



**TOWN OF BALLSTON TOWN BOARD**  
**Regular Monthly Meeting: June 1, 2010**

The regular meeting of the Town Board of the Town of Ballston was held Tuesday evening, June 1, 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 at 7:30 p.m. and the Pledge of Allegiance was recited.

Councilman Szczepaniak asked that the following be added to page 111 under discussion regarding the insurance renewal coming due in July after the sentence reading Councilman Szczepaniak stated that he feels there is nothing unethical:

Councilman Szczepaniak asked about the business relationship between Patrick DiCesare and Matthew Spataro.

Councilwoman Ireland asked for clarification to her statement in the insurance discussion as follows:

Councilwoman Ireland said that she is supportive of Matt Spataro receiving business but feels there is a perceived conflict of interest for insurance coverage for the Town if Patrick DiCesare formulates the request for proposals.

A motion was made by Timothy Szczepaniak and seconded by Mary Beth Hynes that the minutes of the April public hearing, the April special meeting, and the May regular meeting be approved as corrected. Roll Call: Ayes – all; Noes – none. Carried.

The Town Clerk read a letter from the Department of Transportation in response to a request from the Town of Ballston to consider lowering the speed limit on Middleline Road between Brookline Road and Rt. 67. The response read that a study had been done and a lower speed limit was not warranted at this time.

Keith Fieldhouse, a member of the Library Board of Trustees reported that the Library had made \$735 on the spring book sale. Also \$1,400 had been made on the raffle that was held during the book sale. The next book sale will be held November 10 through November 13. The books that were left from the book sale will be given to Books for Haiti. An inspection of the roof on the library has been done. There is a problem with leaking and mildew. Sign ups for the Summer Reading Program are in progress. The library held six computer workshops with 72 participants.

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 May, and they are on file in the Town Clerk's office.

Supervisor Southworth presented her financial report for May. It is a plus to see that the receipts were more than the disbursements. Supervisor Southworth also reported that the Sales Tax is up 11.5% and the Mortgage Tax is down 3%.

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

Supervisor Southworth reported that the 2010 Scholastic Rowing Championships were held on Saratoga Lake. One of the Burnt Hills Rowing Teams came in 5<sup>th</sup>. The Capital District took 17%. This event brought money into the community. Supervisor Southworth thanked the people who helped with the Ballston Spa



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Parade. The Town's assessment equalization rate for 2010 is 92%. The Clifton Park Trails Committee will hold a sixteen mile bike ride in early June. The Zim Smith Trail on Oak Street is finished. There is a split rail fence. The railroad is installing an ornamental steel fence next to the railroad tracks. There is no barbed wire. There will be some parking spots at the end of the road, but the Town will still be able to plow.

Councilwoman Hynes said she had a meeting and felt that the residents concerns have been met.

Jason Kemper and Highway Superintendent Whalen have met regarding the snow plowing.

Supervisor Southworth attended a meeting with National Grid regarding the proposed Spier Falls-Rotterdam 115 kV Transmission Project to discuss the Town's concerns. They (National Grid) will do plantings to replace tall trees.

Councilman Szczepaniak asked if there was a reason that the Town Board wasn't invited?

Supervisor Southworth replied that it was just Supervisors.

Multiple groups have been walking the area. They are looking for more public comment time.

Councilwoman Ireland said that the Public Service Commission sets the public hearings and National Grid holds information meetings.

Councilwoman Hynes stated that landowners in the Town of Ballston have concerns.

Supervisor Southworth replied she has requested additional public comment time.

Kathy Wilcox spoke regarding 23 Nolan Road. She said she has lived on Nolan Road for seven years. She stated that the owner of 23 Nolan Road hasn't lived there for more than a year. Animals live in the house. It is an eyesore. Any help you can give will be appreciated.

Attorney Brower explained the procedure.

Arnold Palmer said with the New York State budget problems, the CHIPS money may not be available.

Supervisor Southworth reported that Highway Superintendent Whalen has stopped road paving at the present time.

The following items were presented for discussion and action.

Assessor June Maniacek has requested permission to attend Assessors School from July 12 – July 16, 2010.

10-86: A motion was made by Mary Beth Hynes and seconded by Timothy Szczepaniak to authorize Assessor June Maniacek to attend the Annual School for Assessors in Ithaca, New York from July 12 through July 16, 2010. Roll Call: Ayes – all; Noes – none. Carried.

The term of Library Trustee Barbara Wilson expires as of June 30, 2010. It has been recommended that she be reappointed for another term.

