

PUBLIC HEARING: Hiram Hollow (Amendment to Zoning Ord.)(Increase Tonnage)

The following Notice of Public Hearing was legally advertised in the Daily Gazette, the Post Star and the Saratogian newspapers.

PLEASE TAKE NOTICE that the Town Board of Wilton, New York, County of Saratoga, will hold a public hearing to consider an amendment to the Wilton Zoning Ordinance.

SAID PUBLIC HEARING would consider an amendment to the Wilton Zoning Ordinance for an increase in tonnage from 75,000 tons per year to 103,000 tons per year to match their NYSDEC permit. Property located at the Hiram Hollow Regeneration Corporation ("Facility"); pursuant to section 129-86 (J) and (K) of the Wilton Zoning Ordinance; property located on Washburn Road, tax map no. 102.-1-28, zoned CRT Composting/Recycling/Transfer/C&D Processing Facility District.

SAID PUBLIC HEARING will be held on Thursday, October 6, at 7:00 p.m. at the Wilton Town Hall located on 22 Traver Road, Wilton, New York. At that time all persons will be given the opportunity to be heard.

BY RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WILTON

At 7:02 p.m., Supervisor Johnson called the first public hearing to order and asked the Town Clerk to read the public hearing aloud, she did so. Supervisor Johnson then asked if anyone had any comments regarding this public hearing, No comments, he then closed the public hearing at 7:03 p.m.. At this point Mr. Comstock, a resident who lives on Washburn Road in Wilton, entered the building and wanted to speak on the Hiram Hollow issue.

Supervisor Johnson then reopened the public hearing at 7:04 p.m., and recognized Mr. Comstock.

Mr. Comstock asked if there was a limit for an increase in the future.

Mr. VanEarden, manager of Hiram Hollow, stated that the limit in the future would be dictated by the State. If Hiram Hollow went above the 103,000 ton permit, they would have to go back to the State and reapply for a new permit with a new environmental impact statement.

Mr. Comstock stated that he had spoken to Dave Mt. Pleasant, who indicated that they could go to 150,000 tons without a problem.

Mr. VanEarden stated that the only problem with going to 150,000 tons would require a whole new queuing analysis of the building, because the building could not handle that, we would have to expand the building in the footprint. He stated that they had come before the board in 2004, so it has been seven years to get to this point to go to the next level with the Town.

Supervisor Johnson stated that the board is talking about going to 103,000 tons and if there was any request to go to 150,000 there would be another whole process.

Mr. Comstock stated that the only issue since the opening of Hiram Hollow is the noise. In 2004, in the Town Board minutes, it states that a berm would be built in front to keep the noise back and be twenty to twenty-five feet high. If you go measure the berm it is between nine and twelve feet. Because of that, the building is situated in such a way where it faces directly towards their bedroom. The berm was to be built to alleviate the sound. Mr. Comstock thought the berm would be made high enough to deflect the sound. The Town has an ordinance stating that you cannot collect garbage before seven o'clock in the morning but the deliveries can come to Hiram Hollow at six in the morning. He felt that they are the expendable people in the town. There are no people to stand up for us. He was not concerned with the increase in tonnage but he would like to see the sound kept on Hiram Hollow's side and not on their side.

Supervisor Johnson thanked Mr. Comstock and asked if anyone else would like to speak on the Hiram Hollow public hearing. No comments. He then closed the Public Hearing again at 7:14 p.m..

Public Health Hearing: 425 Wilton/Gansevoort Rd. (Unsafe Building)

The following Notice of Public Hearing was legally advertised in the Daily Gazette, the Post Star and the Saratogian newspapers.

PLEASE TAKE NOTICE that the Town Board of Wilton, New York County of Saratoga will hold a public health hearing pursuant to Chapter 47, "Buildings, Unsafe", of the Code of the Town of Wilton.

SAID PUBLIC HEALTH HEARING will be in relation to 425 Wilton/Gansevoort Road, which is claimed to be an unsafe building pursuant to the inspections and reports of the Building Department of the Town of Wilton and pursuant to resolution number 78 dated February 4, 2010 adopted by the Town Board.

SAID PUBLIC HEARING will be held on Thursday October 6, 2011 at 7:10 p.m. at the Wilton Town Hall located on 22 Traver Road, Wilton, New York. At that time all persons will be given the opportunity to be heard.

