

## **TOWN OF WILTON**

**22 TRAVER ROAD**

**WILTON, NEW YORK**

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Susan Baldwin, Town Clerk

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**PUBLIC HEARING-LL#1 OF 2109 Palmertown Ridge PUDD**

**7:00 P.M.**

### **Clarification and Ratification of Local Law #1 of 2008**

**PLEASE TAKE NOTICE** that the Town Board of the Town of Wilton, New York, County of Saratoga, will hold a public hearing for proposed Local Law No. 1 of 2019, the clarification and ratification of Local Law #1 of 2008, Palmertown Ridge PUDD, located on Woodard Road, Tax Map Nos. 101.-1-102.1 and 114.-1-6.11, in the Town of Wilton.

**SAID PROPOSED LOCAL LAW** is on file in the Town Clerk's Office and is available for public inspection during normal business hours.

**SAID PUBLIC HEARING** will be held on Thursday, April 4, 2019 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 an opportunity to be heard.

### **BY RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WILTON**

**Supervisor Johnson** asked Town Counsel for a brief explanation.

**Mark Schachner, Town Counsel** said his understanding is the original PUDD legislation and the amended PUDD legislation both pre-date his involvement at town legal counsel. The property owner recently brought to the town's attention, some potential confusion about the 2008 amendment in reference to the open space and whether the open space had to be offered for dedication to the town or not. The legislation, at the time, says the open space has to be offered for dedication to the town. There was some confusion about the process by which it was adopted. He said he believes the Town Board wants to clarify that it truly does intend for that dedication to be offered to the town. That's the language that was in the legislation in 2008 and what is in the document now in 2019 if it is adopted after the public hearing. He said he didn't think there would be any gray area as to whether your intention was to include that provision or not.

**Nancy Dwyer, 12 New Kent Drive** said she wanted to speak in support and encourage the board to accept and keep fighting for the open space that was named in the legislation. That site has been designated by the Open Space Institute as a critical conservation area. Any and all land, acres and property on that mountain ridge along our border that cross over this conservation area also cross over

in the Town of Corinth and the Town of Greenfield. Saratoga Plan, which is preserving land and nature, is a land trust in Saratoga Springs which has been deeply involved with this property trying to make a connection trail from Moreau Lake to Saratoga Springs and their Green Trail. Open Space Institute looks at properties nationally and recognizes and identifies properties that are critical conservation areas. This parcel and the pieces they are purchasing around Moreau Lake State Park, to grow the state park, are critical in connecting Green Mountains to the Adirondack Mountains and making sure the flora and fauna that travel between the two areas can continue. Open Space Institute plays a mediator role. It takes government entities, states and towns, a very long and complicated process to acquire these properties. Open Space Institute plays middle role in purchasing them and transferring them over to entities like Saratoga Plan, which is a land trust, that will hold the land in perpetuity and or towns like Wilton or New York State that will then also keep it in perpetuity, open to not being developed. She said she is very much in support to any and all efforts that we can do to make sure that any lands that are available, particularly this 264 acres named in this parcel, do stay preserved.

**Libby Coreno** said she is the Attorney for John Witt and Witt Construction. **Supervisor Johnson** said the public hearing is not for the application filed by Mr. Witt. This is a public hearing for Local Law #1 of 2019 from the town for clarification and ratification of the Palmertown PUDD. Mr. Witt filed an application for an amendment which is not on the agenda for tonight. **Ms. Coreno** said if there is some other proposal concerning the dedication of the land and it is not our application, we would like to be heard. **Town Counsel Mark Schachner** said what is on the table right now is a proposed ratification of the amendment that was adopted in 2008. The exact same language is now appearing in the 2019 ratification document. It has been properly noticed for a public hearing and if you wish to speak you are entitled to do so. The point the Supervisor was making is that you also submitted a different application on behalf of the property owner and that is not on the agenda.

