

A Town Board meeting was held by the Town Board of the Town of Ballston on Tuesday evening, October 10, 2023, in the Meeting Room at Town Hall located at 323 Charlton Road, Ballston Spa, New York and via Zoom webinar for the public to view and listen only.

PRESENT:	Eric Connolly	Supervisor
	Chuck Curtiss	Councilman
	Michael Carota	Councilman
	Kelly Jasinski	Councilwoman
	Rob Fendrick	Councilman
	Carol Gumienny	Town Clerk
	William Ryan	Counsel

Also in attendance was Town Comptroller David Urkevich.

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

REPORTS

Highway/Water Superintendent Joseph Whalen, Town Clerk Carol Gumienny, Building Inspector Jeff Stickles, Assistant Dog Control Officer Tom Shambo, and Library Director Rebecca Verhayden submitted reports for September 2023. They are on file in the Town Clerk's office.

LIBRARY REPORT

Rebecca Verhayden stated that the library will be holding a Public Hearing on the updated legislation and proposed 2024 budget. There will be an election on the proposed 2024 budget and the Board of Trustees for the library. Residents of the library district can vote on November 14th from 7 a.m. to 9 p.m. Tomorrow there will be a Public Hearing on the updated legislation at the library at 7 p.m. followed by a presentation of the 2024 proposed budget. The library currently has a lot of programming going on. This week is the return of the Stevens kindergartener field trips. The children get library cards, a small tour, and can check out a book. The library has a new series of adult computer classes in November. These are free and held on Mondays at 10 a.m. The vote for the 2024 proposed library budget and the Board of Trustees is November 14th from 7 a.m. to 9 p.m. for library district residents. These are residents who live in the Town of Ballston outside of the Village of Ballston Spa. They will have an opportunity to vote on the proposed 2024 budget and elect the new trustees. All the trustees that were appointed by the Town of Ballston will be ending their term and a full slate of candidates will be elected. All the information can be found on the library website.

SUPERVISOR'S REPORT

Supervisor Connolly gave an update on the TAP CMAQ grants. He stated that the State of New York released the TAP CMAQ grant application. The last time they did this it included the Safe Pathways to School, which is critical to improving pedestrian walk safety on the north end of Town by the middle and high schools, and along Route 50. The Town has sort of a master plan for sidewalks that they would like to see happen to prevent any more accidents. Two young people were hit by cars crossing Ballston Avenue. A small piece of this plan has been completed; the sidewalk on Garrett Road that goes from Ballston Avenue to the parking lot of the middle school, and a crosswalk that goes to Thomas Avenue. The Town needs money to put in sidewalks. It's very costly paying the prevailing wage. Supervisor Connolly hopes that the Safe Pathways to Schools is available in this grant. The other item that is inside this grant that the Town can apply for is the bike trail extension. He is calling it an extension at this point because there's been some significant changes. He received news that M.J. Engineering gave Curtis Lumber Industrial Park a heads-up that they were going to be on site doing some surveying. He had previously gone there with M.J. Engineering and met Christina Curtis who took over the Curtis Industrial Park when her father passed. Everything was looking positive. The continuation of the Veteran's bike path was going to go along the west side of the railroad tracks and then create a tunnel underneath the railroad tracks into the Curtis Industrial Park to connect to the Zim Smith Trail. It was the path of the least resistance that made sense to the owner of the park; however, she backed out because six of her anchor tenants rallied together and said that they would consider leaving if she ran the bike trail through the park. So that was the end of that plan. So, what do we do? Plan B was always to extend the bike trail path in a northward fashion, and then veer a little to the west and head northwest along what used to be the trolley track and what is currently the National Grid right of way where their power lines are. There's a path already there. What used to be Plan B, is now Plan A, to go over the Mourningkill Creek using a bridge, have a push button stoplight to get across

