

A regular meeting was held by the Town Board of the Town of Ballston on Tuesday evening, April 14, 2015 at the Town Hall on Charlton Road.

**PRESENT:**

Tim Szczepaniak	Councilman
Bill Goslin	Councilman
Kelly Stewart	Councilwoman
John Antoski	Councilman
Carol Shemo	Town Clerk

**ABSENT:**

Patrick Ziegler	Supervisor
James Walsh	Counsel

Deputy Supervisor Szczepaniak called the meeting to order at 6:40 p.m. and the Pledge of Allegiance was recited.

**CORRESPONDENCE**

The Town Clerk read a letter from Ruth Schottman asking for the Town to provide a bench along the Ballston Veterans Memorial Bike Trail.

Supervisor Ziegler entered the meeting at 6:45 p.m.

Town Attorney entered the meeting at 6:50 p.m.

**REPORTS OF TOWN OFFICIALS**

Building Inspector Thomas Johnson, Highway/Water Superintendent Joseph Whalen, Dog Control Officer Thomas Shambo, Library Board of Trustees Member Susan Slovic and Town Clerk Carol Shemo submitted reports for March and they are on file in the Town Clerk's Office.

Dr. David Pierce gave a report on the water testing in the Ballston Lake Watershed. The Town Board, acting as the Board of Health, voted to have the water testing in this area so they could monitor the fecal coliform and total coliform bacteria levels of the water flowing through the Town. All water samples are analyzed by Darrin Fresh Water Institute at Bolton Landing on Lake George. Dr. Pierce reviewed the testing data and a copy of the results is on file in the Town Clerk's Office. Dr. Pierce answered the following questions:

Supervisor Ziegler asked who determines the critical level standards.

Dr. Pierce answered the EPA.

Councilman Antoski asked what causes the disparity in the coliform levels in the same tested area.

Dr. Pierce replied that the disparity may be due to the amount of rainfall flushing the stormwater system, failing septic systems and the dairy farm runoff could affect the changes in the levels.

Councilwoman Stewart asked if the levels in Ballston Lake are below the thresholds.

Dr. Pierce responded that there is twenty years of testing of the lake and the levels are well below the thresholds. He will send that information to the Town.

Mr. Hamelink added the issue in the lake concerns phosphorus not fecal coliform.

Councilman Goslin thanked Dr. Pierce for all his work. He reported that the Town is creating a watershed protection plan for the lake.

Councilman Szczepaniak also thanked Dr. Pierce for a job well done. He asked if the Town Board could help with any of his concerns with monitoring the water quality.

Dr. Pierce expressed his concerns with the stormwater regulations for developments. A developer can meet the regulations under DEC and Army Corps of Engineers but still not be

installing the best stormwater management plan.

Supervisor Ziegler said the Board would appreciate any input on stormwater management from Dr. Pierce when we are reviewing the Comprehensive Plan.

**RESOLUTION 15-48**  
**APPROVE THE SUPERVISOR'S FINANCIAL REPORT FOR THE MONTH OF**  
**MARCH 2015.**

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Stewart to approve the Supervisor's Financial Report for the month of March.

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

Nays 0

**SUPERVISOR'S REPORT**

Supervisor Ziegler reported the following:

- Mortgage tax remained the same and it should be what we anticipated this year.
- The Zoning Committee has made a good start. We have drafts on: noise ordinance, flag lots, private roads and septic replacement in Ballston Lake Waterfront Area. This information will be posted on the Town's website for residents review when the reports are finalized.
- There will be a meeting on Friday, April 24<sup>th</sup> at 7:30 a.m. to address design standards for businesses.
- The Town Attorney will provide a first draft of a short term moratorium on high density development particularly in the Ballston Lake Residential District without impacting our TDR program. The moratorium will be very limited in scope and time frame.

Matthew Hagan from Boy Scout Troop 54 asked the Town Board's permission for his Eagle Scout project, building bike trail benches on the Veterans Memorial Bike Path. The total cost of the project is \$1500. He would like to put donor plaques, memorial or business advertising, on the benches to raise funds for his project. Highway Superintendent Whalen volunteered to help with crushed stone, possibly wood and department help.

