

A regular meeting was held by the Town Board of the Town of Ballston on Thursday evening, September 12, 2013 at the Town Hall on Charlton Road.

PRESENT: Patricia Southworth ----- Supervisor  
Mary Beth Hynes ----- Councilwoman  
Timothy Szczepaniak ----- Councilman  
William Goslin ----- Councilman  
Kelly Stewart ----- Councilwoman  
Carol Shemo ----- Clerk  
Murry Brower ----- Counsel

Supervisor Southworth called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

The Town Clerk reported on the correspondence that was received for the month of September. She received an email from Town resident Mr. Janeski who voiced his concerns about the proposed housing /multi use development submitted to the Town Board by developer Mark Katz. He stated this development will stress the school system, volunteer fire department and the ambulance corps. In his letter to the Town Board, Mr. Pierce, a Town resident, voiced his support for the proposition to change the zoning in the industrial zone to become light industrial. He said heavy industry does not meet the goals of the Town's Comprehensive Plan. He stated that this proposition does not affect any present businesses and it is not an example of spot zoning as the whole industrial zone will become light industrial.

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

Building Inspector Thomas Johnson, Highway/Water Superintendent Joseph Whalen, Supervisor Patricia Southworth, Animal Control Officer Thomas Shambo, Dog Control Officer John Christopher, Library Trustee Michelle Hernandez and Town Clerk Carol Shemo submitted reports for August and they are on file in the Town Clerk's Office.

#### **RESOLUTION 13-237**

#### **APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT FOR AUGUST**

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

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes  
Councilman Szczepaniak, Councilman Goslin and  
Councilwoman Stewart  
Nays 0

#### **Supervisor Report for September**

**Supervisor Southworth** reported on the following:

- Budget Workshops for the 2014 Town Budget will be held in October. The Budget Calendar is on the Town website, the hall calendar and copies are available at the meeting. The public is welcome to attend these meetings.
- She provided an update concerning the Board of Health issue with 15 Nolan Road. The owners of 15 Nolan Road have until the 19<sup>th</sup> of September to take action on their septic system. If no action is taken, the Town has arranged to have an engineer correct this septic system problem; the cost of the septic system will be re-levied on the property tax bill.
- The Saratoga County 5K Run to benefit the Veterans' Trust Fund Account will be held November 9<sup>th</sup> at the Hudson Crossing Park. For entry forms, to be a sponsor and to volunteer, please check the Saratoga County website.
- The Rural Preservation Committee will sponsor the Vet Help Run on September 29<sup>th</sup>. More information is available on RPC website.

#### **Council Reports:**

**Councilman Szczepaniak** reported on the following:

- He recommends the Town Board address Old Business at one Town Board meeting a month. At the other Town Board meeting, Board members can give an update on Old Business during their report. The review of Old Business is a great idea from a Town resident; it just needs some fine tuning.

Councilwoman Hynes agreed with the proposed change to Old Business, especially with the many PUDD presentations at Town Board Meetings.

Councilwoman Stewart said the Board should only discuss the new information. The notes on the Old Business are helpful.

Councilman Goslin would like to convert Old Business to a chart to be updated by the Town Clerk's Office.

Supervisor Southworth said the current list of Old Business is quick and easy for the Town Clerk's Office to update.

- Councilman Szczepaniak suggested a different forum would be a better setting to discuss water districts than at the Town Board Meeting. A meeting just for the residents of the proposed water district and the Town Engineer would allow the water district process to be explained and questions to be answered. The final steps of the process would be brought back to the Board at a Town Board Meeting.

Supervisor Southworth stated the residents of the proposed Lake Road Water District understood the report. They are asking for a different option for payment since the usual option is cost prohibited and they want to go with the option by the Town Engineer.

Councilman Goslin answered that it would be helpful to him to have the Town Engineer explain how she came up with the recommendation for the cost option.

Councilwoman Hynes feels it would be helpful to have the Town engineer explain the process.

- Councilman Szczepaniak said the Board should look at the various committees in the Town since there seems to be a duplication of effort. Some committees are not sure of their agenda. He feels the Farmland Protection Committee, Parks and Recreation and Open Space committee should work together as one committee. An example of the need to reorganize these two committees so that they work together is the \$1,000,000 donation from the Schizdick Estate. Some in the group don't want the donation and are holding up the process. We need to stop the negativity and move forward on this project.

Supervisor Southworth stated that the Farmland Protection Committee was established as a steering committee required by the Farmland Protection Grant. The committee has to stay in place to complete the process for the \$25,000 Grant. She agreed that sometimes the committees have conflicting interests.

Councilman Goslin answered that there is a duplication of efforts with these two committees. These committees are not working together. The Farmland Protection Committee has a plan for parks and we have a Parks and Recreation Committee. We need to think about moving forward in a clean, efficient way. We need to discuss the Farmland Protection Committee's opposition to the Board's decision concerning the Schizdick Estate.

**Councilman Goslin** reported on the following:

- Concerning the Board of Health situation on Nolan Road, he stated there are two issues: resolve the septic system issue on Nolan Road and communicate better to the residents that are involved. The neighbors are frustrated with the delay in handling this problem since it is a health issue and it should be corrected as expediently as possible.
- Under finances, he is happy with the financial reports. It is important for the Board to understand the financial condition of the Town before the budget season.
- On behalf of the residents and the Town Board, he sends his best wishes to Town resident Charles Merriam who will be honored as World War II Veteran and will

be part of the ceremonies at the World War II Memorial. He wished him a safe trip and thanked him for his service.

