

TOWN OF WILTON

22 TRAVER ROAD

WILTON, NEW YORK

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Public Hearing: Local Law #3 of 2014 Veterans Disability Income Exemption Law

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

VETERANS DISABILITY INCOME EXEMPTION LAW

PLEASE TAKE NOTICE That the Town Board of the Town of Wilton, New York, County of Saratoga, will hold a public hearing concerning Local Law #3 of 2014, "The Veterans Disability Income Exemption Law".

SAID PUBLIC HEARING will consider Local Law #3 of 2014 which exempts veterans disability compensation, as defined in Title 38 of the United States Code, from the income of certain owners of real property who are aged sixty-five or older to qualify for certain tax exemptions under Section 467(3) (a) of the Real Property Tax Law as provided in Section 113-9 of the Town Code.

SAID PROPOSED LOCAL LAW provides such income shall not include veterans disability compensation in reaching the exemption threshold.

SAID PUBLIC HEARING will be held on Thursday, December 4, 2014 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. Copies of the Local Law #3 of 2014 will be available for review in the Town Clerk's Office during regular business hours.

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.

Supervisor Johnson asked if there were any questions or comments. There were none. The public hearing was closed at 7:01 p.m.

REGULAR TOWN BOARD MEETING-December 4, 2014

Supervisor Johnson called the Regular Town Board meeting to order at 7:01 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 except Deputy Supervisor Streicher who was excused.

Arthur Johnson-Supervisor
John Lant-Councilman
Joanne Klepetar-Councilwoman
John McEachron-Councilman

Also present were Town Comptroller Jeffrey Reale, Town Counsel Mark Schachner and Director of Planning and Engineering Ryan Riper.

Public Comment Session

There was none.

Approve Pending Minutes

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

RESOLUTION #156

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the November 6, 2014 meeting, as typed.

The adoption of the resolution was seconded by Councilwoman Klepetar, duly put to a vote, all in favor. The motion passed 4 to 0.

Peddling and Soliciting Application

Supervisor Johnson said there is an application from Warren O'Connor before the board for peddling and soliciting. Mr. O'Connor works for Edward Jones Financial. The board has previously approved two other applications for the same company.

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

RESOLUTION #157

NOW, THEREFORE, BE IT RESOLVED, to approve a Peddling and Soliciting

application for Warren O'Connor, Edward Jones Financial.

The adoption of the resolution was seconded by Councilman McEachron, duly put to a vote, all in favor. The motion carried 4-0.

Veterans Disability Income Exemption Law LL#3 of 2014

Supervisor Johnson noted there was a public hearing for proposed the "Veterans Disability Income Exemption Law" prior to the start of the meeting and there were not comments.

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

RESOLUTION #158

WHEREAS, in setting forth the income threshold of certain owners of real property who are aged sixty-five or older to qualify for certain tax exemptions Section 467(3)(a) of the Real Property Tax Law of the State of New York includes income such owners or their spouses may receive as veterans disability compensation in reaching the exemption threshold; and

WHEREAS, Section 467(3) (a) of the Real Property Tax Law of the State of New York provides in pertinent part that "...The provisions of this paragraph notwithstanding, such income shall not include veterans disability compensation, as defined in Title 38 of the United States Code provided the governing board of such municipality, after public hearing, adopts a local law and

WHEREAS, the Town Board of the Town of Wilton finds that the adoption of such a resolution to be in the best interests of the citizens of the Town of Wilton; and

WHEREAS, a public hearing having been held on Thursday, December 4, 2014 at 22 Traver Road, Wilton, New York and, the

public having had an opportunity to comment and be heard, now

THEREFORE BE IT RESOLVED that the Town Board hereby adopts the foregoing Resolution which exempts veterans disability compensation as defined by Title 38 of the United States Code from the definition of "income" as provided in Section 467(3)(a) of the Real Property Tax Law of the State of New York; and

IT IS FURTHER RESOLVED that such law shall be entitled "The Veterans Disability Income Exemption Law" and shall be known as Local Law #3 of 2014; and

IT IS FURTHER RESOLVED that this law shall take effect on January 1, 2015 and shall apply to Assessment Rolls based on taxable status dates occurring on or after such date and this local law shall take effect immediately upon filing with the Secretary of the State of New York.

