

A regular meeting was held by the Town Board of the Town of Ballston on Tuesday evening, February 9, 2016 at the Town Hall on Charlton Road.

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

Supervisor Szczepaniak called the meeting to order at 6:30 p.m. and the Pledge of Allegiance was recited.

Supervisor Szczepaniak read the following resolution recognizing Jane Curtiss, Court Clerk of the Year for 2015-2016.

**Resolution #16-014** February 9, 2016

Recognition - Jane Curtiss - Court Clerk of the Year

Whereas, the Town of Ballston strives to achieve excellence and integrity in the public service sector including the Town Justice Court System; and

Whereas, Jane Curtiss became Town of Ballston Justice Court Clerk in July 1996 which represents nearly 20 years of dedicated continued service; and

Whereas, Jane Curtiss performs all clerical duties to manage Justice Court; and

Whereas, Jane Curtiss is responsible for maintaining court calendars for all vehicle and traffic, criminal, civil and small claim matters.

Whereas, Jane Curtiss processes dispositions with the Department of Motor Vehicles and the Department of Criminal Justice Service; and

Whereas, Jane Curtiss served on the Saratoga County Board of Supervisors as Legislative Clerk from February 1996 - August 1997; and

Whereas, Jane Curtiss serves as the Chief Court Clerk at the Town of Malta Justice Court since December 1997 to present; and

Whereas, Jane Curtiss trains several new Court Clerks in the Region; and

Whereas, Jane Curtiss served as Court Clerk with the Village of Ballston Spa Justice Court from January 1995 - January 1996; and

Whereas, Jane Curtiss is a Professional Member under the New York State Association of Magistrates Court Clerks, Inc., a Representative for Saratoga County Clerks and District Rep for the 4th Judicial District, and was elected Third Vice President in 2014; and

Whereas, Jane Curtiss was given the distinguished honor of receiving the 2015/2016 Court Clerk of the Year Award.

Whereas, Jane Curtiss received this very distinguished honor out of 1,200 town and village courts throughout the State of New York; and now, therefore, be it

Resolved, the Town of Ballston Town Council commends Jane Curtiss for this distinguished honor of being proclaimed as Court Clerk of the Year and is extremely proud of her being an exemplary employee representing the Town of Ballston Court System.

A motion was made by Councilman Goslin and seconded by Councilman Antoski.  
ADOPTED Ayes 5 Supervisor Szczepaniak, Councilman Goslin, Councilman  
Antoski, Councilwoman Stewart and Councilman Curtiss  
Nays 0

### **CORRESPONDENCE**

The Town Clerk read the following comments from the Zoning Board Chairperson to a proposed Local Law to remove the density bonus for TND designs in the Ballston Lake Residential District for the Town of Ballston:

The ZBA recommends the Town Board reject this proposed local law. All but one ZBA member are in favor of removing the density bonus for TND designs. However:

(1) The consensus of the ZBA feels that this change to remove the density bonus from TND designs is not consistent with the Town of Ballston Comprehensive Plan. This could leave the Town open for challenges by developers with Article 78.

(2) The Farmland Protection Plan Committee is concerned in losing receiving areas for programs involving Transfer Development Rights (TDRs) if density bonuses are removed.

Therefore, the ZBA recommends that a moratorium be placed on TNDs and the Town Board re-establish the Zoning Workshop Committee with Nan Stolzenburg (our planner). The ZBA feels that the Comprehensive Plan should be first changed to reflect the Town plans in this area and then the zoning. Zoning should be compatible with the Comprehensive Plan and not vice versa.

There were also four emails received from the Saratoga County Planning Board regarding Local Laws 2, 3 and 4. All were “approved”.

### **REPORTS OF TOWN OFFICIALS**

Building Inspector Thomas Johnson, Highway/Water Superintendent Joseph Whalen, Dog Control Officer Thomas Shambo, Library Board of Trustees member Tom Shaginaw, and Town Clerk Carol Gumienny submitted reports for January 2016 and they are on file in the Town

Clerk's office.

### **REPORTS FROM COMMITTEES**

Dr. Pierce, a member of the Ballston Lake Improvement Association (BLIA) met with Michael Martin, a senior scientist from Princeton Hydro, and conducted a site visit of the lake and Sweet Road Creek. This visit was due to a steady increase of phosphorus within the lake. Many nutrients are entering the lake from Sweet Road creek drainage, causing flooding, and stream bank erosion. In the study findings, upper portions of the creek added the most sediment to Ballston Lake. Princeton's recommendations include: work with Saratoga County Soil & Water Conservation District to ensure farms use best practices keeping soil and nutrients out of the stream; conduct a geomorphic assessment of the stream to evaluate and identify problem areas; conduct a watershed loading analysis of the drainage area and conduct a feasibility study for the creation of a storm water management facility on the land between Sweet Road and Lake Road. Dr. Pierce suggested maybe grant writers could help with grants to correct issues such as this.

