

A regular meeting was held by the Town Board of the Town of Ballston on Tuesday evening, June 25, 2013 at the Town Hall on Charlton Road.

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

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

Resolution 13-167

AUDIT OF CLAIMS

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to approve the payment of the bills on the June Abstract. The bills were approved for payment as follows:

General Fund	No. 223 - 282	\$ 63,320.64
Highway Fund	No. 238 - 284	138,368.69
Gravel Pit Fund	No. 11 - 16	3,915.21
Park Fund	No. 10 - 19	2,572.83
Library	No. 231 - 274	25,593.37
Water Fund District 2 (SW)	No. 64 - 72	62,955.20
Blue Barnes Rd Dist. No.2 Ext# 13 (BBR)	No. 47 - 54	1,123.19
Brookline Rd Rte 67 No.2 Ext#12 (BRW)	No. 50 - 57	6553.46
Goode St Dist. No.2 Ext#14 (GSW)	No. 47 - 54	4,368.97
Paradowski Rd Water Dist. No. 5 (RW)	No. 22 - 28	2531.42
Route 50 Water No.2 Ext#7 (RTW)	No. 22 - 28	26,182.90
Scotcbush Water Dist. No.6 ((WW)	No. 22 - 28	5,214.14
Silver Ln Water Dist. No 6 Ext#1 (WX)	No. 22 - 28	1,006.44
Chapel Hill Water Dist. No. 2 Ext # 18 (CH)	No. 46 - 53	7,645.70
Brooks Heritage Dist. No.2 Ext #21 (RL)	No. 35 - 42	1,123.19
Stonebridge Enclave No.2 Ext #19	No. 26 - 33	1,092.26
Trust & Agency	No. 19 - 20	10,169.00

ADOPTED: Ayes 3 Supervisor Southworth, Councilman Goslin and Councilwoman Stewart.
Nays 0

PRESENTATION ON TIMBER CREEK PRESERVE PHASE IV

Jason Dell, engineer with Lansing Engineering, made a presentation on Timber Creek Preserve Phase IV on behalf of Geoff Brooks and Heritage Development Holdings. Mr. Dell gave a brief review of the PUDD. Per the Town Board request, they have alleviated the backyard backups to established homes outside the PUDD on Leah Court by eliminating the 6 houses from their proposal. This change brings the number of single family residences from 95 homes to 89 single residences, with a total of 270 residential units. The proposed density is significantly less than the amount of units allowed in a TND traditional design. Mr. Dell stated that they have come before the Board with a PUDD since the proposed development is above the 99 home threshold. Mr. Dell gave the Town Board the requested sketch of all 4 parts of the development. He stated they met with Keith Mantz, Saratoga County Commissioner of Public Works, concerning the curb cut on East Line Road and there were no issues concerning the road location. The intersection with Raylinsky Road was resolved with a Stop Sign on the development side. Mr. Mantz had no additional comments on the Benedict Road intersection.

Supervisor Southworth reported that she had given Mr. Mantz a copy of the traffic study and plans of Timber Creek Phase IV PUDD that were submitted with this proposal. She noted that if this PUDD is sent on to the Planning Board, there will be additional scrutiny of the traffic situation by the Town Planning Board, Saratoga County Planning Board and traffic consultant. She thanked Mr. Brooks for listening to and acting on the Board's recommendations.

Councilman Goslin thanked Mr. Brooks for the sketch plan of the 4 parts of the development; this is a great help to understand the area and the amount of green space. He is pleased with the removal of the homes by Leah Court.

Councilwoman Stewart asked about the public benefit.

Mr. Dell stated there is a trail system and Phase IV will be networked into that trail system.

Mr. Brooks stated that this is a private trail system. The Homeowners Association owns the trails and pays dues to maintain these trails.

Councilman Goslin stated since the trails are private, this is not a public benefit. He asked Mr. Brooks if he will entertain discussions on public benefit. This conversation should be held before the PUDD is sent to the Planning Board.

