

A regular meeting was held by the Town Board of the Town of Ballston on Tuesday evening, May 14, 2013 at the Town Hall on Charlton Road.

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

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

Supervisor Southworth introduced Mary Anderson from the Burnt Hills-Ballston Lake Rotary who made a presentation on behalf of the Town in Bloom. She presented Highway Superintendent Joseph Whalen with a check for \$500. The Rotary has received many donations for this project and they wanted to share this community support with the Town. Ms. Anderson stated that the Rotary could not have this program without the help with watering the flowers by the Highway Department's summer employees. Mr. Whalen thanked the Rotary. He stated that the Town in Bloom Project was started eleven years ago to beautify the areas of the Town with plantings and flowers. It has enhanced the business areas of the Town.

The Town Clerk read the correspondence for May. One letter was addressed to the Board from Town Assessor Peter Hotaling. He requested the Town Board approve his request to attend his continuing education courses at Ithaca, NY July 14 – July 18, 2013. The second letter was from Richard L. Kinney. He submitted his resignation from the Zoning Board of Appeals effective May 2, 2013.

REPORTS OF TOWN OFFICIALS

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

RESOLUTION 13-124

APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT FOR APRIL.

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

ADOPTED Ayes 4 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak and Councilwoman Stewart

Nays 0

Supervisor Report for May

Supervisor Southworth wished to thank all the volunteers for Ballston Lake Clean-up Day. There will be Memorial Day Parades in the Village of Ballston Spa and the City of Saratoga Springs. There will be a Public Hearing concerning Saratoga County Landfill Proposals on May 15th at the County Building.

Council Member's Reports

Councilman Szczepaniak referenced the letter from Water Superintendent Joseph Whalen advising the Town Board that 110 residents have not paid their water bill. These residents are repeat offenders. Councilman Szczepaniak will explore options to prevent this from reoccurring and he and Town Attorney Brower will take appropriate action.

Councilwoman Stewart reported that she contacted Edward Swanson concerning an audit of the Court Fund. She stated she will contact Town Justice Fantauzzi and Town Justice Burns, as well as Court Clerk Kathleen O'Donnell. Councilwoman Stewart is awaiting forms for reapplying for the Town Insurance.

Councilwoman Hynes stated that Judge Burns experienced difficulties transitioning from our former IT provider to our present IT provider. Information was lost and needed to be added manually to the system.

PRIVILEGE OF THE FLOOR

Ms. Windels said that July 13, 2013 is day the Town will celebrate the 225th Birthday of the Town of Ballston. Activities are planned to take place at the Town Hall, Presbyterian Church and the Merchants Farm. An ice cream social at the Town Hall will be the final event.

Ms. Barns has been a resident of Morningdale Court for eight years. She and all her neighbors have serious problems with their wells. She asked the Town Board to approve the Water District for Morningdale Court.

Supervisor Southworth stated that the Board would be voting on a resolution this evening authorizing the Supervisor to engage bond counsel for this project. At the May 28th Town Board meeting, the Board will vote to pass a resolution naming the Town Board Lead Agency and to make a SEQRA declaration. The bid spec for this project will be released. The Town generally allows three weeks for this process and then the contract is awarded. An estimated time for this project to begin would be the end of June.

Town Attorney Brower stated that it is necessary to wait 30 days after the bond resolution to see if someone is opposed to the water district and present a petition to the Board. A permissive referendum would be required for this water district. For a permissive referendum to pass for this water district, it would require that fifty percent of the owners would need to sign a petition for the water district and fifty percent of their assessment be in favor of the water district.

Jim Splaine asked if the water district is voted down, how would he be able to tie into the Water District?

Supervisor Southworth replied with the number of people that signed the petition, the Board is not anticipating any problems.

Attorney Brower said that the Board would need to authorize you to be an outside user.

Councilwoman Hynes stated that the Board understands your water problem and we will do everything we can to move it along.

OLD BUSINESS

1. 14 Lakehill Road

Town Attorney Brower is asking the Town Board to approve a resolution to hire a private investigator so the owner can be personally served with the necessary documents.

2. Estate of Frank Schizdick

On May 22nd there is a meeting on the Schizdick Estate and there will be an update at the May 28th Town Board Meeting.

3. Anchor Diamond Park Agreement

Mr. Brower will contact Mr. Lang's attorney.

4. Sewer Study

No update, since Councilman Goslin is absent from this meeting.

5. Hawkwood Proposal

No new information

6. Route 50 Turn Lane

Attorney Brower will send the agreement to Mrs. Johnson.

7. Bike Path Extension

Councilwoman Hynes and Attorney Brower will review the licensing agreement.

