

A regular meeting was held by the Town Board of the Town of Ballston on Tuesday evening, October 11, 2016 at the Town Hall on Charlton Road.

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| 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 6:35 p.m. and the Pledge of Allegiance was recited. It is the Supervisor's privilege to announce the Town will recognize two residents this evening.

The Supervisor introduced the following resolution and it was read by the Town Clerk.

**RESOLUTION 16-182
HONORING DAVID PIERCE**

WHEREAS, Dr. David B. Pierce, DDS graduated from Ohio State University in 1973, and then went on to serve his country in the United States Air Force for four years; and

WHEREAS, in 1977, Dr. Pierce established a successful dental practice where for 28 years he served his patients from the Town and surrounding communities; and

WHEREAS, Dr. Pierce and his wife Ann, along with their two children became residents of the Town of Ballston in 2002; and

WHEREAS, in 2005, Dr. Pierce retired from his dental practice and joined the Ballston Lake Improvement Association (BLIA), where he has been an extremely active member and has ardently worked with the group to preserve and protect Ballston Lake; and

WHEREAS, David Pierce was instrumental in securing a grant from the Bender Scientific Fund of the Community Foundation for the Greater Capital Region, which was used to study the water quality of Ballston Lake and the surrounding watershed; and

WHEREAS, David Pierce set up equipment and implemented a process to tirelessly gather data, including water temperatures, lake levels and oxygen levels over a two-year period; and

WHEREAS, thanks to David's meticulous measurements, there was ample data gathered to analyze and produce a report entitled "A Study of Phosphorous Loading of Ballston Lake by Tributary Inflow"; and

WHEREAS, thanks in large part to the efforts of Dr. Pierce, the report was instrumental in demonstrating to Town of Ballston residents that a sewer line around Ballston Lake was necessary to protect water quality, and as a result the Ballston Lake Sewer Referendum passed on October 12, 2015; and

WHEREAS, David Pierce received the New York State Federation of Lake Associations 2016 Lake Steward Award due to his untiring defense of Ballston Lake and his unending desire to preserve it for future generations;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Ballston hereby congratulates Dr. David Pierce on his award and commends him for his commitment to preserving one of the Town's greatest natural resources.

Dated: October 11, 2016

Dr. Pierce wished to thank the Town Board and the Town for this recognition. He also wanted to thank the BLIA data gathering team – Dr. Peter Herman, Scott Miller, Blue Niles and Bob Duncan, for all their scientific ability to interpret data for the Lake. He also wanted to thank all the members of the Ballston Lake Sewer Committee, without their efforts in addition to the data collected the Ballston Lake sewer project would not be where it is today.

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

Supervisor Szczepaniak introduced the next resolution for Zachary Hall. The Town Clerk read the following:

**RESOLUTION 16-183
CONGRATULATING ZACHARY HALL
ON ACHIEVING THE RANK OF EAGLE SCOUT**

WHEREAS, Zachary Hall began his journey in the Boy Scouts of America as a Tiger Cub in Cub Scout Pack 2 of Ballston Spa at the age of seven, and upon completion of the Arrow of Light he moved on to Boy Scout Troop 2 under the direction of Scoutmaster Tom Vandish; and

WHEREAS, during his time with Troop 2 he served once as assistant patrol leader and twice as patrol leader, where during his first tenure as patrol leader he endeavored to assist all new scouts in his patrol to advance to Tenderfoot, and was able to achieve this goal in less than six months; and

WHEREAS, as a Cub Scout Zachary spent summers at Camp Boyhaven and as a Boy Scout spent summers at Camp Wakpominee in order to help his Scout advancements; and

WHEREAS, Zachary Hall participated in many Boy Scout trips including hikes to the 5 Ponds Wilderness Area in the Adirondacks, a 43-mile five-day hike in the Sand Lake, High Falls, Cat Mountain region of the Adirondacks, and a 93-mile eight-day canoe trip in the Allagash Wilderness Waterway in northern Maine; and

