

A Town Board meeting was held by the Town Board of the Town of Ballston on Tuesday evening August 9, 2022, via Zoom video conferencing.

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

Supervisor Connolly called the meeting to order at 6:37 p.m. and the Pledge of Allegiance was recited.

REPORTS

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

Julia Stone, Library Board of Trustee, reported that the local History Room construction project and LED lighting upgrade will be back on track in the fall. They are currently in the process of scheduling a pre-construction meeting with all the necessary parties, including the Town's owner representative, MJ Engineering.

FINANCIAL REPORT

The Financial Reports were emailed to the Board by Town Comptroller David Urkevich. Mr. Urkevich stated that the expense patterns are on track; however, his concern is revenue. Fund A, Fund B and Highway Fund are funded by sales tax revenue. He had been predicting sales tax revenue at the \$1.1 million level, unfortunately given the results of May 2022 sales tax revenue, they were drastically lower than expected due to a massive negative adjustment from NYS Tax and Finance that has gone unexplained; he has had to scale back his forecast to \$800,000. We still have a surplus; however, approximately \$200,000 of his forecast has already been appropriated. He has started to put a budget together for 2023 and will need the remaining \$600,000 or so to pay for unfunded liabilities. These items are a must, not a wish, that we have already committed to such as the Saratoga County Sheriff's contract, \$1.5 million needs to be bonded to complete the Highway garage addition project, the Finley Road bridge needs replacing, natural gas needs to be extended to Town Hall, a new dump truck (approximately \$200,000) is needed (the vehicle is part of the 10-year Highway Equipment Replacement Plan), the Town Hall roof may need replacement as well as the doors and windows. These are "must have" items. In his opinion, the capacity for new investments is very limited and he will have trouble with a balanced budget. A conservative approach is highly recommended and to taking things slowly. He also suggested that each Board member sit with him to review the Town's finances. Supervisor Connolly stated that he agrees with David in needing to be very judicious with any additional expenses. The only item we've taken on is \$200,000 that has been appropriated for the sheriff's contract. Mr. Urkevich stated that we have appropriated over \$200,000 already that applies specially to this fiscal year, and appropriated, so far, enough to get us through the end of November. We also must account for the month of December, and at some point, the supplemental appropriation we've budgeted for about half of the year, \$90,000, is our liability. We could cancel the contract with the sheriff's department, but if his forecasted surplus comes to life, he believes the Town can afford it but not much else.

SUPERVISOR'S REPORT

Supervisor Connolly stated that the fishing pier demolition has started today. There are photos on the Town's Facebook. The goal is to have the new pier installed by next summer.

The Supervisor shared his screen to show a monthly report from the sheriff. The number of calls is roughly the same number year over year; however, the traffic violations have doubled in July from 11 to 24 year over year. One of the big reasons that the Board approved this contract with the sheriff's department was the driving behaviors in Town: speeding, passing on double lines, and passing school buses and farm vehicles. The goal is not to issue tickets and have people go to court and pay fines, the goal is to increase safety. The stats are not what he was looking for as more details are needed. It will be a big decision for the Board to decide whether to continue this service for 2023. He spoke to the deputy who gathers the data to produce the chart and he will work on the time span of when they were

hired on July 20th to patrol the Town and get more data to the Supervisor. Councilman Curtiss stated that he has not noticed a real change, only a little bit, in the traffic patterns up and down Hop City Road. He feels that writing tickets and having to pay fines will get the message out to people not to speed in our Town.

Supervisor Connolly stated that there are Downtown Revitalization Initiative Grants available for \$10 million and \$4.5 million. A group has been established to work on this grant – Burnt Hills business owners, elected officials, and residents. He is in the process of applying for these grants. A letter of intent to apply has been submitted. These grants are awarded to two municipalities in each area. (Ballston is in the Capital Region area.) The application is due by September 23, 2022. We can't use MJ Engineering to assist with the application because their firm is on the list of engineering firms that can be assigned by NYS. The first part of the application is the vision. The group will meet this month. The grant(s) could make a big difference in the hamlet of Burnt Hills.

