

A Town Board meeting was held by the Town Board of the Town of Ballston on Thursday evening, June 29, 2017 at the Town Hall on 323 Charlton Road, Ballston Spa, New York.

PRESENT:	Tim Szczepaniak	Supervisor
	Bill Goslin	Councilman
	John Antoski	Councilman
	Kelly Stewart	Councilwoman
	Chuck Curtiss	Councilman
	Peter Reilly	Counsel
	Carol Gumienny	Clerk
ABSENT:	Debra Kaelin	Counsel

Supervisor Szczepaniak called the meeting to order at 6:30 p.m. and the Pledge of Allegiance was recited.

#### **RESOLUTION 17-144**

##### **AUDIT OF CLAIMS**

A motion was made by Councilwoman Stewart and seconded by Councilman Antoski to approve the payment of the bills on the June Abstract. The bills were approved for payment as follows:

General Fund	No. 240 - 286	68,220.07
Highway Fund	No. 302 - 361	200,456.03
Gravel Pit	No. 11 - 16	6,505.85
Park Fund	No. 7 - 12	3,076.16
Library	No. 190 - 227	9,880.14
Water Fund District 2 (SW)	No. 84 - 104	364,454.00
Paradowski Road Water #5	No. 15 - 17	4,034.26
Scotchbush Water Dist. No. 6 (WW)	No. 15 - 17	6,291.83
Silver Ln Water Dist. No. 6 Ext#1 (WX)	No. 15 - 17	1,199.45
Morningdale Court No.2 Ext#24	No. 24 - 26	5,162.74
Trust and Agency	No. 38 - 45	22,329.35

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

Nays 0

#### **REPORTS OF TOWN OFFICIALS**

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

#### **LIBRARY REPORT**

Library Director, Karen DeAngelo, reported:

- The summer reading program is in full swing. Great adult programs coming up such as game night.
- The roof was leaking and repairs were made.
- Ms. DeAngelo has resigned.
- Advertising for a new director and an interim director has been recommended.

#### **BALLSTON LAKE IMPROVEMENT ASSOCIATION**

Dr. Pierce stated the first set of six bacteria samples were taken from six different areas of Ballston Lake. The samples taken from the southern end of the lake and the area off Eastside Drive near the shoreline of the lake showed a higher level of bacteria. This is due to all the water run-off from the rain. Samples taken at other areas of the lake are within the limits of the Dept. of Health. In two weeks, samples will be taken again when there is three days of dry weather. The lake is a foot higher than it was a year ago, due to all the rain.

#### **TOWN ENGINEER REPORT**

Kathryn Serra of C.T. Male stated the repairs are complete on the water tower and it is full of water. No chloroform was found in the first water sample. Ms. Serra is waiting for the results

of the second sample. If this sample is fine, the tank will be back on line by the weekend. The developer for Kelly Farms Phase II is requesting to be placed on the July agenda for the dedication of the roads.

### **BUDGET OFFICER'S REPORT**

Jeanette Borthwick stated we are on course with this year's budget for expenditures. Budget season is approaching and she would like to know from the Board how many meetings they would like to have as well as some ideas on spending in 2018. BST the auditing firm will be presenting the 2016 financials at the July 25<sup>th</sup> meeting. Councilman Goslin thanked Ms. Borthwick for the report of mortgage and sales tax. It was a very good report that showed everything on one page and where we are year to date.

### **SUPERVISOR'S REPORT**

Supervisor Szczepaniak reported:

- There were some issues at Jenkins Park. There was a report of someone bow hunting carp and several fish were found dead in the pond. We need to look at regulations to prevent this from occurring again. DEC was involved but did not act. A resident, whose property backs up to the trails in Jenkins Park, dumped top soil and concrete near the trail and has agreed to move it. The Supervisor contacted the sheriff's department for more patrolling in the Park due an excess amount of empty alcohol bottles.
- Attended a ribbon cutting ceremony for the addition to Townley & Wheeler Funeral Home.
- There is support at the County to raise the age to 21 to purchase tobacco products.
- The County received a grant of 5.4 million dollars for the Zim Smith Trail. Many improvements are scheduled including safety gates at the crossing of Eastline Road.
- A contract has been drafted for the purchase of Fireman's Grove. It will be another town park. The park is owned by the fire department not the district; therefore, a referendum is not needed.
- The Saratoga Economic Development Corp. has a data base for free marketing of properties in the Town. Beth Mohler, an affiliate of SEDC, will present next month on updating our website at a low cost which includes a link for a town newsletter.
- Attended an open house at the Ballston Lake Ambulance.

### **COUNCILMEMBERS REPORTS**

Councilman Curtiss reported:

- The Saratoga County Fair will be July 18<sup>th</sup> - 23rd. There will be a ribbon cutting ceremony on opening day for a new pole barn at the fairgrounds. He thanked the State for the grant that made this project possible.
- He is slowly going over the zoning changes and stated it is a lot to absorb.

