

# TOWN OF WILTON

22 TRAVER ROAD

WILTON, NEW YORK

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Susan Baldwin, Town Clerk

Supervisor Lant welcomed the family and Friends of Trooper Nicholas A. Georgeadis and gave Councilwoman Kolligian the honor of reading the proclamation.

## Proclamation

### COMMENDING NICHOLAS A. GEORGEADIS

**November 18, 1970 – April 28, 2023**

Whereas our law enforcement agencies play an essential role in safeguarding the rights and freedoms which have been guaranteed by the constitution to every American citizen; and

Whereas, we hereby recognize **Trooper Nicholas A. Georgeadis** for his legacy of service in law enforcement and his dedication and commitment to the citizens he served; and

Whereas, **Nicholas A. Georgeadis** served eight years in the Army National Guard before becoming a New York State Trooper in 1997; and

Whereas, **Nicholas A. Georgeadis** received eighteen letters of commendation and two Superintendent commendations, one for responding to the World Trade Collapse for thirteen weeks and another for pulling a man out of a vehicle before it exploded; and

Whereas throughout his career he was promoted several times and in 2016 **Nicholas A. Georgeadis** was promoted to Senior Investigator and assigned to NYS Homeland Security as the Deputy Director of Counterterrorism; and

Whereas, **Nicholas A. Georgeadis** retired in 2018 due to a work-related illness attributed to his exposure during his 9-11 World Trade Center assignment; and

Whereas, **Trooper Nicholas A. Georgeadis** fought a courageous battle with cancer for five years. He was a patriot, family man and a friend to many; and

PROCLAIMED, that the Town Clerk forward a duly inscrolled copy of this Proclamation of Commendation to the family of **Trooper Nicholas A. Georgeadis**.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the Seal of the Town of Wilton this 6<sup>th</sup> of July 2023.

Councilwoman Kolligian noted Governor Kathy Hochul and Senator Chuck Schumer sent letters of condolences and presented them to the family.

Adam Kramer, Chief of Staff appeared representing Senator Tedisco's Office. Mr. Kramer said Senator Jim Tedisco was hoping to attend but he had a previously scheduled commitment and on behalf of the Senator, our condolences and our hearts go out to the family for the loss we have all experienced. Trooper Georgeadis was an officer for 21 years and a member of the National Guard. Some of the kids present tonight were not born on that day but most of us remember the events of September 11, 2001 and remember the days, the weeks and the months that followed. Trooper Georgeadis was at Ground Zero for thirteen weeks. He was an American hero for his actions, not only as a New York State Trooper but as a First Responder on 911. When they tell the tale of September 11 and the victims, it wasn't just the 3,000 people who died at the Pentagon and the World Trade Center site, it was also men, like Trooper Georgeadis from Wilton who heard the call of service and duty, went down there for thirteen weeks, knowing he was breathing stuff that was concerning and unfortunately lost his life. He was one of the 911 victims. He was not just a victim; he was an American Hero. On behalf of Senator Tedisco and the New York State Senate, it is a truly deep honor to present this New York State Senate Citation to Mrs. Georgeadis and the family. God Bless you and our hearts go out to you. Thank you for everything he did for our country.

#### **PUBLIC HEARING-Variance Request for Lodestar Solar**

Eric Anderson appeared before the board and stated he is a representative of Lodestar Energy. Lodestar is the applicant for a large-scale solar energy system proposed to be located off route 50 here in the Town of Wilton. He said Jamie Smith, one of the founders of the company is going to add some color to the conversion we will have a little bit later on. Mr. Anderson said he prepared a few slides so we can have everybody familiar with our company and our project at a high level and also discuss why we feel we are eligible for a variance from local law of number 3 of 2023 which is the solar moratorium here in town. With that he turned the discussion over to Mr. Smith to give a background to the company.

Jamie Smith thanked the Supervisor and the Town Board for the time. Lodestar Energy is a 10-year-old company, and he said he is one of the founders of the company. We have been developing solar projects in New York, Connecticut and Massachusetts over that period of time. We are a small company with 13 employees. We are unique in that we develop projects and then we own them long term, so we have a fleet of about 45 projects that we own and operate across the northeast. We think that this makes us a better developer because we are going to be around for that period of time, and we invest in all kinds of equipment and focus on projects that are going to go forward and make sense. There are no

outside parties and no private equity behind us. He said it is just me and my partner who started the company with our own money. We are entrepreneurs and long-term owners.

We partnered with a number of schools, towns, housing authorities and if given the opportunity we would love to offer the town the opportunity to buy energy at a discount or buy credits at a discount from this project if it goes forward. He said Mr. Anderson will talk a little about this but we are not trying to avoid the things that the board is looking to do with the moratorium, the things you are trying to prevent, we are not trying to get around those we are really just caught in a timing situation. We started before the moratorium became about and now we have made investments and we have other investments coming up so we are not worried about what's going with the moratorium or the changes to the laws that are coming we just want to be able to continue to work with the board while you put your solar ordinances in place.

