



**TOWN OF BALLSTON TOWN BOARD**  
**Regular Monthly Meeting: May 5, 2009**

The regular meeting of the Town Board of the Town of Ballston was held Tuesday evening, May 5, 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 opened the meeting at 7:30 p.m. and the Pledge of Allegiance was recited.

A motion was made by James Briaddy and seconded by Timothy Szczepaniak that the minutes of the bid opening, public hearings, March special meeting, April regular meeting, and April 24<sup>th</sup> special meeting be approved. Roll Call: Ayes – all; Noes – none. Carried.

Marcia Zablewski, representing her son, Timohy Zablewski who is ill, was present to explain her son's Eagle Scout project. He will be building and installing bat houses and adding bluebird houses to the ones already in Jenkins Park. There had been some concern about the white nose infection that is infecting bats. Mrs. Zablewski said that this fungus thrives during the cold weather. There is no scientific information about transmitting this infection to humans.

George Seymour spoke and said that this infection is prevalent during cold weather and in caves because the temperatures tend to be colder.

Tom Slocum and Michael Myers, representative of the Town of Ballston, submitted a report regarding Ballston Area Recreation Commission (BARC) which is on file in the Town Clerk's office. They thanked the Town for their support, and said they are working to change their by-laws to include residents of the Town of Ballston other than those in the Ballston Spa School District. The BARC Board meetings are the second Thursday and everyone is welcome to attend.

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

Councilwoman Hynes reported that April is autism awareness month. There was a program held by the State of New York. Jason Maxwell will be joining the Autism Committee and his specialty will be good nutrition.

Councilwoman Hynes as a member of the Public Safety Committee for the Town, spoke regarding registered sex offenders. She spoke with District Attorney James Murphy to ask about the decision is made as to where these offenders will live.

As a member of the Saratoga County Water Authority, Councilwoman Hynes reported that there will be financial assistance to the Towns who have signed on to receive water from the County Water Authority. The Town of Ballston is in line to receive \$100,000 toward hooking up to the system. The Town will also work with Saratoga County IDA to see if additional money can be obtained. Bill Simco, Executive Director of the Saratoga County Water Authority said that the Town may not need the Pumping Station immediately so there will more time for the Town to raise the necessary funds.



Councilwoman Hynes also thanked all the volunteers who worked at the Clean-Up Day. Ms. Hynes was working with the Rebuilding Saratoga County Group at the Veterans Home located at 38 Church Avenue.

Supervisor Southworth reported that Rebuilding Saratoga County has worked on a house for a low income 87 year old woman who was very appreciative. There were over 32 miles of roadside cleaned up on Clean-Up Day by over 58 volunteers. Carney's donated the food for this day.

Councilwoman Hynes asked how the sales tax is tracking. Supervisor Southworth replied that the Town is about 10% behind. She also said she is going through the budget line by line in the event cuts have to be made.

Councilman Szczepaniak feels the workshops on the budget should be held earlier.

Supervisor Southworth presented and explained the financial report for April.

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

David Stern spoke during the privilege of the floor. He took offense that the Town Board felt he should be civic minded and turn the domain names over to the Town. He stated he would have helped the town with its website. He is getting e-mail for the Town. Mr. Stern also asked if the \$600,000 was allocated in the budget for the proposed pumping station.

Councilwoman Hynes replied that there is no plan for the method of payment for the proposed pump station. Until the water tower is erected in Luther Forest, the Town of Ballston will not need a pump station.

Mr. Stern asked how we are going to pay for the pump station.

Councilman Briaddy answered that the pump station will be paid for by the water users.

Arnold Palmer stated the Town should pay for the domain names to protect the Town.

Charles Merriam informed the Board and other Town residents that long time resident Arthur Mengel had died.

The following items were presented for discussion and/or action.

The first item was approval of the Fireworks Permit for the Flag Day Parade. As of tonight, the paperwork has not been received.

