

A regular meeting was held by the Town Board of the Town of Ballston on Tuesday evening, May 12, 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
James Walsh	Counsel

**ABSENT:**

Patrick Ziegler	Supervisor
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Deputy Supervisor Szczepaniak called the meeting to order at 6:35 p.m. and the Pledge of Allegiance was recited.

Deputy Supervisor Szczepaniak attended a Jenkins Park Advisory Board Meeting where Reality Check, a youth-led committee to educate the community about living tobacco-free, gave a presentation in support of a tobacco-free Jenkins Park. He invited the group to this evening's meeting to give their presentation.

Program Coordinators Heather LaSalvia of Reality Check and Brandi Bishop of Glens Falls Hospital introduced BH-BL High School students Lauren Szczepaniak, Riley Sheedy and Elainna Taplin. Each student presented facts about the dangers of smoking and especially the effects of secondhand smoke on children. Elainna Taplin reported they had 200 signatures in support of a tobacco-free Jenkins Park including the Stevens PTA and Charlton Heights PTA. Riley Sheedy stated that 80% of smokers started before the age of 18 with the average initiation age of 12. Lauren Szczepaniak reported that Reality Check solution is a 100% smoke free policy and they will supply free signs designating Jenkins Park as tobacco-free.

Deputy Supervisor Szczepaniak thanked the students for their efforts and added that the Town Board will consider a resolution in support of creating a tobacco-free Jenkins Park this evening. The only concern is that there is minimal signage at the entrance and pavilion at Jenkins Park.

Councilman Goslin thanked Glens Falls Hospital for their initiative with their grant funding so that the local youth can move this program forward. It is important to make changes in behaviors that can have a great impact on health.

Councilwoman Stewart added that she hopes to propose this tobacco-free policy in our Town-wide park.

**CORRESPONDENCE**

The Town Clerk read a letter from the New York State Department of Transportation concerning the speed limit request for Lancaster Court and Chapel Hill Boulevard. The characteristics of these roads are consistent with other development roads in the Town of Ballston and Saratoga County. The operating speeds overall are in line with a 30 mph speed zone and enforcement tends to be self-regulating, as is the case on the majority of residential streets. The New York State Department of Transportation determined that further review of Lancaster Court or Chapel Hill Boulevard is not justified.

**REPORTS OF TOWN OFFICIALS**

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

**REPORTS FROM COMMITTEES**

Dennis Pokrzywka, a member of the Jenkins Park Advisory Board, reported that the Annual Meeting will be on May 27<sup>th</sup> at 7p.m. Spring Cleanup Day at the park had great community participation. It is a shining example of what can be accomplished with the commitment and support of Town residents. The ball team is doing a great job on the maintenance of the park.





Dr. Pierce replied that the purpose is to evaluate the watershed area and the effect on the lake. After analysis of the evaluation, they will draw up a plan. This plan will enable the Town to be in the best position available to get grants.

**RESOLUTION 15-68**  
**ESTABLISH A BALLSTON LAKE WATER QUALITY PROTECTION AND MANAGEMENT COMMITTEE**

A motion was made by Councilman Goslin and seconded by Councilman Antoski to establish a Ballston Lake Water Quality Protection and Management Committee with the following members: David Decker, Scott Kishbaugh, Patrick Ziegler, Joseph Whalen, Peter Herman, David Pierce, Blue Niles, Dustin Lewis, Robert Streeter, Daniel Harp, Scott Miller, William Goslin, Kathryn Serra and James Walsh.

ADOPTED Ayes 4 Councilman Szczepaniak, Councilman Goslin,  
Councilwoman Stewart and Councilman Antoski  
Nays 0

**RESOLUTION 15-69**  
**APPROVE THE 2015 STANDARD WORKDAY RESOLUTION.**

A motion was made by Councilwoman Stewart and seconded by Councilman Goslin to approve the Standard Workday Resolution for 2015.

ADOPTED Ayes 4 Councilman Szczepaniak, Councilman Goslin,  
Councilwoman Stewart and Councilman Antoski  
Nays 0

**RESOLUTION 15-70**  
**SET A BID OPENING FOR THE LIBRARY FIRST FLOOR RENOVATIONS PROJECT FOR JUNE 2, 2015 AT 3 P.M. AT THE BALLSTON TOWN HALL.**

A motion was made by Councilman Goslin and seconded by Councilman Antoski to set a bid opening for the library first floor renovations project for June 2, 2015 at 3 p.m. at the Ballston Town Hall.