Brookline Road and then go from Brookline Road to Route 50. A good section of this would have to be a raised trail because of wetlands that exist between Brookline Road and Route 50, and then have a push button stoplight to cross Route 50, and the trail would continue to Garrett Road. Take a right on Garrett Road, go up the hill, on a bike path, not on the road, along the Ballston Spa High School and Middle School football field and connect to the sidewalks that are there. This would in essence kind of connect to the Zim Smith Trail because the Zim Smith Trail is on East High Street, and you could navigate through the Village and connect to the Zim Smith Trail, and either double back about 3 or 4 miles and go to Round Lake, Mechanicville, Stillwater, etc. or continue north of the County. If we get this grant money, we may be able to time it to where that extension and the County's extension to the State Park in Saratoga happens at the same time. There are a lot of opportunities to connect our community with Plan B. It's perhaps a better plan. There is a paper street connecting to the Beacon Hill neighborhood with a lot of single-family, two-family condos and town houses in that neighborhood. As you cross Brookline Road, there's a new townhouse development (Adams Point). There's a paper street that would connect to the bike trail there; as you cross Route 50, there's a lot of apartments on Route 50, and a brand-new development is being constructed. The Town is currently working with them in the planning phase to create a paper street that goes in an easement, that goes to this bike trail. On the other side of the bike trail, it'll eventually go to Carpenter's Acres, where there's a paper street for Carpenters Acres residents to get to that National Grid right-of-way. Route 50 would eventually have sidewalks to get down to the bike path. The sidewalks are sporadic now with gaps; but as a Town, we could prioritize sidewalks to make sure that all those residents would have easy access to the bike path. In essence, this connects the entire town minus the rural district. The hamlet and the village would be connected for the first time, and kids would be able to bike and walk to school. There is money in the TAP CMAQ grant that encourages alternate modes of transportation that are more environmentally friendly. The permits and everything were lined up for Plan A, which was to extend the trail through the Curtis Lumber Industrial Park and now M.J. Engineering doesn't have much time as the grant deadline to submit 80% of all the materials is at the end of November and they must pivot. Currently, they're looking to see if this can be done. Can they put together what they would feel is a winning application in that short time span? He does not have this answer yet. If they can't, then the Town will wait another year to try to make this big effort to connect our Town in a meaningful way other than by roads.

Supervisor Connolly gave an update on the proposed Route 50 sewer project. He stated that he met with the Glenville Town Supervisor and Joe Grasso, who works for CHA Engineering, to see if Glenville is still interested in an intermunicipal grant to extend sewers. Glenville is proceeding with obtaining a feasibility study. If the study shows that the numbers could work, the system will go from Hetcheltown Road in Glenville to near McCrea Hill Road, possibly tying into the Katz PUDD. The feasibility study should be done by the end of the year. Alone, the Town would be going after very competitive grant money, as the Town is short \$2-\$8 million on the current proposed sewer project. By joining with Glenville, the Town can do an intermunicipal grant (IMG). The competitive level of an IMG grant goes way down because both municipalities must work very closely with one another, including the attorneys who need to jump through many hoops. An IMG grant can be applied for in June of 2024.

COUNCIL MEMBERS REPORTS

Councilwoman Jasinski stated that she recently traveled to Syracuse to attend the New York Upstate Chapter and the American Planning Association Seminar. She accepted the Best Practice Award for the Town for the progressive and creative zoning on PDR (Purchase of Development Rights) with the Green Energy Incentives Program. This program is already in place and it's working for the developers in the Town. She thanked M.J. Engineering for submitting the Town as a candidate for this award. During the seminar, she sat with Jacqueline Hakes of M.J. Engineering and Nan Stolzenburg of Community Planning & Environmental Associates. She spoke to Nan about the Town's direction on the homeowner's side of those that wish to preserve their properties. Nan reaffirmed what Saratoga PLAN already stated that the Town is in uncharted territory on this. Ms. Jasinski believes that there will be a lot of options that are going to fit our Town better with certain properties and when this is completed. The kitty needs to continue to grow, and the Town needs time to work through this and come up with something that fits our Town. Councilman Curtis had expressed an interest to be in on some of these conversations. Councilwoman Jasinski stated that there is a resolution on the agenda for two new members to join the Green Community Committee. Matt Sinnenberg, currently a grad student, and Nick Sinnenberg, his brother, recently graduated and out in the real world, are already presenting the committee with new ideas. At their last meeting, Chris Williams, of Capital District Prism, presented what they can offer to the Town for support on invasive species, outreach/control. There are many options

available for outreach to residents, for committee members to get involved in, and training for municipal workers on roadside mitigation, if the Town is interested. Committee member John Mesh is currently working with Mr. Williams to potentially set up a few adult education sessions with the Burnt Hills-Ballston Lake Continuing Education Program for early 2024. The Committee's next meeting is on November 7th.

