



The regular meeting of the Town Board of the Town of Ballston was held Tuesday evening, July 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 was 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 Kimberly Ireland and seconded by James Briaddy that the minutes of the May special meeting, June regular meeting, and June Board of Health meeting be approved. Roll Call: Ayes – all; Noes- none. Carried.

The Town Clerk read a letter from the B.H.-B.L. Women’s Club informing the Town they are going to give money to purchase a video projector for use at the Town Hall. This is a thank you for letting the Women’s Club use the Sewell Community Room in the Town Hall for their monthly meetings.

Building Inspector Thomas Johnson, Jenkins Park Advisory Board, Highway/Water Superintendent Joseph Whalen, Dog Control Officer John Christopher, Animal Control Officer Thomas Shambo, and Town Clerk Muriel Swatling submitted reports for the month of June, and they are on file in the Town Clerk’s office.

Supervisor Southworth presented the financial report for June.

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

Supervisor Southworth also reported that the ribbon cutting ceremony for the new Town of Charlton Town Hall is scheduled for July 25, 2009 at 10:00 a.m. The next Rabies Clinic will be held on July 21, 2009 at the 4-H Center on Middleline Road. Saratoga County held a “Growing Up Smoke Free” poster contest relating to no smoking. Third place went to Hannah Sweeney from the Stevens Elementary School. The poster will be featured at the Saratoga County Fair, July 14 – 19. There will be a fundraiser on August 15, 2009 with the proceeds going toward purchasing a house for homeless female veterans. The specifications for a new Saratoga County Animal Shelter are due to go to bid this month. The project could begin as early as mid-September. The Wilton Mall Trail (County trail) is now open with parking near Bon-Ton or on Loudon Road. MVP will not be raising the Town’s health insurance premium by the extra 4% as previously discussed. Saratoga Hospital will be holding an Open House on July 12th and 13th for their new Emergency Department facility.

Town Historian Richard Reynolds stated there will be a celebration of Ballston Lake on Saturday, July 11, 2009 from 10:00 a.m. – 2:00 p.m. The location of this event is at the Good Times Restaurant located on Ballston Lake. There will be activities and a display of historical items relating to Ballston Lake.

Supervisor Southworth thanked Mr. Reynolds for all the work the Committee has put into organizing this event.



Mary Beth Hynes stated that a metering station is needed for the Saratoga County Water. She will meet with the Saratoga County Planning Board to look at the land located behind Stewart's on Eastline Road.

Mary Beth Hynes stated the Town Board would be willing to workshop with the Social Studies classes. What would the students like to see for the Town?

Councilwoman Hynes also congratulated the Town of Charlton on their new town hall.

Councilwoman Ireland stated that the Town of Malta has given approval to the Saratoga Hospital project. The Town of Ballston has spoken to representatives from Saratoga Hospital about purchasing water from the Town of Ballston Ms. Ireland suggested the Town keep on top of this.

Arthur Mengel, a member of the Town of Ballston Ethics Board and longtime resident, passed away on May 3, 2009.

09-93: A motion was made by James Briaddy and seconded by Mary Beth Hynes to approve the following resolution honoring the memory of Arthur Mengel. Roll Call: Ayes – all; Noes – none. Carried.

WHEREAS, Arthur C. Mengel Jr. died on May 3, 2009; and

WHEREAS, Arthur C. Mengel Jr. was born in Schenectady on October 18, 1915, the eldest son of Arthur C. Mengel and Maude Ethelred Thomas Mengel, and resided on Charles Street in the Town of Ballston; and

WHEREAS, Mr. Mengel was the class of 1933 Salutatorian of Burnt Hills-Ballston Lake High School and graduated from Union College in 1937 with a Bachelor's Degree in Economics and Statistics; and

WHEREAS, Arthur C. Mengel Jr. was the loving husband of Winifred for 63 years, the proud father of Loretta, Margaret and Arthur and the caring grandfather to his six grandchildren; and

