

An agenda meeting was held by the Town Board of the Town of Ballston on Tuesday evening, September 29, 2015 at the Town Hall on Charlton Road, Ballston Spa, New York.

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 6:35 p.m.

The Town Clerk presented the 2016 Tentative Budget to the Town Board.

**RESOLUTION 15-144**  
**AUDIT OF CLAIMS**

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

General Fund	No. 389 - 441	\$20,516.20
Highway Fund	No. 377 - 424	96,314.49
Gravel Pit Fund	No. 20 - 27	9,356.32
Park Fund	No. 26 - 27	2,106.55
Library	No. 308 - 351	13,016.03
Water Fund District 2 (SW)	No. 99 - 117	20,306.48
Blue Barnes Rd Dist. No.2 Ext# 13 (BBR)	No. 69 - 86	415.69
Brookline Rd Rte. 67 No.2 Ext#12 (BRW)	No. 70 - 87	2,883.78
Goode St Dist. No.2 Ext#14 (GSW)	No. 80 - 97	1,662.73
Paradowski Rd Water Dist. No.5 (RW)	No. 31 - 36	351.16
Route 50 Water No.2 Ext#7 (RTW)	No. 70 - 87	9,209.53
Scotchbush Water Dist. No.6 (WW)	No. 31 - 36	702.33
Silver Ln Water Dist. No.6 Ext#1 (WX)	No. 29 - 34	351.16
Chapel Hill Water Dist. No.2 Ext # 18 (CH)	No. 70 - 88	3,056.60
Brooks Heritage Dist. No.2 Ext #21 (RL)	No. 69 - 86	1,221.07
Stonebridge Enclave No.2 Ext #19	No. 69 - 86	795.79
Morningdale Court No.2 Ext#24	No. 70 - 87	415.69
Mourningkill No.2 Ext#22	No. 67 - 83	389.69
Trust and Agency	No. ---	0.00

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

**COMMITTEE AND DEPARTMENT REPORTS**

**LIBRARY REPORT**

Director DeAngelo reported that they received a check for \$119,127.00 for the renovation grant and it was given to the Bookkeeper. The renovation project should begin in November after Election Day. She will need to store furniture in the Town Hall basement and there are furniture items to repurpose to other Town departments. They are in the process of hiring two new clerks at the library.

Town Attorney Walsh stated that if the furniture belongs to the library it is the library's decision on what to do with the furniture. If the furniture belongs to the Town then it is up to the Town Board to decide what to do with the furniture

## **BALLSTON LAKE IMPROVEMENT ASSOCIATION**

David Pierce will receive a preliminary report from Dr. Boyar on the testing that was done around the lake. He will present this report at the next Town Board meeting.

### **TOWN CLERK REPORT**

Town Clerk Carol Shemo reported that the Town Clerk's Office was very busy with notifications to residents, agencies and other municipalities. A letter of intent to be Lead Agency for Local Law 4 of 2015 was sent to all agencies for coordinated review. All the return receipts from the certified letters were received and October 9<sup>th</sup> is the end of the 30 day waiting period. Letters concerning the public hearing and the information on the zoning amendment were sent to the Town Clerks of Malta and Clifton Park and the Village Clerk of Ballston Spa. All return receipt notices from municipalities were received by the Town Clerk. Notification was sent to residents within 500 ft. of the Business Highway District 2 concerning the Zoning Amendment. The legal ad for Local Law 4 of 2015 was published in the Gazette. The Saratoga County Planning Board sent their referral review decision concerning this zoning amendment.

The Special Election for the Ballston Lake Sewer District will be held October 14<sup>th</sup> from noon to 8 p.m. at the Ballston Town Hall. An informational mailing was sent to all property owners in the sewer district containing the proposition, FAQ sheet and document for businesses. The notice of Special Election was sent to the Town's official newspaper. The Town Clerk's Office is presently working on the signature book for the special election. Paper ballots will be used for the special election. The votes will be counted immediately after the election and the certified results will be posted on the Town Clerk's Bulletin Board and the following day on Town of Ballston Webpage. At this evening's meeting the Board will consider the resolution approving the four election inspectors for the special election and the \$100 service fee for each inspector.

The Town Clerk thanked the two Deputy Town Clerks, Carol Gumienny and Jodi Hollowood, for all their hard work on these projects. Additional thanks to Joanne Dalokos who worked many hours to help complete the tasks. Special thanks to Debora Bradt and Sharlene Gillan for their team work and help with these projects.

### **TOWN ATTORNEY REPORT**

Town Attorney James Walsh reported he will meet with Dolomite on October 8, 2015. The Town Board needs to consider entering into Executive Session this evening to discuss possible litigation on 200 Westside Drive. He addressed the situation about an obstructive view on Sherwood Lane. The property owner was informed in person and by letter to remediate the situation immediately.

