



Town of Ballston Town Board Meeting
December 7, 2010

The regular meeting of the Town Board of the Town of Ballston was held Tuesday evening, December 7, 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.

Supervisor Southworth called the meeting to order and the Pledge of Allegiance was recited.

A motion was made by Timothy Szczepaniak and seconded by Mary Beth Hynes that the minutes of the October special meeting and November regular meeting be approved. Roll Call: Ayes – all; Noes – none. Carried.

The Town Clerk read the Notice of Public Hearing from NYSDOT. The public hearing is set for January 6, 2011 at 10:00 a.m. regarding the possible closure or modification of the private at-grade crossings on Connolly Road, Saunders Lane, and White Beach Road. This hearing will establish a record and enable a determination as to whether closure or modifications of these crossings are in the best interest of the People of the State of New York. The Town Clerk then read a letter from the Ballston Lake Fire Department pointing out the safety issues for emergency vehicles getting to residents on the other side of the railroad tracks and the response time of members of the fire department and emergency squad getting to the firehouse and emergency squad building.

Building Inspector Thomas Johnson, Highway/Water Superintendent Joseph Whalen, Dog Control Officer John Christopher, 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.

Supervisor Southworth presented her financial report for November.

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

Supervisor Southworth reported that the Saratoga County Budget vote will be held on December 15th. There are a number of vacant positions at the County level due to a number of people accepting the early retirement package. Some of these positions may or may not be filled. Ellms Farm sent over 100 Christmas trees from this area to our troops that are serving at this time. Ornaments that were made by local school children were sent along with the trees. The Festival of Trees was held this past weekend. New additions this year included a craft area for children and the Bloodmobile was in the parking lot.

The next agenda item was Privilege of the Floor.

Lisa Dorn spoke regarding the position of Court Clerk. She feels there should be designated hours – some for the public and some for getting the paper work done.

Councilwoman Ireland spoke regarding the potential closing of the railroad crossings. She said she has data back to June and will put forth a statement that the Town Board will support keeping the crossings open.

Councilwoman Hynes said to get the word out to the public regarding the crossings even if they don't live on lake.



Councilman Szczepaniak stated that his biggest concern is public safety. If a new road was to be constructed, who would pay for it? Mr. Szczepaniak feels that closing or modifying the crossings is not an option. He feels the residents should reach out to Assemblyman Tedisco or Senator Farley. He would also like to see a packed Community Room for the public hearing.

Councilman Knight said that Councilman Szczepaniak has said it all. Mr. Knight also thinks that public safety is the major concern.

Councilwoman Hynes said to bring written statements with their input to the public hearing. It is usually easier to read the statements rather than trying to speak without written notes. If you are uncomfortable about speaking, you can hand in the written comments to be included in the record. Also, the public hearing is not a question and answer period.

Supervisor Southworth stated that there is strength in numbers.

Councilwoman Ireland asked if school buses are allowed on private roads. Councilman Knight replied that school buses are not allowed on private roads.

Al Eaton thanked the Town Board for giving consideration to the proposed crossing issue. He asked that the Town put a dog in the fight to help support the affected residents. No matter what happens, the crossings are not safe now.

Polly Windels said that she is an avid letter writer and would be willing to write a letter but does not know what to say.

Councilwoman Hynes asked if there is a spokesperson for the group. Can they come up with some information?

Councilwoman Ireland stated that hopefully the railroad crossings will be modified. She would like to see the crossings updated to make them safe.

Attorney Brower said it would be most effective to go to the public hearing and make your points with the Administrative Law Judge.

Supervisor Southworth stated that if the railroad brings problems, it is up to the railroad to make repairs.

Herbert Jackson suggested sending letters ahead of the public hearing.

Councilwoman Ireland replied that everyone has to give a consistent message that is wide spread. We all agree, let's help keep the crossings open.

Polly Windels suggested putting a sheet together to hand out with addresses and points to be made.

Mr. Jackson informed the Town Board that there was a similar problem in Columbia County. The outcome was that the crossing was kept open. Gates were installed at the crossing with DOT paying for the gates and the railroad installing them.



Joan Eddy said it is great for the hospital to have water but I don't want to pay for it. Do research before voting. They would be an out of district user, so pay the out of district rate.

Paul Simpson stated that at some time the rates will go up. The hospital should pay the outside user rate.

Polly Windels said if we allow the hospital to get a break that the residents don't get, the Town's integrity could be questioned. The Town should not consider just the hospital.

Joan Eddy said to give this (the water to Saratoga Hospital) serious thoughts.

The following items were presented for discussion and action.

10-151: A motion was made by Jeremy Knight and seconded by Timothy Szczepaniak to establish the Town Board as the lead agency for the SEQRA process for amending the Stonebridge Planned Unit Development District. Roll Call: Councilwoman Hynes – aye; Councilman Knight – aye; Councilman Szczepaniak – aye; Councilwoman Ireland – aye; Supervisor Southworth – aye. Carried.