It was agreed that Mr. Brooks will meet with Supervisor Southworth and Councilwoman Hynes to discuss the possibilities of a public benefit and report back by the next Town Board meeting.

PUBLIC COMMENT ON TIMBER CREEK PHASE IV PUDD

Ms. Saile asked the Board if they will ask for an updated traffic study. The present traffic study is from 2010 and a lot has happened in that area with the presence of Global Foundries.

Supervisor Southworth replied that the Planning Board is more skilled to study the traffic in this area. The traffic study will be reviewed by the County Planning Board and the traffic engineer. The Planning Board will most likely request a new study.

Mr. Russell, Chairman of the Parks and Recreation Committee, added that his committee is working on a Town-wide trail map. He asked if Mr. Brooks would like to work together to provide a benefit everyone could share. The Committee meets the third Wednesday of the month.

Mr. Smith said that with Global Foundries there has been increased development in the Town of Malta. The Town of Malta requested a new traffic study with the increased traffic coming from East Line Road.

Supervisor Southworth stated that the Town of Malta did receive funding to do traffic studies and upgrades in the area of Round Lake Road and East Line Road. The County has hired Creighton Manning to do a traffic study of Round Lake Road. We should reach out to the Planning Department in the Town of Malta and work together instead of doing separate studies.

Councilman Goslin suggested that the Town Board table sending Timber Creek Phase IV to the Planning Board until after the discussion of the public benefit. He is pleased with the density with the single family homes with an average of 1/3 acre of property and the changes that were made to alleviate the issues with the neighboring properties. He appreciates the sketch plan and the amount of green space in this development.

SUPERVISOR'S REPORT

Supervisor Southworth gave the Town Board a copy of the Annual Financial Report. It has been filed with the State Comptroller. She also distributed the Town financial balance sheet as of 5/31/13. She had a great experience participating in Career Day at the Charlton Heights School.

COUNCIL MEMBERS' REPORTS

Councilwoman Stewart is working on the Town Insurance with the insurance renewal deadline of July 18th.

Councilman Goslin asked about the receivables issues with Dolomite.

Supervisor Southworth answered that Dolomite has been billed and she expects the check by Friday, June 28th. They will not be on the agenda until the bill is paid.

PRIVILEGE OF THE FLOOR

Ms. Merriam thanked the Town Board for working together and she appreciates all their efforts.

Ms. Falkstog, spoke concerning the cancellation of the Flag Day Parade due to weather. A rain date was not provided and there are many disappointed participants, local merchants, spectators and children. Local merchants lost a great deal of money as this is the biggest day of the year for the food merchants. The BHBLBPA voted and decided not to reschedule the parade. She said that Supervisor Southworth attended the meeting and offered her help and the help of Assemblyman Tedisco and the Lions Club. The Town of Glenville is having a special meeting to approve the road permit for the parade. She presented the Town Clerk with a list of signatures in favor of rescheduling the parade. She asked the Town Board to sponsor the parade and festivities in conjunction with the 225th Celebration.

Mr. Hill, of *Your Hometown Newspaper*, said it was the right decision to cancel the parade due to the weather. There needs to be a rain date provided and a contingency plan for a second opportunity to plan the parade. He stated that they will need insurance but it should be included in the contingency plan.

Mr. Pope said that the biggest mistake was not to provide a rain date. He asked the Town Board to reschedule the parade for all the families who come together for the parade. Use the parade to tie into the 225th Celebration.

Mr. Gemmett will support the parade and he knows a number of the classic cars owners will participate.

Supervisor Southworth stated that it is one of the few community events and we should try to have a smaller parade in conjunction with 225th Celebration. The fire departments are on board with handling the road traffic and she has the permit for Route 50.

