

A Town Board meeting was held by the Town Board of the Town of Ballston on Tuesday evening, November 28, 2017 at the Town Hall located at 323 Charlton Road, Ballston Spa, New York.

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

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

RESOLUTION 17-239

AUDIT OF CLAIMS

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

General Fund	No. 479 - 533	33,282.83
Highway Fund	No. 548 - 595	17,004.91
Gravel Pit	No. 42 - 45	2,207.20
Park Fund	No. 34 - 38	17,786.35
Library	No. 369 - 415	23,033.81
Water Fund District 2 (SW)	No. 170 - 181	4,845.53
Paradowski Road Water #5	No.	0.00
Scotchbush Water Dist. No. 6 (WW)	No.	0.00
Silver Ln Water Dist. No 6 Ext. #1 (WX)	No.	0.00
Morningdale Court No. 2 Ext. #24	No. 51 - 55	44.32
Trust and Agency	No. 72 - 82	16,139.07
Fire Protection	No. 3	74,570.53
ADOPTED Ayes	5	Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski Councilwoman Stewart and Councilman Curtiss
Nays	0	

PRESENTATIONS

Kim Kotkoskie gave a monthly update on the Ballston Lake sewer project. The O&M Agreement will have a \$50 carrying fee the second year. The anticipated closing is December 1st for 22 Main Street for the pump station. Adirondack Mountain Engineering is working on easements. 104 have been mailed. The total number of easements is approaching 190. The archaeological report was received with no issues. There will be public informational meetings on November 29th and December 5th at 10 a.m. and 6 p.m. Approximately 250 residents have registered. The Town Board will need to have a discussion on conservation easements in the Sewer Use Law and have a public review schedule. The Route 50 sewer project map, plan and report will need Board approval and a public hearing date scheduled.

Ms. Kotkoskie introduced the Sewer Use Law. A draft copy will be in the Clerk's office and on the Town website in the near future.

Ed Hernandez, of Adirondack Mountain Engineering, presented the Route 50 Sewer Map, Plan and Report. The purpose and benefits are to protect the Lake and Alplaus Creek watersheds, protect the public health and welfare, address failing septic systems, promote small commercial growth, increase tax base and increase property values. The cost to proceed now is much less due to the timing of the Ballston Lake Sewer Project and will only require pipe sizing upgrades. The cost to install separate piping in the future to the county adds approximately 30,000 linear feet of pipe at a cost of \$6 million. The proposed Route 50 sewer district includes Route 50 between Midline Road and the Glenville Town line, Kingsley Road to Blue Barns Road, Midline Road, Lake Hill Road to Goode Street, Seelye Estates including Lawmar Lane and Townley Drive areas, Sherwood Lane and Sherwood Park Drive, Nolan Road and Larkin Drive. There are 527

Supervisor Szczepaniak stated at the Public Safety Committee Meeting at the County he learned the sheriff's department received a grant to purchase a speeding radar sign that will record license plates and issue speeding tickets.

Councilman Curtiss would like to see sidewalks on Ballston and Thomas Avenues. He will look at a possible grant for this.

Councilwoman Stewart thanked Colin McDonough who repaired the third bridge in Anchor Diamond Park. There was a large tree down over a trail and it was removed with the assistance of Highway Superintendent Joe Whalen and his crew. Some vandalism was reported in the Park and the sheriff was notified. She would like to recognize the trail stewards who have volunteer many hours in the Park at a future meeting.

Councilwoman Stewart recommends that before the Parks & Rec Committee take over Fireman's Grove, there needs to be a structural engineer inspection on the pavilion.

The Microenterprise Grant Program Committee has received several applications. If all are approved the grant money will be depleted. We will continue to accept applications in case the current applications are not approved.

Councilwoman Stewart would also like to increase the members of the Parks and Rec Committee.

Councilman Antoski reported the Farmland Protection Committee met on the 21st. The minutes were sent to the Town Clerk. The Committee requested Councilman Antoski inquire on three items: whether TDR can be directly linked to the PUDD; the Comp Plan mentions "LEED certified construction" - does Town have the ability to require this certification? Can the Committee and emergency response departments work with Dennis Pokrzywka and use his software to locate area ponds to assist the fire departments in putting out fires.

Councilman Antoski also stated that the Jenkins Park Committee will meet this Thursday.

