

A regular meeting was held by the Town Board of the Town of Ballston on Tuesday evening, February 26, 2013 at the Town Hall on Charlton Road.

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

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

Resolution 13-056
AUDIT OF CLAIMS

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Stewart to approve the payment of the bills on the February Abstract as follows:

General Fund	No. 53 - 77	\$ 57,517.40
Highway Fund	No. 34 - 76	66,684.12
Gravel Pit Fund	-----	-----
Park Fund	-----	-----
Library	No. 43 - 94	15,351.07
Water Fund	No. 18 - 25	3,399.26
Blue Barnes Rd Dist. No.2 Ext# 13 (BBR)	No. 13 - 17	18.22
Brookline Rd Rte 67 No.2 Ext#12 (BRW)	No. 14 - 18	83.10
Goode St Dist. No.2 Ext#14 (GSW)	No. 13 - 17	148.89
Paradowski Rd Water Dist. No. 5	No. 5 - 6	302.71
Route 50 Water No.2 Ext#7	No. 12 - 16	363.44
Scotcbush Water Dist. No.6	No. 5 - 6	24.00
Silver Ln Water Dist. No 6 Ext1 (WX)	No. 5 - 6	4.01
Chapel Hill Water Dist. No. 2 Ext # 18	No. 12 - 16	105.32
Brooks Heritage Dist. No.2 Ext 21 RL	No. 1 - 5	30.21
Trust & Agency	No. 2 - 3	2341.30

ADOPTED: Ayes 4 Supervisor Southworth, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 0

PRIVILEGE OF THE FLOOR:

- *Mr. Miller* spoke concerning the proposed Janet V Corners PUDD. He stated that this proposal is in keeping with the Master Plan that was developed in 2004-2006. He said what he has heard from the Board during the meetings is they're concerned with this growth; that the Master Plan is not the Board's vision. Although he is not a growth advocate, this Janet V Corners proposal is fundamentally what the Master Plan called for, even though there may be site plan issues.
- *Mr. Voehringer* stated that some time ago the Town Board was asked to consider the Petition of many residents to hold a referendum with regards to the park situation. This was not acted on by the Board. Are you going to consider it? Where are the petitions?
- *Ms. Windels* encourages the development on Route 50. She has a concern that the traffic at that corner has not been adequately addressed. She has a serious concern because the site distance is not good. The traffic at that intersection, given the number of housing units, the number of people traveling to work and the traffic involved with the schools in that area, will be a problem especially between the hours of 7 - 8 o'clock.

Councilwoman Stewart stated that Mr. Osher decided not to give his presentation on Janet V Corners this evening. The Janet V Corners PUDD presentation will be tabled to the next meeting. Ms. Stewart stated that Councilwoman Hynes is absent and Supervisor Southworth will recuse herself; three Board members making this decision is not

sufficient representation.

Councilman Goslin stated that he spoke to Mr. Osher and suggested he wait until the following meeting.

- *Mr. Bissnett* has concerns with the traffic in this area of Janet V Corners and being able to get out onto Route 50. The 5 apartment buildings squeezed in on the border of that lot have him concerned about the density on the West end of that project. He also noted that the apartment buildings are four stories and that there will be over 300 parking spots. He would like to see a supermarket for the retail space.

OLD BUSINESS:

1. LAKEHILL ROAD UPDATE

Town Attorney Brower answered that the package the Town sent Mr. Neuzil was returned by the Post Office after they tried to deliver the package unsuccessfully three times. Attorney Brower received a letter from the judge stating he was not satisfied with our attempt of service. Mr. Brower will need to file a new application for personal service.

2. 23 NOLAN ROAD UPDATE

Supervisor Southworth reported that the property was sold and Building Inspector Thomas Johnson said the new owner has applied for a demolition permit which is in effect for a year.

Councilman Goslin asked if the Town could formally request when the property owner plans to demolish the building.

Councilman Szczepaniak asked why the Council Reports were not on the agenda this evening.

Supervisor Southworth replied in the interest of time she did not give her report and thought that the Council Members could dispense with their reports this evening.

Councilman Szczepaniak stated he wants the Council Reports on at every meeting.

3. ESTATE OF FRANK SCHIZDICK AND ANCHOR DIAMOND PARK UPDATE

Attorney Brower stated they are still in progress.

Councilman Szczepaniak stated that progress has been made with the stocks from the Schizdick Estate. Attorney Brower has prepared the paperwork and has given it to the Supervisor to take to the bank for her signature and have the medallion stamped. Councilman Szczepaniak said it is time we met with Mr. Lang and enter into contract negotiations and move forward with this project.

