

A Town Board Agenda Meeting was held by the Town Board of the Town of Ballston on Tuesday evening, January 25, 2022, via Zoom video conferencing.

PRESENT:	Eric Connolly	Supervisor
	Kelly Jasinski	Councilwoman
	Chuck Curtiss	Councilman
	Michael Carota	Councilman
	Rob Fendrick	Councilman
	Carol Gumienny	Town Clerk
	Debra Kaelin	Town Attorney

Supervisor Connolly called the meeting to order at 6:30 p.m. and the Pledge of Allegiance was recited.

OLD BUSINESS

Ballston Lake Sewer Project Update

Ed Hernandez, engineer for the project, reported that the project continues to remain on schedule and under budget. There are three payment application requests on the agenda for Board approval and Mr. Hernandez stated that they have been reviewed and he recommends payment. They were also reviewed and approved by the Ballston Lake Sewer Committee. Contractor #1 has been working in Buell Heights, on Main Street, and are coordinating work with the railroad company. They will also be working on the pump station building. Contractor #2 is on hold for the winter and will continue in the spring. Contractor #3 continues to work on punch list items and pressure testing lines. Contractor #4 is on hold for the winter and will continue in the spring. There is a change order for Contractor #3. Previously the Board approved a change order for paving the roads along the east side of the project that were heavily used by construction equipment. This was paid for with grant money and at no cost to the Ballston Lake sewer residents. If the grant money is not used, it goes back to the State. This change request is needed because more asphalt was used that was not anticipated in the original estimate due to level variations in the road. The grant money equates to approximately \$5 million with approximately \$1.5 million in contingency money. Councilman Carota stated that there was a previous change order for approximately \$150,000 for paving and now an additional request of \$50,000. This is a concern. Mr. Hernandez stated that there needed to be a thicker amount of asphalt used to fill all the voids. There was no way to stop the contractor from paving and come back to the Board to request the additional funds. It would have cost more for them to stop and come back. Councilwoman Jasinski stated that the unused grant money will be returned to the State. The payment will not be lowered for the sewer residents. Mr. Hernandez stated that the Town must use all the loan money before it uses the last bit of grant money. It is advantageous to the Town to use this grant money to save money on projects such as paving all the roads in Buell Heights, or to beautify the pump station. Councilman Curtiss finds this change concerning stating that a contract is a contract. Ballston Lake Sewer Committee Chairman Drew Hamelink stated that the Board members should check the Ballston sewer website on how this project has been moving financially. Mr. Hernandez stated that this is a \$17 million project and the change orders have been very, very minor and the project is being tightly managed.

Grants Update

The Supervisor stated that there is no new update. The Town is still waiting to hear if they will be a recipient of a grant to assist with the Veteran's bike path extension to the Zim Smith Trail. Highway Superintendent Joe Whalen stated that the Town did not receive the grant for the Finley Road bridge replacement. MJ engineering is working on a plan and a quote for this work, and it will be distributed to the Board for their consideration at the next meeting.

Parks and Rec Committee Report

Chairperson Sally Draina stated that the Committee has been working on a solution and a new recommendation for the Goode Street extension that will be finalized and shared with the Board at the next meeting. They are currently working on 2022 goals for each park. She is waiting on actual funds available for parks so the Committee can prioritize projects. She had a meeting with Highway Superintendent Joe Whalen and Councilman Fendrick on streamlining and working together to handle work and maintenance for the Town's current parks. The Committee has been researching ways to reduce the erosion of the trails in Anchor Diamond Park. An option is to use Geo textiles. These are mats that are placed down to assist with erosion. Ms. Draina also stated that the Committee is looking for two new members and two

alternates. Supervisor Connolly stated that the law firm Tabner, Ryan & Kienry will be working on finishing the trust for Anchor Diamond Park so the funds can be turned over to the Town. The easement from National Grid for Ballston Lake Fire Department Memorial Park is also being worked on.

Upcoming Public Hearing on DGEIS (Draft Environmental Impact Statement)

Supervisor Connolly reminded the public about the upcoming Public Hearing on February 8th on the DGEIS and that the written comment period will stay open until February 18, 2022. The Town Board will have a workshop to discuss the mitigation measures set forth in the draft GEIS on February 10th at 7 p.m. There will be no public comment at that meeting, it is only an opportunity for the Town Board to discuss. This workshop will be available to watch on Zoom. After all the public comments are compiled and categorized, the Town Board will have another opportunity to discuss and make any changes to the DGEIS. Jackie Hakes of MJ Engineering will present a summary of the DGEIS at the Public Hearing on February 8th.

