

A Town Board meeting was held by the Town Board of the Town of Ballston on Tuesday evening June 14, 2022, via Zoom video conferencing.

PRESENT:	Eric Connolly	Supervisor
	Kelly Jasinski	Councilwoman
	Chuck Curtiss	Councilman
	Rob Fendrick	Councilman
	Mike Carota	Councilman
	Carol Gumienny	Town Clerk
	Debra Kaelin	Town Attorney

Supervisor Connolly called the meeting to order at 6:33 p.m. and the Pledge of Allegiance was recited.

## **PRESENTATION**

### **Water Project for Route 67 and Dominic Drive**

The Supervisor stated that the Town is trying to create a more resilient water infrastructure for the Town. This project is part of the 10-year water plan. He introduced Carrie Dooley of MJ Engineering to speak about the project. Ms. Dooley stated that the project will provide a loop connection to increase redundancy along the Route 50 corridor, eliminate dead ends and improve system hydraulics. The project is located on Dominic Drive located in the northern part of Town, just east of the Route 50 and Route 67 intersection. Currently, there is an existing eight-inch water line on Dominic Drive, which ends at the cul-de-sac, and there is another section of eight-inch water main on Via Rossi Way, which goes into the Hannaford Plaza and then dead ends behind the Speedway Gas Station and Trustco Bank. This leaves a gap in the water main infrastructure of about 850 feet; therefore, by installing a new water main in that section, it not only will create a loop to improve the system hydraulics and improve the water flow in this area, most importantly, it provides redundancy in the northern part of the distribution system in the event of a water main break. It will allow another way for water to travel into the northern part of the system. The proposed project includes the installation of 850 linear feet of eight-inch high-density polyethylene water main, two fire hydrants and a gate valve. The estimated cost for the infrastructure, as well as the engineering design, is approximately \$250,000. Based on conversations with the Supervisor and Highway/Water Superintendent this project would be paid for using ARPA Funds. The anticipated project schedule will be dependent on the availability of materials. Ms. Dooley has had conversations with local suppliers, and they stated that they are four months out for receiving supplies. The Department of Health review is needed for this section before it could go out for public bidding. The engineering design can be done this summer. The project could start late in the summer or early spring 2023. Water Superintendent Joe Whalen stated that grants were looked at for this project by Ms. Dooley. She stated that the Town would most likely not qualify for these grants as the scoring would not rank high enough. Town Comptroller David Urkevich stated that the Town will need a signed contract by 2024 to use ARPA Funds for this project. Ms. Dooley stated that the next step will be providing a proposal for an engineering design for the project.

## **REPORTS**

Highway/Water Superintendent Joseph Whalen, Dog Control Officer Thomas Shambo, Town Clerk Carol Gumienny, Building Inspector Jeff Stickles and Library Director Rebecca Darling submitted reports for May 2022. They are on file in the Town Clerk's office.

Library Director Rebecca Darling gave the following report:

- Summer Reading enrollment is now open! Patrons of all ages from babies to senior citizens can sign up online at <http://toblibrary.sals.edu> and log their reading for a chance to earn prizes. The library partners with Burnt Hills-Ballston Lake Schools and all student reading logs will be sent to the school librarians in September.
- The library is offering 90 different programs between June 27 – August 20, starting with a Kickoff Party in Elmer Smith Park on June 27 from 4 PM – 7 PM. Sponsored by the Friends of the Library this event will have a story time, crafts, games, face painting, therapy dogs, yoga, and Smiths Smoke Shack Food Truck.
- The library staff have been busy out in the community. Alyssa Harvey, Head of Youth Services, is visiting all the BH-BL elementary schools to promote Summer Reading. The library also attended Charlton's Party in the Park and walked in the Founder's Day and Flag Day Parades.

## **FINANCIAL REPORT**

The reports were emailed to the Board by Town Comptroller David Urkevich. There were no questions from the Board. The Supervisor asked Mr. Urkevich to give a quick overview of the Town's finances. Mr. Urkevich stated that revenue sales tax and mortgage tax are likely to exceed budgetary levels by \$1 million this year. This surplus is offset by some supplemental appropriations that are required to correct budgeted necessary expenses in 2022, which is currently \$300,000. The Finance Office recently implemented key financial system controls to prevent future prohibited expenses as defined by NYS Office of the State Comptroller, such as the overdrawing of budget lines or accounts. It is important to understand that Town budgets in NYS contain a framework that can not be deviated from without formal approval from the Board. He expressed his appreciation to the Board, the Clerk's office, the Town attorney and soon to be Deputy Comptroller who have exercised extreme patience and professionalism in implementing these numerous corrections.

## **SUPERVISOR'S REPORT**

Supervisor Connolly stated that the fishing pier had been vandalized over the weekend. Someone went around the board blocking the walkway and pulled the pins on the main fishing pier. Highway Superintendent Joe Whalen stated that he had his crew rectify the situation and they also took additional measures so people can't get out on the fishing pier. The engineering firm is working on the design phase. The project is moving forward; the pier is not safe. It will be rebuilt and be better than it was before. The Supervisor stated that the closure of the pier and the reasons for it being closed are on the Town website and Facebook. He has taken many calls about the pier and will continue to do so. The Supervisor stated that himself, Councilwoman Jasinski, and Jason Kemper from the Saratoga County Planning Board have been working on looking at all the lots in the rural district and open spaces outside of the rural district to assign them a value number based on a rubric that they are designing with wetlands, forest lands, prime soils, etc. for the Purchase of Development Rights. It is a big project and will be explained later. The next step in the process is money; hopefully, coming in from any developer who wants to add an additional unit, and any commercial solar installation that is approved and negotiates a PILOT with the Town. He would then go out and talk to landowners that have high point values. He believes that the Town will have enough money in the kitty for their land to be considered. It's totally voluntary. He believes that people are going to jump at the opportunity to put a conservation easement on their land and preserve it. The goal is to have this done by the end of the summer. Councilman Curtiss stated that he would like to be involved in this project. Councilwoman Jasinski stated that the more Board members involved the better. The Supervisor stated that we need to be mindful of the Open Meetings Law.

## **COUNCIL MEMBERS REPORTS**

Councilman Curtiss stated that he is concerned with the Farmer's Market in Burnt Hills on Route 50 at the old gas station. There are not many vendors, it's a small area, and not attractive. The public is asking him where to go for the Farmer's Market. There is a real need for this in our Town. He would like to help the current vendors find a different location. The Supervisor will be given a contact name to reach out to. He thought Anchor Diamond Park is a better spot. It is in the middle of our Town. Mr. Curtiss stated that the parking lot is adequate for the vendors but there will be a need for the overflow parking and permission will be needed to use the parcel across the street for additional parking. He thinks we could possibly get more vendors too. Highway Superintendent Joe Whalen would be willing to help too. He would love to see all our farmers participate. If everyone works together, there is an opportunity for improvement. The Supervisor stated that the Farmland Protection Committee could work on this. Councilman Curtiss stated that the Committee will not meet until the fall. He stated that there are also winter farmer's markets that could be held possibly in the Community Room at Town Hall. Councilman Curtiss also inquired about a cell tower in the northeast corner of Town and near Town Hall. There is an issue with cell service. The Supervisor stated that the Town Attorney met with Vertical Bridge, a local company. If they were to put a cell tower at Town Hall, they offered the Town more money than what the larger companies would pay. Town Attorney Deb Kaelin stated that there was a meeting, and her concerns were addressed. The proposal would include leasing part of the property at Town Hall near the highway garage addition. She stated that she doesn't get involved in the money or negotiations; this is a policy decision for the Town Board to make. In the next two weeks, she will send the proposal to the Board for their input.

Councilwoman Jasinski stated that Resolution 22-173 for the LED lights at Town Hall will mostly be paid for using \$15,000 in grant money. National Grid will be supplying a list of the streetlights in our Town for the conversion to LED so the Town can see the current wattage and if we want to increase or decrease it. Councilwoman Jasinski stated that Sherwood Lane intersects at Lake Hill Road and Goode Street, and she received a request that streetlights be placed at each location. It is

dark at times during the year for students waiting for the school bus. She asked if Board members wanted to drive in that area and give her feedback. These added streetlights would have to be Board approved. The final easement will be finalized for Carpenter's Acres. The grantee of the final easement has been dealing with Key Bank to oversee the process and these fees must be paid (Resolution 22-178). The sewer project is scheduled to begin next week. Resolution 22-177 speaks about the Energy Efficiency Point schedule. She thanked Jeff Stickle and Matt Vaverchak for working on this. She stated that research suggested having lower fees to encourage participation and having a point schedule and PDR fees separate from the recently adopted zoning, allows the Board to adjust accordingly as we move forward.

Councilman Fendrick stated that the Parks and Rec Committee is seeking new members. Anchor Diamond Park recently had more geotextiles installed by volunteers of Saratoga PLAN. There were 56 feet placed. The geotextiles are working and holding together the marshy areas that typically had bog bridges and were washed out. The next workday is July 9<sup>th</sup> to install more of these. He thanked the volunteers of PLAN for their assistance. The Park and Rec Committee will meet on June 17<sup>th</sup> at 7 p.m. they will focus on the recommendation of replacing equipment at Reita Park and Jenkins Park. They will have recommendations to the Board that will need updating. He thanked Joe Whalen and his crew for the work of demolishing the buildings at Ballston Lake Fire Department Memorial Park. The only work left to be done is to grade the land. There are two estimates for the electric work to be done. He knows that people are upset that the fishing pier is not open. Some people don't think it looks that bad and walk around the barrier. Looks are deceiving, it is not safe. There are certain policy and procedures that the Town must take, and they are moving forward.

Councilman Carota stated that he met with Supervisor Connolly, Steve Zarelli, the current president of the Library Board, and Library Board of Trustee Julia Stone to touch base on all outstanding issues; they remain on good footing. They forwarded the proposed resumes of the two trustees who will replace Steve Zarelli and Tom Shaginaw. Both are outstanding candidates. The construction project is set for the fall after the Summer Reading Program. Councilman Carota stated that the lines of communication remain open, and he looks forward to continuing moving in a positive direction.

## **OLD BUSINESS**

### **Sheriff patrol in Town – survey results/discussion**

Supervisor Connolly stated that he had posted an update of the survey on Facebook and had a chance to speak at length with the New York State Police about how we work with them to better understand, and what they could possibly do for the Town to increase patrols; they are a bit limited. Zone 4 is a large area to cover and not just for the Town of Ballston. The NY State Police have one patrol car in the general area in the evening and then three patrol cars during the day in Zone 4. The sheriff's department is maxed out as far as personnel goes but they are holding their ground. It shows in their traffic violations, the number of tickets they're writing. It's not because they don't want to write tickets, it's because they're answering 911 calls one after another. The sheriff's office had four traffic violations issued in the month of May and the State police had 51 with less cars; but understand what's happening, there's more than just meets the eye with those numbers. Over 500 residents participated in the survey. The big question, which was question number two of the survey, "Do you support your town contracting with the sheriff's department to establish dedicated police patrols?" 47% (231) answered "yes", 23.3% (123) answered "no", and 174 answered "only if it does not result in the creation of a Town tax", for a total of 528 people who took the survey. There seems to be support for the Board to consider entering a contract with the sheriff's department. There has been a lot of people who have chimed in; and we didn't take this lightly as a Town Board. Supervisor Connolly had asked numerous questions, talked to multiple municipalities on their relationship and the contract that they have with the sheriff's department for permanent patrols, talked to the State Troopers, both the major in charge of Zone 4 and the lieutenant in charge of the Malta barracks; he also spoke with a detective in the Atlanta Police Department for a non-biased opinion on this topic. He feels, at this point, and believes that this service would benefit the Town and it is worthy of contracting for one year and assessing it. The only real way to assess this is to get any reports that are needed from the sheriff's department to help us with this. We will look at the number of traffic violations issued, the number of 911 calls and compare those and see what time slots and 911 calls happen in Town. If a 911 call comes in and our permanent patrol is the closest patrol car, they're going to that 911 call which will take them away from any traffic issues. This contract would be for a day shift and an evening shift (7 a.m. to 3 p.m. and 3 p.m. to 11 p.m.). We can also look at their response times, and did they improve with permanent patrols. He asked the sheriff's department how many patrolmen and women are on the road now. The Supervisor would look at that number a year

from now as he believes that this is important because the Saratoga County’s Sheriff’s Department and Saratoga County are in the middle of a contract negotiation for a more amenable contract. The number of patrol people may increase substantially and this needs to be considered a year from now to review.

