



Town Board Minutes
April 7, 2009

The regular meeting of the Town Board of the Town of Ballston was held Tuesday evening, April 7, 2009 at the Town Hall on Charlton Road. Members present were Supervisor Patricia Southworth, Councilman James Briaddy, 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.

A motion was made by Timothy Szczepaniak and seconded by James Briaddy that the minutes from the Board of Health meetings, public hearings, February special meeting, and March regular meeting be approved. Roll Call: Ayes – all; Noes – none. Carried.

The Town Clerk read the following letters. The first was from Brian Rowback, Regional Director of DOT, informing the Town of Ballston that their project was not selected for funding through the Transportation Enhancement Program because requests for funding exceeded the available funds. The next letter was from Marshall Baldwin and Leonard Muller thanking the Town Highway Department for replacing Mr. Baldwin's mailbox post. Mr. Baldwin has been under the weather and could not repair the old post himself. The last letter was from Jeremy Knight, President of the Saratoga County Farm Bureau regarding the Town Board's proposal on farmland protection. Mr. Knight feels there should be a balance of the farmland protection aspect and the property rights of the landowner. Farm Bureau feels all farmland preservation programs should be strictly voluntary in nature. He proposes that the Town tap into the agricultural community to form a steering committee to work with the Town in developing this program.

Town Historian Rick Reynolds gave a report on the Quadricentennial Celebration regarding Ballston Lake. There will be a display of Ballston Lake material upstairs at the Good Times Restaurant. The Committee is trying to set up a program of ½ hour boat rides on Ballston Lake between the hours of 10:00 a.m. and 3:00 p.m. on Saturday, July 11. These rides would be provided by Champlain Canal tour boats. The total cost of this event would be \$800.00. Town Attorney Murry Brower feels that the Town needs liability insurance of \$5,000,000 with \$25,000,000 excess. Mr. Reynolds feels they have a combination of people that would be willing to purchase the insurance.

Supervisor Southworth presented a Certificate of Designation and Flag for the Quadricentennial, to Town Historian Richard Reynolds.

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

Highway Superintendent Whalen said that NYSERTA is performing an energy audit at the Town Hall and the Highway Garage. Mr. Whalen also reported that the Town should be receiving a reimbursement of approximately \$120,000.00 for the clean up of storm debris from the December 11, 2008 storm.



Councilwoman Hynes reported on the Saratoga County Water Authority. The installation of the water line is 75% complete. The Towns of Stillwater and Clifton Park will probably be becoming part of the Saratoga County Water System. There is also the possibility that there will be some funding available to member towns for infrastructure.

David Haight from the American Farmland Trust gave a presentation regarding the protection of farmland. The four points Mr. Haight stressed were: get farmers involved in the process from square one; hire a consultant who will go to the farmers and sit down and talk to them regarding their concerns; look at the ways to keep farmers in business and the State and Federal governments reward the efforts by helping with funding.

Supervisor Southworth asked if the program will be refunded. Mr. Haight replied that there is about \$45,000,000 to be awarded.

Gina Marozzi asked if a farmer wants to sell land, can he sell it for any purpose. It was replied that if they want to sell for development, maybe it can be done.

Mrs. Marozzi then asked what does the consultant do in the farmland protection process. If the farmers meet and the Town Board listens, why do you need a consultant. The reply was that a consultant meets on a one on one basis and you learn more than at a public meeting. The consultant would then get all the details down on paper and put the total package together.

This program would be strictly voluntary for farmers.

Arnold Palmer asked how does having to get a permit promote farming. Mr. Haight stated that the Town should go through the Code and make sure it is farmer friendly.

Mr. Palmer then stated they are taking benefits away from the farmers. This is nothing about farmers; they are talking about housing.

Supervisor Southworth reported that the rabies clinic will be held April 21 at the 4-H Center on Middleline Road. Saratoga County will be purchasing new pagers for the fire companies. Saratoga Hospital is considering purchasing water from the Town of Ballston. They may want to purchase water for a proposed facility at Exit 12. The Town of Malta would have to establish a water district in order for this to happen. Councilwoman Hynes stated that possibly we could sell enough water to meet our gallon requirement.

