

A regular meeting was held by the Town Board of the Town of Ballston on Thursday evening, November 10, 2016 at the Town Hall on Charlton Road.

PRESENT:	Tim Szczepaniak	Supervisor
	Bill Goslin	Councilman
	John Antoski	Councilman
	Kelly Stewart	Councilwoman
	Chuck Curtiss	Councilman
	Carol Gumienny	Clerk
ABSENT:	James Walsh	Counsel

Supervisor Szczepaniak called the meeting to order at 6:30 p.m. and the Pledge of Allegiance was recited. A moment of silence followed in honor of our Veterans.

Supervisor Szczepaniak stated that Councilman Antoski has to leave early; therefore, there will be an open roll call only for Councilman Antoski at this time for the resolution to accept the final budget. The remaining Board members will vote later in the meeting.

Resolution 16-204. Accepting the 2017 final budget.

Councilman Antoski stated this was the best budget he has seen since he has been on the Board. It was very clear and a good process that we should continue to follow. Councilman Antoski states he is “in favor” of accepting the 2017 final budget.

Councilman Antoski exits the meeting at 6:40 p.m.

A presentation by our insurance broker, Phil Klein, presented Blue Shield as another option for employee health insurance. CDPHP and Blue Shield are very similar plans with the exception of the prescription portion and the out of pocket expense for hospital admission. Blue Shield’s prescription plan is better however there is a \$1,000 deductible for inpatient hospitalization whereas CDPHP has \$0. This causes a concern with the union. To relieve these concerns, Mr. Klein proposes to the Board that the Town pay the \$1,000 to satisfy this. This plan can also save the Town money. The employees will have a choice of plans. Supervisor Szczepaniak thanked Mr. Klein for coming in this evening to present.

CORRESPONDENCE

The Town Clerk read an email from Eagle Scout Chris Kelch thanking Highway Superintendent Joe Whalen and his crew for their invaluable assistance and support he received while working on his Eagle project. Chris refurbished the Ballston Lake sign on Route 146A near the Ballston Lake Emergency Department. He stated this was a great learning experience.

REPORTS OF TOWN OFFICIALS

Building Inspector Thomas Johnson, Stormwater Management Officer Kim Kotkoskie, Highway/Water Superintendent Joseph Whalen, Dog Control Officer Thomas Shambo, and Town Clerk Carol Gumienny submitted reports for October 2016 and they are on file in the Town Clerk’s office.

LIBRARY REPORT

Library Board of Trustee, Beth Bechtel reported:

- In honor of Election Day, the library was open from 6 a.m. to 9 p.m. and the Friends of the Library donated cookies and coffee.
- Head of Youth Services Librarian Rebecca Darling has returned from maternity leave and will be back full time in January.
- New programs were added for adults to include Trivia Night, Real Food Fast with Jodi Fitz, and a “mocktail” paint and sip that was attended by 22 people.
- The library will be sponsoring a blood drive on December 14th.

STORMWATER MANAGEMENT REPORT

Kim Kotkoskie reported that DEC released the MS4 Draft Permit Budget and it is out for public comment until December 2nd. She attended the Saratoga County Coalition for a two-hour meeting to review the permit. The Coalition is asking for an extension to review. It is not certain if the extension will be granted. The changes are quite significant, and costly for what DEC is asking towns to do. She will keep the Board updated.

FINANCIAL REPORT FOR OCTOBER 2016

Budget Officer Jeanette Borthwick gave an overview of the budget process and where we are now with planned aspects of spending. Ms. Borthwick states that Joanne Bouchard, our bookkeeper, was a tremendous asset throughout the entire budget process. The growth we have seen year over year in the Town affects every department. There are now five years of data in place to help each department use for future planning and budgets. The Board hired BST to audit several years of financial records. All annual update documents have been filed and are current. Key budget discussions that the Board had were: fund balances, long term budget planning for water and highway, contingency items, capital improvement and maintenance and budgeting for these items. The tax cap levy is subject to special districts i.e.: library, fire departments, ambulance, etc. We are under the tax cap for 2017. The budget is on the web for review. Supervisor Szczepaniak thanked Ms. Borthwick, the Board, our bookkeeper and all the department heads that assisted with the 2017 budget process. It was a team effort. We now have a template to work with moving forward to effectively manage the Town's finances.

