

A regular meeting was held by the Town Board of the Town of Ballston on Tuesday evening, February 14, 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

Supervisor Szczepaniak called the meeting to order at 6:30 p.m. and the Pledge of Allegiance was recited. A moment of silence followed in memory of Maurice Shipway who recently passed away. He was a member of the Board of Assessment and Review for several years.

Supervisor Szczepaniak read the following Town resolution for Eagle Scout Tim Zukas:

**RESOLUTION 17-23
CONGRATULATING TIMOTHY M. ZUKAS ON ACHIEVING
THE RANK OF EAGLE SCOUT**

WHEREAS, Timothy M. Zukas of Burnt Hills began his Boy Scout journey in the third grade when he joined Cub Scout Pack 4 while attending Charlton Heights Elementary School; and

WHEREAS, upon earning his Arrow of Light award, Timothy advanced to Boy Scout Troop 65 of Glenville, NY; and

WHEREAS, due to Timothy's dedication and perseverance throughout his years in Boy Scout Troop 65, he earned the minimum 21 Merit Badges necessary to achieve the rank of Eagle Scout; and

WHEREAS, in addition to earning the required Merit Badges, Timothy also successfully completed his service project which consisted of building and installing four 12-foot long benches and spreading new gravel on the nature trails at Jenkins Park, a project which required 60 hours of work; and

WHEREAS, Timothy graduated from Burnt Hills – Ballston Lake High School in June 2016 and is currently studying Engineering Science at Hudson Valley Community College with the hopes of attending Clarkson University to study Mechanical Engineering; and

WHEREAS, Timothy Zukas, through commitment and hard work, has risen to the rank of Eagle Scout, which is only achieved by five percent of all Boy Scouts; and

WHEREAS, the values instilled and training obtained during his time as a Boy Scout has undoubtedly given Timothy the tools necessary to attain success throughout his life; now

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Ballston recognizes Timothy M. Zukas for his tremendous accomplishment on achieving the rank of Eagle Scout, and wishes him all the best in his future endeavors.

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

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

Nays 0

CORRESPONDENCE

The Clerk read two letters in regards to Local Law #,1 the Beacon Hill PUDD amendments. The first was from the Zoning Board of Appeals Chairman Michael Lesinak. The letter stated there were no objections to the proposed changes. The second was from the Saratoga County Planning Board approving the proposed changes in the Beacon Hill PUDD.

REPORTS OF TOWN OFFICIALS

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

Library Director Karen DeAngelo reported:

- Mini golf will be held at the library on February 24th from 2 p.m. to 6 p.m. and February 25 from 9 a.m. to 3 p.m. Play 9 holes for \$3.00 or 18 holes for \$5.00. This is a fundraiser for Friends of the Library.
- There were some problems with the heat downstairs caused by a snow plugged pipe on the roof. It has been repaired.
- Thanks to the grant we received from the Southern Adirondack Library System, we have additional lighting in the children's room and this room will be painted the weekend of March 3-5.
- Library advocate cards for the Town Board have been created so they have information about the library at their fingertips.

Budget Officer Jeanette Borthwick reported:

- The report presented is for the first month of the new year. The format of the report has been changed slightly so it is more useful. Some items belong in 2016 that need to be adjusted along with revenue.

RESOLUTION 17-24

APPROVE THE SUPERVISOR'S FINANCIAL REPORT FOR THE MONTH OF JANUARY 2017.

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

Nays 0

Councilman Goslin noted that he believes this report has to be called the "Supervisor's Report" Supervisor Szczepaniak will look into this.

SUPERVISOR'S REPORT

Supervisor Szczepaniak stated:

- Received a letter from the BH-BL School District authorizing the alternative Veteran's Exemption. This will take effect for qualified residents beginning with the Fall of 2017 school property tax collection.
- The Calvary Episcopal Church on Lakehill Road is on the National Registry of Historic Places and will be recognized in the future. Our Town Historian Rick Reynolds and the County historian have been working on this and thanked them for their efforts.
- On March 8th, he will be going to Albany with the Highway Superintendents of NYS to advocate for CHIPS funding for water infrastructure and road repairs.
- There will be a bulk pickup this year, tentatively it is May 29th. More details will follow and put on the web. County Waste will send Town residents a letter stating what can and cannot be put out.
- Executive session will be at the end of the meeting to discuss the water contract with the Town of Glenville, a personnel issue and an old law suit.
- Councilman Goslin and the Sewer Committee have done an outstanding job with the Ballston Lake sewer project and the pending contract. Our outside counsel who reviewed the contract recommends a peer review from the Town engineer. This is usually standard in the industry, especially projects of this size. It is another set of eyes on the project and helps reduce change orders with the project. C.T. Male has a proposal for the Board to review.

COUNCILMEMBERS REPORTS

Councilman Goslin reported:

- Is not familiar with a "peer review" and questioned why he or the committee was not informed of this. Supervisor stated it is brand new information that was just received.
- The contract is almost complete with Adirondack Mountain Engineering.

Councilman Antoski reported:

- Farmland Protection will meet next week.

Counsel James Walsh reported:

- Met with the judge on the Gaetani case on a proposed settlement and will discuss further in Executive Session. There may be action taken.