Documentation is already being compiled into the climate smart database on what has already been accomplished under Clean Energy Communities towards eventual certification as a Bronze Community in the Climate Smart Program. The timeframe is going to be sometime mid-2024.

The Committee is very excited about Tuesday, October 17th, and the following Tuesday, October 24th, when the courses Solar 101 and Heat Pump 101 are being held through the Burnt Hills-Ballston Lake Continuing Education Program. There has been a lot of interest in these programs. She thanked Committee members Silver and John for their work putting this together. There will be a special slide presentation during both courses on the geothermal heat pumps at the Town Highway garage addition, and the solar installed on the east side of the addition. It is exciting to see the Town moving in the direction of diversifying its energy sources.

Councilman Fendrick stated that on October 20th the Immaculate Conception Church volunteers will be holding a workday at Anchor Diamond Park. This is not open to the public. The Parks & Rec Committee is currently working on the wetland delineation that he spoke about during the last meeting. They are obtaining other estimates to make sure that they're competitive with one another and that it's not just a preliminary cost with a lot of add-ons. They want to make sure they fully understand what the entire cost will be before presenting it to the Board for their consideration. The proposal for a slide for Reita Park is being worked on. The prices have changed and expired, and the Committee is getting an updated proposal to present in a timely manner. Councilman Fendrick stated that there are no issues at the dog park in Jenkins Park. The Committee is hoping for better participation after the first of the year when residents will have an entire year to enjoy the park. If any person is interested in going to the dog park, you will need to go to the Town Clerk's office to register. A \$10,000 grant was awarded to the Town for the Ballston Creek Preserve. Work will begin in the spring to create a small parking lot. Councilman Fendrick thanked the Board for approving to add two more members to the Committee. He and Sally Draina, chairperson of the Committee, are reviewing options and will report back to the Board with their recommendations.

Councilman Carota stated that he was unable to attend the library meeting at the end of September; however, he has kept current on the emails that the library sends out with all the agendas, documentation, etc. He is excited to see them working towards the Public Hearing notifying everybody of the upcoming vote; the process is well underway. Things appear to be going relatively smoothly, it'd be exciting to see this through to completion by the end of the year. He encouraged the public, just like with our proposed budget, to go on the website to look at everything and try to be involved.

Councilman Curtiss stated that he would like to start conversations with the landowners in Town to get the word out (on PDR) because it's unknown. He needs more details to give to the landowners. Councilwoman Jasinski stated that this will possibly be out next year. The kitty needs to grow before doing anything. At this point, there are no details that are definite. Councilman Curtiss is just getting the word out to give the landowner time to think it over. He also stated that he would like to hold a discussion as to what to do with the property at 814 Saratoga Road (Old Magnum Gas Station). Personally, he would like to sell it. If we turn it into a park there will always be operation and maintenance costs, which is what he would like to avoid. Supervisor Connolly stated that we cannot sell the lot as it is a nonconforming odd shaped lot that would never comply with the Town's zoning. The options are to hang on to it and if sewers come in that lot will become in demand with the lot behind it (if the property owner sells it). The Burnt Hills Forward grant application that was submitted to help transform downtown Burnt Hills showed a pocket park, but it is not set in stone. The Parks & Rec Committee can look at this and determine what it should be. Councilwoman Jasinski asked what if the grant does not come through? The Supervisor replied that we can beautify it in some small way or wait to see if someone will want to buy it in conjunction with the property behind it.

