

TOWN OF WILTON

22 TRAVER ROAD

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Susan Baldwin, Town Clerk

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REGULAR TOWN BOARD MEETING-June 6, 2019

Supervisor Johnson called the Regular Town Board meeting to order at 7:00 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 E. Moran, CPA, CGFM, Comptroller and Mark Schachner, Town Counsel.

Public Comment Session

Shelley Gale of 24 Conklin Court said she and her husband were told by Mark Mykins, a trail will be built in Craw Farm and go through their lot. They proceeded to gather information and the development learned of the planned construction of a public walking trail in the subdivision through a mass email. On 5/31/19, Matt McPadden and Bill Morris held an information meeting about the walking trail. They also unveiled the parking lot signage at the end of Craw Lane. The property owners in Craw farm have invested over 15 million dollars in their homes. The information given at this meeting should have been provided to prospective purchasers before contract. There are issues attached to a public trailhead in a residential neighborhood and the impact varies with individual lots. Six lots have the trail on their property. Several lots are in close proximity to the public parking area. Mr. Morris said the town had no plan or resources to maintain the trail. The responsibility for the trail lies with the town. The town should have a group insurance policy in place dealing with liability with public uses of the trail. Property owners who have the trail on or adjacent to their property need copies of this policy for their insurance policies. We need to notify our insurance companies as New York recommends a five million dollar policy in such cases. If the presence of the trail is not disclosed, trail incidents won't be covered. People

go off trail, people party, dogs go off leash and off trail. The EPA identifies dog waste as an environmental pollutant in the same category as oil, grease and toxic chemicals. We have provided the town a handout on various common bacterial, viral and protozoan diseases carried in dog feces. Runoff from rain and snow carries these microscopic organisms into the storm water management area in front of our home and the wetlands behind. The town should protect our water supply. Types of risks include personal injury, vandalism, trespassing off trail, biohazards from dog feces and urine, safety, loss of privacy, legal fees and increased insurance rates. In many cases there is financial loss of property values. Considering the burden placed on its newest residents, through no fault of their own, and the burden to the town, we ask the town to revisit the wisdom of this plan.

Rocco Guaricci of 24 Conklin Court said he is a Viet Nam Combat veteran and a senior. He said he has never been before a town board before. The residents of Craw Farm were never told of the construction of a walking trail and parking. We only found out a short time ago about what was going to happen in our subdivision. We searched documents at Saratoga County and received FOILED documents from the town. After speaking to the builder and Mr. Morris, we felt compelled to reach out to our neighbors to see what they were told about the trail. No one knew about the construction of the trail and parking. We were all told the same story, a trail exists and it is an old abandoned trail. This is very different from creating a trail and maintaining it and a trailhead with parking. They will drive here. We would've never purchased this property if we knew a walking trail was to be constructed. We came here for piece, quiet and privacy. We never saw the lot as is was supposed to be. We only learned weeks ago there is a 30' no cut area, about 3,000 square feet of woodlands that were cleared. This includes fifteen feet of the wetlands buffer. This was the no-cut buffer described in the easement we found recently at the county clerk's office. If more disturbances should occur on our lot, which has significant runoff issues, the impact would be great. We had a great wrong done to us as individuals and as a group. The Town of Wilton should rethink their plans and resolve this matter.

Eric Rosenberg of 16 Craw Lane said he is on the Board of Director's for the Wilton Food Pantry and thanked the Town of Wilton and its residents for a very successful Empty Bowls Fundraiser. The monies help those in Wilton who are less fortunate to put food on their table.