Supervisor Southworth announced that there is a vacancy on the Board of Assessment Review. Anyone interested should contact the Town.

Councilwoman Hynes asked how the Sales Tax is affecting the Town Budget. Supervisor Southworth answered that the Sales Tax is about \$30,000. short at this point. The Mortgage Tax report comes out in April.

Supervisor Southworth presented her financial report for the month of March.



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

Dennis Pokrzywka asked that the Arbor Day celebration to be held on May 16 for the Town of Ballston be put on the calendar. He stated that the Town received a \$1,000. grant to be used for trees or plantings on Town of Ballston property. He also stated that on May 16 there will be a Perennial Garden planting in Jenkins Park. The Town will purchase twenty arborvitae trees. The plantings will be at Jenkins Park and the Outlet Road parking lot, where the brush will be cleaned out and a couple of trees will be planted.

Councilwoman Hynes asked if any screening was needed in the Reita Street Park.

Mr. Pokrzywka said that the community efforts in Jenkins Park have been good. There has been lots of enthusiasm over the revitalization of the Park.

Councilman Szczepaniak said the Town Board appreciates all of Dennis' efforts.

Richard Voehringer asked if there will be a definition of debris in reference to the Board of Review of Debris Complaints. It was replied that the definition of debris is already outlined in the Code Book. Code Enforcement Officer Anton Rohrmeier said that this Board basically determines if the resident is right or is the Code Enforcement Officer right.

Mr. Voehringer asked if this extends to Junk Yards. Supervisor Southworth replied that these are two separate items with different rules.

Gina Marozzi has a copy of the Farmland Protection Memo. When was the meeting on this?

Councilwoman Ireland said there was no meeting. There are two members on this committee. Councilwoman Hynes said that she and Councilwoman Ireland put together the points; there have been no meetings.

Mrs. Marozzi asked why the Town is spending \$25,000. for a consultant. Supervisor Southworth answered that this is grant money and it is used for a consultant to help guide the Town through the process.

Jan Lang asked what the main crop in the Town of Ballston is.

Mrs. Marozzi asked if the inventory of land is completed. Councilwoman Hynes said the inventory was not completed. Some of the mapping is done. It is not just farmland but also open space.

Dennis Pokrzywka said the Town has to have an overall plan. Inventory is based on public records. The land in the Town of Ballston is privately owned.

Gina Marozzi asked who the Town Board member with the agriculture background is.

Supervisor Southworth and Councilwoman Ireland replied that they both have some background.



Peter Connors suggested that the consultant be made up of a group of farmers.

The following items were presented for discussion and/or action.

The Town has received a request from Burnt Hills-Ballston Lake High School to use the Town's voting machines and services of Voting Machine Custodian Charles Hildreth for the school budget vote in May.

09-33: A motion was made by Kimberly Ireland and seconded by James Briaddy to approve the use of four (4) voting machines and the services of Voting Machine Custodian Charles Hildreth by the Burnt Hills-Ballston Lake School District for their budget vote in May. Voting Machine Custodian services are \$75.00 per machine and are paid by the Burnt Hills-Ballston Lake School District. Roll Call: Ayes – all; Noes – none. Carried.

Highway Superintendent Joseph Whalen has submitted a request to attend Highway School.

09-34: A motion was made by James Briaddy and seconded by Kimberly Ireland to approve Highway Superintendent Joseph Whalen's attendance at Highway School in Ithaca from June 1 – June 3, 2009. Roll Call: Ayes – all; Noes – none. Carried.

09-35: A motion was made by James Briaddy and seconded by Kimberly Ireland to approve the renewal of the contract with Command Security for the Justice Court Security Officer at the cost of \$18.00 per hour. Roll Call: Ayes – all; Noes – none. Carried.

The road side clean up will be held on Saturday, May 2, 2009.

09-36: A motion was made by James Briaddy and seconded by Kimberly Ireland to approve the Town's participation in the Annual Clean-Up Day on May 2, 2009 to include the use of a Town Truck and to provide plastic bags. Roll Call: Ayes – all; Noes – none. Carried.

A multi-town agreement has been formulated to use when the Town of Ballston has an opportunity to share highway services with other towns.

