

The regular meeting of the Town Board of the Town of Ballston was held Tuesday evening, August 7, 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 were Town Attorney Murry Brower and Deputy Town Clerk Carrie Fisher. Town Clerk Carol Shemo was absent.

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

### **APPROVAL OF MINUTES**

A motion was made by Councilwoman Hynes and seconded by Councilman Goslin to approve the minutes of the meetings with corrections submitted to the Town Clerk.

**Ayes 5 All**  
**Nays 0 None**

### **MOTION CARRIED**

### **CORRESPONDENCE**

Deputy Town Clerk Carrie Fisher stated there was no correspondence.

### **REPORTS OF TOWN OFFICIALS**

- Building Inspector Thomas Johnson addressed the Board and gave his report.
- The Deputy Town Clerk reported she received the Building, Highway, Dog and Animal Reports and they are on file in the Town Clerk's Office.
- Library Trustee Barb Wilson reported regarding the library trying to create a new tag line and logo for the library, the use of over 7,000 volunteer hours at the library, and a public library construction grant for sidewalks and signs. The report is on file at the library if anyone would like to review it.
- Farmland Protection and Preservation Committee (FPPC) Chairperson Joan Pott gave a presentation regarding the conceptual protection of Cappiello Farm, an iconic farm within the Town of Ballston. The report concluded that open space needs to be respected together with the preservation of farmland. The conceptual idea is to use a grant program and owner matching funds to purchase upwards of 150 acres that would minimize expenses to residents and maximize public benefit while preserving the natural benefits of this parcel. Chairperson Pott introduced Donald Rhodes, P.E. who reiterated that conceptual plan to the Town Board and the residents. The land use plan would need to be developed, discussed and refined. Engineer Rhodes presented a visual aid of the parcel location.
  - Supervisor Southworth is interested in moving forward with the plan and researching grant funds and matching funds from the property owner.
  - Councilman Szczepaniak agreed this is the right location and the right direction. He supports a public referendum.
  - Councilman Goslin asked for a ball park purchase amount to which Engineer Rhodes stated that purchase price would be actual value, there is upwards of 150 acres and the family is willing to discuss/negotiate. Bonding costs and a cash flow analysis will need to be done.
  - Councilwoman Hynes agreed with Chairperson Pott that keeping the property as farmland is best and she would like to see parts reserved for agricultural, recreation, open space and is interested in knowing how much land will be reserved for future development. This parcel is of great interest to the Town and there is no harm in talking. She thanked Chairperson Pott and Engineer Rhodes for sharing their expertise and their considerable hours for this presentation.
  - Councilman Knight agreed this is an exciting idea and would like to see the possibilities for the Town.
  - Chairperson Pott further stated that the plan needs to be developed for acquisition and preservation. She asks the public to feel free to contact her at [joanpott@gmail.com](mailto:joanpott@gmail.com) and/or 518.885.5431. Feel free to leave her a message. This information will also be posted on the Town Website.

**APPROVAL OF SUPERVISOR’S MONTHLY REPORT**

Town Supervisor Southworth submitted the report for June 2012 and explained the high disbursement versus the income is due to three (3) payrolls in June and the bond payment that was made. Supervisor Southworth stated the July 2012 report is not completed.

Councilwoman Hynes made a motion to approve June 2012 Supervisor Report. Councilman Knight seconded.

**Ayes 5 All**  
**Nays 0 None**

**MOTION CARRIED**

Councilman Goslin stated he sees progress with regard to the financial reporting. He distributed a handout and read the fourth (4<sup>th</sup>) paragraph therefrom. This article is on file at the Town Clerk’s Office. Supervisor Southworth briefed the Board and residents on the progress the new Bookkeeper John Gaetani was making resolving software issues as well as end of year, payroll and retirement reports.

**STANDARD WORKDAY RESOLUTION**

Supervisor Southworth addressed this issue raised by Councilman Goslin. The Supervisor explained this is a required by NYS and is to be filed with the Town Clerk. It is a report that includes elected or appointed officials hours to determine Part-time or Full-time status. Supervisor Southworth stated she was required to enroll in NYS Retirement System in August 2008. She stated she is Full-time at the county and one (1) year of credit is given regardless of the # of hours worked. Her hours worked as Ballston Town Supervisor are a mere formality in satisfying the report requirements. Her salary did not increase with her hours as Town of Ballston Supervisor. The taxpayers are not affected, nor is the NYS Retirement System.