### **COUNCIL MEMBERS REPORTS**

**Councilman Szczepaniak** stated he has met with Dave Maswick, Tom Benuscak and other residents of Carpenter's Acres concerning the extension of the Saratoga County Municipal Sewer System to serve their area. Mr. Maswick presented a petition to the Town Clerk of 122 signatures with 117, or 96%, in support of the extension of the sewer service. Many of the septic systems in this area are nearing 50 years old. With the planned extension of the sewer system to new developments, the residents are asking their representatives to develop a budget including connection fees, tax district rate and timeframe for construction.

Town Engineer Kathryn Serra stated that they are looking at two options for Cornerstone Condos. The first option is a low pressure sewer system with a grinder pump needed that is more cost effective; the second option is for a gravity system with a pump station needed. The choice is up to what the residents favor.

Councilman Goslin stated that there are sewer studies available for the whole Town with good estimates, maps and drawings.

**Councilwoman Stewart** reported the Highway Department did some work at the park at Carpenter's Acres. She will look at pricing additional equipment for the park. She spoke with the Boy Scout Leader concerning the forms for the benches and picnic tables the scouts made for the

bike path. She would like to add these to the park as well as a basketball court. She suggested that the Town join the parks organization for program ideas, information and grants for trails.

**Councilman Goslin** ask the Board to go into Executive Session this evening to discuss negotiations with Clifton Park on the Intermunicipal Agreement for the Ballston Lake Sewer District.

## **WATER CONSOLIDATION**

Town Engineer Kathryn Serra distributed the updated map, plan and report for Water Consolidation. The legal description was determined for the entire Water District 2 and its ten extensions. They identified three parcels that needed to be added to the description.

Attorney William Ryan stated that the Town Board will consider endorsing the Joint Consolidation Agreement for Water District Consolidation this evening. Five days after the approval of this agreement, the Town Clerk will publish the summary description of the Joint Consolidation Agreement in the Town's official newspaper for four successive weeks. The Town Clerk must post the summary description of the Joint Consolidation Agreement and the Joint Consolidation Agreement on the Town's Bulletin Board and the Town's webpage. The legal notice concerning the public hearing will be published in the Town's official newspaper not less than ten days not more than twenty days before the public hearing. The Town Board asked Attorney Ryan to research two areas: the agricultural restrictions that were part of the resolution for Water District 2 Extension 7, 12 and 14 and the Intermunicipal Agreement with the Town of Clifton Park concerning operation and maintenance fees and connection fees. Attorney Ryan said that the agricultural restrictions would remain after the consolidation, but he recommends that the Town Board pass another resolution reaffirming the language of the restrictions. The intermunicipal agreements with Clifton Park will remain in effect but the language will be modified.

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

### **RESOLUTION 15-145**

#### **AUTHORIZING THE ENDORSEMENT OF A PROPOSED JOINT CONSOLIDATION AGREEMENT CONSOLIDATION WATER DISTRICT 2 AND ITS TEN EXTENSIONS.**

On a motion made by Councilman Goslin

A RESOLUTION AUTHORIZING THE ENDORSEMENT OF A PROPOSED JOINT CONSOLIDATION AGREEMENT PURSUANT TO SECTIONS 751 2(a) and 752 OF THE GENERAL MUNICIPAL LAW CONSOLIDATING TOWN OF BALLSTON WATER DISTRICTS AND EXTENSIONS, TO WIT: WATER DISTRICT #2 (MAIN DISTRICT, HAMLET OF BURNT HILLS); WATER DISTRICT #2, EXT. 7 (ROUTE 50); WATER DISTRICT #2, EXT. 12 (ROUTE 67 & BROOKLINE ROAD); WATER DISTRICT #2, EXT. 13 (BLUE BARNS ROAD); WATER DISTRICT #2, EXT. 14 (GOODE STREET); WATER DISTRICT #2, EXT. 18 (CHAPEL HILL SUBDIVISION); WATER DISTRICT #2, EXT. 19 (STONEBRIDGE PLANNED UNIT DEVELOPMENT DISTRICT); WATER DISTRICT #2, EXT. 21 (TIMBER CREEK PRESERVE PHASE 1); WATER DISTRICT #2, EXT. 22 (MOURNINGKILL MEADOWS); WATER DISTRICT #2, EXT. 23 (TIMBER CREEK PHASE 2); WATER DISTRICT #2, EXT. 25 (TIMBER CREEK PHASE 3 & ABELE WOODS) AND ALL UNSERVED AREAS OF THE TOWN OF BALLSTON INTO ONE CONSOLIDATED DISTRICT SUBJECT TO THE COMPLETION OF PROCEEDINGS PURSUANT TO ARTICLE 17A OF THE GENERAL MUNICIPAL LAW OF THE STATE OF NEW YORK

