

A regular meeting was held by the Town Board of the Town of Ballston on Tuesday evening, March 26, 2013 at the Town Hall on Charlton Road.

PRESENT: Mary Beth Hynes ----- Councilwoman  
 Timothy Szczepaniak ----- Councilman  
 William Goslin ----- Councilman  
 Kelly Stewart ----- Councilwoman  
 Carol Shemo ----- Clerk  
 Murry Brower ----- Counsel  
 Stephen Merchant ----- Deputy Supervisor  
 ABSENT: Patricia Southworth ----- Supervisor

Deputy Supervisor Merchant called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited. He announced that Supervisor Southworth will not be able to attend the meeting this evening due to a death in her family.

Deputy Supervisor Merchant introduced Shannon Hansen, teacher at the Ballston Spa High School and Chair of FANS of Ballston Spa, who gave a presentation on the current project a Community Garden. FANS of Ballston Spa, Friends and Neighbors of Ballston Spa, built the community playground at Kelley Park in 2008. Since then this non-profit group of 1200 volunteers has run free summer programs, worked on the biannual painting and weekly summer clean-up. The idea of a Community Garden was a result of the response to a community survey. Ms. Hannon said it is a great intergenerational project that the Ballston Spa High School has supported by providing a tract of land as well as electric, fencing and signage. There are four aspects to the gardening project: to provide space for people to garden, to emphasize fresh foods, provide exercise for children and adults and to plan a composting program. The Fans of Ballston Spa are asking all district towns to consider a monetary contribution of \$800 to support this project. The funds will be used to help with lumber, seedlings and equipment needed to build the beds. They have applied for 2 grants and have already received a \$750 grant from Stewarts. They hope to have enough funds to host a volunteer build of the garden in April.

The Town Board thought this was an outstanding community project and will review the Town Budget for possible funding.

**Resolution 13-078**  
**AUDIT OF CLAIMS**

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to approve the payment of the bills on the March Abstract as follows:

General Fund	No. 92 - 127	\$ 25,175.99
Highway Fund	No. 77-116	119,530.90
Gravel Pit Fund	-----	-----
Park Fund	-----	-----
Library	No. 95 -132	13,242.40
Water Fund District 2 (SW)	No. 7 - 9	1,831.67
Blue Barnes Rd Dist. No.2 Ext# 13 (BBR)	No. 18 - 21	13.82
Brookline Rd Rte 67 No.2 Ext#12 (BRW)	No. 19 - 22	43.99
Goode St Dist. No.2 Ext#14 (GSW)	No. 18 - 21	298.16
Paradowski Rd Water Dist. No. 5 (RW)	No. 7-9	12.79
Route 50 Water No.2 Ext#7 (RTW)	No. 17 - 20	51.21
Scotchbush Water Dist. No.6 ((WW)	No. 7 - 9	76.71
Silver Ln Water Dist. No 6 Ext#1 (WX)	No. 7 - 9	12.79
Chapel Hill Water Dist. No. 2 Ext # 18 (CH)	No. 17 - 20	70.08
Brooks Heritage Dist. No.2 Ext 21 (RL)	No. 6 - 9	52.17
Engineering Fees	No. 1 - 5	13,085.40
Trust & Agency	-----	-----

APPROVED: Ayes 4 Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 0

### **Supervisor's Report**

Deputy Supervisor Merchant reported that Supervisor Southworth attended the Breakfast at Eagle Matt Firehouse and participated in the Saratoga County Animal Shelter Public Hearings. Also he noted that the Bookkeeper is making good progress with closing out the books for 2012 and the financial reports should be ready within 10 days.

### **Council Members' Reports**

**Councilman Szczepaniak** said the Parks and Recreation Committee would like to take the money budgeted for the Winter Festival at Jenkins Park and transfer these funds to the 225<sup>th</sup> Celebration of the Town of Ballston.

He reported that that the Developer Escrow Account concerning Dolomite, the asphalt plant proposed for the Curtis Lumber Park, was established at \$1,000. It has been brought to his attention that Dolomite has accrued \$26,000 in engineering fees and has not been billed for \$25,000 fees. These engineering fees have been paid by the Town. Councilman Szczepaniak would like to know where the funding is coming from to pay these bills. There needs to be an investigation into the billing practices.

Councilwoman Hynes asked why there was such a small escrow account established for such a large project. She asked Richard Doyle, Chairman of the Planning Board, if he could explain the billing process.

Mr. Doyle stated that on a monthly basis, he and the Building Inspector, get invoices and initial approval for the work that was done. The bookkeeper sends the bill to the applicant and the applicant sends a check back to the bookkeeper. Dolomite has not been billed yet. The new project Janet V Corners was already charged \$5,400 and they said the Supervisor should receive the check next week.

