

A regular meeting was held by the Town Board of the Town of Ballston on Tuesday evening, April 11, 2017 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

Due to two public hearings held this evening, Supervisor Szczepaniak called the meeting to order at 7:10 p.m. and the Pledge of Allegiance was recited.

Supervisor Szczepaniak stated it is an honor and privilege to acknowledge some volunteers in our Town this evening.

Councilwoman Stewart wanted to personally thank the three young men that will be acknowledged this evening for their significant projects in the Town. She described the three projects that were performed and congratulated the individuals.

The Town Clerk read the following resolution recognizing Jacob Smithgall:

#### **RESOLUTION 17-71**

#### **RECOGNIZING JACOB SMITHGALL FOR HIS CONTRIBUTIONS TO THE TOWN OF BALLSTON**

**WHEREAS**, the residents in the Town of Ballston are fortunate that they are able to rely on volunteers who are always more than willing to give of themselves in order to help make Ballston the wonderful community that it is; and

**WHEREAS**, it is especially important to recognize youth volunteers so as to thank them for their contributions to the Town, as well as to encourage further acts of good citizenship; and

**WHEREAS**, the Town of Ballston is pleased to be able to honor one such volunteer, Jacob Smithgall, and his willingness to serve the residents of the Town of Ballston; and

**WHEREAS**, Jacob assembled a group of 17 volunteers to assist him with refinishing the Town fishing pier on Ballston Lake, adding handicap accessible benches, installing holders for three trash receptacles, as well as, spreading mulch in the picnic area; and

**WHEREAS**, together Jacob and his group of volunteers logged over 174 hours completing the project; and

**WHEREAS**, Jacob is a junior at Burnt Hills – Ballston Lake High School, and a very active member of Boy Scout Troop 3083 located in Ballston Lake; now

**THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Ballston applauds Jacob Smithgall on his eagerness to serve the residents of the Town of Ballston, and thanks him for the ambitious project he completed which will surely benefit all those who enjoy the fishing pier on Ballston Lake this summer and for years to come.

A motion was made by Councilwoman Stewart and seconded by Councilman Goslin to accept the resolution

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

The Clerk read the following resolution for Eagle Scout Tyler Rouis:





willingness to risk life and limb to keep friends and neighbors safe;

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ballston congratulates and honors George Fields, Steven Fendick, Al Colyer, Carl Thurnau and the late Richard Whinnery for their extraordinary length of service, and commends them for their years of dedication to protecting the residents of the fire district in which they serve.

A motion was made by Supervisor Szczepaniak and seconded by Councilwoman Stewart to accept the resolution.

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

### **PRESENTATION**

Supervisor Szczepaniak introduced our speaker, Jim Thatcher, of C.T. Male. Mr. Thatcher discussed what kind of projects are available for the Town such as planning, infrastructure, public facilities, house rehab and brownfields. He explained how he could help the Town with grant writing.

### **CORRESPONDENCE**

The Clerk read two announcements from the Ballston Lake Improvement Association. Everyone is welcome to participate in the annual cleanup of roadside debris on Saturday, May 6th. at 8 a.m. Everyone will meet at the Ballston Lake Fire House. There will be a boater safety certification in May. There are 4 two hour sessions held at the Ballston Lake Fire House. Both announcements will be posted on the website and bulletin board in the Town hall with detailed information.

### **REPORTS OF TOWN OFFICIALS**

Highway/Water Superintendent Joseph Whalen, Dog Control Officer Thomas Shambo and Town Clerk Carol Gumienny submitted reports for March 2017 and they are on file in the Town Clerk's office.

Cathy Hayden, member of the Library Board of Trustees reported:

- More than 150 people attended the school art reception on Saturday, April 8<sup>th</sup>. The exhibit will be displayed at the library throughout the month of April.
- The Friends Spring Fling Raffle is on display at the library. The raffle drawing will be held on Saturday, May 6<sup>th</sup> at the book sale.
- They have some great spring break programs planned including two game nights. There are now 12 games you can borrow to play at home as well.
- Rebecca Darling will be visiting schools this month. She has planned visits to schools by the end of the school year.
- The library has one opening for a Library Trustee starting July 2017. If interested in this volunteer position, more information can be obtained at the library or their website.

