

TOWN OF WILTON

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VIRTUAL TOWN BOARD MEETING via ZOOM-May 7, 2020

Supervisor Lant called the Virtual Town Board meeting to order at 7:15 p.m. and welcomed everyone.

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

Ray O'Conor-Councilman

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

Supervisor Lant recommended suspending the normal practice of the public comment portion of the meeting for the time being.

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

RESOLUTION #111

NOW, THEREFORE, BE IT RESOLVED, to suspend public comment for the May 7, 2020 meeting.

The adoption of the resolution was seconded by Councilwoman Kolligian, duly

put to a vote, all in favor. The motion passed 5-0.

Approve Pending Minutes

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

RESOLUTION #112

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the April 2, 2020 and the March 16, 2020 meetings as typed.

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

Speed Limit Reduction Responses

Responses from the New York State Department of Transportation were received for Edie Road and Loudon Road, dated April 1, 2020.

“This is in response to your May 13, 2019 letter to our office, requesting a review of the speed limit on Loudon Road between Ingersoll Road and Ruggles Road in the Town of Wilton.

Currently, this section of Loudon Road is governed by a 45-mph speed limit established by our office in 1987. We conducted a review of the speed limit in 1195 and determined a reduction was not warranted. In response to your most recent request we reviewed this corridor for a speed limit reduction. Included in our study we collected radar measurements of traffic speeds in two locations. Our data found the 85th percentile speeds to be 51 mph and 48 mph with 45% and 31% of motorists exceeding the existing speed limit, respectively. Under these conditions, we recommend enforcement of the existing speed limit rather than a reduction of the regulatory speed limit. By way of this letter, we will notify the State Police and the Saratoga County Sheriff of our findings for whatever action they may deem appropriate. Thank you for bringing your concerns for safety at this location.”

“This is in response to your request to this office regarding a reduction of the speed limit on Edie Road between Ballard Road and Rout 50 in the town of Wilton. We apologize for the extended length of time it has taken us to respond.

Currently, the requested section of Edie road is governed by the statewide 55 mph speed limit. We reviewed this road in 1999 and determined that the existing speed limit should not be lowered. As per your more recent request, we again reviewed this road for a speed limit reduction. Based on our investigation, we have once again determined that the existing speed limit is appropriate for the conditions experienced through this corridor and a reduction of the speed limit is not warranted at this time.”

Councilman O'Connor said he had sent a letter and requested the speed limit reduction prior to joining the town board. He asked if the state measured the speeds on Edie Road like they were on Louden Road. The Town Clerk said it was not noted they did in the letter received.

Hiring Freeze

Supervisor Lant said with the current situation in the town and county with finances, he said he would like to see a town wide hiring freeze for the time being. We are in good shape right now, but we don't know how it will be a couple months. Deputy Supervisor McEachron made a motion for a hiring freeze. Councilman O'Connor seconded the motion and added hiring only essential personnel. Councilman Bogardus said he would like it to be discretionary. If our Town Engineer received a great offer and left, he said he would like to make the hiring freeze discretionary if we need to fill a position or not. Councilwoman Kolligian said she agreed with that. Deputy Supervisor McEachron said hiring is at out discretion. Councilman Bogardus said that is correct and feels as though we don't need to be hiring now. We don't know what our budget is going to look like on the end of this. If they are absolutely essential, he said he wouldn't want to go against our own policy.

Mark Schachner, Town Counsel, said, as legal counsel, if the motion for a hiring freeze, it is not necessarily going to afford the same discretion that at least two town board members indicated they would like to have. **Supervisor Lant** asked if it should be just a hiring freeze? **Attorney Schachner** said the board can keep the discretion and not adopt the hiring freeze. One board member already pointed out the board has discretion to hire or not all the time. The concern, while understanding the desire for the discretion, is adopting a motion for a hiring freeze and wanting the discretion to hire someone. The board could be subject to a possible claim we can't hire anyone because we adopted a resolution imposing a hiring freeze.

