

An agenda meeting was held by the Town Board of the Town of Ballston on Tuesday evening, August 26, 2014 at the Town Hall on Charlton Road, Ballston Spa.

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 7:30 p.m. and the Pledge of Allegiance was recited.

## RESOLUTION 14-151

### AUDIT OF CLAIMS

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to approve the payment of the bills on the August Abstract. The bills were approved for payment as follows:

General Fund	No. 358 - 398	\$35,273.89
Highway Fund	No. 323 - 364	376,715.01
Gravel Pit Fund	No. 34 - 45	8,990.13
Park Fund	No. 19 - 24	3,702.88
Library	No. 267 - 305	14,430.04
Water Fund District 2 (SW)	No. 68 - 75	1,902.95
Blue Barnes Rd Dist. No.2 Ext# 13 (BBR)	No. 61 - 66	34.58
Brookline Rd Rte 67 No.2 Ext#12 (BRW)	No. 62 - 67	207.53
Goode St Dist. No.2 Ext#14 (GSW)	No. 62 - 67	138.36
Paradowski Rd Water Dist. No. 5 (RW)	No. 24 - 26	15.49
Route 50 Water No.2 Ext#7 (RTW)	No. 62 - 67	780.06
Scotchbush Water Dist. No.6 ((WW)	No. 24 - 26	30.99
Silver Ln Water Dist. No 6 Ext#1 (WX)	No. 24 - 26	15.49
Chapel Hill Water Dist. No. 2 Ext # 18 (CH)	No. 62 - 67	242.12
Brooks Heritage Dist. No.2 Ext #21 (RL)	No. 63 - 68	69.18
Stonebridge Enclave No.2 Ext #19	No. 62 - 67	34.58
Morningdale Court No. 2 Ext#24	No. 61 - 66	34.58
Trust & Agency	No. 22 - 29	32,429.02

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

## SUPERVISOR'S REPORT

**Supervisor Ziegler** said that the Planning Board Public Hearing on Walmart will be rescheduled by Chairman Doyle and the legal ad will be published with the new date of the hearing and it will be on the calendar of meetings on the website. The Town has met all the requirements for a public hearing and this will be an additional public hearing. There was no effort to undermine the Town residents' opportunity to speak on Walmart. A clerk made an honest mistake, apologized and Supervisor Ziegler has accepted her apology; the conspiracy theories should be put to rest.

## COUNCIL MEMBERS' REPORTS

**Councilman Szczepaniak** reported on the following:

- He met with Building Inspector Thomas Johnson to discuss the Engineering Fee Schedule. Some developers owe significant fees to the Town and we are tapping into taxpayers' money to pay the invoices for these projects. The fees need to be paid at the beginning of the project in an escrow account. In the Town of Malta, the Town Engineer reviews the project and estimates the cost. Also, the Board needs to review the engineering fees assigned to projects of residents and developers. Residents may be paying too much while commercial development is not paying enough. We also need to crosscheck and make sure the developers' fees have been paid. If the fees have not been paid, the project will sit until they are paid. He will prepare discussion points on the Engineering Fee Schedule for the September meeting.

**Councilman Goslin** reported the following:

- He stated that the auditors were in last week but the audit is not completed. The fund balances have been reconciled to the bank statements. There are transfers that need to be completed for funds that are out of balance. This work on 2012 funds has to be completed before the 2013 work can be started. He is working now on preparing for the budget sessions.

Supervisor Ziegler thanked Councilman Goslin for all his work on Town finances. He stated that Councilman Goslin has saved the Town significant dollars on the audit work.

Councilman Szczepaniak asked about the Budget Officer's role in 2015.

Supervisor Ziegler said that the current bookkeeper is providing numbers and he will make the most accurate projections with the information that he has available. He encourages all residents to attend the budget workshops as the Board will be making financial decisions that will directly impact the residents for 2015.

- Councilman Goslin stated a recommendation concerning the sewer district was given to the Board and it is now in the Town Board's hands to move forward. The Town Attorney presented the 12 step process with a timeframe for each step. The Board needs to approve \$15,000 to create documents for the sewer district formation at our next meeting. Many residents around the lake are working on a campaign to show support for the sewer district.

Supervisor Ziegler reported that there is \$10,000 already budgeted for the sewer district, so we will need an additional \$5,000. The Board will look into Community Development Block Grants for the Buell Heights area. He reviewed the ways to pass the special tax district for sewers: by a formal resolution, by a formal petition and by a Town Board resolution stating a public health crisis.

Town Attorney Walsh agreed that there are options for creation of the sewer district. The Town can do nothing, can study the project or create a sewer district. The sewer district can be created by either the referendum or petition route.

Councilman Goslin stated that the Supervisor of Clifton Park is in agreement with the way we are moving forward with this project. It will be a single project concept and they will follow our lead. Ten percent of the properties within the proposed sewer district are in Clifton Park.

- **Councilwoman Stewart** distributed information on sign requirements to the Board for discussion at the September 11, 2014 Town Board Meeting. Her information is specific to LED signs. Topics to be discussed on LED signs are: dimming, static display time, simultaneous change, size of sign. She said the library sign was installed in response to patrons' surveys that asked the preferred method to receive library information. Ninety percent of library patrons love the new sign.

Councilman Szczepaniak stated that they have received several calls on the new library sign. Residents are concerned about the sign being on all night and that it is a safety hazard. He added that the Town Board needs to address this issue to help the Chairman of the Planning Board clarify the language of signs in our code so that the regulations are clear.

Councilman Goslin asked the Board if they thought that LED signs add to the rural character of the Town. There are areas where these signs are appropriate as commercial areas and areas where they are not appropriate as residential areas and rural areas.

Supervisor Ziegler added that the LED signs are a topic that needs to be discussed at the Economic Development Committee Meeting.

