

An agenda meeting was held by the Town Board of the Town of Ballston on Tuesday evening, December 30, 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 14-198**

**AUDIT OF CLAIMS**

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

General Fund	No. 536 - 604	\$40,599.64
Highway Fund	No. 509 - 588	103,423.30
Gravel Pit Fund	No. ----	0.00
Park Fund	No. 36 - 37	1,320.00
Library	No 386 - 428	77,650.07
Water Fund District 2 (SW)	No. 101 - 109	1,477.13
Blue Barnes Rd Dist. No.2 Ext# 13 (BBR)	No 91 - 97	25.60
Brookline Rd Rte. 67 No.2 Ext#12 (BRW)	No. 92 - 98	153.52
Goode St Dist. No.2 Ext#14 (GSW)	No. 92 - 98	102.35
Paradowski Rd Water Dist. No. 5 (RW)	No. 39 - 40	.55
Route 50 Water No.2 Ext#7 (RTW)	No. 92 - 98	587.96
Scotchbush Water Dist. No.6 ((WW)	No. 39	1.10
Silver Ln Water Dist. No 6 Ext#1 (WX)	No. 39	.55
Chapel Hill Water Dist. No. 2 Ext # 18 (CH)	No. 92 - 98	179.12
Brooks Heritage Dist. No.2 Ext #21 (RL)	No. 93 - 99	51.17
Stonebridge Enclave No.2 Ext #19	No. 92 - 98	25.60
Morningdale Court No. 2 Ext#24	No. 92 - 98	25.60
Trust & Agency	No. 34 - 40	22,211.67

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

**SUPERVISOR'S REPORT**

Supervisor Ziegler reported the following:

- The Town has received a draft audit report for 2012. The Town Board was concerned that we would have federal sanctions applied to the Town since we had not provided a single year audit for 2012. The sanctions would have prohibited us from applying for federal grant money. The first point addressed in the report is that the Department of United States Homeland Security and Emergency Services requires an audit any year that you expend \$500,000 in federal funds. The 2012 books were in such disarray that we were not able to determine if we spent \$500,000 in federal funds. The audit showed that we were never at risk for sanctions.
- The Town received \$800,000 of grant money from Senator Farley for the Route 50 Turn Lane. The process is for the Town to apply for a loan to pay for the project and then submits invoices periodically for reimbursement from the New York State. We have a \$500,000 bond that we need to repay. We have now submitted invoices totaling \$495,000. We do have a concern since the invoices should have been submitted within 15 months of the contract and these bills are back from 2011. Since the invoices were not sent in to the NYS in a timely manner, we may not receive full reimbursement for \$70,000.

Councilman Goslin added that the Town, as part of the project, has a business that is responsible for any difference or overages. There should be no shortfall.

- The Town Board received the Farmland Protection and Preservation Committee Year End Report December 2014. This report is available for review in the Town Clerk's Office.

## COUNCIL MEMBERS REPORTS

**Councilman Goslin** reported the following:

- He spoke to the Building Inspector concerning the bowling alley that was destroyed by fire. He would like the Board to direct the Building Inspector, under the Town Code procedure for an unsafe structure, to send a letter to the owner to clean up this site. This is a safety issue for the Town. He is aware that Town Attorney Walsh has had discussions with the insurance company and the attorney for the insurance company. He thinks that a letter from the Town Board may encourage them to act on this matter. He asked that the cleanup of the bowling alley be put on the January agenda.

Town Attorney Walsh agreed that we have not had a satisfactory response and we should elevate our response.

- We have changed the IT support for the Town Hall. He notified BAS, our current service provider, of our cancellation of our contract. We will be using Platinum Information Technology Solutions, Inc. and a local computer company in Town. Additional voluntary help will be provided by Water and Building Clerk Debora Bradt. The main issues will be to back up our files and to change our email. All of NYS government offices are on this system and we will receive a government discount when ordering IT supplies.
- We are working on the map, plan and report to form the sewer district. We are also working with Clifton Park. Mistakes were made with the edus, dwelling unit measure and charge for sewer capacity, and the number of parcels. Also at issue are the capacity of the pump station and the capacity remaining for this project when projects on Eastline Road are completed.

Supervisor Ziegler asked what the change will be above the original estimate. Also, the Town sent in the reimbursement documentation for the feasibility study.

Councilman Goslin answered that with the interest rate program, we are trying to keep the cost under \$800.

**Councilman Szczepaniak** reported that he is working with Councilman Antoski to upgrade the sound system for the meeting room with the ELMO Presentation System. During Town Board meetings, it is difficult for the residents to see the information that is being proposed and to hear the comments that are made. Mr. Antoski suggested the system the school uses and Councilman Szczepaniak will take a look at this system. All three Boards can use this system. It is time to move forward on this needed update.

