

A regular meeting was held by the Town Board of the Town Ballston on Tuesday evening, June 9, 2015 at the Town Hall on 323 Charlton Road, Ballston Spa, New York.

**PRESENT:**

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

**ABSENT:**

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

In memory of Joseph Pollard, Councilman Goslin read the Town Board Resolution 15-021 honoring him.

**PRESENTATION ON WATER DISTRICT CONSOLIDATION**

William F. Ryan, Esq. with the firm Tabner, Ryan and Keniry LLP, outlined the new statute, Article 17-A of General Municipal Law, Consolidation of Local Government that was initiated three years ago. Consolidation is commenced by a resolution of the Town Board endorsing a joint consolidation agreement between the Town and the special districts. The content of proposed joint consolidation agreement is outlined in §752 of General Municipal Law. Five business days after the resolution is approved, the proposed joint consolidation agreement is displayed at the Town Hall and on the website. The notice of publication is advertised in the Town's newspaper for four successive weeks. The public hearing must be held not less than thirty-five days and not more than ninety days after the commencement of the consolidation proceedings. The notice of the public hearing on the commencement of consolidation proceedings must be advertised in the Town's newspaper, at least 10 days not more than 20 days, containing a descriptive summary of the proposed joint consolidation agreement. The approval of the agreement must occur within 180 days of the final hearing. At the effective date of the consolidation, all valid debts and liabilities existing against a consolidated local entity shall be deemed and taken to be like debts against the consolidated local governmental entity. All bonds and obligations of the component entities shall be deemed like obligations of the consolidated local government entity.

Kathryn Serra P.E, Town Engineer, will offer general assistance to Mr. Ryan. CT Male did the 2013 Water District Consolidation Report for the Town and that will be updated this year. The update will include the new water district extensions since 2013 including the additional homes that are now part of the water district.

Mr. Ryan added that the new legislation does not require a map, plan and report prepared by the engineer but he recommends the Town provide a map, plan and report in the interest of transparency. He will rely heavily on the map, plan and report for a large part of the joint consolidation agreement.

Councilwoman Stewart asked if there was a provision for a permissive referendum.

Supervisor Ziegler asked about consolidating debts. Would all water users have to pay for all debts? The language limiting lateral connections in an Agricultural District does it carry over?

Attorney Ryan said all former debt of the extensions and the districts go into the consolidation district and that debt becomes the debt of the entire district. There is no provision for permissive referendum for water district consolidation.



projections for many months. We projected a 3% increase over last year.

2. The Living Hope Church had a lovely ceremony to mark the opening of their wonderful community. The church plans to be active inside and outside its walls.
3. The Zoning Committee continues to make progress. We are drafting real language to make our zoning in line with our Comprehensive Plan. He thanked Tom Johnson, Dick Doyle, Joan Pott and Planner Nan Stolzenburg. The committee is going to continue as an ad hoc committee with the purpose of looking at density especially in the Ballston Residential Zone. A committee chair is needed.

## **COUNCIL MEMBERS REPORTS**

**Councilwoman Stewart** said she will begin training the staff in the prevention of workplace violence.

**Councilman Goslin** reported the following:

1. The Board needs to address the need for reliable backup for the dog control.
2. There was reported theft of water service on Lakehill Road in May. The Water Superintendent and the Fire Chief both responded to the scene. The Supervisor and the Town Attorney are investigating the theft.
3. He thanked the people who worked on the school crossing on Lakehill Road. It is a great success.
4. The radar signs are having impact on Forest Road.
5. He is happy to see the cleanup of the Bowling Alley in progress.
6. The Town Board needs to address the high density residential development by approving a Moratorium. He read in the newspaper that the Town of Ballston is the fastest growing Town in NYS by percent of population.

Supervisor Ziegler said with this moratorium the Board will look at high density, multi-family, major subdivisions across Town, not commercial projects.

Town Attorney Walsh stated that he has sent a draft of the language of the moratorium to the Attorney for Planning and Zoning, Peter Reilly, for his review.

