

A regular meeting was held by the Town Board of the Town of Ballston on Tuesday evening, May 13, 2014 at the Town Hall on Charlton Road.

**PRESENT:**

Timothy Szczepaniak -----Deputy Town Supervisor  
William Goslin -----Councilman  
John Antoski ----- Councilman  
Kelly Stewart -----Councilwoman  
James Walsh -----Town Attorney  
Carol Gumienny -----Deputy Town Clerk

**ABSENT:**

Patrick Ziegler ----- Supervisor  
Carol Shemo ----- Town Clerk

Deputy Town Supervisor Szczepaniak called the meeting to order at 7:45 and the Pledge of Allegiance was recited.

**CORRESPONDENCE**

There was no correspondence for the month of April.

**REPORTS OF TOWN OFFICIALS**

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

**SUPERVISOR'S REPORT**

Deputy Supervisor Szczepaniak reviewed the Supervisor's Report for March for receipts and disbursements.

**RESOLUTION 14-090**

**APPROVE THE SUPERVISOR'S FINANCIAL REPORT FOR THE MONTH OF MARCH.**

A motion was made by Councilman Goslin and seconded by Councilman Antoski to approve the Supervisor's Financial Report for the month of March.

ADOPTED Ayes 4 Deputy Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski, Councilwoman Stewart  
Nays 0

**COUNCIL MEMBERS REPORTS:**

Councilwoman Stewart reported the following:

- The Parks and Rec Committee did not meet last month. Councilwoman Stewart and Supervisor Ziegler are the liaison's for this Committee. Councilwoman Stewart is preparing a report to clarify the mission and tasks of the Committee and asking for specific items for the committee to undertake.

Councilman Goslin reported the following:

- Met with the Ballston Senior Digital Literacy Program.
- He thanked the BHBLPA for sponsoring the town-wide clean up. It was very well attended.
- Continue to work with the auditors
- PC situation is on track.
- Would like the Board to appoint Dennis Pokrzywka as second alternate for the Jenkins Park Advisory Board Committee.
- Answered numerous call and emails regarding Walmart.

Deputy Town Supervisor Szczepaniak reported:

- Would like to discuss Town wide junk pickup and where the Board stands on this matter. County Waste has given us a quote of approximately \$25,000.
- He met with the Aaron Dyer, the president of the Charlton Snowmobile Club. There is a plan in place to have the snowmobile trail rerouted on Outlet Rd. and the Club has been working with DEC for approvals. The Club is looking for the Board to give approval to working an agreement out with DEC and move forward with this project.

- Would like to see the fuel pump station on the agenda for the meeting on May 27<sup>th</sup>. In reference to the engineering review, there is some better pricing received by another agency. Would like to discuss and move the project forward.

Town Attorney James Walsh updated the Board:

- Received a lighting district petition (Stonebridge) and is requesting to set a public hearing at the May 27<sup>th</sup> agenda meeting.
- Received a petition for the creation of street improvement district on Connolly Road. Would like to discuss this district and request to set a public hearing at the May 27<sup>th</sup> agenda meeting.
- Received a Notice of Claim from the former bookkeeper.
- Town Attorney Walsh was in Supreme Court today regarding the pending litigation on Connolly Rd. This litigation is between the railroad and the representatives to Grasso, Musto & DOT. A hearing was held requesting a stay of the order. The stay of order was declined and the case will go to the Appellate Division.
- Pending litigation: (1) Mothon vs. Town of Ballston regarding challenge to assessments. (2) Dolomite: we are proceeding in the best interest of the Town. The judge is asking to take a tour of existing plant sometime next week.

**PRIVILEGE OF THE FLOOR:**

*Ms. Janack-Cook* spoke how all this commercial development coming into the town will affect her and her family. Traffic is a concern as well as an increase in crime and pollution. Quality of lives will be negatively impacted.

*Mr. Baskin* is a member of Smart Growth Ballston, a group that is dedicated to the preservation of small town rural character and quality of life. This big box development will have a negative impact on public services, traffic and crime. The Board has the power and the responsibility to the people of the Town.

*Ms. Kormis* feels Walmart belongs right off a highway exit.

