

A regular meeting was held by the Town Board of the Town of Ballston on Tuesday evening, June 10, 2014 at the Town Hall on Charlton Road.

**PRESENT:**

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

**ABSENT:**

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

There was no correspondence for the month of May.

**REPORTS OF TOWN OFFICIALS**

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

**SUPERVISOR'S REPORT**

Supervisor Ziegler stated that there would not be a monthly report for April but there would be a report for next meeting. He reported on coming events in the Town: the upcoming Flag Day Parade and fireworks on June 12<sup>th</sup> and the event at Buckley Farm on June 21<sup>st</sup> to benefit Saratoga Plan. He discussed the new Town of Ballston NY Facebook page. In addition to a listing of Town events, he hopes to add pictures of local businesses on the Facebook page. We want to show our support of local businesses and farms especially in the Ballston Spa Village area where they are experiencing big box pressure.

**COUNCIL MEMBERS REPORTS:**

**Councilman Szczepaniak** reported the following:

- As stated in Resolution 14-109, there will be a Town-wide County Waste Junk Pickup for the Town of Ballston residents beginning the week of August 4<sup>th</sup>. County Waste will be sending out a mailer about the collection. Also, information on the pickup will be on the Town website. The Town Board will consider passing a Scavenger Law and setting a public hearing on this law for June 24<sup>th</sup>.
- New computers were purchased for the Town Hall Offices.
- Water Superintendent Whalen has reported that 40 water samples were taken and the tests results were all in acceptable limits. The new water filtration system is working well.

**Councilman Antoski** said that the "Sundae on the Farm" will be held on Sunday, June 15<sup>th</sup> from 12 Noon - 4 pm at the Stock Farm hosted by the Peck Family. There are flyers available about this agricultural event.

**PRESENTATION BY MARIA TRABUK OF SARATOGA P.L.A.N.**

Ms. Trabuk reported that Marc and Elizabeth Sacco contacted her after they purchased Capiello Dairy Farm concerning the conservation of this farmland. The State recently announced available funding for development rights. At this meeting, Saratoga P.L.A.N., in cooperation with Saratoga County Planning Department, is asking the Town Board for an endorsement of a conservation easement for the submission of an application to NYS Department of Agriculture and Markets for funding to purchase development rights on Wm. H. Buckley Farm LLC. Property. As with the Curtis Farm, the Saccos are forward looking farmers, entrepreneurs, preserving agricultural heritage at the same time putting in modern day Agri-Tourism. They invite people on their farm with their café, butcher shop and rental properties. Since the Town does not have matching funds available, the Saccos have donated part of the value of their development rights. A conservation easement would be placed on that property in perpetuity protecting this land for agricultural use.

Councilwoman Stewart asked if no one is interested in farming that land and the land reverts to the State, is the State bound by the easement. Could the land be park land?

Ms. Trabuk answered that the easement stays with the farm and no land owner can harm the farmland.

Councilman Antoski confirmed that the municipality is not responsible for any matching funds.

Ms. Trabuk agreed that the Town would not be responsible for matching funds. She read a letter from Joan Pott, Chairperson of the Farmland Protection and Preservation Committee, in support of Buckley Farm PDR Grant with Saratoga Plan.

“The Town of Ballston Preservation and Protection Committee submits this letter in support of the proposed Buckley Farm PDR application for preservation and protection of the former Cappiello and Lake Ridge Farms. Our committee is tasked and committed to the preservation and protection of farmland; and the FLPP Plan just completed and approved lists for PDR as one of the tools to be used in this mission. We endorse Mr. Sacco’s effort to secure a conservation easement which will insure that the labor and commitment he makes to reclaim, restore, and expand these historic farms will be respected, maintained, and continued, in perpetuity, for the benefit for our town today and in future generations.”

### **PRIVILEGE OF THE FLOOR**

*Ms. Bentley* stated that the Town of Ballston retirement people had a meeting in May concerning their health care. She read Resolution 08-105: A motion was made by James Briaddy and seconded by Timothy Szczepaniak to approve the MVP Gold Health Care option for Town retirees. This would be a voluntary choice for the present participants. Participation would be mandatory for future retirees. The Medicare payment would be reimbursed according to the sliding scale presently used for the premium. Roll Call: Ayes – all; Noes – none. Carried. She thanked Town Supervisor Ziegler for speaking to her before the meeting and explaining this oversight.

Supervisor Ziegler apologized and regrets all the confusion with the health care insurance issue. This was an oversight and the Board will honor that resolution for retirees at this time. The change is to the Medicare Advantage Plan and is something the Town will have to revisit and fix it moving forward so that it will be less costly for the Town.

