

The regular meeting of the Town Board of the Town of Ballston was held Tuesday evening, January 5, 2010 at the Town Hall on Charlton Road. Members present were Supervisor Patricia Southworth, Councilman Jeremy Knight, Councilwoman Mary Beth Hynes, 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.

The following newly elected and re-elected Town officials were sworn in by Town Justice Cynthia Amrhein: Councilwoman Mary Beth Hynes, Councilman Jeremy Knight, and Supervisor Patricia Southworth.

Supervisor Southworth thanked former Councilman James Briaddy for all his hard work and dedication over the last sixteen years and welcomed Councilman Jeremy Knight to the Town Board.

The organizational resolutions were the first item on the agenda. The Ballston Journal asked to be considered to be the Town's legal newspaper. The Town Board decided to stay with the Daily Gazette since there are sometimes timing issues involved.

10-01: A motion was made by Mary Beth Hynes and seconded by Kimberly Ireland to adopt the following organizational resolutions. Roll Call: Ayes – all; Noes – none. Carried.

Organizational Resolutions and Appointments for 2010

Supervisor Appointments:

Town Board Committees for 2010:

Highway- Knight and Southworth

Building and Grounds-Hynes and Szczepaniak

Personnel-Hynes and Southworth

Public Safety-Hynes and Szczepaniak

Insurance-Knight and Ireland

Library-Ireland and Southworth

Audit-Szczepaniak

Zoning and Planning-Hynes and Ireland

Farmland-Knight

Data Processing-Knight and Southworth

Town of Ballston Recreation-Ireland and Szczepaniak

RESOLUTION #1 – BE IT RESOLVED by the Town Board of the Town of Ballston that all meetings of the Town Board shall be held in accordance with the latest edition of Robert's Rules of Order.

RESOLUTION #2 – BE IT RESOLVED by the Town Board of the Town of Ballston that all regular meetings of the Town Board of the Town of Ballston shall be held in the Town Offices located on Charlton Road, Town of Ballston and County of Saratoga at 7:30 p.m. on the First Tuesday of each month, except in November when it shall be the first Thursday at 7:30 p.m. A special meeting will be held on the last Tuesday of each month (Agenda Meeting) for the purpose of paying monthly bills and any other business requiring immediate attention.

RESOLUTION #3 – BE IT RESOLVED by the Town Board of the Town of Ballston that the Agenda Meetings of the Town Board shall be held at the Town Offices located on Charlton Road, Town of Ballston and County of Saratoga at 7:30 p.m. on the last Tuesday of each month.

RESOLUTION #4 – BE IT RESOLVED by the Town Board of the Town of Ballston that the Ballston Spa National Bank shall be the official depository for Town Funds. Be it further resolved that funds may be withdrawn and checks may be signed by Supervisor, Patricia A. Southworth or by Deputy Supervisor, George Seymour, in accordance with provisions of the Town Law and the procedures established by the Town Board. Be it further resolved that checks drawn on the Town Clerk's account

may be signed by the Town Clerk, Muriel Swatling or the Deputy Town Clerk, Carol Shemo in accordance with the provisions of the Town Law and the procedures established by the Town Board. Be it further resolved that checks drawn on the Tax Collector's account may be signed by the Tax Collector, Anne Hogue or the Deputy Tax Collector, Glenn Hogue. Be it further resolved that checks drawn on each Town Justice account may be signed by the Justice assigned to that account or the Town Supervisor. Ballston Spa National Bank will deposit with third party collateral sufficient to cover all balances.

RESOLUTION #5 – BE IT RESOLVED by the Town Board of the Town of Ballston that salaries for Town Officials in 2010 and rates for hourly employee in 2010 be approved as listed and established in the 2010 Budget, and that the payroll schedule be: Biweekly – all hourly employees ; all elected officials and salaried employees.

RESOLUTION #6 – BE IT RESOLVED by the Town Board of the Town of Ballston that the Water Superintendent, Joseph Whalen Jr. is authorized to make purchases on his own up to a limit of \$3,000.00.

RESOLUTION #7 - BE IT RESOLVED by the Town Board of the Town of Ballston that a petty cash account of \$300.00 be authorized for use by the Town Clerk and a petty cash account of \$300.00 be authorized for use by the Town of Ballston Community Library.

RESOLUTION #8 – BE IT RESOLVED by the Town Board of the Town of Ballston that the official newspaper as required by Town Law shall be the Daily Gazette.

