

PUBLIC HEARING: 2010 Preliminary Budget

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 the Town of Wilton, New York, County of Saratoga, will hold a public hearing on the Preliminary Budget for the Town of Wilton for the fiscal year beginning January 1, 2010.

SAID PUBLIC HEARING will be held on Thursday, November 5, 2009 at 7:00 p.m. at the Wilton Town Hall located on 22 Traver Road in said town at which time all persons will be given an opportunity to be heard.

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

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

Supervisor	\$22,387
Councilman (4) (each)	\$13,104
Highway Superintendent	\$65,309
Tax Collector	\$15,525
Town Clerk	\$40,522
Town Justice (2) (each)	\$30,649

BY RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WILTON

At 7:04 **Supervisor Johnson** addressed the board and the audience explaining that as Budget Officer he had presented a tentative budget totaling six million seven hundred thousand dollars. To balance the budget it would take three hundred eighty two thousand dollars of fund balance to balance that budget. One thing that came out of the budget workshops was: the board wanted to have a balanced budget, which meant we did not want to use any fund balance or have no taxes. We would not spend more than our anticipated revenues. So, further reductions had to be made to the tentative budget. There were difficult decisions that were made in these difficult times. Before we get into the public hearing Supervisor Johnson went over the changes that were made at the budget workshops. In the General Fund: In Buildings and Grounds, we delayed purchasing a truck to plow the parking lots. We delayed building a new pole barn that was requested and the seal coating of the parking lot. Supervisor Johnson stated that in his budget, he had proposed a 2% cost of living raise for all full-time employees, which was also deleted from the budget. In the Highway Fund: A truck that was requested, we decided to fund half of it this year and the balance being funded and purchased next year. The net of the changes on the general fund side were ninety three thousand dollars, on the highway side it was one hundred and fourteen thousand-seven hundred. That brings the preliminary budget subject to the public hearing to, six million five hundred thousand dollars. This represents an eleven percent decrease from the 2009 budget. Supervisor Johnson then opened the public hearing for comment. Supervisor Johnson wanted to

dispel any rumors that Town Board is cutting back any work weeks. Those who work 40 hours, will still work 40 hours in 2010, it was never a topic of discussion. **Highway Superintendent Kirklin Woodcock** stated that his department was taking a million dollar hit in 2010. In the 2010 budget, is the part-time, full-time position funded for 2010. **Supervisor Johnson** responded "yes it is". **Superintendent Woodcock** stated that he had a conference with Councilman Gerber regarding the equipment portion of his budget. I am asking the board to reconsider at least one piece of equipment for 2010 and defer the other one to 2011. He brought up the FEMA money received and the surplus the town has in reserve stating some of that money should be used in his department. He then accused the town of balancing the general fund "on the backs of the Highway Department." Superintendent Woodcock also stated that he could not believe the Town Board would not give our employees a raise, even in these hard economic times. This is the backbone of this community. **Building Department Head Mark Mykins** asked the board what it would cost the Town to give a two percent raise. Other towns around us are giving three percent, and some five percent. I am not understanding how a COLA of two percent affects our budget that much overall. **Supervisor Johnson** stated it was thirty seven thousand dollars. Some towns are giving zero as well. **Mr. Mykins** responded by stating that he understood some towns are giving zero, but those towns do not have any surplus and they are in way worse positions then we are. It is hard economic times for the workers as well. Supervisor Johnson asked if there was anyone else who wanted to discuss the budget. There were no comments, Supervisor Johnson then closed the public hearing at 7:18 p.m..

REGULAR TOWN BOARD MEETING

Immediately following the public hearing, 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
Lawrence Gordon-Councilman
Shirley Needham-Councilwoman
Charles Gerber-Councilman

Also present were Town attorney Richard DeVall, Director of Planning and Engineering Keith Manz, Town Planner Kate Maynard and 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 # 185

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the October 1, 2009 meeting as typed, without amendment.