*Ms. Lake* is against Walmart. She quoted the Town Code “ensuring the community retains rural small town community feel”

*Mr. Stern* has been involved in all meetings since Walmart tried to come into Town previously. He feels the Board should protect the Town not Walmart and listen to the residents in the northern part of town.

*Mr. Adams* asked what the Town plans to do about mosquito control? He recommends the Board consider a spray program for wetlands of the Town. Also stated a reminder for all: the last line in the pledge states “liberty and justice for ALL” this includes Walmart.

*Ms. Newsom* thought the Town was safe from big box stores. The truck traffic problem will be worse; she feels an in-depth traffic report needs to be done when school is in session and when it is out of session.

*Ms. Curvin* worries about the effect Walmart will have on the small downtown businesses. She feels people won't fight traffic to go downtown so they will stay away completely.

*Ms. Speidel* is an anti-Walmart advocate. Many, many negatives if Walmart comes here.

*Mr. Horton* states Walmart will challenge their taxes and cost the community money. He also spoke of wetland communities and the long term impacts.

Deputy Town Supervisor Szczepaniak thanked everyone for coming out to the meeting and speaking.

**OLD BUSINESS:**

Estate of Frank Schidzick: Town Attorney James Walsh stated we are waiting for a proposed written contract. Prior to the contract an appraisal needs to be done for the forever wild. The Town is ready to take title and is waiting for a new date from the judge.

Bike Path Extension: Town Attorney James Walsh did receive an email and will pass the updated information to the Board.

**NEW BUSINESS FOR CONSIDERATION AND ACTION:**

There was no action taken naming the Town Board as Lead Agency for Local Law No. 1 of 2014 amending the Light Industrial District Regulations or establishing a negative declaration for Local Law No. 1 of 2014 due to keeping the Public Hearing open and reconvening May 27<sup>th</sup>, 2014 at 7:15 pm.

**RESOLUTION 14-091**

**APPROVE THE 2014 STANDARD WORKDAY RESOLUTION.**

A motion was made by Councilman Goslin and seconded by Councilman Antoski to approve the 2014 Standard Workday Resolution.

ADOPTED Ayes 4 Deputy Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski, Councilwoman Stewart  
Nays 0

**RESOLUTION 14-092**

**APPROVE THE RESOLUTION REQUESTING THE REDUCTION OF THE SPEED LIMIT FOR THE BH-BL HIGH SCHOOL ENTRANCE CROSSING ON LAKEHILL ROAD WITHIN THE TOWN OF BALLSTON.**

**REQUESTING REDUCUTION OF THE SPEED LIMIT ON LAKEHILL ROAD WITHIN IN THE TOWN OF BALLSTON**

WHEREAS the Town Board of the Town of Ballston has received a petition from the Burnt Hills-Ballston Lake School Board requesting assistance with protecting the safety of students in the area surrounding the school; and

WHEREAS the Town Board of the Town of Ballston recognizes the concerns of its citizens with respect to the safety of pedestrians in the school zone; and

WHEREAS a number of students cross the roadway each day entering and exiting the school, including a number of students who are participating in school sponsored athletic activity and training; and

WHEREAS a reduction of the speed limit in such surrounding area is necessary and reasonable; and

WHEREAS the current rate of traffic flow poses a danger to both residents and students in the school zone; and

WHEREAS the Town of Ballston does not have the authority to reduce the speed limit on roadways within the town without the approval of the New York State Department of Transportation; and

WHEREAS the Town Board of the Town of Ballston seeks to do all in its power to ensure the health and safety of the residents of the town; and

WHEREAS the Town Board has determined that a lower rate of speed on Lakehill Road in the area adjacent to the high school than the current posted limit of 35 M.P.H is appropriate; now therefore be it

RESOLVED that the Town Board of the Town of Ballston requests Saratoga County Department of Public Works to request the New York State Department of Transportation to conduct a traffic study along Lakehill Road in the area of the Burnt Hills-Ballston Lake High School for the purpose of considering the reduced speed limit of 25 mph to enhance safety of students and other pedestrians, and that a certified copy of this resolution be forwarded to the Saratoga County Commissioner of Public Works.

A motion was made by Councilwoman Stewart and seconded by Councilman Antoski to approve the Resolution requesting the reduction of the speed limit for the BH-BL High School entrance crossing on Lakehill Road within the Town of Ballston.

