



Town Board Meeting Minutes
November 4, 2010

The regular meeting of the Town Board of the Town of Ballston was held Thursday evening, November 4, 2010 at 7:30 p.m. at the Town Hall on Charlton Road. Members present were Supervisor Patricia Southworth, Councilwoman Mary Beth Hynes, Councilman Jeremy Knight, Councilman Timothy Szczepaniak, and Councilwoman Kimberly Ireland. Also present were Town Attorney Murry Brower and Town Clerk Muriel Swatling.

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

A motion was made by Timothy Szczepaniak and seconded by Jeremy Knight that the minutes of the September special meeting and the October regular meeting be approved. Roll Call: Ayes – all; Noes – none. Carried.

The next item on the agenda was a public hearing on the proposed 2011 Budget. The Town Clerk noted that the legal notice for the public hearing had been duly published.

The question was asked what employees are covered by health insurance. The answer was that both full-time and part-time positions were covered before 2005. After 2005, full time employees and elected officials have the option to be covered by health insurance.

David Pierce provided additional information regarding algae and its effect on drinking water taken from Ballston Lake.

Arnold Palmer commented about the 2% raise. He asked where the money comes from. What if I have no more to give you.

Supervisor Southworth replied that there has been an increase in economic development. The Town Board would look to cut Town expenses before asking the residents for more money.

There was a question regarding the money spent on water. It was pointed out that the General Fund and Water District Fund are two separate funds. The only people paying for water related expenses are the people in the water districts.

Supervisor Southworth stated that there is about \$100,000 left over. The Sales Tax came in higher than budgeted which helped with funding the budget.

The public hearing was closed at 7:42 p.m.

The Town Clerk acknowledged receipt of the following letters. The first was from New York Development Group requesting an amendment to the Stonebridge PUD. The next was from the USDA stating they had completed their Compliance Review under Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments Act of 1972 of the Burnt Hills-Ballston Lake Water District No. 2, Ext. #7, and found the Town to be in compliance with the referenced Acts. A letter was received from C.T. Male Associates presenting a proposal for Visual Structural Evaluation for 23 Nolan Road. The next letter was from the Town of Malta expressing their interest in forming a water supply service area to serve residents on East Line Road, Route 67 and the future Saratoga Medical Park (Saratoga Hospital) at Exit 12. The last letters were from residents of Route 146A in the Town of Clifton Park expressing an interest in receiving



water from the Town of Ballston to service their homes. Letters for this same purpose were also received from the Ballston Lake Emergency Squad and the Ballston Lake Fire Department.

Building Inspector Thomas Johnson, Highway/Water Superintendent Joseph Whalen, Dog Control Officer John Christopher, Animal Control Officer Thomas Shambo, Library Trustee Thomas Schottman, Supervisor Patricia Southworth, and Town Clerk Muriel Swatling submitted reports for the month of October, and they are on file in the Town Clerk's office.

Daniel Russell, Chairman of the Parks and Recreation Committee reported that the Committee is actively pursuing land for the Diamond Acre Park. They are currently developing a presentation to make to the Town Board. They need to get the final number showing the amount of money they have to work with.

Attorney Brower replied that this may take awhile.

Councilman Szczepaniak asked if the amount of money is going to change the piece of land they have in mind.

Supervisor Southworth said to go ahead and make the proposal. If there are extra funds, the extra can be put into the bank for maintenance and development.

Councilman Szczepaniak said to give the top three (3) choices and hope that the price doesn't go up.

Councilwoman Hynes asked if there was anything more centrally located.

Supervisor Southworth presented her financial report for October.

A motion was made by Jeremy Knight and seconded by Kimberly Ireland that the Supervisor's report for October be approved. Roll Call: Ayes – all; Noes – none. Carried.

Supervisor Southworth said that the last rabies clinic for the year will be held on November 16th. New York State will be giving the farmers the option to purchase insurance for hay and crops. Saratoga County Budget hearings will be held on November 9th and November 10th. The HEAP program became available on November 1st. Supervisor Southworth presented information on the SEQRA process for the Lazare property. Supervisor Southworth suggested that the Planning Board be the lead agency. The IDA said that sewer connection is near the Rossi property on Route 67. Are we interested? Councilwoman Ireland said that the development seems positive.