**Ms. Coreno** said she is the attorney who submitted an application for an amendment or repeal on behalf of Witt Construction and John Witt. There were comments about the continuation of preservation of the open space and we completely agree and that is what absolutely must happen with our conversations with OSI which have spanned a number of years in order to do just that. What is not happening, by way of the 2005 intent, when this was creating with this back acreage to go to OSI or to New York State, in order to connect the trail system. In 2008, there was an amendment made where everything in green (indicating) including around the homes were to be dedicated to the Town of Wilton, not to OSI, not to connect into the trail system. The back acreage was intended to have a conservation easement to New York State. The lower acreage was to be in an HOA. The reason we filed for an amendment or to consider a repeal was because in 2008, the application that was made, in order to add 15 acres and allow horses by special use permit, somehow between the vote and it coming to be filed with the Department of State, all of the open space changed to the Town of Wilton. It should be noted that the original legislative intent in 2005, it was Deputy Supervisor Ray O'Connor who noted specifically, the Town of Wilton for fiscal reasons, was not in a position to take that type of acreage when OSI and the State of New York were already involved in significant efforts to preserve the lands. They are still in those efforts to preserve those lands, that part hasn't changed. The only thing that has changed, unbeknownst to us because it was not part of the public process, was that this is now going to the Town of Wilton and everything that had been moving with the State of New York has now stalled. The request we are making is to ratify the 2008 amendment that gives it to the Town of Wilton and we agree with conservation. This is not an attempt to not conserve the land. It is an intent to return to what was originally conceived in 2005 or repeal it and start again. There is no intention to have any other use of this land. In fact, the proposal we were working on with OSI is about 100 acres even more to conserve. We would ask for that conversation to continue based upon the original intent of the legislation when it was passed.

**Nancy Dwyer** asked if the land being referenced in 2005 and still talking about now and increasing to OSI, is that being given to OSI or proposed to be sold. **Mr. Witt** said it is proposed to be sold at a reduced price. It is a sale and donation. It is substantially more land than what was originally set aside in the original PUDD. The total is 650 acres.

### **REGULAR TOWN BOARD MEETING-April 5, 2018**

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  
Steve Streicher-Councilman  
Duane Bogardus-Councilman  
John Lant-Deputy Supervisor  
John McEachron-Councilman

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

### **Public Comment Session**

**Roger Flynn**, President of the Board of Directors for the Wilton Food Pantry said he would like to invite everyone to participate in the Annual Empty Bowls Event on April 14, 2019 from 1 p.m. to 4 p.m. at the Saratoga Wilton Elks Club. Advance tickets are \$20 and \$25 at the door. You can pick out a handcrafted bowl made by Skidmore college students, a band and a silent auction. It is a great event and hopes everyone comes out and supports us. It is the WFP's biggest fundraiser. The money goes to a good cause. The tickets are on sale through [wiltonfoodpantry.org](http://wiltonfoodpantry.org) only.

**Chuck Koheiser**, said he served in a supervisory capacity for nearly three decades and is quite often a thankless job.

*"I certainly had a mixed reaction when I read in the Gazette you had decided to retire and not seek yet another term. I could readily identify with your desire to enjoy increased grandfather time as we so enjoy having time with our three grandsons in Ballston Spa. My wife pointed out she thought we went to 17 straight grandparent's days at the elementary schools. On the other hand, we will definitely miss your experienced leadership and managing the sustained growth of the town. Since our arrival twenty five years ago, we have been blessed with having you and your predecessor, Roy McDonald, serving our interests as well as you have for that period of time. How many town supervisors have been able to see a tripling of the population over two decades and at the same time realize an overall fund balance which is three times what it was when first coming into office, not many. We have seen a well managed growth in commercial endeavors, both large and small, which have greatly benefited residents with respect to the absence of town and general fund taxes. Add to that a much improved water system, the*