Library Board of Trustee, Tom Shaginaw, reported the library will have its final walk through Friday for the renovations. A grand re-opening is set for March 5. There is more information on the library website. The construction budget came in a little under the projected cost due to grants that were received.

The financial report for January 2016 was discussed by Supervisor Szczepaniak. The report is very detailed this month. It is on file in the Town Clerk's office.

### **RESOLUTION 16-015**

#### **APPROVE THE SUPERVISOR'S FINANCIAL REPORT FOR THE MONTH OF JANUARY 2016**

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

ADOPTED    Ayes    5            Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski, Councilwoman Stewart and Councilman Curtiss

              Nays    0

### **SUPERVISOR'S REPORT**

Supervisor Szczepaniak reported:

- Carl Zeilman, Emergency Director for Saratoga County, notified Supervisor Szczepaniak about the partial closure of Route 67 this morning. Evidently, a garbage truck hit a bridge causing damage. The road at this time is now open.
- Attended a Public Health meeting at the County. The topic was the Zika Virus. There may be some funding available for testing to see if one has the virus. He received flyers of general information that will be put on the website and at Town Hall.
- SaxBST, our auditors are working on the 2014 financials.
- Attended the State Association of Town's meeting for two days of training on various topics.
- Attended the Association of Counties meeting last week
- Met with mediator for labor union negotiations. He has a tentative agreement and would

like to discuss this matter in Executive Session tonight.

- Attended an Economical Development meeting at the County.
- Met with Congressman Tonko who provided an overview of various programs at the Federal level and introduced points of contacts.
- Met with Project Manager, Mary Beth Bianconi, of Delaware Engineering and discussed bonding options. The sewer project is right at the bubble for financing.
- Next month we will recognize several organizations and volunteers who assisted with the rescue of two people who fell through the ice on Ballston Lake on separate occasions. Please stay off the ice on the lake, it is not safe.
- There are 22 people scheduled to take the Assistant Building Inspector's test in March. A recent conversation, with Supervisor Grattidge of Charlton, discussed the possibility of sharing building inspectors as backups for each Town.
- Yesterday at the Empire State Plaza, Reality Check honored the Town of Ballston as the community champion for advancing tobacco-free communities. We passed a resolution last summer for Jenkins Park being "tobacco free".

## **COUNCILMEMBERS REPORTS**

**Councilman Curtiss** reported:

- There will be a Farmland Protection Committee meeting on Tuesday, and a full report will be available next month.

**Councilwoman Stewart** reported:

- The Parks & Rec Committee had their first meeting and there will be appointments made tonight for the Committee. The first of two items on their agenda will be to develop a survey to find out what residents would like to see in the new park. The second is having some basic rules and regulations in place about the park. The public needs to know what they can and can't do.
- Attended the Library Board of Directors meeting. The needs of the building have to be addressed by the Town Board in the near future. Library volunteers are a wonderful group of dedicated people.
- Have received inquiries to purchase a couple more sets of radar speed limit signs and would like to discuss at the next agenda meeting.

**Councilman Antoski** reported:

- He attended a meeting with the BH-BL Business and Professional Association Visioning Committee. We met as a smaller group focusing on the Agricultural Aspects on Feb 2. There are 4 or 5 smaller sub groups looking at different areas for an agriculture hub. A tavern owner is considering selling in the future; this may be a possible site.
- Councilman Antoski wanted to note that sharing services of the building department with Charlton should be in writing along with the library funding, if only for awareness purposes.

**Councilman Goslin** reported:

- He will be meeting with Dick Doyle to begin the process of RFP (request for proposals) for the upcoming Carpenters Acre's sewer project.

**OLD BUSINESS**

- The Personnel Policy is currently in the Town Code therefore it is law. The goal is to take the policy out of the code so it is easier to take action on policies. This should be complete in 2-3 months.
- Stephanie Vedder, from Delaware Engineer, gave an update on where the Town stands on funding for the Ballston Lake sewer project. She received a verbal approval from the NYS Comptroller's Office today. The Board will have to hold a special meeting to pass resolutions for the Final Order of Creation and the Bond Resolution. She recommends having this meeting Tuesday, February 16<sup>th</sup>. An estoppel notice will need to be published in the Gazette and affidavits of publication will be needed.

