

An agenda meeting was held by the Town Board of the Town of Ballston on Tuesday evening, October 27, 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.

RESOLUTION 15-162

AUDIT OF CLAIMS

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

General Fund	No. 442 - 504	\$47, 875.55
Highway Fund	No. 425 - 467	58,172.54
Gravel Pit Fund	No. 28 - 31	210.72
Park Fund	No. 28 - 30	947.36
Library	No. 352 – 385	15,061.50
Water Fund District 2 (SW)	No. 118 - 131	52,383.12
Blue Barnes Rd Dist. No.2 Ext# 13 (BBR)	No. 87 - 98	1,018.23
Brookline Rd Rte. 67 No.2 Ext#12 (BRW)	No. 88 - 99	7,042.14
Goode St Dist. No.2 Ext#14 (GSW)	No. 98 - 110	4,300.61
Paradowski Rd Water Dist. No.5 (RW)	No. 37 - 40	11.51
Route 50 Water No.2 Ext#7 (RTW)	No. 88 - 99	23,407.74
Scotchbush Water Dist. No.6 (WW)	No. 37 - 40	22.29
Silver Ln Water Dist. No.6 Ext#1 (WX)	No. 35 - 38	11.15
Chapel Hill Water Dist. No.2 Ext # 18 (CH)	No. 89 - 100	7,127.49
Brooks Heritage Dist. No.2 Ext #21 (RL)	No. 87 - 98	2,969.31
Stonebridge Enclave No.2 Ext #19	No. 87 - 98	1,949.25
Morningdale Court No.2 Ext#24	No. 88 - 99	4,128.59
Mourningkill No.2 Ext#22	No. 84 - 93	932.87
Trust and Agency	No. 46 - 53	37,336.48

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

COMMITTEE AND DEPARTMENT REPORTS

ZONING ENFORCEMENT REPORT

Zoning Enforcement Officer Debora Bradt reported the following:

- Good Will is cleaning the area around their receptacle on Brookline Road.
- She sent a letter to the owners of the distillery that the flags were not allowed
- Ms. Bradt received a complaint concerning leaf bags left at the curb in front of a home in the Rolling Brook Subdivision. The complainant classifies the leaf bags as trash. She would like an interpretation from the Town Attorney if the leaf bags are trash.
- She is planning to redo her schedule so she will be in the field for zoning enforcement issues on Monday, Wednesday and Friday.

WATER DEPARTMENT REPORT

Water Clerk Debora Bradt reported the following:

- She informed the Board that two water customers have asked for forgiveness of the water penalty. She would like clarification of the policy to waive the water penalty.
- She has prepared the letter to the water customers concerning the late water fees.
- The water department has received \$83,000 in water fees.
- Ms. Bradt has sent out two meters out to be tested.

LIBRARY REPORT

Library Director Karen DeAngelo reported the following:

- Highway Superintendent Joe Whalen and the Highway Department did a great job to prepare the library for the renovation that will begin shortly. They picked up items for storage or recycling and moved the furniture. They saved the Town the moving expense of \$3100. She will write a letter to the Board formally thanking the highway department.
- The library will be closed November 2nd, 9th 10th and the 11th. The library will be closed on Election Day, Veterans Day and the 9th and the 10th for safety setup for the renovation project.
- The Library Board of Trustees wrote a resolution for the redistribution of the library furniture and she asked the Town Attorney to review the language.

BUILDING DEPARTMENT REPORT

Building Inspector Thomas Johnson complimented Debora Bradt on the wonderful job she is doing as Zoning Enforcement Officer. She was hired as a backup to the Zoning Enforcement Officer who retired and she became the sole ZEO.

TOWN CLERK REPORT

Town Clerk Carol Shemo reported on the final certification for the Ballston Lake Sewer District vote on October 14, 2015. There were 14 affidavit ballots cast: 1 was not allowed, for the voter was not in the district, 10 votes were cast for the district and 3 votes were cast against the district. The total vote count was 290 votes for the Ballston Lake Sewer District and 138 votes against the district.