Councilman Goslin asked for an update on the new phone system. Supervisor Szczepaniak stated he met with the phone representatives and addressed each question and concern from our IT administrator. The Supervisor is satisfied. It is currently in the hands of legal for review. There is an opt out clause of five years that we would like to be reduced to three years. Councilman Goslin stated the vote was approved to lease a phone system for \$670 month. Spectrum is \$180 per month not including the purchase of the phones. He is not in favor of this system.

Councilman Goslin reported he prepared a water operations improvement plan. He will distribute this to the Board after he discusses it with Water Superintendent Joe Whalen. This will set up the actions that need to be taken in the Water Department.

TOWN ATTORNEY REPORT

Town Attorney, Debra Kaelin stated there is a conference in surrogate court tomorrow for the funds for Anchor Diamond Park. Ms. Kaelin is hopeful that these funds will be available to the Town on January 1, 2018, solely to be used for the maintaining and improvements of Anchor Diamond Park.

OLD BUSINESS

Glenville Water Ad Valorem Review Status – Update

Deb Kaelin, Town Attorney stated she needs more information from the Town of Clifton Park's use of Glenville water and she will have a conversation with the attorney for the Town of Clifton Park.

Zoning changes – Update

Supervisor Szczepaniak stated there is a resolution to accept the language and set a public hearing for January 30, 2018 at 6 p.m. He is requesting that everyone take one more final look at these changes including the chairpersons of the Planning and Zoning Boards, the Stormwater Management Officer, the Building Department, Attorneys Peter Reilly and Deb Kaelin, Farmland Protection Plan Committee, former building inspector Tom Johnson, the town engineer, and all Board members. The Clerk will send the zoning changes to all mentioned above.

Plan for Parks

Councilwoman Stewart asked if the Board wants an RFP or professional services agreement for a master plan for the parks in Town? Councilman Goslin suggested an RFQ (request for quote).

Carpenters Acres Sewer Project

Councilman Goslin stated we will have a referendum on this sewer project and asks the Town Clerk and Town Attorney to work on a schedule.

Route 50 Sewer Project – Attorney

Town Attorney Debra Kaelin stated with another sewer project (Route 50) before the Board, it is important to keep the Route 50 sewer project separate from the Ballston Lake sewer project. She had discussions with Attorneys Matt Chauvin and Bruce Steves about taking on the Route 50 sewer project due to their experience with the Lake sewer project. They gave a proposal to handle all the legal work up to the referendum not to exceed \$30,000 with an hourly rate of \$225. The hourly rate is the same rate that was charged for the Lake sewer project. Upon Ms. Kaelin's recommendation, Councilman Goslin agreed.

Health Insurance Opt Out

Supervisor Szczepaniak stated there is a resolution to be voted on this evening.

NEW BUSINESS

Proposed Local Law Cold War Veterans Exemption Amendment

The language in the current law states the exemption is good for ten years. The new language states there is no time limit.

Proposed Local Law Beacon Hill PUDD Amendment

Kathryn Serra, Town Engineer, stated a couple of years ago residents from the Beacon Hill condos approached the Town about taking over Beacon Street. It is the only private road in the PUDD. The residents did the required work to upgrade the road to Town standards at their cost. They also hired a surveyor to plot out the right of way on Beacon Street. An issue was encountered with the setback distance. The front and rear setbacks need to be changed for Beacon Street only. There will be no further development on the street. The change allows the Town to take ownership of Beacon Street.

Generator

The Board received all the documents prior from Superintendent Joe Whalen. A resolution will be voted on this evening.

Highway Truck

The Board recently acquired the information on this purchase. It will be discussed at the December meeting.

Community Development Committee

Councilman Goslin stated that the purpose of this Committee is to stipulate what type of development the Town wants and how it will look. He is referring to the Route 50 corridor in the hamlet, the rural business area and the V-corners. He is looking for volunteers for the committee and recommends appointing a chairperson at the January meeting.

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

Polly Windels of Middleline Road mentioned three items, not to have empty ground floor retail stores; reduce run off from fertilizer on homes around Ballston Lake; it is common knowledge of lawsuits; therefore, there should be no need for Executive Session.

Carl Thurneau of Woodside Drive stated the plume problem in the Lake needs to be addressed. The sewers will only solve half of the problem with the Lake. Traffic in Town is a big concern to him.

