



Town of Ballston
Town Board Minutes
December 1, 2009

The regular meeting of the Town Board of the Town of Ballston was held Tuesday evening, December 1, 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.

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

There was one correction to the November minutes. On page 279, paragraph 9 it reads as follows: Councilwoman Ireland said that the people who interviewed..... That should be changed to read: Councilman Szczepaniak said that the people who interviewed.....

A motion was made by Timothy Szczepaniak and seconded by James Briaddy that the minutes of the October special meeting, the November public hearing, and the November regular meeting be approved as corrected. Roll Call: Ayes – all; Noes – none. Carried.

The Town Clerk reported that a letter had been received from former Jenkins Park Advisory Board member Sat Ihara asking the Town to recognize Lynnette Ziskin for her contributions to the improvement of Jenkins Park. Mr. Ihara listed Ms. Ziskin's accomplishments in achieving this goal.

Library Trustee Keith Fieldhouse presented the Library report. He reported that they are having problems with mold in the building again but it is being looked into. The Library also has compiled a cookbook containing recipes from staff, local officials and other local people. This cookbook can be purchased at the Town of Ballston Community Library.

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

Developer Geoffrey Brooks made a presentation regarding proposed Phase II of Brooks Heritage Planned Unit Development. Mr. Brooks is proposing single family homes built on 1/3 acre starting at \$260,000, townhomes – senior housing, affordable, market driven; the development will also parks, and a commercial area possibly housing day care, a small strip mall, etc. There would be a total of 450 units, 65 of which are in the Burnt Hills-Ballston Lake School District. There is a 4 acre commercial area with building/buildings to cover one acre. There are 61.5 acres of dedicated open space. There will retention ponds with ownership and maintenance provided by a Homeowners Association. It was asked what the timeframe for installing the water line would be. At the present time, Facone Construction is holding up the project with a sewer issue. Councilwoman Ireland asked how many miles of roads there will be in the project; the reply was about 2 miles of roads. The total wetlands amount to 23 acres, and there are 51.83 acres of constraining lands. Councilwoman Ireland stated that a similar project has a Community Center and pool for the use of its residents; would that be a possibly for this project?

Supervisor Southworth explained the financial report for November.



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

Supervisor Southworth thanked Senator Scott Murphy for taking part in the presentation of medals presented posthumously to Paul Voehringer who died in action during World War II.

Supervisor Southworth reported that the HEAP program now includes equipment repair. The public hearing on the Saratoga County 2010 Budget will be held on December 5th. There will be a program at the Saratoga Arts Center titled Retrospective on Transportation: Where We Were; Where We Are; Where Are We Going. The Governor is talking about withholding payments to local governments. A grant has been received to purchase an animal rescue unit which will house companion pets in the event of a disaster.

Councilwoman Ireland wanted to remind the residents that there will be a vote on the Bond Vote for the Burnt Hills-Ballston Lake School District on December 9th and the Fire Districts will hold their elections for Fire Commissioners on December 8th. Ms. Ireland also stated that she really appreciates the recognition of the veterans since she feels they don't receive enough recognition.

Supervisor Southworth reported that the Tobacco Free Resolution received an award.

Janet Allen of 23 Fruitwood Drive gave a presentation regarding the wetlands in the area of Forest Road, Fruitwood Drive and Route 50. The wetlands are now being destroyed by beavers. The water is building up. The Town will not help. There has to be something that can be done.

It was pointed out that the Town cannot take any action since the wetlands are located on private property, and Town property has not been affected. Health Officer, Dr. Kelley, has deemed no health hazard.

Councilwoman Ireland stated that the flooding is significant.

Dr. Peter Farrell, one of the property owners, stated that the original dam has been there about 8-1/2 years. The new dam, located on the property of John Guyer, has only been there since this year.

Councilwoman Ireland said she realizes this is private property, but if we get a lot of snow, will it become a public health issue. If it becomes a health issue, is there anything we can do as a preventative issue.

Chuck Haugh asked in time of emergency, could the culverts handle the water from the beaver dam. Could the Town then become involved.

Councilwoman Ireland asked if Kathryn Serra of C. T. Male take a look at the culverts to see if they could handle extra water.

The size of the flooded area is 8-1/2 acres at 4 feet deep.

Wendy Haugh stated that her mother has lived in this area for 50 years. She is concerned at what is happening because of the beavers.



Arnold Palmer said that housing is what is causing the problem. The town is causing the problem by allowing building. Filling in the wetlands is pushing the water to some other area.