**Purchase of Development Rights (PDR) fees**

Councilwoman Jasinski stated that a neighboring Town put forth \$30,000 for their PDR fees and had very, very little participation. If the point is to build a kitty to preserve land, it needs to be attractive to the developers. She believes that with this, together with what was accomplished with the zoning changes, they have been very responsible controlling development moving forward and putting a plan in place to preserve open space. The Supervisor stated that we will hold a public hearing and wait for public feedback on these PDR fees. If a developer in the Ballston Lake Residential District (which has sewer and water), has a parcel they want to develop, the zoning allows one house per 2 acres. A PDR credit could be purchased for \$10,000 to build an additional unit. Under the new zoning, for every new dwelling built, the developer must pay a water mitigation fee and a traffic mitigation fee, so they did not want to price out the ability to develop some of the Town. Ms. Jasinski stated that with PDR you can not purchase an unlimited amount. For example, if the parcel is 100 acres, 50 acres is preserved, and the remaining 50 acres can have 25 homes (one house for every 2 acres). The maximum number of units that can go on that half parcel is double that number (25x2 =50 total) with the approval by the Planning Board. They can be grouped into 1/3 acre lots, which preserves even more land, but there can’t be any more than 50 houses when they purchase the maximum PDR units. In the commercial portion, each district has a square foot base density; there is a maximum allowed density. To get there, the developer would have to pay \$1 per sq. ft. for each additional sq. ft. and participate in the Clean Energy Initiative Program. They will have to build clean if they want to go larger than the allowable base density. The Supervisor stated that this will be explained in more detail at the public hearing. The Town attorney stated that the Governor extended the Order to hold meetings by Zoom; therefore, the public hearing will be virtual (Zoom).

**NEW BUSINESS**

*Privilege of the floor ONLY on items for consideration and action this evening. (Limit 3 mins.)*

*No one wished to speak.*

**NEW BUSINESS FOR CONSIDERATION AND ACTION THIS EVENING**

**RESOLUTION 22-163**

**APPROVE THE SUPERVISOR’S FINANCIAL REPORT FOR MAY 2022.**

A motion was made by Councilman Carota and seconded by Councilwoman Jasinski.

ADOPTED Ayes 5 Councilman Curtiss, Councilman Carota, Councilman Fendrick,  
Councilwoman Jasinski and Supervisor Connolly

Nays 0

**RESOLUTION 22-164**

**APPROVE LOCAL LAW 3 OF 2022 TO AMEND CHAPTER 87 “SEWER USE” OF THE TOWN CODE OF THE TOWN OF BALLSTON.**

A motion was made by Councilwoman Jasinski and seconded by Councilman Fendrick.

**Be it enacted by the Town Board of the Town of Ballston as follows:**

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### **Article I. Definitions**

### **§ 87-1. Defined Terms.**

Unless otherwise stated in the section where the term is used in this Chapter, the meaning of terms used in this Chapter shall be as stated below. When not inconsistent with the context, the present tense shall include the future, and words used in the plural shall include the singular and vice versa. Furthermore, a masculine pronoun shall include the feminine. Shall is mandatory; may is permissive.

**Act or "THE ACT"** - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §1251, et seq., as may be amended.

**Administrator** - The Regional Administrator of the U. S. Environmental Protection Agency (USEPA), Region 2.

**Building Drain** - That part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the building walls, and conveys it to the building lateral, which begins five (5) feet outside the inner face of the building wall.

**Connection** - Attachment of one user to a sewer. (See Extension)

**Conventional Pollutant** - A Pollutant that the POTVV Treatment Plant was designed to treat, defined in accordance with the Act.

**Cooling Water** - The water discharged from any system of condensation, air conditioning, refrigeration, or other sources. It shall contain no polluting substances which would produce COD or Suspended Solids in excess of five (5) milligrams per liter, or toxic substances, as limited elsewhere in this Law.

**County** - Saratoga County.

**Direct Discharge** - The discharge of treated or untreated wastewater directly to the waters of the State of New York. (For reference, see Indirect Discharge.)

**District, Sewer** - any sewer district to which this Chapter applies.

**Domestic Wastes** - see Sewage, Domestic.

**Easement** - An acquired legal right for the specific use of land owned by others.

**EPA, USEPA, or U.S. Environmental Protection Agency** - The agency of the federal government charged with the administration and enforcement of federal environmental laws, rules, and regulations. Also, may be used as a designation for the Administrator or other duly authorized official of this Agency.

**Facility** - All buildings, other structures, grounds, and contiguous property at any locations related to or connected with a user at the user's location.

**Indirect Discharge** - The introduction of wastewater into the sewerage system for treatment and ultimate discharge of the treated effluent to the state's waters. (For reference, see Direct Discharge).

**Industrial** - Meaning or pertaining to industry, manufacturing, commerce, trade, business, or institution, and is distinguished from domestic or residential.

**Industrial User** - See User, Industrial.

**Industrial Wastes** - The liquid or liquid-carried solid, liquid and/or gaseous wastes from Industrial manufacturing processes, trade, service, utility, or business, as distinct from sanitary sewage.

**Infiltration** - Water, other than wastewater, which enters a sewer system (excluding Building Drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow. Infiltration is

inadvertent, that is, not purposely designed or built into the sewer or drain.

**Inflow** - Water, other than wastewater, that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, foundation drains, swimming pools, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, Infiltration. Inflow is purposely designed and/or built into the sewer or drain.

**Lateral** - The sewer extension from the building drain to the public sewer connection, including the shut off valve if the system is a pressure sewer.

**Law** - the Town of Ballston Sewer Use Law as may be amended from time to time.

**National Categorical Pretreatment Standard, or Categorical Standard** - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (B) and (C) of the Act (22 U.S.C.§1347), which applies to a specific category of Industrial Users. These standards apply at the end of the categorical process ("end of process").

**National Pollutant Discharge Elimination System (NPDES) Permit** - A permit issued pursuant to Section 402 of the Act (33 U.S.C.§1342).

**National Prohibitive Discharge Standard, or Prohibitive Discharge Standard** - Any regulation developed under the authority of Section 307 (B) of the Act, and 40 CFR, Section 403.5.

**Natural Outlet** - Any outlet, including storm sewers and combined sewer overflows, to state's waters.

**New Owner** - a person who becomes a titleholder of a parcel within the service area after the sewer availability date.

**New Source** - Any source, the construction of which is commenced after the publication of the proposed regulation prescribing a Section 307 (C) (33 U.S.C. § 1317) Categorical Pretreatment Standard which will be applicable to such source if such standard is thereafter promulgated.

**New User, Inside** - any owner of a parcel of real property in the service area (I) that was not connected to the sewerage system at the time the sewerage system was placed in operation within the particular sewer district, (ii) who is not an initial user with respect to the parcel at issue and (iii) which Parcel subsequently requires a new connection to the sewerage system. By way of example and not limitation, the subdivision of land within the service area after the sewerage system was placed in operation in the particular sewer district that creates one or more additional parcels would create one or more "Inside New Users" to the extent that the owner(s) of such newly created parcels require a connection to the sewerage system.

**New User, Outside** - any owner of a parcel of real property outside the service area which parcel subsequently connects to the sewerage system by way of an extension of a sewer district pursuant to New York State Town Law thus bringing the parcel within the service area or, alternatively, connects to the sewerage system by way of an outside user agreement.

**Normal Sewage** - see "sewage, normal."

**Nuisance** - The use or lack of use of the POTW in such a manner so as to endanger life or health, give offense to the senses, or obstruct or otherwise interfere with the reasonable use or maintenance of the POTW.

**Other Wastes** - Garbage (shredded or un-shredded), refuse, wood, eggshells, coffee grounds, sawdust, shavings, bark, sand, lime, ashes, and all other discarded matter not normally present in sewage or industrial wastes. Also, the discarded matter not normally present in sewage or industrial waste.

**Outside User Agreement** - A written agreement between the Town or a sewer district and an

outside new user which agreement provides for connection to the sewerage system by the outside new user without extending any sewer district to accommodate the connection.

**Parcel** - Any tax parcel of real property within the service area as identified on the most current tax map of the Town.

**Parcel Owner** - The owner or owners of a parcel.

**Pass-Through** - The discharge that exits the POTW into waters of the State in quantities, which, alone or in conjunction with discharges from other sources, is a cause of a violation of any requirement of the POTW's SPDES permit (including an increase in the magnitude or duration of a violation).

**Permit** - A temporary revocable written document allowing use of the POTW for specified wastes over a limited period of time, containing sampling locations and reporting frequencies, and requiring other actions as authorized by this Chapter.

**Person** - Any individual, public or private corporation, political subdivision, Federal, State, or local agency or entity, association, trust, estate, or any other legal entity whatsoever.

**Pollutant** - Any material placed into or onto the State's waters, lands and/or airs, which interferes with the beneficial use of that water, land and/or air by any living thing at any time.

**Pollution** - The man-made or man-induced alteration of the chemical, physical, biological, and/or radiological integrity of the State's waters, lands and/or airs resulting from the introduction of a pollutant into these media.

**POTW Treatment Plant** - That portion of the POTW designed to provide treatment to Wastewater, and to treat sludge and residuals derived from such treatment.

**Poverty Threshold** - Three (3) times the most current poverty threshold established and issued by the United States Census Bureau for the United States of America. The criteria used by the United States Census Bureau will govern the determination of the Parcel Owner's family size in order to establish the particular income threshold to be applied.

**Pretreatment (Treatment)** - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be achieved by physical, chemical, or biological process, process changes, or by other means, except as prohibited by 40 CFR, Section 403.6 (D).

**Pretreatment Requirements** - Any substantive or procedural requirement related to Pretreatment, other than a national pretreatment standard imposed on an industrial user.

**Pretreatment Standard or National Pretreatment Standard** - Any categorical standard or prohibitive discharge standard.

**Priority Pollutants** - The most recently revised or updated list, developed by the EPA, in accordance with the Act.

**Prohibitive Discharge Standard** - see National Prohibitive Discharge Standard.

**Publicly Owned Treatment Works (POTW)** - A treatment works, as defined by Section 212 of the Act, (33 U.S.C. § 1292), which is owned, in this instance, by the Town and/or SCSD No. 1. This definition includes any sewers and appurtenances that transport wastewater to the POTW treatment plant, the POTW Treatment Plant itself, but does not include pipes, sewers, or other conveyances not connected directly or indirectly to a facility providing treatment.

**Receiving Waters** - A natural water course or body of water (usually Waters of the State) into which treated or untreated sewage is discharged.

**Records** - Shall include, but not be limited to, any printed, typewritten, handwritten or

Otherwise recorded matter of whatever character (including paper or electronic media), including but not limited to, letters, files, memoranda, directives, notes and notebooks, correspondence, descriptions, telephone call slips, photographs, permits, applications, reports, compilations, films, graphs, and inspection reports. For the purposes of this law, Records shall mean records of and relating to waste generation, reuse and disposal, and shall include records of usage of raw materials.

