

A regular meeting was held by the Town Board of the Town of Ballston on Tuesday evening, March 8, 2016 at the Town Hall on Charlton Road.

PRESENT: Tim Szczepaniak Supervisor
Bill Goslin Councilman
John Antoski Councilman
Kelly Stewart Councilwoman
Chuck Curtiss Councilman
James Walsh Counsel
Carol Gumienny Clerk

Supervisor Szczepaniak called the meeting to order at 6:30 p.m. and the Pledge of Allegiance was recited.

Recognition of Eagle Scout Matthew Hagan Resolution 16-047 will be presented at the April 12th Town Board meeting.

CORRESPONDENCE

The Town Clerk stated three emails were received from Town residents supporting the removal of the Density Bonus. Notification was received from NYS that Local Law 1 of 2016 had been filed on February 8, 2016.

REPORTS OF TOWN OFFICIALS

Building Inspector Thomas Johnson, Highway/Water Superintendent Joseph Whalen, Dog Control Officer Thomas Shambo, Library Board of Trustees member Susan Slovic, and Town Clerk Carol Gumienny submitted reports for February 2016 and they are on file in the Town Clerk's office.

REPORTS FROM COMMITTEES

- Library Board of Trustee, Susan Slovic, reported on March 5th the library celebrated the completion of the renovations with a ribbon cutting ceremony attended by local dignitaries and library patrons. Festivities for the day also included a music program for children and a presentation by Pulitzer nominee Ray O'Conor, author of the She Called Him Raymond. More than 150 people attended throughout the day.
- The spring schedule is in the works and once again will offer memoir writing and computer classes, along with a new Chapter Chat Reading Club on the second Tuesday of each month at 7 p.m.
- The library is accepting book and DVD donations. The Friends of Library Book Sale will be held June 1-4 in the library community room.

Supervisor Szczepaniak reviewed the financial report from January and February.

RESOLUTION 16-048

APPROVE THE SUPERVISOR'S FINANCIAL REPORT FOR THE MONTH OF FEBRUARY 2016

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

ADOPTED Ayes 5 Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski, Councilwoman Stewart and Councilman Curtiss

Nays 0

SUPERVISOR'S REPORT

Supervisor Szczepaniak reported:

- Read a letter from NYS Dept. of Agriculture & Markets stating the annual inspection of the Dog Control Officer was conducted and received a satisfactory rating. All areas were being performed well and there were no issues.
- This Friday at 3 p.m. the union contract for the Highway Department will be signed in the Meeting Room.
- Conducted a staff meeting with Town employees and discussed issues that need to be addressed. Monthly staff meetings will be held.
- Last Saturday he attended the Emergency Ambulance Corp 50th anniversary celebration and swore in officers into office. The month of May is Emergency Services recognition

month. We will have individual recognition at that time. This organization does an excellent job for our community.

COUNCIL MEMBERS REPORTS

Councilman Curtiss reported:

- There will be a Farmland Protection Committee meeting on Tuesday, March 15th at 6:45 p.m. at Town Hall. The Committee will review the final TDR program documents. They have been approved by NYS Agriculture & Markets with a recommendation for some small minor modifications. The Committee spent the last month studying the documents to make sure it was in order and its final version will be ready for submission for the Town Board to set a public hearing next month.
- The Farm Bureau's annual dinner is March 18th at 6:30 p.m. at Panza's Restaurant. This is a big event of the year where the public is invited.
- Ballston Lake Improvement Association (BLIA) has been nominated for an award by the Southern Saratoga County Chamber. BLIA was nominated under the "endurance" category for exhibiting the dedication to excellence necessary to achieve long term success as well as tenacity and perseverance. The winners will be presented on March 31st at the Hall of Springs.

Councilman Goslin noted the nomination is for the sewer project. You may vote for the winner on the Southern Saratoga County Chamber of Commerce website.

Councilwoman Stewart reported:

- The Parks & Rec Committee is fully staffed. They are looking at the Management Plan that was drafted by Mike Gauge for the trustees of the estate prior to the Town taking ownership of the property. It is very extensive and is in the clerk's office for review. The Committee will rely on this documentation. The main issue facing the Committee is the Master Plan. There was a discussion of forming subcommittees to do some of the leg work for the park. Parking is also an issue and being addressed. The Committee is considering engaging in Mike Gauges' services for marking out trails. The Committee meets next Wednesday at 7 p.m.
- Councilwoman Stewart publically thanked Senator Farley and Assemblyman Tedisco for being a big supporters of the library.

Councilman Antoski reported:

- The Farmer's Market has taken down the stakes in the parking lot on the corner of Route 50 and Lakehill Road. They will not be there this year and currently are not sure where they will be located this summer.

