

A regular meeting was held by the Town Board of the Town of Ballston on Tuesday evening, May 28, 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
	Murry Brower	-----	Counsel
	Carol Shemo	-----	Clerk

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

Jason Dell, engineer with Lansing Engineering, made a presentation on Timber Creek Preserve Phase IV on behalf of Geoff Brooks and Heritage Development Holdings. The proposed Timber Creek Preserve Phase IV is a residential project that includes 96 acres in the Ballston Lake Residential District. There are 17.3 acres of wetlands with 63 acres of usable land. The proposed project will be a Traditional Neighborhood Design with 276 residential units with 95 single-family homes, 13 buildings of twin townhomes, 12 buildings of 3 family multi-unit townhomes, 3 buildings of 4 family multi-unit townhomes and 12 apartment buildings with a total of 107 units. The number of residential units is below the allowable density for this area. There will be vehicular access at Benedict and Longkill Roads. The water system will form a loop connecting to the Town of Ballston system on Benedict and East Line Road. This development will have interconnected streets, sidewalks, trails and park-like areas. The archeological study noted no further investigation is required. DEC performed an endangered and threatened species determination and noted none. The traffic study was conducted by Greeman-Pedersen. They determined signal timing will improve the traffic situation at Round Lake Road and East Line Road.

Supervisor Southworth asked if the traffic study made any recommendations for the intersection of Round Lake Road and Benedict Road. She asked if they were clear concerning the Town Code setbacks for sheds, pools and auxiliary structures.

Mr. Dell responded that the intersection was not singled out in the traffic study. The developer is clear on the setbacks.

Mr. Brooks discussed the optional maintenance free package available to homeowners. He stated that the Home Owners Association dues will pay for the sidewalks and street lighting after the project is completed. Mr. Brooks said there are 80 acres designated as forever wild. The regulations concerning the forever wild areas are addressed in the covenant and deeds of the property owners.

Councilman Goslin asked Mr. Brooks to describe the different models available. He asked about the buffers between the houses in Timber Creek Preserve Phase IV and the homes on Benedict Road. Mr. Brooks said he would bring a more detailed map showing the distance from the houses on Benedict Road and the homes in this project for the next meeting.

Councilwoman Stewart asked when the sidewalks are installed. Mr. Brooks responded the sidewalks are constructed at the time the homes are built.

Councilman Szczepaniak asked what school districts are included in this development.

Building Inspector Johnson answered that Phases I and II are in Shenendehowa, Phase III is in Burnt Hills-Ballston Lake and Phase IV is one-half in Burnt Hills-Ballston Lake and one-half in Shenendehowa.

Councilwoman Hynes asked Mr. Brooks what would be the public benefit of this PUDD.

Mr. Brooks stated that this PUDD would extend the sewer district, the water system and the National Grid service as well as natural gas. It would provide: an easier roadway design to handle for the highway department, street lighting and sidewalks for safety, green areas for trails and shared parks and increased tax base without infrastructure cost. He said they are considering the addition of a community center and pool near the Benedict Road area.

Councilwoman Hynes asked if Mr. Brooks would consider the purchase of development rights for parks in another part of the Town.

Mr. Brooks stated he would entertain discussion on this proposal.

Supervisor Southworth reminded Mr. Brooks that the parking on the streets during the winter months makes it difficult for the Town to plow the roads.

Ms. Windels asked whether the developer lets the Town of Malta know about adding traffic to the area.

Mr. Brooks replied that he is not obligate to do so. Mr. Johnson added that during the Planning Board review process, the neighboring properties are notified about the development. Supervisor Southworth noted that Malta has completed a Round Lake Study.

Mr. Voehringer asked Mr. Brooks if he pays the rec fee of \$1,000 per unit. Mr. Brooks stated he does pay that fee.

Mr. Brooks noted that for the next meeting he will present the Homeowners Association document for Phase I and deed restrictions for legal review. He will send electronically copies of the traffic study for the Board members. Mr. Brooks will ask Greeman-Pedersen Inc. to do a presentation on their traffic study for Timber Creek Preserve Phase IV. Also he will provide a map that shows the buffer between the units in this development with the houses on Benedict Road.