10-152: A motion was made by Jeremy Knight and seconded by Timothy Szczepaniak to determine a negative declaration for the SEQRA process for the Stonebridge Planned Unit Development District. Roll Call: Councilwoman Hynes – no; Councilman Knight – aye; Councilman Szczepaniak – aye; Councilwoman Ireland – aye; Supervisor Southworth – aye. Carried.

10-153: A motion was made by Jeremy Knight and seconded by Kimberly Ireland to approve Local Law No. 2 of the year 2010 amending the Stonebridge Planned Unit Development District as follows:

Amend Appendix C – Declaration of Covenants and Restrictions for Stonebridge

Section 4. Architectural restrictions:

A. Area A

1. Every effort will be made to differentiate and distinguish residential buildings adjacent to each other. In the case of the townhome buildings, the adjacent individual units within each structure will utilize contrasting colors and/or architectural details to the greatest extent practicable while still maintaining an aesthetically pleasing façade. In the case of the single-family homes, the builder will endeavor to diversify the front elevation of homes located immediately adjacent to each other by utilizing various architectural features including but not limited to : garage styles; porch styles; façade material styles, colors and texture; windows and shutters; roof styles and colors; and distinguishing architectural details, etc. while still maintaining an aesthetically pleasing façade.

B. Area B

3. Roofs

- a. Roof slopes of 3 inches in 12 inches or greater are permitted to be exposed to



view and shall be limited to the following materials:

- Fiberglass composition
- Asphalt composition
- Galvanized metal
- Pre-painted metal
- Field painted metal
- Copper or other metals appropriate for roofing.

The Town of Ballston will be taking over the duties of all phases of issuing dog licenses as the State of New York will no longer be doing this task. The Dog Control Law has to be amended to reflect these changes.

10-154: A motion was made by Mary Beth Hynes and seconded by Timothy Szczepaniak to establish the Town Board as the lead agency for the SEQRA process for amending the Dog Control Law. Roll Call: Councilwoman Hynes - aye; Councilman Knight – aye; Councilman Szczepaniak – aye; Councilwoman Ireland – aye; Supervisor Southworth – aye. Carried.

10-155: A motion was made by Kimberly Ireland and seconded by Mary Beth Hynes to determine a negative declaration for the SEQRA process for amending the Dog Control Law for the Town of Ballston. Roll Call: Councilwoman Hynes – aye; Councilman Knight – aye; Councilman Szczepaniak – aye; Councilwoman Ireland – aye; Supervisor Southworth – aye. Carried.

10-156: A motion was made by Mary Beth Hynes and seconded by Kimberly Ireland to approve Local Law No. 3 of the year 2010 amending the Dog Control Law of the Town of Ballston (for content of Local Law No. 3, see page 207 for public hearing held on November 30, 2010,). Roll Call: Councilwoman Hynes – aye; Councilman Knight – aye; Councilman Szczepaniak – aye; Councilwoman Ireland – aye; Supervisor Southworth – aye. Carried.

10-157: A motion was made by Mary Beth Hynes and seconded by Timothy Szczepaniak to authorize reimbursement of \$186.00 room fee for newly elected Town Justice John Fantauzzi who attended the Taking the Bench Training in Syracuse, New York from November 19, 2010 to November 20, 2010 and December 3, 2010 to December 4, 2010. Roll Call: Ayes – all; Noes – none. Carried.

10-158: A motion was made by Mary Beth Hynes and seconded by Kimberly Ireland to approve a budget adjustment to the 2010 Budget by increasing the appropriations line of the Court fund, 11104.01 by \$186.00 and decreasing the Contingency Account of General Fund A 19904.01 by \$186.00. Roll Call: Ayes – all; Noes – none. Carried.



10-159: A motion was made by Kimberly Ireland and seconded by Jeremy Knight to authorize the setup of Town Justice John Fantauzzi's bank account with a fee of \$50.00 to be funded as of January 1, 2011. The CFO, Patricia Southworth, will be the secondary signator on this account. Roll Call: Ayes – all; Noes – none. Carried.

10-160: A motion was made by Mary Beth Hynes and seconded by Kimberly Ireland to amend resolution 10-144, the follow-up procedure for noncompliance for the property at 23 Nolan Road, SBL 248.20-1-13, as stated in Section 52-5 of the Town Code concerning unsafe buildings. The Town Board designates the Inspector and Architect to make a determination regarding the unsafe or dangerous condition of the structure. Roll Call: Ayes – all; Noes – none. Carried.

10-161: A motion was made by Kimberly Ireland and seconded by Timothy Szczepaniak to retain the services of C. T. Male to make a determination regarding the unsafe or dangerous condition of the structure at 23 Nolan Road, SBL 248.20-1-13, at a cost not to exceed \$1,000.00. Roll Call: Ayes – all; Noes – none. Carried.