The Supervisor stated that he investigated the abandoned front baseball field at Jenkins Parks due to a complaint he received. The fence has been repaired for now. There are signs on the field suggesting this area is a dog park. It is not a dog park, and never was. The signs have been removed. The options are to take down the fence or take down the fence and install a new one. Jenkins Park is funded with taxpayer money of residents who live in the Jenkins Park District. He investigated having a dog park by speaking to the Supervisor in Glenville. There is a dog park in Glenville and in Scotia. This is something to think about for our Town and will not happen soon. There must be water to have a dog park. If the park district is expanded to include the entire Town except withing the Village, (referendum November 2023) then a dog park may be considered. The Supervisor asked the Board what to do with the fence. Councilman Curtiss stated that a people park is more important than a dog park but wouldn't be opposed to a dog park. He stated that the fence should come down; it is a liability. Supervisor Connolly stated that the only way we see a transformation of our parks is to expand the park district. Ballston Lake Fire Department Memorial Park would be improved as well as Jenkins Park and Reita Park. Councilman Fedrick stated that if the fence is not a danger, then leave the fence until it is decided what to do. It is typically more cost effective to have one company do the job at once (removing and installing). If it is a danger, then it should be removed. Town Attorney Debra Kaelin stated that there are significant liability issues. This is a fenced in area being used as a dog park. People will still go in there when the signs are removed. We have no insurance of what goes on in there. The Board is now on notice that the baseball field is being used as a dog park. There are huge liabilities; we are not insured for a dog park. The Parks and Rec Committee should explore the options for a dog park and how other municipalities handle them. If the fence stays up, then you are condoning the use of the field as a dog park. Councilwoman Jasinski suggested removing the gates, so it is no longer a closed in area. She agreed with Ms. Kaelin. Councilman Carota stated that this is a liability issue especially now that the Town is aware. He stated that not having a fully fenced in area by taking out some sections would discourage the use of dogs there. The Supervisor will have our Building Inspector go to Jenkins Park and check out the back stop to give his opinion on the condition. Ms. Kaelin stated that there is no predictability. There are two quotes to remove the fence, the safer, less risky route would be to take the fence down and leave the back stop. The Supervisor stated that action will be taken at the next meeting to remove the fence, should it be decided to do so.

COUNCIL MEMBERS REPORTS

Councilman Fendrick stated that the Parks and Rec Committee will meet on August 17th at 7 p.m. and they are looking for two new members. He is working on submitting the grant to the County for the engineering for Phase 1 of constructing the Veteran's Bike Trail extension. The fishing pier will be dismantled. Anchor Diamond Park had another workday on August 1st. Trees were removed and some hedging work was completed. He thanked everyone who participated.

Councilman Carota stated that he was unable to attend the last Library meeting. The construction projects are moving forward, and a preconstruction meeting will be scheduled soon with all the interested parties including the contractor.

Councilwoman Jasinski stated that last week the Clean Energies Committee held a meeting and is working on a newsletter. They are currently looking for more members to help expand what they are working on.

The Carpenters Acres sewer project is set to finish ahead of schedule in September.

A resident requested a streetlight at the entrance of Sherwood Lane and Sherwood Park Lane. One intersection is in a current lighting district (on Lakehill Road) the other is not in a lighting district (Goode Street). More information is needed to proceed.

Ms. Jasinski stated that National Grid sent a complete list of streetlights in our Town for the LED conversion, and she has been driving around Town locating them. The south end of Town was wired

for streetlights years ago: Nolan Road and the Buell Heights area. The other side of Route 50 has no streetlights. There are no lights above Route 50 after Forest Road unless it is at a major intersection. She thanked the Town Comptroller and the Town Attorney for updating the Procurement Policy. It has been officially filed with the State.

Councilman Jasinski has been working with the Building Department on the recommendations for the determination that the Town Board needs to make for EDU reductions, and sewer deferrals. There are 15 EDU determinations and 11 sewer hookup deferrals. The Board needs to have a Special Meeting or discuss during the Agenda Meeting to make their final determinations with the evidence given to them. This needs to be done before the budget is completed. A certain amount of information will need to be shared in accordance with the Open Meetings Law. We can redact financial information from the applications.

Councilman Curtiss reported that the Farmland Protection and Preservation Committee does not meet in the summer months and will resume in September. He attended a Purchase of Development Rights workshop and progress is being made. Another workshop meeting will be set up this month.

OLD BUSINESS

Bike Trail Extension Phase 1

Supervisor Connolly stated that Councilman Fendrick has agreed to file the grant application with the County. Hopefully, we will receive \$24,000. MJ Engineering will have an estimate for the design work for the Phase 1 of the bike trail extension. They also believe that when we apply for Phase 2, which is the tunnel under the railroad tracks through the Curtis Lumber connection to the Zim Smith trail, we should score higher on the grant application because we are completing a piece of what we originally planned for. The tunnel will cost over \$1 million and be in the form of a grant.