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS

Presentation on a Proposed Katz PUDD Amendment

Supervisor Connolly stated that the presentation this evening is to hear the proposed minor changes to the Katz PUDD (Planned Unit Development District). Attorney Bill Hoblock, president of Richbell Capital Development Group, LLC, stated that the company is a full-service real estate development company based in Saratoga County for the last 25 years. Their main focus is top of the market multi-family communities. They do their own construction under RBC Construction and have their own property management under RBC Management and are long-term holders. Everything that they have built, which is about 1,200 + residential units, they own, and they continue to own. They are proud of what they do building quality projects and being a long-term holder. The Katz PUDD was approved by the Town Board in 2018. It sits on 89 acres on the west side of Route 50 between Charlton Road and Meadowbrook Court. The PUDD has two very distinct components. On the south side, a single-family home component, which the PUDD allows for 57 single-family homes. The other component is on the north side. This is the multifamily component of the PUDD that allows for 161 multi-family units. The only other tweak to this approved PUDD is a large flex building that was a combination of apartments on top and below are retail offices, restaurants, etc. Mr. Hoblock stated that he will focus solely on the multi-family component of the PUDD. He would like to be the development partner with Mark Katz. The plan is for Mr. Katz to retain the single-family homes and build those as that's what he does. Mr. Hoblock will be the multifamily development partner because that's what he does. In 2020, the Planning Board granted final site plan approval for Phase 1 of the multifamily component, which is basically the front half along Route 50 near the east side, and the west side remains unapproved. This is where the PUDD today from the multifamily component stands. The proposed amendment to the PUDD, is the multifamily component which involves modifying the building footprints of the multifamily portion. They are proposing more consistent buildings throughout the entire community. There are 16 buildings; of the 16 buildings, 15 are identical. They all have 10 units. They all have garages within the buildings, so there are no banks of garages scattered throughout. The unit count does not change. The amendment says 161 are approved, and 161 are proposed. In addition to the residential buildings, they have a quality amenity package that they build in all their communities. A community clubhouse is in all their communities with a variety of amenities; a social gathering room where residents can use. There is a private movie theater, a state-of-the-art fitness center, an outdoor swimming pool and EV charging stations. There is also a pet park, a community garden for people, a property maintenance center, and a playground. The site plan would change to the multi-family component. The 10-unit building has 10 garages. It would be a housing asset to Ballston obviously increasing the tax base and it increases the equivalent dwelling units (EDU), with the sewer system. This plan decreases the amount of impervious surface which is why Jason Dell of Lansing Engineering is here to answer any questions the Board may have on this topic. The amount of impervious surface has really decreased from what's approved to what we're looking at doing now. Second, all those banks of scattered, detached garages were removed by bringing all the garages inside the building, which is just a much better site. Everyone will have their own internal building, it gets rid of dumpsters, so instead of having dumpsters throughout the site, everyone has their own garbage or recycling cans within their garage. It just makes for a more pleasing community. Third, the large-scale mixed-use building has been removed. It kind of loomed over Route 50. There's also a large retaining wall between that large building and Route 50. When that is removed, it decreases the intrusiveness of how this was going to be on Route 50; and as we come out of Covid that mixed use type of building isn't feasible in this location. It's feasible in other areas like a downtown area that is more walkable. This type of non-residential use in this location, unfortunately, doesn't work. Mr. Hoblock stated that for some reason, and no one can answer why, there's a prohibition on subdividing this PUDD any further, which he has never seen in a PUDD. It doesn't make sense, as it doesn't impact anything. He would need to subdivide for a couple of reasons. First, Mr. Katz wants to keep and develop the single-family homes as he moves forward on the multifamily component, and you need to subdivide the multifamily units from the single-family homes. We would construct a multi-family area in two phases. What Mr. Hoblock is proposing, and it's a benefit to the Town, is for all the roads within the multifamily part of the PUDD to be private, He prefers to own and maintain their own roads. Mr. Hoblock asked the Board to take the next step and refer this to the Planning Board for its review and recommendation.

Councilwoman Jasinski stated that she likes the new concept and getting rid of the parking lots. It is more desirable. Councilman Curtiss inquired about the roads being plowed. Mr. Hoblock stated that all the roads will be maintained by the company, including snow removal. The roads in the single-family portion of the PUDD will be dedicated to the Town. Councilwoman Jasinski stated that no other units are proposed? Mr. Hoblock replied that there are no other units being asked for. Supervisor Connolly stated that he has no issue with the amendments. He referred to counsel on his

thoughts on this proposed amendment. Town Attorney Bill Ryan stated that the amendments are within the scope of the original PUDD. It is a reconfiguration of the multi-family development. A resolution can be made this evening for the Town Board to refer this to the Planning Board. The Planning Board will review it and make a recommendation to the Town Board. Councilwoman Jasinski stated that the reason for the language in the PUDD of no further subdividing is that there were some residents that that were concerned about having the whole property developed. She was aware, living close to the PUDD, that there are a lot of wetlands and they're not necessarily classified. Through conversations it was determined that the housing part would go in where it was the apartment part, but that last section of the PUDD would remain forever wild. The whole section wasn't supposed to be further subdivided. This was something that made everybody kind of come to terms with the fact that this was going to be in their backyard.

