

A regular meeting was held by the Town Board of the Town of Ballston on Tuesday evening, April 9, 2013 at the Town Hall on Charlton Road.

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

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

Supervisor Southworth introduced Michelle Larkin, Executive Director of Rebuilding Together Saratoga County, who gave a presentation on the local chapter that is one of over 200 affiliates across the country. Rebuilding Together Saratoga County's mission is to bring volunteers and communities together to improve the homes and lives of homeowners in need. Their focus is to provide home repairs to low-income families, the elderly and the disabled and veterans in need, so that they are warm, safe and dry. The program is all about neighbors helping neighbors. Rebuilding Together Saratoga began their mission in 2003 with 100 volunteers and they completed 6 projects. Last year they had 792 volunteers and completed 82 projects. This year, their 10<sup>th</sup> anniversary, they hope to complete 100 projects. An example of their work is the completion of the large renovation project to build a Great Room for the Guardian House, a home for women veterans. Ms. Larkin asked for the community to let them know about people needing assistance. As a non-profit organization, they welcome donations of money and labor, skilled and non-skilled volunteers. Over the next three weekends, they will have their Spring Work Days and have scheduled 40 – 50 projects over that time frame. Residents can contact this organization and volunteer their services for these planned projects and commit to a day or longer; all help is appreciated. Their website is [www.RTSaratoga.org](http://www.RTSaratoga.org).

The Town Clerk read the following correspondence from Marge Brahm of the Saratoga County RPC. The Saratoga County RPC-VETHELP has been selected to participate in a Home Depot/Facebook contest in the month of April to win \$25,000 and possibly \$250,000. Please go the Home Depot Facebook page (<https://apps.facebook.com/apronsinaction/>) and vote for them every day.

#### **REPORTS OF TOWN OFFICIALS**

Building Inspector Thomas Johnson, Highway/Water Superintendent Joseph Whalen, Supervisor Patricia Southworth, Animal Control Officer Thomas Shambo and Town Clerk Carol Shemo submitted reports for March, and they are on file in the Town Clerk's Office.

Ms. Ziskin, Chairperson of the Jenkins Park Advisory Board, reported that they had a productive work party on March 30, 2013. They are planning their Annual Spring Work Party at Jenkins Park on April 27<sup>th</sup> from 9 a.m. to noon (rain date Sunday, April 28<sup>th</sup> from 9 a.m. to noon). Their Annual Meeting will be April 24<sup>th</sup> at 7 p.m. Two Eagle Scouts have proposed projects for Jenkins Park. The first Eagle Scout Project is to trim branches around the perimeter of the park, put stone dust piles onto the walking trails and paint the large playground pieces. The Second Eagle Scout Project is to refurbish the pre-existing park benches, build a few more benches for the trail system in the woods and design, make and install a sign that contains a map of the trail system of the park. Jenkins Park Board also received two contracts from baseball teams who will use the park this season.

Mr. Otten gave a report for the Community Emergency Corps. They are in the process of obtaining body armor for their paramedics. They were very fortunate to have received a gift from a founding member of the organization to pay for them. On May 1<sup>st</sup>, the Community Emergency Corps will no longer provide coverage for Ballston Lake.

Supervisor Southworth gave the Town Board a revised Supervisor Report for the month of February. The Library receipt was not recorded on the February Report since it was received after the report was printed.

### **RESOLUTION 13-093**

#### **APPROVAL OF THE SUPERVISOR'S REVISED MONTHLY REPORT FOR FEBRUARY.**

A motion was made by Councilman Goslin and seconded by Councilwoman Hynes to approve the revised February Town Supervisor's report.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart  
Nays 0

### **RESOLUTION 13-094**

#### **APPROVAL OF SUPERVISOR'S MONTHLY REPORT FOR MARCH**

A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to approve the March Town Supervisor's report.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart  
Nays 0

### **Supervisor Report for April**

Supervisor Southworth thanked all those who sent sympathy cards and condolences on the death of her mother.

She attended an Agriculture Grant Session. She encouraged all those who are interested in starting up a farm or interested in expanding their farming business to contact her for information on these grants.

### **Council Member's Reports**

**Councilman Szczepaniak** noted that there are quite a few residents who have not paid their water bill yet.

Water Superintendent Whalen stated approximately 450 residents have not paid their water bill. He said the holiday and Spring Break may have caused a delay in payment. The Water Clerk is preparing to send out a late notice to all those who have not paid their bill.