Scott Miller stated he is scarred about numbers. Yes, there should be a trade off. The Town should be preserving open space. The Town is not getting anything for it. It gets wetlands and other undevelopable land.

George Seymour said we have to watch development because of the impact on the schools.

Richard Doyle spoke regarding the pedestrian issue. He thanked the Town Board especially Supervisor Southworth and Councilwoman Ireland for trying to get a grant for the sidewalk between Kingsley Road and Route 50. Please keep working on it.

Supervisor Southworth replied that it is still a top priority.

Mike Smith said he is concerned about the traffic on Route 50. Mama's ice cream stand is a death trap.

Jessica Friedman stated that where she used to live, as developers came in with new projects which affected the amount of children going to area schools, the developer would build the schools to accommodate the growth. Perhaps this would be a solution.

The following items were presented for discussion and action.

The Burnt Hills-Ballston Lake School District has requested use of four voting machines and the services of Voting Machine Custodian Charles Hildreth for the Bond Vote on December 9, 2009.

09-168: 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 Bond Vote on December 9, 2009. The services for the Voting Machine Custodian are \$75.00 per machine with the cost to be paid by the School District. Roll Call: Ayes – all; Noes – none. Carried.

09-169: A motion was made by Timothy Szczepaniak and seconded by Mary Beth Hynes to approve Town Supervisor Patricia Southworth and Deputy Town Supervisor George Seymour as the primary and secondary signors for the Milton Terrace Water District savings account. Roll Call: Ayes – all; Noes – none. Carried.

The Town's Crime Policy is due for renewal. The Town requested a quote from Capital Bauer but none was received so it is recommended that the Town continue with Selective Insurance.

09-170: A motion was made by James Briaddy and seconded by Kimberly Ireland to approve the renewal of the Crime Policy with Selective Insurance at a cost of \$3,194.00. Roll Call: Ayes – all; Noes – none. Carried.

09-171: A motion was made by Mary Beth Hynes and seconded by Kimberly Ireland to adopt the following resolution:

WHEREAS, the Town of Ballston is desirous to obtain funding to complete an Agricultural Protection Plan for the purposes of continuing to promote and protect farmland resources within the community, and



WHEREAS, the Town, under Resolution 09-57, awarded the planning services for development of an Agricultural Protection Grant to Elan Planning and Design, and such application has subsequently been prepared, now, therefore, be it

RESOLVED, that the Town Supervisor is hereby directed and authorized to make such application to the New York State Department of Agriculture and Markets, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance.

The Town is desirous to amend the terms in the Contract with Saratoga County Water Authority regarding the amount of gallons to be purchased and the start date of the Contract. Supervisor Southworth doesn't agree with the timing of the hook up. She feels we need to push into the future so the Town does not put an excessive financial burden on the water district residents.

09-172: A motion was made by James Briaddy and seconded by Kimberly Ireland to approve the following proposed Addendum to the contract with the Saratoga County Water Authority and to give Attorney Murry Brower the authorization to negotiate the date of July 30, 2010 or an agreeable date with the Saratoga County Water Authority. Roll Call: Councilman James Briaddy – aye; Councilwoman Mary Beth Hynes – aye; Councilman Timothy Szczepaniak – aye; Councilwoman Kimberly Ireland – aye; Supervisor Patricia Southworth – no. Carried.

Addendum to Contract between The Town Board of the Town of Ballston as commissioners of the various Town of Ballston Water Districts, a municipal corporation having its place of business at 323 Charlton Road, Ballston Spa, New York (the Town Water Commissioners) and the Saratoga County Water Authority, a public benefit corporation having its principal place of business at 40 McMaster Street, Ballston Spa, New York 12020 (SCWA)

Whereas, the SCWA and The Town entered into a contract (The Contract) for the sale and purchase of water and signed by a representative of the SCWA on March 10, 2007 and by the Supervisor of The Town on March 10, 2007, and

Whereas, the parties wish to modify and amend the contract referred to above and each of the parties having given due deliberation to the following modifications and amendments,

Now therefore it is agreed as follows,

The minimum amount of water to be purchase as referenced in Roman numeral I of The Contract and in Roman numeral II is changed to 150,000 gallons per day of potable water so that the Town has to purchase no more than this minimum. The calculation described in Roman numeral IV is also changed to 150,000 gallons.

And it is further agreed that,

The start date of The Contract shall be July 30, 2010.



All other terms of The Contract not specifically changed or amended by this addendum shall remain the same during the term of The Contract.