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

Darlene McGraw of the Town of Halfmoon stated that EV stations in Town should comply with the American Disabilities Act. She thanked the Board for addressing the sidewalk issue in the northern end of Town.

FINANCIAL REPORT

Comptroller David Urkevich stated that the financial results for the month of September were incredible. The revenue from sales tax was technically the fourth highest on record, but it's close to a tie for third place at \$412,000. The favorability seems to be accelerating. What he would say is no changes to the budget. Data levels are at hand at this point but if recent trends continue, the Town will be looking at a larger surplus than anticipated. At that point, we should immediately replenish the reserves we tapped into, make a balanced budget, and then talk about new investments. One thing to keep in mind is repaving the Town Hall parking lot. This has not been budgeted for. We'll see how the surplus is. Another item to keep in mind as we move into the resolutions tonight is the special districts. A few of them have had or will have adjustments to provide adequate financing for 2024 and beyond, mostly for public safety: Ballston Lake EMS, Round Lake Fire, Jenkins Park, to a lesser extent, but all significant within their own special districts. Costs are rising, and we now see this. Mr. Urkevich stated that part of this is his error as he under budgeted in some cases last year and this is being corrected for 2024.

NEW BUSINESS FOR CONSIDERATION AND ACTION THIS EVENING

RESOLUTION 23-181

APPROVE THE SUPERVISOR'S FINANCIAL REPORT FOR SEPTEMBER 2023.

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

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

Nays 0

RESOLUTION 23-182

DESIGNATING THE TOWN OF BALLSTON AS LEAD AGENCY PURSUANT TO PART 617 OF THE STATE OF NEW YORK ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) WITH RESPECT TO THE ADOPTION OF LOCAL LAW 2 OF 2023 OVERRIDING THE REAL PROPERTY TAX LEVY LIMIT AMOUNT FOR THE FISCAL YEAR 2024 AND AUTHORIZE THE SUPERVISOR TO EXECUTE ALL DOCUMENTS ASSOCIATED WITH THE POSSIBLE ADOPTION OF LOCAL LAW 2 OF 2023 PURSUANT TO SEQRA.

WHEREAS, the Town of Ballston is considering the adoption of Local Law No. 2 of 2023 overriding the real property tax limit for the fiscal year 2024, and;

WHEREAS, in connection with the possible adoption of Local Law No. 2 of 2023, the Town of Ballston will need to review the environmental impact, if any, associated with this Legislative Action.

NOW, THEREFORE, IT IS:

RESOLVED, that the Town Board of the Town of Ballston be designated as lead agency with respect to the environmental review associated with the possible adoption of Local Law No. 2 of 2023 pursuant to Part 617 of the State Environmental Quality Review Act; and it is further

RESOLVED, that the Town Supervisor be authorized to sign any and all documents associated with the environmental review regarding the possible adoption of Local Law No. 2 of 2023 pursuant to Part 617 of the State Environmental Quality Review Act.

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

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

DATED: Town of Ballston, New York
 October 10, 2023

RESOLUTION 23-183

CLASSIFY LOCAL LAW 2 OF 2023 AS AN UNLISTED ACTION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AND ISSUE A NEGATIVE DECLARATION. THE ADOPTION OF LAW 2 OF 2023 WILL NOT RESULT IN ANY SIGNIFICANT ENVIRONMENTAL IMPACTS.