RESOLUTION 16-205

APPROVE THE SUPERVISOR'S FINANCIAL REPORT FOR THE MONTH OF OCTOBER 2016.

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

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

Councilman Goslin stated this is not the kind of report he is looking for and this is his fourth month voting against it. He feels a better job can be done and looks forward to reports that are comprehensive and meaningful.

SUPERVISOR'S REPORT

Supervisor Szczepaniak reports:

- Received correspondence from Capital District Transportation Committee that announced availability of funding through its Community and Transportation Linkage Planning Program for 2017-18. The program will be focused on implementation activities related to completed Linkage Program plans or other local planning. He will forward the information to the rest of the Board to review.
- Had a discussion with Dan Rourke at Saratoga County Sewer regarding our sewer projects. Mr. Rourke stated that funding may be available for engineering costs. A letter was mailed to the County requesting \$43,700 for engineering fees for two studies - Carpenter's Acres and Route 50.
- Attended five Saratoga County committee meetings.
- Conducted the monthly staff meeting at Town Hall. The phone system is an ongoing problem. He reached out to another vendor who will present at the November agenda meeting with their proposal. In addition, Councilman Goslin will also provide the names of a couple of vendors. It is a work in progress.
- Nan Stolzenburg will attend our November agenda meeting and present her zoning recommendations to the Board.

COUNCIL MEMBERS REPORTS

Councilman Curtiss reports:

- The Farmland Protection Committee met in October and had a meeting with Mike Hale and Nigar Hale from BH-BL BPA. This discussion was a starting point to address all the concerns of the Committee. It was a good, lengthy discussion.
- A spring tour farm festival is in the early planning stages to be held possibly in May unlike other farm tours held in the fall. The Committee will look exclusively for ag businesses in our Town. It is hopeful this will be an annual promotional event.
- There is a lot of competition in town for leasable farm land. It was suggested by a committee member to have a list of available vacant farmland (small parcels) available to someone who may want to work in the ag business without spending a lot of money.

Councilwoman Stewart reports:

- The Anchor Diamond Park officially opened October 29th. The ribbon cutting ceremony was well attended considering the miserable weather. The trail work is ongoing. There are currently two full trails open. There are maps available for the trails. The Eagle Scouts are doing a lot of projects in the park. There is a new park sign and the trail map sign is temporary until all the trails are complete. There is no snowmobiling permitted. There is an easement that gives the Charlton Snowmobile Club access to a very small portion of land to crossover at the northwest corner of the park where there are no trails. No motorized vehicles are allowed in the park. It is strictly a walking park.
- The survey pins have been set for the property boundaries of Anchor Diamond Park backing to Goode Street.

Councilman Goslin reports:

- He thinks it is great that the Farmland Committee and Business Professional Association are communicating.
- He attended the Anchor Diamond Park grand opening ceremony. It was a nice event. He would like to see if we can recoup some of the costs that the Town has incurred from the estate. Councilwoman Stewart stated that was in the hands of the Town Attorney to go back to the Trustees.
- He asked the Supervisor where we stand with the letter he drafted to the Town of Glenville regarding water. It was responded that it is awaiting attorney approval.
- He wants to draft a letter to mail to the residents in Carpenter's Acres inviting them to come to the meeting when Ed Hernandez of Adirondack Mountain Engineering presents his finding on sewers for this area.

OLD BUSINESS

Ballston Lake Sewer Project

The bid results were read by the Town Clerk:

Adirondack Mountain Engineering:	\$773,500
C.T. Male & Associates:	\$970,750
Delaware Engineering:	\$890,470
The Chazen Companies:	\$929,021
Barton & Loguidice:	\$1,094,800

Councilman Goslin thanked everyone who helped put out the RFP: Dick Doyle, Jim DiPasquale, Drew Hamelink and the Town Clerk. He appreciates the Supervisor going to the County to ask for funding assistance for engineering costs for sewer projects. Kim Kotkoskie has volunteered to assist in the Ballston Lake sewer project. We, as a Board, need to define her role and hopefully by the first of the year she can help manage this project from a town perspective. A meeting is scheduled for bid reviews for Monday.

