

A regular meeting was held by the Town Board of the Town of Ballston on Tuesday evening, August 13, 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
Murry Brower ----- Counsel

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

The Town Clerk reported on the correspondence that was received for the month of August. She received an email from Malta resident Mr. Long who is concerned about the proposed asphalt plant in the Curtis Industrial Park. He wrote we must consider the quality of life of everyone and the lack of infrastructure to support the numerous trucks hauling asphalt on Route 67. Supervisor Southworth received a letter from the Ballston Spa Fire Department thanking the Town for all their help at the assistance at their structure fire at Augie's Restaurant.

REPORTS OF TOWN OFFICIALS

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

RESOLUTION 13-221

APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT FOR JULY

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Stewart to approve the Town Supervisor's report for July.

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

Nays 0

Supervisor Report for August

Supervisor Southworth reviewed the Supervisor's Financial Report for July 2013. She reported that the Dan Ran event was a great success. The Town Board will authorize the Budget Calendar for the 2014 Budget this evening. These meetings are open to the public. The calendar of meetings is posted on the Town website and the hall calendar. There is a new Saratoga County Animal Shelter Director. There will be reduction in fees for adopting cats from \$50 to \$25 due to the large number of cats.

Council Reports:

Councilman Szczepaniak reported that the Kids Fishing Day he presented at the Library and at the Fishing Pier was a great success. There were many kids and adults and everyone caught a fish.

Councilwoman Stewart gave the audit committee report for the Justice Court. She noted that the Court is complying with the processes outlined by the State Comptroller. She asked the Board to accept the report by resolution and it will be forwarded to the State Comptroller's Office.

RESOLUTION 13-222

ACCEPT THE FINDINGS OF THE AUDIT COMMITTEE FOR REVIEW OF THE JUSTICE COURT RECORDS.

A motion was made by Councilwoman Stewart and seconded by Councilman Goslin to accept the findings of the Audit Committee for review of the Justice Court Records.

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

Nays 0

Councilman Goslin said that at the last meeting the Board was asked to add the micro-distillery as an approved use in the Highway District. He asked the Board if they would like to move forward with a change to the Town Code and set a public hearing. The second item he discussed was a resident complaint concerning noise. He spoke with Building Inspector Johnson who said it is very difficult to enforce a noise ordinance and there is no way to prove where the noise is coming from. Mr. Johnson said the Towns of Clifton Park and Malta have a multipage noise ordinance and it is more complicated.

Supervisor Southworth added that 50 decibels is extremely low, the Town does not own a noise meter and who will enforce this regulations since many complaints are received over the weekend.

Councilwoman Stewart said if the Sheriff's Department or the State Troopers get involved and issue summons the neighbors may think twice about their actions. She volunteered to look at the noise ordinance from other towns and report back to the Board.

PRIVILEGE OF THE FLOOR

Ms. Pierce, a Town resident, said Timber Creek is getting bigger and she wonders if they should have their own taxing district. The Homeowners Association is responsible for the lights, sidewalks, trails and common parks. They may have trouble with collecting the dues to maintain these.

Supervisor Southworth replied that the Planning Board set up the Homeowners Association and the Planning Attorney reviewed the legislation. Participation in the Homeowners Association is mandatory.

OLD BUSINESS

1. 14 Lakehill Road
Town Attorney Brower said that Mr. Neuzil was served with letter concerning the unsafe status of this property. His attorney said that the windows and doors will be secured. Mr. Brower will move forward and send a letter to the court and will advise the Board when this is completed.
2. Estate of Frank Schizdick and Anchor Diamond Park –
The environmental study is in process and Attorney Brower will postpone the court meeting until its completion. Supervisor Southworth asked about the Agriculture and Market letter. Mr. Brower replied that the court sees the estate as the purchaser of the land and will complete this form.
3. Sewer Study –
Councilman Goslin reported that the committee met with: a person who is working on applying for grants for the sewer district, an engineering firm to discuss the update of the sewer district design and a member of the State Funding Authority to help the Town understand the funding process. Next meeting for the committee is August 19th and all are welcome.
4. Hawkwood Proposal – no update
5. Bike Path Extension
Supervisor Southworth said the Town has obtained the required umbrella insurance for the bike path.
6. Water District Consolidation
CT Male reported that the Town does not qualify for the Local Government Efficiency Grant. They are looking into a Department of State Grant and will report back to the Town.
7. White Beach Road
Attorney Brower stated that the deed was not filed because a map was needed from CT Male. The deed and map should be filed shortly.
8. Connolly Road – in litigation
9. Industrial Zoning Legislation –
Councilman Goslin asked attorney Brower for his opinion for moving forward with this legislation based on Dolomite. What is the Town's likelihood of success if this is challenged in court? Attorney Brower said Dolomite has no vested rights. Chances of the Town prevailing are good. Councilman Goslin received the same opinions from the Town Attorney for Planning and Zoning and legal counsel for the SEQRA.

Supervisor Southworth added that the Board should look at light spillage at the same time. Lights cannot spill out over the property line. Although they are under two different sections of the Town Code, provisions for billboards should be updated at the same time as LED Signs.

Councilman Szczepaniak said the Library will be looking for a LED sign. The Board needs to look at this legislation since businesses will be looking to have these signs. This is the reason he asked for a moratorium at an earlier meeting, while the Board looks at this issue.

Councilman Goslin feels the Board needs to consider the area where the sign will be placed, whether it is residential or commercial. The signs should reflect the rural character of the Town. The signs need to be appropriate; flashing and scrolling signs can cause safety issues. Although they are a thing of the future, there are areas where LED Signs fit and do not fit.

The Board decided that LED Signs still need more discussion.

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

Respectfully submitted,

Carol R. Shemo
Town Clerk