

TOWN OF WILTON

22 TRAVER ROAD

WILTON, NEW YORK

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Susan Baldwin, Town Clerk

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PUBLIC HEARING-7:00 P.M

2023 PRELIMINARY BUDGET

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, 2023.

SAID PUBLIC HEARING will be held on Thursday, November 3, 2022, at 7:01 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. The Preliminary Budget is also available online at townofwilton.com.

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

Supervisor	\$38,967
Councilman (4) (each)	\$15,353
Highway Superintendent	\$80,000
Town Clerk	\$72,489
Town Justice (2) (each)	\$38,181

BY RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WILTON

Supervisor Lant opened the public hearing at 7:00 p.m. and asked if there were any questions or comments. There was none.

On a motion introduced by Councilman Bogardus, seconded by Councilwoman Kolligian with all board members in favor, the public hearing was closed at 7:01 p.m.

REGULAR TOWN BOARD MEETING-November 3, 2022

Supervisor Lant called the Regular Town Board meeting to order at 7:02 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 the following board members present.

John Lant-Supervisor
John McEachron-Deputy Supervisor
Duane Bogardus-Councilman
Erinn Kolligian-Councilwoman via ZOOM
Ray O’Conor-Councilman

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

Public Comment Session

Paula Schmid of 19 Foxhound Run, She is the current President of the Board Directors of the Wilton Food Pantry. She wanted to thank the board for their continued support in the 2023 budget. We also have a new video on our website that’s designed to show patrons how to access pantry services. It was produced as a donation by Upside Collective. I would encourage you all to take a look at it.

Approve Pending Minutes

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

RESOLUTION #217

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the October 5, 2022, 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.

2023 Preliminary Budget

Ms. Moran said the 2023 budget was presented to the town board at the October 5, 2022, meeting. There was a budget workshop and there were a few changes. We are still providing the same if not more, services. I believe it is a successful and sound budget. Supervisor Lant thanked everyone for their input and work that Ms. Moran put into it.

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

RESOLUTION #218

NOW, THEREFORE, BE IT RESOLVED, to accept the 2023 budget with amendments.

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

WWPP Quarterly Report

Margo Olson said the Wild About Blue fundraiser was held at the Wishing Well this year. It is the third quarter report, but would like to address some things from October. She said when she put this together it just reminds people of how much we do for our community. It was a challenging year this year losing two of our staff, who moved on to new jobs. We spent a lot of time on staffing and interviews and finding the right people, which we did. We have Lilly our new Volunteer and Stewardship Coordinator and Allison our new Education Coordinator and they are fantastic. It was disruptive to us, but, not to the public. Our attendance through the end of October, for the formal programs was 6,646 people, which is 2,254 greater than last year. There were one hundred public programs, 183 individual school and group programs, forty-four camp programs, including Gavin Park. All together that was 927 separate programs we were able to provide just through the end of October. We were able to continue this because of the continued support from the Town of Wilton. It has been mutually beneficial. She thanked them for the support in the town budget this year.

Resignation-Park and Recreation Commission

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

RESOLUTION #219

NOW, THEREFORE, BE IT RESOLVED, to accept the resignation of Lynette Robinson, from the Park and Recreation Commission, with regret.

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

Resignation-Wilton Planning Board

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

RESOLUTION #220

NOW, THEREFORE, BE IT RESOLVED, to accept the resignation of Jeff Hurt from the Wilton Planning Board.

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

Appointment-Wilton Planning Board

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

RESOLUTION #221

NOW, THEREFORE, BE IT RESOLVED, to approve the appointment of Chris Price from Alternate to Member of the Wilton Planning Board, to complete Jeff Hurt’s term, 11/03/2022-12/31/2023.

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

Bylaws Update, Park and Recreation Commission

Supervisor Lant suggested that we postpone the approval until January 2023. Deputy Supervisor McEachron would like to go over some of the things before they decide.

Health Insurance Benefits

Supervisor Lant stated the next two items used to be part of the organizational resolution but because the health benefit year begins on December 1, the items need to be approved prior to January 1. Comptroller Moran stated this year the benefits rose approximately 8%, but the town is holding the line on employee contributions. We have the same dental and vision as well, no changes. We offer two types of plans under CDPHP. One is the regular plan which does not require a referral. The other is the HMO, which does require the referral.

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

RESOLUTION #222

NOW, THEREFORE, BE IT RESOLVED, that the form of the Plan (CDPHP) effective

12/1/2022, presented at this meeting, is hereby approved, and adopted and that the duly authorized agent of the Employer is hereby authorized and directed to execute and deliver to the Administrative Agent of the Plan and one or more counterparts of the Plan.

