

TOWN OF WILTON

22 TRAVER ROAD

WILTON, NEW YORK

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Susan Baldwin, Town Clerk

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PUBLIC HEARING-7:00 P.M

2020 PRELIMINARY BUDGET

PLEASE TAKE NOTICE that the Town Board of the Town of Wilton, New York, County of Saratoga, will hold a public hearing on the Preliminary Budget for the Town of Wilton for the fiscal year beginning January 1, 2020.

SAID PUBLIC HEARING will be held on Thursday, November 7, 2019 at 7:00 p.m. at the Wilton Town Hall located on 22 Traver Road in said town at which time all persons will be given an opportunity to be heard.

SAID PRELIMINARY BUDGET will be completed and filed in the office of the Town Clerk of the Town of Wilton at 22 Traver Road where it may be examined by any interested person during regular business hours. The Preliminary Budget is also available online at townofwilton.com.

IN ACCORDANCE WITH TOWN LAW, SECTION 108, PROPOSED SALARIES OF TOWN OFFICERS ARE LISTED BELOW:

Supervisor	\$36,720
Councilman (4) (each)	\$14,468
Highway Superintendent	\$80,534
Town Clerk	\$62,670
Town Justice (2) (each)	\$35,978

BY RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WILTON

Supervisor Johnson opened the public hearing at 7:00 p.m.

Eric Rosenberg, 16 Craw Lane said a necessary part of the budgeting process is planning. Our highway department represents approximately \$.3.5 million of a total \$8.4 million budget, with costs to replace and repair our roads representing a large part of that budget. At a recent Town Board meeting a question was asked by one of our citizens regarding the schedule for road replacement and repair in Wilton. The Cornell Local Roads Program 2016 Road Condition Report commissioned by our Town was mentioned. This plan addressed the condition of every road in Wilton and provided a specific plan for the replacement and/or repair of our roads. When questioned about the report, our Highway Superintendent, along with members of our Town Board, stated that this report was being used only as

a guideline. When pressed further for the existence of a definitive plan or schedule for the replacement and repair of our roads, it became clear that there is none. The question is why? Why did the Town commission and pay for this study, and then choose to use it only as a guideline? There must be a reason. From what many residents have witnessed, the answer seems to be that certain neighborhoods get preferential treatment when it comes to road repairs and replacement. The members of the Town Board can deny this, but it would only add insult to injury, as we know this happens. When Town officials let things like this happen...when preference is given to something or someone, it always comes at a cost to something or someone else...Always. When roads in non-preferred neighborhoods are not replaced or repaired on a timely basis, the cost of replacement or repair become greater...a cost borne by the citizens of Wilton. Then roads are allowed to deteriorate in non-preferred neighborhoods beyond what is acceptable, they become more dangerous to those using the roads. When a child lives in a non-preferred neighborhood rides his or her bicycle on roads with cracks and potholes that have not been repaired on a timely basis, it is more likely that the child will be injured by running over one of these potholes or cracks. How much longer are things like this going to continue in Wilton? The members of the Board can continue to look away, can continue to label me a troublemaker and continue their course of harassment against me, but, I am not the problem. What I would hope is that the members of this Board take responsibility for representing all the citizens of Wilton equally, and require our Highway Superintendent to prepare a definitive plan for the replacement and repair of our roads consistent with the Cornell study. To do otherwise would be irresponsible, and to continue as before would be unethical.