Supervisor Ziegler said the Board would be happy to help with the project cost. Matthew needs to have the Highway Superintendent's approval for bench location along the trail.

Jacob Smithgall from Boy Scout Troop 83 requested the Town Board's permission to build a bench for the Town Fishing Pier and to add garbage cans with mounts on the fishing pier and the parking lot. The cost of the project will be \$600 and he will try to get donations of material for his project.

Supervisor Ziegler said the Board would be happy to help with the cost of his project. He will need Highway Superintendent's approval for the size and design of the bench and cans; he should check on the garbage pickup schedule.

**COUNCIL MEMBERS' REPORTS**

Councilwoman Stewart reported the following:

- The resident, who had planned to be the Chairperson of the Parks and Recreation Committee, has declined the position.
- She has worked with Building Inspector Johnson and Planning Board Chairman Richard Doyle on the engineering fees. Councilwoman Stewart said that 50% of the fees are due at the submission of the concept. If no engineering work is done, the Town should return the fees. She believes that the Building Inspector was given the authority by Town Board resolution to set the fees.

Town Attorney Walsh said the Town Board will need final action on the fees.

Councilman Szczepaniak reported on the following:

- The spring work party will be held at Jenkins Park this Saturday from 9 a.m. – 12p.m. and the Annual Meeting will be May 27 from 7 p.m. -8 p.m. He showed the new flyer the Jenkins Park District Committee sent out to park residents.
- He thanked Building Inspector Johnson for developing the job description for the Assistant Building Inspector position.  
Town Attorney Walsh recommends the Board add a resolution for this job description and have it sent to the County so they can move forward with this appointment.
- The Association of Towns classes were very helpful. He attended the following classes: personnel and collective bargaining, hiring a critical success factor, bond financing and establishing an account for reserves.

### **OLD BUSINESS**

#### 1. Connolly Road

Supervisor Ziegler thanked Town Attorney Walsh and Attorney Matthew Chauvin for their work on the ownership of Connolly Road and Powers Lane. They needed to determine whether the residents have ownership or right-of ways of the road and do they have the right to give easements. Town Attorney Walsh reported that the title search is 95% done and the reciprocal easements will be attached to the deeds of all homeowners. Four years ago, the railroad earmarked money to improve road conditions so that people will have adequate emergency service from the Town. The outstanding issue is to establish a Homeowners Association with respect to the maintenance and upkeep of the road. We are moving forward and hope to have this resolved by summer.

#### 2. Hawkwood Property and the Schidzick Estate

Town Attorney reported that the Town has requested an accounting of the Schidzick Estate. The judge has made it clear that there will be no more delays and we should expect to receive this information by the end of April. The Town has spent fourteen years waiting for this benefit. An entire generation of Town of Ballston residents has missed out on the benefits of a passive park.

Councilman Goslin added that someone has been getting paid and subtracting from our benefit that the Town would receive from the estate.

#### 3. Burnt Hills Bowling Alley Cleanup

Building Inspector Johnson sent a certified letter to the owner that the property needed to be cleaned up. Town Attorney Walsh followed with letter giving the owner until May 15<sup>th</sup> to clean up his property or the Town would hire a company to complete the cleanup and the cost would be levied on his tax bill.

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

#### **RESOLUTION 15-49**

#### **APPROVE THE APPOINTMENT OF JODI HOLLOWOOD TO THE POSITION OF DEPUTY TOWN CLERK**

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Stewart to approve the appointment of Jodi Hollowood to the position of Deputy Town Clerk at a salary of \$15 per hr. commencing April 15, 2015. The Deputy Town Clerk acts for and in place of the Town Clerk and this position is pending classification with New York State Civil Service.

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

Nays 0

#### **RESOLUTION 15-50**

#### **APPROVE MATTHEW HAGAN'S EAGLE SCOUT PROJECT TO INSTALL PARK BENCHES ALONG THE VETERANS BIKE PATH.**

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to approve Matthew Hagan's Eagle Scout Project to install park benches along the Veterans Bike Path and to authorize up to \$1500 of parks and recreation fees for this project.

