a smaller area, limit utilities and roadways, with some mixed maybe, residential small business areas. This to me does not seem creative. They took an R-1 zone added an R-B zone where in reality you cannot ask for a PUD, combined them together, and asked for the maximum amount of units to go on the property. That to me is not condensing and making more green space. This piece of property does not conform to the PUD regulations. Mr. Worth also stated that 54 units on that property is excessive. **Supervisor Johnson** asked Mr. Donald Weller the next resident on the list, to address the board. **Mr. Weller** from 70 Worth Road explained that the Town Board, other officials and other people hired by the Town are responsible to implement and defend the Town Ordinances, Town Planning and Town Laws. The Comprehensive Plan in the Town of which the zoning is part of, should be defended in the best interest of the tax payers and residents of the Town. It seems this PUD which Mr. Worth has described is supposed to be used on rare occasions. In the Town of Wilton it is pretty normal to have these PUD's come up. It is a way for developers to get around the Zoning Ordinances. Mr. Weller explained that the Town has to re-evaluate, where they stand on those. He did not think that it was appropriate to have a PUD there. Supervisor Johnson asked if anyone else had any comments. He then recognized Donald Zee consultant for Mr. Farone. Mr. Zee explained that understood a petition has been filed and he had done some calculations that he wanted to present to the Town Board with a tax map showing the parcels within a hundred feet. There are three sections of the Town Law Section 265 which are applicable and it does not go by road frontage, it goes by acreage. **Attorney DeVall** asked Mr. Zee to send him the information on his letterhead. **Mr. Zee** explained that there is 74.25 acres within a hundred feet. He gave the Town Clerk pictures of what the property looks like currently and what is proposed would be an improvement. He also submitted letters from residents that were for the project. Supervisor Johnson went over the revisions that were made from the original PUD legislation that was submitted

and stated that the board would not act on this item tonight but be on again in August. You need to redraft the legislation to incorporate the changes for the August meeting. Supervisor asked if there was any other comments, there were none, he then closed the second public hearing at 7:18 p.m..

REGULAR TOWN BOARD MEETING

Immediately following the public hearings, Supervisor Johnson called the Regular Town Board Meeting to order at 7:18 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
Shirley Needham-Councilwoman
Larry Gordon-Councilman
Charles Gerber-Councilman

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

Proclamation (Commending Nathan Biss)

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

RESOLUTION # 138

NOW, THEREFORE, BE IT RESOLVED, to
approve the following Proclamation:

**COMMENDING NATHAN BISS
UPON ATTAINING EAGLE SCOUT RANK**

WHEREAS, **Nathan Biss** is a member of the Boy Scout Troop 24 of Wilton and recently achieved the rare distinction of the rank of Eagle Scout; and

WHEREAS, an Eagle Scout award honors the scout, his family, his troop and his troop leaders; and

WHEREAS, a Boy Scout is required to complete an Eagle Leadership Service project as part of qualifying for the rank of Eagle Scout; and

WHEREAS, **Nathan Biss** set his goal and completed his plan to lead in the fundraising and organizing of replacement for the back porch roof of the Parsonage of the Schuylerville Methodist Church, the sanding and painting of the fire escape of the church and replaced landscaping timbers in front of the church; and

WHEREAS, it is fitting to recognize the unusual dedication and diligence exhibited by **Nathan Biss** in attaining the rank of Eagle Scout; therefore, be it

PROCLAIMED, that the Wilton Town Board commends **Nathan Biss** for his attainment of the rank of Eagle Scout in the Boy Scouts of America; and, be it further

PROCLAIMED, that the Town Clerk forward a duly inscrolled copy of this Proclamation of Commendation to **Nathan Biss**.

IN WITNESS WHEREOF, We have hereunto set our hands and affixed the Seal of the Town of Wilton this 2nd day of July, 2009.

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

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 # 139

NOW, THEREFORE, BE IT RESOLVED, to
approve the minutes from the June 4, 2009
meeting as typed, without amendment.

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

Receiver of Taxes (LL No. 3 of 2009)
Discussed at the 6/4/09 meeting
Public Hearing held earlier

Supervisor Johnson stated that the public hearing held earlier for Receiver of Taxes was to abolish the elected position of Receiver of Taxes and put that authority under the Town Clerk’s office. Terri Baker is resigning as of the end of the year. Terri has submitted her resignation now so we could put the

paperwork in place because it takes a mandatory referendum to abolish that position. This will eliminate two things; The Town will save money by eliminating a salary and for efficiency purposes make it more convenient for residents to come in on any business day to pay their taxes; that is the purpose of it.