WHEREAS, Zachary's love for the outdoors has led him to Adirondack Community College where he is completing his preliminary studies in order to transfer to the State University of New York College of Environmental Science and Forestry Ranger School, located in Wanakena, New York; and

WHEREAS, for Zachary's community service project he successfully planned, designed, constructed and installed seven wooden foot paths for the Ballston Creek Preserve on Eastline Road, as well as mulched trails and repainted trail signs in order to improve conditions for those utilizing the footpaths, especially to the very popular Great Blue Heron Rookery; and

WHEREAS, by virtue of his hard work and diligence, Zachary Hall has achieved Scouting's highest and most prestigious rank, Eagle Scout, which is an honor only five percent of all Boy Scouts achieve;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Ballston heartily congratulates Zachary Hall on achieving the rank of Eagle Scout and wish him continued success in his future endeavors.

Dated: October 11, 2016

A presentation was given by the Economic Development Committee. Speaker Nigar Hale, president of the Burnt Hills Ballston Lake Business Professional Association (BHBLBPA) spoke about the events that have happened to our community over the years such as the Creekside Café burning down, the demolition of the Old Homestead and the burning down of the bowling alley. We have seen major businesses go. The Committee is made up of 100% volunteers. The committee has four sub-committees: Focus: the area is on the Burnt Hills Ballston Lake corridor which is between Fogg's Automotive and Anderson Boat Shop; Parks & Trails: how trails can connect; Marketing: how to attract business to this area; Agriculture group: attention to

farms. The BHBLBPA spans four towns: Glenville, Ballston, Clifton Park and Charlton. The Committee has worked with the Southern Saratoga County Chamber of Commerce, the LA Group, and the Town of Ballston. They were a part of the microenterprise grant for Ballston, and recognized the need for students having a safe walkway from one school to another. A pulse group has been formed. This group will be present at Planning and Town Board meetings in Ballston and Glenville. A slogan is in progress "Burnt Hills-Ballston Lake Community - love the lifestyle - Neighbors, Farms, Business". She introduced Chris Abdo, of the Burnt Hills Ballston Lake School District.

Mr. Abdo stated why it is important to have smart targeted strategic growth. It is beneficial for the school district. 2947 or 61% of the total households (4855) in the Town of Ballston are in the Burnt Hills Ballston Lake school district. BH-BL spends less per pupil over county, BOCES, region and state averages. Less per pupil yet, our taxes are higher. This is due to a lack of commercial tax base in our area.

Jim Hale, president of the Visioning Committee, gave some highlights of some discussions over the past year such as the latest zoning strategies in the Town. The group will send a summary to the Board. Mr. Hale discusses the proposed TDR and states the committee is not for or against the TDR, they are only providing ideas to the Board. The TDR needs to include commercial development. There are also some inconsistencies with the Comprehensive Plan and the Zoning map. Sewers are an important part of the business corridor. Mr. Hale did submit the committee's ideas to Nan Stoltenberg who is currently working on our zoning changes. He thanked the Board for listening this evening.

Supervisor Szczepaniak introduced our next guest, Phil Klein, health insurance broker for the Town. Mr. Klein stated the current health insurance plan is no longer available due to new mandates and the Affordable Care Act. Mr. Klein met with the Town's Insurance Committee and went over three comparable plans. Plans from MVP and Blue Shield had too many added deductibles and co-pays. The plan from CDPHD is the alternative plan. The plan is almost the same with the exception of the prescription portion. The employee contribution amount will increase as well as the premiums for the Town. Health insurance is a major cost for the Town. Over the course of time, steps need to be taken to reduce this cost.

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 September 2016 and they are on file in the Town Clerk's office.

RESOLUTION 16-184

APPROVE THE SUPERVISOR'S FINANCIAL REPORT FOR THE MONTH OF SEPTEMBER 2016.

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

ADOPTED Ayes 4 Supervisor Szczepaniak, Councilman Antoski, Councilwoman Stewart and Councilman Curtiss.