Councilman Goslin stated that her report states she worked 30 days/month on Town of Ballston, not Saratoga County, business. Supervisor Southworth agreed. Councilman Goslin calculated that 30 days/month is 360 days/year on Town business. He stated the Supervisor’s job is a Part-time job so if it does not impact the NYS Retirement System then okay. He thinks Supervisor Southworth works hard but it just seems like a big number. Supervisor Southworth stated she will work as many hours as needed to get the job done for the Town.

**SALES TAX**

Supervisor Southworth reported that the sales tax is in at \$265,832.00 this month which is up \$99,046.00 YTD.

Supervisor Southworth made the Board aware that the Town received Anchor Diamond Park funds from the sale of one (1) of the stocks in the amount of \$105,653.87. She stated the Town is waiting paperwork for the medallions on the other two (2) stocks. Supervisor Southworth stated there is \$3,590.00 in a dedicated account for Anchor Diamond Park. There is two (2) stocks left to liquidate-PPG and GE. Town Attorney Brower stated that as of today, the GE stock equaled \$202,000.00. Town Attorney Brower stated the Trustee has not called and Councilman Szczepaniak asked for this topic to be added as #3 DISCUSSION item.

**COUNCIL MEMBERS REPORTS**

**Councilman Szczepaniak**

Councilman Szczepaniak reminded the Board of the vacant position in the Building Department caused by the resignation of the clerk in that position. He asked when that position is scheduled to be advertised. Supervisor Southworth stated there is a Personnel Meeting Thursday, August 9, 2012 at Noon at 40 McMaster Street in Ballston Spa. The Committee will discuss this position and how to move forward.

Councilman Szczepaniak stated he was contacted by a resident who expressed concerns over sex offenders. He reminded residents to pay attention and educate their children and offered a website to help: [www.watchdog.com](http://www.watchdog.com). Supervisor South added

[www.nyalerts.com](http://www.nyalerts.com) is another site residents may access. Supervisor Southworth stated she has done some outreach to the Saratoga County District Attorney's Office to notify them that this area is heavily populated with children.

#### Councilman Goslin

Councilman Goslin stated there were a number of items he had asked to be added to the agenda.

- 14 Lakehill Road
- Resolution for security lighting in Jenkins Park

Councilman Goslin gave a report on work on the sewer project. He stated he would like to see an organizational meeting in September. He stated he would reach out to individuals with engineering backgrounds and look for additional candidates. Councilman Goslin stated the long term project is to update the plan on how to build and fund and come back in September. He stated he thought we needed 7-10 people for the committee, the right mix for the long term.

Supervisor Southworth stated a solicitation should be placed on the Town Website encouraging candidates to submit a letter of interest and/or a resume. From these, the Town will be able to interview and select candidates which is the procedure stated in Town Code. Candidates and the Board should review the 2005 study done by Katherine Serra, P.E. She stated questions to be answered/considered are: What area do you want sewer? Do you sewer by priority or cost? Use caution if choose by cost alone. This would go to a vote.

Councilman Goslin reported on a memo received by the Town Board from Bookkeeper John Gaetano suggesting that procedures need to be formalized. He stated from a budget perspective, he has not seen any capital plans yet and these would be very helpful. Supervisor Southworth stated he will have these prior to budget time.

Councilman Goslin asked for clarification on the Summer Rec program and Ballston role as administrator of this program for three (3) towns. Supervisor Southworth confirmed Ballston administers the program for three (3) towns and Brian Bold serves as director. Each town pays their fair share. Councilman Goslin stated he would like it if one of the other towns could administer the Summer Rec Program.

Councilman Goslin addressed the issue of political candidacy for the Town of Ballston Town Supervisor position. He stated he continues to hear rumors that he is "running" for Town Supervisor. Councilman Goslin stated for the record that he is not running for Supervisor and has no plans to run for Supervisor.

#### Councilwoman Hynes

Councilwoman Hynes reported National Grid has not sent anything since April 2012 on the Bike Trail Extension. Supervisor Southworth stated it may take time due to a lot of coordination. She stated to check next week.