Mr. Anderson said a quick background to our project; on the left you will see a zoomed in map of the zoning map in town. The X on this larger property is the property we own in town off of Route 50. It is 39 acres, and we are looking to develop 20-25 acres of it. He said it is about 19 acres for the solar project and some tree clearing around it so we are not shading our own panels. There are 2 other properties that have X's on them off Route 50. Those are direct abutters to us, our residential neighbors that we have partnered with for about a year now to try to navigate the design of our project and they are working with us to have a driveway to our solar site to avoid some unneeded tree clearing or wetland disturbance that would have occurred on the frontage of the property.

That is kind of the schematics. We are south of Scout Rd in town. East of Edie right off of Route 50. He said this setting is a little bit more rural than some of the other projects that he has learned about in town. For instance, the property looks like an "L". We are about 800 feet off the roadway so there is no chance anyone will see it. We are about 700 ft away from the closest unaffiliated residence. We are proposing to retain tree cover around the perimeter of the property to further hide it to ensure there is no visibility. We are an environmentally minded company, so we are trying to incorporate environmentally friendly design standards. We have a DEC property to the north of us and we are looking to put some of our acreage and conservation to hopefully expand the conservation land managed by the DEC and we are also offering pollinator habitats and we are basically trying to design this in a way that works for the town, the environment and works for us as a business. We will power about 1000 homes just to give you the sense of the size of it. The upgrades that are being done by the utility will help all of you have more reliable power in the area. You will have the resiliency because they will be doing substation upgrades to accommodate this. With solar projects you are almost always replacing deteriorating equipment or installing new protective equipment. For this project in particular there are upgrades at the local substation to increase protection just in general for distributing electricity. We are also replacing some of the electric poles along Route 50 with brand new ones. The wiring is going to be new as well. Those are some of the upgrades that are happening along the way.

Mr. Anderson said he wanted to speak about their variance request, the long and short of it and kind of get into the core of our argument. We started the project in September of 2021 by entering into a real estate agreement with the former landowner. Immediately after that we started studying the project

with the local utility, National Grid. Basically, that is a yearlong project process where we dive deep into electrical studies, and we learn if a project is even feasible. Can it go into this location? Can it be served by this electrical grid? We learned that in November of 2022 that it could and a couple months before that we started working with the town on our permitting application because we started to get warm reads with the utility. We met with the town's engineering department and some planning department staff in September of 2022. We had our first planning board meeting with the town in December of 2022. We submitted a complete application, all the works, everything that was required, and we met with the planning board. That is also when we purchased the property. We felt pretty confident in the stability of the local code. We know from the utility company that we have a project if we can get our permits. So, we moved forward on that end. It was only in January of 2023 that we learned from the Town's website that the town board was considering a solar moratorium. And in February of 2023 a public hearing was held for that. In March it was adopted.

That is our general timeline here and where does that leave us? The moratorium has a 6-month wait on processing solar applications. We can't review our application with the engineers or the town staff and everything is to a halt while the town looks to revise their solar code. With how things are going in town it looks like that process will probably be another 4 or 5 months before a law is enforceable here. A new one. We have been involved in the solar code revision committee's process and we have tried to provide industry comments as needed. Everyone agrees that is probably the likely timeline. What that does for us is it imposes a serious risk on our project based on how we have laid out the project timeline from the get-go. After we finalize our study with the utility, we have to make really large payments for the upgrades that are going to be needed for our project to be viable. Our first payment was made last month, and, on the horizon, we have a really large payment upcoming in December that is just under \$700,000. The situation that we are currently in is that we have no read on the permitting process in town. We haven't had the opportunity to go through the design to shape our project in a way that works for everybody and if this moratorium is extended to the point that we think it's going to be were we are going to be put in a spot where we have to either abandon the project because we can't make a \$700,000 payment without having a read on what the town wants from us or we have to make a \$700,000 payment for the project to continue but that's a pretty big risk, we can all agree, and its non-fundable.

What we are asking for from the town is a variance from the moratorium. To elaborate on what Mr. Smith was saying, we are not trying to be exempt from the new law that the town is looking to pass. We think the town is going in the right direction with a fair code that makes sense several years after the previous one was written. We are not shying from that. We are asking for the opportunity to continue the review process with the town. If the moratorium is going to continue till December give us the opportunity to work with the town's engineering department and get the big picture items out of the way. Whether that is reviewing technical documents or ticking off long review processes with county. It is giving us the opportunity to keep working so that when the moratorium does expire, we are ready to go and we have plans that meet the town's requirements and we don't need to do a several months back and forth which is traditional when you are reviewing site plans, sophisticated storm water documents, all these technical documents. He said on the right, he has outlined what the solar code

revision process is probably going to look like. You can think of this as each area taking about a month. We are looking at a 4–5-month process where we will not be able to do any work on this project.

