

A regular meeting was held by the Town Board of the Town of Ballston on Tuesday evening, March 11, 2014 at the Town Hall on Charlton Road.

PRESENT:

Patrick Ziegler	-----	Supervisor
Timothy Szczepaniak	-----	Councilman
William Goslin	-----	Councilman
Kelly Stewart	-----	Councilwoman
John Antoski	-----	Councilman
Carol Shemo	-----	Clerk
James Walsh	-----	Counsel

Supervisor Ziegler called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

PRESENTATION BY RAY OTTEN OF COMMUNITY EMERGENCY CORPS

Mr. Otten, Executive Director of the Community Emergency Corps, gave an update on the emergency services for the year. Community Emergency Corps is the ambulance provider for upper 1/3 of the Town with the district extending to Outlet Road and includes the Village of Ballston Spa and the Town of Milton. They responded to 2100 calls. The revenue from taxes provides money for the services and the revenue from the insurance companies pay the staff salaries. They have a staff of 40 people, 38 people are paramedics and 7 or 8 are volunteers. Four paramedics are on staff 24/7. He noted a newspaper article that reported a 10% reduction in ambulance taxes for the Town of Clifton Park residents for 2015, with the further total reduction of 20% over the next five years. He said that Ballston residents need to realize that the revenues and tax base is very different from Ballston to Clifton Park. Clifton Park has the resources to reduce the taxes on their ambulance districts. He said that the residents of Ballston are receiving excellent service for their tax dollars.

Supervisor Ziegler asked if there were any major expenditures for the coming year and how they plan for these expenses.

Mr. Otten said they recently bought a used second response vehicle from Ballston Lake. They take equipment expenses out of the budget by setting aside money every year.

PRESENTATION BY JEFFREY MARX CONCERNING THE FUEL TANK REPLACEMENT

Mr. Edwin Vopelak, Vice-President of CT Male, and Mr. Jeffrey Marx, P.E., an Environmental Engineer with CT Male, were present for the presentation. Mr. Marx outlined the major components for the removal of the underground fuel tanks and the replacement with above ground tanks. Mr. Marx stated that there are three parts to the proposal: the survey, the design and the project manual. The survey is the basis of the project; it includes the drawing, the location and the topographical features of the project. CT Male will take elevation shots to show the location of the existing tanks and to plan for the site location of the new storage tanks. The last survey of this area was in 1987. The design includes two parts: the existing tanks and the new tanks. The new tanks need to be up and running before old tanks are offline. There are a lot of criteria from the fire code, building code, federal regulations and DEC guidelines that go into establishing the framework for the design. The existing tanks had documentation on leakage and DEC was involved. It is necessary to manage the process if there is possible contamination and what to do with the contaminated soil. The project manual is the book with the bidder requirements; it includes the technical specifications, plans, grading etc. The financial prospective of the above ground tanks, removal of the old tanks and the construction of the truck transfer area will range from \$200,000-\$225,000 for that type of work.

Councilman Szczepaniak asked the most optimal location of the tanks, the material to be used in the transfer lane and the life cycle of the new tanks.

Mr. Vopelak answered that CT Male would work with the Highway Superintendent to determine the optimal location of the tanks. Mr. Marx said they find that asphalt with a petromat is more beneficial than concrete pads for the transfer lane. The life cycle of the new tanks is 30 years.

Highway Superintendent Whalen stated that corrosion control is tested each year. They have been proactive and have planned for the fuel tank project in the budget. The Federal

regulations and the DEC regulations are the safety regulations they follow and they report the findings into a program and they need to be within the certain guidelines.

Councilwoman Stewart asked if CT Male had knowledge of grant programs available for this project.

Mr. Vopelak said there is not grant money available.

Supervisor Ziegler asked if there are environmental issues that would require the SEQRA process.

Mr. Marx believes it is a Type 2 action.

Councilman Goslin said the Town had received another quote that was considerably less. Are all the things you are proposing really necessary? Also, the fuel oil tank in the front of the Town Hall is of no use and should be addressed.

Mr. Marx replied that 95% of what they are proposing is required; they won't over design. The difference in the quotes is probably due to the exclusion of the truck transfer area and that municipal bidding is different than private industry bidding. The fuel tank in the front can be included in the project.

CORRESPONDENCE

There was no correspondence for the month of February.