Councilwoman Stewart reported:

- Parks & Rec Committee meets tomorrow. They will be discussing signage.
- Parks survey findings will be presented at the March or April meeting.
- Working on the RFP for the micro grant enterprise program for a project manager. A selection Committee needs to be appointed in the near future.
- Meeting with Jason Kemper (Saratoga County Planning) to find out how to do a master plan for parks.

Councilman Curtiss reported:

- He and Councilman Goslin will be meeting soon with the Zoning Committee to go over the list of outstanding issues.
- He is on the Buildings and Grounds Committee, and was just made aware that there is no heat in the Tax Collector/Historian's office. He will look into something besides a space heater.
- An idea he'd like to share is to install a message board out in front of the Town Hall building. It is a communication piece for the public. He will get some pricing.

OLD BUSINESS

Village Fire Contract

Counsel stated we have had a contract in place, and the terms. It will be done next month.

Ballston Lake Sewer Project Update

Route 50 sewer preliminary report needs to be presented to the Board possibly at the February agenda meeting. After meeting with Carpenter's Acres residents at our January agenda meeting, the consensus is to move forward with a referendum, possibly in April or May.

Hawkwood

No new updates to report.

Zoning Update

Supervisor Szczepaniak stated the workshops are going very well. There will be another one on Saturday, March 11th from 8 am to noon in the Meeting Room. Councilman Goslin stated as a Board, the recommendations given from Nan are being looked at one by one. There are items that all agree on and the language is being prepared by Nan. Items that are not agreed on are being discussed with Councilman Curtiss and Councilman Goslin as they are the Zoning Committee appointees. Nan stated that the Board is half way through the zoning district and should be done within the next 2 months. Hopefully in May, we should have a complete package to start the Local Law process.

Kelley Farms Construction Road Access

The road is posted and there have been no further issues. The construction road is currently being used.

Phones

Councilman Goslin states we need to have an RFP. There are a lot of requirements including disaster abilities and phone enhancements. It is a work in progress.

Moratorium

Last month Councilman Curtiss had presented a draft to the Board. He has since made some small changes and wants to schedule a public hearing. Supervisor Szczepaniak asks if we have Board support. Counsel stated a draft has been circulated, the Board decides to go through the process or not. This is a local Law and needs to follow the steps. Supervisor Szczepaniak's view on a moratorium is that it is not necessary. They are making great progress at the zoning workshops on the zoning changes. Councilwoman Stewars asked Councilman Curtiss if the

Board received the updated language reflecting the changes from the first draft. She has not seen any changes. Councilman Curtiss stated the changes have not been distributed. Councilman Goslin asks for a draft of moratorium language (which did not include changes), and reads a portion of the language: “the Town continues to receive numerous applications for high density development within the residential districts of the Town”. What applications have we had that reflect this statement? Since we changed the Density Bonus in the Ballston Lake Residential section of Town we have not had any high density applications and does not see the need for this moratorium. Councilman Curtiss is optimistic that the zoning will be finished by summer; however, we have not gotten through the difficult ones. A moratorium is a safety net until all zoning is updated. He doesn’t see it moving that fast. This is a high priority for him. Councilman Goslin feels with a little compromise we can be where we want to be with zoning.

NEW BUSINESS

IT Position

Councilman Goslin would like to hire a part time IT person and offer the job to a Town student at \$12.50 per hour for 4 to 6 hours per week. He can come to Town Hall twice a week and address any issues employees are experiencing. We still have Platinum Information Technology and Jake (who is on a volunteer basis). Councilman Goslin has intentions of holding a meeting on the first Friday of the month to go over issues/and or projects at Town Hall. He would like to have a resolution this evening to hire this individual. Councilman Antoski asked if there is a job description for this position? Councilman Goslin will write one. Councilman Goslin asked if the new server is in the budget or not? He wants to purchase a computer for this individual and start working the on the server whether it’s in the budget, or we take it from fund balance. This is the next step moving forward with IT so we can have the tools we need at Town Hall. He would also like this as a resolution in the amount of \$11,000. It was asked where the money is coming from if it is not in the budget? The Budget Officer highly recommended a job description and stated a fair process is to have this opportunity to go out to everyone. Supervisor Szczepaniak stated we have reached out for assistance in the IT department and have been looking for support for a long time. This is why we have liaisons for each committee. Ongoing support and projects are needed. Councilman Curtiss would like some certainty. Supervisor Szczepaniak had several vendors and presenters last year. We have had ongoing issues and Councilman Goslin has found a solution. We need to move forward instead of spinning our wheels. We will vote on the resolution to hire this individual this evening.

Park & Rec Fess Language

The new proposed language for the Park & Rec fees, allowing expending funds on capital improvement or maintenance items, has been distributed to the Board.

Bond Counsel

The Board can decide who they want for Bond Counsel. Town Counsel will have a recommendation in March.

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

No one wished to speak this evening.

RESOLUTION 17-25

APPROVE THE FINAL NOTICE OF INTENT – AGRICULTURE IMPACT STATEMENT FOR THE PROPOSED PETITION FOR EXTENSION OF WATER DISTRICT FOR GOODE STREET PROJECT.

