

A special meeting was held by the Town Board of the Town of Ballston on Tuesday evening, October 30, 2012 at the Town Hall on Charlton Road.

PRESENT: Patricia 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 7:30 p.m. and the Pledge of Allegiance was recited.

RESOLUTION 12-177

AUDIT OF CLAIMS

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

General Fund	No. 438 - 486	\$ 74,030.98
Highway Fund	No. 396 - 450	26,272.72
Gravel Pit Fund	No. 23 - 26	242.97
Park Fund	No. 6 - 34	2437.91
Water Fund	No. 115 - 126	71,204.88

ADOPTED: Ayes 4 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, and Councilman Goslin
Nays 0

UPDATE BY THE FARMLAND PROTECTION AND PRESERVATION COMMITTEE

Mr. Don Rhodes gave a presentation on the proposal by the Farmland Protection and Preservation Committee for the Town Board to consider the purchase of the Hawkwood Estate property. The Town Board was given a letter from the owner and a proposal that showed the location plan, historic Hawkwood and site photographs. Mr. Rhodes stated this is a tremendous opportunity for the Town to buy a 246 acre parcel located west of the intersection of Middleline Road and Route 50. This is the site of the former Hawkwood Mansion which is listed in the Library of Congress Historic American Buildings Survey. This property is also listed in the Town of Ballston Comprehensive Plan and the Land Conservation Committee as a parcel worth protecting. The Hawkwood Parcel has a large amount of frontage, large forested parcel and backs up to a recreational parcel. The streams, trails and woodlots are suited for open space, recreational needs, environmental protection and educational resource.

Councilman Goslin said this property presents a good concept that both the Town Board and the public can agree on. He would like this to be considered outside the public arena and in a meeting with a Town Board representative.

Councilwoman Hynes asked Mr. Rhodes how did this opportunity become available?

Mr. Rhodes stated that the Farmland Protection and Preservation Committee wanted to keep the momentum going from the Cappiello project and found this parcel noted in the Land Conservation Committee Plan and the Town of Ballston Comprehensive Plan; he contacted the property owner.

Supervisor Southworth asked the possibility to leverage funds from the Office of Parks and Recreation.

Mr. Rhodes replied that this had tremendous opportunity for grant potential due to its historical significance.

Ms. Pott, the Chairperson of the Farmland Protection and Preservation Committee, stated that this parcel offers protection to two existing productive farms. You preserve a farm, you preserve history. Ms. Pott will arrange site visits to this property for the Town Board and potential stakeholders from community organizations.

Ms. Pierce asked if the Town still owned the connecting land on Goode Street.

Mr. Rhodes replied that the most recent tax maps showed no disposition of lands. Hopefully, there will be a connection to the new White Beach Road and to the Bike Path.

Councilwoman Hynes remembers that strip of land was reserved but not recorded in deeds.

Mr. Miller suggested the Snowmobile Cub be contacted since they lease the land and would be interested in protecting their right-of-way and preserving this property.

Mr. Rhodes asked the Town Board what type of documentation they would need to make a decision on this property.

Supervisor Southworth asked what the landowner has envisioned for this property. The Department of Transportation took a look at that intersection and she would like to know if there are any issues for the Town Board to consider.

Town Attorney Brower would like to know if there are any probate issues.

Councilman Goslin asked for a document listing the cost and the financing of the property. A similar project plan, as the outline for the Cappiello property, would be good. Any safety issues that would need to be considered by the Town Board would be important to include in the document.

Councilman Szczepaniak asked Mr. Rhodes to contact Dan Russell, Chairman of the Parks and Recreation Commission, since they have worked on a park plan and know the steps that need to be taken.

Councilwoman Hynes asked Mr. Rhodes to first reach out to the stakeholders, next plan the tours of the property and lastly provide a statement of support and comments.

Supervisor Southworth reviewed the agenda for the November 8th Town Board Meeting.

Councilwoman Hynes asked if there were changes to the Janet V Corners proposal. She asked the Supervisor why she would not be voting on the project.

Supervisor Southworth said there were changes to affordable housing at the recommendation of Saratoga County Planning. She will not be voting on this project because she had an interaction with the applicant that prejudices her from making an unbiased opinion on this project.

The Town Board can move forward with the Mass Gathering Legislation since the Saratoga County Planning has no comments or changes to this legislation.

The Town Board needs to consider the request on changes to the Stonebridge PUDD and the MXMAC, LLC PUDD.

DISCUSSION ON 2013 TOWN BUDGET

Councilman Goslin summarized the recommended changes, considered during the four budget hearings for 2013 Budget, in a written narrative for the Town Board. The Preliminary Budget calls for spending \$435,440 or 45% of our reserve. Also the Town's financial condition is unclear since financial updates have not been available for almost a year. The Town Board sees the need to reduce expenditures from the reserves and create a Contingency Budget. The Board moved less than 10% of General Fund A and B to Contingency and utilized Special Capital Reserve Funds to provide for discretionary items without impacting the budget. These Capital Reserve Funds can be funded as financial information is published and as projected revenues are verified. These Capital Reserve Funds will handle large capital purchases and reenergize our long term planning initiatives and should be established on the next meeting agenda. This budget is balanced and establishes a base structure for running the Town. Financially, current Saratoga

County figures show sales tax is \$120,000 – \$130,000 over what was budgeted and the mortgage tax is \$250,000 - \$280,000 over what was budgeted. In 2014 the addition to the Town Hall will be paid for and this will increase our cash flow. The financial position of the Town is strong and he commended all who have worked hard to place us in this good financial position during difficult economic times.

