

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

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

Mr. Spataro gave a presentation concerning the Town Insurance. The Town has a three year agreement; therefore, there are not a lot of changes. The Town has a flat rate for three years. The changes include a new green pack for new green technology and a slight increase in liability coverage due to the addition of 776 new Town residents. Also the Town will have access to videos for hands on presentation concerning loss control services, driver education and equipment handling.

RESOLUTION 12-098
APPROVAL OF MINUTES

A motion was made by Councilman Goslin and seconded by Councilman Knight to approve the minutes of the meetings.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes and
Councilmen Szcsepaniak, Knight and Goslin

Nays 0

CORRESPONDENCE

The Town Clerk did not have any correspondence.

REPORTS OF TOWN OFFICIALS

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

APPROVAL OF SUPERVISOR'S MONTHLY REPORT

Due to increased bookkeeping responsibilities, there was no Supervisor's Financial Report for the month of June.

Supervisor Southworth reported that the sales tax revenue has increased by \$173,096 compared to the sales tax revenue reported June 2011. She will be giving a presentation on Unfunded Mandates at the Saratoga County Fair. The Saratoga County Fair will be from July 17-22. The Family Fun Day held June 26th at the Saratoga County Fairgrounds was a great success.

COUNCIL MEMBERS' REPORTS

Councilman Szczepaniak appreciates the new auditing voucher procedure in the Town Clerk's Office.

Councilman Goslin stated that sales tax and mortgage tax have increased and the Town is now \$125,000 over budget in these areas. He checked the attendance requirement at an event that would require a Mass Gathering Permit in the Town of Malta is 500 people and the Town of Duanesburg is 3,500 people.

Supervisor Southworth said she would review the Town's Mass Gathering Permit with the Saratoga County Sheriff and get his input.

Town Attorney Brower reviewed the Town's jurisdiction to regulate events on school property. If the event is not sponsored by the Board of Education, the Town has the right to regulate an event on school property.

PRIVILEGE OF THE FLOOR

Mr. Simpson asked for an update on the bookkeeper position.

Mr. Carusone stated the Town Board should appoint someone to the bookkeeper's position. He feels the Board did a good job with the Solar Collection Code and he doesn't want the solar collection systems to infringe on another view.

Ms. Windels asked for an update on the properties on Lakehill Road and Nolan Road. She asked the Board not to pass the solar legislation. She hopes the Town maintains the look of the property when the Board purchased Anchor Diamond Park.

Mr. Voehringer hopes that the changes to the Mass Gathering Permit won't prevent estate actions. He asked the Board not to pass the Solar Collection Code; we do not need more regulation. A good solar design will enhance the value of the property. He would like the Board to consider the petition to ask for a referendum for the new park.

Town Attorney Brower stated he has drafted the complaints and warrants for the properties at Lakehill Road and Nolan Road. The owners have twenty days to answer these documents.

AGENDA ITEMS FOR CONSIDERATION AND ACTION

RESOLUTION 12-099

APPROVE RENEWAL OF THE TOWN OF BALLSTON'S INSURANCE POLICY

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Hynes to approve the renewal of the Town's insurance policy.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes and
Councilmen Szczepaniak, Knight and Goslin

Nays 0

RESOLUTION 12-100

DECLARE THE TOWN BOARD LEAD AGENCY IN SEQRA PROCESS FOR THE TOWN OF BALLSTON SOLAR COLLECTION CODE

A motion was made by Councilwoman Hynes and seconded by Councilman Szczepaniak to declare the Town Board Lead Agency in SEQRA process for the Town of Ballston Solar Collection Code.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes and
Councilmen Szczepaniak, Knight and Goslin

Nays 0

RESOLUTION 12-101

ESTABLISH A NEGATIVE DECLARATION FOR THE TOWN OF BALLSTON SOLAR COLLECTION CODE

A motion was made by Councilman Knight and seconded by Councilman Goslin to establish a negative declaration for the Town of Ballston Solar Collection Code

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes and
Councilmen Szczepaniak, Knight and Goslin

Nays 0

RESOLUTION 12-102

SOLAR COLLECTION CODE LEGISLATION

Town Attorney Brower stated it was necessary to include a definition of "Front Yard" to the Solar Collection Code. It would be a problem for the Building Inspector to enforce the code without this definition. The Board has two options: 1) it will be necessary to redraft the legislation to include the definition of "Front Yard" and have a public hearing on this legislation; 2) pass the legislation as presented, introduce an amendment to the law and then have a public hearing on this amendment to the law.

