

A regular meeting was held by the Town Board of the Town of Ballston on Tuesday evening, August 9, 2016 at the Town Hall on Charlton Road.

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

Supervisor Szczepaniak called the meeting to order at 6:30 p.m. and the Pledge of Allegiance was recited. He announced that Councilman Curtiss had an issue with some farm equipment and will not be attending this evening's meeting.

The Town Clerk read the following resolution recognizing Tom Shaginaw as Library Board Trustee of the Year:

**RESOLUTION 16-140A  
HONORING THOMAS SHAGINAW  
AS THE SOUTHERN ADIRONDACK LIBRARY SYSTEM  
TRUSTEE OF THE YEAR**

*WHEREAS*, Tom Shaginaw has served the Town of Ballston Community Library as trustee since 2012; and

*WHEREAS*, Tom has been the treasurer of the Town of Ballston Community Library for the past three years and has generously used his time and unique skills for the benefit of the library; and

*WHEREAS*, Tom Shaginaw has worked tirelessly to advance the library's mission of expanding services to the public and was involved in every aspect of the library's recent renovation project for the past two years; and

*WHEREAS*, On May 16, 2016 Tom Shaginaw was honored by the Southern Adirondack Library System Trustee of the Year at its 58<sup>th</sup> annual meeting; and

*WHEREAS*, The Town Board of the Town of Ballston recognizes that the quality and character of life in our community is reflective of certain exemplary institutions whose purpose is dedicated to serving the community and the needs of its citizenry; and

*WHEREAS*, The success enjoyed by the Town of Ballston Community Library is in direct correlation to the efforts of individuals such as Tom Shaginaw who has supported the development of the library over the years; and

*WHEREAS*, It is the sense of this Board that when individuals of such noble aims and accomplishments are brought to our attention, they should be celebrated and recognized by all the citizens of this town; now,

*THEREFORE, BE IT RESOLVED*, that the Town of Ballston hereby congratulates and recognizes Tom Shaginaw on his achievements, and commends him for the commitment he has to his community.

Dated; August 9, 2016

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

ADOPTED Ayes 4 Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski  
and Councilwoman Stewart

Nays 0

Absent 1 Councilman Curtiss

Supervisor Szczepaniak congratulated Tom and thanked him for his service.

The Town Clerk read the following resolution:

**RESOLUTION 16-141A  
ADOPTING THE “THINK DIFFERENTLY” INITIATIVE  
TO ASSIST INDIVIDUALS WITH  
SPECIAL NEEDS AND THEIR FAMILIES**

**WHEREAS**, the “Think Differently” initiative is about promoting awareness and acceptance of all people, and advocating for the inclusion of all individuals living on the Autism Spectrum and with special needs; and

**WHEREAS**, our state and communities are stronger because of our diversity and differences; and

**WHEREAS**, according to the Center for Disease Control (CDC) over 55 million people, or approximately 19% of Americans, have a type of disability or special need; and

**WHEREAS**, for some people with special needs, the very things that make them unique can also keep them on the sidelines, separate from those who might not understand their differences or uniqueness; and

**WHEREAS**, it is important to promote and provide guidance to those with special needs on how to access publically supported services available to them in the community; and

**WHEREAS**, it is important to encourage and educate the community and businesses on ways they can make facilities and services more accessible and on how to train staff to welcome and support special needs customers and co-workers; and

**WHEREAS**, the goal of this initiative is to provide a supportive and inclusive environment for individuals of all abilities by supporting community events that expand family friendly opportunities for people with special needs and their families; and

**WHEREAS**, adopting the “Think Differently” initiative is an important statement that our Town officials, business owners and residents can make to show their support for the differently abled children and adults with special needs, and their families.

**NOW, THEREFORE BE IT RESOLVED**, that the Town of Ballston, residents and business owners adopt the “Think Differently” initiative so that all are better prepared to communicate with, provide for, and support those living on the Autism Spectrum and with special needs.

Dated: August 9, 2016

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

ADOPTED	Ayes 4	Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski and Councilwoman Stewart
	Nays 0	
	Absent 1	Councilman Curtiss

**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 July 2016 and they are on file in the Town Clerk’s office.

**LIBRARY REPORT**

Karen DeAngelo, Director reported

- The part time temporary librarian will start on August 15<sup>th</sup>. Rebecca had a healthy baby boy at the end of July.
- A thank you to Tim Szczepaniak and Kelly Stewart for joining us at the dedication of the new library statue. The statue was donated by Bill Bechtel in memory of his wife, Karen, who thought the library needed a girl statue to go with the boy statue.

