

A Town Board meeting was held by the Town Board of the Town of Ballston on Tuesday evening, January 11, 2022, via Zoom video conferencing.

PRESENT:	Eric Connolly	Supervisor
	Kelly Jasinski	Councilwoman
	Michael Carota	Councilman
	Chuck Curtiss	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.

## **REPORTS**

Highway/Water Superintendent Joseph Whalen, Dog Control Officer Thomas Shambo, Town Clerk Carol Gumienny, and Building Inspector Jeff Stickles submitted reports for December 2021. They are on file in the Town Clerk's office.

Library Director Rebecca Darling submitted the following report to the Clerk's office:

- Construction on the new Local History Room and the lighting upgrade to LED will begin this month. The new Local History Room will have a loanable local history collection, focusing primarily on Ballston, Charlton, and Saratoga County, as well as a collection of items to be viewed just inside the library. The entire project is expected to be complete by early April.
- The library continues to offer programs remotely including story times, book clubs and Grab N Go crafts for patrons of all ages.
- Hoopla is a service provided by the library for patrons who live in Ballston and Charlton. Hoopla allows patrons to download e-books, movies, and music. They have expanded services and now offer magazines and the Great Courses series.

## **FINANCIAL REPORT**

The reports were emailed to the Board, and there were no questions for Bookkeeper Erin Hadcock. Ms. Hadcock stated that the December operating statements are still in draft form as she waits for income and expense items to come in past the year end date. There will most likely be several iterations of the December financials that she will circulate when she has them.

## **SUPERVISOR'S REPORT**

The Supervisor welcomed the two new Board members, Councilman Carota and Councilman Fendrick. Supervisor Connolly stated that at 814 Saratoga Road (old Magnum Gas Station) the mitigation company was on the premises for the asbestos removal and the air quality was being monitored while doing so. The next step is to contact DEC, remove the building and fill in the hole. The legal team is recommending that the Town wait until the Town takes possession. He will give updates as he gets them. Ms. Kaelin stated that there are agreements that are being drafted and discussed between the County, the State Oil Spill Fund, and the Town. These agreements must be put in final form before the building is foreclosed and then demolished. The Supervisor stated at the Agenda Meeting he would like to discuss creating the positions of Comptroller and Deputy Comptroller for the Town. It would be wise for the Town to find someone with municipal experience for the Comptroller position.

## **COUNCIL MEMBERS REPORTS**

Councilwoman Jasinski reported that the Carpenter's Acre sewer project is currently waiting on three easements to be signed and the final approval from Saratoga County Sewer before the project can go out to bid. Ms. Jasinski also reported that the Clean Energies Committee is waiting for National Grid to do the final hookup on the three installed EV stations. There is a resolution on the agenda this evening for a change order for Drilling Technologies for the Ballston Lake Sewer District. This will allow the contractor to continue. She would like to discuss at the Agenda Meeting the streetlights and the streetlight needed at the Seelye Estates entrance as she just received more information from National Grid.

Councilman Curtiss reported that the Farmland Protection Committee will meet next week. He prefers to hold the meeting by Zoom and he or Scott Draina will get a Zoom link out to participate. He would like to see some type of extended cell service in rural areas using the ARPA funds.

Councilman Carota stated that he looks forward to working with everyone and has been getting up to speed on many items going on in Town.

Councilman Fendrick echoed what Councilman Carota stated. There has been movement on the streetlight project and a lot of information has been obtained very recently. He hopes to be able to present after filtering through it all. He looks forward to working with everyone.