Nancy Dwyer, 12 New Kent said she had questions regarding one for public safety. We have a Safety Officer, Police and Traffic Control for \$88,000, a Dog Control Officer and a Crossing Guard for a total of \$139,700. Is this our only safety and if so where does everything else come from like police protection. This may or may not be a budget question. The 2019 General Fund, the balance is projected to drop \$615,000 and change. She said that suggests to her that the balanced budget, meaning no taxes, is dipping into and decreasing our General Fund which means we are overspending what we originally intend to, and has been bringing down the General Fund. She said she didn't have time to look it up but thought the General Fund was closer to \$8,000,000 and now we are down to \$6,000,000 and change and that it concerns her and not sure if it should. Gavin Park, at the cost of about \$1.1 million brings in a revenue of about \$530,000, is a net cost to us of about \$600,000. The other question is vehicles, what vehicles, other than the highway department, do we own as a town. **Supervisor Johnson** said the primary law enforcement is the Saratoga County Sheriff's Department which is funded through the county taxes. We do have a substation at Wilton Mall and we pay for internet and phone for them. We also have the New York State Police Barracks, at no cost to us, and they also respond to calls. The Saratoga County Sheriff's Department is for all of the towns in Saratoga County and it is funded through the Saratoga County property tax. A resident asked if all towns and villages who have their own police department pay for two different police departments or is the cost borne unequally between towns that have their own police and towns that do not have their own police. **Supervisor Johnson** said some of the smaller towns and villages choose to have their own police force and they pay for that. Some of the bigger towns like Halfmoon and Clifton Park pay above and beyond their county tax to have additional patrols. Wilton did that several years ago and it didn't seem all that effective or worthwhile. The resident asked if all residents in Saratoga County pay equally for the county police and then pay on top of that for their own police department. **Supervisor Johnson** said they do. **Ms. Dwyer** asked if the police are on our campus. **Supervisor Johnson** said they are in Wilton Mall. The mall gives them free space. We paid for part of their set up and we do pay for phone and internet. **Maria Moran, Comptroller** said we do have a Dog Control Officer in the Public Safety Budget on a part-time salary basis. We also have traffic safety, signs and so forth. We do not have personal services related to police

presence as you gathered from the answers from the Supervisor. If you have any other questions, please email. She said she did get the voicemail while she was away at a conference. The General Fund Balance fund decreasing, we have experienced surplus over the years, which is a good thing. Using the fund balance is not necessarily a bad thing. We have the town court renovation so we have used fund balance. We would actually be negligent in our duties if we didn't start using some of the available fund balance. We don't want to let it start to accumulate to a point when we don't know what to do with the money. We are using it in accordance to the needs the town has. **Ms. Dwyer** said it is being used above and beyond the normal budget. **Ms. Moran** said that is correct, they are one time uses for surplus, not to cover the cost of personal services or any other normal recurring expenses. That would signify weaknesses in the budget. As far as other vehicles, the building department has pickup trucks, our engineer has a Ford Explorer and these are necessary to travel to sites for building inspections, site inspections, water issues and downed trees. **Ms. Dwyer** said the Engineer's vehicle is scheduled to be replaced this year and she said she received calls from reporters about the town changing over to an electric fleet. She said she didn't think we had a fleet. Or do we and she doesn't know about it. **Ms. Moran** said we have a couple cars but we don't have any electric vehicles at this point. **Mr. Rosenberg** asked why the town is using the Cornell Local Roads Program as a guide only and not following it and letting people know, hey, your community is scheduled to be replaced or repaired. Don't you think that's a wise planning and budgeting tool? People ask this question all of the time because people know when their community is being taken care of. **Supervisor Johnson** said the town contracted with Cornell and we had an intern who evaluated the roads. **Councilman McEachron** said it is a tool for us but it ultimately comes down to the Highway Superintendent. The resident said there is no plan unless he misunderstood. Why isn't there a specific plan? **Supervisor Johnson** said he thought there was a plan. **Mr. Rosenberg** said it wasn't said so when this issue was addressed last time. There was, well, we use this as a guideline. Can someone go in and look at a list of all of our roads and see the next five to ten years, which roads are scheduled for replacement or repair over this period of time. **Supervisor Johnson** said he didn't think it is that far in advance and he would ask Highway Superintendent Woodcock address this as he is the one who makes those decisions. The Cornell Study was well done and evaluated the surface of the roads but priorities change and it's the ultimate decision of the Highway Superintendent. He does have a plan and the roads are evaluated every year and there is a repaving plan. **Supervisor Johnson** asked the Highway Superintendent to briefly talk about the plan. **Highway Superintendent Woodcock** said there is a plan and the plan was designed by one of the Cornell Resident Engineers. Wilton has some of the best roads in the area and it is stated in the plan. The plan is only a guide to go by; it is not written in stone. There are numerous areas in the town which change due to traffic and other things that come into play. We try to follow the plan and work with the plan to benefit the residents. The Town Board has supported our program and he said he works with the Town Engineer. He goes out and looks at different scenarios. There is a plan. If someone thinks we have to pave Traver Road, tomorrow that might change. It is only a plan to work with and that is what it is, according to funds the town wants to put into our infrastructure. **Councilman McEachron** asked Highway Superintendent Woodcock if he feels the study was a waste of money. **Highway Superintendent Woodcock** said absolutely not, it is a very good plan. Wilton is not the only town ever involved in the study. Ballston Spa and numerous other towns were involved and they use it the same way we do. In the plan, as the Town Board knows what Town Law is for the Highway Superintendent, the Highway Superintendent picks and chooses the roads that need to be repaired because he is on those roads all of the time. He said Supervisor Johnson is not going out and telling me I have to fix Worth Road. He does not have the information. We discuss the information; there may have been 10,000 cars on this road and 1,000 cars on another road. You have to prioritize. There is a point in time that tells you, in that program, don't spend a lot of money on a road when we need to revamp a road and do total reconstruction. **Supervisor Johnson** said the board's commitment is to fund the highway

