The regular meeting of the Town Board of the Town of Ballston was held Tuesday evening, August 2, 2011 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.

A motion was made by Jeremy Knight and seconded by Kimberly Ireland that the minutes of the June 28th special meeting and the July 5th regular meeting be approved. Roll Call: Ayes – all; Noes – none. Carried.

The Town Clerk acknowledged receipt of two letters. The first was from concerned residents of the Chapel Hill neighborhood regarding issues with neighborhood dogs and the deed covenants and restrictions. The next letter was from Carl Thurnau regarding damage and equipment losses in his cellar due to flooding when a culvert backed up.

Library Trustee Barbara Wilson gave a report from the Library which is on file in the Town Clerk’s office.

Michael Myers presented a report from BARC. He said that a group of students is putting on the play “Hello, Dolly” at the Ballston Spa High School on August 12, 13, 19 and 20 at 7:00 p.m. and on August 13 and 20 at 1:00 p.m. Mr. Myers also reported that 157 participated in track and field, 35 in the tennis program and 328 in the Summer Enrichment Program. The signups for Fall Soccer are now beginning.

Councilwoman Ireland stated that the Library also took part in Celebrate Burnt Hills which was sponsored by the Town of Ballston Historian, Rick Reynolds and the Community Library.

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 July and they are on file in the Town Clerk’s office.

Supervisor Southworth went over the financial report for July. She pointed out that the Sales Tax received was $213,629. The year to date total is down about $15,000 from last year.

A motion was made by Jeremy Knight and seconded by Kimberly Ireland to approve the Supervisor’s report for the month of July. Roll Call: Ayes – all; Noes – none. Carried.

Supervisor Southworth thanked Town Historian Richard Reynolds and all others that participated in A Celebration of Burnt Hills with a Special Commemoration of the 150th Anniversary of the Start of the Civil War. Saratoga County is sponsoring a Veterans Concert on September 17th at 2:00 p.m. featuring the Coast Guard Band. There will be a Family Fun Fest on September 4th and 5th to benefit the Ronald McDonald House. The County is instituting a hiring freeze except for essential positions.

Paul Simpson asked about the violation about paint rollers being cleaned off in Ballston Lake. Supervisor Southworth replied that she didn’t know as there were no specifics listed.
William Goslin thanked the Town for the Operating Statement and Operating Summary. It’s a good first report. It is important for everyone to know what is going on. Mr. Goslin asked questions regarding the bonding on the following projects. Supervisor Southworth gave the following information. The financial figures on the Town Hall were discussed. There is a BAN for 5 years on the water tower. There is a 20 year bond on the pump station. In the first year, the Town may pay any amount they choose. After the first year, the Town has a fixed payment but can pay up to one and one-half times the payment which would enable the Town to pay the bond off earlier than the twenty year period. The next question was regarding the bond for the turn lane on Route 50 near McCrea Hill Road. What happens next year when June comes around and the five year period ends? Supervisor Southworth replied that everyone knew the time line and hopefully the project will be completed by then.

Councilwoman Ireland said the Town should set up a Budget Page.

Polly Windels spoke regarding houses on Ballston Lake that were built on private roads (that have railroad crossings) that didn’t meet Town standards. The Judge asked Supervisor Southworth to lead with a resolution. Let’s make these railroad crossings safe.

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

11-129: A motion was made by Mary Beth Hynes and seconded by Kimberly Ireland to accept the Saratoga County Sales Tax in cash. Roll Call: Ayes – all; Noes – none. Carried.

The following budget calendar was presented for the 2012 Town Budget process.

- **Budget Estimate to Supervisor**
  - Thursday, September 1

- **Board Meeting on Salaries**
  - Monday, September 12 – 7:30 p.m.

- **Preliminary Budget to Clerk**
  - Friday, September 30

- **Preliminary Budget to Town Board**
  - Wednesday, October 5

- **Budget Workshops**
  - Tuesday, October 11 - 7:00 P.M
  - Tuesday, October 18 – 7:00 P.M.
  - Thursday, October 20 - 7:00 P.M.
  - Thursday, October 27 – 7:00 P.M.

- **Public Hearing on the Budget**
  - Thursday, November 10 – 7:00 P.M.

11-130: A motion was made by Mary Beth Hynes and seconded by Jeremy Knight to approve the 2011 budget calendar for the 2012 Town Budget. Roll Call: Ayes – all; Noes – none. Carried.
The Highway Department has a truck that it would like to declare as surplus equipment.

11-131: A motion was made by Jeremy Knight and seconded by Timothy Szczepaniak to declare a 1991 Ford L-9000 with mileage of 170,621 as surplus equipment. Roll Call: Ayes – all; Noes – none. Carried.

The Jenkins Park Advisory Board has a vacancy for a regular member due to the resignation of Jeanrae Benoit.

