

PUBLIC HEARING: Historic Preservation Assessment Freeze Provision

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

PLEASE TAKE NOTICE that the Town Board of Wilton, New York, County of Saratoga, will hold a public hearing to adopt Local Law No. 7 of 2009, known as "Historic Preservation Assessment Freeze Provision."

SAID PROPOSED LOCAL LAW would allow for an exemption providing a freeze on assessment for historic properties undergoing rehabilitation for a ten year period, subject to the Historic Preservation Board's approval.

SAID PROPOSED LOCAL LAW would amend portions of the Code of the Town of Wilton by amending the following sections regarding Historic Preservation: **Section 129-15 (d)** (Designation of Landmarks and Historic Districts), **Section 129-16** (Property exclusion provision), **Section 129-17** (Certificate of appropriateness; regulation of any alteration, construction, reconstruction or demolition) **(c)** (Demolition of any structure or building 49 years or older) parts (1 & 2). Specific changes to the above sections are available for review in the Town Clerks office.

SAID PUBLIC HEARING will be held on Thursday, December 3, 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 an opportunity to be heard.

BY RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WILTON

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 if anyone had any comments regarding this local law. There were no comments. Supervisor Johnson then closed the public hearing at 7:03 p.m..

REGULAR TOWN BOARD MEETING

Immediately following the public hearing, Supervisor Johnson called the Regular Town Board Meeting to order at 7:03 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, Town Comptroller Jeffrey Reale, Town Engineer Keith Manz and Town Planner Kate Maynard.

Supervisor Johnson stated that tonight is the last meeting for two board members: Larry Gordon and Shirley Needham. He wanted to thank both of them for their service to the Town. The board really appreciates all the good things you have done for the Town.

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 # 198

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the November 5, 2009 meeting as typed, without amendment.

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

Proclamation

**Commending Andrew Edward Kopf
Upon attaining Eagle Scout Rank**

Supervisor Johnson asked for a motion and a second to adopt this proclamation.

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

RESOLUTION # 199

NOW, THEREFORE, BE IT RESOLVED, to adopt a proclamation commending Andrew Edward Kopf upon attaining Eagle Scout Rank for completing a project at Camp Saratoga.

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

Historic Preservation Assessment Freeze Provision

Public Hearing held earlier

Ray O’Conor

Supervisor Johnson stated that the public hearing was held earlier on the freeze provision that Ray O’Conor and Jeannine Woutersz and others have been working on for several months. Deputy Supervisor O’Conor explained that fundamentally with this change in historic preservation law allows someone to make improvements to historic properties by freezing their assessment for up to ten years. Example: If someone has a home worth \$100,000 and its historic property and you want to put \$100,000 of improvements into it and that would increase its value to \$200,000. The property owner would continue to be assessed only at \$100,000 for the first five years, then starting the sixth to the tenth year it would go up and at the end of the tenth year it would be at full assessment.

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

RESOLUTION # 200

NOW, THEREFORE, BE IT RESOLVED, to approve the change to the Historic Preservation Law.

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

Lighting Ordinance (Draft)

Arthur Johnson

Supervisor Johnson explained that there is a draft lighting ordinance before the board. Over the years we have had certain complaints from residents that they have neighbors that have intrusive lighting shining into their homes and if they call police the Town has nothing on the books that the police could cite the home owner with. The building Inspector, Mark Mykins has drafted a code and the supervisor wanted the board to take a look at and see if it is something that we want to add to our Town Code. **NO ACTION TAKEN.**

Linkage Study application for Exit 16 area

Kate Maynard

Supervisor Johnson asked Kate Maynard to explain how this linkage study is beneficial to municipalities and how they work with comprehensive plans. Kate Maynard explained that a few months ago the town did a TIP application for a project we wanted to have put on the regional list of priorities. That is how projects get funded with Federal and State funds. We are looking at what we called for in the Town’s Comprehensive Plan and our traffic study we pointed on a few critical items that we wanted to make sure we move forward with. So looking at the infrastructure needs at the exit 15 area especially the roads that are projecting out, it’s a blueprint for economic and job growth and calling for functionality, in particular that bridge, the logical next step is to do a linkage study which would allow us to take a very strategic look at the grant application and answer any questions you may have. We will strategize in not covering ground we have already covered and making sure we are exploring things infrastucturally and

that we progress to a point that we could look to a TIP application for future potentially be ready. The minimum for any project is \$30,000 our project is proposed at \$40,000, the match we would be providing if we get that grant. They require a 25% match we put in just over 30% in grant applications which is \$13,500, again, to show our support behind it and potentially get that grant application. **Supervisor Johnson** explained that the match would only come obviously if we are successful in getting the grant. The timing is great especially with the Wilton Global Economic Study encouraging commercial and industrial at Exit 15. **NO ACTION TAKEN.**

Edie Road

Kirk Woodcock

Supervisor Johnson asked Highway Superintendent, Kirklin Woodcock to explain this item. **Superintendent Woodcock** explained that a parking lot was put in regarding the trail system and there is no signage for Edie Rd. to let the motorist know that there is a parking area there. **Supervisor Johnson** stated that this project is a County project so the County would probably pay for the signage.