Besides being Town Board members, part of the role is to be stewards for Wilton and the future residents. With all due respect, the board is not taking the role as stewards for this community as you should. Being a proper steward does not include continuing to do things the same way they have been done for the last thirty years. Towns grow, businesses grow and things need to change in order to keep up with the times. Proper stewardship does not include turning the planning function of Wilton over to the developers. This board refuses. The Hamlet is one place in particular, to hire experts like just about every other community in the world, to make sure the future of Wilton is done properly. Putting the developers in charge is like putting the fox in charge of the henhouse. Those are not the people who should be planning the future of Wilton. Turning it over to the developers is a derogation of your duties. Proper stewardship doesn't allow an auto repair shop in a residential neighborhood to continue for more than five years. Proper stewardship doesn't allow the mess on 421 Northern Pines to continue for more than fifteen years. There are properties all over Wilton in violation of our zoning code. People have brought it to the attention of the board, trailers and boats sitting in front of houses in violation of the code. Storage sheds not being paid for by way of building permits, very selective enforcement. People are complaining about the density of the new project on Route 9. We had a problem with the Gordon building a few years ago and this board did not get the message. We are approving and moving forward with an auto repair shop that will be partially an auto wrecking yard.

Nancy Dwyer of 12 New Kent Drive said recently a phenomenon happened to two of our board members. The first, had no idea there was or is a committee that meets to address zoning code revisions and had been in existence for three years, trying to bring our code in line with the 2015 Comprehensive Plan Updates. The second got to experience the frustration of being in the “cannot speak” group and limited an opportunity to be an active and concerned participant in this town. Both were in conjunction with our moratorium and code revision meetings. Why would we not institute a moratorium? Its purpose states it is necessary to allow the town board to evaluate issues pertaining to the development of our hamlet. One of those issues is the code; a critical building block in the process which sets the ground rules and regulations that determine what our hamlet will ultimately look like, feel like, behaves like not only for today but for years to come. Build out and up in this hamlet has begun and we are witnessing how our code is supporting our initial vision. It is a critical time as the desirability is peaking and more and more development will be requested. The moratorium protects us. Who else would we want to protect? Can you explain how a moratorium would hurt us? If not, why would not institute a moratorium to protect us. A moratorium has a time period. It can be terminated earlier if the board sees fit. The committee seems close to having things buttoned up but that is just one step in the process. Each required successive step is held hostage by once a month meetings by the county and the town. The last two meetings, requests were made to hire professional planning services that would allow the code revision committee to seek outside professional help for insight and input, things like architectural detail, language for code, tables of use, standard practices and scale for a town the size of ours. Most of the members of the committee are volunteers with minimal expertise, if any. You’re asking a small, very particular group of volunteers to redefine or clarify the hamlet vision and code meant to guide and develop that vision. Why are town residents, in particular the renters in the current buildings and nearby not being invited to the table to share their needs, wants and desires. We need this moratorium and we need community and professional involvement and discussion. The Supervisor stated at a meeting that the reason we don’t need a planner is because we can hire those services on an as needed basis. Why are we not investing in our hamlet with input from professionals trained in these matters to come to us and can help us create good code to build a hamlet and vision for our town. She said she hears let the market determine the development. Why don’t we let our vision determine the development. We need this moratorium because we need professional, independent input. We need opportunity for community involvement.

Connie Towers of 92 Ernst Road said she went to a lot of the code revision meetings and the comp plan revision meetings since 2014. At the last code revision meeting, there were good things happening as far as shrinking the building envelope on projects. We are at a critical point in our town. Do you want to be Malta or Saratoga? Do you want to be the town that has the rural character that has driven everyone to live here but to progress? There was a lot of planning over the years. The last code revision meeting, they thought it was the scale and not the density that drove the project. She said she disagreed because the density drives the parking, the green space and the public space. Park Place is 12.8 units per acre and it doesn’t work. It crams too much product into the site. She asked the board to take a step back and find out what the purpose is for what we are doing in the town. Some developers may want to take the parking down. That is not what the town code says. There will be an attorney that will come in and drive the parking down. In 2014, Farone’s attorney tried to take down the parking spaces he needed for the amount of buildings he was trying to do in the old Everglades. He tried to take land from his adjacent PUDD and use that parking space for the new building. We need to fit the project to the land and not vice versa. We can do this. The architects can be creative to fit the land and not the other way around. Exit 15a was in the Comprehensive Plan for a long time. If we don’t have DOT coming in within ten years think about what that intersection at Northern Pines and Route 9 will look like.

