



Town Board Minutes January 6, 2009

The regular meeting of the Town Board of the Town of Ballston was held Tuesday evening, January 6, 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 Deputy Town Clerk Carol Shemo. Town Clerk Muriel Swatling was absent.

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

Councilman Timothy Szczepaniak made a motion to approve the minutes of the December 2, 2008 Regular Town Board Meeting. Councilman James Briaddy seconded this motion.

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

The Deputy Town Clerk read the correspondence into the record. The first correspondence was a copy of the letter sent from the NYS Department of Transportation Regional Traffic Engineer, Mark J. Kennedy, regarding the speed limit request for Outlet Road. A study of this matter has been initiated and the Town will be advised of the results upon completion. The second letter to Supervisor Southworth was from Assembly Minority Leader James N. Tedisco congratulating the Town on being awarded a State grant under the Justice Court Assistance Program. The last letter to the Town Board was from Jane Robbins congratulating the community for coming together to make improvements in Jenkins Park.

The following reports were presented by Town Officials.

Library Trustee Emily Brower gave the Library Report for the month of December. The Library has new Saturday hours starting in January from 10 a.m. to 2 p.m. Library Board of Trustees Member Tom Schottman has his sculptures on display along with the art work of the Oakroom Artists. New programs for the Library for January include Vinyasa Flow Yoga and an informative program on Roth IRAs.

Building Inspector Thomas Johnson, Highway/Water Superintendent Joseph Whalen, Dog Control Officer John Christopher; Animal Control Officer Thomas Shambo, Historian Richard Reynolds, Supervisor Patricia Southworth, and Deputy Town Clerk Carol Shemo submitted reports for the month of December and annual reports for 2008, and they are on file in the Town Clerk's Office.

Supervisor Southworth submitted the financial report for the month of December.

A motion was made by Councilman Briaddy and seconded by Councilwoman Hynes to accept the Supervisor's Report.

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

Supervisor Southworth reported that the Farmers Market meeting was rescheduled to January 14, 2009 at 7:00 p.m. At the last agenda meeting, Town resident Arnold Palmer asked the balance due on the Town Hall and the Supervisor stated the balance is \$1,355,000. The three Saratoga County committees assigned to Supervisor Southworth for 2009 are: public housing, legislative research and racing.



The following comments were noted during Privilege of the Floor:

Resident Arnold Palmer asked if the Town Board will be sending out postcards to notify Town residents of the upcoming public hearing on the Ballston Lake Overlay District. Councilwoman Hynes states the postcards are ready for mailing.

Town resident Merrill McColl volunteered supplies from the Schenectady Disaster Relief for use at the Town Hall in emergency situations.

The following items were presented for discussion and action.

The Town Board reviewed the organizational resolutions and appointments for 2009.

Councilwoman Ireland noted two changes to the Resolution #14; the Animal Control Officer and the Chairperson of the Jenkins Park Advisory Board need to be added to the list of officials to receive the Town Board Minutes. The Board agreed with these changes. Councilman Szczepaniak, referring to the Town Board Committees for 2009, felt that it was necessary that Supervisor Southworth be on the Water Committee since the Water Committee will be addressing the situation of two water contracts. Councilwoman Hynes stated the need for the Town Attorney to be involved in these contract meetings. Supervisor Southworth added her name to the Water Committee for 2009 and the Town Attorney will be included in the next water meetings with Glenville.

09-01: A motion was made by Councilman Briaddy and seconded by Councilwoman Ireland to approve the organizational resolutions and appointments for 2009.

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

The Supervisor appoints the following Town Board Committees for 2009, pursuant to Town Law 63:

Highway and Building – Briaddy and Southworth

Personnel – Briaddy and Southworth

Assessment – Hynes and Ireland

Public Safety – Hynes and Szczepaniak

Insurance – Hynes and Ireland

Library – Briaddy and Southworth

Water – Hynes, Szczepaniak and Southworth

Audit – Briaddy

Zoning and Planning – Ireland and Szczepaniak

Open Space – Ireland and Hynes



Building Department and Zoning Enforcement – Briaddy and Szczepaniak

Town of Ballston Recreation – Ireland and Szczepaniak

RESOLUTIONS – 2009:

RESOLUTION #1 – BE IT RESOLVED by the Town Board of the Town of Ballston that all meetings of the Town Board shall be held in accordance with the latest edition of Robert’s Rules of Order.