09-62: A motion was made by Kimberly Ireland and seconded by James Briaddy to table the action on the approval of the Fireworks Permit for the Flag Day Parade. Roll Call: Ayes – all; Noes – none. Carried.



It was asked if there was enough money to pay for the expenses for the Flag Day Parade. Councilwoman Hynes asked if there wasn't a CD worth about \$2,000,000. Supervisor Southworth answered yes, there is enough money to pay for these expenses and yes, we do have that CD, but we don't want to start drawing down the fund balance. We will cut if we have to.

09-63: A motion was made by James Briaddy and seconded by Timothy Szczepaniak to approve the expenditures for the fireworks and one band for the Flag Day Celebration at a cost not to exceed \$6,000.00. Roll Call: Ayes – all; Noes – none. Carried.

09-64: A motion was made by Mary Beth Hynes and seconded by James Briaddy to amend resolution 09-59 to read as follows: A motion was made by James Briaddy and seconded by Mary Beth Hynes to establish a Steering Committee to assist in the Farmland Protection process. The Steering Committee members are: Robert Pustolka, Jeremy Knight, Andy VanVorst, Freida Garrison and Chuck Curtiss, Jr. Roll Call: Ayes – all; Noes – none. Carried.

Board of Assessment Review member Jeanette Bergstrom died and a resolution was presented in her honor.

09-65: A motion was made by James Briaddy and seconded by Kimberly Ireland to approve the following resolution honoring the memory of Jeannette Bergstrom. Roll Call: Ayes – all; Noes – none. Carried.

WHEREAS, Jeanette L. Bergstrom died on March 26, 2009; and

WHEREAS, Jean was a resident of the Town of Ballston; and

WHEREAS, Jean graduated from El Camino Community College, and received her Bachelor of Science degree from SUNY Empire State College in 1998; and

WHEREAS, Jean was a voluntary member of the Board of Assessment Review from 1990 to 2009 and in this capacity served this Town and our community; and

WHEREAS, Jean was a NYS licensed Ophthalmic Dispenser and earned a Master in Ophthalmic Optics from the American Board of Opticianry; and

WHEREAS, Jean established Burnt Hills Optical in 1988 and was selected as the Business Person of the Year in 1998 by the Southern Saratoga County Chamber of Commerce and was an Enterprising Women's Leadership Institute Award recipient. She served as President of the Burnt Hills-Ballston Lake Business and Professional Association (1994-1995) and served as President of the Capital District Chapter of the New York State Society of Opticians (1992-1993) and was voted Optician of the year in 1995; and

WHEREAS, Jean was an active member of the community and of Our Lady of Grace Church in Ballston Lake and at the time of her death was pursuing a graduate degree in Theology from St. Bernard's School of Theology and Ministry in Albany; now therefore be it



RESOLVED, that the Town Board of the Town of Ballston expresses its sense of loss and its sincere sympathies upon the death of Jeanette L. Bergstrom to her husband William and to her beloved family; and it be further

RESOLVED, that the Town Board further expresses its gratitude to Jeanette L. Bergstrom for her many years of service to the Ballston community as a member of the Board of Assessment Review . To Honor her memory, the Clerk of the Board will forward a certified copy of this Resolution to the family of Jeanette L. Bergstrom.

A request was made by a town resident to install a portable toilet at the parking area on Outlet Road. Councilwoman Hynes thanked Mr. David Pierce for the suggestion.

09-66: A motion was made by James Briaddy and seconded by Mary Beth Hynes to approve a contract with Stone Industries to provide a handicapped accessible portable toilet for the Outlet Road parking area. Roll Call: Ayes – all; Noes – none. Carried.

09-67: A motion was made by James Briaddy and seconded by Kimberly Ireland to approve the cost of materials to build an enclosure for the handicapped accessible portable toilet on Outlet Road parking area at a cost not to exceed \$180.00. Roll Call: Ayes – all; Noes – none. Carried.

There are two vacancies on the Jenkins Park Advisory Board. The following names were presented to fill the vacancies: David Cote and William Bechtel.