4. SEWER STUDY:

Councilman Goslin reported that a group of concerned citizens began discussions on how to move forward with our sewer issues. Mr. Goslin stated that there is a need for more members for leadership and volunteer positions. A notice was put on the Town website asking for volunteers. Councilman Goslin said that the group would like to become a formal committee. At the last meeting the discussion centered on the following: benefit of sewers which would improve the quality of the water in Ballston Lake and the Watershed, promotion of commercial development in designated areas, address sewer issues in specific neighborhoods, discussions on the Glenville sewer project, high level design funding implementation, public relations and the need for updated zoning. He and other interested residents took the opportunity to meet with Congressman Tonko and outline to him the issues the Town has with sewers and the environment around Ballston Lake and sewer funding alternatives. The next step is to do the following: actively look for more members, contact Glenville, meet with Tonko's staff to further discuss funding, investigate the NYS Environmental Facilities Corp to see how they fund projects, invite our engineer to go over the current plan, discuss high level implementation and develop the sewer committee and define our leadership roles.

Supervisor Southworth said she outreached to Supervisor Koetzle and Mayor Kastberg as requested. They are in the process of their study. The sewer line will come directly up to our business district on Route 50 and there will be the potential to hook up to the sewer line in the future. They will have the results of the study in approximately 2 months.

5. HAWKWOOD PROPOSAL

Attorney Brower has heard from the Attorneys for the Hawkwood Estate. They had to deal with issues concerning this property and will keep in touch with Attorney Brower.

6. ROUTE 50 TURN LANE

Supervisor Southworth reported that they are meeting with the last property owner this week.

7. BIKE PATH EXTENSION

Councilwoman Hynes was absent from this meeting so there is no update this evening

8. WATER DISTRICT CONSOLIDATION

Supervisor Southworth reported that the application has been filed for the Greenway Community Grant.

9.&10. WHITE BEACH ROAD, SAUNDERS ROAD, CONNOLLY ROAD AND THE RAILROAD CROSSINGS

Attorney Brower stated that the Town received the record of the case order for the above roads on February 14, 2013. The crossing at Saunders Lane will be closed within 60 days of the order. The crossing at White Beach Road will be designated as a public crossing. The NYS Department of Transportation will work with the D & H Railway Company to design and install the crossing on or before December 15, 2015 and will make any safety modifications determined by DOT at their expense. No decision was made on Connolly Road. It remains a private issue between the owners of Connolly Road and the Railroad. This will be dealt with in State Supreme Court.

11. INDUSTRIAL ZONING LEGISLATION: This will be reviewed at the next meeting.

12. SECURITY CAMERAS IN TOWN HALL: in progress.

13. COMPUTER SECURITY SOFTWARE

Supervisor Southworth is investigating the price of the software program.

14. TOWN SPEED LIMITS - CHAPEL HILL

Attorney Brower stated we, as a Town, cannot lower speed limits. A petition needs to be sent to the State Legislature for a special law.

15. WESTWIND FARMS ROAD ACCEPTANCE

Councilwoman Stewart recused herself from voting on Westwind Farms since her husband owns the company building this project.

Attorney Brower stated that a letter from Kathryn Serra of CT Male, the Town's engineering firm, to Highway Superintendent Joseph Whalen listed the following items to be completed before the roadway dedication:

1. Complete the 12 foot wide access road to Basin 2.
2. Install erosion control blanket with seed or equivalent stabilization measure within the flow path of the roadside swales, and the drainage swale located along the southern property line.
- 3 Sweep site roadways.
- 4 Revise survey map and legal descriptions per C.T. Male comments, dated February 22, 2013, provided to the developer and surveyor via email.

The Town will accept the road in Westwind Farms with 4 conditions; three items will be completed next week and the second item on the list cannot be done until the frost is out of the road. Highway Superintendent Joseph Whalen asked that a Hold Harmless Clause be added to the list of conditions before the road dedication is accepted.

RESOLUTION 13-057:

ACCEPT THE ROAD, CARRIAGE RUN, IN WESTWIND FARMS WITH THE 4 STIPULATIONS OUTLINED IN THE LETTER OF FEBRUARY 26, 2013 FROM KATHRYN SERRA OF CT MALE AND THE ADDITION OF A HOLD HARMLESS AGREEMENT.