WHEREAS, the possible adoption of Local Law No. 2 of 2023 by the Town of Ballston Town Board requires compliance with the provisions of the Environmental Conservation Law of the State of New York and regulations of the Department of Environmental Conservation, Part 617, State Environmental Quality Review Act and the Town of Ballston prior to the adoption of this resolution established that the Town Board act as lead agency with respect to the possible adoption of Local Law No. 2 of 2023.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board of the Town of Ballston as lead agency has determined that the possible adoption of Local Law No. 2 of 2023 is an Unlisted Action and that the adoption of Local Law No. 2 of 2023 will not result in any significant adverse environmental impacts, and that the Supervisor of the Town of Ballston be authorized to execute the Short Environmental Assessment Form confirming this determination;
2. Based on its examination of the EAF, the criteria set forth in Sections 617.6 and 617.7 of the regulations, and such further investigation as the Town Board has deemed appropriate, no potential significant adverse environmental impacts are known;

WHEREAS, the authority for the enactment of this local law is found in General Municipal Law Section 3-c(5) and Municipal Home Rule Law Section 10; and

WHEREAS, pursuant to Section 20 of the Municipal Home Rule Law, a public hearing on the proposed adoption of Local Law No. 2 of 2023 was properly noticed in the newspaper and posted, and was duly conducted on September 26, 2023, at the Ballston Town Hall; and

WHEREAS, the Board has considered the public comments made at the public hearing; and

WHEREAS, the Board serving as lead agency for this Unlisted action under SEQRA, reviewed a short environmental assessment form and determined that the action does not present any adverse environmental impacts; and

WHEREAS, after thorough review and deliberation, the Board proposes to adopt Local Law No. 2 of 2023; and

WHEREAS, the Attorney for the Town has prepared the necessary documents for filing this local law with the Secretary of State including the text of the law itself.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts Local Law No. 2 of 2023, which overrides the real property tax levy as stated above; and

BE IT FURTHER RESOLVED, that the Board adopts and authorizes the filing of a negative declaration according to the State Environmental Quality Review Act; and

BE IT FURTHER RESOLVED, that the Board hereby authorizes the Town Clerk and the Attorney for the Town to make such minor modifications to the local law documents as they deem necessary and thereafter are directed to execute and file the said documents as required by law and to take all of the necessary action for the promulgation thereof.

A motion was made by Councilman Curtiss and seconded by Councilman Carota

A Roll Call Vote was as follows:

Councilman Carota	Aye
Councilman Curtiss	Aye
Councilman Fendrick	Aye
Councilwoman Jasinski	Aye
Supervisor Connolly	Aye

ADOPTED 5-0

DATED: Town of Ballston, New York
October 10, 2023

RESOLUTION 23-185

DESIGNATE THE TOWN OF BALLSTON AS LEAD AGENCY PURSUANT TO PART 617 OF THE STATE OF NEW YORK ENVIRONMENTAL QUALITY REVIEW ACT (SEORA) WITH RESPECT TO THE ADOPTION OF LOCAL LAW 3 OF 2023 REVISING THE SEWER USE LAW AS IT PERTAINS TO SEWER CONNECTION DEFERRALS AND AUTHORIZE THE SUPERVISOR TO EXECUTE ALL DOCUMENTS ASSOCIATED WITH THE POSSIBLE ADOPTION OF LOCAL LAW 3 OF 2023 PURSUANT TO SEORA.

WHEREAS, the Town of Ballston is considering adoption of Local Law No. 3 of 2023 revising the sewer use law as it pertains to sewer connection deferrals, and;

WHEREAS, in connection with the adoption of Local Law No. 3 of 2023, the Town of Ballston will need to review the environmental impact, if any, associated with the adoption of this local law.

NOW, THEREFORE, IT IS:

RESOLVED, that the town board of the Town of Ballston be designated as lead agency with respect to the environmental review associated with the adoption of Local Law No. 3 of 2023 pursuant to Part 617 of the State Environmental Quality Review Act; and it is further

RESOLVED, that the Town Supervisor be authorized to sign any and all documents associated with the environmental review regarding the adoption of Local Law No. 3 of 2023 pursuant to Part 617 of the State Environmental Quality Review Act.

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

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

DATED: Town of Ballston, New York
October 10, 2023

RESOLUTION 23-186

CLASSIFY LOCAL LAW 3 OF 2023 AS AN UNLISTED ACTION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEORA) AND ISSUE A NEGATIVE DECLARATION. THE ADOPTION OF LAW 3 OF 2023 WILL NOT RESULT IN ANY SIGNIFICANT ENVIRONMENTAL IMPACTS.

