

PUBLIC HEARING: Olson Farm (Drainage District)

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

PLEASE TAKE NOTICE that the Town of Wilton, New York, County of Saratoga, will hold a public hearing to create the Town of Wilton, Olson Farm Subdivision Groundwater Drainage District.

SAID PROPOSED GROUNDWATER DRAINAGE DISTRICT would be a special assessment district to include the 54 proposed single family building lots within the Olson Farm Subdivision. Each homeowner would pay a yearly fee to go to a dedicated account for future maintenance and operation costs.

SAID PUBLIC HEARING will be held on Thursday December 4, 2008 at 7:00 p.m., at Wilton Town Hall located on Traver Road in the Town at which time all persons will be given an opportunity to be heard.

BY RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WILTON

At 7:00 p.m., **Supervisor Johnson** called the public hearing to order at 7:00 p.m., and asked the Town Clerk to read the public hearing notice aloud, she did so. Supervisor Johnson asked if anyone had any comments on this public hearing. He then recognized Mike McNamara from Environmental Design Partnership. Mr. McNamara discussed the purpose of the district which is to provide a mechanism by which the town can have the funds if necessary to pay for repairs to the drainage system. He stated that the maintenance should cost around fifteen hundred dollars a year which would be approximately twenty-five dollars (\$25.00) per lot. We are also proposing an initial fee of one hundred dollars (\$100) per lot to get started. Supervisor Johnson asked what the next step the board would have to take if they approved the district. Attorney DeVall explained that the board needs to adopt a resolution and file it with Saratoga County Clerk and the State Comptroller's office. Supervisor Johnson closed the public hearing at 7:10 p.m..

REGULAR TOWN BOARD MEETING

Immediately following the public hearing, Supervisor Johnson called the Regular Town Board meeting to order at 7:10 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:

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

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

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 Deputy Supervisor O’Conor, the board adopted the following resolution:

RESOLUTION # 193

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the November 6, 2008 meeting as typed without amendment.

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

Bike/Pedestrian Pathway (Design Proposal)

Peter Faith

Last discussed 11/6/08

Supervisor Johnson explained that a public workshop was held regarding the proposed pathway along Carr Road, Jones Road and Northern Pines Road. From that workshop the board had asked Peter Faith to put together a proposal for a preliminary design for the pathway. **Peter Faith** discussed the proposal in detail going over the proposed scope of engineering services to be provided on this project; Tasks 1-10 (described in hand-out). The proposed fee for the entire proposal is \$46,900, including construction administration. Mr. Faith stated that, if you want to stop at a logical point which is task five; Drawing Review, the fee would be \$20,000. This is for segment 1 and 2. **Town Engineer Manz** explained that Mr. Faith gave the board the whole number then broke it down as follows: \$20,000 for preliminary, \$16,900 for final and \$10,000 for the construction phase. **Supervisor Johnson** explained that after Mr. Faith completes the traffic study next year this pathway will be included in that study and we will be able to use mitigation fees to pay for this. After some discussion, the board adopted the following resolution.

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

RESOLUTION # 194

NOW, THEREFORE, BE IT RESOLVED, to move ahead with the preliminary proposal for the design of the Gavin Park Neighborhood Path, tasks 1-5, with future reimbursements from mitigation fees provided in the traffic study update and;

FURTHER BE IT RESOLVED, to authorize the set-up of a Capital Project #442, to be funded initially from the General Fund upon the completion of the traffic study the General Fund will be reimbursed by the traffic mitigation fees in the amount of \$20,000.

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

Olson Farm (Drainage District)

Public Hearing held earlier

Last discussed 11/6/08

Supervisor Johnson referred this item to the town attorney. **Attorney DeVall** explained that Andrew Brick from Donald Zee's office is here and he has drafted a resolution at my request. A question I have is; I believe this petition can only be acted upon in the event that 51% of the property owners endorsed it. If there has been a closing and there is one property out. There would be two property owners. **Supervisor Johnson** asked Attorney DeVall if he would like to know if there has been a closing on that one lot before the board acts. **Attorney DeVall** replied "I would". After some discussion, the board asked Mr. Brick to try and get the information from Mr. Zee and would go back to this item at the end of the meeting.

