

A Special Meeting was held by the Town Board of the Town of Ballston on Tuesday evening, November 14, 2017 at the Town Hall located at 323 Charlton Road, Ballston Spa, New York.

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

The Supervisor introduced our presenter, Nan Stolzenburg. Ms. Stolzenburg stated that TDR (Transfer of Development Rights) is a tool to promote development in certain areas and to preserve open space. Supervisor stated that the Dept. of Ag and Markets stated TDR is not a good tool and he wanted Ms. Stolzenburg's input on this statement. Ms. Stolzenburg stated that there needs to be development pressure for TDR to work. It won't work in some places. TDR would work in Ballston. The proposed TDR is written as a voluntary process. It offers a developer an alternative, as well as the land owner. There is no down side to this program. It has an opportunity to work; it would be up to landowners and the developers in the Town. Peter Reilly, counsel for the Zoning and Planning Boards stated he did not disagree with Nan's comments. The language proposed is detailed. Based on his experience, towns in Saratoga County have not used TDR much. He agrees with keeping it on a voluntary basis. Sophia Marruso, our Planner, stated her biggest concern was administrating the program. The Town may need to allocate more resources to oversee the program. Supervisor stated every department is extremely busy at Town Hall and stretched thin. Councilman Antoski asked for clarification on the PUDD and TDR in zoning. Councilman Goslin stated a PUDD is still active in the Route 50 area and nowhere else in town. Joan Pott, member of the Farmland Protection Plan Committee, commented the Farmland Protection Plan was adopted in 2014; the next step in the plan is TDR. A lot of landowners are interested in this program and Saratoga Plan is willing to write a grant for this. Councilman Goslin made a motion to start the process. Counsel Deb Kaelin stated we need the final language first. There were just changes made two weeks ago. Nan will send the new language and the Board will move forward at the November 28<sup>th</sup> meeting. The Supervisor thanked Nan for presenting this evening.

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

#### **RESOLUTION 17-228**

#### **APPROVE THE 2018 BUDGET**

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

Budget Officer Jeanette Borthwick stated engineer Ed Hernandez looked at our water costs and he stated that we are \$2.00 short in water rates to cover the current costs. There are proposals before the Board for a 25¢, a 50¢, a 75¢ or \$1.00 increase in water rates. A 25¢ increase each billing period, twice a year, for four years will cover the \$2.00 gap from today. You will need to use \$66,000 out of appropriated fund balance. This does not include anything set aside for emergency, long term planning or contingencies. A 50¢ increase will need to use \$29,000 out of appropriated fund balance; 75¢ puts approximately \$8,000 in contingency for water fund and a \$1.00 allows \$20,000 in contingency for the water fund. The Supervisor stated we are heading for bankruptcy in the water department and must make tough decisions. We have a \$185,000 ad valorem payable yearly to the Town of Glenville for the next five years and we are losing approximately 35% in water using old meters as they do not read properly. One solution that will help with this issue is to install new water meters. We received a \$100,000 grant from Senator Tedisco dedicated for new water meters. We are also looking for other water sources. There was a 12-year period that had no increase in water rates. Water Superintendent Joe Whalen commented that the grant is the same type of process as we did for the fuel tank project. It takes a year to get this grant money. Approximately 900 water meters are 30-40 years old and not reading accurately; therefore, we are losing approximately \$20,000 in water revenue per year. Councilwoman Stewart asked how many meters will this grant cover? Superintendent Whalen answered 275 and almost 900 meters will need to be changed. Councilwoman Stewart stated the increase is not enough. The Board received comparable water rates of surrounding Towns and Councilwoman Stewart stated we are not even close to charging for water what our neighboring municipalities charge. Councilman Goslin discussed the 25¢ increase. He feels the increase of 25¢ per billing period over the long term is a

better way and a responsible way. Ms. Borthwick stated assuming costs remain the same, she reminded the Board that health care costs went up between 10-13% this year, a 2% increase in salary, and you can't predict that material costs will remain stable over the next four years. These factors will affect the fund. She feels the Board is taking a risk with this low increased amount; however, she will put in the amount that the Board wants and it will be their budget. The Board discussed and agreed for a 25¢ increase for each billing period for the next four years and to borrow money for meters.

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

ROLL CALL:

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

ADOPTED 5-0

**RESOLUTION 17-229**

**APPROVE THE TOWN TO TAKE OVER THE ROADWAY, WATER SYSTEM AND STORMWATER MANAGEMENT SYSTEM FOR MACKENNA COURT CONTINGENT UPON APPROVALS FROM TOWN ENGINEER AND 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

Town Engineer Kathryn Serra stated the builder is aware of the three minor items that need to be completed and that no COs will be issued until these items are satisfied. Saratoga County Sewer District took over the sewer last week.

**RESOLUTION 17-230**

**APPROVE THE APPOINTMENT OF NICOLE ROGERS AS A REGULAR MEMBER OF THE PLANNING BOARD EFFECTIVE NOVEMBER 14, 2017 AND ENDING DECEMBER 31, 2023.**

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

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

Nays 0

Due to the resignation of Jim Fischer, Ms. Rogers as the first alternate of the Planning Board, will now be a Regular Planning Board member and finish the term of Mr. Fischer. There is an Alternate position available on this Board.