### **RESOLUTION 17-75**

#### **APPROVE THE SUPERVISOR'S FINANCIAL REPORT FOR THE MONTH OF MARCH 2017.**

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

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

### **SUPERVISOR'S REPORT**

Supervisor Szczepaniak reported:

- Attended the "Local Roads Matter" campaign in Albany with Highway Superintendent Joe Whalen to advocate for more funding for infrastructure and road repair. It is not yet known how much more funding the Town will receive.
- There was a citizen emergency preparedness workshop held on March 9<sup>th</sup>. This will be an annual event.
- Attended the last zoning workshop.
- Thanked highway crew for the great job keeping our roads clear and residents safe during

the blizzard we had on March 14<sup>th</sup>.

- Attended Public Safety committee meeting at the County. A report was given by the sheriff of the number of arrests and citations in Saratoga County.

## **COUNCILMEMBERS REPORTS**

### **Councilman Curtiss** reported:

His report is a response from a statement that was made at the last meeting during privilege of the floor. Here are some facts: Agriculture is #1 in the State. Farmers in the U.S. are the most efficient food producers in the world. It is false to say no one wants to go into farming. There are many young people that want to farm in this area; however, it is sad there is no agriculture in class rooms in our area. He has received many requests from the youth wanting to come to his farm as an intern to learn and then farm on their own. Many of the farmers in this area can't meet the public demand. Farming is viable. As a business person, we are reinvesting back in our business. Farmers do not want government subsidies and would rather be on their own. Within the last four years there has been 500 acres of land purchased for farmland in the Town of Ballston. Until you have walked a day in a farmer's shoes you don't know what farming is about.

### **Councilwoman Stewart** reported:

There will be a work day at Anchor Diamond Park on Saturday, May 13<sup>th</sup>. Our Town historian will lead a cleanup of the mansion site and the Rotary has offered to do some help on a kiosk. The RFP for the administrator of the microgrant program is out for bid. Bids are due May 4<sup>th</sup>. The library has an employee taking some time off and will change a few things around. This may need a resolution by the Board in the future.

### **Councilman Antoski** reported:

He submitted a grant in November for sidewalks. The application stated that NYS would get back to applicants by the end of December. He has sent two emails inquiring the status of the application. No news has been heard to date about these possible funds.

### **Councilman Goslin** reported:

He discussed the Town of Glenville water and ad valorem payments which he previously mentioned in October. The Town of Ballston has an agreement with the Town of Glenville to purchase water at a low rate. An ad valorem is also charged by Glenville to cover the infrastructure for the water. The ad valorem is \$180,000 this year. This payment is based on a formula stated in the agreement with Glenville. After reading a portion of the contract aloud, he believes that the Town of Clifton Park gets water from Glenville too. Due to this, the percentage we should pay should be less. A letter was written to the Town of Glenville about this. Supervisor Szczepaniak received a sufficient answer and paid the ad valorem bill. Councilman Goslin stated in the 2016 Town of Clifton Park Water Report at the bottom states: "The Town of Clifton Park purchased a portion of water from the Town of Glenville in 2016." It was stated that the Town of Glenville does not provide water to the Town of Clifton Park; however, their quality report states otherwise. The Town of Clifton Park purchased water from Glenville in 2009, 2013, 2014, 2016. Councilman Goslin believes the agreement is not being honored correctly with the formula given. It is the Supervisor's recommendation to hire outside counsel to further investigate.

## **OLD BUSINESS**

### **Ballston Lake Sewer Project**

Councilman Goslin stated the project is moving forward. He asks that the Board enter Executive Session at the end of the meeting to discuss a possible land purchase for the pump house that is needed for the project. They are in good shape with financial submissions for reimbursement of money spent on the sewer project. The contract is being discussed with the project manager. There are discussions if Kim Kotkoskie will still be overseeing that project. The proposal for a peer review given prior by C.T. Male will not be recommended by the engineering subcommittee as written. It will be a case by case using C.T. Male.

