



TOWN OF BALLSTON

Town Board Meeting

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March 6, 2012

The regular meeting of the Town Board of the Town of Ballston was held Tuesday evening, March 6, 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.

Chairman of the Saratoga County Board of Supervisors Thomas Wood III and Vice-Chairman of the Saratoga County Board of Supervisors Alan Grattidge gave a presentation on the current financial state of Saratoga County and updated recent developments at the County. They stated we are in a difficult budget year and the budget prospects for next year will be more difficult to deal with. They outlined two major challenges before the Board of Supervisors: Maplewood Manor and the Saratoga County Landfill and the steps they are taking to meet these challenges. There is a subcommittee reviewing Maplewood Manor. Since 2004, Maplewood Manor has \$41,000,000 loss in their operation and this year Maplewood Manor experienced a \$10,000,000 loss. Losses of this magnitude are not sustainable. This is a facility owned by the public and it will take time to determine the best financial benefit for the taxpayers while continuing to care for the residents and staff. Twelve years ago the County invested \$10,000,000 in the Saratoga County Landfill. Now the County is in the process of going out for Request For Proposals to get creative options from the private sector on how to get this valuable facility up and running. The County has initiated a hiring freeze, saved money on health insurance, reduced road repairs and reduced funding to outside agencies. In order to balance the budget, the county raised taxes 2.15%, a modest increase when compared to the tax rates of neighboring counties. The unfunded state mandates are financially killing Saratoga County. Some of the unfunded State mandates are: Medicaid, NYSRS, college tuition, preschool and special education and probation. The Board of Supervisors met with the State Legislators to state the need for unfunded mandate relief. The State Legislators are only promoting the slowing down of the rate of increase. NYSCA presented a resolution to the State Legislators banning all new unfunded State mandates and asked residents to let their representatives know they need to be responsive to the needs of the people.

Paul Simpson asked how many miles of road could be paved for \$1,000,000.

Mr. Grattidge replied that the Saratoga County covers 400 miles of road. Last year the County cut \$1,000,000 from the paving program. It has changed its road paving program by reducing the miles of road paved from 20 miles to 14 miles and what was paved in two years will be done in three years. There is also a change in road material and treatment.

Polly Windels stated that the residents of Maplewood Manor need to apply for Medicaid earlier. She encouraged the Board of Supervisors to ask the staff for suggestions on how to cut costs at Maplewood Manor. The County should look into expanded in-home care for the elderly; there is a tremendous long term benefit to keeping people in their own homes versus residing at Maplewood Manor Nursing Home.

Bruce Hogan stated it is necessary to figure out the root of the problems.

At the website, www.communicatingwiththechairman.com, residents can send questions and comments to the Chairman of the Saratoga County Board of Supervisors, as well as, answer survey questions.

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A motion was made by Councilman Knight and seconded by Councilman Goslin to approve the minutes of January 31st Public Hearing, January 31st Special Meeting and the February 7th Town Board Meeting.

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

The Town Clerk noted that three emails were received. The first email was a complaint from Steven Zarelli concerning the property violations at 14 Lakehill Road. The last two emails were from David Janeski expressing his objections to the Dolomite asphalt plant.

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

A motion was made by Councilman Knight and seconded by Councilwoman Hynes that the Supervisor's report be approved.

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

Supervisor Southworth reported that she met with our State Representatives and it was not what she hoped for in mandate relief. It was not the mandate package put forth by Senator McDonald. The Highway Department is using new technology to track workload and staff in order to prioritize workload and increase efficiency. The cost of this program is free for the first year and if it is continued the second year, the cost is \$1900. Supervisor Southworth would like to publically thank Highway Deputy Superintendent John Hollowood for resolving the situation with the Paraco gas leak and handling alarm issues at the Town Hall that weekend. Also she attended Association of Towns Conference and it was very beneficial, especially the class on unsafe structures.

Under the Council Members' Report, Councilman Szczepaniak asked to add an appointment of Tim Winslow as a potential member to the Parks and Recreation Committee.

Supervisor Southworth stated the Board needs to follow the policy in the Town Code for a three member interview committee and resumé on individual provided to the Board. Ultimately, it is the Board's responsibility for those who sit on the committees.

Councilman Szczepaniak would like to continue the discussion on the solar panel legislation. It is necessary to keep this moving forward.

Supervisor Southworth hopes to get someone from NYSERDA, or someone they recommend, to address the Boards at the meeting at the end of March

Councilman Szczepaniak and Councilman Goslin thanked the Library for the great job they did with the golf outing.

