

A regular meeting was held by the Town Board of the Town of Ballston on Thursday evening, September 11, 2014 at the Town Hall on Charlton Road, Ballston Spa.

PRESENT	Timothy Szczepaniak	-----	Councilman
	William Goslin	-----	Councilman
	Kelly Stewart	-----	Councilwoman
	John Antoski	-----	Councilman
	Carol Shemo	-----	Clerk
	James Walsh	-----	Counsel
ABSENT:	Patrick Ziegler	-----	Supervisor

Deputy Supervisor Szczepaniak called the meeting to order at 7:34 p.m., the Pledge of Allegiance was recited and a moment of silence was observed to honor the heroes, victims and their families from September 11th.

CORRESPONDENCE

The Town Clerk read the correspondence for August. The Town Clerk received 15 letters against the Walmart project and the letters are on file at the Town Clerk's Office. The Town Clerk also received a petition for the reduction of a speed limit and to post additional speed limit and stop signs in the Chapel Hill Development. The Town Clerk read the petition letter submitted by Lewis Kimball, Joshua Kean and William Pettis.

REPORTS OF TOWN OFFICIALS

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

RESOLUTION 14-151

APPROVE THE SUPERVISOR'S FINANCIAL REPORT FOR THE MONTH OF AUGUST 2014.

A motion was made by Councilman Goslin and seconded by Councilman Antoski to approve the Supervisor's Financial Report for the month of August 2014.

ADOPTED Ayes 4 Councilman Szczepaniak, Councilman Goslin, Councilwoman Stewart

and Councilman Antoski

Nays 0

COUNCIL MEMBERS REPORTS:

Councilwoman Stewart reported she met with the Insurance Committee and Mr. Klein, the Town's Insurance Coordinator, to discuss ongoing issues and the renewal of our health care insurance contract for December 1st. The highest possible increase in rates for our CDPHP insurance could be 16% and the Town will need to budget for that amount. Mr. Klein will make a presentation to the Board on the insurance contract.

PRESENTATION ON ABELE WOODS

Jason Dell, engineer for Abele Woods Project, outlined the changes in the project since it was before the Planning Board. The density of the project has been reduced by 23%. The number of units was reduced from 276 to 211. There will be 129 single families, 22 twin town homes and 60 multi-family units. Since there are over 100 lots that necessitates they come before the Town Board for a Planned Unit Development District. They are not looking for additional density that would be allowed under the Traditional Neighborhood Design Legislation. In January, the Town Board undeclared themselves Lead Agency and the Planning Board became Lead Agency for this project. They went through the SEQRA process with the Planning Board and with the Town Engineer C.T. Male completing the oversight for the technical review and the environmental review. The following documents were submitted under this process: water report, sewer report, wetland report, logging report and the threatened endangered species report. The Planning Board issued a Negative SEQRA Declaration for Abele Woods. In addition, the Planning Board asked that the proposed park area be identified on the map as well as four stormwater basins reviewed by C.T. Male and the reconstruction of the multiple wetland crossings for the trail system.

Councilwoman Stewart asked about the location and description of the trail system. She also asked about the public benefit for this project.

Mr. Brooks, the developer of Abele Woods, reported that the trails are 5 ft. wide and made of wood chips as required by DEC and the Army Corps of Engineers. The trails are posted to prevent the use of motor vehicles and vertical barriers have been installed. The HOA maintains the trails through an annual fee. The monetary donation for the public benefit was agreed to by the developer and with the prior Town Board.