Councilwoman Stewart reported:

- Some trails remain closed at Anchor Diamond Park due to all the rain. Bridges are being worked on. Eagle Scouts continue their projects in the park including a constructing a bike rack.
- She will meet with Assemblywoman Walsh to move forward on extending the bike path.
- Thanked Superintendent Whalen and the Highway Department crew for installing the basketball hoops in Reita Park. Stewarts Shops had made a donation for the hoops.
- Attended a meeting with our program administrator, Jim Martin, for the microenterprise grant program. There will be a pre-qualified application available on the town website in mid-July.
- Thanked Karen DeAngelo for all her years of service at the library. Ms. DeAngelo has done a tremendous job and will be missed.

Councilman Antoski will report later in the meeting.

Councilman Goslin stated

- He wanted to inform the Board of this and that he will be submitting expenditures for his personal attorney for the Dolomite law suit.
- There is a broadband issue for some residents on Randall and Finley Roads. He would like to form a committee to address this.

- Working on getting a porta potty for people who use the lake and splitting the cost with Villago. The Town's cost would be approximately \$200 total for three months.

## **OLD BUSINESS**

**Rural safety devices:** Councilman Antoski stated an email from the vendor quoted a higher price than what is on the resolution tonight. He needs to have more information and prices from the vendor and would like to table the resolution.

**Ballston Lake sewer project:** Kim Kotkoskie stated the project is moving along. The Operation and Maintenance agreement has been reviewed by the committee and comments will be reviewed with Saratoga County Sewer District/Clifton Park. A survey was mailed to residents in the sewer district and to date 168 have been received, 28 were returned and 451 have not responded. Ms. Kotkoskie has created a list of concerns from residents. Adirondack Mountain Engineering has completed the surveying and received an appraisal for the potential pump station location at 22 Main Street. The preliminary hydraulic work and line sizing is complete, preliminary engineering plan will be submitted to the sewer committee in late July. There will be a public information meeting at the library in the early fall for sewer district residents. Expenditures from the sewer project thus far has been submitted and await reimbursement. The engineer is waiting on a decision regarding the Route 50 sewer study. The timeline for Route 50 sewer project is: the study and map, plan & report in 90 days, a district referendum and creation by December 31, 2017; CWSRF engineering report and grant applications by March 31, 2018 and lake project bidding with alternates by April/May 2018. A decision must be made if the Route 50 project will proceed.

**Ballston Lake ordinance regulations:** Dr. Pierce boated around the lake with the town attorney of Clifton Park. The attorney agreed with most aspects of our dock ordinance. He will report to the Town Board of Clifton Park with a resolution.

**Glenville water ad valorem review status:** Councilman Goslin and Counsel will draft a letter to the Town of Glenville. Our agreement expires in 2022.

**Zoning changes:** Councilman Goslin stated we need a plan to move forward. He suggests that comments be submitted soon so the Board can address and decide on the final package. It was agreed to schedule a zoning workshop meeting on Tuesday, July 11<sup>th</sup> at 6:30 p.m.

## **NEW BUSINESS**

Morgan Ruthman, of the Spinney Group, introduced Scott Lansing of Lansing Engineering to discuss a PUDD presented to the Board prior for unique community living for residents 55 years of age or older. Mr. Lansing stated the first step is to get Town Board approval and then submit the PUDD to the Planning Board. The 62.79-acre parcel is located at 60 Middleline Road. It will consist of 30,000 SF of commercial space on Route 50, 12 single family homes along Wakeman and Middleline Roads and 264 residential senior housing units. There are 4, 6, and 8-unit townhouse style apartments that are maintenance free. Each unit has a garage with parking. There is a community center in the center of the project along with an outdoor gazebo, a community garden, pool, and dog park. Trails will connect throughout as well. The roads will be private and maintained by the Spinney Group. Supervisor Szczepaniak asked at what point would the commercial part of the project be built? It would be built in connection with the project. What is the length of the project? It was answered conservatively it would take ten years to complete the entire project. Councilman Goslin spoke of sewers in the northern end and how we would connect the PUDD to this project. The Spinney Group could work with the Town regarding sewers. Supervisor Szczepaniak stated we are in litigation with NYS Ag & Markets and unfortunately, due to the project requiring extending water in an ag district, we cannot forward this project to the Planning Board this evening. This is a fantastic setting and a great project for our Town. Councilwoman Stewart also had questions that were addressed. Samantha Raynor, Marketing Director of the Spinney Group, stated residents can stay in the Town they know and love without the hassle of maintaining a home. She explained what it's like to live in a Spinney home. Councilman Antoski asked if the demand is not there does the age limitation change? It was replied that the Spinney Group has not experienced this problem. It is stated in the lease agreement; and the restriction stays with the land.