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

2010 Preliminary Budget

Public Hearing held earlier

Supervisor Johnson explained that the board just concluded the public hearing on the 2010 preliminary budget. There is an opportunity before the board votes on the budget to make amendments, He then proposed one amendment for the board to consider. His proposed tentative budget included a two percent cost of living raise for town employees and the step increases that are part of the salary structure. The board deleted the COLA raise, but kept the step increases. The step increases range from two to four percent depending on the person, but only benefitted less than half of our employees. The board agreed to take another look at the salary schedule next year. Supervisor Johnson then stated that he would like to propose for 2010 not to fund the steps but instead give all full-time employees the two percent COLA excluding the executive class and part-time elected officials. He then asked the board to consider that amendment.

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

RESOLUTION # 186

NOW, THEREFORE, BE IT RESOLVED, to approve the two percent raise for all the employees less the executive class and part-time officials.

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

Supervisor Johnson asked the board if anyone had any other amendments to discuss. **Councilman Gerber** explained that he had an item for further discussion. He stated that Superintendent Woodcock called him and they had a lengthy discussion regarding a tandem truck that he wanted to add to his fleet. Councilman Gerber asked Superintendent Woodcock to explain to the board why it is a necessity this year. **Superintendent Woodcock** explained that knowing in the past the Town Board will not fund \$400,000 in one year for two pieces of equipment second, we can save twelve thousand dollars on a 2009 purchase which we will not take until 2010. The third issue is the truck will be put into service as soon as I get it. He went on to say three of his plow trucks are 1990's, they are very old. It is a truck the Town really needs. **Councilman Gerber** stated that he had given this a lot of consideration, I know the cost of breakdowns it is a significant cost. He also stated highways should be the number one focus.

On a motion by Councilman Gerber, the board discussed the following motion:

RESOLUTION # 187

NOW, THEREFORE, BE IT RESOLVED,

Councilman Gerber made a recommendation and a motion that the Town Board authorize taking \$80,000 out of the fund to purchase the tandem truck this year. Councilman Gordon stated that he would second that recommendation for discussion only. **Supervisor Johnson** stated that there was a motion and a second for discussion.

Councilman Gordon explained that when the proposal was introduced in the budget, there was no truck and he made a motion to at least put something in an equipment reserve. It was cut in half and put in \$80,000. Councilman Gordon stated it was important that we consider replacement but we have picked up a new truck every year for the past three years. Councilman Gordon stated that the town put in the \$80,000 with the condition that our Town Engineer, Highway Superintendent and whoever the liaison is for next year sit down and do a plan for replacement for all equipment. A plan for what you need for equipment and have a ten year or an eight year plan. Also with the cuts in the highway mileage you need to have a plan for highway mileage as well.

Supervisor Johnson explained that there was a motion on the floor to fund the tandem truck this year, is there a second to that motion. (No response) Supervisor Johnson stated "no response, motion failed."

Supervisor Johnson asked if there were any other proposed amendments to the budget. **Deputy Supervisor O'Connor** explained that Mr. Mykins made some good points about surplus and brought up what other communities are up against and Superintendent Woodcock made a few good points regarding equipment and we appreciate everyone else's position as well. This is a tough budget season for us. There is a lot of unpredictability in revenues. This past year we had a couple of unanticipated and non-recurring revenue sources had those surprises not come our way and provided that extra revenue we would have been in the hole for \$509,170 that would have had to come out of the surplus. In the tentative budget for 2010 we were \$416, 712 in the hole so from 2009 to 2010 its one million dollars. One of the things we are trying to do by creating a balanced budget, is to make sure that in good times and bad, we are responsible to our employees and all the residents. We need to have a well laid out plan for roads, equipment replacement recreation, buildings and other things, so we can plan out on a long term basis to make sure that we have adequate revenues to pay for all the things residents need. He stated that town's share of pension fund costs is expected to increase dramatically. It's going to get a lot more expensive, a lot more than we've ever seen. **Supervisor Johnson** stated that we need to protect the money we've got, it could dwindle very quickly. We just need to hold back a bit until the economy turns around.