## **OLD BUSINESS**

### **Draft Generic Environmental Impact Statement (DGEIS)**

Supervisor Connolly stated that he has seen a few drafts of what mitigation fees would be for traffic, water, and sewer. He stated that the Board has options. We can have developers pay the full mitigation fees; however, we must consider how that will impact things. The way the draft zoning reads is that we want to promote growth in certain areas. The reason we want targeted growth is because the Town has spoken clearly that they still have a strong desire to preserve the rural character of our Town, but in order to do this, we need developers to want to develop in our Town; then not only are they paying mitigation fees for infrastructure and for traffic, but also if they want to get to a certain density by paying PDR (purchase development rights). That money goes into a kitty specifically for preservation in addition to any solar PILOT agreements. One approach would be to pass this as is. There is still time to get feedback from developers; and the Board can still decide to go to a percentage. The Supervisor's recommendation is to consider approving it and revisit as more information is obtained. He does not want to push the timetable of moratorium back. Jackie Hakes of MJ Engineering stated that she wanted to add that there is an action item on the agenda for the Town Board to consider this evening, and it would be to determine that the Draft Generic Environmental Impact Statement is complete for public review; therefore, it is not an adoption but simply that the document is complete for public review. This triggers a public comment period which cannot be less than 30 days where written public comment would be accepted. There's also an opportunity, should this Board decide, to hold a public hearing which is optional but would be recommended, given the transparency of the process to date. This Draft Generic Environmental Impact Statement is the last phase of this multi phased effort that is required for the adoption of the Comprehensive Plan and adoption of the zoning amendments under the State Environmental Quality Review Act (SEQRA). The Town Board has taken this path to address and evaluate impacts based on adopting that Comprehensive Plan and impacts based on adopting the proposed zoning and identified potential mitigation. This is what the Supervisor was referring to is the potential mitigation needed to address impacts of future growth based on traffic and water infrastructure that would be needed to support that growth. The document follows the outline of the public scoping document that was adopted by the Board and includes a variety of different things, but primarily includes is an evaluation of existing conditions, potential impacts and potential mitigation for those impacts for traffic and transportation, sewer, water, land use and zoning and growth, and community character. The evaluation is of the existing zoning, The proposed zoning has been released to the public and it's currently out for review and that proposed zoning with those incentives that the Supervisor had indicated in terms of the PDR and Green Initiative Program. There was a build out analysis prepared to evaluate what that potential build out might be, and then those impacts and mitigations are based on that. Should this document be determined to be complete for public review this evening, she would make the documents and the appendices available to view at the Envision Ballston website, the town website, Town Hall and the BH-BL Community Library.

The next step in the process is once the public comment period has closed, the Board will review those public comments and address them with her assistance and then she will prepare a Final Generic Environmental Impact Statement. Once the Final Generic Environmental Impact Statement has been accepted by the Board there's another minimum of 10-day public comment period, following the issuance of the SEQRA findings and that would conclude the SEQRA process under State law. Once that has been completed, the Town Board can then consider adopting the Comprehensive Plan and adopting the zoning. These are the procedural steps and why it is important, she is keeping an eye on the calendar recognizing that there is a strong desire to complete this but complete it appropriately and accurately and within that timeframe before the moratorium, which is set to expire in April.

Councilwoman Jasinski suggested to hold meetings to discuss sections in the 1000+ page document



RESOLUTION #3 – BE IT RESOLVED by the Town Board of the Town of Ballston that all meetings of the Town Board shall be held in accordance with the latest edition of Robert’s Rules of Order.

RESOLUTION #4 – BE IT RESOLVED by the Town Board of the Town of Ballston that the meetings of the Town Board shall be held in the Town Offices located at 323 Charlton Road, Town of Ballston, Saratoga County, or any video conferencing platform that allows public participation and transcription. The regular meeting shall be held at 6:30 p.m. on the second Tuesday of each month. The agenda meeting will be held the last Tuesday of the month at 6:30 p.m. and at this last meeting of the month the Town Board will pay the monthly bills.

RESOLUTION #5 – BE IT RESOLVED by the Town Board of the Town of Ballston that the Ballston Spa National Bank shall be the official depository for Town funds and, BE IT FURTHER RESOLVED that the funds may be withdrawn, and checks may be signed by Supervisor, Eric Connolly or by Deputy Supervisor, Joseph Whalen, in accordance with the provisions of the Town Law and the procedures established by the Town Board and BE IT FURTHER RESOLVED that dual signatures from Supervisor Eric Connolly, Deputy Supervisor Joseph Whalen and/or Town Clerk Carol Gumienny will be required on all checks greater than \$5,000 and BE IT FURTHER RESOLVED that electronic transfers may be made in accordance with Town Law and the procedures established by the Town Board and, BE IT FURTHER RESOLVED that checks drawn on the Town Clerk’s account may be signed by the Town Clerk, Carol Gumienny, or the Deputy Town Clerk I, Jodi Hollowood, in accordance with the provisions of the Town Law and the procedures established by the Town Board and, BE IT FURTHER RESOLVED that checks drawn on the Tax Collector’s account may be signed by the Tax Collector, Patricia E. Mazza and, BE IT FURTHER RESOLVED that checks drawn on the Town Justice accounts may be signed by the Justice assigned to that account or the Town Supervisor and BE IT FURTHER RESOLVED that the Town Supervisor and the Deputy Town Supervisor be additional signatories on all accounts allowed by Town Law and BE IT FURTHER RESOLVED that investments of cash shall be placed with the investment cooperative known as NYCLASS according to the executed contract, and BE IT FURTHER RESOLVED that such investments may only be authorized by the Supervisor, Eric Connolly, and that such investment transactions will be in accordance with procedures established by the Town Board and BE IT FURTHER RESOLVED that payments can be made early without Board approval to include all utilities, any time-sensitive payroll-related items, invoices that will incur penalties/interest if held until after the Agenda meeting.