*expansion of recreational opportunities at Gavin Park which our grandsons enjoyed and the promotion of nature and conservation missions. You can be justifiable proud over the seventeen year period of time. It is not just the big things. When we recently had the ban of giving birdseed to the bears, I called the supervisor and asked "At what point can I begin to feed the birds again".? Within 24 hours he got back to me and said "They are now in hibernation and the first of December , you can begin to feed the birds again". A job well done, much appreciated. May you and your wife enjoy some semblance of retirement. In my own mind and in my own ways I refired instead of retired. God Bless and thank you.*

**Eric Rosenberg**, 16 Craw Lane said several meetings ago there was an issue raised about the need for a law to deal with certain properties which are not in compliance with the code. The question is what progress is being made to institute the law. He said he drove by 3 Parkhurst Road and all evidence shows the tenant continues to operate a fairly substantial auto repair situation. There is dangerous equipment including an acetylene tanks which are left out in the open and overnight for anybody to get into. He is starting another pile of debris. The last time there was a pile of debris, he burned it in an open fire. Right now there are dangerous fire conditions. If anyone would be concerned about somebody lighting a fire in these conditions would be members of the board who are volunteer firemen. Despite the hobby exception this man has been given that doesn't exist, he has too many cars on his property. There is plenty of information around that he is repairing cars for people by referral. On top of running a nuisance operation he is not paying sales tax, he's taking business from legitimate auto repair shops who have gone through the process of operating a proper business. Something needs to be done. In Wilton, we enforce the code or we don't. There is a fifteen year old mess at 421 Northern Pines Road. It has been driving people crazy for fifteen years and keeps threatening to sic his dogs on people. He still has all of the equipment sitting on the property. It is a residential property and one of the entrances to Wilton. He said he's asking the board to protect the Town of Wilton and its residents, to clean up these properties and properties are not only unsightly but appear to be dangerous.

**Joanne Klepetar**, 101 Parkhurst Road said Mark Mykins has done a great job notifying the people on Route 9 who had illegal signage. Right now everyone is conforming except for one business. She said she recently saw something on the town website. It says "Agendas for upcoming meeting are typically posted here 24 to 48 hours prior to the meeting". She said when she sat on the board it was an issue the agendas were not getting up on time. It was decided that Friday would be the day the agenda for the following Thursday meeting would be up. It is now up, typically on a Tuesday and according to the website, it could've been posted to the website last night at 7:00 p.m. She said she understands extenuating circumstances could prevent an agenda from being put up. In that case, it could say draft. She said when she sat on the board, homework needed to be done on issues. You can't have just twenty four hours to look up information. It would be appreciated if you would look again at this and find out why this is up there. It wasn't there a year ago. She said she would appreciate agendas being up on Friday so people can make their plans.

**Janet and Jeff Hurt**, 6 Manchester Court said she wanted to commend the Wilton Emergency Squad. Last month on March 6 one of our daughters was ill and her health was rapidly declining. **Jeff Hurt** said she was experiencing a life threatening medical condition and Wilton EMS transported her to Albany Med. We as parents were overwhelmed with the situation. Matt Stefanocci, Ed Petkus and Jamie Barton arrived from Wilton EMS as professional, compassionate and composed, which is, as parents, what we needed to see. These three responders are representative of the entire squad and will be forever grateful for their service.

**Approve Pending Minutes**

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

**RESOLUTION #192**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the minutes from the March 7, 2019 meeting, as typed.

The adoption of the resolution was seconded by Deputy Supervisor Lant, duly put to a vote, all in favor. The motion passed 5-0.

**Eagle Scout-Eric Simonetti**

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

**RESOLUTION #193**

**NOW, THEREFORE, BE IT RESOLVED,** to formally adopt the following Proclamation:

**COMMENDING ERIC SIMONETTI**

**UPON ATTAINING EAGLE SCOUT RANK**

WHEREAS, **Eric Simonetti** is a member of Boy Scout Troop #4024 in Wilton and will achieve the rare distinction of the rank of Eagle Scout; and

WHEREAS, an Eagle Scout award honors the scout, his family, his troop and his troop leaders; and

WHEREAS, a boy scout is required to complete an Eagle Leadership Service project as part of qualifying for the rank of Eagle Scout; and

WHEREAS, **Eric Simonetti** planned and led a project to build a new 10' X 16' shed for use by the Saratoga Springs High School Track Team.

