

A Town Board meeting was held by the Town Board of the Town of Ballston on Tuesday evening, October 24, 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 17-203

AUDIT OF CLAIMS

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

General Fund	No. 435 - 478	29,107.23
Highway Fund	No. 497 - 547	57,030.84
Gravel Pit	No. 25 - 34	12,209.31
Park Fund	No. 29 - 32	1,895.09
Library	No. 340 - 368	11,223.71
Water Fund District 2 (SW)	No. 157 - 169	116,771.48
Paradowski Road Water #5	No. 30 - 31	7.40
Scotchbush Water Dist. No. 6 (WW)	No. 30 - 31	14.81
Silver Ln Water Dist. No 6 Ext. #1 (WX)	No. 29 - 30	7.40
Morningdale Court No. 2 Ext. #24	No. 45 - 50	1,154.49
Trust and Agency	No. 66 - 71	6,424.47

Supervisor Szczepaniak stated it is an honor to recognize the Calvary Episcopal Church as the first church within the Town to be added to the National Register of Historic Places. Several church members were present to hear Town Historian Rick Reynolds read the following proclamation:

PROCLAMATION HONORING THE CALVARY EPISCOPAL CHURCH

WHEREAS, the Calvary Episcopal Church located in Ballston has the honor of being the first church within the Town to be added to the National Register of Historic Places, due to its celebrated history as well as its location holding a place of prominence in the Town; and

WHEREAS, Calvary Episcopal Church was incorporated on May 7, 1849 in order to provide the growing population of English immigrants working in local paper mills with a house of worship; and

WHEREAS, the church was built on land generously donated by Isaac Wooley and Cady Hollister, and the church building was completed in time for the first service to be held on Christmas Day in 1849; and

WHEREAS, the first rector and a very generous benefactor to the church was Reverend Edward Davis, a gentleman who faithfully served the church community for six years without a salary. He also graciously donated the church bell as well as the land which was used for the cemetery and rectory, and his wife is credited with funding the addition of stained glass windows; and

WHEREAS, over the years several additions were added so as to accommodate the growing congregation as well as to provide classrooms for religious education and a hall for church functions; and

WHEREAS, the Calvary Episcopal Church has a rich history of serving congregations and the community for more than 150 years, being a place where generations of Town residents have come together to worship as well as share in life's joys and sorrows with family and friends; now

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Ballston hereby congratulates the congregation and leadership of the Calvary Episcopal Church for the significant achievement of being named to the National Register of Historic Places, a designation which will undoubtedly ensure the church continues to remain a beacon of faith, peace and love for centuries to come.

There will be a formal dedication at the church on November 4th. All are welcome to attend.

RESOLUTION 17-204

PROCLAIM THE CALVARY EPISCOPAL CHURCH HAS BEEN ADDED TO THE NATIONAL REGISTER OF HISTORIC PLACES.

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

Stephanie Gootz of PrimeLink was the next presenter for a new phone system for Town Hall. She went over the system and answered the Board's questions. After Board discussion, this will be voted on later in the meeting.

Phil Klein, our health insurance broker, presented two separate insurance policies. Representatives from the two insurance companies, MVP and CDPHP, will be presenting to Town employees on Monday at Town Hall.

Ballston Sewer Law - presenter Kim Kotkoskie stated the draft of the law will be emailed this week and presented at the November Board meeting.

BALLSTON LAKE SEWER UPDATE - Kim Kotkoskie stated the sewer law is being reviewed by legal, the O&M agreement is waiting for final edits. The contract for the pump station at 22 Main Street has been drafted. A Phase I Environmental Assessment is underway. Adirondack Mountain Engineering is preparing easements. They should be completed in two weeks. Survey responses are being reviewed and laterals are being added to the plans. The archaeological study showed no findings; the report is pending. The Route 50 Sewer study was presented to the Sewer Committee. It's recommended one study area be presented to the Town Board. It is the most cost effective. The project has been put on the funding list. In the engineering piece of the project, a peer review is under way and a technical review with Saratoga County. In the communication area for the public, the easement request letters will be mailed in mid-November. There will be informational meeting(s) for the residents in the sewer district at the end of November. The next steps of the Town Board are to pursue the next step for Southern Route 50 Sewer District by approving a Map, Plan & Report and to review the Local Sewer Use Law prior to the November meeting to discuss at the Board meeting.