RESOLUTION #6 – BE IT RESOLVED by the Town Board of the Town of Ballston that salaries for elected officials for 2022 are approved and established in the 2022 budget and that all other salaries and hourly rates for the 2022 budget and any subsequent resolutions be approved with longevity awards to be applied during the year as earned and BE IT FURTHER RESOLVED that the payroll schedule be biweekly for all hourly, elected officials and salaried employees.

RESOLUTION #7 - BE IT RESOLVED by the Town Board of the Town of Ballston that the Planning and Zoning Board Chairpersons receive \$65 per meeting and the Planning and Zoning Board Members, and Alternates receive \$50 per meeting to be paid upon the proper submission of a completed Town voucher.

RESOLUTION #8 – BE IT RESOLVED by the Town Board of the Town of Ballston that the Water Superintendent, Joseph Whalen, is authorized to make purchases for necessary water main break repairs on his own and, BE IT FURTHER RESOLVED that the Water Superintendent will notify the Water Commissioners of said expenditures within 24 hours and, BE IT FURTHER RESOLVED that the Water Superintendent will notify the Water Commissioners of any overtime within 24 hours.

RESOLUTION #9 – BE IT RESOLVED by the Town Board of the Town of Ballston that petty cash accounts of \$300.00 be authorized for use by the Town Clerk and \$150 for the Tax Collector. The petty cash account for the Building Department be authorized in the amount of \$100, BE IT FURTHER RESOLVED that an audit report of those funds be provided to the Town Board Monthly.

RESOLUTION #10 – BE IT RESOLVED by the Town Board of the Town of Ballston that the official newspaper as required by Town Law shall be The Daily Gazette.

RESOLUTION #11 – BE IT RESOLVED by the Town Board of the Town of Ballston that Town Officers shall be compensated at the rate of 58.5 cents per mile for the use of their personal automobiles in the performance of their official duties.

RESOLUTION #12 BE IT RESOLVED that all Planning Board members and alternates shall be authorized to attend the Saratoga County Planning Conference and shall be reimbursed for necessary expenses at the approved rate upon submission of a proper voucher within the limits of the budget.

RESOLUTION #13 BE IT RESOLVED that the Building Department Fee Schedule will be used for the 2022 calendar year through the Organizational Meeting in 2023.

RESOLUTION #14 - BE IT RESOLVED by the Town Board of the Town of Ballston that all overnight trips shall require prior approval by the Town Board and, BE IT FURTHER RESOLVED that all other conference attendance shall require prior authorization of the Supervisor and BE IT FURTHER RESOLVED that reasonable expense reimbursement for conferences shall be approved by the Supervisor. Any conference enrollee who cannot attend without cause will reimburse the Town for any costs incurred by the Town. Any late fee is the sole responsibility of the conference enrollee.

RESOLUTION #15 - BE IT RESOLVED by the Town Board of the Town of Ballston that the tentative agendas be posted on the Town Website and the Town Bulletin Board 5 days prior to the meeting.

RESOLUTION #16 – BE IT RESOLVED by the Town Board of the Town of Ballston that the following individuals are appointed to the following positions for a term of one year commencing January 11, 2022, said term ending at the Organizational Meeting of the Town of Ballston held in January 2023.

