



Town Board Regular Meeting  
February 7, 2012

The regular meeting of the Town Board of the Town of Ballston was held Tuesday evening, February 7, 2012 at the Town Hall on Charlton Road. Members present were Supervisor Patricia Southworth, Councilwoman Mary Beth Hynes, Councilman Jeremy Knight, Councilman Timothy Szczepaniak and Councilman William Goslin. Also present were Town Attorney Murry Brower and Town Clerk Carol Shemo.

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

Ed Vopelak of CT Male spoke concerning the proposed water district services. He will be updating the Town's GIS map of the water systems to include parcels and improvements due to Timber Creek Preserve project. The NYSDOH wants the BHBL Water District #2 water age model to be updated since the Clifton Park Water Authority started taking water through the East Line Pump Station. The age of the water in the Saratoga County Water Authority line will be considered. Also Mr. Vopelak gave an update on the Bike Path extension. The need to relocate the bike trail at National Grid Pole #33 due to the guide wires was established at the December meeting. The final issues that were given by National Grid are: a 12ft. wide gravel path with no grass shoulder, trail capable of supporting National Grid vehicles, truck turn around at the Morningkill, gates at both ends of the trail and the path use by walkers and cyclists, horses and snowmobiles are not allowed. Mr. Murphy of National Grid questioned if the Town wants an irrevocable easement, like the first part of the bike path, or a long term lease.

Councilwoman Hynes stated a long term lease may be a longer process but it may position us for possible grants.

Councilman Szczepaniak asked about the cost involved and if you can start with an easement and then move to a long term lease.

Scott Miller suggested the Board contact the State Parks to determine if the Town needs a lease for the whole trail or just the section involved in the grant.

A motion was made by Councilman Knight and seconded by Councilman Szczepaniak to approve the minutes of December 27<sup>th</sup> Special Meeting and the January 3<sup>rd</sup> Town Board Meeting.

Roll Call: Ayes – all; Noes – none. Carried.

The Town Clerk noted that two letters were received. The first was a letter from Dick Pierce of Ballston Lake Improvement Association in support of extension of the bike path. The second was an email from Richard Kinney concerning the six month moratorium on installing stand alone solar panels.

Building Inspector Thomas Johnson, Highway/Water Superintendent Joseph Whalen, Dog Control Officer John Christopher, Animal Control Officer Thomas Shambo, Library Trustee Jean Botta, Supervisor Patricia Southworth and Town Clerk Carol Shemo submitted reports for January and they are on file in the Town Clerk's office.

Lynnette Ziskin, Chairperson of the Jenkins Park Advisory Board, reported that the Jenkins Park Annual Meeting will be on March 28, 2012 at the Community Room and the Spring work party will be Saturday, April 28<sup>th</sup> from 8am to 10am, with the rain date on the 29<sup>th</sup> at the same time. Also, as a member of the Parks and Recreation Committee, Ms. Ziskin reported that the winter carnival will be cancelled this year.

Mr. Otten of the Community Emergency Corps reported that the Saratoga Springs EMS has gone out of business with their last day February 17<sup>th</sup>. The Saratoga Fire Department has one ambulance and will answer the calls. Since the City of Saratoga Springs has an average of 4,000 calls a year, Community Emergency Corps, Wilton and Malta will provide mutual aid help.

Joan Pott, of the Farmland Protection and Preservation Committee, stated that the Landowner Survey is ready to be mailed. Only one special district needs to pass their resolution for the Special Agricultural Exemption. She attended the special meeting for public comment on the proposed closure of the Farm Service Agency local office and thanked the Saratoga County Board of Supervisors for their letter objecting to the closure. In 1997, the number of farms in Saratoga County was 242; today there are 645 farms. The increase in the number of farms is due to diversification. Saratoga County now has organic farms, breweries, specialty markets and orchards. The Farmland Protection Plan will be presented in the upcoming month



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Supervisor Southworth presented her financial report for January. A motion was made by Councilman Knight and seconded by Councilman Szczepaniak that the Supervisor's report be approved.

Roll Call: Ayes – all; Noes – none. Carried.