*Mr. Pierce* thanked Highway Superintendent Whalen for the No Parking Signs on the Outlet Road Bridge. It helps for safe travel. He thanked him too for the mowing on the sides of the Bike Path. Great job.

*Mr. Pokrzwka* spoke in support of the PDR and TDR resolutions. Anytime we get State support, even if it is a partial match, we need to support it. It is important that we have plans in place to take advantage of these opportunities. It is important to do that for farmland.

*Ms. Speidel* thanked the Supervisor for the Town Facebook page. It gets more information out to Town residents and it is easier to locate the information than on the webpage.

Supervisor Ziegler reported that we are working on amending the notification process and thanked the Building Department and the Town Clerk’s Office for their work on this issue. We still need to address the obvious difference between commercial and residential notification. We are looking at 500’ notification to Town residents of a proposed application. The residents will be notified on the Town Facebook page.

### **OLD BUSINESS:**

1. Hawkwood Property

Town Attorney Walsh reported that approvals necessary for the purchase of the Hawkwood property should happen shortly. The estate requested an appraisal of the property by a qualified forever wild appraiser and once this is completed we should have a contract.

2. Bike Path Extension

Town Attorney Walsh stated that National Grid realizes that the litigation on Connolly Road does not affect the Bike Path Extension Project. He is corresponding with the National Grid Attorney and hopes to have an update on the project in the next two weeks.

**NEW BUSINESS FOR CONSIDERATION AND ACTION**

Town Attorney Walsh asked the Town Board to table the first three resolutions.

**RESOLUTION 14-104**

**TABLE NAMING THE TOWN BOARD LEAD AGENCY FOR LOCAL LAW NO. 1 OF 2014 AMENDING THE LIGHT INDUSTRIAL DISTRICT REGULATIONS.**

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Stewart to table naming the Town Board Lead Agency for Local Law No. 1 of 2014 amending the Light Industrial District Regulations.

ADOPTED: Ayes 4 Supervisor Ziegler, Councilman Szczepaniak,  
Councilwoman Stewart, Councilman Antoski  
Nays 0  
Absent 1 Councilman Goslin

**RESOLUTION 14-105**

**TABLE ESTABLISHING A NEGATIVE DECLARATION FOR LOCAL LAW NO. 1 OF 2014 AMENDING THE LIGHT INDUSTRIAL DISTRICT REGULATIONS.**

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Stewart to table establishing a Negative Declaration for Local Law No. 1 of 2014 amending the Light Industrial District Regulations.

ADOPTED: Ayes 4 Supervisor Ziegler, Councilman Szczepaniak,  
Councilwoman Stewart, Councilman Antoski  
Nays 0  
Absent 1 Councilman Goslin

**RESOLUTION 14-106**

**TABLE APPROVING LOCAL LAW NO. 1 OF 2014 AMENDING THE LIGHT INDUSTRIAL DISTRICT REGULATIONS.**

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Stewart to table approving Local Law No. 1 of 2014 amending the Light Industrial District Regulations.

ADOPTED: Ayes 4 Supervisor Ziegler, Councilman Szczepaniak,  
Councilwoman Stewart, Councilman Antoski  
Nays 0  
Absent 1 Councilman Goslin

**RESOLUTION 14-107**

**APPROVE THE FIREWORKS PERMIT FOR JUNE 12, 2014 AT THE BURNT HILLS-BALLSTON LAKE HIGH SCHOOL AFTER THE FLAG DAY PARADE.**

A motion was made by Councilman Szczepaniak and seconded by Councilman Antoski to approve the fireworks permit for June 12, 2014 at the Burnt Hills-Ballston Lake High School after the Flag Day Parade. Building Inspector Johnson has inspected and approved the site.

ADOPTED: Ayes 4 Supervisor Ziegler, Councilman Szczepaniak,  
Councilwoman Stewart, Councilman Antoski  
Nays 0  
Absent 1 Councilman Goslin

The Town has enter into a contract with County Waste for a Town-wide junk pickup at a cost of \$26,000 with additional cost for residential notification. Highway Superintendent Whalen received written quotes and County Waste was the lowest quote. Town Attorney Walsh stated that the Town did not have the requirement of a bid process since under General Municipal Law §104 public works projects under \$35,000 and purchases under \$20,000 do not need bids. The curbside collection will begin the week of August 4<sup>th</sup>.