PRIVILEGE OF THE FLOOR

Mr. Pierce reported that he has conducted two more bacteria tests since the last Town Board Meeting. The NY standard for water quality test for total coliform is 2400 colonies per 100ml of water. The following tests results were received from Darrin Fresh Water Institute for two tests the first taken on August 11th the second on September 8th:

	Total Coliform		Fecal Coliform	
Sweet Road	7,600	4,100	3,800	1,000
Rt. 146A	1,800	980	580	490
Bike Path site	3,000	480	<3,000	90
2 nd Bike Path site	2,750	2,740	120	90

Mr. Stern said the Town Board needs to update their equipment for the meeting rooms. The upstairs meeting room should have a projector connected to a laptop so the people could look at the maps during a presentation and see where the proposed project is located. Also, the sound system in the Community Room needs to be updated; it is impossible to hear the speakers with the current sound system. He is concerned about the big box store proposed for the Town. It is too big for the community. It will be dangerous for the bike and pedestrian traffic. He asked the Town Board to get involved and do a Positive SEQRA Declaration. There will be impacts to the Town with this project.

Councilman Goslin agreed with Mr. Stern concerning the need to update the Town's technology. In 2014 the Board approved funds to improve the technology in the Town Hall. The Board needs to address a number of issues : server infrastructure, email hosting and equipment for the meeting rooms a screen, projector and wireless access.

Mr. Bashant asked the Town Board about the development of water district verses the sewer district on Lake Road. He encouraged the public and the Town Board to understand grinder pumps and that they need to be properly installed. His company makes grinder pumps and he would be open to share the information on this subject.

Mr. Decker, resident of the Town of Ballston and the Director of the Watershed Quality for Lake George, commended the Board for designating Ballston Lake as An Inland Waterway. It will open up resources and technical information on waterfront revitalization and program grants. He suggested coordinating the interest of several committees and the Town of Clifton Park into a watershed management committee. The Town needs to make use of the resources at your disposal. The creation of a sewer district around the lake is not the total answer to the problem.

OLD BUSINESS

1. Schidzick Estate, Anchor Diamond Park and Hawkwood Property

Town Attorney Walsh stated we are moving forward on a contract for the Hawkwood Property. There will be one more meeting with the judge and the interested parties; he is hopeful to have a contract soon.

2. Sewer Study

Ms. Bianconi from Delaware Engineering reported that she is assisting the Town with the sewer study by finding funding sources for the sewer project. She has prepared the filing for the Clear Water Revolving Fund to be put on the list of projects that are likely to be financed in several years. This could help the Town with subsidized borrowing at low interest rates of 1.6% for 30 to 40 years. This filing places the Town on the list without committing to the project or costing money.

Councilman Goslin thanked Ms. Bianconi and appreciated her efforts with the funding for the sewer district. She did not charge the Town for her services. He said BLIA is doing a great job getting signatures on an unofficial petition to show support for the

project. BLIA is holding informational meetings on Wednesday, September 17th at the Ballston Lake Firehouse at 10 a.m. and at 7:00 p.m. He added that DEC has commented on the project and he will give the Board a copy at the next meeting.

3. Removal and Installation of Fuel Tanks

Councilman Szczepaniak reported that five bids were received on this project for the bid opening on September 3, 2014. Shaker Flats Landscaping, Inc. was the low bidder with the bid of \$197,700. Highway Superintendent Whalen would like to postpone the project until the spring. Mr. Hernandez of Delaware Engineering will contact the bidder to see if they will hold the price until spring or receive a projection on the cost of the project increase. He will report back to the Board.

Councilman Antoski questioned the letter that mentioned no remediation for any kind of spill. He asked for clarification on type of spill and who would assume the cost.

Town Attorney Walsh stated that the company in charge of the project has insurance and bonds to cover the cost of a spill that they cause in completion of the project. We would not have insurance coverage from the company for a leak that happened underground that the Town was not aware of.

4. 10 Year Water Plan

Councilman Szczepaniak asked the Board's thoughts on implementing the 10 Year Water Plan. He does not want this plan to sit on the shelf.

Councilwoman Stewart stated that the Board could select one or two items to address this year but it would depend on amount of money available for these projects. It should be part of our budget discussions.

Councilman Goslin stated the water districts and their extensions need to be self-supporting. The water rates increase this year is to address the shortfall in the water districts. The first priority is for financial stabilization of the water fund. The second priority is for emergency maintenance.