WHEREAS, the Town of Ballston has heretofore established the following Town of Ballston Water Districts and Extensions, to wit: Water District #2 (Main District, Hamlet of Burnt Hills); Water District #2, Ext. 7 (Route 50); Water District #2, Ext. 12 (Route 67 &

Brookline Road); Water District #2, Ext. 13 (Blue Barns Road); Water District #2, Ext. 14 (Goode Street); Water District #2, Ext. 18 (Chapel Hill Subdivision); Water District #2, Ext. 19 (Stonebridge Planned Unit Development District); Water District #2, Ext. 21 (Timber Creek Preserve Phase 1); Water District #2, Ext. 22 (Mourningkill Meadows); Water District #2, Ext. 23 (Timber Creek Phase 2); Water District #2, Ext. 25 (Timber Creek Phase 3 & Abele Woods)

and the said Town of Ballston on behalf of all the existing water districts and extensions and all unserved areas in the Town of Ballston wishes to consolidate all of such areas into the Town of Ballston Consolidated Water District a municipal corporation existing pursuant to the Laws of the State of New York and created pursuant to the provisions of Article 17A of the General Municipal Law of the State of New York, and;

**WHEREAS**, the Town Board by and through its Supervisor is desirous of endorsing and subsequently entering into the annexed proposed Joint Consolidation Agreement Consolidating the one original water district and the ten water district extensions into one consolidated district serving the entire Town of Ballston, including all unserved areas in the Town of Ballston, and;

**WHEREAS**, the new Consolidated Water District will assume jurisdiction over all areas previously served by the original water district and the ten water district extensions as well as the other unserved areas of the Town of Ballston, and;

**WHEREAS**, in order to consolidate the one original water district and the ten water district extensions it is necessary that the Town of Ballston comply with all the provisions of Article 17A of the General Municipal Law of the State of New York.

**NOW, THEREFORE**, it is resolved that the Town Board of the Town of Ballston acting on behalf of the Town of Ballston, the original water district and the ten water district extensions, to wit: **Water District #2 (Main District, Hamlet of Burnt Hills); Water District #2, Ext. 7 (Route 50); Water District #2, Ext. 12 (Route 67 & Brookline Road); Water District #2, Ext. 13 (Blue Barns Road); Water District #2, Ext. 14 (Goode Street); Water District #2, Ext. 18 (Chapel Hill Subdivision); Water District #2, Ext. 19 (Stonebridge Planned Unit Development District); Water District #2, Ext. 21 (Timber Creek Preserve Phase 1); Water District #2, Ext. 22 (Mourningkill Meadows); Water District #2, Ext. 23 (Timber Creek Phase 2); Water District #2, Ext. 25 (Timber Creek Phase 3 & Abele Woods) and on behalf of all unserved areas in the Town of Ballston** hereby endorses the attached

proposed Joint Consolidation Agreement, and;

IT IS FURTHER RESOLVED, the Town personnel and officers shall undertake the steps required under the aforesaid Article 17A of the General Municipal Law of the State of New York to comply with the provisions thereof to effect such Consolidation, and;

IT IS FURTHER RESOLVED, that the Town Board of the Town of Ballston is designated as Lead Agency for all required SEQRA Review pursuant to 6 NYCRR 617.6

Motion: William Goslin

Seconded: Timothy Szczepaniak

Roll Call:	YES	NO	<u>ABSENT</u>
Patrick Ziegler	X		
John Antoski	X		
William Goslin	X		
Timothy Szczepaniak	X		
Kelly Stewart	X		

Ballston, New York  
September 29, 2015

**RESOLUTION 15-146**

**APPROVE THE TOWN OF BALLSTON DEFERRED COMPENSATION PLAN FOR AN ONE YEAR EXTENSION OF HARTFORD LIFE GROUP VARIABLE ANNUITY CONTRACT AND GROUP FIXED ANNUITY CONTRACT THROUGH FEBRUARY 28, 2017.**

On a motion by Councilwoman Stewart and seconded by Councilman Szczepaniak

**WHEREAS**, the Board of the Town of Ballston on February 28, 2011 selected The Hartford Life Insurance Company and Reliance Trust Company as the Deferred Compensation Plan Administrators pursuant to Section 9003.2 of the Rules and Regulations of the New York State Deferred Compensation Board; and

**WHEREAS**, pursuant to Section 9003.5(b) of the Rules and Regulations of the New York State Deferred Compensation Board, the Town of Ballston's deferred compensation plan may extend, in writing, by vote duly taken, any contract or agreement entered into an administrative services agency for a period having a duration of one (1) year, upon the expiration of the initial term of such contract or agreement; and