Councilwoman Stewart does not have objections to the rescheduled parade. She does have issues on knowing why the BHBLBPA voted against rescheduling the parade. She has a concern with the Town taking over and inserting itself in an parade that was run by the BHBLBPA and Rick Reynolds for many years. Also, there are many details to be worked out and we do not want to disappoint the people again.

Supervisor Southworth stated that the BHBLBPA voted against rescheduling the parade because many of their volunteers were on vacation and Mr. Reynolds is involved with the activities involving the 225th Celebration.

Councilman Goslin said the Town Board should move forward with the volunteers and sponsor the parade as long as there are no insurance and legal issues.

RESOLUTION 13-168

SUPPORT THE IDEA OF A PARADE AND REQUEST THE SUPERVISOR TO SET A DATE AND BACKUP DATE FOR THE PARADE AND REPORT ANY EXPENSES AND ISSUES TO THE TOWN BOARD.

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to support the idea of a parade and request the Supervisor to set a date and backup date for the parade and report any expenses and issues to the Town Board.

ADOPTED: Ayes 3 Supervisor Southworth, Councilman Goslin and Councilwoman Stewart.
Nays 0

OLD BUSINESS

1. 14 Lakehill Road

Attorney Brower reported that the Private Investigator did not have success in locating Mr. Neuzil, the owner of 14 Lakehill Road. Mr. Brower will go back to the court and ask to publish the notification in the paper.

Councilman Goslin spoke with the Sheriff and he is not able to assist with this situation.

2. Estate of Frank Schizdick and Anchor Diamond Park

Town Attorney Brower stated that at the last meeting with the Surrogate Judge, he indicated that the Town should move the process forward by authorizing the environmental survey, survey of the property and appraisal in order to do a lot line adjustment. The Parks and Recreation Committee should move ahead with the environmental survey. They received estimates for the survey and they should proceed with this as well. The Town would be reimbursed for expenses out of the trust money.

Councilwoman Stewart and Councilman Goslin questioned whether these costs are normally paid by the seller.

Attorney Brower said since the seller has offered the property below market price, he feels these costs should be paid by the Town. They will survey the whole property and subdivide to do a lot line adjustment. Attorney Brower prepared resolutions to be considered by the Town Board authorizing the payment of funds for the environmental survey, survey of the property and appraisal. The Board chose to table any action on the resolutions until the July 9th meeting when the full Board will be present to vote on these resolutions.

Next meeting with the Surrogate Judge will be on June 27, 2013.

3. Sewer Study

Councilman Goslin gave the Town Board an outline of the proposed committee structure for the Town of Ballston Clear Water Initiative (Sewer Initiative). There are three proposed Co-chairmen and a list of the members on the committee. He would like the Board to take action at the July 9th Meeting.

4. Hawkwood Proposal

Supervisor Southworth said she will have a more formalized proposal in July.

5. Bike Path Extension

Niagara Mohawk will require additional umbrella policy to adequately cover the bike path extension. Consider approving the additional insurance at the next Town Board meeting.

6. Water District Consolidation

All the necessary financial information has been forwarded to CT Male.

7. White Beach Road – in progress

8. Connolly Road Proposed Closure – in litigation

9. Industrial Zoning Legislation

Councilman Goslin said he and Attorney Brower are working on formalizing the wording. He would like to see his three changes in the wording 1) delete the sentence on heavy industrial definition 2) include the definition on light industrial 3) include heavy in that one section of the legislation. He would like to see the proposed legislation ready for the next meeting. Supervisor Southworth asked Building Inspector Johnson if he would list the businesses in the Industrial Zone to see how these businesses would be affected by the zoning changes for the next meeting.

