

PUBLIC HEARING: Saratoga Heritage Phase III PUD Amendment

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 adopt a Local Law No. 5 of 2009, to amend Local Law No. 7 of 2005, known as Saratoga Heritage Phase III Planned Unit Development District, Town of Wilton.

SAID PUBLIC HEARING would consider an amendment to the Saratoga Heritage Phase III Planned Unit Development District and provide for 40 existing multi-family units in 6 buildings, two or three single family building lots and parking for 130 cars. The project will include public sewer and water services and stormwater will be managed on-site. The project also includes a new 1,200 lf. road and changes to access the property. The property is located on the West side of NYS Route 9, south of the intersection of Waller Road, with a total of 17.0 acre. Tax Map No. 140.-3-11.

SAID PUBLIC HEARING will be held on Thursday, October 1, 2009 at 7:00 p.m., at the Wilton Town Hall located on 22 Traver Road in the town at which time all persons will be given the opportunity to be heard.

BY RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WILTON

At 7:05 p.m., **Supervisor Johnson** called the public hearing to order. Supervisor Johnson explained that this item had been referred to the Town and County Planning Boards both have responded in the positive however, with modifications in their comments. He stated that Mr. Nicholson was here to go over the plan which incorporates many of those comments. He then recognized Gordon Nicholson from Environmental Design Partnership who updated the board on the changes to the site plan and addressed the comments and concerns that were brought up during the various meetings with Town Planner, Kate Maynard. **Mr. Nicholson** stated that the most significant changes to the plan include a t-turn around that was located here (illustrating on site plan where they flipped it to) making it easier for the Highway Department to plow. He stated that all the comments made by Town Planner Kate Maynard have been addressed. Also providing for perpendicular access points on the public road as suggested, provided a future access easement to the dentist office, provided a lights out suggested by the planning board at the entrance to Saratoga Heritage Phase III. The road will be designed and constructed to town specifications and offered to the Town for dedication. It will contain sewer, water and stormwater management infrastructure. We have mentioned the possibility of two or three buildings lots, it will be two building lots. He then illustrated where the two lots would be located on the site plan. The eight units have been eliminated from the application. Mr. Nicholson also stated that the traffic study has been completed and the most significant recommendation is that the hedge row separating Saratoga Heritage Phase III and Mr. Farone's office be trimmed back and that is something we can accomplish. **Supervisor Johnson** asked if anyone in the audience would like to speak on the public hearing. No comment. He then closed the public hearing at 7:07 p.m..

REGULAR TOWN BOARD MEETING

Immediately following the public hearing, Supervisor Johnson called the Regular Town Board Meeting to order at 7:07 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
Shirley Needham-Councilwoman
Charles Gerber-Councilman

Also present were Town Attorney Richard DeVall, Town Comptroller Jeffrey Reale, Town Engineer Keith Manz and Town Planner Kate Maynard.

Plaque Presentation

Supervisor Johnson asked Ron Stunzi to step forward and stated that Mr. Stunzi had been a Highway Employee for the last 35 years. He has been a mainstay in that organization over all this time and he also serves as our Animal Control Officer and does a great job at both. We thought it was appropriate to recognize such an outstanding employee who has dedicated so many years of service to the Town. Supervisor Johnson then read a plaque that he presented from the Town, to Ron Stunzi, who is retiring. **Councilman Gerber** stated he and Ron Stunzi had been next door neighbors for twenty years he is one of my hero's, he was selfless in his service to the town; a stellar employee and citizen.

Approve Pending Minutes (Aug. & Sept.)

Supervisor Johnson explained that there are minutes pending from both August and September. We did not adopt the August minutes because there were changes requested from Councilman Gerber and the board now has copies of those changes. Supervisor Johnson asked for a motion and a second to approve the pending minutes.

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

RESOLUTION # 176

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the August 6, 2009 meeting as amended and;

FURTHER BE IT RESOLVED, to approve the minutes from the September 3, 2009 meeting as typed, without amendment.