BY RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WILTON

At 7:14 p.m., Supervisor Johnson called the second public hearing to order and asked the Town Clerk to read the public hearing aloud, she did so. He then asked if anyone would like to speak regarding this public hearing. No comment, he then closed the public health hearing at 7:15 p.m..

REGULAR TOWN BOARD MEETING

Immediately following the public hearings, 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 all board members present.

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

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

Public Comment

Supervisor Johnson asked if anyone had signed up for the public comment session. He then recognized Dan Tagliento.

Mr. Tagliento stated that the City of Saratoga Springs, after the last truck and tractor trailer accident at Gick and Jones Road, had notified and gotten response from New York State DOT. It will not help us this year. They have started a ninety day study and if the south radius that could be removed, we could have a two-lane south or east, whichever the direction so people could turn right or left. That is the last intersection under the plan that was supposed to be completed three years ago by New York State. The other item is: as soon as the primary is over, the candidates are supposed to remove the signs. He then thanked the board.

Approve Pending Minutes

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

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

RESOLUTION # 134

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the September 1, 2011 meeting as typed without amendment.

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

Hiram Hollow (Amendment to Zoning Ord.)

Tonnage increase from 75,000 tons a yr. to 103, 000

Tons per yr. to match their NYSDEC permit.

Public hearing held earlier

Supervisor Johnson stated that the public hearing for Hiram Hollow amendment was held earlier and asked if there was any discussion.

Councilman Pulsifer asked Mr. Van Earden how high the berm was at Hiram Hollow.

Mr. VanEarden stated that in 2004 when they came into the board to expand, they agreed to put some kind of a buffer up for the Comstock's. In May 2005 they had a fire. After that they constructed the berm which is fifteen feet high and then in turn they put a row of white pines across the top. The doors are twenty five feet high and from Washburn Road you can barely see the tops of the doors. Mr. VanEarden stated that Springer Waste was actually purchased by Casella Waste prior to Hiram Hollow, we opened up after Springer. Since day one, Springer has been our largest customer so we have had the same vehicles, roll-offs, garbage trucks and recycling trucks since we opened in 1996, that hasn't changed; the amount of volume has changed.

Councilman Gerber asked Mr. VanEarden if he would take a look and see if something more could be done to help the neighbors regarding the noise.

Mr. VanEarden agreed.

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

RESOLUTION # 135

NOW, THEREFORE, BE IT RESOLVED, to approve the amendment to the Wilton Zoning Ordinance for an increase in tonnage from 75,000 tons per year to 103,000 tons per year at the Hiram Hollow Regeneration Corporation (Facility).

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

425 Wilton/Gansevoort Road

Public Health Hearing held earlier

Supervisor Johnson asked Attorney DeVall to address this issue.

Town Attorney Richard DeVall stated that in February 2010 this board passed a resolution that was necessary that accepted the report of the Building Inspector, Mark Mykins, concerning the condition of the building and the fact that it should be removed. That was step one in a very technical proceeding

that the Town has on its books. Steps two and three were that the property owner had to be given proper notice of this pending matter. We have complied with that and the notice was posted conspicuously on the property; a notice was also filed with the County Clerk and the Receiver of Taxes. From this process forward the Town Board had to conduct a public hearing whereby the Flewellings were given notice that the next stage was the property owner had 30 days from the date they were notified, which was about September 15th, to begin demolition and removal of the building. The demolition or removal had to be completed within 60 days which would make it November 15th. The action this board needs to take tonight is to simply pass a resolution whereby the Town Board decides that the property should be demolished or removed pursuant to our unsafe building code and permit Town employees or agents, we might decide, by contract to go in and proceed. He recommended that the board pass this resolution and then recommend that the town wait until the November meeting where the board could take further steps such as the Building Department going out to do it or put a contract out for someone to do it. When all that is done we would assess the expenses of having the building demolished to the tax rolls.

Councilman Rice asked after sixty days, assuming no activity or contact by the owners; does the clock start running on the town in terms of being incumbent on us to get it down in a certain period of time?

Attorney DeVall: no.

Councilman Pulsifer asked if the town has tried to locate the owners and how long has it been since this building has been occupied?

Attorney DeVall: Yes, we have notified the owners and according to Mark Mykins it must have been vacant for many years.

Councilman Pulsifer asked if a tax search had been done.