department to keep our roads in good repair and safe. We rely on our Highway Superintendent to make those decisions and he has done that. The use of the Cornell Program is a good tool for him to look at because it did assess the quality of the road. As the Highway Superintendent said, things change. As far as the budget goes, we fund the highway department as to what is needed to keep our roads up to date and safe. We leave it up to the Highway Superintendent to determine what roads need to be repaired.

Supervisor Johnson asked if there were any more comments. There were none. The public hearing was closed at 7:15

REGULAR TOWN BOARD MEETING-November 7, 2019

Supervisor Johnson called the Regular Town Board meeting to order at 7:15 p.m.

Pledge of Allegiance

Supervisor Johnson led the board and the audience in reciting the Pledge of Allegiance to the Flag.

Roll Call

Roll Call by the Town Clerk showed the following board members present.

Arthur Johnson-Supervisor
Steven Streicher-Councilman
Duane Bogardus-Councilman
John Lant-Deputy Supervisor
John McEachron-Councilman

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

Park and Recreation Commission-John Roessner

Supervisor Johnson said this Town Board has always had the practice of recognizing individuals in the community who volunteer and give up their time for the benefit of the community and play a significant role in enhancing the quality of life in the Town of Wilton. We have one of those individuals here tonight, John Roessner.

Supervisor Johnson said John Roessner has served on the Park and Recreation Commission for fourteen years and has served as the Chairman for the past couple of years. He's done a tremendous job with improvements, supporting programs at the park and creating new programs which enhance the recreation experience at Gavin Park. It is important we recognize volunteers and your volunteer time at Gavin Park. It is an honor to present this plaque.

To John Roessner by the Wilton Town Board in recognition of your dedication, contribution and loyal service while serving on the Park and Recreation Commission. Your fourteen years as a member and Chairman have proven your allegiance to your position at the Town of Wilton. Best Wishes on your future endeavors.

Mr. Roessner thanked the town board and especially Steve Streicher. Mr. Streicher has been a liaison for a long time and it's been a pleasure working with him. Also, Lynette Robinson has been a partner on the commission for fourteen years. With the support from the town to the park, Gavin Park has become

a center point for the Town of Wilton. It's grown and it's a great place. It has been an honor to serve the town, as well as the town board and the people of Wilton. He said he would also like to thank Mark Dailey, who was instrumental in bringing the Christopher Dailey Gym to the town. He said he appreciates all of the support. Thank you.

Public Comment Session

Eric Rosenberg, 16 Craw Lane spoke about the closure of the Crest Inn, alleged violations on various properties and the Code Enforcement Officer.

Margaret Damo, 2 Craw Lane thanked the board for their services and congratulated the newly elected officials. She asked about recent power outages and their frequency. Mrs. Damo thanks the Highway Superintendent and the town for getting the roads ready. She said she learned to play Pickleball at Gavin Park and would like a Bocce Court put in. When will the election signs come down?

Approve Pending Minutes

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

RESOLUTION #270

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the October 3, 2019 meeting, as typed.

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

2020 Preliminary Budget

Supervisor Johnson said the public hearing was held on the 2020 Preliminary Budget and asked if there were any requests for changes. There were none.

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

RESOLUTION #271

NOW, THEREFORE, BE IT RESOLVED, to approve the adoption of the 2020 preliminary budget as the final budget.

