

A public hearing was held by the Town Board of the Town of Ballston on Thursday evening, July 23, 2015 at the Town Hall on Charlton Road, Ballston Spa, New York.

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

Supervisor Ziegler opened the public hearing at 6:40 p.m. The purpose of this public hearing was to offer the public an opportunity to give their comments to the Town Board about the proposed Ballston Lake Sewer District. There was a short presentation or overview on the information reviewed at previous Town Board meetings. During Privilege of the Floor, each person had five minutes to speak. There was not a question and answer period, but a list of questions was made to be answered later.

The Town Clerk read the following legal ad for the public hearing.

### **PUBLIC NOTICE**

The Town of Ballston will conduct a Public Hearing on the proposal to establish the Ballston Lake Sewer District on July 23, 2015 at 6:30 PM at Ballston Town Hall, 323 Charlton Road, Ballston Spa, New York. The proposed Sewer District involves the area from the vicinity of the Town of Ballston/Town of Clifton Park Town Line to the south encompassing several parcels north of Schaubert Road with a common boundary with the Town Line as well as the Main Street and Mill Street areas; the Buell Heights neighborhood on the southwest side of the proposed Sewer District with parcels to the north and south of Lake Hill Road ending to the west prior to the Steven's Elementary School and parcels on Jacobs, Phillips, Frank, Gartner, North, Buell Ave, Charles, Edward and Williams as well as parcels to the east of Midline Road from approximately Gartner south to the Town Line; and all parcels to the east of the railroad bed along Westside Drive including Manning, Hampton, Waverly, Glenridge, Lakeshore, Connolly and Powers as well as various private lanes; and following Outlet Road to the intersection with Lake Road but not including several parcels at the north end of the Lake and from the intersection of Outlet Road and Lake Road to the north to the intersection of Lake Road and Eastline Road; and all parcels with common border to Lake Road from Outlet Road proceeding south along Lake Road to the vicinity of Hickory Grove Lane proceeding south in proximity to the eastern shore of the Lake to the Town Line. The improvements associated with the proposed district include approximately 49,583 LF of low pressure sewers on the east and west sides of the Lake, approximately 13,758 LF of gravity sewers in the Buell Heights neighborhood and Main Street area together with a single publicly-owned pump station located in the Main Street area, and approximately 5,464 LF of gravity sewer to connect to the SCSD#1 Interceptor Sewer in the vicinity of Shenentaha Park. The project is estimated to cost \$10,203,729 and the maximum amount that may be expended is \$10,203,729. The Town of Ballston will charge a hook-up fee of \$200 or less. SCSD No. #1 imposes an Inspection Fee of \$500 for each service connection. It is estimated that the cost of the plumbing connection from the structure to the sewer main and decommissioning of the on-site septic system may range from \$2,500 to \$10,000 or more depending on whether a grinder pump is required and the distance of the structure to the sewer main. Cost of connection including hook-up fee, inspection fee, septic decommissioning, grinder pump (if required) and plumbing connection to the sewer main will be borne by each individual property owner. The estimated cost of the district to the typical property, a single family home, is \$907 per year. The method of financing the project is the issuance of a bond by the Town of Ballston to secure a 30-year leveraged loan from the New York State Clean Water State Revolving Fund. Properties within the proposed district will be assessed costs on a benefit basis. A Map, Plan and Report describing the improvements as well as a detailed explanation of the cost to the typical property is on file in the Town Clerk's office, Ballston Town Hall, 323 Charlton Road, Ballston Spa, New York where it may be inspected during regular Town Hall business hours and posted at <http://www.ballstonsewers.org>.

By the Order of the Town Board of the Town of Ballston  
Carol Shemo

Town Clerk  
June 9, 2015

## **PRESENTATION ON THE PROPOSED BALLSTON LAKE SEWER DISTRICT**

**Mr. Drew Hamelink, Chairman of the Clean Water Committee**, reported that the goal of the committee has been to be extremely transparent and put all the documents for the Ballston Lake Sewer District on the website [www.ballstonsewer.org](http://www.ballstonsewer.org). As questions and issues came up, they were addressed under FAQ, frequently asked questions. He gave a brief project history on the proposed sewer district.

