

TOWN OF WILTON

22 TRAVER ROAD

WILTON, NEW YORK

PHONE: 518-587-1939

FAX: 518-587-2837

Susan Baldwin, Town Clerk

sbaldwin@townofwilton.com

PUBLIC HEARING 9/3/2020 @ 7:00 p.m. Local Law #1of 2020 Palmertown Ridge PUDD Rezoning to R-3

Supervisor Lant asked if anyone would like to speak about this. Nancy Dwyer, 12 New Kent Road said she is curious as to why the town is looking to change the current PUDD back to R-3. Is there some reasoning behind it? **Mark Schachner, Town Counsel** said, as a result of a number of factors and circumstances some of which do involve pending litigation and those, I would suggest the town board not discuss at this time. But from the planning perspective I think the general feeling of the town board is that there would be a benefit to the overall public interest of the town to have the land zoned essentially back to what it was previously zoned. The proposed rezoning is very much compatible with our Town of Wilton comprehensive land use plan.

Supervisor Lant asked if there were any other questions or comments. There were none.

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

RESOLUTION #153

NOW, THEREFORE, BE IT RESOLVED, to close the public hearing for the rezoning of the Palmertown PUDD to R-3.

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

Attorney Schachner asked if any one mentioned that there was a letter received as part of the public hearing. **Sue Baldwin, Town Clerk** said no, there was no mention of the letter received. **Attorney Schachner** said Mr. Witt's attorneys, Whiteman, Osterman and Hanna emailed a letter late today and it should be submitted into the public record. It does not have to be read aloud but the town board members have to be notified. **Ms. Baldwin** said all board members were emailed a copy of the letter.

PUBLIC HEARING 7:01 P.M. Fence Ordinance

Supervisor Lant opened the public hearing on the fence ordinance. **Ms. Baldwin** stated she had a conversation with Town Counsel about whether this should have been a local law or an ordinance. He

has suggested that this become a local law if we want to put it into the code book. Attorney Schachner said if it's part of our zoning code, then it could be done by local law. If it's a stand-alone fence ordinance, then General code will put in the code book that's fine. **Ms. Baldwin** asked Mark Mykins, Building Inspector and Code Enforcement Officer how he wanted the law filed. **Mr. Mykins** said he wasn't planning on putting this in the zoning law. **Councilman Bogardus** asked where the best place it would be in to be enforceable. **Mr. Mykins** said anywhere in the code book. Resident Nancy Dwyer said she was just seeing this now. She asked what exactly the fence ordinance is. **Councilwoman Kolligian** said the creating of this is so that the town has some sort of enforcement on it. She said she had some questions on type of fencing. Does this include garden , mulch bed or decorative fencing? Ms. Dwyer asked what the specifics on it are. **Ryan Riper**, Director of Planning and Engineering, asked if there was anything in there about the color because that's one of the issues we have. **Supervisor Lant** said it should be a neutral color because we've had have some unique paintings on some of these fences. **Mr. Riper** said would want to stick with earth tone colors. No fence should be more than 8 feet in height, no other fence or portions the fence shall be higher than 48 inches. Any fence hereby erected shall be placed a minimum of six inches from any property line and 24 inches from the front property line. There's a living fence, shrubbery or whatever it may be. It goes into following fences and material and what's prohibited such as barbed wire, sharp fences, chicken wire and other things.

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

RESOLUTION #154

NOW, THEREFORE, BE IT RESOLVED, to close the public hearing for the fence ordinance.

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

REGULAR TOWN BOARD MEETING-September 3, 2020

Supervisor Lant called the Regular Town Board meeting to order at 7:18 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
Duane Bogardus-Councilman
Erinn Kolligian-Councilwoman
Ray O'Conor-Councilman

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

Public Comment Session

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

RESOLUTION #155

NOW, THEREFORE, BE IT RESOLVED, to suspend public comment for the September 3, 2020 meeting.

The adoption of the resolution was seconded by **Deputy Supervisor McEachron**, 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 #156

NOW, THEREFORE, BE IT RESOLVED, to accept the minutes from August 6, 2020, as typed.

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

Local Law #1 of 2020 Palmertown Ridge PUDD Rezoning

Attorney Schachner stated we can’t make a motion yet; we have to go through State Environmental Quality Review Act review of the environmental assessment form. That’s been previously sent. Also, the comment letter received from the property owners attorney raises some issues and it was just delivered today late in the day. If you want time to go through it and or to discuss it with us sometime, there is no rush to adopt the purposed rezoning this evening.

