

At 7:08 p.m., Supervisor Johnson called the regular meeting to order.

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 all board members present.

Arthur Johnson-Supervisor
Raymond O’Conor-Deputy Supervisor
Robert Rice-Councilman
Charles Gerber-Councilman
Robert Pulsifer-Councilman

Also present were: Town Comptroller Jeffrey Reale, Town Planner Kate Maynard, Director of Planning and Engineering, Keith Manz and Town Attorney Richard DeVall.

Proclamations (attaining Eagle Scout Rank)

Mark C. Dorsey
Maxwell Sanders

Supervisor Johnson read the proclamation for Maxwell Sanders and presented him with the framed proclamation. **Councilman Rice** had presented and read the proclamation for Mark C. Dorsey at a ceremony earlier in the week. Both proclamations needed to be approved by the board.

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

RESOLUTION # 101

NOW, THEREFORE, BE IT RESOLVED, to
approve the following proclamations:

COMMENDING MAXWELL SANDERS

UPON ATTAINING EAGLE SCOUT RANK

WHEREAS, **Maxwell Sanders** is a member of the Boy Scout Troop 9 of Wilton and recently achieved the rare distinction of the rank of Eagle Scout; and

WHEREAS, an Eagle Scout award honors the scout, his family, his troop and his troop leaders; and

WHEREAS, a Boy Scout is required to complete an Eagle Leadership Service project as part of qualifying for the rank of Eagle Scout; and

WHEREAS, **Maxwell Sanders** used his leadership skills to set his goal and completed his plan to organize and participate in a beautification project for the public boat launch area at the South Glens Falls Historical Park/Betar Byway; and

WHEREAS, **Maxwell Sanders** refurbished the area by removing brush and other objects from the park area along the Hudson River shoreline creating a more accessible area for people to enjoy the boat launch, fishing and walking areas; and

WHEREAS, it is fitting to recognize the unusual dedication and diligence exhibited by **Maxwell Sanders** in attaining the rank of Eagle Scout; therefore, be it

PROCLAIMED, that the Wilton Town Board commends **Maxwell Sanders** for his attainment of the rank of Eagle Scout in the Boy Scouts of America; and, be it further

PROCLAIMED, that the Town Clerk forward a duly inscribed copy of this Proclamation of Commendation to **Maxwell Sanders**.

IN WITNESS WHEREOF, We have hereunto set our hands and affixed the Seal of the Town of Wilton this 6th day of May, 2010 and;

FURTHER BE IT RESOLVED, to approve the second Proclamation:

COMMENDING MARK C. DORSEY

UPON ATTAINING EAGLE SCOUT RANK

WHEREAS, **Mark C. Dorsey** is a member of Boy Scout Troop 70 of Saratoga Springs and recently achieved the rare distinction of the rank of Eagle Scout; and

WHEREAS, an Eagle Scout award honors the scout, his family, his troop and his troop leaders; and

WHEREAS, a Boy Scout is required to complete an Eagle Leadership Service project as part of qualifying for the rank of Eagle Scout; and

WHEREAS, **Mark C. Dorsey** used his leadership skills to set his goal and completed his plan to replace the stairs and hand railing leading up to the cabin site at Camp Saratoga; and

WHEREAS, it is fitting to recognize the unusual dedication and diligence exhibited by **Mark C. Dorsey** in attaining the rank of Eagle Scout; therefore, be it

PROCLAIMED, that the Wilton Town Board commends **Mark C. Dorsey** for his attainment of the rank of Eagle Scout in the Boy Scouts of America; and, be it further

PROCLAIMED, that the Town Clerk forward a duly inscribed copy of this Proclamation of Commendation to **Mark C. Dorsey**.

IN WITNESS WHEREOF, We have hereunto set our hands and affixed the Seal of the Town of Wilton this 6th day of May, 2010.

The adoption of the resolution was seconded by Councilman Rice, duly put to a vote, all in favor.