The Clean Water Committee was formed in the summer of 2013. They reviewed a number of previous studies. There were multiple studies in 2001, the Watershed Protection and Management Study, the CT Male Study in 2005, the Bender Study in 2012, which studied the streams in the area, 20+ years of detailed water testing by the Ballston Lake Improvement Association and the coliform testing funded by the Town of Ballston for the past few years. All water studies showed too much phosphorus. It was noted that the geology of the entire area is poor for septic systems this problem is compounded by a high water table and the age of the septic systems. In his report, Mr. Hamelink showed graphs detailing the trend of increasing phosphorus levels that are limiting the nutrient growth in the lake. He gave an update on the coliform issue, which he believes is a public health threat in Buell Heights and the Ballston Lake Village area. Septic systems fail due to the area covered by shale, the high water table, poor septic maintenance and the age of the system. Mr. Hamelink stated that the life of a septic system is 25 – 30 years. They have documented toxic algae blooms on the lake for the last three years. In 2012, NYS listed Ballston Lake as an impaired water body. When NYS ENCON does an analysis of the lake, it will be necessary to have a remediation plan and sewers will be the best option.

**Ms. Mary Beth Bianconi, the Project Manager for Delaware Engineering**, stated Delaware Engineering has worked on this project for the last year. She showed the map of the area of the project for the Town of Ballston and the Town of Clifton Park. She reported that there are 651 EDUs, Equivalent Dwelling Units, 560 EDUs in the Town of Ballston and 91 EDUs in the Town of Clifton Park. Properties within the proposed district are largely residential with some commercial. All developed residential properties have been assigned a minimum of 1 EDU. Larger users, such as multi-family residences and restaurants have been assigned multiple EDUs. Vacant lots have been assigned EDUs according to their size; vacant lots that are one acre or greater will be assigned 1 EDU and lots greater than a half an acre but smaller than an acre are .5 EDU. Those properties that are less than half an acre and lots that are constrained by wetlands are 0 EDUs. There will be approximately 70,000 LF of sewers with one Main Street pump station. The wastewater from Buell Heights will flow by gravity to the pump station. The pump station will pump the wastewater from the west side of the lake northward to the Saratoga County Sewer District (SCSD) at Shenentaha Park. All the properties along the lake have small residential pumping stations to force the wastewater to the top of the lake and on to Shenentaha Park. The cost of construction of the sewer district using a very conservative estimate is \$10,203,729. This includes all material, labor, engineering, legal and administration costs. The Town is applying for a Federal Government funded low interest rate loan through the Clean Water State Revolving Fund Program. The present interest rate is 1.84% for 30 years. The annual debt payment would be \$445,634 and dividing this cost by the number of EDUs would result in an annual debt service charge of \$685/EDU. The annual operation cost of the Main Street Pump Station is \$32 and the annual user fee for the SCSD is \$190. These two fees would be paid by the occupied EDUs not by the vacant EDUs. Delaware Engineering and C T Male did a careful review of vacant parcels and eliminated very small parcels and those that could not be built on due to wetlands. The Sewer District follows the Town Law on the creation of a district. The Town Board has decided on holding a mandatory referendum in September. If there is a positive outcome with the referendum, then it will be reviewed by the NYS Comptroller's Office and this review will take two to three months. After the NYS Comptroller's approval, the Town Board will issue an order to establish the district. The Town will bond the project and submit to the State the information for financing the project. The paperwork will take one year to complete, bonding will be in the Fall of 2017 and the construction will take two years.

## **CORRESPONDENCE**

The Town Clerk received five letters and emails from residents who were unable to attend the meeting but wished their comments to be entered into the record.

*Mr. Ed Hernandez* as a licensed Professional Engineer, a certified NYSDEC Wastewater System Manager, a local business owner and a resident of the proposed Ballston Lake Sewer District, wishes to show his strong support for the proposed sewer project. The Town of Ballston has evaluated the installation of sanitary sewers many times. The cost of the project continues to increase and the quality of water within the lake continues to degrade. Continued testing of the lake and its tributaries shows increasing levels of phosphorus and fecal coliform. In his professional opinion, construction of the sewers is the single most effective action that could be done to improve the coliform and phosphorus contamination into the lake and to protect the long term public health and welfare. He believes it is imperative that the Town move forward now with the funding, design and construction of the project.