Bill Shaw of Everson Way asked Kathryn Serra a few questions about the proposed Local Law for Beacon Hill.

Scott Draina asked why does the Town want to take over Beacon Street? Superintendent Joe Whalen stated he is here to serve the people and these residents came to the Town to ask for help. They completed very expensive requirements and he is willing to take over the road. Mr.

Draina stated that there may be an issue where to push the snow. Mr. Whalen replied he has been removing snow for 21 years and is not concerned.

Mr. Draina encouraged the Board to require that the TDR be mandatory as part of a PUDD. He also stated that LEED certification should be required for the developers.

Councilman Goslin stated during the zoning workshops many of the zoning issues have had compromises that all parties agreed with. This is a step in the right direction and the Board will continue to look at zoning.

NEW BUSINESS FOR CONSIDERATION AND ACTION THIS EVENING

RESOLUTION 17-241

APPROVE THE LANGUAGE FOR PROPOSED LOCAL LAW AMENDING CHAPTER 110 OF THE TOWN CODE ARTICLE VI: COLDWAR VETERANS EXEMPTION AND SET A PUBLIC HEARING FOR THURSDAY, DECEMBER 28, 2017 AT 6:15 P.M.

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

SCHEDULING PUBLIC HEARING ON PROPOSED LOCAL LAW

WHEREAS a local law, being proposed Local Law No. 1 of 2018, was introduced at this meeting by a member of the Town Board of the Town of Ballston and

WHEREAS this governing body desires to hold a public hearing with respect to the adoption of said Local Law,

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held by this governing body with respect to the adoption of the aforesaid Local Law at 6:15 p.m. Thursday, December 28, 2017 at 323 Charlton Road, Ballston Spa, New York, and it is further

RESOLVED that the Town Clerk of the Town of Ballston is hereby authorized and directed to cause public notice of said public hearing to be given as provided by law.

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

Nays 0

RESOLUTION 17-242

APPROVE THE LANGUAGE FOR PROPOSED LOCAL LAW AMENDING THE BEACON HILL PUDD AND SET A PUBLIC HEARING FOR THURSDAY, DECEMBER 28, 2017 AT 6:20 PM.

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

SCHEDULING A PUBLIC HEARING ON PROPOSED LOCAL LAW

WHEREAS a local law, being proposed Local Law No. 2 of 2018, was introduced at this meeting by a member of the Town Board of the Town of Ballston and

WHEREAS this governing body desires to hold a public hearing with respect to the adoption of said Local Law,

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held by this governing Body with respect to the adoption of the aforesaid Local Law at 6:20 p.m. Thursday, December 28, 2017 at 323 Charlton Road, Ballston Spa, New York, and it is further

RESOLVED that the Town Clerk of the Town of Ballston is hereby authorized and directed to cause public notice of said public hearing to be given as provided by law.

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

Nays 0

RESOLUTION 17-243

ACCEPT THE LANGUAGE FOR PROPOSED LOCAL LAW ZONING CHANGES AND SET A PUBLIC HEARING FOR TUESDAY, JANUARY 30, 2018 AT 6 P.M.

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

SCHEDULING A PUBLIC HEARING ON PROPOSED LOCAL LAW

WHEREAS a local law, being proposed Local Law 3 of 2018, was introduced at this meeting by a member of the Town Board of the Town of Ballston and

WHEREAS this governing body desires to hold a public hearing with respect to the adoption of said Local Law,

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held by this governing Body with respect to the adoption of the aforesaid Local Law at 6:00 p.m. Tuesday, January 30, 2018 at 323 Charlton Road, Ballston Spa, New York, and it is further

RESOLVED that the Town Clerk of the Town of Ballston is hereby authorized and directed to cause public notice of said public hearing to be given as provided by law.

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

Nays 0

RESOLUTION 17-244

APPROVE THE PURCHASE OF A NEW OUTDOOR EMERGENCY TRAILER MOUNTED GENERATOR AT A COST OF \$65,000.

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 17-245

APPROVE A CHECK FOR \$12,500 PAYABLE TO KENNETH A. MERCHANT REPRESENTING THE PURCHASE PRICE OF 22 MAIN STREET FOR THE PUMP HOUSE FOR THE BALLSTON LAKE SEWER DISTRICT.