09-37: A motion was made by James Briaddy and seconded by Kimberly Ireland to approve the Multi-Town Agreement for shared highway services. Roll Call: Ayes – all; Noes – none. Carried.

09-38: A motion was made by Kimberly Ireland and seconded by James Briaddy to establish a Board of Review for Debris Complaints. The proposed Board members are Richard Doyle (Planning Board), Michael Lesniak (Zoning Board of Appeals), and Councilman Timothy Szczepaniak. Roll Call: Ayes – all; Noes – none. Carried.

09-39: A motion was made by Mary Beth Hynes and seconded by James Briaddy to appoint the Town Board as lead agency for the SEQRA process for proposed Local Law No. 4 of 2009 to amend Chapter 62 of the Town Code – Fire Prevention & Building Construction. Roll Call: Ayes – all; Noes – none. Carried.

Supervisor Southworth read the SEQRA questions regarding proposed Local Law No. 4 of 2009. The responses to questions number 1 through number 5 were all no.



09-40: A motion was made by James Briaddy and seconded by Timothy Szczepaniak to declare a negative declaration for the SEQRA process for proposed Local Law No. 4 of 2009 to amend Chapter 62 of the Town Code – Fire Prevention & Building Construction. Roll Call: Ayes – all; Noes – none. Carried.

09-41: A motion was made by Kimberly Ireland and seconded by Timothy Szczepaniak to approve Local Law No. 4 of 2009 to amend Chapter 62 of the Town Code – Fire Prevention & Building Construction as follows:

Section 62-2. Building Permits

Add the following:

New nonresidential farm buildings shall require a building permit be obtained in order to insure that the set backs required in the Zoning Law, Chapter 138 of the Ballston Town Code be followed. No payment shall be required for building permits for nonresidential farm buildings.

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

09-42: A motion was made by James Briaddy and seconded by Kimberly Ireland to appoint the Town Board as lead agency for the SEQRA process for proposed Local Law No. 5 of 2009 to amend Chapter 127 of the Town Code – Vendors. Roll Call: Ayes – all; Noes – none. Carried.

09-43: A motion was made by Mary Beth Hynes and seconded by Timothy Szczepaniak to declare a negative declaration for the SEQRA process for proposed Local Law No. 5 of 2009 to amend Chapter 127 of the Town Code – Vendors. Roll Call: Ayes – all; Noes – none. Carried.

09-44: A motion was made by Timothy Szczepaniak and James Briaddy to approve Local Law No. 5 of 2009 to amend Chapter 127 of the Town Code – Vendors as follows:

Chapter 127-4 Application for license: bond.

Add the following:

Additionally, a person who desires to sell, barter, offer for sale or barter or exposes for sale or barter, any goods, wares or merchandise, except milk or newspapers, from a stationary location shall make their application to the Building Department and follow the following criteria:

Written permission or lease agreement from the land owner or current lease holder of the property where the activity or sale will be held.

- A. The location is zoned accordingly for the activity planned.
- B. Provide a simple plan or sketch of the planned display.
- C. Allow a minimum of 20 feet setback from the edge of pavement or if on a corner lot not obstruct the line of sight vehicle traffic.



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

09-45: A motion was made by Timothy Szczepaniak and seconded by Kimberly Ireland to appoint the Town Board as lead agency for the SEQRA process for proposed Local Law No. 6 of 2009 to amend Chapter 138 of the Town Code – Zoning. Roll Call: Ayes – all; Noes – none. Carried.

09-46: A motion was made by James Briaddy and seconded by Kimberly Ireland to declare a negative declaration for the SEQRA process for proposed Local Law No. 6 of 2009 to amend Chapter 138 of the Town Code – Zoning. Roll Call: Ayes – all; Noes – none. Carried.

09-47: A motion was made by Timothy Szczepaniak and seconded by James Briaddy to approve Local Law No. 6 of 2009 to amend Chapter 138 of the Town Code – Zoning as follows:

1. Chapter 138-9.3 C. (2) (a) Review Processes. Mixed Use Center – Ballston Lake
Add: Design Standards do not apply to single family residences in the Ballston Lake Mixed Use District.