RESOLUTION #2 – BE IT RESOLVED by the Town Board of the Town of Ballston that all regular meetings of the Town Board of the Town of Ballston shall be held in the Town Offices located on Charlton Road, Town of Ballston and County of Saratoga at 7:30 p.m. on the first Tuesday of each month, except in November when it shall be the first Thursday at 7:30 p.m. A special meeting will be held on the last Tuesday of each month (Agenda Meeting) for the purpose of paying monthly bills and any other business requiring immediate attention.

RESOLUTION #3 – BE IT RESOLVED by the Town Board of the Town of Ballston that the Agenda Meetings of the Town Board shall be held at the Town Offices located on Charlton Road, Town of Ballston and County of Saratoga at 7:30 p.m. on the last Tuesday of each month.

RESOLUTION #4 – BE IT RESOLVED by the Town Board of the Town of Ballston that the Ballston Spa National Bank shall be the official depository for Town funds. Be it further resolved that funds may be withdrawn and checks may be signed by the Supervisor, Patricia A. Southworth or in her absence by Deputy Supervisor, George Seymour, in accordance with the provisions of the Town Law and the procedures established by the Town Board. Be it further resolved that checks drawn on the Town Clerk’s account may be signed by the Town Clerk or the Deputy Town Clerk in accordance with the provisions of the Town Law and the procedures established by the Town Board. The Ballston Spa National Bank will deposit with a third party collateral sufficient to cover all balances.

RESOLUTION #5 – BE IT RESOLVED by the Town Board of the Town of Ballston that salaries for Town Officials in 2009 and rates for hourly employees in 2009 be approved as listed and established in the 2009 Budget, and that the payroll schedule be: Biweekly – all hourly employees; all elected officials and salaried employees.

RESOLUTION #6 – BE IT RESOLVED by the Town Board of the Town of Ballston that the Water Superintendent be authorized to make purchases on his own authorization up to a limit of \$3,000.00.

RESOLUTION #7 – BE IT RESOLVED by the Town Board of the Town of Ballston that a petty cash account of \$300.00 be authorized for use by the Town Clerk and a petty cash account of \$300.00 be authorized for use by the Town of Ballston Community Library.

RESOLUTION #8 – BE IT RESOLVED by the Town Board of the Town of Ballston that the official newspaper as required by Town Law shall be the Daily Gazette.

RESOLUTION #9 – BE IT RESOLVED by the Town Board of the Town of Ballston that Town Officers shall be compensated at the rate of .55 cents per mile for the use of their personal automobiles in the performance of their official duties.



RESOLUTION #10 – BE IT RESOLVED by the Town Board of the Town of Ballston that all elected and appointed officers of the Town shall be authorized to attend meetings and conferences connected with their office and shall be reimbursed for necessary expenses and mileage at the approved rate upon the submission of the proper voucher within the limits of the budget. Overnight trips shall require prior approval by the Town Board.

RESOLUTION #11 – BE IT RESOLVED that the preliminary agenda will be put on the Town Website and Town Bulletin Board 5 days prior to the meeting.

RESOLUTION #12 – BE IT RESOLVED by the Town Board of the Town of Ballston that the following individuals are appointed to the following positions for a term of one year commencing January 7, 2009 said term ending at the organizational meeting of the Town of Ballston held in January 2010.