8. Water District Consolidation

In progress

9. White Beach Road

Attorney Brower will file deeds and easements.

- 10. Connolly Road Proposed Closure
Awaiting ALJ decision
- 11. Westwind Farm
Town Attorney will review and accept easements.

NEW BUSINESS FOR CONSIDERATION AND ACTION:

RESOLUTION 13-125

APPROVE TOWN ASSESSOR PETER HOTALING TO ATTEND CORNELL SEMINARS OFFERED BY THE NYS ASSESSORS ASSOCIATION FROM JULY 16 – JULY 20, 2013.

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Hynes to approve Town Assessor Peter Hotaling to attend Cornell Seminars offered by the NYS Assessor Association from July 16 – July 20, 2013

ADOPTED Ayes 4 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak and Councilwoman Stewart
Nays 0

RESOLUTION 13-126

AUTHORIZE THE PURCHASE OF NEW BACKUP TAPES FOR THE SERVER AT A COST OF \$787.50.

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Hynes to authorize the purchase of new backup tapes for the server at a cost of \$787.50.

ADOPTED Ayes 4 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak and Councilwoman Stewart
Nays 0

RESOLUTION 13-127

ACCEPT THE RESIGNATION OF RICHARD KINNEY FROM THE ZONING BOARD OF APPEALS EFFECTIVE MAY 2, 2013.

A motion was made by Councilwoman Hynes and seconded by Councilwoman Stewart to regretfully accept the resignation of Richard Kinney from the Zoning Board of Appeals effective May 2, 2013.

ADOPTED Ayes 4 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak and Councilwoman Stewart
Nays 0

The Town of Ballston Community Library Director Karen DeAngelo has requested the Town Board to approve two temporary staffing positions due to medical leaves for two employees. The temporary staffing positions have been approved by Civil Service and recommended by the Library Board of Trustees.

RESOLUTION 13-128

APPROVE THE TOWN OF BALLSTON COMMUNITY LIBRARY'S REQUEST FOR TEMPORARY STAFFING: ONE-HALF TIME TEMPORARY DUTY STATION LIBRARY CLERK POSITION FOR UP TO NINETY DAYS AT \$8.75/HR AND ONE-HALF TEMPORARY DUTY STATION LIBRARIAN I POSITION FOR UP TO NINETY DAYS AT \$17.50/HR.

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Stewart to approve the Town of Ballston Community Library Director Karen DeAngelo's request for temporary staffing: one-half time temporary duty Station Library Clerk Position for up to ninety days at \$8.75/hr and one-half temporary duty Station Librarian I Position for up to ninety days at \$17.50/hr.

ADOPTED Ayes 4 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak and Councilwoman Stewart
Nays 0

RESOLUTION 13-129

APPROVE DEBRA DRAKE TO UPDATE THE TOWN WEBSITE AT A COST OF \$560 AND APPROVE UP TO 15 HOURS OF TRAINING FOR THE DEPUTY TOWN CLERK AT \$60/HR.

A motion was made by Councilwoman Hynes and seconded by Councilwoman Stewart to approve Debra Drake to update the Town website at a cost of \$560 and approve up to 15 hours of training for the Deputy Town Clerk at \$60/hr.

ADOPTED Ayes 4 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak and Councilwoman Stewart

Nays 0

RESOLUTION 13-130

APPOINT JOHN ANTOSKI, WHO IS CURRENTLY AN ALTERNATE MEMBER OF THE ZONING BOARD OF APPEALS, TO THE UNEXPIRED TERM OF RICHARD KINNEY COMMENCING MAY 14, 2013 AND ENDING DECEMBER 31, 2017.

A motion was made by Councilwoman Hynes and seconded by Councilwoman Stewart to appoint John Antoski, who is currently an alternate Member of the Zoning Board of Appeals, to the unexpired term of Richard Kinney commencing May 14, 2013 and ending December 31, 2017.

ADOPTED Ayes 4 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak and Councilwoman Stewart

Nays 0

RESOLUTION 13-131

AUTHORIZE TOWN SUPERVISOR SOUTHWORTH TO ENGAGE BOND COUNSEL TO PREPARE THE NECESSARY BOND PAPERWORK FOR BH BL WATER DISTRICT NO. 2 EXT 24, MORNINGDALE COURT.

A motion was made by Councilwoman Stewart and seconded by Councilman Szczepaniak to authorize Town Supervisor Southworth to engage Bond Counsel to prepare the necessary bond paperwork for BH-BL Water District No. 2 Ext 24, Morningdale Court.