10. Security Cameras for the Town Hall – no update, Councilman Szczepaniak was absent.
11. Financial Workshop
Councilman Goslin stated that the Town Board needs to approve the Corrective Action Plan. The Board can work on this plan at the financial workshops that are scheduled on Tuesday evenings at 6:30 p.m. when a Town Board is not scheduled.
12. Bridgewater Apartments Water District request
Attorney Brower has received nothing from the applicant. In his review of the Water District information, he found Bridgewater Apartments to be part of District No.2 Ext#12. When the map of this water district was drawn, they were intentionally left out of the district. We do not know why they were left out of the district. The Board needs to determine a fair and equitable way for this property to join the district.

AGENDA ITEMS FOR CONSIDERATION AND ACTION

The Town Board considered bonding the Burnt Hills-Ballston Lake Water District No. 2 Ext#24, Morningdale Court. It is necessary to have a super majority vote to pass a bonding resolution. Since two Town Board members were absent it was necessary to table the resolution.

RESOLUTION 13-169

TABLE THE BONDING OF THE BURNT HILLS-BALLSTON LAKE WATER DISTRICT NO. 2 EXT#24, MORNINGDALE COURT.

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to table the bonding of the Burnt Hills-Ballston Lake Water District No.2 Ext #24, Morningdale Court.

ADOPTED: Ayes 3 Supervisor Southworth, Councilman Goslin and Councilwoman Stewart.
Nays 0

RESOLUTION 13-170

AUTHORIZE THE SUPERVISOR TO SIGN THE CONTRACT WITH CT MALE FOR THE SURVEY, DESIGN AND REGULATORY AND BIDDING PHASE FOR THE BURNT HILLS-BALLSTON LAKE WATER DISTRICT NO. 2 EXT #24, MORNINGDALE COURT.

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to authorize the Supervisor to sign the contract with CT Male for the Survey, Design and Regulatory and Bidding Phase for the Burnt Hills-Ballston Lake Water District No. 2 Ext #24, Morningdale Court.

ADOPTED: Ayes 3 Supervisor Southworth, Councilman Goslin and Councilwoman Stewart.
Nays 0

RESOLUTION 13-171

APPROVE THE DELTA DENTAL CONTRACT.

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to approve the Delta Dental Contract.

ADOPTED: Ayes 3 Supervisor Southworth, Councilman Goslin and Councilwoman Stewart.
Nays 0

RESOLUTION 13-172

APPROVE THE PURCHASE OF A COMMERCIAL MOWER FOR THE TOWN HIGHWAY DEPARTMENT FROM H&M EQUIPMENT CO., AT A COST NOT TO EXCEED \$6990.

A motion was made by Councilwoman Stewart and seconded by Councilman Goslin to approve the purchase of a commercial mower for the Town Highway Department from H&M Equipment Co., at a cost not to exceed \$6990

ADOPTED: Ayes 3 Supervisor Southworth, Councilman Goslin and Councilwoman Stewart.
Nays 0

RESOLUTION 13-173

APPROVE THE FIREWORKS PERMIT FOR THE HOLT PROPERTY AT 154 CHARLTON ROAD FOR JUNE 29, 2013. BUILDING INSPECTOR JOHNSON HAS INSPECTED AND APPROVED THE SITE.

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to approve the fireworks permit for the Holt property at 154 Charlton Road for June 29, 2013. Building Inspector Johnson has inspected and approved the site.

ADOPTED: Ayes 3 Supervisor Southworth, Councilman Goslin and Councilwoman Stewart.
Nays 0

RESOLUTION 13-174

ACCEPT \$1,050 FROM THE POMEROY FOUNDATION FOR A HISTORIC MARKER AT THE GRAVESITES OF JOSEPH AND ABIGAIL BETTYS. INCREASE APPROPRIATIONS ACCOUNT 75104.01 AND INCREASE REVENUE ACCOUNT 2089 BY SET AMOUNT.

A motion was made by Councilwoman Stewart and seconded by Councilman Goslin to accept \$1,050 from the Pomeroy foundation for a historic marker at the gravesite of Joseph and Abigail Bettys. Increase Appropriations Account 75104.01 and increase Revenue Account 2089 by set amount.