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

Nays 0

**RESOLUTION 15-51**

**APPROVE JACOB SMITHGALL'S EAGLE SCOUT PROJECT TO INSTALL A PARK BENCH AT THE FISHING PIER AND GARBAGE CANS WITH A PERMANENT BASE.**

A motion was made by Councilman Goslin and seconded by Councilman Antoski to approve Jacob Smithgall's Eagle Scout Project to install a park bench at the Fishing Pier and garbage cans with a permanent base and to authorize up to \$750 of parks and recreation fees to be used for this project.

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

**RESOLUTION 15-52**

**AUTHORIZE THE BHBLBPA TO HOLD THE FLAG DAY PARADE ON JUNE 11, 2015 AND OBTAIN ANY AND ALL REQUIRED PERMITS FROM THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION.**

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to authorize the BHBLBPA to hold the Flag Day Parade on June 11, 2015 and obtain any and all required permits from the New York State Department of Transportation.

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

**RESOLUTION 15-53**

**APPROVE ANNUAL HIGHWAY SCHOOL FOR HIGHWAY SUPERINTENDENT JOSEPH WHALEN AT ITHACA COLLEGE FOR JUNE 1-3, 2015.**

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Stewart to approve Annual Highway School for Highway Superintendent Joseph Whalen at Ithaca College for June 1-3, 2015.

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

**RESOLUTION 15-54**

**APPROVE THE APPOINTMENT OF TIMOTHY LONG AS AN ALTERNATE MEMBER TO THE ZONING BOARD OF APPEALS FOR A TERM COMMENCING APRIL 14, 2015.**

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Stewart to approve the appointment of Timothy Long as an Alternate Member to the Zoning Board of Appeals for a term commencing April 14, 2015.

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

**RESOLUTION 15-55**

**ACCEPT THE ROADS, WATERLINE AND STORM SEWERS IN THE STONEBRIDGE PHASE IIB (ALSO KNOWN AS STONEBRIDGE PHASE III).**

A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to accept the roads, waterline and storm sewers in the Stonebridge Phase IIB (also known as Stonebridge Phase III).

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

**RESOLUTION 15-56**

**APPROVE THE DEDICATION OF THE WATER LINE FOR PHASE II SPRINGWOOD MEADOWS.**

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to approve the dedication of the water line for Phase II Springwood Meadows.

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

Nays 0

**RESOLUTION 15-57**

**APPROVE THE CONTRACT FOR COURT SECURITY WITH COMMAND SECURITY SERVICE WITH THE SAME RATES AS LAST YEAR.**

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to approve the contract for the court security with Command Security Service with the same rates as last year.

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

Nays 0

**RESOLUTION 15-58**

**APPROVE THE TOWN CLEANUP OF THE FIRE DEBRIS AT THE BURNT HILLS BOWLING ALLEY IF THE SITE IS NOT REMEDIATED BY THE PROPERTY OWNER BY MAY 15, 2015.**

A motion was made by Councilwoman Stewart and seconded by Councilman Goslin to approve the Town cleanup of the fire debris at the Burnt Hills Bowling Alley if the site is not remediated by the owner by May 15, 2015. The Town will hire the cleanup service and the cost of the cleanup will be levied on the property owner's County and Town Tax Bill.

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

Nays 0

**RESOLUTION 15-59**

**AUTHORIZE PERMISSION FOR THE BH-BL TEACHERS ASSOCIATION TO USE THE TOWN ROADS FOR THE 5K COMMUNITY FUN RUN AND WALK ON MAY 9, 2015.**

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to authorize permission for the BH-BL Teachers Association to use Town roads for the 5K community fun run and walk on May 9, 2015.

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

Nays 0

**RESOLUTION 15-60**

**SET A PUBLIC HEARING FOR LOCAL LAW 1 OF 2015 AMENDING THE TOWN CODE OF THE TOWN OF BALLSTON, ZONING §§ 138.-23-27 AND THE NEW YORK STATE TOWN LAW §§261-C AND 264 CONCERNING NOTIFICATION MAILINGS FOR SPECIAL USE PERMITS FOR MAY 12, 2015 AT 6:20 P.M.**

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to set a public hearing for Local Law 1 of 2015 amending the Town Code of the Town of Ballston, Zoning §§138.-23-27 and the New York State Town Law §§261-C and 264 concerning notification mailings for Special Use Permits for May 12, 2015 at 6:20 p.m.