A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to accept the road, Carriage Run, in Westwind Farms with the five conditions for approval:

1. Complete the 12 foot wide access road to Basin 2.
2. Install erosion control blanket with seed or equivalent stabilization measure within the flow path of the roadside swales, and the drainage swale located along the southern property line. This item will not be completed until the frost is out of the ground.
3. Sweep site roadways.
4. Revise survey map and legal descriptions per C.T. Male comments, dated February 22, 2013, provided to the developer and surveyor via email.
5. Hold Harmless Agreement.

ADOPTED: Ayes 3 Supervisor Southworth, Councilman Szczepaniak and Councilman Goslin
 Abstain 1 Councilwoman Stewart
 Nays 0

16. FINANCIAL SITUATION OF THE TOWN

Councilman Goslin is concerned that the Sales Tax figures in January were lower than the Town Board projected. The Board will need to take a close look at the February and March Sales Tax figures and be mindful that the Federal, State and County governments are cutting expenses and that has an effect on the Town's financial situation.

Supervisor Southworth stated that the bookkeeper is making progress on the Town Finances and she should have figures for the Board in three to four weeks. In reference to Sequestration, the Town would be affected with money received at the end of the year with the State aide for youth programs.

PRESENTATION ON SUSTAINABILITY PLAN/ AGENDA 21

Ms. Diane Clements, a Town resident, spoke concerning Sustainability/Agenda 21. She sees the preservation of our natural resources, our lake and forest preserve, as a private responsibility. Our representative government is the ideal form of government. She is concerned that Governor Cuomo is changing the form of government representation to government implementation by committee to control every human endeavor. She stated that the Sustainability Plan is a major agenda traceable to the UN report called Our Common Future. Under the official UN policy this document was called UN Sustainable Development Agenda 21 issued in 1992 and today it is called Agenda 21. This plan sees private property too valuable to remain in citizens hands. The wealth created was socially unjust and developed countries need to build human settlement zones rather than sprawling land use. This attacks our current lifestyles, private property rights and homes. President Clinton implemented Agenda 21 by having Federal agencies write regulations and giving these agencies authority over rural lands. HUD is an example of this agenda. In 2012 Governor Cuomo created the Cleaner, Greener Community Concept, also called the Capital District Regional Sustainability Plan, implemented by a regional form of government that reflects the UN agenda. It is touted as creating much needed "green jobs" and making government more efficient; bureaucracy never decreases, it just results in a loss of local control. The Capital District Regional Plan is funded by NYSERDA, funding through our power bills. We are paying for a plan to control us. Planning is not a one-size-fits-all concept. That does not represent the community needs but only adds more regulation. The UN perverts concerns for the environment by issuing false reports on climate change. The scandal of the false computer reports resulting in 31,000 scientists rejecting the UN agreement since it was based on a false premises. Ms. Clements asked the Town residents to reject the Sustainability Plan and recommended documents and websites for more information on this topic.

Councilman Goslin thanked Ms. Clements for her presentation and for making a complex subject more understandable.

Supervisor Southworth has a resolution on Home Rule on tonight's agenda.

Councilman Goslin said he has no problem with wording of the Home Rule Resolution but it does not address adequately Agenda 21, the issue of the regional council and sending a representative to the Regional Sustainability Plan Executive Committee. Councilman Goslin read his resolution on Agenda 21.

Councilwoman Stewart asked how is the Town of Ballston specifically mentioned in Agenda 21, how do we urge the representation of this committee be withdrawn and how much of the Town's grant funding is determined by the Regional Council.

Councilman Goslin said that the Town of Ballston is characterized under this plan by our suburban community and our lifestyle.

Supervisor Southworth stated that the County's participation is voluntary and Mr. Kemper was appointed by the Chairman of the Board of Supervisors. The determination of funding under the Greenway Grant is 20% by the Regional Council and 80% by the Department of State. We have submitted a Greenway Grant application for funding for our proposed water district consolidation.

Supervisor Southworth said her resolution proposes strong Home Rule wording. She asked the Board to look at these resolutions further and receive Councilwoman Hynes' thoughts since some of these details are reflected in our Comprehensive Plan and she was a member of the committee.

Councilman Szczepaniak thanked Ms. Clements for her presentation and Councilman Goslin for his resolution. He is concerned about the infringement on our liberties and the weakening of the property rights of residents.