Budget Officer – Patricia Southworth

George Seymour - Deputy Supervisor

Building Inspector and Fire Marshal – Thomas Johnson

Stormwater Management Coordinator and Deputy Building Inspector – Lester Bonesteel

Dog Control Officer – John Christopher

Animal Control Officer - Thomas Shambo

Deputy Town Clerk - Carol Shemo

Deputy Tax Collector – Glenn Hogue

Joann Bouchard - Bookkeeper/Secretary

Richard Reynolds - Town Historian

Arthur Mengel – Chairman of the Board of Ethics

Building Clerk – Michelle Dingman

Court Clerks – Dorothy Spoonogle; Jane Curtiss

Deputy Highway Superintendent – John Hollowood

Water Superintendent for Districts 2 – Joseph Whalen

Water District Clerk for Districts 2 – Barbara Voehringer

Assessor's Clerk – Sharlene Gillan

Voting Machine Custodians – Charles Hildreth; William Schwinghammer



Representative to Saratoga County Office for the Aging – Anne Quinn

Representative to Milton Terrace Water District – Patti Southworth

Representative to Saratoga County Youth Bureau – John Fantauzzi

Zoning Enforcement Officer – Anton Rohrmeier

Chairman, Zoning Board of Appeals – Michael Lesniak

Vice-Chairman, Zoning Board of Appeals – Marilyn Bell

Chairman, Planning Board – Richard Doyle

Vice-Chairman, Planning Board – Jeffrey Cwalinski

Secretary – Zoning Board of Appeals – Michelle Dingman

Secretary – Planning Board – Michelle Dingman

Jenkins Park Advisory Board Member – Peter Petrillose (Jan. 1, 2009 – December 31, 2013)

Jenkins Park Advisory Board Member – Satoru Ihara to complete Susan Macejka's term (January 1, 2009 – December 31, 2010)

Jenkins Park Advisory Board Member – Rae Quesada (January 1, 2009 – December 31, 2009)

Health Officer – Dr. William Kelley

Clerk – Leslie Zorn

Marriage Officer – Charles Merriam

RESOLUTION #13 – BE IT RESOLVED by the Town Board of the Town of Ballston that the official holidays for the Town are:

New Year's Day – Thursday, January 1, 2009

Martin Luther King Day – Monday, January 19, 2009

Lincoln's Birthday – Thursday, February 12, 2009

Presidents Day – Monday, February 16, 2009

Memorial Day – Monday, May 25, 2009

Independence Day – Friday, July 4, 2009

Labor Day – Monday, September 7, 2009



Columbus Day – Monday, October 12, 2009

Veterans Day – Wednesday, November 11, 2009

Thanksgiving Day – Thursday, November 26, 2009

Friday, November 27, 2009

Christmas Day, - Friday, December 25, 2009

RESOLUTION #14 – BE IT RESOLVED by the Town Board of the Town of

Ballston that all official meeting minutes must be written and mailed or otherwise distributed to appropriate parties within seven days of the applicable meeting. Town Board meeting minutes must, at a minimum be sent to: all Town Board members, Town Attorney and Deputy Town Attorney, Highway Superintendent, Building Inspector, Water Superintendent, Zoning Enforcement Officer, Assessor, Tax Collector, Town Justices, Town Librarian, Dog Control Officer, Animal Control Officer, Town Historian, Chairperson of Zoning Board and Planning Board, Town Engineer, Chairperson of the Jenkins Park Advisory Board and others as required by the Town Board in special circumstances. The Zoning Board of Appeals (ZBA) meeting minutes must be sent to all ZBA members, all Town Board members, the Town Attorney and the Deputy Town Attorney, the Chairperson and Secretary of the Planning Board, the Highway Superintendent, Building Inspector, Zoning Enforcement Officer, Assessor, Town Engineer, applicants before the ZBA, and other persons as needed. The Planning Board minutes must be sent to all Planning Board members, all Town Board members, the Town Attorney and the Deputy Town Attorney, the Chairperson and Secretary of the ZBA, the Highway Superintendent, Building Inspector, Zoning Enforcement Officer, Assessor, Town Engineer, applicants before the Planning Board, and other persons as needed.

RESOLUTION #15 – BE IT RESOLVED by the Town Board of the Town of Ballston that the Town Attorney (representing the Town Board) and the Town Designated Attorney for Planning and Zoning appointed by the Town Board, will not represent clients before any of the standing boards of the Town or undertake criminal defense work before the Courts of the Town of Ballston.

