

A special meeting was held by the Town Board of the Town of Ballston on Tuesday evening, September 25, 2012 at the Town Hall on Charlton Road.

Present:

Patti Southworth	-----	Supervisor
Mary Beth Hynes	-----	Councilwoman
Timothy Szczepaniak	-----	Councilman
William Goslin	-----	Councilman
Carol Shemo	-----	Clerk
Murry Brower	-----	Counsel

Supervisor Southworth called the meeting to order at 8:12 p.m. Since this meeting followed a Public Hearing and with consent of the Board, Supervisor Southworth moved Privilege of the Floor to the end of the meeting.

RESOLUTION 12-149

AUDIT OF CLAIMS

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

General Fund	No. 394 through 437	\$ 20,994.16
Highway Fund	No. 354 through 395	20,632.41
Gravel Pit Fund	No. 22	118.65
Park Fund	No. 23 through 25	2,433.80
Water Fund	No.100 through 114	4,006.52

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, and Councilman Goslin
Nays 0

The next item was for the Board to consider amending Resolution 12-138 passed at the September 4, 2012 Town Board Meeting. Town Attorney Brower consulted with Bond Counsel and Section §7 will be removed, all following sections will move up in the numbering sequence but §8 will remain. Attorney Brower stated that §8 concerned the Supervisor's ability to make decision concerning bonds. Supervisor Southworth reminded the Board that a super majority vote is needed on this resolution and so all Council Members must vote in favor in order for this resolution to be approved.

RESOLUTION 12-150

AMENDING RESOLUTION 12-138 CONCERNING BONDING THE ROUTE 50 TURN LANE.

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to amend the Route 50 Turn Lane Bond Resolution 12-138 with the following changes: to remove § 7, the sections move up in numbering sequence and §8 remains.

Roll Call Vote:	Councilman Szczepaniak	yes
	Councilman Goslin	yes
	Councilwoman Hynes	yes
	Supervisor Southworth	yes

ADOPTED

Supervisor Southworth asked the Board to consider the resolution by Farmland Protection Committee to allow the Capiello Farm acquisition to go to public referendum on November 6, 2012.

RESOLUTION 12-151

ESTABLISHING NOVEMBER 6, 2012 AS THE DATE FOR A SPECIAL ELECTION REGARDING ACQUISITION OF 272± ACRES OF CAPIELLO FARM, TAX ID 248.-2-86.1, FOR TOWN PURPOSES.

A motion was made by Supervisor Southworth to allow the Capiello Farm Acquisition to go to public referendum on the November 6, 2012.

There was no second to this motion. MOTION DENIED.

Councilwoman Hynes stated that with advice of the Town Attorney this resolution can not go on the November 6th ballot; it is not an accurate statement of law. She asked the Town Attorney to comment on his research concerning this resolution.

Town Attorney Brower advised the Board on the legality of this resolution. He stated that the resolution is outside the window of days necessary to get this resolution on the November 6, 2012 ballot. The 36 days stated as the time needed to be on the ballot was under Election Law. Town Law has precedence over Election Law. The Town is looking at the Capiello property as a mixed use project not as dedicated park land. He recommends following General Municipal Law §247 which allows for the acquisition of land for open space since this gives the Town more flexibility and the Town will not need to redo the resolution for leasing farmland. The petition filed has to be within 60 to 75 days before the Election date so we are outside the necessary window to get on the ballot.

Councilman Szczepaniak is the park liaison on the Town Board. He has worked with the Parks and Recreation Committee for 2½ years and that includes working with funding from the Schidzick Estate. The Board has had this proposal for about a month. There are two aspects to this proposal. The first aspect is the acquisition piece. The Board has a contract we haven't read yet and there is a lot of pressure for the Board to move quickly. Our Town Attorney gave his advice and we plan to move forward smartly. The second aspect is the maintenance piece. The Board has been told that the cost of maintenance is zero. This is difficult to believe since he knows the cost for Jenkins Park is \$20,000 annually. Suppose the farmer doesn't lease the land, who pays the maintenance costs? Do we implement a park tax? We need to review the resolution and educate the people on the maintenance costs. Councilman Szczepaniak hopes to move forward and do the process correctly.

Councilman Goslin listened to the residents who spoke at the public hearing. He is in favor of preserving this property and he believes that this project should go to referendum. How do we get it done? Where is the plan for the money? There are laws that we need to follow to acquire property and to deal with the financials. He has concerns with bonding this project and does not want to add a tax to the residents. We want to leave a legacy of the park to our children but not a legacy of debt. Councilman Goslin is concerned with development in the Town of Ballston; we need the kind of development that will preserve our community.

Supervisor Southworth stated she is never in favor of taking on new debt. This is an issue that should be brought before all the people. The people should decide whether they are in favor of taking on more debt. Supervisor Southworth has a concern that this property will not be here forever. There are ways to write the resolution to pay off the debt without penalties; pay the bond off sooner, not over the 30 year time period. Unless we make a move to acquire this property, the family will take another offer. There are developers who hope to purchase this land. The Special Election will be an excessive burden on the Town Clerk as well as a costly expense.

Councilwoman Hynes thanked the people for speaking at the public hearing. It was a diverse group of people who spoke and all care about our community. She is very supportive of acquiring the parcel. First, it is too late for the Board to act tonight for the November 6th ballot. Second, this resolution can be voted on at a Special Election and we can keep the election cost down. Third, this proposal came before the Board with too much pressure. The language in the referendum should follow up the language in the Comprehensive Plan. The proposal should be flexible to support open space, agriculture and recreation. The residents need to know what they are voting on with the referendum for the Capiello Farm Plan. We need to figure out the language that we can support and put it on the ballot as soon as possible.

Councilman Goslin said he supports the Farmland Protection Committee, the Town Attorney and a representative from the Town Board to work together in order to proceed with this proposal.

Supervisor Southworth appointed Councilwoman Hynes as the Town Board liaison to this committee.

Mr. Rhodes, spokesman for the Farmland Protection Committee, stated the deal is off the table tonight. There are two other prospective buyers for this property. What direction should we take? We are required to send to the Board of Elections the proposed specific language, certified by the Town Clerk, that the Board passed this resolution for a permissive referendum to add to the ballot in November.

RESOLUTION 12-152

TABLE THE RESOLUTION CONCERNING THE REFERENDUM ON THE 272 ± ACRES OF CAPIELLO FARM ACQUISITION UNTIL WEDNESDAY, SEPTEMBER 26, 2012.

A motion was made by Councilwoman Hynes and seconded by Councilman Goslin to table the resolution concerning the referendum on the 272±Acres of Capiello Farm acquisition until Wednesday, September 26, 2012.

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

Nays 0

RESOLUTION 12-153

MOVE INTO EXECUTIVE SESSION TO DISCUSS THE TOWN'S FIRE PROTECTION CONTRACT WITH VILLAGE OF ROUND LAKE.

A motion was made by Councilwoman Hynes and seconded by Councilman Szczepaniak to move into executive session to discuss the Town's Fire Protection Contract with the Village of Round Lake.

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

Nays 0

RESOLUTION 12-154

RETURN TO REGULAR SESSION

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

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

Nays 0

No action was taken during Executive Session.

Councilman Szczepaniak made a motion to adjourn the meeting until 7:00 p.m. tomorrow night, September 26, 2012 and Councilwoman Hynes seconded the motion.

Respectfully Submitted,

Carol R. Shemo
Town Clerk