RESOLUTION #9 – BE IT RESOLVED by the Town Board of the Town of Ballston that Town Officers shall be compensated at the rate of .50 cents per mile for the use of their personal automobiles in the performance of their official duties.

RESOLUTION #10 – BE IT RESOLVED by the Town Board of the Town of Ballston that all elected and appointed officers of the Town shall be authorized to attend meetings and conferences connected with their office and shall be reimbursed for necessary expenses at the approved rate upon submission of the proper voucher within the limits of the budget. Overnight trips shall require prior approval by the Town Board.

RESOLUTION #11 – BE IT RESOLVED by the Town Board of the Town of Ballston that the preliminary agenda be posted on the Town Website and the Town Bulletin Board 5 days prior to the meeting.

RESOLUTION #12 – BE IT RESOLVED by the Town Board of the Town of Ballston that the following individuals are appointed to the following positions for a term of one year commencing January 6, 2010 said term ending at the organizational meeting of the Town of Ballston held in January 2011.

Budget Officer – Patricia Southworth
Deputy Supervisor – George Seymour
Building Inspector and Fire Marshall – Tom Johnson
Stormwater Management Coordinator and Deputy Building Inspector – Lester Bonesteel
Dog Control Officer – John Christopher
Animal Control Officer – Thomas Shambo
Deputy Town Clerk – Carol Shemo
Deputy Tax Collector – Glenn Hogue
Bookkeeper/Confidential Secretary – Joann Bouchard
Town Historian – Richard Reynolds
Chairman, Board of Ethics: Michael Prezioso
Building Department Clerk – Michelle Dingman
Court Clerks – Dorothy Spoonogle and Jane Curtiss
Deputy Highway Superintendent – John Hollowood
Water Superintendent for Water Districts 2,3,4,5 & 6 – Joseph Whalen Jr.
Water District Clerk for Districts 2,3,4,5 & 6 – Barbara Voehringer
Assessor's Clerk – Sharlene Gillan
Representative to Saratoga County Office for the Aging – Ann Quinn
Representative to Milton Terrace Water District – Patti Southworth
Representative to Saratoga County Youth Bureau – John Fantauzzi

Representative to Ballston Area Recreation Commission – Michael Myers
Zoning Enforcement Officer – Anton Rohrmeier
Chairman, Zoning Board of Appeals – Michael Lesniak
Vice-Chairwoman, Zoning Board of Appeals – Marilyn Bell
Chairman, Planning Board – Richard Doyle
Vice-Chairman, Planning Board- Jeffrey Cwalinski
Secretary, Zoning Board of Appeals – Michelle Dingman
Secretary, Planning Board – Michelle Dingman
Health Officer – Dr. William Kelley
Highway Clerk – Leslie Zorn
Marriage Officer – Charles Merriam

RESOLUTION #13 – BE IT RESOLVED by the Town Board of the Town of Ballston the following individuals are appointed to the following positions for the term stated next to their name.

Town Attorney – Murry Brower – (January 1, 2010 - December 31, 2011)
Zoning Board of Appeals Member – Ellen Brown (January 1, 2010 – December 31, 2016)
Zoning Board of Appeals Member – Robin Kane (January 1, 2010 – December 31, 2016)
Planning Board Member – Lee Ramsey (January 1, 2010 – December 31, 2016)
Jenkins Park Advisory Board Member – Lynnette Ziskin (January 1, 2010 – December 31, 2013)
Jenkins Park Advisory Board Member – Rae Quesada (January 1, 2010 – December 31, 2014)
Jenkins Park Advisory Board Member – William Bechtel (January 1, 2010 – December 31, 2014)

RESOLUTION #14 – BE IT RESOLVED by the Town Board of the Town of Ballston that the official holidays for the Town are:

New Year's Day – Friday, January 1, 2010
Martin Luther King Day – Monday, January 18, 2010
Lincoln's Birthday – Friday, February 12, 2010
Presidents' Day – Monday, February 15, 2010
Memorial Day – Monday, May 31, 2010
Independence Day – Monday, July 5, 2010
Labor Day – Monday, September 6, 2010
Columbus Day – Monday, October 11, 2010
Veterans Day – Thursday November 11, 2010
Thanksgiving Day – Thursday, November 25, 2010
Day after Thanksgiving – Friday, November 26, 2010
Christmas Day – Friday December 24, 2010