**RESOLUTION 14-108**

**APPROVE THE CONTRACT WITH COUNTY WASTE FOR A TOWN-WIDE JUNK PICKUP AT A COST OF \$26,000 WITH ADDITIONAL COST FOR RESIDENTIAL NOTIFICATION.**

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Stewart approve the contract with County Waste for a Town-wide junk pickup at a cost of \$26,000 with additional cost for residential notification.

ADOPTED: Ayes 4 Supervisor Ziegler, Councilman Szczepaniak,  
Councilwoman Stewart, Councilman Antoski  
Nays 0  
Absent 1 Councilman Goslin

**RESOLUTION 14-109**

**APPROVE THE ADDITIONAL WATER TESTING OF THE BALLSTON LAKE WATERSHED AREA BY THE BALLSTON LAKE IMPROVEMENT ASSOCIATION AT A COST NOT TO EXCEED \$1,000.**

A motion was made by Councilman Szczepaniak and seconded by Councilman Antoski to approve the additional water testing of the Ballston Lake Watershed Area by the Ballston Lake Improvement Association at a cost not to exceed \$1000.

ADOPTED: Ayes 4 Supervisor Ziegler, Councilman Szczepaniak,  
Councilwoman Stewart, Councilman Antoski  
Nays 0  
Absent 1 Councilman Goslin

The Town was sued by the Mothon Family Trust. The Trust objected to the land assessment of their three parcels of land. Town Attorney Walsh worked with Town Assessor Peter Hotaling and they were able to provide a reasonable assessment more in line with the fair market value. The Mothon Family Trust accepted the new assessment ending the litigation. Supervisor thanked the Town Attorney for settling the litigation that was outstanding for four years.

**RESOLUTION 14-110**

**APPROVE THE PROPOSED SETTLEMENT WITH THE MOTHON FAMILY TRUST.**

A motion was made by Councilwoman Stewart and seconded by Councilman Antoski to approve the proposed settlement with the Mothon Family Trust.

ADOPTED: Ayes 4 Supervisor Ziegler, Councilman Szczepaniak,  
Councilwoman Stewart, Councilman Antoski  
Nays 0  
Absent 1 Councilman Goslin

**RESOLUTION 14-111**

**PROVIDE LOCAL MATCHING FUNDS NOT TO EXCEED \$5,000 CASH MATCH AND \$800 IN-KIND MATCH BASED ON \$20,800 PROJECT COST AND TO ACCEPT GRANT FUNDS IF AWARDED TO IMPLEMENT A TRANSFER OF DEVELOPMENT RIGHTS PROGRAM FOR THE TOWN OF BALLSTON.**

Motion By: Councilman Szczepaniak

Seconded By: Councilman Antoski

WHEREAS, with Resolution 14-041 the Town Board of the Town of Ballston authorized the Supervisor to sign and submit a grant funding application to the New York State Department of Agriculture and Markets to assist with the establishment of a Transfer of Development Rights (TDR) program; and

WHEREAS, the Town of Ballston Farmland Protection and Preservation Committee (FLPP) and Community Planning & Environmental Associates (CP&EA) have completed the grant application for the Supervisor's signature; and

WHEREAS, the grant application estimates the total project cost to be \$20,800; and

WHEREAS, the grant application estimates the Town of Ballston will appropriate a \$5,000 cash match and in-kind match of \$800 for printing and reproduction; and

WHEREAS, the grant funding program requires proof that the local municipality has appropriated local matching funds at least 25% of the total project costs;

NOW, THEREFORE BE IT RESOLVED, that the Town of Ballston authorizes and appropriates the local match as required by the Department of Agriculture and Markets for the Town of Ballston TDR Program. The maximum local share shall not exceed \$5,000 cash match and \$800 in-kind match based upon a total estimate maximum project cost of \$20,800. The Supervisor may increase this local match through the use of in-kind services without further approval from the Town Board;

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to execute a Grant Agreement with the New York State Department of Agriculture and Markets and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the Town of Ballston's obligations under the Grant Agreement.