Councilwoman Hynes reported that the Saratoga County Water Authority water samples show real improvement. Also she is working with Supervisor Southworth to revamp the personnel policy. She has set up a meeting with two members of the Library Board of Trustees concerning the personnel policy.

Councilman Goslin thanked the Highway Department for the well plowed roads during the last storm. He also reported that he has taken a new job with CDPHP. He will complete another Disclosure Statement. He will have to abstain from voting on resolution concerning CDPHP since they do business with the Town.

Privilege of the Floor:

Steve Merchant thanked the Clerk's Office for the changes to the website and the agenda.

John Van Vorst said that he is strongly opposed to the proposed zoning changes in manufacturing and industrial use. It is the job of the Town Council to promote success among businesses in the community and not limit their ability to excel in what they do

and force them to relocate their businesses. The Industrial Park should be full. We need more opportunities for more businesses. The zoning changes proposed are inappropriate and a knee jerk response to a proposal that has an insignificant potential for harm. There should be a requirement that before you establish legislation and enforce legislation, that you should live in the community long enough to know the tenor of the community and assimilate into the community and not try to change it.

Jim Craig Esq., representing Todd Curtis of Curtis Lumber, stated that the lumber store was established in 1972, pays over \$160,000 in taxes, not counting sales tax, and employs 700 people and hopes to increase those employment numbers. Approximately 6 years ago, the Town spent \$300,000 to update the zoning and Master Plan. That plan encouraged Mr. Curtis to invest money in the industrial park in the hopes of attracting new tenants. The Town Board should focus not in excluding or restricting businesses but use its energies on promoting safe, efficient businesses that increase taxes and jobs while serving the Town.

Beth Betchel thanked the Highway Dept for the sign outside the Burnt Hills Nursery School. She hopes this will slow the traffic in the area.

Polly Windels appreciates the increased support of traffic monitoring vehicles in her area. She hopes the Board will not vote to increase the threshold amounts for purchases and public contracts that must be put out to bid.

The following items were presented for consideration and possible action.

The Town Clerk read resolution congratulating the 2011-2012 NYS Champion Burnt Hills-Ballston Lake Girls Varsity Volleyball Team.

12-035: A motion was made by Councilwoman Hynes and seconded by Councilman Knight to approve a resolution congratulating the 2011-2012 NYS Champion Burnt Hills-Ballston Lake Girls Varsity Volleyball Team.

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

There have been repeated violations of the Chapter §52 of the Ballston Town Code at 23 Nolan Road, SBL 248.20-1-13. The Town is having trouble locating and serving the property owner. The Building Inspector and the other appointed inspectors can't inspect the premises without a subpoena and so we can not determine whether the structure needs to be repaired or condemned. The next step is to commence an action in State Supreme Court.

12-036: A motion was made by Councilwoman Hynes and seconded by Councilman Szczepaniak to authorize the commencement of a lawsuit concerning 23 Nolan Road, SBL 248.20-1-13, under Chapter §52 of the Ballston Town Code in the State Supreme Court.

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

The Town Board is considering initiating action on the property at 14 Lakehill Road, SBL 257.12-1-48, due to repeated violations as noted in the memo from Building Inspector Thomas Johnson. The next appropriate step is for the Town Board to authorize two inspectors, with the property owner authorizing one inspector, to inspect this property.

12-037: A motion was made by Councilwoman Hynes and seconded by Councilman Szczepaniak to authorize the creation of inspection of property by appointing two inspectors, with the property owner to appoint the third inspector. An amendment to this motion states the property is located at 14 Lakehill Road, SBL 257.12-1-48, and to include the appointment of the inspectors for the Town Board, Town Engineer, CT Male and engineer from LaBerge.

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

12-038: A motion was made by Councilwoman Hynes and seconded by Councilman Szczepaniak to set a public hearing for March 27, 2012 at 7:15 p.m. concerning the

Saratoga County Multi-Jurisdictional Multi-Hazard Mitigation Plan recently adopted by Saratoga County and approved by NYS and FEMA and to forward the resolution to the NYS office of Emergency Management.

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

A public hearing was held on February 27, 2012 concerning the local law amending Ballston Town Code §30-2 which would increase the threshold amounts for purchases and public contracts that must be put on to bid.

