

TOWN OF WILTON

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Susan Baldwin, Town Clerk

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VIRTUAL TOWN BOARD MEETING via ZOOM-June 4, 2020

Supervisor Lant called the Virtual 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

Erinn Kolligian-Councilwoman

Ray O'Conor-Councilman

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

Supervisor Lant recommended suspending the normal practice of the public comment portion of the meeting for the time being.

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

RESOLUTION #118

NOW, THEREFORE, BE IT RESOLVED, to suspend public comment for the June 4, 2020 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 O’Conor, the board adopted the following resolution:

RESOLUTION #119

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the May 7, 2020 meeting, as typed.

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

Champlain Hudson Power Express, Inc.

Supervisor Lant explained Champlain Hudson Power Express, Inc. is a company who is in the process of running high voltage electricity from Canada to New York City along the railroad lines.

Rick Chase thanked the board for allowing him to speak. He said he is representing Transmission Developers, Inc. and is requesting the board adopt a resolution giving the town’s consent to TDI, Inc. to construct and maintain the Champlain Hudson Power Express, Inc. transmission line project under Pettis, Bullard, Scout, Edie and Jones Roads in the Town of Wilton. The CHPE project is a 333 mile underground and underwater high voltage direct current electric transmission line that will import 1,000 megawatts of renewable, hydroelectricity from Canada and send it to the New York City Metropolitan area. It is fully permitted at the state and federal levels. It is the single largest renewable energy opportunity that currently exists in the State of New York. It will be approximately 60% underwater and the remaining 40% to be built underground, generally within highway and railroad rights of way. It is a 3 billion dollar investment in the State of New York and will operate for a minimum of 40 years but more likely 60 or 70 years based on historical operating data of other underground high voltage direct current transmission lines in operation. Statewide, the benefits are lower electricity costs, fewer greenhouse gas emissions and a more resilient electricity grid because this powerline will be constructed underground. During the construction, the project is anticipated to create 2,000 construction jobs. We plan to use local labor and construction companies wherever possible. There are few things that are highly technical when constructing the line but in large part it is somewhat like installing a sewer line or water line. We are going to excavate a trench, put in conduit and backfill the trench with proper protection above the transmission lines. It is a straightforward construction operation. In terms of direct benefits, we will pay property taxes to Saratoga County and to the Saratoga Springs, Schuylerville and South Glens Falls School Districts. Wilton does not have a town tax, unfortunately, in this case, we will not be paying property taxes directly. The buried transmission line will require minimal or not maintenance during its 40 year operating life. It will not require any municipal services to support its operation. He respectfully asked the board to pass

the municipal consent resolution before the board and would be happy to answer any questions the board may have.

Deputy Supervisor McEachron said he was somewhat serious about the delivery charge. A delivery fee was put on residents 15 or 16 years ago to help bail out Niagara Mohawk. The charge was supposed to last for 10 years. He asked how the Town of Wilton benefits from this transmission line. **Mr. Chase** said hopefully there will be some construction jobs and suspect the town would talk to Saratoga County to see if you can get some of the property tax monies paid. The biggest winners, from a tax standpoint, are the school districts. Beyond that, once the project is in, you will probably never think about it again. **Deputy Supervisor McEachron** said New York City benefits from the underground transmission lines. **Mr. Chase** said they primarily will because the power will be used there. The benefits of lower cost electricity throughout the state. The biggest savings will be in New York City but there will be some electricity savings throughout the state because it suppresses wholesale electric rates. Deputy Supervisor McEachron asked if there was any way to tap into the source as it goes through the towns. Mr. Chase said as the project is proposed, no. There are opportunities to build converter stations along the route of the line if someone is willing to pay for it. The transmission line power is generated in Canada as alternating current. There will be a converter station in Canada that will create direct current and carried over the transmission line to New York City where it is then converted back to alternating current so that it can be used within the grid. Converter stations can be built to either put electricity on the line or take it off. They are not inexpensive. Transmission Developers is unlike a National Grid, Niagara Mohawk or New York State Electric and Gas, as we do not have a rate base. We do not have built in customers. In order for us to construct this line, we have to have somebody who generates the electricity, in this case, Hydro Quebec, and a set of customers at the other end of the line who will contract with Hydro Quebec for the power. We act as the "thruway". Instead of cars, it is electricity. All development costs are at risk and to construct the lines, you need the commercial deals in place. Deputy Supervisor McEachron said he did not feel the town should be responsible to erect a converter station when this project requires this service to go under out ground. Power poles are on our property to deliver power and we must pay a delivery fee to have them there. Now we are being told there will be direct current underground from Canada to New York City to benefit New York City. Mr. Chase said that is correct but there will be tax dollars paid within the communities and the school district. The town is fortunate there is no town tax, unfortunately, in this case, if you had a town tax, you would receive direct tax payments from this project. We are not going to be charging residents a delivery charge.