09-68: A motion was made by Kimberly Ireland and seconded by Timothy Szczepaniak to approve the appointment of David Cote to the Jenkins Park Advisory Board for a term commencing May 6, 2009 and ending December 31, 2010. Roll Call: Ayes – all; Noes – none. Carried.

09-69: A motion was made by Kimberly Ireland and seconded by Timothy Szczepaniak to approve the appointment of William Bechtel to the Jenkins Park Advisory Board for a term commencing May 6, 2009 and ending December 31, 2009. Roll Call: Ayes – all; Noes – none. Carried.

09-70: A motion was made by James Briaddy and seconded by Mary Beth Hynes to approve a contract with Delta Dental with the same terms as last year's contract. Roll Call: Ayes – all; Noes – none. Carried.

09-71: A motion was made by James Briaddy and seconded by Kimberly Ireland to approve the following Explore 400 Grant Agreement between the County of Saratoga and the Town of Ballston. Roll Call: Ayes – all; Noes – none. Carried.

This agreement made the day of ,2009 by and between the County of Saratoga, a municipality of the State of New York with a place of business at 40 McMaster Street, Ballston Spa, New York (COUNTY) and the Town of Ballston (TOWN), a municipality of the State of New York with a place of business at P.O. Box 67, 323 Charlton Road, Ballston Spa, New York 12020.

WITNESSETH:



WHEREAS the COUNTY is the sponsor of a Municipality Grant Program in conjunction with New York State's Explore NY 400 Commemoration and its own Explore! Saratoga County Commemoration of the 400<sup>th</sup> anniversary of the exploration of the Hudson River by Henry Hudson, the 400<sup>th</sup> anniversary of the exploration of Lake Champlain by Samuel de Champlain and the 200<sup>th</sup> anniversary of Robert Fulton's first steamboat voyage on the Hudson River; and

WHEREAS, the TOWN wishes to participate in Explore NY 400 and Explore! Saratoga County and receive a grant under the COUNTY's Municipal Grant Program,

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. The TOWN will pass an Explore NY 400 Community Resolution in the form prescribed by New York State.
2. The TOWN will place Explore NY 400 and Explore! Saratoga County logos on all written information relating to events in the Town, and use phrasing similar to "Part of the Explore NY 400 and Explore! Saratoga County Commemorations".
3. The TOWN will fly an Explore NY 400 flag, to be provided by New York State at 2009 Town events.
4. The TOWN will forward Town event information to the COUNTY for inclusion in the COUNTY commemoration brochure and COUNTY website.
5. The TOWN will notify the New York State Explore NY 400 Commission as to all TOWN events.
6. The TOWN will contact and encourage TOWN organizations such as historical societies, visitors' centers, performing and fine arts organizations to participate in the program by placing logos on their event information.
7. Upon receipt of the Explore NY 400 Community Resolution from the TOWN and execution of this Agreement, the COUNTY will pay to the TOWN a grant in the amount of \$250.00

09-72: A motion was made by James Briaddy and seconded by Mary Beth Hynes to establish the Town Board as lead agency for proposed Local Law No. 9 of 2009 to amend Chapter 104 of the Code of the Town of Ballston – Subdivision of Land. Roll Call: Ayes – all; Noes – none. Carried.

09-73: A motion was made by Mary Beth Hynes and seconded by James Briaddy to declare a negative impact for the SEQRA process on the basis there is not a significant impact on the environment for proposed Local Law No. 9 of 2009 to amend Chapter 104 of the Code of the Town of Ballston – Subdivision of Land. Roll Call: Ayes – all; Noes – none. Carried.