BALLSTON LAKE SEWER DISTRICT

Delaware Engineer Stephanie Vetter gave an update on the Ballston Lake Sewer District to the Board. The next step is to submit the application to the Office of the State Comptroller. This evening, the Board will consider a resolution to review the document and move it forward to OSC. After Board review, we will need to approve the forwarding of the application by resolution to the State Comptroller's Office. We have ten days to submit the application to be in time to secure funding. Supervisor Ziegler suggested that the Board should have a Special Meeting on November 5, 2015 at 6:00 p.m. before the Public Hearing on the Preliminary Budget at 6:30 p.m. The completed application will be available for Town Board members on Monday, November 2nd for their review.

COUNCIL MEMBERS REPORTS

Councilman Goslin would like to add the following topics to the November 10th Town Board Meeting: remove the TND bonus from Ballston Lake Residential, ask CT Male to provide an estimate of the cost to look at the east side of the lake for water, begin the action for providing a sewer district for Carpenter's Acres.

Supervisor Ziegler said that the County honored deceased veteran Herbert D. Gott Jr. at a Saratoga County Deceased Veterans Ceremony and the Town will honor Mr. Gott for his service at the December Meeting.

Councilwoman Stewart corresponded with Town resident Mr. Minnick concerning reducing the speed limit in Timber Creek Phase 1. He would like the Town to consider putting sidewalks from the Timber Creek area to Eastline Road. She spoke with the Highway Superintendent about sidewalks and he said the Town would need special equipment to maintain the sidewalks.

Supervisor Ziegler said that the Economic Development Visioning Committee is addressing the walkability and connectivity of the Town. He will check with the Supervisor from the Town of Glenville concerning the state funding they received to put in sidewalks on Route 50.

NEW BUSINESS FOR CONSIDERATION AND ACTION

RESOLUTION 15-163

APPROVE THE CERTIFICATE OF THE TOWN OF BALLSTON TOWN CLERK CERTIFYING VOTE ON PROPOSITION FOR APPROVAL OF THE BALLSTON LAKE SEWER DISTRICT.

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Stewart to approve the certificate of the Town of Ballston Town Clerk certifying vote on proposition for approval of the Ballston Lake Sewer District.

**CERTIFICATE OF TOWN OF BALLSTON TOWN CLERK
CERTIFYING VOTE ON PROPOSITION FOR APPROVAL OF
BALLSTON LAKE SEWER DISTRICT**

STATE OF NEW YORK

ss.:

COUNTY OF SARATOGA

I, Carol Shemo, Town Clerk of the Town of Ballston, State of New York (the "Town"), do hereby certify as follows:

1. That on August 11, 2015 the Town Board duly adopted a resolution establishing the Ballston Lake Sewer District within the Town.
2. That the Town Board adopted the Resolution subject to a referendum of eligible voters within the proposed sewer district.
3. That within 10 days after the adoption of the resolution aforesaid, I did, in the same manner as provided for a notice of special election, post and publish a notice setting forth the date of the adoption of the aforesaid resolution together with an abstract of such resolution, concisely stating the purpose and effect thereof, and that said resolution was adopted subject to a referendum of eligible voters.
5. That on October 14, 2015, a proposition for the approval of the aforesaid resolution was submitted at a special town election to the owners of taxable real property of said proposed sewer district in accordance with the Town Law.
6. That the result of the vote on such proposition is as follows: 290 votes in favor of the proposition and 138 votes against the proposition.

Dated: October 27, 2015

Town of Ballston, State of New York

Carol Shemo

Town Clerk
Town of Ballston

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

RESOLUTION 15-164

RESOLUTION ESTABLISHING BALLSTON LAKE SEWER DISTRICT FOLLOWING RECEIPT OF ELECTION RESULTS ON PROPOSITION SUBMITTED TO ELIGIBLE VOTERS AND AUTHORIZING SUBMISSION OF APPLICATION TO NEW YORK STATE COMPTROLLER FOR APPROVAL OF THE DISTRICT

On a motion by Councilman Goslin

WHEREAS, studies conducted on Ballston Lake over the past 24 years have demonstrated a marked increase in pollutants resulting from on-site wastewater treatment and stormwater; and