Route 50 Sewer Presentation was given by Ed Hernandez of Adirondack Mountain Engineering.

The purposes and benefits of the proposed Route 50 sewer project are to protect Ballston Lake and the watershed creeks, protect public health and welfare, address failing septic systems, promote smart commercial growth, and increase tax base and property values. The proposed Phase 2 sewer district consists of the following roads: Route 50 between Midline and Glenville Town line, Kingsley to Blue Barns, Midline Road, Lake Hill Road to Goode Street, Seelye Estates including Lamar Lane and Townley Drive areas, Sherwood Lane and Sherwood Park Drive, Nolan Road and Larkin Drive. There are 527 parcels equivalent to 958 total EDUs (equivalent dwelling units). Each parcel is assigned an amount of EDU's depending on the type of property. For an example: a commercial business would be assigned 2 EDUs per restroom, and a single family would be assigned 1 EDU. Construction costs for this project would be \$15.3 million. The yearly cost for property owners would be \$986 per EDU with a hookup fee of \$3,500 to \$10,000. The three-year process is as follows: Town Board decides to proceed with

creating a district, a map, plan and report and SEQRA is prepared, have a public hearing on the map, plan and report, the proposed sewer system is adopted and a referendum follows. The application will go the NYS Comptroller's Office for approval of the district. Upon approval, financing needs to be secure, and design and construction to follow. The Board can choose to do nothing or move forward by approving a map, plan and report be completed.

Councilman Goslin stated we have a need for sewers in Town. In 1978, the Town had an opportunity to join the Saratoga County Sewer District. He does not want to miss another opportunity. The Route 50 project can be tied into the Ballston Lake sewer project. Nan Stolzenburg, our planner assisting with our zoning changes, stated we should be developing in the hamlet of Town. This project is economic development for our Town and allows a diversity tax base (assist with school taxes) and also protects the watershed. He asks the Board to consider bonding a portion of this project for a longer term. There are also grant opportunities. This is a project the community can benefit from and not ask the residents and businesses in the proposed district to bear the entire cost. His goal is to have the Town assist and use grants which lowers the cost to the property owners.

Supervisor Szczepaniak agreed with comments by Councilman Goslin. He stated the approximate time for the referendum is in February.

Councilwoman Stewart asked what is the timeframe to decide on Phase II. Is any of this projected project in the Ag district? Councilman Goslin did not believe so. Mr. Hernandez of Adirondack Engineering stated we are on a tight time frame. The decision will need to be made before late spring because the piping size will change for the Ballston Lake sewer project. The Supervisor stated we will need to return to two meetings a month due to so much activity and projects happening in Town.

The next presentation was from Jason Dell, of Lansing Engineering, regarding the Katz PUDD. Mr. Dell stated the Town Board has seen this project for several years now. Most recently the Planning Board has approved the Katz PUDD to go back to the Town Board for approval. He is here on behalf of his client Mark Katz to ask the Board to consider scheduling a public hearing to move the project forward. The project consists of the north side being 23,000 sq. ft. - the first floor is retail, the second two floors will be apartments. The central portion of the site consists of 122 apartments; and along the southern portion there are 57 single family homes 2400 to 2800 sq. ft. in size.

Supervisor stated there is a resolution for a public hearing to be scheduled on Tuesday, November 28, 2017.

LIBRARY REPORT

Rebecca Darling, interim library director, reported:

- The Library is offering several youth programs on upcoming BH-BL half days, including A Christmas Carol by the Puppet People on December 5th at 1:30 p.m. in the high school auditorium.
- The Friends of the Library held the Fall Book Sale and raised \$842. They have begun planning for the 7th Annual Library Mini Golf fund raiser in February 2018
- Through a SALS Challenge Grant, we are currently working with the BHBL BPA to offer new and expanded adult programs.

Steve Zarelli, member of the Library Board of Trustees reported they have found a new library director after a lengthy process. There is a resolution on this evening to approve the new library director, Colleen Smith. She is currently the director of the Schaffer Law Library at the Albany Law School, she has 15 years of leadership experience in libraries, with 20 years total experience.