## **OLD BUSINESS**

### **1. Schidzick Estate/Hawkwood Property**

Town Attorney Walsh reported that the parties met today in court. The trust has come up with a plan for the owners of the Hawkwood Property to sell the property to the trust and grant a conservation easement to Saratoga P.L.A.N. The trust would then give the Hawkwood Property to the Town with the conservation easement to Saratoga P.L.A.N. in place. This easement will help maintain the stipulation in the will for a forever wild park for passive recreation. There are two areas to be finalized. Saratoga P.L.A.N. wants to limit the utilization of one trail by snowmobilers; the Town does not want to interrupt the utilization of the trails by the snowmobilers. The second area of concern is with camping. Saratoga P.L.A.N. does not want to allow camping; the Town wants the ability to grant permission to scouts for the purpose of conservation and merit badges. Town Attorney Walsh is hopeful for a July 31<sup>st</sup> closing date.

### **2. Bike Path Extension**

Town Attorney Walsh is reviewing the language of the Bike Path Extension sent by National Grid. There are two steps to be done: the first step is to obtain the necessary easement and the second step is to enter into a use agreement with National Grid.

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

### **RESOLUTION 15-83**

### **APPROVE THE TOWN ASSESSOR'S ATTENDANCE AT THE CORNELL SEMINARS OFFERED BY THE NYS ASSESSOR'S ASSOCIATION FROM JULY 11-17 2015.**

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

the Town Assessor's attendance at the Cornell Seminars offered by the NYS Assessor's Association from July 11-17 2015.

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

**RESOLUTION 15-84**  
**APPROVE THE REAPPOINTMENT OF CATHY HAYDEN TO THE TOWN OF BALLSTON LIBRARY BOARD OF TRUSTEES.**

A motion was made by Councilman Antoski and seconded by Councilwoman Stewart to approve the reappointment of Cathy Hayden to the Town of Ballston Library Board of Trustees for a term commencing July 1, 2015 and ending June 30, 2020.

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

**RESOLUTION 15-85**  
**APPROVE LOCAL LAW NO. 1 OF 2015**

A motion was made by Councilman Goslin and seconded by Councilman Antoski to approve Local Law 1 of 2015, amending Chapter 138 of the Town Code, Zoning, Section 138-94 C, Special Use Permits. Section 138-94 C should read as follows:

The review board shall set a reasonable time for the public hearing of a request for a special use permit and shall give notice in the Town's official newspaper of such hearing at least five days prior to the date of such a hearing.

- (1) Adjournment of hearing. The review board may, in its discretion, adjourn the hearing for a reasonable period for the purpose of causing such further notice as it deems proper to be served upon such other property owners as determined by the review board.

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

**RESOLUTION 15-86**  
**DECLARE LOCAL LAW NO. 2 OF 2015, AMENDING SECTION 89-4 (D) (3) OF THE TOWN CODE SOLAR COLLECTION SYSTEM, A TYPE II SEQRA DECLARATION.**

A motion was made by Councilwoman Stewart and seconded by Councilman Goslin to declare Local Law No. 2 of 2015, an amendment to the Town Code Solar Collection System, a Type II SEQRA Declaration.

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

**RESOLUTION 15-87**  
**APPROVE LOCAL LAW NO. 2 OF 2015, AMENDING SECTION 89-4 (D) (3) OF THE TOWN CODE, SOLAR COLLECTION SYSTEM.**

A motion was made by Councilwoman Stewart and seconded by Councilman Goslin to approve Local Law No. 2 of 2015, amending Section 89-4 (D) (3) of the Town Code, Solar Collection System. Section 89-4 (D) (3) should 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.

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

**RESOLUTION 15-88**

**APPROVE CLOSURE OF KINGSLEY ROAD BETWEEN LAKEHILL ROAD AND THE SIDE ENTRANCE TO THE HIGH SCHOOL FOR THE LINEUP OF THE FLAG DAY PARADE ON JUNE 11, 2015 AT 6 PM.**

A motion was made by Councilwoman Stewart and seconded by Councilman Goslin to approve the closure of Kingsley Road between Lakehill Road and the side entrance to the Burnt Hills-Ballston Lake High School for the lineup of the Flag Day Parade on June 11, 2015 at 6 pm.

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

The Town Attorney has recommended the law firm of Tabner, Ryan and Keniry, LLP. to work on the water consolidation project.