The adoption of the resolution was seconded by Councilwoman Klepetar, duly put to a vote, all in favor. The motion carried 4-0.

Amendment to Resolution #89 of 1990

Mr. Reale said the application for grants has changed. The town used to apply to the county. Now the town has to apply through the state. The supervisor is now required to apply and not the recreation director.

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

RESOLUTION #159

NOW, THEREFORE, BE IT RESOLVED, to amend Resolution #89 of 1990, to authorize the Supervisor, on behalf of the Parks and Recreation Department, to apply for funding through the Division of Youth.

The adoption of the resolution was seconded by Councilman McEachron duly put to a vote, all in favor. The motion passed to 4-0.

Zoning Amendment 109-21G (3)

Mr. Riper stated the proposed amendment will clarify the language under the conservation subdivision design. The proposed amendment will better define when a subdivision applicant can receive a 10% density bonus. The lands will have to be accepted by the Town Board and the applicant may receive a bonus in density. **Supervisor Johnson** noted the only action is to set a public hearing.

On a motion introduced by Councilwoman Klepetar, the board adopted the following resolution:

RESOLUTION #160

NOW, THEREFORE, BE IT RESOLVED, to schedule a public hearing for January 5, 2015 at 7 p.m. for a zoning amendment to Section 109-21G.

FURTHER IT BE RESOLVED, to refer the proposed amendment to the town and county planning boards for recommendations.

The adoption of the resolution was seconded by Councilman Lant, duly put to a vote, all in favor. The motion carried 4-0.

Wilton Senior Community-Perry Road

Mike Tucker of VHB and Mary Beth Slevin, attorney for the applicant, appeared before the board representing the Nigro Group, LLC. Mr. Tucker said the project is on Perry Road just off Route 50. The site is about 21 acres. The applicant is proposing a two phase project. It is zoned C-1. Senior communities are allowed in the zone with town board approval. The two phases are one 110 unit independent living apartment building in the front and a 92 unit assisted living building in the rear of the site. There will be two access points off Perry Road which will entirely loop the site providing two means of access for emergency and fire services. Plans have been forwarded to all emergency services for review. There will be 46-48 garages. The remains parking will be surface spaces. The assisted living facility will have all surface parking spaces. The site will be subdivided with the independent living on 11.5 acres on Lot 1. The assisted living site will be on approximately 9.5 acres on Lot 2. The senior community in a C-1 zone requires access be provided via a county, state or federal road. The site is about 500' from the intersection of Route 50 and Perry Road. The applicant is requesting relief from that requirement.

Supervisor Johnson asked if the apartments will be market rent apartments. Mr. Tucker said it is market rent for the independent living apartments. There will be a shuttle on site to transport the residents to Saratoga, Wilton Mall or wherever they want to go. There will be some community facilities inside like a gym, meeting spaces and common areas. There will be a pool and a spa.

Supervisor Johnson said senior housing requires a special permit from the town board. The board will refer the application to the town and county planning boards for recommendations. A public hearing will be set.

Councilman Lant said there was a dump on both sides of the road 40-50 years ago. It was at least 50' deep. It should be looked into. Mr. Tucker said there was a screening on the site and it didn't show anything on the subject parcel. The dump may have been closer to the corner.

Councilwoman Klepetar asked what the age restrictions will be. Ms. Slevin said it is projected to be 55 and older. It may change to 62, depending on the financing and age restrictions. The site is similar to two other facilities the applicant has built in North Greenbush and Glenville. There is a senior enhanced living program. It includes all types of senior programs within the facility that are included in the rent like yoga, aerobics, swimming aerobics, the shuttle and a number of other programs is to keep the seniors active. The whole concept to the project is to make sure the seniors have a safe place but also an active place to live to remain as viable as they are.

Mr. Tucker said there is space between the two building that will allow for passive recreation along with a bocce ball court and pickle ball.

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

RESOLUTION #160

NOW, THEREFORE, BE IT RESOLVED, to schedule a public hearing for January 5, 2015 at 7 p.m. for special permit for a senior community.

FURTHER IT BE RESOLVED, to refer the proposed amendment to the town and county planning boards for recommendations.