**Roof Drain** - A drain installed to receive water collecting on the surface of a roof for disposal.

**Sanitary Facilities** - A room within a structure, or a standalone structure, that contains at least one toilet.

**SCSD No. 1** - the Saratoga County Sewer District No. 1.

**SCSD No. 1 Sewer Use Ordinance** - Sewer Use Ordinance, Rules and Regulations codified as County of Saratoga Local Law No. 3 of the year 1984 for Saratoga County Sewer District No. 1, as amended.

**Septage** - All liquids and solids in and removed from septic tanks, holding tanks, cesspools, or approved type of chemical toilets, including but not limited to those serving private residences, commercial establishments, institutions, and industries. Also, sludge from small sewage treatment plants. Septage shall not have been contaminated with substances of concern or priority pollutants.

**Septic System** - A private domestic sewage treatment system consisting of an underground tank (with suitable baffling), distribution box and appropriate leach field constructed in accordance with local and State requirements.

**Service Area of the Sewerage System (Service Area)** - The legally defined bounds of real property from which wastewater may be discharged-into the POTW. The bounds shall be established, altered, changed, modified, reduced, enlarged, combined, or consolidated by action of the Town Board.

**Sewer Availability Date** - For each parcel, the date that the public sewer will be available for connection as stated on a written notice mailed to the parcel owner by the Town. Each parcel owner shall be deemed to have received the Town's written notice, regardless of actual receipt, so long as the notice was mailed to the address on file for the parcel owner in the Town Assessor's office.

**Sewage** - A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, and such ground, surface, and storm water as may be inadvertently present. The admixture of sewage, as defined above, with industrial wastes and other wastes shall also be considered "sewage," within the meaning of this definition.

**Sewage, Domestic (Domestic Wastes)** - Liquid wastes from the non-commercial preparation, cooking, and handling of food, liquid wastes containing human excrement and similar matter from the sanitary conveniences in dwellings, commercial buildings, Industrial buildings, and institutions, or liquid wastes from clothes washing and/or floor/wall washing. Therefore, domestic sewage includes both black water and grey water. (See Sewage, Sanitary.)

**Sewage, Normal** - Sewage, industrial wastes, or other wastes, which show, by analysis, one or more of the following characteristics:

- B.O.D. (Five Day) - 2090 lbs. per million gallons (250 milligrams per liter), or less.
  - Suspended Solids - 2500 lbs. per million gallons (300 milligrams per liter), or less.
  - Phosphorus - 125 lbs. per million gallons (15 milligrams per liter), or less
  - Ammonia - 250 lbs. per million gallons (30 milligrams per liter), or less.
  - Total Kjeldahl Nitrogen - 417 lbs. per million (50 milligrams per liter), or less.
  - Chlorine Demand - 209 lbs. per million gallons (25 milligrams per liter), or less.
  - Chemical Oxygen Demand - 2920 lbs. per million gallons (350 milligrams per liter), or less.
  - Oil and Grease - 830 lbs. per million gallons (100 milligrams per liter), or less.
- Despite satisfying one or more of the above characteristics, if the Sewage also contains Substances of Concern, it may not be considered Normal Sewage.

**Sewage, Sanitary** - Liquid wastes from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from storm water, surface water, industrial, and other wastes. (See "Domestic Wastes.")

**Sewage Treatment Plant (Water Pollution Control Plant)** - see POTW Treatment Plant.

**Sewage, Unusual Strength or Character** - Sewage which has characteristics greater than those of normal sewage and /or which contains substances of concern.

**Sewer** - A pipe or conduit for carrying or transporting Sewage.

**Sewer, Combined** - A sewer designed to receive and transport both surface runoff and Sewage.

**Sewer District** - A special improvement district formed within the Town according to Articles 12 or 12-A of the Town Law or a consolidated sewer district formed according to Article 17- A of the General Municipal Law.

**Sewer, Public** - The portion of the sewerage system that is on public property, or that is within an easement that has been granted to the Town, SCSD No. 1 and/or any sewer district to which this Chapter applies.

**Sewer, Sanitary** - A sewer which carries sewage, and to which storm, surface, and groundwaters are not intentionally admitted.

**Sewer, Storm (Storm Drain)** - A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastewaters, other than cooling waters and other unpolluted waters.

**Sewerage System** - All facilities for collecting, regulating, pumping, and transporting wastewater to and away from the POTW Treatment Plant.

**Standard Industrial Classification (SIC)** - A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, and subsequent revisions.

**State** - State of New York.

**State's Waters** - See Waters of the State.

**Storm Water** - Any flow occurring during or following any form of natural precipitation; also, the flow resulting therefrom.

**Substances of Concern** - Those compounds which the New York State Department of Environmental Conservation has determined may be harmful to man or the environment.

**Sump Pump** - A mechanism used for removing water from a sump or wet well.

**Suspended Solids** - The result obtained, using an approved laboratory procedure, to determine the dry weight of solids, in a sample, that either float on the surface of, or are in suspension, or are settleable, and can be removed from the sample by filtration, expressed in milligrams per liter.

**Town** - The Town of Ballston, Saratoga County, New York.

**Town Board** - Town Board of the Town of Ballston.

**User** - Any person who contributes, causes, or permits the contribution of wastewater into the POTW, including a parcel owner.

**User, Initial** - any parcel owner whose parcel connected to the sewerage system at the time the sewerage system was placed in operation within the applicable sewer district, or which parcel otherwise connected to the sewerage system in compliance with Section 87- 15 of this Chapter.

**User, Industrial** - A discharger to the POTW who discharges non-domestic wastewaters.

**Wastewater** - The liquid and water-carried Industrial or domestic wastewaters from dwellings, commercial establishments, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

**Wastewater, Unusual Strength or Character** - see Sewage, Unusual Strength or Character.

**Waterbody** - a waterbody that is listed on the NYSDEC Waterbody Inventory/Priority Waterbodies List.

**Waters of the State (State's Waters)** - All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

**§ 87-2. Abbreviations.**

The following abbreviations shall have the meanings designated below:

**BOD** - Biochemical Oxygen Demand

**CFR** - Code of Federal Regulations

**COD** - Chemical Oxygen Demand

**EPA** - Environmental Protection Agency

**L** - Liter

**Mg** - Milligram

**Mg/l** - Milligrams per liter

**NPDES** - National Pollutant Discharge Elimination System

**NYSDEC** - New York State Department of Environmental Conservation

**P** - Total Phosphorus

**POTW** - Publicly Owned Treatment Works

**SIC** - Standard Industrial Classification

**SPDES** - State Pollutant Discharge Elimination System

**SWDA** - Solid Waste Disposal Act, 42 U.S.C. 690 L, et seq.

**U.S.C.** - United State Code of Laws

**USEPA** - United State Environmental Protection Agency

**§ 87-3 Undefined Terms.**

Terms not defined in this Law, or terms found to be ambiguous or improperly defined in this Law, shall be defined by the Act, or Regulations, pursuant thereto.

**Article II. Short Title and Purpose**

**§ 87-4. Short Title.**

For brevity and ease of communication, this Law may be cited as the Town of Ballston Sewer Use Law.

**§ 87-5. Applicability.**

This Chapter shall apply to the Ballston Lake Sewer District, Carpenter's Acres Sewer District and any future sewer district located within the Town.

**§ 87-6. General Purpose.**

The general purpose of this Law is to provide for efficient, economic, environmentally safe, and legal operation of the Sewerage System of the Town.

**§ 87-7. Specific Purpose.**

The specific purposes of this Law are the following:

- A. To prevent the introduction of substances into the POTW that will:
  1. Interfere with the POTW in any way,
  2. Pass through the POTW to the State's waters and cause contravention of standards

- for those waters or cause violation of the POTW's SPDES permit
  - 3. Increase the cost or otherwise hamper the disposal of POTW sludge and/or residuals
  - 4. Endanger municipal employees,
  - 5. Cause air pollution, or groundwater pollution, directly or indirectly,
  - 6. Cause, directly or indirectly, any public nuisance condition.
- B. To prevent new sources of Infiltration and Inflow and, as much as possible, eliminate existing sources of Infiltration and Inflow.
  - C. To assure that new sewers and connections are properly constructed.
  - D. To provide for equitable distribution to all users of the sewerage system of all costs, associated with sewage transmission, treatment, and residuals disposal, and to provide for the collection of such costs.

**§ 87-8. SCSD No. 1 Sewer Use Law, Rules, Regulations and Standards.**

The Town has a sewerage system that is comprised of gravity and pressure mains, pump station(s), and associated appurtenances located in the sewer district(s) made applicable to this chapter under § 87-5 above which sewerage system transports wastewater to the SCSD No. 1 treatment plant. As such, the sewerage system and the users thereof are required to comply with the Sewer Use Ordinance, rules and regulations codified as County of Saratoga Local Law No. 3 of the year 1984 for SCSD No. 1, as amended, SCSD No. 1 rules and regulations adopted January 21, 2003, as may be amended, SCSD No. 1 industrial pretreatment program standard adopted November 2014 as may be amended, SCSD No. 1 standard specifications for sanitary sewer installation and connections adopted March 2017 as may be amended along with other laws, rules, regulations and standards of SCSD No. 1 which lawfully apply.

**§ 87-9. Conflicts with other Laws.**

Where a provision of this Chapter is found to be in conflict with any provision of any existing local law, or ordinance or regulation, the provision or requirement which is more restrictive, or which establishes the higher standard, shall prevail.

**Article III. Use of Public Sewers Required**

**§ 87-10. Waste Disposal Unlawful.**

It shall be unlawful for any person to place, deposit, or permit to be deposited, in any unsanitary manner, on public or private property any human excrement, garbage, or objectionable waste. Also, no person shall discharge domestic sewage onto the surface of the ground or discharge it in a way that permits it to come to the surface of the ground.

**§ 87-11. Connecting Private Sewage System to Storm Sewer Unlawful.**

No person shall connect a private sewage system so that sewage flows into a storm sewer or into a drain intended for storm water.

**§ 87-12. Discharge of Sewage into Well Prohibited.** No person shall discharge sewage into a well.

**§ 87-13. Wastewater Discharge Unlawful.**

It shall be unlawful to discharge to any natural outlet, stream, river, wetland or drinking water source any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with applicable law, rule or regulation.

**§ 87-14. Connection to Public Sewer Required for Certificate of Occupancy.**

Any dwelling, building, or other structure requiring sanitary facilities within the service area for which a certificate of occupancy has not been issued prior to the sewer availability date must connect to the sewerage system as a condition of such dwelling, building or other structure receiving a certificate of occupancy.

**§ 87-15. Section 306 - Connection to Public Sewer for Existing Development Within the Ballston Lake Sewer District.**

A parcel owner within the Ballston Lake Sewer District whose parcel (i) contains a dwelling, building, or other structure used for human occupancy, employment or recreation, having a certificate of occupancy issued prior to the sewer availability date, (ii) is situated within the

service area, and (iii) abuts on any street (public or private), alley, easement or right-of-way in which a public sewer is located, is hereby required, at the parcel owner's expense, to install suitable sanitary facilities therein, and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this Law, within one year of the sewer availability date except if written application has been submitted and approved by the Town Board for one of the following exceptions or deferrals from connection:

A. If the public sewer is more than three hundred (300) feet (or 91.44 meters) away from the dwelling, building or other structure on the Parcel that requires sanitary facilities, and the existing septic system is greater than 100 feet from a waterbody or a well. In these cases, upon the failure of the parcel's existing septic system as such failure is determined by the Town, the septic system must be closed in accordance with Section 87-16(B) hereof and connection must be made to the public sewer within sixty (60) days of the Town's determination. In making the determination that the septic system has failed, the Town is entitled, but not required, to rely upon the opinion of a New York State licensed professional engineer. Notwithstanding the foregoing, a parcel owner qualifying under this deferral shall have the subject septic system closed and shall connect to the public sewer within sixty (60) days of a determination by the Town that:

- (1) The parcel owner is unable to produce documentation to demonstrate proper maintenance of the septic system in accordance with Section 87-16(A) of this Law upon the Town's demand for the same; or
- (2) Construction occurs with respect to a dwelling, building or other structure on the parcel and such construction serves to increase the wastewater discharge from the dwelling, building or other structure implicated.

