

The regular meeting of the Town Board of the Town of Ballston was held Tuesday evening, February 2, 2010 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.

A motion was made by Kimberly Ireland and seconded by Jeremy Knight to approve the minutes of a public hearing to amend the budget, a septic meeting, public hearing regarding the Ballston Spa Fire Protection District contract, the December special meeting and the January organizational meeting.

Roll Call: Ayes – all; Noes – none. Carried.

Library Trustee Sonja Olson presented the Library report to the Town Board, and it is on file in the Town Clerk's office.

Lynnette Ziskin presented the report for the Jenkins Park Advisory Board. The annual Spring Clean Up Party will be held on April 17 with a rain date of April 18. There will also be a maintenance party in March. The Advisory Board has changed their meeting date to the second Tuesday of the month.

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

Supervisor Southworth said that the Parks and Recreation Committee have met and are in the process of selecting a piece of land to recommend to the Town Board to be purchased to become Diamond Anchor Park. Supervisor Southworth also informed the public that the Town's newsletter will be available on the Internet since the budget is tight this year, and it will help save postage. It was also announced that BACC will have volunteers to help prepare taxes

Supervisor Southworth presented the financial report for January.

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

Councilwoman Hynes asked how much the sales tax was running behind last year. Supervisor Southworth replied it was 2.2% less than the same period last year.

Merrill McColl asked about the painting of the water tower.

Supervisor Southworth answered that the Town is still working on contract negotiations with Mid-State Communications.

Scott Miller said that the zoning needs to be looked at. He stated that the developers follow the rules for Traditional Neighborhood Development, but he feels that type of development could use more density. If no one is moving into the Town, the Town doesn't need open space. Zoning has taken a rock bottom course. There has been talk of readdressing the zoning; this should be done. It is almost unbelievable. The Town never has enough money to buy open space. Get the County to provide more money. If you have other options, let's hear them.

Arnold Palmer said that \$10,000,000. is not free. In the end, there will have to be maintenance.

Mr. Palmer also stated that 81 Scotchbush Road has been in disrepair for many years. One of the problems caused by the work of the beavers is that the tops of trees need to be removed. Are you going to take chainsaws and take them down?

Michael Groves asked that the Town Board reread the public notice for tonight's public hearing on the proposed pump station regarding the public comment. It is the responsibility of the

Town to see that all the material relating to the public hearing is here so the public may comment on it.

Lisa Dorn is following up on the importance of the 2010 census. New York State is in trouble and everyone needs to be counted so the State gets their fair share. She urged everyone to make sure to complete the form when it is received and to send it back in.

Polly Windels said that there are County offices that will provide \$3,000 toward the cost of a Town newsletter if it contains information regarding the census. Also, Ms. Windels said that she had checked with the County and there were no records regarding accidents and speed limits on Middleline Road. The Sheriff does not collect that data. The Justice Court could keep records but they don't track where the accident or speeding occurred.

John Antoski asked what is going to happen on February 23 regarding the public hearing.

Supervisor Southworth replied that the Town Board will listen to the public comments and after that, will vote.

Mr. Antoski then asked if there is any way to show comparisons on the financial report.

Peter Connors asked about the beaver problem on Ballston Lake. Is the Ballston Lake Improvement Association working on this?

A question was raised as to how are we doing with the budget? What is the Town doing to save money? You have to react. You can't just work with the Budget. The Town needs to think ahead. We need to be proactive and not reactive.

Supervisor Southworth replied that the Town is in the process of supplying additional financial reports.

Frances Capiello asked about the proposed Janet V-Corners PUDD. There would have to be three lanes. Who would have to pay for that? Supervisor Southworth stated that the developer would have to pay for it.

Supervisor Southworth stated that there will be a brief presentation of the PUDD process at the next agenda meeting and then there will be a presentation by Janet V-Corners.

Polly Windels said we could use a small grocery store.

Frances Capiello said that Middleline Road is not as bad as Route 50. Traffic keeps traveling at 55 mph; they don't slow down when it changes to 45mph. Something needs to be done. They stop for nothing. It would be a courtesy by slowing down for people who walk.

Councilman Szczepaniak stated that the temperature sensor that was installed by Alarm and Suppression was done at a cost of \$500.00 and not \$1,700 as originally thought. Changes to the Community Room Policy have been considered by the Town Board Safety Committee, and those proposed changes have been given to the Town Board for their consideration. A Request for Proposals for the cleaning of the Town Hall and Highway Department are being drawn up and the cleaning for the kitchen will be included.