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

2010 Tentative Budget

**Tentative Budget received by Town Clerk
& copies distributed to Board Members**

Supervisor Johnson stated that he would like to introduce the 2010 tentative budget. This is a very difficult budget year. Sales tax is our largest source of revenue. This year sales tax has declined 8 to 10 percent in dollars this means approximately \$500,000 loss for this town. We had budgeted about \$400,000 to balance the budget for 2009. On the spending side of the budget, health insurance premiums have increased 17%. Our pension contribution has increased 40 %. The budget requests submitted by the department heads for 2010 total \$7,469,038 or a 3.5 % increase over 2009. The requests were certainly reasonable, however, if the budget was approved as submitted, we would need to use an additional \$1,200,000 of fund balance to balance the budget. This combined with the previous \$500,000, would substantially deplete our reserves. The other alternative is to raise additional revenue through taxes and I certainly would never advocate for that. That leaves the option of reducing our spending plan. The budget I am offering for the boards consideration totals 6,720,586 dollars, which represents a decrease of 7% from the 2009 budget. On a positive note, the budget does not cut any services or programs that residents have come to expect nor does it affect any personnel in the town. It delays spending on capital projects, equipment purchases and some of the lesser priority roads to be reconstructed or repaved. All the Departments operational needs are fully funded. The workshops will be scheduled for October 23, and October 27, 2009. The board agreed to set a public hearing for the Preliminary Budget to be held on November 5, 2009 at 7:00 p.m..

Saratoga Heritage Phase III (PUD Amendment)

Public Hearing held earlier

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

RESOLUTION # 177

NOW, THEREFORE, BE IT RESOLVED, to approve a Negative Declaration under SEQR, (unlisted action).

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

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

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

RESOLUTION # 178

NOW, THEREFORE, BE IT RESOLVED, to approve the Saratoga Heritage Phase III PUD Amendment as presented with the assurance that all the criteria in stipulation to the Planning Board be met.

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

Deputy Supervisor O'Connor, abstained from voting on this item.

Potential TIP Projects (Exits 15 & 16)

Update to Town Board

Kate Maynard

Supervisor Johnson asked Town Planner Kate Maynard to address the board. Town Planner Kate Maynard explained that she wanted to give the board a brief update on how the process works. The process involves (CDTC) Capital District Transportation Committee, NYSDOT, counties, cities and municipalities, designated organizations planning community needs. CDTC will be developing the TIP (Transportation Improvement Program) to cover all federal-aid transportation projects for the period from October 1, 2010 through September 30, 2015. CDTC has also decided to solicit, evaluate and prioritize important candidate projects now to be ready to include in the out-years (mostly 2013 through 2015) of a new TIP. We have two priority projects that are potential to take a look at: The exit 16 bridge which could include additional lanes; tying utilities across the northway and putting in bicycle pedestrian connections to exit 15, both projects were called for in the comprehensive plan and were also in our Town traffic study. After attending the CDTC workshop my recommendation is to look forward to Route 50 for a potential TIP candidate project. There is an upcoming meeting with DOT and Saratoga Springs to discuss the status of the Cities existing projects and any future Town projects. The board agreed with this direction and requested to be updated when things progress.

The Wilton Global Job Development Corporation

Blueprint for Economic & Job Growth

Ray O'Connor

Supervisor Johnson explained the board had received a draft copy last month and asked Deputy Supervisor O'Connor to address the board. **Deputy Supervisor O'Connor** explained that a press conference is scheduled for Wednesday October 28, 2009 at 1:00 p.m. at the Wilton Global Campus (Wilton Developmental Center) to get this going. We will have a final draft by the time of the press conference.

Ms. Maynard mentioned that an Economic Development Web page would be developed on the Town web-site as an on-line resource.

Craw Farm (Acceptance of Easement)
Attorney DeVall

Supervisor Johnson asked Attorney DeVall to address the board. **Attorney DeVall** explained that he had looked over the easement and was satisfied with the wording, suggesting the board authorize the supervisor to sign the document.

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

RESOLUTION # 179

NOW, THEREFORE, BE IT RESOLVED, to accept the Craw Farm Easement as presented and;

FURTHER, BE IT RESOLVED, to authorize the Supervisor to execute all documents.

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

Resignation (Planning Board)
Nancy Fleming (Vice-Chair)
Term to expire 12/31/11

Supervisor Johnson explained that Nancy Fleming had called him and submitted her resignation as member of the Planning Board.

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

RESOLUTION # 180

NOW, THEREFORE, BE IT RESOLVED, to accept Nancy Fleming's resignation with regret, as Vice-Chair of the Town Planning Board, effective October 31, 2009. Term to expire 12/31/11.

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

Vincek Field Parking
Agreement with John Vincek

Supervisor Johnson asked Councilman Gerber to address the board. **Councilman Gerber** explained that the fields are adjacent to Gavin Park that is used for over-flow parking. After some discussion with John Vincek regarding those fields an agreement was made to charge a rental fee to the Town in the amount of \$2,000 a year to keep those fields open for town functions.