B. If the public sewer is more than five hundred (500) feet (or 152.4 meters) away from the dwelling, building or other structure on the parcel that requires sanitary facilities, and the existing septic system is greater than 100 feet from a waterbody or a well. In these cases, upon the Town Board's approval of the parcel owner's application under this exception, the requirement to connect to the public sewer is eliminated. A replacement septic system may be constructed if the original building structure remains in the original footprint, at a distance of greater than 500 feet from the public sewer and 100 feet from any waterbody at the time the replacement septic system is required. Notwithstanding the foregoing, a parcel owner qualifying under this exception shall have the subject septic system closed and shall connect to the public sewer within sixty (60) days of a determination by the Town that:

- (1) the parcel owner is unable to produce documentation to demonstrate proper maintenance of the septic system in accordance with § 87-16(A) of this chapter upon the Town's demand for the same; or
- (2) Construction occurs with respect to a dwelling, building or other structure on the parcel and such construction serves to increase the wastewater discharge from the dwelling, building or other structure implicated. The parcel owner can maintain its exception hereunder by submitting an application to the Town Board within sixty (60) days of the completion of construction demonstrating that (i) the parcel owner still qualifies for this exception under § 87-16(B) despite the construction and (ii) the capacity of the septic system can handle the increased wastewater discharge.

C. If the parcel has an existing septic system that was installed within 15 years of the sewer availability date, the septic system is located greater than 100 feet from a waterbody or a well, and the parcel owner has provided the Town Board with documentation of the septic system's installation date along with a copy of the original plans stamped by a New York State licensed professional engineer. In these cases, upon the failure of the parcel's existing septic system, as such failure is determined by the Town, the septic system must be closed in accordance with § 87-16(B) hereof and connection must be made to the public sewer within sixty (60) days of the Town's determination. In making the determination that the septic system has failed, the Town is entitled, but not required, to rely upon the opinion of a New York State licensed professional engineer. Notwithstanding the foregoing, a parcel owner qualifying under this deferral shall have the subject septic system closed and shall connect to the public sewer within sixty (60) days of a determination by the Town that i) the parcel owner is unable to produce

records to demonstrate proper maintenance of the septic system after the sewer availability date in accordance with § 87-16A below upon the Town's demand for the same; or ii) construction occurs with respect to a dwelling, building or other structure on the parcel and such construction serves to increase the wastewater discharge from the dwelling, building or other structure implicated. Provided that earlier connection to the public sewer is not required in accordance with the foregoing provisions of this § 87-15C, connection to the public sewer nevertheless must be made no later than fifteen (15) years after the date of installation of the septic system.

- D. If the Town Board determines, in its discretion, that a significant engineering challenge exists making the dwelling, building or other structure's connection to the public sewer impractical. In assessing an application under this exception, the Town Board may consider the terrain, topography, and geology of the area of the proposed pipe installation, the type of equipment that would reasonably be necessary to allow for installation of a Lateral and the cost of Lateral installation as compared to other Parcels within the Service Area for which Connection is required under this Chapter.
- E. If the parcel owner applies for and is granted a deferral from the requirement to connect to the public sewer based upon economic hardship as set forth herein, provided, however, that notwithstanding such a deferral, upon the failure of the parcel's existing septic system as such failure is determined by the Town, the septic system must be closed in accordance with §87-16B hereof and connection must be made to the public sewer within sixty (60) days of the Town's determination. In making the determination that the septic system has failed, the Town is entitled, but not required, to rely upon the opinion of a New York State licensed professional engineer.
- (1) Initial applications. Commencing on the sewer availability date and at any time within three years thereafter, the parcel owner may make an initial application to the Town Board for a five-year deferral from connection to the public sewer. Regardless of the date the application is granted, the deferral period will commence three years from the sewer availability date and will continue for five years thereafter. As such, the five-year deferral period based upon the grant of an economic hardship application is in addition to the three-year period within which Parcels generally must connect to the Public Sewer under this Section.
  - (2) Subsequent Applications. Subsequent applications for deferral from connection to the public sewer may be made to the Town Board at any time. There is no limitation on the number of five-year deferrals that a parcel Owner can apply for and receive.
  - (3) Criteria for Grant or Denial of Application. The Town Board shall grant all applications where the Parcel Owner establishes, through evidence satisfactory to the Town Board, that the income level for the parcel owner or the parcel owner's family, as the case may be, is less than the poverty threshold. The Town Board shall deny all applications where the parcel owner is unable to establish, through evidence satisfactory to the Town Board, that the income level for the parcel owner, or the parcel owner's family, as the case may be, is less than the poverty threshold. Notwithstanding the foregoing, the Town Board shall have the right to deny any application made by a parcel owner that is not in compliance with any provision of this Law or any provision of Chapter 73 of the Town of Ballston Town Code.
  - (4) Sale of Parcel. Any deferral granted herein is particular to the Parcel Owner and not the Parcel itself, such that if title to the parcel in question is transferred by an owner who is currently receiving a deferral from connection based on economic hardship, the new owner will be required to connect to the public sewer within sixty (60) days of the transfer of the parcel's title.
  - (5) Denial of Application. A parcel owner whose application under this § 87-15E is denied by the Town Board shall cause each dwelling, building, or other structure requiring sanitary facilities located on the parcel to connect to the public sewer within sixty (60) days of the application's denial unless a later date for connection is allowed under § 87-15 of this chapter. If Connection to the Public

Sewer is required following the expiration or earlier termination of a deferral from Connection as set forth in this § 87-15 and such connection cannot, in the opinion of the Town, be completed within the time period specified in this section, the Town may allow the parcel owner to employ an interim solution for a period of time established by the Town upon the expiration of which the Parcel Owner must make connection to the public sewer.

**§ 87-15-a. Connection to Public Sewer for Existing Development within Carpenter's Acres Sewer District.**

- A. A parcel owner within the Carpenter's Acres Sewer District whose parcel (i) contains a dwelling, building, or other structure used for human occupancy, employment or recreation, having a certificate of occupancy issued prior to the sewer availability date; (ii) is situated within the service area; (iii) abuts on any street (public or private), alley, easement or right-of-way in which a public sewer is to be located, is required, at the parcel owner's expense, to connect such facilities directly with the proper public sewer when:

(1) The parcel's existing septic system fails as such failure is determined by the Town, the septic system must be closed in accordance with Section 87-16(B) hereof with connection to be made to the public sewer within 60 days of the Town's determination.

(2.) Construction occurs with respect to a dwelling, building or other structure on the parcel and such construction serves to increase the wastewater discharge from the dwelling, building, or other structure implicated.

**§ 87-16. Private Wastewater Disposal Requirements.**

- A. All septic systems allowed pursuant to § 87-15 shall be properly maintained. Proper maintenance shall require the parcel owner to procure a septic contractor to perform the following tasks once every three years: (i) pump the system, (ii) perform an inspection of the tank and distribution box to confirm proper flow of leachate and potential capacity issues of the leach field and (iii) make any repairs that are deemed necessary by the septic contractor. Documentation demonstrating that the foregoing maintenance obligations were performed must be maintained by the parcel owner and made available to the Town upon request.
- B. To properly close a septic system, the parcel owner shall ensure that any septic tank and similar wastewater disposal facility is cleaned of septage by a licensed septage hauler and either filled with clean sand, bank-run gravel or dirt or, alternatively, removed from the parcel and properly disposed of. If the tank is to be reused to house a grinder pump, it does not need to be filled. When connection is made to the public sewer, the connection to the private wastewater disposal facility shall be broken and both ends of the break shall be plugged in accordance with applicable local, state and/or federal law or regulation. The public sewer connection must be inspected by SCSD No. 1. The disconnection to the private wastewater disposal facility must be inspected by a representative of either SCSD No. 1 or the Town.

**§ 87-17. Private Wastewater Disposal Unlawful.**

Except for those septic systems allowed pursuant to § 87-15, it shall be unlawful to construct or maintain any private wastewater disposal system including, but not limited to, a septic system, privy, privy vault, cesspool, or other facility intended or used for disposal of wastewater within the service area.

**§ 87-18. Limitation on Use of Public Sewers.**

The use of the sewerage system shall be strictly limited and restricted, except as provided in Section 87-19 below, to receive and accept the discharge of sewage and other wastes, including industrial wastes, generated on or discharged from real property within the bounds of the service area.

**§ 87-19. Wastewater from Outside the POTW Service Area; Intermunicipal Agreements and New User Requests.**

The Town Board shall have the authority to enter into agreements to accept sewage and other wastes, including industrial wastes, generated by, or discharged from persons outside the service

area provided that SCSD No. 1 also agrees to accept the same.

- A. If the person is a municipality, that municipality shall have enacted a sewer use law as restrictive on the discharge of sewage and other wastes as the restrictions contained in this chapter and the SCSD No. 1 Sewer Use Ordinance.
- B. If the person is an outside new user, the acceptance shall be made only with the express written consent of the Town Board and SCSD No. 1 and shall set forth the terms and conditions of such an acceptance.
- C.

**§ 87-20. Moratorium.**

Upon the determination by SCSD No. 1 that either (i) one or more segments of the POTW is exceeding its hydraulic capacity at any time or (ii) any specific purpose of this chapter is being violated, SCSD No. 1 may enact a moratorium on the issuance of permits to connect to the sewerage system until the conditions leading to the moratorium are corrected. Such correction may be by:

- (i) construction of new facilities;
- (ii) enlarging existing facilities;
- (iii) correction of Inflow and Infiltration; or
- (iv) cleaning and repairing of existing facilities

**§ 87-21. Basis of Sewer Use Requirement.**

All requirements, directives, and orders calling for mandatory use of the sewers, within the service area, for the proper discharge of sewage and other wastes, including industrial wastes, shall be established and given by the Town Board, SCSD No. 1, NYSDEC, USEPA, and/or other such State or Federal agencies having enforcement powers.

**Article IV. Building Laterals, Street Laterals, Connections, and Fees**

**§ 87-22. Permit Required for Sewer Connections.**

No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from SCSD No. 1. All sewer connections within the Town must be reviewed and approved by SCSD No. 1. All permits required for sewer connections must be obtained from SCSD No. 1.

**§ 87-23. Inflow/Infiltration Prohibited.**

No Person shall discharge or cause to be discharged any storm, cooling water, sump pump water, or unpolluted industrial waters to any sanitary sewer. Swimming pool drains shall not be connected to any sanitary sewer.

**§ 87-24. Public Safety Provisions Required; Restoration of Disturbed Areas.**

All excavations for constructing laterals shall be adequately protected with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed, in the course of the work, shall be restored in a manner satisfactory to the Town. The parcel owner shall be responsible for obtaining any other permits required for the installation of a new lateral. The cost of restoration of paved public roads, shoulders, sidewalks, or other public property shall be borne by the parcel owner.

**§ 87-25. Costs Borne by Owner.**

All costs associated with connection to the public sewer shall be borne by the parcel owner. The parcel owner shall indemnify the Town from any loss or damage that may be directly or indirectly occasioned by the installation of lateral, connections and/or appurtenances.