ADOPTED Ayes 4 Deputy Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski, Councilwoman Stewart  
Nays 0

**RESOLUTION 14-093**

**APPROVE THE RESOLUTION REQUESTING THE REDUCTION OF THE SPEED LIMITED ON A PORTION OF STATE ROUTE 50 WITHIN THE TOWN OF BALLSTON.**

**RESOLUTION REQUESTING THE REDUCTION OF THE SPEED LIMIT ON A PORTION OF STATE ROUTE 50 WITHIN THE TOWN OF BALLSTON**

WHEREAS the Town Board of the Town of Ballston has been requested by residents of the area known as Beacon Hill to seek the reduction of the speed limit on State Route 50 adjacent to such development; and

WHEREAS the current rate of traffic flow in the area poses a danger to residents entering and exiting such roadway; and

WHEREAS the Town Board has determined that a lower rate of speed on Route 50 in the area adjacent to Beacon Hill than the current posted limit of 55 M.P.H is appropriate; and

WHEREAS the Town of Ballston does not have the authority to reduce the speed limit on such roadway(s) without the approval of the New York State Department of Transportation; and

WHEREAS the Town Board of the Town of Ballston seeks to do all in its power to ensure the health and safety of the residents of the town; now therefore be it

RESOLVED that the Town Board of the Town of Ballston hereby requests the Saratoga County Department of Public Works to request the New York State Department of Transportation to reduce the maximum speed limit on Route 50 adjacent to the Beacon Hill Development, and that a certified copy of this resolution be forwarded to the Saratoga County Commissioner of Public Works.

A motion was made by Councilwoman Stewart and seconded by Councilman Goslin to approve the resolution requesting the reduction of the speed limit on a portion of state Route 50 within the Town of Ballston.

A motion was made by Councilwoman Stewart and seconded by Councilman Goslin to approve the resolution requesting the reduction of the speed limit on a portion of State Route 50 within the Town of Ballston.

ADOPTED Ayes 4 Deputy Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski, Councilwoman Stewart  
Nays 0

**RESOLUTION 14-094**

**APPROVE THE PROPOSED CHANGES TO THE WATER RATES AND THE CONNECTION FEE.**

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to approve the proposed changes to the water rates and the connection fee.

<b>Roll Call:</b>	<b><u>YES</u></b>	<b><u>NO</u></b>	<b><u>ABSENT</u></b>
Patrick Zeigler, Supervisor			x
Councilman Timothy Szczepaniak	x		
Councilman William Goslin	x		
Councilwoman Kelly Stuart	x		
Councilman John Antoski	x		

**Carried**

**RESOLUTION NO. 14-095**

**APPROVE THE RESOLUTION EXTENDING THE BURNT HILL-BALLSTON LAKE WATER DISTRICT NO. 2 EXT. #12 TO INCLUDE PARCEL 228.-1-54. THE BRIDGEWATER APARTMENTS.**

**RESOLUTION EXPANDING THE OF TOWN OF BALLSTON CONSOLIDATED BURNT HILLS-BALLSTON LAKE WATER DISTRICT #2 EXT 12 IN THE TOWN OF BALLSTON, COUNTY OF SARATOGA, STATE OF NEW YORK, TO SERVE**

**THE BRIDGEWATER APARTMENTS, SBL 228.-1-54,  
PURSUANT TO ARTICLE 12A OF THE TOWN LAW OF  
THE STATE OF NEW YORK**

**WHEREAS**, On November 26, 2013, the Town Board adopted Resolution 13-303, to allow Bridgewater Apartments, SBL 228.-1-54, to connect to Burnt Hills-Ballston Lake Water District No. 2 Ext #12; and

**WHEREAS**, Bridgewater Apartments will pay \$1,100 per building for the connection fee, the cost of the meter, and any engineering costs incurred; and

**WHEREAS**, a map, plan and report have been prepared in such manner and in such detail as is required by Article 12A of the Town Law of the State of New York, relating to the expanding the of Town of Ballston Burnt Hills-Ballston Lake Water District #2 Ext 12, in the Town of Ballston, County of Saratoga, State of New York, and 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 the boundaries of the proposed extension to the District and the general plan of the proposed District; and

**WHEREAS**, said map shows the location and description of the public works that will be required and that no lands or easements are needed or will be acquired; and

**WHEREAS**, the boundaries of the proposed district 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 Zero (\$0.00) Dollars; and all details as to the cost of the aforesaid extension are set forth in the aforesaid Engineer’s Report; and

**WHEREAS**, approval of the New York State Comptroller will not be required for expanding Burnt Hills-Ballston Lake Water District #2 Ext 12; and

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

**WHEREAS**, the annual cost to the owner of the apartment complex for service will include water usage and maintenance calculated at the same rate as the existing Water District, which is currently \$3.30 per 1,000 gallons.