**RESOLUTION 17-231**

**APPROVE AMENDING RESOLUTION 17-217 TO READ AS FOLLOWS:**

WHEREAS, the Ballston Lake Sewer District has a need to obtain easements for the purpose of constructing and accessing sewer infrastructure on several parcels of real property within the Ballston Lake Sewer District;

WHEREAS, the Ballston Lake Sewer District requires approximately 168 easements for the aforesaid purposes;

WHEREAS, attorneys for the Ballston Lake Sewer District have reviewed and approved a form of easement to be utilized;

WHEREAS, the Board has before it the aforesaid form of easement for its review and consideration;

WHEREAS, engineers for the Ballston Lake Sewer District have prepared a map depicting the boundary of the easement which map will be appended to each individual easement itself;

WHEREAS, although the engineers have not completed the process of preparing all easement maps necessary for the Sewer District, the Board has before it examples of certain maps prepared by the District's engineers and the form of the easements approved by the parties;

WHEREAS, upon completion of the easement maps, it is incumbent upon the Ballston Lake Sewer District to secure the necessary easements to facilitate construction and maintenance of the sewer system;

WHEREAS, Section 64 of the Town Law provides the Town Board with the power to acquire property rights on behalf of a sewer district and in the name of the sewer district; NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Town Board hereby authorizes the Town Supervisor to execute the easements on behalf of the Ballston Lake Sewer District subject to final completion of the easement maps by the engineers and subject to any further legal review required by the attorneys for the District; and,
2. The Town Board hereby authorizes the Ballston Lake Sewer District and its representatives to facilitate the execution of the easements by property owners that are willing to execute the same.

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

**RESOLUTION 17-232**

**APPROVE IANNIELLO ANDERSON PC TO PERFORM LEGAL WORK FOR THE ROUTE 50 SEWER PROJECT AT A RATE OF \$225 PER HOUR NOT TO EXCEED \$30,000 FOR ALL WORK UP TO AND INCLUDING THE REFERENDUM.**

Due to the cost and the Sewer Committee not reviewing, a motion was made by Councilman Curtiss to table this resolution and seconded by Councilman Goslin.

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

Nays 0

**RESOLUTION 17-233**

**APPROVE THE CONTRACT WITH CREEC, PLLC FOR PROJECT MANAGEMENT SERVICES FOR THE ROUTE 50 SOUTHERN WATERSHED SEWER PROJECT AT A RATE OF \$45 PER HOUR, NOT TO EXCEED \$5,000 FOR INITIAL PROJECT WORK UPON TOWN ATTORNEY APPROVAL.**

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 17-234**

**APPROVE THE DASNY GRANT APPLICATION BE USED FOR THE PURCHASE OF WATER METERS AS OUTLINED BY THE WATER SUPERINTENDENT SUBJECT TO TOWN ATTORNEY APPROVAL.**

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

Supervisor Szczepaniak stated the purchase of a generator was discussed at the last budget workshop for the Highway Department. Superintendent Whalen stated the pump stations at Eastline Road and Lakehill Road only have a 2-day supply of storage if power is lost. Currently, if we have a situation, we call Saratoga County Emergency Services for a generator to use. If there is a disaster, most likely there will not be a generator to use. He has applied for two different grants, two years in a row, for a generator and were not successful. We could use this portable generator in other areas of Town in an emergency, such as the library. It would be a good investment. The generator is approximately \$75,000 which is a State contract price. The funds will come from fund balance. This will be added to the agenda for November 28<sup>th</sup>.

Councilman Goslin suggests forming a committee for the Route 50 sewer project and what Route 50 will look like with sewers in the hamlet and the northern end of Town. He would like a study done in this area. This will be added to the agenda for the meeting on November 28<sup>th</sup>.

**RESOLUTION 17-235**

**ENTER INTO EXECUTIVE SESSION TO DISCUSS CURRENT LITIGATION WITH EXPECTED ACTION TO BE TAKEN.**

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

The Board entered Executive Session at 7:35 p.m.

**RESOLUTION 17-236**  
**RETURN TO REGULAR SESSION**

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

The Board returned to Regular Session. During Executive Session, there was a concern from Counsel on the attorney client relationship with the Town and Mr. Goslin. The purpose of the separate representation on the lawsuit is that Councilman Goslin would have independent counsel. The following resolution was voted on the recommendation of our Town Attorney and counsel for Councilman Goslin.

**RESOLUTION 17-237**  
**APPROVE THAT THE TOWN HAS AGREED, PURSUANT TO OUR TOWN CODE SECTION 10(2) A, TO DEFEND, INDEMNIFY AND PAY ANY LEGAL FEES INCURRED BY WILLIAM GOSLIN IN THE FEDERAL 1983 ACTION DOLOMITE VS. TOWN OF BALLSTON AND WILLIAM GOSLIN, AS FOLLOWS: \$220 PER HOUR FOR PARTNER; \$185 PER HOUR FOR ASSOCIATES AND \$120 PER HOUR FOR PARALEGALS.**

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

ADOPTED Ayes 4 Supervisor Szczepaniak, Councilman Antoski  
Councilwoman Stewart and Councilman Curtiss  
Nays 0  
Abstain 1 Councilman Goslin

A motion was made by Councilman Goslin and seconded by Councilman Antoski to adjourn the meeting. The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Carol A. Gumienny  
Town Clerk