Councilwoman Ireland asked about the possible State takeover of Luther Forest.

Supervisor Southworth replied that the County has concerns if the State should take over the property. The Empire Board and the Saratoga County Board are holding meetings. The majority of the items in question have been completed.

Supervisor Southworth reported that there have been some resolutions regarding the problems on Oak Street.



Michael Henderson asked about the progress on the Scotch Bush Road water connection. Would the Town of Glenville be willing to support us if we are looking for funds.

Supervisor Southworth explained the process of forming a water district. The cap on the amount before the district would need approval from the Department of Audit and Control is \$667 per household. The estimate of the cost for the Scotch Bush Road connection is approximately \$987. per household.

Councilwoman Hynes asked if there is any other funding. Is there anything that can be done?

Councilwoman Ireland said that given the status of the State Budget, there probably is no grant money.

Councilwoman Hynes said that probably the best bet would be a low interest loan.

Councilwoman Ireland said that government works slowly.

Councilwoman Hynes asked if there are any member items for this project?

Councilwoman Ireland responded that it depends on who gets into office.

Polly Windels spoke regarding Oak Street. She said the Zim Smith Trail is changing the neighborhood. The residents should have been notified about this project.

Supervisor Southworth replied that the County notified the residents on Oak Street in 2002. Some of the residents did not meet with the County. Supervisor Southworth offered some suggestions to help resolve some of the problems.

There is an IDA grant for sewer. The line is running near Carpenters Acres. The residents of that area are interested in hooking into the line.

Arnold Palmer asked if the residents on Oak Street were asked about the trail? Jason Kemper is an advocate for trails.

The following items were presented for discussion and action.

10-134: A motion was made by Mary Beth Hynes and seconded by Jeremy Knight to authorize the Supervisor to sign the agreement with the Ballston Lake Emergency Squad to allow the Squad to bill for emergency services within the Town of Ballston. Roll Call: Ayes – all; Noes – none. Carried.

The following discussion was held regarding the proposed 2011 Budget.

Councilman Szczepaniak said that the budget process went smoothly. The Board was fiscally responsible.

Councilwoman Ireland asked if funds were budgeted for the GEIS. In reviewing the Comp Plan, information from the GEIS can help.

Councilwoman Hynes said to be sure not to be inactive regarding the GEIS.



Highway Superintendent Joseph Whalen complimented the Town Board on the Budget. He made a suggestion that in the next budget, the General Fund could be broken out so it is easier to understand what comes out of each line item.

10-135: A motion was made by Kimberly Ireland and seconded by Jeremy Knight to approve the 2011 Budget. Roll Call: Councilwoman Hynes – aye; Councilman Knight – aye; Councilman Szczepaniak – aye; Councilwoman Ireland – aye; Supervisor Southworth – aye. Carried.

10-136: A motion was made by Kimberly Ireland and seconded by Mary Beth Hynes to approve payment #3 to Trinity Construction for work related to Saratoga County Water Authority at a cost of \$56,746.83. Roll Call: Ayes – all; Noes – none. Carried.

The Town's Health Care Insurance is due for renewal. Due to the rate increase for the present carrier, MVP, it was recommended that the Town go with CDPHP as their health care provider for the coming year.

10-137: A motion was made by Jeremy Knight and seconded by Timothy Szczepaniak to approve CDPHP as the Town of Ballston's Health Care Provider for the period of December 1, 2010 through November 30, 2011. Roll Call: Ayes – all; Noes – none. Carried.

10-138: A motion was made by Mary Beth Hynes and seconded by Jeremy Knight to renew the MVP Gold as the Health Care Provider for retirees for the period December 1, 2010 through November 30, 2011. Roll Call: Ayes – all; Noes – none. Carried.

The Town has received a request from New York Development Group for amendments to the Stonebridge PUD.

