



Ballston Town Board
Town Board Minutes
August 4, 2009

The regular meeting of the Town Board of the Town of Ballston was held Tuesday evening, August 4, 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 Kimberly Ireland that the minutes of the June special meeting, July Town Board meeting and Board of Health meetings be approved. Roll Call: Ayes – all; Noes – none. Carried.

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

Zoning Enforcement Officer, Tony Rohrmeier spoke regarding the regulations for political signs.

Supervisor Southworth presented the financial report for July. She reported that the largest expenses for July were for the everyday business at Town Hall and paving by the Highway Department.

Mrs. Southworth also let the Town Board know that the Sales Tax is down 13% for the year.

Councilwoman Ireland asked if we need to cut the Budget for this year. Supervisor Southworth said that the cleaning of the buildings will be cut to once a week.

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

Supervisor Southworth said that the short form will be used for the census. If you have a post office box, you will not receive census forms. They will be available in locations throughout the Town. The NYSAC Conference will be held in Saratoga Springs from September 15 through September 18.

Councilwoman Ireland said the Town could possibly change class after the census if the population of the Town is over 10,000. It could impact the finances of the Town.

The Bid Opening for the County Animal Shelter is set for August 1st. Saratoga County spent extra funds in the amount of \$550,000. to complete the section of the Zim Smith Trail near the railroad tracks. It was the best solution for the County.

Supervisor Southworth said the Town has received the reimbursement check in the amount of \$83,000. from FEMA. Mrs. Southworth thanked the Fire Departments for filling out the paperwork.



Scott Miller thanked Supervisor Southworth for voting for the Zim Smith Trail. He also thanked the Town for working on the extension of the bike path. Don't give up; keep going back to National Grid.

The Town needs easements from Beacon Hill and SSP to hook up. The recreational money needs to be used for smart growth; the best spot would be near a population center. If the Town were to purchase the Cappiello farm, we could use it for passive recreation. What about Firemen's Grove? The land around the present fire station is for sale. The Town could purchase that land and then see if an agreement could be made with the firemen to swap land. The Fire Department is not sure about selling Firemen's Grove.

Councilwoman Hynes said there are definite signs that Firemen's Grove could be a good spot but we need a willing seller. We need to form a Parks and Recreation Committee to work on defining parcels.

Arnold Palmer asked who owns the Grove. The Fire Department Bylaws say that 100% vote is needed to sell the land. \$25,000 would be taken off the tax roll. Farm it. I would rather pay that than pay for extra taxes for development. Mr. Palmer then asked about Norman Collin's resignation from the maintenance position at Jenkins Park. What about the pile of contaminated dirt sitting out back that the Town is paying to have removed. Supervisor Southworth replied that every year dirt in that pile is being taken off the premises.

Mr. Palmer asked why we have the word condominiums in the Town of Ballston. Use the term multi-housing units instead.

The following items were presented for discussion and action.

09-107: A motion was made by Mary Beth Hynes and seconded by James Briaddy to accept the Saratoga County Sales Tax in cash. Roll Call: Ayes – all; Noes – none. Carried.

The Budget Calendar has been presented. It is felt that there needs to be additional workshops added to the two already set if the Town Board would like the outside groups to come in and give a presentation regarding their budget requests. Councilwoman Ireland said that she likes the idea of groups coming in. It will help in establishing the budget numbers. Councilman Szczepaniak said he feels we need budget workshops earlier. Supervisor Southworth explained that the budget deadline dates are set by New York State. The additional dates presented were Thursday, October 15 and Thursday, October 22.

09-108: A motion was made by James Briaddy and seconded by Kimberly Ireland to approve the 2009 Budget Calendar as follows:

Budget Estimate to Supervisor	Tuesday, September 1
Board Meeting of Salaries	Tuesday, September 8
Preliminary Budget to Town Clerk	Wednesday, September 30
Preliminary Budget to Town Board	By Monday, October 5



Budget Workshops

Tuesday, October 13 – 7:30 p.m.

Thursday, October 15 – 7:30 p.m.

Tuesday, October 20 – 7:30 p.m.

Thursday, October 22 – 7:30 p.m.

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

09-109: A motion was made by Mary Beth Hynes and seconded by James Briaddy to declare the Town Board of the Town of Ballston as lead agency for the SEQRA process for proposed Local Law No. 10 to amend zoning in the Mixed Use Districts to allow for condominiums. Roll Call: Ayes – all; Noes – none. Carried.

09-110: 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. 10 to amend zoning in the Mixed Use Districts to allow for condominiums. Roll Call: Ayes – all; Noes – none. Carried.

Councilwoman Hynes stated that there is a variety of housing in the Comprehensive Plan. The intention was always there to include condominiums.