Town Attorney: Debra Kaelin

Attorneys for Planning and Zoning Board of Appeals: Tabner, Ryan and Keniry, LLP

Bookkeeper: Erin Hadcock

Building Inspector: Jeff Stickle

Assistant Building Inspector: Matt Vaverchak

Building Department Clerk: Nisha Merchant

Assistant Building Inspector: Wayne Howe

Administrative Assistant: Vicki O'Malley

Fire Inspector: Matt Vaverchak

Stormwater Management Coordinator: Jeff Stickle

Dog Control Officer: Tom Shambo

Assistant Dog Control Officers: Dave Brown and Karly Russell

Deputy Town Clerk I: Jodi Hollowood

Deputy Town Clerk II: Kerri Mains

Town Historian: Richard Reynolds

Court Clerks: Jane Curtiss, Kathleen O'Donnell and Susan Rafferty

Deputy Highway Superintendent: John Hollowood

Highway Clerk: Leslie Zorn

Water Superintendent: Joseph Whalen

Deputy Water Superintendent: Henry Shatley

Water Clerk: Debora Bradt

Assessor Valuation Assistant: Sharlene Gillan

Representative to the Ballston Area Recreation Commission: Erin Hadcock

Chairman, Zoning Board of Appeals: Michael Lesniak

Vice-Chair, Zoning Board: Steve Merchant

Chairman, Planning Board: John VanVorst

Vice-Chair, Planning Board: TBD

Planning and Zoning Board Clerk: Nisha Merchant

Planning and Zoning Board Secretary: Nisha Merchant

Health Officer: Dr. Gayle Buckley

Zoning Enforcement: Jeff Stickle/Matt Vaverchak

Ethics Board Chairperson: James Towne, Esq.

Ballston Clear Water Committee (Sewer Committee): Chairperson Drew Hamelink, Jim DiPasquale, Wes DeVoe, and Dick Doyle.

Ballston Lake Water Quality Protection & Management Committee: Chairperson David Pierce, Blue Neils, Dustin Lewis, Scott Reese, Robert Duncan, Dean Long, Joe Whalen, Dr. Gayle Buckley

Ballston Emergency Planning Committee: Chairperson Rob Davis, Herb Jackson and Mike Fowler  
Clean Energies Committee: Ben Baskin and Maegan Frantz

Hillside Cemetery Committee: Rick Reynolds

Town Emergency Services Review Committee: Iain Holmes, Greg Winkler

Carpenters Acres Sewer Committee: Chairperson Danielle Yeager, Jason Porrier, Kevin Wheeler

Farmland Protection Committee: Chairperson Scott Draina, Zach Boelkeloo, Jeremy Knight, Stephen Merchant, Kevin Draina, Kathy Knight, and Linda Voehringer

Sidewalk Committee: Harry Darling and Tom Minnick

Parks & Rec Committee: Chairperson Sally Draina

RESOLUTION #17 - BE IT RESOLVED by the Town Board of the Town of Ballston the following committee member positions are available:  
Parks & Rec Committee

RESOLUTION #18 - BE IT RESOLVED by the Town Board of the Town of Ballston that the official holidays for the Town are:

HOLIDAY	DATE OBSERVED
New Year's Day	Friday, December 31, 2021
Martin Luther King Day	Monday, January 17, 2022
Washington's Birthday	Monday, February 21, 2022
Memorial Day	Monday, May 30, 2022
Independence Day	Monday, July 4, 2022
Labor Day	Monday, September 5, 2022
Columbus Day	Monday, October 10, 2022
Veterans Day	Friday, November 11, 2022
Thanksgiving Day	Thursday, November 24, 2022
Day After Thanksgiving	Friday, November 25, 2022
Christmas Day	Monday, December 26, 2022

RESOLUTION #19 - BE IT RESOLVED by the Town Board of the Town of Ballston that all official meeting minutes must be written and mailed or electronically distributed to appropriate parties within 14 days of applicable meeting. Town Board minutes must, at a minimum, be sent to: all Town Board members, Town Attorney, Highway Superintendent, Building Inspector, Water Superintendent, Zoning Enforcement Officer, Assessor, Tax Collector, Town Justices, Town Librarian, Dog Control Officer, Town Historian, Zoning Board of Appeals Chairperson, Planning Board Chairperson, Parks and Recreation Committee Chairperson, Farmland Protection Committee Chairperson, Engineer to the Town, Attorney to the Zoning Board of Appeals and Planning Board, and others as required by the Town Board in special circumstances and, BE IT FURTHER RESOLVED the Zoning Board of Appeals (ZBA) minutes must be sent to all ZBA members, all Town Board Members, Town Clerk, Chairperson and Secretary of the Planning Board, Highway Superintendent, Building Inspector, Zoning Enforcement Officer, Assessor, Engineer to the Town, Attorney to the ZBA, Town Attorney, Water Superintendent, applicants before the ZBA, Chairperson of the Parks and Recreation Committee, Chairperson of the Farmland Protection Committee and, BE IT FURTHER RESOLVED the Planning Board minutes must be sent to all Planning Board members, Town Board members, Town Clerk, Chairperson and Secretary to the ZBA, Highway Superintendent, Building Inspector, Zoning Enforcement Officer, Assessor, Engineer to the Town, Attorney to the Planning Board, Town Attorney, Water Superintendent, applicants before the Planning Board, Chairperson of the Parks and Recreation Committee, and Chairperson of the Farmland Protection Committee. BE IT FURTHER RESOLVED that all other committee minutes must be sent to the Town Clerk within 14 days.