FINAL NOTICE OF INTENT TO UNDERTAKE AN ACTION WITHIN AGRICULTURAL DISTRICT NO. 2 (SARA002) Petition for Thomas J. Benuscak Water District Extension

The Town of Ballston submits its Final Notice of Intent - Agricultural Impact Statement relative to the Petition for an Extension to the Water District for the Thomas J. Benuscak Project proposed to be located on Goode Street in the Town of Ballston, County of Saratoga, New York as follows:

- (i) a detailed description of the proposed action and its agricultural setting;

The project sponsor seeks approval to include parcel 238.-1-39.12, a 35 +/- acre parcel owned by Thomas E. Lowe and Charles T. Lowe within the Town of Ballston as an extension to the Town of Ballston Consolidated Water District. Significantly, the parcel is currently a vacant field with the eastern third (approximately 10 acres) being wooded. An ACOE jurisdictional wetland also lies within the 35 acre parcel. As hereinafter explained the proposed action is to construct public water infrastructure to serve 12 residential dwellings in an approved subdivision, i.e. nonfarm structures.

The 35 +/- acre parcel has been subdivided into 12 rural residential lots in conformance with the Town of Ballston Zoning Ordinance. Two lots front on Goode Street, and ten lots will be serviced by a town road of approximately 1630 linear feet. The lot areas, setback and density were determined by designing the lots in accordance with the zoning standards for individual wells and septic systems. On June 29, 2016 this project obtained conditional final approval from the Town of Ballston Planning Board; final approval is contingent upon a favorable ruling from the New York State Department of Health with respect to each septic system. The resubmitted and conditioned final approved plans at the June 29, 2016 Town of Ballston Planning Board meeting depict town water connection without wells. A copy of the Planning Board minutes from the June 29, 2016 meeting is attached hereto and made a part hereof as Exhibit A. Wells run dry, public water does not.

Water wells for this residential subdivision are not a viable source of water. There is a lack of groundwater to support a 12 lot rural residential subdivision. The existing Town of Ballston Consolidated Water District water system includes a 12 inch water main located along the west side of Goode Street (County Route 57) across from the parcel. Water service will be extended into the proposed subdivision by installing a tapping tee on the 12 inch main and boring under Goode Street. In addition, an 8 inch gate valve will be installed at the tapping tee connection point. The proposed connection will include an extension of an 8 inch diameter water main from the new tee that will run the length of the proposed town road on its south side.

The Town of Ballston Consolidated Water District water system is permitted for source capacity from the Town of Glenville and the Saratoga County Water Authority. The Town of Ballston Consolidated Water District is required to purchase a minimum of 100,000 gallons per day from the Town of Glenville and 150,000 gallons per day from the Saratoga County Water Authority. The Town of Ballston Consolidated Water District does not have a maximum withdrawal limit from either water source. Based upon historical water consumption data it is anticipated that an average daily usage of 250 gallons per day per home or 3000 gallons per day for the 12 single-family homes will occur.

Upon completion of the project the water main and other infrastructure will be offered for dedication to the Town of Ballston Consolidated Water District. The water main infrastructure will be constructed wholly within the proposed town road right-of-way to allow access to the main for future maintenance purposes.

Although the Town of Ballston is not exercising its power of eminent domain it is authorizing an extension to an already existing consolidated water district the infrastructure for which will be constructed in the town right of way and ultimately dedicated to the consolidated water district.

Construction of the proposed water distribution system for this project will include approximately 1650 lineal feet of 8-inch ductile iron pipe, three hydrants and all the necessary valves and fittings to serve the project. Service lines with curb stops will be provided to all 12 lots. Similar to the proposed 8 inch main, the lots fronting Goode Street will be installed by trenchless methods by boring under Goode Street. All new water mains, valves, meters and hydrants will comply with the Great Lakes Upper Mississippi River Board of State Public Health & Environmental Managers publication "Recommended Standards for Water Works" and specifications. The main and service laterals shall be installed to provide a minimum five feet of soil cover over all sections of the water lines.

The Town of Ballston shall not acquire an interest in any land by eminent domain or purchase, nor will the town construct any portion of the proposed improvements nor advance public funds for construction of the water district infrastructure. No real property shall be acquired from an actively operated farm or farms within this agricultural district for the construction of the water district infrastructure.

Notwithstanding the foregoing upon completion of construction the infrastructure will be dedicated to the Town of Ballston Consolidated Water District. The subdivision of 35 acres is located within Agricultural District No. 2.

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 part of this proposed action. No farms are affected by this proposed action.

- (ii) the agricultural impact of the proposed action including short-term and long-term effects;

There are no agricultural short-term and long term agricultural impacts from the project. The location of the project includes land that has not been used for agricultural purposes and the land is not favorable for agricultural use due to the soil type and the existing wetlands. The land is not currently used for farmlands or serves as an agricultural resource. There is no agricultural setting within the 35 acres inasmuch as one-third of the parcel is wooded, another portion of the parcel is an ACOE jurisdictional wetland and the remaining acreage is vacant and fallow and is not farmed. This proposed action will not adversely affect any farm operator's ability to manage any nearby farm operation effectively and efficiently; will not restrict production options which could affect the economic viability of any farm due to the significant site open space; nor will it cause any lengthy delay in the construction of any farm building or implementation of any agricultural practice. In addition, the twelve rural residential lots are in conformance with Town of Ballston zoning. The lot areas, setback and density were determined by designing the lots in accordance with the Town's zoning standards.

- (iii) any adverse agricultural effects which cannot be avoided should the proposed action be implemented;

No adverse agricultural effects are anticipated from the proposed action as discussed above.