WHEREAS, Arthur C. Mengel Jr. enjoyed a long and distinguished career in industrial transportation and economic development; and

WHEREAS, Mr. Mengel retired in 1980 to his boyhood home in Ballston Lake and in 1981 was appointed to the Town of Ballston Ethics Board. He was reappointed to a position on the Ethics Board numerous times and in 2008 and 2009 was appointed the Chairman of that Board; and

WHEREAS, Arthur C. Mengel Jr. was a longtime member of the Calvary Episcopal Church and Rotary International; and



WHEREAS, Arthur C. Mengel Jr. was a volunteer for Community Human Services, an active member in the Friends of the Town of Ballston Community Library, a contributor to the Ballston Community Directory, an Adult Literacy volunteer and a member of Ballston Concerned Citizens; and

WHEREAS, Arthur C. Mengel Jr. was a lifelong student of history, a genealogist and magnificent storyteller, and he was a constant voice of reason and humor even during difficult times; now therefore

BE IT RESOLVED, that the Town Board of the Town of Ballston expresses its sincere sympathy to the Mengel family upon the death of Arthur C. Mengel. The Town Board recognizes and honors Arthur C. Mengel for his outstanding service to the Town of Ballston and its residents.

Edward Guider, son-in-law of Mr. Mengel, spoke regarding Mr. Mengel. Mr. Mengel was a civic minded citizen. He loved the Town. Mr. Mengel introduced Mr. Guider to the Library, which is a great asset for the Senior Citizens. You couldn't schedule family functions on Tuesday evening as Art was a faithful member of the Burnt Hills-Ballston Lake Rotary Club, and that was meeting night. The Rotary sponsored the Apple Pie Festival in the Fall and a Pancake Breakfast in the Spring. Art took on the responsibility of going to Vermont and bringing back the maple syrup to be used at the pancake breakfast. Winnie and Art made applesauce to be used during the winter and would make sure to purchase Spy apples and send them to friends who couldn't get them in their area. Mr. Mengel would come to the Town Board meetings and listen to what was going on in the Town. He would then make his decision on what he thought was best for the Town. He was a great person who will be missed.

09-94: A motion was made by Kimberly Ireland and seconded by Mary Beth Hynes to approve the following resolution honoring Richard Reynolds, Town Historian. Roll Call: Ayes – all; Noes – none. Carried.

WHEREAS, Richard E. Reynolds has been a member of the steering committee for the BH-BL Flag Day Parade to help plan, coordinate and run the local parade from 2002 to the present; and

WHEREAS, Mr. Reynolds has been the leader of a historical tour of the Town of Ballston and BH-BL School district each September from 2002 to the present; and

WHEREAS, Mr. Reynolds has been Town Historian for the Town of Ballston involved in historical and archival preservation and historical presentations from 2004 until the present; and

WHEREAS, Mr. Reynolds was a nominee for the Disney National Teacher of the Year Award in 2003; and

WHEREAS, as author of a monthly newsletter column for the Capital District Council for the Social Studies for eight years; and

WHEREAS, as the National Winner of the Outstanding American History Teacher of the Year, presented by the Daughters of the American Revolution, 2003; and

WHEREAS, as the author of *From Wilderness to Community: The Burnt Hills-Ballston Lake Central School District*, a pictorial and narrative history of the Burnt Hills-Ballston Lake School District in 2005; and



WHEREAS, as the recent Winner of the Distinguished Service Award, for distinguished service to Capital District Social Studies education, presented by the Capital District Council for the Social Studies, 2009; and

WHEREAS, Town of Ballston Town Council wishes to congratulate Mr. Reynolds on this most recent achievement, as well as his long term contributions to teaching, and his continued contributions to preserve the history of our Town; now, therefore, be it

RESOLVED, that the Town of Ballston Town Council extends its congratulations to Richard E. Reynolds for his 2009 Winning of the Distinguished Service Award given by the Council of Social Studies. This award attests to the numerous and meaningful contributions Mr. Reynolds has made to the teaching of Social Studies and for his personal involvement in the Town and community of the citizens of the Town of Ballston.

