

At 7:03 p.m., Supervisor Johnson called the regular meeting to order.

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 O’Conor, who was out of town.

Arthur Johnson-Supervisor
Raymond O’Conor-Deputy Supervisor-Absent
Ian McGaughey-Councilman
Charles Gerber-Councilman
Lawrence Gordon-Councilman

Also present were Town Attorney Richard DeVall, Town Comptroller Jeffrey Reale and Director of Planning and Engineering Keith Manz.

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 Councilman McGaughey, the board adopted the following resolution:

RESOLUTION # 158

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the July 5, 2007 meeting as typed, without amendment.

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

Wilton Historic Perservation

Ray O’Conor

Supervisor Johnson explained that Deputy Supervisor O’Conor, had introduced the Historic Presentation legislation for everyone to review and asked that we set a public

hearing for next month. Supervisor Johnson then set a public hearing for September 6th, at 7:00 p.m..

Local Law No. 3 of 2007

**Local Law regarding MS4
(the IDDE Law)**

Supervisor Johnson asked Tracy Miller from the L.A. Group, to address the board. **Tracy Miller** explained that this law is another requirement of New York State Department of Environmental Conservation for the MS4 program. It is called the Illicit Discharge, Detection and Elimination Local Law. Basically what it is doing is prohibiting illicit discharges, which are non-stormwater discharges through the stormwater system. After some discussion the board set the public hearing for September 6th, 2007 at 7:10 p.m..

Saratoga Heritage Phase II (PUD)

Amendment to Local Law #2 of 2004

Supervisor Johnson asked Mike McNamara from Environmental Design Partnership, LLP, to address the board regarding the amendment. **Mr. McNamara** told the board that the PUD had been approved for a 1,400 S.F. fitness center. We would like to make this building a little larger, add a swimming pool and redistribute the parking. This would result in an increase of 1,000 S.F. of greenspace. After some discussion **Supervisor Johnson** stated that the changes were probably a good benefit. Supervisor Johnson asked Engineer Manz if this minor change had to go to the Town Planning Board for recommendation. It would just be for site plan approval. **Engineer Manz** agreed. The board set a public hearing for September 6, 2007, at 7:15 p.m..

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

RESOLUTION # 159

NOW, THEREFORE, BE IT RESOLVED, to refer the amendment to the Saratoga Heritage Phase II PUD to Saratoga County Planning Board for review and recommendation.

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

The Paddocks (Multi-Family PUD)
Capital District Properties
William Hoblock

Supervisor Johnson asked William Hoblock, from Capital District Properties to address the board. **Mr. Hoblock** explained that he was before the town to introduce the Paddocks PUD, which is a continuation of the Hudson Springs PUD on Old Gick Road. He then gave a narrative of the proposed PUD. The site is thirteen acres of Barren vacant land and the site plan that was approved on that property was for 64,000 square feet of self-storage space, 36,000 square feet of warehouse space with loading docks and 4,000 of accessory office space to go with the industrial complex. The facility has not been built to date. The parcel is zoned C-2 and that's important because the town code permits multi-family PUDD's can be considered in that district and that's our proposal tonight. **Mr. Hoblock** went on to discuss the illustrations and the site plan for the proposed application. Councilman Gordon would like to see something in the mitigation study area regarding Perry Road. He was also concerned about getting rid of the drainage areas. **Mr. Hoblock** stated there are three ponds in the new area. **Supervisor Johnson** stated it is a good addition to the area.

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

RESOLUTION # 160

NOW, THEREFORE, BE IT RESOLVED, to refer The Paddocks (Multi-Family PUD) on Old Gick Road to the Town Planning Board and Saratoga County Planning Board for review and recommendation and;

FURTHER BE IT RESOLVED, to establish the town board as lead agency in this unlisted action in the SEQR process.

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

Road Acceptance

- a.) **Blue Lupine Lane**
- b.) **Connors Way**

Supervisor Johnson explained that there were some road acceptances that were tabled last meeting and asked Town Attorney Richard DeVall, to comment on these items. Attorney DeVall stated that he had reviewed the documents and they are acceptable for both roads.