*Mr. and Mrs. Williams* would like to express their strong support for establishing a sewer district and installing a sewer system around Ballston Lake and in Buell Heights. They purchased their Ballston Lake home in 1974 and the lake waters were marginal quality. The water quality improved very substantially in the following thirty years, through the efforts of the Towns of Ballston and Clifton Park, the BLIA and individual residents. They are saddened to see the quality decline in recent years, due in a large part to development around the lake and the deterioration of old septic systems. They feel the cost of the sewer district is an important investment to restore the quality of the lake water.

*Mr. Solosky* lives on Lake Road between Stonegate Development and East Line Road. The people in his area petitioned the Town to do a study on the need for public water in that area. The Town Engineer, C T Male's recommendation was that such a loop would benefit the entire water district. C T Male gave three options; one as low as \$15 a year per resident. The Board would not accept the recommendation of its own engineer and denied the residents a request for a Town hearing or vote. Now the same residents are potentially being faced with an extreme cost and burden of a sewer system they do not need or benefit from. There has been no study to prove that they will benefit. He is in the real estate business and knows that his home will be less marketable and valuable if burdened with the cost of a sewer system. Per the Town Supervisor Patrick Ziegler, the cost would be \$900 a year plus the cost of hookup and grinder pump. This is extreme and unfair. He proposes that in order for everyone to get what they need, you combine the project of putting water in this one mile stretch at the same time a sewer project is done. If the two projects are not combined, he knows that his vote will be NO to sewer. He would assume all the residents that were denied the opportunity for water in 2013 would also vote NO for the sewers.

*Ms. Frutschy* asked if the Board would explain whether water can be installed at the same time as the sewer project. A few years ago, everyone in her area on Lake Road was trying to get water and this was never brought to a conclusion. If ditches will be dug for a sewer, a few feet below (or above) a water line could be installed. This would make the project acceptable to her. She would like to know more about the cost of this.

Mr. & Mrs. DiCaprio stated their main concern is the fact that the homes on Connolly Road do not have easements although that was promised a year ago. Without these easements, how can sewer lines be brought down Connolly Road? We need to have road improvements done before the Town attempts to bring in sewer lines. Their road needs to be widened in order to accommodate emergency vehicles. Is the plan to widen Connolly Road before the sewers are brought in? How much will it cost for each home to bring the sewers down Powers Lane and Connolly Road? How much for the pump and for each home to hook up to the sewer?

## **PRIVILEGE OF THE FLOOR**

*Mr. Matthew Finnegan* is the owner of Carney's Tavern on Main Street. He thanked the community for their support to move forward with public sewers. They are 100% invested in the

Town. His property has an expensive weekly bill to take care of the waste properly. This is a very unhealthy system especially in the hot and wet weather. It is his ultimate goal to purchase the three separate dwellings on the adjacent properties. He needs the sewers for this to happen. There is a serious health issue in our neighborhood; this is not just a lake issue. The cost of the sewers is an investment in our property and it will increase property values. The people should not be afraid of growth. Growth within limits will help us attract small businesses and this will help lower our taxes. Mr. Finnegan wants to live in this community in the future. It is the community's decision to do something about the coliform pollution and the toxic algae.

*Mr. Walter Katz* lives on the lake and likes the project. He questions whether providing sewers around the lake is cost effective. The highest density of houses is at the narrow end of the lake. It is inappropriate to run the sewers through the swamp and wetlands. The sewers should start with Eastside Drive and Buell Heights and the southern end of the lake. You need to consider the dairy farms and maybe it should be a Town-wide project. Let us make this project cost effective.