The adoption of the resolution was seconded by Councilman McEachron, duly put to a vote, all in favor. The motion carried 4-0.

Gavin Park Fee Schedule

Supervisor Johnson said the town board annually approves a fee schedule for Gavin Park. The Parks and Recreation Commission and the Recreation Director have recommended the fee schedule. There are a few changes which include a five dollar increase in the field rental fee and a thirty dollar increase to the summer recreation program. **Councilman McEachron** asked if the additional fees for summer camp are

for additional counselors. **Supervisor Johnson** said it is to offset the cost to the town and for additional counselors due to increased enrollment. The cost is still a lot less than some of the neighboring towns and cities.

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

RESOLUTION #161

NOW, THEREFORE, BE IT RESOLVED, to approve the Gavin Park Fee Schedule (attached).

The adoption of the resolution was seconded by Councilman Lant, duly put to a vote, all in favor. The motion passed 4 to 0.

Resignations

Supervisor Johnson said there are two resignations before the board, Darla McGrath, Court Clerk and John Roessner. Mr. Roessner was the Parks and Recreation Commission Chairman. He will stay on the board but not as chairman due to other responsibilities. **Councilman Lant** asked if the board every considered recognizing the people that have volunteered time. **Supervisor Johnson** said the volunteers should be formally recognized.

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

RESOLUTION #162

NOW, THEREFORE, BE IT RESOLVED, to accept the resignations from;

Darla McGrath-Court Clerk effective 11/27/14

John Roessner-Parks and Recreation Commission as Chairman effective 12/31/14.

The adoption of the resolution was seconded by Councilman Klepetar, duly put to a vote, all in favor. The motion passed 4 to 0.

Appointment

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

RESOLUTION #163

NOW, THEREFORE, BE IT RESOLVED, to appoint Joseph Bartol as Chairman of the Parks and Recreation Commission, effective 1/1/2015.

The adoption of the resolution was seconded by Councilman McEachron duly put to a vote, all in favor. The motion passed 4 to 0.

January Meeting Date Change

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

RESOLUTION #164

NOW, THEREFORE, BE IT RESOLVED, to change the Wilton Town Board meeting to January 5, 2015 at 7:00 p.m.

The adoption of the resolution was seconded by Councilman Lant, duly put to a vote, all in favor. The motion passed 4 to 0.

Committee Reports

Councilman Lant said the generators for the traffic lights have been wired and will be functional in case of a power outage. The generators were discussed after having a week with three power outages. Ryan Riper, Mark Mykins and Kirk Woodcock deserve thanks for getting this done. The two fire departments, Greenfield and Wilton will be in charge of turning them on during a power outage for the safety of our residents.

Councilwoman Klepetar said all of the volunteers for the RUOK program are in place to make calls. There are application forms on the website. If anyone knows of a senior who could use the service please visit the website and fill out an application or call and an application will be sent. **Supervisor Johnson** asked if there will be any training for the volunteers. **Councilwoman Klepetar** said there has not been but she is trying to set something up.

Supervisor Johnson said the annual tree lighting is Friday, December 5 from 6:00 p.m. to 8:45 pm. and it's a great family event. The Greenfield Fire Department has been very involved in making the event happen.

Councilman Lant said he would like to mention Mike Dennis, as he has recently passed. He did a lot for the town. **Supervisor Johnson** said he would like to express condolences and sympathy to the Dennis Family for the loss of Mike. He was one of the first developers, a pioneer, in the Town of Wilton in the late 1970's and early 1980's. He was a community activist in many ways.

Comptroller's Report

1.) October 2014 Cash Disbursements

General Fund	\$219,479
<u>Highway Fund</u>	<u>\$210,291</u>
Total	\$429,770

2.) 2014 Budget Transfers and Amendments

(See attached) Budget Transfers

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

RESOLUTION #165

NOW, THEREFORE, BE IT RESOLVED, to approve the budget transfers and amendments requested for and listed in the Comptroller's 10/04/2014 report (attached) to the Town Board.

The adoption of the resolution was seconded by Councilman McEachron, duly put to a vote, all in favor. The motion passed 4-0.

3.) Personnel

A.