09-111: A motion was made by James Briaddy and seconded by Timothy Szczepaniak to approve Local Law No. 10 to amend zoning in the Mixed Use Districts to allow for condominiums. Roll Call: Ayes – all; Noes – none. Carried. (For wording, see public hearing held on July 28,2009.)

When the Stonebridge Planned Unit Development was approved, part of a sentence was inadvertently omitted. Proposed Local Law No. 11 is to amend that section.

09-112: A motion was made by James Briaddy and seconded by Kimberly Ireland to declare the Town Board of the Town of Ballston as lead agency for the SEQRA process for proposed Local Law No. 11 to amend Local Law No. 1 of 2008, Stonebridge Planned Unit Development, Section 7 C. Roll Call: Ayes – all; Noes – none. Carried.

09-113: A motion was made by Mary Beth Hynes and seconded by James Briaddy to declare a negative declaration for the SEQRA process for proposed Local Law No. 11 to amend Local Law No. 1 of 2008, Stonebridge Planned Unit Development, section 7C. Roll Call: Ayes – all; Noes – none. Carried.

09-114: A motion was made by Mary Beth Hynes and seconded by James Briaddy to approve Local Law No. 11 of 2009 amending Local Law No. 1 of the year 2008, Stonebridge Planned Unit Development, Chapter 138:A:48, Section 7.C of the Code of the Town of Ballston, the last sentence to read as follows:

The cost of constructing the additional infrastructure needed to connect the properties within Stonebridge PUDD to the Saratoga County Sewer District No. 1 shall be the sole responsibility of the developer/builder.

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



During the renewal process for the Town's insurance policies, it was recommended that the Town increase the amount of the umbrella coverage. The Town Board decided it would be in the best interest of the Town to increase the umbrella insurance limit to \$5,000,000.

09-115: A motion was made by James Briaddy and seconded by Timothy Szczepaniak to approve additional umbrella insurance for the Town's policy for a total coverage of five million dollars at a cost not to exceed \$3,498.00. Roll Call: Ayes – all; Noes – none. Carried.

09-116: A motion was made by Timothy Szczepaniak and seconded by James Briaddy to increase the Hired, Leased and Rented Equipment insurance from \$50,000. to \$125,000. at a cost not to exceed \$121.00 and approve an additional cost of \$257.22 to cover the cost of NYS Fire Fee and the change in Department of Motor Vehicle fee. Roll Call: Ayes – all; Noes – none. Carried.

The next item is to approve a GEIS consultant. Councilwoman Hynes feels C. T. Male and their team is the best choice. She thought she understood the GIS process but she understands more now. She feels their experience would be to the Town's benefit. Supervisor Southworth feels that someone else would give some new ideas. Councilwoman Hynes said that C. T. Male had to go through the process. Councilwoman Ireland stated she recognizes the point but feels that C. T. Male brings experience.

09-117: A motion was made by James Briaddy and seconded by Kimberly Ireland to approve C. T. Male Associates as the GEIS Consultant subject to contract approval by the Supervisor and the Town Attorney. Roll Call: Councilman Briaddy – aye; Councilwoman Hynes – aye; Councilman Szczepaniak – aye; Councilwoman Ireland – aye; Supervisor Southworth – no for the reason stated above. Carried.

09-118: A motion was made by Kimberly Ireland and seconded by Timothy Szczepaniak to approve the amendments to the Jenkins Park Advisory Board Bylaws following recommendations by the Jenkins Park Advisory Board as follow:

Purpose

The purpose of the Advisory Board of the Town of Ballston, Park District #1 shall be to advise the Town Board of improvements, maintenance, and appropriations needed to carry on Jenkins Park operations.

Board Membership

The Jenkins Park Advisory Board shall consist of seven (7) residents of the Park District appointed by the Town Board. Seven (7) members are appointed for five (5) year terms arranged so one (1) vacancy shall occur each year. The members currently serving one year terms will be appointed to five year terms during the transition to seven members serving five year terms one in each year following the amendment of these by laws so that no more than two members terms expire at the same year. All members shall be given copies of the Town of Ballston Code of Ethics which they shall comply with. This is a requirement by the State of New York as a result of legislation passed in 1970. Each member shall be limited to two five year terms. If there is no one to replace a member when a member is at the end of the persons



two terms, then the member whose term is expiring can be reappointed by the Town Board for a one year term. Such one year appointments shall be limited to a total of two years of further service.

The Town Board may appoint alternate members who can attend advisory Board meetings and who can become voting members in the absence of a quorum.

Board Meetings

The Advisory Board shall meet at least four (4) times per year, one (1) meeting shall be January, after the Town Board meets and elects officers who shall consist of Chairman, Vice-Chairman, and Secretary.