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

Health Insurance Benefits

Supervisor Johnson stated the next two items used to be part of the organizational resolution but because the health benefit year begins on December 1, the items need to be approved prior to January 1.

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

RESOLUTION #272

NOW, THEREFORE, BE IT RESOLVED, that the form of the Plan (MVP and CDPHP) effective 12/1/2019, presented at this meeting, is hereby approved and adopted and that the duly authorized agent of the Employer is hereby authorized and directed to execute and deliver to the Administrative Agent of the Plan and one or more counterparts of the Plan.

RESOLVED, that the employer shall be the Sponsor of the Plan and shall be the Administrator of the Plan for purposes of ERISA.

RESOLVED, that the employer hereby appoints the Administrative Agent to assist it with the administration of the Plan and to perform all such non-discriminatory duties related hereto.

RESOLVED, that the Administrative Agent shall be instructed to take such actions that are deemed necessary and proper in order to implement the Plan and to set up adequate account and administrative procedures to provide benefits under the Plan.

RESOLVED, that the duly authorized agents of the Employer shall act as soon as possible to notify the Employee of the Employer of the adoption of the Plan by delivering to each Employee a copy of the summary description of the Plan in the form of the Summary Plan Description presented to this meeting, which form is hereby approved.

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

Health Reimbursement Arrangement

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

RESOLUTION #273

NOW, THEREFORE, BE IT RESOLVED, that the form of the HRA (MVP and CDPHP) effective 12/1/2019, presented at this meeting, is hereby approved and adopted and that the duly authorized agent of the Employer is hereby authorized and directed to execute and deliver to the Administrative Agent of the HRA and one or more counterparts of the HRA.

RESOLVED, that the employer shall be the Sponsor of the HRA and shall be the Administrator of the Plan for purposes of ERISA.

RESOLVED, that the employer hereby appoints the Administrative Agent to assist it with the administration of the HRA and to perform all such non-discriminatory duties related hereto.

RESOLVED, that the Administrative Agent shall be instructed to take such actions that are deemed necessary and proper in order to implement the HRA and to set up adequate account and administrative procedures to provide benefits under the HRA.

RESOLVED, that the duly authorized agents of the Employer shall act as soon as possible to notify the Employee of the Employer of the adoption of the HRA by delivering to each Employee a copy of the summary description of the HRA in the form of the

Summary HRA Description presented to this meeting, which form is hereby approved.

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

Saratoga County Multi-Jurisdictional All Hazard Mitigation Plan Update

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

RESOLUTION #274

WHEREAS, the Town of Wilton, with the assistance from Hagerty Consulting, Inc., has gathered information and prepared the Saratoga County Multi-Jurisdictional All Hazard Mitigation Plan Update; and

WHEREAS, the Saratoga County Multi-Jurisdictional All Hazard Mitigation Plan Update has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the Town of Wilton is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, Town of Wilton has reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW THEREFORE, BE IT RESOLVED by Town Council that the Town of Wilton adopts the Saratoga County Multi-Jurisdictional All Hazard Mitigation Plan Update as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

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 Bogardus said the Court Renovation is ongoing. The expected finish date is the second week in November. A new front entrance was constructed and we are waiting for the glass for the framing to be installed. The exterior has some small finishing touches to complete. The in-house town crew is working on the interior of the building. **Councilman Bogardus** said he would like to personally thank Mark Mykins, Building Inspector/Fire Marshall and Josh Vincek, Dog Control Officer. There was a fire in the Town of Wilton and there was an aggressive dog that was biting the fireman. The Building Inspector was a resource since the cause of the fire was undetermined.

Deputy Supervisor Lant said this past week we had a storm and many people were without power. He said he has been involved in past with service to the Fire Department. It takes a lot out of people and their families. It would be nice to thank Wilton Fire, Maple Avenue, Wilton EMS, National Grid and their subs, State Police, Sheriff's Department and Wilton Highway worked around the clock. We should thank them for the great job they did.

Supervisor Johnson said there is a conflict for the December meeting. The meeting will begin at 6:00 p.m. It will be on the website and published in the newspaper.

Comptroller's Report**1.) 2019 Budget Transfers**

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

RESOLUTION #275

NOW, THEREFORE, BE IT RESOLVED, to approve the 2019 budget transfers requested and listed in the Comptroller's 11/07/2019 Report (attached) to the Town Board.

