

A regular meeting was held by the Town Board of the Town of Ballston on Tuesday evening, December 10, 2013 at the Town Hall on Charlton Road.

PRESENT:	Patricia Southworth	-----	Supervisor
	Mary Beth Hynes	-----	Councilwoman
	Timothy Szczepaniak		Councilman
	William Goslin	-----	Councilman
	Kelly Stewart	-----	Councilwoman
	Carol Shemo	-----	Clerk
	Murry Brower	-----	Counsel

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

REPORTS OF TOWN OFFICIALS

Building Inspector Thomas Johnson, Highway/Water Superintendent Joseph Whalen, Supervisor Patricia Southworth, Animal Control Officer Thomas Shambo, Library Trustee Karen DeAngelo and Town Clerk Carol Shemo submitted reports for November and they are on file in the Town Clerk's Office.

RESOLUTION 13-318

APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT FOR NOVEMBER

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to approve the Town Supervisor's report for November.

ADOPTED	Ayes	5	Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart
	Nays	0	

SUPERVISOR'S REPORT

Supervisor Southworth reminded those present that the Saratoga County Budget Vote will be held Wednesday, December 11, 2013. She asked residents to please send her their comments or concerns about the County Budget.

PRESENTATION ON TIMBER CREEK PRESERVE PHASE IV PUDD

Developer Geoffrey Brooks addressed the Board concerning a procedural item that was outstanding since the last Town Board Meeting. He noted that the Saratoga County Planning Board will be reviewing this PUDD at their December 19, 2013 meeting and will send their comments to the Town Board for their December 30, 2013 meeting. Mr. Brooks asked the Board to consider adding Timber Creek Preserve Phase IV PUDD to the December 30, 2013 meeting.

Mr. Brooks stated that the items that need further clarification are the conservation of acreage and wetland mapping. Mr. Rabideau, of Gilbert VanGuilder Land Surveyor, PLLC., explained the delineation that occurred from an actual field walk with the Army Corps of Engineers (Federal) and DEC (NYS). The map that has been circulated off of a website that shows this parcel and the possible wetlands is to be used only as a reference tool. Anyone who owns property and plans to proceed with development are encouraged to see the potential wetlands there. If there are potential wetlands, you need to contact the agencies to do a jurisdictional determination from the Army Corps of Engineers and DEC. A physical map of this parcel showing the wetlands is signed by the agencies and filed with the County and becomes law.

Mr. Duane Rabideau outlined the process of flagging wetlands to determine the number of buildable lots and the development of the property. DEC agreed with the assessment and the Army Corps of Engineers stated their agreement with the mapping in a letter that has a five year determination so it will be current until August 30, 2015. Mr. Rabideau stated that the Saratoga County GEIS map shows only the potential wetlands on the site and it is very inaccurate.

Councilman Goslin stated that there is a problem with a high water table in this area. Clifton Park has a development in that area that has all kinds of issues. He spoke with officials in Clifton Park concerning this development.

Jason Dell of Lansing Engineering said that the Clifton Park development was a different type of development for they used a Stormwater Infiltration Basin System. This area is not unique with the significant ground water rise. The Stormwater System for Phase IV will be the same system they used for Phases I, II and III with the added green infrastructure work. This project will work with the elevated water and will have Stormwater Detention Basins which are permanent pools of water mandated by DEC. One of the methods by which you have a permanent pool of water in your Stormwater Basins is by having your stormwater basin intercept the ground water table and utilize that as your permanent pool to promote aquatic life and maintain healthy ecosystems. The Town Engineer will tightly scrutinize the Stormwater design.

Supervisor Southworth stated that this zoning change fits the community as requested. For stormwater site plan and building positioning, the Town hires professionals or the experienced Planning Board Members to review these areas. The Planning Board recommended this PUDD.

Councilman Goslin stated that the Town Board named themselves as Lead Agency for the SEQRA process. The Town Board is responsible for the Environmental Review of this site. He has lots of questions. Environmentally, we are looking at map from the County showing wetlands, whether it is correct or incorrect, he knows the people living in that area have all kinds of problems with water. It is the Board's responsibility to make sure it will not happen in this PUDD and have an impact on the infrastructure the Town has to maintain. Mr. Goslin has asked a number of experts to help research this project. He understands that this is an important project; Mr. Brooks has done his homework but citizens have raised valid issues.

Genevieve Trigg, Esq., from the law firm of Whiteman, Osterman and Hanna representing Mr. Brooks, said that the Board has an obligation under SEQRA to consider the PUDD that is before them and not other developments. Mr. Brooks has complied with Town regulations and DEC regulations and has taken into account mitigation plans to address these issues.

Supervisor Southworth asked the Board what would help to move this project forward. Would the Board consider a group site walk or a workshop with Mr. Brooks and Kathryn Serra of CT Male?

Councilman Szczepaniak said there is no emergency or rush to push this project forward. Councilman Goslin has his concerns and they need to be addressed. He feels that CT Male would be a good resource to help the Board answer these concerns.

Councilwoman Stewart said she spoke with Kathryn Serra of CT Male. She feels the Board needs to utilize Ms. Serra's expertise to respond to the constituents concerns. Ms. Serra offered to prepare a response to Mr. Lansing's letter.