### **Zoning**

The Board has been working on zoning for the last four months and are ready to move forward. Nan Stolzenburg has all the input she needs to make the zoning changes. The list she provided in the fall has been addressed. She will write the changes and present them to the Board

to make sure she captured what the Board wants to accomplish. Hopefully, we will have this by the end of May for review and comment and then begin the steps of a local law. Councilman Curtiss stated this has been moving along in a positive direction and this has gone much quicker than he anticipated.

**Ballston Lake Dock Ordinance**

There is no new update on this. The Town of Ballston lake dock ordinance was sent to the Supervisor of Clifton Park. It is hopeful that Clifton Park will adopt the same ordinance for their residents who live on the lake.

**NEW BUSINESS**

**Water Extension For The New Fire Station**

A request for water was presented to the Supervisor by two fire commissioners for the new fire station that will be built across the street from Town Hall. We will need guidance from Town Counsel before moving forward.

***Privilege of the Floor on New Business to be Considered for Action this Evening:***

No one wished to speak on items to be voted on this evening.

**RESOLUTION 17-76**

**APPROVE THE ADOPTION OF NEGATIVE DECLARATION PURSUANT TO STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR GOODE STREET PROJECT (238.1-39.12).**

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

A ROLL CALL was as follows:

	Ayes	Noes
Councilman Goslin	X	
Councilman Antoski		X
Councilman Curtiss		X
Councilwoman Stewart	X	
Supervisor Szczepaniak	X	

ADOPTED 3-2

**RESOLUTION NO. 17-76  
RESOLUTION REGARDING NEGATIVE DECLARATION  
ESTABLISHMENT OF CONSOLIDATED WATER DISTRICT, EXT. 1**

**WHEREAS**, a petition, pursuant to Article 12 of the Town Law, relating to the establishment of the Consolidated Water District, Ext. 1 in the Town of Ballston, County of Saratoga, State of New York, has heretofore been filed in the Town Clerk’s Office; and

**WHEREAS**, a map, plan and report have been prepared in such manner and in such detail as has heretofore been determined by the Town Board of the Town of Ballston, relating to the establishment of Consolidated Water District, Ext. 1, in the Town of Ballston, County of Saratoga, State of New York; and

**WHEREAS**, such map, plan and report was prepared by Environmental Design Partnership, LLP, competent engineers, duly licensed by the State of New York, showing the boundaries of the proposed District Extension, general plan of the District Extension, the improvements to be made to the District Extension, and a report showing the costs thereof; and

**WHEREAS**, said project will require compliance with the provisions of the Environmental Conservation Law of the State of New York and regulations of the Department of Environmental Conservation, Part 617, State Environmental Quality Review Act and the Town of Ballston has established that the Town Board act as lead agency for the review of plans and environmental impact, if any, of the proposed establishment of Consolidated Water District, Ext 1.

**NOW, THEREFORE**, the Town Board of the Town of Ballston as lead agency has determined that the establishment of Consolidated Water District, Ext. 1, as described in the map, plan and report prepared by Environmental Design Partnership, LLP, is an unlisted action and that establishment of the proposed Consolidated Water District, Ext. 1, will not result in any significant adverse environmental impacts, and that the Supervisor of the Town of Ballston be authorized to execute any documentation with respect to the determination that the establishment of Consolidated Water District, Ext. 1, is an unlisted action and that the establishment of Consolidated Water District, Ext. 1, will not result in any significant adverse environmental impacts.

The foregoing was moved by Councilmember Stewart, and seconded by Councilmember Goslin

The adoption of the foregoing resolution was duly put to a vote, and upon roll call, the vote was as follows:

	<u>AYES</u>	<u>NOES</u>
Supervisor Szczepaniak	_X_	_____
Councilperson John Antoski	_____	_X_
Councilperson William Goslin	_X_	_____
Councilperson Chuck Curtiss	_____	_X_
Councilperson Kelly Stewart	_X_	_____

DATED: April 11, 2017

**RESOLUTION 17-77**

**APPROVE THE WATER EXTENSION AND EXPANSION OF BURNT HILLS-BALLSTON LAKE WATER DISTRICT TO INCLUDE PARCEL 238.-1-39.12 (GOODE STREET PROJECT).**

