

A special meeting was held by the Town Board of the Town of Ballston on Tuesday evening, August 28, 2012 at the Town Hall on Charlton Road.

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

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

UPDATE FROM THE FARMLAND PROTECTION COMMITTEE

Mr. Donald Rhodes spoke on behalf of the Farmland Protection Committee. After receiving support from the Town Board at last month's meeting, the committee continued non-binding discussions with the seller of Capiello Farm. They developed a conceptual plan and are now talking about 270 acres for \$600,000. The Seller retains approximately 14 acres including the main home, two rental units and barn. Mr. Rhodes gave out a map showing the Capiello Farm Concept Plan, Location Plan and a Project Outline. This land was appraised by a certified farmland appraiser for \$1.2 million including the 14 acres. This is a once in a lifetime opportunity to buy this land at below market value. The seller reserves the right to continue marketing this property until a purchase agreement is executed. Under the project plan, the Farmland Protection Committee and Saratoga Cooperative Extension will work together to develop plans to rehabilitate farmland and restore fields. The farmland lease agreement will be developed and offered as a Request for Proposals. The most qualified farmer will manage these fields and keep them as farmland. This approach would eliminate Town maintenance costs and benefit the Town with improved and productive farmland. It provides an opportunity to link the recreational and farm aspect. Mr. Rhodes will collect comments and answer questions at the September 4th Town Board Meeting. He would like the Board to have a public hearing next month to see if there is support for this project. If there is support for this project, then they would look forward to a public referendum.

Councilman Goslin asked what would be the cost to the taxpayers per \$1,000 of assessed valuation to pay for this proposal. How much land of the Capiello Farm Concept Plan are wetlands?

Mr. Rhodes stated a \$450,000 home would pay \$27 in taxes per year for 30 years. He would look to pay for the project in a different way; the project could be paid for with Park and Recreation impact fees.

Attorney Brower asked what kind of farming would be considered since this property is in the Ballston Lake Watershed District.

Mr. Rhodes replied that there are two natural filters here and the Town Board could regulate the farming practices in the RFP and also by working with Cooperative Extension.

Councilman Szczepaniak stated that this project has no impact on Anchor Diamond Park. The Town is nearing completion of that project; the contract should be ready soon. Anchor Diamond Park took 2.5 years so this is not a quick process and it will be difficult to have this proposal ready for the November ballot. He stated he spoke with a farmer who thinks that there is farmland in the Town not being used, the farmers should get together to lease the land.

Ms. Joan Pott, Chairperson of the Farmland Protection Committee, said Mr. Pustolka has been working on the project to reclaim farmland. She gave three examples of reclaimed farmland.

Supervisor Southworth said that Mr. Rhodes was engaged to put together a proposal with options to show farmland with recreational opportunities.

Councilwoman Hynes asked what productive means in terms of farmland? What do we see as the possibilities for the farm fields? Would it be possible to walk the property? One idea for the visionary plan for this property would be to get the community involved in a community garden and work with Cooperative Extension on this project.

Mr. Rhodes answered that this is a remarkable area; it could be anything. The possibilities for the fields would be left to the farmer who had the best offer to the Town. It would be difficult to walk the property as it is overgrown; you could get to key spots to understand the value the property offers.

Supervisor Southworth thanked Mr. Rhodes for thinking outside the box. She asked Mr. Rhodes to forward the information to the Town Clerk so it could be posted on the website.

RESOLUTION 12-131

AUDIT OF CLAIMS

A motion was made by Councilman Knight and seconded by Councilman Szczepaniak to approve the payment of bills on the August Abstract in the following amounts:

General Fund	No. 368 through 394	\$ 21,216.02
Highway Fund	No. 318 through 353	27,771.26
Gravel Pit Fund	No. 21	118.65
Park Fund	No. 19 through 22	2001.49
Water Fund	No. 93 through 99	12,187.82

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

Nays 0

RESOLUTION 12-132

AWARD THE BID FOR THE ROUTE 50 CONSTRUCTION PROJECT TO RIFENBURG CONSTRUCTION OF TROY, NY

A motion was made by Councilwoman Hynes and seconded by Councilman Knight to award the bid for the Route 50 Construction Project to the low bidder, Rifenburg Construction of Troy, NY, at a total base bid of \$344,326.

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

Nays 0

RESOLUTION 12-133

APPROVE A BOND ANTICIPATION NOTE FOR THE ROUTE 50 CONSTRUCTION PROJECT FOR \$500,000

A motion was made by Councilman Knight and seconded by Councilman Szczepaniak to approve a Bond Anticipation Note for the Route 50 Construction Project in the amount of \$500,000.