Olson Farm (Open Space)

Last discussed 11/6/08 (tabled)

Northern Pines Road

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

RESOLUTION # 195

NOW, THEREFORE, BE IT RESOLVED, to accept the Olson Farm open space.

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

Deputy Supervisor O’Conor, abstained from voting.

Wilton Woods(Open Space)
Last discussed 11/6/08 (tabled)
Edie Road

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

RESOLUTION # 196

NOW, THEREFORE, BE IT RESOLVED, to accept the Wilton Woods open space.

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

Gates for road to salt shed (Kirk)

After some discussion, the board agreed that this item comes under building & grounds and told Highway Superintendent to work with Building Inspector, Mark Mykins to come with a proposal to present to the board.

Reappointments

a.) Ethics Board

Joseph Cavallo (Unable to contact) Current term to expire 12/31/08

Supervisor Johnson that Mr. Cavallo has moved out of the area, so there is a vacancy on the Ethics Board and there is no proposed replacement at this time.

b.) Planning Board

William Rice Current term to expire 12/31/08

c.) Zoning Board

John Minoque Current term to expire 12/31/08

Supervisor Johnson asked the board to table these two reappointments for now. There are other candidates that are interested that the board would like to interview.

d.) Planning Board (Alternate) Current term to expire 12/31/08

Donald Needham New term 1/1/09-12/31/09

e.) Zoning Board (Alternate) Current term to expire 12/31/08

Rocco Angerami New term 1/1/09-12/31/09

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

RESOLUTION # 197

NOW, THEREFORE, BE IT RESOLVED, to reappoint Donald Needham as Planning Board alternate member new term 1/1/09-12/31/09 and;

FURTHER BE IT RESOLVED, to reappoint Rocco Angerami as Zoning Board alternate member new term 1/1/09-12/31/09.

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

Park & Recreation

R. Dale Long, Jr. (resignation as chairman)

John Rossner (to replace as chairman)

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

RESOLUTION # 198

NOW, THEREFORE, BE IT RESOLVED, to accept R. Dale Long, Jr. resignation as chairman of the Park and Recreation Commission and;

FURTHER BE IT RESOLVED, to appoint John Rossner as chairman of the Park and Recreation Commission to replace R. Dale Long, Jr. term 1/1/09-12/31/09.

The adoption of the resolution was seconded by Deputy Supervisor O’Conor, duly put to a vote, all in favor.

Change January meeting date

January 1st is New Year’s Day

Supervisor Johnson asked the board if January 8th, 2009, was a good date for everyone. The board agreed. January’s Town board meeting date will be advertised as January 8th, 2009 at 7:00 p.m..

Committee Reports (If Any)

Deputy Supervisor O’Conor, explained to Mr. Marlow, a resident at the meeting, from Lonesome Pine Drive who had requested a speed limit reduction in June 2008, that a letter of response had come in from Saratoga County Commissioner of Public Works, Joe Ritchie, stating the 30 MPH speed limit is appropriate and a reduction was not warranted, however, warning signs for specific conditions might be recommended. Mr. Marlow stated that he has replaced his mailbox several times and he believes 30 MPH is not appropriate on the curve. Something has to be done. After some discussion, Highway Superintendent Woodcock stated he would go there and take a look at the situation.

Comptroller’s Report
(Including Bills & Transfers)

Budget (2008 transfers & amendments)

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

RESOLUTION # 199

NOW, THEREFORE, BE IT RESOLVED, to approve the budget transfers & amendments for 2008 requested for and listed in the Comptroller’s 12/4/08 report to the Town Board.

The adoption of the resolution was seconded by Deputy Supervisor O’Conor, duly put to a vote, all in favor.

Personnel

a.) Association of Towns

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

RESOLUTION # 200

NOW, THEREFORE, BE IT RESOLVED, to authorize Town Engineer, Keith Manz and Town Planner, Kate Maynard to attend the annual NYC Association of Towns meeting held on February 16-18, 2009.

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

**b.) Highway Department
Jonathon Hoffman (MEO)**

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

RESOLUTION # 201

NOW, THEREFORE, BE IT RESOLVED, to approve the hiring of Jonathon Hoffman as an MEO by Kirklin Woodcock, Highway Superintendent effective November 17, 2008, starting at the base rate.