ADOPTED: Ayes 3 Supervisor Southworth, Councilman Goslin and Councilwoman Stewart.
Nays 0

RESOLUTION 13-175

ACCEPT \$105 IN T-SHIRT REVENUE FOR BALLSTON 225. INCREASE BALLSTON 225 ACCOUNT 75504.01.055.23 AND REVENUE ACCOUNT 2089 BY SET AMOUNT.

A motion was made by Councilwoman Stewart and seconded by Councilman Goslin to accept \$105 in T-shirt revenue for Ballston 225. Increase Ballston 225 Account 75504.01.055.23 and Revenue Account 2089 by set amount.

ADOPTED: Ayes 3 Supervisor Southworth, Councilman Goslin and Councilwoman Stewart.
Nays 0

RESOLUTION 13-176

ACCEPT THE DONATION OF \$500 FROM PURDY REALTY FOR THE 225TH CELEBRATION. INCREASE BALLSTON 225 ACCOUNT 75504.01.055.23 AND REVENUE ACCOUNT 2089 BY SET AMOUNT.

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to accept the donation of \$500 from Purdy Realty for the 225th Celebration. Increase Ballston 225 Account 75504.01.055.23 and Revenue Account by set amount.

ADOPTED: Ayes 3 Supervisor Southworth, Councilman Goslin and Councilwoman Stewart.
Nays 0

RESOLUTION 13-177

APPROVE THE FOLLOWING SPONSORS FOR THE BALLSTON 225: CULLIGAN WATER CONDITIONING OF SCOTIA, PROVIDING WATER AND STEWARTS, PROVIDING ICE CREAM, BOTH AT NO CHARGE.

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to approve the following sponsors for the Ballston 225: Culligan Water Conditioning of Scotia, providing water and Stewarts, providing ice cream, both at no charge.

ADOPTED: Ayes 3 Supervisor Southworth, Councilman Goslin and Councilwoman Stewart.
Nays 0

RESOLUTION 13-178

APPROVE PAYMENT OF \$360 TO DEB DRAKE OF AH WEB DEVELOPMENT FOR HER FEE TO UPDATE THE TOWN BOARD, ZONING BOARD AND PLANNING BOARD AGENDAS AND MINUTES ON THE TOWN WEBSITE. TRANSFER \$360 FROM CONTINGENCY ACCOUNT 19904.01 TO DATA PROCESS CONTRACTUAL ACCOUNT 16804.01.

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to approve the payment of \$360 to Deb Drake of AH Web Development for her fee to update the Town Board, Zoning Board and Planning Board Agendas and Minutes on the Town Website. Transfer \$360 from the Contingency Account 19904.01 to Data Processing Contractual Account 16804.01

ADOPTED: Ayes 3 Supervisor Southworth, Councilman Goslin and Councilwoman Stewart.
Nays 0

RESOLUTION 13-179

AMEND RESOLUTION 13-045 CONCERNING THE TRANSFER OF FUNDS FOR PURCHASE OF FORD ESCAPE FOR THE BUILDING DEPARTMENT. THE TRANSFER OF FUNDS SHOULD BE FROM CONTINGENCY ACCOUNT 19904.02 TO EQUIPMENT ACCOUNT 104.02.002.14.

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to amend Resolution 13-045 concerning the transfer of funds for the purchase of the Ford Escape for the Building Department. The transfer of funds should be from the Contingency Account 19904.02 to Equipment Account 104.02.002.14.

ADOPTED: Ayes 3 Supervisor Southworth, Councilman Goslin and Councilwoman Stewart.
Nays 0

FOR DISCUSSION AND POSSIBLE ACTION:

1. License Update for Microsoft

Supervisor Southworth stated that the bookkeeper's computer was upgraded to work with the Enhanced Accounting System. Five computers also need to be upgraded due to difficulty entering vouchers on the accounting system. Quote for 5 licenses is \$1,590.60.