Deputy Supervisor McEachron asked Supervisor Lant if he has had any discussions at the county regarding this. Supervisor Lant said nothing has been brought up at the county. Deputy Supervisor McEachron said we do not know what kind of tax base or value. We are being asked to vote on this tonight. Supervisor Lant said this was informational only and Town Counsel is reviewing the contract. Councilwoman Kolligian said she had emailed Mr. Chase requesting a map of the electricity line though the town. Mr. Chase said he could do that. It essentially follows the Canadian Pacific Railway. Mr. Riper requested the map be sent to him and he will copy everyone. Deputy Supervisor McEachron said he would like to know the cost of a converter station. Mr. Chase said a converter station is approximately \$200 million dollars. Mr. Riper said he discussed a possible trail along the railbed where the line will be constructed, specifically the Jones Road area to the Route 9 area. Councilman Bogardus asked where the line will be run. Mr. Riper said it is in the railbed on the railroad property. Councilwoman Kolligian asked if the trail would be from Gavin Park, Jones Road to Route 9. Mr. Riper said that is correct. The construction is an open cut method. It is not directional drilling. They will be working and creating a roadbed area during the construction. Why not utilize that for a potential pathway through the town. Deputy Supervisor McEachron said he did not think the railroad would allow that. Mr. Riper said that may be a hurdle. Councilwoman Kolligian asked if any areas will be clear cut. Mr. Chase said there should not be. The construction is in the railroad right of way and is already clear. Councilman Bogardus asked if the line will follow the overpass. Mr. Chase

said it will be buried in the ground around the abutments. It will be underground the entire way through the Town of Wilton approximately five feet below the surface. The cables will be eighteen inches apart and five inches in diameter. As it is backfilled, there will be a concrete protective pad above the cables, additional backfill and another protective layer above that and warning tape in case someone inadvertently dug around the cables. Councilman O'Connor asked if construction has started in other communities. Mr. Chase said it has not. They are still working to put together the commercial arrangements between the buyers and the sellers. We are optimistic that will move forward but the COVID-19 have slowed negotiations. New York City passed a law requiring all their facilities as well as arrangements for large buildings in the city to use renewable electricity. The Mayor and City Council have identified this project as the project to make it happen. More recently, the Governor indicated now is the time to build this project for the benefits of renewable power. Councilman O'Connor asked how long it will be before the project is in the ground. Mr. Chase said he estimated 2022. We were hoping to be in the ground in 2021 but because of the delays caused by COVID-19. We do not see that happening. The time frame does not necessarily mean that we will be in the ground in the Town of Wilton. That schedule has not yet been developed. Councilwoman Kolligian asked if the line will work its way down from Canada or will it be built simultaneously through the different communities. Mr. Chase said they anticipate work crews at various locations working at the same time and come together as the project construction completes. Councilman Bogardus asked if there will be one contractor overseeing the whole project. Mr. Chase said there will most likely be several general subcontractors because of the submarine portion of the project will be done by one general contractor, the upland buried portion will be done by another contractor. There will be at least two, if not, more. Councilman Bogardus said the project will be bid out. Local contractors may or may not have the opportunity to bid on a contract of this size. It will not really bring in jobs for the Wilton residents. Mr. Chase said there will be a variety of contractors that will be digging the trenches, laying the conduit and there will be hundreds of them. There will not be one contractor digging the ditch for the entire 150 miles. That will be done using local contractors. Supervisor Lant asked Town Counsel, Mark Schachner, if he had looked at the contract. Mr. Schachner said there is no lack of time to look at it. We have talked to Champlain Power's attorneys about one important issue and that is we are not sure if the roads intended for crossing are roads by use or roads by dedication. It may be of legal significance because if any are roads by dedication, an adoption of resolution may be subject to permissive referendum and we need to know that before we recommend adoption of the resolution. We will figure that out well before next month's board meeting. Mr. Chase asked Mr. Schachner if he is also the attorney for the Town of Greenfield. Mr. Schachner said he is and 21 others as well and about 6 of them are part of this project. Mr. Chase said the same issue has come up in Greenfields and he wasn't sure if it had been resolved yet. Mr. Schachner said it is not resolved. Mr. Chase thanked the board for their time.