*Mr. Duncan* stated that in 2012 volunteer residents working with BLIA received the Bender Grant. It was to study the phosphorus coming into Ballston Lake. The volunteers did a formal study on the lake's three tributaries Sweet Road, Buell Heights Creek and Saunders Road Creek. They measured the creek flow for seven major rain events. The results showed it was estimated that phosphorus was entering the lake eight times greater than the phosphorus leaving the lake. Phosphorus in the lake interacts with the algae and turns the lake green. Improperly working septic systems in the watershed are the source of coliform the study supports municipal sewer system for the lake and the areas surrounding the lake.

*Mr. Rubin* is in favor of the sewer system. He has seen the changes in the lake with the toxic algae and the increase in E.coli. The houses on the lake will decrease in value due to the decrease in the water quality of the lake. The more people that come to the lake and spend their money in area businesses the greater the economic engine will be for the Town.

*Mr. Jackson* is a lifelong resident and can see the changes in the lake and the surrounding areas since his childhood. He said to save the lake we have to do more than just bring sewers to the lake since that will bring in more houses. We need to look at the Comprehensive Plan and decide on the building in the area. We need to know the real cost of the sewers. In Mariaville Lake the sewers cost double the projected cost. This project should be Town-wide and we need to look at the Watershed District.

*Ms. O'Rourke* has lived on a private road on the lake. She was not worried about her properties being included in the sewer district until she read the report. She could not imagine that the sewers would be brought down her private road. She read the documentation on the Watershed Study and the Bender Study. She looked at the recommendations for sewers in the Buell Heights area, Eastside Drive, Westside Drive and Main Street. It does not talk about the rest of the lake. The sewer report shows the EDUs in the dense area have 500 of the total 681 EDUs. It would be cost effective to do the sewers where all the studies state it is needed, then test the waters and see the results. Two years ago she replaced her septic system and it cost her \$20,000. She has been assigned 1 EDU for her property and ½ EDU for her adjacent property that is a non-buildable lot. She is concerned that the cost of this project for the 1 EDU for 30 years will be \$27,210.

*Ms. Pollard* is a lake resident and a realtor for thirty-five years. She said that to sell a house a septic report is needed for the standard contract. She has seen reports were eight septic systems have failed and the average cost to correct the septic systems was \$20,000.

*Ms. Phelps* has recently moved into the Town and her property is not included in the map of the Sewer District Report. She would like her property to be included in the Sewer District.

*Ms. Hamelink* has lived in the lake area for forty years. When they moved here, the lake was clean and her family swam in the lake. Fifteen years ago the lake turned a soupy pea green color and you could see strands of algae. We no longer see the sunfish swimming around the docks. The lake is dying. We take our grandchildren to a clean lake to swim. She has a big concern for our neighbors in Buell Heights. The fecal coliform levels in the streams and watershed present a large health hazard. With our geology, septic systems do not work efficiently. The most appropriate way to address this problem is with a sewer system. Five years ago Joe Pollard started working to preserve the lake for future generations, so they too could have a wonderful

quality of life. The need for sewers is critical. The cost is not expensive if you consider what we stand to lose. Vote “yes” for the sewers.

*Mr. Adams* has been a lake resident since 1976. He thanked Joe Pollard for his effect, vision, organizational skills and leadership. He also thanked the Clear Water Committee in getting the project started and the members of the Town Board for their support. This project got started as part of the Clear Water Act in the early 1970's. The residents had the opportunity to get sewers that were 85% funded and voted against the project. Now forty years later, we are still facing the same problems and the sewers cost a lot of money. To approve the sewer district we need a committed populace and the leadership of the Town Board. It is the job of government to see to things that people can't do themselves. It is for the legacy of his children and grandchildren that they have the same enjoyment from the lake that he did. He asked the Town to support the sewers.