09-74: A motion was made by James Briaddy and seconded by Mary Beth Hynes to approve proposed Local Law No. 9 of 2009 amending Chapter 104 of the Code of the Town of Ballston – Subdivision of Land as follows:

Amend Section 104-6 Definitions

MAJOR SUBDIVISION – The division of a tract of land into five or more parcels and which does not otherwise qualify for a minor subdivision pursuant to the definitions in this chapter or any size subdivision requiring any new streets or construction of municipal utilities. A tract of land shall constitute a major subdivision upon the creation of the fifth lot or building plot therefrom within any consecutive five year period, and at which time the provisions of Section 1116 of the Public Health Law shall apply to all such parcels thereof, including the first four parcels, regardless of whether said parcels have been sold or offered for sale singularly or collectively.

Amend the chart on page 138:A53

Minimum Width (B)Street(S) (feet)s=60

Amend Section 104-9.1 Major Subdivisions

B. (1) (e) General Street, lot and utility layout.

Roll Call: Councilman Briaddy – aye; Councilwoman Hynes – aye; Councilman Szczepaniak – aye; Councilwoman Ireland – no – should let the Planning Board have discretion to decide if flag lots are appropriate; Supervisor Southworth – aye. Carried.

09-75: A motion was made by James Briaddy and seconded by Timothy Szczepaniak to approve the contract with Simmons Elevator Company for monthly elevator maintenance with the same rates as last year. Roll Call: Ayes – all; Noes – none. Carried.

09-76: A motion was made by Kimberly Ireland and seconded by Mary Beth Hynes to approve the following resolution supporting the Saratoga County Board of Supervisors' efforts to improve the rail infrastructure in Saratoga County. Roll Call: Ayes – all; Noes – none. Carried.

WHEREAS, the Town of Ballston understands the public benefit of expanding all types of rail infrastructure, both economically and environmentally; now, therefore, be it

RESOLVED, as follows:

1. The Town of Ballston Town Board understands the benefit to both the Town and County that the expansion of the Mechanicville Rail Yards will have, with increased tax revenue and job creation; and
2. The Town of Ballston supports the Saratoga County Board of Supervisors in its efforts to improve rail infrastructure within Saratoga County; now, therefore be it further



RESOLVED, that a copy of this resolution will be sent to the Chairman of the Saratoga County Board of Supervisors and all the Supervisors in Saratoga County, the Representative of the House of Representatives, 20<sup>th</sup> District, and each of the United States Senators from New York State.

Suburban Management LLC of 117 Eastline Road has made a request to access the Clifton Park Water Authority to provide water to 117 Eastline Road.

09-77: A motion was made by James Briaddy and seconded by Mary Beth Hynes to approve the request of Suburban Management LLC of 117 Eastline Road (parcel 249.-3-75) to access the Clifton Park Water Authority to provide water service to the multi-family residence located at 117 Eastline Road. Roll Call: Ayes – all; Noes – none. Carried.

09-78: A motion was made by Kimberly Ireland and seconded by Timothy Szczepaniak to approve crushed stone for the West Nature Trail at Jenkins Park at a cost not to exceed \$2,000.00. Roll Call: Ayes – all; Noes – none. Carried.

09-79: A motion was made by Kimberly Ireland and seconded by Timothy Szczepaniak to approve an expenditure of \$600.00 for Jenkins Park for construction of four (4) pavilion benches, footpath bridge, bicycle rack and bat house. Roll Call: Ayes – all; Noes – none. Carried.

Councilman Szczepaniak reminded the residents that there will be an Arbor Day Celebration held at 9:00 a.m. at Jenkins Park on Saturday, May 16, 2009. There will be plantings done at Jenkins Park and the parking lot on Outlet Road.

Councilwoman Ireland said that some time ago, a landowner with vacant land was proposing a meeting with area residents to see what their ideas are for uses for the vacant land. Has anything more been done regarding this meeting? The reply was not to anyone's knowledge.

Councilwoman Hynes asked what opportunities are there for parkland. The Town needs to plan ahead. We do not have a Parks and Recreation Committee at this time. Perhaps it should be reinstated. We should have a public committee to make recommendations.

A motion was made by Kimberly Ireland and seconded by James Briaddy to adjourn the meeting. Carried.

Respectfully submitted,

Muriel K. Swatling  
Town Clerk