

PUBLIC HEARING:

Ridgeview Commons 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 Board of Wilton, New York, County of Saratoga, will hold a public hearing to adopt Local Law No. 1 of 2010 to amend Local Law No. 2 of 2006 known as Ridgeview Commons PUDD.

SAID AMENDMENT would increase the acreage of Zone 1A to provide construction of two additional four-unit apartment buildings, one mixed use building, and one storage garage. There will be no change in the overall uses allowed in Zone 1 and 1A. Current Zoning District is H-1, property located on Wilton Gansevoort Road, Tax Parcel No. 114-2-15.3.

SAID PUBLIC HEARING will be held on Thursday, February 4th, 2010, at 7:00 p.m.. at Wilton Town Hall located on Traver Road 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 7:04 p.m., Supervisor Johnson called the public hearing to order and asked the Town Clerk to read the public hearing aloud, she did so. Supervisor then asked Matt Gabryshak, the builder, to give a brief overview of the project. Mr. Gabryshak explained the details of the project and then Supervisor Johnson asked if anyone had any comments. There were none, he then closed the public hearing at 7:05 p.m..

REGULAR TOWN BOARD MEETING

Immediately following the public hearing, Supervisor Johnson called the Regular Town Board meeting to order at 7:05 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 all board members present:

Arthur Johnson-Supervisor
Raymond O'Conor- Deputy Supervisor
Robert Rice-Councilman
Robert Pulsifer-Councilman
Charles Gerber-Councilman

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

Plaque (Terri Baker)

Supervisor Johnson stated that Terri Baker had retired in December of 2009 after 26 years of being Tax Collector and then Receiver of Taxes. He thanked Terri on behalf of the Town Board and all the resident of the Town for her dedicated service. He presented the Plaque to Mrs. Baker.

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 Rice, the board adopted the following resolution:

RESOLUTION # 72

NOW, THEREFORE, BE IT RESOLVED, to approve the amended minutes from the January 7, 2010 meeting.

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

Assemblyman Jordan's Office

Chris Bernstein

Supervisor Johnson asked Mr. Bernstein to address the board on the request. **Mr. Bernstein** explained that he was there on behalf of Assemblyman Tony Jordan. Part of the Assemblyman's community plan is to reach out to every part of the district and attend at least one County, Town or Village board meeting in the next two months. We are two weeks into the project and have had some good input from the community this is by far the largest Town gathering we have been invited to so far. He asked if there was anything the Assemblyman's office can do for the Town Board. Supervisor Johnson stated that the Town appreciates all the help that Mr. Jordan's office has given and thanked Mr. Bernstein for coming.

Economic Development Update

Guests- Travis Bullard, Director of Public Affairs

Michael Russo, Director of Governmental Relations

Global Foundries

Supervisor Johnson explained that as the County Board of Supervisors he had the opportunity to work with Mr. Bullard and Mr. Russo from Global Foundries which is the largest economic development project in the country. They have come to talk to us about the project and the potential effects that will happen for Saratoga County. Supervisor Johnson then asked Kate Maynard to address the board. **Ms. Maynard** stated that there has been a lot of discussion on economic development in terms of what it means for our community and the Town has a long standing vision in terms of community balance, focusing the growth in the exit 15 and 16 area. Ms. Maynard introduced the gentlemen from Global Foundries to the board. **Mr. Russo and Mr. Bullard** went over a presentation of the Global Foundries construction in Malta and around the world and the economic effects it will have on Saratoga County.

Ridgeview Commons PUD (Amendment)

Last discussed 1/7/10

Public Hearing held earlier

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

RESOLUTION # 73

NOW, THEREFORE, BE IT RESOLVED, to approve a Negative Declaration under SEQR.

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

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

RESOLUTION # 74

NOW, THEREFORE, BE IT RESOLVED, to approve the Ridgeview Commons PUD amendment subject to receipt of the legislation and formal receipt of the County recommendation.

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

Hudson Springs PUD

a/k/a The Paddocks of Saratoga

Application of sign area variance

Supervisor Johnson asked William Hoblock to address the board. Mr. Hoblock explained that he wanted to get an extension to keep the existing sign, which has been there since 2008. The board had given the end of 2009 as a deadline to have the sign come down.

