

The regular meeting of the Town Board of the Town of Ballston was held Tuesday evening, April 3, 2012 at the Town Hall on Charlton Road. Members present were Supervisor Patricia Southworth, Councilwoman Mary Beth Hynes, Councilman Jeremy Knight, and Councilman William Goslin. Also present was Town Clerk Carol Shemo. Councilman Timothy Szczepaniak and Town Attorney Murry Brower were absent.

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

The first item of business was the approval of the Minutes.

A motion was made by Councilman Knight and seconded by Councilman Goslin to approve the minutes of February 28<sup>th</sup> Public Hearing, February 28<sup>th</sup> Special Meeting and the March 6<sup>th</sup> Town Board Meeting.

Roll Call: Ayes – all; Noes – none. Carried.

The Town Clerk said that a letter was received from James P. Craig Esq., attorney for Todd Curtis and Curtis Lumber Industrial Park, LLC. stating their objections to a change in zoning concerning Heavy Industrial/Light Industrial issue.

Joan Pott, Chairperson of the Farmland Protection and Preservation Committee, presented the committee's Interim Report. Comments concerning the report can be sent to Councilman Knight and they will be given to Ms. Pott.

Building Inspector Thomas Johnson, Highway/Water Superintendent Joseph Whalen, Dog Control Officer John Christopher, Animal Control Officer Thomas Shambo, Library Trustee Sharon Rouis, Supervisor Patricia Southworth and Town Clerk Carol Shemo submitted reports for March, and they are on file in the Town Clerk's office.

A motion was made by Councilman Knight and seconded by Councilman Goslin that the Supervisor's report be approved.

Roll Call: Ayes – all; Noes – none. Carried.

Supervisor Southworth noted that the purchase of the Willow Marsh developments rights was included in the \$1,208,985.96 total disbursements for March 2012. There will be a May Day for Mandate Relief with a goal date of May 15<sup>th</sup> for our Town Hall session. The purpose is to apply extra pressure to give us the mandate relief we deserve. Leadership Saratoga is seeking applicants for their upcoming class in October. The Railroad Public Hearing was held with a possible resolution for White Beach Road and Connolly Road. Three residents on White Beach Road are willing to donate property to the Town so the Town can take over White Beach Road as a public road. Saunders Road would be closed and a connection road to be built at Railroad expense from Saunders Road to White Beach Road. Title Searches and surveys still need to be done and these costs are not covered by the grant from Senator Farley, so the Town is working through the cost with the landowners. The main issue is the timeline the Town has been given; our paperwork must be completed by May 31<sup>st</sup>. The Railroad crossings will not be installed until 2014. The Town has a concern since we will have liability of the Railroad Crossings for two years. Town Attorney Brower will draft a response to the Railroad concerning this issue. There is no agreement on the Connolly crossing so far. The Library Annual Report is in the Town Clerk's Office. The Quilt that was completed through a grant to the Library and the Town Historian is on display in front of the Community Room. Supervisor Southworth will be attending basic accounting school from 4/18 – 4/20 and will need to be reimbursed \$85 for the classes. Supervisor Southworth would like to proceed with establishing a full-time bookkeeper position.

Councilwoman Hynes stated that we need to take action on the bookkeeper position. She would like to advertise and interview based on an ad for bookkeeper qualifications and at the same time establish a full-time civil service position for bookkeeper. Supervisor Southworth, Councilman Knight and Councilman Goslin agreed.

12-47: A motion was made by Councilman Goslin and seconded by Councilman Knight to establish the position of a full-time civil service bookkeeping position and at the same time advertise an employment ad for a bookkeeper.

Roll Call: Ayes – all; Noes – none. Carried.

Councilman Goslin would like for the Town Board to draft a resolution in support of Mandate Relief Day for the next Town Board meeting. He attended the Parks and Recreation Committee Meeting; this committee is proceeding with choices for Anchor Diamond Park. He also attended the Jenkins Park Advisory Board meeting. He spent time with the auditors from the NYS Comptroller's Office. Since Councilman Szczepaniak is absent, Councilman Goslin will give his report on the Library. The Library Annual Report is available and the Library is doing an excellent job.

Councilwoman Hynes has made a request for a credit from the Saratoga County Water Authority for the time we suspended taking water from the SCWA (with the issue of the disinfection byproducts) but we were still charged for the minimum water usage. She met with the Library Board of Trustees members concerning the Personnel Policy. It was a productive initial meeting. She and the Supervisor, as the Personnel Committee, will continue to work together on the draft of the Personnel Policy.