Public Comments

Supervisor Johnson explained that tonight is the first night the board will institute a public comment period. There is a sign in sheet and the public comment period will be for fifteen minutes and each person will be allowed a single three minute time frame to address the board. Please state your name and address before you make your comments. Supervisor Johnson then asked the first person who signed in: Mr. Willman to address the board.

Mr. Willman stated he had a letter from his neighbor to be read to the board and as a member of the Citizens for Wilton he thanked the board for effort being done with the audio and video that the town is looking into. He wanted the board to adopt a resolution concerning the items mentioned in a previous resolution discussed at the April meeting. He then read the letter from his neighbor, Mr. Fornabia who, with many other residents, were asking the board not to approve modifying any PUDs or approving any additional apartments.

Jared Dinsmore asked the board what in-put they use to guide their decision in creating a special zoning district (PUDD) and what are your visions for the Route 9 Corridor starting with Mr. Rice.

Councilman Rice explained that the area between exit 15 and exit 17 will be a commercial zone and transition from residential to a commercial zone; what scope and how big the projects are and if there will be a certain point at which, whether it be Worth Road or Ernst Road, that we

say we have to keep project density down that's a possibility. I am open for professional in-put on that. To guide my decision, I would use the Planning Department, Engineering Department and Legal Department and listen to what they have to say.

Councilman Pulsifer stated that the public comment period is supposed to be an opportunity for the public to make its comments, not to have us give illicit responses because our response to those kinds of questions where we are discussing policy issues. It's an opportunity for each member of the public to take their three minutes, make a comment, and then we go on with business. We will be discussing that as we discuss actual issues.

Supervisor Johnson explained that this public comment session is new, so we may modify it, then when we adopt the actual protocol, it may be different from what we are doing tonight. He went on to give his vision stating that the Route 9 Corridor has three or four different zones CR-1, the Hamlet Zone, CR-2 and there is RB-1. Each one of those zones allow for different uses. "What guides me is the zoning that is in place. In the Hamlet the use is more density and I like that concept. Then as you move forward that's a lot of apartment, that's our CR-2, multi-family is allowed in that zone only by PUD and that's because it gives this board and the applicant flexibility on land use within that zone. As you go North, I see that as more mixed rural residential, with less intense commercial use as you go north. I would see from RB-1, actually north of Worth Road, the end of the apartment complexes going in. What guides me is the zoning that is in place."

Deputy Supervisor O'Connor stated that there are two guiding documents; one is our Comprehensive Plan and the other is our Zoning Ordinance. Both of those documents were developed over years all subject to public meetings, public hearings, public in-put and unless there is some change to those documents which is also subject to public hearing, public in-put and some professional in-put. That's what we use for guidelines.

Councilman Gerber stated that he would ditto what the Supervisor and the Deputy Supervisor said but would like to add that the free market would really dictate what people want to do in that area. Including the owners of the land and what the needs of the community will be in the future. He thought the area would be appropriate, on a State Highway, for an incubator of small businesses in the CR-1, CR-2 and the RB-1, which allows for that.

Councilman Pulsifer stated that the legitimate purpose of government is to protect one citizen from free use of one persons property against the other. Manic-government goes beyond that, they are going much farther than they should be. I would much more trust private property owners making determinations on how to use their property than will trust government directing it. We need some rules made at the government level. Rules put down in writing that people can look up and understand from day-to-day. He also thought the market will decide how many apartments we need in town, not the Town Board.

Dennis Towers- 92 Ernst Rd. asked the Town Board for an update on the PA system, the video, and the government excess TV.

Supervisor Johnson explained that the audio has been awarded and we will have a ceiling mounted camera which will be a disk and make arrangements with Time Warner to be shown as a delayed broadcast. Probably up and running by next meeting.

NOT ON AGENDA

Supervisor Johnson explained that SEDC had requested to be on the agenda several weeks ago but I totally forgot about it. He then asked Shelby Schneider to address the board.

Shelby Schneider explained that she would like to request a shift resolution from the Town Board for a company called C-9 so they can get empire zone certified in the Saratoga County Empire Zone. The State will require them to get a resolution from the Town to move forward.