Attorney DeVall: No.

Councilman Pulsifer stated that before the town takes steps destroying someone else's property he wanted to exhaust every means that the town can to find the owners. If someone is paying taxes on the property they recognize the value of it either with or without the house. If the people are right around the corner it would not take the Building Department much effort to actually stop and knock on the door.

Attorney DeVall read from the Town's Code Book and stated that strict compliance with the Code is essential. He then recommended the board adopt the resolution he suggested but perhaps refrain from taking any action to enter the property and demolish the structure until he and Mark can satisfy the Town Board members that there is nothing else not only what is mentioned tonight but in the consuming days.

Councilman Pulsifer asked what the legal ramifications would be if the board did not act on this tonight and wait until next month. He stated that he was uncomfortable because he did not hear the answers he needed to hear that the town did everything to get a hold of the land owner.

Supervisor Johnson asked Attorney DeVall what action he was looking for tonight.

Attorney DeVall stated he was looking for the Town Board to adopt a resolution providing and directing the demolition removal of the building.

After some discussion Councilman Pulsifer asked the Town Attorney to do an actual tax search on the property and direct the Building Department to let the board know if they have gone to this other address and knocked on the door. No one could answer that question.

The board agreed to table this issue until the November meeting.

Wilton Food Pantry (Quarterly Report)

Jared Dinsmore

Supervisor Johnson recognized the president of the Wilton Food Pantry, Jared Dinsmore.

Mr. Dinsmore Stated that they had their grand opening in August and was asked to come before the board to let them know how things were going. He then went on to highlight some of the financial points. There was \$5,670 in start up expenses and \$7,672 in donations to off those expenses. He went over the operations brief which covered individuals served and meals provided from July to September which grew from 39 individuals in July to 101 In September, adding up to 2,043 meals provided. He expects that to grow in the winter months ahead. He also stated the volunteer sign ups are now up to 43.

Councilman Rice asked if the pantry was going to do anything for Thanksgiving.

Mr. Dinsmore stated the pantry is working with the Town on food baskets and will continue to get the food to the residents.

Supervisor Johnson stated that D.A Collins just had a food drive with some very good results.

Mr. Dinsmore agreed, and said pictures would be posted on line and there are some other folks who are also doing food drives as well.

Gurn Springs Cemetery (Re: Mr. Gennell)

Rich DeVall

Supervisor Johnson asked Attorney DeVall to address the board on this item.

Attorney DeVall stated that the board had received a request from a Mr. Wayne McGantrey to permit the use of two lots in the Gurn Springs Cemetery. Mr. McGantrey is a very nice gentleman who lives in the State of Florida, he is a WWII combat vet and has explained that his family roots were the Town of Wilton and how he is related to many people in the cemetery specifically his mother how is buried there. Mr. McGantrey told Attorney DeVall that the deeds to the cemetery lots in question were lost in a fire and he has been unable to find a copy of his mother's will. The bottom line is the Town Board has addressed the cemetery issue from time to time and the policy the Town Board adopted was to recognize people who had cemetery deeds and if they wish to sell them they would have to come before the Town Board and ask for permission to do so. Attorney DeVall asked Town Historian Jeannine Woutersz, to fill in a little more.

Ms. Woutersz stated that Mr. McGantrey had provided some credentials for his pedigree and he is the son of the woman who owns the lot. The woman is buried in the cemetery with one of her husband's. Ms. Woutersz stated she would vouch for the fact that that is the only son of the woman who is buried there and would inherit the lot. So she thought he should be buried there.

Attorney DeVall stated that Mr. McGantrey has made different requests as this has evolved. At one time he stated he just wanted to be buried there. Then he wanted to add a couple of foot stones to identify the people there. Then he wanted to add his name to a monument that is already there. Then he wanted to move the monument and put his name on it someplace else. That is why I became a little concerned.

Councilman Pulsifer asked Attorney DeVall if there was some kind of release to say they were responsible for the excavation and further liability if they choose to use the lot.

Attorney DeVall stated that LaBrake Memorials has offered to do sounding of the grave.

Deputy Supervisor O'Connor stated that if the town has no evidence that anyone is buried there and someone submits a satisfactory test, Doppler, Sonar whatever you want to call it, that establishes there are no remains in that lot, does anyone have any objections to this gentleman, who went to great lengths to establish the fact that he was related to the other decedents in that spot, being laid to rest there.