Mr. Smith said to reiterate; we are not asking for an exemption from the rules. There are new rules coming around how solar is going to be treated in a town. We are not saying we don't want to play by those rules. We are saying could you continue to review our project while you are building those rules because we are in a time crunch? To be clear with everybody here. it's not like the rules are coming and they don't apply to us. As Mr. Anderson said, we have been involved in trying to help the town with the design of the new solar ordinances, giving our input and as Mr. Anderson said, we think the town is going in the right direction. We are just asking not having to wait. We are half-baked here and that creates some hardships for us. We have about \$400,000 dollars into this project and there is a \$700,000 payment coming in December. As we mentioned there are no other investors, just me and my partner. We are a 13-person business. That is going to put us in a bad spot. All we are asking for is to continue to get a good read from the town as to whether this project is viable or not.

Mr. Anderson said he thinks that makes sense. He said he is happy to give out his contact information and his email. He said he has plenty of business cards so if you don't have the opportunity to talk to him one-on-one here, he said he will be happy to do it after. You can give him a ring. He said he feels confident in their project, and they are happy to address any concerns the public may have.

My name is Dan Boyd and if you look at the map of the area, I live on this road. You sent me a letter. That's the reason we are here. We are not here to debate if this is a good thing or a bad thing. I am just going to tell you that I oppose anything that happens that abuts up against my property and this does. That's all I wanted to say. I am not going to debate with you whether it's good, bad or indifferent. I don't know what power we have, maybe none. But I'm telling you now if it involves voting I am going to vote against it.

Mr. Anderson said you don't want us to develop our property?

Mr. Boyd said he doesn't want solar in there. Simple

Mrs. Boyd said one thing; Solar is only good for 10-12 years. Then what happens to the panels? They are full of chemicals. They are going to end up in a landfill of the ocean. They will leak into the environment and really cause damage.

John Lant: We have a sign-up sheet, and we are going to call names. You have 3 minutes to speak. The Town Clerk will call you.

Ed Kokowski of Knollwood Drive said he feels that under no circumstances should approval of this project happen until our solar regulations which have been worked on by Councilman O'Connor and his team who did an excellent job on this specification, he said he thinks we have a good specification for what and I think it's a good specification for the supplier. I am an engineer who has been doing large projects for 50 years and knows a little bit about this. He said he supports them going forward with this process but under no circumstances is this going to be a guarantee of approval of this project and all the

risk of cost of moving forward is on them as far as he's concerned. It doesn't imply that there is any approval it just says go ahead and keep working and we will work with you. Thank you very much.

Tom Case said it's a little more than just approving the solar thing. You are changing zoning laws to allow this project into residential, I assume? (Councilman O'Connor: It's currently allowed in the lower density residential areas). Mr. Case said this is already approved? Councilman O'Connor said no, this hasn't been approved yet, but it is in a zone that is allowed, it's an allowable use. The town code, as it exists now, goes back to 2016-2017, to allow for solar development in several areas in the town but this also includes this R2 zone and R3 zone in the town. That's the way the law exists now. Councilman O'Connor said he was not on the board back then when it was adopted. He said Councilman Kolligian, who is also on the committee with me, has been looking at these issues as well as the recommendations and suggestions that our committee made. Under the current law, you can have solar development within 100 ft of a residential property. Our recommendation in this draft that we had which has been passed along to the zoning committee would make the distance between a residential building and any solar development at least 500 feet instead of 100 feet. There is a whole host of other buffering and other measures in there, but it's already allowed by code. Mr. Case said it's all deceiving because residential zones were originally designed for residential. He said he understands what you are saying about changes but a little bit of common sense. No one has a solar farm within 100 ft from their homes, but you are asking the people to accept it. He said in his mind the board is elected by the people. They should be looking out for the peoples' best interests, not private enterprise. Councilman O'Connor said that's why we created a subcommittee to review it.

Mr. Case said he was out in the lobby, and picked up half a dozen pamphlets on squirrels, birds, snakes, frogs yet we want to go in and destroy their habitat. Why would you do that? Supervisor Lant said you can't say all, everybody is important. Mr. Case said he is not saying that. He is asking questions. He said he has built for 45 years and always had to comply with zoning changes as we developed property. We had cash crunch times, too. He said he wasn't too crazy hearing that if they don't make their \$700,000 payment they might pull out. That's just part of being in business. If that's the case, what happens if they do? He said he doesn't think you should give them false hopes by saying you can keep your project going while we look at this because to him that's almost letting them think you're going to get approved. That's not your problem that they are \$700,000 short. That's just a risk you take by being in business. He said he is not against solar; he is against where it is being located.

Mr. Anderson said they have chosen a route where it's the least impact to the wetlands. There are other ways we could access the property that would be a lot more straightforward and cost a lot less where there would be a lot of impact. We are doing our best not to impact the wetlands. It makes the most sense as environmentalists as well as business owners. We are not fans of clearing trees, but said is a fan of it if it makes sense. As you know, solar energy is clean energy. For the 25 acres that we will be clearing this project would mitigate enough carbon emissions equivalent to 8,400 acres of preserved forests in the US. This is a substantial number. That is a number the EPA gave us. For us, it's a great net benefit for the environment. We are mindful of these things.

Mr. Case asked why are you choosing property with wetlands? Why even get involved in it?