Mr. Doyle, Chairman of the Planning Board, said the library sign needs to be made readable and sight distance needs to be calculated for this to happen. Also, the letters are too small and there are too many words on the sign.

## **PRIVILEGE OF THE FLOOR**

*Mr. Thurnau*, a Town resident, said this is his third comment on the sewer district. He said built as proposed, it will not reduce the phosphorous infusion into the lake at all. The sewer district deals with sanitary waste.

Supervisor Ziegler said as a follow up to his previous comment, he met with County officials to find ways to reduce both the phosphorous and the sanitary waste issues.

Councilman Goslin said that in his research on the phosphorous issue that phosphorous is an issue with septic systems in an area of high ground water and a high concentration of housing.

*Ms. Lescault* spoke to the Town Board on two issues. The first issue concerned the Beacon Hill Planned Unit Development District Zoning Amendment. The home owners in Beacon Hill were aware and agreed to the four commercial lots that fronted Route 50 when they purchased their property. A zoning amendment was passed in 2013 changing the allowable uses within the Beacon Hill PUDD. The residents are against the original developers plan for apartments. They received no public notice of the Beacon Hill Planned Unit Development District and questioned whether it was notified properly. Two weeks ago the residents of Beacon Hill heard that a 52 unit affordable housing complex was planned for that area within the Beacon Hill PUDD commercial area. Ms. Lescault said there was no SEQRA and no Planning Board Meeting. Ms. Lescault asked the Town Board to change the allowable uses to what it was in the original PUDD, before the 2013 zoning amendment. Ms. Lescault read a letter concerning her second issue before the Town Board to readopt the zoning amendment allowing light industry uses but prohibiting heavy industry uses in the Industrial District. She is concerned about the negative impacts that heavy industry can have on the Town and its residents. The hot mix asphalt plant currently before the Planning Board will adversely affect our quality of life and the environment. Heavy industry causes increased traffic congestion, increased risk of accidents, increased air, water and noise pollution and negatively impacts the aesthetics of our Town. This will cause home and property values to decline. The Court's decision annulling the zoning amendment only took into consideration procedural technicalities and not the merits of the case.

Supervisor Ziegler said that the first time he heard of the 52 unit affordable housing project was at the time of the announcement of the State Grant. It was presented as veterans' affordable housing project with handicapped accessibility and modifications for disabled veterans. Next it was presented as senior housing, then it changed to mid-income housing for the workers at Global Foundries and finally as low income housing. He is completely opposed to something presented in this manner.

*Mr. Pabis* is a resident of Beacon Hill PUDD. He asked the Town Board to use caution for projects that are promoting for the good of veterans. Many times veterans causes are popular and so they are used to promote a project. He spoke concerning the Light Industrial District. He feels it is clear that residents want light industry verses heavy industry. We need to narrow down what the impact will be on the environment. There is a group here to help the Board get the amendment adopted that was denied by the Court on procedural basis.

Supervisor Ziegler replied that the Board will look at PUDDs as part of a large conversation on zoning.

Supervisor Ziegler reviewed the agenda for the September 11, 2014 Town Board Meeting.

## **AGENDA FOR THE SEPTEMBER 11, 2014 TOWN BOARD MEETING**

**7:10 PM PUBLIC HEARING FOR THE LAKEVIEW GARDENS WATER DISTRICT  
EXTENSION TO THE BURNT HILLS-BALLSTON LAKE WATER DISTRICT 2  
EXT 18.**

**7:10 PM PUBLIC HEARING FOR THE KELLEY FARM SUBDIVISION WATER DISTRICT EXTENSION TO THE BURNT HILLS-BALLSTON LAKE WATER DISTRICT 2 EXT 18.**

**7:20 PM PUBLIC HEARING FOR THE STONEBRIDGE LIGHTING IMPROVEMENT DISTRICT.**

**PRESENTATION ON ABELE WOODS, TIMBER CREEK PHASE IV PUDD**

**NEW BUSINESS FOR CONSIDERATION AND ACTION FOR SEPTEMBER 11, 2014 MEETING:**

- 1. CONSIDER APPROVING THE ASSESSOR'S ATTENDANCE AT THE ASSESSORS ANNUAL CONFERENCE CLASSES AT LAKE PLACID, NY 10/05/2014 – 10/08/14.**
- 2. CONSIDER REAPPOINTING MAURICE SHIPWAY TO THE BOARD OF ASSESSMENT REVIEW FOR A TERM COMMENCING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2019.**
- 3. CONSIDER APPROVAL OF THE FUEL TANK REPLACEMENT PROJECT BID (BID OPENING WAS SEPTEMBER 3, 2014).**
- 4. CONSIDER APPROVAL OF THE LAKEVIEW GARDENS WATER DISTRICT EXTENSION TO THE BURNT HILLS-BALLSTON LAKE WATER DISTRICT 2 EXT 18.**
- 5. CONSIDER APPROVING THE KELLEY FARM SUBDIVISION WATER DISTRICT EXTENSION TO THE BURNT HILLS-BALLSTON LAKE WATER DISTRICT 2 EXT 18.**
- 6. CONSIDER APPROVING THE STONEBRIDGE LIGHTING IMPROVEMENT DISTRICT.**
- 7. CONSIDER PURCHASING A SPEED RADAR SIGN AT A COST NOT TO EXCEED \$3,000.**

**DISCUSSION:**

- 1. SIGNS**
- 2. 797 ROUTE 50 UNSAFE STRUCTURE**
- 3. ENGINEERING FEES**
- 4. PROPOSED LOCAL LAW 2 OF 2014**

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to adjourn the meeting. The meeting was adjourned at 8:27 p.m.

Respectfully submitted,

Carol R. Shemo  
Town Clerk