10-87: A motion was made by Kimberly Ireland and seconded by Mary Beth Hynes that Barbara Wilson be reappointed to the Town of Ballston Community Library Board of Trustees for a term commencing July 1, 2010 and ending June 30, 2015. Roll Call: Ayes – all; Noes – none. Carried.

Christopher Bonitatibus made an application to the Zoning Board of Appeals and then found that he did not have to appear before that Board. Mr. Bonitatibus is requesting the refund of his application fee of \$100.00.



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10-88: A motion was made by Kimberly Ireland and seconded by Timothy Szczepaniak to approve the refund of the Zoning Board of Appeals application fee of \$100.00 for Christopher Bonitatibus. Roll Call: Ayes – all; Noes – none. Carried.

Request for Proposals have been formulated for the Town's insurance which is to expire on July 11, 2010.

10-89: A motion was made by Timothy Szczepaniak and seconded by Mary Beth Hynes to approve the Insurance Request for Proposals upon the review of the Town Attorney and Supervisor and then releasing said document for bid. Roll Call: Ayes – all; Noes – none. Carried.

10-90: A motion was made by Timothy Szczepaniak and seconded by Kimberly Ireland to set the bid opening for the insurance bids for June 29, 2010 at 7:00 p.m. Roll Call: Ayes – all; Noes – none. Carried.

Discussion was held regarding the residence located at 23 Nolan Road. Councilman Szczepaniak asked how much is the Town going to tolerate. Supervisor Southworth said we are all disappointed that it is coming back before the Board. Councilwoman Hynes stated we have to keep pushing.

10-91: A motion was made by Mary Beth Hynes and seconded by Kimberly Ireland to approve the following resolution regarding the property at 23 Nolan Road. Roll Call: Ayes – all; Noes – none. Carried.

WHEREAS the Building Inspector of the Town of Ballston, New York (the "Town") has reported to the Town Board that he has determined that real property of Robert L. Van Allen and Joan Van Allen who are the owner of public record, which real property is located at 23 Nolan Road, Town Of Ballston, New York, is designated by property transaction/tax map identification number Tax Map Section 248.20. Bock 1, Lot 13, is not in compliance with Town Law Chapter 52, BUILDINGS, UNSAFE of the Code of the Town of Ballston and the New York State Property and Maintenance Code, 19 NYCRR 1226 as incorporated in the Town Code under Chapter 52 and that he has prepared a written report and pictures dated May 19, 2010 and has presented evidence of the unsafe condition of the structure located at 23 Nolan Road as described in Town Code § 52-1.

WHEREAS it is the determination of the Town of Ballston that the property is not safe as described in the reports of The Building Inspector, Thomas Johnson, it is hereby,

RESOLVED that the Town Board finds the property to be unsafe and dangerous under § 52-2 of the Code of the Town of Ballston and hereby authorizes and instructs the Town Code enforcement officer to serve upon Robert L. Van Allen and Joan Van Allen, in accordance with local law § 52-3 notice as described in §52-3 and §52-4 informing Mr. and Mrs. Allen to begin repairs within thirty days and that said repairs be completed within 60 days of said notice having been given and it is hereby,

RESOLVED that if the repairs are not commenced within thirty days and completed within sixty days as set forth in the Code of the Town of Ballston at § 52-3 (D) (1), the Board authorizes the Code Enforcement Officer and or the Building Inspector to pursue the remedies described in § 52-3 D (2) –(5), such as retention of the services of CT Male, the Town Engineer, and the making of an application in State Supreme Court for an order declaring that the structure is unsafe and a public nuisance and directing that the structure be taken down or repaired and/or an order permitting the Town to bring said real property into compliance, charging the cost to the owner(s), and making any unpaid costs a lien against the property as provided by said Property Maintenance Ordinance; and an order that such costs, expenses and attorneys fees incurred by the town in the making said application be a lien against the property as provided by said Property Maintenance Ordinance; and any other



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fine, penalty or relief provided by §52-8 of the Code of the Town of Ballston and the laws of the State of New York, in the event the illegal conditions set forth in the Notice are not repaired.

A request has been made for a Fireworks Permit for a fireworks display to be held at the Burnt Hills-Ballston Lake High School on June 10, 2010 after the Flag Day Parade.

10-92: A motion was made by Mary Beth Hynes and seconded by Kimberly Ireland that a Fireworks Permit be approved for a fireworks display to be held June 10, 2010 at the Burnt Hills-Ballston Lake High School after the Flag Day Parade. Roll Call: Ayes – all; Noes – none. Carried.