Louden Road (NOT ON AGENDA)

Kirk Woodcock

The second thing is the problem on Loudon Road, the resident that has the large rocks in the Town right-of-way. I would like the board to do a resolution authorizing the Highway Department to remove these rocks. **Supervisor Johnson** explained that the resident has been notified and given the opportunity to remove the rocks. **Building Inspector, Mark Mykins** stated the he had sent the resident a letter and the resident called Supervisor Johnson and complaining about other areas in the Town where this is a problem. The problem is the size of the rocks, they are large. Mr. Mykins asked Town Attorney, Richard DeVall, if someone hits these in our Town right-of-way are we liable. **Attorney DeVall** stated that's a question that does not need to be answered tonight. **Supervisor Johnson** explained that that the resident is right, there are many instances where there are a lot of other things in the right-of-way besides this resident's rocks. So we need to be prepared to enforce it unilaterally and not just pick on one person. After some discussion the board agreed that Highway Superintendent should remove the rocks.

Reappointment (Zoning Board)

David Towne

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

RESOLUTION # 201

NOW, THEREFORE, BE IT RESOLVED, to reappoint David Towne as member of the Zoning Board of Appeals term to expire 12/31/09, new term 1/1/10-12/31/16.

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

Step Increases/Employee Step & Grade System

Received employee letter to review

Supervisor Johnson explained that last month at the budget hearing the preliminary budget in regards to salaries had a no cost of living adjustment increase in the budget it did in fact have step increases in the budget. The COLA is tied to the index the Town has used over the years but in 2009 was zero. There was no COLA in the budget. After the public hearing this board unanimously amended the budget to give a 2% increase, not a COLA adjustment to all employees and at the same time eliminated or put on hold for one year the step advances until the board has a chance to review the salary schedule and the step system next year. Since that time we received a request from employees to reinstate the step system that we had eliminated. It is open for discussion. **Councilman Gerber** stated that he had circulated a proposal among the Town Board. He had misunderstood the way the step system was being used by department heads. I did not realize it was being used as a management tool to reward good performance, he thought it was an automatic increase for all employees that were eligible. So he suggested the board reconsider reinstating the step program for all eligible employees this years and in fairness to all the other employees since we already told them they would get a 2% increase to give them that increase. The Comptroller has stated it would be a \$12,000 increase to the budget which we could look for that money in other places. **Councilman Gerber:** "that is what I would propose to the board." **Deputy Supervisor O'Conor** stated that a step increase is based on merit for a prior year's service. So it's one thing to look at the step system perspective for next year, but the step is based on the end of year. **Supervisor Johnson** stated that the board is looking at two different things here: Those that were entitled to a step will receive a step increase. Those who are not entitled to a step will get a 2% increase, not both. **Councilman Gerber** stated that it is with the exception of the executive class employees and part-time elected officials from any raise. **Supervisor Johnson** stated that the net budget impact is \$12,043. **Councilwoman Needham** asked where the money would be coming from. **Councilman Gerber** stated he would like the board to look somewhere in the budget to trim the \$12,000 and still balance the budget. **Deputy Supervisor O'Conor** stated he would like to suggest for consideration that if the elected officials would consider taking a 5% reduction in their compensation for next year that would pay for the increase for the steps for the rest of the employees and still have a balanced budget. **Councilman Gerber:** "I like that as long as we are talking about part-time elected officials and not elected officials such as the Highway Superintendent and the Town Clerk I would not be in favor of giving them a cut". **Supervisor Johnson** stated that the board really appreciates all the work the employees and the board is trying to do and what is equitable and fair for everybody and still do what's responsible for the residents and tax payers of the Town.

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

RESOLUTION # 202

NOW, THEREFORE, BE IT RESOLVED, to direct the Comptroller to change the salary schedule for the January meeting to reflect the 2% increase along with the step increase.