On a motion introduced by Deputy Supervisor O’Conor the board adopted the following resolution:

RESOLUTION # 102

NOW, THEREFORE, BE IT RESOLVED, C-9 Corporation a manufacturer in Saratoga County that is locating at 107 Hermies Rd, in Malta, NY wishes to locate at that location and receive an Empire Zone benefit. They started their operation at 34 Hearthstone Drive, Gansevoort, NY. They have two employees, They now located at 107 Hermies Rd. and will be expanding their employment significantly over the next three years.

The adoption of the resolution was seconded by Councilman Gerber, duly put to a vote, all in favor.

Approve Pending Minutes

Supervisor Johnson asked for a motion and a second to approve the pending minutes from the last meeting.

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

RESOLUTION # 103

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the April 1, 2010 meeting as typed, without amendment.

The adoption of the resolution was seconded by Councilman Rice, duly put to a vote, all in favor.

Exit 16 Linkage Study
Resolution

Supervisor Johnson explained that this is an item that was discussed last month on the Exit 16 Linkage Study since that time Kate Maynard, the Town Planner, and I met with Saratoga County officials the Public Works Commissioner and Mike Valentine from the Planning Department. We modified the draft resolution to include Saratoga County support. Any in-kind services they provide would be put towards the local match of \$13,000. He stated that Councilman Pulsifer has asked to hold off for a month because he did not get a chance to do the research on it. TABLED until next month.

Saratoga Heritage Phase II (Amendment)
Tom Farone

Supervisor Johnson asked Mr. Zee, Attorney for the applicant, to address the Board.

Mr. Zee explained that the applicant is seeking an amendment to the PUD known as Saratoga Heritage II. Saratoga Heritage Phase II PUD consisted of 12 ½ acres of land, of which two acres was deeded over to the Town of Wilton some years ago. The Town of Wilton has made a legislative determination that they have no interest or desire to utilize this piece of property and his client has entered into a contract to purchase the property with the contingency of being able to develop the parcel. His client is seeking to modify the PUD to develop sixteen one bedroom apartments.

Supervisor Johnson stated that the only action by the board would be a referral to Saratoga County Planning Board and the Town Planning Board for their recommendation.

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

RESOLUTION # 104

NOW, THEREFORE, BE IT RESOLVED, to refer the submitted Saratoga Heritage

Phase II PUD (amendment) application to Saratoga County and Town Planning Boards for their review and recommendation.

The adoption of the resolution was seconded by Councilman Gerber, duly put to a vote, all in favor.

Deputy Supervisor O'Connor abstained from voting.

Saratoga Heritage Phase IV
Tom Farone

Supervisor Johnson explained that this is a new PUD and asked Mr. Zee to address the board.

Mr. Zee explained that the applicant, Mr. Farone, is seeking to establish a PUD on property just over 13 acres where Mr. Farone's Office is located (illustrating on site plan). The applicant is seeking approvals from a zoning standpoint for up to 32 units of multi-family which would replace the self-storage facility, as well as Tom Farone's office. In addition, in the rear there is substantial acreage and utilizing the road we are proposing to build, we are proposing a two lot subdivision with single family lots with acreage of 4.31 and approximately 2.76. From a topographical stand point, from Route 9, no one would see the homes built there. The development meets with the density that is proposed for multi-family housing and will coordinate the storm water basin that was initially started in phase III with expansion in phase IV.

After some discussion, regarding too many multi-family PUD's, and traffic issues, the board explained the process associated with a PUD application stating that they were only referring these projects tonight, to the Saratoga County and the Town Planning Boards for their review and recommendation. Then the project would come back to the Town Board to set a public hearing. The Town Board adopted the following resolution.

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

RESOLUTION # 105

NOW, THEREFORE, BE IT RESOLVED, to refer the submitted Saratoga Heritage Phase IV PUD application to Saratoga County and Town Planning Boards for their review and recommendation.

The adoption of the resolution was seconded by Councilman Gerber, duly put to a vote, all in favor.

Deputy Supervisor O'Connor abstained from voting.