***Privilege of the floor on items for consideration and action this evening (limit 5 minutes)***

No one wished to speak.

**NEW BUSINESS FOR CONSIDERATION AND ACTION THIS EVENING**

**RESOLUTION 17-145**

**APPROVE THE PURCHASE OF TWO (2) SLOW RIDE RURAL SAFETY DEVICES AT A COST NOT TO EXCEED \$3,000.**

This resolution was tabled due to lack of information on pricing.

**RESOLUTION 17-146**

**ACCEPT THE RESIGNATION OF LIBRARY DIRECTOR KAREN DEANGELO EFFECTIVE AUGUST 14, 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 17-147**

**APPROVE THE SALE OF GRAVEL TO THE BURNT HILLS FIRE DEPARTMENT FOR THE CONSTRUCTION OF THE NEW FIREHOUSE AND AUTHORIZE THE SUPERVISOR TO SIGN THE AGREEMENT IF THE COMPACTION TEST MEETS THE FIRE DEPARTMENT'S REQUIREMENTS.**

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 Supervisor stated that he received confirmation from Superintendent Whalen that the compaction tests were met. This will be a \$35,000 purchase of gravel.

**RESOLUTION 17-148**

**APPOINT SOPHIA MARRUSO AS STORMWATER MANAGEMENT OFFICER EFFECTIVE IMMEDIATELY.**

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 thanked Town Engineer Kathryn Serra for assisting as Stormwater Officer during this transition.

**RESOLUTION 17-149**

**ACCEPT THE RESIGNATION OF LIBRARY BOARD OF TRUSTEE CATHY HAYDEN.**

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

**RESOLUTION 17-150**

**ACCEPT THE RESIGNATION OF LIBRARY BOARD OF TRUSTEE BETH BECHTEL.**

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 17-151**

**ACCEPT THE APPOINTMENT OF STEPHEN BURCHETTE AS A LIBRARY BOARD OF TRUSTEE TO COMPLETE THE THREE-YEAR TERM OF FORMER TRUSTEE CATHY HAYDEN COMMENCING JUNE 29, 2017 AND ENDING JUNE 30, 2020.**

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 17-152**

**ACCEPT THE APPOINTMENT OF JOHN CAPANO AS A LIBRARY BOARD OF TRUSTEE TO COMPLETE THE TWO-YEAR TERM OF FORMER TRUSTEE BETH BECHTEL COMMENCING JUNE 29, 2017 AND ENDING JUNE 30, 2019.**

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 17-153**

**APPOINT REBECCA DARLING INTERIM LIBRARY DIRECTOR EFFECTIVE JULY 29, 2017.**

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

The time frame for having a new director is by November 1st. Applications are due by August 1, 2017 and an interview process and background check will follow.

***Privilege of the floor on any items (limit 5 minutes)***

*Dr. Pierce*, of Lake Road, thanked Councilman Goslin for getting a porta potty for the lake. He asked Counsel if the issue was resolved with Dolomite on having two access roads to the Site – a main access and an emergency access. Mr. Reilly replied no. Dr. Pierce asked if there was a statute of limitation on their application for the work to be done? Town engineer, Kathryn Serra stated the applicant must come back within two years to obtain the final site plan approval. Counsel stated he could envision an argument. Due to current litigation, Dolomite could challenge us on that time frame and we could end up back in court.

Dr. Pierce asked if there was an update on the gas station project on the corner of Lake Hill Road and Route 50. Supervisor Szczepaniak stated we finally received correspondence from the Dept. of Transportation approving the curb cuts. A letter was mailed to owner of the project from our Town Attorney stating the tanks can be put in the ground and the hole can be filled. The project can move forward. The owner has 10 days to respond.

Dr. Pierce stated at the Planning Board meeting, there was a public hearing scheduled for a LED billboard; however, it was cancelled. Counsel stated there was no reason to have a public hearing due the court order stating to approve the application as presented. To settle the lawsuit, the Town Board approved the offer by the judge to allow one billboard without spending tens of thousands of dollars on further litigation that we may or may not have succeeded.

*Ms. Beers*, of Stonebridge Drive, has an issue with a swale on her property. She is asking for someone to come and look at it. Town Engineer, Kathryn Serra cautions the Town on involvement due to the swale being on private property. Councilman Goslin will try to come up with a resolution to assist Ms. Beers.

*Joe Kulikowski*, of Devils Lane, is in support of allowing two resident homes on one property for farmers. This is a proposed change to our current zoning. One residence is for the owner, the other for farm workers. This would not be a rental property.

A motion was made by Councilman Goslin and seconded by Councilman Antoski to adjourn the meeting. The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Carol A. Gumienny  
Town Clerk