

# TOWN OF WILTON

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Susan Baldwin, Town Clerk

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## **PUBLIC HEARING-Amendment to Public Utilities 129-4**

**7 :00 P.M.**

Supervisor Lant opened the public hearing at 7:00 P.M.

There were no comments. Supervisor Lant closed the public hearing at 7:01 P.M.

## **REGULAR TOWN BOARD MEETING-February 1, 2023**

**Supervisor Lant** called the Regular Town Board meeting to order at 7:01 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 all board members present.

John Lant-Supervisor

John McEachron-Deputy Supervisor

Duane Bogardus-Councilman

Erinn Kolligian-Councilwoman

Councilman O'Connor was excused.

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

### **Honoring Tracey Moran**

Supervisor Lant opened by honoring a long-time town employee, Tracey Moran. She was clerk for the Court Justice for many years and retired December 31, 2023. She was honored with a plaque presented to her by the Honorable Matthew Coseo. She was brought forward along with her family that was present. Judge Coseo honored her by saying:

“Last month I rose as a citizen during public comment to recognize Tracey Moran for her 30+ years of service to the Town of Wilton. It gives me an incredible amount of pride and joy to be able to recognize her in my official capacity for her retirement from providing over 30 years of good and faithful service to the Town of Wilton and the Town Court. Judge Towne and I could not have done our jobs without her.

She served Judge Worth, Judge Wood, Judge Towne, and me for over 30 years. She ran our court with the assistance of her team. She has made our team better, our court better and she has kept Wilton's Court the best in our county and easily one of the best in our State for which she was recognized as Clerk of the Year in 2019 by the State Magistrate Association. More than that, she has instilled in everyone who has ever met her a sense of commitment to the job. She has treated everyone who has appeared before her with respect and common courtesy. She has passed along that sense of community service to her family and friends. Don't just take my word for it...Google the Wilton Town Court and read our reviews. Thank you so much Tracey for dealing with me on the phone and going above and beyond your job requirements to be one of the few to help my situation and for the Wilton Town Court for being so flexible. It is said that if you choose to treat everyone with kindness and respect, even those who are rude to you, not because they deserve it but because it reflects who you are. Your actions define your character and the way you navigate your world. Tracey's actions are the very definition of character. We should be so lucky to navigate our world the way that Tracey has for the last 30 years for the Court and the Town. As I said last month, the Town of Wilton should be proud of someone like Tracey Moran.

"In recognition of your lifetime commitment to public service and to the community and for your many years of good and faithful service to the Wilton Town Court and to its Judges. This is a testament to your abilities, knowledge, and service to the town and all that came before the court. The Wilton Town Board and the residents of this town extend their sincere appreciation for your 30 years of service and dedication while serving as the Clerk to the Justice".

"You may call me boss, but you have been my boss and you have been my friend and inspiration for a very long time. It has been my joy and pleasure to have the privilege of working with you. Your focus has always been on the team, you have led the team, and we are all better for it. Please recognize Tracey Moran. Thank you."

### **Public Comment**

Steve Bederian spoke about waivers for liquor licensing that was on tonight's agenda. He wanted to point out that we as a town are picking and choosing which vice is a winner and which one is a loser. There was a couple here at a recent meeting presenting a request to start a cannabis outlet in the Town of Wilton and that outlet is now in Glens Falls in Warren County. Therefore, the town will not receive any benefits for taxes from that business.

Toni Sturm, 41 Parkhurst R. spoke regarding a zoning change that appeared on the agenda for this meeting. The change was about the square footage requirements for a 2-family home. The square footage requirement was increased from 80,000 sq. ft. to 100,000 sq. ft. She is asking the zoning committee what the reason for this change is. She feels at a time when affordable housing and the lack of housing in our town and throughout the county it makes no sense to make it more difficult for people to create a mother-in-law apartment or additional space for housing by increasing the lot size needed to create such spaces.

### **Approve Pending Minutes**

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

### **RESOLUTION #91**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the minutes from the January 4, 2024 meeting, as typed.