RESOLUTION #20 - BE IT RESOLVED by the Town Board of the Town of Ballston that the Town Attorney (representing the Town Board) and the Attorney to the ZBA and Planning Board, appointed or contracted for services by the Town Board, will not represent clients before any of the standing boards of the Town or undertake criminal defense before the Courts of the Town of Ballston.



has considered the criteria contained in 6 NYCRR §617.7(c) to determine whether the proposed action will have a significant impact on the environment; and

**WHEREAS**, on October 12, 2021, the Town Board declared itself lead agency for the purposes of SEQR and determined that the adoption of the proposed Comprehensive Plan and Zoning amendments may have a potential significant adverse impact on the environment and issued a Positive Declaration requiring the preparation of a Generic Environmental Impact Statement (GEIS); and

**WHEREAS**, per 6 NYCRR 617.8, a SEQR scoping is intended to focus the GEIS on potentially significant adverse impacts and eliminate consideration of those impacts that are not significant, and scoping must include an opportunity for public comment; and

**WHEREAS**, the Town Board set a written public comment period for the purpose of SEQR scoping from November 9, 2021 through November 30, 2021 and held a public scoping session on November 30, 2021 via the Zoom conferencing platform only. Written comments could be submitted to the Town Clerk at Town Hall or [cgumienny@townofballstonny.org](mailto:cgumienny@townofballstonny.org) and the SEQR scoping document was made available to the public on the Town website (<https://www.townofballstonny.org/>), the project website (<https://www.envisionballston.com/>) and hard copies made available at the Town Hall and the Town of Ballston Community Library; and

**WHEREAS**, after consideration of public comments received, the Town Board adopted the final Scoping Document on December 14, 2021; and

**WHEREAS**, based upon the Final Scoping Document, the Town Board caused the preparation of the Draft GEIS (“DGEIS”) by its consultants on the project, MJ Engineering and Land Surveying, PC., providing for review and comment of the DGEIS by Town Board members, leading to a completed DGEIS document ready for public review; and

**WHEREAS**, the Town Board is mindful that the purpose of the completeness review is simply to determine whether the DGEIS has met the objectives of the Final Scoping Document and is adequate for purposes of commencing public review; and

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Ballston hereby accepts as complete the Draft Generic Environmental Impact Statement (DGEIS), dated January 11, 2022, prepared with respect to the above SEQRA coordinated Action; and

**BE IT FURTHER RESOLVED**, that a PUBLIC HEARING for the Draft Generic Environmental Impact Statement (DGEIS) shall be scheduled for February 8, 2022 at 6:00 pm, to be held via the Zoom platform, if authorized by Executive Order, and, if not authorized, in person at the Town Hall, 323 Charlton Road, Ballston Spa, New York 12020. Further, written public comment on the DGEIS may be submitted to the Town Clerk at Town Hall, 323 Charlton Road, Ballston Spa, NY 12020 or [cgumienny@townofballstonny.org](mailto:cgumienny@townofballstonny.org); AND,

**BE IT FURTHER RESOLVED**, that the Town Clerk is directed to cause the SEQRA Notice of Completion and Public Hearing, and the DGEIS and its appendices, to be circulated to all involved and interested agencies, by email or mail as such agencies wish, in addition to making the DGEIS and its appendices publicly available at the following locations for public review: on the Town website (<https://www.townofballstonny.org/>), project website (<https://www.envisionballston.com/>) and hard copies at the Town Hall, 323 Charlton Road, Ballston Spa, New York and the Town of Ballston Community Library, 2 Lawmar Lane, Burnt Hills, New York Further, the Town Clerk shall cause a Notice of Complete DGEIS and Public Hearing to be posted in the New York State Environmental Notice Bulletin in accordance with the SEQRA regulations.