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

RESOLUTION # 161

NOW, THEREFORE, BE IT RESOLVED,
(as per Town Attorney Richard DeVall,) to accept Blue Lupine Lane and Connors Way as town roadways subject to the petitioner depositing in escrow a sum equal to last year's school taxes plus twenty percent which will pay for the school taxes when the bills are sent out in September of this year.

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

Highgate Road (Storm Sewers)

Charles Kochheiser
32 Highgate Road

Supervisor Johnson asked Mr. Kochheiser to address the board. **Mr. Kochheiser** discussed a picture and a letter regarding concerns about the deteriorating condition of the storm sewer located at the northern end of Highgate Road. His immediate concern is the safety risk posed for children. This is an on-going problem and a liability. He asked the board to please look into this. **Supervisor Johnson** stated that the town knows there is a problem and they would address it and figure out a way to solve it. (No action taken).

Z3 Consultants, Inc.
Electric Inspections
Last Discussed 7/5/07

Supervisor Johnson explained that last month we had a request from Z3 Consultants to be added on to our list to do electrical inspections in town. We tabled this to check out the company. He then asked Engineer Manz to explain the findings. **Engineer Manz** stated that Robert Roeckle reviewed it and thinks they are a reasonable firm and we should add them. No resolution needed.

Saratoga Springs History Museum
Banner on Rt. 50
Jamie Parillo (Director)

Supervisor Johnson asked Becky Codener, from the Saratoga Springs History Museum to address the board. **Ms. Codener** stated that they would like to put a banner up for their major fundraising event the Annual Saratoga Springs Antique Show, August 10-12. We are requesting your permission to place our banner on the DOT right-of-way before the slip ramp off Rt.50 entering the Barnes and Nobel parking lot. Councilman Gordon and Supervisor Johnson explained that entrance is not highly used. Supervisor Johnson suggested that the banner would be much more visible near Wal-Mart.

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

RESOLUTION # 162

NOW, THEREFORE, BE IT RESOLVED, to allow the Saratoga Springs History Museum to use the Town right-of-way for a placement of their Annual Antique Show banner on the dates so specified.

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

Amend PUD Regulations
Section 129-115, Regulations
Adding P (revisions to PUD)
Attorney DeVall

Supervisor Johnson asked Attorney DeVall to explain this amendment. **Attorney DeVall** stated that over the years it has been a nagging theatrical question as to whether or not the proper procedure to amend a PUD provision would be through an application to the Zoning Board of Appeals or by returning to the Town Board. I think it's an open question and there is not clear and unambiguous case law or fine answer in the law. I would like to put an end to that question so that some Supreme Court Judge does not decide the issue; we can decide the issue and if the board is inclined I would recommend too that you consider adopting an amendment requiring that amendments to PUD's must be made by returning to the Town Board and applying for an amendment. The board set a public hearing for September 6, 2007, at 7:20 p.m..

Pat Phillips

Re: Election Inspectors

Supervisor Johnson asked Pat Phillips to address the board. **Mr. Phillips** explained that every year we have a hard time finding inspectors because the election inspectors are elderly and there is a danger of illness and disabilities. We just lost an election inspector this weekend, of many years of service, Joan Krappman, not only Joan but her husband for years had served the town of Wilton, so I ask the Town Board to give some consideration to a separate kind of recognition for Joan and her husband for service to the community. I think it would speak volumes for the family and the community. I am reaching out to the Town to get more people involved to make the process work. **Supervisor Johnson** asked Mr. Phillips if the Saratoga County Board of Elections does any recruiting of election inspectors because they handle all of that now. **Mr. Tagliento**, stated that the County polls all the people who registered and ask if they would like to become part of the process. **Supervisor Johnson** stated he would look into what we could to recruit some inspectors and have a pool to draw from.