Councilman Knight attended the March Highway Committee meeting and the Farmland Protection and Preservation Committee meeting. He attended the Railroad Public Hearing and met with the auditors.

The following people spoke during Privilege of the Floor:

Mr. Otten from the Community Emergency Corps reported that the Town of Milton accepted the revised Emergency Plan. There will be a meeting with the Town of Milton, the Village of Ballston Spa and the Town of Ballston to coordinate their plans so that they will work together on handling emergencies. May 20<sup>th</sup> -26<sup>th</sup> is National Emergency Medical Services Week and there will be a lot of activities.

Arnold Palmer asked about the \$1,000 per unit park and recreation fee and how that money could be spent.

Supervisor Southworth replied that the money in the Trust and Agency Fund can be used for park acquisition and development and not for maintenance. These rules are set up by State government.

Lisa Donovan spoke concerning the rally in Albany on April 21<sup>st</sup> at 12 pm on the steps of the Capital Building in support of Mandate Relief Programs and elected officials who support these programs. She hopes the Town Board members will attend.

The following items were presented for consideration and action:

The bank is requiring paperwork authorizing the bookkeeper to make transfers between the Trust and Agency Account and the General Fund Account.

12-048: A motion was made by Councilwoman Hynes and seconded by Councilman Knight to authorize JoAnn Shaver to make transfers between the Trust and Agency Account and the General Fund Account until 4/12/12.

Roll Call: Ayes – all; Noes – none. Carried.

A public hearing was held March 27, 2012 concerning adopting the Saratoga County Multi-Jurisdictional All Hazard Mitigation Plan. The plan was developed in response to the Federal Disaster Mitigation Act of 2000 which requires States and Localities to develop plans in order to receive pre-disaster funding used to mitigate potential disasters from FEMA.

12-049: A motion was made by Councilwoman Hynes and seconded by Councilman Knight to adopt the Saratoga County Multi-Jurisdictional All-Hazard Mitigation Plan.

Roll Call: Ayes – all; Noes – none. Carried.

A Resolution Adopting the Saratoga County Multi-Jurisdictional  
All-Hazard Mitigation Plan

WHEREAS, the Town of Ballston, with the assistance from Tetra Tech EM Inc., has gathered information and prepared the Saratoga County Multi-Jurisdictional Plan All-Hazard Mitigation Plan, and

WHEREAS, the Saratoga County Multi-Jurisdictional Plan All-Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000, and

WHEREAS, The Town of Ballston is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the plan and the actions in the plan, and

WHEREAS, the Town of Ballston has reviewed the plan and affirms that the plan will be updated no less than every 5 years; now therefore, be it

RESOLVED, that the Town of Ballston Town Board adopts the Saratoga County Multi-Jurisdictional All-Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan and resolves to execute the actions in the plan.

12-050: A motion was made by Councilwoman Hynes and seconded by Councilman Goslin to approve the Command Security Contract for Court Security at the same rate as last year.

Roll Call: Ayes – all; Noes – none. Carried.

Highway Superintendent Joseph Whalen will be attending Highway School from June 10<sup>th</sup> – 13<sup>th</sup> and will need Board approval for an overnight stay. Mr. Whalen has this expense included in his budget.

12-051: A motion was made by Councilwoman Hynes and seconded by Councilman Knight to approve Joseph Whalen's attendance at Highway School at Ithaca, New York from June 10<sup>th</sup> – June 13<sup>th</sup>.

Roll Call: Ayes – all; Noes – none. Carried.

12-052: A motion was made by Councilwoman Hynes and seconded by Councilman Knight to approve the use of a highway truck for the BH-BL Business Professional Association and Ballston Lake Improvement Association for their Spring project on Saturday, May 5<sup>th</sup> and the cost of an additional dumpster at \$550/5 tons plus any monies for additional weight charges, if needed. Budget transfer from Contingency A1990.4 to Highway A5132.4.

Roll Call: Ayes – all; Noes – none. Carried.

The Burnt Hills-Ballston Lake High School has asked to use 5 voting machines for the school budget vote on May 15<sup>th</sup> and the services of Voting Machine Custodian Charles Hildreth.

12-053: A motion was made by Councilwoman Hynes and seconded by Councilman Knight to approve the use of 5 voting machines by the Burnt Hills-Ballston Lake High School for the budget vote on May 15<sup>th</sup> and the services of voting machine custodian Charles Hildreth.