### **PRIVILEGE OF THE FLOOR**

At 8:18pm, Privilege of the Floor was opened.

*Resident Richard Carusone*, questioned if Ballston was ready to move forward with White Beach Road. Supervisor Southworth stated it was on for discussion but the Town had until 8/31 to complete. Resident Carusone next questioned if the Town had a capital project with a park. Supervisor Southworth stated yes, the Anchor Diamond Park on the Lang property on Middleline Rd. Resident Carusone asked if that project would remove the property from the tax base. Supervisor Southworth stated yes. Regarding the Cappiello Project, we will have to wait to see what the Committee comes forward with and asked all residents to please go to the meetings.

*Resident Lisa Speidel*, spoke o/b/o her mother regarding fencing. She questioned whether setbacks, height requirements regarding fencing were in the Town Code. Building Inspector Thomas Johnson replied to resident Speidel that as he stated on the phone when she called, there is no specification for fencing in the zoning district in which she resides. The code is silent on fencing for the zoning district in which she lives.

*Resident Paul Simpson*, spoke regarding the Solar Panels. Resident Simpson stated the Town Board should not be forced to make zoning laws that do not benefit residents or advances of solar technology.

*Resident Ben Trolio*, spoke in favor of Solar Panels and opposition to the proposed legislation. He stated he has studied the effects of Solar Energy including health impacts and supports solar energy. He encourages the Town Board to reject the proposed legislation. Supervisor Southworth asked Resident Trolio if he would please prepare a report and share his education with the Town at a future meeting.

*Resident Lawrence Mike Smith*, spoke regarding property damage to his property when the cell tower was installed. After some discussion, this matter was decided to be discussed in Executive Session.

*Attorney Andrew Brick* for Beacon Hill Condominiums stated he favored passing Resolution 12-124 Establishing the Town Board as Lead Agency for the SEQRA Process for Proposed Amendment to Beacon Hill PUDD. The Board thanked Mr. Brick for doing such a great job with their presentation, research and hard work.

*Resident Charles Merriam*, commented on the poor condition of 14 Lakehill Rd.

*Resident Sarah Statum* spoke in support of Solar Energy.

*Resident Ivan Botsford*, requested fans in the meeting room and spoke in favor of passing the Solar Code Legislation. Resident Botsford stated appearance needs to be kept in mind and restrictions prevent people from taking advantage of a situation.

*Resident Jeff Sweeney* of 37 Longcreek Dr., Burnt Hills spoke in favor of passing the Solar Code Legislation. Resident Sweeney stated regulations do not preclude, but encourage, neighbors to talk to one another beforehand.

*Resident Stephen Merchant*, read a letter of complaint.

*Resident Polly Windels*, spoke in opposition to the Solar Legislation. Resident Windels stated that only the people who live on Longcreek Drive are in favor of it because the deeds were not updated in that Home Owner's Association Development to include Solar Energy. This is not the fault of the Town. That area is a Development and one Development is trying to tell the whole Town what to do. The Town of Ballston is unwise in restricting Solar Energy. Give the legislation to Longcreek Drive only-put it in their deeds.

*Resident Richard Voehringer* spoke in opposition to Resolution 12-122 passing the Solar Legislation. He stated the Town needs the Home Owner's Association on Long Creek Drive to deal with this, not legislation.

*Mike Myers*, the Ballston Representative for BARC spoke in support of BARC. Mr. Myers thanked the Board for supporting BARC and reported on the successful soccer program with new goals and 500 kids. He also reported on the youth theatre production of *The Wiz* to be performed at the Ballston Spa Auditorium Friday August 10 at 7:00pm, Saturday August 11 at 1:00pm and 7:00pm, Friday August 17 at 7:00pm and Saturday August 18 at 1:00pm and 7:00pm. Tickets are \$10/adults, \$7/kids, Kids under 5 are free. The Board thanked Mr. Myers.

*Resident Stephen Stark*, spoke regarding whether the water rates were updated. Councilwoman Hynes stated we are still waiting on that.

At 8:50pm, Supervisor Southworth closed privilege of the floor to move forward with the items on the agenda.