Councilman Goslin reported:

- Revisions of the Carpenters Acre's sewer project have been completed and have been given to Dick Doyle and Jim DiPasquale for comments. He would like to have the RFP (request for proposals) published this month.
- Spoke with a resident on Finley Road who is not able to have internet access. He would like to work as a Board to address this. There is no reason in today's era not to be able to have internet access and not have to pay thousands of dollars to get it.
- Board needs to direct their attention to issues that need to be fixed. The first is finances. 2013, 14, & 15 are in good shape. We should be able to get a report showing how much money is taken in, how much money is dispersed and how we compare year to year. The second issue is water. We do not have any financial reports to be able to understand what is going on. Water rates and connection fees were increased. We need to understand the finances to make good decisions. Zoning needs to be addressed as well.
- There is an issue with connectivity to the Highway garage with the internet. We need to work on better access.

OLD BUSINESS

- **Connolly Road Update:**

Attorney Walsh explained that the closing of the railroad crossing severed the entrance of Route 50 and there was no legal in and out access to use Powers Lane and the lower portion of Connolly Road. The Town hired in a law firm that handles property transfers and property rights matters. The firm reviewed the situation and decided to have a

reciprocal easement drafted which would give legal right to all the property owners to cross over each other's properties back and forth. The original Connolly Road granted access but when the railroad closed the access from Route 50 and the lower part of Connolly Road it terminated the legal access that many property owners had. The reciprocal agreement is in the Town Clerk's office. The Board is asking Connolly Road property owners to come in to sign the agreement. Once all signatures are collected the paperwork will be filed in the County Clerk's Office. A discussion will then be held with the railroad company, who stated once this process was complete they would help financially with the Town Board's concerns for public safety on this road. The reason for such a lengthy process is that there was a problem with some titles that needed to be ironed out.

NEW BUSINESS

- **Saratoga County Water Authority – provision added.**

Attorney Walsh stated we have a contract with the Saratoga County Water Authority. We were contacted by them to add a provision to our contract that is required of them to maintain their tax exempt status. The provision states that we won't sell water to a private entity for profit making. The Town does not have any customers like that and if it did the Town cannot put on a contractual provision saying a certain amount of money has to be paid; we can only charge for the water usage. He recommends the Supervisor sign the addendum with the Saratoga County Water Authority and pass a resolution stating so at the March 29th agenda meeting.

PRIVILEGE OF THE FLOOR ON ITEMS TO BE CONSIDERED FOR ACTION THIS EVENING.

Andy Brick, Attorney for New York Development, stated he was at the last Board meeting and presented comments to the Board about the proposed Density Bonus Law. He thanked the Board for taking comments into consideration regarding SEQRA. He asked when the Board considers making changes to zoning to make the changes moving forward and not retroactive.

NEW BUSINESS FOR CONSIDERATION AND ACTION:

RESOLUTION 16-049

APPROVE DECLARING MARCH AS COLORECTAL CANCER AWARENESS MONTH

A motion was made by Councilman Antoski and seconded by Councilman Goslin.

ADOPTED Ayes 5 Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski, Councilwoman Stewart and Councilman Curtiss

 Nays 0

Whereas, the Town of Ballston joins to support observances that raise awareness of health issues that affect people across our state, nation, and the world, such as the various types of cancer, including colorectal cancer; and

Whereas, colorectal cancer is a leading cause of cancer-related deaths among men and women in the United States; each year in New York State, nearly 10,000 people develop colorectal cancer and close to 3,500 New Yorkers die from this disease; it is estimated that one in twenty people will develop colorectal cancer during their lifetime; and

Whereas, colorectal cancer occurs most often in older people; approximately 60% of people newly-diagnosed with colon cancer are age 65 and older, and 90% of all colorectal cancers are diagnosed after age 50; and

Whereas, about 75% of colorectal cancer occurs in people who have no known risk factors; while the causes of colorectal cancer are not well understood, scientists agree that the following factors increase a person's risk of developing this disease: age, family history and hereditary conditions, personal health history, obesity, physical inactivity, diet, and other lifestyle factors such as cigarette smoking and excessive alcohol use; and

Whereas, colorectal cancer often can be prevented through regular screenings that can detect

small growths, called polyps, which can be removed before they develop into cancer; screening for colorectal cancer is a covered benefit through Medicaid as well as health plans participating in the New York State of Health, and the New York State Cancer Services Program offers colorectal cancer screening to eligible uninsured individuals in every county and New York City borough; and

Whereas, in support of the statewide and national goals to screen at least 80% of age and risk-appropriate men and women for colorectal cancer, New Yorkers and people everywhere are called upon to raise their awareness of colorectal cancer and take preventive steps to safeguard their health and that of loved ones from this disease;

Now, Therefore, I, Town Supervisor Timothy Szczepaniak, do hereby proclaim March 2016 as COLORECTAL CANCER AWARENESS MONTH in the Town of Ballston.