**Article V. Inflow**

**§ Section 87-26. New Inflow Sources to be prohibited.**

No connections shall be made to a sanitary sewer which connections are intended to discharge inflow. Such prohibited connections include, but are not limited to, footing drains, roof leaders, roof drains, cellar drains, sump pumps, catch basins, uncontaminated cooling water discharges, or other sources of inflow.

**§ 87-27. Charges for Inflow.**

**The Town may take whatever action** is necessary to determine the amount of inflow being discharged from a parcel including requiring the parcel owner or any other user to install a control manhole in order to make such a determination. The owner of the parcel from which the inflow originated shall be billed for inflow as determined by SCSD No. 1. The Town Board and/or SCSD No. 1 may surcharge the parcel owner or user discharging inflow at a rate not to exceed five times the normal sewage volume charge.

**§ 87-28. Discharge of Trucked and Hauled Waste.**

The discharge of trucked or hauled wastes into the sewerage system is hereby unlawful.

**Article VI. Technical and Administrative Duties**

**§ 87-29. SCSD No. 1 to be Agent for Town.**

The Town has designated SCSD No. 1 as the agent of the Town for the purposes of implementation and enforcement of the law against residential, commercial, and Industrial users located within the service area. Notwithstanding the foregoing, the Town maintains the right to implement and enforce this chapter as contemplated herein and as specifically set forth in Article VIII hereof. The discharge limits and pretreatment standards shall be as set forth in the most current rules and regulations of SCSD No. 1.

**Article VII. Wastewater Discharge Permits**

**§ 87-30. Requirements Established.**

Discharge permits and pretreatment requirements will be established by SCSD No. 1 in accordance with the Sewer Use Ordinance, rules and regulations, County of Saratoga Local Law No. 3 of the year 1984 as amended.

**Article VIII Enforcement and Penalties**

**§ 87-31. Enforcement Generally.**

- A. The Town is unable to enforce, by itself, all provisions of this chapter. The Town will enforce the provisions of Article III, and those provisions of Articles IV, V and IX which do not directly implicate SCSD No. 1 as the Town shall determine in its discretion. SCSD No. 1 will enforce the remaining provisions of this chapter on behalf of the Town and for SCSD No. 1's own benefit in accordance with this Article VIII unless the subject violation of this chapter also constitutes a violation of the SCSD No. 1 Sewer Use Ordinance or other rules and regulations of the SCSD No. 1 applicable to the violator, in which case SCSD No. 1 will have the option of enforcing the violation pursuant to this Article VIII or in accordance with the SCSD No. 1 Sewer Use Ordinance or other rules and regulations of the SCSD No. 1 applicable to the violator. The Town will report, investigate and assist SCSD No. 1 with incidences of non-compliance with this Chapter that fall within the purview of SCSD No.1 as stated above. For the remainder of this Article VIII the word "Town" shall also include "SCSD No. 1" as the agent of the Town as is consistent with Article VI for purposes of enforcement of this Chapter.
- B. The range of appropriate enforcement actions shall be based on the nature and severity of the violation and other relevant factors, such as:
- (1) Magnitude of the violation;
  - (2) Duration of the violation;
  - (3) Effect of the violation on the receiving water;
  - (4) Effect of the violation on the POTW Treatment Plant;
  - (5) Effect of the violation on the health and safety of the POTW treatment plant and Town Employees;
  - (6) Compliance history of the User;
  - (7) Good faith of the User; and
  - (8) Promotion of consistent and timely use of enforcement remedies.

**§ 87-32. Administrative Remedies.**

- A. Notification of violation. When the Town finds that a user has violated or is violating this chapter, or any wastewater discharge permit, order, prohibition, limitation, or requirement permitted by this chapter, the Town may serve upon such person a written notice stating the nature of the violation. Within 10 calendar days of the date the Town mails the notice, an explanation of the violation and a plan for the satisfactory correction and prevention of future occurrences thereof shall be submitted to the Town, by the user. The correction and prevention plan shall include specific actions. Submission of this plan in no way relieves the user of liability for any violations caused by the user before or after receipt of the notice of violation.
- B. Consent orders. The Town is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance. Such orders shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the order. Consent orders shall have the same force and effect as an administrative order.
- C. Administrative or compliance orders.
  - (1) When the Town Board finds that a user has violated or continues to violate this chapter, or a permit or administrative order issued thereunder, the Town Board may issue an administrative order to the user responsible for the violation directing that, following a specified time period, sewer service shall be discontinued, severed and abated unless the violation is corrected and there is no reoccurrence of the violation. Administrative orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.
  - (2) The user may, within 15 calendar days of receipt of such order, petition the Town Board to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Town Board by registered mail. The Town Board shall then:
    - (a) Reject any frivolous petitions;
    - (b) Modify or suspend the order, or
    - (c) Order the petitioner to show cause in accordance with Subsection F of this section and may, as part of the show-cause notice, request the user to supply additional information.
- D. Administrative fines.
  - (1) Notwithstanding any other section of this chapter, any user who is found to have violated any provision of this chapter, or a wastewater discharge permit or administrative order issued hereunder, shall be fined in an amount not to exceed \$1,000 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation.
  - (2) The user may, within 15 calendar days of notification of the Town's notice of such fine, petition the Town Board to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Town Board by registered mail. The Town Board shall then:
    - (a) Reject any frivolous petitions;
    - (b) Modify or suspend the fine; or
    - (c) Order the petitioner to show cause in accordance with Subsection F and may, as part of the show-cause notice, request the user to supply additional information.
- E. Cease and desist orders.
  - (1) When the Town Board finds that a user has violated or continues to violate this

chapter, or any permit or administrative order issued hereunder, the Town Board may issue an administrative order to cease and desist all such violations and direct those Persons in noncompliance to:

(a) Comply forthwith.

(b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the discharge.

(2) The user may, within fifteen (15) calendar days of the date the Town mails notification of such order, petition the Town Board to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Town Board by registered mail. The Town Board shall then:

(a) Reject any frivolous petitions.

(b) Modify or suspend the order.

(c) Order the petitioner to show cause in accordance with Subsection F and may as part of the show-cause notice request the user to supply additional information.

F. Show-cause hearing.

(1) The Town may order any user appealing administrative remedies for violations of this chapter to show cause, before the Town Board, why an enforcement action, initiated by the Town, should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Town Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Town Board why the proposed enforcement action should not be taken. Notice of the hearing shall be served on the user at least 10 calendar days before the hearing in accordance with Subsection H of this article. The Town Board may itself conduct the hearing, or may designate any of its members or any officer or employee of the Town to conduct the hearing which member(s) or officer or employee shall have all the following powers of the Town Board with respect to the hearing:

(a) Issue, in the name of the Town Board, notices of hearing requesting the attendance and testimony of witnesses, and the production of evidence relevant to any matter involved in such hearing;

(b) Take evidence;

(c) Take sworn testimony,

(d) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Town Board for action thereon.

(2) After the Town Board has reviewed the evidence and testimony, it may order the user to comply with the Town's order or fine, modify the Town's order or fine, or vacate the Town's order or fine.

G. Failure of user to petition the Town. In the event the Town issues any administrative order or makes any fine as set forth in this Article VIII, and the user fails, within the designated period of time set forth, to petition the Town Board, as provided in appropriate sections of this Article VIII, the user shall be deemed in default and its rights to contest the administrative order or fine shall be deemed waived.

H. Notice. The notices, orders, petitions, or other notification which the user or Town shall desire or be required to give pursuant to any sections of this Article VIII shall be in writing and shall be served personally or sent by certified mail or registered mail, return receipt requested, postage prepaid, and the notice, order, petition, or other communication shall be deemed given upon its mailing as provided herein. Any notice, administrative order, or communication mailed to a user pursuant to the sections of this Article shall be mailed to the user where the user's effluent is discharged. Any notice, administrative order, or communication mailed to any person that is not a user shall be mailed to that person's last known place of residence. Any notice, petition, or other communication mailed to the Town Board shall be addressed and mailed to the Town Hall of the Town.

- I. Right to choose multiple remedies. The Town shall have the right, within the Town's sole discretion, to utilize any one or more appropriate administrative remedy set forth in this Article VIII. The Town may utilize more than one administrative remedy established pursuant to this Article, and the Town may hold one show-cause hearing combining more than one enforcement action.

### **§ 87-33. Judicial Remedies.**

#### **A. Civil actions for penalties.**

- (1) Any person who violates any of the provisions of or who fails to perform any duty imposed by this chapter, or any administrative order or determination of the Town promulgated under this chapter, or the terms of any permit issued hereunder, shall be liable to the Town for a civil penalty not to exceed \$1,000 for each such violation, to be assessed after a hearing (unless the user waives the right to a hearing) held in conformance with the procedures set forth in this Article. Each violation shall be a separate and distinct violation, and, in the case of continuing violations, each day's continuance thereof shall be deemed a separate and distinct violation. Such penalty may be recovered in an action brought by the Town Attorney, or his or her designee, at the request of the Town Board in the name of the Town, in any court of competent jurisdiction giving preference to courts local to the Town. In addition to the above-described penalty, the Town may recover all damages incurred by the Town from any persons or users who violate any provisions of this chapter, or who fail to perform any duties imposed by this chapter or any administrative order or determination of the Town promulgated under this chapter, or the terms of any permit issued hereunder. In addition to the above-described damages, the Town may recover all reasonable attorneys' fees incurred by the Town in enforcing the provisions of this chapter, including reasonable attorneys' fees incurred in any action to recover penalties and damages, and the Town may also recover court costs, and other expenses associated with the enforcement activities.
- (2) In determining the amount of civil penalty, the court shall take into account all relative circumstances, including, but not limited to the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other relative factors as justice may require.
- (3) Such civil penalty may be released or compromised by the Town Board before the matter has been referred to the Town Attorney, or his or her designee, and where such matter has been referred to the Town Attorney, or his or her designee, any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the Town Attorney, or his or her designee, with the consent of the Town Board.

#### **B. Court orders.**

- (1) In addition to the power to assess penalties as set forth in this article, the Town Board shall have the power, following the hearing held in conformance with the procedures set forth in this Article, to seek an order enjoining the violator from continuing the violation or compelling the violator's compliance with the law.
- (2) Any such court order shall be sought in an action brought by the Town Attorney, or his or her designee, at the request of the Town Board, in the name of the Town, in any court of competent jurisdiction giving precedence to courts local to the Town.
- (3) The Town Attorney, or his or her designee, at the request of the Town Board, shall petition the court to impose, assess, and recover such sums imposed according to this Article. In determining the amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

#### **C. Criminal penalties.**

- (1) Any person who willfully violates any provision of this Chapter or any final determination or administrative order of the Town made in accordance with this Article shall be guilty of a Class A misdemeanor; and, upon conviction thereof, shall be punished by a fine of not less than \$500 nor more than \$1,000, or imprisonment not to exceed one year, or both. Each offense shall be a separate and distinct offense, and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.
- (2) Any user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter shall be guilty of a Class A misdemeanor and, upon conviction, shall be punished by a fine of not more than \$1,000 per violation per day or imprisonment for not more than one year, or both.
- (3) No prosecution, under this section, shall be instituted until after final disposition of a show-cause hearing, if any, was instituted.

D. Additional injunctive relief.

Whenever a user has violated or continues to violate the provisions of this Chapter or permit or order issued hereunder, the Town Board, through counsel, may petition the court, in the name of the Town, for the issuance of a preliminary or permanent injunction, or both (as may be appropriate) which restrains the violation of, or compels the compliance with this Chapter or any order or determination thereunder by the Town.