## **RESOLUTION 12-122**

**APPROVE LOCAL LAW 2 OF 2012 THE TOWN OF BALLSTON SOLAR COLLECTION CODE.**

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Hynes to approve Local Law 2 of 2012 the Town of Ballston Solar Collection Code.

- Councilman Szczepaniak states he appreciates comments and concerns and embraces solar energy. Nearby towns have legislation and Town of Ballston is behind, comparatively. Councilman Szczepaniak states it is better to be proactive and encourages neighbors to discuss things.
- Councilman Goslin states this is a good process. He states the comments from the Longcreek Drive residents have been professional and helpful. He states this regulation is not anti-solar: there are no restrictions on roof-tops and only one (1) restriction on ground-mount solar. Councilman Goslin states Town of Ballston Zoning Board is one of the most professional here in the Town of Ballston. This regulation is not restrictive. The job here is to represent the people who have concerns whether it is with solar, black top plant, trails, 14 Lakehill, etc. People show legitimate concerns.
- Councilwoman Hynes agrees this process has had a lot of public comment and Councilmen Szczepaniak and Goslin addressed good points. This legislation is so mild, I support it. It is not a ban. This makes sure solar fits within the community. In a Traditional Neighborhood Development (TND) such as Longcreek Drive, homes are much closer. A mechanism is needed to review solar. I agree with Councilman Goslin of quality of the Zoning Board.
- Councilman Jeremy Knight stated he is a lifelong resident. Property rights are being chiseled away and there is no need for further legislation. The need presented here comes from a localized area. This discourages people rather than encourages them. This is trying to zone aesthetics and it sets a dangerous precedent. It is for the benefit of a few and a cost to many. The majority people spoke against more regulation. We need to listen to the majority. We need to be cautious going forward; this goes too far.
- Supervisor Southworth stated concerns of the Solar Regulations. She stated this is too restrictive. She stated neighbors may not always do what you like but you accept it when you move to a neighborhood. She understands the concern and lack of communication between neighbors. The public asks government to be less involved and this legislation is not.

<b>Councilman Szczepaniak</b>	<b>Yes</b>
<b>Councilman Knight</b>	<b>No</b>
<b>Councilman Goslin</b>	<b>Yes</b>
<b>Councilwoman Hynes</b>	<b>Yes</b>
<b>Supervisor Southworth</b>	<b>No</b>

<b>Ayes 3</b>	<b>Councilmen Szczepaniak, Councilwoman Hynes, Councilmen Goslin</b>
<b>Nays 2</b>	<b>Supervisor Southworth, Councilmen Knight</b>

**MOTION CARRIED**

**HAZARDOUS WASTE DAY**

Supervisor Southworth stated there will be a Hazardous Waste Day on September 5<sup>th</sup>. It will cost \$50 to each resident who participates. There will be forms available at the Town Clerk's Office on Monday August 13, 2012.

**RESOLUTION 12-123**

Accepting the Saratoga County Sales Tax in cash.

A motion was made by Councilwoman Hynes and seconded by Councilman Knight to approve accepting the Saratoga County Sales Tax in cash.

<b>Ayes 5</b>	<b>All</b>
<b>Nays 0</b>	<b>None</b>

**MOTION CARRIED**

**RESOLUTION 12-124**

Establishing the Town Board as Lead Agency for the SEQRA Process for Proposed Amendment to Beacon Hill PUDD.

A motion was made by Councilwoman Hynes and seconded by Councilman Szczepaniak to Approve Establishing the Town Board as Lead Agency for the SEQRA Process for Proposed Amendment to Beacon Hill PUDD.

**Ayes 5 All**  
**Nays 0 None**

**MOTION CARRIED**

**RESOLUTION 12-125**

Determining a Type I SEQRA Declaration for the Proposed Amendment to Beacon Hill PUDD and Issuing a Negative Declaration with the basis that there is not a potentially significant environmental impact.

A motion was made by Councilman Goslin and seconded by Councilwoman Hynes to Determine a Type I SEQRA Declaration for the Proposed Amendment to Beacon Hill PUDD and Issue a Negative Declaration with the basis that there is not a potentially significant environmental impact.

**Ayes 5 All**  
**Nays 0 None**

**MOTION CARRIED**

**RESOLUTION 12-126**

APPROVING LOCAL LAW 3 OF 2012 APPROVING THE PROPOSED AMENDMENT TO THE BEACON HILL PUDD.