A Roll Call Vote was as follows:

	Yes	No	Abstain
Councilmember Curtiss	Aye		
Councilmember Carota	Aye		
Councilmember Fendrick	Aye		
Councilmember Jasinski	Aye		
Supervisor Connolly	Aye		

ADOPTED 5-0



WHEREAS, pursuant to said Executive Order, the Town Board of the Town of Ballston wishes to adopt such Resolution directing the Town Assessor of the Town of Ballston to grant exemptions on the 2022 assessment roll to all eligible senior citizens and individuals with disabilities with limited income, and granting the Town Assessor of the Town of Ballston the authority to require renewal applications for due cause, as discussed above, utilizing procedures outlined below:

NOW THEREFORE, BE IT RESOLVED, pursuant to the authority granted by Executive Order No. 11.1, issued by the Governor of the State of New York, that the Town Board of the Town of Ballston hereby directs the Town Assessor of the Town of Ballston to:

1. Grant exemptions on the 2022 assessment roll to all individuals who received the senior exemption on the 2021 assessment roll and all individuals who received the exemption on the 2021 assessment roll because they were recognized as a person(s) with disabilities and limited income, thereby dispensing with the need for any such individual(s) to file renewal applications for such exemptions, except that;

2. The Town Assessor may, in his or her sole discretion, require a renewal application to be timely filed with his or her office if he or she has reason to believe that any such individual(s), who qualified for the aforementioned exemption on the 2021 assessment roll, may have since changed their primary residence, added another owner to the deed for the relevant property, transferred such property to a new owner or died. If the Town Assessor requires such renewal application be filed, he or she shall notify the owner of the subject property of such requirement by regular mail, with such notice shall containing instructions on how to file the renewal application. Said renewal application may be returned by mail or by making an appointment (518-490-2719 or [photaling@townofballstonny.org](mailto:photaling@townofballstonny.org)) to drop same off at the Town Assessor's office, located at 323 Charlton Road, Ballston Spa, New York 12020

Dated: January 11, 2022

Councilmember Carota	Aye
Councilmember Curtiss	Aye
Councilmember Fendrick	Aye
Councilmember Jasinski	Aye
Supervisor Connolly	Aye

ADOPTED 5-0

#### **RESOLUTION 22-30**

**APPROVE THE SUPERVISOR AND THE PROJECT ENGINEER TO EXECUTE A CHANGE ORDER FOR CONTRACT #4, DRILLING TECHNOLOGIES, INC., FOR THE BALLSTON LAKE SEWER DISTRICT IN THE AMOUNT OF \$35,000 WHICH WILL RESOLVE ALL CONFLICTS WITH THE CONTRACT REGARDING EXCAVATION AND/OR DRILLING AND ALL RESTORATION WORK. THE LUMP SUM AMOUNT FOR THE CHANGE ORDER IS TO BE PAID ONLY AFTER SATISFACTORY PRESSURE TESTS OF ALL PIPE AND ALL RESTORATION WORK COMPLETED.**

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

Discussion: Councilman Curtiss stated that this is bad business; a contract is a contract. He is not in favor. He is conservative and watches out where the taxpayer money goes. Supervisor Connolly stated that he is not in favor either; however, he gets a lot of phone calls from the residents in the sewer district asking why they're paying this year for a sewer they don't have yet. The answer is this is what the law states. Supervisor Connolly stated that this change order will keep the project moving on schedule and under budget. Ed Hernandez, of Adirondack Engineering, stated that this is a difficult situation with this contractor. The contractor has had a lot of difficulty with the rock and the conditions; Mr. Hernandez believes it's more than the contractor had originally anticipated. As a result, the contractor is struggling, but the work is getting done. He had disagreed and he certainly made it known there was rock and these issues there, he believed that the contractor may have underestimated them. The way we came up with \$35,000 originally many months ago, is he approached one of the other low bidders, that had bid the project and currently has a contract with the Town working on one of the other aspects and asked if someone else did this work that we hired, and they had bid a little bit more, and that's where we came up with the additional \$35,000. He felt at the time, to resolve this, it would be reasonable to pay the contractor. Originally, the contractor rejected the \$35,000 and wanted over \$100,000, which was declined. He believes it is in the Town's best interest, as well as the contractor's, to resolve these issues, move forward and get