10-139: A motion was made by Mary Beth Hynes and seconded by Timothy Szczepaniak to set a public hearing on Local Law No. 2 for 2010 for November 30, 2010 at 7:00 p.m. concerning amendments to the Stonebridge PUD. Roll Call: Ayes – all; Noes – none. Carried.

10-140: A motion was made by Kimberly Ireland and seconded by Mary Beth Hynes to approve the 2010 budget adjustment for the Town of Ballston Community Library to move \$5,054.96 from the grant line and add \$916.00 to programming (SPAF Grant) and add \$4,138.96 to equipment (Farley Grant). Roll Call: Ayes – all; Noes – none. Carried.

10-141: A motion was made by Mary Beth Hynes and seconded by Timothy Szczepaniak to set a public hearing on Local Law No. 3 for 2010 concerning changes to the Dog Control Law for November 30, 2010 at 7:15 p.m. Roll Call: Ayes – all; Noes – none. Carried.

Discussion was held on whether to set a public hearing on the changes to the Schultz Eastline Commons PUD. Everyone was in agreement that the changes should be sent back to the Planning Board for their recommendation.

10-142: A motion was made by Mary Beth Hynes and seconded by Timothy Szczepaniak to return the proposed changes to the Schultz Eastline Commons PUD to the Planning Board for their review and recommendations. Roll Call: Ayes – all; Noes – none. Carried.

10-143: A motion was made by Timothy Szczepaniak and seconded by Kimberly Ireland to approve the Verizon contract proposal. Roll Call: Ayes – all; Noes – none. Carried.



10-144: A motion was made by Mary Beth Hynes and seconded by Timothy Szczepaniak to approve the following resolution regarding the property located at 23 Nolan Road. Roll Call: Ayes – all; Noes – none. Carried.

WHEREAS the Building Inspector of the Town of Ballston, New York (the "Town") has reported to the Town Board that he has determined that real property of Robert Van Allen which is the owner of public record, which real property is located at 23 Nolan Road, Town Of Ballston, New York, is designated by property transaction/tax map identification number Tax Map Section 248.20 Bock 1, Lot 13, is not in compliance with Town Law Chapter 52, BUILDINGD, UNSAFE of the Code of the Town of Ballston and the New York State Property and Maintenance Code, 19 NYCRR 1226 as incorporated in the Town Code under Chapter 52 and that he has prepared written reports and pictures dated April 25, 2006, July 25, 2006, March 15, 2007 and March 19, 2008 and has presented evidence of the unsafe condition of the structure located at 23 Nolan Road as described in Town Code § 52-1.

WHEREAS the Building Inspector has represented to the Board that he has attempted communication with the owner over the past two years to discuss the condition of the property without the conditions on the property having been ameliorated, and

WHEREAS the Former Town Attorney Carlton Pott wrote a letter dated March 21, 2007 to Robert Van Allen and received no response, and

WHEREAS Patricia Southworth, Town Supervisor has left telephone messages at the number listed for the record owner of the property identified above as 23 Nolan Road and has no received a response and

WHEREAS it is the determination of the Town of Ballston that the property is not safe as described in the reports of the Building Inspector, Thomas Johnson, it is hereby,

RESOLVED that the Town Board finds the property to be unsafe and dangerous under § 52-2 of the Code of the Town of Ballston and hereby authorizes and instructs the Town Building Inspector to serve upon Robert Van Allen, in accordance with local law § 52-3 notice as described in §52-3 and §52-4 informing Mr. Van Allen to begin repairs within thirty days and that said repairs be completed within 60 days of said notice having been given and it is hereby,

RESOLVED that if the repairs are not completed within the set forth in the Code of the Town of Ballston at § 52-5, the Board authorizes the Building Inspector to pursue the remedies described in § 52-5, to retain engineers for the proper prosecution of said local law and to obtain: an order and/or judgment compelling compliance with the said Property Maintenance Ordinance and/or permitting the Town to bring said real property into compliance, charging the cost to the owner(s), and making any unpaid costs a lien against the property as provided by said Property Maintenance Ordinance; and to costs, expenses and attorneys fees incurred in the action and making the same a lien against the property as provided by said Property Maintenance Ordinance; any other fine, penalty or relief provided by §52-8 of the Code of the Town of Ballston and the laws of the State of New York, in the event the illegal conditions set forth in the annexed Notice are not repaired.

