

A Town Board meeting was held by the Town Board of the Town of Ballston on Tuesday evening March 8, 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 February 2022. They are on file in the Town Clerk's office.

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

- Masks are now optional for all patrons and staff in the library. The Library's Safety policy states that we will follow CDC guidelines for masks, so masks became optional with updated guidance on February 26, 2022.
- Summer Reading prep for the Oceans of Possibilities program is in full swing. Performers, presentations, craft programs, and other extraordinary programs will be offered for participants. Programming will run from late June until early August, and logging minutes will continue until the beginning of September for students.
- The library is ready for construction of the Local History Room and LED lighting upgrade. We are hopeful it will begin soon.

Ms. Darling stated that the library is also working with the Town to clear any final hurdles in the construction contract to build the new local history room and upgrade all lighting to LED. When construction is done the library will be able to resume indoor in-person programming. The large books and audio books have been packed up and put in their community room to make room for construction. Once the project is complete, the Community room and the Local History Room spaces will be used for programming and will be available at no charge for community groups such as scouts or other nonprofits. Last week the Board of Trustees approved a resolution requesting a continued and an accelerated effort on the legislation needed to implement the joint transition effort that the library and the Town have been working towards. This legislation allows for an amendment to the library's current charter making modifications that bring us in line with the definition of a special district library.

Steve Burchett, Library Board of Trustee member, stated that he'd like to continue the ongoing effort to transition the library to the current model of a special district and wanted to point out that this offers several advantages to the public. He wanted to reaffirm the library's willingness to participate and if there's anything that they can do to help to proceed, to please ask.

FINANCIAL REPORT

The reports were emailed to the Board, and there were no questions for Bookkeeper Erin Hadcock.

SUPERVISOR'S REPORT

The Supervisor stated that the fishing pier walkway needs repairing and is currently closed to the public until it can be fixed. He also gave an update on 814 Saratoga Road and stated that the Town does not own the property. The County is moving towards foreclosure, and the Town will be the first in line to acquire it once this happens. The attorneys are working to make sure that the Town is protected.

OLD BUSINESS

Update on Comprehensive Plan, Zoning Updates

Jackie Hakes of MJ Engineering stated that the Town is nearing the end of the overall Comprehensive Plan, Zoning Amendment, and Generic Environmental Impact Statement process. Last month, the Board held a public hearing on the Draft Generic Environmental Impact Statement which included the Draft Comprehensive Plan, as well as the draft zoning amendment. There was a written public

comment period that ended on February 18th with very few verbal or written comments received; however, as part of the SEQRA process through the Final Generic Environmental Impact Statement the Board as the lead agency must respond to those comments; therefore, her team is preparing that Final Generic Environmental Impact Statement, complete with responses to the comments. The remaining steps are for the Board to consider accepting the Final Generic Environmental Impact Statement, hopefully in late March, which would initiate a required no less than 10-day period for the public and involved agencies to consider and then the final step with SEQRA is the issuance of a Findings Statement that she anticipates would happen in April. The Findings Statement would signal the completion of the SEQRA process, at which point the Board can consider adopting the Comprehensive Plan and then consider adopting the zoning amendment. Ms. Hakes stated that there are some proposed edits to the previous version of the zoning amendment based on public comments and from the Board. A clean version can be found at the Envision Ballston website. The items are highlighted in yellow and focus on the solar energy installations, agricultural open space, and purchase development rights program and green initiative program. These changes will be referred to the Saratoga County Planning Board just as the earlier version was for their review. This past November, the Board also referred the zoning to the Town Planning Board which is a requirement in the Town's Code Section 138-134, the referral of any zoning amendment to the Planning Board for a report back to the Town Board. This report was received near the end of February, and it identified comments to multiple topics which may or may not be addressed. They include: the PDR program, PUDD, signs, agricultural buffers, performance bonds, home occupations, EV charging stations, multifamily housing, and animals. Ms. Hakes will be preparing a draft to respond to those comments, some of which may or may not have been addressed as part of conversations on the latest zoning update. She will share that with the Board for consideration to simply make that a part of the record to document that the Board has taken into consideration the comments and identified why, or why not, those were modified within the zoning amendment. Progress is being made and the finish line for this undertaking is very near.