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

RESOLUTION # 188

NOW, THEREFORE, BE IT RESOLVED, to adopt the 2010 Preliminary Budget with the following amendments: approved 2% cost of living raises for the all full-time employees, including elected full-time employees, which is two positions, excluding executive and part-time elected.

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

Supervisor Johnson stated that he wanted to thank all the Town employees, Department Heads and the Comptroller for their help.

Ridgeview Commons (PUD) (Proposed amendment)
G&R Development

Supervisor Johnson asked Matt Gabryshak, contractor for the project, to address the board on the proposed amendment. Mr. Gabryshak explained his proposal for an amendment to the Existing Planned Unit Development. The proposed amendment is to adjust the area of Development Zones 1 and Zone 1A. The objective of the amendment is to increase the acreage of Zone 1A by 1.16 acres, in order to provide for the construction of two additional four-unit apartment buildings and one mixed use building. There will be no change in the overall uses allowed in Zone 1 and Zone 1A, and the units will conform to the originally approved design. The proposed amendments to the layout include locating on 3,000 sf, 4-unit apartment building in the location where the 3,000 sf, maintenance building is currently shown. Adjusting the PUDD Zone line 150 east will provide the area necessary to comply with side setback requirements for this proposed apartment building. The PUDD Zone line adjustment will also provide sufficient area to locate one 3,600 sf 4-unit apartment building east of Apartment Building #10 and maintaining one mixed use building in the location where a commercial building footprint is currently located. After some discussion, Supervisor Johnson stated that the only action that would be taken tonight would be to refer the amendment to the Town and County Planning Boards.

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

RESOLUTION # 189

NOW, THEREFORE, BE IT RESOLVED, to refer the proposed Ridgeview Commons PUDD amendments to the Town and County Planning Boards for review and recommendation.

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

This PUD application was not complete so will be reviewed by the Saratoga County and Town Planning Board in December for their recommendation. Then go back to the Town Board in January.

617 Maple Ave. LLC (Proposed amendment)

AKA High Rock PUD

Nia Cholakis

Supervisor Johnson explained that Nia Cholakis would be late so the board could go to the next item and then go back to this later.

Historic Preservation Assessment Freeze Provision

Ray O’Conor

Supervisor Johnson asked Deputy Supervisor O’Conor to address the board on this item. Deputy Supervisor O’Conor explained that they have been working on this for several months on giving property owners a financial incentive to preserve and improve historic properties in town. They wanted to do this in two ways: one was to give a tax assessment break for someone who purchases historic properties and retains them and also give an incentive to someone who owns a historic property to make improvements to it, increasing its value. But, for the increased value of that property to be phased in over a ten year period, thereby giving them a financial incentive to make those physical improvements to properties designated by our Historic Preservation Board. Deputy Supervisor O’Conor asked Town Planner Kate Maynard to go over the legal aspect of things. Ms. Maynard explained that the only thing to add to the initial intent was the current opting list. Working with Town Historian Jeanne Woutersz, and the Historic Preservation Board on this, the current opting list is folks who were notified that they had ninety days to stay on the list or opt out. Those who stayed on have additional consideration that would remain if they did not make any changes to their property. If they want to demolish for example, they would have to go to the Historic Preservation Board and a certificate of Appropriateness would need to be applied for. It is protecting historical resources in the Town. After going over the specifics of the Local Law and the code changes, Ms. Maynard stated that she and Assessor Kathy Austin would go over each application to see if they qualify. Deputy Supervisor O’Conor thanked the Town Historian Jeanne Woutersz, this was at her initiative, and then thanked the folks at the Wilton Heritage Society and the Historic Preservation Board for being the catalyst for this. He then also thanked Kate Maynard, Town attorney Richard DeVall and Town Assessor Kathy Austin for all their help. The board then set a public hearing for the Local Law and the changes for December 3rd, at 7:00 p.m..