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

Councilman Curtiss wanted to wait to vote on this next month. Councilwoman Stewart stated the action is the approval of the intent. Councilman Goslin stated what we are voting on is are we going to give our residents water. The Board has never denied giving a resident water. He asked if he votes “yes” for this resolution, will he be breaking any state, local or federal laws? Town Counsel replied “no”. He will not hold people hostage on the water line in front of their house, who have lawfully come before the Town, to connect to water. Supervisor Szczepaniak stated since the inception of the Goode Street water extension there is 80% connection ratio. We have been very transparent and work diligently for this Town. Councilman Curtiss states there is a restriction and we are not following it. He has documentation from the attorney who handled the water extension that all rules will still apply after the consolidation. Supervisor Szczepaniak also stated he has documentation from 2008 from Ag & Markets in regards to the Mourning Kill subdivision that is in the Ag District. It states if the Town forms a water district and public funds are not used then no notices are needed. Councilman Antoski states if you vote “yes” you are overturning the previous resolution of what the Town Board in 1996 and 2004 wanted and now are moving in a different direction. There has been water extended since 2004; these were mistakes. We can go back and forth with this forever. Councilwoman Stewart stated Ag & Markets had jurisdiction on some water extensions on Goode Street because there was debt incurred. Ag & Markets doesn’t have jurisdiction to extensions where public funds are not being used. She doesn’t understand why Ag & Markets are now involved because there is no expenditure of public funds with these projects.

A ROLL CALL was as follows:

	Ayes	Noes
Councilman Goslin	X	
Councilman Antoski		X
Councilman Curtiss		X
Councilwoman Stewart	X	
Supervisor Szczepaniak	X	

ADOPTED 3-2

**TOWN OF BALLSTON  
TOWN BOARD  
MEETING APRIL 11, 2017  
RESOLUTION AND DETERMINATION  
ESTABLISHING CONSOLIDATED WATER DISTRICT, EXT. 1  
IN THE TOWN OF BALLSTON, COUNTY OF SARATOGA,  
STATE OF NEW YORK, PURSUANT TO ARTICLE 12 OF THE TOWN LAW  
OF THE STATE OF NEW YORK**

**WHEREAS**, a petition, pursuant to Article 12 of the Town Law, relating to the establishment of Consolidated Water District, Ext. 1 in the Town of Ballston, County of Saratoga, State of New York, has heretofore been filed in the Town Clerk's Office; and

**WHEREAS**, a map, plan and report relating to the establishment of the proposed Consolidated Water District, Ext. 1, prepared by Environmental Design Partnership, LLP, competent engineers, duly licensed by the State of New York, in manner and detail as required by Article 12 of the Town Law, has been filed with the Town Clerk of Ballston, in accordance with the requirements of the Town Law; and

**WHEREAS**, an order was adopted by the Town Board of the Town of Ballston on February 14, 2017, reciting the filing of the map, improvements proposed, the estimated expense thereof, the proposed method of financing, the fact that the map, plan and report are on file in the Town Clerk's Office for public inspection, and all other matters required by law to be stated; and

**WHEREAS**, the order set April 11, 2017, at 6:15 p.m. at the Town of Ballston Town Hall, 323 Charlton Road, Ballston Spa, New York 12020, as the date, time and place of the public meeting to consider the map, plan and report, and to hear all persons interested in the subject thereof, and to take such action as required and authorized by law; and

**WHEREAS**, such order was published and posted as required by law; and

**WHEREAS**, a hearing on the matter was held by the Town Board on the 11th day of April, 2017, beginning at 6:15 p.m. and the matter being duly discussed and all interested persons having been duly heard; and

**WHEREAS**, the Town Board did at that time resolve and determine to conclude and close the public hearing and to render a decision at a regular meeting of the Town Board to be conducted on the 11<sup>th</sup> day of April, 2017, at the Town of Ballston Town Hall; and

**WHEREAS**, the Town Board on April 11, 2017, approved the creation of Consolidated Water District, Ext. 1.

**NOW**, upon the evidence given at the hearing, it is

**RESOLVED AND DETERMINED:**

- (a) That the petition is signed and acknowledged or proved as required by law and complies with requirements of Town Law Section 191 as to sufficiency of signers and is otherwise sufficient and notice of hearing was published and posted as required by law, and it is otherwise sufficient;
- (b) That all property and property owners within the proposed district extension are benefited thereby;
- (c) That all the property and property owners benefited are included within the limits of the proposed district extension;
- (d) That it is in the public interest to establish the Consolidated Water District, Ext. 1;
- (e) That the first year cost of operation and maintenance for typical properties within the District is \$370.00. Hook up fees in the amount of \$2,000.00 to the resident property line is not included in the estimated maximum cost; and it is further,