The Town Board chose to table the resolution in order to include the Town Attorney's additional language on the definition of "Front Yard" to be followed by a public hearing.

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to table the Solar Collection Code Legislation.

MOTION TO TABLE Ayes 5 Supervisor Southworth, Councilwoman Hynes and Councilmen Szczepaniak, Knight and Goslin

Nays 0

RESOLUTION 12-103

SET A PUBLIC HEARING FOR THE SOLAR COLLECTION CODE LEGISLATION FOR JULY 31, 2012 AT 7:15 P.M.

A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to set a public hearing for the Solar Collection Code using the Town Attorney Brower's additional language for July 31, 2012 at 7:15 p.m.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes and Councilmen Szczepaniak, Knight and Goslin

Nays 0

RESOLUTION 12-104

ACCEPT THE RESIGNATION OF MICHELLE DINGMAN AS BUILDING DEPARTMENT CLERK AND SECRETARY OF THE PLANNING BOARD AND ZONING BOARD OF APPEALS

A motion was made by Councilman Szczepaniak and seconded by Councilman Knight to accept the resignation of Michelle Dingman as Building Department Clerk and Secretary of the Planning Board and the Zoning Board of Appeals

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes and Councilmen Szczepaniak, Knight and Goslin

Nays 0

RESOLUTION 12-105

ACCEPT THE RESIGNATION OF WENDY BULLINGER AS LIBRARY CLERK

A motion was made by Councilman Szczepaniak and seconded by Councilman Knight to accept the resignation of Wendy Bullinger as Library Clerk.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes and Councilmen Szczepaniak, Knight and Goslin

Nays 0

RESOLUTION 12-106

APPROVE DEBORA BRADT'S ATTENDANCE AT 2012 PLANNING AND ZONING SUMMER SCHOOL

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to approve Debora Bradt's attendance at 2012 Planning and Zoning Summer School.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes and Councilmen Szczepaniak, Knight and Goslin

Nays 0

RESOLUTION 12-107

APPROVE THE CLEANING SERVICES AGREEMENT BETWEEN THE TOWN OF BALLSTON AND MR. HELP

A motion was made by Councilman Szczepaniak and seconded by Councilman Knight to approve the three year cleaning services agreement between the Town of Ballston and Mr. Help

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes and Councilmen Szczepaniak, Knight and Goslin

Nays 0

RESOLUTION 12-108

APPROVE THE STANDARD WORKDAY AND REPORTING RESOLUTION

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Hynes to approve the Standard Workday and Reporting Resolution for Elected and Appointed Officials who are members of the NYS Retirement System and who do not participate in the Time and Attendance System.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes and
Councilmen Szczepaniak, Knight and Goslin
Nays 0

RESOLUTION 12-109

APPROVE A CHANGE TO ORGANIZATIONAL RESOLUTION #16 FEE FOR A RETURNED CHECK

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to approve change to organizational resolution #16, the fee for a return check from \$25 to \$20, the NYS approved fee.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes and
Councilmen Szczepaniak, Knight and Goslin
Nays 0

RESOLUTION 12-110

AUTHORIZE CT MALE TO UPDATE THE SURVEY MAPS FOR WHITE BEACH ROAD

A motion was made by Councilwoman Hynes and seconded by Councilman Szczepaniak to authorize CT Male to update the survey maps for White Beach Road at a cost not to exceed \$3,100.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes and
Councilmen Szczepaniak, Knight and Goslin
Nays 0

RESOLUTION 12-111

AUTHORIZE THE TOWN OF BALLSTON TO PARTICIPATE IN TOWN OF CLIFTON PARK'S HOUSEHOLD HAZARDOUS WASTE DAY

A motion was made by Councilwoman Hynes and seconded by Councilman Szczepaniak to authorize the Town of Ballston to participate in the Town of Clifton Park's Household Hazardous Waste Day with a cost of \$50 to each participating resident with limited available spaces.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes and
Councilmen Szczepaniak, Knight and Goslin
Nays 0

DISCUSSION – BEACON HILL CONDOS

Mr. Zee, attorney for Traditional Builders, spoke concerning removal of the age restriction from the PUDD legislation concerning the Beacon Hill Condominiums. The owners of the condo units have agreed to the removal of the age restrictions. The owners also raised questions concerning the issue of increased vehicles and parking.

The Board stated it is the responsibility of the Board of Directors to enforce car restrictions and parking.

