



Town of Ballston
Town Board Meeting
March 2, 2010

The regular meeting of the Town Board of the Town of Ballston was held Tuesday evening, March 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.

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

The first item on the Agenda was a presentation by Tom Savino regarding the Rossi-Monaco property on Route 50 and Route 67.

All of the lots on the site are to stay the way they are at the present time because of the wetlands and the railroad. The IDA is creating jobs, providing a tax base and a targeted market. This type of development is what the developer feels that Town would like to see. If anything proposed is over seven (7) acres, it then has to be a PUD. The IDA revolves money; they put it out for people to use and then get it back.

Councilwoman Ireland asked about the timeline for the build out. It was replied that it probably would be phased depending upon the demand. They hope to draw someone to develop the project. They would start on a smaller scale and would work their way up. It was replied that there might be a grocer if someone wanted to come to that location. Councilwoman Ireland then asked what about traffic?

Supervisor Southworth asked if there would be less impact or more impact? It was answered there would probably be less impact because of more flex; it would not be all retail.

Supervisor Southworth asked if the businesses would be privately owned. The answer was that some may be individually owned.

The biggest issue at this time is getting ready. The project may miss the first round of the impact of Global Foundries but may be ready for the next round.

Councilwoman Hynes asked if the mobile home park would stay? The answer was no.

Councilwoman Hynes then went on to say as a preliminary look, I think it's a good project.

Councilman Szczepaniak said that he liked the project; it will increase the tax base and create jobs. He would like to see the area attract businesses that will remain and not leave a short time later.

Supervisor Southworth said that the developers have been working with SEDC. SEDC works to bring businesses to fit the community.

Councilman Szczepaniak said that this area is the gateway to the northern end of the town and would like you to keep that in mind.

Councilwoman Hynes mentioned the Specialty Silicone Products PUD. It fits into the area and you don't realize how many buildings are there.



Councilwoman Ireland said that since the railroad is already in that area, would there be a spur. The answer was probably not because there are wetlands there. It might be able to be done, but it could be very costly.

Supervisor Southworth stated that this project is something the Board would be interested in pursuing.

Mr. Savino said that they will go to the IDA and tell them that the Town is interested.

A motion was made by Timothy Szczepaniak and seconded by Jeremy Knight to approve the minutes of the January special meeting as corrected, the minutes of the February 2, 2010 public hearing, and the February regular meeting. Roll Call: Ayes – all; Noes – none. Carried.

Library Director, Karen DeAngelo, Building Inspector Thomas Johnson, Highway and Water Superintendent Joseph Whalen, Dog Control Officer John Christopher, Animal Control Officer Thomas Shambo, Board of Ethics Chairman Michael Prezioso, Supervisor Patricia Southworth and Town Clerk Muriel Swatling submitted reports for February, and they are on file in the Town Clerk's office.

Ray Otten, representative from the Ballston Spa Community Ambulance Corps gave a report showing what they did during 2009. This report shows that there are many more services provided than just responding to emergency calls. A copy of that report is on file in the Town Clerk's office.

Supervisor Southworth explained the financial report for February.

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

Supervisor Southworth reported that the Sales Tax revenue was down 2.2% for February. Supervisor Southworth also reported that the 2010 Census Form will be mailed out between March 11th and March 17th. She urged residents to please fill out the form and return it to the Census Bureau. Supervisor Southworth also said that the Town has had a request from the American Diabetes Assn. to use the Outlet Road parking lot for a rest stop for their fund raiser on June 6, 2010.

Councilwoman Ireland asked about the proposed Hazardous Waste Pick Up Day. It was not budgeted for this year so she is not sure what is going on. She also asked if there is a DEC match.

Supervisor Southworth said that the State says there is a match but in these economic times, who knows.

It is a consensus of the Board that the Town should wait until next year to provide a Hazardous Waste Pick Up Day since it was not budgeted for this year.

Supervisor Southworth also reported that the new Animal Shelter is moving along. Some State mandates have not been funded enough. Mandates are about 90% of the County Budget. Up to four hours time is allowed (with pay) for breast screening. The Batchlerville Bridge is in need of additional funding. The Town of Wilton is hooked up to the Saratoga County Water System.



