

A regular meeting was held by the Town Board of the Town of Ballston on Tuesday evening, July 12, 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. He announced that Councilman Goslin is here with us from Las Vegas via skype. Attorneys Matt Chauvin and Bruce Steves were present for the Connolly Road portion of the meeting.

### **REPORTS OF TOWN OFFICIALS**

Building Inspector Thomas Johnson, Stormwater Management Officer, Kim Kotkoskie, Highway/Water Superintendent Joseph Whalen, Dog Control Officer Thomas Shambo, and Town Clerk Carol Gumienny submitted reports for June 2016 and they are on file in the Town Clerk's office.

### **LIBRARY REPORT**

Susan Slovic, member of the Board of Trustees reported:

- The library has hired a temporary youth services librarian to cover Mrs. Darling's leave.
- It is now easier than ever to borrow e-books and e-audiobooks. They can be borrowed directly through the online catalog. Just select our library from the list, search and select borrow when you find something you'd like to read or hear. Library staff would be happy to help you!
- The library is working with Field Goods to become a pick up location. Representatives from the Southern Saratoga Chamber of Commerce stopped by to congratulate the library. As soon as we have a start date set, we will publicize it through our website.
- Amazon will make a donation to the Friends of the Town of Ballston Community Library when you make purchases through smile.amazon.com.

### **COMMITTEE REPORTS**

No Committee reports tonight.

### **RESOLUTION 16-129**

#### **APPROVE THE SUPERVISOR'S FINANCIAL REPORT FOR THE MONTH OF JUNE 2016**

A motion was made by Councilman Antoski 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:

- He received the contract from Nan Stoltenberg for her services for zoning changes. Nan has addressed all concerns expressed at the prior public meeting on the TDR. He asks the Board to take a look and provide comments if needed.
- Met with Marybeth Bianconi of Delaware Engineering about funding for the sewer project. She will be at the July agenda meeting to discuss. She will also be here for the August agenda meeting to discuss options for sewers from Route 50 in Glenville for our Town.
- Brought our intern, Casey Doherty, to a county meeting. She has interned for Tedisco's office and Stefanik's office. Casey is very interested in government. She has stated she wants to be the next president in 2048!
- Attended a presentation on invasive species sponsored by Co-Op Extension. It was very informative and educational.
- Met with our budget officer and she should have financial reports for the August town

board meeting.

- Attended the grand reopening of Stewart's last Saturday. It was a success. The helicopter rides had to be postponed due to inclement weather.

## **COUNCIL MEMBERS REPORTS**

Councilman Goslin has nothing to report this evening.

Councilman Antoski reported:

- He will email the town clerk the work order for the new sound system for the meeting room. He asked if there is going to be sidewalks up Kingsley Road with some of the money from Farley's office. Councilwoman Stewart replied the money will first be used for the fuel tanks out back in the Highway Department; there may be some issues with installing sidewalks due to utility poles and it is a county road. It is being looks at to see how much it will cost and if it can be part of the program.
- Councilman Antoski thought it would be a good idea to have the link on the web about the invasive species. It is very interesting topic.

Councilwoman Stewart reported:

- There was a walk through the Hawkwood property last weekend. Once Saratoga PLAN approves cutting the trails, it will be done in phases. She thanked the Highway Department for their extremely hard work clearing the space for the parking lot. There is discussion between her and town Counsel of what the Town can and cannot do with the lumber.
  - The Reita Park equipment will be purchased at state pricing and is approved by the Parks & Rec Committee.
  - The library is experiencing issues with the air conditioning units; the cost is within their budget but will be extensive.

Councilman Curtiss reported:

- In one week the 175<sup>th</sup> annual Saratoga County Fair will open. Opening ceremonies begin at 1 p.m. It is his hope that all town supervisors will attend.
- He thinks it's great that the Town, County and State are repairing and paving roads in our Town.
- He asked if Nan's proposal has to be approved. Supervisor stated yes, however not until the agenda meeting so all Board members can review the proposal beforehand.

Supervisor stated there will be Executive Session at the end of the meeting on pending litigation.

## **OLD BUSINESS**

### **Carpenter's Acres Sewers**

Councilman Goslin is planning a meeting at 5:30 p.m. next Tuesday, July 19th. He has gone over the RFPs. He is gathering people such as Dick Doyle, Jim DiPasquale, Carpenter's Acres residents, and Drew Hamelink to listen to each of the engineering firm's proposal and bring a recommendation to the Board at the August board meeting.

### **Ambit Energy**

Tim will meet with the representatives to get the amount of savings for the Town's electric bills.

### **Property Maintenance Issues**

2 Jacob Street and 14 Nolan Road are in violation of NYS Code for grass over 10" high. The proper steps have been taken by the Code Enforcement Officer. The cost for Jacob Street will cost \$300 to mow and 14 Noland Road will be \$400. Supervisor Szczepaniak read Resolution 16-136.

## **PRIVILEGE OF THE FLOOR ON NEW BUSINESS FOR CONSIDERATION AND ACTION:**

No one wished to speak.

## **NEW BUSINESS FOR CONSIDERATION AND ACTION**

**RESOLUTION 16-130**

**APPROVE SETTING A PUBLIC HEARING FOR PROCESS OF EMINENT DOMAIN AT 110 POWERS LANE ON AUGUST 9<sup>TH</sup> AT 6 P.M.**

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  
No 0

**RESOLUTION 16-131**

**APPROVE THE PARKS AND REC COMMITTEE TO PURCHASE PLAYGROUND EQUIPMENT FOR REITA PARK IN THE AMOUNT NOT TO EXCEED \$23,000.**

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  
No 0

Councilman Goslin asked where the money was coming from and did Stewart's give a monetary donation. Councilwoman Stewart stated the money will come out of the Parks & Rec fund and Stewarts presented a check for \$1,000 to Reita Park which will be used to upgrade and repair the basketball court.