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

RESOLUTION #157

NOW, THEREFORE, BE IT RESOLVED, to table Local Law #1 of 2020, Palmertown Ridge PUDD rezoning.

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

Fence Ordinance

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

RESOLUTION #158

NOW, THEREFORE, BE IT RESOLVED, to adopt the Fence Ordinance with said changes to include neutral colors for solid fencing.

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

Temporary Amendments to Personnel Policy

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

RESOLUTION #159

NOW, THEREFORE, BE IT RESOLVED, to adopt the following temporary amendments to the personnel policy:

Employee Travel

Extension of anniversary date for use of leave time

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

Land Use Boards-Planning and Zoning

Councilwoman Kolligian asked what the amendment is. Supervisor Lant said in July and August a lot of employees take time off for vacation.

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

RESOLUTION #160

NOW, THEREFORE, BE IT RESOLVED, to approve the amendment of the annual meeting schedule for Wilton Zoning Board of Appeals and Wilton Planning Board.

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

Child and Youth Abuse Prevention Policy

Councilman O’Conor said he went through this with great detail. It says we do a background check that goes back 5 years. Does anyone know why it’s only five years and not longer? **Councilman Bogardus** said there shouldn’t be any time limit.

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

RESOLUTION #161

NOW, THEREFORE, BE IT RESOLVED, to adopt the Child and Youth Abuse Prevention Policy with amendments from Town Counsel and review of time limits on background check from NCSI.

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

Final Adoption-Davidson Drive Water District Extension

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

RESOLUTION #162

**FINAL ORDER APPROVING
ESTABLISHMENT OF**

**TOWN OF WILTON WATER DISTRICT NO. 1
ALONG DAVIDSON DRIVE**

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 was filed in the Town Clerk's Office and made 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 was Lead Agency for purposes of the environmental review required for the project under the State Environmental Quality Review Act (SEQRA), determined that establishment of the District will not result in any large or important impacts and, therefore, is one

which will not have a significant adverse impact on the environment and authorized the filing of the completed EAF as its SEQRA Negative Declaration for establishment of the District; and

WHEREAS, the estimated annual cost to the “typical property” was filed with the Town Clerk and is made a part of the Map, Plan and Report; and

WHEREAS, on July 2, 2020, subsequent to the filing of the Map, Plan and Report with the Town Clerk, the Town Board adopted the Public Hearing Order reciting (a) the boundaries of the proposed District; (b) the proposed improvements; (c) the maximum amount proposed to be expended for the District; (d) the estimated cost of hook-up fees (if any) and the cost of the proposed District to the typical property and the typical one or two family home (if not the typical property); (e) that no Town financing is to be employed; (f) the fact that a Map, Plan and Report describing the proposed District is on file in the Town Clerk’s Office; and (g) the time and place of a Public Hearing on the proposed Water District; and

WHEREAS, copies of the Public Hearing Order were duly published and posted and were filed with the Office of the State Comptroller, all as required by law; and

WHEREAS, prior to publication of the Public Hearing Order, a detailed explanation of how the estimated cost of hook-up fees (if any) and the cost of the proposed Water District to the typical property and typical one or two family home (if not the typical property) were computed was filed with the Town Clerk for public inspection; and

WHEREAS, a Public Hearing on the proposed Water District was duly held on August 6, 2020 and the Town Board has considered the evidence given together with other information, and

WHEREAS, on August 6, 2020 the Town Board adopted a Resolution determining that (a) the Order scheduling the Public Hearing was published and posted as required by law and was otherwise sufficient, (b) all property and property owners within the proposed Water District are benefited thereby, (c) all property and property owners benefited are included within the limits of the proposed Water District and (d) it is in the public interest to establish, authorize, and approve the proposed Water District as described in the Map, Plan and Report on file with the Town Clerk with the boundaries and benefited areas of the proposed Water District to be as shown on the map of the proposed Water District attached as Exhibit A to the Map, Plan and Report, subject to permissive referendum in the manner provided in Town Law Article 7 and subject to certain conditions specified in the Resolution; and