Supervisor Szczepaniak stated the Board fully supports the recommendation of the Library Board of Trustees.

COUNSEL REPORT

Town Attorney Deb Kaelin stated that Judge Kufferman will render a decision of the final accounting of the Schizdick estate. We hope to have this completed by November 29th during a conference, with all attorney's present, to turn the money over to the Town. The final accounting is estimated between \$367,000 & 400,000. This money is to be used only for Anchor Diamond Park.

SUPERVISOR REPORT

- Budget forums and health care discussions consumed a lot of time and effort.
- Attended Ballston Lake EMS banquet where service members in community were recognized for their volunteerism. Mrs. Jackson received the President's Award this year; she responded on 268 calls and volunteered over 1600 hours.

COUNCILMEMBERS REPORTS

Councilman Curtiss had nothing to report.

Councilman Antoski stated the Farmland Protection Committee met last week. The Supervisor inquired about minutes of the meetings. Councilman Antoski thought there were minutes but he didn't have them. This Thursday there is a meeting with Farmland Protection and local fire departments to discuss the recent barn fire on Randall Road. Councilman Goslin doesn't understand the purpose of the meeting. Councilman Antoski stated it is just a discussion. Resident Colette Jasinski stated the meeting is to see if there are any EMS policies on how to evacuate animals and to go over current policies of the fire department. Councilman Antoski also noted that the Jenkins Park Committee meeting is this Thursday as well. The parking lot will be paved at the park soon.

Councilwoman Stewart reported that the Parks & Rec Committee met and the minutes are on the web. An additional committee member will be appointed this evening. Two new Eagle Scout projects have started in Anchor Diamond Park. The largest bridge in the back will be repaired and a small picnic area will be constructed.

The annual workplace violence program is complete. Employees attended a training class. The Microgrant Enterprise Grant Program Committee, under the leadership of Jim Martin from the LA Group, has received four applications that are under review. One will be approved this evening. Councilman Curtiss asked Councilwoman Stewart if this is an annual grant awarded or a one-time grant? Councilwoman Stewart stated we applied for the \$200,000 grant. The money needs to be expended by the end of next year, then the program is done. She stated if there is a Board member who wants to sit on the Committee, to let her know and she will give them the meeting dates.

Supervisor Szczepaniak gave a reminder of the opium forum to be held at the Shenendehowa High School. This is a major epidemic. Supervisor Szczepaniak also stated we are close to signing the contract for the purchase of Fireman's Grove.

Councilman Goslin reported that he attended an Eagle Scout ceremony and will attend another in December. We should be proud as a community for having so many Eagle Scouts.

OLD BUSINESS

Ballston Lake Ordinance Regulations – Update

There is no new update.

Glenville Water Ad Valorem Review Status – Update

Counsel Deb Kaelin stated we reached out to Glenville several times to look over the water contracts with the Town of Clifton Park. Counsel will coordinate a meeting with officials at Glenville for further discussion.

Zoning Changes – Update

Councilman Goslin stated TDR and set back distance need Board agreement tonight. Zoning needs to move forward. Councilman Goslin asked Councilman Curtiss for any update on the TDR. Councilman Curtiss stated he did not have an update as he did not attend the last meeting. Councilman Goslin has concerns on TDR especially when Ag & Markets stated to our Town Attorney that TDR does not work. He recommends to further study TDR and add it to our zoning in the future. He also recommended adding a resolution this evening on the setback distance. Councilman Curtiss disagrees with taking TDR out of zoning changes and stated he had been approached by a few people to buy land with TDR in mind.

Carpenters Acres Sewer Project

Councilman Goslin stated due to the strict deadlines of the Route 50 sewer project; he is requesting that the Carpenters Acres sewer project be moved to the November agenda for discussion on how to proceed.

NEW BUSINESS

1241 Route 50 - Ongoing Code Violations

Building Inspector Brian Theriault stated this property has had ongoing violations since 2014. This was a one family home that was illegally constructed into a three-family home. The property owner has had two court dates in the past and he never appeared. Complaint letters are now coming from the tenants., Mr. Theriault stated numerous violations and problems on the property. He would like the Board to declare the property “unsafe”. The Board will call an emergency Board of Health meeting near the end of the meeting.