2. Chapter 138-54 Visibility at Intersection (the drawing is stricken as well)
Add:

On any corner lot no obstruction higher than two-and-one-half (2-1/2) feet above the center line of the street elevation shall be permitted to be planted, placed, erected, or maintained within the triangular area formed by the intersecting pavement lines, or their projections, where corners are rounded, and a straight line joining the pavement lines at points fifty (50) feet distant from their point of intersection.

1. The minimum clear vision zone distance shall be twenty-five (25) feet from the edge of the pavement at an intersection.

3. Chapter 138-37 Zoned District Regulations
Add:

B. Industrial:

Business Highway and Mixed-Use District signs are determined by the design standards.

- B. Planned Unit Development. Only signs in accordance with the currently effective law and authorized by the Town Board are permissible.

4. Chapter 138-75 Building Permit Required.
Add:

No swimming pool, as defined by the Residential Code of New York State, shall be built assembled, erected or filled in the Town of Ballston without a building permit issued by the Building Inspector.



5. Chapter (Add)138-88. Building Inspector: Building Permit.

Add:

Building Permit. No person, firm, corporation, association or other organization shall commence the erection, construction, enlargement, alteration, improvement, removal or demolition of any commercial building or structure, except a nonresidential farm building, including barns, sheds, poultry houses and other buildings used directly and solely for agricultural purposes, nor install heating equipment, nor shall any excavation be made or footing or foundation be constructed without having applied and obtained a permit from the Building Inspector. However, no permit shall be required for the performance of necessary repairs which are not of a structural nature and which are done in conformance with the Uniform Code identified in Chapter 62 of the Town of Ballston Town Code. A nonresidential farm building only includes buildings and property which meet the requirements for an agriculture assessment and the eligibility requirements as defined in the Assessor's Manual Section 305. Site Plan Review is required whenever a use requires site plan review as described in section 104 of the Town of Ballston Town Code. The Building Inspector shall not issue a building permit until site plan review has been completed by the Town Planning Board. The Building Inspector shall refer all applications for a building permit to the Planning Board for site plan review if it appears to the Building Inspector that the proposed construction, alteration or repair meets the criteria for site plan review. Site plan review under section 104 of the Town of Ballston Town Code shall be required before the issuance of a Building Permit for any building proposed to be placed on any new or existing commercial site.

Add: by applicable codes and provision therefore shall be required for issuance of a building permit.

6. Add the word identified between cause and and in the first sentence.

8. Storage sheds under 120 square feet will not require a building permit. All structures must comply with setback requirements as set for zone.

6. Chapter 138-107 Planning Board action.

Add:

(5) If, after two years from the date when site plan review was concluded and approval of the proposed construction, alteration or change of use was given by the Planning Board, there have not been substantial steps taken to construct, alter or change the use of the property or building subject to site plan review, then the Planning Board shall consider whether to rescind its approval and request that the proposed construction, alteration or change in use be resubmitted to the Planning Board for further site plan.

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



09-48: A motion was made by Mary Beth Hynes and seconded by James Briaddy to appoint the Town Board lead agency for the SEQRA process for proposed Local Law No. 7 of 2009 to amend Design Standards, Chapter 138 – Zoning Appendix 1: 138-12.3 and 138-9.5. Roll Call: Ayes – all; Noes – none. Carried.

09-49: A motion was made by James Briaddy and seconded by Mary Beth Hynes to declare a negative declaration for the SEQRA process for proposed Local Law No. 7 of 2009 to amend Design Standards, Chapter 138, Zoning Appendix 1: 138-12.3 and 138-9.5 of the Code of the Town of Ballston. Roll Call: Ayes – all; Noes – none. Carried.

09-50: A motion was made by James Briaddy and seconded by Kimberly Ireland to approve Local Law No. 7 of 2009 to amend Design Standards, Chapter 138 – Zoning Appendix 1: 138.12.3 and 138-9.5 of the Code of the Town of Ballston. Roll Call: Ayes – all; Noes – none. Carried.

09-51: A motion was made by Mary Beth Hynes and seconded by James Briaddy to appoint the Town Board as lead agency for the SEQRA process for proposed Local Law No. 8 of 2009 to remove the Palma property on Scotchbush Road (248.-1-84) from the Watershed Protection Overlay District. Roll Call: Ayes – all; Noes – none. Carried.