**WHEREAS**, the Board of the Town of Ballston finds it to be in the best interest of the Plan to extend the agreement with The Hartford Life Insurance Company and Reliance Trust Company for a period of one (1) year from the date of expiration of such agreement's initial five (5) year term for reasons which include, but are not limited to, *the preservation of the stability of the Plan's administration, recordkeeping and account maintenance.*

**NOW, THEREFORE BE IT RESOLVED**, upon due deliberation, the Board of the Town of Ballston hereby extends for a period of one year from its expiration date, with the administrator's consent, the selection and agreement with The Hartford Life Insurance Company and Reliance Trust Company to act as the Town of Ballston's Deferred Compensation Plan Administrators; and

**BE IT FURTHER RESOLVED**, that the Chairperson of the Town of Ballston's Deferred Compensation Committee is hereby authorized to make, execute, and deliver all documents necessary to effectuate to contents of the foregoing resolution.

IN WITNESS WHEREOF, the undersigned have executed this Resolution in Saratoga County, New York this 29th day of September 2015 and directed that it be filed as appropriate.

Roll Call:

	YES	NO	ABSENT
Supervisor Ziegler	X		
Councilman Szczepaniak	X		
Councilman Goslin	X		
Councilwoman Stewart	X		
Councilman Antoski	X		

**ADOPTED September 29, 2015**

**RESOLUTION 15-147**

**ACCEPT THE 2016 TENTATIVE BUDGET AS FILED WITH THE TOWN CLERK ON SEPTEMBER 29, 2015.**

A motion was made by Councilman Goslin and seconded by Councilman Antoski to accept the 2016 Tentative Budget as filed with the Town Clerk on September 29, 2015.

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

**RESOLUTION 15-148**

**APPROVE THE FIREWORKS PERMIT FOR THE BURNT HILLS-BALLSTON LAKE SCHOOL DISTRICT FOR THE FIREWORKS DISPLAY ON OCTOBER 10, 2015.**

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to approve the fireworks permit for the Burnt Hills-Ballston Lake School District for the fireworks display on October 10, 2015. Building Inspector Thomas Johnson has inspected and approved the site.

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

**RESOLUTION 15-149**

**APPOINT THE FOUR ELECTION INSPECTORS WHO WILL WORK THE SPECIAL ELECTION FOR THE BALLSTON LAKE SEWER DISTRICT.**

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to appoint the four Election Inspectors who will work the special election for the Ballston Lake Sewer District on October 14, 2015 from noon to 8 p.m. These inspectors are William Schwinghammer, Marie Katz, Muriel Swatling and Raymond Kaczmarczyk. The election inspectors will be paid \$100 for their service.

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

**RESOLUTION 15-150**

**PROCLAIM SEPTEMBER 17-23, 2015 AS CONSTITUTION WEEK IN THE TOWN OF BALLSTON.**

Introduced by Supervisor Ziegler, who moved its adoption, seconded by the entire Town Board.

WHEREAS, September 17, 2015 marks the 228th Anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention, and

WHEREAS, the United States Constitution was the first document of its kind in the world and has paved the way for millions of people since that have sought democracy and freedom, and

WHEREAS, the Ballston Town Board proudly recognizes that

this document has secured the Blessings of Liberty for many generations of Americans by instilling power in We the People, and

WHEREAS, it is fitting and proper to officially recognize this magnificent document that is the supreme law of our nation and the anniversary of its creation, and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States designating September 17 - 23 as Constitution Week; now, therefore, be it

RESOLVED that the Town Board proclaims September 17 - 23, 2015 as Constitution Week in the Town of Ballston and encourages all residents to re-familiarize themselves with this powerful document and reaffirm the ideals of the Framers of the Constitution.

ADOPTED September 29, 2015

**RESOLUTION 15-151**

**ENTER INTO EXECUTIVE SESSION TO DISCUSS THE NEGOTIATIONS WITH THE TOWN OF CLIFTON PARK CONCERNING THE INTERMUNICIPAL AGREEMENT AND TO DISCUSS THE POSSIBLE PENDING LITIGATION ON 200 WESTSIDE DRIVE.**

A motion was made by Councilman Goslin and seconded by Councilman Antoski to enter into Executive Session to discuss the negotiations with Clifton Park on the Intermunicipal Agreement and the possible pending litigation on 200 Westside Drive.

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

The Town Board entered into Executive Session at 7:45 p.m. and returned to Regular Session at 8:30 p.m. Concerning the possible pending litigation at 200 Westside Drive, the Board authorized Town Attorney James Walsh to extend the timeframes when an Article 78 could be filed, while the parties are negotiating in good faith and attempting to resolve the issue without litigation.

**RESOLUTION 15-152**

**RETURN TO REGULAR SESSION**

A motion was made by Councilman Goslin and seconded by Councilman Antoski to return to regular session.

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

A motion was made by Councilman Goslin and seconded by Councilman Antoski to adjourn the meeting. The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Carol R. Shemo  
Town Clerk