Short Term Rentals

Supervisor Lant said we have had some issues with Airbnb rentals in the town. Councilman O'Connor asked Mr. Schachner if he has been involved directly with any local legislation and if so, are there any communities who have addressed it better than other. Mr. Schachner said he has had a lot of involvement, especially in the Adirondack communities. Short-term rental laws are very difficult to enforce. He said he is not able to affirmatively recommend adoption of short-term rental laws. Some laws seem better than others and the samples the town clerk has obtained, the Lake George law is probably better than the Queensbury law from a legal perspective. He said he was not involved with the third sample and has not had time to review. Councilwoman Kolligian said the Warwick sample had some points which made sense. Amy Georgeadis sent her an email regarding the house next door. It is rented very often. Her husband has some health issues and is a former Investigator with the New York State

Troopers. They are having problems with the house next door and the town does not have a leg to stand on in terms of law enforcement or code enforcement having to show up at the rentals. Supervisor Lant asked if everyone agrees we need to have language for short term rentals. Councilman Bogardus said he is concerned about code compliance. Are the homes compliant with smoke and carbon monoxide detectors and proper egress? Supervisor Lant said the town clerk looked on their website. Ms. Baldwin said she rechecked both zip codes and we have over 80. Supervisor Lant said we need a set of rules, compliance and contact numbers. Councilwoman Kolligian said she does not want to encroach on resident's personal property, but we do have a responsibility to protect our residents when they are at home. She said a \$50 permit per year to register would enforce a short set of guidelines and would come with a heavier fine if there is an issue. The homeowner will explain the guidelines to the renters and it could carry a \$500 fine. Eventually, if law enforcement must be call and the town must get involved, maybe we could revoke the permit. We could try to keep it a small cost to begin but enable us to pull the rental permit or levy a fine. Councilman Bogardus asked if the rental of your property changes the use and makes it commercial. Mr. Schachner said terms of use of the property, if you rent your home out to one person for five years, does the underlying use of the single-family use change from residential to commercial. From the traditional land use perspective, it is still being used as a single-family residence. One of the reasons short term rental legislation is hard to enforce is because it is a very slippery slope. If you rent your house for five days instead of five years and the people you rented to wreak havoc. That is when problems arise. Let's say you don't rent it at all and you let fifteen cousins occupy it for five day and they wreak havoc. There is no short-term rental law that will address that situation because it being used by relatives and you are not charging money.

Mr. Schachner said the person renting their home may have to consider themselves a business and declare the monies as business income. From the land use, legal perspective, that use does not change from single family residential. Councilwoman Kolligian said the State of New York does not require people to claim this income, up to \$19,000.

Deputy Supervisor McEachron said he agreed with the \$50 permit fee suggested by Councilwoman Kolligian. Supervisor Lant said asked if any of the board members would like to be on a short-term rental committee. Councilwoman Kolligian and Councilman Bogardus said they would work on the committee.

Independent Auditor's Report

Supervisor Lant thanked Maria Moran, Comptroller, for another fine job. Councilman O'Connor said Mrs. Moran emailed him a copy and it is as clean an audit and report as he's seen from any municipality and any private enterprise, as well. Mrs. Moran did a very good job.

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

RESOLUTION #120

NOW, THEREFORE, BE IT RESOLVED, to approve the Independent Auditor's Report from Cusack and Cusack for the year ending 2019.

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

Return to Work Policy

Supervisor Lant thanked Maria Moran and Nancy Riely for working on the policy.