RESOLUTION 13-058
THE TOWN OF BALLSTON REJECTS THE CONCEPT OF REGIONAL
GOVERNMENT AND THE IMPLEMENTATION OF AGENDA 21 PRINCIPALS

Whereas, the United Nations held an earth summit in 1992, created a program known as Agenda 21, coined a term call "sustainable development"; and

Whereas, President Bush, Clinton and Obama have actively promoted the "Agenda 21" program by signing international agreements and implementing executive orders; and

Whereas, Governor Cuomo has developed regional sustainability plans design to implement "Agenda 21" concepts and undermine local authority; and

Whereas, these regional sustainability plans undermine the property rights of Town of Ballston residents by exposing our Town to regulations derived by unelected regional administrations; and

Whereas, "Agenda 21" was not designed to help the environment but to utilize environmental issues to undermine the authority of the United States Constitution and our state and local governments; and

Whereas, these regional sustainability plans have characterized Towns like Ballston as "urban sprawl" and desire us to abandon our rural lifestyle and property for densely populated urban centers; and

Whereas, these regional sustainability plans promote "environmental justice" where rural residents are criticized for their ownership of rural lands and for their use of energy and resources; now therefore be it

Resolved, that the Town Board of the Town of Ballston adopt this resolution in full support of protecting the environment in our Town including our lake, streams and air by conserving resources, recycling, adopting local land use zoning; be it further

Resolved, that we are not willing to have unelected officials infringe on our liberties and weaken the property rights of residents of the Town of Ballston: be it further

Resolved, that the Town Board of the Town of Ballston believes in "Home Rule" and the autonomy of town government; be it further

Resolved, that the Town Board of the Town of Ballston rejects the concept of "regional government" and the implementation of Agenda 21 principals; be it further

Resolved, that we call on Governor Cuomo to abandon these regional plans which bypass the state, county and town governments and work all environmental issues through our duly elected State, County and Town Elected Officials; be it further

Resolved, that we urge the Saratoga County Board of Supervisors to draft a resolution withdrawing from the Capital Regional Sustainability Plan; be it further

Resolved, that we urge the Saratoga County Board of Supervisors to withdraw the Saratoga County Planner, Jason Kemper, from the Regional Sustainability Plan Executive Committee; be it further

Resolved, that we ask the Saratoga County Board of Supervisors to support reasonable environmental initiatives, implementing them utilizing the elected officials at the town, county and state level not regional councils: be it further

Resolved, that a copy of this resolution be sent to the Saratoga County Board of Supervisors, our elected state leaders and the Governor.

A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to approve the resolution rejecting the concept of regional government and the implementation of Agenda 21 principals.

ADOPTED: Ayes 3 Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.
Nays 1 Supervisor Southworth

Supervisor Southworth was opposed to this resolution since she did not have time to review it line by line and she would like to have feedback from the community by posting it on the website to receive their comments.

NEW BUSINESS FOR CONSIDERATION AND ACTION:

RESOLUTION 13-059

TABLE THE AMENDED APPLICATION OF JANET V CORNERS PUDD TO SEND TO THE PLANNING BOARD.

A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to table the amended application of Janet V Corners PUDD to send to the Planning Board.

ADOPTED: Ayes 3 Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.
Nays 0

Abstain 1 Supervisor Southworth

Supervisor Southworth abstained from voting on this resolution due to prior interaction.

RESOLUTION 13-060

TABLE NAMING THE TOWN BOARD AS LEAD AGENCY FOR THE JANET V CORNERS PUDD.

A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to table naming the Town Board as Lead Agency for the Janet V Corners PUDD.

ADOPTED: Ayes 3 Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.
Nays 0

Abstain 1 Supervisor Southworth due to prior interaction

RESOLUTION 13-061

APPROVE THE REQUEST BY THE BHBPA SEEKING A DONATION IN THE AMOUNT OF \$2500 TO BE APPLIED TOWARD THE FIREWORKS FOR OUR ANNUAL FLAG DAY CELEBRATION.

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to approve the request by the BHBPA seeking a donation in the amount of \$2500 to be applied toward the fireworks for our annual Flag Day Celebration.

ADOPTED: Ayes 4 Supervisor Southworth, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 0

RESOLUTION 13-062

APPROVE THE REQUEST BY BHBPA TO OBTAIN ANY AND ALL REQUIRED PERMITS FROM THE NYS DEPARTMENT OF TRANSPORTATION FOR THE FLAG DAY PARADE.

A motion was made by Councilwoman Stewart and seconded by Councilman Szczepaniak to approve the request by the BHBPA to obtain any and all required permits from the NYS Department of Transportation for Flag Day Parade.

ADOPTED: Ayes 4 Supervisor Southworth, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.
Nays 0

RESOLUTION 13-063

ACCEPT A \$20.00 DONATION FROM SCOTT MILLER TO BE APPLIED TO FARMLAND PROTECTION AND OPEN SPACE CAPITAL RESERVE FUND.