Councilman Szczepaniak commended Councilman Goslin on all his efforts during the budget process. Councilman Goslin's narrative helps the Board understand the breakdown of the budget items under each category. This budget shows good business sense with the three tiered approach with an operating budget, contingency budget and a reserve fund.

Supervisor Southworth had some questions on the Capital Reserve Funds. She stated that the Fuel Tank Reserve Fund should be a Highway Reserve Fund not a Facilities Reserve Fund under Buildings and Grounds. She asked whether the Planning and Zoning Special Reserve Fund would need to be separate reserve accounts. Also, what are the special requirements for removing money from those funds? Supervisor Southworth also noted the change in the Ballston Lake Fire District Budget from \$145,512 to \$129,322 due to new assessment numbers and equalization rates.

The Town Board continued their discussion on the budget concerning the Water Districts. Councilman Goslin is opposed to the proposed Preliminary Budget increase in the tax rates for Water District #2 from \$140,000 to \$310,000. If the Town Board increases the taxes, it should be a comprehensive increase, a one time shot to water users and explain what it is going to be used for. He noted that the budget is still heavily using reserves.

Supervisor Southworth stated that according to expenditures Water District #2 is being underfunded so there is no unexpended fund balance. We need to consolidate the districts to redistribute funds. Some districts are flush with funds but Water District #2 has substantial debt and is hit with all the expenses and repairs. Now we are recording repairs more accurately and distribute the expenses across all affected districts.

Councilman Goslin updated the information on the water sales. The Town has \$530,000 in water sales instead of the budgeted \$239,000. With the addition of these funds, do we still need a tax increase?

Supervisor Southworth replied that we need to look at these funds by district to determine if we need the tax increase.

Councilman Goslin is opposed to adjusting the taxes because this affects the residents only. If we adjust the tax rates, all users are affected and this is fair and equitable. The Town Board needs to look at the Water Districts and get a good financial picture on these districts before adjusting taxes or rates, but for the short term, the Board needs to pass this budget.

Supervisor Southworth answered if we consolidate the districts, but keep the debt separate, it will be easier to do a number projection and get a good picture of where we are with taxes. Do we need a commercial rate and a residential rate?

DISCUSSION ON WATER DISTRICT EXTENSIONS AND ACCEPTING SPRINGWOOD MEADOWS NEW WATER LINE.

Springwood Meadows: Attorney Brower said the Town is not ready to accept the Springwood Meadows water line. The problem is part of the easement that they are proposing runs across two private properties and the sewer district. Mr. Taylor does not have permission yet from the property owners and from the sewer commission. Also a subordination agreement is needed from one of his pieces of properties.

Timber Creek Phase II: Attorney Brower stated that Timber Creek Phase II is ready for the Town Board to make a decision on how to proceed. There is a report and a plan description. In Phase II the developer installs and pays for all the lines and when the build out is complete he dedicates the lines to the Town. The question is do we want to make it part of Phase I, part of Extension #21? If we make it an enlargement, it will be easier to

consolidate. Mr. Brower will prepare the paper work; next the Town will hold a public hearing and then vote on whether to accept the plan proposal.

Supervisor Southworth stated we will set a public hearing on Timber Creek Phase II Water Extension on our agenda.

Councilman Goslin wants it noted that we are proceeding with this approval for their expediency but the Town will be looking to do a consolidation of the water districts so that they are financially more fair and equitable and carry part of the cost of Water District #2.

Bridgewater Apartments: Bridgewater Apartments opted out of Water District #2 Ext #12. Now they are looking at connecting to the water. The Town Board will have to study this request.

Gaydushek Subdivision: The plan is to bring the line from Timber Creek to the four houses in this subdivision. They need to have the water district in place before they can move forward with the Planning Board. Town Attorney Brower has not received the needed information.

The Bond Anticipation Note is due on the water tower on November 15, 2012. Supervisor Southworth asked the Board how they should proceed. The Board agrees it should be rolled into a Water Bond Anticipation Note.

RESOLUTION 12-178

EXECUTIVE SESSION FOR THE BOUCHARD LITIGATION AND FOR CONTRACT NEGOTIATIONS ON ROUTE 50 TURN LANE AND ROUND LAKE FIRE PROTECTION DISTRICT CONTRACT.

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Hynes to enter into Executive Session to discuss the Bouchard Litigation and for contract negotiations on the Route 50 Turn Lane and the Round Lake Fire District Contract.

ADOPTED: Ayes 4 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, and Councilman Goslin

Nays 0

RESOLUTION 12-179

RETURN TO REGULAR SESSION.

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

ADOPTED: Ayes 4 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, and Councilman Goslin

Nays 0

Supervisor Southworth recused herself from the discussion on the Bouchard Litigation.

RESOLUTION 12-180

APPROVE THE RESOLUTION OF THE BOUCHARD LITIGATION.

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

BE IT RESOLVED that the Town Board of the Town of Ballston hereby approves the resolution of the Bouchard matter as proposed by her attorney in full resolution of the matter.

ADOPTED: Ayes 3 Councilwoman Hynes, Councilman Szczepaniak, and Councilman Goslin

Nays 0

A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to adjourn the meeting at 9:45 p.m. Carried unanimously.

Respectfully submitted,

Carol R. Shemo
Town Clerk