

# TOWN OF WILTON

22 TRAVER ROAD

WILTON, NEW YORK

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Susan Baldwin, Town Clerk

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## **PUBLIC HEARING 7:00PM**

## **DAVIDSON DRIVE WATER DISTRICT EXTENTION**

**PLEASE TAKE NOTICE** THAT THE Town Board, of the Town of Wilton, New York, County of Saratoga, will hold a public hearing **for the PROPOSED ESTABLISHMENT OF WATER DISTRICT NO. 1 ALONG DAVIDSON DRIVE VIA ZOOM.**

RESOLUTION NO: 130 INTRODUCED BY COUNCILWOMAN KOLLIGIAN WHO MOVED ITS ADOPTION SECONDED BY DEPUTY SUPERVISOR MCEACHRON

WHEREAS, residents of the southern portion of Davidson Drive have expressed interest in the establishment of a Town Water District to replace shallow wells which typically produce inadequate quality or quantity of water and to enhance fire protection in the area; and

WHEREAS, the Town Board is considering establishing Water District No. 1 (the "District") in this area in accordance with New York Town Law Article 12-A; and

WHEREAS, the Wilton Water and Sewer Authority (WWSA) engaged Environmental Design Partnership, LLP (EDP) to prepare a Map, Plan and Report ("Report") concerning the proposed Water District; and

WHEREAS, the Report has been filed in the Town Clerk's Office and is available for public inspection; and

WHEREAS, the Report delineates the boundaries of the proposed water district, a general plan of the proposed system, a report of the proposed method of operation, the source of water supply and mode of constructing the proposed water district improvements; and

WHEREAS, the Town Board wishes to be Lead Agency for purposes of the environmental review required for the project under the State Environmental Quality Review Act (SEQRA);

NOW, THEREFORE, IT IS HEREBY

ORDERED:

1. The boundaries of the proposed District are as set forth in the Report and as follows:

<u>TAX ID NUMBER</u>	<u>ADDRESS</u>
SBL#140.18-1-9	28 Davidson Drive
SBL#140.18-1-10	26 Davidson Drive
SBL#140.18-1-11	24 Davidson Drive
SBL#140.18-1-12	22 Davidson Drive
SBL#140.18-1-14	20 Davidson Drive
SBL#140.18-1-15	18 Davidson Drive
SBL#140.18-1-16	16 Davidson Drive
SBL#140.18-1-17	12 Davidson Drive
SBL#140.18-1-21	8 Davidson Drive
SBL#140.18-1-33	7 Davidson Drive
SBL#140.18-1-34	9 Davidson Drive
SBL#140.18-1-35	11 Davidson Drive
SBL#140.18-1-36	15 Davidson Drive
SBL#140.18-1-37	17 Davidson Drive
SBL#140.18-1-38	19 Davidson Drive
SBL#140.18-1-39	21 Davidson Drive
SBL#140.18-1-40	23 Davidson Drive
SBL#140.18-1-41	25 Davidson Drive
SBL#140.18-1-42	10 Davidson Drive

2. The proposed improvements consist of the installation of approximately 1,165 linear feet of 8-inch water main in the existing right-of-way of Davidson Drive and 1-inch service line from the main line to 5' outside the house at the corner of the house opposite the driveway. The portion of the service from this point into the home with connections to the new service and abandonment of the existing well will be the responsibility of the homeowner. The new main will connect to an existing WWSA water main at Waterwheel Drive. Homeowners would purchase water from the WWSA at the water rates charged by WWSA which cover both the supply of water and the costs of operation and maintenance of the District infrastructure.

3. The maximum amount proposed to be expended for the District improvements is \$279,363. All costs associated with construction and installation of the new District facilities, including materials, excavation, and labor costs, will be paid by the WWSA and reimbursed by the Town pursuant to an Agreement between the Town and the WWSA.

4. The estimated annual cost of the District to the typical property in the District, which is a single-family home, for capital project costs, debt service and annual water service cost would be \$1,050. There would be a future hook-up (connection) charge for properties that do not connect at the time the new water main is installed.

5. The WWSA will pay all costs of the improvements, so there will be no actual financing required by the Town in connection with the District. However, the Town will reimburse the WWSA for these costs annually over a term of 20 years at an interest rate of 1.75% pursuant to an Agreement between the Town and the WWSA.

6. A detailed explanation of how the estimated costs of the District were computed is included in the Report which has been filed with the Town Clerk and is available for public inspection.