ADOPTED Ayes 4 Councilman Szczepaniak, Councilman Goslin,  
Councilwoman Stewart and Councilman Antoski  
Nays 0

**RESOLUTION 15-71**  
**APPROVE A RESOLUTION MAKING JENKINS PARK A TOBACCO-FREE ZONE.**

**RESOLUTION**  
**Town of Ballston**  
**Ballston Spa, New York**

**Introduced by: Councilman Goslin**  
**Seconded by: Councilwoman Stewart**

**RESOLUTION CREATING TOBACCO-FREE JENKINS PARK**

WHEREAS, the Jenkins Park Board has requested that Jenkins Park be designated as tobacco-free, and

WHEREAS, smoking is responsible for the premature deaths of over 430,000 Americans each year from lung cancer, heart disease, respiratory illness and other diseases, and

WHEREAS, children exposed to secondhand smoke are more likely to have reduced lung function and symptoms of respiratory irritation, like coughing, excess phlegm and wheezing, and

WHEREAS, children with asthma who are exposed to secondhand smoke are especially at risk for having their condition worsened by secondhand smoke, and

WHEREAS, secondhand smoke is responsible for over 50,000 deaths among nonsmokers each year, and

WHEREAS, tobacco kills more Americans each year than alcohol, cocaine, crack, heroin, homicide, suicide, accidents, fires, and AIDS combined, and

WHEREAS, 80% of smokers started smoking before the age of 18, and the average initiation age is 12 years old, and

WHEREAS, every day, an estimated 3,900 young people under the age of 18 try their first cigarette, 1000 young people become addicted to tobacco. Roughly a third of all kids who become regular smokers before adulthood will eventually die from smoking, and

WHEREAS, to help role model non-smoking behavior to children and youth; to provide children, youth and their families with a safe smoke-free environment, now, therefore, be it

RESOLVED, that the Ballston Town Board of the State of New York designates Jenkins Park as tobacco-free\* which includes e-cigarettes and a celebratory community event will be hosted in honor of policy being put into effect and be it

FURTHER RESOLVED, that minimal appropriate signs will be posted designating the park as tobacco-free.

Town of Ballston } ss.:  
STATE OF NEW YORK

I, the undersigned, Town Clerk of the Ballston Town Board, DO HEREBY CERTIFY that the above is an original resolution of such Legislation duly adopted on the 12th day of May, 2015, by a majority of the members elected to the Town Board.

I FURTHER CERTIFY that at the time said resolution was adopted said by Town Board comprised of 4 members.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town Board this 18th of, 2015

Date sent to Town Supervisor May 18, 2015

Approved \_\_\_\_\_  
Town Supervisor

\_\_\_\_\_  
Clerk, Town of Ballston

Date \_\_\_\_\_

**RESOLUTION 15-72**

**APPROVE LOCAL LAW 1 OF 2015 CONCERNING A CHANGE TO THE TOWN CODE, ZONING §§138-23 – 27 REQUIRING CERTIFIED MAIL NOTICE TO ALL PERSONS AFFECTED BY CHANGES TO THE USE OF PROPERTY. THE TOWN BOARD HAS IMPLEMENTED A REGULAR MAIL NOTICE TO ALL PERSONS WITHIN 500' OF A CHANGE IN PROPERTY USE.**

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to table Local Law 1 of 2015 concerning a change to the Town Code, Zoning §§138- 23 27 requiring certified mail notice to all persons affected by changes to the use of property. The Town Board has implemented a regular mail notice to all persons within 500' of a change in property use.

The Town Board is considering an amendment to the Town Code, Solar Collection Systems, Section 89-4(D)(3) to read as follows:

The unit must be installed in a side or rear yard, unless an area variance is granted by the Zoning Board of Appeals. Such area variance will be obtained from the Zoning Board of Appeals, who will issue said area variance based upon the criteria found in Section 267-b 3 of the Town Law of the State of New York.

The Town Board will need to hold a public hearing to consider this change to the Town Code, Local Law 2 of 2015.

**RESOLUTION 15-73**

**SET A PUBLIC HEARING ON LOCAL LAW 2 OF 2015 AN AMENDMENT TO THE TOWN CODE TO THE SOLAR COLLECTION SYSTEM FOR JUNE 9, 2015 AT 6:20 P.M.**

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to set a public hearing on Local Law 2 of 2015 for an amendment to the Town Code to the Solar Collection System for June 9, 2015 at 6:20 p.m.