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

RESOLUTION # 75

NOW, THEREFORE, BE IT RESOLVED, to approve the request for an extension of a sign variance for the Hudson Springs PUD.

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

Wilton Wildlife Preserve and Park (Update)

Sarah Clarkin

Supervisor Johnson asked Ms. Clarkin to address the board. Ms. Clarkin went over her quarterly report regarding outreach and education programs and the up-coming events that are planned. Supervisor Johnson thanked Ms. Clarkin for coming.

Position of Planner

Continued discussion

Supervisor Johnson explained that at the January 7th, meeting this board passed a resolution retaining the Director of Planning position through 2010 with the condition that it would be taken up again for deliberation in the 2011 budget process. The resolution also had a condition that a workshop would be held within 30 days to discuss the duties and responsibilities of the Planner. That resolution was passed in favor by Councilman Gerber, O'Connor and himself and Councilman Rice and Pulsifer were opposed. The workshop was held on January 19th and the resulted in basically two recommendations: That we have a coordinated review by a planning committee consisting of Engineering, Planning and Building, that would be chaired by Keith Manz as Town Engineer. Part of the proposal was, any dispute of the policy would be referred to the Town Board for ultimate resolution. The other proposal was to make Keith Manz as Director of Planning and Engineering and the Planner and Mark Mykins, the Building inspector would be subordinate to Keith Manz. The applications would come into Keith Manz and he would assign them as he saw for planning and code enforcement, either to Kate or Mark for review. The request tonight to be on the agenda was made by Councilman Pulsifer for discussion.

Councilman Pulsifer explained that at the last meeting he brought up concerns regarding the way the Town deals with land use issues. If we restore Keith's position as Director of Planning and Engineering and change Director of Planning to Planning Coordinator and place that in a subordinate roll answering to Keith and draw up a job description which strictly defines what that person will do, and be restricted to limit discretion. It will be a person who helps people with their applications and follows the rules the Town has already set in writing.

Deputy Supervisor O'Connor stated that the one thing he had concerns about is changing titles, rolls, and responsibilities under Civil Service Law and regulations. The Director of Planning position is a specific title that is under Civil Service. Kate holds that title subject to exam and subject to appointment. It is my understanding it would be characterized as some sort of detrimental change to title to responsibilities which is subject to Civil Service regulations maybe also subject to a hearing on that issue. I do not want to do anything that would possibly put this board or the Town in jeopardy by taking an action that is in violation of the Civil Service Laws. The Town Board makes policy and the other folks have to follow it. He also mentioned the committee brought up in the workshop consisting of the three professionals Keith, Kate and Mark Mykins. Each of those people on different applications and projects would all have to review them and create a review letter that would have to go to the Planning Board or the Town Board or the Zoning Board. Deputy Supervisor O'Connor recommended that Keith Manz be chairman of the committee and the combined report come from the chairman under his signature.

Supervisor Johnson explained that he had a conversation regarding this topic with the County Personnel Director who stated that to change a title and or duties the Town has to submit a proposed title and

duties to them for review and approval. Why don't we keep the title the same, just put the duties under Keith.

Councilman Rice stated that an applicant, who had a willing buyer for his property and had come to the town with a proposal and because the town weighed in on something they should not have weighed in on he lost his deal. What he would have preferred is: for the town to say is: "ok let's take a look at what it is you want to do, you might need certain variances, you might need to cross these hurdles and leave it at that". Let the individual make a determination on his own as to whether or not to proceed, but do not influence him. That's the discretionary part that needs to be taken out. That is why I want everything to go through the Town Engineer. He would like to call the position a Planning advocate.

Councilman Pulsifer liked the idea of calling the title Planning Advocate with restricted duties, but if the board would not come half way he would vote to eliminate the position.

Councilman Gerber stated that he is a supporter of private property rights which is why during our initial comments last month I sided on the side of maybe we should eliminate the position but having giving a lot of thought to it the other thing that is important is: planning is very important but what I think is important is the direction of the input from the person who is holding the position that Kate has now. Planning should be directed to this board, we are the policy makers. The compromise that has been put forth is a good proposal.