RESOLVED, that the employer shall be the Sponsor of the Plan and shall be the Administrator of the Plan for purposes of ERISA.

RESOLVED, that the employer hereby appoints the Administrative Agent to assist it with the administration of the Plan and to perform all such non-discriminatory duties related hereto.

RESOLVED, that the Administrative Agent shall be instructed to take such actions that are deemed necessary and proper in order to implement the Plan and to set up adequate account and administrative procedures to provide benefits under the Plan.

RESOLVED, that the duly authorized agents of the Employer shall act as soon as possible to notify the Employee of the Employer of the adoption of the Plan by delivering to each Employee a copy of the summary description of the Plan in the form of the Summary Plan Description presented to this meeting, which form is hereby approved.

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

Health Reimbursement Arrangement

Comptroller Moran-the health re-imbusement arrangement is a benefit to the employees that the town funds 75% of the employees cost for the deductible. There is no change on that as well.

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

RESOLUTION #223

NOW, THEREFORE, BE IT RESOLVED, that the form of the HRA (CDPHP) effective 12/1/2022, presented at this meeting, is hereby approved, and adopted and that the duly authorized agent of the Employer is hereby authorized and directed to execute and deliver to the Administrative Agent of the HRA and one or more counterparts of the HRA.

RESOLVED, that the employer shall be the Sponsor of the HRA and shall be the Administrator of the Plan for purposes of ERISA.

RESOLVED, that the employer hereby appoints the Administrative Agent to assist it with the administration of the HRA and to perform all such non-discriminatory duties related hereto.

RESOLVED, that the Administrative Agent shall be instructed to take such actions that are deemed necessary and proper in order to implement the HRA and to set up adequate account and administrative procedures to provide benefits under the HRA.

RESOLVED, that the duly authorized agents of the Employer shall act as soon as possible to notify the Employee of the Employer of the adoption of the HRA by delivering to each Employee a copy of the summary description of the HRA in the form of the Summary HRA Description presented to this meeting, which form is hereby approved.

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

Solar Code Amendment

Ryan Riper, Director of Planning and Engineering said he would like to get this topic started about some of the solar projects coming in the town lately. The impact on the open space land use and the change of use. This has been happening around the capital region, with a fee being assessed for the loss of the open

space. We just want to make sure it's being done correctly. There is an application that has some approvals. There was some discussion on this. Deputy Supervisor said if they haven't submitted an application as of tonight, they would be bound by the purposed rules.

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

RESOLUTION #224

NOW, THEREFORE, BE IT RESOLVED, to set a public hearing for the Solar Code Amendment, December 1, 2022, at 7:00 p.m.

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

Committee Reports

Supervisor Lant wanted to remind everyone that November 11th at 11:00 am, the Heritage Society is going to have a moment of silence to recognize all who served our country. The bell will ring twice at the old Wiltonville Church on Parkhurst Road to recognize the end of WWII and over two hundred Wilton residents.

Supervisor Lant also wanted to let everyone know that the country has a big problem and so does our county. With the problems some people are suffering from depression, drug abuse, and mental health. The Board of Supervisors is instrumental in the setting aside of money and hiring trained professionals to help our residents. Eventually there will be a 24-hour call-in center. If you have any loved ones or friends that have problems, there will be help at the county.

Ms. Moran wanted to let everyone know, that the ribbon cutting for the charging stations will be Thursday, November 17, at 12:30 p.m..

Comptroller's Report

1.) 2022 Budget Transfers

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

RESOLUTION #225

NOW, THEREFORE, BE IT RESOLVED, to approve the 2022 budget transfers requested and listed in the Comptroller's 11/03/2022 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.

1.) 2022 Budget Amendment

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

RESOLUTION #226

NOW, THEREFORE, BE IT RESOLVED, to approve the 2022 budget amendment requested and listed in the Comptroller's 11/03/2022 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.

3.) Personnel

a.

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

RESOLUTION #227

NOW, THEREFORE, BE IT RESOLVED, to approve the hiring of Charles Wolff to the full-time Building Maintenance Mechanic position at Gavin Park at the Step 4 rate of \$22.04 per hour with full benefits, contingent upon the passing of all screening requirements.

The adoption of the resolution was seconded by Councilman O'Connor duly put to a vote, all in favor except Councilwoman Kolligian, who abstained. The motion passed 4-0.

b.