Amend Annual Resolution #8
Standard workday & reporting resolution
Changes to 3-month calendars

Supervisor Johnson asked Comptroller Jeffrey Reale to address the Board regarding this issue. Comptroller Reale explained that the State had passed a new Law where newly elected officials have to fill out a time sheet for the first three months and this was in our annual resolutions but, now that the newly elected officials have submitted their time sheets, we have to amend that resolution to include the proper times to be reported to the State Retirement System.

Supervisor Johnson explained that everyone would have separate work days established by the three month time sheet.

Comptroller Reale explained that the time sheets reflect the days per month worked.

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

RESOLUTION # 106

NOW, THEREFORE, BE IT RESOLVED, to amend annual resolution #8 (Standard workday reporting resolution).

The adoption of the resolution was seconded by Councilman Gerber, duly put to a vote, all in favor.

Deputy Supervisor O'Connor, abstained from voting.

Town Roads (Bicycle Signs)

Supervisor Johnson explained that there was a request to put up bicycle signs on certain locations on both Town Roads and County Roads. Supervisor Johnson referred the request to the County and I have talked with and agree with the Highway Superintendent that we should have a small committee consisting of Town Highway Superintendent, Kirklin Woodcock, Town

Engineer, Keith Manz and Town Attorney, Richard DeVall to look at a couple of things: One is whether the placement of these signs that were requested is appropriate or maybe there are better locations. Check into the legal aspects to see if it complies with the Vehicle and Traffic Laws and if there are any insurance implications. We will get that report back next month.

Old Gick Rd.
Kirklin Woodcock

Supervisor Johnson asked Kirklin to address the board on this issue.

Highway Superintendent Woodcock explained that he wanted to get Old Gick Road in the Traffic Mitigation Survey to enhance that area. He stated that he had time this summer to do the work and wanted to use mitigation fees to do it.

Supervisor Johnson stated that the Traffic Study was done last year. Old Gick Road was not in that study. The road did not make the study so you can't legally use those funds to do that road.

Councilman Gerber asked Attorney DeVall to research mitigation fees, how we allocate them and how we use money from them. If we find we can legally use mitigation fees for Old Gick Road he would give a motion to allocate those funds.

NO ACTION TAKEN

Committee Reports (If Any)

Supervisor Johnson asked if there were any committee reports.

MS-4 Work (NOT ON AGNEDA)

Keith Manz explained that this item was last minute. It is a proposal from the L.A.Group for \$2,200 for the MS-4 work.

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

RESOLUTION # 107

NOW, THEREFORE, BE IT RESOLVED, to approve the L.A. Group to go ahead with the work to be completed: MS-4 Report Assistance and Mapping Assistance in the amount of \$2,200.

The adoption of the resolution was seconded by Councilman Rice, duly put to a vote, all in favor.

Fees for Programming (Gavin Park)

Councilman Gerber explained that there was some talk last month about trying to make it more affordable for our Town employees to take advantage of the Summer Camp Program. He wanted to formalize that in the form of a motion for the board's consideration.

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

RESOLUTION # 108

NOW, THEREFORE, BE IT RESOLVED, to treat all the Town employees with respect to the Summer Camp Program only as though they were Town residents and afford them the opportunity to pay for that through payroll deduction.

The adoption of the resolution was seconded by Deputy Supervisor O'Connor, duly put to a vote, all in favor.

Margaret Drive

Keith Manz explained that he had gotten an e-mail from Amy Barringer, and after some discussion with the Highway Superintendent and MS. Barringer, a suggestion was made to shim the road use the grinder, mill the pavement out, cut the cul-de-sac short, take the pavement out and turn it to grass. It would last for a number of years until Kirk has to fully pave it. Kirk wants to fully pave it now, which would be approximately \$24,000.

Supervisor Johnson stated that Kirk typically comes in under budget on his roads. When he does his road schedule and figures out what his costs are, he is likely to have \$24,000 in excess in the existing road fund and use that to pave Margaret Drive.

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

RESOLUTION # 109

NOW, THEREFORE, BE IT RESOLVED, that whenever the Highway Department has an accumulated savings of \$24,000 in the budget, you can use that money to do Margaret and Donna Drive.