WHEREAS, **Eric** produced the engineered stamped plans and gained approval from the school board. He raised money by coordinating two fundraisers in order to pay for the project and donated left-over funds to the local community center.

WHEREAS, **Eric** will be awarded the rank of Eagle Scout in June, 2019 at the age of 18.

WHEREAS, it is fitting to recognize the unusual dedication and diligence exhibited by **Eric Simonetti** in attaining the rank of Eagle Scout; now, therefore, be it

PROCLAIMED, that the Wilton Town Board commends **Eric Simonetti** for his attainment of the rank of Eagle Scout in the Boy Scouts of America; and, be it further

PROCLAIMED, that the Town Clerk forward a duly inscribed copy of this Proclamation of Commendation to **Eric Simonetti**.

IN WITNESS WHEREOF, We have hereunto set our hands and affixed the Seal of the Town of Wilton this 4th day of April, 2019.

The adoption of the resolution was seconded by Deputy Supervisor Lant, duly put to a vote, all in favor. The motion passed 5-0.

**Palmertown Ridge PUDD LL#1 of 2019**

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

**RESOLUTION #194**

**NOW, THEREFORE, BE IT RESOLVED**, it is the Town's desire to have ownership of the open space lands offered by the applicant as originally stated in Local Law #1 of 2008 and

**WHEREAS**, this has been the Town's desire all along throughout the initial adoption of the PUDD and its later revision and

**WHEREAS**, there are no new or different potential environmental impacts requiring SEQRA review.

**RESOLVED**, that the Town Board hereby adopt Local Law #1 of 2019, as proposed.

The adoption of the resolution was seconded by Councilman Streicher, duly put to a vote, all in favor except Deputy Supervisor Lant, who recused himself. The motion passed 4-0.

**MS4 Stormwater Management Report**

**Mr. Riper** said the MS4 Stormwater Report is an annual report he develops and draft will be available online for review. The Stormwater report tracks activities within the town, for example, the highway department and how many miles of road they sweep and how many catch basins are cleaned. The report goes to a county coalition and eventually submitted to DEC as an annual report. Each town creates their own report.

**Committee Reports**

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

**RESOLUTION #195**

**NOW, THEREFORE, BE IT RESOLVED**, to set a public hearing for 7:00 p.m., May 2, 2019

for a moratorium on town review and approval of any commercial apartment applications in the Hamlet-1 zone

The adoption of the resolution was seconded by Deputy Supervisor Lant duly put to a vote with Councilman McEachron, Deputy Supervisor Lant and Councilman Bogardus in favor. Supervisor Johnson and Councilman Streicher were opposed. The motion passed 3-2.

