

The reconvened meeting of the September 25, 2012 special meeting was held by the Town Board of the Town of Ballston on Wednesday evening, September 26, 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 7:00 p.m. The purpose of this meeting was to continue the discussion on the proposal before the Town Board on establishing a special election regarding the acquisition of 272±Acres of Capiello Farm, Tax ID 248.-2-86.1, for Town purposes. The Town Board is looking to amend the resolution proposed by the Farmland Protection Committee with regards to the law cited for this proposal, the language of the referendum, the language of the purchase agreement and information on proposed bonding for this proposal.

Don Rhodes, spokesman for the Farmland Protection Committee, reported that the owners of Capiello Farms have withdrawn their offer since there was no Town Board commitment given at the September 25, 2012 Special Meeting. The offer that was proposed was below market value and was considered by the Capiello Family as their gift to the Town. The family was upset by remarks made by the Town Board when they expressed their concerns regarding this proposal. Mr. Rhodes suggested that the Board review the proposed resolution and work through changes in the language of the purchase agreement. The new offer from the Capiello family has increased the cost of the proposed property from \$600,000 to \$800,000 for one night only. The family will be considering other deals for this property. Mr. Rhodes thanked Attorney Brower for his continued work on this proposal and that he was correct with the statutes he proposed for the purchase of this property.

Councilwoman Hynes apologized and expressed her regrets that any statements she made were considered inflammatory by the family. She found it very difficult to work under the pressure of the proposal deadline, considering the Capiello Family's offer would expire by the end of the night. The Town Attorney researched the legality of this proposal and gave his advice to the Town Board that the proposed referendum could not be voted on at the November 6, 2012 General Election so we could not vote for it that evening.

Mr. Rhodes asked the Town Board to accept the offer in concept and enter into non-binding discussions. Consider the purchase agreement and continue with the deal as presented to the public.

Attorney Brower reported that he had conversations with the attorney who drafted the Capiello Farm Resolution. The attorney saw Mr. Brower's point of view and agreed that the new resolution should cite §247 of General Municipal Law instead of Election Law. Attorney Brower stated that under §247 of General Municipal Law, the Capiello Farm property will be purchased under open space; this will give the Town more flexibility to lease space to a farmer. Under Election Law, the property would be purchased as park land and the Town would have trouble leasing the land to a farmer. There will be a change in the election cycle from 30 days to 90 days. He will speak with the bond counsel and have the information on bonding at the October 2, 2012 Town Meeting.

Councilman Szczepaniak said he still has unanswered questions on the use of the Parks and Recreation Account and the cost of maintenance for this property. He wants to move forward on this property legally and correctly.

Mr. Rhodes agreed that this agreement is not about recreation. The Town would have to take on costs to convert it into a park and create parking areas. The committee is looking at this property as farmland and there are resources that you could tap for agriculture.

Councilwoman Hynes asked about the plan for the soccer fields.

Mr. Rhodes suggested that these fields could be leased to an operator or they could be put back into agriculture.

Councilwoman Hynes said the comments on this land involve open space, agriculture and recreation. She struggles with acquiring the land and then figuring it out later. The Town residents need to know what they are voting for with the Capiello Farm proposal.

Mr. Rhodes stated they will be voting on agriculture only but the benefits of this property can meet other gaps. Of the 272 acres, 70 acres are tillable. The bulk area is forever wild; the open space area is active agriculture. The Farmland Protection Committee and the Parks and Recreation Committee will need to work together and make a recommendation to the Town Board on uses for the recreation land; the Town Board will have the final decision.

Councilwoman Hynes added that the sale agreement should be a standard purchase agreement and she is confident that both sides can come to an agreement.

Mr. Rhodes asked for a roll call vote to show support for purchasing the Capiello Farm property. The Town Attorney, after discussions with the parties involved, can bring a final resolution to the Town Board for the October 2, 2012 meeting.

RESOLUTION 12-155

THE TOWN BOARD FULLY SUPPORTS THE CONCEPT OF PURCHASING THE CAPIELLO PROPERTY.

A motion was made by Councilman Goslin and seconded by Councilwoman Hynes as follows:

Be It Resolved that the Town Board of the Town of Ballston fully supports the concept of purchasing the Capiello property as proposed by the Farmland Protection Committee and are committed to working to bring this acquisition to a successful conclusion.

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

ADOPTED.

Mr. Stern asked about the park proposal on Middleline Road. Could some of the money from the endowment be used for this property?

Mr. Guider commended the Town Board on their work on this proposal and thanked the Capiello family for their generous offer to the Town.

Ms. Mengel-Rosenkrantz said that this is a time for politics to be put aside and work together for the Town. Capiello Farm is a very special property and should be preserved by the Town.

Ms. Windels stated that farmers network since they are committed to the land. They take care of each other and lease land back and forth. This proposal is a viable means to maintain this land.

Mr. Seymour added that soccer fields are in demand. The school Athletic Director and the booster club could help with the soccer fields and they should be contacted.

Mr. Walsh made the following observation that the Comprehensive Plan made a recommendation for purchase of this property. However, the Town Board received the resolution on Monday and that the proposal concerning this property was before the Board for only 6 weeks. The specifics need to be worked out and a new resolution needs to be proposed.

Ms. Hicks asked about the woodlands on the Capiello property. Most of the property is protected wetlands.

Mr. Rhodes stated 70 acres are fields with another 30 acres that could be restored to farmland.

Councilman Goslin left the meeting at 8:05.

Mr. Reynolds, Town Historian, supports the Capiello Farm proposal. He sent a letter of support to the Town Board.

Supervisor Southworth thanked all the people who have worked so hard on this proposal with a special note of thanks to Chairperson of the Farmland Protection Committee, Joan Pott and spokesperson for the committee, Don Rhodes. She asked comments be sent to Attorney Brower concerning this proposal.

Ms. Phillips, owner of Olde Orchard Real Estate, read a statement from the Capiello family. The family thanked the Farmland Protection Committee, and especially Don Rhodes, for their time and dedication in trying to put together a proposal that would be a win for the Town of Ballston. The letter stated that the Town Board has stopped every sale and passed a development moratorium. The family patiently waited to sell their property. Now the Town Board has the opportunity to purchase 272 acres of Capiello Farm far below market price and have the family's homeland preserved as open space or farmland or a recreational area. This would be the family's legacy to the Town with the hopes that Town would use the gift wisely. The Town Board's reaction was that this was happening too fast. There are interested parties and offers have been made on this property. The family is finished with waiting. The Town Board can not purchase Capiello Farm property and not let the family sell the property to a developer.

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Hynes to adjourn the meeting at 8:10 p.m.

Respectfully submitted,

Carol Shemo
Town Clerk