All meetings of the Board shall be held at the call of the Chairman, or at the call of two (2) members thereof and at such other times as such Board may determine, in each case upon two (2) days notice to all members and shall be open to the public.

Such Board shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent, or failure to vote, indicating such fact, and shall keep records of the official actions.

Every rule or regulation and every amendment or repeal therefore; and rules or decisions and all minutes of such Board shall be filed within ten (10) days of such meeting or actions, in the office of the Town Clerk and shall be a public record.

Duties of the Advisory Board

The following are duties accepted by the Advisory Board:

1. Prepare and present to the Supervisor a recommended budget for the coming year on or before September 30.
2. Prepare a Long-Range Plan for Park improvements, additions, etc.
3. Advise and recommend to the Town Board any requests for special use of the park.
4. Accept and forward to the Supervisor any donations to the Park District in order that receipts may be given on the behalf of the Town.
5. Evaluate requests for improvement and recommend to the Town Board the pros and cons of the evaluation.

The Secretary shall maintain records of all meetings and forward one (1) copy to the Town Clerk for Town Board records. Any problems should be referred to the Supervisor who will discuss them with the Town Board and if necessary will call a joint meeting of the Boards.

The Jenkins Park Advisory Board, with the approval of the Town Board, shall adopt and may from time to time amend reasonable rules and regulations for:

- A. The proceedings before such Board.
- B. The use, care, management, and protection of the Park site and properties.
- C. Establish rules, regulations, and/or edicts pertaining to the use of the Park and/or the people using the Park facilities.



- D. May fix a reasonable charge for the use of such Park and its facilities by all persons other than inhabitants and taxpayers of such Park District.

The Town Board may, by mutual consent of the Advisory Board, elect in writing to allow the Advisory Board to act in its behalf in awarding some of the maintenance-type contracts such as, but not limited to:

1. Removal of snow from the skating pond.
2. The cutting of grass.
3. Brushing and trimming of trees.
4. Planting of shrubs and trees.
5. Opening access trails.
6. Improvement of the drainage system associated with the pond.

The Jenkins Park Advisory Board shall, from time to time, and at least once each calendar year fix a date for a Public Hearing on recommendations for Park projects to be made by such Advisory Board to the Town Board, and shall within thirty (30) days thereafter make such recommendations as they deem advisable. Notice of Public Hearings shall be published in such newspapers or other publications as may be designated by the Advisory Board.

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

09-119: A motion was made by James Briaddy and seconded by Kimberly Ireland to accept the petition to establish Burnt Hills-Ballston Lake Water District No. 2, Extension No. 22, Mourningkill Drive Subdivision. Roll Call: Ayes – all; Noes – none. Carried.

09-120: A motion was made by James Briaddy and seconded by Mary Beth Hynes to set a public hearing on proposed Burnt Hills-Ballston Lake Water District No. 2, Extension 22, Mourningkill Drive Subdivision, for August 25, 2009 at 7:15 p.m. Roll Call: Ayes – all; Noes – none. Carried.

The Jenkins Park Advisory Board has requested approval for the following expenditures:

- \$1,000. for the entrance area beautification
- \$2,000. for basketball improvements
- \$1,000. for fences and gates for the west loop trail.

09-121: A motion was made by Kimberly Ireland and seconded by Mary Beth Hynes to approve the following expenses for Jenkins Park:

- \$1,000.00 for the entrance area beautification
- \$2,000.00 for basketball improvements
- \$1,000.00 for fences and gates for the west loop trail.

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

There is a vacancy for an alternate on the Jenkins Park Advisory Board at this time. The name presented to fill this vacancy is Daniel Richardson.



09-122: A motion was made by Mary Beth Hynes and seconded by Kimberly Ireland to appoint Daniel Richardson as an alternate to the Jenkins Park Advisory Board. Roll Call: Ayes – all; Noes – none. Carried.

09-123: A motion was made by James Briaddy and seconded by Mary Beth Hynes to approve a Town of Ballston Community Library budget adjustment from \$551,046.00 to \$556,671.00 to reflect the unanticipated revenue grant from Senator Hugh Farley. Roll Call: Ayes – all; Noes – none. Carried.

Merrill McColl said that you cannot hire the Town engineer as it is a conflict of interest. It was explained that the Town Engineer will be working for the Town of Ballston and appearing in front of one of the Boards.

Scott Miller asked the time frame for the GEIS. The Board felt sixteen to eighteen months.

Arnold Palmer asked about retention ponds. He suggested that the Town set up a special district for housing developments.

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

Carried.

Respectfully submitted,
Muriel K. Swatling
Town Clerk