Councilwoman Hynes asked about discussing the Community Room Policy.

Supervisor Southworth said it needs to be addressed more specifically.

Resident Lisa Dorn said that people using the Community Room should pay for the cleaning.

Polly Windels stated that the Town needs written rules for the Community Room.

The following items were present for discussion and action.

Highway Superintendent presented the Agreement to spend Highway Funds for 2010.

10-18: A motion was made by Mary Beth Hynes and seconded by Kimberly Ireland to approve the Agreement to Spend Highway Funds for 2010. Roll Call: Ayes – all; Noes – none. Carried.

10-19: A motion was made by Mary Beth Hynes and seconded by Jeremy Knight to authorize the Town Supervisor as the Voting Delegate at the Annual Meeting of the Association of Towns Meeting to be held in New York City from February 15-17, 2010. Roll Call: Ayes – all; Noes – none. Carried.

The Boy Scouts are celebrating their 100th Anniversary.

10-20: A motion was made by Kimberly Ireland and seconded by Timothy Szczepaniak to approve the following resolution commemorating the 100th Anniversary of the Boy Scouts. Roll Call: Ayes – all; Noes – none. Carried.

WHEREAS, Boy Scouts of America is celebrating its 100 year anniversary; and

WHEREAS, Boy Scouts of America was incorporated February 8, 1910 and has had over 100 million youth members, including more than 2 million Eagle Scouts; and

WHEREAS, the Founding Father was William D Boyce and in 1912 Arthur Eldred became the first Eagle Scout; and

WHEREAS, Boy Scouts of America has supported our Nation in many ways including selling over 2.3 million Liberty Bonds in 1917, fulfilling 69 specific government requests from 1941-1945, distributed 30 million Liberty Bell doorknob hangers in the 1952 “get out the vote” campaign, and collecting over a million tons of litter on June 5, 1971 for Scouting Keep America Beautiful Day; and

WHEREAS, Boy Scout Troop 54 meets at the Ballston Town Hall and is currently chartered by the Burnt Hills American Legion Post 1817 and has had twenty Eagle Scouts since 1990, and

WHEREAS, Boy Scout Troop 54 has supported the Town of Ballston by completing service projects including collecting food for local food pantries, washing windows at Council Meadows, completing yard work at the Town Library, clearing brush and installing bird and bat houses at Jenkins Park and picking up litter along Charlton Road with the Burnt Hills Rotary Club; now, therefore, be it

RESOLVED The Town Board of the Town of Ballston wishes to extend its sincere gratitude to the Boy Scout Troop 54 for its outstanding commitment to community service in the Town of Ballston and congratulate Boy Scouts of America on its 100th Anniversary.

10-21: A motion was made by Mary Beth Hynes and seconded by Kimberly Ireland to approve the following resolution designating the Town of Ballston as a Greenway Community. Roll Call: Ayes – all; Noes – none. Carried.

WHEREAS, the Hudson River Valley Greenway Act, (hereinafter, the "Greenway Act") Chapter 748 of the Laws of 1991, has as a legislative goal the establishment of the Greenway Compact, a process for voluntary regional cooperation and decision-making among the communities of the Hudson River Valley, and

WHEREAS, the process and programs that will comprise the Compact are under development, and

WHEREAS, communities may participate in the initiation and implementation of the compact process, and

WHEREAS, the Town of Ballston is situated in the Greenway area as it was officially designated in the Greenway Act, and

WHEREAS, the Greenway Act permits the Hudson River Valley Greenway Communities Council (hereinafter the "Council"), and the Greenway Conservancy for the Hudson River Valley, Inc. (hereinafter the "Conservancy") to assist communities in developing local planning and projects related to the five criteria contained in the Greenway Act: natural and cultural resource protection, regional planning, economic development (including tourism, agriculture and urban redevelopment), enhancing public access to the Hudson River and heritage and environmental education, and

WHEREAS, communities can become eligible to receive technical and financial assistance from the Greenway, and

WHEREAS, community participation in the Greenway planning process is voluntary, and

WHEREAS, the Greenway Act does not supersede or change the powers that the State has previously granted municipal governments under the New York State Constitution, the Municipal Home Rule Law or pursuant to the various municipal enabling acts, and

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

The Town Board of the Town of Ballston supports the criteria contained in the Greenway Act and the process by which the Compact will be achieved, and

The Town Board of the Town of Ballston endorses the designation of the Town of Ballston by the Greenway Council and Conservancy as a Greenway Community.