Committee Reports (If Any)

Supervisor Johnson asked if there were any committee reports. **Councilman Gerber** explained that he had one thing that was discussed a couple meetings ago regarding waiving fees for children of volunteer coaches for various programs. I spoke to all the Town Councilmen, by phone and filled them in on the situation. For the hours these people put in, it is a small perk to waive the fee for one child per coach per team. **Supervisor Johnson:** I understand this has been an existing policy but kind of an unwritten policy. **Councilman Gerber** stated that, yes this has been going on for years. I would like to formalize the policy. **Supervisor Johnson** stated that he supported the program and there may be others that the board can look into at budget time. **Councilman Gerber:** I will ask the Park and Recreation Commission to look into other volunteers that are being utilized on a regular basis at the park, for various programming and we could have a report for the Town Board at budget time.

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

RESOLUTION # 163

NOW, THEREFORE, BE IT RESOLVED, to adopt as policy the waiving of fees for children of volunteer coaches, one child per coach, per team.

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

Hazardous Waste Day

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

RESOLUTION # 164

WHEREAS, a resolution authorizing the filing of an application for State Assistance from the Household Hazardous Waste (HHW) State Assistance Program and signing of the Associated State Contract, under the Appropriate Laws of New York State.

WHEREAS, the State of New York provides financial aid for household hazardous waste programs; and

WHEREAS, The **TOWN OF WILTON** herein called the **MUNICIPALITY** deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a contract by and between **THE PEOPLE OF THE STATE OF NEW YORK**, herein called the **STATE**, and the **MUNICIPALITY** be executed for such state aid;

NOW, THEREFORE, BE IT RESOLVED BY, The Town of Wilton Town Board

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurance contained in said application is hereby authorized.

2. That Town Supervisor, Arthur Johnson is directed and authorized as the official representative of the **MUNICIPALITY** to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the **STATE**;

3. That the **MUNICIPALITY** agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for the State share of such costs.

4. That five (5) certified copies of this resolution be prepared and sent to the NYSDEC together with a complete application.

5. That this resolution shall take effect immediately.

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

Comptroller's Report
(Including Bills & Transfers)

Budget (2007) Transfers

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

RESOLUTION # 165

NOW, THEREFORE, BE IT RESOLVED, to approve the budget transfers for 2007 requested for and listed in the Comptroller's 8/2/07 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.) **Roger Blauvelt**

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

RESOLUTION # 166

NOW, THEREFORE, BE IT RESOLVED, to approve the following employees to donate sick time to Roger Blauvelt:

Robert Roeckle-additional 40 hours of sick time (80 hrs. of sick time donated for this calendar year).

Cathy Hall-additional 40 hours of sick time (80 hrs. of sick time donated for this calendar year).

Rich McCane- 20 hours of vacation time

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

b.) Delbert Kenyon

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

RESOLUTION # 167

NOW, THEREFORE, BE IT RESOLVED, to approve the donation of 20 hours of vacation time by Rich McCane, to Delbert Kenyon.

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

c.) Steve Porto

Comptroller Jeffrey Reale, stated that Park & Recreation Director Steve Porto, had requested to waive the Town's Comp Time Policy. Councilman Gerber stated that he had discussed this with Mr. Porto, but did not get the amount of hours he was requesting a waiver for. I think the request needs some more information. I am not comfortable giving him a blank waiver. What he is doing is very prudent fiscally allowing his staff to step up in vacancies. Supervisor Johnson stated that we should budget for overtime next year.

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

RESOLUTION # 168

NOW, THEREFORE, BE IT RESOLVED, to approve Park and Recreation employees receiving overtime pay for hours over the 70 hour comp-time limit and;

Approve a budget amendment in the amount of \$2500 transferred from Contingency to the 702 Park account.

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

Town Policy Committee

Comptroller Reale stated that he would like to put together a committee to look into 2008 proposed changes to our Towns Personnel Policy, Procurement Policy and Investment Policy. **Supervisor Johnson** stated that the last time Councilman McGaughey, Councilman Gordon, Nancy Reily and Jeffrey Reale were on the committee, so I will ask the same people to be on that committee.

CP #411 Smith Bridge Dam Project

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

RESOLUTION # 169

NOW, THEREFORE, BE IT RESOLVED, to approve the request submitted by Engineer Manz to close out Capital Project # 411 and transfer any balance left back to the General Fund.