The Supervisor asked the Board their thoughts on continuing to meet by Zoom or to go back to meeting in person. There will be hybrid technology put in place for the public to be able to view the meetings at home or in person. It is his suggestion to put the technology in place before returning to the Meeting Room. Councilman Curtiss stated that he would like to see in person meetings but understands to wait for the improvements to the room. Councilman Fendrick asked if there is more attendance on Zoom versus in person? The Supervisor stated that some Zoom meetings have had great attendance. There are 13 Zoom attendees this evening, which is about the number of people we would get at an in-person meeting.

COUNCILMEMBERS REPORTS

Councilman Fendrick thanked Highway Superintendent Joe Whalen and his employee, Will, for the attention they provided to address the fishing pier walkway issue. There is a Parks & Recreation meeting scheduled for the 16th and a budget meeting scheduled for the 10th.

Councilman Carota stated that there is a scheduled meeting with the library to address concerns on both sides. Wednesday evenings will be free for him now to attend the library's monthly meetings.

Councilwoman Jasinski stated that the EV station that was broken was replaced, and the grants have been submitted for reimbursement. The Clean Energies Committee has been awarded an additional \$5,000 grant. They are looking at upgrading the lights at Town Hall to LED. The Carpenter's Acres Sewer District bids are due soon.

Councilman Curtiss stated that at last month's Farmland Protection Committee Meeting they stated that they would like to have "A Farms First Community" added to the "Welcome to Ballston" signs at intersections or on land that the Town owns, or have new signs made. There is a lot of public interest in refurbishing 814 Saratoga Road, and they want to be involved. They would like information available there for the public on the small agriculture businesses in Town. Further discussion on this topic will be during their next meeting.

OLD BUSINESS

Highway Garage Addition Bids

Jenny Lippmann, of MJ Engineering and project manager for the highway garage addition, stated that the bids were opened on February 16th for four separate contracts: construction, plumbing, HVAC, and electrical. The estimated budget for the project was \$3.5 million. The bids came in below the estimated budget at \$3.24 million. Ms. Lippmann stated that letters of recommendations were

completed to award the contracts, references were checked, and each contractor was contacted to make sure they were comfortable with their bids. Awarding the bids this evening allows the construction process to begin. Councilman Curtiss asked how much is built into the contracts for contingencies? Ms. Lippmann stated that they included 6% of each construction value or the estimated construction value within the bids. They are typical for projects of this scope and size and should be sufficient to cover the scope of the project. Councilwoman Jasinski would like to add a little bit of extra contingency in the bond.

NEW BUSINESS

There was no new business.

Privilege of the floor ONLY on items for consideration and action this evening. (Limit 3 mins.)

No one wished to speak.

NEW BUSINESS FOR CONSIDERATION AND ACTION THIS EVENING

RESOLUTION 22-66

APPROVE THE SUPERVISOR'S FINANCIAL REPORT FOR FEBRUARY 2022.

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 22-67

APPROVE THE TWO CONTRACTS FOR 2022 WITH THE SARATOGA COUNTY OFFICE OF THE AGING. THE NUTRITION AGREEMENT IS \$2,167.00 AND THE TRANSPORTATION AGREEMENT IS \$2,167.00. THERE IS NO INCREASE IN EITHER CONTRACT.

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 22-68

AWARD CONTRACT #1 FOR GENERAL CONSTRUCTION FOR THE HIGHWAY GARAGE ADDITION TO ROSELL INDUSTRIES, INC. IN THE AMOUNT OF \$2,078,000.