**RESOLUTION 16-016**

**APPROVE A SPECIAL MEETING FOR TUESDAY, FEBRUARY 16, 2016 AT 6:30 P.M. AT THE TOWN HALL TO PASS RESOLUTIONS REQUIRED FOR THE BALLSTON LAKE SEWER FUNDING APPLICATION.**

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

ADOPTED Ayes 5 Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski, Councilwoman Stewart and Councilman Curtiss

Nays 0

**NEW BUSINESS:**

1. Water connection fees: A public hearing will be set for March 8 at 6:20 p.m.
2. Blue Rock Energy update: Supervisor Szczepaniak recommended that the Building and Grounds Committee take over this project.

**PRIVILEGE OF THE FLOOR ON ITEMS TO BE CONSIDERED FOR ACTION THIS EVENING.**

*Andy Brick*, Attorney for NY Development, thanked the Board for putting the upcoming resolution on the agenda this evening to approve the dedication and acceptance of roads and related infrastructure at the Estates of Kelley Farms Phase 1. He also wanted to take this opportunity to address the Board again on postponing passing the proposed local law (removing the Density Bonus from the Ballston Lake Residential District). The remarks from the Zoning Board should be addressed before passing this law and this requires time. He states this is a Type 1 SEQRA action and a long Environmental Assessment Form will need to be completed.

*Dennis Pokryzwka* from the Emergency Management Committee spoke that the Committee is continuing to move forward on several issues: draft of updated Emergency Management Plan, outreach to other public safety organizations, county planning help, develop specific response plans for prioritized sites, and conduct appropriate training and test operations plans. There is a

meeting scheduled for Thursday afternoon with DEC Habitat and Wildlife.

**NEW BUSINESS FOR CONSIDERATION AND ACTION:**

**RESOLUTION 16-017**

**APPROVE THE APPOINTMENT OF JENN RICHARDS AS HEAD OF ADULT SERVICES LIBRARIAN II**

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

ADOPTED Ayes 5 Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski, Councilwoman Stewart and Councilman Curtiss

Nays 0

**RESOLUTION 16-018**

**APPROVE THE DEDICATION AND ACCEPTANCE OF THE PHASE 1 ROADS AND RELATED INFRASTRUCTURE AT THE ESTATES OF KELLEY FARMS PHASE 1 SUBJECT TO APPROVAL BY TOWN ATTORNEY.**

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

ADOPTED Ayes 5 Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski, Councilwoman Stewart and Councilman Curtiss

Nays 0

**RESOLUTION 16-019**

**CLASSIFY LOCAL LAW 2 OF 2016, ZONING AMENDMENT TO ALLOW FLAG LOTS IN CERTAIN CIRCUMSTANCES AS AN UNLISTED ACTION.**

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

ADOPTED Ayes 5 Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski, Councilwoman Stewart and Councilman Curtiss

Nays 0

**RESOLUTION 16-020**

**ESTABLISH A NEGATIVE SEORA DECLARATION FOR LOCAL LAW 2 OF 2016, ZONING AMENDMENT TO ALLOW FLAG LOTS IN CERTAIN CIRCUMSTANCES.**

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

ADOPTED Ayes 5 Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski, Councilwoman Stewart and Councilman Curtiss

Nays 0

**RESOLUTION 16-021**

**APPROVE LOCAL LAW 2 OF 2016 TO ALLOW FLAG LOTS IN CERTAIN CIRCUMSTANCES AS AN UNLISTED ACTION.**

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

**ROLL CALL:**

Councilman Goslin YES

Councilman Antoski YES  
Councilwoman Stewart YES  
Councilman Curtiss YES  
Supervisor Szczepaniak YES  
**CARRIED**

**RESOLUTION 16-022**

**CLASSIFY LOCAL LAW 3 OF 2016, ZONING AMENDMENT- TO ADDRESS DEVELOPMENT STANDARDS RELATED TO COMMERCIAL DESIGN STANDARDS, SIGNS, DRIVEWAYS, AND NOISE AS AN UNLISTED ACTION.**

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

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

**RESOLUTION 16-023**

**ESTABLISH A NEGATIVE SEORA DECLARATION FOR LOCAL LAW 3 OF 2016, ZONING AMENDMENT- TO ADDRESS DEVELOPMENT STANDARDS RELATED TO COMMERCIAL DESIGN STANDARDS, SIGNS, DRIVEWAYS, AND NOISE.**