Trustco Litigation

There has been a successful resolution to the pending suit over an assessed value of property. The Town Clerk read Resolution 16-208:

AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER TRUSTCO BANK CORP., NY FOR PROPERTY LOCATED AT 235 CHURCH AVENUE, TOWN OF BALLSTON

WHEREAS, petitions have been filed by the property owner below challenging real property tax assessments on the Town's assessment roll; and

WHEREAS, petitioner's court challenges are now pending in Supreme Court, Saratoga County; and

WHEREAS, the Town and property owner have reached a mutually agreeable resolution; and

WHEREAS, Town Attorney James Walsh, after reviewing information on comparable properties from the Town Attorney and Assessor's office files, believe that this settlement is reasonable and advantageous to both the Town and the property owner, considering the declining

state equalization rate; and

WHEREAS, the Town Board has had an opportunity to review the Town Attorney’s file on this matter and has been satisfied that the proposed settlement is deemed to be just, reasonable and in the interest of the Town of Ballston;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ballston hereby authorizes the Town Attorney to execute for the property listed below the following settlement on behalf of the Town and all Special Districts at revised assessments of no less than the following amounts:

<u>Petitioner</u>	<u>Address/Description</u>	<u>Year</u>
Trustco Bank Corp NY	235 Church Avenue Tax Map number 216.-2-22.112 Acct# 3070190	2016

<u>Assessment Year</u>	<u>Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>
2016	\$549,400	\$422,100	\$127,300

Submitted: 10/31/2016

Supervisor stated if this agreement occurs the Town will not spend any money. A prior situation cost the town \$8000. This assessment will be in effect for three years.

10 White Beach Road Water Extension

Prior to the meeting tonight, the petitioner met with Dick Doyle and Highway Superintendent Joe Whalen to discuss what needed to be done at the Town level to proceed with this proposed water extension. He may now proceed after satisfying the requirements. The Board was presented a sketch plan showing the plan. A public hearing will be scheduled for the end of November.

Route 50 Katz PUDD/Goode Street Water Extensions

Mary Beth Slevin, Esq. representing Mark Katz, is asking the Board to accept the Petition for Intent for further review from NYS Ag & Markets, and be Lead Agency for SEQRA for a water district extension.

Bill Ryan Esq. representing Mr. Benuscak, is asking the Board to accept the Petition for Intent for further review from NYS Ag & Markets and Saratoga County Farmland Bureau for a water extension to a 12 lot subdivision. This subdivision has already been approved with the Planning Board.

Timber Creek Speed Limit

Supervisor Szczepaniak stated he received a petition from a resident asking the Town to reduce the speed limit in the Timber Creek development.

Attorney Peter Reilly stated as a town there is no authority to change the speed limit. The Town needs to send a request to the county and NYSDOT. Councilwoman Stewart states that in her experience, we can send a request to the county and DOT for a request for one single road. In her understanding all roads “within an area” is performed at the state level. We can send a request however, controlling the speed of the motorist is the problem. The Board can help now by calling the sheriff’s department and using the flashing speed signs.

Health Care Reimbursement Program

This program is a benefit to the Town. The highway contract currently has an “opt out option” for health insurance. This can save the town almost \$15,000 per person when opting out. The employee gets a check when they “opt out”. All Board members are in favor of this but need to iron out the specifics. This will have to be implemented prior to the next year’s budget season since health insurance renewal plans go in effect on December 1st.

Privilege of the floor on business for consideration and action this evening.

No one wished to speak.

NEW BUSINESS FOR CONSIDERATION AND ACTION

RESOLUTION 16-204

APPROVE THE FINAL BUDGET FOR 2017.

A motion was made by Councilwoman Stewart and seconded by Councilman Curtiss
Councilman Antoski voted “yes” earlier in the meeting.