NEW BUSINESS

Parks Special District Expansion

The timetable for the referendum for a Special Parks District will be held in November 2023. It would consist of including the whole Town, excluding the Village within the Town. Expanding the park district would benefit all parks in our Town. The Supervisor discussed a popular growing sport – disc golf. This would be a great attraction for our community. He is working on a possible deal of a business donating a large parcel to us in a dense area. This parcel has a lot of elevation changes that disc golfers love. This would bring people in not just from our Town, but other areas, especially if the course is good. There is assistance available on designing the course from people who play, and this wouldn't cost the Town a lot of money.

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

Matt Sausville, of Eastline Road, referred to Resolution 22-217. Mr. Sausville has been working with the Town for a little over a year on becoming an outside water user. He has extremely poor water quality in his well. His well has a very high sulfur content and the odor is unpleasant. He had a water treatment system installed but there is a high total dissolved solids content. This coming out of the ground, is 900 parts per million; the EPA guidelines for drinking water is 500. At 1000 parts per million it is deemed unfit for human consumption. He must treat his water continuously and uses a reverse osmosis system. His water is also very hard and hard on his appliances even with a water softener. He had submitted a set of engineering plans to the Town that have been approved by the Town engineer, MJ Engineering. He would like to move forward with the agreement with the Board's approval.

NEW BUSINESS FOR CONSIDERATION AND ACTION THIS EVENING

RESOLUTION 22-214

APPROVE THE SUPERVISOR'S FINANCIAL REPORT FOR JULY 2022.

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 22-215

DECLARE THE 1999 FORD ECONOLINE AMBULANCE VAN AS SURPLUS TO BE AUCTIONED FOR AN AMOUNT NOT LESS THAN ITS ESTIMATED SCRAP VALUE OF \$7,000.00. PROCEEDS WILL BE ALLOCATED IN THE AMOUNT OF 98.75% TO

CONSOLIDATED WATER FUND, 0.25% TO MORNINGDALE COURT WATER FUND, AND 1.00% TO PARADOWSKI WATER FUND.

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

Discussion: The proceeds will go to the various water funds as the vehicle was used by the Water Department.

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

Nays 0

RESOLUTION 22-216

APPROVE THE FIRE PROTECTION CONTRACT BETWEEN THE TOWN OF BALLSTON AND THE VILLAGE OF ROUND LAKE AND THE ROUND LAKE HOSE COMPANY AND AUTHORIZE THE SUPERVISOR TO EXECUTE.

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

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

Nays 0

RESOLUTION 22-217

APPROVE THE WATER AGREEMENT TO SUPPLY WATER SERVICE TO PROPERTY OUTSIDE OF THE TOWN OF BALLSTON CONSOLIDATED WATER DISTRICT TO MATTHEW AND EMILY SAUSVILLE FOR PROPERTY LOCATED AT 382 EASTLINE ROAD, TOWN OF MALTA, BALLSTON LAKE, NY 12019.

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

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

Nays 0

RESOLUTION 22-218

DESIGNATE THE TOWN OF BALLSTON TOWN AS LEAD AGENCY WITH RESPECT TO THE ENVIRONMENTAL REVIEW OF THE ACTION UNDERTAKEN TO ACQUIRE BY EMINENT DOMAIN AN EASEMENT APPROXIMATELY 8,450 SQUARE FEET OF REAL PROPERTY NOW OWNED BY NATIONAL GRID SO THAT A PORTION OF THE INFRASTRUCTURE FOR THE BALLSTON LAKE SEWER PROJECT CAN BE INSTALLED AND ALSO FOR PROVIDING ACCESS FOR INGRESS AND EGRESS FOR A PUBLIC PURPOSE. THIS ACTION IS CLASSIFIED AS AN UNLISTED ACTION PURSUANT TO THE REGULATIONS OF THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA). THE TOWN BOARD HAS REVIEWED THE SHORT ENVIRONMENTAL ASSESSMENT FORM AND ISSUES A NEGATIVE DECLARATION. THIS RESOLUTION ALSO AUTHORIZES THE SUPERVISOR TO EXECUTE THE SHORT ENVIRONMENT ASSESSMENT FORM OF SEQRA.