**Councilman Goslin** informed the residents that the Town is in receipt of the Audit Report from the State Comptroller's Office. The Town Board has 30 days to respond to the report. Since it is a draft, the information is confidential.

Supervisor Southworth asked the Board if there were no objections to move Privilege of the Floor until after the Old Business updates.

### **OLD BUSINESS**

1. 14 Lakehill Road Town Attorney is working with the Court.
2. Estate of Frank Schizdick The Town should hear back from the Court in a couple of weeks
3. Anchor Diamond Park Agreement in progress
4. Sewer Study Councilman Goslin stated he requested an updated price from CT Male for the Sewer Study. The next meeting of the group concerned with the Sewer Study is April 15<sup>th</sup>.
5. Hawkwood Proposal no update
6. Route 50 Turn Lane see resolution below
7. Bike Path Extension Town Attorney Brower will reach out to National Grid's contact person for the proposed agreement.
8. Water District Consolidation awaiting on contract from CT Male
9. White Beach Road Mr. Jackson reported that the new Railroad crossing is scheduled for June.
10. Connolly Road Proposed Closure no update

11. Industrial Zoning Legislation Public Hearing on April 30, 2013 at 7 p.m.
12. Security Cameras for the Town Hall in progress
13. Computer Security Software see resolution below
14. Town Speed Limit for Chapel Hill see resolution below
15. Westwind Farm update Stormwater Easements approved by CT Male

**PRIVILEGE OF THE FLOOR**

*Ms. Windels* said she hosted 2 solar events last weekend. Fifteen students from Skidmore looked at their various solar installations and equipment. They were also part of a solar house tour that was attended by 50 people.

**NEW BUSINESS FOR CONSIDERATION AND ACTION:**

In 2010 the State Comptroller's Office required municipalities to file a Standard Workday Resolution for the Retirement System for Appointed and Elected Officials who do not participate in a time keeping system. Justice Brandi Burns re-elected in 2012 and Councilwoman Kelly Stewart appointed in 2012 to fill a vacancy on the Town Board, submitted documents for the Standard Workday Resolution. This resolution and the posting affidavit will be posted on the Bulletin Board and Website for 30 days before filing with the State Comptroller's Office.

**RESOLUTION 13-095**

**ACCEPT THE REVISED STANDARD WORKDAY RESOLUTION**

A motion was made by Councilman Goslin and seconded by Councilwoman Hynes to accept the revised Standard Workday Resolution.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart  
 Nays 0

The Town's contract with the Simmons Elevator Company is due for renewal. Supervisor Southworth reviewed the terms of the contract.

**RESOLUTION 13-096**

**APPROVE A ONE YEAR CONTRACT WITH MONTHLY PAYMENTS WITH SIMMONS ELEVATOR COMPANY**

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to approve a one year contract with the Simmons Elevator Company.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart  
 Nays 0

Supervisor Southworth reported on the Computer Security Software. This software would be put on all Town computers. Payroll will be blocked out and the General Ledger will be accessible by the bookkeeper only. This software will be put on an additional computer for the Town Board's use; they will have read only access to the Accounting Program and General Ledger.

**RESOLUTION 13-097**

**APPROVE THE PURCHASE OF SECURITY 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 approve the purchase of security software from Enhanced Business Systems at a cost not to exceed \$495.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart  
 Nays 0

**RESOLUTION 13-098**  
**APPROVE A SPEED LIMIT REQUEST FOR CHAPEL HILL**

RESOLUTION NO. 13-098

RESOLUTION REQUESTING REDUCUTION OF THE SPEED LIMIT ON  
CERTAIN ROADS IN THE TOWN

WHEREAS the Town Board of the Town of Ballston has received a petition from residents of the area known as Chapel Hill requesting the reduction of the speed limit in such development; and

WHEREAS the development is home to many children and residents and the current rate of traffic flow poses a danger to such residents; and

WHEREAS the Town Board of the Town of Ballston recognizes the concerns of many of its citizens with respect to the safety of pedestrians in residential areas; and

WHEREAS the Town of Ballston does not have the authority to reduce the speed limit on roadways within the Town without the approval of the New York State Department of Transportation; and

WHEREAS the Town Board of the Town of Ballston seeks to do all in its power to ensure the health and safety of the residents of the Town; and

WHEREAS the Town Board has determined that a lower rate of speed in the Chapel Hill development than the current posted limit of 35 mph is appropriate; now therefore be it

RESOLVED that the Town Board of the Town of Ballston requests the New York State Department of Transportation to conduct a traffic study along the roadway(s) located in the Chapel Hill Development for the purpose of considering the reduced speed limit of 30 mph to enhance safety in such development.