7. The Town Board requests that EDP prepare a SEQRA Short Environmental Assessment Form (EAF) for establishment of the proposed District.

8. The Town Board shall meet via ZOOM and hold a public hearing at 7:00 p.m., on Thursday, August 6th, 2020 to consider the Report and to hear all persons interested in the proposed District and to take such other and further action as may be required or authorized by law.

9. The Town Board hereby authorizes and directs the Town Clerk to duly publish and post this Order in its entirety in the Town's official newspaper, on the sign-board maintained by the Clerk and on the Town's website not less than ten (10) days nor more than twenty (20) days before the Public Hearing date and to file a certified copy of this Order with the State Comptroller on or about the date of publication, all as required by Town Law §193.

Duly adopted this 2<sup>ND</sup> day of July 2020.

**Supervisor Lant** opened the public hearing at 7:05. He asked if anyone would like to speak. No one did.

**Supervisor Lant** closed the public hearing 7:07

#### **VIRTUAL TOWN BOARD MEETING via ZOOM-August 6, 2020**

**Supervisor Lant** called the Town Board Meeting to order at 7:07 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 Deputy 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 #137**

**NOW, THEREFORE, BE IT RESOLVED**, to suspend public comment for the August 6, 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 **Councilwoman Kolligian**, the board adopted the following resolution:

**RESOLUTION #138**

**NOW, THEREFORE, BE IT RESOLVED**, to approve the minutes from the July 2, 2020 meeting, as typed.

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

**Davidson Drive Water District**

**Town Counsel Mark Schachner** indicated to the board, that they must review the environmental assessment form and answer the 11 questions in part 2 of the form. You should have received those today. It's a 3-page document that is dated today and signed from Environmental Design Partnership, on behalf of the Wilton Water and Sewer Authority. There's a map attached to it and a letter from the NYS Office of Parks and Recreation and Historic Preservation. These questions must be answered by a consensus of the board. **Town Counsel Schachner** went through the 11 questions with the board.

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

**RESOLUTION #138**

**NOW, THEREFORE, BE IT RESOLVED**, to approve the creation of the Davidson Drive water district.

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

**Adoption of LGS-1 Retention Schedule**

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

**RESOLUTION #139**

**NOW, THEREFORE, BE IT RESOLVED**, By the Town Board of the Town of Wilton, that Retention and Disposition Schedule for New York Government Records (LGS-1) , issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

**AND BE IT FURTHER RESOLVED**, that in accordance with Article 57-A:

- (a) Only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the

minimum retention periods described therein.

- (b) Only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

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

#### **Reappointment to the Park and Recreation Commission**

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

##### **RESOLUTION #140**

**NOW, THEREFORE, BE IT RESOLVED**, to Approve the reappointment of Mark Dailey to the Park & Recreation Commission for a term of 9/1/2020-08/31/2023

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

#### **Appointments to the Ethics Advisory Board**

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

##### **RESOLUTION #141**

**NOW, THEREFORE, BE IT RESOLVED**, to Approve the appointment of Ryan Gettings to the Ethics Board for a term of 8/6/2020-12/31/2021.

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

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

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

**RESOLUTION #142**

**NOW, THEREFORE, BE IT RESOLVED**, to Approve the appointment of Bradley Wanner to the Ethics Board for a term of 8/6/2020-12/31/2021.

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

**Appointment to the Zoning Board**

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

**RESOLUTION #143**

**NOW, THEREFORE, BE IT RESOLVED**, to approve the appointment of Christian Clark as a second alternate to the Zoning Board of Appeals for a term of 8/6/2020-12/31/2020.

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

**Emergency Management Plan**

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

**RESOLUTION #144**

**NOW, THEREFORE BE IT RESOLVED**, to approve the Emergency Management Plan, as submitted.

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

**Set Public Hearing for Rezoning Palmertown Ridge PUDD to R-3 zone.**

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

**RESOLUTION #145**

**NOW, THEREFORE, BE IT RESOLVED**, to set a public hearing on proposed local law to rezone property currently zoned Palmertown Ridge Planned Unit Development district to R-3

**WHEREAS**, the Town of Wilton previously created a PUDD known as Palmertown Ridge Planned Unit Development District located on Woodard Rd., tax maps 101.-1-102.1 and 114.-1-3.11, in the Town of Wilton; and

**WHEREAS**, the Town Board wishes to consider adoption of a local law to rezone this land to the R-3 Zoning classification.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board shall conduct a Public Hearing to consider this rezoning on Thursday September 3, 2020 at 7:00 PM, which will be conducted via Zoom. All members of the public wishing to be heard on this proposed rezoning will be given opportunity to do so.

