

Regular Meeting
October 18, 2017
6:30 P. M.

Present: Supervisor Lewza
Councilman Blaisdell
Councilwoman Kerr
Councilman Zlotnick
Councilman Ostrander
Deputy Town Clerk Mevec
Town Attorney Craig

Absent: Town Clerk Mevec

Meeting called to order by Supervisor Lewza.

Pledge to the flag by Councilman Zlotnick.

Motion by Ostrander seconded by Blaisdell to accept the October 4, 2017 minutes as presented. Blaisdell – yes; Kerr – yes; Zlotnick-yes; Ostrander – yes; Lewza – yes. Motion carried.

Supervisor spoke on the Town Budget.

Res. #31, introduced by Zlotnick seconded by Blaisdell enacting local law to establish a planned development district known as “Hutchins Road Senior Housing Planned Development District” as follows:

WHEREAS, the Malta Development Co. submitted and presented to the Town Board, an application for the creation of a Planned District Development for senior housing on property located at 91 Hutchins Road, in the Town of Milton; and

WHEREAS, Chapter 180 “Zoning” of the Town Code of the Town of Milton, New York, pursuant to Article IX Planning Development Districts, allows for the creation of Planned Development Districts within the geographic boundaries of the Town of Milton; and

WHEREAS, Section 180.6 (B)(3) of the Town Code allows for the creation of Planned Unit Developments for senior housing within any Zoning District within the Town of Milton, other than within the R2 District (Section 180.61 (A)); and

WHEREAS, a motion was duly adopted by the Town Board of the Town of Milton for a Public Hearing to be held by said Town Board on July 19, 2017, at the Town of Milton Community Center, on Northline Road, Ballston Spa, to hear all interested parties on a proposed Local Law entitled the Establishment of a Planned Development District known as Hutchins Road Senior Housing Planned Development District.

WHEREAS, notice of said public hearing was duly advertised in the Saratogian, and Daily Gazette, the official newspapers of said Town of Milton and duly passed; and

WHEREAS, said public hearing was duly held on July 19, 2017 at the Town of Milton Community Center, on Northline Road, in Ballston Spa, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

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WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 State Environmental Quality Review Act (SEQRA) after full review and recommendation by the Town Engineer it was determined by Resolution of the Town Board of the Town of Milton that adoption of said proposed Local Law would not have a significant negative effect upon the environment and issued a Negative Declaration under SEQRA; and

WHEREAS, the application was also referred to the Saratoga County Planning Board pursuant to General Municipal Law 239 and the Town is in receipt of the Saratoga County Planning Board Referral 16-214, County Planning Board determination dated December 20, 2016, which stated that the Board “determined that the project appears to have no significant County wide or inter-community impact; and

WHEREAS, the project was duly referred to the Town Planning Board, and on November 9, 2016 the Town of Milton Planning Board reviewed the application and recommended approval; and

WHEREAS, as part of the approval process, the Town caused to have drafted and must enact a local law to establish a planned development district; and

WHEREAS, the Town of Milton determined that comprehensive regulations regarding the development of Hutchins Road Senior Housing is necessary to protect the interests of the Town, its residents, and its businesses; and

WHEREAS, as part of its review and deliberation, the Board considered the following: _____ study of VHA Traffic Engineers, the comments and recommendations of MJ Engineering, the Town’s Engineers, the character of the neighborhood, the health, safety, and welfare of the residence of the Town of Milton, the ascetics of the proposed property, and the need for senior housing in the Town; and

WHEREAS, the Town Board has carefully considered the proposed Planned Development District known as “Hutchins Road Senior Housing Planned Development District”; and after due deliberation and weighing the pros and cons of the project; finds the proposed PDD is consistent the Town Code and Town Comprehensive Plan, is suitable and comparable with the RI District, and surrounding residential neighborhoods, to fill a need for senior housing within the Town; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Milton hereby approves the establishment of a planned development district known as “Hutchins Road Senior Housing” and adopts Local Law, a full copy of which is attached hereto; and be it further

RESOLVED, that the Town Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Milton, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

Blaisdell – no; Kerr-no; Zlotnick-yes; Ostrander – no; Lewza-yes. Resolution defeated.

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6:35 PM Public Hearing on contract and purchasing Boyhaven Boy Scout Camp.

6:35 PM Supervisor opened public hearing.