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

RESOLUTION #166

NOW, THEREFORE, BE IT RESOLVED, to approve an overnight travel request for Steve Porto to attend the NY State Fair Conference in Rochester, NY on January 16-19, 2015:

The adoption of the resolution was seconded by Councilwoman Klepetar, duly

put to a vote, all in favor. The motion passed 4-0.

B.

On a motion introduced by Councilwoman Klepetar, the board adopted the following resolution:

RESOLUTION #167

NOW, THEREFORE, BE IT RESOLVED, to approve an overnight travel request for Nicole Monroe to attend the NYS Assessors Association Conference in Syracuse, NY on January 12-16, 2015:

The adoption of the resolution was seconded by Councilman Lant, duly put to a vote, all in favor. The motion passed 4-0.

The Crossings Sidewalk Fee

Ryan Riper said the developer had sidewalk stubs that were never constructed due to location. Money was held for the installation. The developer revised the plan to relocate the sidewalks. The refund is money the developer paid.

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

RESOLUTION #168

NOW, THEREFORE, BE IT RESOLVED, to refund \$1,350 in sidewalk fees to the developer of the Crossings due to an amended site plan.

The adoption of the resolution was seconded by Councilman McEachron duly put to a vote, all in favor. The motion passed to 4-0.

Capital District Transportation Committee

Mr. Reale stated Ryan Riper, Director of Planning and Engineering is requesting the Town Board approve applying for funding through the Community Transportation Linkage Planning Program for 2015-2016. The request is to apply for the funding. If there is an approval there is a required match of 25%. **Supervisor Johnson** noted the town previously applied and was granted funding for the Exit 16 linkage study. The match was paid for with traffic mitigation fees. **Mr. Riper** said zoning there are three tiers of

eligibility. The town would be looking for site design, standard guidelines, zoning code changes and possibly feasibility studies. We would require a letter of intent for the cash match and the community commitment submitted with the application.

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

RESOLUTION #169

NOW, THEREFORE, BE IT RESOLVED, to authorize the Supervisor to write a letter of intent to CDTC for local cash match of 25% and community commitment to the project.

The adoption of the resolution was seconded by Councilman McEachron, duly put to a vote, all in favor. The motion passed 4-0.

Gavin Park Maintenance Building

Mr. Reale said the plans are ready for the maintenance building and is ready to go out to bid.

Inter-Municipal Agreement with Saratoga County and Funding

Mr. Reale said there is an inter-municipal agreement with the county for the sheriff's office in the Wilton Mall. **Supervisor Johnson** said the sheriff's department has moved into the mall. Wilton Mall offered rent free space. The sheriff's department and the town agreed to split the renovation cost of the vacant space. The mall billed the town the entire amount, not to exceed \$30,000, and the county will reimburse the town 50% of the cost. The sheriff's department is in the space and there is 24 hour presence in the town. **Councilman Lant** said it is a benefit to the town and to the safety the residents.

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

RESOLUTION #170

NOW, THEREFORE, BE IT RESOLVED, to authorize the Supervisor to sign the inter-municipal agreement for the Saratoga County Sheriff's Department.

FURTHER IT BE RESOLVED to amend the budget for \$15,000 from A90108, State Retirement to A3120.4, Police and Constable for payment of Saratoga County Sheriff's Department Wilton Mall office.

The adoption of the resolution was seconded by Councilman McEachron, duly

put to a vote, all in favor. The motion passed 4-0.

Executive Session

Supervisor Johnson said there will be an Executive Session for a personnel matter involving the performance of a particular individual.

Councilman McEachron made a motion to adjourn for Executive Session at 7:35 p.m. The motion was seconded by Councilwoman Klepetar, with all board members in favor. The motion carried 4-0.

Councilman McEachron made a motion to reconvene at 8:47 p.m. The motion was seconded by Councilwoman Klepetar, with all board members in favor. The motion carried 4-0.

Supervisor Johnson said there no action was taken in Executive Session.

Adjournment

On a motion introduced by Councilman McEachron and seconded by Councilwoman Klepetar, the meeting was adjourned at 8:48 p.m.

Respectfully Submitted,

Susan Baldwin, Town Clerk

Supervisor, Arthur Johnson

Councilman, John Lant

Councilwoman, Joanne Klepetar

Excused Deputy Supervisor, Steve Streicher

Councilman, John McEachron