Councilwoman Hynes welcomes the comments from the County. Their reviews are helpful. The discussion concerning the wetlands have helped her understand this land is wet even though it is not designated as wetlands and can be an impact for the SEQRA review.

Supervisor Southworth said she would work with Kathryn Serra on the letter and coordinate a get together.

OLD BUSINESS:

1. Sewer Study

Councilman Goslin reported on the Clear Water Initiative Committee Meeting held on December 9, 2013. At this meeting they consider the Request for Proposals submitted for the feasibility study for Sewers. The Committee recommended the low bidder, Delaware Engineering, at a bid of \$8,500.

The defensive driving class for Highway employees and for Town employees who use their vehicle for Town business is held every two years. The cost has been included in the Highway budget and the cost for other Town departments will be taken from their department budget for next year.

RESOLUTION 13-324

APPROVE THE DEFENSIVE DRIVING CLASS FOR TOWN EMPLOYEES WHO USE THEIR VEHICLE FOR TOWN BUSINESS AT A COST NOT TO EXCEED \$35 PER PERSON.

A motion was made by Councilman Goslin and seconded by Councilwoman Hynes to approve the Defensive Driving Class for Town employees who use their vehicle for Town business at a cost not to exceed \$35 per person.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart
Nays 0

RESOLUTION 13-325

APPROVE THE EXTENDED REALLOCATION OF STAFF HOURS FOR REBECCA V. DARLING AND MICHOL TUTTLE FOR THE TOWN OF BALLSTON COMMUNITY LIBRARY.

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Stewart to approve the extended reallocation of staff hours for Rebecca V. Darling and Michol Tuttle for the Town of Ballston Community Library.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart
Nays 0

RESOLUTION 13-326

TABLE THE RESOLUTION TO NAME THE TOWN BOARD LEAD AGENCY FOR THE AMENDMENT TO THE BEACON HILL PUDD. THE PROPOSED AMENDMENT WOULD CHANGE THE LANGUAGE IN SECTION 4 (B) (3) FROM BUILDING SPACE TO BUILDING FOOTPRINT.

A motion was made by Councilman Goslin and seconded by Councilwoman Hynes to table the resolution to name the Town Board as Lead Agency for the amendment to the Beacon Hill PUDD. The proposed amendment would change the language Section 4 (B) (3) from building space to building footprint.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart
Nays 0

RESOLUTION 13-327

NAME THE TOWN BOARD AS LEAD AGENCY FOR THE FARMLAND PROTECTION PLAN.

A motion was made by Councilman Goslin and seconded by Councilwoman Hynes to name the Town Board as Lead Agency for the Farmland Protection Plan.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart
Nays 0

The Town Board has not heard back from the Saratoga County Agricultural Board with their comments concerning the plan. The Board will table the SEQRA Declaration and the approval of the plan.

RESOLUTION 13-328

TABLE THE RESOLUTION TO ESTABLISH A SEQRA DECLARATION FOR THE FARMLAND PROTECTION PLAN.

A motion was made by Councilwoman Hynes and seconded by Councilwoman Stewart to table the resolution to establish a SEQRA Declaration for the Farmland Protection Plan.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart
Nays 0

RESOLUTION 13-329

TABLE THE RESOLUTION TO APPROVE THE FARMLAND PROTECTION PLAN.

A motion was made by Councilwoman Hynes and seconded by Councilwoman Stewart to table the resolution to approve the Farmland Protection Plan.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart
Nays 0

RESOLUTION 13-330

APPROVE THE DONATION OF THE PROPERTY KNOWN AS 16 COMMERCE DRIVE, SBL 228.-2-48.1, BY HAROLD SCHULTZ TO THE TOWN OF BALLSTON, CONTINGENT UPON THE TOWN ATTORNEY'S ACCEPTANCE OF THE DEED DESCRIPTION.

A motion was made by Councilwoman Stewart and seconded by Councilman Goslin to approve the donation of the property known as 16 Commerce Drive, SBL 228.-2-48.1, by Harold Schultz to the Town of Ballston, contingent upon the Town Attorney's acceptance of the deed description.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart
Nays 0

RESOLUTION 13-331

APPROVE THE MEMORANDUM OF UNDERSTANDING FOR THE LABOR AGREEMENT FOR HIGHWAY EMPLOYEES.

A motion was made by Councilwoman Stewart and seconded by Councilman Goslin to table the memorandum of understanding for the labor agreement for Highway employees

ADOPTED Ayes 4 Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart
Nays 1 Supervisor Southworth

Supervisor Southworth voted in opposition to tabling this resolution since both she and Councilman Szczepaniak were in agreement after the last negotiation meeting concerning this memorandum of understanding.

Councilman Goslin asked for more time to review the memo and the ideas discussed in the last executive session.

Councilwoman Stewart was not able to review the memo in detail since she had a family emergency.

Councilman Szczepaniak wanted to give both Councilman Goslin and Councilwoman Stewart time to review the document.

Town Attorney Brower stated the Beacon Hill PUDD amendment has been sent to the Saratoga County Planning Board and the Town of Ballston Zoning Board for review. It makes sense to name the Town Board as Lead Agency at this time.

RESOLUTION 13-332

REMOVE RESOLUTION 13-326 FROM THE TABLE

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to remove Resolution 13-326 from the Table.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart
Nays 0