12-039: A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to approve Local Law No.1 of 2012 amending Ballston Town Code §30-2 which would increase the threshold amounts for purchases and public contracts that must be put out to bid. As amended §30-2, shall read as follows: “All purchases or supplies or equipment which will exceed \$20,000.00 in the fiscal year or public works contracts over \$35,000.00 shall be formally bid pursuant to General Municipal Law §103.” Local Law No.1 of 2012 will take effect June 13, 2012.

Supervisor Southworth has some concerns raising the limits in tough economic times and it would be better to go to bid more frequently. She is going to vote yes on this resolution but her concerns need to be noted and the Town Board needs to reevaluate the Procurement Policy limits regularly.

Councilman Goslin replied that raising the limits does not mean we won't be going out to bid. He agrees with the Supervisor that we need to keep a close watch over purchases in general this next year.

Councilman Knight feels we should keep the present threshold amounts for purchases and public contracts. After listening to the presentation on the current financial state of Saratoga County this evening, he believes we need tighter controls.

A roll call vote was taken on Local Law No.1 of 2012 as follows:

Councilman Knight	no
Councilman Szczepaniak	yes
Councilman Goslin	yes
Councilwoman Hynes	yes
Supervisor Southworth	yes

Motion Carried.

Highway Superintendent Joseph Whalen spoke concerning the Agreement for the Expenditure of Highway Moneys §284 of Highway Law. He cannot do any paving until there is an agreement and approved budget. Last month the Town Board tabled the agreement since they did not have sufficient financial information. The Town Board approved his budget for \$380,000. Councilman Goslin proposes a reduced \$250,000 budget. It is important to get paving early to get the best price and to be sure the Town gets on the plant's schedule since they close in October. He plans to pave in April or May.

Councilman Goslin is reluctant to make any major financial decisions when we have not closed the books from last year. He felt the \$250,000 budget would help Mr. Whalen get started with the paving. Then we can amend this motion and there should be money from FEMA, light winter and raising sales tax revenue.

Supervisor Southworth added that the highway budget includes \$78,508.74 for a lease payment for a truck and it needs to be paid. Last year the Town saved \$17,000 on Westside Drive alone by getting out to pave as early as possible. The Highway Budget has been cut since 2004. We have to be careful not to get behind on our road paving and run the risk of never catching up.

Councilman Knight said that blacktop prices are constantly going up. If we get behind in our paving, we may have to replace an entire road. He believes the full amount of the money needs to be passed.

Councilwoman Hynes stated the Town Board has already approved this budget and Mr. Whalen always makes the best estimate he can on the cost of the paving. It should be noted that we can change the agreement as long as all parties agree.

12-040: A motion was made by Councilman Knight and seconded by Councilman Szczepaniak to approve the Agreement for the Expenditure of Highway Money for 2012 Section §284 of the Highway Law.

Roll Call: Councilman Knight	yes
Councilman Szczepaniak	yes
Councilman Goslin	no
Councilwoman Hynes	yes
Supervisor Southworth	yes

Motion Carried.

Supervisor Southworth stated last month we approved the change order for the Ballston Trail Extension at a cost of \$1900. There are additional concerns of National Grid that need to be addressed and an addition of a side-spur trail from National Grid right-of-way to Specialty Silicones property line to the west. The purpose of this side-spur would be as a future access to the trail from Beacon Hill. This change order would cost an additional \$1,600.

Councilwoman Hynes said that the Town should present all the change orders at the same time and get one approval from National Grid. This would save on engineering costs by getting the approval done and then plan for the money for the Trail over the long term.

Supervisor Southworth noted that the Town would be outreaching to the abutting property owners.

12-041: A motion was made by Councilwoman Hynes and seconded by Councilman Knight to approve the change order for the Ballston Trail Extension at an additional cost of \$1600.

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

Supervisor Southworth stated that we will be tabling the agreement for pest control services due to the high cost of the quotes. We will be looking for a certified individual, instead of a large company, to give us a quote on pest control.

12-42: A motion was made by Councilwoman Hynes and seconded by Councilman Szczepaniak to table the agreement on pest control service.

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

12-43: A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to approve the appointment of Timothy Winslow to fill the remainder of a 5 year member's term on the Parks and Recreation Committee.

Roll Call:

Councilman Knight	yes
Councilman Szczepaniak	yes
Councilman Goslin	yes
Councilwoman Hynes	yes
Supervisor Southworth	no

Motion Carried.

Supervisor Southworth voted no due to the reasons stated earlier.

The following items are for discussion and possible action.