REPORTS OF TOWN OFFICIALS

Building Inspector Thomas Johnson, Highway/Water Superintendent Joseph Whalen, Dog Control Officer Thomas Shambo, Library Trustee Jean Botta and Town Clerk Carol Shemo submitted reports for February and they are on file in the Town Clerk's Office.

SUPERVISOR'S REPORT

Supervisor Ziegler stated that the Supervisor's Report for February will be available for the next meeting. The Board is considering the notification process to residents for changes to zoning and PUDDs. We are looking at 500 ft. radius for notification.

COUNCIL MEMBERS' REPORTS

Councilman Szczepaniak reported on the following:

- Great progress has been made filling most vacancies on the committees. The Town Board is looking for members for an Audit Committee and a Zoning Alternate Member.
- He had a meeting with the Highway Superintendent Whalen concerning the Fleet GPS and its technological capabilities for the Town. He thanked Mr. Whalen for his participation in the Capitol CHIPS funding day. Mr. Whalen reported that only 20% of the money received for tolls is allocated to road maintenance.
- Mr. Szczepaniak thanked the Highway employees Robert Aschumat, Robert Orzel and Jeffrey Stickles for their outstanding work remodeling the meeting room. In addition, it was a great savings for the Town.
- Highway Superintendent Whalen will have an area college student intern for three months to help with the road program. Mr. Whalen would like to get to a point where the Town is not reconstructing the roads.
- He will have a quote ready for the next Town Board meeting for security cameras and a key access system. Councilman Szczepaniak recommends hiring a security consultant as we look towards the future.
- Councilman Szczepaniak met with Building Inspector Johnson to discuss the need to streamline the application process for potential businesses. We need to change the belief that Ballston is not business friendly. One area to consider changing is the Design Standards that are very burdensome to business applicants.

Supervisor Ziegler agreed that this issue needs to be addressed and should be listed under Old Business. A task force could look at ways to improve the process and start with the Design Standards for businesses. Also, the new Economic Development Committee might look into this area.

- Highway Superintendent Whalen is meeting with County Waste representative to update our information on the junk pickup. He will have this information at the next meeting.
- Councilman Szczepaniak met with Aaron Dyer of the Charlton Snowmobile Club. The Club is looking to reroute the trail so it does not go out to the lake and affect their grant money. Highway Superintendent Whalen approves the new trail route. The Town Attorney needs to review the Letter of Agreement with the Charlton Snowmobile Club.
- Zoning Enforcement Officer Bradt sent a letter to the property owner at 121 Lakehill Road to remove the truck cap from his property. If there is no response from the owner, Councilman Szczepaniak would ask the Highway Dept to remove the cap and relevel the removal cost on the homeowners' tax bill.

Councilwoman Stewart said the Town Board would need to give sufficient notice to the property owner.

Councilman Goslin stated that the procedure is outlined in the Town Code.

Supervisor Ziegler said the property is in foreclosure proceedings this month.

Councilman Goslin reported on the following:

- The first water meeting was held this evening at 6:00 p.m. They had a good discussion on issues that need attention.
- He addressed the email from the resident concerning the speeding on Outlet Road. Middleline Road is another area where we receive numerous calls about speeding. It is a basic responsibility of the Town Board to make sure the roads are safe. It may be time to pay for additional police services to enforce the speed limit.
- Anyone interested in serving on the Technology Committee to help with the hardware and software issues in the Town can volunteer their services to him by email.
- He met with Mike Lonergan concerning digital literacy for people with low income and seniors residents. They have completed a survey for potential users. He will address this issue at future meetings.
- Councilman Goslin stressed the need to increase the water rates. He proposes a rate increase at the start of the billing cycle in August or September. He proposed an increase for inside users' rates of 50¢ per thousand gallons of water and an increase for outside users' rates of \$1 per thousand gallons of water. We have doubled our water customers in the last ten years and with that development is the need to address the infrastructure. A public hearing will be held to address the need to raise the rates.
- It will be necessary to replace the computers in the Town. Microsoft will not support the XP computers. Approximately 15 computers will need to be replaced at the cost of \$20,000 for the upgrade to the latest software.
- Under audit and finance, the Town will need about \$20,000 to rebuild the finances for the years 2012 & 2013.
- The Board will need to allocate money for part-time attorney services to help with one Town project.