Mr. Matthew Spataro is from the local insurance agency that has handled the Town's insurance for more than 20 years. Mr. Spataro marketed the Town's insurance needs to the leading agencies. He recommends that the Town remain with Selective Insurance. The coverage is superior, and the price is reasonable. The agency's coverage takes into consideration the Town's needs.

Scott Miller reported that Heather Malozzi passed away. She gave non-gratis help for the Land Conservation Committee. Mr. Miller also stated that he is in favor of the increase in the Parks and Recreation fees and the formation of a Parks and Recreation Committee. Mr. Miller also feels the Town needs to move on past the money issue and purchase land for open space.

Charles Merriam said that Arthur Mengel was a dedicated man, and he would be missed.

The two insurance quotes that are being considered are:

Spataro Insurance Agency	Selective Insurance	\$44,441.00
Capital Bauer Insurance Agency	Trident Insurance	41,890.00.

Councilwoman Ireland said that the Insurance Committee is not making a recommendation. The two quotes are fairly close apples to apples. We need to consider the dollars.

Supervisor Southworth did not feel the insurance quotes were apples and apples. She provided a list of differences in coverage between the two quotes.

Councilwoman Ireland said that the Umbrella coverage should be raised to \$5,000,000. Both agencies feel that \$1,000,000 is not adequate.

Ideally, specifications should be drawn and then go out for sealed bid.

Councilman Briaddy based his decision by approaching from the dollar value.

Councilman Szczepaniak approached as if the quotes came in as a sealed bid.

Supervisor Southworth cited the good history the Town has had with Selective.



Councilwoman Hynes is very appreciative – it is a hard decision to make.

Councilwoman Ireland asked if there is a continuation in policy or is there a lapse. There is no lapse in policy.

09-95: A motion was made by James Briaddy and seconded by Kimberly Ireland to award the contract in the amount of \$41, 890.00 for the Town’s insurance policy to Capital Bauer Insurance Agency. Roll Call: Councilman Briaddy – aye; Councilwoman Hynes – aye; Councilman Szczepaniak – aye; Councilwoman Ireland – aye; Supervisor Southworth – no for the reasons stated above. Carried.

09-96: A motion was made by Mary Beth Hynes and seconded by Kimberly Ireland to accept the donation of \$700.00 from the Burnt Hills-Ballston Lake Women’s Club for the purchase of Video Projector Model OP Poma EX 530 for Town use. Roll Call: Ayes – all; Noes – none. Carried.

09-97: A motion was made by James Briaddy and seconded by Mary Beth Hynes to adopt the following resolution to increase the Parks and Recreation Fees. Roll Call: Ayes – all; Noes – none. Carried.

WHEREAS, The Town Board has studied the impacts on open space by new development and has determined that acquisition through purchase, dedication or by other means, of open space land is desirable in order to provide park land and other open space to the residents of the Town as necessary, and

WHEREAS, there is currently a fee charged for each building lot and for each dwelling unit in a multi-unit commercial building when the building permit is obtained and as set forth in the Town’s Local Law, and

WHEREAS, the Town of Ballston Town Board intends to raise the fee from Five Hundred Dollars to (\$500.00) to One thousand Dollars (\$1,000.00) per dwelling unit and,

WHEREAS, this project advances the Town of Ballston’s goals to preserve the character of the Town, create networks of open spaces, protect natural wildlife habitat, to create parks for recreational purposes, and to create a corridor of open space, expand the Towns passive recreational resources, and protect the Town’s important natural resources and,

RESOLVED, that the Ballston Town Board hereby raises the park and recreation fee referenced in the following parts of the Town of Ballston Local law, chapter 104 – Subdivision of Land, § 104-12 (h) (1) and § 104-30 H. The fee outlined in the fee schedule referenced on said parts is amended to reflect that the fee shall be One Thousand Dollars and no cents (\$1,000.00). The fee will apply to each building lot or project approved by the Planning Board under Chapter 104 Subdivision of Land after the adoption of this resolution.

