

TOWN OF WILTON

22 TRAVER ROAD

WILTON, NEW YORK

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Susan Baldwin, Town Clerk

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REGULAR TOWN BOARD MEETING-October 1, 2020

Supervisor Lant called the Regular Town Board meeting to order at 7:00p.m. He said the public hearing for the proposed Local Law #2 of 2020, Short Term Rentals has been cancelled. More work needs to be done on the law and will be rescheduled for a later date.

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 the following board members present.

John Lant-Supervisor

John McEachron-Deputy Supervisor

Duane Bogardus-Councilman

Erinn Kolligian-Councilwoman

Ray O'Conor-Councilman

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

Public Comment Session

There was none.

Approve Pending Minutes

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

RESOLUTION #177

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the September 3, 2020 meeting, as typed.

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

WWP Quarterly Report

Margo Olsen of WWPP said there is a report available that was prepared for this evening which is on the back table. We usually have sections on grants, education, conservation and recreation. We will be doing some fundraising. We have done a few programs and the PPE grant we received has been very helpful. We have some other grants, The Council of Arts and we are starting to do some of the spring programs now with some outdoor painting workshops. All our programs have been scaled back and we have been restricting the number of people who can participate in our programs. We did have some programs in June, July and August when people were able to get outdoors. The use of the trails, all over the state and country and not just in our town, people have been getting out and enjoying. We have seen an uptick in the use of these public lands. Our volunteers for the trails and staff have had to work extra to make sure there is no trash on the trails and parking lots. This year the Wild About Blue will be a virtual event taking place from Thursday, October 15, 2020 through Sunday, October 18, 2020. We are partnering with Caffe Lena to record and live stream the kick-off and wrap-up events. We are hoping people will tune in or go online. We have some very interesting online auction items for people to check out. All the activities are free, and we hope to have a lot of people clicking on to the link.

Ms. Olsen thanked the town for their support. We appreciate all the work done by the town after the storms and making it safe for people to get outdoors. The memorial for Larry Gordon is a beautiful addition. **Supervisor Lant** asked Ms. Olsen if WWPP has some issues with New York State Department of Conservation. **Ms. Olsen** said they are currently working through some land use issues with DEC. We have been in this position before. As in any partnership, there is negotiation. We hope that we will get past this little bump and meet their goals and needs. We hope to continue providing programs and activities that people have come to expect and enjoy. **Supervisor Lant** noted if the town can provide any assistance, please let him know.

Davidson Drive Water District

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

RESOLUTION #178

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 wishes to be Lead Agency for purposes of the environmental review required for the project under the State Environmental Quality Review Act (SEQRA) and requested EDP to prepare a State Environmental Quality Review Act ("SEQRA") Short Environmental Assessment Form ("EAF") for establishment of the proposed District; and

WHEREAS, the estimated annual cost to the "typical property" has been 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, establishment of the Water District is an Unlisted Action under SEQRA and EDP has prepared Part 1 of a SEQRA Short EAF for the proposed District; and

WHEREAS, the Board has reviewed and fully considered the proposed District and Part 1 of the EAF, and has completed Part 2 of the EAF by checking "No or small impact may occur" for all of the questions in Part 2; and

WHEREAS, the Board has 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 has indicated this determination by checking the appropriate box on Part 3 of the EAF; 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, BE IT RESOLVED AS FOLLOWS:

1. There will be no significant adverse environmental impacts from the establishment and improvement of the District and the Board hereby authorizes the filing of the completed EAF as its SEQRA Negative Declaration for establishment of the District.
2. The Town Board hereby makes the following determinations:
 - a. Notice of Public Hearing was published and posted as required by law and is 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;
 - 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; and
3. The Town Board hereby approves, authorizes and establishes Water District

No. 1 in accordance with the boundaries and descriptions set forth in the Map, Plan and Report and authorizes construction of the improvements to proceed and service to be provided subject to the following:

- a. Obtaining of any necessary permits or approvals from the New York State Department of Health;
- b. Obtaining of any necessary permits or approvals from the New York State Department of Environmental Conservation;
- c. Permissive referendum in the manner provided in New York State Town Law Article 7; and
- d. Adoption of a Final Order by the Town Board.