NEW BUSINESS FOR CONSIDERATION AND ACTION:

RESOLUTION 14-152

APPROVE THE ASSESSOR'S ATTENDANCE AT THE ASSESSORS ANNUAL CONFERENCE CLASSES.

A motion was made by Councilman Goslin and seconded by Councilman Antoski to approve the Assessor's attendance at the Assessors Annual Conference Classes at Lake Placid, NY from 10/05/14 – 10/08/14.

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

RESOLUTION 14-153

APPROVE THE REAPPOINTMENT OF MAURICE SHIPWAY TO THE BOARD OF ASSESSMENT REVIEW.

A motion was made by Councilman Goslin and seconded by Councilman Antoski to approve the reappointment of Maurice Shipway to the Board of Assessment Review for a term commencing October 1, 2014 and ending September 30, 2019.

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

RESOLUTION 14-154

TABLE THE RESOLUTION TO ACCEPT THE LOW BID OF \$197,700 FROM SHAKER FLATS LANDSCAPING, INC. FOR THE FUEL TANK REPLACEMENT PROJECT.

A motion was made by Councilman Goslin and seconded by Councilman Antoski to table the resolution to accept the low bid of \$197,700 from Shaker Flats Landscaping, Inc. for the fuel tank replacement project.

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

At the August 12th Town Board Meeting, the Town Board approved the Resolution 14-137 naming the Town Board as Lead Agency for the Lakeview Gardens Water District Extension to the Burnt Hills-Ballston Lake Water District 2 Ext 18 and Resolution 14-138 classifying this water extension as a Type II SEQRA Action.

RESOLUTION 14-155

APPROVAL OF THE LAKEVIEW GARDENS WATER DISTRICT EXTENSION TO THE BURNT HILLS-BALLSTON LAKE WATER DISTRICT 2 EXT 18.

RESOLUTION EXPANDING THE TOWN OF BALLSTON CONSOLIDATED BURNT HILLS-BALLSTON LAKE WATER DISTRICT #2 EXTENSION 18 IN THE TOWN OF BALLSTON, COUNTY OF SARATOGA, STATE OF NEW YORK, TO SERVE THE LAKEVIEW GARDENS WATER DISTRICT EXTENSION, SBL 239.-2-37.1 PURSUANT TO ARTICLE 12A OF THE TOWN LAW OF THE STATE OF NEW YORK

A motion was made by Councilman Goslin
Seconded by Councilwoman Stewart

WHEREAS, On September 11, 2014 The Town Board Adopted Resolution number 14-155 to allow Lakeview Gardens Water District Extension, to connect to Burnt Hills-Ballston Lake Water District No. 2, Extension 18; and

WHEREAS, the Town Board finds that the extension of the district is in the public interest; and

WHEREAS, The Town Board finds that all the property owners within the district have requested said extension by letter to the Town Board dated June 22, 2014 and are benefited by the extension of said district; and

WHEREAS, The Town Board was designed as Lead Agency for SEQRA review, and said extension was classified as a TYPE II SEQRA Action by the Town Board; and

WHEREAS, This extension will supply water district access to a 4 lot single family residential subdivision; and

WHEREAS, a map, plan and report have been prepared in such manner to detail as is required by Article 12A of the Town Law of the State of New York, relating to the expanding of the Burnt Hill-Ballston Lake Water District No. 2, Extension 18, in the Town of Ballston, County of Saratoga, State of New York and has been filed in the Town Clerks office; and

WHEREAS, said map, plan and report was prepared by KB Engineering & Consulting, PLLC, competent engineers, duly licensed by the State of New York showing boundaries of the proposed extension to the District and the general plan of the proposed Districts; and

WHEREAS, said map shows the location and description of the public works that will be required and that no lands or easements are needed or will be required; and

WHEREAS, the boundaries of the proposed district are described in Schedule "A" annexed hereto; and

WHEREAS, the maximum amount proposed to be expended for said improvements and/or acquisition of necessary lands is the sum of ZERO(\$0.00) dollars; and all details as to the cost of the aforesaid extension are set forth in the aforesaid engineer's report; and