WHEREAS, the Town Clerk duly posted and published the notice required for resolutions subject to permissive referendum and no petition for referendum was filed within 30 days after the date of the Resolution, and the Town Clerk has caused a certificate to that effect to be filed in the office of the County Clerk; and

WHEREAS, the permission of the State Comptroller is not required pursuant to Town Law Section 209-f; and

WHEREAS, the Town Board wishes to establish the proposed District as detailed in the Map, Plan and Report in accordance with Town Law Article 12-A;

NOW, THEREFORE, IT IS HEREBY

ORDERED, that the Town of Wilton Water District No. 1 be established as described in the Map, Plan and Report and the improvements described in the Map, Plan and Report be constructed and the service within the District be provided upon the required funds being made available or provided for; and it is

FURTHER ORDERED, that the Town Clerk is hereby authorized and directed to cause a certified copy of this Order to be duly recorded in the office of the County Clerk and to be filed in the office of the State Department of Audit and Control in the time and manner required by law; and it is

FURTHER ORDERED, that the Town Board authorizes and directs the Town Supervisor, Town Clerk and Town Counsel to take all other actions necessary to effectuate the terms of this Resolution.

The adoption of the resolution was seconded by Councilwoman Kolligian duly put to vote, all in favor except Supervisor Lant recused himself. The motion passed 4-0.

Board of Assessment Review Reappointment

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

RESOLUTION #163

NOW, THEREFORE, BE IT RESOLVED, to reappoint Martha LaDue to the Board of Assessment Review for a five year term, 10/01/2020--09/30/2025.

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

Gavin Park Fee Schedule

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

RESOLUTION #164

NOW, THEREFORE, BE IT RESOLVED, to approve the Gavin Park Fee Schedule, as presented.

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

Extension of Time-§129-110 Damaged or Destroyed Buildings

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

RESOLUTION #165

NOW, THEREFORE, BE IT RESOLVED, to approve a 3-month extension of time, until November 18, 2020, for commencement of rebuilding a destroyed or damage building, §129-110, for Charles Gerber, Tax Map No. 141.-2-36.

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

Councilman O’Conor said he and Ryan Riper worked on revisions for the Open Space, Recreation and Pathways Plan and shared them with the LA group. Yesterday we received those revisions back and have not had the chance to look at them. Once we go over it, we will share it with the board.

Councilwoman Kolligian said she spoke with Robin from the Senior Center; they are getting ready to open. They are going to open at 25% capacity. She will make lunches to limit food coming in from the outside. They have the tables and chairs set up with social distancing in mind. They will do it as safely as possible. She has two no touch thermometers and a log in sheet.

Councilwoman Kolligian also talked about the short-term rentals and some of the language needs looking into. The noise ordinance, which has quiet times, needs to be added. There are three areas highlighted areas that need language added. She said she would like to set a public hearing for October 1, 2020.

Councilwoman Kolligian was approached by a few residents that were wondering if we could add a crossing guard by Jodi Lane. There is not a crosswalk there. Councilman Bogardus said there isn’t a sidewalk. **Councilman O’Conor** said he felt it may be too dangerous without a sidewalk. Discussion was held.

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

RESOLUTION #166

NOW, THEREFORE, BE IT RESOLVED, to set a Public Hearing for October 1, 2020 at 7:00 p.m., for Local Law #2 of 2020, Short Term Rentals.

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

Councilman Bogardus said the interior of the court is complete except for a couple pieces of furniture. There is a design issue with the front vestibule. It is an enclosed sidewalk on the left side. The right side is not and had ice and snow build up last year. We are under budget and everyone seems to be very happy with the renovation.

Supervisor Lant said there was discussion about reopening on Tuesday, September 8. We have ordered filters for our air conditioning units. We have also ordered air purifiers. There have been some issues that have come up and we would like to wait until September 15th. **Councilman Bogardus** said he would like to wait a month to ensure our air handlers and motors are working properly. We can reopen earlier if all goes well. **Supervisor Lant** said he would like to open our meetings to the public. **Deputy Supervisor McEachron** said we don’t need a motion to open the buildings. **Supervisor Lant** said Councilman Bogardus has some good points. **Councilman O’Conor** said even though the building may be equipped to handle the air flow, we still need to practice social distancing. We could use another venue like SUNY Adirondack

for public meetings. They have a big lecture hall. **Councilwoman Kolligian** said she can check on that space.