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

Contract for Sale of Waller Rd. property

Supervisor Johnson explained that the board had approved the sale of property over between Heritage Way and Waller Road. The land is owned by the Town and was going to be used for a Senior Community Center, which we determined is no longer usable for that so the Town decided to sell the property. The Town attorney has reviewed the contract which is for \$185,000. Town resident Dan Tagliento asked if this was done under a permissive referendum which allows for a 30 day notice, which is the only way a Town can sell property. Attorney DeVall stated the Town was not selling the property tonight we are executing the contract to sell and then we will wait the appropriate period of time. The time for the permissive referendum begins tonight for the next 30 days.

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

RESOLUTION # 203

NOW, THEREFORE, BE IT RESOLVED, to allow Town Attorney Richard DeVall, to approve the contract for the sale of Waller Rd. property and;

FURTHER BE IT RESOLVED, to authorize the Supervisor to execute the contract.

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

Committee Reports (If Any)

a.) Burning Ord.

Supervisor Johnson asked Engineer Manz to discuss the change. Keith Manz explained that the change is required so that our ordinance conforms with the Department of Environmental Conservation guidelines. The board set a public hearing for January 7, 2010 at 7:00 p.m..

**b.) Comprehensive Emergency Management Plan
Councilman Gordon**

Councilman Gordon explained that he had given all the board members a copy of the latest adopted version of the Town's Comprehensive Emergency Plan. This is the procedures the town must act by to be in compliance with both the State and Federal Government and it is also mandatory for any Federal aid that relates to any payments regarding storm damage and other types of natural things that could happen where the public has been affected. The classes will start in February that relate to this.

c.) Tree Lighting

Councilman Gerber stated that the tree lighting ceremony would be at 6:00 p.m., at Gavin Park on December 11, 2009.

NOT ON AGENDA

Committee (appointment)

Supervisor Johnson stated that he had a committee he would like to appoint. The appointment has to do with Camp Saratoga. With Councilman Gordon leaving the board there is some concern that maybe improvements will not continue at Camp Saratoga. The committee I would like to appoint has some interest in Camp Saratoga to kind of oversee and be in an advisory capacity to the Town Board. The committee I would like to appoint would include Larry Gordon, Peter Litchfield, who does all the trail work for cross country skiing and snowshoeing, Mark Mykins, because he is in charge of buildings and grounds, Linda Baker, who is chair of Wilton Wildlife Preserve and Park, and Supervisor Johnson stated he wanted to ask Robert Rice and incoming Town Board member.

Comptroller's Report
(Including Bills & Transfers)

2009 Budget Transfers and Amendments

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

RESOLUTION # 204

NOW, THEREFORE, BE IT RESOLVED, to approve the 2009 budget transfers and amendments requested for and listed in the Comptroller's 12/3/09 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.) Part-time position of laborer (Highway)
Lewis Jenison

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

RESOLUTION # 205

NOW, THEREFORE, BE IT RESOLVED, to appoint Lewis Jenison to the part-time position of Laborer effective November 12, 2009.

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

Tax Collector

Comptroller Reale stated that this item is more informational; Saratoga National Bank for the first time next year will be accepting tax payments on behalf of the Town of Wilton-Tax Collector. The Town Clerk went up and set up the account at the bank so for the month of January only, they will be collecting taxes for the town. There will be a press release and put it on the outgoing message of the tax collectors phone. Also it will be on the Town’s website.

NOT ON AGENDA

Association of Towns

Comptroller Reale explained that because of the travel the Town Board has to approve regarding everyone going down there. I am recommending that; Any Town Board member that wants to go, Either the Planning Board Chairman or his designee, the Zoning Board Chairman or his designee, only one from each board, the Town Supervisor and the Town Comptroller.

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

RESOLUTION # 206

NOW, THEREFORE, BE IT RESOLVED, to approve the following officials to attend the Association of Towns in NYC; any Town Board member, either the Planning Board Chairman or his designee, either the Zoning Board Chairman or his designee, the Town Supervisor and the Town Comptroller.

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

Executive Session (Personnel)

Supervisor Johnson stated that the Town Board had concluded the meeting and would now go into executive session.

On a motion introduced by Deputy Supervisor O’Conor and seconded by Councilman Gerber, the board adjourned to executive session at 8:00 p.m..

On a motion introduced by Councilwoman Needham and seconded by Councilman Gordon, the board reconvened the Regular Town Board meeting at 8:20 p.m..

No action taken in executive session.

Supervisor Johnson asked for a motion and a second to adjourn the meeting.

On a motion introduced by Councilwoman Needham and seconded by Councilman Gordon, the meeting was adjourned at 8:21 p.m..

Respectfully submitted,

Carol Maynard, Town Clerk

Supervisor, Arthur Johnson

Councilman, Raymond O’Conor

Councilman, Charles Gerber

Councilman, Larry Gordon

Councilwoman, Shirley Needham