Deputy Supervisor McEachron said town board approval is required to hire. It would come before the board and if we feel the hiring is warranted, the board can make that decision. **Councilman Bogardus** said if an employee retires, do we want to backfill his position, no. But if it is someone intricate like the assessor, building inspector or anyone who is key to operations decides to retire or move on, we will need to replace that employee. A blanket hiring freeze may put us in a bind. He said he would support not hiring any routine employees. **Councilman O'Connor** asked if we agree to notify town staff only essential position will be filled or refilled in terms of the uncertainty of town finances. **Councilman Bogardus** said the board will review every applicant and will decide if the hiring is a need or a want. **Attorney Schachner** said that is a very appropriate policy if that is the will of the board. That would not require, nor would it necessarily be appropriate to be part of a formal motion or resolution. Deputy Supervisor McEachron said the board has that discretion now. No one can hire without town board approval. If someone were to retire, the board could rehire a key person. **Supervisor Lant** said he would like a hiring freeze. **Deputy Supervisor McEachron** said the board has the authority to freeze hiring. No other person in the town has the authority to hire. **Councilman Bogardus** said the board is instituting a hiring freeze but the only people who could possibly be hired is with board approval and review. **Deputy Supervisor McEachron** stated that is what the board has now. **Attorney Schachner** said from counsel standpoint, that is not a hiring freeze. **Councilman O'Connor** said instead of a formal freeze, should we notify all the departments the town board would only be willing to entertain filling vacancies for essential personnel. **Attorney Schachner** said that would not require a resolution. The policy is appropriate and the board can notify the department heads. **Deputy Supervisor McEachron** said the Highway Superintendent can fill a vacancy under his elected position. **Councilman Bogardus** said he would not support hiring for a routine vacancy. Attorney Schachner said the Highway Superintendent has the right, under law, to fill some of the positions. The practice is hiring subject to town board approval and that is a very healthy practice. **Deputy Supervisor McEachron** said if the funds are in the budget, the highway superintendent can hire. If we

keep the Highway Superintendent on board with this and have everything to go through us, that would be great. We just cannot force it.

Resignation-Emergency Services Coordinator

Supervisor Lant said Steve Gordon was our Emergency Services Coordinator and did a great job. The COVID-19 pandemic has added responsibilities for him, and the board should accept his resignation.

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

RESOLUTION #113

NOW, THEREFORE, BE IT RESOLVED, accept the resignation of Steve Gordon as the Emergency Services Coordinator, effective April 22, 2020.

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

Appointment-Emergency Services Coordinator

Supervisor Lant said he worked with Robert Williams in the fire department for 25 years. He was a Captain and retired as a Chief of the Saratoga Springs Fire Department. He said he would be a great appointment and would bring the department up to the next level. He is known by Councilman Bogardus and Deputy Supervisor McEachron.

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

RESOLUTION #114

NOW, THEREFORE, BE IT RESOLVED, to approve the appointment Robert Williams as Emergency Services Coordinator, effective 5/7/2020.

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

Draft Annual MS-4 Stormwater Report

Ryan K. Riper, Director of Planning and Engineering, said the Annual Draft MS-4 Stormwater Report is on the website for public review. If there are any questions, please contact him.

Southern Palmertown Agreement

Councilman O’Conor said this is a multi-municipal project that runs through Moreau, Corinth, Wilton, Greenfield and Saratoga Springs that will interconnect a trail from Moreau Lake State Park to Spa State Park. The resolution does not bind the Town of Wilton to any particular commitment or funding. It is an agreement stating we would like to work together and cooperate on creating this trail. Ryan Riper is also on the committee as well as folks from other communities, Saratoga PLAN and Open Space Institute. They are still in our infancy, as far as mapping out the trail, acquiring the property and things that are necessary to complete the project. We are looking for communities, for which this trail could eventually go, to give their support to the project. **Councilman Bogardus** asked Attorney Schachner if he has reviewed the agreement. **Deputy Supervisor McEachron** asked if it was a contract or an agreement. **Attorney Schachner** said he has reviewed it and it is more of an agreement. He stated Councilman O’Conor appropriately described the agreement. It doesn’t really constitute any binding expenditure of funds or any firm and binding commitment to do anything other than cooperate with the various sibling municipalities and organization mentioned, in furtherance of some common goals, there is no obligation. It is more of an agreement than a contract and does not expose the town to any commitments or obligations.

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

This Collaboration Agreement (“CA”) is entered into by the Town of Corinth, the Village of Corinth, Town of Greenfield, the Town of Moreau, the City of Saratoga Springs, the Town of Wilton, Saratoga County Board of Supervisors, New York State Department of Environmental Conservation, Skidmore College, Open Space Institute (OSI) and Saratoga PLAN, hereinafter jointly referred to as “the Parties”.