ADOPTED Ayes 4 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak and Councilwoman Stewart

Nays 0

RESOLUTION 13-132

ACCEPT THE FIVE HUNDRED DOLLAR DONATION FROM THE BH-BL ROTARY FOR THE TOWN IN BLOOM PROGRAM. INCREASE THE BRUSH AND WEEDS PERSONAL SERVICE ACCOUNT BY SET AMOUNT AND INCREASE THE REVENUE ACCOUNT BY LIKE AMOUNT.

A motion was made by Councilwoman Hynes and seconded by Councilman Szczepaniak to accept the five hundred dollar donation from the BH-BL Rotary for the Town in Bloom Program. Increase the Brush and Weeds Personal Service Account by set amount and increase the revenue account by like amount.

ADOPTED Ayes 4 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak and Councilwoman Stewart

Nays 0

RESOLUTION 13-133

AUTHORIZE TOWN ATTORNEY BROWER TO HIRE AN INVESTIGATOR TO LOCATE AND PERSONALLY SERVE THE PROPERTY OWNER AT 14 LAKEHILL ROAD WITH THE NOTICE OF UNSAFE STRUCTURE.

A motion was made by Councilwoman Hynes and seconded by Councilman Szczepaniak to authorize the Town Attorney Brower to hire an investigator to locate and personally serve the property owner at 14 Lakehill Road with the Notice of Unsafe Structure.

ADOPTED Ayes 4 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak and Councilwoman Stewart

Nays 0

FOR DISCUSSION AND POSSIBLE VOTE:

1. Fireworks Permit

Building Inspector Tom Johnson reported that the Town may receive a request for a fireworks permit for a wedding in Town. Under the New York Penal Law, a fire suppression system is required to be present.

2. LED Signs

The Chairman of the Planning Board Richard Doyle asked for the Town Board's guidance on LED signs. The Town Code doesn't cover LED signs and there are two applicants before the Planning Board requesting these signs.

Building Inspector Johnson stated the Town Code covers non-animated and non-moving signs.

Councilwoman Stewart noted that the Board needs an interpretation of the Code to provide clarification for the Board.

Supervisor Southworth asked Councilwoman Hynes to provide information on LED signs from other municipalities who have already consider the zoning on these signs so that the Board can provide guidance for future applications.

Councilwoman Hynes is concerned about providing information on LED signs. She does not want to weigh in on applications pending before the Board.

Attorney Brower added that you can change a regulation right up until the time of the vote.

Councilman Szczepaniak stated with all these questions concerning LED signs, he feels strongly that the Town should impose a moratorium on LED signs until the Board has answers to these questions.

Chairman Doyle explained that the Planning Board tabled the matter by a 4-3 vote. Those in opposition felt it did not fit the character of the Town. The Planning Board will table signs for the next two weeks while this matter is considered.

3. Industrial Zoning

The Town Board is planning to meet for a workshop on Tuesday, May 28th at 6:30 p.m. to consider changes to the Industrial Zoning Legislation.

4. Rossi Project

Richard Doyle, Chairman of the Planning Board, asked the Town Board for a letter of support to be sent to the Trustees of the Village of Ballston Spa to move Mr. Rossi's PUDD project along. Mr. Rossi has received approval from the Village of Ballston Spa but they did not follow through with the engineering plans that were submitted to them. It required the Episcopal Church to lose 8 parking spaces off of Route 67 in front of the Church.

Supervisor Southworth noted that there are two separate issues with the Rossi project. The first is for Mr. Rossi to bring the connector road from his project to Route 67. Trusco Bank gave Mr. Rossi approval for this recently. The second issue is that DOT will not authorize any work permits on the highway without this issue of the parking spaces in the Village being solved. She said without this resolution, there will be no development on the north side of the Town of Ballston. She said when the project started the Town wanted the connector road and a sewer line for people on Route 67 and the Town's Industrial District.

Councilwoman Hynes asked whether this letter of support would include any financial aspect to the Town of Ballston.

Supervisor Southworth replied that the applicant would pay any financial aspects.

The Town Board authorized the Town Supervisor to sign the letter of support for the Rossi project and urge the Church to move forward with the removal of the 8 parking spaces. This letter should be sent to the Trustees of the Village of Ballston Spa, Pastor Roy of the Episcopal Church and Mr. Rossi.

PRIVILEGE OF THE FLOOR

Mr. Jackson listed his complaints against Town Attorney Brower for not following through on issues concerning White Beach Road, the closing of Saunders Lane and class-action lawsuit with Fiber Optics regarding the railroad crossing.

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

Respectfully submitted,

Carol R. Shemo
Town Clerk