

A regular meeting was held by the Town Board of the Town of Ballston on Tuesday evening, November 12, 2013 at the Town Hall on Charlton Road.

PRESENT: Patricia Southworth ----- Supervisor
Mary Beth Hynes ----- Councilwoman
Timothy Szczepaniak ----- Councilman
William Goslin ----- Councilman
Kelly Stewart ----- Councilwoman
Carol Shemo ----- Clerk
Murry Brower ----- Counsel

Supervisor Southworth called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

PRESENTATION ON BALLSTON LAKE EMERGENCY SERVICES

John Boyd of the Ballston Lake Emergency Services asked the Board for additional funds to cover this year's unexpected expenses. There were three unbudgeted expenses:

- The installation of the Hypothermic Resuscitation Protocol. The installation of computerized refrigeration system to keep resuscitation fluids at 37°. The new ambulance was equipped with the refrigeration but the two existing ambulances needed to be equipped at a cost of \$12,000.
- The hookup to the Saratoga County Water Supply cost \$4,000.
- The EPCR system to scan the pre-hospital care report and forms, necessary for the proper care of the patients and for accurate and efficient billing.

Mr. Boyd was asking for \$40,000, a one time request for additional funding. There is \$15,000 in remaining funds in this year's budget so he asked for the \$25,000 out of the reimbursement money the BLES gives back to the Town.

RESOLUTION 13-285

AMEND THE PRELIMINARY BUDGET BY INCREASING THE FUNDS FOR THE BALLSTON LAKE EMERGENCY SERVICES APPROPRIATIONS BY \$25,000 AND USE \$15,000 FROM THE BALLSTON LAKE EMERGENCY SERVICES UNEXPENDED FUND BALANCE IN THIS YEAR'S BUDGET AND RAISE \$25,000 BY TAXES FOR A ONE TIME CAPITAL EXPENSE FOR THE BALLSTON LAKE EMERGENCY SERVICES.

A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to amend the Preliminary Budget by increasing the funds for the Ballston Lake Emergency Services Appropriations by \$25,000 and use \$15,000 from the Ballston Lake Emergency Services Unexpended Fund Balance in this year's budget and raise \$25,000 by taxes for a one time capital expense for the Ballston Lake Emergency Services.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes,
Councilman Szczepaniak, Councilman Goslin and
Councilwoman Stewart.

Nays 0

CORRESPONDENCE

The Town Clerk reported on the correspondence that was received for the month of October. The Deputy Town Clerk has sent a letter to the Board asking to defer her one week vacation from 2013 to 2014. Dog Control Officer John Christopher sent the Town Clerk his letter of resignation effective November 16, 2013. He is moving out of Town and thanked the Town Board for his position. Mr. Greg Gensler emailed Supervisor Southworth with thanks for stopping the water from Saratoga County. He was never pleased with the water and he urges the Town to stick with the Glenville Water.

RESOLUTION 13-286

APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT FOR OCTOBER

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to approve the Town Supervisor's report for October.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes,
Councilman Szczepaniak, Councilman Goslin and
Councilwoman Stewart.

Nays 0

SUPERVISOR'S REPORT

Supervisor Southworth reported on the following:

- There will be a meeting on the Tentative County Budget with recommended amendments for November 14th and the Public Hearing will be in December.
- REMO, the Regional Emergency Medical Organization, has sent a notice concerning a matter on the application of the City of Saratoga Springs for new EMS Services. The notice will be posted so those who wish to comment will have the information.

COUNCIL MEMBERS' REPORTS

Councilman Goslin had asked for three items to be added to this evening agenda: the press release for audit assistance, approval of a computer to be connected to Town Bookkeeper program for read only access and approve creation of the water fund. He received two proposals from audit firms.

Councilman Szczepaniak requested to go into Executive Session to discuss Personnel History to establish a new position.

Supervisor Southworth stated she has new positions under the discussion part of the agenda.