*Dr. Pierce* has studied the lake and the watershed for 10 years. He is responsible for taking water samples that are given in the reports to the Town Board. In May, it was very dry and the water samples showed the fecal coliform to be at very low levels. In June, we had one to two inches of rain and the samples showed what the rain did to the septic systems with large increases in the E.coli coliform levels. Dr. Pierce read a letter from Dean Long. Mr. Long was a resident of the Town for eighteen years and has been involved in research work on lake ecology and lake management issues on Lake George, Saratoga Lake, Lake Ontario and Cranberry Lake. In his letter, Mr. Long states that “waste water collection is necessary to both protect human health of the community and reduce nutrient loading to the lake as well as other water resources in the community. Frequently, septic systems found in poor soils and near the lake shore area will become seasonally flooded which will increase the overall loading of readily available phosphorous compounds (reactive phosphorous) to the lake. These compounds contribute to algae growth once the contaminated shallow ground water enters the lake. Lakes are complex and the water quality that is observed is related to nutrient loading from the watershed, internal nutrients, the biological communities and the water chemistry of the water body. The immediate reduction in phosphorous load from removal of septic leach fields may reduce the overall amount of phosphorus entering the lake by 10-30%. In general lakes will respond to nutrient reduction caused by sewerage in a time period that is related to the lake flushing rate. The flushing rate of Ballston Lake is roughly nine months so the first changes in the lake will be seen within a year of the sewer installation. The first change is to have a decrease in algae growth which increases water clarity. Once the immediate water quality changes have occurred there will be a variable rate of changes due to the amount of nutrients within the lake sediments, shallow ground water inputs, soils and annual fluctuation in weather patterns.” Reducing one important nutrient source will create long-term benefits for the lake. Dr. Pierce concludes his comments by saying that the Town Board, as the Board of Health, should be given the authority to see this project through, as this is a health issue for the Town.

*Mr. Cutler* is a resident living on Lake Road. He and his wife support the project. They love the lake and thank the community for trying to protect it.

*Mr. Herman* has the privilege of being President of the Ballston Lake Improvement Association and is a life-long lake resident. In the 1980's DEC allowed testing of the lake by volunteers. In 1991, CSLAP allowed testing of two separate areas of the lake. The southern end has been tested for 24 years and the northern end has been tested seven to eight years. The testing showed both areas tested the same. You cannot divide the lake into sections. There are seven contributories to Ballston Lake and only one exit on Outlet Road. We need to have sewers around the entire body of water. Ballston Lake is part of a large community and property buyers will ask about the lake quality. The property values begin to fall as the quality and reputation of the lake decreases.

*Mr. Carusone* said he and his wife love the lake. Eighty-four percent of the pollutants are from the southern end of the lake and all the flow is out the north end at the Outlet Road. We do not need to sewer the whole lake. The outlet needs to be cleaned. Developers looking at properties along Route 50 and Midline Road will want to connect to the sewers. He asked the Town Board how this situation will be addressed for people tapping into the sewers in five or ten years. Will they be paying a pro-rated portion of the sewer expense? He is also concerned for his neighbors for whom the cost of the sewer district will be a burden. We need to address this situation so that they can stay in their homes.

*Mr. Bashant* has been a lake resident for seven years and loves the lake. There has been great stewardship of the lake. It is a great resource. He is in favor of the project. This is an investment in ourselves, our health, in this community and in our future. Let us do something now. The project will only get more expensive if we wait or are forced to clean the lake.

*Ms. Carney* is the owner of Carney's. She has had three to four septic systems installed for the restaurant and they were inadequate. She spends \$375 a week on her septic system services. All streams run down from Lakehill Road into the lake. It is not just about Ballston Lake; it is a Town issue. Vote for the sewers and let's move forward. The lake is our resource; we have to take care of it.

*Mr. Pollard* has been a lake resident for forty years. He cares about the lake. His father started this process and it is near and dear to his heart. The Town needs a Master Plan for the entire watershed area and Route 50. We need to develop the area in a sensible way so that it will help our tax base, add to the great school system and take the burden off the taxpayer. This is an important project for our community. The lake is our greatest natural resource and we need to protect it. This project will do it and is a great first step. We need to do more sewers along the Route 50 Corridor. We need to do this project right and we need to do it now.