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

Nays 0

**RESOLUTION 15-61**

**APPROVE THE JOB DESCRIPTION FOR THE ASSISTANT BUILDING INSPECTOR**

A motion was made by Councilman Goslin and seconded by Councilman Antoski to approve the job description for the Assistant Building Inspector.

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

Nays 0

## **DISCUSSION**

### **1. Katz Route 50 PUDD**

Town Attorney Walsh said it was brought to the Town Board's attention that the Katz Route 50 PUDD has been languishing for the last eighteen months. This issue happened prior to the Town Supervisor's tenure when the Town Board named itself Lead Agency for the Katz Route 50 PUDD. The Town Board realizes that it does not have the expertise to deal with these issues, whereas, the Planning Board considers these issues of traffic control, stormwater management, SEQRA and site plan on a regular basis. The Town Board agreed to forward the Katz Rout 50PUDD to the Planning Board so that they can name themselves Lead Agency

Supervisor Ziegler apologized to Mr. Katz for the delay and miscommunication.

## **RESOLUTION 15-62**

### **AMEND RESOLUTION 13-244 NAMING THE TOWN BOARD AS LEAD AGENCY FOR THE KATZ ROUTE 50 PUDD. THE TOWN BOARD FORWARDS THE KATZ PUDD TO THE PLANNING BOARD SO THAT THE PLANNING BOARD CAN DECLARE ITSELF LEAD AGENCY.**

A motion was made by Councilwoman Stewart and seconded by Councilman Szczepaniak to amend Resolution 13-244 naming the Town Board as Lead Agency for the Katz Route 50 PUDD. The Town Board forwards the Katz Route 50 PUDD to the Planning Board so that the Planning Board can declare itself Lead Agency.

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

### **2. Sewer District**

Councilman Goslin reported that there will be a sewer meeting on Monday, April 27<sup>th</sup> to discuss the sewer district. Delaware Engineering will do a short presentation and go through the steps of the recommended process. The Board can review the draft intermunicipal agreement, the draft, plan and report of the sewer district and the creation of the district proceeding with either 12 or 12 A. Mr. Hamelink, Chairman of the Sewer Committee, said the Town needs to consider two legal steps: acceptance of the Intermunicipal Agreement with Clifton Park and the Maintenance Agreement between the Town of Ballston and the Saratoga County Sewer Commission. The Town Board will be fully informed to their options so we can consider how to move forward with the sewer district. There will be a new website called [www.ballstonsewers.org](http://www.ballstonsewers.org) for all the updated sewer documents.

Supervisor Ziegler would like the Town Engineer to attend the meeting.

### **3. Agenda Meetings Changes**

Councilman Szczepaniak noted that at the agenda meeting the department heads and committee representatives will speak first.

Supervisor Ziegler added that we will have Privilege of Floor prior to new business so Town residents can address the resolutions the Board will be voting on that evening. This will be in addition to the Privilege of the Floor at the conclusion of the meeting.

### **4. Water District Consolidation**

Town Attorney Walsh spoke with Bond Counsel Karen Martell and she recommended the law firm of Tabner, Ryan and Keirney for the water consolidation project. They will give the Town an estimate of the cost of the consolidation by the end of April.

## **PRIVILEGE OF THE FLOOR**

*Mr. Matt Duemler* asked the Town Board for their advice for installing a solar collection system. He owns two properties; one lies in front of the other and he would like to install the solar panel in his front yard of the rear property. The Town Code has regulations concerning solar collection systems that do not allow for this construction.

Town Attorney Walsh will speak with the Attorney for Zoning and Planning concerning modification of the solar collection system language in a rural zone.

*Mr. Ray Otten* representing the Ballston Spa Rotary and the Ballston Spa Lions Club reported on the informational seminar on "This Is Who We Are". Experts will speak on the history, business

associations, Chamber of Commerce, emergency services and volunteer services in the area. This forum on Ballston Spa will be on Saturday, April 18<sup>th</sup> from 9:30 a.m. to 2:00 p.m. at the First Presbyterian Church in Ballston Spa.

A motion was made by Supervisor Ziegler and seconded by Councilman Szczepaniak to adjourn the meeting. The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Carol R. Shemo  
Town Clerk