PRIVILEGE OF THE FLOOR:

Mr. Simpson said that there are several items on this evening's agenda concerning Anchor Diamond Park and the Hawkwood Property. In his reading of Kathy Briaddy's book Ye Old Days, there are several mentions of the Hawkwood Property and the history that goes with that property. He does not understand the Board's reluctance to accept the Hawkwood Estate as the property for Anchor Diamond Park. The Board is now considering litigation against the estate and it has been expressed at Town Board Meetings that the Board wants to avoid litigation.

Ms. Pierce supports Mr. Simpson's statement. She complimented the new Town website. She found it easy to use, very attractive and a great improvement over the previous site.

OLD BUSINESS:

10. Bridgewater Apartments request for connection to Water District 2 Ext#12

Supervisor Southworth summarized the discussions held on this request at prior Town Board Meetings. The question before the Board is what should be the charge for Bridgewater Apartments to connect to this water district. The proposals before the Board range from a retroactive debt service of \$130,000 to Mr. Wilder's proposal of 1 service and 1 connection fee at \$1100.

Mr. Wilder's representative Mr. Mitchell reported that another offer has been proposed. Mr. Wilder would pay the \$1100 connection fee for each of the nine apartment buildings.

Councilman Goslin said this proposal sounds reasonable. Also, all water users in that district will have their rates decrease with the added assessment. There is no precedence for this action on paying a retroactive debt service.

Town Attorney Brower said Mr. Wilder explained to him that he opted out of the water district in the beginning of the district and was set to petition to get out of the district if the Town Supervisor included his property. Now that the debt service has gone down, he wants into the district. There is no precedence for this action of opting out of the district and later asking to be connected when the debt service has substantially decreased.

Councilwoman Hynes believes the Town Board needs to be fair to all parties and that includes all the water users who have been paying the debt service all along.

The range of the proposals is from \$1100 to \$130,000. Mr. Wilder has offered \$9900. I don't think that is enough; I expected him to meet us half way.

Councilman Szczepaniak said the Board does not need to rush a decision. The Board should discuss this again at the next meeting.

Mr. Mitchell said that when Mr. Wilder becomes part of the district he will be picking up 15% of the debt service.

Supervisor Southworth added that he is requesting the water connection before he has a problem. There are many people at Bridgewater Apartments who will be affected if there is a water problem. At this time, there is no majority vote to approve this connection to the water district.

5. Sewer Study

Councilman Goslin distributed a document from the Clear Water Initiative Committee. It gives residents tips with existing septic systems and the treatment of their properties to take action to prevent the increase in phosphorous levels entering Ballston Lake. He asked the Board to read the information so it can be discussed at future meeting.

11. Oliver Property, Unsafe Structure

Mr. Johnson reported that there is progress with this property.

NEW BUSINESS FOR CONSIDERATION AND ACTION:

The Town Board has approved the new health insurance plan with the Health Reimbursement Account (HRA). It is necessary to keep at least \$5500 in the account to cover the cost of the insurance. The funds for the HRA will come from the Medical Line in each specific line in the budget. Councilwoman Hynes asked for quarterly reports or some provisions for reporting on the HRA account. The Board agreed that this would be necessary for their oversight.

RESOLUTION 13-287

AUTHORIZE THE SUPERVISOR TO FUND THE HRA ACCOUNT.

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to authorize the Supervisor to fund the HRA Account.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes,
Councilman Szczepaniak, Councilman Goslin and
Councilwoman Stewart.

Nays 0

The Route 50 Turn Lane project is completed. The Town is now waiting for final bills and also the reimbursement from the State. It is necessary to roll over the Bond Anticipation Note that was due on November 15, 2013.

RESOLUTION 13-288

APPROVE THE BOND ANTICIPATION NOTE FOR THE ROUTE 50 TURN LANE.

