

A regular meeting of the Town Board of the Town of Ballston was held Tuesday evening April 30, 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 appointed Charles Merriam as the Chairman of the Ethics Board for a term commencing April 30, 2013 and ending December 31, 2013.

Supervisor Southworth introduced Ana Stanko, a spokesperson for The Gateway House of Peace. Ms. Stanko reported The Gateway House of Peace is the future hospice home on Rowland Street in the Town of Milton. Volunteers are in the process of renovating the house with plans to open it in the summer. It will give 2 patients, who have three months or less to live, a homelike environment to spend their last days. Gateway House of Peace does not receive government funding or insurance reimbursements. They rely on donations, memorials, fundraising, grants, bequests and gifts from the community. Ms. Stanko wants to make people aware of the Gateway House of Peace and their need for volunteers. Gateway House of Peace is a wonderful addition to our community and you can reach Ana Stanko at [ambassadors@gatewayhouseofpeace.org](mailto:ambassadors@gatewayhouseofpeace.org).

Supervisor Southworth added that residents can drop off personal care items and pantry items and she will take them to the Gateway House of Peace.

The Town Clerk read the Correspondence, a letter from Carole Beauregard, Program Director of Care Links of Southern Saratoga County. Care Links is a care giving program that matches volunteers with care receivers to offer nonmedical support to adults, sixty and over. The goal is to make life easier for seniors wanting to stay in their homes as long as possible. With Care Links services like friendly visiting, respite, shopping, chores, reassurance calls, and transportation, they help with the immediate families' needs to care for their aging parents. This year Care Links are beginning services to the Towns of Ballston and Charlton.

The Town Clerk stated that there was a correction to the April 9<sup>th</sup> Town Board Minutes. Resolution 13-108 should read the Public Hearing for the Morningdale Court Water District, BH-BL Water District No. 2 Ext #24, will be held May 14<sup>th</sup> at 7:15 p.m.

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

*Ms. Pierce* feels the posting of public notices on the Town's website with the agendas would be very helpful. She feels the added information would keep residents informed, involved and more people would attend the meetings. Also, at a recent Planning Board Meeting, there was a request for a special use permit for a LED sign. It illustrates the need to update the Town Code since the last time signs were reviewed in the Code, this technology did not exist.

*Mr. Merriam* and his wife Pat have planted a tree, the Herb & Joyce Jackson Tree, in honor of their service to the Town of Ballston. They have a sign at the site that states: Herb and Joyce have served an accumulated 108 years in the BH-BL Fire Department and Ambulance Corp. They thank the Jacksons for their dedicated service and hop to encourage others to volunteer their services.

*Mr. Merchant* reported that the T-shirts commemorating the 225<sup>th</sup> celebration of the Town of Ballston are now on sale for five dollars. They will be available for purchase at Town Meetings.

## **OLD BUSINESS**

### **Zoning Change from Heavy Industrial to Light Industrial**

Councilman Goslin said due to the number of issues and technicalities, he feels the Board should not vote on the zoning change from Heavy Industrial to Light Industrial this evening. People offered to meet and have a workshop and he is willing to listen, learn and work things out. He thanked the people who spoke at the Public Hearing. He reviewed how the Board got to this point with this zoning change. The Town Board is the legislative body of the Town. It is their job to listen to the residents, review the local laws and recommend changes to the Code. In his opinion, the Town of Ballston has the only heavy industrial zoning in Saratoga County. The Towns around us have light industrial zoning. The Town has grown and residents now live near the Industrial Zone. The environment was always there, Ballston Lake, marshlands and habitat. Our economy is changing. Global Foundries and other light industries have provided growth in the whole area. The Board is not trying to eliminate the Industrial Zone. The Board is looking to find balance; the Town can have an Industrial Zone and have residents who live nearby.

Councilwoman Hynes appreciated the speakers at the Public Hearing. She agreed with Councilman Goslin that the legislation should not be voted on this evening due to the issues raised with the failure to notice, adult uses and the grandfathering issue. Ms. Hynes said the Town Attorney is absent and his legal advice is needed on these issues. She participated in the development of the Comprehensive Plan and the zoning that followed and agrees with the speakers that it is time to revisit it again. With the big development push in Saratoga County and especially the Town of Malta, there have been major changes in the area. It is a very expensive proposition to update the Comprehensive Plan especially with the uncertain finances of the Town. Hopefully, the Town Board can make an informed decision for next year.

Councilman Szczepaniak supported tabling the vote on this issue. He asked the Board's expectation on when the legal issues can be addressed and the zoning change can be considered.

Supervisor Southworth thanked the speakers at the Public Hearing for their valuable information. She said that those who sat through the Comprehensive Plan process would say this is definitely spot zoning. Ms. Southworth said the Board needs to look at the economic impact at changing the zoning on one parcel. Limited uses will affect the assessment, the tax base, the tax payer, sales tax and employment issues. She said the Town should open the Comprehensive Plan Process and start again legally. She stated she has a grave concern for the impact on the community and the potential legal ramifications of this zoning.