A motion was made by Councilman Goslin and seconded by Councilwoman Hynes to Approve Local Law 3 of 2012 Approving the Proposed Amendment to the Beacon Hill PUDD.

<b>Councilman Szczepaniak</b>	<b>Yes</b>
<b>Councilman Knight</b>	<b>Yes</b>
<b>Councilman Goslin</b>	<b>Yes</b>
<b>Councilwoman Hynes</b>	<b>Yes</b>
<b>Supervisor Southworth</b>	<b>Yes</b>

**Ayes 5 All**  
**Nays 0 None**

**MOTION CARRIED**

**RESOLUTION 12-127**

Set a Public Hearing for the Mass Gathering Legislation for August 28, 2012 at 7:15 pm. A motion was made by Councilwoman Hynes and seconded by Councilman Knight to Set a Public Hearing for the Mass Gathering Legislation for August 28, 2012 at 7:15 pm.

**Ayes 5 All**  
**Nays 0 None**

**MOTION CARRIED**

**RESOLUTION 12-128**

Consider Approving the Purchase of Security Program for the Enhanced Fund Accounting System at a cost not to exceed \$495.00 on all computers that are currently using the Enhanced Fund Accounting System Program.

Supervisor Southworth stated that everyone would have their own log-in i.d., we would know who was on, at what time, for how long and where they have been. This is an item in the letter from our new Accounting Firm and was also an item discussed by the NYS Comptroller's Auditor when he was here.

A motion was made by Councilman Knight and seconded by Supervisor Southworth to approve the purchase of a security program for the Enhanced Fund Accounting System at a cost not to exceed \$495.00 on all computers that are currently using the Enhanced Fund Accounting System Program.

Councilwoman Hynes asked where is the funding coming from.

Supervisor Southworth stated the money will come from the Supervisor Contractual Line. Councilman Goslin requested a discussion on this issue. Councilman Goslin thinks it is a great idea to improve the security of the accounting program but recommends to see the plan how security is applied. He stated there may be reports that could be restricted by the software. He would like to see an account set up so that the Town Board has read-only access to the financial information discussed earlier and would like to approve it; prior to approval we could see a plan to see how this was going to be implemented.

Councilman Goslin stated his concern is that it would put us in a position where it will be even more difficult to get financial information.

Supervisor Southworth stated this would make it easier because everyone involved will know that those that entered information were only entering to access parts that they had authority and need to be in. As it stands right now, there are people who have access to places in the program where they can undertake functions that should only be done by the Bookkeeper, such as voiding checks, reissuing checks. That was a concern by the Comptroller when he was here. I am not sure if it will make it to the final report but it was a verbal.

Councilman Szczepaniak asked Councilman Goslin if reports were going to be restricted with this new software.

Councilman Goslin stated one of the issues brought to him by the Town Highway Superintendent Joe Whalen told him he was concerned that he has his clerk running reports with regard to his finances, which I think is something he should be allowed to do. This program could allow that clerk to make entries in the accounting program but not run reports. What I would really like to do is to come up with a plan to see how this is going to be implemented. The plan should include read-only access by the Board. The other thing the plan should include is something known in the industry as a "Break Glass" password. If something were to happen to the person with the master password the clerk would keep the master password in an envelope in the safe so that we could get into the finance system. Those are the kinds of things I would like to see in a plan, if we are going to spend money on software, we need to know who we are protecting, who has access, and I think this is a reasonable request.

Councilman Szczepaniak asked to table this.

Supervisor Southworth stated there is a motion on the table.

Councilwoman Hynes stated maybe we can amend motion making it contingent on the development of items as suggested by Bill so we can move forward with acquisition and just work out the details, defining who has authority is important.

Supervisor Southworth stated that is one of the issues the Comptroller had an issue with where people had access and could potentially change information and that is why, part of why it is brought to you today. He also had concerns where passwords were kept and who had access and he was displeased that even e-mail passwords were kept in an envelope locked in the Town Clerk's Office. I recommend there be a safe that we put in the Bookkeeper's Office to house that information as well as other confidential information that we would not want people to have access to instead of the current cabinet that's there.

