

A regular meeting was held by the Town Board of the Town of Ballston on Tuesday evening, February 11, 2014 at the Town Hall on Charlton Road.

**PRESENT:**

Patrick Ziegler	-----	Supervisor
Timothy Szczepaniak	-----	Councilman
William Goslin	-----	Councilman
Kelly Stewart	-----	Councilwoman
John Antoski	-----	Councilman
Carol Shemo	-----	Clerk
James Walsh	-----	Counsel

Supervisor Ziegler called the meeting to order at 8:10 p.m. and the Pledge of Allegiance was recited.

**CORRESPONDENCE**

The Town Clerk read the correspondence for the month of February. The first letter was from Mr. Voehringer, a former member of the Town of Ballston Planning Board. In his letter, Mr. Voehringer recommends the reappointment of both Joan Eddy and John Van Vorst to the Planning Board and the new appointment of Stephen Merchant for the position of Town of Ballston Planning Board member. The second letter was from David Pierce. He voiced his support for the resolution to place Ballston Lake on the New York State List of Designated Inland Waterways. This designation would make the Town of Ballston eligible for Environmental Protection Fund Grants administered by the Local Waterfront Revitalization Program. This additional funding resource can be utilized by the Town as it explores the building of a sewer system. The third letter was from the Ballston Lake Improvement Association recommending the preservation of the Hawkwood property.

**REPORTS OF TOWN OFFICIALS**

Building Inspector Thomas Johnson, Highway/Water Superintendent Joseph Whalen, Dog Control Officer Thomas Shambo, Library Director Karen DeAngelo and Town Clerk Carol Shemo submitted reports for January and they are on file in the Town Clerk's Office.

**RESOLUTION 14-022**

**APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT FOR JANUARY**

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Stewart to approve the Town Supervisor's report for January.

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

Nays 0

Councilman Goslin recommended allocating sales tax revenues in the monthly report as it is designated in the budget.

**PRESENTATION ON SEEKING DESIGNATION FOR BALLSTON LAKE AS AN INLAND WATERWAY**

Mr. Dave Decker, Town resident and Director of the Lake George Watershed Coalition, gave a presentation on seeking designation for Ballston Lake as an "Inland Waterway". Lake George had many of the same issues as Ballston Lake. Lake George became a member in 1999 of the Designated Inland Waterways and received \$90,000 in funding from the Environmental Protection Fund as part of the Local Waterfront Revitalization Program to develop a Watershed Quality Plan. Some of the funding opportunities are for: construction of a plan, water testing, GEIS water mapping, stream corridor management, stormwater management and corrective plan for invasion species. Ballston Lake is not on the list of designated inland waterways. Mr. Decker gave the Town Board information on applying for this designation. The Town Board would need to pass a resolution requesting the introduction of legislation in the New York State Legislature designating Ballston Lake as an "Inland Waterway", and if approved, the list of Designated Inland Waterways would be amended to include Ballston Lake.

Councilwoman Stewart asked Mr. Decker if the Board would have to submit a plan and how extensive would it be to develop this plan. She asked if the Town is required to provide matching funds.

Mr. Decker replied that the Town of Ballston has a Watershed Quality Plan that was developed by Capital District Regional Planning six years ago. The Town could request funding to update this plan or to develop a new plan. There is a 50/50 matching funds agreement and it can be in cash or in kind services.

Mr. Pierce, member of the Ballston Lake Improvement Association, said the plan was updated in 2011 and gave Mr. Decker a copy of the plan.

Councilman Szczepaniak asked if any waterways were not approved as Designated Inland Waterways. He has a real concern in the declining quality numbers he has seen for Ballston Lake over the past seven years and is concerned that the situation could get worse. The cost of cleaning up the lake could be a serious problem for the Town.

Mr. Decker said there is no down side to the designation; no body of water has been rejected for designation. He agrees with Councilman Szczepaniak that we want to keep a clean lake clean rather than clean up a dirty lake.

Councilman Goslin thanked Mr. Decker for all his help with the sewer committee and added that he is a valuable asset to the Town for his knowledge and expertise in these areas.

### **SUPERVISOR'S REPORT**

Supervisor Ziegler reported on the remodeling in progress and thanked the Highway Department for all their hard work. There will be a resolution to approve the appointment of the Town Attorney, James Walsh. The Town had two outstanding attorneys apply for the position with two different skill sets. The Town hopes to use the services of both applicants to attend to the list of issues before the Town.