The adoption of the resolution was seconded by Councilman Rice, duly put to a vote, all in favor.

Comptroller's Report
(Including Bills & Transfers)

March 2010 Cash Disbursements

Comptroller Reale stated that the following cash disbursements was informational:

General Fund	\$227,422
Highway Fund	<u>\$112,917</u>
Total	\$340,339

Budget (2010 budget Transfers & Amendments)

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

RESOLUTION # 110

NOW, THEREFORE, BE IT RESOLVED, to approve the budget transfers and amendments requested for and listed in the Comptroller's 5/6/10 report to the Town Board.

The adoption of the resolution was seconded by Councilman Gerber, duly put to a vote, all in favor.

Highway Department (Education)
Kirklin Woodcock

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

RESOLUTION # 111

NOW, THEREFORE, BE IT RESOLVED, to approve the request submitted by Kirk Woodcock to attend the annual Association of Towns Highway School in Ithaca, NY from June 7-9.

The adoption of the resolution was seconded by Councilman Rice, duly put to a vote, all in favor.

Highway Equipment (Auction)

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

RESOLUTION # 112

NOW, THEREFORE, BE IT RESOLVED, to approve the request submitted by Kirk Woodcock to have Town and Country Auctions sell Highway Equipment as per the list submitted to the comptroller.

The adoption of the resolution was seconded by Councilman Rice, duly put to a vote, all in favor.

Building Department (Refunding of Fees)

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

RESOLUTION # 113

NOW, THEREFORE, BE IT RESOLVED, to approve the request from Building Inspector Mark Mykins to refund fees, as per his letter dated April 22, 2010.

The adoption of the resolution was seconded by Councilman Gerber, duly put to a vote, all in favor.

Wilton Fire District (Timber Harvest permit)

Comptroller Reale explained that Wilton Fire District had submitted a request to have the timber harvest permit fees waived for their new sub-station on Route 50.

Attorney DeVall stated he would like to take a look at this before the board makes a decision.

The board tabled this item.

Comptroller's Department (KRONOS upgrade)

Comptroller Reale explained that the KRONOS system still works but they no longer make upgrades for it. The upgrade would cost approximately \$16,000 or \$17,000 for just the software then later we would need new time-clocks which go for about \$2200 a piece which are fingerprints. We are using the old server for KRONOS only. KRONOS is not compatible with the new technology out there. **The board tabled this item**

Town's Financial Report

Comptroller Reale explained that the Town's Financial Report had been completed by Cusak & Co., copies given to Town Board and filed with the Town Clerk also posted on Town's website.

Parks Department (Maintenance Position)

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

RESOLUTION # 114

NOW, THEREFORE, BE IT RESOLVED, to ratify the decision to hire William Lloyd III to a permanent part-time maintenance position starting at \$13.00/ hr.

The adoption of the resolution was seconded by Deputy Supervisor O'Connor, duly put to a vote, all in favor.

Executive Session (Litigation)

Supervisor Johnson explained that the board needed to adjourn to executive session to discuss assessment litigation.

On a motion introduced by Councilman Gerber, and seconded by Councilman Rice, the board adjourned to executive session at 9:35 p.m..

On a motion introduced by Deputy Supervisor O’Conor, and seconded by Councilman Gerber, the board reconvened the Regular Town Board meeting at 9:45 p.m..

Action taken in executive session

Assessment Litigation

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

RESOLUTION # 115

NOW, THEREFORE, BE IT RESOLVED, to approve a settlement with Legacy Builders, LLC, based on the recommendation of Counsel Daniel Vincelette.

The adoption of the resolution was seconded by Councilman Pulsifer, duly put to a vote, all in favor.

On a motion introduced by Deputy Supervisor O’Conor, and seconded by Councilman Rice, the meeting was adjourned at 9:50 p.m..

Respectfully Submitted,

Carol Maynard, Town Clerk

Supervisor, Arthur Johnson

Councilman, Raymond O’Conor

Councilman, Charles Gerber

Councilman, Robert Pulsifer

Councilman, Robert Rice