1. Donald Zee Esq., representing Traditional Builders LTD, requested the Town Board to Amend the Beacon Hill PUD to eliminate the age restriction for the condos. Traditional Builders LTD has tried to sell these condos since May 2009 and only 10 of 52 condos have been sold. Mr. Zee stated that people are interested but don't qualify due to the age restriction. He is looking to eliminate the age restriction on all or a portion of the condos.

Supervisor Southworth has a concern to change the age restriction without the people living there having input.

Attorney Zee explained that the residents of the condos would have this restriction in their deed. If they have a vote of 80% of the owners, they can dictate their restrictions. His client could send notices to every party living in that development to notify them of the possible elimination of the age restriction. Mr. Zee proposed to draft legislation and short form SEQRA to amend the Beacon Hill PUD. He would also need to send this legislation to the Saratoga County Planning Board due to the closeness to the highway.

2. Councilman Goslin has presented a change to Town of Ballston Zoning Code Chapter §138-13. The proposal changes the Ballston Industrial Districts to Light Industrial with permitted uses and to change the Light Industrial Standards to not allow expansion of any existing Heavy Industrial.

Councilman Goslin stated that the Dolomite application has identified a flaw in our zoning laws. He attended a recent Planning Board meeting where over one hundred residents voiced their opposition to the Dolomite plant. The Town Council's job is to adopt new zoning, the Zoning and Planning Boards implement what we adopt. It is the same process as with the adoption of a local law: the Board recommends the changes; we go through the public hearing process and then the Board votes on the changes.

Councilwoman Hynes stated that it was planned for the Board to revisit the Comprehensive Plan every five years and it has been six years already. It is a living document with a list of short term goals and long term goals. The Town Board supports our industries and businesses in the Town; they help build our tax base that keeps us Town tax free. We do not wish to hurt existing businesses but are concerned with the types of new businesses coming to our Town.

Councilman Szczepaniak agrees the Board should dust off the Town's Comprehensive Plan.

Supervisor Southworth has concerns about talking about a specific project that is before the Planning Board. It is their decision and it should not be influenced by the Board. The Planning Board is working hard to do what is best for the Town. They are guided by an experienced attorney.

Councilwoman Hynes said the committee on planning and zoning should review the proposed changes in zoning and review the Comprehensive Plan.

Supervisor Southworth asked this committee to come up with a plan and some specifics after researching what businesses are involved and what the impact would be on those businesses. The committee would report back to the Board and the plan would be available for public review.

3. Supervisor Southworth asked to table the discussion on the Security Breach and Notification Act until we have feedback from our department heads since it would impact their departments. We can move forward on this next month.

4. The Bonitatibus Subdivision is looking to extend water through Kingsbury Court at Chapel Hill. Water Superintendent Joseph Whalen said to simplify the process and to consolidate our extensions; the Town could allow this subdivision to be part of BH-BL Water District #2 Ext#18. They would pay an \$1100 connection fee for each unit and this charge would contribute to the district.

12-44: A motion was made by Supervisor Southworth and seconded by Councilman Goslin to allow tax map parcels 239.-2-37.211 through 239.-2-37.214 to be allowed to connect to water through Kingsbury Court and be allowed to be part of BH-BL water District No.2 Ext#18.

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

5. There is a proposal to possibly change naming the Ballston Journal as the Legal Newspaper instead of the Daily Gazette that was named as the Legal Newspaper at the organizational meeting in January.

Councilman Goslin stated that the Ballston Journal is half the cost of the Daily Gazette since we do not need the affidavits of the legal ads.

Councilman Szczepaniak appreciated Councilman Goslin's effort but the Board has already voted. This change would affect the daily business of the Town. It sets a bad precedent to react to criticism and change our vote.

Supervisor Southworth and Councilman Knight agreed with Councilman Szczepaniak.

Councilwoman Hynes thanked Councilman Goslin for his efforts. She feels this is something we might want to address in next year's organizational meeting.

Councilman Goslin withdrew his motion.

6. Councilman Szczepaniak would like to move forward with the solar legislation.

Supervisor Southworth was not able to get a representative from NYSERDA to do an information session at a Town Board meeting. She is in the process of reaching out to other individuals.

Councilwoman Hynes stated the Board needs to move forward as quickly as possible.

Kathy Knight stated that the house next to the solar panels has been sold.

There being no further discussion, a motion was made by Councilman Knight and seconded by Councilman Goslin that the meeting be adjourned.

Respectfully submitted,

Carol Shemo
Town Clerk