Councilwoman Kolligian asked about employees must take their temperature every morning and not return to work if they have one. Are we holding employees accountable to take their temperature every morning or should the town acquire a forehead monitor? Councilman Bogardus said he would support acquiring a forehead monitor. Ms. Moran said we are asking the employee to self-certify and that they are not in close contact with anyone who has COVID-19. We are putting the responsibility on the employee. Coupled with other protocols which place the onus on the town and the department supervisor, in an observatory manner. There are employees who would not exhibit symptoms. We are trying to be as comprehensive as we can. We can purchase the scanners and may have to have a person scanning full time due to the various schedules of full and part time employees. If that responsibility becomes our responsibility and somehow, we miss it, the town may be held more accountable rather than the employees self-certifying. Mr. Schachner said he thought the protocols are all reasonable and the board can adopt if they wish to do so. Deputy Supervisor McEachron asked if someone has a fever, what protocols will we have in place as far as compensating them. Councilwoman Kolligian asked how we will know they really have a fever. Councilman Bogardus said employees can self-certify at home but we can also check temperatures at work. Mr. Schachner said the town can do that. Supervisor Lant said we could purchase the thermometers. He said he would like to get people back to work in a couple of weeks and maybe before the next board meeting. Councilwoman Kolligian said the last paragraph says all employees will notify and all employees planning any domestic or international travel must notify their department head. The employee should stay home 14 days after returning. Would that be personal//sick time? The bullet point above it states all employees will notify department heads for attending in person conferences, meetings and out of state business travel. If it is work related, do they need to quarantine for 14 days and if so, is the town compensating them vs personal travel and the 14 days of required quarantine. We should differentiate between them. Ms. Moran said in the bulletin point stating the employee should stay home for 14 days after travel, we want to put that in the framework of time. Currently, we have 50% of our workforce on a reduction. About 50% of the staff is here. We want to gradually bring in more people in two steps, maybe 75 % of the workforce and then in a couple weeks, bring in 100% of the workforce. Until such time we are at 100%, that 14-day quarantine after travel should be in effect. Councilman O’Conor asked what the definition of domestic travel is. If an employee drives to Vermont and spends a night in a bed and breakfast, when the person comes back the next day, they must quarantine for 14 days? Ms. Moran said we know what our statistics are regionally. We don’t know what is happening in Vermont. There may have been a spike. We don’t know what the conditions are present anywhere that employee goes that would impact the people the people they come back to work with. The idea was to self-quarantine as a precaution. It is not forever, only until we are all able to come back to work. Domestic travel is something we are going to encounter. Councilwoman Kolligian said if someone goes out of town for a funeral, they use leave. Ms. Moran said most people are working from home with a laptop. They can continue to work from home, they cannot come into the building. Supervisor Lant said most employees can work from home. Mr. Schachner said there was a question about what constitutes domestic travel. If we define domestic travel as going outside of New York State, clearly going to New York City and Metropolitan area in a higher risk activity than crossing the border to Vermont and coming back. Ms. Moran said that can be further defined but it is based on the region. Councilwoman Kolligian said it should read outside of the Capitol Region as outlined by the Governor. Councilman O’Conor said he went hiking in Vermont and never saw another person, but he would have

to stay home for 14 days. If a highway employee goes to Lake Placid for the day, the employee must stay home and do nothing for 14 days? Councilwoman Kolligian said it is important for those who can't work from home to know what they are using for a 14-day leave. Ms. Moran said everyone is getting paid their regular salary without charging their leave approval right now. It was a very generous board decision made early on. We are continuing that. Should they have to use their leave accruals if they decide to voluntarily travel, she said she thinks they should. Councilman O'Connor agreed. Ms. Moran said New York State Department of Health has issued guidelines related to domestic travel and they do encourage a two-week quarantine. We are considering all the guidance available. There is a lot of information out there. We can further define some of the points. Deputy Supervisor McEachron asked if it could be at the Supervisor's discretion? Supervisor Lant said we had an employee fly to California. She was told to stay home for 14 days. Councilman O'Connor said he agreed with that. If you get on an airplane you should quarantine. Councilwoman Kolligian said she agrees with the policy but wanted to clarify some gray areas. Sue Baldwin, Town Clerk said everyone has spouses, children and family and some of those work in the healthcare industry. Those family members may be more of a risk to employees than anyone else. Deputy Supervisor McEachron asked if all the plexiglass barriers have been installed. Supervisor Lant said it was ordered and will be put up. Councilman Bogardus said he felt we should keep things the way they are until we have all the safety measures up. Councilwoman Kolligian asked if Town Hall is still restricted. Supervisor Lant said it still is. Ms. Moran said all of the safety protocols are in place and all of our employees are essentially 6' apart. The plexiglass comes into play when the building opens to the public. It will be in the Town Clerk's Office and the Building Department. It is installed at Gavin Park. The employees have access to cleaning supplies to clean copiers, countertops and the like. We are suggesting employees clean their own station at the end of the shift. The Highway staff will clean their trucks and trucks are not to be shared. Supervisor Lant said all the vehicles have been sanitized, everyone has access to masks and hand sanitizer. We can reword the policy and have everyone review it. Councilwoman Kolligian asked if building inspections have resumed. Mr. Riper said they have. He said he's seen a lot of people without masks in stores and contractors working together without masks. There seems to be a whole different set of rules. We want to protect everyone while being realistic. Deputy Supervisor McEachron said so going to Home Depot or Lowes is like going to New York City. Mr. Riper said that is correct, you don't know where everyone has been. They are touching food and products you buy. Councilwoman Kolligian said the highway staff is outside working, the building/zoning side are going out and coming back into town with multiple trips per day. Are they using the proper precautions? Mr. Riper said everyone is trying the best they can to maintain social distancing, but they are all still together. Ms. Moran said the common gathering area in the highway department had the chairs removed. The building department desks are more than six feet apart and Mark Mykins has his own office. When they are grouped together, collaborating, they must be six feet apart. The purpose of the guidelines is to make people aware of what they need to do to keep each other safe.