Councilman Goslin asked Mr. Doyle when Dolomite should have been billed.

Mr. Doyle said that Dolomite has not been before the Board for four months so maybe four months ago.

Town Attorney Brower said the attorney bill for Dolomite was also paid by the Town and has not been reimbursed.

**Councilman Goslin** said the letter from Sandra Donaldson for the senior trips needs to be addressed. The Town is not equipped to donate to that kind of an organization. He will look into the issue and see if he can help them work with other senior groups.

He reached out to Carol Samson concerning the water connection fees for Water District No. 2 Ext #14 (Goode Street). In order to have a solution to this problem, he needs to do further research on the amount of money in this water district account and how to reimburse money if there is an excess.

Councilman Goslin reported that the audit that was completed over a year ago will be given to the Town shortly. There will be an exit interviews with the Water Superintendent and the Town Supervisor based on the audit. The Town Board needs to look at what was found and work constructively to correct the deficiencies.

**Councilwoman Hynes** said the Town received very good news concerning CHIPS. She asked the Highway Superintendent Joseph Whalen to report on this State funding.

Mr. Whalen reported that the State released \$75,000,000 in extra funding statewide for CHIPS. The Town of Ballston will receive an extra \$18,640.41 which represents a 26.27% increase in funding. This money will be allocated to the Highway Department to be used for resurfacing and reclaiming roads, for drainage projects, work on culverts and bridges.

### **PRIVILEGE OF THE FLOOR:**

- *Ms. Windels* asked the Town Board to make sure any money expended on the engineering study on the water districts will come out of the appropriate money stream.

## **OLD BUSINESS**

1. 14 Lakehill Road is in progress
2. 23 Nolan Road has been demolished with just the foundation left
3. Estate of Frank Schizdick Councilwoman Hynes reviewed the file. The transcript of the meeting from December 2011 needs to be ordered from the Court Reporter. She noted another attorney already has a copy of it.
4. Anchor Diamond Park Councilman Szczepaniak asked if the Supervisor had been to the Bank to give her signature to the documents. Deputy Supervisor Merchant said he did not know if she had done this, but he did know she sent a letter to the judge concerning this matter.

Town Attorney Brower stated he will forward the purchase agreement the Board approved to Mr. Lang's attorney and they can work together on it.

5. Sewer Study Councilman Goslin welcomed several new residents to their last meeting. They are looking to formalize the group and will choose a name and report back to the Board in a few weeks. Councilman Goslin is proposing a three person leadership group: Design Chairman, Public Relations Chairman and a Finance Chairman. Mr. Doyle has volunteered to be the Design Chairman. At the last meeting, CT Male engineer discussed the financing and engineering, ideas on funding, and the total cost of the project. The Town should approach the County to help fund our study update.
6. Hawkwood Proposal in progress.
7. Route 50 Turn Lane Supervisor Southworth received an email from Ms. Johnson that she has accepted the offer for her piece of property concerning the Route 50 Turn Lane
8. Bike Path Extension Councilwoman Hynes and Town Attorney Brower reviewed the license agreement with National Grid. She sent a copy to Kathryn Sierra of CT Male.
9. Water District Consolidation see resolution below. Next meeting of the Water Committee will be April 17<sup>th</sup> at 7:00 p.m. in the Conference Room; the public is welcome to attend.
10. White Beach Road in progress
11. Connolly Road awaiting ADJ decision
12. Industrial Zoning Legislation The Town Attorney reviewed the changes; see the resolution below. Councilman Goslin provided background on this item. It was brought to the Town Board a year ago as a change to the Town Code requiring a Local Law. The Town of Ballston is the only Town in this area allowing Heavy Industrial Use. Since we are the only Town allowing this, we attract Heavy Industrial Use projects and they would be adjacent to the environmentally sensitive areas of Ballston Lake and the Watershed District. Any Light Industrial Uses are allowed. If you want a Heavy Industrial Use, you would have to ask for a zoning change and get a Special Use Permit. This will not change anything already in process. The specific language of this zoning change will keep things from expanding.
13. Security Cameras for Town Hall in progress
14. Computer Security Software see resolution below
15. Town Speed Limits for Chapel Hill see resolution below

16. Westwind Farm will be updated at the April 9<sup>th</sup> meeting and the Town Board will consider accepting the easements

**NEW BUSINESS FOR CONSIDERATION AND ACTION:**

**RESOLUTION 13-079**

**SET A PUBLIC HEARING ON PROPOSED ZONING CHANGE FROM HEAVY INDUSTRIAL TO LIGHT INDUSTRIAL FOR APRIL 30<sup>TH</sup> AT 7 P.M.**

A motion was made by Councilman Goslin and seconded by Councilwoman Hynes to set a Public Hearing on proposed zoning change from Heavy Industrial to Light Industrial for April 30<sup>th</sup> at 7 p.m.