The following people spoke in favor of buying Boyhaven:

Larry Woolbright; John Cromie; Bill Wellmaker; Eric Smassanow; Sergia Coffey; Jim Reagan; John Munter; Bruce McDonough; and Mary Ann Morgan.
Jason Miller; Gina Marozzi and Barry High.

All persons were given an opportunity to speak.

Supervisor closed public hearing at 7:25 PM

Res.#32 introduced by Zlotnick seconded Kerr authorizing the purchase by the Town of Real Property for Passive recreation purposes located at 3430 Boyhaven Road, in the Town of Milton, County of Saratoga

WHEREAS, the Town Open Space Committee has found and considered lands of the former scout camp of the Boy Scouts of America, currently for sale and located at 3430 Boyhaven Road, in the Town of Milton, County of Saratoga, and State of New York, suitable for open space; and

WHEREAS, based upon the number of acres and the value, the Committee recommended that the Town of Milton offer to Twin Rivers Council,, Inc., Boy Scouts of America (the Owner) the sum of \$500,000.00 to purchase the land subject to various terms and conditions; and

WHEREAS, the Town Board has determined that the certain portions of parcels of real property located at 3430 Boyhaven Road Road, in the Town of Milton (Tax Map Numbers: 162.-1-14.1 and 175.-2-3.11, 175.-2-3.12, and 175.-2-3.13) (total acreage approximately 297 ± acres), are suitable for open space and passive recreation; and

WHEREAS, the owners are desirous of making the conveyance subject to restrictive covenants that the property be used for passive recreation purposes and nor otherwise developed; and

WHEREAS, the Town Board held a Public Hearing on the proposed purchase, as required by law, on October 18, 2017, wherein all interested persons were invited and allowed to speak.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorized the Supervisor of the Town of Milton to enter into a contract (a copy of which is annexed hereto) for the purchase of the parcels of real property located at 3430 Boyhaven Road, in the Town of Milton, (Tax Map Numbers: 162.-1-14.1 and 175.-2-3.11, 175.-2-3.12, and 175.-2-3.13) and being approximately 297 ± acres, for the sum of \$500,000.00, contingent upon: satisfactory environmental review and inspection; passage of the permissive referendum period required by law; various contingencies', tests, surveys, and investigations as are considered necessary by the Town Attorney and Town Engineer; all contingencies set forth in said contract, including suitable, prudent and sound financing and the issuance of bonds, pursuant to Local Finance Law ; the anonymous donation as required in the contract; and a sale of a major portion of the land to DEC; and subject to the restrictive covenants that the land is generally restricted to passive recreation use only and not to be commercially developed; and

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BE IT FURTHER RESOLVED, the Board authorizes the payment of the deposit sum of \$10,000.00, the purchase price of \$500,000.00, plus any closing costs, tests, and investigations and other costs associated with the sale, to be paid out of the Open Space Reserve Fund and/or Park Fund, along with the payment of \$1,500.00 to William Moore Appraisals as and for the cost of the appraisal of the property; and

BE IT FURTHER RESOLVED, the Town of Milton shall purchase the parcels with the explicit understanding and intent that a major portion of the land (as described and set forth on the attached map) is to be reserved for, carved out, transferred over, and sold to the New York State Department of Environmental Conservation for their park purposes, and not held and converted to a Town Park and/or Town Open Space lands. In reservation and furtherance of such, the Town holds that portion of the lands, not as park land, but rather as an agent for DEC, declaring such to be of no use to the Town and not needed for Town purposes; and

BE IT FURTHER RESOLVED, for the object or purpose of purchasing said real estate, and to provide funds to defray the cost thereof, General Obligation Bonds of the Town of Milton, or other suitable form of finance as the Town Board approves with input from the Town Comptroller, in the principal sum of \$500,000.00 or whatever higher or lower sum the Town Board deems necessary, may be issued pursuant to the provisions of New York Local Finance Law; and

BE IT FURTHER RESOLVED, the Town Supervisor is authorized to execute all necessary documentation, enter into all necessary contracts, and pay all amounts needed and required to effectuate and proceed with said purchase.

BE IT FURTHER RESOLVED, this Resolution shall be subject to a permissive referendum, as required by Section 220 of the Town Law; and

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Milton.

Blaisdell – yes; Kerr-yes; Zlotnick-yes; Ostrander – yes; Lewza-yes. Resolution adopted.

7:35 PM Public Hearing on Resolution authorizing a property tax levy in excess of the limit established in General Municipal Law for the tax year 2018 and to amend Town Code.