WHEREAS, the adoption of Local Law No. 3 of 2023 requires compliance with the provisions of the Environmental Conservation Law of the State of New York and regulations of the Department of Environmental Conservation, Part 617, State Environmental Quality Review Act, and the Town of Ballston prior to the adoption of this resolution established that the Town Board act as lead agency with respect to the adoption of Local Law No. 3 of 2023.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

RESOLUTION 23-187

ADOPT LOCAL LAW 3 OF 2023 REVISING THE SEWER USE LAW (CHAPTER 87 OF THE TOWN OF BALLSTON TOWN CODE) AS IT PERTAINS TO SEWER CONNECTION DEFERRALS.

WHEREAS, the Town Board of the Town of Ballston (“Board”) is considering the adoption of Local Law No. 3 of 2023, which, if adopted, would revise the sewer use law as it pertains to sewer connection deferrals; and

WHEREAS, the Board finds that the adoption of Local Law No. 3 of 2023 is in the best interest of the Town and it is necessary to provide for the health, safety and welfare of Town residents and property owners; and

WHEREAS, the Board finds that the adoption of Local Law No. 3 of 2023 is a necessary and proper exercise of authority by the Board; and

WHEREAS, the authority for the enactment of this local law is found in General Municipal Law Section 3-c(5) and Municipal Home Rule Law Section 10; and

WHEREAS, pursuant to Section 20 of the Municipal Home Rule Law, a public hearing on the proposed adoption of Local Law No. 3 of 2023 was properly noticed in the newspaper and posted, and was duly conducted on September 26, 2023, at the Ballston Town Hall; and

WHEREAS, the Board has considered the public comments made at the public hearing; and

WHEREAS, the Board serving as lead agency for this Unlisted action under SEQRA, reviewed a short environmental assessment form and determined that the action does not present any adverse environmental impacts; and

WHEREAS, after thorough review and deliberation, the Board proposes to adopt Local Law No. 3 of 2023; and

WHEREAS, the Attorney for the Town has prepared the necessary documents for filing this local law with the Secretary of State including the text of the law itself.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts Local Law No. 3 of 2023, which revises the sewer use law as it pertains to sewer connection deferrals; and

BE IT FURTHER RESOLVED, that the Board adopts and authorizes the filing of a negative declaration according to the State Environmental Quality Review Act; and

BE IT FURTHER RESOLVED, that the Board hereby authorizes the Town Clerk and the Attorney for the Town to make such minor modifications to the local law documents as they

deem necessary and thereafter are directed to execute and file the said documents as required by law and to take all of the necessary action for the promulgation thereof.

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

A Roll Call Vote was as follows:

Councilman Carota	Aye
Councilman Curtiss	Aye
Councilman Fendrick	Aye
Councilwoman Jasinski	Aye
Supervisor Connolly	Aye

ADOPTED 5-0

DATED: Town of Ballston, New York
October 10, 2023

RESOLUTION 23-188

APPROVE THE TOWN OF BALLSTON'S 2024 TENTATIVE BUDGET.

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

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

RESOLUTION 23-189

SET A PUBLIC HEARING FOR MONDAY, OCTOBER 30, 2023, AT 6:00 P.M. ON THE 2024 WATER RATES FOR THE RESIDENTS IN AND OUTSIDE OF THE BALLSTON CONSOLIDATED WATER DISTRICT.

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

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

RESOLUTION 23-190

SET A PUBLIC HEARING FOR MONDAY, OCTOBER 30, 2023, AT 6:05 P.M. ON THE 2024 WATER RATE FOR THE RESIDENTS IN THE MORNINGDALE COURT WATER DISTRICT.

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

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

RESOLUTION 23-191

SET A PUBLIC HEARING FOR MONDAY, OCTOBER 30, 2023, AT 6:10 P.M. ON THE 2024 WATER RATE FOR THE RESIDENTS IN THE PARADOWSKI ROAD WATER DISTRICT.

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

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

RESOLUTION 23-192

SET A PUBLIC HEARING FOR MONDAY, OCTOBER 30, 2023, AT 6:15 P.M. ON THE TOWN'S 2024 PRELIMINARY BUDGET.