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

RESOLUTION # 140

NOW, THEREFORE, BE IT RESOLVED, to adopt Local Law No. 3 of 2009, (Receiver of Taxes) to abolish the elected position of Receiver of Taxes and transfer the duties to the Town Clerks office.

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

Resignation (Receiver of Taxes)

Terri Baker

Supervisor Johnson explained that Terri Baker submitted her resignation now, so we could put the paperwork in process for the November Ballot. The resignation will not take effect until December 31st of this year.

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

RESOLUTION # 141

NOW, THEREFORE, BE IT RESOLVED, to accept Terri Baker’s resignation. Effective December 31st, 2009.

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

Deputy Supervisor O’Conor stated that Terri Baker had done a great job as Tax Receiver for the past 27 years.

High Rock (PUD) Amendment

Amend LL No. 1 of 2003

Supervisor Johnson asked Nia Cholakis, council for 617 Maple Ave LLC., to address the board. Ms. Cholakis explained that 617 LLC is the owner of the property. It acquired the property from High Rock in 2006. The PUD was created by the Town, LL No. 1 of 2003. We currently have a vacancy within the 12,000 sq. ft. strip center and we have a tenant proposed for that space. That allowed us to go back and take a look at the existing legislation and we find that we are requiring the amendment to the PUD to permit

that particular tenant to go in. As we were reviewing that with the town, we thought it best to evaluate the uses permitted by the PUD. So that for future possibilities, tenants, changing in economic climate would allow us to fully develop the property for the spaces that are there currently. We also thought that this would be the appropriate time to take a look at the space in the back where there is no facility, just macadam, and propose a 15,000 sq. foot additional building for that. The request for the Town to consider would be to expand the uses permit not only for this medical professional who is intended to go into this strip facility, but also allow additional uses in the CR-1 district. That is what this property was located in prior to the PUD. The facility in the back is currently purposed for uses consistent with what else is going on in there. It has been recommended to us to stick with the CR-1 uses by the Planning Board. **Town Planner, Kate Maynard** explained that what we are looking at due to the nature of the auto uses there, have been some concerns regarding fumes, odors, health, safety and welfare. We want to make sure the uses are complimentary, not bringing up other uses, as the site changes. That is why we want to have some further discussion and look at this closely, because of the location of where they are along the Route 9 corridor the C-1, C-2 uses are probably too intense for this area. Looking at the zoning we would like to take a closer look and accommodate the current uses on the site but fit the applicant in moving forward. After some discussion, the board agreed to refer the PUD amendment to the Town Planning Board and set a public hearing for August 6, 2009, at 7:00 p.m..

Historic Preservation Assessment Freeze Provision

Financial Incentives

Amend the Historic Preservation Ord.

Supervisor Johnson asked Deputy Supervisor O’Conor to address the board on this issue. **Deputy Supervisor O’Conor** explained that the board had a copy of the Historic Preservation Ord. and the additions in blue for people who want to conserve historic properties in the Town to get a frozen assessment for up to a ten year period or if they want to make improvements to a historical property, although the improvements might add value to that property it would still remain frozen at the existing assessment for that ten year period. We are trying to get some sort of financial incentives to those who own, want to purchase or want to improve historic properties in the Town. The objective tonight was just to make the Town Board familiar with what we were working on. No action taken.

Municipal Agreement

Hazardous Waste Day

Supervisor Johnson asked Councilwoman Needham to address the board on this item. Councilwoman Needham explained that the Town would send the Municipal Agreement to the three Towns and one Village and have them sign this agreement stating that they are willing to work with us and our Town being lead agency taking over the household hazardous waste collection. Supervisor Johnson asked if this would work as in the past where they reimburse the Town based on the number of people they send down. Councilwoman Needham: “That is Correct”.

