

A regular meeting was held by the Town Board of the Town of Ballston on Tuesday evening, July 8, 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 7:35 p.m. and the Pledge of Allegiance was recited.

**CORRESPONDENCE**

The Town Clerk read the correspondence for June. The first letter was a resignation letter from Barbara Wilson. Barbara is resigning her position from the Town of Ballston Community Library Board of Trustees effective immediately. The Town Clerk summarized the nine letters she received from Town residents concerning their opposition against the Walmart store in the Rossi PUDD. David and Joan Hicks are concerned about the increased traffic without a Town police force with the addition of a Walmart store. Andrea Manion also feels a new Walmart store will bring increased traffic and she is concerned with its close proximity to the Ballston Spa Schools. Renee Janack-Cook said the Walmart Plan goes against the Town plan for development outlined in the Town's Master Plan and Comprehensive Plan. In her second letter, Ms. Janack- Cook added that the Town of Ballston will spend hundreds of thousands of dollars per year for increased police protection, subsidized programs and loss of tax revenue. Lorraine Janack is against the location of the Walmart since it will be opened 24/7 in a residential area. Katherine Winderlin stated that a new Walmart store will need a new roadway, new crosswalk and lights. The area will have to deal with increased trailer traffic and noise pollution.

**REPORTS OF TOWN OFFICIALS**

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

**SUPERVISOR'S REPORT**

**Supervisor Ziegler** reported the following:

- He will be meeting with Town of Glenville Supervisor Koetzle, Councilman Goslin, Water Superintendent Whalen, Saratoga County Water Commissioner Ed Hernandez, members of the business community and Congressman Tonko on July 14, 2014 concerning government funding. The potential for funding for the proposed sewer system for the Town of Ballston will be discussed.
- The first Economic Development Committee Meeting will be July 29, 2014 at 6 p.m. Members of the business community present will be present and a key item will be the sewer system along the Route 50 Corridor. The public is welcome to attend.
- Supervisor Ziegler stated that the Office of the State Comptroller rejected the 2012 AUD document and he thanked Councilman Goslin for all his work with the auditors to correct this report.
- He will be meeting with Carl Zeilman, Saratoga County Director of Emergency Services, to follow up on the drill planned by Dennis Pokrzwka.

**COUNCIL MEMBERS REPORTS**

**Councilman Szczepaniak** reported on the following:

- The Town Board is planning a "Burning of the Mortgage Celebration" for August 12 for the last payment of the bond for the Town Hall addition. There will be a hot dog cookout beginning at 5:30 and the public is invited to attend the Town Board Meeting that follows.
- Mr. Dennis Pokrzwka has proposed a crude oil train derailment exercise with local fire departments in September. The Town Board fully supports this exercise as part of the Emergency Planning Committee Readiness Program.
- County Waste will be sending out a flyer to Town residents notifying them of the collection to begin the week of August 3, 2014. It will probably be a ten day process since the Town has not had a pickup in 4 years.

- Councilman Szczepaniak would like the Board to move forward with the removal and installation of the fuel oil tanks. Highway Superintendent Whalen received a lower cost proposal from a local engineer firm.
- Highway Superintendent Whalen has worked with CT Male on a 10 Year Water Plan. There are 5 different initiatives and some can be phased into operation. He would like to have it listed every month on the agenda so the appropriate action can be taken.
- Councilman Szczepaniak thanked Councilman Goslin for all his work updating the Town finances for 2012. He would like to have the update of Town finances listed on the monthly agenda under old business.

**Councilman Goslin** reported the following:

- He spoke with the BLIA, the Burnt Hills-Ballston Lake School Board and PDA concerning the Sewer District. He asked for Town Board support for the sewer resolution. The Clear Water Committee will give a presentation on their work for the past year, their recommendations and outline the steps to move forward. At the presentation they will give the engineer's report by Ed Hernandez, an update on the condition of the Lake by BLIA, the narrative on where we are now and the legal perspective on how we should proceed.
- Concerning Town Finances, Councilman Goslin stated the AUD report for 2012 was not accurate because it misstated the financials in the Highway Department. The auditor will be at the Town Hall on August 1, 2014 to address this issue.
- He supports the drill proposed by Mr. Pokrzywka and he has the Board's support to make it happen.