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

Scott Draina, of Outlet Road, asked if there is another option of having the Town of Glenville tie into the Route 50 sewer project? Supervisor Szczepaniak stated this was examined; however, there is not enough capacity.

Mr. Draina also stated he attended a TDR meeting with the deputy commissioner from Ag & Markets and it was stated TDR does work. It does not work with PUDDs.

Carl Thurnau of Woodside Drive, stated we had two referendums in the past on the desire to keep the rural character of the Town intact. There is no real decision whether the Ballston Lake sewer project will eliminate the phosphorous levels in the Lake. The economic development idea is a very good idea except for what it will do to the Town. Our Town is a two-lane road. If there are sewers on Route 50 it will look like Colonie. There will be massive development. It is already starting now. The rural characteristic of the Town will be affected. Sewers will create more problems including the density of residents which affects the schools, the highway department, the fire department and EMS. Development needs to be toned down. Supervisor Szczepaniak responded and stated good points were brought up. The Board has been working on zoning changes so overdevelopment does not occur.

Colette Jasinski, of Middleline Road, recited excerpts from Article 3.8 agriculture resources from our Comprehensive Plan. There is a difference between a setback and a buffer. There needs to be a buffer zone for building near an active farm. A 30-foot buffer is not considering the farmer or the people who will live there. Farmers need buffer zones for soil for growing.

NEW BUSINESS FOR CONSIDERATION AND ACTION THIS EVENING

RESOLUTION 17-206

APPROVE LOCAL LAW #2 OF 2017 (RESIDENCY REQUIREMENTS FOR BUILDING INSPECTOR AND CODE ENFORCEMENT OFFICER).

Town of Ballston
Local Law No. 2 of the year 2017

A local law to establish the residency requirements for the appointed of office of Building Inspector and Code Enforcement Officer 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 establish the residency requirements for the appointed office of Building Inspector and Code Enforcement Officer.

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 regarding the qualifications of local officers. Furthermore, this local law recognizes that the State Legislature amended Public Officers Law, §3 adding a new subdivision (24) expanding the residency

requirements for any appointed public office in the Town of Greenburgh Westchester County, thereby rendering Public Officers Law a special law with respect to any appointed town officer (See cf N.Y. Op. Atty. Gen. (Inf.) No. 91-37).

Section III. Supersession: This local law shall supersede New York State Town law, §23(1) and the Public Officers Law §3(1) in its application to the office of Building Inspector and Code Enforcement Officer for the Town of Ballston.

Section IV. Residency requirements for the position of the Building Inspector and Code Enforcement Officer for the Town of Ballston: The person(s) holding the office of Building Inspector and Code Enforcement Officer in the Town of Ballston need not be a resident nor an elector of the Town of Ballston, provided, however, that such person(s) shall reside in the county in which such town is located or an adjoining county within the State of New York.

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.

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 17-207

APPROVE THE ANNUAL RENEWAL OF THE WORKPLACE VIOLENCE POLICY FOR THE TOWN.

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 17-208

APPROVE THE APPOINTMENT OF JOANNE HULL AS SECOND ALTERNATE MEMBER OF THE ZONING BOARD OF APPEALS COMMENCING OCTOBER 24, 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

The Supervisor stated this appointment gives the Zoning Board of Appeals a full Board.

RESOLUTION 17-209

SET A PUBLIC HEARING FOR THE APPROVAL OF THE KATZ PUDD FOR TUESDAY, NOVEMBER 28, 2017 AT 6 P.M.

SCHEDULING PUBLIC HEARING ON PROPOSED LOCAL LAW – KATZ PUDD

WHEREAS a local law, being proposed Local Law – Katz PUDD, a copy of which can be obtained at the Town Clerk’s office and on the Town’s website: www.townofballstonny.org, 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, November 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.

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

Councilman Goslin stated this was originally presented to the Town Board who sent it to the Planning Board for their approval. This is in the Route 50 area where development can occur and urges the Board to approve the public hearing.

RESOLUTION 17-210

APPROVE THE APPOINTMENT OF JAMES URBANCZYK AS A MEMBER OF THE BOARD OF ASSESSMENT AND REVIEW. THE TERM WILL BE EFFECTIVE OCTOBER 24, 2017 AND END SEPTEMBER 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

This appointment fills the remaining term of the late Maurice Shipway and completes the Board.