Attorney DeVall stated he would get some sort of release from whoever he can get a release from plus proof of sounding or tapping.

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

RESOLUTION # 136

NOW, THEREFORE, BE IT RESOLVED, to allow Mr. McGantrey to add foot stones and be buried in the Gurn Springs Cemetery next to his mother.

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

101 Parkhurst Road (Tree in Front Yard)
Kirk Woodcock (Highway Superintendent)

Supervisor Johnson asked Mr. Woodcock to address the board.

Superintendent Woodcock explained that his office had sent the owner a return receipt letter and he had spoke with the Town Attorney. This is a hazardous tree with limbs falling off. He stated he had gotten a call on it and under the prior notice law he had to do something. He went up to the property to

take the tree down and the owner said no. The owner stated that he wanted to hire someone to look at the tree. Superintendent Woodcock then took photos and presented them to the Town Board and the Town Attorney. He came to the Town Board looking for legal advice on this issue. The board asked if the tree is in the Town's right-of-way. Superintendent Woodcock answered it was. After some discussion the board advised the Highway Superintendent to consult with the Town Attorney.

The Crossings @ No. Pines (Easement)
(Ridgeview Commons) Rich DeVall

Supervisor Johnson asked Attorney DeVall to address this issue.

Attorney DeVall stated that before the board is an easement which helps conclude the Ridgeview Commons matter. Attorney DeVall and Town Engineer, Keith Manz reviewed the easement and have no problems with it.

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

RESOLUTION # 137

NOW, THEREFORE, BE IT RESOLVED, to approve the easement and;

FURTHER BE IT RESOLVED, to authorize Supervisor Johnson to execute the documents.

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

Citizens for Wilton (use meeting room)
Host candidates night

Supervisor Johnson stated that the board received a request from the Citizens for Wilton to use this meeting room on a date to be determined to hold or sponsor "Meet the Candidate's Night". because the Citizens for Wilton is a private group. The policy that is written does not allow use by private individuals or groups. That would require a waiver from the Town Board if we choose to do that.

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

RESOLUTION # 138

NOW, THEREFORE, BE IT RESOLVED, that if the Citizens of Wilton want to host "Meet the Candidate's Night" using the meeting room and fulfill all the requirements of the

statute, it would be permitted to be acceptable.

The adoption of the resolution was seconded by Councilman Rice, duly put to a vote. At this point Councilman Pulsifer wanted to make a comment.

Councilman Pulsifer stated that after reading the policy that states that the request forms must be submitted to the Building Use Coordinator at least 45 days prior to the scheduled event and allowed for Town Board approval at the next scheduled board meeting.

Supervisor Johnson stated it did not meet 45 days it came in a couple of days ago.

Councilman Pulsifer stated that the request does not have 45 days and you have to follow the rules.

Deputy Supervisor O'Conor, stated he could not argue the facts the policy says it must be 45 days prior.

On a motion introduced by Deputy Supervisor O'Conor, the board adopted the following resolutions:

RESOLUTION # 139

NOW, THEREFORE, BE IT RESOLVED, to waive the 45 day requirement.

The adoption of the resolution was seconded by Councilman Rice, duly put to a vote, all in favor, except Councilman Pulsifer who voted no.

RESOLUTION # 140

NOW, THEREFORE, BE IT RESOLVED, to permit the Citizens for Wilton to use the meeting room and fulfill all the requirements of the policy and no conflict with any other event going on in Town Hall.

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

November Meeting Date

Change date to adopt budget

Supervisor Johnson stated that the meeting date has to be moved in November because the Town is not allowed to vote on the budget prior to Election Day. He then moved the November meeting to Thursday, November 10th.