Mr. Anderson said most properties have wetlands on it. Of course, this one is a little different. It is along the perimeter. There are a lot of properties that are hard to develop and we don't necessarily shy away from that.

Mr. Case asked if the DEC and the Army Corp has been in there to tell you whatever you take you need to add back?

Mr. Anderson said we have met with DEC and Army Corp at this site. We are going through a State level review of the wetland impacts.

Mr. Case asked if they have received an approval from them to proceed with this project?

Mr. Anderson said not a written approval however, that is what we are trying to do. At this point we are trying to further our project to get to that point.

Michael Brice stated that people will lose the value of their homes if projects like this go into a residential area. He feels that the moratorium should be extended for another 6 months to a year. He feels that the solar meetings were not well run. The audio was insufficient, members were not all present and no outside people were available to voice public opinion. He feels more study needs to be done and the moratorium should not be lifted regardless of hardship to the company.

On a motion by Councilman O'Connor and seconded by Councilman Bogardus, the public hearing was closed at 7:37 p.m.

### **REGULAR TOWN BOARD MEETING-July 6, 2023**

Supervisor Lant called the Regular Town Board meeting to order at 7:37 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  
Duan Bogardus-Councilman  
Erinn Kolligian- Councilwoman  
Ray O'Connor-Councilman

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

### **Public Comment Session**

Gary Osarczyk spoke about speed limit reduction on Parkhurst Road. He has been a Parkhurst Road resident for over 10 years. He feels that the shoulders are insufficient and there are at least 4 blind turns and hilltops with no line of sight when driving. He states there is a record of multiple accidents that have occurred at the intersection of Gailor Road and Parkhurst Road. Multiple people cycle and run on Parkhurst Road, and he feels that the road needs to be re-evaluated for a speed limit reduction. He is specifically concerned due to the number of children that reside on that road.

Dorothy Aspinall spoke regarding the solar projects proposed for the residential areas. She feels that when you purchase in a residential area you don't expect that commercial enterprise will be allowed to build in your area. She feels it not only reduces property values but affects the quality of life for the residents. She asked if a traffic study had been done to accommodate heavy trucks and any damage to the roads as well as the wetlands, water supplies and septic systems. She feels that the board members are here to represent the residents and should look for better options for projects that the people feel are more appropriate.

Mr. Brice stated that the board has been elected by the residents and the residents have spoken against this project. He feels the board needs to respect the opinion of the residents and see the negative impacts of the project being put in this residential area. He wants the board to realize they have been put in their positions by the people and the last thing the people want is "to be screwed by you". He is asking the board to look for other commercial areas for solar farming and to stay away from the residential properties.

Toni Sturm also spoke on the speed reduction for Parkhurst Rd. She feels people are driving way too fast for the area and she herself has had several close calls pulling out of her driveway on Parkhurst. She feels the speed monitors that were put up by the town were placed in an area that doesn't truly capture where vehicles are driving the fastest. She is asking the town to reposition the monitors to straightaways where people are picking up speed. She stated that due to the inability of being able to exit her driveway quickly enough, she lost her lawn service company. He says it is too dangerous and will not risk losing his equipment or his life. She feels 45mph is too fast and along with the other petitioners would like to have it dropped to 35mph.

Cindy McCabe spoke regarding solar farming near her home. She feels that residential areas are no place for this type of business and if the solar companies are going to lose money by not developing their properties, then that's their concern not ours.

Shawn VanVeighnten of Ruggles Rd feels that there is no justification for placing a solar farm in a residential area. He feels that these panels take up huge areas of land and thinks that these beautiful property tracts are being threatened by developing commercially. He is opposed to this project near his home.

Bob Marchillo of Knollwood Drive feels that the solar company misrepresented themselves by stating they were a small, local veteran owned company from South Glens Falls yet, while researching the company he sees it is from the Boston Massachusetts area. He questions; if this company meets all of

the zoning requirements, does it guarantee the project will go through? Councilwoman Kolligian stated that with the way the current zoning code was rewritten it is submitted to the solar revision committee and it would be used by special zoning permit only. If a parcel of property is zoned for something it does not come through the town board. It goes to the planning and zoning board. If it is by "special use permit only" it must come to the town board first. The board looks at all applications on their own merit and makes decisions based on discussion, research, and resident opinion about where development should occur. He also believes that after researching property maps that the electrical poles needed to run the solar project will be much closer to his home than the company is telling him.

Michael Brice asked if the board has the authority to vote amongst themselves to decide not to place solar projects in residential areas and find other more suitable locations. Supervisor Lant assures him that this will be going through the town board. Councilman O'Connor reiterated that the committee wanted to exclude solar in every area except for commercial/industrial areas. Mr. Brice stated that he was told otherwise during the second meeting of the solar committee. Councilman O'Connor explained to Mr. Brice that these laws were put in place back in 2017 when he was not a member of the board. At the conclusion of a discussion by Mr. Brice, the town board informed him that they will continue to discuss the options and follow correct procedures to make an informed decision regarding solar development in the R2 and R3 zones.