### **COUNCIL MEMBERS' REPORTS**

**Councilman Szczepaniak** reported the following:

- He will bring proposals before the Town Board addressing Town security. He consulted with TYCO Integrated Security for the installation of cameras and card key access. This company did the security work at the Town Library.
- He will be addressing the technology of the Board room for cost efficient items as power point projectors and screens.
- The contract with the Highway Employees was unanimously approved.
- He request the Board enter into Executive Session for a personnel matter.
- The interviews for Town positions will be held this week and most vacancies should be filled by March 1<sup>st</sup>.

**Councilman Goslin** reported the following:

- He is working on initiatives for seniors by providing education on technology.
- He received comments from Town residents concerning the increase in their Time Warner Cable bills. He is looking into this issue.
- He spoke with the School Board President and they plan to work on a committee to address the school crossing improvements.
- He prepared a Town of Ballston tax analysis to show the budget in relation to sales tax. The Board makes their budget projections using variable revenue streams. Decrease in the sales tax can be offset by: an increase in the mortgage tax, less spending or through the fund balance.
- The auditors will be reporting on the Town finances this week.
- Town Engineer, CT Male, has informed the Board that there is a potential problem with the water flow situation for the apartment sprinkler system in Timber Creek Preserve Phase IV. The developer will need to be notified. He asked the Town Attorney to look into this issue.

## **PRIVILEGE OF THE FLOOR**

*Ms. Windels* said the Town may have received more applications if a larger ad was placed in the paper; it would be nice to have more applicants for the job. She asked about the Board resolution for TDR grants for farmland.

Supervisor Ziegler said that there was not enough time to address the grants and the possibility of matching funds from the Town

Councilman Goslin said he would appreciate having these items discussed at the Agenda Meeting.

*Ms. Pierce* asked about the status of the Dolomite lawsuit against the Town.

Councilwoman Stewart replied that Dolomite has filed a complaint and an answer needs to be filed. She is reading the complaint. Since the Town has new counsel they will probably apply for an extension. It is a lengthy process.

## **OLD BUSINESS**

### **1. Lakehill Road**

Former Town Attorney Brower had a meeting with the involved parties in the lawsuit so that the Town can collect the funds that were paid for the property condition surveys and the investigator.

### **2 & 4. Schizdick Estate and Hawkwood proposal**

Supervisor Ziegler stated we need the trustees to give the Town a proposal so we can have a framework in place by March 11<sup>th</sup> as the Judge required.

### **3. Sewer Study**

Councilman Goslin reported the committee needs to study the economic development of Route 50 and they need help from an economic development expert to detail the economic benefits of sewers. Next meeting is February 17<sup>th</sup>.

### **5. Bike Path Extension**

Supervisor Ziegler asked the Town Attorney to review the information on the Bike Path and the Connolly litigation.

### **6. Water District Consolidation**

Supervisor Ziegler said that this will be addressed after the audit.

### **7. Lake Road Water District**

Supervisor Ziegler said this water district will be addressed shortly.

### **8. Audit**

Councilman Goslin stated that the initial report from BST Audit Firm will be received this week and then the Board will determine the next steps.

### **9. Timber Creek Preserve Phase IV**

Supervisor Ziegler stated this development is before the Planning Board.

### **10. BH-BL School Crossing Improvements.**

Councilman Antoski has a copy of a school memo on what would be the most beneficial improvements at a minimal cost. Supervisor Ziegler said that he would set up a meeting between the school representative and Saratoga County Commissioner of Public Works Manz to consider these improvements.

## **NEW BUSINESS FOR CONSIDERATION AND ACTION:**

The Town Board considered the resolution approving Local Law No. 1 of 2014 for the Beacon Hill PUDD amendment. The proposed amendment would change Section 4 (B) (3). Area B so created shall consist of four (4) commercial lots with the maximum combined allowable building area not to exceed 230,000 square feet of enclosed building space. No action was taken due to a lack of a motion from the Town Board. The Board Members made the following comments:

- Councilman Goslin stated he is in favor of commercial development. As a taxpayer, he knows the value of commercial property on the tax base. Beacon Hill PUDD was a Local Law and agreements were passed. It is the right thing to do to honor those agreements.
- Councilman Szczepaniak has the same concerns as Councilman Goslin. He listened to voice of the people at the public hearing. He supports commercial

development and the developers can still do the project from the original proposal. He would feel the same way as the people in Beacon Hill if the rules were changed after agreements were made and the law was approved.

- Councilwoman Stewart stated there seems to be confusion on the part of the applicant concerning the language of the PUDD that underground parking is part of building space. The Board needs to know how we might address the ramifications of changing language to accomplish what the applicant wanted and be able to address his concerns.
- Supervisor Ziegler said he heard all the concerns of the residents about the traffic issue. This is a separate matter and he will look into it as soon as possible. Also, he will look into the notification process.