**RESOLUTION 15-74**

**APPOINT MICHAEL ALLOCCO TO THE PARKS AND RECREATION COMMITTEE**

A motion was made by Councilwoman Stewart and seconded by Councilman Goslin to appoint Michael Allocco to the Parks and Recreation Committee for a term commencing May 12, 2015 and ending May 31, 2020.

ADOPTED Ayes 4 Councilman Szczepaniak, Councilman Goslin,  
Councilwoman Stewart and Councilman Antoski

Nays 0

**RESOLUTION 15-75**

**AUTHORIZE THE TOWN ATTORNEY TO START A SEARCH FOR OUTSIDE COUNSEL TO ADDRESS THE NEEDS AND REQUIREMENTS FOR THE ESTABLISHMENT OF THE SEWER DISTRICT.**

A motion was made by Councilman Goslin and seconded by Councilman Antoski to authorize the Town Attorney to start a search for outside counsel to address the needs and requirements for the establishment of the sewer district.

ADOPTED Ayes 4 Councilman Szczepaniak, Councilman Goslin,  
Councilwoman Stewart and Councilman Antoski

Nays 0

**DISCUSSION**

**1. Credit Card System**

Deputy Supervisor Szczepaniak reported that the Town is looking into several options. Deputy Town Clerk Carol Gumieny arranged a meeting with GovPayNet and Town departments to consider the best processing service for the Town. Councilman Goslin said our IT provider should be able direct us to a credit card processing service.

**Air Conditioning for the Meeting Room**

Next week a service person from Rowland J. Downs will provide an estimate for this project.

**2. Audiovisual Equipment for the Meeting Room**

Councilman Antoski reported that Ray Supply, the company that handled the audiovisual equipment for the Town of Ballston Community Library, will submit a proposal this week.

**PRIVILEGE OF THE FLOOR**

*Dr. Pierce* said at the April 14<sup>th</sup> Town Board Meeting, Councilman Szczepaniak asked what can the Town Board do to assist with the quality of water and the watershed. In 2005, the Ballston Land Conservation Committee presented a report to the Town called the Stream Corridor Protection Report. He would like to know if there were any buffer zones established or regulated at this time. There were many suggestions and references to other towns in this report, as well as, recommendations. There are many projects that come before the Planning Board and they do not have the regulations that they need to make judgements on wetland protection. *Dr. Pierce* believes the Town Board should review the 2005 document and prioritize the issues that need to be addressed.

Councilwoman Stewart stated that there are subdivisions where the Town required conservation easements. A certain portion of each lot was preserved exactly as it is, so apparently the Town does have regulations in place. These restrictions were included in their deeds.

Building Inspector Johnson said in 2006 the buffer zones were proposed but not established. Mr. Johnson added that the areas that were conserved on each property were under the owner of that property. For example, Beacon Hill Subdivision had land protected areas proposed as part of the language of the PUDD and the property restrictions were included in the owner's deed.

Mr. Johnson answered that these restrictions are very hard to enforce because people in a subdivision do not want to take their neighbors to court.

*Mr. Charles Curtiss*, speaking as a member of the Farmland Protection and Preservation Committee, said the sewer district is an important issued for them and they would like to receive reports of those meetings.

**RESOLUTION 15-76**

**ENTER INTO EXECUTIVE SESSION TO DISCUSS NEGOTIATIONS WITH THE TEAMSTERS UNION FOR THE HIGHWAY EMPLOYEES CONTRACT AND TO DISCUSS LITIGATION CONCERNING THE BOWLING ALLEYCLEANUP.**

A motion was made by Councilwoman Stewart and seconded by Councilman Antoski to enter into Executive Session to discuss negotiations with the Teamsters Union for the Highway Employees Contract and to discuss possible litigation concerning the Bowling Alley Cleanup

ADOPTED Ayes 4 Councilman Szczepaniak, Councilman Goslin,  
Councilwoman Stewart and Councilman Antoski

Nays 0

The Town Board entered into Executive Session at 8:05 p.m. and returned to Regular Session at 8:30p.m.

**RESOLUTION 15-77**

**RETURN TO REGULAR SESSION**

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

ADOPTED Ayes 4 Councilman Szczepaniak, Councilman Goslin,  
Councilwoman Stewart and Councilman Antoski

Nays 0

No action was taken on the items discussed in Executive Session.

A motion was made by Councilman Goslin and seconded by Councilman Antoski to adjourn the meeting. The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Carol R. Shemo  
Town Clerk