A motion was made by Councilwoman Stewart and seconded by Councilman Szczepaniak to accept a \$20.00 donation from Scott Miller to be applied to Farmland Protection and Open Space Capital Reserve Fund.

ADOPTED: Ayes 4 Supervisor Southworth, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.
Nays 0

The Town Clerk read the Home Rule Resolution.

RESOLUTION 13-064

THE TOWN OF BALLSTON HOME RULE LEGISLATION

Whereas, the Town of Ballston was officially incorporated in 1778 and is located within the boundaries of Saratoga County in the State of New York; and

Whereas, the Town of Ballston and its 9776 residents are proud of its agricultural history and on August 6, 1996, The Town of Ballston passed Local Law No. 1 of 1996 entitled “Right to Farm Law”; and

Whereas, the Town of Ballston has taken steps to protect the quality of life including the establishment of a Planning Board, Zoning Board of Appeals, Ethics Board, Farmland Preservation and Protection Committee, and in 2006 the Town updated and adopted changes to its Comprehensive Plan and Zoning Regulations; and

Whereas, in 1894 the Constitution has granted broad home rule powers to local governments and placed corresponding restrictions on the State Legislature to preserve these powers, and in 1964 Home Rule was ratified in Article IX of the New York State Constitution; and

Whereas, Home Rule powers encompass a wide range of subjects including, but not limited to: the power to adopt, amend and repeal local laws in the exercise of its functions, powers and duties; the power to share services and act cooperatively with other local governments; the power to acquire real and personal property for its corporate purposes; the power to establish recreational facilities; the power to dispose of its real and personal property; the power to levy and collect rents, penalties; the power to adopt, amend and repeal zoning regulations; and the power to perform comprehensive or other planning work relating to its jurisdictions; and

Whereas, the exercise of these powers permits local governing bodies to meet the unique and diverse needs of local residents while fostering citizen participation and grassroots involvement in government; and

Whereas, the Town of Ballston stands firm that self determination is in the best interest of all residents of the town and is best served by maintaining the principles of Home Rule, including those set forth in the Constitution, Local Government Bill of Rights, Statute of Local Government and the Municipal Home Rule Law; now therefore be it

RESOLVED, that the Town Board of The Town of Ballston calls upon all members of the Legislature to preserve and strengthen home rule and would oppose any initiative that would weaken or eliminate New York State's long-standing tradition of home rule and local government authority; be it further

RESOLVED, that the Town Clerk send copies of this legislation to our local representatives.

A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to accept the Town of Ballston Home Rule Legislation.

ADOPTED: Ayes 4 Supervisor Southworth, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 0

RESOLUTION 13-065

APPROVE THE TOWN SUPERVISOR TO SIGN THE 2013 CONTRACT WITH COMMAND SECURITY WITH A RATE INCREASE OF 2.5% SUBJECT TO APPROVAL BY TOWN ATTORNEY AS TO THE FORM AND CONTENT OF THIS CONTRACT.

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to approve the Town Supervisor to sign the 2013 contract with Command security with a rate increase of 2.5% subject to approval by Town Attorney as to form and content of this contract.

ADOPTED: Ayes 4 Supervisor Southworth, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 0

DISCUSSION AND POSSIBLE VOTE:

Town Hall Security – to be discussed at the next meeting

Water Rates and possible Capital Reserve Fund – to be discussed at the next meeting

PRIVILEGE OF THE FLOOR:

- *Ms Windels* stated that as in any issue we need to look at both sides of the issue to make an informed vote. There was no one present to represent an argument for Agenda 21.

Supervisor Southworth said if she knew a resolution against Agenda 21 was to be presented to the Board, she would have made sure both sides had a chance to speak.

- *Mr. Merchant* spoke on behalf of the Farmland Protection and Preservation Committee that there were amendments to the Agricultural Districts Law that were passed in 2012 and the committee will be reviewing these amendments.
- *Ms. Pott*, Chairperson of the Farmland Protection and Preservation Committee, recommended the website www.sustainablefreedomlab.org. It presents the issue of sustainability. The issue is not a political one; the issue is private property owners' rights.

The Executive Session for the purpose of discussing collective negotiations pursuant to Article 14 of the Civil Service Law for the Highway Department was tabled. The Town Board will consider this matter at the March 5, 2013 Meeting.

A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to adjourn the meeting.

Respectfully submitted,

Carol R. Shemo
Town Clerk