Roll Call: Ayes – all; Noes – none. Carried.

The Town is looking to approve a Security Breach Policy. Councilman Goslin would like to look at the list of personnel who have access to our computers to determine our vulnerability so we can prevent a security breach. Supervisor Southworth said she is sending a Computer Use Policy to Town Attorney Brower for his review.

12-054: A motion was made by Councilwoman Hynes and seconded by Councilman Knight to approve the Security Breach Policy.  
Roll Call: Ayes – all; Noes – none. Carried.

The Burnt Hills-Ballston Lake Business Professional Association will hold the Town Flag Day Parade on June 7, 2012. There will be no cost to the Town and the Town will receive a certificate of insurance.

12-055: A motion was made by Councilwoman Hynes and seconded by Councilman Knight to authorize the Burnt Hills-Ballston Lake Business Professional Association to hold the Flag Day Parade and to obtain any and all required permits from the New York State Department of Transportation.  
Roll Call: Ayes – all; Noes – none. Carried.

The Town Board Special Meeting and Agenda Meeting is scheduled for April 24, 2012 the same day as the Republican Presidential Primary.

12-056: A motion was made by Councilwoman Hynes and seconded by Councilman Knight to change the meeting date of the Town Board Special Meeting and Agenda Meeting from Tuesday, April 24, 2012 to Thursday, April 26, 2012 due to the Republican Presidential Primary.  
Roll Call: Ayes – all; Noes – none. Carried.

There will be additional expense for a facility cost and door monitors for this primary.

12-057: A motion was made by Councilwoman Hynes and seconded by Councilman Knight to authorize a budget amendment for additional expenditures for the Republican Presidential Primary from A1990.4 Contingency Fund to A1450.4 Election Contractual Fund at a cost not to exceed \$300.  
Roll Call: Ayes – all; Noes – none. Carried.

12-058: A motion was made by Councilman Knight and seconded by Councilwoman Hynes to approve Royal Arnold CPA to assist with the bookkeeping to close out the 2011 accounting records at a cost of \$75.00 per hour. A budget amendment is needed to transfer funds from A1990.4 Contingency Fund to A 1220.4 Supervisor's Fund.  
Roll Call: Ayes – all; Noes – none. Carried.

12-059: A motion was made by Councilwoman Hynes and seconded by Councilman Goslin to amend Resolution 12-037 to declare 14 Lakehill Road, SBL#257.12-1-48, an unsafe structure under §52.2 of the Ballston Town Code and direct the Building Inspector to proceed with the action under §52.5 of the Ballston Town Code.  
Roll Call: Ayes – all; Noes – none. Carried.

12-060: A motion was made by Councilwoman Hynes and seconded by Councilman Goslin to authorize Debora Bradt to attend and record the Zoning Board of Appeals Meeting on April 4, 2012 and prepare the minutes at a cost of \$15.00 per hour. A budget amendment is needed to transfer funds from A1990.4 Contingency Fund to B 8010.1 Zoning Personal Service Fund.  
Roll Call: Ayes – all; Noes – none. Carried.

Clifton Park Supervisor Barrett gave a brief overview of the request by the Town of Clifton Park to connect to the Burnt Hills-Ballston Lake Water District #2 at Mill Road. The Ballston Lake Fire District and the Ballston Lake Ambulance Squad have wanted municipal water for some time due to the poor quality of the water. A map of the district showed 30 plus properties in this water district and the Town of Ballston as the closest water source. The Town of Clifton Park is merely a facilitator. The Town of Ballston would read the meter at the town line each month and send a bill to the district. Since the Town of Ballston is not responsible for the water meter billing for each individual customer and the maintenance of this line, Supervisor Barrett is requesting the insider user rate. He is asking for an Intermunicipal Agreement so Clifton Park can move forward and form this district. Supervisor Barrett hopes to have this district this year. It is necessary to have this intermunicipal agreement with the rates stated before they can

have a Public Hearing. If the Town of Ballston wants to renegotiate the contract and add a sunset clause to the agreement, it will put the district in jeopardy. The State Comptroller's Office will not approve this contract with this clause.

Councilwoman Hynes believes it is a good idea to sell and provide the water to this district. The Town has been charging the people on the Malta line outside user rates so why should we have another rate for Clifton Park.