Nays 1 Councilman Goslin

Councilman Goslin stated this is his third time voting against this report because it does not provide the Board an opportunity to do a financial oversight. The reports have been the same over the last five years. He asks the Supervisor when will we receive detailed monthly reports. Supervisor Szczepaniak stated again that we have professional financial assistance in this area and we will have these reports when we are through with the budget. He takes this very seriously; it is work in progress. Councilman Curtiss states he is new to the process. He feels we are making good gains on what our budget officer is working on and straightening out our finances. We are making headway and has no complaints. It is being clarified at a fairly rapid pace. Councilman Antoski understands Councilman Goslin's point of view and agrees with Councilman Curtiss. The clarification of the reports makes it easier; however, he knows we will get there with some patience. We know the totals are correct.

SUPERVISOR'S REPORT

Supervisor Szczepaniak reported:

- There have been several budget meetings and the library will present an overview of their

budget tomorrow evening.

- AUDs are being processed by our accounting vendor. 2013 is complete and they are working on 2014 and 2015. Town attorney sent a letter owed to our accounting vendor. They will now give a final report.
- New building inspector, Brian Theriault, has started last week and is a great addition.
- There was a water theft in the community recently. The individual was arrested and charged with a felony and two misdemeanors.
- Received a call from the NYS Comptroller's office today stating they will be at Town Hall next week to audit the Summer Rec Program in Town.
- New regulations have been set forth by NYS on property upkeep. The current maintenance code states no vegetation/grass should be over 10". It is now up to the Town Board to decide what length is considered too high in the town. The Board will need to adopt it. The new code also states what steps can be taken against violators.

COUNCIL MEMBERS REPORTS

Councilman Curtiss states:

- Farmland Protection Committee will meet this month.

Councilwoman Stewart reported:

- Parks & Rec Committee will meet next Wednesday. They will focus on the opening of the Anchor Diamond Park scheduled for October 29th at 11 a.m.
- Thank you to the Highway Department for all their hard work at Reita Park.
- Request for volunteers to assist the trailblazers at Anchor Diamond Park on Monday, October 17th at 9 a.m.
- Surveying of boundaries for Anchor Diamond Park need to be done. She is not sure where the Board stands on accepting the offer C.T. Male gave her.

Councilman Antoski stated:

- Attending a meeting in Albany on Thursday for the sidewalk grant.
- Community room rates will increase using a flat rate not hourly as previously proposed.

Councilman Goslin reported:

- Thank you to Highway Supervisor Joe Whalen and all involved in the water theft incident including our Town attorney.
- Ed Hernandez of Adirondack Mountain Engineering gave a proposal to do a study for the Route 50 corridor. He would like to have the two feasibility studies done for a total of \$15,000 approved at tonight's meeting.
- The Town's finances from what we see, are in great shape. There are ample reserves in each of our funds not to have a highway or town tax. Currently, we are working on the preliminary budget. We are working on the increases, not necessarily operating costs but the things we would like to do as a Town. The water portion of the budget has come a long way. The preliminary budget calls for a 20% increase in the water budget. He believes with a different approach we can do a little better. He proposes we take a lot of the capital costs and put them in a 10-year plan, hopefully funded by fund balance and if not, by a short term BAN to make some improvements that are needed. He suggests spreading out the improvements over the next 10 years. He also proposes a 10 year, \$1 million-dollar capital project. He feels the first thing to do is pay the loan we have on the pump house by taking \$100,000 from the fund balance, borrow money from other funds, and pay off by the end of year; on the books there is half a million-dollar fund balance in water, he suggests putting \$100,000 against the loan, eliminating the loan will save \$20,000 in interest. Other items are: stand pipe needs to be repainted; put \$200,000 toward new water meters, have two water vehicles instead of one, \$200,000 permanent capital reserve in the water fund, \$50,000 reserved for consulting and \$100,000 for other expenses. If we put a plan in place and pull capital expenses out of the budget, this can keep the water rates the same. Smart way to go rather than to try to do all the improvements next year. We can discuss further at the budget meeting tomorrow.