- The summer reading program is over. Prizes can be picked up through Friday. There were 62 children's programs in six weeks. 85 adults signed up for the summer reading program, 2.5 times as many as last year.
- Please consider filling out the library survey. Future library users are also welcome to fill it out. We'd like to know how to lure you in (we are a Poke Gym, if that helps). Paper copies are available at Town Hall and library, along with bookmarks with the web address if you'd rather fill it out online.

## **HISTORIAN**

Town Historian, Rick Reynolds reported:

The archaeological dig at the Hawkwood property, known now as Anchor Diamond Park, hoped to achieve three goals. The first goal was to determine the real beginning of the house that was on the property which burnt down in 1966. Records indicated the house is from 1790s and the goal is to try to prove that. The second goal is to figure out what the free standing fireplace is. The third goal was to involve the community. This goal was accomplished with 70 people volunteering. The dig was held on two days. A lot of nails were found. Nails are good because they can be dated possibly as far back as 1790 and as recent as 1880. They also found glass, pottery and a lot of brick. All the items found are in the hands of an archaeologist. These items will be analyzed, organized and recorded. There is also a video documentary of the dig produced by high school senior, Kyle Farmer. Mr. Reynolds wanted to thank the volunteers, the archaeologist Adam Lusier, Kelly Stewart, the Parks and Rec Committee, and the Town Board for their support.

Mr. Reynolds also mentions that the Ballston Lake Improvement Association will be sponsoring a historical regatta on Ballston Lake on Tuesday, August 16<sup>th</sup>. The event will be a tour around Ballston Lake with a historic narrative.

## **COMMITTEE REPORTS**

Rob Davis of the Emergency Management Committee discussed the draft copy of the Emergency Operations Plan. The Committee took the plan from 2007 and updated the information to make a more useable format. Mr. Davis submitted the Plan to the Board. This should be reviewed by the Board. The Committee will address any of their comments, suggestions or concerns. This plan will need to be adopted and approved by the Board in October or November.

The supervisor introduced our Budget Officer, Jeanette Borthwick. She will be doing the 2017 Budget for the Town.

## **RESOLUTION 16-142A**

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

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

ADOPTED	Ayes	3	Supervisor Szczepaniak, Councilman Antoski and Councilwoman Stewart.
	Nays	1	Councilman Goslin
	Absent	1	Councilman Curtiss

Councilman Goslin will not approve any monthly financial reports until a detailed report is given.

## **SUPERVISOR'S REPORT**

Supervisor Szczepaniak reported:

- He is taking continuous training and exams for emergency planning.
- Saratoga County Fair had record attendance of 100,000.
- The microenterprise grant application has been submitted and we will know in December if we will receive this grant.

## **COUNCIL MEMBERS REPORTS**

Councilwoman Stewart reported:

- A resolution needs to be passed tonight to accept the high bid of \$1475 for the timber that came from clearing the parking lot at Anchor Diamond Park. The money will go in the Anchor Diamond Park fund.

The Parks and Rec Committee and Saratoga PLAN have accepted the trail plans. The parking lot

is finished at Anchor Diamond Park. Bridges need to be repaired; hopefully this can be an Eagle Scout project. There will be an opening of the park, possibly in mid fall.

- The Parks and Rec Committee meet every third Wednesday of the month.

Councilman Antoski stated:

- Reminded the Board of the small segment of the road for a sidewalk on Lakehill Road. He does not want to let this slide.

Councilman Goslin reported:

- Notice was received that the Town will receive a grant of 2.5 million dollars for the sewer project. This is money the residents around the lake and Buell Heights area will be saving. He would like to publically thank the governor's office, Senator Farley, Assemblyman Tedisco for recognizing the condition of the lake and knowing it needs to be corrected. He also thanked the residents for approving the project, the sewer committee, and Mary Beth Bianconi of Delaware Engineering. This has been a four year effort that he has worked on and it is time to let someone take over the reins for the rest of the project. He feels he has fulfilled his commitment to get to where we are now. He will talk to the Supervisor how to proceed and move forward. He is proud of the Town's position in this matter.
- Supervisor Szczepaniak echoes what Councilman Goslin stated. This is one example of the many good things happening in our Town.