WHEREAS, Corinth, New York, is a town of more than 6,000 residents located on the banks of the Hudson River in the foothills of the Adirondack Mountains that is surrounded by scenic lakes, streams and woodlands and known as the “snowshoe capital of the world”.

WHEREAS, the Village of Corinth, New York, is a village of almost 2,500 residents located on the banks of the Hudson River in the foothills of the Adirondack Mountains.

WHEREAS, the Town of Greenfield, New York, is a town with approximately 7,400 residents located 5 miles north of Saratoga Springs in the foothills of the Adirondacks. Formed in 1793, Greenfield is a rural township consisting of more than 41,000 acres and represents the rolling foothills of the southern Adirondacks.

WHEREAS, the Town of Moreau, New York, is a town with more than 15,000 residents situated in the northeast corner of Saratoga County with a unique and distinctive character shaped by its historical, natural, and recreational resources, including the 4,000+ acre Moreau Lake State Park.

WHEREAS, the City of Saratoga Springs, New York, is a city in the center of Saratoga County that is home to more than 26,000 residents and welcomes thousands of visitors who come

for the mineral springs for which it was named, as well as its historical sites and thoroughbred horse racing, hence the city's slogan, "Health, History, Horses".

WHEREAS, the Town of Wilton, New York, is a town of more than 16,000 residents and borders the eastern boundary of the Southern Palmertown Range and provides more than 3,000 acres of open space for passive recreational activities.

WHEREAS, Saratoga County includes 19 towns, 9 villages and 2 cities, with its county seat located in Ballston Spa and is a tourist haven for outdoor recreation as the gateway to the Adirondack Mountain and its multitude of museums, historic sites, and cultural venues including the internationally renowned Saratoga Race Course.

WHEREAS, Open Space Institute is a nonprofit organization that works collaboratively with landowners, local government and local land trust to identify and protect diverse landscapes; preserve habitat for rare or endangered species; ensure water quality; facilitate wildlife adaptation to climate change; and enhance recreational access.

WHEREAS, Saratoga PLAN is a nonprofit organization that helps communities create plans that balance growth with conservation to sustain the Saratoga Region as a great place to live, work, visit and farm; and helps landowners conserve their farmland, woodlands and natural habitats to sustain the county's "quality of place" and the environment, economy and public health.

WHEREAS, New York State Department of Environmental Conservation conserves, improves and protects New York's natural resources and environment, including Lincoln Mountain State Forest and Daniels Road State Forest, to enhance the health, safety and welfare of the people of the state.

WHEREAS, Skidmore College is a highly ranked, residential, liberal arts college, which owns over 1,400 acres of natural beauty across the City of Saratoga Springs, New York, the Town of Greenfield, New York, and surrounding municipalities.

The Parties, being aware of the benefits that this cooperation will bring, agree as follows:

Article 1: Purpose

The purpose of the CA is to express shared support and commitment among the Parties for the vision and recommendations as identified in the document, "Southern Palmertown: Conservation and Recreation Strategy", attached as an appendix and herein referred to as "the Strategy". This CA is a non-binding agreement. The CA does not represent any current or future financial commitment by and Party. The definition and implementation of any subsequent specific activities, projects and programs pursuant to this CA shall be subject to separate agreements that may be entered into between the Parties under this CA.

Article 2: Areas of Collaboration

The Parties hereby agree to collaborate in the following non-exhaustive areas of common concern and interest in keeping with the recommendation of the Strategy:

1. Participating in the guidance committee to advise, support and oversee the implementation of the Strategy.
2. Creating a connected and protected landscape of forests, agricultural lands and natural communities.
3. Developing a network of off-road recreational trails for year-round use by non-motorized users, complimented by a set of designated trails for winter snowmobiling; and
4. Ensuring that economic development is compatible with the forested landscape and conservation goals.

Article 3: Exchange of Information

The Parties shall, on a regular basis, keep each other informed of and consult on matters related to the aforementioned areas of collaboration. The Parties shall actively encourage coordination with other organizations and associations also involved in related efforts, including the Countywide Trails Committee, Saratoga County Prosperity Partnership, Adirondack Mountain Club, Audubon Society, Saratoga County Chamber of Commerce, Saratoga Economic Development Corporation, Snook Kell Hunt Club, Saratoga Back country Horsemen Association, Saratoga Mountain Bike Association, Friends of Moreau Lake State Park, Lincoln Mountain/Gansevoort Snowmobile Club, Mulleyville Snowmobile Club, Saratoga Rod and Gun Club, Native American groups and local historians and societies, among others.