### **Approve Pending Minutes**

On a motion introduced by Councilman O'Connor, the board adopted the following resolution:

#### **RESOLUTION #163**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the minutes from the June 1, 2023, as written.

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

### **WWPP**

Margo Olson of Wilton Wildlife Preserve and Park said she prepared a second quarter report and presented it to the board. It goes through our mission in supporting conservation efforts of all of our partners who are the landowners. It is providing environmental educational opportunities for the community through our public programs, schools and other groups around the community and promoting and providing opportunities for outdoor recreation. In our second quarter, it is our busiest outdoor recreation and outdoor educational time of year. It is when all of the school groups are coming with a lot of field trips. Lately we have been seeing a lot of in school programs in the spring. Schools are still not doing a lot of field trips and instead, bringing us in for enrichment programs and afterschool programs. We did a residency program with the 5<sup>th</sup> grade at Dorothy Nolan School for a week and a half

offering different programs. They also went to Camp Saratoga and did programs. We have almost 4,000 kids and families with all of the programs. We work with the Academy of Lifelong Learning, Wellspring and Too Life doing programs for cancer survivors.

Ms. Olson said the Larry Gordon Outdoor Education Center at the Town of Wilton's Camp Saratoga describes the project so well. She said we would like to thank the town for getting us where we are today. This project started with the town and Larry's widow, Trish trying to figure out how to honor Larry and his remarkable collection of scouting memorabilia. It became a collaborative effort between the town, Trish and Wilton Wildlife Preserve and Park by reusing all of the historic scouting buildings, helping breathe new life into them by creating this regional gem at Camp Saratoga that will draw people from Wilton and beyond. It is a gateway to Saratoga Sandplains State Forest and Wildlife Management areas. People use the trails for dog walking, birdwatching, cross country skiing and hunting.

We had a great event at Camp Saratoga. The Dake Family pledged \$100,00.00 and completed the donation. We had a ceremony and Roy McDonald, who was instrumental at the beginning working on getting the initial project of WWPP going with the town and Nature Conservancy, was there. Thank you to Scott Harrington and Roy Vanderbogart for working on the projects at Camp Saratoga. On the left hand side of the pictures, you can see the old interior with a lot of small rooms and a drop ceiling. They went in and cleared the whole building out and now it is ready for the next phase of renovations. Mr. Harrington had indicated he is aiming for the end of August or the beginning of September. The first phase is to reinforce the floor. The building is going to be framed out and new wiring put in. This will become the welcome cabin where people can come in and get maps, information, scouting information, historical information from Larry's collection along with natural history information on the butterflies. So far our preliminary budget looks good. We have the measurements, the preliminary plans and layouts, lighting plan and we received a grant from the state legislature and we were able to buy some of the objects needed to enhance the space like exhibits, hands on things for kids as well as snowshoes, cross country ski racks and additional winter recreation we will be renting out of the cabin. We are going to be adding a deck off the front for accessibility with a ramp and wider door. The steering committee meets regularly to keep things moving. There are a lot of moving pieces and details to be worked out. We are developing an exhibit plan, working more closely with Trish to identify materials for the cabin, Matthew has been gathering information on how to get internet and phone service to Camp Saratoga. It is a dead spot and we are concerned for safety reasons. We are addressing that and trying to find out what the cost will be. We are in the process of getting the CFA grant again this year. The Parks, Recreation and Historic Preservation has money for renovating buildings to increase access to the outdoors. We have applied for three years so maybe this is the year. The resolution, next of the agenda, is required for that grant. We are working on the pathways plan, signage plan and of course we need money. We are working on donations and are reaching out to different members of the community like the Dake Family and Frank Parillo. We are hoping other members of the community will step up and help. The Welcome Cabin is really the first phase and we will be renovating the Winter Lodge and the old Ranger Cabin. Our hope is the Welcome Cabin ready to go and be there for winter rentals and for people to use year round as well.

#### **Request for Endorsement for OPRHP Grant for WWPP**

Ms. Olson said we are asking the state to fund some of the renovations. Because we don't own the property, the Town of Wilton does, the state has a resolution required to go along with the grant.

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

**RESOLUTION #164**

**WHEREAS**, the Wilton Wildlife Preserve & Park is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under Title 9 of the Environmental Protection Act of 1993 for a park project to be located at Camp Saratoga on Scout Road, a site located within the territorial jurisdiction of the Town of Wilton Board and

**WHEREAS**, as a requirement under the rules of this program, said not-for profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located."

**THEREFORE**, be it resolved that the Board of the Town of Wilton hereby does support and endorse the application of Wilton Wildlife Preserve & Park for a grant under Title 9 of the Environmental Protection Act of 1993 for a park project known as "Reusing Structures to Create an Accessible Environmental Education Center at the Camp Saratoga Campus" and located within this community.

And further, it is resolved that, should Wilton Wildlife Preserve & Park be unable to do so, said property shall be forever maintained by the Town of Wilton as a municipal park in this community consistent with the rules promulgated by OPRHP.