617 Maple Ave. LLC (Proposed Amendment)

AKA High Rock PUD

Nia Cholakis

Supervisor Johnson stated that Nia cholakis, had arrived and asked her to address the board. **Ms. Cholakis** explained that a few months ago in connection with the High Rock Planned Unit Development District and the Town approved an amendment which would allow certain things: one was an addition of 15,000 sf, the way the legislation was drafted stated a 15,000 sf building. After dealing with the Planning Department and the comments related to the building they came to the determination that it made more sense not to have one 15,000 sf building, but to have one 10,400 sf building in this location and a 4,600 sf addition on to the back of the dealership. The amendment would be to change the phraseology in the legislation already approved, not to say a 15,000 sf building, but rather 15,000 of

space. Nothing else has changed. After some discussion Attorney DeVall explained that the board should be have the power to interpret the very laws that it passes. It would not be a change it is the same 15,000 sf. It is the same PUD and the same use.

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

RESOLUTION # 190

NOW, THEREFORE, BE IT RESOLVED, that the Town Board interprets the amended legislation presented to be in substantial compliance with the planned Unit Development legislation.

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

Appointment (Planning Board)

Brett Hebner

To fill Nancy Fleming’s position

Term to expire 12/31/11

Supervisor Johnson explained that at last month’s meeting the board accepted Nancy Fleming’s resignation. There is an alternate Planning Board member process where the members come up through the ranks. Currently Brett Hebner is the alternate and would move up to member. He then asked for a motion and a second to fill that position.

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

RESOLUTION # 191

NOW, THEREFORE, BE IT RESOLVED, to appoint Brett Hebner to fill Nancy Fleming’s position as member of the Planning Board Tern to expire 12/31/11.

The adoption of the resolution was seconded by Councilman Gordon, duly put to a vote, all in favor, except Councilman Gerber who stated: that some of the remarks made by Mr. Hebner in the paper certainly indicated a strong bias and for that reason I will not support that motion. An ideological bias I don’t think is appropriate on the Planning Board.

Deputy Supervisor O’Conor responded by stating that he used to be chairman of the Saratoga County Planning Board and Brett Hebner was a staff member for two or three years and I always thought he did an exceptional job and actually he is one of the few candidates we have that actually has planning experience in that field. **Councilman Gordon** also stated that often times a planning board will arrive at a decision that is not always unanimous and it should not be considered a negative thing it brings out the purpose of opinion and good public discussion. **Supervisor Johnson** asked the board members if they had any other comments or discussion on this item. No discussion.

Councilman Gordon then seconded the motion again, all members in favor, except Councilman Gerber who voted no, Supervisor Johnson stated motion carried four to one.

Cemetery Lots (Dorothy Bloomingdale Bach)

Approval to transfer lots (24)

Jeannine Woutersz

Supervisor Johnson asked Town Historian Jeannine Woutersz to address the board on this item. **Mrs. Woutersz** explained that she had a conversation with the woman who owns the lots in the Old Ellsworth Cemetery. The woman lives in Florida with her family and they are not going to use the lots. She would like the rite to transfer those lots to other people. Mrs. Woutersz stated that she had talked to Attorney DeVall who stated “if she is not going to use the lots they would revert back to the town and the municipality.” Mrs. Woutersz stated that she would prefer match up buyers and sellers and hope the owner can sell to individuals and provide the needed space for other people. **Attorney DeVall** stated that the remarks he will make only apply to the Ellsworth Cemetery which he has researched. The bottom line is the Town of Wilton owns the Ellsworth Cemetery anyone who has a deed there the Town has to respect that, they get to use that for themselves. But as far as selling those lots, they have to get Town approval. A cemetery deed is not equivalent to a Real Property deed. The board should under the Town Attorney’s recommendation send Mrs. Bloomingdale/Bach a message that the Town Board agreed in principal to sell the lots but the Town should be involved with to whom the lots are being sold to and the amount. **Supervisor Johnson** stated that the Town will allow Jeanne Woutersz to facilitate the transfer of the lots to potential buyers but each one has to be approved by the Town Board. **NO ACTION TAKEN.**