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

AWARDING CONTRACT TO LOWEST RESPONSIBLE BIDDER FOR HIGHWAY GARAGE ADDITION PROJECT CONTRACT #1 CONSTRUCTION

WHEREAS, the Town Board of the Town of Ballston has solicited sealed competitive bids for an addition to its current highway garage consisting of expanding the Highway Superintendent's office with adequate space to place a meeting table; expand the staff office to accommodate two additional clerks; expand the mechanic's office with a storage room; expand the break room sufficient in size to accommodate all staff; construction of a locker room with sufficient space for lockers to accommodate one locker per staff member; construction of two restrooms; construction of four additional garage bays; and providing the fourth bay with the capability to wash vehicles along with all necessary plumbing, heat, ventilation and air conditioning systems and all requisite electrical necessary for the entire garage and the new addition. The bids being returnable to the Town Clerk's Office by February 16, 2022, at 3 o'clock pm., to be publicly opened and read at that same time and date; and

WHEREAS, Rozell Industries, Inc., submitted a bid known as Contract #1 for construction of the Highway Garage Addition at the time and place in the amount of \$2,078,000; and

WHEREAS the Highway Superintendent in conjunction with the project engineer, MJ Engineering and Land Surveyors, PC reviewed the specifications of the construction contract bid and compared the same to the bidding specifications, along with comparing it to other bidders on the construction contract and finds the same in compliance therewith and Rozell Industries, Inc., being the lowest responsible bidder for Contract #1 construction.

NOW, THEREFORE, BE IT RESOLVED that pursuant to the General Municipal Law, Section 103 and the Town of Ballston Code Chapter 30, the Town Supervisor of the Town is hereby authorized to enter into a contract with Rozell Industries, Inc., for construction of the highway garage addition pursuant to the bidding specifications for a maximum cost of \$2,078,000.00. Payments shall be in accordance with the contract and approved by this Board.

Dated: March 8, 2022

Roll Call Vote as follows:

Councilperson Carota	Aye
Councilperson Curtiss	Aye
Councilperson Jasinski	Aye
Councilperson Fendrick	Aye
Supervisor Connolly	Aye

RESOLUTION 22-69

AWARD CONTRACT #2 FOR PLUMBING FOR THE HIGHWAY GARAGE ADDITION TO MAZONE PLUMBING AND HEATING IN THE AMOUNT OF \$485,592.

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

AWARDING CONTRACT TO LOWEST RESPONSIBLE BIDDER FOR HIGHWAY GARAGE ADDITION PROJECT CONTRACT #2 PLUMBING

WHEREAS, the Town Board of the Town of Ballston has solicited sealed competitive bids for an addition to its current highway garage consisting of expanding the Highway Superintendent's office with adequate space to place a meeting table; expand the staff office to accommodate two additional clerks; expand the mechanic's office with a storage room; expand the break room sufficient in size to accommodate all staff; construction of a locker room with sufficient space for lockers to accommodate one locker per staff member; construction of two restrooms; construction of four additional garage bays; and providing the fourth bay with the capability to wash vehicles along with all necessary plumbing, heat, ventilation and air conditioning systems and all requisite electrical necessary for the entire garage and the new addition. The bids being returnable to the Town Clerk's Office by February 16, 2022, at 3 o'clock pm., to be publicly opened and read at that same time and date; and

WHEREAS, Mazone Plumbing and Heating submitted a bid known as Contract #2 for the plumbing portion of the Highway Garage Addition at the time and place in the amount of \$485,592.00; and

WHEREAS the Highway Superintendent in conjunction with the project engineer, MJ Engineering and Land Surveyors, PC reviewed the specifications of the plumbing contract bid and compared the same to the bidding specifications, along with comparing it to other bidders on the plumbing contract and finds the same in compliance therewith and Mazone Plumbing and Heating being the lowest responsible bidder for Contract # 2 Plumbing.