A motion was made by Councilwoman Stewart and seconded by Councilwoman Hynes to approve the speed limit request for Chapel Hill.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart  
Nays 0

**RESOLUTION 13-099**  
**TABLE ACCEPTING THE DONATION FROM THE ROTARY FOR THE TOWN IN BLOOM PROGRAM**

A motion was made by Councilwoman Hynes and seconded by Councilwoman Stewart to table accepting the donation from the Rotary for the Town in Bloom Program.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart  
Nays 0

**RESOLUTION 13-100**  
**ACCEPT THE FIVE HUNDRED DOLLAR DONATION FROM BOB AND LORI LEIBERT VAN VRANKEN FOR THE 225<sup>TH</sup> ANNIVERSARY CELEBRATION OF THE TOWN OF BALLSTON**

A motion was made by Councilwoman Hynes and seconded by Councilwoman Stewart to accept the Five Hundred Dollar donation from Bob and Lori Leibert Van Vranken for the 225<sup>th</sup> Anniversary Celebration of the Town of Ballston with gratitude.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart  
Nays 0

**RESOLUTION 13-101**  
**APPROVE A BUDGET AMENDMENT TO INCREASE THE HISTORIAN'S CONTRACTUAL ACCOUNT A7510.4 BY FIVE HUNDRED DOLLARS**

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Stewart to approve a budget amendment to increase the Historian's Contractual Account A7510.4 by Five Hundred Dollars.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart  
Nays 0

**RESOLUTION 13-102**

**ACCEPT THE SERVICES OF KAREN GARRISON, OF CENTERLINE DESIGN, FOR THE DESIGN LOGO FOR THE 225<sup>TH</sup> ANNIVERSARY CELEBRATION OF THE TOWN OF BALLSTON.**

A motion was made by Councilwoman Hynes and seconded by Councilman Goslin to accept the services of Karen Garrison, of Centerline Design, for the Design Logo for the 225<sup>th</sup> Anniversary Celebration of the Town of Ballston.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart  
Nays 0

**RESOLUTION 13-103**

**ACCEPT THE FORMAL AGREEMENT BETWEEN THE TOWN OF BALLSTON AND THE PROPERTY OWNER OF SBL 228.13-2-1 ON ROUTE 50 CONCERNING THE PROPERTY FOR THE ROUTE 50 TURN LANE CONTINGENT ON TOWN ATTORNEY'S APPROVAL**

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Stewart to accept the formal agreement between the Town of Ballston and the property owner of SBL 228.13-2-1 on Route 50 concerning the property for the Route 50 Turn Lane Contingent on Town Attorney's approval.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart  
Nays 0

**RESOLUTION 13-104**

**ACCEPT THE SUPPLEMENTAL AGREEMENT SCHEDULE NO. 1 TO THE MASTER AGREEMENT OF THE MULTI-MODAL PROJECT AGREEMENT DATED FEBRUARY 9, 2007**

A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to accept the Supplemental Agreement Schedule No. 1 to the Master Agreement of the Multi-Modal Project Agreement dated February 9, 2007.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart  
Nays 0

**RESOLUTION 13-105**

**ACCEPT THE AGREEMENT BETWEEN THE TOWN OF BALLSTON AND COMMUNITY HUMAN SERVICES FOR THE WELLNESS EXPRESS SERVICES CONTINGENT UPON THE TOWN ATTORNEY'S APPROVAL**

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to accept the agreement between the Town of Ballston and Community Human Services for the Wellness Express Services contingent upon the Town Attorney's approval.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart  
Nays 0

**RESOLUTION 13-106**

**ACCEPT THE AGREEMENT BETWEEN THE TOWN OF BALLSTON AND COMMUNITY HUMAN SERVICES FOR THE CARE LINKS SERVICES CONTINGENT UPON THE TOWN ATTORNEY'S APPROVAL**

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to accept the agreement between the Town of Ballston and Community Human Services for the Care Links Services contingent upon the Town Attorney's approval.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart  
Nays 0

The Jenkins Park Advisory Board received three quotes from Jeffrey Daniels, Relyea and Sons and H.J. Davis Builders Inc., to refurbish the pavilion at Jenkins Park. The recommendation was for the low quote of Jeffrey Daniels to complete the job for \$12,158. The cost of this project is in the Jenkins Park Advisory Board Budget. The Board is looking to have this work completed for the 225<sup>th</sup> Anniversary Celebration of the Town of Ballston.