RESOLUTION 17-211

APPROVE THE EMPLOYEE HEALTH INSURANCE PLANS, MVP AND CDPHP, EFFECTIVE DECEMBER 1, 2017 THROUGH NOVEMBER 30, 2018

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

ADOPTED Ayes 4 Supervisor Szczepaniak, Councilman Antoski, Councilwoman
Stewart and Councilman Curtiss
Nays 0
Abstain 1 Councilman Goslin

Councilman Goslin abstained due to his employment at CDPHP.

RESOLUTION 17-212

APPROVE THE APPOINTMENT OF RONG-JANE CHEN TO THE POSITION OF LIBRARY ASSISTANT IN YOUTH SERVICES AS RECOMMENDED BY THE LIBRARY BOARD OF TRUSTEES.

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 17-213

APPROVE THE TOWN OF BALLSTON MICROENTERPRISE GRANT PROGRAM GRANT #1 LONG ROAD WINEGROWERS, LLC DBA GALWAY ROCK VINEYARD, WINERY AND SARATOGA SPARKLING CO. WITH CONDITIONS.

WHEREAS, the Town of Ballston applied for, and received approval of funding for a microenterprise grant program through the New York State Department of Homes and Community Renewal; and

WHEREAS, the Town of Ballston has appointed volunteer residents of the Town to serve on the Ballston Microenterprise Grant Program Advisory Committee to oversee proper administration of the microenterprise program and in doing so review applications for program

funding and provide a recommendation for approval, approval with conditions, or denial of said applications; and

WHEREAS, the Town of Ballston has established proper program guidelines, an application process with an associated application form; and

WHEREAS, the program is in receipt of an application for \$35,000 of available program funds from a microenterprise incorporated as Long Road Winegrowers, LLC – doing business as (DBA) Galway Rock Vineyard, Winery and Saratoga Sparkling for the establishment of a 1,824 sq. ft. tasting room and winery at 998 Saratoga Road in the Town of Ballston with a total project budget of \$85,000; and

WHEREAS, the applicant has indicated that the \$35,000 of microenterprise grant funds as applied for will be expended for qualifying expenditures relating to \$13,786 for inventory, \$15,290 for machinery/equipment, and \$5,924 for working capital; and

WHEREAS, the establishment of a tasting room and winery represents a new startup venture for the Long Road Winegrowers and will comply with a basic program requirement for job creation to the benefit of low and moderate income persons by creating 6 new jobs in its first year of operation and 9 new jobs by the third year of operation and with 4 of the jobs being full-time, 3 of the jobs being part-time and 2 of the jobs being part-time; and

WHEREAS, all of the jobs as listed in the application will be available to persons of low and moderate income; and

WHEREAS, the microenterprise program advisory committee, as appointed by the Town of Ballston Town Board has met, reviewed the application, determined it to be complete, and has recommended a conditional approval; and

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Ballston hereby approves the application for grant funds in the amount of \$35,000 with the following conditions being met and documented prior to the disbursement of funds:

- 1) The applicant provide ten percent (10%) cash equity of their own funds to as part of the project funding of project-related costs;
- 2) The applicant attend and completes the entrepreneurial training program as provided through the Town of Ballston Microenterprise Program and administered by the Chamber of Southern Saratoga County;
- 3) The applicant provide to the program administrator a copy of the funding commitment for the balance of project costs at \$50,000; and
- 4) The applicant provides a copy of the executed lease for the property at 998 Saratoga Road demonstrating successful use of the property for the referenced tasting room and winery.

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

Councilwoman Stewart stated the grapes are grown in Galway and the tasting room is in the Town. The long-term goal is the business will grow grapes here as well. Councilman Curtiss had a concern they would leave town. Councilman Antoski responded and stated that this project was presented to the Planning Board before the microenterprise grant program came to fruition.

RESOLUTION 17-214

APPROVE THE PURCHASE OF A WIRELESS MICROPHONE FOR THE BOARD ROOM AT A COST OF \$683.02

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 17-215

ACCEPT THE RESIGNATION OF PARKS & REC MEMBER BILL HAGAN 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 Mr. Hagan for all his service to the Parks committee; he will continue to assist with the parks but not as a member.