## OLD BUSINESS

### **Connolly Road Update:**

Supervisor Szczepaniak hopes to resolve this matter this evening. We (the Town) have spent close to \$10,000 in outside legal fees. We need to come up with a successful resolution. Attorney Bruce Steves gave an overview of the situation on Connolly Road. Attorney Matt Chauvin, Attorney Bruce Steves, Councilwoman Stewart and Mr. Leveroni met and have two revised agreements both of which Mr. Leveroni signed. There are *three main changes* to the document. *The first* is "1/29<sup>th</sup> share of the maintenance and repair costs of the road" for each homeowner is changed to: "*equitable share*". The only time the word unanimous is used in the document is if the residents want to change how to redistribute the way the maintenance and repair road cost is paid for. *The second change* is the *owners of the right of way parcel do not have to pay for maintenance and road repair*, and the third change is *vacant lots not be required to pay maintenance and road repair costs until a "Certificate of Occupancy"* is issued for a building on the vacant lot. *The second revised document* is all the above changes except the 3<sup>rd</sup> change - *vacant lot owners are not required to pay maintenance and road repairs until a "Building Permit"* is issued. Mr. Leveroni has signed both of these documents. After the documents were signed, Mr. Steves heard from residents that the word "unanimous" raised some concerns. Residents think it could mean if Mr. Leveroni doesn't agree to a particular improvement, such as widening the road, then it won't happen. That question has never been addressed in the document that everyone signed originally or addressed in the current document. The word "unanimous" only applies from an equal share to an "equitable share".

Kathy DiCaprio, of 74 Connolly Road, doesn't understand why the word "unanimous" can't be changed to majority without it being six pages long.

Mike Palma, of 92 Connolly Road, has been trying to build on their property for several years. He was told all he needed to move forward was the ingress and egress easement agreement; nothing was mentioned about a road maintenance agreement. He asked the Board if he received these eight signatures, can he proceed. Counsel stated yes.

Gerry Casey, of 96 Connolly Road, had concerns if there is potential money coming from the railroad company for road maintenance, how and who determines how to spend this?

Currently, there has not been any agreement from the railroad company giving money. Counsel and Supervisor Szczepaniak will look into this once all the signatures are received.

Attorney Steves stated for clarification the word "unanimous" only applies to changing how the payment is divided not voting for or against a proposal.

Christa Ippoliti, of 82 Connolly Road, asked if Mr. Leveroni will sign an agreement stating "majority" and not unanimous.

Attorney Steves will take direction from the Board on changing the document again if necessary. It needs to be decided what will make the most sense to fix this problem.

The documents talks about maintaining the road not improvements. Attorney Steves recommends signing one of the documents that Mr. Leveroni signed. The changes are minor.

After further discussion, the residents agree to go to the Community Room and sign the second document.

### **Zoning Updates**

Nan Stoltzenberg was not present at the meeting tonight to discuss zoning.

### **NEW BUSINESS**

#### **Speed Limit Reduction: Lakehill and Kingsley Roads**

Supervisor Szczepaniak received a complaint about the speed limit on these roads. Lakehill is a county road and he will follow up on this.

#### **29 Woodside Drive**

There are large piles of garbage on the property. Supervisor Szczepaniak stated this is a health concern. The Board needs to take action. It is recommended by the Building Inspector that we hire someone to remove the garbage and put this charge on the homeowner's tax bill.

Councilman Goslin makes a motion:

#### **Resolution 16-151**

#### **APPROVE THE BUILDING INSPECTOR'S RECOMMENDATION TO HIRE AN OUTSIDE SERVICE TO REMOVE ALL THE OUTSIDE GARBAGE AT 29 WOODSIDE DRIVE TAX MAP # 257.5-1-1.2 AND TO LEVY THE CHARGE TO THE PROPERTY OWNER(S) ON THEIR COUNTY AND TOWN TAX BILL.**

Councilman Antoski will second the motion.

ADOPTED	Ayes	4	Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski and Councilwoman Stewart
	No	0	
	Absent	1	Councilman Curtiss

#### **20<sup>th</sup> Anniversary of NYS Investing in Protecting Working Farmland**

Supervisor Szczepaniak received a letter from NYS looking for the Town's support for state funded projects of \$30 million for the Farmland Protection Program for the 2017-2018 budget proposal.

#### **RESOLUTION 16-152**

#### **APPROVE TO SUPPORT NYS FOR FUNDED PROJECTS OF \$30 MILLION FOR THE FARMLAND PROTECTION PROGRAM FOR THE 2017-2018 BUDGET.**

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

ADOPTED	Ayes	4	Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski and Councilwoman Stewart
	No	0	
	Absent	1	Councilman Curtiss

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

*Dr. Pierce* wanted to thank all parties involved in the Ballston Lake sewer project especially Councilman Goslin, Drew Hamelink and Mary Beth Bianconi. He also suggested providing a place on the website for comments and suggestions regarding zoning and to contact the Planning and Zoning Boards of where they want to see improvements in zoning. He also states our zoning language reads differently from other places. It may be helpful to look at the zoning wording in other towns.