Chris Ramsdill 4280 Route 50 said the Zoning Revision committee has had between thirteen and fifteen hours of meetings on the Hamlet zone alone. We have a good, very detailed plan that has been submitted to the town. There will probably be one more meeting to clean up the language for formal submission. As a result, the moratorium shouldn't be required. Moratoriums were initially designed to prevent people and developers from rushing in to beat a change in zoning. At this point we are so close to having a finished product for the town to review; it is very unlikely we will have a rush of people coming in to beat the change. It is an unnecessary step that could have bad consequences. It creates uncertainty for people. People coming in to invest in the community, the fear of a moratorium can be a disincentive for those people to feel this is a safe community to come into. They could begin an investment, start to work on a project and have everything come to a halt. It can have disastrous consequences for business. The presence of a moratorium used in our community enhances a lot of uncertainty. The Hamlet zone code was written, proposed and initiated by a professional planner and a lot of people have been greatly dissatisfied with. That is not to say the people on the committee are superior in any way to professional people. The committee has a good idea of what the values are of the community because we are residents and we have been looking to strengthen that zone to make it a community and a better fit for the Town of Wilton. Planners can make mistakes. A lot of the errors people are unhappy with aren't necessarily something a planner would fix. Residents of the community often have a better perspective of how to resolve those issues.

Joanne Klepetar 101 Parkhurst Road said this town has problem with enforcing our town code. She said she FOILED information on 669 Maple Avenue, owned by Mr. Richard Woodcock, in order to review the site plan for that parcel listed on the assessment roll as a single family residential. There are currently 33 sheds on the property and no site plan in the file folder. There were letters from our Code Enforcer written to the owner, dated over five years ago, stating he was not in compliance with the code. One letter gave a deadline for compliance and stated if not met, the owner would be required to appear in Town Court. Nothing has ever been done as far as can be determined from the file. There has been no follow up. She said she didn't know what the problem was and why nothing is ever done or followed up on? Why aren't habitual violators not made to conform? Doesn't the Town employ both Code Enforcer and Town Judges? Don't we Wilton resident pay them? Can't a fee schedule be implemented to force business owners to conform or pay up? Where does the problem lie? As Eric has pointed out, we are not a small town any longer. A pat on the back with a warning should no longer be acceptable practice. Now having Mr. Matt Coseo as acting Judge and a true professional, perhaps we can finally turn the corner and get these issues taken care of. There is a car dealership at 617 Route 9 where they continuously insist on parking their large pickup trucks in the designated open space. When they are warned, they move them and several weeks later they move them back again. How many times have they been warned? Aren't other bothered by people not complying with our code? She asked if she is the only resident who sees that there is money to be made by the town if a fee schedule was implemented. This is a blatant lack of respect for our town code and our elected councilman should be doing something about this now. Instead of charging \$30-\$35 for erecting a little 8'X8' Home Depot shed in one's own back yard, the concentration should be on the big offenders. I know for past experience that nothing will be done in response to this comment to either of these offenders or others but at least it will be on record once again. As being part of the Code Revision Committee, there are still things that all committee members are not in total agreement on and more work needs to be done regarding the future of Route 9, specifically on the Hamlet 1 Zone, such an important high visibility area of Wilton. Besides density, uses, height of building, setbacks and architecture, the other area which needs to be addressed and sent to DOT is the problem with the intersection of Northern Pines and Route 9. Because of the traffic volume, people heading in a northerly direction have begun taking the

right hand turning lane for Northern Pines even if they are going straight because people turning left into CVS hold up traffic through light changes. This is a major accident waiting to happen.