Councilman Szczepaniak inquired if there is anything new on the funding for the water system.

Supervisor Southworth said she will meet with the IDA on March 8, 2010.

Councilwoman Hynes asked how is the cash flow? Edwin Vopelak from C. T. Male Engineers asked if he is to keep going? We could get a one year BAN and then roll it into permanent funding next year.

Supervisor Southworth said we ask for the full amount and see what we get.

Merrill McColl asked about the painting of the water tower and the building of the pump station. When is this going to happen?

Attorney Brower replied that the Town is going to have to sue the vendor who was awarded the bid to install the monopoly.

Supervisor Southworth stated that Mid-State Communications asked for an additional \$33,000. and the Town denied their request. Mid-State Communications found they could not install the monopoly for the amount of the bid. It was decided that they had to install the monopoly by an alternate method.

Bud Adams asked where does the Town of Ballston get involved with the Batchlerville Bridge.

Supervisor Southworth answered that after the bridge is rebuilt, Saratoga County will be in charge of it.

Bud Adams went on to say that he has a copy of the original Kayderosserous Patent. It included 16,000 acres north of the Mohawk River. There were 5 acres set aside from McDonald's cabin to pay for services. Mr. Adams has a copy to share with the Town.

Mr. Adams said that Route 67 and Route 50 is a disaster. There is talk of another roundabout at that intersection; disaster after disaster. Route 67 was built in 1914. There is a 90 degree curve. The road got squeezed between the Mourningkill and Tiffault Road. Nothing can be done. It is too narrow and there is still a curve. That road needs to be replaced and do away with the curve. The abutment for the railroad trestle is beginning to collapse. There should be a long range plan. There should be a long highway from V-Corners, through the wetlands, and end up over by Eastline Road.

Arnold Palmer said that the Ethics Code should be changed. Have someone look into this. In the Parks and Recreation Rules and Regulations it should state that only 40% of the money can be spent on the purchase of land and 60% should be left for maintenance. Regarding the water, money for the water projects should have been in reserve.

Scott Miller spoke regarding open space. Term easements have been proposed but nothing was ever done about implementing a term easement program. In 2006, there was a recommendation to adopt the term easement program. Mary Beth Hynes was the only one in favor. Advance term easements or tell us why you are opposed.

David Stern said there is a bit of opposition to the type of development in the Route 50/Route 67 area. He has some personal concerns regarding the gateway. 402,000 square feet really needs some consideration. SEDC seems optimistic. Mr. Stern said that he feels we will end up with a strip mall in some area of the development. We have the process to control this. Somehow there is not going to be a gateway. If there are issues with funding for the water



district, not only the water tower and pump station have to have funds but repair money also needs to be put into the bonding.

Tracy Egan said that when the Town speaks with the IDA, she would like to see that all the issues are addressed.

Paul Simpson said if the Town already has bond money, and the Town might not get as much funding from the IDA, shouldn't the funding be directed to the water tower.

Councilwoman Hynes said the monopole has to be constructed and the telecommunication equipment has to be moved before the water tower can be painted. What is really realistic?

Supervisor Southworth said the Board members have differing opinions.

David Schlitzer feels that light industrial is not the best thing to choose. Greenfield Avenue has rail access.

Mark Katz stated that he is a developer. We need development. We need more commercial. We need business and/or mixed use. Schools are in need of repairs. Keep the business on Route 50 or major highways. Business brings more tax base.

Richard Voehringer said there is a problem on Middleline Road. It is a disaster waiting to happen. Mann Road and Route 67 and Middleline Road and Route 50 need to be looked at.

Robert Pustolka has presented a petition to the Board asking for a reduction of the speed limit on Middleline Road from 45 m.p.h. to 30 m.p.h. between Brookline Road and Route 67.

Supervisor Southworth said that the Town will make a formal request to Saratoga County regarding the speed limit request for Middleline Road.

The following items were presented for discussion and action.