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

WHEREAS, on August 11, 2015 the Town of Ballston Town Board adopted a resolution providing in part that the Town of Ballston Town Board be designated as the lead agency for the environmental review of the Ballston Lake Sewer Project and that as a result of the positive effects of the construction of the sanitary sewer system relative to surface and groundwater quality, the Town Board determined that the Ballston Lake Sewer Project will not have a significant impact on the environment and therefore issued a negative declaration pursuant to the State Environmental Quality Review Act Regulations; and

WHEREAS, a copy of the resolution adopted by the Town of Ballston Town Board on August 11, 2015 is attached hereto and made a part hereof; and

WHEREAS, the total Ballston Lake Sewer Project involves the construction of a new sanitary sewer collection system to serve the area immediately surrounding Ballston Lake and certain adjoining residential neighborhoods; approximately 9.7 acres of land will be disturbed in order to construct a pump station at the south end of Ballston Lake along with the installation of 5,550 linear feet of force main, 50,000 linear feet of low pressure sewers and 14,000 linear feet of gravity sewers; and

WHEREAS, the Town of Ballston Town Board designated the Ballston Lake Sewer Project as an Unlisted Action under the State Environmental Quality Review Act and has further caused Parts 1, 2 and 3 of the long form Environmental Assessment Form to be prepared which identified multiple involved and interested agencies in the environmental review of this action; and

WHEREAS, in connection with the construction and installation of the infrastructure for a portion of the Ballston Lake Sewer Project the Town of Ballston Town Board has initiated proceedings pursuant to Article 2 of the Eminent Domain Procedure Law to acquire by easement approximately 8,450 square feet of real property now owned by National Grid so that a portion of the infrastructure can be installed for the sanitary sewer project and also for providing access for ingress and egress.

NOW, THEREFORE, IT IS:

RESOLVED, the Town of Ballston Town Board is designated as lead agency with respect to the environmental review of the action undertaken to acquire by easement the approximate 8,450 square feet of real property now owned by National Grid so that a portion of the infrastructure for the Ballston Lake Sewer Project can be installed and also for providing access for ingress and egress, and it is further

RESOLVED, that the proposed action to acquire by easement the approximate 8,450 square feet of real property is an Unlisted Action pursuant to the regulations of the State Environmental Quality Review Act; and it is further

RESOLVED, the supervisor for the Town of Ballston is hereby authorized to execute the Short Environmental Assessment Form attached hereto and made a part hereof, and it is further

RESOLVED, the Town of Ballston Town Board has determined that the proposed action to acquire by easement 8,450 square feet of real property will not have a significant impact on the environment and therefore issues a negative declaration, and it is further

RESOLVED, this resolution shall take effect immediately.

Discussion: Town Attorney Debra Kaelin stated that the SEQRA Short Assessment Form is necessary with land use; the eminent domain procedure requires this. The form states that there are no land use issues. SEQRA was completed when the sewer district was approved. Ed Hernandez, engineer for the Ballston Lake Sewer project, stated to the Board that he will read through Part 2 of the Short Environmental Assessment Form and that each question needs to be answered. The following questions were read and answered aloud.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? NO
2. Will the proposed action result in a change in the use or intensity of use of land? NO
3. Will the proposed action impair the character or quality of the existing community? NO
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? NO
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkway? NO
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? NO
7. Will the proposed action impact existing:
 - a. public/private water supplies? NO
 - b. Public/private wastewater treatment utilities? NO
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? NO
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? NO
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? NO
11. Will the proposed action create a hazard to environmental resources or human health? NO

Ms. Kaelin stated that the Town is seeking an easement for the Ballston Lake Sewer District, as

well as ingress and egress for the Ballston Lake Fire Department Memorial Park. By taking a Roll Call Vote the Board agrees with the answers to the questions recommended by Mr. Hernandez and authorizes the Supervisor to sign the Short Environmental Assessment Form. Ms. Kaelin asked if anyone was deviating from the answers? No one replied therefore a Roll Call Vote was taken as follows:

AYES NOES

Eric Connolly Aye
Michael Carota Aye
Chuck Curtiss Aye
Kelly Jasinski Aye
Rob Fendrick Aye
ADOPTED 5-0

Ballston, New York
August 9, 2022

RESOLUTION 22-219

ADOPT THE DETERMINATION AND FINDINGS ASSOCIATED WITH THE ACQUISITION OF CERTAIN REAL PROPERTY NOW OWNED BY NATIONAL GRID FOR A PORTION OF THE CONSTRUCTION OF THE IMPROVEMENTS AND ACCESS THERETO FOR THE BALLSTON LAKE SEWER DISTRICT INCLUDING INGRESS AND EGRESS AND AUTHORIZE THE PUBLICATION OF THE DETERMINATION AND FINDINGS PURSUANT TO NEW YORK STATE EMINENT DOMAIN PROCEDURE LAW.