11-132: A motion was made by Mary Beth Hynes and seconded by Kimberly Ireland to appoint Ross MacKinnon, alternate member of the Jenkins Park Advisory Board, as a full time board member to complete the unexpired term of Jeanrae Benoit, commencing August 2, 2011 and ending December 31, 2012. Roll Call: Ayes – all; Noes – none. Carried.

The Town has a request from Town residents, Gregory and Theresa Jarrabet, of East Line Road to connect to the Clifton Park Water on the other side of East Line Road. They have permission from the Town of Clifton Park to hook into their system.

11-133: A motion was made by Mary Beth Hynes and seconded by Kimberly Ireland to approve the request of Town of Ballston residents, Gregory and Theresa Jarrabet of 139 East Line Road, Ballston Lake, SBL#249.-3-20.2 to connect to Clifton Park Water. Roll Call: Ayes – all; Noes – none. Carried.

The Town has received a Shared Services Agreement with the Burnt Hills-Ballston Lake School District. The Board feels there are some changes that should be made, so they feel it should be tabled at this point.

11-134: A motion was made by Mary Beth Hynes and seconded by Jeremy Knight to table the approval of the Shared Services Agreement with the Burnt Hills-Ballston Lake School District. Roll Call: Ayes – all; Noes – none. Carried.

11-135: A motion was made by Kimberly Ireland and seconded by Jeremy Knight to accept a check in the amount of $205.28 from Supervisor Southworth in payment of additional interest on late bond payments. Roll Call: Councilwoman Hynes – aye; Councilman Knight – aye; Councilman Szczepaniak – aye; Councilwoman Ireland – aye; Supervisor Southworth – abstain. Motion carried.

Discussion was held regarding the draft resolution presented to the Town Board regarding the potential closing of the railroad crossings on Whites Beach Road, Saunders Lane and Connolly Road.

Supervisor Southworth stated she feels that no overtime expenses shall be incurred by the Town of Ballston Highway Department on this project should be added to the resolution.

Councilwoman Ireland said that she has some additions to the resolution. She feels the following should be added: Do not place financial burden on residents

The resolution did not mention Connolly Road; it should be mentioned

Will not be funded out of any additional Town funds

Remaining funds will be committed and identified and come from somewhere other than the Town of Ballston.
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Attorney Brower said if the stipulations are met, then the Town will take over the road. The plans would have to be submitted to the County Highway Department (follow Highway law).

Councilwoman Hynes stated that the Town doesn’t want to be an impediment.

Attorney Brower responded that if the Town takes over the road now, we are taking over property that is not ours.

Supervisor Southworth said that it could be taken over as a Town road at some future date. We can’t apply for funding until the Town takes over the road. The Town would have to obtain funding to bring the road up to Town specifications.

Attorney Brower stated that he hasn’t checked the State rules and regulations.

Councilwoman Hynes said we can’t apply for 130 funds without the Town taking over the road.

Supervisor Southworth said that to secure public funds, we need to have it as a Town road. See if 130 Funding can be used for other items such as drainage.

Councilwoman Ireland asked how many time can you go to the well. She hopes we’re not shortchanging ourselves.

Supervisor Southworth said that Mr. Rosen informed her that they will not leave Connolly Road open. Also, residents are asking for a 10 m.p.h. speed limit. The response was that the minimum speed limit is 30 m.p.h.

Councilwoman Ireland said that she is happy that Whites Beach Road is coming together. She is concerned about Connolly. Pieces of that puzzle still need to be discussed. Councilwoman Ireland also said that she thinks we have to look at a bigger solution.

Councilwoman Hynes said this needs to be addressed.

Supervisor Southworth said we have to present a resolution to show Judge Rybak that the Town is serious.

Planning Board Chairman, Richard Doyle, said we need a designation as to the location of the barrier line. The paperwork is set to go. He also recommends that the application fee be waived.

Also, the following should be added to the stipulations: The County Highway Superintendent approves of the taking and approves their standards are met.

Councilman Knight suggested this be added to letter (d) in the stipulations.

Supervisor Southworth said it should also state that the road should be up to Town standards and the intersection with Route 50 should meet the DOT requirements for an intersection.
Attorney Brower said that the property deeds given to the Town should have clear title.

It was decided to add Councilwoman Ireland’s suggestions, Supervisor Southworth’s section regarding the overtime, and add “NYSDOT”, if necessary” to section d.

Herbert Jackson said that timing is important; please vote tonight.

Councilwoman Hynes said we can be creative. The Town Attorney will try to help us understand and not open ourselves to liability.

Planning Board Chairman Doyle said the paperwork has been submitted to be before the Planning Board.

Councilman Szczepaniak stated we need to careful. We have to move forward. A resolution with hand written notes should not be voted on before the resolution is cleaned up.