Kate Maynard stated that this whole thing was ridiculous. She had taken the highroad for a lot of this, she has always thought that it was very important to be professional and her field does a lot. It is something she is passionate about. When a project comes in the door there is discussion points in terms of how it is framed. It meets codes in different ways of how you get it in the community. In this whole situation I have been personally attacked and it hurts me personally. I finally heard for the first time tonight on of the situations where I supposedly have done something wrong. She thanked Councilman Rice for bringing that out. This has been a trial. There has been this curtain of people saying things. There is defamation of character going on. You also know that personal attacks have taken place. It is a constitutional right to not have slander and liable take place without someone who is person enough to stand up and put their name such a personal attack. She then responded to Councilman Rice regarding the applicant he discussed earlier, giving her side of the story. She then quoted the Town's Comprehensive Plan stating: "It is for the purpose of bringing that to your attention as staff". Ms. Maynard stated that to put down her entire field of work it is embarrassing and defamation of character and the town is the laughing stock of the region. This is too much for any professional person to take. I thank you for those who have supported planning and what it means for our community and thank you for letting me speak.

Supervisor Johnson gave some of the residents a chance to speak and give their opinions. After a lengthy discussion, the following motion was introduced:

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

RESOLUTION # 76

NOW, THEREFORE, BE IT RESOLVED, to restore Keith Manz to director of Planning and Engineering and;

FURTHER BE IT RESOLVED, to change Kate Maynard's position to Planning Advocate, subject to review and the appropriate filing by County Civil Service. The review process

will go where both Code Enforcement and Kate will pass along their opinion on an application to Keith, Keith will render a summary review letter, which will be distributed to the applicant. Keith will be the supervisor and the position will be subordinate to Keith and;

FURTHER BE IT AMENDED, to submit the following job description for the Planning Advocate:

The position of the Planning Advocate shall be and administrative position, not a policy making position. The primary responsibility of the Planning Advocate is to assist applicants in navigating through the myriad of town, state and federal ordinances, regulations and laws that apply to their projects.

It shall be the Planning Advocate's job to welcome applicants and to facilitate the application process for applicants. The Planning Advocate shall inform applicants of policies established by the Town Board in the Town's Planning and Zoning Codes, and the Planning Advocate may point out actual differences between a property owner's application and the Town's Planning and Zoning Codes. However, at no time shall the Planning Advocate direct or require a private property owner to vary his or her application in any manner. At no time shall the Planning Advocate establish land use policy, nor shall the Planning Advocate extend or modify any policy established by the Town Board in the Town's Planning and Zoning Codes. Specifically, the Planning Advocate shall be a public servant who serves and assists private property owners who submit land use applications to the Town of Wilton.

The Planning Advocate duties include:

- 1.) Meeting with applicants to discuss approval process and planning-related issues.**
- 2.) Requesting the attendance/input from Director of Planning & Engineering and Building Inspector for meetings with applicants.**
- 3.) Working with committees regarding rezoning/code changes as may requested by the Town Board.**
- 4.) Implementing GIS mapping functions for Town.**
- 5.) Attending Planning Board Meetings to answer planning questions that may arise.**
- 6.) Coordinating work with Assistant Planning Coordinator regarding County Planning Board referrals, submissions, fees, legal ads, etc.**
- 7.) Reviewing projects for SEQR compliance.**
- 8.) Works on any special projects at the Town Board's request.**
- 9.) Planning Advocate shall follow up leads from Global Foundries**
- 10.)Applying for grants from the State.**

The current pay structure and benefit package would remain the same, as long as Kate Maynard holds that position.

The adoption of the resolution was seconded by Councilman Gerber, and a roll call vote showed the following:

Councilman Rice-	Yes
Councilman Pulsifer-	Yes
Councilman Gerber-	Yes
Deputy Supervisor O’Conor-	No
Supervisor Johnson-	No

Councilman Pulsifer commented that a job description that Councilman Rice, Councilman Gerber and himself worked on needed to be part of the motion. He asked Councilman Rice to read the job description, which he did.