David Buchyn 201 Heritage Way said there have been questions raised at Wilton Town Board meetings on where Wilton residents stand on school safety. As it turned out, Wilton residents voted 2 to 1 in favor of candidates who favored rearming the Grounds Monitors. This overwhelming show of support from the people of Wilton validates the vote the town board took in January supporting the rearming of the monitors. All five board members clearly had an accurate read on what the majority of Wilton residents wanted, which is why they have been elected and should be commended for their support of improved school safety. Wilton resident and Wilton Zoning Board of Appeals member Dean Kolligian was elected to the Saratoga Springs City School Board. Wilton's own Kara Rosette, who is the head of SPSF, needs to be commended for her efforts in the school board election. Kara is neither a political person nor a gun person. She is a parent who was concerned when school safety was being compromised. She got involved and mobilized one of the most competitive school board elections in Saratoga Springs history and this year, one of the most competitive school board elections in the state. The elections were covered by all four local television stations and all of the local papers. Turnout was twice the normal rate. Many school board elections cannot find people to fill all of the positions; this one had seven candidates vying for three openings. Increased awareness and participation in elections is always a good thing and Kara deserves credit for much of that. She is a true leader.

Approve Pending Minutes

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

RESOLUTION #221

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the May 2, 2019 and May 17, 2019 meetings, with the spelling correction on Page 6576, Paul Goldman.

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

Park and Recreation Fees

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

RESOLUTION #222

NOW, THEREFORE, BE IT RESOLVED, to approve the fee schedule for Gavin Park, effective 08/31/2019-08/31/2020.

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

Independent Auditor's Report

Ms. Moran said the town received a clean audit opinion for the town's financial statements. She stated she provided an electronic copy of the Independent Auditor's Report for year end 2018 to the board and filed a hard copy with the Town Clerk. There are no discrepancies or audit findings. A copy of the report will be on the Town's website. Supervisor Johnson said Ms. Moran has stepped in and has done a great job.

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

RESOLUTION #223

NOW, THEREFORE, BE IT RESOLVED, to approve the Independent Auditor's Report from Cusack and Cusak for the year ending 2018.

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

WWPP Quarterly Report

Margo Olson, Executive Director of Wilton Wildlife Preserve and Park said the second quarter was very busy with school groups and field trips. We see a lot of kids fishing after the stocking of the pond. This past weekend was the annual wildlife festival. We had over 400 participants. This Sunday, we are bringing in a blue grass band for the Karner Blue's. It will be under the pavilion at the Parade Ground at Camp Saratoga. There will be a barbeque and a Karner Blue butterfly walk before the concert and a photography walk after the concert. The fire tower will be open. There is so much going on and we are very appreciative of the community support we get from our members, people who use the park and the town for maintaining the facility and helping make it such a successful project. If anyone visits the park it should be within the next week. With all of the rain, the lupine plants are very happy. If you take a three minute walk to the meadow you can see the flowers. With very little effort you can see the gorgeous flowers and of course, the butterflies. The lupine will be done in another week but the second brood of butterflies will be in July. **Nancy Gatland** asked if the fire tower will be open at times other than the ones listed. **Ms. Olson** said the tower will be open the second weekend in July and in August. The fire tower is a separate group of volunteers. If you are interested in visiting the fire tower a time other than those listed, get in touch with WWPP and we can put you in touch with the volunteers. The board thanked Ms. Olson for all of her work.