ROLL CALL:

Councilman Goslin	NO
Councilwoman Stewart	YES
Councilman Curtiss	YES
Supervisor Szczepaniak	YES

ADOPTED

Councilman Goslin compliments our Budget Officer, Ms. Borthwick, on the preparation of the budget, it provides a strong base for going forward. All the research she did with past budget years is done. He is opposed to the 2017 budget. He feels we did a lot of things correct but his major concern is water and the kind of expenditures we have in water. Great service for the Town means we need to be frugal with spending. He is more conservative. The water budget is up 20%. He cannot convince the Board not to pass a water rate increase. There are two items in the water department that he does not support; the first being personnel expenses. The budget cannot sustain an increase in personnel. The second is his opposition of raising water rates. The budget is up 20% because we are painting the stand pipe. He doesn't believe we should pay for it all at once, we should BAN it. He is conservative and was brought to the Board to keep costs low for the residents.

Councilwoman Stewart states Councilman Goslin and all Board members have spent a lot of time with this issue during budget time. She is taking the advice of our financial officer, who has experience. Councilwoman Stewart disagrees with Councilman Goslin on his analysis of how items should be charged to districts. We are proceeding the way we should be. We have hired a professional budget officer to assist. She also thanked Ms. Borthwick for a great job on the budget

Councilman Curtiss states as his first time through this budget process, it makes a lot of sense to him; issues need to be discussed through the Board and he believes we have done everything the correct way. The budget is complete with so much detail involved. He also publically thanked Ms. Borthwick for all the effort she put in to this budget.

RESOLUTION 16-206

ACCEPT THE UPDATED EMERGENCY MANAGEMENT PLAN FOR THE TOWN OF BALLSTON PRESENTED PREVIOUSLY BY THE EMERGENCY MANAGEMENT COMMITTEE.

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

ADOPTED Ayes 4 Supervisor Szczepaniak, Councilman Goslin, Councilwoman Stewart and Councilman Curtiss

Nays 0

Absent 1 Councilman Antoski

Councilman Goslin states he has some items to discuss with the emergency management. This building should be self-sustaining for one week. He recommends we continue to work with them.

RESOLUTION 16-207

APPROVE THE EMPLOYEE HEALTH CARE INSURANCE CARRIERS EFFECTIVE 12/1/2016.

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

ADOPTED Ayes 3 Supervisor Szczepaniak, Councilwoman Stewart and Councilman Curtiss

Nays 0

Absent 1 Councilman Antoski

Our two carriers are CDPHD and Blue Shield of Northeastern NY. Councilman Goslin abstained from voting due to his employment at CDPHP.

RESOLUTION 16-208

AUTHORIZE THE TOWN ATTORNEY TO EXECUTE THE SETTLEMENT WITH TRUSTCO BANK ON BEHALF OF THE TOWN

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

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

For the record, Councilman Stewart stated the square footage was in error. Councilman Goslin stated there is no impact on our taxes.

RESOLUTION 16-209

ACCEPT THE SARATOGA COUNTY SALES TAX IN CASH.

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

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

RESOLUTION 16-210

SET A PUBLIC HEARING TO INCREASE THE WATER RATES FOR DECEMBER 13, 2016 AT 6 P.M.

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

ADOPTED Ayes 3 Supervisor Szczepaniak, Councilwoman Stewart and Councilman
Curtiss
Nays 1 Councilman Goslin
Absent 1 Councilman Antoski

RESOLUTION 16-211

NAME THE TOWN BOARD AS LEAD AGENCY TO EXPAND AND EXTEND BURNT HILLS-BALLSTON LAKE DISTRICT #2 WATER TO INCLUDE 10 WHITE BEACH ROAD (TAX MAP ID# 249.-4-5).

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

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

RESOLUTION 16-212

DECLARE A TYPE II SEQRA ACTION TO EXPAND AND EXTEND BURNT HILLS-BALLSTON LAKE WATER DISTRICT #2 TO INCLUDE 10 WHITE BEACH ROAD (TAX MAP ID# 249.-4-5).