2012 Tentative Budget

Tentative Budget distributed to board members

Supervisor Johnson went over the following summary of the 2012 tentative budget; He stated that his goal was to deliver to the Town Board for consideration is a balanced budget with no tax levies and no use of fund balance or any of the Town's surplus funds. The budget presented tonight accomplishes that goal. There are no changes to the existing services that we provide to residents however, there are no new proposed programs, no new personnel proposed or any capital expenditures within the budget. The total budget for this year is just over 6.8 million dollars and we anticipate our revenues will meet our expenses. One of the key points is; this is thirty years without a Town General Fund Tax or a Highway Tax. The budget represents a decrease of 5% or approximately \$375,000 less than our June amended budget. During the year the board had to amend the budget by increasing it not decreasing it to account for certain purchases that the town had to make particularly in the Highway Department. A couple of items that went up this year were health insurance which went up representing an 18% increase in the budget. This budget does keep intact the current plans the town has for its employees. The budget does absorb this increase. New York State Retirement cost for our employees represents a \$92,000 increase over the 2011 budget. The budget does include a 2% cost of living adjustment for employees and full-time elected officials and the judges. There are no increases for the Town Board members or any part-time elected positions. In the budget the Park has requested \$55,000 in some improvements at the Park, these are not part of the budget they are funded through developer fees paid to the Town and there is \$600,000 in road improvements, which is the same amount that was funded last year. Supervisor Johnson stated that 75% of the Town's revenue comes from sales tax. There will be two workshops scheduled and a third if necessary they are scheduled for October 18th and October 20th.

Committee Reports (If Any)

Supervisor Johnson asked if there were any committee reports.

Councilman Gerber stated he had a couple of things to discuss. The board has talked about the not-for-profit that was being set up for the Parks Department called the **Alternative Fund Development Program**. The program is at a point where we can enter into an agreement with the Town and there was money appropriated in the 2011 budget to help that organization get off its feet and take care of legal accounting issues and get together a full board of trustees. The group has been granted status as a charitable organization or not-for-profit organization by the State. But the next step is to acquire the 501C3 from the IRS and that would require getting some paperwork filed.

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

RESOLUTION # 141

NOW, THEREFORE, BE IT RESOLVED, to authorize Supervisor Johnson to execute a Memorandum of Understanding with The Friends of Gavin Park to carry out certain professional services including the 501C3 application, subject to the Town Attorney and the Town Board's review.

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

Councilman Gerber abstained from voting as part of the organization.

Deputy Supervisor O'Connor explained that he has been working on the **Corridor and Linkage Study** and he was originally going to make a preliminary presentation to the board tonight but, Hurricane Irene hit and all the folks that we have been working with were called away for the emergencies. Deputy Supervisor stated that they will do the public presentation at the December meeting.

Councilman Gerber stated that in his understanding relative to the Town's General Liability Insurance that there is only a hand full of companies that handle Municipal Insurance and he has been told by some people the Town could save \$10,000 or \$20,000 in a calendar year if the Town went out to bid on this. If there is a chance the Town could save money I think the board should do that.

Supervisor Johnson stated that the Town has an agent who shops around for us.

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

REWSOLUTION # 142

NOW, THEREFORE, BE IT RESOLVED, to formally put out a request for a proposal for General Liability Insurance Services.

The adoption of the resolution was seconded by Councilman Rice, duly put to a vote, all in favor, except Supervisor Johnson who voted no and Deputy Supervisor O'Connor who abstained.

Coat Drive

Supervisor Johnson stated that coats can be dropped off here at Town Hall for the Coat Drive until October 14th from 9 am-5pm and residents can pick up coats on Saturday and Sunday October 22-23 from 10am-2 pm or Monday –Friday Oct 24th –October 28th 9-5.

Comptroller's Report
(Including Bills & Transfers)

2011 August Cash Disbursements

General Fund	\$279,803
<u>Highway Fund</u>	<u>\$358,937</u>
Total	\$638,740

2011 Budget Transfers

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

RESOLUTION # 143

NOW, THEREFORE, BE IT RESOLVED, to approve the budget transfers requested for and listed in the Comptroller's 10/6/11 report to the Town Board.

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

2011 Budget Amendments

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

RESOLUTION # 144

NOW, THEREFORE, BE IT RESOLVED, to approve the budget amendments requested for and listed in the Comptroller's 10/6/11 report to the Town Board.

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

WES PENFLEX program

Comptroller Jeffrey Reale stated that back in 2003 New York State amended the laws for the volunteer award program. They allow participants eligible for benefits to apply and earn additional benefits while they are collecting the benefit. It is not a big award but it will increase the cost. Comptroller Reale stated he was asking the board to move forward and contract with PENFLEX in Latham to start the process. The

amount would be around \$500.00. There will have to be a formal resolution and because this is a mandatory referendum, this will have to go in front of the voters at the next general election.

The board had no objection with the Comptroller to move forward and work with PENFLEX.