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

WHEREAS, on July 12, 2022 the Town of Ballston Town Board conducted a public hearing with respect to the acquisition of certain real property pursuant to the Eminent Domain Procedure Law of the State of New York; and

WHEREAS, the acquisition of the certain real property is required in order to construct a portion of the infrastructure for the Ballston Lake Sewer District as well as to gain access for ingress and egress thereto; and

WHEREAS, the town, within ninety days after the conclusion of the public hearing conducted pursuant to Section 201 of the Eminent Domain Procedure Law, is required to make its determination and findings concerning the proposed public project and shall, among other things, publish a brief synopsis of such determination and findings in at least two successive issues of the town's official newspaper.

NOW, THEREFORE, IT IS:

RESOLVED, that the Town Board of the Town of Ballston hereby adopts the Determination and Findings associated with the acquisition of certain real property required for a portion of the construction of the improvements and access thereto for the Ballston Lake Sewer District; and it is further,

RESOLVED, that the Determination and Findings are attached hereto and made a part hereof; and it is further,

RESOLVED, that the Town of Ballston Town Clerk is directed to have published within the Daily Gazette in at least two successive issues of that newspaper the Determination and Findings pursuant to Section 204 of the Eminent Domain Procedure Law of the State of New York; and it is further

RESOLVED, that special counsel for the Town of Ballston shall serve by personal service or certified mail, return receipt requested, a notice of the brief synopsis of the Determination and Findings attached hereto and made a part hereof upon each assessment record billing owner whose real property may be acquired; and it is further

RESOLVED, that special counsel for the Town of Ballston shall comply with the further requirements set forth within Section 204(C) of the Eminent Domain Procedure Law of the State of New York with respect to the dissemination of the Determination and Findings.

Discussion: Town Attorney Debra Kaelin stated that the Determination and Findings is another procedural step toward the goal of eminent domain over that property.

A Roll Call Vote was as follows:

	<u>AYES</u>	<u>NOES</u>
Eric Connolly	Aye	
Michael Carota	Aye	
Chuck Curtiss	Aye	
Kelly Jasinski	Aye	
Rob Fendrick	Aye	

ADOPTED 5-0

Ballston, New York
August 9, 2022

RESOLUTION 22-220

APPROVE BUDGET WORKSHOPS TO BE HELD ON SEPTEMBER 1, 2022, AND SEPTEMBER 8, 2022, AT 5:30 P.M. IN THE TOWN HALL MEETING ROOM OR VIA ZOOM CONFERENCING.

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

Discussion: Councilwoman Jasinski stated that she can not meet in person only by Zoom on September 8th. Ms. Kaelin stated that the governor will decide around August 15th on whether to continue to hold meetings via Zoom video/audio conferencing.

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

Nays 0

RESOLUTION 22-221

APPROVE A SUPPLEMENTAL APPROPRIATION FOR THE 2022 FINAL BUDGET TO INCREASE FUND A "MUNICIPAL COURT - EQUIPMENT & CAPITAL OUTLAYS" ACCOUNT BY \$890 AND INCREASE THE FUND A "BUDGETED FUND BALANCE DRAW" REVENUE BY THE SAME AMOUNT TO FUND THE TOWN'S COST SHARE OF NECESSARY SECURITY UPGRADES FOR TOWN COURT IN PARTNERSHIP WITH NEW YORK STATE UNIFIED COURT SYSTEM'S JUSTICE COURT ASSISTANCE PROGRAM. THE SOURCE OF THE \$890 WILL BE FUND A, FUND BALANCE.

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

Discussion: Town Comptroller stated that this approval unlocks \$10,000 of grant money for the security for Court including outside security.