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

RESOLUTION #228

NOW, THEREFORE, BE IT RESOLVED, to approve the request for overnight travel for the following, for the Association of Towns, February 19-22, 2023, in New York City:

Duane Bogardus
Ryan Riper
Susan Baldwin
Erinn Kolligian
Planning Personnel-TBD
Zoning Personnel-TBD

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

c.

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

RESOLUTION #229

NOW, THEREFORE, BE IT RESOLVED, to approve overnight travel for Susan Baldwin to attend the NYS Town Clerk’s Association quarterly meeting to be held in Corning, NY, December 11-12, 2022.

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

Executive Session

On a motion introduced by Councilman O’Conor, seconded by Councilman Bogardus, with all board members in favor, the board adjourned to executive session at 7:48 for discussions regarding proposed, pending, or current litigation.

On a motion introduced by Councilman O’Conor, the board reconvened the monthly meeting at 8:05 seconded by Deputy Supervisor McEachron, all in favor, motion carried.

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

RESOLUTION #230

WHEREAS, THF Saratoga Dev LP c/o Walmart Property #2056 and the Town of Wilton are desirous of having certain assessment issues resolved as to properties owned by THF Saratoga Dev LP c/o Walmart Property #2056 in the Town of Wilton, and

WHEREAS, a settlement proposal resolving pending tax certiorari litigation was recommended by the Vincelette Law Firm, special 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 alternative 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 2020, 2021 and 2022 tax certiorari proceedings filed by THF Saratoga Dev LP c/o Walmart Property #2056 in which the 2020, 2021 and 2022 assessed values of the subject properties shall be reduced as follows:

<u>Year</u>	<u>Parcel No.</u>	<u>Prior Assessed Value</u>	<u>Revised Assessed</u>	<u>Value Reduction</u>
2020	153.-3-110	\$18,854,800	\$18,000,000	\$854,800
2021	153.-3-110	\$18,854,800	\$18,000,000	\$854,800
2022	153.-3-110	\$18,854,800	\$18,000,000	\$854,800

and it is further

RESOLVED that THF Saratoga Dev LP c/o Walmart Property #2056 shall be entitled to a refund of excess taxes paid based upon the above revisions; and it is further

RESOLVED that Section 727 of the Real Property Tax Law shall apply to the adjusted assessments for assessment year 2022 and shall affect the 2023, 2024 and 2025 assessment rolls, as modified by the parties as follows:

Should the equalization rate issued by the State of New York for the Town of Wilton for the 2023, 2024 or 2025 assessment rolls be 75 percent or less, then the assessed value of the subject property shall be set at \$16,500,000 for the applicable assessment year and remain at that assessed value for the remainder of the three years covered by Real Property Tax Law §727; and it is further

RESOLVED, that the Town Board does hereby adopt this resolution to end the litigation between THF Saratoga Dev LP c/o Walmart Property #2056 and the Town of Wilton as to the above referenced assessment.

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

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

RESOLUTION#231

WHEREAS, Wilton Mall, LLC and the Town of Wilton are desirous of having certain assessment issues resolved as to properties

owned by Wilton Mall, LLC in the Town of Wilton, and

WHEREAS, a settlement proposal resolving pending tax certiorari litigation was recommended by the Vincelette Law Firm, special 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 alternative 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 2020, 2021 and 2022 tax certiorari proceedings filed by Wilton Mall, LLC in which the 2020, 2021 and 2022 assessed values of parcel #153-3-86.2 shall remain unchanged and the 2020, 2021 and 2022 assessed values of parcel #153-3-86.111 shall be reduced as follows:

<u>Year</u>	<u>Parcel No.</u>	<u>Prior Assessed Value</u>	<u>Revised Assessed Value</u>	<u>Reduction</u>
2020	153-3-86.111	\$37,000,000	\$36,000,000	\$1,000,000
2021	153-3-86.111	\$43,103,700	\$22,000,000	\$21,103,700
2022	153-3-86.111	\$43,103,700	\$20,500,000	\$22,603,700

and it is further

RESOLVED that Wilton Mall, LLC shall be entitled to a refund of excess taxes paid based upon the above revisions; and it is further

RESOLVED that Section 727 of the Real Property Tax Law shall apply to the adjusted assessments for assessment year 2022 and shall affect the 2023, 2024 and 2025 assessment rolls, and it is further

RESOLVED, that the Town Board does hereby adopt this resolution to end the litigation between Wilton Mall, LLC, and the Town of Wilton as to the above referenced assessment.

The adoption of the resolution was seconded by Councilman O’Conor 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 Bogardus and seconded by Councilman O’Conor, all board members in favor, the meeting was adjourned at 8:07 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