Resolution 13-134
AUDIT OF CLAIMS

A motion was made by Councilwoman Stewart and seconded by Councilwoman Hynes to approve the payment of the bills on the May Abstract with the exception of the Business Automated Services voucher for \$16,000. The Board will confirm the BAS contract. The bills were approved for payment as follows:

General Fund	No. 174 - 222	\$ 31,298.92
Highway Fund	No. 178-237	34,142.79
Gravel Pit Fund	No. 5 -10	9,413.33
Park Fund	No.3 - 9	5,120.66
Library	No. 179 - 230	14,002.56
Water Fund District 2 (SW)	No. 46 - 63	5,030.96
Blue Barnes Rd Dist. No.2 Ext# 13 (BBR)	No. 32 - 46	78.34
Brookline Rd Rte 67 No.2 Ext#12 (BRW)	No. 33 - 49	958.58
Goode St Dist. No.2 Ext#14 (GSW)	No. 32 - 46	265.58
Paradowski Rd Water Dist. No. 5 (RW)	No. 14 - 21	24.07
Route 50 Water No.2 Ext#7 (RTW)	No. 31 - 45	1,581.47
Scotcbush Water Dist. No.6 ((WW)	No. 14 - 21	36.11
Silver Ln Water Dist. No 6 Ext#1 (WX)	No. 14 - 21	12.03
Chapel Hill Water Dist. No. 2 Ext # 18 (CH)	No. 31 - 45	464.78
Brooks Heritage Dist. No.2 Ext #21 (RL)	No. 20 - 34	78.43
Stonebridge Enclave No.2 Ext #19	No. 11-25	66.39
Trust & Agency	No. 16 -18	3,126.70

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

Nays 0

Supervisor's Report

Supervisor Southworth reported that a National Health Survey is taking place in Saratoga County offered by the Center of Disease Control to help plan for future needs. The emergency squads held EMS Days and it was very informative. General Lennon visited the Guardian House and the facility for the men's veterans housing and he was very impressed and gratified with our sense of priority to our veterans. The NYS equalization rate for the Town of Ballston is 98.80. Willow Marsh Farm is celebrating the opening of its store. Remember the Farmers' Market is open Saturdays from 9 – 1. Update on the Schizdick Estate from the Court conference on May 22nd. The Trustee will purchase the 100 acres of park land for \$6,000. The Town is not authorized to sell the stocks.

PRIVILEGE OF THE FLOOR:

Mr. Jackson asked about the status of the 130 paperwork for the funding for the Railroad Crossing at White Beach Road and for the Senator Farley Grant. Also, he asked the Town Board to carefully oversee the engineering cost to upgrade White Beach Road.

OLD BUSINESS:

1. 14 Lakehill Road
Town Attorney Brower will submit a motion to the court on June 8th to serve the owner of this property in alternate fashion.
2. Estate of Frank Schizdick and Anchor Diamond Park
At the May 22nd meeting the Judge called for a speedy resolution to this matter. The Trustee will purchase the 100 acres of park land for \$6,000. The Town is not authorized to sell the stocks. There will be a follow-up meeting on June 13th.
3. Sewer Study
The Sewer Study group will meet in June.
4. Hawkwood Proposal – no update
5. Route 50 Turn Lane
An agreement was reached with the property owner and the necessary paperwork will be forwarded to DOT
6. Bike Path Extension
Councilwoman Hynes and Town Attorney Brower have reviewed the contract with National Grid. The Insurance Company will be contacted before they can finalize the agreement.
7. Water District Consolidation – in progress
8. Security Cameras – will be reported on next month
9. Westwind Farms
Town Attorney Brower stated the water line has been approved by the Town Engineer and will be accepted by the Town. The easements will be ready to be accepted at the next meeting.
10. Financial Workshops
There have been two workshops and the Board is working on a corrective action plan for the NYS Comptroller's Office in response to the audit report. This plan is due the end of July. The next meeting will be June 4th.

Supervisor Southworth reported that concerning Morningdale Court Water District it will be necessary to include 10 – 15% additional funds to cover the cost of the project.

Attorney Brower said this is a significant change to the water district and it will be necessary to have a new Public Hearing and new notice of affidavit publicized.

The Board is looking to hold the new Public Hearing for Morningdale Court Water District on June 11, 2013 at 7:15 p.m.

NEW BUSINESS FOR CONSIDERATION AND ACTION:

RESOLUTION 13-135

**ACCEPT \$295 IN T-SHIRT REVENUE FOR THE 225TH COMMITTEE.
INCREASE THE BALLSTON 225TH ACCOUNT 75104.01.055 BY \$295 AND
INCREASE THE REVENUE ACCOUNT BY LIKE AMOUNT.**

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to accept \$295 in T-shirt revenue for the 225th committee. Increase the Ballston 225th Account 75104.01.055 by \$295 and increase the revenue account by like amount.

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

Nays 0

RESOLUTION 13-136

**APPROVE THE SPONSORS OF THE BALLSTON 225. EACH ONE HAS
DONATED MONEY OR SERVICES: MERCHANT SPORTS, AJ SIGNS,
ADVANTAGE DISPOSAL, BALLSTON SPA NATIONAL BANK AND MAIL N
MORE.**

A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to approve the sponsors of the Ballston 225. Each one has donated money or services: Merchants Sports, AJ Signs, Advantage Disposal, Ballston Spa National Bank and Mail N More. The Town Board is thankful for their support.