- (iv) alternatives to the proposed action;

There are no other possible alternatives to the action since the real property in question is properly zoned Rural Residential and the fact that the town of Ballston Consolidated Water District currently owns a 12-inch water main located along the west side of Goode Street immediately across the street from the parcel. Well water for this residential subdivision is not a proper alternative inasmuch as wells run dry and there is no adequate source of groundwater.

- (v) any irreversible and irretrievable commitments of agricultural resources which would be involved in the proposed action should it be implemented;

There are no irreversible and irretrievable commitments of agricultural resources which would be involved in this proposed water district extension if it is implemented as the real property is not actively farmed, the soils are not valuable for agricultural use, the property is properly zoned for the proposed development, the land is not currently used for farmland nor serves as an agricultural resource, one third of the real property is wooded, another portion of the real property is an ACOE jurisdictional wetland and the remaining acreage is vacant and fallow and is not farmed.

- (vi) mitigation measures proposed to minimize the adverse impact of the proposed action on the continuing viability of a farm enterprise or enterprises within the district;

There are no adverse impacts of the proposed action on the continuing viability of a farm enterprise or enterprises within the district and therefore any mitigation measures need not be considered. The proposed consolidated water district extension would not adversely affect any farm operator's ability to manage a farm operation effectively

- (vii) any aspects of the proposed action which would encourage non-farm development, where applicable and appropriate;

The proposed water district extension does not encourage nonfarm development in a way not currently anticipated under the town's current zoning ordinance which permits, as of right, the development of residential uses on the property.

Residences require public water not an insufficient supply of groundwater through a well.

- (viii) such other information as the Commissioner may require.

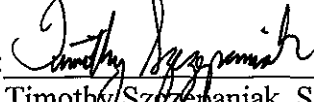
This is an approved 12 lot subdivision located within a rural residential district for which development can proceed with wells. However, the Town of Ballston Planning Board approval allowed the construction of infrastructure to provide public water. Reliance on a resolution adopted in 2004 is misplaced since the proposed development is consistent with the zoning ordinance for the town of Ballston and since other

subdivisions, namely Carriage Run and Vienna Court, utilize the same water main line on Goode Street to connect to those respective subdivisions; moreover, the Carriage Run subdivision, upon information and belief, is located within Saratoga County Agricultural District No.2. To disallow the lateral connection constitutes an indirect taking of the owners' real property in violation of the New York State Constitution and United States Constitution.

Pursuant to Section 305(4)(d) of the Agriculture and Markets Law the property owners will be expressly waiving the provisions of Section 305(b) and (c) relative to this action.

- (ix) The anticipated date of commencement of the proposed action is on or about April 15, 2017.
- (x) The following individual is authorized to respond to any inquiries: Timothy Szczepaniak, Supervisor, Town of Ballston, Post Office Box 67, Burnt Hills, New York 12027-0067. (518) 885-8502.

TOWN OF BALLSTON

By: 
Timothy Szczepaniak, Supervisor

Counsel stated this resolution is notice to NYS Ag & Markets as the Final Intent to extend water to this project. We did the preliminary intent a few months ago. The property has already been approved for a 12 lot subdivision. This is a step that needs to be done allowing the project to have Town water. We anticipate that there will be problems with the private wells running dry. It is a residential area and we want to be proactive.

Councilman Antoski stated the original 2004 resolution was restricting a lateral connection. Councilman Curtiss asks how has it gotten this far? Town counsel replied that a resolution is an opinion of the Board. It is not law. In 2004 it was the opinion of the Board, at that time, not to extend laterals in a Ag district. The opinion of the Board last year stated we will proceed differently. A resolution is not binding by a prior Board. What is the next step for Ag & Markets ask Councilwoman Stewart? They may respond. Councilman Antoski stated there will be a public hearing on this.

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

ROLL CALL:

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

MOTION CARRIED 3-2

RESOLUTION 17-26

APPROVE SETTING A PUBLIC HEARING FOR MARCH 14, 2017 AT 6:15 P.M. FOR THE PROPOSED PETITION FOR EXTENSION OF WATER DISTRICT FOR GOODE STREET PROJECT.

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

NOTICE OF PUBLIC HEARING

COUNTY OF SARATOGA TOWN OF BALLSTON

February 14, 2017

ORDER FOR PUBLIC HEARING ON ESTABLISHMENT OF 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 map, plan and report have been prepared in such manner and in such detail as is required by Article 12 of the Town Law of the State of New York and a petition pursuant to Article 12 of the Town Law of the State of New York, relating to the establishment of Consolidated Water District, Ext. 1, in the Town of Ballston, County of Saratoga, State of New York, have been filed in the Town Clerk's Office; and

WHEREAS, said map, plan and report was prepared by Environmental Design Partnership, LLP, competent engineers, duly licensed by the State of New York, showing boundaries of the proposed District Extension, a general plan of the District Extension and an analysis showing the costs thereof and method of operation; and

WHEREAS, said map, plan and report shows all facilities, including mains, together with the location and the general description of all public works required including lands and easements to be acquired including, but not limited to, a tapping fee, 1650 linear feet of 8-inch ductile iron pipe, 3 hydrants and all the necessary valves and fittings to serve the project; and

WHEREAS, the boundaries of the proposed District Extension are as described in Schedule "A" annexed hereto; and

WHEREAS, the maximum amount proposed to be expended for said improvements and/or acquisition of necessary lands is the sum of Two Hundred Thousand (\$200,000.00) Dollars; and

WHEREAS, 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 shall be on an ad valorem basis for all users; and

WHEREAS, said map, plan and report describing said improvements is on file in the Town Clerk's Office for public inspection; and

WHEREAS, the first year cost of debt repayment and full operation for typical properties within the District is \$0, and operation and maintenance charges for the first year are estimated at \$370.00. Hookup fees in the amount of \$2,000.00 shall be paid by the property owner.