WHEREAS, the area surrounding Ballston Lake is located within the Towns of Clifton Park and Ballston, and is within the current boundaries of the Saratoga County Sewer District #1 (SCSD #1); and

WHEREAS, the Town of Ballston (hereinafter, the “Town”) has coordinated with the Town of Clifton Park and has received its support for a sewer collection system to serve properties within the Town; and

WHEREAS, the Town of Ballston has conducted significant public outreach from August 2014 to the present including numerous public presentations and door-to-door inquiry regarding public support for a sewer system within both towns, the result of which was nearly 90% in support for a sewer system; and

WHEREAS, the Town of Ballston has requested and received positive consideration from SCSD #1 in terms of treatment of the wastewater collected in the proposed Ballston Lake sewer system as well as operation and maintenance of the infrastructure of the proposed sewer system which will be constructed and owned by the Town until the debt service for the system is discharged; and

WHEREAS, at a special meeting of the Town Board held on July 9, 2015, the Town of Ballston accepted a Map, Plan and Report prepared by an Engineer licensed in the State of New York describing the boundaries of the proposed Ballston Lake Sewer District (hereinafter “District” or “Proposed District”), a general plan of improvement and description of facilities including construction of a sewer collection and conveyance system that will connect to the SCSD #1 Interceptor Sewer in the vicinity of Shenentaha Park that directs wastewater to the SCSD #1 wastewater treatment plant, the maximum amount to be expended, regulatory review requirements, the cost of hook-up fees if any, the cost to the typical property, and method of financing the project, and a statement of benefit assessment; and

WHEREAS, the Town has made the Map, Plan and Report available for public inspection at the Office of the Town Clerk in Ballston Town Hall during regular Town Hall business hours and posted the Map, Plan and Report on <http://www.ballstonsewers.org/?pageid=44>.

WHEREAS, the Town Board held a Public Hearing on July 23, 2015 at Ballston Town Hall, 323 Charlton Road, Ballston Spa, New York in order to receive public comment on the proposed sewer system; and

WHEREAS, notice of the Public Hearing was provided to residents in accordance with New York State Law; and

WHEREAS, the Town Board evaluated, considered and discussed the comments made by residents at the Public Hearing; and

WHEREAS, the Town Board adopted a resolution at its meeting of August 11, 2015 identifying its findings with respect to the proposed Ballston Lake Sewer District (“Proposed District”) as follows: (i) that the Notice of Public Hearing was published and posted as required by law, and was otherwise sufficient; (ii) that all of the properties and property owners within the Proposed District are benefitted thereby; (iii) that all of the properties and property owners benefitted by the proposed sewer collection system are included within the limits of the Proposed District; and (iv) the establishment of the Proposed District is in the public interest; and

WHEREAS, based on its findings, the Town Board approved the establishment of the Proposed District as the boundaries shall be finally determined and approved the construction of the sewer collection system within the District as set forth in the Map, Plan and Report approved by the Town Board on July 9, 2015, subject to the approval of the same by the Office of the New York State Comptroller and also subject to referendum of eligible voters; and

WHEREAS, the Town Board, upon its own motion in accordance with Town Law § 94 and Town Law § 209-e(3), submitted to eligible voters within the District, a proposition to be voted on at a special election as follows: Shall Town Board Resolution 15-114, unanimously approved by the Town of Ballston Town Board on August 11, 2015, authorizing the creation of the Ballston Lake Sewer District which encompasses a sewer collection system in the Towns of Ballston and Clifton Park in accordance with a Map, Plan and Report approved by the Town Board on July 9, 2015, with properties benefitted by the system generally located around Ballston Lake as well as the Buell Heights neighborhood and the Main Street area of Ballston Lake, at an estimated and maximum cost of \$10,203,729.00, and which project is to be financed

through the issuance of a bond by the Town of Ballston to secure a 30-year leveraged loan from the New York State Clean Water State Revolving Fund, with properties to be assessed costs on a benefit basis and with the estimated cost of the district to the typical property, a single family home, being \$907.00 per year, and which sewer district is further subject to the review and approval of the Office of the New York State Comptroller, be approved?; and