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

2.) Personnel**a.**

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

RESOLUTION #276

NOW, THEREFORE, BE IT RESOLVED, to accept the resignation of Bill Dowd, Highway Department Laborer.

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

b.

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

RESOLUTION #277

NOW, THEREFORE, BE IT RESOLVED, to approve the hiring of Jason Urbonowicz to the fulltime Highway Department Laborer position at a Step 2 rate of \$15.84 per hour with full benefits, effective 11/12/2019.

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

c.

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

RESOLUTION #278

NOW, THEREFORE, BE IT RESOLVED, to approve the hiring of Timothy Doyle to the fulltime Parks and Recreation Department Maintenance Worker position at a base rate of \$14.93 per hour with full benefits, effective 11/12/2019.

The adoption of the resolution was seconded by Councilman Streicher, duly put to a vote, all in favor except Deputy Supervisor Lant, who was opposed. The motion passed 4-1.

d.

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

RESOLUTION #279

NOW, THEREFORE, BE IT RESOLVED, to approve the hiring of Joshua Carlsson to the fulltime Planning Department Land Use Administrator position at a Grade 9 base rate with full benefits, effective 12/02/2019, contingent upon passing all required screening.

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

e.

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

RESOLUTION #280

NOW, THEREFORE, BE IT RESOLVED, to approve overnight travel for Susan Baldwin to attend training for the New York State Town Clerk Association on December 8, 2019.

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

3.) Other

a.

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

RESOLUTION #281

NOW, THEREFORE, BE IT RESOLVED, to approve the Highway Superintendent's request to place the items listed on the November 7, 2019 Comptroller's report on Auctions International.

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

b.

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

RESOLUTION #282

NOW, THEREFORE, BE IT RESOLVED, to approve the Building Inspector's request to refund a portion of a garage permit application fee due to the applicant not proceeding with the project.

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

Executive Session

Supervisor Johnson said there will be an Executive Session.

Councilman Bogardus made a motion to adjourn at 7: p.m. for Executive Session to discuss the performance, promotion or demotion of a particular individual and attorney client privileged information. The motion was seconded by **Councilman Streicher** with all board members in favor. The motion carried 5-0.

Councilman Bogardus made a motion to reconvene at 8:37 p.m. The motion was seconded by **Councilman Streicher** with all board members in favor. The motion carried 5-0.

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

RESOLUTION #283

WHEREAS, Birch Meadows, LLC and the Town of Wilton are desirous of having certain assessment issues resolved as to property owned by Birch Meadows, LLC in the Town of Wilton, and

WHEREAS, a settlement proposal resolving pending tax certiorari litigation was recommended by the Vincelette Law Firm,

trial counsel to the Town of Wilton, and reviewed by the Wilton Town Board at its regular monthly meeting, and

WHEREAS, such a proposed settlement would present the parties with an expeditions and economic alternative to further litigation so as to resolve issues between the parties, and

WHEREAS, the Town Board has determined that the proposed settlement is in the best interests of the Town; now

THEREFORE BE IT RESOLVED, that the Town Board does hereby accept a proposed settlement for the 2015, 2016, 2017, 2018 and 2019 tax certiorari proceedings filed by Birch Meadows, LLC with the following terms:

- the 2015, 2016, 2017, and 2018 assess value of the subject property (Parcel No. 140.-2-34) shall be reduced from \$3,112,359 to \$2,900,000;
- the 2019 assessed value of the subject property shall be reduced to \$3,000,000 and shall be subject to the terms of Real Property Tax Law §727.

RESOLVED, that Birch Meadows, LLC shall be entitled to a refund of excess taxes paid based upon the above revisions;

RESOLVED, that the Town Board does hereby adopt this resolution to end the litigation between Birch Meadows, LLC and the Town of Wilton as to the above referenced assessment.

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

Adjournment

On a motion introduced by **Councilman Streicher** and seconded by **Councilman McEachron** all board members in favor except Councilman Bogardus, who was excused, the meeting was adjourned at 8:40p.m.

Respectfully Submitted,

Susan Baldwin, Town Clerk

Supervisor, Arthur Johnson

Councilman, Steve Streicher

Deputy Supervisor, John Lant

Councilman, John McEachron

Councilman Duane Bogardus