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

RESOLUTION # 181

NOW, THEREFORE, BE IT RESOLVED, to approve the yearly rental fee agreement in the amount of \$2,000, with John Vincek to keep the fields adjacent to Gavin Park open for Town functions from January 1, to December 31.

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

Committee Reports (If Any)

Supervisor Johnson asked if anyone had any committee reports.

Councilwoman Needham reminded the board that Hazardous Waste Day will be held on October 17, at this facility and the last day to put in an application is October 5, 2009. The reason for the applications is so we know how many people will be coming.

Deputy Supervisor O’Conor stated that the board is waiting to get some feed-back from Attorney Dan Vincellete we should be ready to proceed with the Historic Preservation Assessment Provision.

Comptroller’s Report
(Including Bills & Transfers)

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

RESOLUTION # 182

NOW, THEREFORE, BE IT RESOLVED, to approve the 2009 budget transfers and amendments requested for and listed in the Comptroller’s 10/1/09 report to the Town Board.

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

Personnel

- a.) Assessment
Change in Job Title(Nicole Monroe)

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

RESOLUTION # 183

NOW, THEREFORE, BE IT RESOLVED, to approve the request submitted by Assessor Kathy Austin to change Nicole Monroe’s job title from Clerk (grade 2, step 5) to Senior Clerk (grade 3, step 6). The County Personnel Office has approved the title reclassification of this position. Effective 10/13/09. The budget impact would be \$647.50 for the remainder of 2009.

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

Supervisor Johnson stated that before the board goes into executive session there some people here who want to address the board.

NOT ON AGENDA

Donna Drive

Residents from Donna Drive and Margaret Drive commented that the streets were in poor condition with large holes and dangerous for kids riding their bikes and waiting for school buses. Town Resident Amy Baringer from 13 Margaret Drive stated that “it is a hazard to the kids from a safety standpoint.” It’s like the street that time forgot. The road has not been paved since 1989. **Highway Superintendent Kirklin Woodcock** stated that he had gone down to Margaret and Donna Drive and there are some problems there. After some research it would be \$29,040 to pave that street. **Supervisor Johnson** told the residents that the board would discuss the problem in the budget workshop and thanked them for coming. **Councilman Gerber** stated he would personally take a ride over and take a look at the road.

A senior resident who was representing other seniors voiced her concerns and asked for an update on the bicycle path. **Supervisor Johnson** explained that the public hearing was held and the town was waiting on easements. After some discussion, Town Planner Kate Maynard agreed to go over to the senior center and give a update on the path to the seniors.

Executive Session(Litigation)

Supervisor Johnson stated the board needed to adjourn to executive session to discuss litigation.

On a motion introduced by Deputy Supervisor O’Conor, and seconded by Councilman Gerber, the board adjourned to executive session at 8:10 p.m..

On a motion introduced by Deputy Supervisor O’Conor, and seconded by Councilman Gordon, the board reconvened the Regular Town Board Meeting at 8:45 p.m..

Action Taken in executive session

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

RESOLUTION # 184

WHEREAS, Inland Western Saratoga Springs Wilton LLC and the Town of Wilton are desirous of having certain assessment issues resolved as to property owned by Inland Western Saratoga Springs Wilton LLC. In the Town of Wilton commonly known as “Wilton Square, and

WHEREAS, a settlement proposal resolving pending tax certiorari litigation was recommended by Daniel G. Vincelette, 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 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 2007,2008 and 2009 tax certiorari proceedings filed by Inland Western Saratoga Springs Wilton LLC in which the 2007 proceedings shall be discontinued with no refunds or costs; the 2008 proceeding shall be settled by reducing the assessed value from \$67,000,000 to \$58,000,000 with a refund of excess taxes paid, waiving statutory interest; the 2009 proceeding shall be settled by reducing the assessed value from \$67,000,000 to \$57,000,000, which assessment shall be the basis for the 2010 Town and County real property tax bill; and the settlement shall be subject to the provisions of Real Property Tax Law §727;

and it is further

RESOLVED, that the Town Board does hereby adopt this resolution to end the litigation between Inland Western Saratoga Springs Wilton LLC and the Town of Wilton as to the above referenced assessments.

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

Adjournment

Supervisor Johnson asked for a motion and a second to adjourn the meeting.

On a motion introduced by Deputy Supervisor O’Conor, and seconded by Councilman Gordon, the meeting was adjourned at 8:50 p.m..

Respectfully submitted,

Carol Maynard, Town Clerk

Supervisor, Arthur Johnson

Councilman, Raymond O’Conor

Councilman, Charles Gerber

Councilman, Larry Gordon

Councilwoman, Shirley Needham