Councilman Goslin stated it can even be kept at the manufacturer's location but the key is that in an emergency, we could get to it.

Councilman Szczepaniak stated maybe we need education on our program. There are valid points raised. If this is going to restrict the Water Clerk from doing her job, I am not in favor of this.

Supervisor Southworth stated it is not going to restrict anybody from doing their job, it is going to restrict those that don't need access to certain parts of the program to not have that access.

Councilman Goslin asked who determines that?

Supervisor Southworth stated that is determined mostly by the Bookkeeper since he is the one that is ultimately taking the responsibility. It's ultimately his tail that's on the line as well.

Councilman Goslin stated this Board is responsible.

Supervisor Southworth stated Joe has not voiced that concern to her and in the past, he has always come to the Bookkeeper's Office to get reports and it's never been a problem. Supervisor Southworth stated we have a motion on the table if it goes to table after that, so be it. I brought it because it is necessary especially following an exit conversation with the Comptroller as well as the new Accounting Firm.

Councilwoman Hynes asked before we bring to a vote, if there is a way to amend the motion on the table, then address the concerns. I would rather move the purchase forward then address the concerns, rather than table and spend another month analyzing it. I think it is important we get the software, I do understand what Bill talked about. Read-only is fine for me but there may be other people in the town that require more. If there is a way we can salvage this without pushing to a vote?

Supervisor Southworth stated that would be up to Councilman Knight who made the motion. Supervisor Southworth stated we can meet with employees as a Personnel Committee and see what they need to do their job. We can split up the people and see what they need access to and come to an agreement.

Councilwoman Hynes stated this is an Audit Role.  
Councilman Knight is on the Audit Committee.

Supervisor Southworth stated Councilman Knight can meet with the employees and see what they need and what they use and put out a memo to the Board in conjunction with the Bookkeeper as well.

Councilman Goslin addressed Attorney Brower and stated he was told there was a law on the books that stated any citizen in town can come in to the Town Clerk's Office and ask to look at the books and we are supposed to be able to provide them. This is the type of situation that if we had the proper access, anyone in this town could come in and get any information they asked for, such as people on Jenkins Park Board, Library Board, a lot of these volunteer groups would like information about their activities. I think this would be a great opportunity to do that.

Supervisor Southworth stated they could do that on a read-only computer.  
Councilman Goslin stated exactly.

Councilman Knight withdrew his motion.

Supervisor Southworth withdrew her second of the motion.

Councilman Goslin made a motion to approve purchase of software but before it being implemented, a plan that is acceptable to the Board, that determines who and what they have access to. Councilwoman Hynes seconded that motion.

**Ayes 5 All** Supervisor approves reluctantly.  
**Nays 0 None**

**MOTION CARRIED**

**RESOLUTION 12-129**

Approving Resolution honoring Eagle Scout Luke Winters.  
A motion was made by Councilman Szczepaniak and seconded by Councilman Knight to Approve the Resolution honoring Eagle Scout Luke Winters.

**Ayes 5 All**  
**Nays 0 None**

**MOTION CARRIED**

**RESOLUTION 12-130**

Approving the purchase of security lights for Jenkins Park at a cost not to exceed \$300.00.

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to Approve the purchase of security lights for Jenkins Park at a cost not to exceed \$300.00.

**Ayes 5 All**  
**Nays 0 None**

**MOTION CARRIED**

**RESOLUTION 12-131**

Accept White Beach Road as a Town Road.  
Town Attorney Brower reported everything is ready to be turned over.

A motion was made by Councilman Goslin for Resolution 12-131 Accepting White Beach Road as a Town Road. It was seconded by Councilman Knight.

**Councilman Szczepaniak Yes**  
**Councilman Knight Yes**  
**Councilman Goslin Yes**  
**Councilwoman Hynes Yes**  
**Supervisor Southworth Yes**

**Ayes 5 All**  
**Nays 0 None**

**MOTION CARRIED**

Supervisor Southworth stated the next steps after we file deeds and get copies, CP Rail file copies paperwork in a petition with the Federal Rail Association, NYSDOT will need to come out to make sure we are in compliant with state regulations in order to receive section 130 funding. Joe has been in conversations with them on what needs to be done as far as signage and striping so that will be worked out between the two of them. Once they approve those items, they will formally put us on that list, although we are unofficially there, we are in the queue, as soon as tomorrow morning, I will be able to talk to our Congressman and Assemblyman Tedisco and Senator Farley to get us up as high up on that queue as possible to get those installed as early as possible in the next funding cycle. As soon as we get this turned in, it goes to the Senate Finance Committee who then sends a contract through the State Comptroller's Office. Those are funds we expend first and then get reimbursed for.