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

**Speed Limit Reduction Request**

**RESOLUTION #165**

On a motion introduced by Councilman O'Connor, the board adopted the following resolution:

**NOW, THEREFORE, BE IT RESOLVED,** to approve a speed limit reduction request for Parkhurst Road, between Corinth Mountain Road (CR33) and Wilton Greenfield Road, from 45 mph to 35 mph for the safety of motorists, pedestrians and bicyclists.

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

#### **4 Way Stop Sign Request**

Supervisor Lant said he would like to request a 4-way stop sign at the intersection of Ruggles Road and Loudon Road. It is the only intersection in that part of town that doesn't have one.

On a motion introduced by Councilman O'Connor, the board adopted the following resolution:

#### **RESOLUTION #166**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the request to install a 4-way stop sign at the intersection of Ruggles Road and Loudon Road

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

#### **NYS DOT Reply for Speed Limit Reduction Request-Edie Road**

Supervisor Lant said the New York State Department of Transportation responded to our speed limit reduction request last year on Edie Road. The request was deemed unwarranted. Deputy Supervisor McEachron asked why it was turned down. Councilman O'Connor said he sent a return email to the gentleman who requested the speed limit reduction request. He said he lives off Edie Road. There are a lot of new homes, two trailheads, winding road and visibility is not good. The speed limit is 55 mph. He said it was the fourth time the board has requested the speed limit be reduced to 45 mph and it has been denied every time.

#### **Lodestar Solar**

Deputy Supervisor McEachron said he believes a moratorium is a moratorium. He said he did the math and Lodestar is a 13 person company, pending \$400,000 is about \$30,000 per person. The moratorium was to prohibit all solar until we could get a better look at our zoning laws.

Councilman O'Connor said there are currently multiple applications for solar projects in the Town of Wilton. More of the applicants may believe they have reasonable grounds to be exempted from the moratorium and then the moratorium has no effect. There is no telling how this will come out in the end. There is a distinct possibility that the area Lodestar in will not be permitted to have solar arrays when the final decision may or may not be in their favor. He said he does not want to see other applicants who have started the process or thinking about starting the process, until the laws have been finalized.

#### **RESOLUTION #167**

Based on all of the above factors, Councilman O'Connor made a motion that the variance application be denied for the following reasons:

1. The applicant has failed to demonstrate that the moratorium imposes unique or extraordinary hardship upon it. The moratorium applies to any and all similarly situated applicants, any of which, including this applicant, have proceeded at their own risk. Once the Town adopts revised solar facility regulations, it is entirely possible that the applicant may seek and be able to comply with them resulting in gaining a permit for the facility. However, allowing review of the application to proceed without knowing what those regulations may be serves neither the best interests of the Town nor the applicant. We do not believe that having to wait to proceed with the application until the Town adopts revised regulations after the moratorium constitutes extraordinary hardship.
2. The general purposes and intent of the moratorium are to ensure that solar facility development complies with the Town's regulations as they are revised and granting the variance would clearly conflict with that purpose and intent.
3. Finally, if the variance was granted and the application review resulted in approval during the moratorium, it is entirely possible or even likely that the variance

would adversely affect the health, safety or welfare of the citizens of the Town, because the facility would not necessarily be in compliance with the solar facility regulations ultimately adopted by the Town exactly for the specific purpose of protecting that health, safety and welfare.

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

### **Insurance Waiver-Gavin Park**

Deputy Supervisor McEachron said he brought this up last month. He said he is in favor of the fees associated with renting the pavilion but said he is not for the insurance requirements for residents of the Town of Wilton. He said he said there are too many pavilions in the State of New York and none of them require insurance. He said he would like to continue with the fee and security deposit. We, as a town, have insurance. He said he reserved a pavilion in Cohoes, on an island. There was no insurance requirement. He said it is unnecessary. Councilman Bogardus said the VHW does not require insurance. Deputy Supervisor McEachron said the VFW does require insurance if extra activities are brought in, like a bounce house. Gavin Park does not allow bounce houses or anything that increases the risk of injury. Councilwoman Kolligian asked how much the insurance costing the residents. Deputy Supervisor McEachron said sometimes it doesn't cost the homeowner anything and other times it can cost upwards of \$300 to \$400 for an hour. Councilman Bogardus said he was aware of a resident being required to have \$1,000,000 in coverage and their homeowner's insurance wouldn't cover it so they had to get separate coverage for a three year old's birthday party. Councilwoman Kolligian asked how many complaints the park received. Deputy Supervisor McEachron said he didn't know but anyone who has to pay is probably going to complain. He said he's rented pavilions at Exit 18, Warrensburg and Cohoes for the last three years and has never been required to have insurance. He said he paid a rental fee and a security deposit. We don't ask anyone who goes to the Splash Park or the playground for insurance. If it is commercial, absolutely yes, they are required to have insurance. These are residents of this town; it is their pavilion. Deputy Supervisor McEachron said there was a grant that purchased that pavilion. We did put money towards it for concrete and assembly but the pavilion was donated. The town owns the equipment. Why are we making residents suffer? Councilwoman Kolligian agreed the costs are excessive but said she did not agree with waiving the insurance. Deputy Supervisor McEachron said the town is insured and they will cover it. Councilwoman Kolligian asked will the insurance cover it? Supervisor Lant said phone calls were made. Councilwoman Kolligian asked if our insurance company will cover it or will it come out of taxpayer dollars? If so, we are not really saving taxpayers money because we will have to pay for any injury sustained. Our insurance company is going to ask why the insurance company required insurance and we chose not to. Deputy Supervisor McEachron said it was his understanding that the former Parks and Recreation Administrator required it. Maria Moran, Comptroller said from what she understands, the pavilion was completed during the former Parks and Recreation Administrator. The insurance requirement now is \$1,000,000 across the board for any occasion held at the pavilion whether it is a mom with ten little kids, giving them cake so they can enjoy the park or it is an organization like AIM Services coming in with a DJ and other entertainment. Maybe a good compromise would be to require insurance but based on the type of event it is. One type of event which should cost next to nothing, a million dollars is excessive for a child's birthday party. Councilwoman Kolligian said the rental fee