Supervisor Lewza opened public hearing

Brenda Howe presented Town Board with 2% tax cap explanation, which does not affect star exemptions.

The following people spoke:

Jim Frey; Sharon LaCata; Tony LaCata; Mary Ann Morgan; Barbara Kerr; Jason Miller and Tom Boghosian.

All persons were given an opportunity to be heard.

Supervisor Lewza closed Public Hearing at 8:08 PM.

Motion by Blaisdell seconded by Kerr authorizing Darlene Allen to attend advanced accounting school given by Office of State Comptroller, November 14-16, 2017 at Town of Colonie. Cost is \$85.00 and with expenses paid by Town.

Blaisdell – yes; Kerr – yes; Zlotnick-yes; Ostrander – yes; Lewza – yes. Motion carried.

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Res. #33 introduced by Zlotnick seconded by Ostrander exempting certain property within the Village of Ballston Spa from levy and collection of taxes for the purposes of snow removal under Section 141 (4) and 277 of the highway law as follows:

WHEREAS, Section 277 of the Highway Law of the State of New York allows a town in which there is an incorporated village which forms a separate road district to exempt all property within such village from the levy and collection of taxes levied in the town for such items as snow removal as provided for by subdivision 4 of Section 141 of the Highway Law of the State of New York; and

WHEREAS, it is the opinion of the Town Board and Town Highway Superintendent that in order to provide a more just and equitable basis for the levy and collection of taxes in the Town of Milton for snow removal, all property situate within the Village of Ballston Spa should be exempt, with some exceptions, from the levy and collection of taxes levied in the Town of Milton for the items provided for by subdivision 4 of Section 141 of the Highway Law of the State of New York, as the Village handles snow removal on its own streets and roadways, and levys its' own taxes on Village residents for such.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that all property situate within the Village of Ballston Spa is exempt from levy and collection of taxes levied in the Town of Milton for items provided for by subdivision 4 of Section 141 of the Highway Law of the State of New York, except for amounts that may be incurred for any snow emergency in which Town Highway Department deems it necessary to assist the Village in the removal of snow and ice from town roadways located inside the Village, and except for shared services related to the storage and handling of salt and or sand at the Town of Milton's salt shed facility.

Now, Therefore Be It Resolved by the following vote thereon
Blaisdell – yes; Kerr-yes; Zlotnick-yes; Ostrander – yes; Lewza-yes. Resolution adopted.

Res.#34 introduced by Zlotnick seconded by Blaisdell authorizing Court Grant Application as follows:

WHEREAS, the Town of Milton desires to apply for grant funding from the State of New York Justice Court Assistance program, which would enable the Town Court to apply for funding for improvements.

NOW, THEREFORE, be it resolved, that the Town Board of the Town of Milton authorizes and directs the Town Supervisor of Milton to file for funds from the State of New York Justice Court Assistance Program and upon approval of said request to enter into and execute the necessary documents with the State of New York for such financial assistance.

By order of the Town Board of the Town of Milton by the following vote thereon:
Blaisdell – yes; Kerr-yes; Zlotnick-yes; Ostrander – yes; Lewza-yes. Resolution adopted.

Correspondence

Letter from Steven Cook

Motion by Blaisdell seconded by Kerr to accept Steve Cook's resignation from Town of Milton Planning Board with regret.

Blaisdell – yes; Kerr – yes; Zlotnick-yes; Ostrander – yes; Lewza – yes. Motion carried.

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Reports

Town Clerk report read by Deputy Town Clerk and filed.

Building Department report read by Supervisor Lewza and filed.

Historian report given by Historian McCartney.

Public Comment

The following people spoke:

Dot Christiansen; Bruce Boghosian; Jim Capasso and Benny Zlotnick

Motion by Blaisdell seconded by Zlotnick to set a Public Hearing on November 1, 2017 at 6:35 PM on the 2018 Town of Milton Preliminary Budget.

Blaisdell – yes; Kerr – yes; Zlotnick-yes; Ostrander – yes; Lewza – yes. Motion carried.

Motion by Zlotnick seconded by Ostrander there being no further business to adjourn.

Blaisdell – yes; Kerr – yes; Zlotnick-yes; Ostrander – yes; Lewza – yes. Motion carried.

Meeting adjourned at 8:40 PM.

Respectfully submitted,

William J. Mevec
Town Clerk