10-22: A motion was made by Kimberly Ireland and seconded by Jeremy Knight to approve reimbursing the hospital deductible for Town employees not to exceed \$500.00 yearly. Roll Call: Ayes – all; Noes – none. Carried.

The Town has received a complaint regarding 81 Scotch Bush Road. The residence is in a state of disrepair.

10-23: A motion was made by Mary Beth Hynes and seconded by Timothy Szczepaniak to approve the following resolution determining the dwelling at 81 Scotch Bush Road (SBL: 256.-1-4) is unsafe and dangerous and order its repair or removal and order that notice be given to the owner(s). 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 Marie Stone and Gabriel Agular which is the owner of public record, which real property is located at 81 Scotchbush Road, Town Of Ballston, New York, is designated by property transaction/tax map identification number Tax Map Section 256. Block 1, Lot 4, is not in compliance with Town Law Chapter 52, BUILDINGS, 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 a written report and pictures dated January 8, 2010 and January 7, 2010 respectively and has presented evidence of the unsafe condition of the structure located at 81 Scotchbush Road as described in Town Code § 52-1.

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 Code enforcement officer to serve upon Marie Stone and Gabriel Agular, in accordance with local law § 52-3 notice as described in §52-3 and §52-4 informing Ms. Stone and Mr. Agular 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 commenced within thirty days and completed within sixty days as set forth in the Code of the Town of Ballston at § 52-3 (D) (1), the Board authorizes the Code Enforcement Officer and or the Building Inspector to pursue the remedies described in § 52-3 D (2) –(5), such as retention of the services of CT Male, the Town Engineer, and the making of an application in State Supreme Court for an order declaring that the structure is unsafe and a public

nuisance and directing that the structure be taken down or repaired and/or an order 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 an order that such costs, expenses and attorneys fees incurred by the town in the making said application be a lien against the property as provided by said Property Maintenance Ordinance; and 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 Notice are not repaired.

Library Director, Karen DeAngelo, has requested permission to attend the American Library Association Annual Conference in Washington, DC from June 24 – 29, 2010. Councilwoman Kimberly Ireland stated that this is a good continuing education opportunity.

10-24: A motion was made by Mary Beth Hynes and seconded by Timothy Szczepaniak to approve the Library Director's attendance at the American Library Association Annual Conference in Washington, D.C. from June 24 – 29, 2010 contingent upon the approval of the Library Board of Trustees. This expense was included in the 2010 Library Budget. Roll Call: Ayes – all; Noes – none. Carried.

10-25: A motion was made by Kimberly Ireland and seconded by Timothy Szczepaniak to approve the Parks and Recreation booklet expense at a cost of \$45.00. Roll Call: Ayes – all; Noes – none. Carried.

10-26: A motion was made by Mary Beth Hynes and seconded by Kimberly Ireland to approve the Alarm & Suppression contract at a cost of \$750.00 per year. This contract includes inspection and test of the fire alarm systems at the Town Hall, the Highway Garage and the Storage Barn. Roll Call: Ayes – all; Noes – none. Carried.

The Jenkins Park Advisory Board has a vacancy for the second alternate position. The name of Ross MacKinnon was presented to fill this vacancy.

10-27: A motion was made by Kimberly Ireland and seconded by Mary Beth Hynes to appoint Ross MacKinnon as the second alternate to the Jenkins Park Advisory Board. Roll Call: Ayes – all; Noes – none. Carried.

10-28: A motion was made by Kimberly Ireland and seconded by Timothy Szczepaniak to authorize C. T. Male to complete steps 6 – 10 of the proposed engineering services concerning the Saratoga County Water Authority Pump House. Roll Call: Councilwoman Hynes – abstain; Councilman Knight – aye; Councilman Szczepaniak – aye; Councilwoman Ireland – aye; Supervisor Southworth – aye. Carried.

10-29: A motion was made by Kimberly Ireland and seconded by Timothy Szczepaniak to set a continuation of the public hearing on the proposed Saratoga County Water Authority Pump House for February 23, 2010 at 7:00 p.m. and that another public notice be published. Roll Call: Ayes – all; Noes – none. Carried.

10-30: A motion was made by Kimberly Ireland and seconded by Timothy Szczepaniak to set a public hearing on the proposed Bond for the construction of a pump station and its connection to the Saratoga County Water Authority System for February 23, 2010 at 7:20 p.m. Roll Call: Ayes – all; Noes – none. Carried.

A motion to adjourn the meeting was made by Kimberly Ireland and seconded by Mary Beth Hynes. Carried.

Respectfully submitted,

Muriel K. Swatling
Town Clerk