*Mr. Thurnau* raised a concern about the newspaper article about the design of the sewer system by Delaware Engineering. The Board of Supervisors has hired a law firm to look into the deficiencies regarding two main sewer pump designs by Delaware Engineering due to unspecified operational problems. He is also concerned about the shift in source of pollutant for the lake. The prominent issue was the increase in phosphates in the lake so that DEC issued a finding of impairment. As a professional engineer, he knows that a sewer system will not significantly reduce phosphates in the lake. The latest article in the paper states that a sewer system will remove the bacteria from entering the drinking water sources in Town. The property owners around the lake and throughout the Town must accept the fact that they must keep their septic systems operating properly. His final concern is with the potential expansion of sewers through the five phases of proposed Town-wide sewer system. The Town is under tremendous pressure for development spreading west from the chip plant. Our rural character, confirmed to be desirable by two town studies, will be lost forever. Massive development in the form of apartment complexes, condos and PUDDs will be built instead of the normal subdivisions of single family homes and duplexes. Massive development will bring great increase in school taxes and traffic congestion.

*Mr. Voehringer* was the Chairman of the Planning Board for seventeen years. The topic of sewers came up many times. It was always voted down because more development will put more of a burden on the taxpayers. If you build a sewer system, it needs to be built right and that is a very expensive project. He is on the Farmland Protection Committee and from the farmers standpoint, they do not want sewers in the farm district.

*Mr. Solosky* said there was good information given at this meeting and he has a concern for the lake. Part of the sewer district includes properties that would not benefit from the sewers at this time. These properties are relatively new and have new septic systems. Why is he being forced to hook up? It is very expensive and it would be good if he could hook up in the future when he need it. He hopes that those who will benefit from the sewers, will get what they need.

*Ms. Bishop* said they needed a new septic system and had to put in a mound system. It was very expensive and there was no low interest loan equivalent. It took all their savings from their college fund. They also had to give up a large area of their yard and lost a historic building in the process. Property owners should consider the expense of a new septic system and the area the mound system will remove from your back yard.

*Mr. Jeffrey Katz* grew up on the lake. I care about the lake and the Town. The Town Board should make sure that this is the most cost efficient way to do this project. There should be a three pronged approach to this project as Mr. Jackson suggested earlier. If you do one specific thing, such as sewers around the lake, this will not fix this issue. The sewer system should be in the dense areas of the lake and save money on the less dense areas.

*Mr. Rosamino* owns a property that will not benefit from the sewers the same way the people who live on the lake will benefit. His proposal is that we share the costs. We are one family, one

community; we should all work together to save our lake. The cost should be dispersed throughout the Town. Everyone doesn't benefit the same as the ones who have an immediate need. If this proposal is not Town-wide I will vote "no" since this is unfair. If it is a Town-wide effort I will vote "yes".

*Mr. Bloomer* grew up in Ballston and has recently purchase a home on Lake Road. He is in the construction business. He said the Town should increase the capacity of the sewer system because everyone will benefit. It will be a lower cost for all. If you need to replace your septic system it is very expensive. A mound system costs about \$15,000 to \$20,000. This is the next step in a growing area. Pay for sewers now for the community.

Councilman Goslin made the following closing comments. He thanked everyone who came to the meeting this evening. We are working through the issues but no one has all the answers. This is a great community and we are working together to solve the problem. He thanked the people who served on the sewer committee. He stated that we did look at putting sewers in the whole Town but it was very expensive. We are looking at other opportunities to improve the business district. Some property owners suggested we not sewer the whole lake, but there is no place for the sewage to go except Shenentaha Park and we would go by half the lake on the way to the Park. The Town Board will address the issue of property owners who have installed a new septic system. The Town Board will work on a sewer connection policy. We may be able to come up with a way to defer the cost. Some residents are concerned about water in the Lake Road area, we will consider that issue in the future.

Supervisor Ziegler thanked Councilman Goslin for all his work on the project. The written comment period will be left open until the August 11<sup>th</sup> Town Board Meeting. Please forward your comments to the Town Clerk. There will not be another public hearing. This is the first time we are going through this process of creating a sewer district and we are taking our time to do it right. We will establish a process going forward. Thank you for your comments to the Town Board.

The public hearing was closed at 8:45 p.m.

Respectfully submitted,

Carol R. Shemo  
Town Clerk