### **ESTATE OF FRANK SCHIZDICK**

Councilman Szczepaniak asked the Supervisor the status of the signature for the stocks from the Schizdick Estate. We want to sell the stocks and move the park project along. The Town received a million dollar gift to the Town and it has been a three year process with delay after delay. He has received a purchase agreement for Anchor Diamond Park. The Town Attorney and Mr. Lang's attorney are working on the agreement. He will send the changes to the agreement to the Board.

Supervisor Southworth said she will not sign anything until she has the final decree from the Surrogate Court.

Councilman Goslin said that the Town Attorney gave his legal opinion that the Supervisor can sign the stocks over for transfer. Mr. Goslin said that the Supervisor is opposed to the Park.

Supervisor Southworth said she is not opposed to the park. She is against buying a large plot of land with the majority of the money and not sustaining the park over the long haul and sending the tax payers a bill. She stated she is well within legal bounds of her responsibility not to sign over everything.

Councilwoman Hynes said Mr. Lang has gone through a very lengthy process. The Board needs to get past this impasse with the stocks. What do we need to do to sign the certificate and move forward with the park?



**RESOLUTION 13-116**

**ESTABLISH THE TOWN BOARD AS THE COMMITTEE FOR THE PURPOSE OF INTERVIEWING CANDIDATES TO FILL A VACANCY ON THE PARKS AND RECREATION COMMISSION.**

A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to establish the Town Board as the committee for the purpose of interviewing candidates to fill a vacancy on the Parks and Recreation Commission

DENIED      Ayes 2      Councilman Szczepaniak and Councilman Goslin

Nays 3      Supervisor Southworth, Councilwoman Hynes and  
Councilwoman Stewart

Supervisor Southworth, Councilwoman Hynes and Councilwoman Stewart voted against this resolution due to the Section of the Town Code 28-32 that states that a committee of three Board members interview the candidates.

**RESOLUTION 13-117**

**ESTABLISH A COMMITTEE PURSUANT TO TOWN CODE SECTION 28-32 FOR THE PURPOSE OF INTERVIEWING CANDIDATES TO FILL A VACANCY ON THE PARKS AND RECREATION COMMITTEE. THE COMMITTEE WILL BE SUPERVISOR SOUTHWORTH, COUNCILMAN SZCZEPANIAK, COUNCILWOMAN STEWART AND PARKS AND RECREATION CHAIRMAN DAN RUSSELL**

A motion was made by Supervisor Southworth and seconded by Councilwoman Hynes to establish a committee pursuant to Town Code Section 28-32 for the Purpose of interviewing candidates to fill a vacancy on the Parks and Recreation Committee. The Committee will be Supervisor Southworth, Councilman Szczepaniak, Councilwoman Stewart and Parks and Recreation Chairman Dan Russell.

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

Nays 0

**RESOLUTION 13-118**

**APPROVE THE EXPENSE FOR HIGHWAY SUPERINTENDENT JOSEPH WHALEN TO ATTEND HIGHWAY SCHOOL JUNE 2-5, 2013 IN ITHACA, NY WITH OVERNIGHTS.**

A motion was made by Councilwoman Hynes and seconded by Councilwoman Stewart to approve the expense for Highway Superintendent Joseph Whalen to attend Highway School June 2-5, 2013 in Ithaca, NY with overnights.

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

Nays 0

**RESOLUTION 13-119**

**ACCEPT WITH REGRET THE RESIGNATION OF DEPUTY TOWN CLERK CARRIE FISHER EFFECTIVE MAY 3, 2013.**

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Hynes to accept with regret the resignation of Deputy Town Clerk Carrie Fisher effective May 3, 2013.

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

Nays 0



Supervisor Southworth replied that she is not against the park but she needs the final decree from the Surrogate Court to proceed. The Town Attorney needs to sit down with the Supervisor and make her comfortable with the direct the Town is going with regards to the Schizdick Estate.

**RESOLUTION 13-121**

**ENTER INTO 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 Councilman Goslin and seconded by Councilman Szczepaniak to enter into Executive Session for the purpose of discussing collective negotiations pursuant to Article 14 of Civil Service Law for the Highway Department.

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

Nays 0

**RESOLUTION 13-122**

**RETURN TO REGULAR SESSION**

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

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

Nays 0

**RESOLUTION 13-123**

**SET UP A ONE HOUR CONSULTATION WITH THE LAW FIRM OF BOND, SCHOENECK AND KING TO RECEIVE COUNSEL ON THE LEGAL NEEDS OF THE BOARD**

A motion was made by Councilwoman Stewart and seconded by Councilman Szczepaniak to set up a one hour consultation with the law firm of Bond, Schoeneck and King to receive counsel on the legal needs of the Board.

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

Nays 0

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to adjourn.

Respectfully submitted,

Carol R. Shemo  
Town Clerk