may need to be adjusted based on the size or the event and whether it is private or commercial. Deputy Supervisor McEachron said he doesn't understand how he can rent a pavilion in six other towns without insurance. Not once has he been asked for insurance. Councilman Bogardus said not all homeowner's insurance policies cover rentals. Maybe it is something our attorney should look at. Mr. Schachner said there was a sledding accident at a town park which resulted in a very, very substantial legal award for damages against that town, which, in his professional opinion, under insured. He said he is not an insurance professional, he is an attorney and doesn't know anything about this and unless he is missing something, he said the board has not received sufficient guidance from our own insurer. We don't know what would or wouldn't be covered in certain circumstances. Ms. Moran said she does not have an itemized list. Councilman O'Connor said he feels the same way. The correspondence received from the insurance carrier was about costs and limits but it didn't say the town's overall coverage is satisfactory. Mr. Schachner said getting additional information from the insurance carrier was discussed at the last meeting and it was a very appropriate comment. He said he doesn't feel the board has enough information to make the most rational decision on this issue. Councilman O'Connor said he will contact the insurance carrier. Deputy Supervisor said he knows the answer. Anyone who gets hurt in the park is covered by our insurance. Supervisor Lant said we do have liability insurance. Deputy Supervisor McEachron said he is not going to make a motion to put the town at risk. We are talking about children's birthday parties. Margo Olson said the same thing happens at Wilton Wildlife Preserve and Park. For any groups over twenty, we have to have them provide insurance. There are a lot of birthday parties we don't do because the families don't want to schedule something and have to pay insurance for. Our policy is any group over twenty is required to have insurance and a hold harmless agreement. Deputy Supervisor McEachron said he agrees with the hold harmless 100% because that is what you would assume when you go to a playground or park. Councilwoman Kolligian said a hold harmless is an actual signed document. Deputy Supervisor McEachron said they go that as well in addition to the insurance. You're basically saying we will be held harmless and we want your insurance rider. We want their cake and eat it too. There are a lot of other activities in the park that can be considered more dangerous than a child's birthday party and it's not required for any other activity. If you play basketball and break your neck, are you covered? Can you sue the town? Don't know. Parents use the pavilion for birthday parties and we don't require insurance for ice skating under the pavilion. Did anyone check our insurance in case a kid gashes another kid's head open with a skate. This is about our residents, it's their park. The same for WWPP, that will be brought up next month.

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

**RESOLUTION #168**

**NOW, THEREFORE, BE IT RESOLVED,** to approve a waiving of a rider for insurance coverage for pavilion rental at Gavin Park for Town of Wilton residents, excluding commercial uses.

The adoption of the resolution was seconded by Councilman Bogardus, duly put to a vote with Supervisor Lant, Deputy Supervisor McEachron and Councilman Bogardus in favor, Councilwoman Kolligian opposed and Councilman O'Connor abstaining. The motion passed 3-1.

**Request to NYSDOT for No Parking Signs on Route 9 East and West Sides Trailhead at Graphite Mount Range**

Supervisor Lant said he would like to request “No Parking” signs on Route 9 at the Graphite Mountain Trailhead. He said the town will also place signs on Worth Road.

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

**RESOLUTION #169**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the request to New York State Department of Transportation for “No Parking” signs on the east and west sides of Route 9 at the Graphite Mountain Community Forest Trailhead.

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

**Committee Reports**

Susan Baldwin, Town Clerk said the Ethics Training will need to be rescheduled. Consensus of the board showed September was a better month for training. Mark Schachner, Town Attorney said he would check his schedule for September.

Supervisor Lant said during the month of August, there will be two different bands playing in Gavin Park for the residents. The dates are Thursdays, August 10, 17, 24 and 31 from 7:00 p.m. to 9:00 p.m. Bring your chairs and blankets. Skippy and the Pistons will be playing as well as River Junction. It will be on the website and in the newspaper. If it goes well, next year we may schedule it for July and August.

Supervisor Lant said there will be a Bulk Household Waste Day in September. The date is still to be determined. There will be a leaf pickup for residents in the late fall, most likely November. All yard waste will be bagged or boxed.