10-34: A motion was made by Mary Beth Hynes and seconded by Kimberly Ireland to forward the request for a speed limit reduction from 45 m.p.h to 30 m.p.h on Middleline Road to Saratoga County Department of Public Works for their consideration. Roll Call: Ayes – all; Noes – none. Carried.

10-35: A motion was made by Mary Beth Hynes and seconded by Kimberly Ireland to approve the following resolution declaring May 1st Silver Banner Day, the permanent and official day to honor the wounded and ill soldiers of the Town of Ballston. Roll Call: Ayes – all; Noes – none. Carried.

WHEREAS, the Town of Ballston has always honored the sacrifices of the men and women in the Armed Forces; and

WHEREAS, The Silver Star Families of America was formed to make sure we remember the blood sacrifice of our wounded and ill by designing and manufacturing a Silver Star (Service) Banner and Flag; and

WHEREAS, to date The Silver Star Families of America has freely given thousands of Silver Star(Service) Banners to the wounded and their families; and



WHEREAS, the members of The Silver Star Families of America have worked tirelessly to provide the wounded of this Town and Country with Silver Star (Service) Banners, Flags and care packages; and

WHEREAS, The Silver Star Families of America's sole mission is that every time someone sees a Silver Star (Service) Banner in a window or a Silver Star (Service) Flag flying, that people remember the (sacrifice) of that person(s) for this Town, State and Nation, and

WHEREAS, the Town Board, acting on the behalf of the residents Town of Ballston, wish that the sacrifice of so many in our Armed Forces never be forgotten; now therefore be it

RESOLVED, that the Town Board of the Town of Ballston does hereby proclaim our appreciation of The Silver Star Families of America and honor their commitment to our wounded Armed Forces members; and be it further

RESOLVED, the Town Board hereby declares May 1st "SILVER STAR BANNER DAY" the permanent and official day to honor the wounded and ill Soldiers of the Town of Ballston.

Discussion was held regarding whether to forward the Janet V- Corners Planned Unit Development to the Planning Board for further review. Councilwoman Ireland wants the developer to know what the Town is looking for. Councilwoman Hynes agreed. They would like to give this a hard look. Mr. Levine's attorney, Thomas Peterson, explained the process. Supervisor Southworth was not comfortable referring this without size caps.

10-36: A motion was made by Mary Beth Hynes and seconded by Kimberly Ireland to table Janet V-Corner Planned Unit Development for further action. Roll Call: Ayes – all; Noes – none. Carried.

10-37: A motion was made by Mary Beth Hynes and seconded by Jeremy Knight to approve the following resolution urging the New York State Legislature to support the State's Farmland Protection Program and Environmental Protection Fund. Roll Call: Ayes – all; Noes – none. Carried.

WHEREAS, agriculture is a significant contributor to New York's economy; and,

WHEREAS, farms provide jobs, support local businesses and are part of industry sectors that have a \$23 billion economic impact annually in New York; and,

WHEREAS, farms comprise 7 million acres of land in New York, roughly 25% of the state's land base; and,

WHEREAS, farmers have a strong track record of pro-active environmental stewardship in New York; and,

WHEREAS, rapidly changing economic conditions threaten the future viability of New York's agricultural industry; and,

WHEREAS, 26,000 acres of farmland are developed each year in New York; and,

WHEREAS, the State of New York established a Farmland Protection Program in 1992 to assist towns and counties in developing and implementing local agricultural and farmland protection plans; and,



WHEREAS, over \$3 million has been awarded by the Farmland Protection Program to 50 -counties and 52 towns to assist in the development of local agricultural and farmland protection plans; and,

WHEREAS, the Farmland Protection Program has awarded more than \$173 million to help farmers, local governments and land trusts permanently protect 74,000 acres on 303 farms; and,

WHEREAS, demand for Farmland Protection Program funding has been strong due to the program's popularity, with a record 181 farms seeking \$156 million in state funding to protect 49,500 acres in,2008; and,

WHEREAS, funding for the Farmland Protection Program is allocated from the state's Environmental Protection Fund (EPF), a dedicated fund whose principle funding source is a state Real Estate Transfer Tax (RETT); and,