PRIVILEGE OF THE FLOOR

Mr. Simpson asked if the Town is disconnected from the Saratoga County Water Authority.

Supervisor Ziegler said we are not taking water from Saratoga County Water Authority. The Water Authority has a new design in place and they hope this will correct the problem.

Ms. Windels asked about the appointment of a new member to the Ethics Board and their party affiliation. She asked Councilwoman Stewart to consider recusing herself from issues involving development in the Town.

Supervisor Ziegler has reached out to Democrats for this appointment. He has contacted one resident and he is waiting to hear from him.

Mr. Voehringer reported that the Ballston Rotary will be sponsoring a series of seminars on April 26th concerning training for new officials and new appointments. He asked about the Dolomite lawsuit.

Town Attorney Walsh replied that he answered the lawsuit and filed it with the Clerk of the Court and the people who are suing us. The law firm made a settlement proposal and is asking for an extension for the response time to the Town's answer. Mr. Walsh asked the Town Board to consider going into Executive Session to discuss this litigation.

Mr. Merriam is glad to see so many residents volunteered from both parties to the job and volunteer to serve on committees.

OLD BUSINESS:

1. 14 Lakehill Road

Town Attorney Walsh reported that the Town received an offer to settle the lawsuit. He asked the Town Board to enter into Executive Session to discuss the offer.

2. Estate of Frank Schizdick, Anchor Diamond Park, Hawkwood Proposal

Town Attorney Walsh stated we have a clear way to move forward on the will of Mr. Schizdick. The attorney, representing the estate and the trustees, has indicated he would like to proceed in a slow and methodical way forward. The Town is ready and willing to take title to the Hawkwood property whenever the trustees have the ability to convey it.

In the minutes of February 25, 2014 when discussing the Schizdick Estate, it is recorded that Town Attorney Walsh said he would intercede with the judge. The minutes should read he would intercede on notice with the parties by weighing a petition or some type of action. It is not necessary to proceed that way because we are moving forward. The record should show there was no ex parte communication.

Supervisor Ziegler said the judge will meet in one month to address any issues, with all parties on notice on what the issues will be.

3. Sewer Study

The date of the March meeting has been changed back to March 17th. Things are proceeding well

4. Bike Path Extension

Town Attorney Walsh reported that National Grid believes that the litigation on Connolly Road is preventing them from going forward with the Bike Path Extension. He hopes to have something more significant to report soon.

5. Audit

Councilman Goslin said there is a meeting with the auditors this week. The Town needs to close the months of December, January and February, as well as, rebuild the finances over the last few years. There are additional needs to be addressed: auditors, bookkeeping help and software help to support the part-time bookkeeper.

6. Timber Creek Preserve Phase IV

Supervisor Ziegler said the Planning Board has initiated the SEQRA process.

Town Attorney Walsh stated that the Town Board created Water District #2 Ext#25. Communication from the Town Engineer shows we may have acted prematurely on the creation of this district. The Planning Board is the Lead Agency and responsible for doing the SEQRA

7. BH-BL High School Crossing Improvements

Councilman Antoski reported that Saratoga County Public Works Commissioner Manz will put stripping on the High School Crosswalk entrance this summer when the road is paved. Additional safety measures, as outlined in the bulletin from the school district, will be forwarded to Commissioner Manz. The cost of these measures will be the school district's responsibility.

NEW BUSINESS FOR CONSIDERATION AND ACTION:

RESOLUTION 14-047

APPOINT LYNNETTE ZISKIN TO THE JENKINS PARK ADVISORY BOARD.

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to appoint Lynnette Ziskin to the Jenkins Park Advisory Board for a term commencing January 1, 2014 and ending December 31, 2018.

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

Nays 0

RESOLUTION 14-048

APPOINT PETER PETRILLOSE TO THE JENKINS PARK ADVISORY BOARD.

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to appoint Peter Petrillose to the Jenkins Park Advisory Board for a term commencing January 1, 2014 and ending December 31, 2018.

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

Nays 0

RESOLUTION 14-049

APPOINT JASON BIKOWICZ TO THE BOARD OF ASSESSMENT REVIEW.

A motion was made by Councilwoman Stewart and seconded by Councilman Goslin to appoint Jason Bikowicz to the Board of Assessment Review to complete the unexpired term of Charles Merriam commencing March 11, 2014 and ending September 30, 2015.