10-145: A motion was made by Kimberly Ireland and seconded by Jeremy Knight to authorize the Supervisor to sign the Agreement between the Town of Ballston and the American Society of Composers, Authors and Publishers at an annual rate of \$305.00. Roll Call: Ayes – all; Noes – none. Carried.



10-146: A motion was made by Kimberly Ireland and seconded by Mary Beth Hynes to approve the following resolution congratulating Andrew Hagan on achieving the rank of Eagle Scout. Roll Call: Ayes – all; Noes – none. Carried.

WHEREAS, Andrew Hagan is a resident of the Town of Ballston and is the son of Catherine and William Hagan; and

WHEREAS, as a member of Cub Scout Pack 83, Andrew was awarded the Arrow of Light; and

WHEREAS, Andrew Hagan held the leadership positions of Senior Patrol Leader, Junior Assistant Scout Master, Assistant Scout Master; and

WHEREAS, Andrew Hagan took part in several high adventure treks including Camp Wakpominee Noah, Rondeau 50 mile Trek, Camp Wakpominee Bog-Oswegathie trek, Camp Cedarlands Pond Jumper Trek, Cape Cod Council Maritime Adventure 50 mile Trek; and

WHEREAS, Andrew Hagan's Eagle Scout Leadership Project was to work in conjunction with the Town of Ballston to fundraise, purchase and install an automated external defibrillator or AED, which is a portable electronic device that automatically diagnoses the potentially life threatening cardiac arrhythmias. In addition, Andrew arranged for training for the staff at the Town Hall, so they would be able to respond to an emergency situation; and

WHEREAS, Andrew Hagan successfully completed his project earning the rank of Eagle Scout on April 11, 2010; now therefore, be it

RESOLVED, that the Town Board of the Town of Ballston would like to recognize the outstanding personal achievement and service to his community of Eagle Scout Andrew Hagan.

10-147: A motion was made by Timothy Szczepaniak and seconded by Mary Beth Hynes to move to Executive Session to discuss a contract negotiation. Roll Call: Ayes – all; Noes – none. Carried.

The purpose of the Executive Session was to negotiate the selling of water to Saratoga Hospital.

The outside user rate charged by the Town of Ballston is \$6.75 per 1000 gallons of water. There are other Towns that charge 1.5 to 1.85 times the inside user rate.

Councilwoman Hynes said she feels there are two options for Saratoga Hospital:

- 1) Purchase water from the Town of Ballston at the basic rate and ad valorem
- 2) Purchase water directly from the Saratoga County Water Authority and the Town of Ballston would charge for transportation.

There was discussion as to what rate should be charged; the inside user rate or the outside user rate.

Councilwoman Hynes suggested that maybe there is a number between the inside user rate and the outside user rate.



Councilwoman Ireland asked if the rates could be tiered. The Board discussed how the tiered system would work. Would it be done by assessment or by volume of water usage.

Saratoga Hospital would like this decision as soon as possible.

10-148: A motion was made by Timothy Szczepaniak and seconded by Mary Beth Hynes to move to Executive Session regarding an Article 7 proceeding. Roll Call: Ayes – all; Noes – none. Carried.

There was no formal action taken regarding the Article 7 proceeding.

10-149: A motion was made by Kimberly Ireland and seconded by Timothy Szczepaniak to reopen the regular meeting. Roll Call: Ayes – all; Noes - none. Carried.

10-150: A motion was made by Timothy Szczepaniak and seconded by Kimberly Ireland to approve the Sprint contract proposal. Roll Call: Ayes – all; Noes – none. Carried.

A motion was made by Timothy Szczepaniak and seconded by Jeremy Knight to adjourn the meeting. Roll Call: Ayes – all; Noes – none. Carried.

Respectfully submitted,

Muriel K. Swatling

Town Clerk