The adoption of the resolution was seconded by Councilwoman Kolligian, duly put to a vote, all in favor. The motion passed 4-0.

### **Stormwater Management-Blue Neils**

Blue Neils, the Intermunicipal Stormwater Management Coordinator for Saratoga County, a position he has held for over 20 years, spoke regarding the new MS4 permit. Those who are looking to obtain a permit in the Town of Wilton will need to take more steps to do this. The permit landscape and staff time required as well as administrative work is going to grow. The first year so far has been manageable. We need to make sure that everything we currently have in place fits with the permit requirements and then check them off. The things that we don't have need to be worked on right away. A motion at the Board of Supervisors needs to be made with the Commissioner of Public Works to duly authorize the permit. What was discovered there is that there was an oversight, and an actual resolution was never made but was required back in '02 when this was first filed, and it is still required to this day. This gives us an opportunity to regroup things. Mr. Neils is here today to answer any questions or to give a quick thumbnail of what the permit is and what it entails.

The town has been a permittee of the municipal separate storm service system permit (MS4) since 2003. They are one of over 544,000 permittees across the state. It is a mix of towns, cities, villages, counties and institutions and agencies. DOT, DEC also have MS4 facilities as well as summer day camps and operation yards that require this. The permit itself requires six control measures to be implemented by all the permittees. They are public education, public involvement, illicit discharges (anything not stormwater getting into the storm source system), construction, post construction (ponds, rain gardens, green infrastructure buffer areas and tree plantings) and these will need to be inspected and maintained. There are specifications on all of these. Finally, the sixth which is the town zoned facilities and operations. That will also be a lift in year 3 because plans specific to your facility on how you manage your storm water pollution. All these things will be implemented over the next 5 years. Over the next few years will tell the tale as to what needs to really be done. Our first permit was twenty-eight pages long. The next was about ninety pages. This current version is over 190 pages long. There is a lot to digest and there is a lot more coming.

Ryan is aware that our office door is always open, and we are here to assist you with this entire process. Our function in the county and locally is to provide those things for you. That is our directive from the Board of Supervisors.

Councilman Bogardus asked if this entire process would affect future commercial and residential developments. Mr. Neil answered with a yes and states that in the sphere of construction the town must be aware of some things. Prioritizing projects will be key due to the scope of work needed to complete the steps for permitting. Low priority projects will need less inspections; about 1 in 5 years and high priority projects will need inspections about every year. The prioritization parts that will need adjustments and the town will need to consider which projects need to be low or high priority. Commercial projects will need these post-construction controls. Residential is a little different. Over five acres or so will need

more attention. When the developers sell to the residential owner there will be a responsibility to make sure the storm water is managed and inspected yearly. There will be no leeway to put this off to a better time. The town will need to get a private entity to act and then return the information to the town to verify that everything is being done correctly so that is the DEC were to audit your program you have documentary proof that this is in fact what is going on. A firm has been hired to develop an app for HOA's, commercial operators, anyone who needs to track this on a smartphone. It has its own webpage, and you can upload photos, documents, whatever necessary to keep on track for this and will act as a giant archive for all the records of activity,

Duane also asked if this process will be part of our planning board's responsibility to make sure these plans are included with developments? Ryan Riper states that all plans are reviewed with a storm water design and the planning board is involved prior to approvals. There are responsibilities and discussions that are in place currently.

Construction laws have become advanced where the local laws, which are supposed to mirror the construction laws, haven't changed because they were adopted back around 2008. We will have to take a hard look at these laws and have them updated.

By the 5<sup>th</sup> year of this permitting process, we as a town should have this down to a science and all the routine maintenance and inspections will be old hat. It will just be a learning experience over the next several years as we progress.

The key right now is making sure everyone has the tools to make this a successful program not so much the dollars and cents needed to get it all into place. Education is the most important part of all of this. There are currently deadlines that are due as soon as July 3<sup>rd</sup> of this year. After that we should be a little ahead and have the time to do this at a manageable pace.