WHEREAS, the Governor and State Legislature must take steps this year to protect New York's valuable farmland and strengthen the future for farms across New York; now, therefore, be it

RESOLVED, That the Town of Ballston does hereby urge state lawmakers to support New York's farmers, the state's agricultural economy and protection of valuable farmland by supporting funding for the Farmland Protection Program and Environmental Protection Fund; and be it further

RESOLVED, that the Town of Ballston does hereby oppose drastic cuts to the Farmland Protection Program and Environmental Protection Fund, as outlined in the Governor's FY 2010-11 Budget Proposal; and, be it further

RESOLVED, That the Clerk of the Town of Ballston is hereby directed to forward copies of this resolution to Governor David Paterson, Senate Republican Leader Dean Skelos, Senate Democratic Leader Malcolm Smith, Assembly Speaker Sheldon Silver, State Senator Hugh T. Farley, State Assemblyman James N. Tedisco and the American Farmland Trust.

There is a vacancy on the Board of Assessment Review. The name of Maurice Shipway has been presented to fill this vacancy.

10-38: A motion was made by Mary Beth Hynes and seconded by Jeremy Knight to appoint Maurice Shipway as a member of the Board of Assessment Review for a term commencing October 1, 2009 and ending September 30, 2014. Roll Call: Ayes – all; Noes – none. Carried.

10-39: A motion was made by Kimberly Ireland and seconded by Timothy Szczepaniak to approve a budget amendment to accept a fifty dollar (\$50.00) donation for the Automated ExternalDefibrillator. Increase the account for Miscellaneous Gifts and Donations (A2705) by \$50.00 and increase the Public Safety Account (A3010.2) by \$50.00. Roll Call: Ayes – all; Noes – none. Carried.

10-40: A motion was made by Kimberly Ireland and seconded by Jeremy Knight to approve a budget amendment to increase Buildings Appropriations (1620450A) by \$1,536.12 and increase Revenues (30102A) in like amount due to an insurance reimbursement. Roll Call: Ayes – all; Noes – none. Carried.

10-41: A motion was made by Mary Beth Hynes and seconded by Timothy Szczepaniak to set a special meeting on March 15, 2010 at 7:30 p.m. Roll Call: Ayes – all; Noes – none. Carried.



10-42: A motion was made by Kimberly Ireland and seconded by Timothy Szczepaniak to authorize the Town Attorney to enter into negotiations with Verizon Wireless for use of the Route 50 water tower. Roll Call: Ayes – all; Noes – none. Carried.

10-43: A motion was made by Mary Beth Hynes and seconded by Kimberly Ireland to authorize the Supervisor to negotiate with the Clifton Park Water Authority for a contract in regard to the pump station and future maintenance of same. Roll Call: ayes – all; Noes – none. Carried.

Supervisor Southworth reported that she had submitted a grant application through Congressman Murphy's appropriation requests for the following items: Water Tower; Underground Fuel Tanks, and Sidewalks.

Councilman Szczepaniak said he had talked to a concerned resident regarding Saratoga County cancelling the Military Band Concert in the Fall. Mr. Szczepaniak suggested that everyone donate a couple of dollars so the concert doesn't have to be cancelled.

10-44: A motion was made by Timothy Szczepaniak and seconded by Kimberly to move to Executive Session to discuss a contract dispute with Mid-State Communications. Roll Call: Ayes – all; Noes – none. Carried.

10-45: A motion was made by Kimberly Ireland and seconded by Timothy Szczepaniak to move out of Executive Session and reopen the Town Board Meeting. Roll Call: Ayes – all; Noes – none. Carried.

10-46: A motion was made by Kimberly Ireland and seconded by Timothy Szczepaniak to authorize the Town Attorney to move forward with legal actions against Mid-State Communications with a law suit, attaching the Bond, and to be responsible for the filing fee. Roll Call: Ayes – all; Noes – none. Carried.

A motion was made by Mary Beth Hynes and seconded by Jeremy Knight to adjourn the meeting.

Respectfully submitted,

Muriel K. Swatling
Town Clerk