Our budget officer, Ms. Borthwick, had some concerns with Councilman Goslin's proposal. She believes it is not this easy. There are additional expenditures such as the ad valorem increase of \$30,000 (20%) with the Town of Glenville, the 1.5% increase of

Saratoga County water rents, and some water districts not being fairly charged. There needs to be more investigating and work done before a major decision can be made. There is a 10-year water plan that has been in place since 2014.

Town Attorney Jim Walsh reports:

- The original deed for the Hawkwood property has been given to the Town Clerk. It has been recorded in the County Clerk's office.
- There are several cases pending against the Town in the Dolomite lawsuit. The judge dismissed the federal lawsuit. It could possibly be reargued.
- Two other proceedings are closer to settlement.

NEW BUSINESS:

10 White Beach Road Water Extension

Gary Milenkino presented to the Board his request for water for 10 White Beach Road. He will purchase 6.6 acres and subdivide into three-2 acre lots. Building Inspector Tom Johnson recommends a sketch plan before the planning board to see what they suggest due to a limited number of houses allowed on White Beach Road before Mr. Milenkino proceeds. Water Superintendent Joe Whalen states he needs a sketch plan of these water connections to make his recommendation to the Board. No decisions should be made by the Board until this is done.

OLD BUSINESS

Stormwater Management

Kim Kotkoskie will have a formal presentation at the agenda meeting. The three things to change are soil disturbance permits, an agreement for private SWPPs and the water districts. She will also discuss some goals which will directly connect to the stormwater management plan as rewritten.

Phones/IT

This area is a work in progress. Additional vendor quotes are being acquired.

Surveying for Anchor-Diamond Park

Supervisor Szczepaniak states giving Councilwoman Stewart some guidance on this. Councilman Antoski states to go out to bid. Councilwoman Stewart states the bids must compare apples to apples. The scope of work and justification for the work is to protect the town and clear up this issue of buildings on town property. The town engineer will back up their work for the Town. The initial cost of the survey was close to \$8000; the final price was half. Supervisor Szczepaniak feels Councilwoman Stewart did her due diligence and got the cost reduced and fully supports having C.T. Male do the work. He looks for other feedback from the Board. Councilman Curtiss states to put it out to bid. Surveying is not engineering, however to Kelly's point will this be a problem. Not having seen the contact for C.T. Male, he can't make a decision. Councilwoman Stewart states whoever we hire needs to back us up when the owner fights or challenges us. If we need C.T. Male in a legal process, they will be there. Councilman Goslin supports C.T. Male to do the work at the revised price. The Board will vote on Resolution 16-193 now:

RESOLUTION 16-193

APPROVE C.T. MALE TO SET PINS TO LOCATE THE PARKLAND STRIP RUNNING FROM GOODE ST. EAST TOWARDS ANCHOR DIAMOND PARK AT A COST NOT TO EXCEED \$3875.

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

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| ADOPTED | Ayes | 3 | Supervisor Szczepaniak, Councilman Goslin, and Councilwoman Stewart |
| | No | 2 | Councilman Antoski and Councilman Curtiss |

Ballston Area Rec Center (BARC)

A letter was drafted in response to a request from the Ballston Area Rec Center for a budget increase of 100%. We would not be giving an increase due to work needed in their finance department. Supervisor Szczepaniak was looking for Board approval to send out the letter. All agreed to send.

Sewer Update

The request for proposals is out for the sewer project around the lake. He wanted to thank Dick Doyle, Jim DiPasquale and Drew Hamelink for their assistance with this.

Privilege of the floor on items for consideration and action tonight:

Dr. Pierce asked Counsel what is the significance of the Dolomite decision. This minimized our liabilities as a Town. It also saved us from paying their legal fees.

Councilman Goslin also stated he was being personally sued and that was dismissed as well.

Dr. Pierce inquired about the status of the bike path extension. Counsel answered it has been on the back burner due to other competing priorities. He needs to readdress this.

Mark Katz was wondering about the water extension for his property. Counsel stated he received a decision from Ag & Markets. It was determined that the Town cannot extend water District 14; the determination is not accurate due to the non-existence of District 14 (because of the water consolidation). Counsel will provide a copy of the determination to Mr. Katz’s lawyer. She was present at the meeting and she would like to respond to their letter.