**Supervisor Johnson** said it is out of order to bring it up at this time but Councilman McEachron has the right to make a motion. It is not proper procedure or notification. It was not on the agenda. **Councilman McEachron** said the agenda is a draft. **Supervisor Johnson** disagreed and said it is not a draft, he sets the agenda. **Councilman McEachron** said he would like to set a public hearing to discuss the density. The growth has been on his heart for a long time and wants to get to the bottom of it, the end of it and this is the only way is schedule a public hearing. **Deputy Supervisor Lant** said the growth is getting out of control on Maple Avenue. **Supervisor Johnson** said the proper way to do this would be to go through a zoning committee. We just had one and it could've been brought up there. **Deputy Supervisor Lant** said it was brought up. **Councilman Streicher** said he was on the committee and it was not brought to the committee's attention by either town board member. **Deputy Supervisor Lant** said he thought they were both wrong. **Councilman Streicher** said the Town Engineer, Executive Secretary to Planning and Joanne Klepetar were at those meetings. **Councilman McEachron** said he was looking to set up a small committee to review the density of the Hamlet-1 zone, which he said he believes is a little high. It went from eight to fifteen. **Supervisor Johnson** asked why this wasn't brought up with the zoning committee. **Councilman McEachron** said he was told a long time ago there wasn't enough land for this to continue and now they are buying up properties and then the neighboring property and then the other neighbors property and they are making enough land. He said he wanted to get to the end of it. **Deputy Supervisor Lant** said when Joanne Klepetar was on the committee and brought things to her attention, along with Mike Dobis, he said he would have to believe they brought it to the committee. **Councilman Streicher** said they were one the committee, there was a meeting two weeks ago. **Supervisor Johnson** said the committee just concluded their recommendations. **Councilman McEachron** said he would like to have a public hearing on it and if it passes, move forward with it. If it comes down to where it doesn't need to change, he said he's all for it. He said he feels it needs to be looked into. **Councilman Bogardus** said he is concerned about the growth. **Councilman McEachron** said everyone is talking about a planner. It is moving too fast and this is a way to stop it. **Supervisor Johnson** said this is not the proper way to do it. If you want to send it back to the committee and have them look at it, fine. He said he won't support a public hearing for something no one even knows about. There is no draft, no nothing. **Councilman McEachron** said it is to discuss density and commercial growth in the hamlet. **Mr. Schachner** said Councilman McEachron said the board would discuss density and growth in the commercial hamlet area. He said he understood the motion was for a public hearing on a local law that would establish a moratorium on applications. **Councilman McEachron** said that was correct. **Councilman Streicher** said if the board members met with the committee and discussed what they are looking for, it could be presented to the town. **Councilman McEachron** said this is his fifth year on the board and it's been brought up since he started. He said he was told it would be in the Comprehensive Plan, it will be in another place, there's not enough commercial land available. He said it's in his backyard and it's affecting him personally and that is what it's about. **Supervisor Johnson** said it

should've been brought up to the committee and not tonight. **Councilman McEachron** said now we will have a chance to bring it back to that committee and that is not saying we will change anything. **Councilman Streicher** said it should be brought up to the committee and it should be brought up to the town. It is an important issue. **Supervisor Johnson** said, as a courtesy to the board members, we should have been told this was going to be brought up. It would've been appreciated. **Councilman McEachron** apologized to board members. **Councilman Bogardus** said when you drive through Malta, their main street is not very attractive and a couple of our developments are starting to look like that and that is not what he wants Route 9 or anywhere else looking like that. He said he would like to explore our options. **Councilman Streicher** agreed. He said years ago people talked about a downtown Wilton. The idea of downtown Wilton was kind of a crazy thought. That was what was proposed before he joined the board. **Supervisor Johnson** said that was the whole purpose of the committee that had been going on for months. **Councilman McEachron** said he didn't understand why it was never brought up. **Supervisor Johnson** said it wasn't brought up and you could've asked to put this on the agenda instead of bringing it up under committee reports.

**Mr. Schachner** said since the motion was approved, the board should ask him to prepare the proposed local law. If a moratorium is adopted it has to be done by local law. **Supervisor Johnson** said he should work with Councilman McEachron on it.