RESOLUTION 17-216

APPROVE THE APPOINTMENT OF PARKS & REC MEMBER JERRY BALL COMMENCING OCTOBER 24, 2017 AND ENDING OCTOBER 24, 2022.

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 17-217

AUTHORIZE THE TOWN SUPERVISOR TO SIGN AND APPROVE APPROXIMATELY 164 EASEMENTS TO PROVIDE THE BALLSTON LAKE SEWER DISTRICT ACCESS FOR SEWER INSTALLATION, OPERATION, AND MAINTENANCE ASSOCIATED WITH THE BALLSTON LAKE SEWER PROJECT, SUBJECT TO 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

Councilman Goslin stated that the project needs to keep moving forward. A thank you for all the hard work done so far. The easements should be ready by November. Once all these are signed, they will be recorded in the County Clerk's office. This gives permission from the homeowner for construction to occur on their property.

RESOLUTION 17-218

APPROVE THE APPOINTMENT OF COLLEEN SMITH AS LIBRARY DIRECTOR AS RECOMMENDED BY THE LIBRARY BOARD OF TRUSTEES EFFECTIVE DECEMBER 4, 2017.

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 17-219

APPROVE THE PURCHASE OF TWO (2) TOWN SEAL WALL SIGNS FOR THE OUTSIDE OF THE BUILDING FROM A.J. SIGNS AT A COST NOT TO EXCEED \$3,000 PLUS PREVAILING WAGE FOR INSTALLATION.

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

RESOLUTION 17-220

AUTHORIZE ADIRONDACK MOUNTAIN ENGINEERING TO PREPARE MAP, PLAN AND REPORT TO ESTABLISH PROPOSED SPECIAL DISTRICT (ROUTE 50 SEWER) NOT TO EXCEED \$5,500.

WHEREAS, the Town Board of the Town of Ballston (the "Town") has been considering establishment of sewer service along the southern portion of New York State Route 50 and some adjacent parcels; and

UNDER THE DIRECTION OF OUR TOWN ATTORNEY.

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

Town Attorney Deb Kaelin stated the former building inspector, Tom Johnson, approached her early in her role with the Town with this and he (Mr. Johnson) appeared in court twice over this property. There has been a non-response from the property owner.

RESOLUTION 17-225

**ENTER INTO EXECUTIVE SESSION TO DISCUSS ONGOING LITIGATION AND
FIREMAN'S GROVE CONTRACT.**

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 entered Executive Session at 8:50 p.m.

RESOLUTION 17-226

RETURN TO REGULAR SESSION

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

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

The Board returned to Regular Session at 9:40 p.m. After a discussion of indemnification of Councilman Goslin, during Executive Session, the following resolution was voted on:

RESOLUTION # 17-227

**APPROVE RETAINING AN ATTORNEY FOR COUNCILMEMBER WILLIAM
GOSLIN PURSUANT TO THE TOWN OF BALLSTON CODE CHAPTER 10**

WHEREAS, the Town of Ballston and William Goslin, both as a Town Board Member and individually, are defendants in a federal action commenced by Dolomite Products Corporation in 2015 (15-CV917);

WHEREAS, in May 2017, the Town's Insurance Carrier, Selective Insurance, disclaimed both defense and liability in the federal action;

WHEREAS, the Town retained Carter Conboy, LLC to continue its representation in the federal action;

WHEREAS, Carter Conboy advised William Goslin and the Town of Ballston that it could not represent both party's due to a conflict of interest;

WHEREAS, the Town of Ballston Town Code Chapter 10 states the Town shall provide for indemnification of town council members for the defense of the employee in any civil action or proceeding in any state or federal court arising out of any alleged act or omission which occurred or is alleged in the complaint to have occurred while the employee was acting or in good faith purporting to act within the scope of his or her public employment or duties, including, without limitation, any civil action or proceeding arising out of any alleged act or omission in which it is alleged that the officer or employee has violated the civil rights of the claimant, petitioner or plaintiff under Sections 1981 and 1983 of the U.S. Civil Rights Act (42 U.S.C. §§ 1981 and 1983);

WHEREAS, the Town of Ballston Code also provides that the Town Attorney shall represent the town employee unless it is inappropriate or that a conflict of interest exists;