The question of the workforce to do all the inspections that will be necessary for these commercial and residential high priority projects was brought and the cost of hiring inspectors to do this was discussed. Recruitment, training and retaining qualified people to do these jobs was discussed. Retention was talked about as being a huge problem with multiple companies and agencies.

#### **Appointment of Stormwater Management Coordinator and Officer**

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

#### **RESOLUTION #92**

**NOW, THEREFORE, BE IT RESOLVED,** to appoint Ryan Riper, Director of Planning and Engineering to the position of Stormwater Program Coordinator and Stormwater Management Officer per Municipal Separate Storm Sewer Systems (MS-4) permit requirements.

**FURTHER IT BE RESOLVED,** the Town Supervisor is authorized to sign the eNOI-

Notice of Intent, for coverage under the MS4 GP@\$.

The adoption of the resolution was seconded by Councilwoman Kolligian, duly put to a vote, all in favor. The motion passed 4-0.

#### **Amendment to Public Utilities 129-4**

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

#### **RESOLUTION #93**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the amendments to Wilton Town Code Section 129-4, Public Utilities.

The adoption of the resolution was seconded by Councilwoman Kolligian, duly put to a vote, all in favor. The motion passed 4-0.

#### **Fluoridation of Water**

Peter Linder, a recent resident of Wilton spoke about the need for adding fluoride to community water. He showed a video that was provided by the ADA to the board members that covered the benefits of fluoride additions to public water systems to prevent tooth decay.

He discussed the Wilton Water Sewer Authority (WWSA) is providing the Town's water and that a portion of the Town of Wilton does have fluoride added to the water system. He was told by them that there are two water lines feeding the town. One has fluoride and one does not. (for record: the line that is fluoridated comes from the city of Saratoga Springs, not Wilton). He listed multiple residents and businesses who have written letters in support of adding fluoride to the water systems. He says that while NY State does not require towns to add fluoride, they strongly suggest it.

He discussed the food and drinks that we regularly ingest do contain fluoride. However, this form of oral intake does not help with tooth decay, He researched the cost of adding fluoride to the waterline in Wilton that currently is not fluoridated. He went on to say that NYS has a grant that would cover the costs of the study, upfront capital and adding the fluoride. The additional cost would be for operation and maintenance. That would be less than 2 dollars per resident per year.

Discussions questioning the data sources of the quoted studies continued until Mr. Linder presented Dr. Harrison and Dr. Bill Mas to speak in support of fluorination practices. Both doctors are practicing dentists in this area and stated facts regarding multiple studies done about dental hygiene and fluoride use.

Questions arose regarding fluoride in bottled waters, water filtration systems and the effectiveness of fluoride in these types of water sources. Questions arose regarding the validity of the studies and the

validity of the study sources. Discussion regarding social-economic situations and the need for fluoride in the water. Discussion of the need for this regardless of age, the cost of dental care over a lifetime and costs of operation and maintenance of fluorinated water. Benefits vs. medical risks were also discussed.

Duane Bogardus ended the discussions and noted that the Wilton Town Board did not have the authority to decide on this topic. WWSA is an authority on their own. We have no regulatory over them. We are not able to influence their decisions.

The Board recognized the concerns brought by Mr. Linder and stated they are as interested as he is in helping keep the community as healthy as possible. The Board thanked Mr. Linder, Dr. Harrison, and Dr. Mas for coming and sharing their concerns.

The following resolution was part of the 2024 Organizational Resolutions and was tabled at the January 4, 2024 meeting.

**Resolution #55-Emergency Services Coordinator**

The following resolution was part of the 2024 Organizational Resolutions and was tabled at the January 4, 2024 meeting.

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

**RESOLUTION #55**

**NOW, THEREFORE, BE IT RESOLVED,** to appoint Mark Mykins to the position of Emergency Services Coordinator.

The adoption of the resolution was seconded by Councilman Bogardus, duly put to a vote, all in favor. The motion passed 4-0.

