

# **TOWN OF WILTON**

**22 TRAVER ROAD**

**WILTON, NEW YORK**

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Susan Baldwin, Town Clerk

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## **REGULAR TOWN BOARD MEETING-March 4, 2021**

Supervisor Lant called the Regular Town Board meeting to order at 7:00 p.m.

### **Pledge of Allegiance**

**Supervisor Lant** 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.

John Lant-Supervisor

John McEachron-Deputy Supervisor

Duane Bogardus-Councilman

Councilwoman Kolligian

Ray O’Conor-Councilman

Also present was Director of Planning and Engineering, Ryan Riper, P. E., Comptroller, Maria Moran, CPA and Mark Schachner, Town Counsel.

### **Public Comment Session**

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

#### **RESOLUTION #90**

**NOW, THEREFORE, BE IT RESOLVED,** to suspend public comment for the March 4, 2021 meeting.

The adoption of the resolution was seconded by Councilman O’Conor, duly put to a vote, all in favor. The motion passed 5-0.

**Approve Pending Minutes**

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

**RESOLUTION #91**

**NOW, THEREFORE, BE IT RESOLVED**, to approve the minutes from the February 4, 2021 meeting, as typed.

The adoption of the resolution was seconded by Deputy Supervisor McEachron, duly put to a vote, all in favor. The motion passed 5-0.

**Camp Saratoga Delegan Pond Fishing Program**

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

**RESOLUTION #92**

**Camp Saratoga Delegan Pond, Scout Pond, Fishing Program**

The Town of Wilton Town Board, owners of property known as Camp Saratoga will stock Scout Pond for resident fishing.

1. The stocking program is for the **Town of Wilton’s handicapped residents and youths under age 16 only.**
2. April 1<sup>st</sup> to October 15<sup>th</sup>, will be reserved for fishing by Town of Wilton resident **youths age 16 or under and handicapped individuals** and may be assisted by an immediate adult family member.
3. Fishing limit is 2 per day.
4. **No** live bait is permitted (worms and lures permitted).

The adoption of the resolution was seconded by Councilwoman Kolligian, duly put to a vote, all in favor. The motion passed 5-0.

**Liquor License 30 Day Hold Waiver**

Supervisor Lant noted there is a new restaurant opening in the McGregor Country Club and they are requesting a waiver to the 30-day hold on the application. Councilwoman Kolligian said this is standard procedure with a seasonal liquor license.

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

**RESOLUTION #93**

**NOW, THEREFORE, BE IT RESOLVED,** to waive the 30 day hold for the liquor license for Circa '21 at McGregor Country Club.

The adoption of the resolution was seconded by Councilwoman Kolligian, duly put to a vote, all in favor. The motion passed 5-0.

**Gavin Park Summer Camp**

Supervisor Lant said he would like to get summer camp up and running this year. Mark Marino, Parks and Recreation Administrator, will answer any questions or concerns.

Mr. Marino asked if all board members received the emails from Matt Hart regarding Summer Camp COVID-19 Safety Plan and Communications Plan and the opportunity to review them in advance. Mr. Marino noted he has had the good fortune of knowing Mr. Hart for fifteen plus years through refereeing and the Junior NBA program. He has worked closely with him the past three and a half years through the summer camp program. Mr. Hart's journey began as a counselor from 2008-2012, a supervisor from 2013-2019, and now as Camp Director this past year in 2020. Mr. Hart brings a great deal of experience to the table and has all the support and confidence from me, that he has put together a thorough and safe plan for our Summer Camp Program this year. With that said, most of the questions I'd like to see addressed to Mr. Hart because he does have the background and experience. He also drafted up all the plans. We worked together on that very thoroughly, but he may have more of the answers for you.

Councilman O'Connor said he did not have any questions.

Councilwoman Kolligian said she did not have any additional questions after their two hour meeting.

Deputy Supervisor McEachron said he would like to open up camp. He said he has faith in the staff and they'll do a good job. It's up to us to get the kids out. He said he wished the basketball program had opened up first. Councilwoman Kolligian said they didn't have enough supervisors so they wouldn't be able to play. Deputy Supervisor McEachron said it would have been nice to see how things would've worked with that. It would make it a little easier, small step. Councilman Bogardus said if the positivity rate goes above 4%, camp will be shut down. It appears Mark and Matt have done their homework and we will pay attention to State, Local and CDC Guidelines and adjust accordingly, if we have to.