## PRIVILEGE OF THE FLOOR

*Mr. Lorensen* is a resident of Clifton Park. His house borders the Kain Preserve and is a short distance from Abele Woods. His neighborhood has experienced serious water issues since his house was constructed in 1970. This problem is due to the high water table and extensive nearby wetlands. His backyard floods every spring and he has two sump pumps running at this time of year. The stormwater infiltration basin in Kain Preserve, that was designed and approved by CT Male, never drained after each storm. The water table was higher than the test pits predicted. That infiltration basin has recently been converted to a retention pond. The Abele Woods wetlands are classified as seasonally flooded, with surface water present for extended periods, especially in the early spring. The large wetland area visible on the National Wetland Inventory Map is the largest contiguous wetland in the southern part of Ballston. The new homes in this area will be placed directly on wetlands and have as many as seven retention ponds. He asks the Town Board to reopen the public hearing regarding the Abele Woods Project. The Board should consider a Positive SEQRA Declaration since this project has significant environmental impacts and should require the preparation of an EIS. The Town should protect the current and future homeowners in this area from future water-related problems. The Town has the power and obligation to perform a thorough review of such a large project.

*Mr. Meyers* thanked Councilman Goslin for informing him about this development. The notification was not done when this development was first proposed. He has questions concerning the alignment issue of the Timber Creek Road and Raylinsky Road. This is a critical issue concerning public safety. He understands the Planning Board will be looking at the traffic in this area. He would like to know how he can be involved in the planning process and have input so that his property is not devalued further. He suggested the Town Board secure a bond to cover you for this development. The Town elevated the road on Leah Court and he had serious drainage issues and problems with water in his basement. Plans were inspected and approved and there is still a problem. Modifications were made and it is still a problem. This issue needs to be addressed.

Supervisor Ziegler spoke with Highway Superintendent Joseph Whalen and he looked at the area and said it is not the road but the house construction.

Councilman Goslin asked the Highway Superintendent and the Stormwater Management Coordinator to look at the site and give a combined report back to the Board. The Board will meet with Mr. Meyers and find an appropriate solution.

Supervisor Ziegler told Mr. Meyers that he spoke with a National Grid rep concerning the pole location. There seems to be a difference of opinion but the rep will look into the matter further.

*Mr. David Gibson* asked the Town Board to reopen the public hearing on Abele Woods. The first part of the hearing was held during Thanksgiving week and the second part was held during a bad snowstorm. He thanked Mr. Goslin for the questions he raised during the meeting. He believes the Board needs to answer them. With regards to Timber Creek Phase I, II and III, Councilman Goslin asked is this the way we want our Town to be developed? When is a piece of land too wet to be developed? Councilman Goslin said that Abele Woods is the most important decision the Town Board will be asked to make and yet there is no EIS for the most important issue. The Abele Woods project is still in its infancy in terms of design. Site planning is not completed. This development is very controversial from the standpoint of many neighbors with potential damages to the Town and neighbors' interest. Now is the time to include Abele Woods in a moratorium or stay while we await studies to the changes in the Comprehensive Plan, design standards and high impact development. Abele Woods is the poster child for high impact development. Including Abele Woods in the stay can only help improve this project's design and its avoidance of serious impacts to human health and the environment.

*Mr. Dan Gibson* said he would like to go on record as objecting to this development. He believes a more consistent long term plan is needed for this project; a plan that is not changed due to short-term market or political pressures. He does not believe that intense development of this property is appropriate nor is it the best long term use of the land for the Town or for those living in the vicinity. He believes the Board is remiss in not requiring a comprehensive Environmental Impact Statement for this project. Also, he mentioned the traffic problems in the area.

Supervisor Ziegler asked to make the record clear that this project was not done at the last minute and slipped through by the Town Board. This project was under consideration for one year and public hearings were held concerning Abele Woods.

Councilman Goslin asked if the PUD language was reviewed by the Town Attorney.

Town Attorney Walsh said the final language was more restrictive than the original language. The project will have a smaller footprint. We have acted within the scope of the Town's authority.

Councilman Goslin asked about the performance bond. He suggested the Town Board might address the Planning Board about the residents' concerns in a letter or in a resolution. We need to answer Mr. Meyers question on keeping him informed.

Councilman Szczepaniak replied that every concern of the residents was addressed by professionals at the public hearings. The Board needs to let Abele Woods go through the proper process. A letter or resolution from the Town Board would not be a normal process. The Planning Board agenda is posted and notification is given to the residents.