The following resolution was offered by Councilman Szczepaniak who moved its adoption and seconded by Councilwoman Hynes to wit:

BOND ANTICIPATION NOTE RESOLUTION DATED NOVEMBER 12, 2013

A RESOLUTION AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION RENEWAL NOTES OF THE TOWN OF BALLSTON, SARATOGA COUNTY, NEW YORK, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$500,000 TO FINANCE THE RENEWAL OF BOND ANTICIPATION NOTES ISSUED TO FINANCE THE CONSTRUCTION OF A TURNING LANE ON STATE ROUTE 50

WHEREAS, on September 25, 2012, the Town Board of the Town of Ballston, Saratoga County, New York (the "Town") adopted a bond resolution entitled:

"BOND RESOLUTION DATED SEPTEMBER 25, 2012. A RESOLUTION AUTHORIZING THE CONSTRUCTION OF A TURNING LANE ON STATE ROUTE 50, AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$500,000 OF THE TOWN OF BALLSTON, SARATOGA COUNTY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID CONSTRUCTION"

(the "Bond Resolution"); and

WHEREAS, the Bond Resolution authorized the issuance of bond anticipation notes in anticipation of the sale of serial bonds authorized by the Bond Resolution for the construction of a southbound turning lane on State Route 50 at McCrea Hill Road in the Town of Ballston (the "Project"); and

WHEREAS, on November 13, 2012, the Town Board authorized the issuance of bond anticipation notes to finance the Project, and on November 15, 2012, the Town's Bond Anticipation Note, Series 2012B (the "Prior Note") was issued; and

WHEREAS, the Town Board now desires to issue a bond anticipation renewal note to currently refund the Prior Note:

NOW, THEREFORE, BE IT RESOLVED, by the Town Board as follows:

SECTION 1. A bond anticipation renewal note of the Town in the principal amount of \$500,000 (the "Note") is hereby authorized to be issued in anticipation of the sale of serial bonds authorized by the Bond Resolution for the specific object or purpose or class of objects or purposes described therein.

SECTION 2. The total amount of serial bonds authorized to be issued for the specific object or purpose or class of objects or purposes described in the Bond Resolution is \$500,000.

SECTION 3. A bond anticipation note has previously been issued by the Town in anticipation of the sale of the serial bonds authorized by the Bond Resolution. The Note is a bond anticipation renewal note.

SECTION 4. The Note shall mature on November 13, 2014.

SECTION 5. The Note is not issued in anticipation of bonds for an assessable improvement.

SECTION 6. The terms, form and contents of the Note hereby authorized to be issued shall be as follows:

Principal Amount	\$500,000
Title	Bond Anticipation Renewal Note, Series 2013C
Date	November 14, 2013
Maturity	November 13, 2014
Interest Rate	1.29% per annum
Interest Payable	At maturity
Form of Note	Substantially in the form attached hereto as Schedule A
Paying Agent	Ballston Spa National Bank Ballston Spa, New York
Number and Denomination	1 at \$500,000

SECTION 7. The Note shall be executed in the name of the Town by the Town Supervisor, as chief fiscal officer of the Town, and the seal of the Town shall be impressed thereon and attested by the Town Clerk.

SECTION 8. The Note shall be delivered and hereby is sold at private sale to Ballston Spa National Bank, Ballston Spa, New York, at a price of not less than par and accrued interest, if any. Delivery shall be made to the purchaser against payment of principal and accrued interest to the date of delivery. Payment of the purchase price in immediately available funds may be made by the official check or credit advice of Ballston Spa National Bank.

SECTION 9. This resolution shall be effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Patricia Southworth	VOTING Yes
Mary Beth Hynes	VOTING Yes
William Goslin	VOTING Yes
Kelly Stewart	VOTING Yes
Timothy Szczepaniak	VOTING Yes

The foregoing resolution was thereupon declared duly adopted.

RESOLUTION 13-289

APPROVE THE 2014 BUDGET WITH AMENDMENTS

A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to approve the 2014 Budget with amendments.

ADOPTED: Ayes 4 Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 1 Supervisor Southworth

Supervisor Southworth voted against the 2014 Budget because she is not happy with the increase in sales tax projections again and is very dissatisfied with the removal of the highway equipment funds from the budget.

FARMLAND PROTECTION PLAN

Councilman Szczepaniak asked that the following two resolutions concerning the Farmland Protection Plan be tabled since the Board did not receive a draft plan or have a presentation from the Farmland Protection Committee on this plan. This is not the standard procedure for approving Lead Agency Intent and setting a Public Hearing.