MOTION WAS NOT ADOPTED. A super-majority vote of the Town Board was needed to pass this resolution.

Ayes 3 Supervisor Southworth, Councilman Knight and Councilman Szczepaniak

Nays 2 Councilwoman Hynes and Councilman Goslin

Councilman Goslin stated the wording of §7 of the Bond Resolution need to be changed that the sale and issuance of bond anticipation notes and prescribing the terms, form and contents and as to the sale and the issuance of the bonds authorized and of any bond anticipation notes issued in anticipation of said bonds and the renewal of said notes are delegated to the Town Board and not the Town Supervisor. The wording also needs to be changed in §8 of the Bond Resolution that the Town Board, not the Town Supervisor, is further authorized to take such actions to ensure the continued status of the interest on the bonds authorized by resolution. The Town Board needs to review all bond actions: bonds

issued, renewed and payments made. He asked if the Town Attorney has reviewed the bond resolution.

Town Attorney Brower stated he has not reviewed the Bond Resolution but this resolution was prepared by the Town's Bond Counsel.

Councilwoman Hynes asked why there is a change in the amount of the Bond Resolution amount from \$620,000 to \$500,000. She is in favor of moving the project forward but the Board just received the Bond Resolution this evening. In seven days time, the Town Board and the Town Attorney will be able to review the Bond Resolution and have better knowledge to vote on this resolution.

Supervisor Southworth said that the change in the Bond amounts was due to a lower bid, construction and engineering fees. Grant money expires at the end of the year. The delays were not the fault of the previous or present Town Board. It is important to get the project completed before the asphalt plants close in October.

Councilman Szczepaniak stated that this has been a long standing project and this is crunch time. We need to get this done. The Town Board does need to fix the bonding process but we need to move forward with this resolution.

Councilman Knight said he agreed with Councilman Szczepaniak and we need to get going on this project.

The Town Board reviewed the agenda for the September 4, 2012 Town Board Meeting.

Councilman Szczepaniak asked that the following items be added to the agenda: Anchor Diamond Park (update on fund transfer, draft purchase plan and survey quotes) and the clean up of trash houses.

Supervisor Southworth asked Councilman Szczepaniak to send a copy of the information to the Town Board.

PRIVILEGE OF THE FLOOR

Marci Revette, reporter with the Ballston Journal, asked the Town residents for their help. She needs to develop more human interest stories for the Town of Ballston.

Dave Pierce stated that all lakefront property of Capiello Farm is wetlands.

Ms. Windels said the Farmland Protective Committee's plan makes us look at the options, since this plan is 2.5 times more land than the other proposal. It restores farmland and offers a Town Park with its soccer fields and bike path.

Mr. Lang stated that Anchor Diamond Park is to be a forever wild park; it is not to be farmed or have soccer fields. He cannot keep his farm open forever; he has been working with the Parks and Recreation Committee for a year and a half on Anchor Diamond Park. Now it sounds like the Town is considering another proposal.

Councilman Szczepaniak reiterated that the Capiello Farm Concept Plan does not affect Anchor Diamond Park. The Town will be moving forward with the purchase of the Lang property.

Councilwoman Hynes stated that there has been no change by the Town Board to Anchor Diamond Park. It is not an either or proposition with Anchor Diamond Park and Capiello Farm property. As a community, we have to decide how much open space we need.

Councilman Goslin would like to add the following items to the agenda:

1. The salary workshop will be September 5th and all employees are invited.
2. There needs to be a discussion on water financials, the Town Board as the Water Board needs to prepare the budget and need to consolidate long term debt on water construction.

3. Review 10 year capital plan for the Highway.

Councilman Goslin introduced four resolutions to be considered by the Town Board at their next meeting concerning the following: security cameras for the Town Hall, adding a financial section to Town Website, add monthly financial reports from our accounting system to the Supervisor's report and County Sales Tax payments be distributed monthly using a percent allocation method.

RESOLUTION 12-134

EXECUTIVE SESSION

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Hynes to enter into Executive Session at 8:35 p.m. to discuss items concerning Personnel History and Bouchard Litigation.

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

Nays 0

RESOLUTION 12-135

RETURN TO REGULAR SESSION

A motion was made by Councilman Goslin and seconded by Councilwoman Hynes to return to regular session at 8:57 p.m.

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

Nays 0

No Action was taken.

A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to adjourn the meeting at 9:00 p.m. Carried unanimously.

Respectfully submitted,

Carol R. Shemo
Town Clerk