Moratorium

Supervisor Johnson said there was a public hearing last month and the board did not vote on the moratorium. It was returned to the Zoning Revision Committee for additional work. **Deputy Supervisor Lant** thanked everyone who sat on the Zoning Revision Committee and the residents who attended. He said a lot of changes are trying to be made. The committee members have their own ideas and the town board has the final say. The proposed zoning changes were received today and it is lengthy. He said he would like some time to go over the document but did not want to move forward with the moratorium. Next month, hopefully everyone will be happy with the changes. It can be reviewed again in six months. It's a lot of work. **Councilman McEachron** said he sat in on the meetings and the one major issue he has is with the density. The committee was not willing to budge on the density requirements. He stated that town board has the ultimate decision and he said if he has anything to do with it, the density will be dropped. He said he believes the density will be dropped down to where it belongs, in his opinion, and that is based on input from residents. The committee has a lot of good ideas with front and side setbacks, building height was addressed and they are working hard on the commercial aspect. He commended the committee for everything they have done but said density is going to be a big part of this. **Councilman McEachron** said having the proposed zoning revisions now, Mr. Ramsdill is right, there isn't enough time for a new project to come in before the zoning changes. He said he's waited a long time for the revisions and thanked the committee. They had a lot of great ideas. **Supervisor Johnson** also commended the Zoning Revision Committee for all of the work they did between the last meeting and tonight. They met a couple of times and they have a lot of good recommended changes. If there had been a moratorium, this is what the end result would've been. It is a good document we can work with and still have the option of density changes through an amendment. The need for the moratorium is not there now that the committee has done all of this work. We can address this within 60 days. **Mark Schachner, Town Counsel**, said the board will not be able to adopt the amendments within 30 days. The amendments can be finalized within 30 days but there is a referral to the county. The document is a draft of potential zoning amendments. There is a process that cannot be completed within 30 days. The amendments can be completed in 30 days but not formally adopted. The remaining procedural steps would be a referral to the county planning board and scheduling a public hearing. The July town board meeting will be held on July 3.

Ryan Riper, Director of Planning and Engineering said the zoning revision document has three sections, Section 109, Section 129 and the Hamlet code revisions. Within each document there are redlines, changes that have been made. The document is 95% complete with the update and revisions. The revisions need town council review. Within the next few weeks the revisions will be complete if everyone does their review and submits comments. At that point they will be placed online. If there are any questions, Mr. Riper said he is available. **Supervisor Johnson** thanked the committee for their hard work.

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

RESOLUTION #224

NOW, THEREFORE, BE IT RESOLVED, to withdraw Local Law #2 of 2019, Moratorium for mixed use in the H-1 zone.

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

Proposed Zoning Revisions

Supervisor Johnson said this subject was discussed along with the Moratorium. **Mr. Riper** said the document will be complete for the July 3, 2019 meeting. They will be sent to the Saratoga County Planning Board for a referral and a public hearing can be scheduled for August 1, 2019. **Councilman McEachron** said revisions can be done at the July meeting. **Mr. Schachner** said the amendments cannot be enacted before the August 1, 2019 meeting. The best case scenario would be to have the updated and revised proposed amendments and schedule a public hearing for August 1. The county will review on July 18 and then have the public hearing on August 1. If the board is comfortable with adopting the amendments it can be done that night. Minor amendments can be made along the way as well as on the night of the public hearing and the night they are adopted. **Mr. Riper** said the board can provide comments to the committee. **Councilman McEachron** said he agreed with most of the recommendations of the committee but not all of them.

Committee Reports

Councilman Bogardus said there are pictures on the board of the construction projects. There is the Gavin Park pavilion project as well as the offices from the court building which have been relocated to the basement, Dog Control Officer, Historian and Buildings and Grounds Department. Escape routes were installed. The Historian's Office in the Senior Center is complete. **Karen Strack James, Historian** said she loves her new office. **Councilman Bogardus** said the pavilion is a very large project and have an ambitious end date. We are a week behind schedule due to the rain. The old pavilion was moved to another location and it's almost ready for the Gavin Park staff to complete the landscaping. All of the steel on the new pavilion has been erected. There is a gravel foundation. We added water and electric to the structure. Restrooms are being discussed. Most of the work, except of minor outside contracting, has been done by our town employees. It is a huge undertaking and we have a great skillset with the employees that we have to be able to erect a structure like that. If it had been contracted out, it would've cost \$800,000. With it being done in house, the cost is about \$250,000.