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

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

RESOLUTION 16-213

SET A PUBLIC HEARING TO EXPAND AND EXTEND BURNT HILLS-BALLSTON LAKE DISTRICT #2 TO INCLUDE 10 WHITE BEACH ROAD (TAX MAP ID# 249.-4-5) FOR NOVEMBER 29, 2016 AT 6:15 P.M.

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

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

RESOLUTION 16-214

APPROVE THE RENEWAL FOR OFFICE 365 AT A COST OF \$2,569.80.

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

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

RESOLUTION 16-215

AUTHORIZE THE SUPERVISOR TO EXECUTE THE PRELIMINARY NOTICE OF INTENT TO BE FORWARDED TO THE NYS DEPARTMENT OF AG & MARKETS WITH RESPECT TO THE CONSTRUCTION OF THE INFRASTRUCTURE TO THE PROPOSED WATER DISTRICT EXTENSION APPROVED 12 LOT SUBDIVISION. (GOODE ST)

A motion was made by Councilwoman Stewart and seconded by Councilman Goslin. Councilman Curtiss asked what exactly does the Preliminary Notice of Intent mean? Mr. Reilly, Esq. explained that both properties had prior approval for water extensions then a question was raised because both properties were located in the Saratoga County Ag District #2; the Ag & Markets Law Section 305 does speak to that. His understanding is the resolution reflects, arguably this does not have to go to Ag & Markets because of certain criteria that is not being met, there is no active farm, no town money is being spent – this step is being done as a caution. It will go to the Dept. of Ag & Markets for their review to begin the process of obtaining the extension of water and attain their “blessing” and not their opposition.

Mary Beth Slovic, Esq. for the Katz PUDD states Section 305 outlines what needs to be included in the preliminary notice of intent. It requires a description of the property affected, ag property in the area and the contact person for Ag & Markets to come back to. The Notice states the property is in the Ag district and seeks a review under this Notice.

Referring to Mr. Benusack’s property, Mr. Ryan, Esq. states Section 305 does reference that installing infrastructure for a water or sewer district and the property is located in an ag district - needs a Notice. Again, no money is being expended by the Town. The Notice is being done as an act of caution. This particular subdivision already received subdivision approval from the Planning Board. The initial approval was granted with wells, and as we all know, wells run dry. This is to create the extension so the people who buy the homes in the subdivision are not confronted with this possibility (wells running dry).

Due to the fact we do not have a full Board, Councilman Curtiss requests to table this resolution. Council states we have a quorum and can move forward.

ROLL CALL:

Supervisor Szczepaniak	YES
Councilman Goslin	YES
Councilwoman Stewart	YES
Councilman Curtiss	NO
Councilman Antoski	ABSENT

ADOPTED 3-1

RESOLUTION 16-216

AUTHORIZE REVIEW OF PETITION FOR EXTENSION OF WATER DISTRICT AND AUTHORIZE THE SUPERVISOR TO EXECUTE THE PRELIMINARY NOTICE OF INTENT TO BE FORWARDED TO THE NYS DEPARTMENT OF AG & MARKETS FOR THE KATZ-ROUTE 50 PUDD.

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

ROLL CALL:

Supervisor Szczepaniak	YES
Councilman Goslin	YES
Councilwoman Stewart	YES
Councilman Curtiss	NO
Councilman Antoski	ABSENT

ADOPTED 3-1

RESOLUTION 16-217

APPROVE DESIGNATING THE TOWN BOARD AS LEAD AGENCY FOR THE SEQRA COORDINATED REVIEW OF THIS TYPE 1 ACTION FOR THE PETITION TO EXTEND THE WATER DISTRICT FOR KATZ-ROUTE 50 PUDD.

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

ROLL CALL:

Supervisor Szczepaniak	YES
Councilman Goslin	YES
Councilwoman Stewart	YES
Councilman Curtiss	NO
Councilman Antoski	ABSENT

ADOPTED 3-1

PRIVILEGE OF THE FLOOR (limit 5 minutes) *

No one wished to speak.

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to adjourn the meeting. The meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Carol A. Gumienny
Town Clerk