Community Reports(If Any)

Councilman Gerber stated that he had gotten a phone call from Steve Porto and currently they have a six wheel plow truck that was a hand-me-down from the Highway Department. There are some mechanical difficulties with that truck now that was discovered after the budget process was completed. The cost would be approximately \$5,000 or \$6,000 to repair the truck. Councilwoman Needham read a letter sent to Councilman Gerber regarding that truck. Councilman Gerber stated that Park Director Steve Porto is convinced that he can get it fixed and make do for this year. **Highway Superintendent Kirklin Woodcock** explained that the truck is all rusted out underneath and went over all the repairs needed. Is it a sound investment to put 5 or 6 thousand dollars in a piece of equipment knowing that if you get rid of it next year you will only get three for it. It is wasted money that was his opinion.

Supervisor Johnson mentioned the Tree Lighting ceremony which is at Gavin Park December 4, 2009, at 6:00 p.m..

Deputy Supervisor O’Conor mentioned that the Town’s Economic Development on Wilton Global Development Corporation in Conjunction with the Saratoga Economic Development Corporation is having a press conference at 1:00 p.m., on Tuesday November 10th, at the Wilton Global Campus.

Supervisor Johnson asked if there was any other reports, no comment.

Comptroller’s Report
(Including Bills & Transfers)

2009 Budget (Transfers & Amendments)

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

RESOLUTION # 192

NOW, THEREFORE, BE IT RESOLVED, to approve the 2009 budget transfers and amendments requested for and listed in the Comptroller’s 11/5/09 report to the Town Board.

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

Highway Department (Truck Purchase)

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

RESOLUTION # 193

NOW, THEREFORE, BE IT RESOLVED, to approve the request submitted by Kirk Woodcock to purchase a used 1996 International 4900 single man bucket truck from Upstate Auto Sales in the amount of \$9,315 and;

FURTHER BE IT RESOLVED, to approve a budget transfer from DA5112.2 (Road Improvements) to DA5130.2 (Highway Machinery) in the amount of \$9,315.

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

Parks Department (Tree Lighting)

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

RESOLUTION # 194

NOW, THEREFORE, BE IT RESOLVED, to approve the request from Steve Porto, to increase A7020.4 account from A1990.4 Contingency account in the amount of \$500 for the Tree Lighting Ceremony at Gavin Park (this was not originally in the budget).

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

Personnel

a.) Kathy Austin (education)

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

RESOLUTION # 195

NOW, THEREFORE, BE IT RESOLVED, to approve the request submitted by Kathy Austin to attend the Manufactured Home Park Valuation Course sponsored by the NYS Assessors Association in Corning, NY on December 4, 2009 in the amount of \$560.

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

b.) Kathy Austin (education)

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

RESOLUTION # 196

NOW, THEREFORE, BE IT RESOLVED, to approve the request submitted by Kathy Austin to attend the RPS V4 Commercial Valuation sponsored by the NYS Office of Real Property Syracuse, NY from November 16-18, 2009 in the amount of \$500.

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

c.) Kathy Austin (Cell Phone)

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

RESOLUTION # 197

NOW, THEREFORE, BE IT RESOLVED, to approve the request submitted by Kathy Austin to have a town cell phone for her use.

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

On a motion introduced by Deputy Supervisor O’Conor, and seconded by Councilwoman Needham, the meeting was adjourned at 8:35 p.m..

Respectfully Submitted,

Carol Maynard, Town Clerk

Supervisor, Arthur Johnson

Councilman, Raymond O’Conor

Councilman, Charles Gerber

Councilman, Larry Gordon

Councilwoman, Shirley Needham