**WHEREAS**, a public hearing was held by the Town Board, and the public was invited to comment on the proposed extension with no objections to the proposal to expand Extension 12 of District 2.

**NOW, IT IS HEREBY ORDERED**, that the Town Board of the Town of Ballston directs the Town Clerk to file the necessary map and other documentation with the NYS Comptroller as well as with the Health Department and any other necessary state and/or local agency consider said expansion of Water District 2, Extension 12, and any other actions, as is required or authorized by law.

**IT IS FURTHER ORDERED AND DETERMINED** that the Town Board of the Town of Ballston, Saratoga County shall act as lead agency relative to all SEQRA proceedings on this project.

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

<b>Roll Call:</b>	<b><u>YES</u></b>	<b><u>NO</u></b>	<b><u>ABSENT</u></b>
Patrick Zeigler, Supervisor			x
Councilman Timothy Szczepaniak	x		
Councilman William Goslin	x		
Councilwoman Kelly Stuart	x		
Councilman John Antoski	x		

**Carried**

Dated: 5-14-2014

Town Attorney Walsh noted for the sake of SEQRA this extension is an existing utility, therefore, a Type 2 Action. Nothing further is needed. The Board has considered the environmental impact.

**SCHEDULE  
“A”**

**LEGAL DESCRIPTION  
EXTENSION OF WATER DISTRICT No. 2,  
LANDS OF BROOKLINE HOUSING  
ASSOCIATES, LLC  
SBL # 228.00-1-54  
TOWN OF BALLSTON, NEW YORK STATE**

EXTENSION OF WATER DISTRICT No. 2 THROUGH ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND SITUATE in the Town of Ballston, County of Saratoga, State of New York and being certain tax parcels located along the northerly line of Brookline Road, west of New York State Route 50 and being further bounded and described as follows:

**BROOKLINE ROAD**

Tax Map	Block	Parcel
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Note: The herein above described parcels being shown on a map entitled “Water Service Area Extension, Bridgewater Apartments” dated September 6, 2013, made by Environmental Design Partnership, LLP.

Carol R. Shemo  
Town Clerk

**RESOLUTION 14-096**

**ACCEPT THE APPOINTMENT OF DENNIS POKRZYWKA AS SECOND ALTERNATE MEMBER FOR THE JENKINS PARK ADVISORY BOARD COMMITTEE.**

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to accept the appointment of Dennis Pokrzywka as second alternate member for the Jenkins Park Advisory Board Committee for a term commencing May 14, 2014 and ending at the Organizational Meeting in January 2015.

ADOPTED Ayes 4 Deputy Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski, Councilwoman Stewart  
Nays 0

**RESOLUTION 14-097**

**AUTHORIZE TOWN ATTORNEY JAMES WALSH ON BEHALF OF THE TOWN TO NEGOTIATE WITH THE CHARLTON SNOWMOBILE CLUB WITH RESPECT TO THEIR TRAIL EXPANSION ADDRESSING AND PROTECTING THE NEEDS OF THE TOWN.**

A motion was made by Deputy Supervisor Szczepaniak and seconded by Councilman Goslin to authorize Town Attorney James Walsh on behalf of the Town to negotiate with the Charlton Snowmobile Club with respect to their trail expansion addressing and protection the need of the Town.

ADOPTED Ayes 4 Deputy Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski, Councilwoman Stewart  
Nays 0

Deputy Supervisor Szczepaniak would like the Town-wide junk pickup on the agenda meeting for May 27<sup>th</sup>. Town Attorney would like to research other bids to provide other vendors an opportunity.

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

Meeting adjourned at 9:10 p.m.

Respectively submitted  
Carol Gumienny  
Deputy Town Clerk