Supervisor Southworth reported that she will be attending the Association of Towns and will be on the Credential Committee. Sales Tax has increased by 12%. The water department asks the residents to send in their water meter readings by phone, mail or email; 500 meter readings have not been reported. Supervisor Southworth also spoke concerning unfunded mandates. The Saratoga County legislative agenda will be voted on February 28<sup>th</sup> and a copy of this agenda will be posted on the website. The Chairman of the Saratoga County Board of Supervisors, Thomas Wood III and the Vice-Chairman Alan Grattidge will speak at the March 6<sup>th</sup> Town Board Meeting concerning unfunded mandates and County initiatives. The new bookkeeper started her job on Monday and a smooth transition is anticipated. Governor Cuomo signed an amendment to the NYS Public Office Law that records be made available to the people before or at the meeting. More documentation has now been added to the Town Webpage to help people review the information for discussion before the meeting.

Councilman Goslin reported he attended newly elected officers' classes at the Association of Towns meeting. Also, he attended the NYS Saratoga County Zoning and Planning Conference along with many others from the Town.

Councilwoman Hynes reported that the SCWA is continuing to work on long term solutions for the problems experienced with the water. Communications from Saratoga County Water Authority to the towns have improved.

Privilege of the Floor:

Mr. Kurt Semon, a teacher at the Burnt Hills-Ballston Lake High School, will have about forty students at the April and May Town Board Meeting. Attendance at a Town Board Meeting is a requirement of their Participation of Government Class.

Polly Windels spoke concerning the SCWA and the potential for it not to deliver the necessary quantity of water. For increased economic development, she feels the Town should have an inside business rate and an outside business rate, in addition to our present water rates. She asked the Town Board not to pass the 6 month moratorium on solar panels. The moratorium will restrict the rights of homeowners and businesses and not provide a solution to the present problem.

Scott Miller said now is the time to get the extension of the bike path. The Town has never been this close to getting approval from National Grid.

Lisa Doan suggested to form a committee that will work together to advertise Town events and help with the Town newsletter.

Steven Stark asked the Town speed limit on Middleline Road be checked because stopped school buses are getting passed in the morning.

Supervisor Southworth replied that she will outreach to the Sheriff about this problem.

Terri Breen noted that there is not a speed limit sign on Charlton Road from Middleline Road to Goode Street.

The following items were presented for consideration and possible action.

Supervisor Southworth provide an updated list of this payroll cycle including longevity increases for Town employees, with their salaries and hourly rate. This list will be an amendment to Resolution #4 of the Organizational Resolutions and Appointments for 2012.

12-13: A motion was made by Councilwoman Hynes and seconded by Councilman Knight to approve the amendment to Resolution #4 of the Organizational Resolutions and Appointments for 2012 with the list of employees, salaries and hourly rate.

Roll Call: Ayes – all; Noes – none. Carried.



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The Town Board is considering approving a bank credit card with the Adirondack Trust Company with a \$2,000 limit. This credit card is needed for our website hosting. The Town Clerk will be the person named on this account.

12-14: A motion was made by Councilwoman Hynes and seconded by Councilman Knight to approve the bank credit card with Adirondack Trust with a credit limit of \$2000.

Roll Call: Ayes – all; Noes – none. Carried.

The Town Board is considering the addition of a personal day to replace Lincoln's Birthday holiday removed from the official holiday schedule.

12-15: A motion was made by Councilwoman Hynes and seconded by Councilman Knight to approve the addition of a personal day to replace Lincoln's Birthday holiday removed from the official holiday schedule.

Roll Call: Ayes – all; Noes – none. Carried.

The Tour de Cure, the bicycle race sponsored by the American Diabetes Association, will be held June 3, 2012. They have asked for use of the Outlet Road Parking Lot on June 3<sup>rd</sup> from 6:15 am to 10:30 am. As in the past, they have provided the necessary insurance and they will mark the road for the race.

12-16: A motion was made by Councilwoman Hynes and seconded by Councilman Knight to approve the Use of the Outlet Road Parking Lot by the Tour de Cure on June 3, 2012.

Roll Call: Ayes – all; Noes – none. Carried.

12-17: : A motion was made by Councilwoman Hynes and seconded by Councilman Szczepaniak to approve the change order for the Bike Path Extension to redesign the trail in the vicinity of National Grid Pole #33 and update National Grid's concerns at a cost not to exceed \$1900.

Roll Call: Ayes – all; Noes – none. Carried.

Supervisor Southworth and Councilwoman Hynes will send letter concerning this change to the abutting landowners.

The Town Attorney has reviewed the Town's agreement with Community Emergency Corps and they have provided us with a certificate of insurance.

12-18: A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to approve the Town's agreement with Community Emergency Corps.

Roll Call: Ayes – all; Noes – none. Carried.

12-19: A motion was made by Councilwoman Hynes and seconded by Councilman Knight to approve the water map update by CT Male at a cost of \$300.