WHEREAS, by way of a Resolution at its meeting of September 8, 2015, the Town Board established that the special election for purposes of voting on the proposition would be held on October 14, 2015 at Town Hall (323 Charlton Rd, Ballston Spa, New York) from noon until 8:00 p.m.; and

WHEREAS, the Town Clerk published notice of the special election in accordance with Town Law § 82; and

WHEREAS, the special election was held on October 14, 2015 in accordance with the Town Board's resolution of September 8, 2015; and

WHEREAS, based upon the certificate of the result of the special election executed by the election inspectors and ballot clerks and in accordance with Town Law § 209-e(4)(b), the Town Clerk has prepared a certificate certifying the vote on the proposition submitted as follows: 280 votes in favor of the proposition and 135 votes against the proposition; and

WHEREAS, a copy of the Town Clerk's Certificate is attached hereto and made a part hereof as "**Exhibit A**"; and

WHEREAS, as referenced by the Town Clerk's Certificate the eligible voters voting at the special election have approved the creation of the Ballston Lake Sewer District; and

WHEREAS, over the course of the past several months representatives from the Town of Ballston and the Town of Clifton Park have negotiated the terms and conditions of an Inter-Municipal Cooperation Agreement pursuant to Article 5-G of the General Municipal Law to set forth the roles and responsibilities of each party thereto relating to the Ballston Lake Sewer Districts in the respective towns; and

WHEREAS, the Town has sought and obtained input from its attorneys and engineers with respect to the Inter-Municipal Cooperation Agreement; and

WHEREAS, the Town's attorneys and engineers have approved the most recent version of the Inter-Municipal Cooperation Agreement which has been executed by the Town of Clifton Park on October 19, 2015; and

WHEREAS, the Town Board has independently reviewed and discussed the terms and conditions of the Inter-Municipal Cooperation Agreement; and

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Town Board acknowledges receipt of the certificate from the Town Clerk certifying the vote on the proposition submitted with respect to the District and based on the results set forth therein, the Town Board hereby re-affirms its establishment of the Ballston Lake Sewer District, described generally to include the following:

Parcels around Ballston Lake on the east side from East Side Drive and Schauber Road to Lake Road extending to Eastline Road. On the west side of the lake, including Westside Drive from Mill Road and Main Street, Glenridge Road, Whites Beach Road, Powers Lane and Outlet Road to a connection point on Lake Road. Also included in the sewer district are several private streets along Ballston Lake as well as the Buell Heights neighborhood and the Main Street area of Ballston Lake including Mill Road.
2. The improvements in said District as specified in the Map Plan & Report shall be constructed upon the required funds being made available or provided for the District.
3. The proposed improvements shall be financed as set forth in the Map Plan & Report.
4. The Town Clerk be and she hereby is authorized and directed to file a certified copy of this resolution, in duplicate, in the office of the State Department of Audit and Control, at Albany, New York, together with an application, in duplicate, for permission to so create said Sewer District in the manner and form prescribed by Town Law § 209-f within 10 days after the adoption of this resolution.
5. The Town Supervisor be and he hereby is authorized and directed to execute said application on behalf of the Town.

6. The Town Clerk be and she hereby is authorized to file the certificate attached hereto as "Exhibit A" in the Office of the Saratoga County Clerk and the State Department of Audit and Control, at Albany, New York in accordance with [Town Law § 209-e](#).
7. The Town Board hereby approves the Inter-Municipal Cooperation Agreement in the form that has been heretofore executed by the Town of Clifton Park and hereby authorizes the Town Supervisor to execute the Inter-Municipal Cooperation Agreement on behalf of the Town.
8. This resolution shall take effect upon approval of the State Comptroller.

Seconded by Councilman Szczepaniak

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

RESOLUTION 15-165

ACCEPT THE RESIGNATION OF PLANNING BOARD MEMBER LEE RAMSEY.

A motion was made by Councilman Goslin and seconded by Councilman Antoski to accept with regret the resignation of Planning Board Member Lee Ramsey.

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

RESOLUTION 15-166

APPOINT JAMES FISHER AS A REGULAR MEMBER OF THE PLANNING BOARD TO COMPLETE THE UNEXPIRED TERM OF LEE RAMSEY COMMENCING OCTOBER 27, 2015 AND ENDING DECEMBER 31, 2016.