Attorney DeVall asked Councilman Pulsifer if it was the intention in there to say that however, at no time shall the Planning Coordinator direct or require a private property owner to vary his or her application in any manner, and asked: Even if it is contrary to law.

Deputy Supervisor O’Conor stated that he would like to make a comment. He personally thought it carried the air of a punitive measure. He had concerns regarding a number of things. He had only gotten the guidelines 30 seconds ago, and the other folks had days to look at it, and he was concerned about the Civil Service issues. He stated it begged for more analysis.

Councilman Pulsifer disagreed with Deputy Supervisor O’Conor about it being punitive. He stated it was not about the person only the position.

A verbatim copy of this portion of the minutes will be done and attached to the original minutes.

Highway Department
Agreement to spend highway funds
Submitted by the Highway Superintendent
For fiscal year 2010

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

RESOLUTION 77

NOW, THEREFORE, BE IT RESOLVED, to authorize the Town Board to sign the agreement to spend highway funds by the Highway Superintendent.

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

Wilton Youth Baseball

George Kirshe

Proposal to construct a T-Ball only field

Supervisor Johnson asked Mr. Kirshe to address the board. Mr. Kirshe discussed his proposal stating the program has grown up to 400 players who currently have access to five fields our largest division would be the four to six year olds. They would like to construct a T-Ball field which interferes with Gavin Parks Master Plan. They would propose a field in the center by the concession stand. It would provide a safer environment for them rather than have them on grass fields without structured lines. Councilman Gerber stated that the park commission passed a motion to allocate a field specifically for Wilton Youth Baseball T-Ball every Saturday from nine to one and that fits in with the schedule and giving you access to green space in the week for practice. After some discussion, Deputy Supervisor O’Conor explained that the board does not have an aversion to looking at the Master Plan for the Park however, safety first We want to make sure that every single facet of this is considered, the drainage, the sprinkler lines and all the other things. A very thorough review by Steve Porto and the grounds crew, Highway Superintendent and town engineer, Keith Manz. The Town Board was in agreement to explore the possibilities. (No Action Taken)

Wilton/Gansevoort Rd. (Mark Mykins)

Condemned building

Last discussed in May 2009

Supervisor Johnson asked Building Inspector Mark Mykins to address the board. **Mr. Mykins** explained that the brick house at 425 Wilton/Gansevoort Rd. was brought before the board in May of last year and posted condemned. Since then the front roof has caved in, the back roof has already caved in the addition on the side has pulled away from the house and it poses a hazard. **Attorney DeVall** stated that there is a provision in our code relating to unsafe or dangerous buildings. There is procedure to go through; first the board adopts a resolution whereby to accept the report of the building inspector, issues its opinion that it is a dangerous property then the board directs the Town Attorney to issue a notice which is provided for in the code. It tells the property owner they have thirty days to demolish the building that the action has to be completed not more than sixty days thereafter for a total time period of ninety days. What I propose is for the board to adopt the resolution which I have proposed and then I will continue to work with the building department to identify the property owner. This is a matter of public safety there are serious legal questions about proceeding against that property. I think the provision for holding a hearing is mostly to protect the town so it can recover and levy the cost of expenses against the property owner to be recovered in the ultimate tax sale. There are some legal concerns about how we properly comply with our code provisions and specifically notify the land owner. But, If I can’t get the answer to those questions in a matter of days I would be comfortable saying to the board that the town should proceed anyway.