NOW, it is hereby ORDERED, that the Town Board of the Town of Ballston, shall meet and hold a **public hearing at the Town of Ballston Town Hall, 323 Charlton Road, Ballston Spa, New York 12020, in said Town, on the 14th day of March, 2017, at 6:15 p.m.**, local time, to consider said petition and the map, plan and report and to hear all persons interested in the subject thereof as is required or authorized by law.

The foregoing was moved by Councilperson Goslin and seconded by Councilperson Stewart.

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

Timothy Szczepaniak, Supervisor	Aye
John Antoski	Aye
William Goslin	Aye
Chuck Curtiss	Aye
Kelly Stewart	Aye

Dated: February 14, 2017

SCHEDULE A

SURVEY DESCRIPTION

EXTENSION OF TOWN OF BALLSTON CONSOLIDATED WATER DISTRICT LANDS OF THOMAS E. LOWE AND CHARLES T. LOWE

SBL # 238.00-1-39.12 TOWN OF BALLSTON, NY

EXTENSION OF TOWN OF BALLSTON CONSOLIDATED WATER DISTRICT THROUGH ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND SITUATE in the Town of Ballston, County of Saratoga, State of New York lying along the easterly line of Goode Street, County Road No. 57 and identified as Proposed Lot #1 as shown on a map entitled "Property Survey and Minor Subdivision of lands of Thomas E. Lowe and Charles T. Lowe", dated July 17, 2013 as prepared by Northeast Land Survey & Land Development, P.C. and filed in the Saratoga County Clerk's Office on February 26, 2014 as Map No. M2014036 and being further bounded and described as follows:

Beginning at the point of intersection of the easterly line of Goode Street with the common division line of lands now or formerly of Thomas J. Benuscak and Darcy A. Benuscak as conveyed in Instrument No. 2011024357 to the north and the parcel of land herein being described to the south;

Thence from said Point of Beginning along said common division line the following two (2) courses and distances:

- 1) North 84 deg. 10 min. 55 sec. East, 245.79 feet to a point;
- 2) North 80 deg. 36 min. 20 sec. East, 94.65 feet to a point being the southeasterly corner of

said lands of Benuscak;

Thence along the common division line of Remaining lands of Thomas E. Lowe and Charles T. Lowe (Proposed Lot #2 - 63± acre parcel) to the east and north and the parcel of land herein being described to the west and south the following three (3) courses and distances:

- 1) South 05 deg. 58 min. 55 sec. East, 30.05 feet to a point;
- 2) North 82 deg. 26 min. 53 sec. East, 1,202.01 feet to a point;
- 3) North 81 deg. 45 min. 37 sec. East, 635.92 feet to a point in the westerly line of lands now or formerly of Sheri D. Cseh and Laszlo Cseh as conveyed in Instrument No. 2008024864;

Thence along said westerly line, South 06 deg. 42 min. 58 sec. East, 646.80 feet to a point being the northeasterly comer of lands now or formerly of Carol R. Samson as conveyed in Book 1596 of Deeds at Page 791;

Thence along the common division line of said lands of Samson and lands now or formerly of Diane B. Harper as conveyed in Book 1397 of Deeds at Page 274 to the south and the parcel of land herein being described to the north, South 77 deg. 00 min. 21 sec. West, 1,989.22 feet to a point in the easterly line of lands now or formerly of Robert J. Welch as conveyed in Book 1615 of Deeds at Page 456;

Thence along the common division line of said lands of Welch and lands now or formerly of Raymond Smith as conveyed in Book 1756 of Deeds at Page 766 to the west and the parcel of land herein being described to the east, North 07 deg. 09 min. 35 sec. West, 200.00 feet to a point being the northeasterly comer of said lands of Smith;

Thence along the common division line of said lands of Smith to the south and the parcel of land herein being described to the north, South 77 deg. 24 min. 25 sec. West, 194.30 feet to a point in the easterly line of Goode Street;

Thence along said easterly line, North 07 deg. 05 min. 40 sec. West, 71.92 feet to the point of intersection of said easterly line with the common division line of lands now or formerly of Thomas M. Hussey and Mary Darlene Hussey as conveyed in Book 1021 of Deeds at Page 205 to the north and the parcel of land herein being described to the south;

Thence along the common division line of said lands of Hussey to the north, west and south and the parcel of land herein being described to the south, east and north the following three (3) courses and distances:

- 1) North 77 deg. 29 min. 40 sec. East, 200.00 feet to a point;
- 2) North 07 deg. 05 min. 40 sec. West, 150.00 feet to a point;
- 3) South 77 deg. 29 min. 40 sec. West, 200.00 feet to a point in the easterly line of Goode Street; Thence along said easterly line, North 07 deg. 12 min. 20 sec. West, 457.29 feet to the point or place of beginning of said Extension of Water District No. 2.