Roll Call: Ayes – all; Noes – none. Carried.

12-20: A motion was made by Councilwoman Hynes and seconded by Councilman Szczepaniak to approve the water age model update by CT Male at a cost of \$1760.

Roll Call: Ayes – all; Noes – none. Carried.

The Town Board is considering outsourcing payroll to a payroll processing service. Supervisor Southworth recommends ADP as the payroll processing service for our biweekly payroll of fifty-seven employees at \$2.58 per check at a cost of \$147.06 and a first time implement fee of \$500. This service will also handle the W2's and any changes from the Labor Department.

12-21: A motion was made by Councilwoman Hynes and seconded by Councilman Szczepaniak to approve outsourcing payroll to ADP Payroll Processing Service.

Roll Call: Ayes – all; Noes – none. Carried.

There are two openings on the Jenkins Park Advisory Board for a regular member and an alternate member. Chairperson of the Jenkins Park Advisory Board has recommended Kimberly Ireland and Kim Heikhaus respectively for those positions.



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12-22: A motion was made by Councilwoman Hynes and seconded by Councilman Szczepaniak to approve the appointment of Kimberly Ireland to the Jenkins Park Advisory Board as a regular member with a term commencing February 7, 2012 and ending December 31, 2016.

Roll Call: Ayes – all; Noes – none. Carried.

12-23: A motion was made by Councilwoman Hynes and seconded by Councilman Szczepaniak to approve the appointment of Kim Heikhaus as an alternate member to the Jenkins Park Advisory Board.

Roll Call: Ayes – all; Noes – none. Carried.

The Town Board will declare the six month moratorium on stand alone solar panels as a Type II Listed SEQRA which does not require SEQRA review.

12-24: A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to declare the six month moratorium on stand alone solar panels as a Type II Listed SEQRA which does not require SEQRA review.

Roll Call: Ayes – all; Noes – none. Carried.

A public hearing was held January 31, 2012 on a six month moratorium on stand alone solar systems. In order to consider this moratorium the following motion was made:

12-25: A motion was made by Councilwoman Hynes and seconded by Councilman Szczepaniak to approve the six month moratorium on stand alone solar systems.

Roll Call: Ayes – none; Noes – all. Motion denied.

Councilman Szczepaniak listened to the residents at the public hearing and he summarized the following points: everyone supports solar energy, most oppose a six month moratorium, residents do not want overregulation, residents want a simplified process with easy application and installation and the Town needs to lead and put the process in overdrive. He thanked Dick Doyle for all his help in drafting points for discussion. The Board and the residents need to have a workshop on stand alone solar panels and invite Town Engineer CT Male to draft legislation in a four to six weeks timeframe.

Councilwoman Hynes and Councilman Goslin agreed that the workshop is the right process for drafting legislation. Councilwoman Hynes said we need to balance thoughtful planning against the need for swift action.

Supervisor Southworth stated if the Board does its homework, we see how it would work with the Planning Board and we work with our Town Attorney and our Attorney for Planning and Zoning, we should be able to draft our own legislation.

Town Attorney Murry Brower stated he would summarize the 2008 law review article how other townships addressed the solar issues and send it to the Town Board.

Councilman Goslin asked the public to submit their ideas and input to the Town Clerk and she will distribute this information to the Board.

Supervisor Southworth and Councilwoman Hynes will review the legislation from Clifton Park. Councilmen Szczepaniak, Knight and Goslin will review the legislation from Malta and Halfmoon. We plan to have a draft proposal for February 28<sup>th</sup> Agenda Meeting and looking for a Public Hearing at the March 28<sup>th</sup> Agenda meeting. The communication will be posted on the website.

12-26: A motion was made by Councilwoman Szczepaniak and seconded by Councilwoman Hynes to set a workshop on stand alone solar panels for Monday, February 13<sup>th</sup> at 7:00 pm.

Roll Call: Ayes – all; Noes – none. Carried.

12-27: A motion was made by Councilwoman Szczepaniak and seconded by Councilman Knight to table the Agreement for the Expenditure of Highway Funds.

Roll Call: Ayes – all; Noes – none. Carried.



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The following items were presented for discussion and possible vote.

The request was made by the Ballston Journal for a vending machine at Town Hall with the owners providing maintenance and refunds. Councilman Szczepaniak suggested a pilot program for three to six months. Supervisor Southworth proposed a ninety day trial. Town Attorney Brower stated that the box needs to be fixed to the ground for safety purposes.