There was no second for this motion.

Supervisor Southworth reported on the Farmland Protection Plan:

- Elan is writing the Public Hearing Notice and sending it to the Town Attorney and the Town Clerk for their review.
- The resolution stating the Town Board's intent to be Lead Agency for the Farmland Protection Plan be sent to the NYS Dept of Agriculture and Markets along with the Draft Plan
- The Plan needs to be posted on the website and copies sent to the Town of Ballston Library, the Village of Ballston Spa Library and the Clifton Park Halfmoon Library.
- Submit the Plan to Saratoga County for 239M review and to neighboring towns for DoubleM review.
- Submit a copy to the County Agriculture and Markets Farmland Protection Bureau for a decision of whether they will support the Plan.

RESOLUTION 13-290

APPROVE THE TOWN OF BALLSTON TOWN BOARD'S INTENT TO BE THE LEAD AGENCY FOR THE FARMLAND PROTECTION PLAN.

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to approve the Town Board's intent to be Lead Agency for the Farmland Protection Plan.

ADOPTED Ayes 4 Supervisor Southworth, Councilwoman Hynes, Councilman Goslin and Councilwoman Stewart

Nays 1 Councilman Szczepaniak

Councilman Szczepaniak voted against this resolution for the above stated reasons.

Councilman Goslin wanted it stated for the record that a draft plan would have been helpful to the Board in consideration of these resolutions.

Councilwoman Stewart asked that a summary notice be added to the document when it is placed on the Town website.

RESOLUTION 13-291

SET A PUBLIC HEARING ON THE FARMLAND PROTECTION PLAN FOR DECEMBER 10, 2013 AT 7:00 P.M.

A motion was made by Councilman Goslin and seconded by Supervisor Southworth to set a Public Hearing on the Farmland Protection Plan for December 10, 2013 at 7:00 p.m.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes,
Councilman Szczepaniak, Councilman Goslin and
Councilwoman Stewart.

Nays 0

RESOLUTION 13-292

TABLE ESTABLISHING A SEQRA DECLARATION FOR THE FARMLAND PROTECTION PLAN

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to table establishing a SEQRA Declaration for the Farmland Protection Plan.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes,
Councilman Szczepaniak, Councilman Goslin and
Councilwoman Stewart.

Nays 0

RESOLUTION 13-293

APPROVE THE DEFERMENT OF THE ONE WEEK VACATION OF THE DEPUTY TOWN CLERK CAROL GUNIENNY TO NEXT YEAR WITH THE RECOMMENDATION OF THE TOWN CLERK.

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to approve the deferment of the one week vacation of the Deputy Town Clerk Carol Gumienny to next year with recommendation by the Town Clerk.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes,
Councilman Szczepaniak, Councilman Goslin and
Councilwoman Stewart.

Nays 0

RESOLUTION 13-294

APPROVE THE FOLLOWING RESIDENTS TO THE TOWN OF BALLSTON CLEAR WATER INITIATIVE COMMITTEE: ELLENORE AZAROW, JOANNE DEVOE AND PATRICK SOUTHWORTH.

A motion was made by Councilman Goslin and seconded by Councilwoman Hynes to approve the following residents to the Town of Ballston Clear Water Initiative Committee: Ellenore Azarow, Joanne Devoe and Patrick Southworth.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes,
Councilman Szczepaniak, Councilman Goslin and
Councilwoman Stewart.

Nays 0

RESOLUTION 13-295

ACCEPT THE RESIGNATION OF DOG CONTROL OFFICER JOHN CHRISTOPHER EFFECTIVE NOVEMBER 16, 2013.

A motion was made by Councilwoman Hynes and seconded by Councilwoman Stewart to accept the resignation of Dog Control Officer John Christopher effective November 16, 2013.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes,
Councilman Szczepaniak, Councilman Goslin and
Councilwoman Stewart.

Nays 0

Supervisor Southworth received a letter of interest concerning this position.

A discussion was held concerning maintaining that position or to have 1 Dog Control Officer. A proposal concerning sharing services with a neighboring municipality to cover

the position for vacation time was discussed. The Board members will continue to look at this situation.