Anchor Diamond Park Tree Lumbering Violation

A thorough investigation by the Building Department has been completed regarding logging trees on Town property in Anchor Diamond Park on the west side (Goode Street). Saratoga PLAN wanted the Town to take action on the individual that did the logging, but the person no longer lives in our Town. It would cost the Town more money to do this. It was recommended by the Building Department that the Town mail a letter (certified mail) to the homeowners that border Anchor Diamond Park (Goode Street side) notifying them of the Town's ownership and the Town's intention to develop it for access to the back of Anchor Diamond Park.

ARPA Funds

Supervisor Connolly stated that the Town will receive the other half of the ARPA funds allocated to them in August. Some ideas that the Town has on how to use these funds (previously discussed) are to assist with sewer hookups for residents whose income is three times below the poverty level, a monopole to increase cell service in the rural parts of Town, subsidizing the creation of two water loops, and audio/video equipment for the Meeting Room. It is still unclear if the Town can use funds for sewer assistance and the monopole. Bookkeeper Erin Hadcock is investigating.

NEW BUSINESS

Comptroller and Deputy Comptroller Positions

The Supervisor stated that the Town's population is now over 10,000 and a Comptroller can be brought aboard as well as a Deputy Comptroller. These positions create a cohesive financial office. All vouchers will move from the Clerk's office and the Supervisor will remain CEO. The next steps are to create the Office of the Comptroller by resolution, create the positions of Comptroller and Deputy Comptroller (non-competitive positions), advertise for the positions and hire. Financially, there will not be much of a difference in budgeting for these positions. The 2022 budget allows for a part time bookkeeper (\$34,500), \$5000 for budget officer, a full-time bookkeeper (\$55,080) and a Director of Finance (\$69,640) for a total of \$164,220. A low estimate of \$140,424 and a high estimate of \$187,491 is the cost to create these two positions including benefits. There would be no part time bookkeeper, budget officer salary and the director of finance amount would be reduced drastically to \$10-\$15,000 for 2022.

Audio Equipment Proposal

A presentation for a new audio/video equipment for the Meeting Room was presented by Tom Hayes, vice president of Presentation Concepts Corp. This expense could be paid for with ARPA funds. The total cost would be approximately \$60,000. This would have to go out to bid.

Library Construction

Library Director Rebecca Darling stated that the library received a New York State Construction Grant in 2019 for the construction of a new History Room and to upgrade the library to LED lighting. This grant is a 75% match of project costs. COVID delayed progress in 2020. In 2021, the library went out to bid and applied for an additional grant for the project. This project will consist of a History Room and a large Community Room that will be free to the public to use. The library has worked with Town Historian Rick Reynolds on the plan for the History Room. The LED light conversion will save an estimated \$6,000 in the first year. The current grant is for \$107,000. It is the library's intent to use fund balance for the remaining \$74,000 that will be owed. The current Library fund balance is approximately \$300,000. Construction is ready to begin on the project. Library Board of Trustee Steve Zarelli stated that the library is committed

to full public transparency. All information about the project is in their minutes. He stated that a signature is needed on the contract for the construction company to begin. Town Attorney Deb Kaelin stated that resolutions will be added to the February agenda for Board approval for the acceptance of the construction bid, the construction contract, and the \$74,000 of fund balance need for the balance of the project. The Board must approve these actions. The Town owns the building. It is a great project; however, the Town needs to comply with the process in accordance with the State Comptroller.

Privilege of the floor ONLY on items for consideration and action this evening.

No one wished to speak.

NEW BUSINESS FOR CONSIDERATION AND ACTION THIS EVENING

RESOLUTION 22-36

APPROVE THE MONTHLY BILLS FOR JANUARY 2022.

A motion was made by Councilman Curtiss and seconded by Councilman Fendrick.

Discussion: Councilman Curtiss questioned a bill from the library for \$3,500 in landscaping repair services and asked for clarity. Library Director Rebecca Darling stated that the library replaced a fenced between the library and 4 Lawmar Lane in the fall. The grass in the area had been dug up from this work as well as from former snow plowing, and the bushes were overgrown. The area needed to be flattened and reseeded, and some bushes were removed, and some were trimmed.