4. This Resolution is subject to permissive referendum in accordance with the provisions of New York State Town Law Articles 7 and 12-A and shall not take effect until such time as provided therein. The Town Board authorizes and directs the Town Clerk to file, post and publish such notice of this Resolution as may be required by law and to cause to be prepared and have available for distribution a proper form of Petition and to distribute a supply to any person requesting such form of Petition, and if no such Petition is filed within 30 days to file a Certificate to that effect in the Office of the County Clerk.

The adoption of the resolution was seconded by **Councilman Bogardus** duly put to a vote, all in favor except Supervisor Lant who recused himself. The motion passed 4-0.

Duly adopted this 1st day of October 2020, by the following vote:

AYES 4:

NOES 0:

RECUSE 1

Local Law #1 of 2020-Rezoning of Palmertown Ridge PUDD to R-3

Mark Schachner, Town Counsel said the proposal the Town Board is considering is to rezone the Palmertown Ridge PUDD property to R-3 zoning, which is essentially the same zoning it was before the PUDD was adopted. It is not the same name, but essentially the same regulatory zoning. In order to do that, the board must have a public hearing, which the board had. The board then needs to review the proposed rezoning under New York State Quality Review Act, also known as SEQRA, and we can do that now. Part 1 was done in August with a short addendum describing the action. It is not a project being built or being proposed. It is returning the zoning to essentially what it was before the PUDD was adopted. If the board would like to proceed, we can go through Part 2 of SEQRA. The board would have to answer questions about potential environmental impacts of rezoning the property to essentially the way it was zoned.

Review of Environmental Assessment Form:

Each of the questions in Part 2 of the Full Environmental Assessment Form was read aloud. The Board reviewed each question and, where potentially relevant, its “sub-questions”. For most questions, the Board felt there was no potential environmental impact. For some questions, some Board Members felt there was a possibility of “small” impact from the rezoning, but felt that it was clearly still appropriate to check the “no to small” box on the EAF form. After careful consideration of each question, the Board did not identify any potential environmental impact issue as “moderate to large” and its SEQRA Determination was incorporated into its proposed Resolution.

Councilwoman Kolligian said she was not on the board when the PUDD was created. She said she would’ve liked Mr. Witt to be in attendance to answer questions.

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

RESOLUTION #179

**ADOPTING LOCAL LAW 1 OF 2020 TO
CHANGE THE ZONING CLASSIFICATION OF
CERTAIN LANDS FROM PALMERTOWN
RIDGE PLANNED UNIT DEVELOPMENT
DISTRICT TO RESIDENTIAL-3 (R-3)**

WHEREAS, by Local Law 4 of 2005, at
the request of the property owner, the Town

Board changed the zoning classification of approximately 535 acres of land located in the Town of Wilton (Tax Map Parcels 101.-1-102.1 and 114.-1-6.11) from the R-3CD Residential District (R-3CD) to the Palmertown Ridge Planned Unit Development District (PUDD); and

WHEREAS, the PUDD legislation was then amended at the request of the owner by Local Law 1 of 2008; and

WHEREAS, the owner subsequently objected to certain provisions of the PUDD legislation relating to creation of a trail system and recreational area over and across the PUDD; and

WHEREAS, by Local Law 1 of 2019, the Town Board confirmed and clarified its previous intentions in reference to those provisions; and

WHEREAS, the owner still objects to certain of these provisions of the PUDD; and

WHEREAS, the properties have remained undeveloped while subject to the PUDD zoning; and

WHEREAS, the Town Board wishes to consider restoring the original zoning classification of the properties; and

WHEREAS, current Town zoning district Residential-3 (R-3) is substantially

identical to the previous R-3CD zoning district; and

WHEREAS, a proposed Local Law was prepared pursuant to which the lands currently zoned PUDD would be reclassified as R-3; and

WHEREAS, the Town Board referred the proposed Local Law to the Saratoga County Planning Board pursuant to General Municipal Law § 239-m on August 11, 2020; and

WHEREAS, the County Planning Board issued its recommendation on August 28, 2020, identifying no County-wide impacts likely to result from the proposed rezoning of the properties and recommending approval of the rezoning; and

WHEREAS, the Town Board duly noticed and conducted a public hearing on September 3, 2020, at which time all interested persons were given opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby finds:

1. The rezoning of the land at issue from Palmerton Ridge PUDD to R-3 constitutes a Type I Action pursuant to the State Environmental Quality Review Act (SEQRA). The Town Board is the only Agency having any authority to fund, approve or

undertake any aspect of the proposed rezoning, which makes it the only SEQRA Involved Agency.