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

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

**RESOLUTION 16-024**

**APPROVE LOCAL LAW 3 OF 2016, ZONING AMENDMENT- TO ADDRESS DEVELOPMENT STANDARDS RELATED TO COMMERCIAL DESIGN STANDARDS, SIGNS, DRIVEWAYS, AND NOISE AS AN UNLISTED ACTION.**

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

**ROLL CALL:**

Councilman Goslin YES  
Councilman Antoski YES  
Councilwoman Stewart YES  
Councilman Curtiss YES  
Supervisor Szczepaniak YES  
**CARRIED**

**RESOLUTION 16-025**

**TABLE RESOLUTIONS 16-025, 16-026 AND 16-027 CONCERNING LOCAL LAW 4 OF 2016 (DENSITY BONUS)**

A motion was made by Councilman Goslin and then retracted when the proposed law was being classified as an Unlisted Action. The Board decided to Table this due to the question of the law's classification. A long EAF will be completed.

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

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

**RESOLUTION 16-028**  
**CLASSIFY LOCAL LAW 5 OF 2016, ZONING AMENDMENT TO ELIMINATE LED  
BILLBOARD AS AN UNLISTED ACTION.**

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

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

**RESOLUTION 16-029**  
**ESTABLISH A NEGATIVE SEQRA DECLARATION FOR LOCAL LAW 5 OF 2016,  
ZONING AMENDMENT TO ELIMINATE LED BILLBOARDS.**

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

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

**RESOLUTION 16-030**  
**APPROVE LOCAL LAW 5 OF 2016, ZONING AMENDMENT TO ELIMINATE LED  
BILLBOARDS**

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

**ROLL CALL:**

Councilman Goslin	YES
Councilman Antoski	YES
Councilwoman Stewart	YES
Councilman Curtiss	YES
Supervisor Szczepaniak	YES

**CARRIED**

**RESOLUTION 16-031**  
**AUTHORIZE PERMISSION FOR THE BALLSTON SPA SCHOOL DISTRICT TO  
USE TOWN ROADS FOR THE 5k EDUCATION RUN WITH PARTIAL CLOSURE  
OF MANN ROAD, GARRETT ROAD AND BALLSTON AVENUE ON SATURDAY,  
MAY 21<sup>st</sup> AT 9 A.M.**

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

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

**RESOLUTION 16-032**  
**APPROVE THE APPOINTMENTS OF THE PARKS AND REC COMMITTEE  
MEMBERS: RANDALL PUTNAM, TRICIA LETENDRE, MARY ALICE NYHAN,**

**MIKE ALLOCCO, KATIE WITTEMORE, CLIFFORD SAMPSON, SONDI SMITH, MIKE LONERGAN, AND BILL HAGAN FOR A TERM COMMENCING FEBRUARY 9, 2016 AND ENDING AT THE 2017 ORGANIZATIONAL MEETING.**

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

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

**RESOLUTION 16-033**  
**APPROVE SETTING A PUBLIC HEARING FOR MARCH 8<sup>TH</sup> AT 6:20 P.M. FOR WATER CONNECTION FEE**

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

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

**RESOLUTION 16-034**  
**AUTHORIZE THE TOWN ATTORNEY TO ATTEND THE ASSOCIATION OF TOWNS MEETING FEBRUARY 14<sup>th</sup> – 16<sup>TH</sup> IN NYC**

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

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

**\*PRIVILEGE OF THE FLOOR (limit 5 minutes)\***

*Dr. Pierce* suggested the Board act quickly on future Town law with upcoming new technology for LED billboards and signs.

**RESOLUTION 16-035**  
**ENTER INTO EXECUTIVE SESSION TO DISCUSS THE HIGHWAY UNION CONTRACT NEGOTIATIONS**

A motion was made by Councilman Antoski and seconded by Councilwoman Stewart

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

The Town Board entered into Executive Session at 7:55 p.m. The Town Board returned to Regular Session at 8:28 p.m.

**RESOLUTION 16-036**  
**RETURN TO REGULAR SESSION**

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

ADOPTED Ayes 5 Supervisor Szczepaniak, Councilman Goslin, Councilman

Antoski, Councilwoman Stewart and Councilman Curtiss

Nays 0

No action was taken by the Town Board concerning the item discussed in Executive Session.

A motion was made by Councilman Curtiss and seconded by Councilman Antoski to adjourn the meeting. The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Carol A. Gumienny  
Town Clerk