The bills were approved for payment as set forth in the abstract dated January 25, 2022.

General Fund	No. 1 - 70	\$106,713.19
BH-BL Lighting District #1	No. 1 - 2	41.05
BH-BL Lighting District #2	No. 1 - 2	16.11
Highway Fund	No. 1 - 67	290,710.95
Morningdale Court Water Ext. 24	No. 1 - 11	469.52
Library Fund	No. 1 - 19	11,515.85
Paradowski Road Water Ext. 5	No. 1 - 11	684.23
Jenkins Park Fund	No. 1 - 3	177.62
Consolidated Water District	No. 1 - 38	413,775.11
Stonebridge Lighting District	No. 1 - 2	98.36
Trust and Agency	No. 1 - 6	27,555.00
Total:		851,756.99

A motion was made by Councilwoman Jasinski and seconded by Councilman Curtiss.

ADOPTED Ayes 5 Councilman Curtiss, Councilman Carota, Councilman Fendrick,
Councilwoman Jasinski and Supervisor Connolly
Nays 0

RESOLUTION 22-37

APPROVE PAYMENT TO TRINITY CONSTRUCTION UNDER CONTRACT #1 FOR THE BALLSTON LAKE SEWER DISTRICT IN THE AMOUNT OF \$243,897.87 FOR WORK COMPLETED.

A motion was made by Councilwoman Jasinski and seconded by Councilman Carota.

ADOPTED Ayes 5 Councilman Curtiss, Councilman Carota, Councilman Fendrick,
Councilwoman Jasinski and Supervisor Connolly
Nays 0

RESOLUTION 22-38

APPROVE PAYMENT TO TECH INDUSTRIES UNDER CONTRACT #3 FOR THE BALLSTON LAKE SEWER DISTRICT IN THE AMOUNT OF \$22,040.00 FOR WORK COMPLETED.

A motion was made by Councilwoman Jasinski and seconded by Councilman Curtiss.

ADOPTED Ayes 5 Councilman Curtiss, Councilman Carota, Councilman Fendrick,
Councilwoman Jasinski and Supervisor Connolly
Nays 0

RESOLUTION 22-39

APPROVE PAYMENT TO SPRING ELECTRIC UNDER CONTRACT #5 FOR THE BALLSTON LAKE SEWER DISTRICT IN THE AMOUNT OF \$10,165.00 FOR WORK COMPLETED.

A motion was made by Councilman Carota and seconded by Councilwoman Jasinski.

ADOPTED Ayes 5 Councilman Curtiss, Councilman Carota, Councilman Fendrick,
Councilwoman Jasinski and Supervisor Connolly

Nays 0

RESOLUTION 22-40

APPROVE THE SUPERVISOR AND THE PROJECT ENGINEER TO EXECUTE A CHANGE ORDER FOR CONTRACT #3, TECH INDUSTRIES, FOR THE BALLSTON LAKE SEWER DISTRICT IN THE AMOUNT OF \$50,721.90. DUE TO INUNDATIONS AND INCONSISTENT LEVELS IN THE EXISTING ROADWAYS, THE AMOUNT OF ASPHALT REQUIRED TO MAKE THE REPAIRS WAS MORE THAN ANTICIPATED. THE WORK HAS ALREADY BEEN COMPLETED.

A motion was made by Councilwoman Jasinski and seconded by Councilman Fendrick.

Discussion: Councilman Curtiss and Councilman Carota voted against this resolution for reasons stated earlier in the meeting (Ballston Lake Sewer update).

ADOPTED Ayes 3 Councilman Fendrick, Councilwoman Jasinski and Supervisor
Connolly

Nays 2 Councilman Curtiss, Councilman Carota

RESOLUTION 22-41

APPROVE A TOWN BOARD WORKSHOP VIA ZOOM TO DISCUSS THE DGEIS, SPECIFICALLY MITIGATION FEES SET FORTH IN THAT DOCUMENT FOR THURSDAY, FEBRUARY 10, 2022, AT 7 P.M.

A motion was made by Councilman Curtiss and seconded by Councilman Fendrick.