2. While SEQRA Type I Actions are subject to Coordinated Review, there exist no other Involved Agencies with which the Town Board could coordinate its review and the Town Board is therefore automatically the SEQRA Lead Agency.

3. This Action involves the rezoning of land identified as tax map parcels 101.-1-102.1 and 114.-1-6.11. No land development is currently proposed by the owner and any potential future use of the land is purely speculative at this time. To the extent, if any, that this could be deemed “segmentation” of review under SEQRA, the Town Board finds that this approach is no less protective of the environment. If any defined development strategy subject to SEQRA is ever pursued in the affected area, any necessary Municipal approvals will require SEQRA review and all relevant project-specific aspects of development will then be considered and evaluated. No meaningful review of potential future impacts from a yet-to-be-defined project can be undertaken at this time.

4. The Town Board reviewed each applicable question in Part 2 of the SEQRA Full Environmental Assessment Form (FEAF)

before finding that the response to each question was “no or small” impacts only. The Town Board did not identify any “moderate to large” impacts resulting from changing the zoning classification of the properties from Palmertown Ridge PUDD to R-3.

5. The Town Board hereby adopts a SEQRA Negative Declaration. The Town Supervisor is authorized and directed to indicate this determination by completing and signing Part 3 of the FEAF and to file the entire FEAF with any supporting documentation as the Board’s SEQRA Negative Declaration.

6. Pursuant to the Town Comprehensive Plan dated November 5, 2015, the land at issue is located within the Town’s Planning Area 1. The stated goals in this area include preservation of natural beauty and rural character. Classification of the land at issue as R-3 is consistent with the community’s shared plans and goals as set forth in the Town Comprehensive Plan, as the R-3 zoning classification is designated as an area “where residents desire to live in predominantly detached, single-family housing and for agriculture and certain non-intensive land uses. Industrial activities are prohibited.” In addition, the land at issue is entirely surrounded by other residentially zoned lands, the vast majority of which are

zoned R-3. The R-3 zoning classification will further the goals of preservation of the natural beauty of the area and preserving the area's rural character.

7. Therefore, the Town Board exercises its legislative discretion and hereby finds that changing the zoning classification of the affected lands from Palmertown Ridge PUDD to R-3 is in the overall public interest and that the R-3 zoning classification is the most appropriate zoning classification for the lands at issue; and be it further

RESOLVED, that the Town Board hereby adopts Local Law 1 of 2020 and authorizes and directs the Town Clerk, Town Supervisor and Town Legal Counsel to take any and all further action necessary to effectuate this Resolution.

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

Open Space, Recreation and Pathways Plan 2020 Update

Councilman O'Connor said the LA Group reached out to him and Ryan Riper in February about continuing work on the plan. In the past few months, we have done a lot of editing. The document has been distributed to the town board, WWPP and Mark Marino at Gavin Park. There is nothing dramatically different in the document from prior open space plans. We already have some recommended edits but if anyone else has questions or concerns they can contact Ryan Riper or me.

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

RESOLUTION #180

NOW, THEREFORE, BE IT RESOLVED, to set a public hearing for the Open Space, Recreation and Pathways Plan 2020 Updated for November 5, 2020 at 7:00 p.m.

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

Resignation-Historic Preservation Board

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

RESOLUTION #181

NOW, THEREFORE, BE IT RESOLVED, to accept the resignation of Elizabeth Harrington from the Historic Preservation Board, with regret, effective August 6, 2020.

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

Appointment-Historic Preservation Board

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

RESOLUTION #182

NOW, THEREFORE, BE IT RESOLVED, to approve the appointment of Wendy McConkey to the Historic Preservation Board, to fulfill the vacant term of 10/01/2020-12/31/2023.

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

Youth and Child Abuse Policy

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

RESOLUTION #183

NOW, THEREFORE, BE IT RESOLVED, to adopt the Child and Youth Abuse Prevention Policy.

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

2021 Tentative Budget

Supervisor Lant said he is happy to report for the 39th year, there are no town taxes. There have been a lot of headaches with less sales tax. We didn’t have to go into our surplus funds this year and we won’t have to next year.