Supervisor Lant asked about the May Day Classic Soccer Tournament. Mr. Marino said he spoke to Wendy Blachford from the tournament and they will be following the guidelines we have in place with our own indoor and outdoor soccer programs. She also sent us an email outlining guidelines and game day protocol. Keep in mind, it is a facility rental. The onus is on the group to follow and enforce the guidelines. We do have an attestation waiver and it was discussed with Councilwoman Kolligian, Matt Hart and Nancy Riely, and the group will have to sign off, prior to the event, to release the liability from the Town of

Wilton. Councilman O'Connor asked if Counsel has looked at the document to ensure it does really relieve the town of liability. Mr. Marino recommended it be reviewed by Counsel prior to publishing or signing off. Mr. Schachner asked if Ms. Riely will be sending that to him. Mr. Marino said some changes were just made but Ms. Riely is the Safety Officer and should be providing you with the document. Councilwoman Kolligian said the questions in the tournament package are the same ones used by Saratoga Springs City School District (to determine the wellbeing of the student) and the ones she asks her own children every day. Councilman Bogardus said the May Day Classic puts a lot of people in the park, standing around, waiting around, in between games. Are we going to continue to allow that? Are we reducing the number of participants and family members? People are coming from out of state and all over the Northeast and we have no idea what the positivity rate is in their locale. Mr. Marino said the town had the outdoor soccer program in the fall. It went well and had no one tested positive. The only teams entered into the May Day Classic are two from Vermont and one from Connecticut. This is a local team event. The Mad Dog Mania Tournament is from all over the Northeast and is a showcase tournament. The May Day Classic is part of the Saratoga/Wilton Youth Soccer Club. The Club is meeting next Monday to discuss outstanding issues. They are allowing two parents per player, similar to youth baseball. The beauty of Gavin Park is the area is spread out with pavilions and open space. Once the teams play their games, they are to leave the immediate playing area which creates social distancing. There is a ten foot distance between the touch line and the benches. There is other space for the spectators to spread out. In the past, we have had 3,500 to 4,000 people in the park. Now it is only two spectators per player and that will reduce the numbers significantly, close to 50%. The club will follow the same guidelines they used for the fall program and the indoor soccer program. They have been great about this and are very serious about enforcing the protocols. Councilwoman Kolligian asked when the Mad Dog Tournament will be held. Mr. Marino said June 18-19. Councilwoman Kolligian said NCAA extended their dead period for recruiting, it may not be a showcase tournament. We wouldn't see the college coaches coming in like in the past. It may reduce attendance. Supervisor Lant asked if everyone agreed to move forward with summer camp and tournaments? All agreed. Councilman Bogardus asked if there are significant changes the board be advised.

### **Committee Reports**

Councilwoman Kolligian said she spoke with Roberta Corrigan, Senior Director, and the seniors are doing great. She delivered thirty lunches. A lot of the seniors have been vaccinated or are in the process of getting vaccinated. Ms. Corrigan said the seniors are very smart and have family that are helping them too.

Councilwoman Kolligian said Mark Mykins, Building Inspector, spoke to her and dropped off a packet regarding the change in zoning regarding mobile/modular homes. We are setting up a meeting next Tuesday at 3:30 p.m. to discuss the change and we should have more information next month. Supervisor Lant said it may take a few meetings, but it is moving forward.

Councilman Bogardus said he stopped at Town Hall and the two service windows look great and work well. He said he did not have his cell phone with him and was unable to communicate with who he was trying to see. Can we get a phone in the vestibule to call the departments directly? Supervisor Lant said he had no problem with the request and to contact Buildings and Grounds.

Supervisor Lant said Saratoga County has made great gains with COVID-19. They have sent postcards to those who are older or may not have a computer. Saratoga County now has a blog to help people and save time. We sent in a list of seniors with hundreds of names. He said he received a phone call today and there were extra doses. When Nancy Riely called people on our list, many already were vaccinated. Eleven additional people were vaccinated. The county received another 400 doses. The Saratoga County

Public Health Department is doing a great job. We think we will be getting more vaccines soon. Councilman Bogardus said he has worked on the RUOK program with Mrs. Riely. He said he has been on a few fire calls recently and some of the elderly people who don't have technological skills and supportive family think they are waiting for someone to knock on the door to give them a shot. He said he passed the names onto Mrs. Riely and they were set up with a vaccine but said he has to wonder how many other people out there think this way. Supervisor Lant said he worries about that, as well as the county. Councilman Bogardus said he has been trying to figure out a way to connect with the elderly and the people who do not have a computer or phone and get them the services. We are at a loss. We have done mailings and reverse 911. How do we reach out to people? Loughberry Mobile Home Park is an example. Supervisor Lant said that might be a good drill. Councilman Bogardus said the fire department did that during an ice storm and did find a person on supportive medical machines and supplied a generator. The RUOK program, which we established, has been updated by Mrs. Riely and she is transferring the names to the county database. Councilman Bogardus said he is concerned about those who "fall through the cracks". They are not in the RUOK program or the county program.