The next item on the agenda was the Realty Check Resolution in support of voluntary measures by tobacco selling establishments to reduce advertising directed to children. Councilman Szczepaniak stated that the presentation given last week was very good, and there is also an education program provided in the 4th grade.

09-98: A motion was made by James Briaddy and seconded by Timothy Szczepaniak to adopt the following resolution. Roll Call: Ayes – all; Noes – none. Carried.



WHEREAS, tobacco use kills over 25,000 New Yorkers every year, yet is the leading preventable cause of death in our communities; and

WHEREAS, in New York State alone, the tobacco industry spends over \$440 million annually to market its deadly products; and

WHEREAS, every day, another 4,000 American children start to smoke, and another 2,000 become regular, daily smokers; and

WHEREAS, in New York State the average age at which smokers try their first cigarette is 14-1/2; and

WHEREAS, tobacco advertising in retail stores has a powerful influence on teens, who are significantly more likely to smoke due to advertising than they are due to peer pressure; and

WHEREAS, research shows that kids are more than twice as likely as adults to recall tobacco advertising after two weeks than adults; and

WHEREAS, outdoor and exterior-facing tobacco ads at retail stores are often seen by students walking to and from school; and

WHEREAS, retail stores are an integral part of our community;

THEREFORE, Supervisor Southworth and the Town Council of Ballston

Proclaim, from this day forth, for the health of all youth residing in the Town of Ballston, request that all retail stores in the Town of Ballston voluntarily remove all exterior tobacco advertisements; and

Furthermore, from this day forth, request that all retail stores in the Town of Ballston voluntarily remove all interior tobacco advertisements that are placed at child's eye level or near candy or toys; and

Furthermore, from this day forth, request Ballston retailers to continue to demonstrate their commitment to the health of the children of the Town of Ballston by reducing the overall number of tobacco advertisements in their stores.

09-99: A motion was made by Timothy Szczepaniak and seconded by Mary Beth Hynes to set a public hearing to amend zoning in the Mixed Use Districts to allow for condominiums for July 28, 2009 at 7:00 p.m. Roll Call: Ayes – all; Noes – none. Carried.

There was a fire at 204 Sunset Avenue and debris was left on the lawn. After trying to contact the owner and being unsuccessful, the Town went onto property and cleaned it up. In order to collect the fee for cleaning up the debris, the amount has to be relieved on the Town and County tax bill.

09-100: A motion was made by James Briaddy and seconded by Kimberly Ireland to approve the relevy cost of the removal of debris on parcel 228.6-1-9, 204 Sunset Avenue, on the 2010 Town and County tax bill. The cost of the



debris removal is \$172.34 plus 10% cost for filing a temporary lien for a total cost of \$189.58. Roll Call: Ayes – all; Noes – none. Carried.

The Town has received a request from Jerold Knight to extend the water district to include his cold storage barn located on parcel 248.-1-28, 325 Goode Street. New regulations by the New York Department of Health have made this change necessary to continue operation.

09-101: A motion was made by James Briaddy and seconded by Kimberly Ireland to extend Burnt Hills-Ballston Lake Water District No. 2, Ext. #14 to include parcel 248.-1-28, 325 Goode Street, the cold storage barn on Knight Orchards property. The cost will be paid by the applicant. Roll Call: Ayes – all; Noes – none. Carried.

The Town received a letter of resignation from Arlene Ida, a member of the Jenkins Park Advisory Board. She feels the amount of time she is out of town both summer and winter, does not allow her to contribute significantly to Park projects and upkeep. Councilwoman Ireland extended thanks to Mrs. Ida from the Town Board.

09-102: A motion was made by Kimberly Ireland and seconded by Mary Beth Hynes to accept the resignation of Arlene Ida from the Jenkins Park Advisory Board. Roll Call: Ayes – all; Noes – none. Carried.