RESOLUTION 12-112

SET A PUBLIC HEARING TO CONSIDER REMOVING THE AGE RESTRICTION FROM THE PUDD LEGISLATION CONCERNING THE BEACON HILL CONDOMINIUMS

A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to set a public hearing for July 31, 2012 at 7:00 p.m. to consider removing the age restriction from the PUDD legislation concerning the Beacon Hill Condominiums.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes and
Councilmen Szczepaniak, Knight and Goslin
Nays 0

DISCUSSION – WHITE BEACH ROAD

Attorney Brower has the documents required and the Title Reports. He is drafting the paperwork. CT Male will update the survey maps for White Beach Road.

DISCUSSION – ANCHOR DIAMOND PARK

Councilman Szczepaniak gave an update on Anchor Diamond Park. The Town is in the process of completing the paperwork for the sale of the stocks. After the Town receives the money for the stocks, the Town Attorney will meet with the property owners to discuss the contract, draft the contract with the contingencies solely for Anchor Diamond Park, have the closing and purchase the property for the park. Anchor Diamond Park is exempt from government action; therefore, it is not a requirement to send Anchor Diamond Park to the Saratoga County Planning Board for their input. There will be a press release concerning Anchor Diamond Park.

The Parks and Recreation Committee have two openings. It will remain a Parks and Recreation Committee and not change to a Parks and Recreation Department.

DISCUSSION – ZONING ISSUES

Councilman Goslin proposed changes for the Sign Ordinance and Sheds. Any sign application that the building inspector, in his or her opinion, meets the regulations in the §138-38 of the Zoning Code does not need a special use permit and does not need Planning Board approval. Proposed Change to §138-36 in the Zoning Code, changing the size of sheds allowed from 120 square feet to 200 square feet. Councilman Goslin proposed a change to Private Road Standards under §104-12 of the Subdivision Design Requirements and Town Attorney is drafting the language for this change.

DISCUSSION – TOWN BONDING

A discussion was held concerning the Town Bonding of projects. The Town Board will develop procedures for bonding projects in the future.

DISCUSSION – MASS GATHERING LAW

Councilman Goslin also proposed a change to the Mass Gathering Law. He is looking to pare down the legislation so that the Mass Gathering Permit will affect only those events with thousands of people.

Katie Ingoe, Representative of Together We Can! STOP CMV, submitted a request to the Town Clerk for a Mass Gathering Permit for a kid’s carnival at Beacon Hill Development. STOP CMV is a non-for-profit organization, whose mission is to raise funds for the prevention of the CMV virus that is transmitted to an unborn child causing permanent medical conditions and disabilities.

RESOLUTION 12-113 - MASS GATHERING PERMIT FOR STOP CMV

A motion was made by Councilwoman Hynes and seconded by Councilman Szczepaniak to approve the Mass Gathering Permit for STOP CMV kid carnival at the Beacon Hill Development on July 21, 2012 and to waive the thirty day filing requirement, the insurance requirement and the application fee for said permit.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes and
Councilmen Szczepaniak, Knight and Goslin
Nays 0

RESOLUTION 12-114 - EXECUTIVE SESSION

A motion was made by Councilwoman Hynes and seconded by Councilman Szczepaniak to enter into executive session to discuss a personnel matter, leading to the appointment of a particular person.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes and
Councilmen Szczepaniak, Knight and Goslin
Nays 0

RESOLUTION 12-115 – RETURN TO REGULAR SESSION

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Hynes to return to regular session.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes and
Councilmen Szczepaniak, Knight and Goslin
Nays 0

**RESOLUTION 12-116 – APPOINT JOHN GAETANI TO PROVIDE
BOOKKEEPING SERVICES TO THE TOWN OF BALLSTON**

A motion was made by Councilwoman Hynes and seconded by Councilman Goslin to engage the professional services of John Gaetani to provide bookkeeping services to the Town of Ballston for a one year period contingent upon the Town Attorney's approval of the professional service agreement between the Town of Ballston and Mr. Gaetani. Said agreement will be similar to the previous contractual bookkeeper agreement, but also to include the provisions concerning the scope of job duties and required insurance at the contractual price of \$45,000 a year. Mr. Gaetani will report to the Town Board and will be providing information concerning the books of the Town to Town Board members at their request.

On a motion of Councilman Szczepaniak and seconded by Councilwoman Hynes, the meeting was adjourned at 9:15 p.m. Carried unanimously.

Respectfully submitted,

Carol R. Shemo
Town Clerk