RESOLUTION 13-180

APPROVE THE PURCHASE OF 5 LICENSES FOR MICROSOFT 2010/2013 FROM DELL AT A COST OF \$1,590.60.

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to approve the purchase of 5 Licenses for Microsoft 2010/2013 from Dell at a cost of \$1,590.60.

ADOPTED: Ayes 3 Supervisor Southworth, Councilman Goslin and Councilwoman Stewart.
Nays 0

2. Lake Road Water

The CT Male Plan for Burnt Hills-Ballston Lake Water District No 2 Ext for Lake Road from Eastline Road to Stonebridge Drive outlined three alternatives for payment of the construction bond: Alternate 1 is Extension Borne, Alternate 2 is District Borne and Alternative 3 is Extension and Stonebridge Borne. Residents of this district, present at this meeting, voiced their agreement with CT Male's recommendation for Alternative 2 for all users within Water District No.2 to share the cost of this district. They said that the construction of this district would provide a loop for the water system and so there would be a benefit to the entire water district.

Councilman Goslin understands the residents need for water, but Alternate 2 creates an unique situation and set a precedent. Morningdale Court Water District did not get this consideration; the cost of that district is extension borne. Also the Scotchbush Road Water District is similar to this district with 17 users and the construction of that water district would create a loop in the water system but the cost is extension borne.

Town Attorney Brower stated that these alternatives are not using the same comparables. CT Male needs to redo the report so the cost calculations are consistent.

3. **Water Disconnection Fee** – no report
4. **Corrective Action Plan** - see above
5. **LED Signs** – no report
6. **Oliver Property** – discussion at the July 9th meeting
7. **Ballston Spa Fire District Protection Contract**
Supervisor Southworth stated that the wrong amount was listed in the Annual Budget for 2013. A budget adjustment will be made to cover \$250 needed for the contract. This amount will be reimbursed with interest in next year's budget and when we receive the tax bill.

RESOLUTION 13-181

APPROVE THE BUDGET ADJUSTMENT OF \$250 FROM THE CONTINGENCY FUND 19904.01 TO FIRE PROTECTION DISTRICT CONTRACTUAL EXPENSE FUND 34104.01 TO COVER THE COST OF THE BALLSTON SPA FIRE DISTRICT PROTECTION CONTRACT.

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to approve the budget adjustment of \$250 from the Contingency Fund 19904.01 to Fire Protection District Contractual Expense Fund 34104.01 to cover the cost of the Ballston Spa Fire District Protection Contract.

ADOPTED: Ayes 3 Supervisor Southworth, Councilman Goslin and Councilwoman Stewart.
Nays 0

8. Traffic Concerns on Middleline Road and Outlet Road

Supervisor Southworth reported that there have been multiple complaints from residents concerning the speed limit on Middleline Road and Outlet Road. The Town has asked for the change in the speed limit for these roads numerous times. The answer from the Department of Transportation is always the same. The problem is not the speed limit but rather the people speeding. This is an enforcement problem. The Sheriff has patrolled these areas but the Town needs a continued presence. Although there are multiple signs for farm traffic, the speeding is causing a dangerous situation for the farmers.

Councilman Goslin said the Town needs to look at different alternatives as formalized patrols on a trial basis.

RESOLUTION 13-182

ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING CONTRACT NEGOTIATIONS

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to enter into Executive Session for the purpose of discussing contract negotiations.

ADOPTED: Ayes 3 Supervisor Southworth, Councilman Goslin and Councilwoman Stewart.
Nays 0

RESOLUTION 13-183

RETURN TO REGULAR SESSION

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to return to Regular Session.

ADOPTED: Ayes 3 Supervisor Southworth, Councilman Goslin and Councilwoman Stewart.
Nays 0

No action was taken on the items discussed in Executive Session.

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

Respectfully submitted,

Carol R. Shemo
Town Clerk