DISCUSSION AND POSSIBLE VOTE:

1. Contract for Planning and Zoning Minutes.

Councilman Szczepaniak will work with the Town Attorney to write a contract for this position. He will also write an ad for this position for publication in the paper.

RESOLUTION 13-296

APPROVE AN AD FOR PUBLICATION CONCERNING THE CONTRACTUAL POSITION FOR THE PLANNING AND ZONING MINUTES WITH AD REVIEW BY THE TOWN ATTORNEY

A motion was made by Councilwoman Stewart and seconded by Councilman Szczepaniak to approve an ad for publication concerning the contractual position for the Planning and Zoning Minutes with ad review by the Town Attorney.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 0

2. New positions for the Finance Office

Councilman Goslin stated that working through the budget process the Board found the following substantial issues that need to be addressed with our finances:

- Restructuring the water operations
- Completion of the Corrective Action Plan for the State Comptroller
- Discrepancies in the AUDs
- Inability to get balances in all our funds.

The bookkeeper is doing the daily work of maintaining the books but all these issues need to be cleared up for the bonding process. We need to put out a press release looking for audit assistance, bookkeeping resources and a volunteer finance committee. We have budgeted money for these resources. Councilman Goslin contacted two auditing firms to discuss possible services. The need is twofold; to find the problem and to fix the problem.

Supervisor Southworth added that a single audit for the USDA for our loan of 1.2 million dollars is needed for Water District 2 Ext# 7. The Town does not want to default on that loan and we already have extended the time on our deadline date for this loan. The Town could have audits done on Water District 2 Ext #7 and #12 at the same time and save money.

RESOLUTION 13-297

AUTHORIZE COUNCILMAN GOSLIN TO ISSUE A PRESS RELEASE FOR AUDITING SERVICES FOR THE TOWN.

A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to authorize Councilman Goslin to issue a press release for auditing services for the Town.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 0

RESOLUTION 13-298

PURCHASE A COMPUTER, SOFTWARE AND PROFESSIONAL SERVICES AT A COST NOT TO EXCEED \$4,000 FOR READ ONLY ACCESS FOR THE FINANCIAL INFORMATION FOR THE TOWN BOARD.

A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to purchase a computer, software and professional services at a cost not to exceed \$4,000 for read only access to the financial information for the Town Board.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes,
Councilman Szczepaniak, Councilman Goslin and
Councilwoman Stewart.

Nays 0

RESOLUTION 13-299

APPROVE THE HIRING OF AN AUDIT FIRM AS SOON AS POSSIBLE AT A COST NOT TO EXCEED \$6,000.

A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to approve the hiring of an audit firm as soon as possible at a cost not to exceed \$6,000.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes,
Councilman Szczepaniak, Councilman Goslin and
Councilwoman Stewart.

Nays 0

RESOLUTION 13-300

ENTER INTO EXECUTIVE SESSION FOR THE FOLLOWING: POSSIBLE LITIGATION ON THE SCHIZDICK ESTATE AND FOR THE PURPOSE OF DISCUSSING COLLECTIVE NEGOTIATIONS PURSUANT TO ARTICLE 14 OF THE CIVIL SERVICE LAW FOR THE HIGHWAY DEPARTMENT.

A motion was made by Councilwoman Stewart and seconded by Councilman Goslin to enter into Executive Session for the following: possible litigation on the Schizdick Estate and for the purpose of discussing collective negotiations pursuant to Article 14 of the Civil Service Law for the Highway Department.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes,
Councilman Szczepaniak, Councilman Goslin and
Councilwoman Stewart.

Nays 0

RESOLUTION 13-301

RETURN TO REGULAR SESSION

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to return to Regular Session.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes,
Councilman Szczepaniak, Councilman Goslin and
Councilwoman Stewart.

Nays 0

No action was taken on items discussed in Executive Session.

A motion was made by Councilman Goslin and seconded by Councilwoman Hynes to adjourn the meeting.

Respectfully submitted,

Carol R. Shemo
Town Clerk