Committee Reports

Councilman Bogardus said the new signage for the Court Building was installed today. As far as the construction, the breakroom is the last room to be completed. The air conditioning needs to be worked on and then the project will be complete.

The Wilton Heritage Society will hold their annual Strawberry Social on Sunday, June 21, 2020 from 1-4 p.m. This year, the event will be curbside, pickup only. Please come and support our Museum. The cost is \$5 per person and please have exact change to help us comply with COVID-19 guidelines.

Councilwoman Kolligian said she had some questions about the new summer camp guidelines issued from the Governor's Office today. The state website state guidelines are forthcoming. Has anyone heard anything about it? No one has heard anything about it. Councilman O'Connor asked if anyone received calls about our summer camp. Councilwoman Kolligian said she has received calls about summer camp and baseball. The baseball uniforms have been ordered and the league is waiting for Gavin Park to open to they can start in July in small groups. Supervisor Lant said we will decide in a couple of weeks. Deputy Supervisor said he agrees with Mr. Riper. There are thousands of people out in stores and some are wearing masks and some aren't. We are putting a lot of undue pressure on our families. Councilwoman Kolligian said the goal is to get the kids back to school in September. Councilman Bogardus said he would like to get the kids back out and involved in sports. It's a vital function and keeps kids out of trouble. We need to try to get them a season, even if it's a month. Supervisor Lant said he was hoping for Fall Ball at the least.

Supervisor Lant said Saratoga County is trying to buy a machine for COVID testing in conjunction with Saratoga Hospital. He said his main concern is not about 100 people, it is about 17,000 residents of Wilton. He said he was told by medical professionals this pandemic may be worse in the fall. We must be very careful about opening Gavin Park. He said he asked code enforcement to visit stores and post signs about mask requirements. Most stores only think about the cash register.

Comptroller's Report

1.) 2020 Budget Transfers

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

RESOLUTION #121

NOW, THEREFORE, BE IT RESOLVED, to approve the 2020 budget transfers, requested for and listed in the Comptroller's 6/4/2020 Report 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.

2.) 2020 Budget Amendments

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

RESOLUTION #122

NOW, THEREFORE, BE IT RESOLVED, to approve the 2020 budget transfers, requested for and listed in the Comptroller's 6/4/2020 Report 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.

3.) Personnel

a.

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

RESOLUTION #123

NOW, THEREFORE, BE IT RESOLVED, to accept the resignation of John Phillips effective May 8, 2020.

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

b.

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

RESOLUTION #124

NOW, THEREFORE, BE IT RESOLVED, to approve the requested \$1 per hour pay raise for Jason Brueckner for \$168.00 for the period of March 25, 2020 to May 15, 2020 for additional job responsibilities while a foreman was out sick.

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

c.

Discussion was held on the use of personal and vacation time.

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

RESOLUTION #125

NOW, THEREFORE, BE IT RESOLVED, to approve the waiver of forfeiture of 6.5 hours of excess vacation leave for each of the following employees:

Mark Marino
John King

The adoption of the resolution was seconded by Deputy Supervisor McEachron duly put to a vote, all in favor except Councilman Bogardus who was opposed. The motion passed 4-1.

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 8:21 p.m.

Respectfully Submitted,

Susan Baldwin, Town Clerk

Supervisor, John Lant

Deputy Supervisor, John McEachron

Councilman, Duane Bogardus

Councilwoman, Erinn Kolligian

Councilman, Ray O’Conor