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

Nays 0

RESOLUTION 22-222

APPROVE AND AWARD A BID TO ADIRONDACK FLOATING DOCK SHOP, 122 NORTHVILLE ROAD, EDINBURG, NEW YORK 12134 FOR THE REPLACEMENT OF THE TOWN OF BALLSTON FISHING PIER AND KAYAK LAUNCH FOR A LUMP SUM PRICE OF TWO HUNDRED SIXTY-SIX THOUSAND FIVE HUNDRED EIGHTY-FIVE DOLLARS (\$266,585.00) CONDITIONED UPON THE TOWN'S INSURANCE CARRIER APPROVING THE INSURANCE AND BOND DOCUMENTS. THIS RESOLUTION AUTHORIZES THE SUPERVISOR TO EXECUTE ALL CONTRACT DOCUMENTS. FUNDS FOR THIS PROJECT SHALL BE APPROPRIATED FROM THE TOWN'S PARKLAND DEPOSIT FUND.

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

Discussion: Supervisor Connolly stated that he sent the Board an email prior to the meeting from Adirondack Floating Dock Shop to explain why there was a difference in their quote vs. their bid which was \$30,000 more. The reason for the price increase is to account for worst case scenario work change orders. Councilman Curtiss and Councilman Fendrick struggle with the cost of this

but know that there is no other way. Town Comptroller David Urkevich stated that there is \$700,000 in the Parks and Rec Fund. If all the money quoted in the bid is not used by Adirondack, the money will be returned to the Fund. This is a public works project in which prevailing wage must be paid and the engineering specifications need to be followed. The Board has options: to accept the bid, to decline the bid and readvertise, or to end the project. If the Board chooses not to accept the bid, there is no guarantee that better bids will be received, if any at all. It also delays the project. The Clerk verified that there were 8 or 9 bid specs that went out to various bidders, but only one bid was received. Supervisor Connolly stated that it is hopeful that the fishing pier and kayak launch will be operational by summer 2023.

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)

No one wished to speak.

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

Meeting adjourned at 8:34 p.m.

Respectfully submitted,

Carol Gumienny
Town Clerk

ATTACHMENT FOR RESOLUTION 22-218

RESOLUTION 15-113

APPROVE THE SEQRA DETERMINATION OF SIGNIFICANCE FOR THE BALLSTON LAKE SEWER PROJECT.

Councilman Goslin moved the following for consideration and adoption,

WHEREAS, Ballston Lake is a significant scenic and recreational asset in Saratoga County; and

WHEREAS, the developed properties surrounding Ballston Lake currently utilize on-site septic systems for waste water handling; and

WHEREAS, water quality sampling of Ballston Lake over the past 25 years has documented a decline in quality due to excessive phosphorus and fecal coliform; and

WHEREAS, Ballston Lake, classified as Class A water suitable as a drinking water source, was listed on the New York State Final 2012 Section 303(d) List of Individual Water-body Segments with Impairment Requiring Total Maximum Daily Load (TMDL) Development as a result of phosphorus pollutant loading caused by on-site wastewater treatment and stormwater; and

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

WHEREAS, the Town of Ballston has coordinated with the Town of Clifton Park and has received its support for a sewer collection system to serve properties within both Towns; and

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

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

WHEREAS, the project will involve construction of a new sanitary sewer collection system to serve the area immediately surrounding Ballston Lake and certain adjoining residential neighborhoods. Approximately 9.7 acres of land will be disturbed to construct a pump station at the south end of the lake and install 5,500 linear feet of force main, 50,000 linear feet of low pressure sewers and 14,000 linear feet of gravity sewers; and

WHEREAS, the Ballston Lake Sewer Project is classified as an Unlisted Action under the State Environmental Quality Review Act (SEQR) pursuant to the regulations found in 6 NYCRR Part 617; and

WHEREAS, the Town of Ballston has caused Part 1 of the Full Environmental Assessment Form (EAF) to be prepared, which identifies multiple involved and interested agencies in the environmental review of this action;

WHEREAS, on July 28, 2015, the Town adopted a resolution that resolved that the Project is subject to review under SEQR, that a Coordinated Review would be conducted, that the Town wished to act as Lead Agency and authorizing circulation to involved agencies to establish a Lead Agency; and,

WHEREAS, no other Involved Agency indicated a desire to act as Lead Agency for the project by August 11, 2015,

WHEREAS, the Town has caused Parts 2 and 3 of the Long EAF to be prepared, attached hereto;

WHEREAS, the Town of Ballston has compared the impacts reasonably expected to result from the proposed Ballston Lake Sewer Project as outlined herein, including considered the action as defined in subdivisions 617.2(b) and 617.3(g); and,