Highway Equipment

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

RESOLUTION # 145

NOW, THEREFORE, BE IT RESOLVED, to ratify the decision to transfer \$98,000 from DA5112.2 Road Improvements into DA5130.2 Machinery and;

FURTHER BE IT RESOLVED, to ratify the decision to allow the Highway Superintendent to purchase a 2012 John Deere 624 Loader off of New York State contract in the same amount.

Deputy Supervisor O’Conor, stated that as the other Town Board members know that when this request came in he had sent everyone an e-mail pointing out the fact that this year the town will set a record for the highest operating deficit in the history of the town. That goes back to 1818. The third quarter we are in the operating hole (in the red) for almost \$800,000. He stated he did not know what will happen in the fourth quarter, what other requests may come up, what other items might be deemed desirable or necessary but, he found it very disturbing that the town managed to dip into the reserves. On an annualized basis, it will be over one million dollars.

Councilman Rice stated that because of the piece of equipment being a loader and its function keeping the rest of the pieces of equipment running. It seems to be a critical cog in the wheel. He stated he was not looking to spend the extra money but he thought it was important in this case.

Councilman Pulsifer stated that the most important job the Town does is the paving and maintaining roads and if we have to look at other places to save money he thought the town should be looking on the general side of the ledger not on highways. Because there are the same number of roads as last year, same number of people working on them and there is a lot less business in other departments in the town, with things slowing down, highway is not a place he would ever cut it.

Deputy Supervisor O’Conor stated that he did not disagree that there is important places to spend money but tough decisions have to be made. If the town is going to allocate on an annualized basis a million dollars more than the town is actually taking in, than before approving additional spending, the board has to decide where to make those other cuts. This kind of spending is unsustainable, with the increases in pensions, benefits, capital equipment and insurance; the Town cannot afford to spend a

million dollars more than the town takes in year after year. This has never happened before and he hoped it would never happen again.

Supervisor Johnson stated that typically he would agree, normally he would be opposed to purchasing things that were not budgeted, but in this particular case the equipment was included in the 2012 budget and is a piece of equipment that is necessary to the highway department. In this particular case there was an opportunity to buy it \$15,000 cheaper if the town bought it this year.

Councilman Gerber, stated the piece of equipment needed to be replaced, it is unsafe, and he went along with Councilman Rice stating that it was an absolute necessity.

The adoption of the resolution was seconded by Councilman Pulsifer, duly put to a vote, all in favor, except Deputy Supervisor O’Conor who voted no.

Wilton Fire District (Informational)

As required by Town Law 181-b the Wilton Fire District has filed their 2010 Independent Audit with the Town Clerk.

**Mark Mykins (Building and Grounds Department)
Request for funding for Highway Department, Project**

Comptroller Reale stated that he had received a letter from Mark Mykins. Kirk is requesting from the Building and Grounds an additional \$15,000 to do some paving over by the salt shed. Does the Town Board want to take action on this and do we need to do a budget transfer or a budget amendment.

After some discussion the board tabled the matter

Auction items (not on agenda)

Superintendent Woodcock asked the board to authorize him to sell small items no longer in use at the auction.

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

RESOLUTION # 146

NOW, THEREFORE, BE IT RESOLVED, to approve subject to supplying the Comptroller with a precise list of the exact items to be sold.

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

Executive Session

Supervisor Johnson stated that the board needed to adjourn to executive session.

On a motion introduced by Deputy Supervisor O’Conor and seconded by Councilman Pulsifer, the board adjourned to executive session at 9:15 p.m..

On a motion introduced by Deputy Supervisor O’Conor and seconded by Councilman Pulsifer, the board reconvened the Regular Town Board meeting at 9:55 p.m..

Action Taken

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

RESOLUTION # 147

NOW, THEREFORE, BE IT REOSLVED, to appoint Mark Schachner, as Planning and Zoning Attorney for the remaining term of the contract at the same rate as our former Planning and Zoning Attorney to expire December 31, 2011.

The adoption of the resolution was seconded by Councilman Rice, 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 9:55 p.m..

Respectfully Submitted,

Carol D. Maynard, Town Clerk

Supervisor, Arthur Johnson

Councilman, Raymond O’Conor

Councilman, Charles Gerber

Councilman, Robert Pulsifer

Councilman, Robert Rice