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

Nays 0

RESOLUTION 14-050

REAPPOINT LEE-ANN MERTZLUFFT TO THE ETHICS BOARD.

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Stewart to reappoint Lee-Ann Mertzluft to the Ethics Board for a term commencing January 1, 2014 and ending December 31, 2018.

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

Nays 0

RESOLUTION 14-051

APPOINT MICHAEL PREZIOSO AS CHAIRMAN TO THE ETHICS BOARD.

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to appoint Michael Prezioso as Chairman to the Ethics Board for a term commencing March 11, 2014 and ending at the organizational meeting in January 2015.

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

Nays 0

RESOLUTION 14-052

APPROVE THE REQUEST BY TOUR DE CURE.

A motion was made by Councilman Goslin and seconded by Councilman Antoski to approve the request by Tour de Cure to use the Veterans Memorial Bike Path and the Outlet Road Parking Area for Sunday, June 1, 2014 from 6:00 a.m. to 10:30 a.m.

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

Nays 0

RESOLUTION 14-053

AUTHORIZE THE SUPERVISOR TO ENTER INTO A CONTRACT FOR LEGAL SERVICES WITH JAMES BREEN ESQ.

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to authorize the Supervisor to enter into a contract for legal services with James Breen, Esq. on a temporary basis at a rate of \$150 per hour.

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

Nays 0

RESOLUTION 14-054

AUTHORIZE THE SUPERVISOR TO ENTER INTO A CONTRACT WITH JOANN DALAKOS FOR CLERICAL AND FINANCIAL ASSISTANCE.

A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to authorize the Supervisor to enter into a contract with Joann Dalakos for clerical and financial assistance related to our audit and support of the Town Hall at a rate of \$15 per hour for 15 to 20 hours of work per week. This contract will expire at the end of the year.

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

Nays 0

RESOLUTION 14-055

ENTER INTO EXECUTIVE SESSION FOR DISCUSSION CONCERNING PENDING LITIGATION ON 14 LAKEHILL ROAD AND DOLOMITE.

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to Enter into Executive Session for discussion concerning pending litigation concerning pending litigation on 14 Lakehill Road and Dolomite.

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

Nays 0

The Board entered into Executive Session at 9:30 p.m.

RESOLUTION 14-056

RETURN TO REGULAR SESSION

A motion was made by Councilwoman Stewart and seconded by Councilman Szczepaniak to return to Regular Session.

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

Nays 0

The Town Board returned to regular session at 10:10 p.m. and the following action was taken.

RESOLUTION 14-057

AUTHORIZE THE TOWN ATTORNEY TO PROCEED WITH THE RENOTICE OF LIGHT INDUSTRIAL LEGISLATION, WITH PUBLIC HEARING, COMPLETION OF A NEW SEQRA FORM AND NOTIFICATION OF THE PROPER AUTHORITIES AND NEIGHBORING MUNICIPALITIES.

A motion was made by Councilwoman Stewart and seconded by Councilman Szczepaniak to authorize the Town Attorney to proceed with the renotice of Light Industrial Legislation with public hearing, completion of a new SEQRA form and notification of the proper authorities and neighboring municipalities.

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

Nays 0

RESOLUTION 14-058

AUTHORIZE THE TOWN ATTORNEY TO EXTEND THE TIME ALLOTTED FOR REPLY TO OUR ANSWER TO DOLOMITE LAWSUIT.

A motion was made by Councilwoman Stewart and seconded by Councilman Szczepaniak to authorize the Town Attorney to extend the time allotted for reply to our answer to the Dolomite lawsuit.

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

Nays 0

RESOLUTION 14-059

AUTHORIZE THE TOWN ATTORNEY TO ACCEPT THE SETTLEMENT OFFER FOR 14 LAKEHILL ROAD LAWSUIT.

A motion was made by Councilwoman Stewart and seconded by Councilman Szczepaniak to authorize the Town Attorney to accept the settlement offer for 14 Lakehill Road lawsuit.

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

Nays 0

A motion was made by Councilwoman Stewart and seconded by Councilman Szczepaniak to adjourn the meeting at 10:14 p.m.

Respectfully submitted,

Carol R. Shemo
Town Clerk