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

c.) Walter Smead (Sole Assessor)

Walter Smead has decided not to accept the position as Sole Assessor for the Town of Wilton.

**d.) Park & Recreation
Danielle Murray (resignation)**

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

RESOLUTION 202

NOW, THEREFORE, BE IT RESOLVED, to accept Danielle Murray’s resignation in the senior clerk position effective November 3, 2008.

The adoption of the resolution was seconded by Deputy Supervisor O’Conor, duly put to a vote, all in favor.

MS4-LAGroup

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

RESOLUTION # 203

NOW, THEREFORE, BE IT RESOLVED, to approve the request from Keith Manz, for the proposal from the LA Group to perform the MS4 Annual Report and Road Mapping. The work will start in 2009 and come out of the 2009 budget.

The adoption of the resolution was seconded by Deputy Supervisor O'Connor, duly put to a vote, all in favor.

Personnel Policy Vacation Leave Proposed Change

Comptroller Reale explained that he had a department head meeting on this item and there was no opposition. I am not asking the board to approve tonight. This will be in the reorganizational meeting.

Old Computers

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

RESOLUTION # 204

NOW, THEREFORE, BE IT RESOLVED, to approve the request submitted by Comptroller Reale to declare all disposed computers as surplus and;

FURTHER BE IT RESOLVED, to enter into an agreement with Spa Net to sell the computers, the Town take on each computer will be \$50.00. Spa Net will reformat all hard drives before putting them up for sale.

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

Olson Farm (Drainage District)
Discussed earlier in meeting

Supervisor Johnson explained that the board would return to item five on the Town Clerk's agenda to discuss the Olson Farm Drainage District.

Town Attorney Richard DeVall stated that based on the representation of Mr. Brick that a closing has not taken place we can do this, if a closing has taken place we will have to come back and do it again in January.

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

RESOLUTION # 205

Resolution and Order

Establishing Town of Wilton

Groundwater District No.1

Whereas, a Petition dated November 4, 2008 was filed with the Town requesting creation of an improvement district pursuant to Article 12 of the NYS Town Law, more specifically a groundwater district, and

Whereas, a list of all properties that are proposed to be included in the district is attached hereto, and

Whereas, a review of the Petition has determined that 100% of the property owners of the lands to be included in the District have signed said Petition, and

Whereas, a map, plan and report by a licensed professional engineer accompanied said Petition, and,

Whereas, the Petitioner has submitted correspondence which states that all property owners and the entire subdivision in which the proposed district is to be located will benefit and be improved by creation of this district, and

Whereas, a duly noticed public hearing upon the Petition was held before the Town of Wilton Town Board on December 4, 2008, and

Whereas, a review of relevant state statutes as well as correspondence from the NYS State Comptroller dated December 2007 reveals that approval of the State Comptroller is not required prior to creation of this district,

Now Therefore Be It Resolved,

The Town Board of the Town of Wilton hereby approves and orders the creation of Town of Wilton Groundwater District No. 1 pursuant to authority conferred by NYS Town Law Article 12 and hereby makes the following findings of fact in conjunction with approval of this improvement district based upon a review of the Petition and Map, Plan and Report:

1. The Petition is signed and authenticated as required by law and is otherwise sufficient.
2. All of the property and property owners within the district are benefited by the creation of said district.

- 3. All of the property and property owners to benefit from said district have been included in the district, and
- 4. That it is in the public interest to create the district.

Be It Further Resolved,

The maximum amount to be expended by the Town related to the district through financing, bonding, or any other indebtedness is 0.00 Dollars and all costs are to be borne by the property owner(s) at no cost to the Town.

Be It Further Resolved,

The Town Clerk shall file a copy of this Resolution and Order with the New York State Department of Audit and Control and with the Saratoga County Clerk within 10 days of this date.

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

Deputy Supervisor O’Conor, who abstained from voting on this resolution.

Supervisor Johnson: If there is no other business, I will entertain a motion to adjourn.

On a motion introduced by Councilman McGaughey, and seconded by Councilman Gerber, the meeting was adjourned at 8:31 p.m..

Respectfully Submitted,

Carol Maynard, Town Clerk

Supervisor, Arthur Johnson

Councilman, Raymond O’Conor

Councilman, Lawrence Gordon

Councilman, Ian McGaughey

Councilman, Charles Gerber