12-28: : A motion was made by Councilwoman Szczepaniak and seconded by Councilman Knight to approve the request by the Ballston Journal to have a fixed vending machine at the Town Hall with the owners, providing maintenance and refunds for a ninety day trial period.

Roll Call: Ayes – all; Noes – none. Carried.

In consideration of the Stonebridge PUDD donation of \$50,000, Councilwoman Hynes remembers the history of that PUDD and the money was going for the extension of the bike path.

Councilman Goslin stated he is concerned with allocating money for any project until we have a better picture of where we are financially. He is in favor of trails.

12-29: A motion was made by Councilwoman Hynes and seconded by Councilman Knight to approve the use of the Stonebridge PUDD donation of \$50,000 for the bike path extension.

Roll Call: Ayes – all; Noes – none. Carried.

Supervisor Southworth will tell National Grid of our intent and that we have funding for the project.

Councilman Goslin reported the State has allowed the towns to increase the limits on their Procurement Policy. He believes the Town should increase our bid limits to \$20,000 - \$35,000. He is in favor of getting informal quotes instead of writing Request for Proposals which is a hardship for some boards and committees.

Supervisor Southworth believes the lower limits encourage competitive bidding.

12-30: The following motion was made by Councilman Goslin and seconded by Councilman Szczepaniak: Be it resolved that the Town Board of the Town of Ballston update section 30-2 of the Town Code entitled "Purchases to be Formally Bid" to the new state limits. The section should be amended as follows: All purchases of supplies or equipment which will exceed \$20,000 in the fiscal year or public works contracts over \$35,000 shall be formally bid pursuant to General Municipal Law § 103.

Roll Call: Ayes – all; Noes – none. Carried.

This change is authorized under section 30-7 annual review: "This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable"

12-31: A motion was made by Councilwoman Hynes and seconded by Councilman Szczepaniak to set a Public Hearing for February 28, 2012 at 7:15 pm to consider a local law amendment on our Procurement Policy limits.

Roll Call: Ayes – all; Noes – none. Carried.

Attorney Brower gave an update on Anchor Diamond Park. All trust money is to be given to the Town. Total value of the stocks is \$800,000. Attorney for the Trust would like us to accept stocks rather than liquidate. Attorney Brower stated the Town will be taking the cash. Property negotiations with Jan Lang can proceed.

A question was asked if Mr. Lang would consider selling more land or if the funds would go to maintenance.

Supervisor Southworth asked the Board to review the minutes of the meeting concerning Anchor Diamond Park.

Councilman Szczepaniak said the Parks and Recreation Committee is very excited about this park. He stated this will be a legacy for our children.

Discussion was held on Route 50 Turn Lane Project. It is time to move this project forward. Town Attorney Brower stated that there is a need to redesign this project and that will require additional land. He is looking to get the Title Policy for two parcels of land which will be sent to the State for review for clear title. He recommends the Town go out to bid now before the multi-modal funding contract runs out. Plan for the bid specs for March and pave early summer. The Bond



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Anticipation Note is due in June but the bank will work with us to expand the time until December. There is more than enough money for the property acquisition.

Discussion was held on NYS Information Security Breach and Notification Act. Councilman Goslin suggests the Town Board look at the whole policy of information security not just what to do in case of a breach of security. Town Attorney Brower said the Town should look at where we are vulnerable and accessibility of these records. The Town Attorney will have a draft for next meeting to adopt a policy rather than legislation.

Councilman Goslin wants to change the industrial zoning law to restrict heavy industry and only have light industry. This amendment would restrict Blacktop Plants in the future and restrict the expansion of any plants now in the Town.

Supervisor Southworth would like the Town Attorney and the Attorney for Planning and Zoning to review this change in zoning.

12-32: A motion was made by Councilwoman Hynes and seconded by Councilman Szczepaniak to go into executive session regarding the threatened litigation concerning Connolly Road and the ongoing litigation involving the Canadian Pacific Railroad and the NYS DOT litigation.

Roll Call: Ayes – all; Noes – none; Carried.

12-33: A motion was made by Councilman Szczepaniak and seconded by Councilman Knight to return to regular session.

Roll Call: Ayes – all; Noes – none; Carried.

A motion was made by Councilwoman Hynes and seconded by Councilman Knight to adjourn the meeting.

Roll Call: Ayes – all; Noes – none; Carried.

Respectfully submitted,

*Carol R. Shemo*

Carol R. Shemo  
Town Clerk