**RESOLVED AND DETERMINED**, that the establishment of Consolidated Water District, Ext. 1, as set forth in the map, plan and report, be approved and that the requested improvements be constructed, and the necessary easements and lands be acquired upon the required funds being made available and provided for, and such district extension shall be known and designated as Consolidated Water District, Ext. 1 in the Town of Ballston, and shall be bounded and described as set forth on Schedule “A” attached hereto; and it is further

**RESOLVED AND DETERMINED**, that the Town Clerk of the Town of Ballston shall, within ten (10) days after the adoption of this Resolution, file a certified copy thereof, in the Saratoga County Clerk’s Office and with the Office of the State Comptroller, Department of Audit and Control; and it is further

**RESOLVED AND DETERMINED**, that the maximum amount to be expended for said improvement and/or acquisition of necessary lands is the sum of Two Hundred Thousand (\$200,000.00) Dollars; and it is further

**RESOLVED AND DETERMINED**, that approval of the New York State Comptroller is not required for the formation of Consolidated Water District, Ext. 1, inasmuch as debt will not be issued or assumed. Assessments for future infrastructure capital construction improvements shall be on an ad valorem basis for all users.

**NOW**, upon motion of Councilwoman Stewart and seconded by Councilman Goslin,

The adoption of the foregoing order was duly put to a vote, and upon roll call, the vote was as follows:

	<u>AYES</u>	<u>NOES</u>
Supervisor Szczepaniak	X	
Councilperson John Antoski		X
Councilperson William Goslin	X	
Councilperson Chuck Curtiss		X
Councilperson Kelly Stewart	X	

Dated: April 11, 2017

**RESOLUTION 17-78**

**APPROVE THE ADOPTION OF NEGATIVE DECLARATION PURSUANT TO STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR KATZ – ROUTE 50 PUDD WATER DISTRICT EXTENSION.**

A motion was made by Supervisor Szczepaniak and seconded by Councilwoman Stewart.

**RESOLUTION 17-78  
APPROVING ADOPTION OF  
NEGATIVE DECLARATION PURSUANT TO  
STATE ENVIRONMENTAL QUALITY REVIEW ACT  
FOR KATZ – ROUTE 50 PUDD WATER DISTRICT EXTENSION  
TOWN OF BALLSTON**

**WHEREAS**, the Town Board received an application and Petition for Extension of the Burnt Hills-Ballston Lake Consolidated Water District No. 2, to provide service to the future residents within the proposed Katz - Route 50 Planned Unit Development District, (PUDD), which Project proposes the construction of a 3-story mixed use building which includes 23,000 sf of retail/commercial space and 40 apartment units, 11 apartment units each containing 11 units, and 57 single family residences, all on a 90.85 acre site (parcel 239.00-1-1), located in the Town of Ballston along the west side of NYS Route 50 approximately 1,100 feet south of the intersection of Meadowbrook Court, McCrea Hill Road and NYS Route 50. It is noted that a portion of the Project property already lies within the existing Water District. The Extension requested is for the balance of the undivided parcel which does not currently lie within the Water District.; and

**WHEREAS**, in connection with the Petition for the Extension of the Water District, the Applicant filed a Full Environmental Assessment Form pursuant to the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations at 6 NYCRR Part 617; and

**WHEREAS**, the Full Environmental Assessment Form for the Katz – Route 50 PUDD project identified a number of involved agencies from which Applicant requires permits and/or approvals for this project; and

**WHEREAS**, the Town Board of the Town of Ballston (“Town Board”) sought to conduct a coordinated environmental impact review under SEQRA for this project; and