09-52: A motion was made by James Briaddy and seconded by Mary Beth Hynes to declare a negative declaration for the SEQRA process for proposed Local Law No. 8 of 2009 to remove the Palma property on Scotchbush Road (248.-1-84) from the Watershed Protection Overlay District. Roll Call: Ayes – all; Noes – none. Carried.

09-53: A motion was made by James Briaddy and seconded by Kimberly Ireland to approve Local Law No. 8 of 2009 to remove the Palma property located on Scotchbush Road (248.-1-84) from the Watershed Protection Overlay District. Roll Call: Ayes – all; Noes – none. Carried.

09-54: A motion was made by James Briaddy and seconded by Timothy Szczepaniak to set a public hearing on proposed Local Law No. 9 of 2009 concerning the increase in Parks and Recreation Fees from \$500.00 to \$1,000.00 for April 28, 2009 at 7:15 p.m. Roll Call: Ayes – all; Noes – none. Carried.

09-55: A motion was made by Kimberly Ireland and seconded by Mary Beth Hynes to accept the resignation of Cheryl Gauthier from the Explore 400 Committee. Roll Call: Ayes – all; Noes – none. Carried.

Supervisor Southworth thanked Cheryl for the work she had done on the Committee up to this point.

The Town has a chance to purchase a used bucket truck. Highway Superintendent Whalen explained that this would be a saving to the Town since the Town wouldn't have to rent a bucket truck when one was needed.

09-56: A motion was made by James Briaddy and seconded by Timothy Szczepaniak to purchase a 1997 Ford F450 bucket truck at a cost of \$8,900.00. Roll Call: Ayes – all; Noes – none. Carried.

The Town requested proposals for qualifications for developing the Farmland Protection Grant. The Town received four responses and the applicants were interviewed by the Town Board.



09-57: A motion was made by James Briaddy and seconded by Timothy Szczepaniak to award the planning services for development of the Farmland Protection Grant to Elan Planning and Design contingent upon receiving the grant for these services. Roll Call: Ayes – all; Noes – none. Carried.

The Town has gone out to bid for a multi-use dump body and plow equipment. Two bids were received. The Highway Superintendent recommended accepting the bid from T & T which met the specifications. The second bid from Arrowhead did not meet the specifications.

09-58: A motion was made by James Briaddy and seconded by Kimberly Ireland to award the bid for the multi-use dump body and plow equipment to T & T Sales. Roll Call: Ayes – all; Noes – none. Carried.

The Town Board is appointing a Steering Committee to work with the consultant on the Farmland Protection process. Councilwoman Ireland asked if we need a charge to this committee.

Councilwoman Hynes said that the Steering Committee and the consultant will work this out.

09-59: A motion was made by James Briaddy and seconded by Mary Beth Hynes to establish a Steering Committee to assist in the Farmland Protection process. The following residents are appointed to the Committee: Robert Pustolka, Jeremy Knight, Andrew VanVorst, Freida Garrison and Charles Curtiss, Jr. Roll Call: Ayes – all; Noes – none. Carried.

David Stern owns the following domain names: Town of Ballston.org and Town of Ballston.com. These sites cause confusion because the public feels they belong to the Town of Ballston. Mr. Stern has offered to sell the two domain names to the Town for a cost of \$110.00.

Most of the Town Board members felt that Mr. Stern should be civic minded and donate the domain names to the Town.

09-60: A motion was made by James Briaddy and seconded by Mary Beth Hynes to reject the motion to purchase the two domain names from David Stern at a cost not to exceed \$110.00. Roll Call: Ayes – all; Noes – none. Carried.

09-61: A motion was made by Mary Beth Hynes and seconded by Kimberly Ireland to set a public hearing for April 28, 2009 at 7:00 p.m on proposed Local Law No. 10 of 2009 rescinding Chapter 28 Personnel Policy of Local Law No. 2 of 1985. Roll Call: Ayes – all; Noes – none. Carried.

A motion was made by James Briaddy and seconded by Mary Beth Hynes to adjourn the meeting.

Respectfully submitted,

Muriel K. Swatling
Town Clerk