E. Summary abatement.

- (1) Notwithstanding any inconsistent provisions of this chapter, whenever the Town Board finds, after investigation, that any user is causing, engaging in, or maintaining a condition or activity which, in the judgment of the Town Board, presents an imminent danger to the public health, safety, or welfare, or to the environment, or is likely to result in severe damage to the POTW treatment plant or the environment, and it therefore appears to be prejudicial to the public interest to allow the condition or activity to go unabated. until notice and an opportunity for a hearing can be provided, the Town Board may, without prior hearing, order such user by notice, in writing wherever practicable or in such other form as practices are intended to be proscribed, to discontinue, abate, or alleviate such condition or activity, and thereupon such person shall immediately discontinue, abate or alleviate such condition or activity; or where the giving of notice is impracticable, or in the event of a user's failure to comply voluntarily with an emergency order, the Town Board may take all appropriate action to abate the violating condition. As promptly as possible thereafter, not to exceed 15 calendar days, the Town Board shall provide the user an opportunity to be heard in accordance with the provisions of this article.
- (2) If the user is not within the geographic boundaries of the Town, the right of summary abatement to discontinue, abate, or alleviate conditions or activities shall be those prescribed in any applicable intermunicipal agreement.
- (3) The Town Board, acting upon the belief that an emergency exists, shall be indemnified against any personal liability that may arise in the performance of its duties to protect the public health, safety, or welfare, or to preserve the POTV treatment plant or the environment.

F. Right to choose multiple remedies. The Town shall have the right, within the Town's sole discretion, to utilize any one or more appropriate judicial remedy set forth in this article.

**§ 87-34. Miscellaneous Remedies.**

A. Delinquent payments.

- (1) If there shall be any payments which are due the Town, or any department thereof, pursuant to any article or section of this Chapter, which shall remain due and unpaid, in whole or in part, for a period of 30 calendar days after the due date stated on the bill, or if no due date is stated thereon, 30 calendar days from the date of billing by

the Town, the same shall constitute a default, and there shall be added to the entire amount of the original bill, a penalty equal to 20% of the original bill.

- (2) In the event that there are any payments which are due the Town, or any department thereof, pursuant to any article or section of this Chapter which shall have been delinquent for a period of at least 60 calendar days as of November 1 of any year, the Town shall report the names of the defaulting persons to the Town Assessor on or before November 1 of the same year. The Town Assessor is hereby directed to cause a statement to be prepared setting forth (i) the amount of each lien for payments due the Town under this Law including penalties and interest, (ii) the real property affected thereby and (iii) the name of the person or persons in whose name such real property is assessed. Such statement shall be presented to the board or body empowered to levy county taxes before November 15 of the same year. Such board or body shall levy the amounts contained in such statement against the real property liable at the same time and in the same manner as county taxes, and such amounts shall be set forth in a separate column in the annual tax rolls. The amounts so levied shall be collected and enforced in the same manner and at the same time as may be provided by law for the collection and enforcement of county taxes.
- (3) Where charges are delinquent and the violator is not a resident of the Town, or is located outside the geographical boundaries of the Town, then the Town Attorney is authorized to seek recovery of charges, including punitive damages, in a court of competent jurisdiction or make arrangements with the appropriate county where the user is located to add the amount of the sewer assessment or other charges which shall be in default, plus penalty and interest, as provided for in the chapter, to the real property taxes due the county in the next ensuing year.

B. Public notification. The Town shall have the option of providing public notification, in the official daily newspaper in the Town, of users which were in significant non-compliance of local or federal pretreatment standards or requirements since the last such notice. The frequency of such notices shall be at least once per year.

## **Article IX. Charges**

### **§ 87-35. Charges Generally.**

- A. The sewer service charge for the Ballston Lake Sewer District and the Carpenter's Acres Sewer District shall be set by the Town Board on a benefit basis as fairly as possible and will consist of two components: capital costs and operation and maintenance expenses determined by SCSD No.1.
- B. Operation and maintenance expenses: All Parcels within the Ballston Lake Sewer District and Carpenter's Acres Sewer District discharging, or depositing Sewage into the Public Sewers shall be assessed a Connection fee, a trunk and treatment fee and any other applicable fee in accordance with the SCSD No. 1 Scale of Charges then in effect. The installation, maintenance and operation of grinder pumps and service lines shall be paid for by the property owner. Sewer lines and pump stations that serve the public shall be operated and maintained by SCSD.
- C. Capital project debt service charge: capital costs shall be determined based upon a dollar amount multiplied by the number of the equivalent dwelling units assigned to a parcel type. The Town Board shall amend, if necessary, the dollar amount and the Schedule of Equivalent Dwelling Units whenever necessary establishing or amending the dollar amount and the number of equivalent dwelling units assigned to a parcel type. Such resolution shall remain in full force and effect until the time as it is repealed or superseded by a subsequent resolution of the Town Board adopted pursuant to this Local Law. No such resolution establishing the dollar amount or the number of equivalent dwelling units assigned to a parcel type shall be adopted until a public hearing has been held on such resolution on at least seven (7) days public notice. The notice shall be accompanied by publication in a newspaper of general circulation in the Town and shall include a brief description of the rates to be established. All Parcels within the Ballston Lake Sewer District and within the Carpenter's Acres Sewer District assigned an equivalent dwelling unit shall be assessed a capital project debt service charge particular to the applicable sewer district regardless of connection status to the public sewer.

D. The Town Board shall prepare a sewer budget in accordance with Town Law that will specify debt service charges proposed for the succeeding budget year. In accordance with Town Law, sewer rolls for each sewer district will be prepared and adopted by the Town Board annually.

E. Should the Town create water districts or water district extensions in the future then this Local Law shall be amended to incorporate those capital costs and operation and maintenance expenses associated with the creation of the water district or water district extension.

**§ 87-36. Billing Period.**

A. Operation and maintenance charges described in Section 87-5B of this article shall be billed by SCSD No. 1 in accordance with its policies and procedures.

B. Capital project debt service charges described in Section 87-35C of this article shall be billed annually by the Town through the County on January 1 of each year. All charges for capital costs shall be a lien upon the real property for every parcel type assigned an equivalent dwelling unit.

**§ 87-37. Pretreatment Program Costs.**

The additional charges and fees associated with the operation of the SCSD No. 1 pretreatment program shall be approved by the Saratoga County Board of Supervisors and shall be assessed by SCSD No. 1 on the user within each sewer district.

**§ 87-38. Capital Recovery.**

The Town may institute an equitable procedure for recovering the costs of any capital improvements of those parts of the sewerage system within the Town which collect and pump wastewaters from those persons discharging such wastewaters into the collection system.

**§ 87-39. Collection of Charges.**

Provisions of Article VIII of this Chapter relating to the collection of penalties shall apply to the collection, by the Town, of any charges set forth in this Article IX.

**§ 87-40. Fiscal Year for System.**

The Town's Sewer Districts shall be operated based on a fiscal year commencing on the first day of January and ending on the 31st day of December.

**§ 87-41. New Development Fees.**

The Town Board shall have the authority to impose impact fees on both inside new users and outside new users provided that the associated new development:

(A) Causes enlargement of sewers tributary to the POTW treatment Plant; or

(B) Causes increased hydraulic and/or treatment demands on the POTW Treatment Plant.

**§ 87-42. Use of Revenues.**

Revenues derived from penalties and mitigation fees shall be credited to a special fund for the applicable sewer district. Moneys in this fund shall be used exclusively for the payment of interest on and the amortization of or payment of indebtedness which has been or shall be incurred for the construction of the sewer district or its extension pursuant to New York State Town Law. In the event moneys cannot be used for this purpose for any reason, the moneys shall be used as follows:

A. For the discovery and correction of inflow and infiltration in the sewer district; or

B. The extension, enlargement, replacement of and/or additions to Town Sewers tributary to the POTW treatment plant in the sewer district, including any necessary appurtenances.

**§ 87-43. Records and Accounts.**

A. The Town shall maintain and keep proper books of records and accounts for sewers tributary to the POTW treatment plant, separate from all other Records and accounts, in which shall be made full and correct entries of all transactions. The Town will cause an annual audit of such books of Record and account for the preceding fiscal

year to be made by a recognized independent certified public accountant, and will supply such audit report to authorized officials, and the public, on request. The costs of an audit shall be borne by the Sewer District to which the audit relates.

B. In conjunction with the audit, there shall be an annual review of the sewer system charge to determine if it is adequate to meet expenditures for all programs for the coming year.

C. The Town shall maintain and carry insurance on physical properties of Sewers tributary to the POTW Treatment Plant, of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of sewerage systems. All moneys received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed.

## **Article X. Public Disclosure of Sewer District Operations**

### **§ 87-44. District Operations Open to the Public.**

It shall be the policy of the Town Board to conduct all business with full disclosure to the public

### **§ 87-45 Validity through Public Inspection.**

The Town shall formulate procedures to make available to the public for inspection such statements of policy and interpretations used by the Town in administration of this Chapter.

## **Article XI. Severability**

### **§ 87-46. Severability.**

Each provision of this Chapter is severable from the others, so that if any provision or portion of a provision is held to be illegal or invalid for any reason whatsoever, such illegal or invalid provision, or portion of a provision, shall be severed from this Chapter which shall nonetheless remain in full force and effect.

This act shall take effect immediately upon filing with the New York State Secretary of State's Office and shall repeal and replace the prior Chapter 87 Sewer Use Law.

Roll Call Vote as follows:

Councilwoman Jasinski	Aye
Councilman Curtiss	Aye
Councilman Carota	Aye
Councilman Fendrick	Aye
Supervisor Connolly	Aye

ADOPTED 5-0

### **RESOLUTION 22-165**

#### **APPROVE CHANGING THE TUESDAY, JUNE 28, 2022, TOWN BOARD AGENDA MEETING TO THURSDAY, JUNE 30, 2022, AND THE TUESDAY, NOVEMBER 8, 2022, TOWN BOARD MEETING TO WEDNESDAY, NOVEMBER 9, 2022, DUE TO THE PRIMARY AND GENERAL ELECTIONS.**

A motion was made by Councilwoman Jasinski and seconded by Councilman Fendrick.

ADOPTED Ayes 5 Councilman Curtiss, Councilman Carota, Councilman Fendrick, Councilwoman Jasinski and Supervisor Connolly

Nays 0

### **RESOLUTION 22-166**

#### **APPROVE A REALLOCATION OF 2022 BUDGET AUTHORITY FROM FUND 27'S "CONTINGENCY BUDGETING ACCOUNT" TO THE "ADMIN - OUTSIDE PROFESSIONAL SERVICES" EXPENSE ACCOUNT IN THE AMOUNT OF \$4,900 AND ACCEPT A PROPOSAL FROM SUEZ UTILITY SERVICE CO. INC. DATED APRIL 21, 2022, FOR \$4,900 TO CONDUCT INTERIOR AND EXTERIOR INSPECTIONS OF THE TOWN'S TWO WATER TOWERS. THERE WILL BE NO IMPACT TO FUND BALANCE.**

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

Discussion: Councilwoman Jasinski thanked Highway Superintendent Joe Whalen for getting three quotes and his explanation on this topic at the last meeting.