**WHEREAS**, the Town Board undertook coordination of Lead Agency designation with all involved agencies; and

**WHEREAS**, no other involved agency objected to the Town Board serving as SEQRA Lead Agency for this action; and

**WHEREAS**, the Town Board designated itself as Lead Agency pursuant to SEQRA with respect to the Ballston PUDD Water District Extension application; and

**WHEREAS**, the Town Board forwarded copies of the application documents, including the project narrative, site plans, Full Environmental Assessment Form, the traffic impact report, (“Application Documents and Expanded FEAF”), to the other Involved Agencies for review and recommendation; and

**WHEREAS**, the Town Board forwarded copies of the Application Documents and Expanded FEAF to the Saratoga County Department of Economic Development and Planning for review and recommendation pursuant to General Municipal Law §239-m; and

**WHEREAS**, the Town Board notified all public involved agencies as to the Application Documents and Expanded FEAF, and sought comment therefrom; and

**WHEREAS**, the Town Board determined to hold a public hearing on the Katz - Route 50 PUDD Water District Extension application in order to receive additional public comment and input; and

**WHEREAS**, the Town Board scheduled such public hearing for April 11, 2017; and

**WHEREAS**, the Town Board noticed such public hearing by publication in the Gazette Newspaper, posting such notice on the Notice Board at Ballston Town Hall and the Town’s website: [www.townofballstonny.org](http://www.townofballstonny.org), and providing notification of such public hearing; and

**WHEREAS**, the Town Board opened the public hearing on the Katz - Route 50 PUDD Water District Extension application on April 11, 2017; and

**WHEREAS**, the Town Board received public comment at such public hearing, which in general supported the project Applicant; and

**WHEREAS**, the Town Board closed the public hearing on the Katz - Route 50 PUDD Water District Extension application on April 11, 2017; and

**WHEREAS**, the Town Board did not receive any additional written comments concerning the PUDD application; and

**WHEREAS**, the Town Board has received and considered written comments from New York State Department of Agriculture & Market; and

**WHEREAS**, the Town Board has reviewed the Application Documents and Expanded FEAF, the written comments of all involved public agencies; and

**WHEREAS**, the Town Board discussed and completed Part 2 of the FEAF, and made the

findings attached hereto, and took a hard look at the potential significant adverse environmental impacts of this action and technical information concerning such potential impacts; and

**WHEREAS**, the Town Board has deliberated and duly considered the Katz - Route 50 PUDD Water District Extension Petition Expanded FEAF and technical information concerning potential significant adverse environmental impacts of this action;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Ballston in regular session duly convened as follows:

The Town Board of the Town of Ballston hereby adopts a Negative Declaration pursuant to SEQRA with respect to the Katz - Route 50 Water District Extension Petition application, and incorporates herein the findings and determinations set forth in Part 2 of the FEAF completed by the Town Board at its meeting held April 11, 2017.

The foregoing Resolution, offered by Supervisor Szczepaniak and seconded by Councilperson Stewart, was duly put to a roll call vote as follows:

<b>SUPERVISOR SZCZEPANIAK</b>	Aye
<b>COUNCILMAN ANTOSKI</b>	Nay
<b>COUNCILMAN GOSLIN</b>	Aye
<b>COUNCILMAN CURTISS</b>	Nay
<b>COUNCILWOMAN STEWART</b>	Aye

The foregoing Resolution was thereupon declared duly adopted.  
April 11, 2017

**RESOLUTION 17-79**

**APPROVE THE WATER EXTENSION AND EXPANSION OF BURNT HILLS-  
BALLSTON LAKE WATER DISTRICT TO INCLUDE PARCEL 239.00-1-1 (KATZ  
ROUTE 50 PROJECT).**

A motion was made by Supervisor Szczepaniak and seconded by Councilman Goslin.  
A ROLL CALL was as follows:

	Ayes	Noes
Councilman Goslin	X	
Councilman Antoski		X
Councilman Curtiss		X
Councilwoman Stewart	X	
Supervisor Szczepaniak	X	

ADOPTED 3-2

**RESOLUTION 17-79  
TOWN BOARD OF TOWN OF BALLSTON  
RESOLUTION AND FINDINGS CONCERNING  
Petition for KATZ-ROUTE 50 Water District Extension  
NYS Town Law Article 12A**