RESOLUTION #15 – BE IT RESOLVED by the Town Board of the Town of Ballston that all official meeting minutes must be written and mailed or otherwise distributed to appropriate parties within seven days of applicable meeting. Town Board minutes must, at a minimum be sent to: all Town Board members, Town Attorney, Highway Superintendent, Building Inspector, Water Superintendent, Zoning Enforcement Officer, Assessor, Tax Collector, Town Justices, Town Librarian, Dog Control Officer, Animal Control Officer, Town Historian, Chairperson of Zoning Board of Appeals, Planning Board, Jenkins Park Advisory Board and Parks and Recreation Committee, Engineer to the Town, Attorney to the Zoning Board of Appeals and Planning Board, and others as required by the Town Board in special circumstances. The Zoning Board of Appeals (ZBA) meeting minutes must be sent to all ZBA members, all Town Board members, Chairperson and Secretary of the Planning Board, Highway Superintendent, Building Inspector, Zoning Enforcement Officer, Assessor, Engineer to the Town, Attorney to the ZBA, Town Attorney, applicants before the ZBA, Chairperson of Parks and Recreation and other persons as needed. The Planning Board meeting minutes must be sent to all Planning Board members, Town Board members, Chairperson and Secretary to the ZBA, Highway Superintendent, Building Inspector, Zoning Enforcement Officer, Assessor, Engineer to the Town, Attorney to the Planning Board, Town Attorney, applicants before the Planning Board, Chairperson of Parks and Recreation and other persons as needed. All Committee meeting minutes must be sent to all Town Board members and other persons as needed.

RESOLUTION #16 – BE IT RESOLVED by the Town Board of the Town of Ballston that the Town Attorney (representing the Town Board) and the Attorney to the Planning Board and ZBA appointed or contracted for services by the Town Board, will not represent clients before any of the standing boards of the Town or undertake criminal defense work before the Courts of the Town of Ballston.

RESOLUTION #17 – BE IT RESOLVED by the Town Board of the Town of Ballston that the fee schedule be amended to include a fee for checks returned by any bank for insufficient funds, the fee is to be \$20.00.

RESOLUTION #18 – BE IT RESOLVED by the Town Board of the Town of Ballston that the firm of C.T. Male is hereby appointed as Engineer to the Town. The Engineer to the Town agrees not to represent any clients within the Town of Ballston before any duly established town board (i.e. Town Board, Planning Board, Zoning Board of Appeals.)

RESOLUTION #19 – BE IT RESOLVED by the Town Board of the Town of Ballston authorized the Supervisor to make transfers between accounts in the current budget in order to keep accounts properly funded. The Supervisor will report transfers monthly to the Town Board.

The Town Clerk presented the following change to the December Town Board minutes. Change paragraph 11 on page 297 to read as follows: Scott Miller addressed the Brooks presentation. He stated that he is scared about the proposed density. Yes, there should be a trade off. The town should be preserving open space. The Town is not getting anything in exchange for the density it is allowing. It gets wetlands and other undevelopable land.

A motion was made by Mary Beth Hynes and seconded by Kimberly Ireland to approve the minutes of November Board of Health meetings, the November special meeting and the December regular meeting as amended. Roll Call: Ayes – all; Noes – none. Carried.

Library Trustee, Larry Rogers, reported for the Library. The report tonight consisted of thank yous to the following: the staff at the Library; people who had made various types of donations to the Library; the Baums who had donated \$3,000 for programming; Senator Farley for grants provided; Friends of the Library who provided matching funds up to \$1,000; and James Briaddy for his guidance and help.

Building Inspector Thomas Johnson, Highway/Water Superintendent Joseph Whalen, Dog Control Officer John Christopher, Supervisor Patricia Southworth, and Town Clerk Muriel Swatling presented their reports for December, and Building Inspector Thomas Johnson and Town Historian Richard Reynolds presented their annual reports which are on file in the Town Clerk's office.

Supervisor Southworth thanked Larry Rogers for his help as a Library Trustee.

The Supervisor presented her financial report for the month of December.

A motion was made by Timothy Szczepaniak and seconded by Jeremy Knight to approve the Supervisor's report. Roll Call: Ayes – all; Noes – none. Carried.

Supervisor Southworth reported that the NYS Retirement System is requiring that elected officials keep a calendar of hours. She also reported that SEDC has a questionnaire to be completed by the Town which will show what type of growth and businesses the Town is looking for. Councilwoman Ireland asked when this would be. Supervisor Southworth also reported that the Public Health Nurses will be holding Flu Shot Clinics for H1N1 vaccine.