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

## **Consideration of Champlain Hudson project Express Transmission Line Resolution**

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

### **RESOLUTION #146**

WHEREAS, Champlain Hudson Power Express, Inc. (including its successors and/or assigns, "CHPEI") is developing the Champlain Hudson Power Express Project (the "Project"), an approximately 1,000 megawatt underground and underwater high voltage, direct current electric transmission facility extending from the United States' border with Canada to Queens, New York; and

WHEREAS, the New York State Public Service Commission (the "PSC") has ruled that the Project will supply clean, renewable hydroelectricity to New York State and has issued a Certificate of Environmental Compatibility and Public Need authorizing the construction and operation of the Project (including any amendments thereto, the "Certificate"); and

WHEREAS, CHPEI has discussed the Project with the Town of Wilton (the "Municipality"), as a portion of the Project will be located within the Municipality and will occupy certain privately and/or publicly owned land; and

WHEREAS, the Project will provide significant economic and environmental benefits to New York State and the Municipality in the form of lower electric rates, a reduction in greenhouse gas emissions and increased jobs, including

local jobs during the Project's construction; and

WHEREAS, the Project will provide significant tax (or payment in lieu of tax) revenue to the Town of Wilton, the County of Saratoga and the Saratoga Springs, Schuylerville and South Glens Falls School Districts during the course of its expected 40-60 year operating life; and

WHEREAS, prior to construction within the Municipality, CHPEI will require a Road Crossing Agreement with the Municipality that will include, at a minimum, construction responsibilities and plans, restoration and repair of damage, dispute resolution, bonding, insurance and indemnification provisions; and

WHEREAS, once the Project commences operation, it is not expected to require any services from the Municipality.

**NOW, THEREFORE, BE IT RESOLVED,**

1. That the Wilton Town Board (the "Board") is fully familiar with and supportive of the Project, including the use and occupancy of privately and/or publicly-owned land in the Municipality.

2. That the Board hereby grants its consent to CHPEI, in accordance with section 11(3) of the New York State Transportation Corporations Law, to lay down, construct and maintain its wires, conductors, conduits and other fixtures in and under the streets, avenues, public parks and all other publicly-owned places in the Municipality that have been identified by CHPEI as the location of any necessary crossing, and in

accordance with the provisions of the Certificate.

3. That the Town Supervisor, Town Clerk and Town Counsel are hereby authorized to undertake any further actions, if and when reasonably requested by CHPEI and consistent with applicable law, as may facilitate the successful achievement of the Project, including executing a Crossing Agreement substantially in the form annexed hereto.

4. That the Town Clerk is hereby authorized and directed to forward a certified copy of this Resolution to CHPEI at the Pieter Schuyler Building, 600 Broadway, Albany, NY 12207.

5. That the Board approves the inclusion of a copy of this Resolution as a part of any filing made by CHPEI with any governmental bodies when and as required or requested by the same and the use of this Resolution in public statements made by CHPEI regarding host community support for the Project.

6. That this Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on a roll call, which resulted as follows.

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

### **Fence Ordinance**

**Supervisor Lant** asked the Board if they had any adjustments they would like to see. Mark Mykins will be available to discuss them.

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

## **RESOLUTION #147**

**NOW, THEREFORE, BE IT RESOLVED**, to hold a public hearing on the proposed fence ordinance for the Town of Wilton.

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

### **Committee Reports**

**Councilman O’Conor** stated that we talked in the past about setting our own speed limits. I had a conversation with someone from the association of Towns who has followed this issue for years. Cities and villages can set their own limits. The legislation introduced at the state level, would put towns in the same category. However, there were several towns around the state who did not want the ability to set their own standards for several reasons. Among them being the expense. When you set your own limits, you must hire a traffic engineering firm to do an analysis, a study. For right now, I’m unaware of that many instances of disagreements that the town might have, but I’m certainly open to what the other town board members have to say. At this time, I would not send in a request to the assembly and the senate to grant us our own authority to set speed limits. **Supervisor Lant** said he talked to another town and they wish they never did. **Councilman Bogardus** stated he believed we would lose some of the public funding for roads if we did that. **Deputy Supervisor McEachron** said the biggest thing I can see is liability. If you set the wrong speed limit and something happens it’s on us. **Town Counsel Schachner** said that’s why a lot of towns shy away from it.