RESOLUTION #16 – BE IT RESOLVED by the Town Board of the Town of Ballston that the fee schedule be amended to include a fee for checks returned by any bank for insufficient funds, the fee is to be \$20.00.

RESOLUTION #17 – BE IT RESOLVED by the Town Board of the Town of Ballston that the firm of C. T. Male is hereby appointed Town Engineer. The Town Engineers agree not to represent any clients within the Town of Ballston before any duly established town board (i.e. Town Board, Planning Board, and Zoning Board of Appeals).

RESOLUTION #18 – BE IT RESOLVED that the Town Board of the Town of Ballston authorized the Supervisor to make transfers between accounts in the current budget in order to keep accounts properly funded. The Supervisor will report transfers monthly to the Town Board.



RESOLUTION #19 – BE IT RESOLVED that the Town Supervisor of the Town of Ballston is hereby authorized and directed to prepare and distribute up to four newsletters to the residents of the Town of Ballston relative to the activities of the Town Board during the year 2009.

The Association of Towns will be holding their Annual Meeting in New York City from February 15-18 2009. The Town will authorize a maximum of Ten Attendees to go to this meeting.

09-02: A motion was made by Councilwoman Ireland and seconded by Councilman Briaddy to authorize a maximum of ten attendees at the Association of Towns Annual Meeting in New York City from February 15-18 2009.

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

The Town needs to appoint a Voting Delegate to the Association of Towns Annual Meeting. Supervisor Southworth, Councilwoman Hynes, Assessor June Maniacek and Assessor's Clerk Sharlene Gillan will be attending the meeting.

09-03: A motion was made by Councilman Briaddy and seconded by Councilman Szczepaniak to appoint Councilwoman Hynes as the voting delegate to the Association of Towns Annual Meeting.

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

The Town Board considered the 2009 contracts with the Saratoga County of the Aging for transportation and nutrition. Councilwoman Ireland questioned whether the Town can consolidate services with CHS Van and the Office of the Aging transportation services. Supervisor Southworth reported that transportation, under the contract with the Office of the Aging, is available five days a week, for seniors 65 and older, for shopping and medical transportation The CHS Van is for all ages, three days a week for appointments within a 50 mile radius; this van is not handicapped accessible. Councilwoman Ireland feels we need to take a look at the numbers of residents using these services. Supervisor Southworth replied that the Director of CHS plans to give a mid-year update and these figures can be reviewed before the budget.

09-04: A motion was made by Councilman Briaddy and seconded by Councilwoman Ireland to approve the contracts with Saratoga County Office for the Aging for 2009, Nutrition Contract - \$1,678.00 and the Transportation Contract - \$1,678.00.

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

There are three junk yard licenses from Magino Pontiac-Buick, Kyle Dieterle and Doug Davey that need to be renewed for one year. Zoning Enforcement Tony Rohrmeier has reported that all the junk yards are in compliance with the Town Code.

09-05: A motion was made by Councilman Briaddy and seconded by Councilman Szczepaniak to approve the junk yard licenses for one year for Mangino Pontiac-Buick, Kyle Dieterle and Doug Davey.

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



New properties have been added and some properties have been removed from the proposed Watershed Protection Overlay District (formerly known as the Ballston Lake Overlay District). These changes are reflected in a revised map of this district. Also the regulations on Chapter 91 and 92 of the Town Code have been revised. A Public Hearing needs to be set to receive input from the public.

09-06: A motion was made by Councilman Briaddy and seconded by Councilwoman Hynes to set a Public Hearing on the proposed Watershed Protection Overlay District and Amendments to Chapter 91 and 92 of the Town Code for January 21, 2009 at 7:30 p.m.

at the Ballston Town Hall.

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

Councilman Szczepaniak reported that he will be working on the next newsletter for the end of February. He will be asking the Town departments for news articles this week.

A motion to adjourn the meeting was made by Councilman Briaddy and seconded by Councilwoman Ireland. Carried.

Respectfully submitted,

Carol R. Shemo

Deputy Town Clerk