Discussion was held regarding the Request for Proposals for the Cleaning of the Town Buildings. The cleaning of the restrooms at Town Hall should be done before the workweek starts on Monday at 8:00 a.m. In the Library section, it states there is minor maintenance and landscaping available. Councilman Szczepaniak stated that is adding another aspect. Councilwoman Ireland said we have to try to keep it fair. Supervisor Southworth asked if the quote for checking the Community Room after events is to be done at an hourly rate or flat rate. Councilwoman Ireland felt it should be at a flat rate.

10-93: A motion was made by Timothy Szczepaniak and seconded by Mary Beth Hynes to consider releasing the Request for Proposals and setting a bid opening for the RFP for the Cleaning of the Town Buildings for June 29, 2010 at 7:20 p.m. Roll Call: Ayes – all; Noes – none. Carried.

A resolution authorizing settlement of an assessment grievance between the Town of Ballston and Route 50 Realty was presented.

10-94: A motion was made by Mary Beth Hynes and seconded by Kimberly Ireland to approve the following resolution for the settlement of the assessment grievance between the Town of Ballston and Route 50 Realty. Roll Call: Ayes – all; Noes – none. Carried.

WHEREAS, Petition and Notice to Review the Assessments of taxation for the years 2008 and 2009 of the real estate of the above-named petitioners ("the Petitioners") in the Town of Ballston, County of Saratoga, State of New York, Tax Map No. [no.], was duly served upon the Board of Assessment Review and Assessor of the Town of Ballston (the "Respondents") on or about [date], and

WHEREAS, said Respondents, with the assistance of the Town Attorney, having duly not filed an Answer to said Petition, and

WHEREAS, the Respondents and said property owners are prepared to enter into an agreement and stipulation of compromise and settlement of their differences in summary as follows:

The parties have agreed that the 2008 assessment of \$2,151,400.00 should be reduced to \$1,672,000.00 for the year 2008, based upon an 88 (%) equalization rate for that year, and that Petitioner is entitled to a refund for taxes already paid as follows:

- a. \$9,381.86 as and for excess school taxes paid by Petitioner for 2008 to the Board of Education of Burnt Hill Ballston Lake Central School ;
- b. \$1,249.84 as and for excess county taxes paid by Petitioner for 2008;



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- c. \$829.72 as and for excess town taxes paid by Petitioner for 2008;
- d. and that the assessment roll for the year 2008 be corrected due to clerical error to \$1,672,000.00 based upon an 88(%) equalization rate for that year to permit Petitioner to request a correction of taxes levied pursuant to said roll.

The parties have agreed that the 2009 assessment of \$2,151,400.00 should be reduced to \$1,653,000.00 for the year 2009, based upon an 87 (%) equalization rate for that year, and that Petitioner is entitled to a refund for taxes already paid as follows:

- a. \$ 9,753.69 as and for excess school taxes paid by Petitioner for 2009 to the Board of Education of Burnt Hill Ballston Lake Central School ;
- b. \$872.06 as and for excess county taxes paid by Petitioner for 2009;
- c. \$1,299.37 as and for excess town taxes paid by Petitioner for 2009;
- d. and that the assessment roll for the year 2009 be corrected due to clerical error to \$1,653,000.00 based upon an 87(%) equalization rate for that year to permit Petitioner to request a correction of taxes levied pursuant to said roll.

The parties have agreed that the 2010 assessment of \$2,151,400.00 should be reduced to \$1,748,000.00 for the year 2010, based upon a 92 (%) equalization rate for that year.

WHEREAS, it appears to be in the best interests of the Town of Ballston to settle said matters as recommended by the Board of Assessment Review and Assessor of the Town of Ballston without further attendant legal and appraisal costs relating to said matters,

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Ballston in regular session duly convened as follows:

1. The Assessor of the Town of Ballston be and is hereby are authorized to enter into a stipulation of settlement of said pending proceeding on the terms set forth herein.
2. The Town Attorney of the Town of Ballston be and he hereby is authorized to consent to entry of appropriate court orders to accomplish said settlement and upon entry of the court orders directing the establishment of assessments for [year] as aforesaid to execute stipulations of discontinuance of the said proceedings.
3. This Resolution shall take effect immediately.

A motion was made by Mary Beth Hynes and seconded by Kimberly Ireland to take a break in the meeting to check for an e-mail expected regarding the Request for Proposals for the Insurance Renewal. Roll Call: Ayes – all; Noes – none. Carried.



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

Additional information has to be provided by the Town regarding the pump station and Deputy Supervisor.

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

Respectfully submitted,

Muriel K. Swatling  
Town Clerk