The purpose of this description is to describe an Extension of the Town of Ballston Consolidated Water District and should not be used for the transfer of Real Property.

Said parcel made subject to any and all enforceable covenants, conditions, easements and restrictions of record as they may appear. September 22, 2016

RESOLUTION 17-27

DECLARE THE TOWN BOARD AS LEAD AGENCY AND CLASSIFYING SEQRA AS AN UNLISTED ACTION FOR EXTENSION OF WATER DISTRICT FOR GOODE STREET PROJECT.

RESOLUTION 17-27

REGARDING LEAD AGENCY FOR 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 has been prepared and filed in the Town Clerk's Office, relating to the establishment of the 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, general plan of the District, the improvements to be made to the District, 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;

NOW, THEREFORE, IT IS RESOLVED, that the Town Board of the Town of Ballston be designated as lead agency for the environmental review for the creation of the proposed establishment of the Consolidated Water District, Ext. 1 and it is further,

RESOLVED, that the Town Supervisor be authorized to sign any and all documents associated with the environmental review of the creation of the Consolidated Water District, Ext. 1, pursuant to the State Environmental Quality Review Act.

The foregoing was moved by Councilman Goslin, and seconded by Councilwoman Stewart. 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	<u>X</u>	
Councilperson John Antoski	<u>X</u>	
Councilperson William Goslin	<u>X</u>	
Councilperson Chuck Curtiss	<u>X</u>	
Councilperson Kelly Stewart	<u>X</u>	

DATED: February 14, 2017

RESOLUTION 17-28

APPROVE THE ESTIMATE OF COSTS FOR EXTENSION OF WATER DISTRICT FOR GOODE STREET PROJECT (PER NYS COMPTROLLER'S OFFICE).

COUNTY OF SARATOGA

TOWN OF BALLSTON

February 14, 2017

WHEREAS, a map, plan and report have been prepared in such manner and in such detail as is required by Article 12 of the Town Law of the State of New York and a petition pursuant to Article 12 of the Town Law of the State of New York, relating to the establishment of Consolidated Water District, Ext. 1, in the Town of Ballston, County of Saratoga, State of New York, has been filed in the Town Clerk's Office; and

WHEREAS, said map, plan and report was prepared by Environmental Design Partnership, LLP, competent engineers, duly licensed by the State of New York, showing boundaries of the proposed District, general plan of the District and an analysis showing the costs thereof and method of operation; and

WHEREAS, said map, plan and report shows all facilities, including mains, together with the location and the general description of all public works required including lands and easements to be acquired; and

WHEREAS, the boundaries of the proposed District are as described in the map, plan and report; and

WHEREAS, the improvements proposed consist of the construction of approximately 1650 linear feet of 8-inch ductile iron pipe, 3 hydrants and all necessary valves and fittings; and

WHEREAS, the maximum amount proposed to be expended for said improvements and/or acquisition of necessary lands is the sum of Two Hundred Thousand (\$200,000.00) Dollars; and

WHEREAS, approval of the New York State Comptroller will not be required for the formation of the Consolidated Water District, Ext. 1 and any assessments for future construction shall be on an ad valorem basis for all users; and

WHEREAS, said map, plan and report describing said improvements is on file in the Town Clerk's Office for public inspection; and

WHEREAS, the first year cost for operation and maintenance for typical properties within the District is \$370.00. Hookup fees in the amount of \$2,000.00 to the resident property line are not included in the estimated maximum cost.

NOW, it is hereby **ORDERED**, that the Town Board of the Town of Ballston shall cause to be filed for public inspection with the Town Clerk, a detailed explanation of how the cost to the typical property has been computed and that an analysis of the computation of those costs is attached hereto as Exhibit A.

EXHIBIT A

6.0 PROJECT CAPITAL COST ESTIMATE

The maximum capital cost required to extend water infrastructure within the proposed Water District Extension is estimated to be \$200,000. The capital cost includes installation of approximately 1,660 lf of 8 inch D.I.P. watermain, 3 hydrant assemblies, the installation of 11 service laterals to the property line of future lots, and a connection to the existing watermain.

7.0 FINANCING, OWNERSHIP AND MAINTENANCE

The formation of the Town of Ballston Consolidated Water District and all infrastructure improvements associated with this Water District Extension are to be financed by the project sponsor, Thomas J. Benuscak. The Town of Ballston Consolidated Water District will own and maintain the new water distribution system within the proposed Town road ROW upon completion of construction and dedication to the Town of Ballston Consolidated Water District.

The annual cost to the future owners of the 12 single family residential lots for service will include water usage and maintenance calculated at the same rate as the existing Consolidated Water District, which is currently \$4.05 per 1,000 gallons. Based on an anticipated usage of 250 gpd for the 12 single family residential lots, the total annual billing for water usage would be \$369.

The foregoing was moved by Councilman Goslin seconded by Councilwoman Stewart.
ROLL CALL:

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

MOTION CARRIED 5-0

RESOLUTION 17-29

CLASSIFY SEQRA AS A TYPE 2 NEGATIVE DECLARATION FOR LOCAL LAW #1 (BEACON HILL PUDD LANGUAGE CHANGE).

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

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

MOTION CARRIED 5-0

RESOLUTION 17-30

APPROVE LOCAL LAW #1 OF 2017 (BEACON HILL PUDD LANGUAGE CHANGE).