**Deputy Supervisor Lant** said he was told there was not going to be a sprinkler system in the court building. It is a big investment and we should protect it. He said he knows from being in the fire department for forty years, any building that had a sprinkler system which went off, we were usually able to save the building as well as a lot of the contents. A sprinkler system keeps the fire under control until the fire department arrives. We had a building, and if it had a sprinkler system, we probably would've lost one truck instead of entire fleet and the building. For a \$20,000 to \$30,000 investment, that should be in the specs and protect the taxpayer's investment. **Councilman McEachron** said it will probably cost more than that but it is worth it. **Mr. Riper** said the bid is going out at the end of the week. **Councilman McEachron** asked if it can be added. **Mr. Riper** said it can be added if the board so chooses. It will be an extra cost, closer to \$80,000 to \$100,000. **Councilman Bogardus** said he chairs the committee and asked if we can move forward with the bid because it can't be delayed. The committee will look into a change order and pursue it. The bid is for the exterior portion of the building. The majority of the interior will be done by in house staff. We could add the sprinklers and contract it out. We will have a committee meeting and get some pricing. **Councilman McEachron** asked Councilman Bogardus if he was in favor of sprinkling the building. **Councilman Bogardus** said he felt sprinklers should be in every house.

**Councilman Bogardus** said we are grading and digging for the new pavilion. We have a very ambitious deadline to have the pavilions up and ready by the start of summer camp, July 2. If the weather cooperates we will be close to the deadline. The specs for the court building are going to be put out for bid by Monday. The salt sheds have had the survey done and are in the process of site design. Camp Saratoga asked to be put in to the projects committee. They would like to do some upgrades to Camp Saratoga. Groundbreaking will not be until next year. The Larry Gordon Memorial is in discussions right now with nothing planned. They will be looking for outside funding.

There will be a tire recycling program held on Tuesday, May 14, 2019 from 4 p.m. to 6 p.m. at the Milton Town Hall, 503 Geyser Road, Ballston Spa, New York. There is a small fee of \$2 per tire and \$3 with rims. It does require preregistration and proof of Saratoga County residency. Information can be obtained from Sue Baldwin at the Town Clerk's Office.

**Comptroller's Report**

**1.) 2019 Budget Transfers and Budget Amendments**

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

**RESOLUTION #196**

**NOW, THEREFORE, BE IT RESOLVED**, to approve the 2019 budget amendments requested for and listed in the Comptroller's 4/4/2019 Report (attached) 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 5-0.

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

**RESOLUTION #197**

**NOW, THEREFORE, BE IT RESOLVED**, to approve the requests from Highway Superintendent Woodcock to seek bids for a Jet Action Culvert cleaner and a 3500 4WD Crew cab.

The adoption of the resolution was seconded by Councilman Bogardus, duly put to a vote, all in favor. The motion passed 5-0.

**2.) Personnel**

**a.**

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

**RESOLUTION #198**

**NOW, THEREFORE, BE IT RESOLVED**, accept the resignation of Honorable Justice Gerald

Worth, effective April 30, 2019, with deep regret.

The adoption of the resolution was seconded by Councilman McEachron, duly put to a vote, all in favor. The motion passed 5-0.

**b.**

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

**RESOLUTION #199**

**NOW, THEREFORE, BE IT RESOLVED,** approve the hiring of Raymond Carr into the vacant MEO position effective April 22, 2019 starting at Step 1, \$18.92 per hour with full benefits, contingent upon completion of all documents and passing of all screening requirements.

The adoption of the resolution was seconded by Deputy Supervisor Lant, duly put to a vote, all in favor. The motion passed 5-0.

**3.) Internal Audit**

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

**RESOLUTION #200**

**NOW, THEREFORE, BE IT RESOLVED,** to accept the Internal Review for Wilton Town Court, with no irregularities or discrepancies noticed in the sample of the departments reviewed, as required by Town Law Section 123 Annual Accounting by Town Officers and Employees, with all work papers on file in the Town Comptroller's Office.

The adoption of the resolution was seconded by Deputy Supervisor Lant duly put to a vote, all in favor. The motion passed 5-0.

On a motion introduced by Councilman Bogardus, seconded by Councilman Streicher, with all board members in favor, the meeting was adjourned at 7:54 p.m.

Respectfully Submitted,

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Susan Baldwin, Town Clerk

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Supervisor, Arthur Johnson

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Councilman, Steve Streicher

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Deputy Supervisor, John Lant

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Councilman, John McEachron

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Councilman Duane Bogardus