**30 Day Waiver for Holy Moses, LLC Liquor License**

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

**RESOLUTION #94**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the request for a waiver to the 30 Day Advance Notice to a Local Municipality or Community Board for Holy Moses LLC for an on premise liquor license at 847 Route 9.

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

Bogardus who was opposed. The motion passed 3-1.

**30 Day Waiver for Scene One Wilton, LLC Liquor License**

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

**RESOLUTION #95**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the request for a waiver to the 30 Day Advance Notice to a Local Municipality or Community Board for Scene One Wilton LLC for an on premise liquor license at 3065 Route 50.

The adoption of the resolution was seconded by Deputy Supervisor McEachron, duly put to a vote, all in favor except Councilman Bogardus who was opposed. The motion passed 3-1.

**30 Day Waiver for Compadres Restaurant Liquor License**

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

**RESOLUTION #96**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the request for a waiver to the 30 Day Advance Notice to a Local Municipality or Community Board for Compadres Restaurant for an on premise liquor license at 666 Route 9.

The adoption of the resolution was seconded by Deputy Supervisor McEachron, duly put to a vote, all in favor except Councilman Bogardus who was opposed. The motion passed 3-1.

**COVID Pay Policy**

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

**RESOLUTION #97**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the COVID Pay Policy for the Town of Wilton Personnel Policy.

The adoption of the resolution was seconded by Councilman Bogardus, duly put to a vote, all in favor. The motion passed 4-0.

**Specialized Services**

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

**RESOLUTION #98**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the 2024 contract for Specialized Services with the Saratoga County Sheriff's Department.

The adoption of the resolution was seconded by Councilman Bogardus, duly put to a vote, all in favor. The motion passed 4-0.

**Dump Body Bid**

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

**RESOLUTION #99**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the request from the Highway Superintendent to bid for a new Tenco Model TCB-10-T-NL-C-NL-LF 10' 12M combination dump body and material spreader.

The adoption of the resolution was seconded by Councilman Bogardus, duly put to a vote, all in favor. The motion passed 4-0.

**Code Revisions**

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

**RESOLUTION #100**

**NOW, THEREFORE, BE IT RESOLVED**, to set a Public Hearing for March 7, 2024 at 7:00 P.M. for proposed revisions to the code of the Town of Wilton.

The adoption of the resolution was seconded by Councilman Bogardus, duly put to a vote, all in favor. The motion passed 4-0.

### **Speed Limit Reduction Request Response**

*This letter is in response to your July 25, 2022, letter to this office requesting a speed limit reduction on Ruggles Road between Loudon Road and Taylor Road in the Town of Wilton.*

*Currently, the approximate 2.9 mile section of Ruggles Road between Loudon Road and Taylor Road is governed by the statewide 55 MPH speed limit. We conducted speed limit investigation of Ruggles Road in 2006 and, at that time, determined a reduction of the 55 MPH speed limit was not warranted. As a result of the most recent request, we conducted a review of the speed limit on the requested section of Ruggles Road. We found no significant changes in either the roadway characteristics or roadside development since our previous investigation. We maintain the 55 MPH speed limit is appropriate for the conditions experienced through this corridor. Thank you for your interest in traffic safety. If you have any questions, please contact Reed Sholtes of this office at 518-457-5283. Sincerely, Michael Fenley, P.E. Regional Traffic Engineer.*

### **Committee Reports**

Deputy Supervisor McEachron said the Code Revision Committee finalized their documents. There were a couple of changes in lot size which went from 80,000 sf to 100,000 sf on single family homes, boarding houses, bed and breakfast, two family dwellings and accessory apartments. One of the biggest reasons for that is to keep the houses further apart and stop the spread of fire. The Saratoga County Planning Board will review the proposed changes.