ADOPTED Ayes 5 Councilman Curtiss, Councilman Carota, Councilman Fendrick,  
Councilwoman Jasinski and Supervisor Connolly

Nays 0

#### RESOLUTION 22-167

**APPROVE AN APPROPRIATION OF \$72,087 FROM THE TOWN'S AMERICAN RESCUE PLAN ACT FUNDS PURSUANT TO THE U.S. TREASURY DEPARTMENT'S FINAL RULES TO APPROVE AND AWARD A BID DATED APRIL 20, 2022, FROM PRESENTATION CONCEPTS CORPORATION FOR DESIGN AND IMPLEMENTATION OF AUDIO/VISUAL TECHNOLOGY UPGRADES AT TOWN HALL PURSUANT TO A REQUEST FOR BIDS DATED MARCH 8, 2022. CONSIDER AN ADDITIONAL SUPPLEMENTAL APPROPRIATION FOR \$1,396.84 FROM THE TOWN'S AMERICAN RESCUE PLAN ACT FUNDS PURSUANT TO THE US TREASURY DEPARTMENT'S FINAL RULES TO ACCEPT A PROPOSAL FROM DELL TECHNOLOGIES DATED JUNE 10, 2022, IN THE AMOUNT OF \$1,396.84 FOR TWO MINI/MICRO FORM FACTOR COMPUTERS AND RELATED HARDWARE TO BE PURCHASED VIA NEW YORK STATE'S OFFICE OF GENERAL SERVICES CONTRACT PM20820. FUNDS WILL BE USED TO UPGRADE TECHNOLOGY INFRASTRUCTURE TO ADAPT GOVERNMENT OPERATIONS TO THE PANDEMIC AND ADAPT THE BOARD ROOM AND SMALL CONFERENCE ROOM FOR IN PERSON AND VIDEO PARTICIPATION FOR TOWN MEETINGS.**

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

Discussion: Councilwoman Jasinski stated that she wished we had received more than one bid.

This is technology and we need to be trained. This will facilitate getting things done at the Town and to be able to use ARPA funds is a wise choice.

ADOPTED Ayes 5 Councilman Curtiss, Councilman Carota, Councilman Fendrick,  
Councilwoman Jasinski and Supervisor Connolly

Nays 0

#### RESOLUTION 22-168

**APPROVE A SUPPLEMENTAL APPROPRIATION TO THE 2022 FINAL BUDGET TO INCREASE THE "GRAVEL PIT CONTRACTUAL EXPENDITURES" EXPENSE ACCOUNT BY \$15,000, THE "OTHER UNCLASSIFIED REVENUES" ACCOUNT BY \$4,000, AND THE "BUDGETED FUND BALANCE DRAW" REVENUE ACCOUNT BY \$11,000. APPROVAL OF THIS RESOLUTION WILL ESTABLISH BUDGET AUTHORITY ALLOWING THE TOWN TO CONTINUE GRAVEL PIT OPERATIONS IN COMPLIANCE WITH OSC GUIDELINES THIS FISCAL YEAR. THE SOURCE OF THE FUNDS WILL BE THE GRAVEL PIT FUND, FUND BALANCE.**

A motion was made by Councilwoman Jasinski and seconded by Councilman Carota.

Discussion: Town Comptroller David Urkevich stated that this is an example of budget activity we must plan for. The overdrawing of budget lines is prohibited. If we produce expenditures that have not been budgeted at all, it's worse. This resolution establishes a budget, both on the revenue and expenditure sides, to conduct activity for the rest of the year. He doesn't know why it wasn't budgeted for, but it must be. This allows us to continue to do business this year.

ADOPTED Ayes 5 Councilman Curtiss, Councilman Carota, Councilman Fendrick,  
Councilwoman Jasinski and Supervisor Connolly

Nays 0

#### RESOLUTION 22-169

**APPROVE A REALLOCATION OF 2022 BUDGET AUTHORITY TOTALING \$25,000 FROM THE BALLSTON LAKE SEWER DISTRICT FUND'S "INSTALLMENT BONDS - PRINCIPAL" ACCOUNT TO THE "INSTALLMENT BONDS - INTEREST" ACCOUNT TO CORRECT AN ERROR IN THE 2022 FINAL BUDGET. APPROVAL OF THIS RESOLUTION WILL ALLOW FOR ACCURATE ACCOUNTING OF DEBT SERVICE COSTS IN COMPLIANCE WITH OSC GUIDELINES. CONSIDER AN ADDITIONAL REALLOCATION OF 2022 BUDGET AUTHORITY TOTALING \$1,000**

**FROM BALLSTON LAKE SEWER DISTRICT FUND'S "INSTALLMENT BONDS – PRINCIPAL" TO "BLSD – CONTRACTUAL" TO ADJUST FOR COSTS RELATED TO SEWER ADMINISTRATION FROM NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION. THERE WILL BE NO IMPACT TO FUND BALANCE.**

A motion was made by Councilman Fendrick and seconded by Councilwoman Jasinski.

ADOPTED Ayes 5 Councilman Curtiss, Councilman Carota, Councilman Fendrick,  
Councilwoman Jasinski and Supervisor Connolly

Nays 0

**RESOLUTION 22-170**

**APPROVE A SUPPLEMENTAL APPROPRIATION FOR THE 2022 FINAL BUDGET TO INCREASE FUND B "UNCLASSIFIED REVENUE" ACCOUNT BY \$9,966.06 AND DECREASE THE FUND B "BUDGETED FUND BALANCE DRAW" TO APPROVE THE RECEIPT OF A GRANT TOTALING \$9,966.06 REPRESENTING NYS DEC'S COST SHARE OF THE BALLSTON LAKE SURVEY AND LAKE MANAGEMENT PLAN. CONSIDER A RELATED SUPPLEMENTAL APPROPRIATION TO THE 2022 FINAL BUDGET TO INCREASE THE "LAKE MANAGEMENT" EXPENSE ACCOUNT BY \$1,832.63 IN FUND B, TO ADJUST FOR REMAINING COSTS ASSOCIATED WITH THE ECOLOGIC AND UPSTATE FRESHWATER INSTITUTE BALLSTON LAKE – LAKE MANAGEMENT PLAN PROJECT, WHICH IS NOW COMPLETE. A BUDGET ADJUSTMENT IN 2020 FOR THE FULL PROPOSED AMOUNT OF \$26,100 WAS APPROVED VIA RESOLUTION 20-149, HOWEVER, UNSPENT APPROPRIATIONS LAPSED AT THE END OF 2020 IN THE AMOUNT OF \$1,832.63. THE SOURCE OF THE \$1,832.63 WILL BE FUND B, FUND BALANCE**

A motion was made by Councilwoman Jasinski and seconded by Councilman Carota.

ADOPTED Ayes 5 Councilman Curtiss, Councilman Carota, Councilman Fendrick,  
Councilwoman Jasinski and Supervisor Connolly

Nays 0

**RESOLUTION 22-171**

**APPROVE A SUPPLEMENTAL APPROPRIATION FOR THE 2022 BUDGET TO INCREASE "ZONING – OUTSIDE PROFESSIONAL SERVICES" EXPENSE ACCOUNT BY \$24,800 TO ADJUST FOR COSTS RELATED TO M.J. ENGINEERING'S PROPOSAL FOR ASSISTANCE WITH PHASE 2 TARGETED COMPREHENSIVE PLAN UPDATE AND PHASE 3 TARGETED ZONING UPDATE. BUDGET ADJUSTMENTS TOTALING \$48,460 WERE APPROVED IN 2021 VIA RESOLUTION 21-129 FOR THIS EXPENSE; HOWEVER, UNSPENT APPROPRIATIONS LAPSED AT THE END OF 2021, IN THE AMOUNT OF \$24,800. THE SOURCE OF THE \$24,800 WILL BE THE FUND B, FUND BALANCE.**

A motion was made by Councilwoman Jasinski and seconded by Councilman Fendrick.

Discussion: Councilwoman Jasinski stated that these are for funds that have already been appropriated, are still there, and they need to be reappropriated to the next year if it hasn't been done. Mr. Urkevich stated that is correct. We are refreshing appropriations in the event they need to be refreshed. Generally, budgets expire at the end of fiscal year (December 31st) and if the unspent appropriations are not spent, they fall back into Fund balance, and we budget for them again. His goal is to have the budget be completed in a different manner.

ADOPTED Ayes 5 Councilman Curtiss, Councilman Carota, Councilman Fendrick,  
Councilwoman Jasinski and Supervisor Connolly

Nays 0

**RESOLUTION 22-172**

**APPROVE AN AMENDMENT TO RESOLUTION 22-151 APPROVED ON MAY 10, 2022, TO ALLOW MIKE PANDOLFO TO ATTEND THE CORNELL SEMINARS OFFERED BY THE NEW YORK STATE ASSESSORS ASSOCIATION IN ITHACA, NY FROM JULY 17 TO JULY 21, 2022. THE TOTAL COST FOR MIKE WILL BE APPROXIMATELY \$1,950 WHICH INCLUDES \$625 FOR TUITION, \$670 FOR 5 NIGHTS OF LODGING, \$400 FOR MEALS, \$200 FOR MILEAGE AND \$55 FOR TOLLS. CONSIDER APPROVING A RELATED, SUPPLEMENTAL APPROPRIATION**

**FOR THE 2022 FINAL BUDGET TO INCREASE THE “ASSESSOR’S OFFICE – PROFESSIONAL DEVELOPMENT” EXPENSE ACCOUNT BY \$3,000 TO ADJUST FOR HIGHER THAN ANTICIPATED TRAINING EXPENSES THIS FISCAL YEAR. THE SOURCE OF THE \$3,000 WILL BE FUND A, FUND BALANCE.**

A motion was made by Councilman Carota and seconded by Councilman Fendrick.

Discussion: This resolution is needed due to Mr. Pandolfo’s expansive training. He will be at the seminar for an extra day taking extra classes. The Assessor’s Department may need more training this year and the appropriation will cover this.

ADOPTED Ayes 5 Councilman Curtiss, Councilman Carota, Councilman Fendrick,  
Councilwoman Jasinski and Supervisor Connolly

Nays 0

**RESOLUTION 22-173**

**APPROVE A SUPPLEMENTAL APPROPRIATION TO THE 2022 FINAL BUDGET TO INCREASE FUND A’S “BUILDINGS O&M - EQUIPMENT & CAPITAL OUTLAYS” EXPENSE ACCOUNT BY \$17,048.36, THE “OTHER UNCLASSIFIED REVENUES” ACCOUNT BY \$15,000.00, AND THE “BUDGETED FUND BALANCE DRAW” REVENUE ACCOUNT BY \$2,048.36 AND APPROVE A PROPOSAL DATED APRIL 28, 2022 TOTALING \$17,048.36 FROM NATIONAL GRID TO CONVERT REMAINING TOWN HALL LIGHTING TO LED TECHNOLOGY WITHOUT PUBLIC SOLICITATION AS PART OF NATIONAL GRID’S “SMALL BUSINESS DIRECT INSTALL” PROGRAM WHICH IS CATEGORIZED AS SINGLE SOURCE BECAUSE THE PROGRAM IS SUBJECTED TO PERIODIC RFP’S. THE SOURCE OF THE \$15,000 WILL BE GRANT FUNDING RECEIVED FROM NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY’S CLEAN ENERGY COMMUNITIES PROGRAM, AND THE SOURCE OF THE REMAINING \$2,048.36 WILL BE FUND A, FUND BALANCE.**

A motion was made by Councilwoman Jasinski and seconded by Councilman Fendrick.

Discussion: The Supervisor thanked all those who were instrumental in obtaining this and getting the grants.

ADOPTED Ayes 5 Councilman Curtiss, Councilman Carota, Councilman Fendrick,  
Councilwoman Jasinski and Supervisor Connolly

Nays 0

**RESOLUTION 22-174**

**APPROVE TO SET A PUBLIC HEARING FOR TUESDAY, JULY 12, 2022, AT 6:15 P.M. PURSUANT TO EMINENT DOMAIN PROCEDURE LAW, SECTION 202 FOR PROPERTY ON NYS ROUTE 146A (SBL# 239.-12-15).**

A motion was made by Councilman Carota and seconded by Councilwoman Jasinski.