### **Comptroller's Report**

#### **1.) 2020 Budget Transfers**

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

#### **RESOLUTION #94**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the 2020 budget transfers, 1-4, requested for and listed in the Comptroller's 3/4/2021 Report (attached) to the Town Board.

The adoption of the resolution was seconded by Deputy Supervisor McEachron, duly put to a vote, all in favor. The motion passed 5-0.

#### **2.) 2021 Budget Transfers**

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

#### **RESOLUTION #95**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the 2021 budget transfers requested for and listed in the Comptroller's 3/4/2021 Report (attached) to the Town Board.

The adoption of the resolution was seconded by Councilman O'Connor duly put

to a vote, all in favor. The motion passed 5-0.

**3.) Wilton Emergency Squad-Penflex Service Award Program**

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

**RESOLUTION #96**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the audit and review of the 2020 PENFLEX Service Award Program points listing of all volunteer ambulance workers at the Wilton Emergency Squad.

The adoption of the resolution was seconded by Councilwoman Kolligian, duly put to a vote, all in favor. The motion passed 5-0.

**4.) Other**

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

**RESOLUTION #97**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the request from Kirklin Woodcock, Highway Superintendent, to sell the following item via Auctions International:

**Three bulk tanks  
Two metal bulk containment tanks  
Three miscellaneous chain saws  
2006 Chevy Silverado with plow**

The adoption of the resolution was seconded by Councilman O’Conor, duly put to a vote, all in favor. The motion passed 5-0.

Supervisor Lant said the board approved monies last year for a GMC truck, but they stopped making them. We did find a 2021 Ford, in stock.

Supervisor Lant said he received an email about the Veteran’s sign at the corner of Ballard and Traver Roads. He said it is town property and it’s going to be a town project. He said he’s been thinking about it for over a year, but COVID-19 hit. He said he will be forming a committee and plans to replace the sign.

There may be grant money available. Councilman O’Conor is the Veteran’s Liaison and will be on the committee as well as Frank McClements from Saratoga County.

**Executive Session**

On a motion introduced by Councilman O’Conor, seconded by Deputy Supervisor McEachron, the board adjourned to executive session at 7:34 p.m. for the discussion of real estate assessment litigation

On a motion introduced by Deputy Supervisor McEachron, seconded by Councilwoman Kolligian, the board reconvened at 7:47 p.m.

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

**RESOLUTION #98**

**WHEREAS**, J.C. Penney Corporation, Inc. and the Town of Wilton are desirous of having certain assessment issues resolved as to property owned by J.C. Penney Corporation, Inc. in the Town of Wilton and

**WHEREAS**, a settlement proposal resolving pending tax certiorari litigation was recommended by the Vincelette Law Firm, trial counsel to the Town of Wilton, and reviewed by the Wilton Town Board at its regular monthly meeting, and

**WHEREAS**, such a proposed settlement would present the parties with an expeditious and economic alterative to further litigation so as to resolve issues between the parties, and

**WHEREAS**, the Town Board has determined that the proposed settlement is in the best interests of the Town; now

**THEREFORE, BE IT RESOLVED**, that the Town Board does hereby accept a proposed settlement for the 2016, 2017, 2018 and 2019 tax certiorari proceedings filed by J.C.Penney Corporation, Inc. with the following terms:

- the 2016, 2017, 2018, and 2019 assessed value of the subject property (Parcel No. 153.-3-86.112) shall be reduced from \$6,654,000 to

\$2950,000 for 2016, \$2,802,500 for 2017, \$2,802,500 for 2018 and \$2,655,000 for 2019 for a total fair market value of \$2,950,000 for 2016, 2017, 2018 and 2019;

- the 2020 fair market value of the subject property shall be reduced to \$2,750,000 and shall be subject to the terms of Real Property Tax Law §727.

And it is further

**RESOLVED** that J.C. Penney Corporation, Inc. shall be entitled to a refund of excess taxes paid based upon the above revisions, waiving interest;

**RESOLVED**, that the Town Board does hereby adopt this resolution to end the litigation between J.C. Penney Corporation, Inc., and the Town of Wilton as to the above referenced assessment.

The adoption of the resolution was seconded by Councilwoman Kolligian, duly put to a vote, all in favor. The motion passed 5-0.

**Adjournment**

On a motion introduced by **Councilman O’Conor** and seconded by **Deputy Supervisor McEachron**, all board members in favor, the meeting was adjourned at 7:51p.m.

Respectfully Submitted,

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Susan Baldwin, Town Clerk

\_\_\_\_\_ Supervisor, John Lant

\_\_\_\_\_ Councilman, Raymond O’Conor

\_\_\_\_\_ Deputy Supervisor, John McEachron

\_\_\_\_\_ Councilwoman Erinn Kolligian

\_\_\_\_\_ Councilman Duane Bogardus