Town resident David Pierce gave a report concerning the phosphorus levels in Ballston Lake. He cited the revised 2013 report by New York State DEC. The Federal Clean Water Act requires states to periodically assess and report on the quality of water in their state. The report lists Ballston Lake with impairment requiring the development of a Total Maximum Daily Load or other strategy to reduce the input of specific pollutants that restrict waterbody uses, in order to restore and protect such uses. Mr. Pierce said we need to educate the public on the potential sources of phosphorus. The suspected causes of the high levels of phosphorus are runoff and septic systems. Residents need to have their septic systems pumped every three years. Most products for lawn care no longer have phosphorus but the use of old lawn fertilizers might still be a problem.

Supervisor Southworth will make the full report available to Town residents on the Town website. We need to find out why things changed with the lake.

Councilman Goslin thanked Mr. Pierce for his report. This situation in Ballston Lake affects the whole Town. DEC can force the Town to correct the situation with not a lot of choices and time to act. The sewer group is currently looking at the cost of constructing a sewer system and phasing in the costs.

Councilwoman Hynes asked about the corrective action plan for the Town. What are the implications for the Planning Board and the Town Board when they have very dense applications for development before them? What approach should these boards take with these requests?

Mr. Miller said the Town needs to look at the complete report and go forward in the areas of sewers and stormwater control.

## **PRIVILEGE OF THE FLOOR**

*Mr. Simpson* said the Town could simplify the process of the Schizdick Estate if the Parks and Recreation Committee would read the Schizdick will. The intent of Mr. Schizdick was for a forever wild park, so don't take over productive farmland and wetlands. The Board opposed the idea that the Trustee selects the property.

*Ms. Windels* asked if Councilwoman Stewart received a copy of the Schizdick will. She respectfully asked the Board not to discuss the will and the park until she had time to review the will. The Parks and Recreation Committee choose the property for the park with their goal in mind and not the will.

*Ms. Wilcox* asked the Board if the residents of 15 Nolan Road abandon their property, will the septic system still be fixed by the Town.

Supervisor Southworth said it will be fixed by the Town.

*Mr. Lang* read an article in the *Ballston Journal* on how to protect prime farmland. The Farmland Protection Committee is working with a consultant to meet regulations set forth by the Department of Agriculture and Markets to identify farms and soils in the Town and to grade the value of the farmland. Mr. Lang noted that his 50 acres of woods was graded as active farmland.

Supervisor Southworth stated that the committee was formed in 2009 to be the steering committee of the Farmland Grant. The Department of Agriculture and Markets approved the plan and gave the committee areas to look at.

Councilwoman Hynes said it is disappointing that it took over a year to get a mission statement from the Farmland Protection Committee. She worked on the Land Conservation committee and they developed 5 proposed tools for dealing with farmland and open space without the benefit of grant funding.

Councilwoman Stewart would like to have an update report from that committee.

*Mr. Miller* said both parcels, the Lang property and the Hawkwood property, are valuable and should be preserved. A year ago he recommended a permissive referendum for farmland and open space to see if the people would be willing to spend money on these projects. He would like to see the referendum on the November ballot.

Supervisor Southworth will check with the Board of Elections to see if this proposition can be placed on the November election.

## **OLD BUSINESS**

1. 14 Lakehill Road

Town Attorney Brower said it is his understanding that the property is secured. A meeting is scheduled for Friday, September 20<sup>th</sup>.

Councilman Goslin recognized resident Charles Merriam's efforts to act as a liaison between the parties and was helpful in resolving a number of different areas. He would like Mr. Merriam to continue with his efforts.

2. Estate of Frank Schizdick and Anchor Diamond Park –

No court date has been set.

3. Sewer Study – no update

4. Hawkwood Proposal – no update

5. Bike Path Extension – no update

6. Water District Consolidation – no update

7. Connolly Road – in litigation

8. Industrial Zoning Legislation –

Public Hearing scheduled September 24, 2013

9. Bridgewater Apartments

Travis Mitchell of EDP gave a brief report concerning the request by Bridgewater Apartments owner Mr. Wilder to connect his apartment complex to Water District 2 Ext 12.

Councilman Goslin asked for a map showing the location of the hydrant and a report on the hydrant flow. The Board needs to know what will happen to the debt service for the people in that district. If they are included in WD 2 Ext #12, will this be a benefit for the apartments and the district.

Councilwoman Stewart said Mr. Wilder opted out of the district in the beginning, so how does the Board determine the cost to join the district now?

Supervisor Southworth asked if the property owner has property on Route 50. If this property is under contract, what is the status of this proposed sale? She asked Town Attorney Brower if the Town Board could go back and charge Mr. Wilder since he had originally opted out of the district.

Town Attorney Brower stated that when the Town enlarges or extends a Water District, you have the ability as a Water Commission and Town Board, to go back and make a determination concerning the overall construction costs and what the contribution would have been and proportion the cost and benefit basis or advalorem.

10. Lake Road Water District

CT Male will explain the cost options and the proposed benefit of the Lake Road Water District at the September 24<sup>th</sup> meeting.

Water Superintendent Whalen stated the benefit of the Lake Road Water District is only the first step in making this loop. The Town would need to connect to the water on Outlet Road to finish the loop. That would include laying pipe under the lake and the railroad track.

Councilman Goslin said he would need to know the cost for the average homeowner in this district and understand the benefit to all users in the Water District 2. We are asking people in a specific district to contribute toward this