By order of the Town Board of the Town of Ballston by the following vote thereon:

	YES	NO
Supervisor Ziegler	X	
Councilman Szczepaniak	X	
Councilman Goslin	Absent	
Councilwoman Stewart	X	
Councilman Antoski	X	

ADOPTED

**RESOLUTION 14-112**

**ENDORSE THE SUBMISSION OF AN APPLICATION FROM SARATOGA P.L.A.N. , IN COOPERATION WITH THE SARATOGA COUNTY PLANNING DEPARTMENT, TO THE NYS DEPARTMENT OF AGRICULTURE AND MARKETS FOR FUNDING FOR THE PURCHASE OF DEVELOPMENT RIGHTS ON THE WM. H. BUCKLEY FARM LLC. PROPERTY**

Motion By: Councilman Szczepaniak

Seconded By: Councilman Antoski

WHEREAS, Mark Sacco and Elizabeth Sacco of the Wm. H. Buckley Farm LLC., are the owners of a real property (the "Property") consisting of approximately 301 acres, in 248.-2-86.1 and 248.-2-14.22 tax map parcel(s) located on Route 50 in the Town of Ballston, Saratoga County, New York;

WHEREAS, Saratoga PLAN is a New York not-for-profit corporation organized to accept, purchase, and hold conservation easements under Section 170(h) of the Code and Treasury Regulation Section 1.170A-14(c);

WHEREAS, The Property is located within Saratoga County's Agricultural District #2, created pursuant to Article 25-AA of the New York State Agriculture and Markets. It is the purpose of this article to provide a locally-initiated mechanism for the protection and enhancement of New York State's agricultural land as a viable segment of the local and state economies and as an economic and environmental resource of major importance;

WHEREAS, The Property is located within Saratoga County, which adopted an Agricultural and Farmland Protection Plan in December, 1997 and a Green Infrastructure Plan in November 2006;

WHEREAS, The Property is located within the Town of Ballston, which adopted an Agriculture and Farmland Protection Plan in December, 2013;

WHEREAS, The Property consists primarily of productive agricultural land. The Property contains approximately 57.48+/- acres of prime soils, and approximately 200.67+/- acres of soils of statewide importance as defined by the U.S. Department of Agriculture Natural Resources Conservation Service;

WHEREAS, Saratoga PLAN determined that accepting this Easement on the Property will enhance the long-term agricultural values of the Property and promote the use of soil conservation practices, which will further Saratoga PLAN's charitable purposes of protecting the distinctive rural character of Saratoga County and its lands and waters of significant historic and ecological value. Furthermore, the Property is located within a priority area for farmland and forestland conservation identified by the Saratoga PLAN in its conservation plan, adopted in January, 2014;

WHEREAS, Wm. H. Buckley Farm LLC. and Saratoga PLAN agree the purpose of the agricultural conservation easement will be to perpetually conserve Viable Agricultural Land by preventing the conversion of the Property for non-farm uses. In achieving such prevention the Property shall be forever reserved for continued Agricultural Use.

NOW, THEREFORE BE IT RESOLVED, that the Town of Ballston Town Board passed a resolution on June 10, 2014 at a regular Town Board meeting to endorse the submission of an application from Saratoga PLAN, in cooperation with Saratoga County Planning Department, to the New York State Department of Agriculture and Markets for funding to Purchase Development Rights on the Wm. H. Buckley Farm LLC. Property.

By order of the Town Board of the Town of Ballston by the following vote thereon:

	YES	NO
Supervisor Ziegler	X	
Councilman Szczepaniak	X	
Councilman Goslin	Absent	
Councilwoman Stewart	X	
Councilman Antoski	X	

ADOPTED.

**RESOLUTION 14-113**

**AUTHORIZE THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH AN ENGINEERING FIRM, RECOMMENDED BY HIGHWAY SUPERINTENDENT WHALEN, FOR PROFESSIONAL SERVICES TO DESIGN, DEVELOP PLANS, PREPARE APPLICATION AND PERMITS FOR FUEL TANKS FOR NYS DEC AS REQUIRED AND PREPARE PROJECT MANUALS FOR BIDDERS ON FUEL TANK PROJECT CONSISTING OF CONTRACT CONDITIONS, BIDDING REQUIREMENTS AND DOCUMENTS FOR CONSTRUCTION SUITABLE TO GO OUT TO PUBLIC BID.**

A motion was made by Councilman Szczepaniak and seconded by Councilman Antoski to authorize the Supervisor to enter into an agreement with an engineering firm, recommended by Highway Superintendent Whalen, for professional services to design, develop plans, prepare application and permits for fuel tanks for NYS DEC as required and prepare project manuals for bidders on the fuel tanks project consisting of contract conditions, bidding requirements and documents for construction suitable to go out to public bid.

ADOPTED: Ayes 4 Supervisor Ziegler, Councilman Szczepaniak,  
Councilwoman Stewart, Councilman Antoski

Nays 0

Absent 1 Councilman Goslin

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Stewart that the meeting be adjourned. The meeting was adjourned at 8:44 p.m.

Respectfully submitted,

Carol R. Shemo  
Town Clerk