Discussion was held regarding supplying water to the Saratoga Hospital project to be located in the Town of Malta.

Councilwoman Hynes stated that the Town charges \$3.30/1,000 gallons of water. The Town pays \$2.90/1,000 gallons of water. The outside user rate for the Town of Ballston is \$6.75 per 1,000/gallons of water. The Town of Clifton Park offered the water to the Saratoga Hospital project for \$3.87/1,000 gallons of water. The Town of Ballston has delayed making a decision.

Councilwomen Hynes and Ireland did not present an alternative solution for setting a water rate since Saratoga Hospital has made a decision to purchase water from the Town of Clifton Park.

Councilman Szczepaniak said that since the decision has been made, this is done so there is no need to do anything.

Councilwoman Ireland said this was not to give a freebie. This would be additional revenue for our Town. It was never meant to be a freebie.

Councilwoman Hynes said she thinks it is unfortunate for the Town to miss this opportunity.

Supervisor Southworth said I think we had a difference of opinion. Maybe we should look at the rates to see if they need to be changed.

Councilman Szczepaniak stated we represent the residents of the Town of Ballston. The user rate was set. That's what should be charged.

Councilwoman Hynes replied that the water districts don't have an overabundance of money. Any money coming in would be good for the Town.



Supervisor Southworth said she disagreed.

Councilman Knight said that he was going with the information Joe Whelan provided.

Councilwoman Ireland stated that the Town should reestablish the Water Committee.

A task list has been formulated for the Farmland Protection Committee. Councilman Knight said he reviewed the list and feels the list is complete. Supervisor Southworth said the Committee needed more direction so the list was established to provide that direction.

Councilwoman Ireland asked about the item of reclaiming lands for agriculture – by whom?

Councilman Knight answered that it would be vacant land with a potential for farm land.

Councilwoman Ireland asked if the agricultural community is in agreement with the residents.

Councilwoman Hynes stated that she is disappointed that nothing has been done by the Farmland Protection Committee.

Supervisor Southworth stated there was a potential for getting grant money which would then allow for a consultant to work with the Committee. The Committee didn't meet while the Town was waiting for the grant. When the Town didn't get the grant, the Committee started meeting on their own. They started to formulate their own Farmland Protection Plan by using Plans already adopted by area towns as a guide. The Committee felt they needed more direction from the Town; therefore, the Task List as follows:

Farmland Protection Steering Committee Tasks:

Develop a Mission Statement

Brief history of agriculture in Ballston and Saratoga County

Define agriculture lands

Identify types of agriculture currently taking place in Ballston and Saratoga County

Current regional planning

Identify current inventory

Identify lands that could be reclaimed for agriculture

Identify agricultural soil types

Town development trends and pressures

Seek community input

Survey agriculture landowners



Analyze data and identify current agriculture opportunities, fiscal and zoning impacts on agriculture

Farmland Protection Strategies

Draft Farmland Protection Plan

10-162: A motion was made by Timothy Szczepaniak and seconded by Kimberly Ireland to approve the Farmland Protection Committee Task List as stated above.. Roll Call: Ayes – all; Noes – none. Carried.

The Town has a request from Saratoga County Office of the Aging to use the Community Room and kitchen for a Senior Meal Distribution site. Councilwoman Ireland said it would be an ongoing commitment.

Supervisor Southworth said it would serve Saratoga County. It would be a way to work with the community and work with the County.

Councilwoman Hynes said to try it for six months. There is no payment for room use; it is an in-kind program.

Councilman Szczepaniak said to try it for a year. It is a good program.

10-163: a motion was made by Timothy Szczepaniak and seconded by Jeremy Knight to approve the request from the Office of the Aging for the use of the Community Room and the kitchen for a Senior Meal Distribution site. Roll Call: Ayes – all; Noes – none. Carried.

10-164: A motion was made by Kimberly Ireland and seconded by Jeremy Knight to amend the Sprint Contract to reinstate the previous area allocated in the former contract. Roll Call: Ayes – all; Noes – none. Carried.

10-165: A motion was made by Mary Beth Hynes and seconded by Timothy Szczepaniak to set a special meeting for December 14, 2010 at 7:00 p.m. for the purpose of appointing a Court Clerk. Roll Call: Ayes – all; Noes – none. Carried.

Supervisor Southworth explained the water rates.

Joan Pott, Chairperson of the Farmland Protection Committee stated that the Farmland Protection Committee has met. People affected by this Committee are farmland owners. Every decision made affects the farmer. The farmers' busy season is twelve months a year. We have to get the concerns of the farmers. The Task List will help.

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

Respectfully yours,

Muriel K. Swatling

Town Clerk