## **PRIVILEGE OF THE FLOOR**

*Ms. Pierce* asked for an update on Dolomite lawsuit. She asked about the update on signs and lighting. She would appreciate more consistent posting of the agendas for all boards.

Town Attorney Walsh responded that Judge Crowell ruled the Local Law 3 of 2013 is invalid.

Councilwoman Stewart is working on the update on signs and lighting so that it will reflect current technology such as LED signs.

*Mr. Pierce* reported on the recent bacteria and fecal coliform testing of the Ballston Lake Watershed District. Of the seven sites tested for bacteria, only one had a higher level than the allowable threshold level in NYS. Of the seven sites tested for fecal coliform, three were above the allowable threshold level in NYS. A copy of the complete results is available at the Town Clerk's Office.

*Mr. Pokrzywka* thanked the Town Board for their support of the proposed drill. It will be a model for the rest of the state. The emergency responders will learn a lot by going through the steps.

Mr. Pierce asked if there was a derailment on White Beach Road would there be a way out for the residents.

Mr. Pokrzywka responded that we need to sketch out a plan for emergencies.

## **OLD BUSINESS**

1. **Estate of Frank Schidzick, Anchor Diamond Park and the Hawkwood Property**  
Town Attorney Walsh reported that there is a meeting in the Judge's Chambers on July 23, 2014 at 3pm. The estate cannot agree to a contract since they do not have an update on our assets. He will provide the documentation and hopes we will have a contract soon.
2. **Bike Path Extension** – no update



Councilman Szczepaniak commended the Clear Water Initiative Committee for all their work. He is concerned with the major legal task ahead and recommends the Town Board hires outside legal counsel.

Supervisor Ziegler asked Councilman Goslin to amend the resolution to remove the word immediate before implementation since that would be committing the Town to this project before we know the costs and the legal procedure. He is in favor of hiring outside counsel since the Town Attorney is busy working on many projects. The Town needs legal advice in order to proceed. The sewer system is subject to a public hearing. Is the sewer system subject to referendum?

The Town Board set a special meeting for the presentation by the Clear Water Initiative Committee for Monday, August 11, 2014 at 7:00 p.m.

**RESOLUTION 14-123**  
**APPROVAL OF THE SEWER SYSTEM RESOLUTION**

Motion by Councilman Goslin

Seconded by Councilman Szczepaniak

WHEREAS, the Town Board of the Town of Ballston has recognized that the lack of sewer system infrastructure has been a major issue over the past 40 years, due to failing septic systems and/or outdated systems; and

WHEREAS, these same septic systems have created a major health issue for Ballston Lake and surrounding watershed that must be addressed by the Town; and

WHEREAS, this issue has created a tremendous burden on the residents and businesses of this Town who must install, maintain and replace existing septic systems periodically; and

WHEREAS, these issues negatively impact the value of properties and negatively impact economic development; and

WHEREAS, these same septic systems have impacted and continue to cause the rapid deterioration of the waters of Ballston Lake; and

WHEREAS, the NYS DEC has recently declared Ballston Lake an impaired water body; and

WHEREAS, leaders from the community gathered as concerned citizens and requested the Town Board of the Town of Ballston to act; and

WHEREAS, the Town of Ballston Town Board by unanimous vote on July 9th 2013 passed resolution 13-189 establishing "The Town of Ballston Clear Water Committee" and chartered it with investigating the septic problems, reviewing proposed solutions, updating the engineering study and recommending a realistic solution to these problems; and

WHEREAS, this committee distributed a letter to Town residents summarizing this issue and offering a flyer that contained common sense stop gap tips; and

WHEREAS, this committee has provided the Board with an updated engineering study, the Delaware report, a narrative and a report showing how specific streams impact lake water quality; and

WHEREAS, the committee has recommended to the Board that the area designated as "Area 1" of the Delaware Report convert these septic systems to a sewer system; now, therefore,