Maria Moran, Comptroller said we have a balanced budget with over 8% decrease from prior year’s budget to this year. Being conservative with sales according to information from the county gave us a guide to use. As the year begins, we will be able to make adjustments based on what actually happens. We have a very good conservative starting point. The general fund had a 7.2% decrease, highway fund had a 10.7%. Sales tax overall has decreased 5%. Mortgage tax is increasing based on development in the town. Payroll increased by .4%, which is typical. There have been no dramatic swings with that. Sales tax represents about 75% of our town’s budget. That number is consistent year over year. There is no real change on how heavily we depend on sales tax. Being so dependent on sales tax and meeting our operating goals means that we need to keep a firm eye on sales tax since it is the driving factor in how our town operates. We have a 2% COLA increase for employees and a 3% merit raise. It is our regular annual increase to our employees based on a pass/fail system. HRA funding will remain at 75%. That has not changed from last year. The year prior was 50%. We have had no major changes to our health insurance. The cost to the employees is not going to be dramatic. We also have \$25,000 for a hazardous waste day for 2021. It was in the budget for this year but with COVID-19 we had to shift our spending. We do have a budget workshop scheduled for 10:00 a.m. on Wednesday, October 7, 2020. The board has been very cooperative as to guiding our priorities throughout the year and thanked them as well as previous boards. **Councilman O’Conor** said department heads did what they could to provide essential services.

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

RESOLUTION #184

NOW, THEREFORE, BE IT RESOLVED, to set a public hearing for the 2021 preliminary budget for November 5, 2020 at 7:01 p.m.

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

Committee Reports

Councilman Bogardus said the paving will be done at the court next week and all the exterior work will be complete, and the interior is complete.

Supervisor Lant said it has been a difficult year for the Town of Wilton. We had two tornadoes, snowstorms and roads caved in. He thanked Highway Superintendent Woodcock for all the work he and his department have done.

Supervisor Lant said there will be a Saratoga Recycles Day on Saturday, October 24, 2020 from 9:00 a.m. to 12:00 p.m. in the SPAC parking lot on the west side of Route 50.

There will also be an Apple Pie Social on Sunday, October 11, 2020 from 1:00 p.m. to 4:00 p.m. at the Wilton Heritage Museum. There is a \$5 donation.

Saratoga County Soil and Water Conservation District will hold a tire recycling day on Tuesday, November 3, 2020 from 4:00 p.m. to 5:30 p.m. at the Wieble Avenue Ice Rink in Saratoga. Exact change and pre-registration are required. All forms and flyers are on the website www.townofwilton.com

Comptroller's Report

1.) 2020 Budget Transfers

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

RESOLUTION #185

NOW, THEREFORE, BE IT RESOLVED, to approve the 2020 budget transfers requested for and listed in the Comptroller's 10/1/2020 Report (attached) to the Town Board.

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

2.) 2020 Budget Amendments

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

RESOLUTION #186

NOW, THEREFORE, BE IT RESOLVED, to approve the 2020 budget amendments requested for and listed in the Comptroller's 10/1/2020Report (attached) to the Town Board.

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

3.) Personnel

a.

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

RESOLUTION #187

NOW, THEREFORE, BE IT RESOLVED, to approve the donation of 40 hours from an employee to another employee who is currently out on sick leave.

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

b.

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

RESOLUTION #188

NOW, THEREFORE, BE IT RESOLVED, to approve the request from Highway Superintendent Woodcock to give Jason Brueckner, MEO, and an additional \$1 per hour for additional responsibilities, for approximately three months, while a Foreman is out sick.

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

4.) Other

a.

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

RESOLUTION #189

NOW, THEREFORE, BE IT RESOLVED, to receive Saratoga County sales tax receipts in cash.

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 #190

NOW, THEREFORE, BE IT RESOLVED, the Town of Wilton authorizes Scott Harrington to sell the following items via Auctions International:

2008 Honda log splitter
2008 Snowblower with cab

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

Adjournment

On a motion introduced by **Councilman O'Connor** and seconded by **Councilwoman Kolligian** all board members in favor, the meeting was adjourned at 7:35 p.m.

Respectfully Submitted,

Susan Baldwin, Town Clerk

_____ Supervisor, John J. Lant

_____ Deputy Supervisor, John McEachron

_____ Councilman, Duane Bogardus

_____ Councilwoman, Erinn Kolligian

_____ Councilman Ray O’Conor