A motion was made by Councilman Antoski and seconded by Councilman Goslin to appoint James Fisher as a regular member of the Planning Board to complete the unexpired term of Lee Ramsey commencing October 27, 2015 and ending December 31, 2016.

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

RESOLUTION 15-167

AMEND RESOLUTION 14-094 TO LIST THE WATER RATES AND CONNECTION FEE FOR THE WATER DISTRICTS.

A motion was made by Councilman Antoski and seconded by Councilman Goslin to amend Resolution 14-094 to list the water rates and connection fee for the water districts as follows:

The changes affect the rates charged by the Town representing an increase of \$ 0.75 / 1,000 gallons of water in district and \$1.50 / 1,000 gallons of water for out of district usage. Additionally, an increase in the amount of \$400 for new service connection fee will be assessed.

The new proposed water rates are for:

Water District #2; Jenkins Road, West; Jenkins Road, East - \$4.05 / 1,000 gallons of water.

Water District #5; Water District #6 - \$3.50 / 1,000 gallons of water.

Outside water usage rates \$9.75 / 1,000 gallons of water.

New Service Connection fee: \$1,500 for new service within the water districts.

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

RESOLUTION 15-168

DECLARE THE HIGHWAY LOADER AS SURPLUS EQUIPMENT (\$128,000) TO BE USED AS TRADE FOR NEW EQUIPMENT.

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Stewart to declare the highway loader as surplus equipment (\$128,000) to be used as trade for new equipment.

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

RESOLUTION 15-169

APPROVE THE PURCHASE OF A NEW LOADER, COST \$152,755 MINUS TRADE OF \$128,000 FOR A FINAL COST OF \$24,755.

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to approve the purchase of a new loader, cost \$152,755 minus trade of \$128,000 for a final cost of \$24,755.

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

TOWN OF BALLSTON TOWN BOARD MEETING NOVEMBER 10, 2015

6:00 P.M. PUBLIC HEARING: Proposed Water District Consolidation of Water District 2 and its Ten Extensions

6:20 P.M. PUBLIC HEARING: Local Law #4 of 2015 Overriding the Tax Cap

1. Pledge of Allegiance
2. Resolution honoring Bruno Doriguzzi celebrating his 100th birthday. **RESOLUTION 15-170**
3. Presentation by Southern Saratoga Youth Empowerment Partnership
4. Correspondence
5. Reports
6. Financial Report for October 2015 **RESOLUTION 15-171**
7. Supervisor's Report
8. Council Members' Reports

OLD BUSINESS

1. Ballston Lake Sewer District
2. Hawkwood Property
3. Bike Path
4. LED Signs

PRIVILEGE OF THE FLOOR ON ITEMS TO BE CONSIDERED FOR ACTION AT THE NOVEMBER 10, 2015 MEETING.

NEW BUSINESS FOR CONSIDERATION AND ACTION FOR NOVEMBER 10, 2015 MEETING:

1. **CONSIDER APPROVING THE BUDGET FOR 2016.**
2. **CONSIDER APPROVING THE JOINT WATER CONSOLIDATION AGREEMENT.**
3. **CONSIDER APPROVING THE RENEWAL OF THE TOWN'S HEALTH CARE INSURANCE TO BEGIN DECEMBER 1, 2015.**
4. **CONSIDER SETTING A PUBLIC HEARING FOR CHANGES BY THE ZONING COMMITTEE.**

UPDATE:

1. **PETITION TO DESIGNATE BEACON STREET AS A TOWN ROAD**

PRIVILEGE OF THE FLOOR

RESOLUTION 15-169A

ENTER INTO EXECUTIVE SESSION TO DISCUSS A STIPULATION ON SETTLEMENT OF A LAWSUIT.

A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to enter into Executive Session to discuss a stipulation on settlement of a lawsuit.

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

RESOLUTION 15-169B

RETURN TO REGULAR SESSION

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart 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 by the Town Board concerning the item discussed in Executive Session.

A motion was made by Councilwoman Stewart and seconded by Councilman Antoski to adjourn the meeting. The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Carol R. Shemo
Town Clerk