Supervisor Ziegler stated all Town residents have input into our meetings for there is Privilege of the Floor. He will talk to the Chairman of the Planning Board about the idea of a bond.

Councilwoman Stewart asked if the Planning Board can require a bond. There are many different types of bonds the developers are required to do for their projects.

*Mr. Beletsky* said he moved to Leah Court about a year ago. Since he was new to the area, he was not aware of the meetings on the Abele Woods development. He asked the Town Board if it was a good and fair decision to hold the public hearing on an evening during a snow storm. As the process goes forward, he would like to be included so he has input. He asked the Town Board to do a field walk of his property so they can see his water problem. He needs direction from the Town Board so he can be part of the process.

Supervisor Ziegler thanked Mr. Beletsky for his comments. He stated that at no point did we think the weather was so bad that no one would be able to attend the meeting. We give the Town residents every opportunity possible to be heard.

*Ms. Gibson* said the Town Board needs to compare, examine and study the Abele Woods project to determine the detrimental effect of this development. She stated that Phase IV breezed through the process. Everyone on Eastline Road has drainage and water problems. The habitat will not thrive and will be gone forever. They have a right to be there; nature will prevail. The Town will rule the day they approved this ill-advised project. Mr. Brooks could have a financial and tax advantage by donating the land or he could put the land under a protective easement. She asked the Town Board to please reconsider intervening now and revoke or put a stay on this land for the generations of people and wildlife to come.

Planning Board Chairman Doyle said the initial concept stage doesn't have a public hearing but after each stage of the process there is a public hearing. The Town Board can give guidelines to the Planning Board. All the drainage problems that occur within the property they are considering, the Planning Board will try to correct those. This project will go through a long process. It will take approximately a year and there will be eight or nine public hearings.

*Mr. Meyers* asked if the residents will have opportunities to review the designs and drawings of this project before the meeting.

Mr. Doyle replied that the opportunity for review of the plans does exist before the meeting. We are available to go out on field work. Also, he will take telephone calls from residents.

## **NEW BUSINESS FOR CONSIDERATION AND REVIEW**

### **RESOLUTION 14-199**

#### **APPROVE A RESOLUTION HONORING FRED ROGNER**

A motion was made by Councilwoman Stewart and seconded by Councilman Goslin to approve the resolution honoring the memory of Fred Rogner.

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

### **RESOLUTION 14- 199: HONORING THE MEMORY OF FRED ROGNER**

WHEREAS, Fred Rogner died on November 26, 2014; and

WHEREAS, Fred Rogner was a resident of the Town of Ballston for 21 years, a former member of the Farm Bureau and a respected member of the farming community; and

WHEREAS, Fred Rogner developed his farm in 1992 for horses to live as naturally as can be managed in a farming environment. He succeeded in his farm being a visual asset to the Town; and

WHEREAS, Fred Rogner was a retired science teacher from the Stillwater Central Schools, where he taught for thirty-two years. He used his scientific knowledge to cultivate a high yield of quality hay; and

WHEREAS, Fred Rogner was a valued member of the Zoning Board of Appeals for the Town of Ballston from 1999 – 2014 and lent his expertise to the Board on farming issues; and

WHEREAS, Fred Rogner was a skilled participant in the Tractor Pull Events and won many trophies in competitions; and

WHEREAS, the Town of Ballston wishes to extend its sympathy to Mr. Rogner's wife of thirty-seven years, Sharon Rogner; now, therefore, be it

RESOLVED, that the Town Board of the Town of Ballston expresses its gratitude to Fred Rogner for his years of service to the Town of Ballston Community, especially for his contribution to the Zoning Board of Appeals. Volunteers like Mr. Rogner are the backbone of the community such as ours and we are all poorer for no longer having him with us.

**RESOLUTION 14-200**

**APPROVE A RESOLUTION AUTHORIZING THE TOWN BUILDING INSPECTOR TO IMPLEMENT A FEE STRUCTURE FOR ENGINEERING FEES PAYABLE BY DEVELOPERS IN CONNECTION WITH APPLICATIONS FOR BUILDING/PLANNING BOARD APPLICATIONS.**

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to approve the resolution authorizing the Town Building Inspector to implement a fee structure for engineering fees payable by developers in connection with applications for Building /Planning Board Applications.

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

Resolution14-200 Authorizing The Town Building Inspector To Implement A Fee Structure For Engineering Fees Payable By Developers In Connection With Applications For Building/Planning Board Applications.