Comptroller's Report

1.) 2020 Budget Amendment

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

RESOLUTION #167

NOW, THEREFORE, BE IT RESOLVED, to approve the 2020 budget amendment requested for and listed in the Comptroller's 9/3/2020 Report (attached) to the Town Board.

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

2. Personnel

a.)

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

RESOLUTION #168

NOW, THEREFORE, BE IT RESOLVED, approve the change of the fulltime Recreation Maintenance Worker position to a seasonal position effective September 1, 2020.

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 **Deputy Supervisor McEachron**, the board adopted the following resolution:

RESOLUTION #169

NOW, THEREFORE, BE IT RESOLVED, accept the resignation of Mary Salica, Recreation

Leader, effective August 21, 2020, with regret.

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 **Deputy Supervisor McEachron**, the board adopted the following resolution:

RESOLUTION #170

NOW, THEREFORE, BE IT RESOLVED, to approve the request from Mary Salica, to donate 140 hours of remaining sick time to an employee who is currently using leave for medical purposes.

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 **Councilman Bogardus**, the board adopted the following resolution:

RESOLUTION #171

NOW, THEREFORE, BE IT RESOLVED, to approve the request from Rich McCane, to donate 40 hours of vacation leave to an employee who will use the time for a medical procedure.

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

e.

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

RESOLUTION #172

NOW, THEREFORE, BE IT RESOLVED, accept the resignation of John Nettesheim, part-time Recreation Maintenance Worker, effective August 18, 2020, with regret.

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

f.

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

RESOLUTION #173

NOW, THEREFORE, BE IT RESOLVED, accept the resignation of Kayla Benner, Seasonal Camp Counselor and After School/Open Gym Attendant, effective August 31, 2020, with regret.

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.) Sales Tax

Maria Moran, Comptroller, CPA, said the latest sales tax receipt is the fourth distribution since the COVID-19 reality. We have seen a steady increase in the receipts, not to where they were last year. Year over year, as of August 31, 2020, we have a 7.5% decrease. We are definitely having an increased performance of sales in the Town. She congratulated the current and previous boards for their excellent decision making in terms on being fiscally conservative to enable us to continue to provide services to our residents. We are able to continue our operations as a town without having to burden any employees with furloughs or layoffs. We are very fortunate as great decisions have been made and is looking forward to reporting next month’s sales tax and hopefully, we will continue the uptick. **Councilman O’Conor** asked what the 7.5% difference translates to in dollars. **Ms. Moran** said she did not have the exact number but thought it to be approximately \$130,000. The number is the difference between August of 2019 and August of 2020, not a yearly to date. The yearly to date would have skewed the analysis because there were so many good months last year and a few bad months in this year. **Deputy Supervisor McEachron** asked how much sales tax was earned in August. **Ms. Moran** said it was about \$500,000.

4.) Disposal of Assets

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

RESOLUTION #174

NOW, THEREFORE, BE IT RESOLVED, to approve Highway Superintendent Woodcock's request to sell the 2001 Volvo payloader via Actions 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.

5.) JCAP

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

RESOLUTION #175

NOW, THEREFORE, BE IT RESOLVED, the Town of Wilton authorizes the Wilton Town Court to apply for a JCAP grant in the 2020-2021 grant cycle up to \$30,000.

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

Not on the Agenda

Deputy Supervisor McEachron said the duties assigned to the position of Parks and Recreation Office Specialist have been absorbed by other staff members, therefore the position should be defunded as of September 30, 2020.

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

RESOLUTION #176

NOW, THEREFORE, BE IT RESOLVED, to defund the position of Parks and Recreation Office Specialist as of September 30, 2020 as the duties have been absorbed by staff.

The adoption of the resolution was seconded by **Councilman Bogardus**, duly put to a vote with Deputy Supervisor

McEachron, Councilman Bogardus,
Councilwoman Kolligian and Councilman
O’Conor in favor. Supervisor Lant recused
himself. The motion passed 4-0.

Adjournment

On a motion introduced by **Councilwoman Kolligian** and seconded by **Deputy Supervisor McEachron**, all board members in favor, the meeting was adjourned at 7:55 p.m.

Respectfully Submitted,

Susan Baldwin, Town Clerk

Supervisor, John Lant

Deputy Supervisor, John McEachron

Councilman, Duane Bogardus

Councilwoman, Erinn Kolligian

Councilman, Raymond O’Conor