11-135A: A motion was made by Mary Beth Hynes and seconded by Kimberly Ireland to take a break in the meeting to revise the resolution and put it into final form. Roll Call: Ayes – all; Noes – none. Carried.

11-135B: A motion was made by Kimberly Ireland and seconded by Jeremy Knight to reopen the meeting. Roll Call: Ayes – all; Noes – none. Carried.

11-136: A motion was made by Kimberly Ireland and seconded by Jeremy Knight to adopt the following resolution. Roll Call: Ayes – all; Noes – none. Carried.

RESOLUTION TO MAKE WHITE’S BEACH ROAD A TOWN ROAD IN THE TOWN OF BALLSTON

WHEREAS, the properties located on Saunders Lane and the White’s Beach Road neighborhood are in the Town of Ballston; and

WHEREAS, Canadian Pacific Railway has petitioned the New York State Department of Transportation to close the grade crossings on Saunders Lane and White’s Beach Road; and

WHEREAS, the property owners of the White’s Beach Road neighborhood and Saunders Lane would no longer be able to access, reside at, otherwise utilize, or sell their property if the closures were to take place; and

WHEREAS, the property owners have initiated a compromise solution that will allow them to use their property as they have been accustomed to; and

WHEREAS, Canadian Pacific Railway (D&H/CP) has committed an amount up to $100,000 for the construction of a connector road to provide access to the White’s Beach Road crossing for the residents of Saunders Lane; and
WHEREAS, those same property owners are asking the Town of Ballston to take over White’s Beach Road as a Town Road; and

WHEREAS, this action will not be setting a precedent for other private roads to be taken over because this is a unique health and safety issue involving railway crossings and is site specific; and

WHEREAS, no overtime expenses shall be incurred by the Town of Ballston Highway Department on this project; and

WHEREAS, the Town wishes to assist to the greatest extent possible without placing unfair or undue financial burden to town residents who do not own land on White’s Beach Road or Saunders Lane; and

WHEREAS, the Town of Ballston recognizes that the proposed crossing closure at Connolly Drive remains unresolved and shall work cooperatively with interested parties to resolve this issue; and

WHEREAS, the Administrative Law Judge has directed all parties to do their best to come to an agreement; NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Ballston will agree to take White’s Beach Road as a Town road at some future date providing the following stipulations are met:

a. The property owners who currently own White’s Beach Road between SR 50 and the CP railroad tracks provide deeds, with clear title to the Town of Ballston and all property and/or easements necessary for the roadway, shoulders, drainage and maintenance of said roadway.

b. The property owners who currently own the property on which the connector road from White’s Beach to Saunders Lane is to be built, provide all necessary easements to all property owners east of the railroad tracks on Saunders Lane.

c. That Section 130 funding for flashers and automated grade crossings is secured to the crossing on White’s Beach Road and that the installation is coordinated with the taking of White’s Beach Road as a Town road.

d. That the remaining funds necessary to complete the upgrades to White’s Beach Road to meet standards satisfactory to the Town of Ballston Highway Superintendent are identified and committed from a source other than the Town of Ballston and that all approvals are granted from the Saratoga County Highway Superintendent and New York State Department of Transportation, if necessary.

e. That the Town petitions the State of New York to declare that the at-grade crossing at White’s Beach Road be deemed a “public” crossing.

f. That the Town of Ballston Highway Superintendent signs off on the Town accepting White’s Beach Road as a Town road, and BE IT FURTHER

RESOLVED, that if any of the above stipulations are not met the Town of Ballston reserves the right to not take over White’s Beach Road as a Town road.

The railroad has asked to waive the Planning Board application fee of $150. Councilman Szczepaniak asked if this is setting a precedent. Attorney Brower replied no.
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11-137: A motion was made by Jeremy Knight and seconded by Kimberly Ireland to waive the Planning Board application fee of $150. for the railroad. Roll Call: Ayes – all; Noes – none. Carried.

The railroad also asked to waive the $1,000 escrow fee as they would like to be billed directly.

11-138: A motion was made by Timothy Szczepaniak and seconded by Mary Beth Hynes to deny waiving the escrow fee of $1,000. but to formally invoice the railroad for said escrow fee. Roll Call: Ayes – all; Noes – none. Carried.

Discussion regarding the outside water user contracts and rates was postponed until after the Water Committee meeting on Friday.

Councilwoman Ireland said there was a discussion at the Library regarding the number of hours for a workweek for a clerk; 35 hours vs. 37-1/2 hours. Also the definition of the title clerk is worth a discussion.

Councilwoman Hynes asked that when the agencies come in to request money at budget time, their presentation could address the issues that are new and unique, not just the day to day.

A motion was made by Mary Beth Hynes and seconded by Kimberly Ireland to adjourn the meeting.

Carried.

Respectfully submitted,

Muriel K. Swatling

Town Clerk