WHEREAS applications for building and planning approval require a variety of inspections and engineering oversight; and

WHEREAS the Town of Ballston seeks to provide the building, planning and zoning departments with the appropriate technical material necessary to render accurate and fair determinations; and

WHEREAS the costs associated with development approval vary according to size, scope and complexity of each project; and

WHEREAS the Town seeks to advance a planning process which provides applicants notice and which is fair and consistent; now therefore be it

RESOLVED and the Town intends to establish a fee structure for engineering and inspection costs associated with development and building proposals; and

RESOLVED that the Town Board hereby authorizes the Town Building Inspector, in consultation with the Town Board and the Chair of the Planning Board, to establish a set fee schedule for costs associated with development and building projects and to make such fee schedule available in the Building Department and on the Town's website.

Town Attorney Walsh stated there were no SEQRA implications with this fee schedule.

**RESOLUTION 14-201**

**APPROVE THE DEDICATION OF THE ROADWAYS AND STORM SEWERS WITHIN PHASE 2A OF THE STONEBRIDGE PUDD.**

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Stewart to approve the dedication of the roadways and storm sewers within Phase 2A of the Stonebridge PUDD.

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

**RESOLUTION 14-202**

**APPROVE THE DEFERRMENT OF VACATION HOURS FOR THE EMPLOYEES**

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to approve the deferment of vacation hours for the following employees:

THOMAS JOHNSON 37.5 HRS.

JOANN BOUCHARD 112.5 HRS.

DEBORA BRADT 15.0 HRS.

LESLIE ZORN 6.5 HRS

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

Nays 0

**DISCUSSION**

**1. New Format of the Agenda Meeting**

Supervisor Ziegler recognized Councilman Szczepaniak for his work on the agenda meeting. Councilman Szczepaniak said there will be one Town Board Meeting and one Agenda Meeting for the month. The meeting will be more informal and the different boards, committees and department heads will present reports and updates on the action of their group or office. Items will be brought before the Town Board for discussion and possible action at the regular Town Board Meeting. The main idea is to keep the Town Board informed and improve communications between the boards and committees. The Town Board will vote on resolutions that are time sensitive at the Agenda Meeting; however, all other resolutions will be considered at the regular Town Board Meeting. The Town reports will be given at the Town Board Meeting but the discussion will be held at the Agenda Meeting.

**2. Attendance at the Association of Towns Meeting in February 2015.**

Councilman Szczepaniak and Councilwoman Stewart will attend the one day session at the Association of Towns Meeting on February 16, 2015. Previously, they attended the Association of Towns classes and received valuable information. They will report back to the Board.

**3. Teamsters Negotiations for 2015**

Councilman Szczepaniak has contacted the Highway Superintendent Joseph Whalen and the Teamsters Business Agent Thomas Quakenbush to start negotiations early in 2015 for the Teamsters Contract that will expire at the end of 2015. He expects the negotiations to be quicker this year since they spent about a year on the contract last year. The negotiations committee will be Supervisor Ziegler, Councilman Szczepaniak and Highway Superintendent Whalen.

**NEW BUSINESS FOR CONSIDERATION AND ACTION FOR THE JANUARY 13, 2015 MEETING**

**1. CONSIDER APPROVING THE ORGANIZATIONAL RESOLUTION AND APPOINTMENTS FOR 2015.**

**2. CONSIDER APPROVING THE ANNUAL CONTRACTS WITH THE OFFICE FOR THE AGING, NUTRITION AND TRANSPORTATION CONTRACTS.**

**3. CONSIDER APPROVING THE ANNUAL ANIMAL SHELTER CONTRACT FOR 2015.**

**4. CONSIDER APPROVING THE JUNKYARD LICENSES FOR: WILLIAM DAVEY, KYLE DIETERLE AND MANGINO BUICK GMC.**

**5. CONSIDER APPROVING THE AGREEMENT WITH COMMUNITY EMERGENCY CORPS FOR 2015.**

**6. CONSIDER AUTHORIZING ATTENDEES FOR THE ANNUAL ASSOCIATION OF TOWNS MEETING IN NEW YORK CITY, FEBRUARY 15-18, 2015.**

**7. CONSIDER APPOINTING A VOTING DELEGATE FOR THE ASSOCIATION OF TOWNS MEETING IN NEW YORK CITY, FEBRUARY 15 – 18, 2015.**

Supervisor Ziegler reported that there are a number of positions available on boards and committees as follows:

2 Planning Board Positions

2 Zoning Board Alternates

1 Ethics Board Position

6-8 members for the Finance Committee

Members needed for the Economic Development Committee

Members needed for the Parks and Recreation Committee

One member of the Jenkins Park Advisory Board will be reappointed.

A motion was made by Councilman Szczepaniak and seconded by Councilman Antoski to adjourn the meeting. The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Carol R. Shemo  
Town Clerk