ADOPTED Ayes 5 Councilman Curtiss, Councilman Carota, Councilman Fendrick,
Councilwoman Jasinski and Supervisor Connolly

Nays 0

RESOLUTION 22-42

APPROVE THE ATTACHED BOND RESOLUTION AUTHORIZING THE TOWN TO CONSTRUCT IMPROVEMENTS IN CONNECTION WITH THE ESTABLISHMENT OF CARPENTER'S ACRES SEWER DISTRICT CONSISTING OF THE CONSTRUCTION OF A SANITARY SEWER COLLECTION SYSTEM, INCLUDING ORIGINAL EQUIPMENT, MACHINERY, APPARATUS, APPURTENANCES, LAND OR RIGHTS-IN-LAND AND INCIDENTAL IMPROVEMENTS AND EXPENSES IN CONNECTION THEREWITH, ALL AS FURTHER DESCRIBED IN THE MAP, PLAN AND REPORT, PREPARED IN CONNECTION WITH THE ESTABLISHMENT OF SUCH DISTRICT, AT A MAXIMUM ESTIMATED COST OF \$730,936. AND FURTHER DECLARING THE TOWN THE LEAD AGENCY UNDER SEORA; DECLARING THE ACTION AN UNLISTED ACTION AND ISSUING A NEGATIVE DECLARATION.

A motion was made by Councilwoman Jasinski and seconded by Councilman Carota.

A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$730,936 SERIAL BONDS OF THE TOWN OF BALLSTON, SARATOGA COUNTY, NEW YORK, TO PAY THE COST OF THE ESTABLISHMENT OF CARPENTER'S ACRES SEWER DISTRICT IN THE TOWN.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 12 of the Town Law, the Town Board of the Town of Ballston, Saratoga County, New York (the "Town"), has established the Carpenter's Acres Sewer District (the "District"); and

WHEREAS, the capital project therefor as hereinafter described has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of

Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board has determined will not result in any significant adverse environmental effects; and

WHEREAS, it is now desired to authorize the financing of the improvements proposed for such District;

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Ballston, Saratoga County, New York, as follows:

Section 1. Improvements in connection with the establishment of Carpenter's Acres Sewer District in the Town of Ballston, consisting of the construction of a sanitary sewer collection system, including original equipment, machinery, apparatus, appurtenances, land or rights-in-land and incidental improvements and expenses in connection therewith, all as further described in the map, plan and report, prepared in connection with the establishment of such District, at a maximum estimated cost of \$730,936 are hereby approved.

Section 2. It is hereby determined that the plan of financing said specific object or purpose is by the issuance of the \$730,936 bonds of said Town hereby authorized to be issued therefor pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of the Town of Ballston, Saratoga County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. To the extent not paid from other sources, there shall be annually assessed upon and collected from the several lots and parcels of land within the Carpenter's Acres Sewer District deemed to be especially benefitted thereby, an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in the Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or

note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, The Daily Gazette, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing Order was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain
Councilman Michael Carota	Aye		
Councilman Charles Curtiss	Aye		
Councilman Robert Fendrick	Aye		
Councilwoman Kelly Jasinski	Aye		
Supervisor Eric Connolly	Aye		

The resolution was thereupon declared duly adopted.

RESOLUTION 22-43

APPROVE AUTHORIZING THE LAW FIRM OF TABNER, RYAN & KENIRY, LLP TO COMMENCE EMINENT DOMAIN LITIGATION FOR FOUR EASEMENTS NECESSARY FOR THE CONSTRUCTION AND MAINTENANCE OF THE CARPENTER'S ACRES SEWER DISTRICT.

A motion was made by Councilman Fendrick and seconded by Councilwoman Jasinski.

Discussion: Town Attorney Debra Kaelin stated that these are construction and maintenance easements. She is optimistic these will get signed; however, this authorizes the law firm to proceed immediately. The Board only meets twice a month, and this project is on a tight timeframe.

ADOPTED	Ayes	5	Councilman Curtiss, Councilman Carota, Councilman Fendrick, Councilwoman Jasinski and Supervisor Connolly
	Nays	0	

A motion was made by Councilman Carota and seconded by Councilman Curtiss to enter Executive Session for legal advice.

A motion was made by Councilman Carota and seconded by Councilwoman Jasinski to return to regular session.

No action was taken returning to regular session.

A motion was made by Councilman Curtiss and seconded by Councilman Fendrick to adjourn the meeting. All Board members were in favor. The meeting adjourned at 9:10 p.m.

Respectfully submitted,

Carol Gumienny
Town Clerk