RESOLUTION 17- 30
ADOPTION BY THE TOWN BOARD OF THE
TOWN OF BALLSTON LOCAL LAW NO. 1 - 2017

WHEREAS, a resolution was duly adopted by the Town Board for a public hearing to be held by said Town Board, Town of Ballston at the Town Hall, 323 Charlton Road, Ballston Spa at 6:00 p.m. on February 14, 2017 to hear all interested parties on a proposed Local Law entitled “Beacon Hill PUDD Amendments,” and

WHEREAS, notice of said public hearing was duly advertised in the Gazette Newspapers, the official newspaper of the Town, on February 10, 2017 and posted on the Town Clerk’s signboard on January 30, 2017 and Town of Ballston web page www.townofballstonny.org.

WHEREAS, said public hearing was duly held at the Ballston Town Hall at 6:00 p.m. on February 14, 2017 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, the Saratoga County Department of Planning on January 19, 2017 having determined pursuant to Section 239-m of the General Municipal Law that said Planning Department has not identified any significant county-wide or inter-community impacts associated with the proposed Local Law, and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) (“SEQR”), it has been determined by the Town Board, Town of Ballston that adoption of the proposed Local Law does not constitute an action as defined and could be considered without further regard to SEQR, and

WHEREAS, the Town Board of the Town of Ballston of, after due deliberation, finds it in the best interest of the Town to adopt said Local Law,

NOW, THEREFORE, the Town of Ballston Town Board hereby adopts said Local Law as Local Law No. 1 - 2017 entitled “A Beacon Hill PUDD Amendments,” a copy of which is attached hereto and made a part hereof, and the /Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and to enter said Local Law in the Local Law Book of the Town of Ballston, and to give due notice of the adoption of said Local Law to the Secretary of State.

Local Law No. 1 of the year 2017

A local law to amend the Beacon Hill PUDD for the Town of Ballston.

Be it enacted by the town board of the Town of Ballston as follows:

Section I. Title: A local law to amend the Beacon Hill PUDD for the Town of Ballston.

Section II. Authority: This local law is adopted pursuant to Municipal Home Rule Law, § 10[1][ii][a][1] that grants to local governments the authority to enact local laws.

Section III. Provisions: This local law shall clarify the allowable uses section of the Beacon Hill PUDD, specifically, to clarify the Residential living communities section of the PUDD as well as update the Appendix C of said PUDD.

Section IV. Provisions: The Town Code of the Town of Ballston is hereby amended to add and delete the Beacon Hill PUDD to read as follows:

SECTION 4(B)(3)

Area B as described herein is calculated to have a maximum combined allowable building area not to exceed 89,500 square feet of building footprint. Of this calculation, no more than 11,000 square feet of non-residential enclosed building space, as provided for in Section 5(B) herein, shall be permitted.

SECTION 5(B)

Allowable uses within Area B of Beacon Hill shall include the following: [**Amended 12-6-2005 by L.L. No. 7-2005; 8-7-2012 by L.L. No. 3-2012; 8-27-2013 by L.L. No. 2-2013**]

- (1) Offices: business, professional, medical, governmental, financial, banks.
- (2) Business signs for businesses that are located within Beacon Hill.
- (3) Public utility structures.
- (4) Residential living communities excluding apartments but including any of the following:
 - (a) Condominiums
 - (i) Deed restrictions shall be filed at the Saratoga County Clerk’s Office which limits the ownership of units to no more than two (2) by any one entity.

(ii) A Home Owner’s Association (HOA) with a Board of Directors shall be created which shall enforce the deed restrictions. The HOA Covenants Conditions & Restrictions (CC&R) shall be duly filed with the Saratoga County Clerk’s Office.

(b) Townhouses

Deed restrictions shall be filed at the Saratoga County Clerk’s Office which limits the ownership of units to no more than two (2) by any one entity.

(ii) A Home Owner’s Association (HOA) with a Board of Directors shall be created which shall enforce the deed restrictions. The HOA Covenants Conditions & Restrictions (CC&R) shall be duly filed with the Saratoga County Clerk’s Office.

(c) Single Family Homes

(5) A fifty-two-unit residential condominium which shall consist of 13 four-unit buildings, all such units containing attached garages and a parking space in front of each garage. **[Amended 12-6-2005 by L.L. No. 7-2005; 8-7-2012 by Local Law No. 3-2012] (was number 4)**

(6) Day-care facilities.

(7) Church.

(8) Restaurant.

(9) Retail sales.

(10) Existing billboard signs only.

**Appendix C
Restrictive Covenants for Beacon Hill**

Section 3 – Site Restrictions

B. Property Line Setbacks - Area B.

1. No principal buildings or accessory structures shall be permitted within the following setbacks: **[Amended 12-6-2005 by L.L. No. 7-2005]**

	All Uses Other Than Residential	Single- Family Lots	Townhouse Lots	Condominiums	Accessory Structures
Front Yard	20'	20'	20'	20'	N/A
Side Yard	10'	5'	5'	5'	5'
Rear Yard	20'	10'	10'	10'	6'
Party Wall	0'	N/A	0'	0'	N/A

The minimum lot width at the building line for single-family residences will be no less than 40 feet and the minimum lot width at the building line for the townhouse and condominium residences will be no less than 20 feet.