**RESOLUTION 14-023**

**APPOINT JAMES WALSH TO THE POSITION OF TOWN ATTORNEY.**

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to appoint James Walsh to the position of Town Attorney for a term commencing February 11, 2014 and ending December 31, 2015

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

**RESOLUTION 14-024**

**APPROVE THE AGREEMENT FOR THE EXPENDITURE OF HIGHWAY FUNDS FOR 2014.**

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to approve the Agreement for the Expenditure of Highway Funds for 2014.

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

**RESOLUTION 14-025**

**APPROVE THE RESOLUTION OF SUPPORT FOR THE DESIGNATION OF BALLSTON LAKE AS INLAND WATERWAY.**

A motion was made by Councilman Goslin and seconded by Councilman Antoski for the following resolution:

**RESOLUTION REQUESTING THE INTRODUCTION OF LEGISLATION IN THE NEW YORK STATE LEGISLATURE DESIGNATING BALLSTON LAKE AS AN INLAND WATERWAY**

WHEREAS, Ballston Lake is an important natural resource in the town; and

WHEREAS, Ballston Lake is the primary source of drinking water for many families in the town; and

WHEREAS, Ballston Lake is a recreational resource for people of the Town of Ballston; and

WHEREAS, the Town Board of the Town of Ballston seeks to take measures to protect and preserve the health and quality of Ballston Lake for the benefit of all of the residents of Ballston; and

WHEREAS, designation of Ballston Lake as an "inland waterway" in state law will permit the town to seek state grants through the Waterfront Revitalization Program; and

WHEREAS, the stated purposes of the Waterfront Revitalization Program are to encourage and facilitate public access for recreational purposes and to encourage the restoration and revitalization of natural and man-made resources; now therefore be it

RESOLVED, that the Town Board of the Town of Ballston hereby requests legislation be enacted to designate Ballston Lake as an inland waterway for purposes of the



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

**RESOLUTION 14-028**

**APPROVE THE BUDGET ADJUSTMENT FOR PAYMENT OF \$3,000 FOR THE  
COPIER FOR THE ASSESSOR'S OFFICE.**

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to approve the Budget Adjustment for payment of \$3,000 for the copier for the Assessor's Office. The expense was approved in the 2013 Budget; transfer \$3,000 from the fund balance to the Assessor's Equipment Account 13552.01.

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

**RESOLUTION 14-029**

**APPROVE THE INITIAL INVESTIGATION REVIEW OF GRANT OPTIONS FOR THE  
SEWER COMMITTEE FROM SUSAN LOMBARDI OF COMMUNITY DEVELOPMENT  
RESOURCES, LLC. AT A COST NOT TO EXCEED \$1,000.**

A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to approve the initial investigation review of grant options for the Sewer Committee from Susan Lombardi of Community Development Resources, LLC. at a cost not to exceed \$1,000.

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

Councilman Goslin reported that the Sewer Committee is ready to send out a letter introducing the Sewer Committee and their brochure on guidelines for septic system care. The mailing will be sent to residents who use a septic system.

**RESOLUTION 14-030**

**APPROVE THE SEWER COMMITTEE MAILING AT A COST NOT TO  
EXCEED \$2,000.**

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to approve the Sewer Committee mailing at a cost not to exceed \$2,000.

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

The Town Clerk received a letter from Andrew Van Vorst resigning his position on the Farmland Protection Committee effective immediately.

**RESOLUTION 14-031**

**ACCEPT THE RESIGNATION OF ANDREW VAN VORST FROM THE  
FARMLAND PROTECTION COMMITTEE EFFECTIVE IMMEDIATELY.**

A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to accept the resignation of Andrew Van Vorst from the Farmland Protection Committee effective immediately.

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

**DISCUSSION**

**1. Water Rates**

Councilman Goslin stated that the Town of Ballston has not had an increase in water rates for twelve years. With the number of issues with the water finances, it will be necessary to increase the water rates. He proposes an inside user rate increase of .50¢ per 1,000 gallons of water and an outside user rate increase of \$1 per 1,000 gallons of water. He asked for the Board to consider a resolution to increase the water rates at the next meeting.

**RESOLUTION 14-032**

**ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF A PERSONNEL CONTRACTUAL ISSUE.**

A motion was made by Councilwoman Stewart and seconded by Councilman Goslin to enter into Executive Session for the purpose of a personnel contractual issue.

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

**RESOLUTION 14-033**

**RETURN TO REGULAR SESSION**

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

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

No action was taken on the item discussed in Executive Session.

A motion was made by Councilwoman Stewart and seconded by Councilman Goslin to adjourn the meeting.

Respectfully submitted,

Carol R. Shemo  
Town Clerk