Councilman Goslin said the cost of the professional service should not exceed \$25,000.

Town Attorney Walsh stated he would work on getting the best hourly rate for the Town.

**RESOLUTION 15-89**

**AUTHORIZE THE TOWN ATTORNEY TO ENTER INTO A PROFESSIONAL SERVICE AGREEMENT WITH WILLIAM F. RYAN JR. ESQ. WITH THE LAW FIRM OF TABNER, RYAN AND KENIRY, LLP ON BEHALF OF THE TOWN FOR WATER DISTRICT CONSOLIDATION AT A COST NOT TO EXCEED \$25,000.**

A motion was made by Councilwoman Stewart and seconded by Councilman Goslin to authorize the Town Attorney to enter into a professional service agreement with William F. Ryan Jr. Esq. with the law firm of Tabner, Ryan and Keniry LLP. on behalf of the Town for Water District Consolidation at a cost not to exceed \$25,000.

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

**RESOLUTION 15-90**

**APPOINT DANE MELLON AS THE SECOND ALTERNATE TO THE ZONING BOARD OF APPEALS FOR A TERM COMMENCING JUNE 9, 2015.**

A motion was made by Councilwoman Stewart and seconded by Councilman Antoski to appoint Dane Mellon as the Second Alternate to the Zoning Board of Appeals for a term commencing June 9, 2015.

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

**RESOLUTION 15-91**

**APPOINT MARK SACCO TO THE BALLSTON LAKE WATER QUALITY PROTECTION AND MANAGEMENT COMMITTEE FOR A TERM COMMENCING JUNE 9, 2015.**

A motion was made by Councilwoman Stewart and seconded by Councilman Antoski to appoint Mark Sacco to the Ballston Lake Watershed Management Plan Development Committee for a term commencing June 9, 2015.

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

**DISCUSSION**

**1. Hawkwood Property**

Resident Don Rhodes said the Hawkwood Property represents recreational, environmental protection and historic preservation opportunities for the Town. He has known the owners, the Taylor family, and they asked him to speak on their behalf. The estate has negotiated with the

Taylor family and they have no problem with the revisions that were made to the contract, they just want action. The Taylor family is pleased that the people who are using the trails continue to use them. The snowmobilers are mostly using the north part close to the park land easement. The park land easement was dedicated back in the eighties and links the property from East to West to Goode Street. Now that White Beach Road is a Town Road you can see the link up of all the trails. The language in the preservation easement is a requirement of the estate and the Taylor family; it affords the seller needed tax breaks for selling his property below market value. Mr. Rhodes said this donation could potentially be leveraged for a CFA application. He said the Town should purchase the vacant parcel on the west side of Route 50 and Middleline Road for the construction of a parking area. This purchase would correct the realignment of the road as was outlined in the Comprehensive Plan. He hoped the Town Board would pass a resolution accepting the contract with the Taylor family.

Town Attorney Walsh said the Town cannot move forward until Saratoga P.L.A.N. approves the easement. Their next meeting is at the end of July. Other actions need to happen before the contract is approved by the Town. The attorneys for the other parties, as well as the Taylor's attorney, are working on the contract.

Supervisor Ziegler has stated repeatedly that he is ready to sign the contract for Hawkwood. He will speak with Maria Trabka to find out how to leverage the property.

## **2. Sewer District**

Councilman Goslin said at the last agenda meeting a discussion was held that we would need to consider a resolution for the application for funding from the Clear Water State Revolving Fund. We need to approve an attorney to work on the map, plan and report and the IUP for engineering. The Board needs to set a date for the special referendum in September and meet the deadlines for funding.

### **RESOLUTION 15-92**

#### **AUTHORIZE THE TOWN ATTORNEY TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT FOR LEGAL SERVICES, WITH MATTHEW CHAUVIN ESQ. WITH THE LAW FIRM OF IANNIELLO ANDERSON, P.C. FOR THE SEWER PROJECT FOR A SUM NOT TO EXCEED \$40,000.**

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to authorize the Town Attorney to enter into a professional agreement for legal services, with the attorney he recommends, for the sewer project for a sum not to exceed \$40,000.