2. (Reserved)30

3. No buildings or parking areas shall be permitted within 50 feet of the NYS Route 50 R.O.W.

Section 4 – Architectural Restrictions

Area B.

A. Building Height.

1. Maximum building height will be 40' (or as otherwise limited by Local Fire District regulations) to top of roof parapet or to average elevation of sloping roofs as measured from finished grade at building. [Amended 12-6-2005 by L.L. No. 7-2005] Irrespective of height, no building shall contain more than two (2) stories of livable space. All garages shall be positioned such that the access is from either the front or side of the building and no garage shall be designed in such a manner that it shall create a 3 story building.

30 Editor's Note: Former Subsection B2, which provided setbacks for parking areas, private roadways, access aisles and maneuvering areas, was repealed 12-6-2005 by L.L. No. 7-2005.

Section V. Inconsistency: All other local laws and ordinances of the Town of Ballston that are inconsistent with the provisions of this local law are hereby repealed; provided however, that such repeal shall only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered by this local law.

Section VI. Savings Clause: If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder, thereof, but shall be confined in its operation of the clause, sentence, paragraph, worked section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section VII. Effective Date: This local law shall take effect immediately upon filing.

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

ROLL CALL:	Ayes	Noes
Councilman Goslin	X	
Councilman Antoski	X	
Councilwoman Stewart	X	
Councilman Curtiss	X	
Supervisor Szczepaniak	X	

MOTION CARRIED 5-0

RESOLUTION 17-31

AUTHORIZE C.T. MALE TO GO OUT TO BID FOR THE PAINTING OF THE TANK RISER EFFECTIVE FEBRUARY 17, 2017 AND SET A BID OPENING DATE OF TUESDAY, MARCH, 14TH AT 2 P.M.

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

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

RESOLUTION 17-32

AWARD THE ENGINEERING CONTRACT FOR THE BALLSTON LAKE SEWER PROJECT TO ADIRONDACK MOUNTAIN ENGINEERING PENDING ATTORNEY APPROVAL.

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 17-33

AUTHORIZE THE SUPERVISOR TO OBTAIN CREDIT FROM ADIRONDACK TRUST COMPANY AND TO ALLOW THE TOWN CLERK USAGE OF THE CREDIT CARD AT A \$5,000 LIMIT.

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

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

RESOLUTION 17-34

AUTHORIZE THE TRANSFER OF \$248.94 FROM THE A FUND CONTINGENCY ACCOUNT TO THE DOG CONTROL OFFICER EQUIPMENT ACCOUNT FOR UNEXPECTED REQUIRED EQUIPMENT PER AN INSPECTION FROM THE COUNTY.

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

Councilwoman Stewart inquired as to what type of equipment. It was answered catch poles and muzzles.

RESOLUTION 17-35

APPROVE THE HIRE OF A PART TIME IT TECHNICAL SUPPORT PERSON AT \$12.50 PER HOUR, FOR 4 -6 HOURS PER WEEK, INCLUDE A JOB DESCRIPTION FOR SUPPORT OF PROJECT AND NOT TO EXCEED \$10,000 FOR THE YEAR.

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

Councilwoman Stewart asked Councilman Goslin if this was for a specific time frame. Councilman Goslin stated it will be ongoing for the year. He proposed this about a month ago by email and discussed it at the Agenda meeting. The job description will help going forward to have on file stated Councilwoman Stewart. Councilman Goslin asked about a resolution to purchase a computer for our new person and the purchase of the server. Supervisor Szczepaniak stated we need to get pricing. Let's look at the fund. Councilman Goslin stated the cost is \$1000 for computer and \$8-9,000 for the server. Councilman Curtiss agreed with the Supervisor to see where this money will be coming from. We will discuss this further at the Agenda meeting at the end of the month.

PRIVILEGE OF THE FLOOR

Scott Draina, of Outlet Road, would like to address Councilman. Goslin's question of why we need a moratorium. He attended a prior Board meeting where there was a proposal from three developers proposing 1200 units of living quarters on Route 50. These three projects alone can justify a moratorium.

Councilman Goslin stated the Board can vote against a PUDD; however, if these projects came to Town the moratorium would not apply because the projects are not in the residential district as the language states on the moratorium.

Kevin Draina of Charlton Road, stated a moratorium is supported by the public, and the Planning Board. Development needs to be stopped in rural district areas. In regards to water extension on Goode Street. Why is the Board going against what was written? It is no one's problem if wells run dry. He hopes in the future not to allow any water extensions.

Kathy Knight, of Goode St., stated being a Farms First Community why is the Board anxious to take give the Goode Street project out of the Ag district. It is still actively farmed and another piece of farmland will be gone due to this project. She also believes there is a lease on the land. She is asking the Board to reconsider.

RESOLUTION 17-36

ENTER INTO EXECUTIVE SESSION

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to enter into Executive Session to discuss litigation and a personnel issue. Action may be taken.

RESOLUTION 17-37

RETURN TO REGULAR SESSION

A motion was made by Councilman Antoski and seconded by Councilman Goslin to return to Regular Session.

RESOLUTION 17-38

AUTHORIZE THE TOWN ATTORNEY TO SETTLE THE PENDING GAETANI LAW SUIT.

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

A motion was made by Councilwoman Stewart and seconded by Councilman Antoski to adjourn the meeting. The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Carol A. Gumienny
Town Clerk