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

Informational

Comptroller Reale stated that the Internal Reviews for all departments have been completed and are on file in his office.

Mr. Fred Jurgens, a resident from 32 Vincek Lane, asked to address the board. He read a statement regarding the road hazards and conditions and asked the board to make decision to do something with the road. **Highway Superintendent Kirklin Woodcock**, responded by stating that Vincek Lane was sold off in individual parcels prior to zoning. All the roads he mentioned in fact are not deeded Town roads, they are roads by usage. **Councilman Gordon** asked Mr. Jurgens who owned the property where the road is now. **Mr. Jurgens** stated Mr. Vincek, he pays taxes on it. Councilman Gordon asked if the road was a separate parcel or part of a larger parcel. So in order to have a public way either he has to give up the land or the people who own lots there have to give it up, one of the two or both. **Supervisor Johnson:** Have Mr. Vincek build the road to specs. and the Town will take it or if the residents get together and pay for the construction of the road to spec. the town will be glad to take it over.

Knollwood Drive

Mr. Zinn

Supervisor Johnson recognized Mr. Zinn, and asked him to address the board. **Mr. Zinn** thanked the board for authorizing the Highway Department for doing a great job on the water retention area behind our homes on Knollwood Drive. I determined that the water has subsided significantly and I am grateful for that. **Mr. Zinn** stated he had gotten the assessment notice today and now is a golden opportunity for the town to tell the assessor that there are a lot of people in the town who are suffering the loss of property values because of the flooding in their basements. Please be sure to tell the Assessor to lower our taxes and our assessment. **Supervisor Johnson** stated that when the people get that data mailer should make a notation on it and send it back to the assessor, so she can look at the loss or damage as a potential loss in value. **Mr. Zinn** stated he wanted the town to be pro active rather then reactive, the water will get higher again. At the last meeting I read a report I had received from a hydrologist, I will not give you their names, but I will give you a copy of the report. The hydrologist states in the correspondence that all the housing development is affecting the aquifer; contrary to what your hydrologist is telling you. The hydrologists I had, state that you can solve it and find a way to run the water off and prevent it from getting worse. Mr. Zinn went on to say that if we had a power failure at that time, the flooding would have been tremendous in our basements. **Councilman Gordon** stated that there are provisions in the State Law for improvements that are required to solve problems, one of them is very specific. It is called drainage. That means when there is a specific situation, no matter how it is caused, that if there is a solution that requires engineering and expenditure of funds that is unique to a certain area, it is called and recommended the adoption or the procedures we need for a Special District. It tells

people in that affected area that they have a right to have a solution financially paid for, but not by the general public's tax money. It would be related to a specific creation of a special district where the people affected and corrected would pay the bill for the solution called bonded and indebtedness. **Councilman Gordon** asked Mr. Zinn if he was prepared to go out and get a petition and bring it to this board for an engineering solution to be bid corrected bonding issue and also be taxed for that improvement. **Mr. Zinn** stated that the board needs to step forward and use the taxpayer's money to fix the problem for the people affected in the whole town. **Councilman Gordon** stated that is unrealistic. After some discussion, **Supervisor Johnson** stated he would contact Deputy Supervisor Ray O'Connor and have him contact Mr. Zinn and let him know if there are any low interest loans available. **Engineer Manz** stated he had two comments on what he had heard: number one we did hire an independent hydro-geologist Hansen Van Vleet, who came up with an independent professional report that they signed and number two I will not read any document that is not signed by a professional or an individual because it is meaningless. As professionals we stand behind our signatures. After some discussion, **Supervisor Johnson** stated that the county was asked to assess the damages and we did not meet the limitations. Therefore, there is nothing to be done.

Supervisor Johnson asked if there was any other business, if not I will entertain a motion to adjourn.

On a motion introduced by Councilman McGaughey, and seconded by Councilman Gerber, the meeting was adjourned at 8:49 p.m., all in favor.

Respectfully Submitted,

Carol Maynard, Town Clerk

Supervisor, Arthur Johnson

Councilman, Raymond O'Connor

Councilman, Charles Gerber

Councilman, Larry Gordon

Councilman, Ian McGaughey