ADOPTED Ayes 4 Supervisor Ziegler, Councilman Goslin,  
Councilwoman Stewart and Councilman Antoski

Nays 0

Councilman Goslin said the Town Board should work towards a June 30<sup>th</sup> approval date of the map, plan and report for the sewer district and then set a public hearing to move forward. We will need the final engineering report from Delaware Engineering so that we can provide it to get the needed financing. The final engineering report will cost \$35,000.

Supervisor Ziegler asked Ms. Bianconi, Project Manager with Delaware Engineering, if they are anticipating any other cost increases.

Ms. Bianconi answered that this is the best cost estimate that they can give at this time and it is listed in the report as \$910. The process is an unfortunate one where, in order to learn all the things you need to know, you have to spend a fair amount of money. You have to take out a bond; in order to take out a bond, you need to form a district. You have to guess about the cost. Delaware Engineering does a lot of this work and we do it well and we come in on budget.

Councilwoman Stewart has a concern with the financing and whether we will meet the date to obtain the low interest financing.

Supervisor Ziegler added that if the project is not approved or the NYS Comptroller's Office does not approve the project because the costs are too high, the project will not be feasible. We will have spent this money and the impact is that the Town foots the bill.

### **RESOLUTION 15-93**

#### **AUTHORIZE SPENDING THE SUM NOT TO EXCEED \$35,000 FOR DELAWARE ENGINEERING TO PREPARE THE ENGINEERING REPORT AS DESCRIBED IN THE DELAWARE ENGINEERING SCOPE OF WORK AND MOVE FORWARD WITH PREPARING THE IUP AS REQUIRED FOR THE FUNDING OF THE SEWER PROJECT.**

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to authorize spending the sum not to exceed \$35,000 for Delaware Engineering to prepare the engineering report as described in the Delaware Engineering scope of work and move forward with preparing the IUP as required for the funding of the sewer project.

ADOPTED Ayes 4 Supervisor Ziegler, Councilman Goslin,  
Councilwoman Stewart and Councilman Antoski

Nays 0

### **3. Air Conditioning for the Meeting Room**

The Board reviewed the quote from J&S Property Services for the ductless split installation of air conditioning in the Meeting Room and break room. The cost of material and labor will be \$11,800 for the Meeting Room and \$2,650 for the break room. According to our procurement policy, we will need three written quotes.

### **4. Audiovisual Equipment for the Meeting Room**

Councilman Antoski received a quote for a motorized screen and projector at a cost of \$2,500 to \$3500.

### **PRIVILEGE OF THE FLOOR**

*Ms. Southworth* spoke concerning the theft of water on Lakehill Road. She said that this is a recurring issue with Capital District Pool Filling that we have had in the past. She spoke with the neighbors and they will get a license plate number if it happens again.

*Mr. Potocar* said he is concerned about a ten million dollar sewer project for a Town with nine thousand people. This is not cheap for the taxpayer. We should look into merging towns together to be able to afford projects. How can six hundred people afford a ten million dollar project?

*Ms. Hamelink* asked the Town Attorney to reiterate their concerns about the critical timeframe for the consulting attorney to review the information and have feedback by the agenda meeting so we do not lose the funding with the Clear Water State Revolving Fund.

Town Attorney Walsh said he understands that time is critical. The Town Board authorized him to enter into a professional service agreement on behalf of the Town this evening. He will inform the consulting attorney that the time is critical for this project.

*Ms. Eddy* asked if the latest map, plan and report are on the Town's website for review by residents. She asked if Clifton Park is part of the plan.

Supervisor Ziegler answered the documents are on the Town's website and all documents are on the ballstonsewers.org webpage. The Town of Clifton Park is a part of this plan.

*Dr. Pierce* thanked the Board for moving forward with Delaware Engineering. He reminded the Board that they will need to come up with a remedial plan if the sewer study doesn't pass.

*Mr. Samson* asked if the Town Board was thinking of giving further support to the Route 50 Green Market.

*Mr. Pokrzywka*, Co-Chair of the Local Emergency Planning Executive Committee, gave the Board the proposed list of the Town of Ballston Local Emergency Planning Executive Committee for 2015.

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

Respectfully submitted,

Town Clerk