Article 4: Nature of the Collaboration

The Parties shall not be entitled to enter into commitments or make legally binding declarations on behalf of the other Parties. Nothing in this CA shall be deemed to constitute a joint venture, agency, interest grouping or any other kind of formal business grouping or entity between the Parties.

Article 5: Acknowledgement of the CA

The Parties do agree to recognize and acknowledge this CA and shared support of the Strategy. To this end, the Parties shall consult with each other concerning the manner and form of such recognition and acknowledgement, including the use of their name and logos.

Article 6: Term, Termination, Amendment

This CA shall have an initial term of ten years from the date on which it is signed by the Parties, unless terminated earlier by mutual consent. Any party may withdraw from the CA by written notice to the other Parties. In the event of withdrawal by one Party, the CA shall remain in effect. This CA may be amended only by mutual written agreement of the Parties.

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

Committee Reports

Councilman Bogardus said he spoke to the project manager for the court renovation and we are about 90% complete with everything. With the pandemic, work has been able to be completed without staff in the building. It has put us months ahead of time. There are a few items to be done but once the restrictions begin being lifted and court resumes, the court building should be fully functional. We are under budget with the initial cost.

Supervisor Lant thanked Highway Superintendent Woodcock and the Highway Department. They did a nice job picking up the debris. It appears to be complete.

Sue Baldwin, Town Clerk noted Margo Olson, Executive Director of Wilton Wildlife Preserve and Park submitted a report for the board and it will be posted on the Town's website.

Deputy Supervisor McEachron thanked everyone for participating in the mask distribution at Gavin Park today and commended the Fire Departments, Wilton EMS and Council.

Councilwoman Kolligian said she spoke to Roberta Corrigan, Director of Wilton Senior Center. Everything is going fairly well and she is still delivering lunches. Donations have been great; she doesn't need anything but will continue to check in with her and she is doing a great job. **Supervisor Lant** noted three \$100 gift cards were donated by Mr. Davis, a resident.

Supervisor Lant said he is very honored and pleased to announce one of our own has been honored. He said he received a letter from the New York State Town Clerks Association. Our Town Clerk is being honored for the great job she does for the Town of Wilton and the great job her staff does because of her leadership abilities. He said he is in the office everyday and can honestly say Sue gives the town residents 120% every day. Congratulations from the entire Town Board. We are so happy you are our Town Clerk. Ms. Baldwin thanked her staff for making the it possible and couldn't earn the designation without them. **Supervisor Lant** said since he has become Supervisor, he has learned all the employees at the town give it their all. When this virus began, everyone stepped up above and beyond their job duties. It makes him proud to be the Supervisor in this great Town of Wilton.

Comptroller's Report

1.) 2020 Budget Transfers

Maria Moran, Comptroller, thanked the board for allowing a temporary bookkeeper during a temporary gap during a very busy time. She also thanked Pat Brennan for filling in.

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

RESOLUTION #115

NOW, THEREFORE, BE IT RESOLVED, to approve the 2020 budget transfers, requested for and listed in the Comptroller's 5/7/2020 Report to the Town Board.

The adoption of the resolution was seconded by Councilman O'Connor duly put

to a vote, all in favor. The motion passed 5-0.

2.) 2020 Budget Amendments

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

RESOLUTION #116

NOW, THEREFORE, BE IT RESOLVED, to approve the 2020 budget transfers, requested for and listed in the Comptroller's 5/7/2020 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 5-0.