### **Comptroller's Report**

#### **1.) 2023 Budget Transfers**

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

#### **RESOLUTION #101**

**NOW, THEREFORE, BE IT RESOLVED**, to approve the 2023 budget transfers 1-16 requested for and listed in the Comptroller's 2/1/2024 Report to the Town Board.

The adoption of the resolution was seconded by Councilwoman Kolligian, duly put to a vote, all in favor. The motion passed 4-0.

## **2.) 2024 Budget Transfers**

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

### **RESOLUTION #102**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the 2023 budget transfers 1-2 requested for and listed in the Comptroller's 2/1/2024 Report to the Town Board.

The adoption of the resolution was seconded by Councilman Bogardus, duly put to a vote, all in favor. The motion passed 4-0.

## **3.) 2024 Budget Amendments**

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

### **RESOLUTION #103**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the 2023 budget amendments 1-2 requested for and listed in the Comptroller's 2/1/2024 Report to the Town Board.

The adoption of the resolution was seconded by Councilwoman Kolligian, duly put to a vote, all in favor. The motion passed 4-0.

## **4.) Personnel**

### **a.**

Ms. Moran noted Mark Mykins was appointed as Emergency Services Coordinator, effective January 1, 2024. This is informational as the motion to appoint was part of the organizational resolutions and no action is required.

### **b.**

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

**RESOLUTION #104**

**NOW, THEREFORE, BE IT RESOLVED, to** approve the Marcus Hart to resume the normal workday schedule, effective January 22, 2024.

The adoption of the resolution was seconded by Deputy Supervisor McEachron, duly put to a vote, all in favor. The motion passed 4-0.

**5.) Wilton Emergency Squad-Penflex Service Award**

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

**RESOLUTION #105**

**NOW, THEREFORE, BE IT RESOLVED, to** approve the audit and review of the 2023 PENFLEX Service Award Program points listing of all volunteer ambulance workers at the Wilton Emergency Squad.

Councilwoman Kolligian seconded the adoption of the resolution duly put to a vote, all in favor. The motion passed 4-0.

**Executive Session**

Deputy Supervisor McEachron made a motion to enter into Executive Session for discussions regarding proposed, pending or current litigation. Councilman Bogardus seconded the motion, all board members in favor.

Councilwoman Kolligian recused herself from Executive Session.

Deputy Supervisor McEachron made a motion to reconvene at 8:35. Councilman Bogardus seconded the motion, all board member in favor.

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

**RESOLUTION #106**

**WHEREAS, BAC Links, LLC and the Town of Wilton are desirous of having certain assessment issues resolved as to properties owned by BAC Links, 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 2022 and 2023 tax certiorari proceedings filed by BAC Links, LLC in which the assessments of SBL #140.-2-50 and 140.-2-53 on the tax assessment rolls of the Town of Wilton shall not be reduced and that the 2022 and 2023 assessed values of SBL #140.-2-49.11 shall be reduced as follows:

<u>Year</u>	<u>Parcel</u>	<u>Prior Assessed Value</u>	<u>Revised Assessed Value</u>	<u>Reduction</u>
2022	140.-2-49.11	\$2,213,600	\$2,102,981	\$110,619
2023	140.-2-49.11	\$2,213,600	\$2,179,120	\$34,450

and it is further

**RESOLVED** that BAC Links, LLC shall be entitled to a refund of excess taxes paid based upon the above revisions;

**RESOLVED** that the Tow Board does hereby adopt this resolution to end the litigation between BAC Links, LLC 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 except Councilwoman Kolligian who recused herself. The motion passed 3-0.

**Adjournment**

On a motion introduced by Deputy Supervisor McEachron, seconded by Councilman Bogardus, all board members in favor, the meeting was adjourned at 8:40 p.m.

Respectfully Submitted,

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Susan Baldwin, Town Clerk

\_\_\_\_\_ Supervisor, John Lant

\_\_\_\_\_ Deputy Supervisor McEachron

\_\_\_\_\_ Councilman, Duane Bogardus

\_\_\_\_\_ Councilwoman, Erinn Kolligian