RESOLUTION 16-050

APPROVE DECLARING ALL TOWN PARKS AND FUTURE TOWN PARKS “TOBACCO-FREE”.

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

ADOPTED Ayes 5 Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski, Councilwoman Stewart and Councilman Curtiss
Nays 0

RESOLUTION 16-051

APPROVE SETTING A PUBLIC HEARING FOR THE FIRE CONTRACT WITH THE VILLAGE OF BALLSTON SPA ON MARCH 29TH AT 6:20 P.M.

A motion was made by Councilman Goslin and seconded by Councilman Antoski.

ADOPTED Ayes 5 Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski, Councilwoman Stewart and Councilman Curtiss
Nays 0

RESOLUTION 16-052

APPROVE THE REQUEST BY TOUR DECURE TO USE THE VETERANS MEMORIAL BIKE PATH AND OUTLET ROAD PARKING LOT FOR SUNDAY, JUNE 5, 2016.

A motion was made by Councilwoman Stewart and seconded by Councilman Antoski.

ADOPTED Ayes 5 Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski, Councilwoman Stewart and Councilman Curtiss
Nays 0

RESOLUTION 16-053

APPROVE THE APPOINTMENT OF JOANNE DALAKOS AS DEPUTY TOWN CLERK II COMMENCING FEBRUARY 8, 2016 AND ENDING AT THE JANUARY 2017 ORGANIZATIONAL MEETING.

A motion was made by Councilman Goslin and seconded by Councilman Antoski.

ADOPTED Ayes 5 Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski, Councilwoman Stewart and Councilman Curtiss
Nays 0

RESOLUTION 16-054

APPROVE THE INCREASE OF THE WATER CONNECTION FEE TO \$2000.

A motion was made by Councilman Goslin and seconded by Councilman Curtiss.

ADOPTED Ayes 5 Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski, Councilwoman Stewart and Councilman Curtiss
Nays 0

RESOLUTION 16-055

APPROVE THE TOWN CLERK AND DEPUTY TOWN CLERK TO ATTEND THE ANNUAL NYS TOWN CLERKS ASSOCIATION CONFERENCE IN SARATOGA ON APRIL 17TH-19TH AT A TOTAL COST OF \$305.

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

ADOPTED Ayes 5 Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski, Councilwoman Stewart and Councilman Curtiss

Nays 0

RESOLUTION 16-056

APPROVE CLASSIFYING LOCAL LAW 5 OF 2016, ZONING AMENDMENT TO REMOVE DENSITY BONUS, AS A TYPE I ACTION.

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

ADOPTED Ayes 5 Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski, Councilwoman Stewart and Councilman Curtiss

Nays 0

RESOLUTION 16-057

APPROVE ESTABLISHING A NEGATIVE SEQRA DECLARATION FOR LOCAL LAW 5 OF 2016, ZONING AMENDMENT TO REMOVE DENSITY BONUS.

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

ADOPTED Ayes 5 Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski, Councilwoman Stewart and Councilman Curtiss

Nays 0

Attorney Walsh stated the long EAF form has been completed.

RESOLUTION 16-058

APPROVE LOCAL LAW 5 OF 2016, ZONING AMENDMENT TO REMOVE DENSITY BONUS.

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

A roll call vote was as follows:

Councilman Goslin	YES
Councilman Antoski	YES - but with consideration continue to look at
Councilwoman Stewart	YES
Councilman Curtiss	NO
Supervisor Szczepaniak	YES

CARRIED

PRIVILEGE OF THE FLOOR (limit 5 minutes)

Mike Smith, of Smith Automotive on 833 Route 50, has an ongoing issue with the Town. His property was damaged years ago when the monopole was installed. Mr. Smith stated the estimated damages were \$4,000. He was offered \$1500 for repairs from the prior town attorney. Mr. Smith did not accept this offer. He has gotten nowhere with anyone from the Town and needs to resolve this ongoing issue.

Supervisor Szczepaniak will commit to stopping at Mr. Smith's property and inspect the damage.

David Gibson, of Eastline Road, thanked the Board for supporting the law on removing Density Bonus that was just passed; however, the Town Board should have never accepted the PUD for Phase IV of Timbercreek. This is not an area for intense development. This development will cause the Town a lot of issues. Mr. Gibson suggests that the Board reach out for help to understand land and then make informed decisions.

Jeff Brooks, of Heritage Builders Group, gave a letter, in reference to proposed Local Law 5 of 2016 Density Bonus, to the Town Clerk and requested to have it entered into the record.

A motion was made by Councilman Goslin and seconded by Councilman Antoski to adjourn the meeting. The meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Carol A. Gumienny
Town Clerk