WHEREAS, approval of the New York State Comptroller will not be required for expanding the Burnt Hills-Ballston Lake Water District No. 2 Extension 18; and

WHEREAS, said map plan and report describing said improvements are on file in the Town Clerks Office for public inspection; and

WHEREAS, the annual cost to the owner(s) of the residences for service will includes water usage and maintenance calculated at the same rate as the existing Waters District which is currently \$4.05 per 1,000 gallons; and

WHEREAS, a public hearing was held by the Town Board on September 11, 2014, and the public was invited to comment on the proposed extension with no objections to the proposal to expand Extension 18 of District 2;

NOW, IT IS HEREBY ORDERED, that the Town Board of the Town of Ballston directs that the Town Clerk file the necessary documentation with the NYS Comptroller's Office as well as with the Saratoga County Clerk and any other necessary state or local agency considering said expansion of Burnt Hills-Ballston Lake Water District Number 2, Extension 18 and any other actions as required or authorized by law.

Roll Call:

Supervisor Ziegler	Absent
Councilman Szczepaniak	Yes
Councilman Goslin	Yes
Councilwoman Stewart	Yes
Councilman Antoski	Yes

Adopted.

Dated : September 11, 2014

At the August 12th Town Board Meeting, the Town Board approved the Resolution 14-140 naming the Town Board as Lead Agency for the Kelley Farm Subdivision Water District Extension to the Burnt Hills-Ballston Lake Water District 2 Ext 18 and Resolution 14-141 classifying this water extension as a Type II SEQRA Action.

RESOLUTION 14-156

APPROVAL OF THE KELLEY FARM SUBDIVISION WATER DISTRICT EXTENSION TO THE BURNT HILLS-BALLSTON LAKE WATER DISTRICT 2 EXT 18.

RESOLUTION EXPANDING THE TOWN OF BALLSTON CONSOLIDATED BURNT HILLS-BALLSTON LAKE WATER DISTRICT #2 EXTENSION 18 IN THE TOWN OF BALLSTON, COUNTY OF SARATOGA, STATE OF NEW YORK, TO SERVE THE KELLEY FARMS SUBDIVISION WATER DISTRICT, SBL 239.00.-2-7.1 PURSUANT TO ARTICLE 12A OF THE TOWN LAW OF THE STATE OF NEW YORK

A motion was made by Councilman Goslin

Seconded by Councilwoman Stewart

WHEREAS, On September 11, 2014 The Town Board Adopted Resolution 14-156 to allow Kelley Farms Subdivision to connect to Burnt Hills- Ballston Lake Water District No. 2 Extension 18; and

WHEREAS, the Town Board finds that the extension of the district is in the public interest; and

WHEREAS, The Town Board finds that all the property owners within the district have requested said extension by letter to the Town Board dated July 17, 2014 and are benefited by the extension of said district; and

WHEREAS, This extension will supply water district access to residential subdivision of 130 single family units and one existing single family residence ; and

WHEREAS, a map, plan and report have been prepared in such manner to detail as is required by Article 12A of the Town Law of the State of New York, relating to the expanding of the Burnt Hills-Ballston Lake Water District No. 2 Extension 18, in the Town of Ballston, County of Saratoga, State of New York and has been filed in the Town Clerk's Office; and

WHEREAS, said map, plan and report was prepared by Lansing Engineering, competent engineers, duly licensed by the State of New York showing boundaries of the proposed extension to the District and the general plan of the proposed Districts; and

WHEREAS, said map shows the location and description of the public works that will be required and that no lands or easements are needed or will be required; and

Nays 0

RESOLUTION 14-159

APPROVE THE PURCHASE OF A SPEED RADAR SIGN AT A COST NOT TO EXCEED \$3,000.

A motion was made by Councilwoman Stewart and seconded by Councilman Antoski to approve the purchase of a speed radar sign at a cost not to exceed \$3,000.