APPROVED: Ayes 4 Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 0

There was a discussion on the proposed speed limit request for Chapel Hill. The Town Clerk read the proposed resolution for the speed limit change. Since there was a question on the speed limit proposed for Chapel Hill, the resolution was tabled.

**RESOLUTION 13-080**

**TABLE THE RESOLUTION CONCERNING THE SPEED LIMIT FOR CHAPEL HILL.**

A motion was made by Councilwoman Hynes and seconded by Councilman Szczepaniak to table the resolution concerning the speed limit for Chapel Hill.

APPROVED: Ayes 4 Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 0

The Town Board considered setting a Public Hearing for the proposed Morningdale Court Water District. Town Attorney Brower expressed his concerns that he had a map but not a plan for the Gaydushek subdivision that will be part of this proposed water district. Water Superintendent Whalen advised the Board that the construction cost was for Morningdale Court only. The Town Board decided to table this resolution.

**RESOLUTION 13-081**

**TABLE THE RESOLUTION SETTING A PUBLIC HEARING FOR THE PROPOSED MORNINGDALE COURT WATER DISTRICT**

A motion was made by Councilwoman Hynes and seconded by Councilman Goslin to table the resolution setting a Public Hearing for the proposed Morningdale Court Water District.

APPROVED: Ayes 4 Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 0

Mr. Kelley of Eastline Road sent an email to the Town Board stating that he is currently out of water. He is requesting to tap into the existing waterline in front of his house. The Town Board has approved residents in the Town of Malta, across the street from Mr. Kelley, to tap into this waterline and pay outside users rates. His property will be part of the proposed Morningdale Court Water District. Since this is an emergency situation, the Town Board agreed to allow Mr. Kelley to become part of existing water district using outside users rates until he can become part of the proposed Morningdale Court Water District.

**RESOLUTION 13-082**

**THE TOWN BOARD AS THE TOWN WATER COMMISSION APPROVES THE PROPERTY AT 253 EASTLINE ROAD, SBL 239.-2-7.1, TO HAVE EMERGENCY HOOKUP AND ACCESS TO THE WATER SYSTEM. THIS PROPERTY WILL PAY OUTSIDER USERS RATES UNTIL THE BOARD CAN CREATE THE MORNINGDALE COURT WATER DISTRICT, THEN THIS PROPERTY WILL BE PART OF THIS DISTRICT.**

A motion was made by Councilwoman Hynes and seconded by Councilwoman Stewart that the Town Board as the Town Water Commission approves the property at 253 Eastline Road, SBL 239.-2-7.1, to have emergency hookup and access to the water

system. This property will pay outside users rates until the Board can create the Morningdale Court Water District, then the property will be part of this district.

APPROVED: Ayes 4 Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 0

Under the Greenway Grant, CT Male applied for funding for the Town's Water Consolidation Study. The Town did not receive the grant but the Town Board approves CT Male doing the engineering work for the Water Consolidation Study at a cost not to exceed \$10,000. Councilwoman Stewart asked if the Board could still apply for grants for this project and if the funding can be applied to the project retroactively. The Board will look into all possibilities for funding.

**RESOLUTION 13-083**

**APPROVE THE ENGINEERING FOR THE WATER CONSOLIDATION STUDY BY CT MALE AT A COST NOT TO EXCEED \$10,000.**

A motion was made by Councilwoman Hynes and seconded by Councilman Szczepaniak to approve the engineering for the Water Consolidation Study by CT Male at a cost not to exceed \$10,000.

APPROVED: Ayes 4 Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 0

**RESOLUTION 13-084**

**APPROVE THE TRANSFER OF FUNDS FOR THE BUDGETED WINTER FESTIVAL AT JENKINS PARK TO THE 225<sup>TH</sup> CELEBRATION OF THE TOWN OF BALLSTON.**

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Stewart to approve the transfer of funds for the budgeted Winter Festival at Jenkins Park to the 225<sup>th</sup> Celebration of the Town of Ballston.