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

Nays 0

RESOLUTION 13-137

**APPROVE THE PURCHASE OF MICROSOFT OFFICE 2010 PROFESSIONAL,
WITH UPGRADE RIGHTS TO 2013, FOR THE BOOKKEEPER AT A COST
NOT TO EXCEED \$400.**

A motion was made by Councilwoman Hynes and seconded by Councilman Goslin to approve the purchase of Microsoft Office 2010 Professional, with upgrade rights to 2013, for the bookkeeper at a cost not to exceed \$400.

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

Nays 0

RESOLUTION 13-138

**AUTHORIZE A LETTER OF SUPPORT FOR MR. ROSSI'S PUDD TO IDA
REQUESTING FUNDS TO BRING THE CONNECTOR ROAD FROM HIS
PROJECT TO ROUTE 67 AND EXTEND THE SEWER LINE FOR RESIDENTS
ALONG ROUTE 67 AND THE TOWN'S INDUSTRIAL DISTRICT**

A motion was made by Councilman Goslin and seconded by Councilwoman Hynes to authorize a letter of support for Mr. Rossi's PUDD to IDA requesting funds to bring the connector road from his project to Route 67 and extend the sewer line for residents along Route 67 and the Town's Industrial District.

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

Nays 0

RESOLUTION 13-139

TRANSFER \$2500 FOR THE FIREWORKS DISPLAY FOR FLAG DAY CELEBRATION FROM CONTINGENCY ACCOUNT 19904.01 TO CELEBRATIONS CONTRACTUAL 75504.01

A motion was made by Councilwoman Hynes and seconded by Councilman Goslin to transfer \$2500 for the fireworks display for Flag Day Celebration from Contingency Account 19904.01 to Celebrations Contractual 75504.01

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

Nays 0

FOR DISCUSSION AND POSSIBLE VOTE:

1. LED SIGNS

Councilwoman Hynes will look into this information for the next meeting.

Councilman Szczepaniak sees that there is a lot of work to do on this issue. He believes the Town should approve a moratorium on LED signs.

Supervisor Southworth asked for information from other municipalities concerning LED signs and amendments passed to their laws.

Councilman Goslin does not see how LED signs fit in with the character of the Town.

Councilwoman Stewart suggested a review of court opinions on what entails movement in signs.

Supervisor Southworth stated that with applications for LED signs before the Planning Board she does not want Board action to be construed as undue influence on the Planning Board.

2. Oliver Property, 239.-1-6.1, Unsafe Structure

Building Inspector Johnson usually receives a complaint from a town resident on an unsafe structure before he investigates a property. Councilwoman Hynes will be the complainant for the Oliver Property.

3. Bridgewater Apartments Request To Connect To Water District.

A discussion was held on Bridgewater's decision not to be included in the district at the time of its formation. The Board is concerned with fairness to the other users and that the decision should be fair and equitable to all. Another concern is the number of connections for this facility and the need for hydrants.

Town Attorney Brower will review the documentation on this water extension.

4. Disconnection of Water Service Due To Unpaid Water Bills

Councilman Szczepaniak stated the Town Board needs to address this problem to help the Water Superintendent. He recommends turning off the water to repeat offenders who never read their meters and never pay their bill on time. At this time there is \$60,000 of unpaid water bills. Those, who do not pay their bill on time, are being unfair to other Town residents and unfair to the Town with water expenses to pay. If a resident has a financial hardship, payment should be worked out with the resident. It is time for the Board to take a hard line and disconnect the service after 60 days notice.

Supervisor Southworth stated that the Board is concerned with repeat offenders. If a resident needs help with reading a meter due to age or illness, the Town has always read the meter for these people. She said that the Town is losing money with the residents who do not read their meter instead have their water usage estimated. She asked the Board will there be a reconnection fee? What amount should this fee be? How will the residents be notified?

Councilwoman Stewart questioned how this will work for rental properties?

Town Attorney Brower stated that under Town Law, the Town does have the right to turn off the water after the residents has not paid their bill. Notice needs to be sent to the property owner and 60 days is the minimum time necessary to wait after a notice is sent. This will be followed by a notice of disconnection of water service sent to the property owner.

Councilman Goslin added the notice needs to be firm but professional letter and the information concerning the hardship case clause needs to be stated so the residents can be heard.

Town Attorney Brower and Water Superintendent Whalen will write the notice of disconnection.

RESOLUTION 13-140

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 Councilwoman Hynes and seconded by Councilwoman Stewart 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 13-141

RETURN TO REGULAR SESSION

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

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

Nays 0

No action was taken during Executive Session.

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

Respectfully submitted,



Carol R. Shemo
Town Clerk