WHEREAS, in connection with the formation of the Ballston Lake Sewer District certain sewer mains and a proposed access and utility easement for ingress and egress need to be obtained, and other associated infrastructure need to be installed on real property owned by private citizens as more specifically set forth in the Notice of Public Hearing; and

WHEREAS, in connection with the acquisition of certain easements for the installation of sewer mains and other associated infrastructure and a proposed access and utility easement for ingress and egress required for the formation of the Ballston Lake Sewer District, the Town of Ballston will conduct a public hearing on July 12, 2022, at 6:15 p.m. via Zoom audio platform.in accordance with Section 202 of the Eminent Domain Procedure Law. The Zoom link is <https://us06web.zoom.us/j/81373986446> or call 1-646-558-8656 Webinar ID: 813 7398 6446.

NOW, THEREFORE, IT IS:

RESOLVED, the Town Board of the Town of Ballston will conduct a public hearing on July 12, 2022, at 6:15 p.m. via Zoom audio platform to describe the purpose for the installation of sewer mains and other associated infrastructure, the proposed location of the sewer mains and other associated infrastructure and a proposed access and utility easement for ingress and egress, and whether any other proposed locations exist for the installation of the aforesaid mains, other associated infrastructure and for access for the utility easement for ingress and egress and it is further

RESOLVED, the Notice of the Public Hearing, a copy of which is attached hereto and made a part hereof, must be published in at least five successive issues of the town's official daily newspaper at least ten but no more than thirty days prior to the scheduled public hearing date of July 12, 2022 and shall be served, either by personal service or certified mail, return receipt requested, to each assessment record billing owner or his or her attorney of record.

ADOPTED Ayes 5 Councilman Curtiss, Councilman Carota, Councilman Fendrick,  
Councilwoman Jasinski and Supervisor Connolly  
Nays 0

**RESOLUTION 22-175**

**APPROVE THE TOWN HISTORIAN, RICK REYNOLDS, TO APPLY FOR A GRANT FROM THE NEW YORK STATE DIVISION OF CEMETERIES FOR EQUIPMENT, A SHED, SECURING AND REPAIRING THE VAULT, RESURFACING THE ROADS, GRAVESTONE REPAIRS AND A SURVEY FOR HILLSIDE CEMETERY.**

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

Discussion: Highway Superintendent Joe Whalen gave kudos to our Town Historian for looking into finding ways to obtain grants for Hillside Cemetery. There has been a lot of volunteer work done in the cemetery. He also thanked AJ Signs for donating a new sign for the cemetery.

ADOPTED Ayes 5 Councilman Curtiss, Councilman Carota, Councilman Fendrick,  
Councilwoman Jasinski and Supervisor Connolly  
Nays 0

**RESOLUTION 22-176**

**APPROVE TO SCHEDULE A SPECIAL TOWN BOARD MEETING FOR WEDNESDAY, JUNE 29, 2022, AT 6 P.M.**

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

Discussion: Town Attorney Deb Kaelin stated that this will be a short meeting by Zoom. The Board will discuss and adopt the PDR fees. This must be approved before the Planning Board Meeting due to the potential of PDR fees applying to any applicants.

ADOPTED Ayes 5 Councilman Curtiss, Councilman Carota, Councilman Fendrick,  
Councilwoman Jasinski and Supervisor Connolly  
Nays 0

**RESOLUTION 22-177**

**APPROVE TO SET A PUBLIC HEARING FOR WEDNESDAY, JUNE 29, 2022, AT 5:45 P.M. ON AMENDING THE BUILDING DEPARTMENT FEE SCHEDULE TO INCLUDE THE PURCHASE OF DEVELOPMENT RIGHTS FEES AND ENERGY EFFICIENT POINT SCHEDULE EFFECTIVE IMMEDIATELY.**

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

ADOPTED Ayes 5 Councilman Curtiss, Councilman Carota, Councilman Fendrick,  
Councilwoman Jasinski and Supervisor Connolly

**RESOLUTION 22-178**

**APPROVE A REALLOCATION OF 2022 BUDGET AUTHORITY TOTALING \$25,685 FROM A FUND'S "CONTINGENCY BUDGETING ACCOUNT" TO THE "BUILDINGS O&M – CONTRACTUAL" EXPENSE ACCOUNT IN THE AMOUNT OF \$25,000 AND THE "TAXES & ASSESSMENTS ON MUNICIPAL PROPERTY" EXPENSE ACCOUNT IN THE AMOUNT OF \$685 TO ADJUST FOR HIGHER THAN ANTICIPATED COSTS IN THE 2022 FINAL BUDGET. THERE WILL BE NO IMPACT TO FUND BALANCE.**

A motion was made by Councilwoman Jasinski and seconded by Councilman Carota.

ADOPTED Ayes 5 Councilman Curtiss, Councilman Carota, Councilman Fendrick,  
Councilwoman Jasinski and Supervisor Connolly  
Nays 0

**RESOLUTION 22-179**

**APPROVE AN APPROPRIATION FROM THE CARPENTER’S ACRES SEWER DISTRICT CONTINGENCY BUDGET TO PAY TO KEY BANK THE TOTAL SUM OF UP TO \$7,000.00 REPRESENTING A PROCESSING FEE OF \$3950.00 AND LEGAL FEES TO REVIEW AND APPROVE OF AN EASEMENT FROM 1491 ROUTE 50 LLC TO THE TOWN OF BALLSTON AND SARATOGA COUNTY SEWER DISTRICT FOR CONSTRUCTION AND MAINTENANCE OF THE CARPENTER’S ACRES SEWER DISTRICT. THESE COSTS ARE BUDGETED FOR AND THERE IS NO IMPACT TO FUND BALANCE.**

A motion was made by Councilman Fendrick and seconded by Councilwoman Jasinski.  
Discussion: Town Attorney Debra Kaelin stated that this is the last easement for the Carpenter’s Acres sewer project. It was difficult to obtain. The Board could have gone through eminent domain or pay these fees to move the project forward. Councilwoman Jasinski asked if there is anyone we can complain to. Ms. Kaelin stated that there is the NYS Banking; however, at the end of the day, the Board can say no, but it would put the project behind. This is an unusual situation; she and Attorney Bill Ryan are recommending it.

ADOPTED Ayes 5 Councilman Curtiss, Councilman Carota, Councilman Fendrick,  
Councilwoman Jasinski and Supervisor Connolly  
Nays 0

**Resolution 22-180**

**Approve a supplemental appropriation to the 2022 Final Budget to increase Fund B’s “Other Public Safety – Contractual Not Specified” Expense Account by \$83,773.75 and the “Budgeted Fund Balance Draw” Revenue Account By \$83,773.75 and authorize the Supervisor to enter into an agreement with the County of Saratoga and the Saratoga County Sheriff’s Department for specialized law enforcement services exclusively for The Town of Ballston from August 1, 2022, To July 30, 2023. The source of the \$83,773.75 will Be Fund B, Fund Balance.**

A motion was made by Councilman Curtiss and seconded by Councilwoman Jasinski.  
Discussion: Councilman Carota stated that due to the nature of his full-time employment, he will abstain from taking part on the contract with the sheriff’s department. The Supervisor stated that the contract will have to be approved by the Board of Supervisors who meet on the 19<sup>th</sup>. The earliest the contract could begin is July 20, 2022. Ms. Kaelin stated that there is flexibility on the contract dates. The Supervisor prefers to begin the contract on July 20th. Councilman Curtiss agreed.

A motion was made by Councilman Curtiss and seconded by Councilman Fendrick to amend the resolution by changing the contract term from July 20, 2022, to July 19, 2023. The Supervisor reread the resolution with the amendment to change the start date of the contract term from July 20, 2022, to July 19, 2023. All Board members were in favor except for Councilman Carota who abstained. The Supervisor read the final resolution:

**RESOLUTION 22-180**

**APPROVE A SUPPLEMENTAL APPROPRIATION TO THE 2022 FINAL BUDGET TO INCREASE FUND B’S “OTHER PUBLIC SAFETY – CONTRACTUAL NOT SPECIFIED” EXPENSE ACCOUNT BY \$83,773.75 AND THE “BUDGETED FUND BALANCE DRAW” REVENUE ACCOUNT BY \$83,773.75 AND AUTHORIZE THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF SARATOGA AND THE SARATOGA COUNTY SHERIFF’S DEPARTMENT FOR SPECIALIZED LAW ENFORCEMENT SERVICES EXCLUSIVELY FOR THE TOWN OF BALLSTON FROM JULY 20, 2022, TO JULY 19, 2023. THE SOURCE OF THE \$83,773.75 WILL BE FUND B, FUND BALANCE.**

A motion was made by Councilman Fendrick and seconded by Councilwoman Jasinski.

ADOPTED Ayes 4 Councilman Curtiss, Councilman Fendrick,  
Councilwoman Jasinski and Supervisor Connolly  
Nays 0  
Abstain 1 Councilman Carota

**RESOLUTION 22-181**

**APPROVE THE APPOINTMENT OF ERIN HADCOCK AS DEPUTY COMPTROLLER FOR THE COMPTROLLER'S OFFICE COMMENCING JUNE 15, 2022, AT AN ANNUAL SALARY OF \$67,500 PLUS BENEFITS AS SET FORTH IN THE HUMAN RESOURCE HANDBOOK FOR THE TOWN OF BALLSTON. THIS EXPENSE WAS BUDGETED FOR IN 2022. THERE WILL BE NO IMPACT TO FUND BALANCE.**

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

Discussion: Comptroller David Urkevich stated that Erin has been a great resource by his side. She has a great background in education and in practice. After reviewing 20 resumes, Erin is the best person for the job, she is worth every penny.

ADOPTED Ayes 5 Councilman Curtiss, Councilman Carota, Councilman Fendrick,  
Councilwoman Jasinski and Supervisor Connolly

Nays 0

**RESOLUTION 22-182**

**APPROVE THE APPOINTMENT OF JENNIFER REDINGER AS A TRUSTEE FOR THE TOWN OF BALLSTON COMMUNITY LIBRARY BOARD BEGINNING JULY 1, 2022 AND ENDING JUNE 30, 2027.**

A motion was made by Councilwoman Jasinski and seconded by Councilman Fendrick.

Discussion: The resumes and letters of interest from both candidates were reviewed by the Supervisor and he stated that the Town is fortunate to have such great volunteers as part of the Library Board.

ADOPTED Ayes 5 Councilman Curtiss, Councilman Carota, Councilman Fendrick,  
Councilwoman Jasinski and Supervisor Connolly

Nays 0

**RESOLUTION 22-183**

**APPROVE THE APPOINTMENT OF KATHERINE SCHOFIELD AS A TRUSTEE FOR THE TOWN OF BALLSTON COMMUNITY LIBRARY BOARD BEGINNING JULY 1, 2022 AND ENDING JUNE 30, 2027.**

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

ADOPTED Ayes 5 Councilman Curtiss, Councilman Carota, Councilman Fendrick,  
Councilwoman Jasinski and Supervisor Connolly

Nays 0

*Privilege of the floor on any topic (limit 3 minutes) Please state your name and address.*

*No one wished to speak.*

A motion was made by Councilman Carota and seconded by Councilman Fendrick to enter Executive Session for legal advice. All Board members were in favor.

A motion was made by Councilwoman Jasinski and seconded by Councilman Fendrick to return to regular session.

There was no action taken.

A motion was made by Councilman Curtiss and seconded by Councilwoman Jasinski to adjourn the meeting. All Board members were in favor.

Meeting adjourned at 9:02 p.m.

Respectfully submitted,

Carol Gumienny  
Town Clerk