**April 11, 2017**

WHEREAS, the Town Board of the Town of Ballston, (the "Town Board") acting for and on behalf of the Burnt Hills – Ballston Lake Consolidated Water District No. 2 (the "District") received a Petition proposing an extension of the Burnt Hills – Ballston Lake Consolidated Water District No. 2 ("Water District") to service the Katz-Route 50 Planned Unit Development together with a supporting Map Plan and Report prepared by Lansing Engineering, PC (the "Project") and

WHEREAS, this Town Board has reviewed said Petition and Map Plan and Report on November 10, 2016, reciting the filing of said map, plan and report, and determined that it was prepared in the manner and in such detail as has been determined to be necessary for further review by the Town Board, and it was duly filed with the Town Clerk, in accordance with the requirements of Article 12A of the Town Law; and

WHEREAS, the Town Board has considered the Resolution 04-46 passed by the Town Board of the Town of Ballston in 2004, and Resolution 96-85 passed by the Town Board in 1996 in reviewing this application and has determined that the review of the Petition for the Katz – Route 50

PUDD is nonetheless appropriate and consistent with the Town's Comprehensive Plan and the Saratoga County Comprehensive Plan, Farmland Protection Plan and Green Infrastructure Plan for lands located along the Route 50 Corridor in the Town and with the applicable provisions of the New York State Agriculture and Markets Law; and

WHEREAS, an Agricultural Data Statement has been prepared and submitted in connection with the Project and it has been considered by the Town Board; and

WHEREAS, because the Town of Ballston will not acquire an interest in any land by eminent domain or purchase as a result of any action on the Petition; nor will the Town construct any portion of the proposed improvements, nor advance public funds for construction; and further, no acres of land, or any interest therein, is expected to be acquired from an actively operated farm or farms within an agricultural district or a parcel or parcels of land within an agricultural district as a part of this proposed action, and, as a consequence, it does not appear that Agriculture and Markets Law Section 305(4) would be applicable to this matter, but out of a measure of conservative review, the Town Board has nonetheless referred the matter to the New York State Department of Agriculture and Markets and file Preliminary and Final Notices of Intent pursuant to Section 305(4); and

WHEREAS, the Town Board has considered the effect of the Town's prior Resolutions 96-85 and has determined that it may nonetheless proceed with the consideration of the Petition in so far as, the resolution should be considered but not dispositive of the actions this Town Board may take, as well established under New York law under Matter of Karedes v. Colella, 100 NY2d 45 (2003); Matter of LaBarbera v. Town of Woodstock, 29 AD3rd 1054 (3<sup>rd</sup> Dept. 2006) and similar New York caselaw; and

WHEREAS, the Town Board has conducted the required review under the New York State Environmental Quality Review Act ("SEQRA"), has issued a Negative Declaration under SEQRA based upon its findings after taking a hard look at the Project and all of its components review of the Full Environmental Assessment Form and supporting materials submitted with the Petition; and

WHEREAS, the improvements proposed in the Petition and Map Plan and Report, the boundaries of the proposed extension of the district, the proposed method of financing, are all outlined in the Map, Plan and Report describing the same which has been on file in the Town Clerk's Office for public inspection, and the Town Board hereby held a public hearing, at the Town of Ballston Town Hall, to consider said Petition and Map, Plan and Report, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law; and the Town Board finds the following:

The Water District extension, as designed conforms to all applicable State and Town Standards. The associated infrastructure will be constructed at the sole cost of the Applicant. The finances for operation and maintenance of the facilities will be financed through the sale of water to the benefitted properties.

After the hearing held upon notice and upon the evidence given thereat, the town board has determined the following:

- (a) the notice of hearing was published and posted as required by law, and is otherwise sufficient;
- (b) all the property and property owners within the proposed district or extension are benefitted thereby;
- (c) all the property and property owners benefitted are included within the limits of the proposed district or extension; and
- (d) the establishment or extension of such district is in the public interest.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF BALLSTON, in regular session duly convened that said Board, acting for and on behalf of the Burnt Hills – Ballston Lake Consolidated Water District No. 2 of said Town, that the Town Board hereby approves the Petition for extension of such Water District in accordance with boundaries defined and set forth in the Map Plan and Report incorporated in the Petition and authorizes the Town Clerk to file this in the manner required by law.