Councilman Knight filed a request for an advisory opinion from the Ethics Board regarding Councilwoman Mary Beth Hynes voting on the issues relating to the Saratoga County Water System since she is a member of the Saratoga County Water Authority. He feels this may be a conflict of interest.

Supervisor Southworth relayed condolences to Deputy Supervisor George Seymour on the death of his father.

Councilwoman Ireland reported that she had talked to Assemblyman James Tedisco and he sent good wishes to the Town Board for a productive new year.

Paul Simpson said he feels that the Town Board should table every vote regarding the Saratoga County Water Authority.

J-D Wood said that according to General Municipal Law Article 18, it would be a conflict of interest for Mary Beth Hynes to vote.

Polly Windels stated that there is increased truck traffic. Around the time of 3:40 p.m., trucks go through the red light and stop sign on Brookline Road.

Supervisor Southworth replied that she would reach out to the trucking company and the Sheriff.

Councilman Timothy Szczepaniak said as a member of the Public Safety Committee, he will also reach out.

Arnold Palmer stated that he doesn't see people go through the stop sign and doesn't see a list of tickets. The power delivery charge is going up. Is anybody saving money?

It was replied that National Grid delivers only; it sells at cost. If you lock into a lower rate, you can plan for your budget when the cost is known.

Polly Windels then asked what is going on with National Grid? Can we find out? They are destroying old stone walls which have been in place for many years and at one time were used for boundary markers.

Councilwoman Ireland replied that National Grid is upgrading the lines through our area because they will feed AMD.

Supervisor Southworth advised that she receives notification from the Public Service Commission when any plan for action is filed. Ms. Southworth said that when she hears from the Public Service Commission, she will let Ms. Windels know.

The following items were presented for discussion and action.

10-02: A motion was made by Kimberly Ireland and seconded by Timothy Szczepaniak to approve the following annual contracts with the Saratoga County Office for the Aging for 2010: the Nutrition Contract in the amount of \$1,678.00 and the Transportation Contract in the amount of \$1,678.00. Roll Call: Ayes – all; Noes – none. Carried.

The following have submitted applications for Junk Yard License renewals for 2010: Mangino Pontiac-Buick, William D. Davey, and Kyle Dieterle. Zoning Enforcement Officer Anton Rohrmeier has inspected the sites and has given approval for renewal.

10-03: A motion was made by Timothy Szczepaniak and seconded by Kimberly Ireland to approve the Junk Yard License renewals for 2010 for Mangino Pontiac-Buick, Inc., Route 50, Ballston Spa; William D. Davey, Round Lake Road, Ballston Lake; and Kyle Dieterle, East Line Road, Ballston Spa. Roll Call: Ayes – all; Noes – none. Carried.

The Town has established a Parks and Recreation Committee and has made a recommendation for members to serve on that Committee.

10-04: A motion was made by Timothy Szczepaniak and seconded by Jeremy Knight to appoint the following as members of the Parks and Recreation Committee: Frank Shipp, Arnold Palmer, Daniel Russell, Peter Sawyer, Tricia LeTendre, Benjamin Baskin, and Maeghan Frantz. The following are appointed as Alternate Members: Gregory Barbules and Lynette Ziskin. Roll Call: Ayes – all; Noes – none. Carried.

10-05: A motion was made by Kimberly Ireland and seconded by Mary Beth Hynes to disband the Explore 400 Committee. Roll Call: Ayes – all; Noes – none. Carried.

10-06: A motion was made by Kimberly Ireland and seconded by Mary Beth Hynes to disband the Zoning Review Committee. Roll Call: Ayes – all; Noes – none. Carried.

The Town is in the process of establishing a Board of Review for Debris complaints. If a complaint is received, the Enforcement Officer will provide written notice to the person in violation.

Within 10 days after receiving notice, the person in violation may make a written request for a hearing before the Board of Review.

10-07: A motion was made by Kimberly Ireland and seconded by Jeremy Knight to establish a Board of Review for Debris Complaints. The members of this Board will be Richard Doyle (Planning Board Chairman), Michael Lesniak (Zoning Board Chairman) and Timothy Szczepaniak (Town Board member). Roll Call: Ayes – all; Noes – none. Carried.

Newly elected Town Board member Jeremy Knight has submitted his letter of resignation from the Farmland Protection Steering Committee.