These changes shall take effect upon the adoption and execution by the respective parties.

09-173: A motion was made by Mary Beth Hynes and seconded by Kimberly Ireland to appoint Woodley Bowler to the First Alternate position on the Jenkins Park Advisory Board. Roll Call: Ayes – all; Noes – none. Carried.

Supervisor Southworth stated that Mr. Bowler will make a nice addition to the Jenkins Park Advisory Board.

The Town has a proposed renewal of the contract with the Village of Ballston Spa for the Ballston Spa Fire Protection District.

09-174: A motion was made by Mary Beth Hynes and seconded by Kimberly Ireland to set a public hearing for the Ballston Spa Fire Protection District Contract for December 29, 2009 at 7:20 p.m. Roll Call: Ayes – all; Noes – none. Carried.

The Town will be receiving money from the Schidzick Estate. The Town is planning to establish a dedicated account for these funds.

09-175: A motion was made by Mary Beth Hynes and seconded by Timothy Szczepaniak to establish a dedicated account for the Schidzick property. Roll Call: Ayes – all; Noes – none. Carried.

The proposed Parks and Recreation Committee Rules and Regulations were presented to the Town Board.

09-176: A motion was made by Mary Beth Hynes and seconded by Kimberly Ireland to adopt the following Parks and Recreation Committee Rules and Regulations as presented. Roll Call: Ayes – all; Noes – none. Carried.

Purpose:

The purpose of the Parks and Recreation Committee shall be to advise and make recommendations to the Town Board for Parks and Recreation opportunities that would enhance active and passive recreational needs in the Town of Ballston.

Committee Membership:

The Parks and Recreation Committee shall consist of seven (7) residents of the Town of Ballston appointed by the Town Board. The seven (7) members shall be appointed for five (5) year terms. Each member shall be limited to two (2) five (5) year terms. If there is no one to replace a member when the member is at the end of the 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. All members shall be given copies of the Town of Ballston Code of Ethics which they shall comply with. This is a requirement of the State of New York as a result of legislation passed in 1970.



The Town Board shall appoint two (2) alternate members who shall attend Committee meetings and who shall become voting members in the absence of a quorum.

Committee Meetings:

The Committee shall meet at least eight (8) times a year and at the first meeting of each new calendar year elect officers who shall consist of Chairperson, Vice-Chairperson and Secretary.

All meetings of the Committee shall be held on the third Wednesday of the month, at the call of the Chairperson, or at the call of two (2) members thereof and at such other times as the Committee may determine, in each case upon two (2) days notice to all members. All meetings shall be open to the public. Subcommittees, if formed, shall meet at the call of the Chairperson, or at the call of two (2) members thereof, in each case upon two (2) days notice to all members of the subcommittee and Chairperson. All subcommittees shall be open to the public. The Town Clerk shall be given two (2) days notice of all meeting dates and times of both the full Committee and subcommittees and will post as required by the open meetings law.

The Committee and each subcommittee shall keep minutes of its proceedings showing the vote of each member upon every issue on which a motion for action is made, or if absent or failure to vote, indicating such fact.

The Secretary shall maintain records of all meetings and forward one (1) copy to the Town Clerk for Town Board records. All minutes of such Committee and subcommittees shall be filed within ten (10) days of such meeting, in the office of the Town Clerk and shall be a public record.

Duties of the Committee:

The following are duties accepted by the Committee:

First priority is to identify possible land for Diamond Anchor Park and investigate funding opportunities if additional funding is needed.

Discuss the kind of Park the Committee finds the town needs at this time.

Review Town of Ballston documents relevant to this Committee, as well as, past minutes and documents of the old Parks and Recreation Commission.

Assess the need for active and passive recreation.

Propose programming activities, if appropriate.

Investigate collaborative opportunities with other municipalities, businesses, community groups and other potential partnerships.

Investigate funding opportunities for any additional property.

Provide full cost analysis of potential projects to the best of their ability.

Establish rules and regulations for trail use.

Develop a long range plan for maintenance and programming needs.

Provide an annual report of activities and committee progress.

Not expend funds without Town Board approval in advance.



Councilwoman Ireland mentioned the fact that Congressman Murphy donated a flag to the Town of Ballston which was flown over the United States Capitol on June 18, 2009.

A motion was made by Kimberly Ireland and seconded by Timothy Szczepaniak to adjourn the meeting. Roll Call: Ayes – all; Noes – none. Carried.

Respectfully submitted,
Muriel K. Swatling
Town Clerk