3.) Sales Tax

Ms. Moran said the estimate of the sales tax decreases have been shared with us by the New York State Association of Counties. They provided projections from a mild and a severe recession and the impact on sales tax. We are looking at 4.5% and 13% decline in sales tax for the mild and severe recession, respectively. Councilman O'Connor has already asked questions about what could be eliminated from our budget to revise our sales tax figure. We can look at different items and see what we can do with our sales tax in the current period to help our current budget. We do have to look at our long-term situation because this is going to impact us for a couple of years. We have no idea even though NYSAC was very generous by giving us economic assumptions and details in terms of what may happen, this is such a fluid situation we do not know what is going to happen. We must always look toward what we can do to save the town money. It is going to be a constant, ongoing process. **Councilman O'Connor** asked if NYSAC's numbers were done by county or an estimate statewide. **Ms. Moran** said it was done county by county. Saratoga County was given their numbers of 4.5% and 13%. It is applied to the county, as a whole. It will trickle down to the towns in a general broad stroke. Without knowing the details of what kind of vendors we have and who is open and who is closed, we can't get to that ground level of detail for the Town of Wilton. It is an estimate for the county. **Councilman O'Connor** said it is hard to imagine we won't be at the more severe end. **Ms. Moran** said the report did say the worst-case scenario may very well be not the worst case. The town is going to have to buckle down. **Councilman Bogardus** asked what the monetary value of 4.5% and 13% would have on our budget. **Ms. Moran** said it will be \$1,000,000. The town is coming from a very strong position. We have had years of great conservative spending and budgeting. We have a fund balance to help sustain us. We don't have a town tax and don't have to worry about the impact of a tax on our residents right now as long as we continue to be conservative. She said she felt as though the town can weather this storm. **Supervisor Lant** said the town has no debt. **Councilman Bogardus** said these are all things we need to keep in mind when crafting next year's budget. **Ms. Moran** said she spoke to someone about a Geo-Fence. It originally started out as a sales call but was told we are not spending any money right now. It is currently in use around the area. The Geo-Fence measures the level of activities in districts. We can estimate better what is happening with our sales tax. She said it is a better tool for the county, not the town. It is expensive and beyond what we would pay. Forecasting would be a great tool to help us. We get the information from the county when we receive

our sales wire. It is old information and it would be great if we could forecast into the future. We are looking to form an alliance with some people at the county in terms of better forecasting. **Deputy Supervisor McEachron** said a sales tax reform on internet sales would help. **Ms. Moran** said the county supports that. **Councilman Bogardus** said many people are changing from in hand purchases to online purchases and the legislation has not be signed. It would benefit us and every other town in the county. **Councilman O’Conor** said Ms. Moran has put together a list of capital projects in the budget for this year. We discussed hiring earlier and we should also look a capital projects we have budgeted for this year. If there are things that can be postponed. **Supervisor Lant** said it has been looked at and there are a few things we will cut out. **Councilman Bogardus** said we will probably be \$1,000,000 short this year, but will we be just a short next year or more. **Ms. Moran** said we don’t know when the economy will open and what consumer behavior is going to be. Predictive analytics might say there may be a pent-up desire for people to go out and spend money and do recreational things like go to dinner. People may also wait and see what happens in case there is a second wave in September. We don’t know. **Councilman Bogardus** said our budget needs to be pared down to essentials and no big-ticket items. **Supervisor Lant** said we have a very frugal board and comptroller. **Councilman Bogardus** said the City of Saratoga is looking at staff and personnel reductions. He said he does not want to get to that point in Wilton. He does not want to interfere with the services the Town of Wilton provides.

4.) Penflex

Ms. Moran said the Penflex board members list was posted for the 30-day requirement with no changes. The Penflex data package has been mailed. The next step, we will receive a bill from Penflex, who is the actuary for the town’s contribution for the service participants pension. **Councilman Bogardus** said the members are going into the homes of COVID-19 patients. We need to support these people and thank them. **Ms. Moran** said the WEMS has been extremely supportive to the town. **Councilman O’Conor** said he spoke with a couple of members at the park today. He said his first stint on the board, a taxing district was created to support the squad in the late 1980’s. Since that time, he said he, his wife, father in law, mother in law and his son have been taken to the hospital by WEMS. It was the smartest legislative decision he ever made.

Adjournment

Supervisor Lant thanked the residents for having patience. We will get through this. We will be stronger. **Councilman O’Conor** said if there was a time, in this town’s history, where it was lucky to have three emergency services people on the board, this is the time. The experience and the background John, John and Duane have is incalculable valuable during this time period and is thankful to have them.

On a motion introduced by **Deputy Supervisor McEachron** and seconded by **Councilwoman Kolligian**, all board members in favor, the meeting was adjourned at 7:50 p.m.

Respectfully Submitted,

Susan Baldwin, Town Clerk

Supervisor, John Lant

_____ Deputy Supervisor, John McEachron

_____ Councilman, Duane Bogardus

_____ Councilwoman, Erinn Kolligian

_____ Councilman, Ray O’Conor