NEW BUSINESS FOR CONSIDERATION AND ACTION

RESOLUTION 16-185

APPROVE CHANGING THE NOVEMBER 8TH TOWN BOARD MEETING TO TUESDAY, NOVEMBER 15, 2016 DUE TO THE GENERAL ELECTION.

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

No 0

RESOLUTION 16-186

APPROVE SETTING A PUBLIC HEARING ON TUESDAY, NOVEMBER 1ST AT 6 P.M. FOR THE 2017 PRELIMINARY BUDGET.

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

The Town Clerk read the following resolution:

**RESOLUTION #16-187
PROCLAIMING OCTOBER 2016 AS
"DOMESTIC VIOLENCE AWARENESS MONTH"
IN THE TOWN OF BALLSTON**

WHEREAS, the horror of domestic violence continues to plague our society; and

WHEREAS, acts of domestic violence occur in the Town of Ballston; and

WHEREAS, the county’s Sheriff’s Office, District Attorney’s Office and the Department of Social Services, in conjunction with many other local agencies work hard to prevent domestic violence and assist its victims; and

WHEREAS, domestic violence causes emotional damage, physical harm and, sometimes, death to its victims; and

WHEREAS, heightened public awareness is an effective tool against this serious problem; now, therefore, be it

RESOLVED, that the Town Board of the Town of Ballston, and Timothy Szczepaniak as Town Supervisor, hereby proclaim the month of October 2016 as "Domestic Violence Awareness Month" in the Town of Ballston and urge all of our citizens to support and participate in ongoing programs designed for the reduction and eventual elimination of domestic violence; and be it further

RESOLVED, that the Town Clerk of the Town of Ballston will forward a copy of this resolution to Wellspring, 480 Broadway, Saratoga Springs, New York 12866 and Mechanicville Domestic Violence Advocacy Program, 6 South Main Street, Mechanicville, New York 12118.

RESOLUTION 16-187

APPROVE PROCLAIMING OCTOBER 2016 AS “DOMESTIC VIOLENCE AWARENESS MONTH” IN THE TOWN OF BALLSTON.

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
No 0

RESOLUTION 16-188

APPROVE FINANCIAL SERVICES TO BE PROVIDED BY JEANETTE BORTHWICK AT THE RATE OF \$35 PER HOUR.

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

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

RESOLUTION 16-189

APPROVE SETTING A PUBLIC HEARING FOR TUESDAY, OCTOBER 25TH AT 6:20 P.M. TO EXTEND THE BURNT HILLS BALLSTON LAKE WATER DISTRICT #2 EXT. 1 TO INCLUDE 13 SWEET ROAD. (TAX MAP ID# 239.-2-10.2)

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
No 0

Counsel stated this is not extension 24 of District 2 as previously written but extension 1 to the district.

Councilman Curtiss noted that this extension fits all the rules and criteria. There are no exceptions.

RESOLUTION 16-190

APPROVE SETTING A PUBLIC HEARING FOR NOVEMBER 1ST, AT 6:15 P.M. FOR LOCAL LAW 7 OF 2016: OVERRIDING THE TAX CAP.

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

There may not be a need for a tax cap override. This is done only for scheduling purposes.

RESOLUTION 16-191

APPROVE SETTING A BID OPENING ON NOVEMBER 9, 2016 AT 3 P.M. FOR THE PROPOSALS FROM CONSULTING AND ENGINEERING FIRMS TO PROVIDE DESIGN AND CONSTRUCTION PHASE SERVICES FOR A SEWER SYSTEM AROUND BALLSTON LAKE.

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 16-192

APPROVE THE REQUEST FROM THE LAW OFFICE OF CAFFRY AND FLOWER TO SPLIT THE COST OF THE RECORD ON APPEAL (DOLOMITE) THREE WAYS BETWEEN THE PARTIES TO THE APPEAL. THE TOWN'S SHARE WOULD BE \$2,291.75.

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

Counsel states this is a normal thing. We should do it to be reasonable.