**RESOLUTION 13-107**

**APPROVE THE JENKINS PARK ADVISORY BOARD RECOMMENDATION FOR JEFFREY DANIELS TO REFURBISH THE PAVILLION AT JENKINS PARK AT A COST NOT TO EXCEED \$12,158 CONTINGENT UPON TOWN ATTORNEY'S APPROVAL**

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Stewart to approve the Jenkins Park Advisory Board recommendation for Jeffrey Daniels to refurbish the pavilion at Jenkins Park at a cost not to exceed \$12,158 contingent upon Town Attorney's Approval

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart  
Nays 0

The Town has received a contract from CT Male to update the East line Road, Morningdale Court and Round Lake Water District Assessment at a cost of \$600.

**RESOLUTION 13-108**

**SET A PUBLIC HEARING ON THE PROPOSED MORNINGDALE COURT WATER DISTRICT EXTENSION FOR MAY 7, 2013 AT 7:15 P.M.**

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Stewart to set a Public Hearing on the proposed Morningdale Court Water District Extension for May 7, 2013 at 7:15 p.m.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart  
Nays 0

Councilman Szczepaniak would like to transfer the funds budgeted for the Winter Festival at Jenkins Park to the 225<sup>th</sup> Anniversary Celebration of the Town of Ballston. Supervisor Southworth said the Board could save funds also by not doing the Spring Newsletter and give the 225<sup>th</sup> Anniversary Celebration between \$800 - \$1500. Councilman Szczepaniak stated that he discussed the funds with the Town Historian and \$800 is a sufficient amount at this time.

**RESOLUTION 13-109**

**APPROVE A BUDGET AMENDMENT TO INCREASE THE HISTORIAN'S CONTRACTUAL ACCOUNT A7510.4 BY \$800 AND TRANSFER \$800 FROM THE CONTINGENCY ACCOUNT**

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to approve a budget amendment to increase the Historian's Contractual Account A7510.4 by \$800 and transfer \$800 from the Contingency Account.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart  
Nays 0

Mr. Komoroske purchased property off of Kelly Meadow Road, SBL 248.-1-81.131, and would like to apply for a water connection. The water main and the fire hydrant are on the cul-de-sac adjacent to his property. In addition, the existing, adjacent homeowner, Joseph Twardy, also expressed an interest for a tie in for his existing house, SBL 248.-1-81.11 and for his vacant property SBL 248.-1-81.12.

**RESOLUTION 13-111**

**APPROVE THE REQUEST OF MR. KOMOROSKE FOR 3 CONNECTIONS TO THE WATER DISTRICT No .2 FOR THE PROPERTY OFF OF KELLY MEADOW ROAD. MR. KOMOROSKE WILL IS RESPONSIBLE FOR THE CT MALE FEES.**

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to approve the request of Mr. Komoroske for 3 connections to Water District No. 2 off of Kelly Meadow Road, SBL 248.-1-81.131, 248.-1-81.11 and 248.-1-81.12 Mr. Komoroske will be responsible for the CT Male fees.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart  
Nays 0

**PRIVILEGE OF THE FLOOR**

*Mr. Voehringer* asked what area of the Town the Sewer Study would encompass.

Councilman Goslin replied that the sewer study would include the Ballston Lake Area, the Ballston Lake Watershed and the northern end of the Town.

Supervisor Southworth added that the north west quadrant of the Town opted out of the sewer district to keep it rural.

*Mr. Miller* reminded the Town Board that a parcel of land owned by Specialty Silicone Products, which if the Town owned or had an easement, would connect the bike path to the Zim Smith Trail.

Supervisor Southworth answered that after the Route 50 Turn Lane is completed, the Board could give their attention to this matter.

Councilman Goslin asked if the Town Board could prepare a response to the Draft Audit Report and enter into Executive Session to discuss this confidential document.

Supervisor Southworth stated this is not a subject for Executive Session. She suggested they have a Special Meeting to deal with this report.

Councilwoman Stewart did research and believes the Town Board can hold a closed session. Section 108 of the Public Officers Law provides that the Open Meeting Law requirements do not apply to matters which are confidential pursuant to state law. In this circumstance, the audit report clearly states that it is confidential and shall not be shared by Board Members prior to its formal release by the OSC.

Supervisor Southworth is opposed to this closed session.

Councilman Goslin made a motion and Councilwoman Hynes seconded the motion to adjourn the meeting.

Respectfully submitted,

Carol R. Shemo  
Town Clerk