WHEREAS, the Town has reviewed the Long EAF, the criteria identified in 617.7(c)(1) and other supporting information to identify relevant areas of environmental concern; and,

WHEREAS, the Town has considered for the purpose of determining significant adverse impacts on the environment of those factors listed, the long-term, short-term, direct, indirect and cumulative impacts, including simultaneous or subsequent actions, to the extent reasonable, as included in any long-range plan for the action, any action that is a result of the reviewed action or is dependent on the action were reviewed as required by 617.7(c)(2); and,

WHEREAS, the Town has considered the significance of any likely consequences and assessed them in connection with the setting of the action, the likelihood of occurrence, duration, irreversibility, geographic scope, magnitude and the number of people affected as a consequence of the action as required by 617.7(c)(3);

NOW THEREFORE BE IT RESOLVED THAT

1. The Town of Ballston Town Board is the Lead Agency for the environmental review of the Ballston Lake Sewer Project.
2. The Town has reviewed Parts 1, 2 and 3 of the Long EAF and the criteria contained in 6 NYCRR §617.7 and has determined that the only potential negative environmental impact that could result from the Sewer Project may be an impact to cultural resources which can be mitigated as through project redesign or documentation as required by SHPO.
3. In consideration of available mitigation for potential impacts to cultural resources and the positive effects of the sewer system with respect to surface and groundwater quality, the Town has determined that the Ballston Lake Sewer Project will not have a significant impact on the environment and therefore a Negative Declaration will be issued.
4. This resolution shall take effect immediately.

Councilwoman Stewart seconded this motion.

Roll Call Vote:

Councilman Szczepaniak	YES
Councilwoman Stewart	YES
Councilman Goslin	YES
Councilman Antoski	YES
Supervisor Ziegler	ABSENT

The Motion is Adopted.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Ballston Lake Sewer District			
Project Location (describe, and attach a location map): Town of Ballston proximate to Ballston Lake			
Brief Description of Proposed Action: Acquisition by easement to acquire approximately 8,450 square feet of real property in order to install a portion of the infrastructure for the Ballston Lake Sewer District project and obtain access for ingress and egress.			
Name of Applicant or Sponsor: Town of Ballston		Telephone: (518) 490-2800	
Address: 323 Charlton Road		E-Mail: econnolly@townofballstonny.org	
City/PO: Ballston Spa		State: New York	Zip Code: 12020
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ .2 acres			
b. Total acreage to be physically disturbed? _____ less than .2 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If the proposed action will exceed requirements, describe design features and technologies: _____ _____			
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
the purpose is to install sanitary sewer in this particular area _____			
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Ballston Town Board

August 9, 2022

Name of Lead Agency

Date

Eric Connolly

Supervisor

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

PRINT FORM

ATTACHMENT FOR RESOLUTION 22-219

DETERMINATION AND FINDINGS

EMINENT DOMAIN PROCEDURE LAW SECTION 204 DETERMINATION AND FINDINGS OF THE TOWN OF BALLSTON

INTRODUCTION

The Town of Ballston (“Town”) is authorized and empowered by the provisions of Section 130 (15) of the Town Law to promote the health, safety, and general welfare of the community. In furtherance of this statutory authority, the Town Board may establish or extend a sewer district pursuant to Articles 12 or 12-A of the Town Law. The Town is authorized to purchase, in the manner provided by law, or by acquisition in the manner provided by the Eminent Domain Procedure Law, any lands or rights thereon, required for any public purpose under Section 64 of the Town Law. The purpose for the establishment of the Ballston Lake Sewer District (“Sewer Project”) is for the health, safety, and environmental protection of Ballston Lake and the negative effects of failing septic systems. The public interest will be served by the Project.

PUBLIC NOTICE

On July 12, 2022, the Town of Ballston, pursuant to Section 201 of the New York State Eminent Domain Procedure Law, held a public hearing regarding the acquisition of an easement for both the installation of sewer mains and other associated infrastructure required for a portion of the construction and for ingress and egress over the real property for the Ballston Lake Sewer District. The Town served legal notice of the date and time of the public hearing on the property owner by certified mail, return receipt requested on June 22, 2022, and by published notice as required by law in the Daily Gazette Newspaper on June 17, 18, 19, 20, and 21, 2022. The affidavits of service and affidavit of publication are included in the public hearing record.