The court project has not begun. The contract was awarded to Rozelle Industries. They were scheduled to start June 10 but the court has a scheduled jury trial. We are delayed by a week. By the July 3 meeting there should be updates. **Deputy Supervisor Lant** asked about the sprinkler system. **Councilman Bogardus** said it is still in discussions and we are working on a price. The third project is salt screens for the Highway Department. **Mr. Riper** said the design work would be to relocate the existing sand/salt screens to a better location, adjacent to where they are now. It will require demolition of the existing screens, installation of new concrete walls and larger screens so the trucks can drive through instead of backing in. It will be a more efficient process for the highway winter operations. The designs are 90% complete and we will receive the drawings early next week. The town can look at the drawings to see what portion of the work will be completed by staff and the rest will go out to bid shortly in order to finish before snow flies.

Councilman Streicher said there are a few openings left for summer camp at Gavin Park. Today is the 75th anniversary of D-Day and he thanked all of our Veterans and those who gave the ultimate sacrifice for the freedoms we have today. God bless them all. God bless our troops, our president, the United States and all of you.

Deputy Supervisor Lant said upon Judge Worth's retirement we appointed Judge Matt Coseo. He said he attended Judge Coseo's first day in court and several other days. Everyone should see him on the

job. He is a true professional and knows the law. He addresses everyone with respect and explains everything.

Supervisor Johnson said the Annual Saratoga Wilton Elks Flag Day Parade will be held on June 8, 2019. It starts at noon and begins on Broadway and ends in Congress Park. The Wilton Preservation Board will be having an appreciation event on June 9, 2019, from 1:00 p.m. to 3:00 p.m., to recognize the people who have opened up their historic homes. They will be honored with a plaque at the Meeting Hall at the Heritage Society Museum. The Wilton Historical Society will hold the annual Strawberry Social on Father's Day, June 16, 2019 from 1:00 p.m. to 4:00 p.m. also at the Heritage Society Museum.

Comptroller's Report

1.) 2019 Budget Transfers

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

RESOLUTION #225

NOW, THEREFORE, BE IT RESOLVED, to approve the 2019 budget transfers, 1-4, and the budget ratifications, 5-6, requested for and listed in the Comptroller's 6/6/2019 Report (attached) to the Town Board.

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

2.) Personnel

a.

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

RESOLUTION #226

NOW, THEREFORE, BE IT RESOLVED, approve the employment declination from Robert Bissel for the Auto Mechanic position, Step 1 rate of \$23.66 per hour.

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

b.

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

RESOLUTION #227

NOW, THEREFORE, BE IT RESOLVED, approve the hiring of Greggerly Kruger into the Highway Auto Mechanic position starting at Step 1, \$23.66 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 Councilman Bogardus, duly put to a vote, all in favor. The motion passed 5-0.

c.

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

RESOLUTION #228

NOW, THEREFORE, BE IT RESOLVED, approve the hiring of a full time Building Maintenance Mechanic, as approved by Saratoga County, starting at Step 1, \$17.44 per hour with benefits, contingent upon completion of all documents and passing of all screening requirements.

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

d.

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

RESOLUTION #229

NOW, THEREFORE, BE IT RESOLVED, approve overnight travel for Tina Weber, July 15-19, 2019 and Nicole Monroe, July 15-18, 2019, to attend the New York Assessor's Association Seminar on Appraising in Ithaca, New York.

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

Adjournment

On a motion introduced by **Councilman Bogardus** and seconded by **Councilman McEachron**, all board members in favor, the meeting was adjourned at 8:07 p.m.

Respectfully Submitted,

Susan Baldwin, Town Clerk

Supervisor, Arthur Johnson

Councilman, Steve Streicher

Deputy Supervisor, John Lant

Councilman, John McEachron

Councilman, Duane Bogardus