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 17-246

APPROVE A CHECK FOR \$1,451.55 PAYABLE TO JONES/STEVES AS TRUSTEES REPRESENTING THE CLOSING COSTS INCLUDING TAX ADJUSTMENTS, SARATOGA COUNTY CLERK FEES AND TITLE INSURANCE FOR 22 MAIN STREET.

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 17-247

APPROVE THE OPT OUT OF HEALTH CARE PLAN PARTICIPATION GUIDELINES AS FOLLOWS: ANY ELIGIBLE EMPLOYEES OF THE TOWN OF BALLSTON THAT HAVE THE OPTION TO PARTICIPATE IN THE PAID HEALTH INSURANCE PLANS CURRENTLY OFFERED BY THE TOWN OR SUCH OTHER HEALTH INSURANCE PLAN AS APPROVED BY THE TOWN BOARD MAY OPT OUT OF HEALTH CARE PLAN PARTICIPATION AS FOLLOWS; 1. ELIGIBLE EMPLOYEES AND ELECTED OFFICIALS WHO ELECT OUT OF HEALTH CARE INSURANCE BENEFITS AND CHOOSE NOT TO BE COVERED BY THE TOWN'S HEALTH INSURANCE, SHALL RECEIVE \$4,000 PER YEAR PAID OVER THE COURSE OF EQUAL BI- WEEKLY INSTALLMENTS TO BE INCLUDED IN THEIR PAYROLL CHECK. 2. MUST PROVIDE PROOF TO THE TOWN THAT THEY HAVE COVERAGE UNDER ANOTHER PLAN. 3. EXECUTE A WAIVER OF HEALTH INSURANCE COVERAGE UNDER THE TOWN'S PLAN. 4. CAN NOT BE COVERED UNDER THE TOWN'S HEALTH INSURANCE CARRIED BY A FAMILY MEMBER.

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 17-248

APPROVE IANNIELLO ANDERSON, PC TO PERFORM LEGAL WORK FOR THE ROUTE 50 SEWER PROJECT AT A RATE OF \$225 PER HOUR NOT TO EXCEED \$30,000 FOR ALL WORK UP TO AND INCLUDING THE REFERENDUM.

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 17-249

**ACCEPT THE MAP, PLAN AND REPORT FOR THE BALLSTON ROUTE 50
SOUTHERN SEWER PROJECT SUBJECT TO THE SEWER COMMITTEE AND
LEGAL APPROVAL PRIOR TO SCHEDULING A PUBLIC HEARING.**

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 17-250

**APPROVE THE PURCHASE OF THE SOFTWARE SYSTEM FOR FIRE INSEPCIONS
AT A COST OF \$1,260 PER YEAR WITH A \$450 ONE TIME SET UP FEE.**

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

Privilege of the floor on any item (limit 5 minutes)

Dr. Pierce, of Lake Road, wanted to set the record straight about Ballston Lake. In 2001, the Capital District Regional Planning Commission did a study on the entire watershed. The extent of the study included soils, impacts on the Lake including industrial and farms, and septics. One of the major recommendations made in the study, was that septic systems in the watershed district should be replaced with a sewer system. The water in Ballston Lake has been studied by DEC since 1990. The levels of phosphorus doubled from 2000 to 2010. Dr. Pierce became the Ballston Lake Water Quality Committee chairman in 2008 and he started looking at what was happening to the Lake. He began testing the streams that flowed into Ballston Lake and identified how much phosphorous was coming from these streams. Two years later fecal coliform levels were tested on the same streams. The results showed very high levels. These high levels will not be completely gone as soon as the sewers are in. The levels will gradually decrease. Not doing this sewer project will only increase phosphorous and fecal coliform levels year after year.

RESOLUTION 17-251

ENTER INTO EXECUTIVE SESSION TO DISCUSS ONGOING LITIGATION.

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 Board entered Executive Session at 9:05 p.m. and returned to Regular Session at 10:05 p.m.

RESOLUTION 17-252

RETURN TO REGULAR SESSION

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

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

The Board had a discussion in Executive Session whether to hire Ianniello Anderson, PC to commence a lawsuit against our current insurance carrier, Selective Insurance, to continue coverage of defense and indemnification of the Town in the federal Dolomite lawsuit.