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

RESOLUTION # 142

WHEREAS the Town of Wilton has appropriated \$9,000 for the collection and disposal of household hazardous waste within the Town; and

WHEREAS the Town of Wilton has agreed to allow Town of Saratoga, Town of Northumberland, Town of Moreau and the Village of South Glens Falls residents to participate in the Town of Wilton household hazardous waste collection program which has been tentatively scheduled for October 17, 2009 with all Town's being responsible for its fair share of the program's net cost; and

WHEREAS pursuant to General Municipal Law Article 5-G, Section 119 of the Town of Wilton desires to enter into a municipal cooperation agreement with the Town of Saratoga, Town of Northumberland, Village of South Glens Falls and the Town of Moreau relating to the collection and disposal of household hazardous waste; now, therefore, be it

RESOLVED the Town Board of the Town of Wilton does hereby authorize the Town of Wilton to enter into an inter-municipal agreement with the Town of Saratoga, Town of Northumberland, Village of South Glens Falls and the Town of Moreau to participate in Town of Wilton Household Hazardous Waste Day pursuant to the following:

- Town of Wilton will be responsible for the proper administration of the program and will be responsible for the registration process.
- Town of Saratoga, Town of Northumberland, Village of South Glens Falls and the Town of Moreau will reimburse the Town of Wilton its fair share of the net cost based upon the number of residents participating to the total number.

Estimated total net cost of the program to the Town of Wilton will be approximately \$9,000 which has been appropriated in the 2009 adopted budget

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.

Councilman Gordon stated that the Town had received an appreciation letter from B.O.C.E.S, for allowing the students to come over and clear some land at Camp Saratoga.

Deputy Supervisor O’Conor, stated that he and Town Planner Kate Maynard had met with L.A Group again regarding the Wilton Global Job Corporation, the Blue Print for Economic Growth. Looking for some changes to the document, we should have the final draft next week for the next Town Board meeting.

Town Planner, Kate Maynard, explained that a question came up regarding the Smith Conservation Subdivision on Ballard Road. There is an agreement submitted by Mr. Lee Smith, who is requesting a sign be placed on a footpath created by the project, honoring his wife. There is approximately seven acres that will be provided to the Town as a requirement of the Conservation Subdivision. Ms. Maynard stated that Mr. Smith, who conveyed the land to the Town, would like the Town Board to declare; that at any point in the future the property becomes an active recreational use the Town would consider naming the park, trail or preserve in honor of his wife.

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

RESOLUTION # 143

NOW, THEREFORE, BE IT RESOLVED, to approve the agreement submitted by Mr. Lee Smith, regarding the Smith Conservation Subdivision allowing Mr. Smith to erect a sign honoring his wife on a foot path and if in the future the property is utilized as active recreational purposes. The Town would name the park, trail or preserve in honor of Nancy W. Smith.

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

Comptroller’s Report
(Including Bills& Transfers)

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

RESOLUTION # 144

NOW, THEREFORE, BE IT RESOLVED, to approve the 2009 budget transfers and amendments requested for and listed in the Comptroller’s 7/2/09 report to the Town Board.

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

Personnel

a.) Education (Tina Westover)

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

RESOLUTION # 145

NOW, THEREFORE, BE IT RESOLVED, to approve the request submitted by Kathy Austin requesting Tina Westover attend the Annual Seminar on Appraising at Cornell University from July 13-17, 2009 in the amount of \$1,200.

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

b.) Park & Rec. (Kurt Haas)

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

RESOLUTION # 146

NOW, THEREFORE, BE IT RESOLVED, to approve the request submitted by Kurt Haas to work a second job. The hours will not conflict with his regularly scheduled hours.

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

c.) Park & Rec. (Steve Porto)

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

RESOLUTION # 147

NOW, THEREFORE, BE IT RESOLVED, to approve the request submitted by Steve Porto for permission to work a second job. The hours will not conflict with his regularly scheduled hours.

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

Park Department

Comptroller Jeffrey Reale explained that Park Director Steve Porto is requesting the performers be paid immediately following their performance at Community Day. This goes against his policy of paying bills every two weeks. If the board approves Steve’s request it would require my office to cut the checks ahead of time and give to Steve Porto for Disbursement.

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

RESOLUTION # 148

NOW, THEREFORE, BE IT RESOLVED, to approve the payment to the following performers for Community Day:

Tequila Mockingbirds	\$350
Phil Singer	\$255
Soul Session	\$1,000
F&F Production LLC	\$1,800

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

Procurement Policy Update

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

RESOLUTION # 149

NOW, THEREFORE, BE IT RESOLVED, to approve the changes to the procurement policy that was submitted on June 4, 2009.