**RESOLUTION 16-132**

**APPROVE TEMPORARY TRAFFIC CONTROL FOR THE DAN RAN RACE SCHEDULED FOR AUGUST 13, 2016 AT 9 A.M. THE ROADS AFFECTED ARE LAKEHILL ROAD, KINGSLEY ROAD, LAWMAR LANE, RAMBLE LANE, HOLLISTER WAY, LONGCREEK DRIVE, AND LEFFERTS WAY.**

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

ADOPTED Ayes 5 Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski, Councilwoman Stewart and Councilman Curtiss  
No 0

Supervisor Szczepaniak stated the roads will not be closed.

**RESOLUTION 16-133**

**APPROVE THE REAPPOINTMENT OF TOWN OF BALLSTON LOCAL EMERGENCY PLANNING EXECUTIVE COMMITTEE MEMBERS: DENNIS POKRZYWKA, JOSEPH WHALEN, FRED WILLET, JOHN GODDARD, LES BONESTEEL, STEVE PETERSEN, HERB JACKSON, JEFF FENDICK, PHILIP POTIER, ROBERT DAVIS, LEE RAMSEY, CLEM SCHIMLKOWSKI, JACK THOMAS, MICHELLE DINGMAN AND ERICA DEBIE.**

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  
No 0

**RESOLUTION 16-134**

**APPROVE \$1000 FOR AN ADVERTISING BUDGET FOR THE ROUTE 50 GREEN MARKET.**

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

ADOPTED Ayes 5 Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski, Councilwoman Stewart and Councilman Curtiss  
No 0

**RESOLUTION 16-135**

**APPROVING UPGRADING MICROSOFT OFFICE AT TOWN HALL AT A COST OF \$435.**

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  
No 0

**RESOLUTION 16-136**

**AUTHORIZE MOWING SERVICES FOR 2 JACOB STREET, SBL# 257.11-2-7.1 AND 14 NOLAN ROAD, SBL#248.20-1-26 PURSUANT TO THE NYS PROPERTY AND MAINTENANCE CODE AUTHORIZING THE TOWN TO TAKE THE NECESSARY STEPS TO CORRECT THE EXISTING VIOLATION AND TO LEVY THE COST ON THE PROPERTY OWNERS COUNTY AND TOWN TAX BILLS.**

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  
                  No        0

**PRIVILEGE OF THE FLOOR (limit 5 minutes)\***

Many residents of Connolly Road and Powers Lane were in attendance. It was explained by Counsel James Walsh and Attorney Matt Chauvin the situation on Connolly Road. Mr. Chauvin was hired by the Town to go with the simplest, most basic way to create an easement/road maintenance agreement so the residents can legally come and go. Without this legal document, no building permits can be issued, no one can sell their property due to the mortgage companies won't give title insurance, and residents have no legal right to come and go on the road. The road maintenance portion needs to be in the agreement because a single person may not always be available to care for the road. The Town became involved for the health, safety, and welfare of the residents. All residents have signed the easement/ maintenance agreement except for one resident, Mr. Leveroni. He fears it will cause liability for all homeowners on the road. Counsel stated in his opinion there is very little liability and all have homeowners have insurance policies. Ms. DiCaprio has been a 39 year resident on the road. The road has always been taken care of by the residents; there has never been a problem. There has always been an informal maintenance agreement.

Mr. Mager has lived on Powers Lane for 26 years. The residents agreed to pay \$75 a year to help with the road maintenance. This is not a significant amount of money to help care for the road. Mr. Casey has been doing the majority of the road repairs and has spent a lot of his own money for this and plowing.

The Town has no interest in taking over the road. There is no ownership interest in this agreement.

Mr. Seymore stated the tightest part of the road is in front of Mr. Leveroni's home where items have been placed to make the road narrower. Fire trucks have to back out of the road, this is a safety issue.

Mr. McAllister asked Counsel for clarification of an email that Mr. Leveroni sent to residents on the road. Mr. Chauvin stated there is no road association. There is a lot of jumping around with comments on many topics therefore; he can't give a response.

Mr. Kennedy bought his property in 2014 and wants to put an addition on his home. He has been waiting two years to do this. He has purchased equipment to help maintain the road.

Mr. Leveroni stated he is in favor of an easement so people can do what they want with their property. He will sign tomorrow if the maintenance portion is excluded. His concern is the liability that every homeowner will be exposed to and the potential cost to maintain the road.

Residents said they would exclude Mr. Leveroni from paying the maintenance fee of \$75 a year if he would sign the agreement. A person is open to liability every day.

Supervisor Szczepaniak decided that there will be a public hearing at 6 p.m. on Tuesday, August 9<sup>th</sup> and a decision could be made that evening to move forward on this ongoing problem.

**RESOLUTION 16-137**

**ENTER INTO EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER AND PENDING LITIGATION.**

A motion was made by Councilwoman Stewart and seconded by Councilman Antoski to enter into Executive Session.

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

The Town Board entered into Executive Session at 8:55 p.m. and returned to Regular Session at 9:20 p.m.

**RESOLUTION 16-138**

**RETURN TO REGULAR SESSION**

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

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

Nays 0

No action was taken by the Board concerning the items discussed in Executive Session.

A motion was made by Councilman Goslin and seconded by Councilman Antoski to adjourn the meeting. The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Carol A. Gumienny  
Town Clerk