Supervisor Lant said there were a couple of functions at the Splash Park. He thanked John King and his staff and also Deputy Supervisor McEachron. They completed the Splash Pad and it was opened.

Supervisor Lant said he contacted our Town Counsel regarding setting our own speed limits on town roads. It would be a lot easier if we did it. He said he will be forming a committee and will include some retired law enforcement and the Highway Superintendent.

Mr. Smith of Parkhurst Road said he has TS-1 document which explains how speed limits are determined on town roads. He said 45 mph on Parkhurst Road is calculated by the fact, presumably, that 85% of the

cars on Parkhurst Road go no faster than 45 mph. At the same time another section of the document discusses consideration of pedestrian traffic. It should be considered. He said on upper Parkhurst Road from Gailor Road to Corinth Mountain Road he said he can believe maybe 80% to 85% do not stay below 45 mph. He cannot believe traffic from Gailor Road to Route 9, which is a 9% grade on a curve, that 85% of the traffic goes 45 mph. It is suicide to go through there as well as the intersection at Gailor Road, Parkhurst Road and Wilton-Greenfield Road at 45 mph. You can't do it without risking your life. Supervisor Lant said we tried to have a 4-way stop sign installed and they wouldn't do it. Deputy Supervisor McEachron said he has never seen the state reduce a speed limit. Mr. Smith said he spoke with Reed Sholtes at the NYSDOT and he said they may look into it.

Deputy Supervisor McEachron said the closing of the Splash Park should be simplified. The surface is a little rough.

### **Comptroller's Report**

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

On a motion introduced by Councilman O'Connor, the board adopted the following resolution:

#### **RESOLUTION #170**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the 2023 budget amendments requested for and listed in the Comptroller's 7/6/2023 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.

#### **2.) Asset Disposition**

##### **a.**

On a motion introduced by Councilman O'Connor, the board adopted the following resolution:

#### **RESOLUTION #171**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the request from Mark Mykins, Senior Building Inspector, to sell the 2014 Ford F-150 through Auctions International.

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

**b.**

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

**RESOLUTION #172**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the request from Michael Monroe, Highway Superintendent to sell the following through Auctions International:

**2006 Chevrolet pickup truck  
2009 Ford F-350 truck**

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

**c.**

On a motion introduced by Councilman O'Connor, the board adopted the following resolution:

**RESOLUTION #173**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the request from Scott Harrington to sell the 2019 Ford F-350 through Auctions International.

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

**3.) Personnel**

**a.**

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

**RESOLUTION #174**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the hiring of Kody Tennant as a full time Motor Equipment Operator, to fill the

position vacated by Brandon Arnold, at a base rate of \$22.94 per hour with benefits, pending all screening and background checks.

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

**b.**

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

**RESOLUTION #175**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the hiring of Joseph Smith as a full time Recreation Maintenance Worker, to fill the position vacated by Joseph Welden, at a base rate of \$17.48 per hour with benefits, pending all screening and background checks.

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

**c.**

On a motion introduced by Councilman O'Connor, the board adopted the following resolution:

**RESOLUTION #176**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the hiring of Samantha Bradley as a part-time cleaner at a base rate of \$17.48 per hour, pending all screening and background checks. Date of hire to be determined.

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

**d.**

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

**RESOLUTION #177**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the request for overnight travel for Highway Superintendent Michael Monroe, September 26-29, 2023 to attend the NYS Association of Town Highway Superintendents Annual Conference in Verona, New York.

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

e.

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

**RESOLUTION #178**

**NOW, THEREFORE, BE IT RESOLVED,** to approve the request for overnight travel for the following:

**Tina Weber  
Nicole Monroe**

July 17-21, 2023 to attend the NYS Assessors’ Association 2023 Cornell Conference in Cornell, New York.

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

**Informational: Deferred Comp**

Ms. Moran stated the town is going to be looking at adding a component to our Deferred Compensation Plan that New York State already has available but the town has to sign up for it. It is a Roth Plan. At this time, people who participate in the Deferred Comp Plan do it with purely pre-taxed dollars. The Roth will enable participants to select an after tax dollar investment. The documents that were signed when the town first entered into the agreement with New York State Deferred Comp include the ability to enter into this agreement without a resolution and paperwork. We only have to email Deferred Comp and indicate we would like to participate in this. We would like to participate but if the board has

any ideas or thoughts as to why we shouldn't she said she would like to hear them. Councilman O'Connor said the Roth Option, public or private, there are a lot of people who want to take advantage of it.

**Adjournment**

On a motion introduced by Councilman O'Connor and seconded by Deputy Supervisor McEachron, with all board members in favor, the meeting was adjourned at 8:55 p.m.

Respectfully Submitted,

\_\_\_\_\_

Susan Baldwin, Town Clerk

\_\_\_\_\_ Supervisor, John J. Lant

\_\_\_\_\_ Councilman, Raymond O'Connor

\_\_\_\_\_ Deputy Supervisor, John McEachron

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

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