The name of Jeanrae Benoit has been presented to fill the unexpired term of Arlene Ida on the Jenkins Park Advisory Board.

09-103: A motion was made by Kimberly Ireland and seconded by Timothy Szczepaniak to appoint Jeanrae Benoit to the Jenkins Park Advisory Board to complete the unexpired term of Arlene Ida, the term commences July 8, 2009 and ends December 31, 2012. Roll Call: Ayes – all; Noes – none. Carried.

There is an amendment that has been presented for the Stonebridge PUD. A public hearing has to be held on this proposed change.

09-104: A motion was made by James Briaddy and seconded by Kimberly Ireland to set a public hearing to amend Local Law No. 1 of 2008, Stonebridge PUD, Section 7 for July 28, 2009 at 7:20 p.m. Roll Call: Ayes – all; Noes – none. Carried.

The Jenkins Park Advisory Board would like to make amendments to their present by-laws. Proposed revisions have been distributed to the Town Board. Mr. Ihara of the Jenkins Park Advisory Board has made changes to those revisions and asked the Town Board to consider them. Councilwoman Ireland asked what are the reasons for the additional changes. Mr. Ihara stated that the minutes will not be sent to the Town Clerk until after the approval, and they cannot meet the time table presented by the Town Board. Also, he doesn't like the one year extension of a second five year term if there is no one to fill that spot. Councilwoman Ireland said it was for consistency. It was written for people who want to be there; hopefully there will not be a large turnover on the Advisory Board. The Town Board recommended the proposed by-laws by Attorney Brower. After additional discussion, the Town Board decided to table the proposed changes to the by-laws.



09-105: A motion was made by Kimberly Ireland and seconded by Mary Beth Hynes to table the proposed amendments to the Jenkins Park Advisory Board By-laws. Roll Call: Ayes – all; Noes – none. Carried.

The Town has a request from the Charlton Snowmobile Club to sign a renewal form regarding the use of a trail on land located in the Town of Ballston owned by the National Grid Power Corporation.

09-106: A motion was made by Timothy Szczepaniak and seconded by Mary Beth Hynes to authorize the Supervisor to sign the Charlton Snowmobile Club's renewal form that the Town of Ballston does not object to the Charlton Snowmobile Club's use of the proposed trail located on land in the Town of Ballston. This trail uses land owned by the National Grid Power Corporation. Roll Call: Councilman Briaddy – aye; Councilwoman Hynes – aye; Councilman Szczepaniak – aye; Councilwoman Ireland – abstain; Supervisor Southworth – aye. Carried.

The next item was discussion of the contract for the grant writer.

Councilman Szczepaniak feels the Town needs a grant writer. There is not much information on available grants. He would like to see more information.

Councilman Briaddy asked if the grant writers are more aware of available grants that the Town of Ballston is.

Councilwoman Ireland would like an update as to what is going on.

Councilwoman Hynes feels there should be more interaction with the grant writer.

Supervisor Southworth feels there is major talent in the Town. We should reach out to the community.

Councilwoman Hynes feels we should go with an hourly rate and reduce the monthly rate.

Councilwoman Ireland stated that maybe the service could be provided in a different way.

The last item for discussion is the scope and mission of the Parks and Recreation Committee.

Councilwoman Hynes said that the Master Plan suggests donated easements that lead to the Town Hall for a trail system. Ms. Hynes also feels a basic needs assessment should be done

Councilman Briaddy feels there should be seven members with alternates

Councilman Ireland stated that there should be representation and projects for the northern part of the Town as well. There should be recommendations from the Parks and Recreation Committee.

Supervisor Southworth said that projects could be passive to start.

Councilman Szczepaniak said let's not reinvent the wheel. Let's use information that we already have.

Look at locations and if a project comes along we are ready.



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

Respectfully submitted,

Muriel K. Swatling

Town Clerk