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

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

RESOLUTION 23-193

APPROVE A DEFERRAL OF THE SEWER CONNECTION TO THE BALLSTON LAKE SEWER DISTRICT FOR 302 LAKE ROAD, TAX MAP ID# 239.-2-52 PURSUANT TO SECTION 87-15 (C) OF THE TOWN OF BALLSTON SEWER USE LAW. THIS DEFERRAL SHALL BE EFFECTIVE FOR FIVE (5) YEARS FROM THE DATE OF THIS RESOLUTION OR LESS IF THE EXISTING SEPTIC SYSTEM FAILS AS DETERMINED BY THE TOWN OF BALLSTON. THIS DETERMINATION SHALL BE FILED IN THE BUILDING DEPARTMENT, ASSESSOR'S OFFICE, AND TOWN CLERK'S OFFICE.

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

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

Nays 0

RESOLUTION 23-194

APPROVE TO APPOINT MATT SINNENBERG AND NICK SINNENBERG AS MEMBERS OF THE GREEN COMMUNITY COMMITTEE EFFECTIVE OCTOBER 10, 2023, AND ENDING AT THE 2024 JANUARY ORGANIZATIONAL MEETING.

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

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

Nays 0

RESOLUTION 23-195

APPROVE AN APPROPRIATION OF \$38,800 FROM THE TOWN'S AMERICAN RESCUE PLAN ACT FUNDS PURSUANT TO THE U.S. TREASURY DEPARTMENT'S FINAL RULES AND TO AUTHORIZE AND ACCEPT A BID RECEIVED SEPTEMBER 28, 2023, FROM JOHN W. DANFORTH COMPANY TO CONNECT THE TOWN HALL FACILITY LOCATED AT 323 CHARLTON ROAD, BALLSTON SPA TO NATIONAL GRID GAS SERVICE IN THE AMOUNT OF \$83,800. THE SOURCE OF THE \$83,800 WILL BE \$45,000 FROM A FUND'S 2023 FINAL BUDGET AND \$38,800 FROM THE TOWN'S AMERICAN RESCUE PLAN ACT FUNDS. THERE WILL BE NO IMPACT TO A FUND BALANCE.

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

Discussion: Councilwoman Jasinski stated that back in December 2018, the natural gas extension was approved by the Town Board at the time, to be put in for the new firehouse, and for Town Hall. Councilman. The cost then was \$95,000 of which the Town paid two-thirds. So that was part of the cost. The furnace in Town Hall had to be replaced in 2021 after investigating alternative forms of heating and determining that we'd already paid money towards this extension, so stick with the plan. The cost of this, in the end, is far more than what we're appropriating tonight. Moving forward, she would like the Board to consider when the opportunity arises, moving to alternative energy sources. She is not sure that the Town will recoup even half of the cost.

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

Nays 0

RESOLUTION 23-196

APPROVE A RESOLUTION THAT THE TOWN BOARD REFERS THE PROPOSED REVISIONS TO THE PLANNED UNIT DEVELOPMENT DISTRICT LEGISLATION ADOPTED ON APRIL 9, 2019, BY LOCAL LAW #1 OF 2019, AND FURTHER AMENDED BY LOCAL LAW #4 OF 2020, TO THE PLANNING BOARD FOR FURTHER CONSIDERATION, AND THAT UPON COMPLETION OF ITS REVIEW THE PLANNING BOARD ISSUE ITS RECOMMENDATION TO THE TOWN BOARD.

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

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

Nays 0

Privilege of the floor on any topic

Darlene McGraw of the Town of Halfmoon stated that safety is a priority for her when she goes out on her trike or when she is walking. She loves the Town of Ballston. She comes here to get

farm goods. She stated to the Board that the Pedestrian Rights of Way Accessibility Guidelines that was published this year which addresses all disabilities, including visual and hearing impairments, to have access to sidewalks and pedestrian signals as well as parking and shared paths designed for cyclists and pedestrian for transportation and recreational purposes.

A motion was made by Councilwoman Jasinski and seconded by Councilman Curtiss to enter into Executive Session for a personnel matter with no expected action. All Board members were in favor.

A motion was made by Councilman Fendrick and seconded by Councilwoman Jasinski to return to regular session. No action was taken.

A motion was made by Councilman Fendrick and seconded by Councilman Carota to adjourn the meeting. The meeting adjourned at 8:02 p.m.

Respectfully submitted,

Carol Gumienny
Town Clerk

The approved Local Laws 2 and 3 will be attached to these minutes when notification from NYS is received that they have filed these laws.