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

Nays 0

DISCUSSION

1. LED SIGNS

Councilwoman Stewart said there was a short discussion on LED Signs at the last Town Board Meeting. She has met with Planning Board Chairman Doyle to consider issues that have come before the Planning Board due to LED Signs. She noted the school and the library already have LED Signs. She is looking to prevent the inconsistencies and create fairness for businesses that want to have LED Signs.

2. 797 Route 50 Unsafe Structure

Building Inspector Johnson gave an update to the Board concerning the neighbor's complaint of an unsafe structure at 797 Route 50. His inspection showed one building collapsing and will need to come down; the second building looks visually secure.

Under the Town Code for unsafe structures, the owner has to be notified to take down or repair the structure. After he receives notification, he has 30 days to correct the problem.

RESOLUTION 14-160

ACCEPT THE BUILDING INSPECTOR'S REPORT OF AN UNSAFE STRUCTURE AT 797 ROUTE 50 AND AUTHORIZE THE BUILDING INSPECTOR TO PROCEED AS STATED IN THE TOWN CODE AND NOTIFY THE PROPERTY OWNER OF THE UNSAFE STRUCTURE.

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to accept the Building Inspector's report of an unsafe structure at 797 Route 50 and authorize the Building Inspector to proceed as proscribed by the Town Code and notify the property owner of the unsafe structure.

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

Nays 0

3. Engineering Fees

Councilman Szczepaniak stated at the last Town Board Meeting it was discussed to give the Building Inspector the authority to charge a set amount per his discretion for the escrow account for projects of developers. Councilwoman Stewart reviewed documents from Clifton Park and Wilton with Building Inspector Johnson. It is something the Board should look at for the next meeting. Building Inspector Johnson said the next step would be for the Board to pass a resolution not permitting the applicant to go before the Planning Board if their account is in arrears.

Councilman Goslin said the Board agrees in principal with the recommendation, they need to work on the language for this resolution.

3. Proposed Local Law No.2 of 2014

Town Attorney Walsh reported that the SEQRA Part 1 was completed earlier and now Part 2 and Part 3 and the Addendum, Draft of the Supplemental Information of Parts 2 and 3 Full Environment Assessment Form (EAF) Town of Ballston – Proposed Local Law 2 of 2014 Industrial Zoning Amendments, have been completed. He asked that the correspondence from the Law Firm of Caffry and Flower concerning the Light Industrial District be included in the records of the Town. The Town did a coordinated review before naming the Town Board Lead Agency and classified the action as a Type 1 action under SEQRA and the public hearing was held so public comments could be made. Town Attorney Walsh recommended that the Town Board review the full EAF and consider action on this local law. Town Attorney Walsh read the following section of Part 3 – Evaluation of the Magnitude and Importance of Projects Impacts and Determination of Significance:

“ The proposed action in the Town of Ballston is an amendment to the Industrial Zoning area comprising approximately 700 acres. The proposed action by itself will not result in any projects being built or any changes to the physical environment, and accordingly will not have any adverse environmental impact, as identified in the Part 2 Full EAF. Rather, the proposed action will serve to limit future projects within the Industrial Zoning to those projects that meet the definition of a light industrial activity and specifically prohibit projects that the Town Board believes that are more heavy industrial in nature. The net future effect of the proposed action will be future implementation of projects in the Industrial Zone that have less of an impact on the environment than are presently allowable by the existing Industrial Zoning. Industrial land uses that have air emissions (more than the simple combustion of oil or natural gas for heat or steam generation), noise impacts, generate dust by outside operations, and having other noxious impacts are being specifically excluded from the Industrial Zoning.”

Town Attorney Walsh recommended that the Town Board review the full EAF for consideration and action on this local law.

Councilman Goslin reiterated that the Town Attorney is looking for the Town Board to review the SEQRA form and should the Board want to move forward to be ready to act on a prepared resolution at the Agenda Meeting.

Deputy Supervisor Szczepaniak asked if anyone had anything to add to the meeting.

Ms. Pierce asked that proposed Local Law No.2 of 2014 be on the Town website.

A motion was made by Councilman Goslin and seconded by Councilman Antoski to adjourn the meeting. The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Town Clerk