	AYES	NOES
Timothy Szczepaniak	X	
John Antoski		X
William Goslin	X	
Chuck Curtiss		X
Kelly Stewart	X	

Ballston Spa, New York  
April 11, 2017

**RESOLUTION 17-80**  
**APPROVE FIRST AID/CPR TRAINING CLASSES FOR DEPARTMENT HEADS/EMPLOYEES AT A RATE OF \$45 PER PERSON.**

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 17-81**  
**ACCEPT THE RESIGNATION OF STORMWATER OFFICER KIM KOTKOSKIE EFFECTIVE APRIL 13, 2017.**

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

Councilman Curtiss stated he would also like to discuss a personnel matter in Executive Session.

**RESOLUTION 17-82**  
**APPROVE THE AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEY, SECTION 284 OF HIGHWAY LAW, FOR FISCAL YEAR 2017.**

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

Nays 0

**RESOLUTION 17-83**  
**APPROVE THE ANNUAL HIGHWAY SCHOOL FOR HIGHWAY SUPERINTENDENT JOSEPH WHALEN AT ITHACA COLLEGE, JUNE 6<sup>TH</sup> -8<sup>TH</sup> AND THE REIMBURSEMENT OF REASONABLE EXPENSES APPROVED BY THE SUPERVISOR.**

A motion was made by Supervisor Szczepaniak and seconded by Councilwoman Stewart.

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

Nays 0

**RESOLUTION 17-84**  
**APPROVE THE REQUEST FOR A HIGHWAY TRUCK FOR THE CLEAN-UP OF THE ROADWAYS ON SATURDAY, MAY 6, 2017.**

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 17-85**  
**APPROVE MOVING THE DATE OF THE APRIL AGENDA MEETING TO THURSDAY, APRIL 27, 2017 AT 6:30 P.M.**

A motion was made by Supervisor Szczepaniak and seconded by Councilman Goslin.

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

Nays 0

**RESOLUTION 17-86**

**AUTHORIZE THE TOWN ATTORNEY TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT NOT TO EXCEED \$5000 FOR THE REVIEW OF THE WATER CONTRACT WITH THE TOWN OF GLENVILLE.**

A motion was made by Supervisor Szczepaniak and seconded by Councilwoman Stewart.

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

**PRIVILEGE OF THE FLOOR**

*Carl Thurnau* stated being an Eagle Scout stays with you your whole life. It opens many doors as it did for him. The Ballston Lake Sewer project was awarded 2.9 million dollars from NYS. He is now paying for the sewer project even though he doesn't live around the lake.

Councilman Goslin noted that Mr. Thurnau, his son and grandson are all Eagle Scouts.

*Highway Supervisor Joe Whalen* stated budgeted money is allotted for a new 1 ton truck this year. There is a \$200 difference in State contract between Chevy and Ford. He asked the Board if he should go out to bid. The Board decided it would cost more than the \$200 for the work involved in the Clerk's office and for Superintendent Whalen. He would like to approach the dealerships in Town to see if they can beat or match the price. The Board gave him authority to do this.

*Scott Draina* stated it was a sad night for him tonight. Kim Kotkoskie was an honest, professional that will be missed and sorry to see her go. He also mentioned that having a public hearing and voting on the issue the same night should not occur. These are projects that should have taken more time to consider and voted on at the next meeting. He feels the Board cost the Town more money.

**RESOLUTION 17-87**

**ENTER INTO EXECUTIVE SESSION TO DISCUSS POSSIBLE LAND ACQUISITION AND CONTRACT PRICE FOR PURCHASE WITH POSSIBLE ACTION TO BE TAKEN**

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

The Board entered Executive Session at 9:00 p.m.

**RESOLUTION 17-88**

**RETURN TO REGULAR SESSION.**

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

The Board returned to Regular Session at 9:20 p.m. with the following actions:

**RESOLUTION 17-89**

**AUTHORIZE COUNCILMAN GOSLIN TO WORK WITH ATTORNEY ON THE SEWER DISTRICT WITH RESPECT TO ACQUISITION OF PROPERTY.**

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

The following resolution was inadvertently omitted before going in to Executive Session.