**BONDING-ROUTE 50 DISCUSSION**

CT Male encouraged by those who requested packets for project construction. Has not seen any bids yet.  
Those will come in to the Town Clerk's Office. We need to set a bid opening date and time.

**RESOLUTION 12-132**

Setting Friday August 24, 2012 at 2:00pm as a Bid Opening Day for the Route 50 Turn Lane Project.

Councilwoman Hynes made a motion to set Friday August 24, 2012 at 2:00pm. as a Bid Opening Day for the Route 50 Turn Lane Project. Councilman Szczepaniak seconded this motion.

**Ayes 5 All**  
**Nays 0 None**

**MOTION CARRIED**

Councilman Goslin would like to know the cost of bonding vs. using the cost of our reserves. What kind of money we have in the bank.

Supervisor Southworth explained the Town can't mix monies from different funds; can't use Water Funds for General Fund Projects-4% interest must be paid if the Town borrows from one Town fund for another fund to use. Since a one (1) year Bond Anticipation

Note has an interest rate of less than 1%, why borrow from ourselves at 4%? The Town of Ballston will never get a better rate than less than 1%. Councilman Goslin removed his restriction and votes to go forward. Supervisor Southworth feels very confident all impediments will be worked out.

#### **ANCHOR DIAMOND PARK**

Councilman Szczepaniak states now that we have \$106,000 placed in a dedicated account. I move that we move forward with park purchase plan.

Councilman Goslin asked if the zoning changed from light industrial?

Councilman Szczepaniak states is there any problem with moving forward with what we already have drafted. I don't want any more delays.

Attorney Brower states once we have funds in the bank, prepare a purchase agreement, provisions for environmental and draft by next agenda meeting.

Supervisor Southworth stated she wants to be sure no purchase agreement is signed without funds in the bank.

#### **14 LAKEHILL RD**

Attorney Brower stated Justice Burns signed the warrant.

Supervisor Southworth stated language gave authority to Sherriff who stated they think they do not have authority.

Building Inspector Johnson stated Judge Burns' research indicates the Police Agency must serve the warrant; the Sherriff disagrees.

Attorney Brower states he hopes the Sherriff resolve and approve.

Councilman Goslin states the feeling of those involved is to secure, placard, and obtain the warrant.

Building Inspector Johnson stated it needs to be inspected by 2 engineers. Town Board next approves and a petition is filed in State Supreme Court to either repair or tear down.

Attorney Brower stated Due Process to property owners. We cannot mow the lawn or trespass. If the engineer determines the property needs to be torn down then we have the complaint ready for the Supreme Court.

Supervisor Southworth stated if anyone knows the whereabouts of the owners Robert Van Allen and Peter Neuzil, please contact Town Hall.

#### **BUDGET CALENDAR**

Motion to approve the Budget Calendar was made by Councilman Szczepaniak and seconded by Councilwoman Hynes.

#### **RESOLUTION 12-133**

Accept the Budget Calendar.

Councilman Szczepaniak made a motion to accept the Budget Calendar. Seconded by Councilwoman Hynes.

**Ayes 5      All**  
**Nays 0      None**

#### **MOTION CARRIED**

#### **12-134**

#### **EXECUTIVE SESSION**

At 9:50 pm the Board moved to go in to Executive Session to discuss Mike Smith property damage/litigation issue.

Councilman Szczepaniak made a motion to go in to Executive Session. Councilwoman Hynes seconded.

At 9:58 the Board returned from Executive session. No action was taken.

Councilman Knight made a motion to return from Executive Session. Councilman Szczepaniak seconded.

Councilwoman Hynes made a motion to adjourn the meeting. Councilman Knight seconded.

Supervisor Southworth closed the meeting at 9:58pm.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Carrie Fisher".

Carrie Fisher  
Deputy Town Clerk