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

#### **RESOLUTION 16-143A**

#### **APPROVE THE CONTRACT WITH NAN STOLZENBURG TO UPDATE THE TOWN'S ZONING AT A COST OF UP TO \$26,650.**

A recommendation was made by Supervisor Szczepaniak to table this resolution due to Nan not attending this evening's meeting. Councilman Goslin wanted to know where we stand with his proposal "Keep Ballston Rural". Councilwoman Stewart noted that Councilman Goslin wanted a change to the zoning on the eastside of the town. She would like to hear Nan's input on this and

the other proposed changes. Supervisor Szczepaniak stated he spoke to Councilman Curtiss today and after reviewing the document, Councilman Curtiss agrees with what is presented in the document. Councilman Goslin discussed his proposal again. Supervisor Szczepaniak stated a change in zoning requires a local law. This is a process that takes time. The steps of the local law process are printed and distributed to all Town Board members. Nan will need to look at the proposal and give the Board her recommendations. Councilman Antoski feels Nan needs to review the whole picture including these proposed changes. We have already changed the zoning in that area. Supervisor Szczepaniak will ask for written comments from Nan on this proposal and to attend our agenda meeting. We need a revision from Nan with the additional language we want to add.

A motion was made by Councilman Goslin and seconded by Councilman Antoski to table this resolution.  
ADOPTED     Ayes   4       Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski  
                    and Councilwoman Stewart  
                  No       0  
                  Absent 1       Councilman Curtiss

**RESOLUTION 16-144**

**CONSIDER APPROVING THE BUDGET CALENDAR MEETINGS OF SEPTEMBER 14<sup>TH</sup> AND OCTOBER 11<sup>TH</sup> AT 6:00 P.M. FOR THE 2017 BUDGET.**

Councilman Goslin would like to add more dates to this calendar; we can always cancel a meeting if need be. All agreed. Resolution 16-144 was revised to read:

**CONSIDER APPROVING THE BUDGET CALENDAR MEETINGS OF SEPTEMBER 14<sup>TH</sup>, 28<sup>th</sup> OCTOBER 11<sup>th</sup> and 25<sup>th</sup> AT 6:00 P.M. FOR THE 2017 BUDGET.**

A motion was made by Councilman Goslin and seconded by Councilman Antoski.  
ADOPTED     Ayes   4       Supervisor Szczepaniak, Councilman Goslin, Councilman  
                    Antoski, Councilwoman Stewart  
                  No       0  
                  Absent 1       Councilman Curtiss

**RESOLUTION 16-145**

**APPROVE THE BH-BL TEACHER’S ASSOCIATION USING TOWN ROADS WITH PARTIAL ROAD CLOSURES OF BUELL AVENUE, GARTNER DRIVE, FRANK STREET, AND JACOB STREET FOR THE 5K COMMUNITY FUN RUN AND WALK ON SATURDAY, SEPTEMBER 17<sup>TH</sup> AT 10 A.M.**

A motion was made by Councilwoman Stewart and seconded by Councilman Antoski.  
ADOPTED     Ayes   4       Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski  
                    and Councilwoman Stewart  
                  No       0  
                  Absent 1       Councilman Curtiss

**RESOLUTION 16-146**

**APPROVE THE TOWN HISTORIAN TO ATTEND THE ANNUAL ASSOCIATION OF PUBLIC HISTORIANS OF NYS CONFERENCE IN SYRACUSE ON SEPTEMBER 15<sup>TH</sup> AND 16<sup>TH</sup> AT A COST OF \$300.**

A motion was made by Councilwoman Stewart and seconded by Councilman Goslin.  
ADOPTED     Ayes   4       Supervisor Szczepaniak, Councilman Goslin, Councilman  
                    Antoski, and Councilwoman Stewart  
                  No       0  
                  Absent 1       Councilman Curtiss

**RESOLUTION 16-147**

**APPROVE SERVICES WITH AMBIT ENERGY AS THE TOWN OF BALLSTON’S UTILITY PROVIDER.**

A motion was made by Councilman Goslin and seconded by Councilman Antoski.  
ADOPTED     Ayes   4       Supervisor Szczepaniak, Councilman Goslin, Councilman  
                    Antoski, and Councilwoman Stewart  
                  No       0  
                  Absent 1       Councilman Curtiss

There are no entrance or exit fees. An appointment will be set up to proceed.