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

RESOLUTION # 78

NOW, THEREFORE, BE IT RESOLVED, to adopt the following resolution provided by Attorney DeVall regarding the property at 425 Wilton/Gansevoort Rd.;

WHEREAS, The Town Board of the Town of Wilton has received and considered the reports of the Building Inspector of the Town of Wilton of his inspection of a certain structure located at 425 Wilton Gansevoort Road; and,

WHEREAS, the said reports indicate that the structure is or may become dangerous or unsafe to the general public, to wit: it is open at the doorways or windows making it accessible to and an object of attraction to minors under eighteen (18) years of age; it is or may become a place of rodent infestation or presents other dangers to the health safety rules and general welfare of the public;

NOW THEREFORE, IT IS HEREBY RESOLVED, by the Town Board of the Town of Wilton pursuant to Wilton Code Section 47-5 that the structure located at 425 Wilton Gansevoort Road is in the Town Board's opinion unsafe and dangerous; and,

IT IS HEREBY FURTHER RESOLVED, that the Town Board of the Town of Wilton does hereby order that the Town Attorney shall issue a Notice pursuant to Wilton Code Section 47-6 and to have the same served upon the person or persons interested in the matter directly pursuant to Wilton Code Section 47-7; and,

IT IS FURTHER RESOLVED, that the Town Board shall hold a hearing in relation to the said dangerous building which hearing shall be scheduled and had not less than five (5) business days from the date of service of the Notice as directed hereinabove; and, a place for the hearing shall be at Town Hall of the Town of Wilton, Traver Road, Gansevoort, New York.

FURTHER BE IT RESOLVED, to allow the Town Attorney ten (10) business days in which to identify the property owner, and

in the event that he cannot, the appropriate action be taken to protect the public safety and welfare of the residents of the Town of Wilton.

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

Ellsworth Cemetery
Bloomingtondale Lots
Jeannine Woutersz

Supervisor Johnson asked Town Engineer, Keith Manz to address the board on this issue. Engineer Manz explained that it is no longer a town contract with the surveyor. That was intended to go to the owner of the plots. They will contract with Tommell for \$1,000 to locate them on the ground to make sure they are all vacant. NO ACTION NEEDED.

Wilton Fire District
Need sponsoring for stimulus for solar energy

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

RESOLUTION # 79

NOW, THEREFORE, BE IT RESOLVED, to act as sponsor for a SERTA energy grant for the Wilton Fire District subject to review of the sponsorship application by the Town Comptroller and the Town Attorney and;

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

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

Committee Reports (If Any)

Supervisor Johnson asked if there were any committee reports.

Councilman Gerber stated that the first is informational, motions that were made relative to some of the requests made by Wilton Youth Baseball at the Commission meeting on Monday night. The second is a brochure that is a new program that the park wants to institute and they want the board’s approval. The board had no objection to the new party program.

Comptroller’s Report
(Including Bills & Transfers)

2009 Budget (Transfers & Amendments)

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

RESOLUTION # 80

NOW, THEREFORE, BE IT RESOLVED, to approve the 2009 budget transfers & amendments requested for and listed in the Comptroller’s 2/4/10 report to the Town Board.

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

2010 Budget (Transfers & Amendments)

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

RESOLUTION # 81

NOW, THEREFORE, BE IT RESOLVED, to approve the 2010 budget transfers & amendments requested for and listed in the Comptroller’s 2/4/10 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.) Education (Building Department)

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

RESOLUTION # 82

NOW, THEREFORE, BE IT RESOLVED, to approve the request submitted by Mark Mykins, for Terrance Anthony, Scott Harrington and himself to attend the NY Annual Codes Enforcement Conference in

Lake Placid from March 1-4, estimated cost \$2,900, this course will allow them to earn their 24 hours of in-service training as required by NYS.

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

- b.) **Highway Department (Rich McCane)**
Donation of sick time

Comptroller Reale explained that Rich McCane would like to donate sick time to a part-time employee who does not have any sick time. The Highway Superintendent did not have a problem with it.

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

Resolution # 83

NOW, THEREFORE, BE IT RESOLVED, to approve this particular transaction on this particular occasion under these circumstances however, anyone who requests this in the future must provide proof of initial hardship.

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

Informational

Information Technology Disaster Recovery and Data Backup Policy

Correspondence: Letter from Frank & Nancy Tetz, regarding Town planner position.

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 Rice, the meeting was adjourned at 10:40 p.m..

Respectfully Submitted,

Carol Maynard

Supervisor, Arthur Johnson

_____ Councilman, Raymond O’Conor

_____ Councilman, Charles Gerber

_____ Councilman, Robert Rice

_____ Councilman, Robert Pulsifer