**Councilman O’Conor** also said himself and **Engineer Ripper** spent an extraordinary amount of time in the past few weeks, reviewing the most recent draft of the Open Space Plan. He dropped off to the LA Group yesterday, a copy that they went through one final time in detail. Once the amendments are made, I’ll make sure the members of the town board get a copy as well as Mark and the folks at the WWPP. That way everyone has a chance to look at it before recommending any action.

**Deputy Supervisor McEachron** wanted to touch on Gavin Park. The ball fields are the standards that Wilton requires. There are no more danger zones in the infields with the skee ball effect. Just waiting for the grass to grow and it looks great over there. The dangers are gone.

**Councilman Bogardus** proceeded to give us an update on the court building. They are finishing up but revisiting the one entrance that needed to be closed off last year because of snow and ice melt onto the sidewalk. I’m looking to get a quote to enclose that just as the same way as the southern entrance same vestibule. He has Scott Harrington looking into getting a quote to finish that side to make it uniform and closed in. Scott has just a few little things to finish off at the pavilion. **Deputy Supervisor McEachron** asked what are we doing as far as the water in that? Did we come up with a solution or are we going to trench that? The last time it stormed, and we are getting about 80 or 90 gallons a minute coming into that pavilion. I think we should cut the grass out and fill it with stone. **Councilwoman Kolligian** said Mark said the concrete was not pitched to the outside and it flows in. **Deputy Supervisor McEachron** said the

concrete should have been higher, I didn't see a problem with the pitch. **Councilwoman Kolligian** said if it was pitched from the middle out, it wouldn't be flowing in. It's pooling. **Engineer Ripper** said himself and Scott Harrington had looked at it. Around the pavilion, the final grade is too high. The water coming off the roof does not hit the concrete; it hits the grass. The grass is so high, and it's not sloped away that it just ponds water and then it just flows back into the lower area. Basically, around the entire perimeter of the pavilion needs to be reshaped and lowered. **Supervisor Lant** asked **Ryan Ripper** to work on that within the next 90 days with **Deputy Supervisor McEachron**.

## **Comptroller's Report**

### **1.) 2020 Budget Transfers**

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

#### **RESOLUTION #148**

**NOW, THEREFORE, BE IT RESOLVED**, to approve the 2020 budget transfers items 1 and 2 for and listed in the Comptroller's 8/6/2020 report (attached) to the Town Board.

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

## **2020 Budget Amendments**

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

#### **RESOLUTION #149**

**NOW, THEREFORE, BE IT RESOLVED**, to approve 2020 budget amendments requested for and listed in the Comptroller's 8/6/2020 report (attached) to the Town Board.

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

## **2.) PERSONNEL**

a.

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

### **RESOLUTION #150**

**NOW, THEREFORE, BE IT RESOLVED**, to accept that Steven Vance has vacated his position, effective May 26, 2020.

The adoption of the resolution was seconded by **Councilwoman Kolligian**, duly put to 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 #151**

**NOW, THEREFORE, BE IT RESOLVED**, to Hire Michael Laubach as a full-time maintenance and cleaner for all the town buildings. The starting base rate of \$16.16 per hour beginning August 18, 2020.

The adoption of the resolution was seconded by **Councilwoman Kolligian**, duly put to vote all in favor except Councilman Bogardus, who is opposed. The motion passed 4-1.

## **3.) Completion of Internal Audits**

**Comptroller Moran** said she completed all the internal audits. There are no exceptions. She would like the town board to accept her reviews.

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

### **RESOLUTION #152**

**NOW, THEREFORE, BE IT RESOLVED**, to approve the internal audit review, with

no exceptions, performed by  
Comptroller Maria Moran, CPA,CGFM.

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

**4.) FEMA Reimbursement**

We received 10,452.28, which represents 75% of the eligible expenses that we incurred for the  
windstorm.

**Adjournment**

On a motion introduced by **Councilman O’Conor** and seconded by **Councilwoman Kolligian**, all board  
members in favor, the meeting was adjourned at 7:55 p.m.

Respectfully Submitted,

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Susan Baldwin, Town Clerk

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Supervisor, John Lant

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Deputy Supervisor, John McEachron

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Councilman, Duane Bogardus

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Councilwoman, Erinn Kolligian

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Councilman, Ray O’Conor