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

Household Hazardous Waste
(Informational)

Comptroller Reale explained there were some questions whether the Town should piggy-back off the Town of Bethlehem’s bid with Care Environmental without having a municipal agreement however, the law does allow us to do that. Pursuant to CML 103(3) a municipality can purchase from any county within

the state, therefore the Town of Wilton can procure the services of Care Environmental Service under the contract that was awarded by the Town of Bethlehem.

Informational

The Town 2008 Departmental Reviews are completed and are on file in the Comptroller's office.

Deputy Supervisor O'Connor, stated that Comptroller Reale had e-mailed the board members a report regarding sales tax trends for the first four or five months of the year, which showed a decline for every month as compared to the first five months of last year. It might be worthwhile to examine where we are at midyear and if necessary make some changes in the second half of the year so we do not find ourselves surprised by a much larger deficit. **Supervisor Johnson** agreed that was a good idea and thought in July the Town would get an adjustment from the state and hopefully it will be on an upward trend. At that point we will have a pretty good idea as to where we stand.

Wilton Wildlife Preserve and Park submitted their Quarterly Report.

Estates of Northern Pines (Assessment Matter)

Supervisor Johnson stated that he had anticipated many residents from the Estates at Northern Pines being at the meeting. There have been various articles in the newspapers that were misleading regarding erroneous information on some assessment practices in a certain section of town. In anticipation of that he had invited Dan Vincelletto to be at the meeting. Mr. Vincelletto, is the Town's Council, that handles all the Town's tax matters. Mr. Vincelletto explained that assessments on all residential property in the town, is based on market value. What that property would sell for between a willing buyer and a willing seller in an open market. The assessments on residential properties in the town are not based solely upon a five digit code. In 2008 the town conducted a re-valuation. the Assessor at the time was Marge Little. Part of the re-valuation was for Marge to go through and code the neighborhoods in the town. She assigned a five digit code to each of the neighborhoods. The way it breaks down is each one of the codes represents something about that neighborhood. The first digit is 0, which means it is residential, the two neighborhoods that raise an issue is 01111 and 01118. The next three digits after the zero, signifies the school district, which is Saratoga Springs the location of that property. The final one and final eight has to deal with the designation of that neighborhood. What the one at the end means a residential property, an eight at the end, means residential properties in the McGregor Golf area where the market values for the lots are higher than in the over-all subdivision neighborhood of 01111, but less than the higher market valued lots of 01119. That last clause was left out of any explanation in the newspaper. What that designation means is that the assessor had to use her judgment, as far as market value and data. When she plugs a property into TSL program it will pull up three or four comparable properties and looks at those sales, compares them then comes up with a value. It looks at various things; the age of the property, condition, quality, number of rooms, the size of the building and acreage of the lot; compares all of that as factors and groups the neighborhood, 01118. Mr. Vincelletto did some illustrations on how TSL works and explained the resident's options to come in and question their assessment after they were notified of the re-valuation. Marge Little retired in 2008, Kathy Austin took office in 2009. When Ms. Austin came in the system was changed from the TSL software to RPS version 4. This version is used throughout New York State it has more functionality then TSL and serviced better by the state agencies that deal with assessment. Mr. Vincelette explained that by changing the neighborhood class code that one digit at the end is not corresponding to a change in the assessment dollar for dollar. There is some judgment that has to done on the part of the assessor. Ms. Austin has begun to look at some of the data using both software programs. Ms. Austin is aware if this issue now and will review it for the up-coming

2010 roll. This was not a clerical error. It was an exercise in judgment. **Supervisor Johnson** thanked Mr. Vincellette for coming.

Executive Session

Supervisor Johnson stated that the board needed to adjourn to executive session to discuss the sale of town property.

On a motion introduced by councilman Gerber, and seconded by Deputy Supervisor O’Conor, the board adjourned to executive session at 8:30 p.m..

On a motion introduced by Councilwoman Needham, and seconded by Councilman Gordon, the board reconvened the Regular Town Board meeting at 8:55 p.m..

No action taken in executive session.

On a motion introduced by Councilwoman Needham, and seconded by Councilman Gerber, the meeting was adjourned at 8:55 p.m..

Respectfully Submitted,

Carol Maynard, Town Clerk

Supervisor, Arthur Johnson

Councilman, Raymond O’Conor

Councilman, Charles Gerber

Councilman, Larry Gordon

Councilwoman, Shirley Needham