APPROVED: Ayes 4 Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 0

**RESOLUTION 13-085**

**WAIVE THE 30 DAY WAITING PERIOD FOR THE NEW YORK STATE LIQUOR LICENSE FOR PALLOZZI RESTAURANT AND MANAGEMENT GROUP, INC. FOR CARNEY'S RESTAURANT, BALLSTON LAKE, NEW YORK.**

A motion was made by Councilman Goslin and seconded by Councilwoman Hynes to waive the 30 day waiting period for the New York State Liquor License for Pallozzi Restaurant and Management Group, Inc. for Carney's Restaurant, Ballston Lake, New York,

APPROVED: Ayes 4 Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 0

Absent 1 Supervisor Southworth

The Town Board showed full support for the Community Garden project of FANS. Councilman Goslin asked that the Supervisor review our contributions to outside organizations to report if the Town can give \$750 for the Community Garden Projects,

**RESOLUTION 13-086**

**THE TOWN BOARD OF THE TOWN OF BALLSTON APPROVES A RESOLUTION OF SUPPORT FOR THE MEMBERS OF FANS AND THE COMMUNITY GARDEN PROJECT**

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart that the Town Board of the Town of Ballston approves a resolution of support to the members of FANS and the Community Garden Project.

APPROVED: Ayes 4 Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 0

The Town Supervisor has been working on the purchase of software from Enhanced Business Systems at a cost to exceed \$495. The Town Board decided to table the resolution on the purchase of this software from Enhanced Business Systems until they receive an update from the Supervisor.

**RESOLUTION 13-087**

**TABLE THE PURCHASE OF SOFTWARE FROM ENHANCED BUSINESS SYSTEMS AT A COST NOT TO EXCEED \$495.**

A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to table the purchase of software from Enhanced Business Systems at a cost not to exceed \$495.

APPROVED: Ayes 4 Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 0

The Town Board received a petition from residents of Lake Road from Eastline Rd to Stonebridge asking the Town Board to perform all necessary studies to establish the cost of extending the Burnt Hills-Ballston Lake Water District No.2 to them. In addition they ask that the resurfacing of Lake Road be delayed until they can get a cost estimate and vote to extend the water district to them. Attorney Brower outlined the process for adding an extension to the water district. Kathryn Serra of CT Male sent a proposal on the cost of the engineering study for the proposed Lake Road Water District Extension. She noted that this extension would create a loop in the water system which is beneficial to the Town. The residents of this proposed extension said that a major concern will be the cost. They asked if a Town-wide water district was coming along with the water consolidation.

**RESOLUTION 13-088**

**AUTHORIZE CTMALE TO CONDUCT AN ENGINEERING STUDY OF THE PROPOSED LAKE ROAD WATER EXTENSION AT A COST NOT TO EXCEED \$1500**

A motion was made by Councilwoman Hynes and seconded by Councilman Szczepaniak to authorize CT Male to conduct an engineering study of the proposed Lake Road Water Extension at a cost not to exceed \$1500.

APPROVED: Ayes 4 Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 0

**RESOLUTION 13-089**

**EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING PERSONNEL HISTORY OF A TOWN HALL EMPLOYEE.**

A motion was made by Councilwoman Hynes and seconded by Councilwoman Stewart to move to executive session for the purpose of discussing personnel history of a Town Hall employee.

APPROVED: Ayes 4 Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 0

**RESOLUTION 13-090**

**EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING COLLECTIVE NEGOTIATIONS PURSUANT TO ARTICLE 14 OF CIVIL SERVICE LAW FOR THE HIGHWAY DEPARTMENT.**

A motion was made by Councilwoman Hynes and seconded by Councilwoman Stewart to move to executive session for the purpose of discussing collective negotiations pursuant to Article 14 of Civil Service Law for the Highway Department.

APPROVED: Ayes 4 Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 0

**RESOLUTION 13-091**

**RETURN TO REGULAR SESSION**

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

APPROVED: Ayes 4 Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 0

Concerning the discussion of the personnel history of a Town Hall Employee, Councilwoman Hynes stated all employees of the Town be paid in accordance with the Town Code Personnel Policy. The Personnel Policy states any time worked for a Town Hall employee past their 37.5 hrs to 40 hours is straight time. Any time past the 40 hours can be overtime or compensatory time; this is a choice of the employee. Councilwoman Hynes instructed the Supervisor that all time be fully compensated.

**RESOLUTION 13-092**

**ALL EMPLOYEES OF THE TOWN BE PAID IN ACCORDANCE WITH THE PERSONNEL POLICY IN THE TOWN CODE.**

A motion was made by Councilwoman Hynes and seconded by Councilman Goslin that all employees of the Town be paid in accordance with the Personnel Policy of the Town Code.

APPROVED: Ayes 4 Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 0

No action was taken concerning the discussion on collective negotiations pursuant to Article 14 of Civil Service Law for the Highway Department.

A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to adjourn the meeting.

Respectfully submitted,

Carol R. Shemo  
Town Clerk