10-08: A motion was made by Kimberly Ireland and seconded by Mary Beth Hynes to accept the letter of resignation of Jeremy Knight from the Farmland Protection Steering Committee. Roll Call: Ayes – all; Noes – none. Carried.

There is now a vacancy on the Farmland Protection Steering Committee. The name of Joan Pott has been suggested to fill that vacancy.

10-09: A motion was made by Mary Beth Hynes and seconded by Jeremy Knight to appoint Joan Pott to the Farmland Protection Steering Committee. Roll Call: Ayes – all; Noes – none. Carried.

10-10: A motion was made by Timothy Szczepaniak and seconded by Kimberly Ireland to approve the 2010 Animal Shelter Contract in the amount of \$1,832.58. Roll Call: Ayes – all; Noes – none. Carried.

10-11: A motion was made by Kimberly Ireland and seconded by Timothy Szczepaniak to authorize C. T. Male to go forward on the engineering process for the Saratoga County Water System pump station. Roll Call: Councilwoman Hynes – aye; Councilman Knight – no; Councilman Szczepaniak – aye; Councilwoman Ireland – aye; Supervisor Southworth – no. Carried. Supervisor Southworth voted no because she is not sure the Town will receive bonding. Councilman Knight voted no due to the economic situation and not knowing what will happen.

10-12: A motion was made by Kimberly Ireland and seconded by Mary Beth Hynes to set a public hearing on the Saratoga County Water System Pump Station for February 2, 2010 at 7:00 p.m. Roll Call: Councilwoman Hynes – aye; Councilman Knight – aye; Councilman Szczepaniak – aye; Councilwoman Ireland – aye; Supervisor Southworth – aye. Carried.

10-13: A motion was made by Kimberly Ireland and seconded by Mary Beth Hynes to name the Town as lead agency in the SEQRA process for the Saratoga County Water System Pump Station. Roll Call: Councilwoman Hynes – aye; Councilman Knight – aye; Councilman Szczepaniak – aye; Councilwoman Ireland – aye; Supervisor Southworth – aye. Carried.

The next item was regarding hiring bond counsel for the pump station. Mary Beth Hynes said let's get to the public hearing. Kimberly Ireland asked if it will hold the project back by having to wait twenty days.

10-14: A motion was made by Mary Beth Hynes and seconded by Timothy Szczepaniak to table the motion to hire Bond Counsel for the Saratoga County Water System pump station. Roll Call: Ayes – all; Noes – none. Carried.

10-15: A motion was made by Kimberly Ireland and seconded by Timothy Szczepaniak to authorize the Supervisor to open discussion with the Clifton Park Water Authority concerning cost sharing of the Saratoga County Water System pump station. Roll Call: Ayes – all; Noes – none. Carried.

10-16: A motion was made by Timothy Szczepaniak and seconded by Kimberly Ireland to approve a loan from General Fund surplus for the Ad Valorem for Water District No. 2 and Water District No. 2, Ext. #18 in the amount of \$114,673 to be paid back at 4% interest. Roll Call: Ayes – all; Noes – none. Carried.

There was additional discussion regarding the Saratoga County Water System.

Arnold Palmer asked if the Water Authority can sue the Town if we don't take the water.

Gina Marozzi asked if the contract was legal without the start date.

John Zepko asked what is this going to do to our taxes.

Councilwoman Ireland stated that the Town would purchase 100,000 gallons from Glenville and 150,000 gallons from Saratoga County. If we move forward, we would just be paying for the water we use. If we don't move forward, we will have to pay for extra water. The water users would be the only ones paying for these costs.

Edward Guider asked if the State Comptroller could review the contract and declare an opinion.

Attorney Brower stated this could be done for the cost of the filing fees.

Gina Marozzi asked just the filing fees.

Attorney Brower replied just the filing fees.

Polly Windels asked how much the filing fees would be.

Attorney Brower replied approximately \$185.00 to \$250.00.

Edward Guider asked how the Town Board signed two contracts.

Councilwoman Hynes answered that the Town was told it could get out of the Glenville contract, but we can't.

Councilwoman Ireland again mentioned that Town resources cannot be utilized for beaver problems on private property.

Supervisor Southworth stated that the private owners should get permits to trap and get rid of the beavers. There may come a point when provisions can be put into the Emergency Plan.

A motion to adjourn the meeting was made by Kimberly Ireland and seconded by Timothy Szczepaniak. Carried.

Respectfully submitted,

Muriel K. Swatling
Town Clerk