The purpose of the public hearing was to inform the public, review the public use to be served by the project and the impact on the environment and residents, and to hear comments from the public pertaining to the Eminent Domain Procedure Law for the Ballston Lake Sewer District.

Based on the information obtained by the Town, comments at the public hearing, record material furnished at the public hearing, which are all incorporated herein by reference, the Town adopts the Determination and Findings as follows:

PUBLIC USE, BENEFIT OR PURPOSE TO BE SERVED BY THE PROPOSED PUBLIC PROJECT

The Town of Ballston is authorized and empowered by the provisions of Section 130 (15) of the Town Law to promote the health, safety, and general welfare of the community. In furtherance of this statutory mandate, the Town Board may establish or extend a sewer district pursuant to Articles 12 or 12-A of the Town Law.

On August 11, 2015, the Town of Ballston resolved and determined that the public interest would be served by the establishment of the Ballston Lake Sewer District (“Sewer Project”), that the project was approved, that the improvements be constructed, and that the necessary easements and lands be acquired for the project.

The installation of sewer mains and other associated infrastructure as well as the easement for ingress and egress is for public use and is a necessary component for the sewer district creation.

The proposed Sewer Project is for the betterment of the public. The purpose of the improvement is to enhance sewage conveyance within the Ballston Lake Sewer District, promote the health and general welfare of the public and protect the environment from failing septic systems in the geographic boundaries of the sewer district, especially in those areas proximate to Ballston Lake.

APPROXIMATE LOCATION FOR THE PROPOSED PUBLIC PROJECT AND THE REASONS FOR THE SELECTION OF THIS LOCATION

The public project will involve the construction of a low-pressure sewer system which includes a pump station, sewer service connections, related infrastructure, sewer mains and a sewer collection and conveyance system. The locations of the public project are located on the east and west sides of Route 146A in the town of Ballston and consist of 8,450 square feet of land.

In addition to the infrastructure to be installed on both sides of Route 146A the proposed project requires the acquisition of easements for both ingress and egress. The owner of the subject parcel

("Subject Property") from whom consent has not been obtained for the infrastructure construction and easement is set forth below by section/block and lot numbers:

N.Y.S. Route 146A 239.-1-15

The real property sought to be acquired for the infrastructure construction and the easement for ingress and egress represents the minimal amount of real property required for this public improvement project. The location of the Sewer Project has been determined by the Town to be the most cost-effective long-term solution and is based upon sound and accepted engineering principles consistent with the map, plan and report prepared by the Town's engineer for the creation of the Ballston Lake Sewer District.

GENERAL EFFECT OF THE PROPOSED PROJECT ON THE ENVIRONMENT AND RESIDENTS OF THE LOCALITY

The proposed project will not have a negative impact on the environment and the residents of the locality. On August 11, 2015, the Town previously issued a negative declaration in connection with the creation of the Ballston Lake Sewer District and hereby incorporates its determination herein by reference. There will be no negative or adverse effect on the environment with the acquisition of the parcel by eminent domain.

OTHER FACTORS CONSIDERED RELEVANT

Following a public hearing on July 23, 2015, the Town Board approved the creation of the Ballston Lake Sewer District. The approval was granted subject to costs not exceeding \$10,203,729 and contingent on landowner approval and subject to approval by the Office of the State Comptroller. Voter approval was obtained on October 14, 2015, by a public referendum, and Office of State Comptroller approval was granted on February 10, 2016. After approval by the Office of the State Comptroller on February 10, 2016, the maximum project cost increased to \$12,559,563 by town board resolution. Thereafter on March 10, 2020, the maximum project cost increased to \$17,559,563 with district residents approving the project in a referendum occurring on August 17, 2020.

Furthermore, the Town's decision to construct a low-pressure sewer system for a portion of the project minimizes the trench depth necessary for the installation of the underground pipes and allows the option to use trenchless methods. This method limits the surface disruption and eliminates the need for extensive restoration of the real property.

CONCLUSION

The Town of Ballston finds that there is a public use, benefit, and purpose for the acquisition of the Subject Property and determines to proceed with acquisition pursuant to the EDPL. Copies of the Determination and Findings are available without cost upon written request to: Town Clerk, Town of Ballston, 323 Charlton Road, Ballston Spa, New York 12020.

TOWN OF BALLSTON TOWN BOARD

Dated: August 9, 2022
Ballston, New York