Councilman Goslin said we could approve the contract pending the Town Attorney's review, but the water committee is looking at the water rate structure and he believes it will be going up.

Scott Miller stated that Towns of Clifton Park and Ballston should develop the hamlet with water and sewer. This district will be in the Ballston Lake Watershed and bringing water into poor soils causes septic system failure. Sewers are also needed on Eastside Drive.

Paul Simpson said that the Ballston Lake Fire Department and the Ballston Lake Ambulance Squad need the water. The inside user rate is a fair price. There was a lot of work put into this district and the Board should vote tonight and not stall this project.

Lisa Doan believes we should take care of our neighbors and vote yes.

Ron Dunn, a commissioner of the Ballston Lake Fire Department and a resident of this district, stated the water quality has changed drastically over the last ten years with increased sulfur content. People volunteer time to protect you and your community. Forty-three out of Forty-five members are from the Town of Ballston. Mr. Dunn asked the Board to consider all the volunteers and make it a better experience for them.

Paul Lord stated the whole road needs the water and we need it now.

Herb Jackson added that the Fire Department is constantly changing valves due to corrosion of the fixtures because of water.

Supervisor Southworth asked what direction the board would like to take.

Councilman Knight considers the water in this district a potential health and safety issue with the problems experienced by the Ballston Lake Fire Department and the Ballston Lake Ambulance Squad.

Councilwoman Hynes does not see the need to rush a vote this evening since the Town Attorney and Councilman Szczepaniak are not present. Also, the books are not closed for 2011 and the water user rates are in flux. She does not see any worries with extending the water, but it is not a health and safety emergency. Councilwoman Hynes would like to table this request for a couple of weeks to take a closer look at the sewers and infrastructure in the Ballston Lake Watershed area.

12-61: A motion was made by Councilman Knight and seconded by Councilman Goslin to approve the request by the Town of Clifton Park to connect to the Burnt Hills-Ballston Lake Water District No. 2 at Mill Road with the insider user rate, pending Town Attorney approval. Councilman Knight amended his motion to include waiving the connection fee of \$1100 for the Ballston Lake Fire Department and the Ballston Lake Ambulance Squad.

Roll Call: Councilman Knight	Aye
Councilman Goslin	Aye
Councilwoman Hynes	No
Councilman Szczepaniak	Absent
Supervisor Southworth	Aye

Motion carried.

Dan Russell, Chairperson of the Parks and Recreation Committee, will be giving a presentation at the May Board Meeting on Anchor Diamond Park. The estate is settled and the Town will receive funding for the park. His request for additional funding for the

sight distance study will not be necessary. He will give an update concerning buying, building, maintaining and applying for grants for the park.

Supervisor Southworth reported that the Board has received two requests for speed limit reduction on Hop City Road and Chapel Hill Development. The Sheriff believes that a speed reduction is not warranted that it is an enforcement issue. Councilwoman Hynes stated that she would encourage enforcement since the Board has been unsuccessful in having the speed limit reduced on many requests.

There was a discussion on sales tax distribution. Supervisor Southworth and Councilman Goslin will set up a meeting to discuss this with the auditors and get their recommendations on scheduling an external audit.

Supervisor Southworth is setting up a solar workshop with a speaker from Empire Solar.

Councilman Szczepaniak and Councilman Goslin wrote a draft on solar energy systems. Councilman Goslin plans to review these ideas with NYSERDA.

Councilman Goslin has a draft of the Mass Gathering Law but he is not sure he captured the intent.

Supervisor Southworth stated the Mass Gathering Law needs to address who and how the law is enforced.

Councilman Knight asked that any zoning or planning proposals be discussed in committee first, and then brought to the Town Board. The change in definition for heavy and light manufacturing should be discussed with the Town Attorney, Attorney for Planning and Zoning and members of the Planning and Zoning Boards.

Councilwoman Hynes said that zoning, with changes in a proposed draft, can be reviewed and discussed by the Board. She does not want to see the proposals get mired in subcommittee meetings.

12-62: A motion was made by Councilwoman Hynes and seconded by Councilman Goslin to enter into Executive Session regarding a real estate transaction.  
Roll Call: Ayes – all; Noes – none. Carried.

12-63: A motion was made by Councilwoman Hynes and seconded by Councilman Knight to return to Regular Session.  
Roll Call: Ayes – all; Noes – none. Carried.

No action was taken during Executive Session.

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

Respectfully submitted,

Carol R. Shemo  
Town Clerk