NOW, THEREFORE, BE IT RESOLVED that pursuant to the General Municipal Law, Section 103 and the Town of Ballston Code Chapter 30, the Town Supervisor of the Town is hereby authorized to enter into a contract with Mazone Plumbing and Heating for the plumbing portion of the highway garage addition pursuant to the bidding specifications for a maximum cost of \$485,592.00. Payments shall be in accordance with the contract and approved by this Board.

Dated: March 8, 2022

Roll Call Vote as follows:

Councilperson Carota	Aye
Councilperson Curtiss	Aye
Councilperson Jasinski	Aye
Councilperson Fendrick	Aye
Supervisor Connolly	Aye

RESOLUTION 22-70

AWARD CONTRACT #3 FOR HVAC FOR THE HIGHWAY GARAGE ADDITION TO JOHN W. DANFORTH COMPANY IN THE AMOUNT OF \$385,000.

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

AWARDING CONTRACT TO LOWEST RESPONSIBLE BIDDER FOR HIGHWAY GARAGE ADDITION PROJECT CONTRACT #3 HEAT, VENTILATION, AIR CONDITIONING (HVAC)

WHEREAS, the Town Board of the Town of Ballston has solicited sealed competitive bids for an addition to its current highway garage consisting of expanding the Highway Superintendent's office with adequate space to place a meeting table; expand the staff office to accommodate two additional clerks; expand the mechanic's office with a storage room; expand the break room sufficient in size to accommodate all staff; construction of a locker room with sufficient space for lockers to accommodate one locker per staff member; construction of two restrooms; construction of four additional garage bays; and providing the fourth bay with the capability to wash vehicles along with all necessary plumbing, heat, ventilation and air conditioning systems and all requisite electrical necessary for the entire garage and the new addition. The bids being returnable to the Town Clerk's Office by February 16, 2022, at 3 o'clock pm, to be publicly opened and read at that same time and date; and

WHEREAS John W. Danforth Company submitted a bid known as Contract #3 for the Heat, Ventilation, and Air Conditioning (HVAC) portions of the Highway Garage Addition at the time and place in the amount of \$385,300.00; and

WHEREAS the Highway Superintendent in conjunction with the project engineer, MJ Engineering and Land Surveyors, PC reviewed the specifications of the HVAC contract bid and compared the same to the bidding specifications, along with comparing it to other bidders for the HVAC contract and finds the same in compliance therewith and John W. Danforth Company being the lowest responsible bidder for Contract # 3 Heat, Ventilation and Air Conditioning (HVAC).

NOW, THEREFORE, BE IT RESOLVED that pursuant to the General Municipal Law, Section 103 and the Town of Ballston Code Chapter 30, the Town Supervisor of the Town is hereby authorized to enter into a contract with John W. Danforth Company for the Heat, Ventilation and Air Conditioning (HVAC) portion of the highway garage addition pursuant to the bidding specifications for a maximum cost of \$385,300.00. Payments shall be in accordance with the contract and approved by this Board.

Dated: March 8, 2022

Roll Call Vote as follows:

Councilperson Carota	Aye
Councilperson Curtiss	Aye
Councilperson Jasinski	Aye
Councilperson Fendrick	Aye
Supervisor Connolly	Aye

RESOLUTION 22-71

AWARD CONTRACT #4 FOR ELECTRICAL FOR THE HIGHWAY GARAGE ADDITION TO HAROLD CLUNE INC. IN THE AMOUNT OF \$295,800.

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

AWARDING CONTRACT TO LOWEST RESPONSIBLE BIDDER FOR HIGHWAY GARAGE ADDITION PROJECT CONTRACT #4 ELECTRICAL

WHEREAS, the Town Board of the Town of Ballston has solicited sealed competitive bids for an addition to its current highway garage consisting of expanding the Highway Superintendent's office with adequate space to place a meeting table; expand the staff office to accommodate two additional clerks; expand the mechanic's office with a storage room; expand the break room sufficient in size to accommodate all staff; construction of a locker room with sufficient space for lockers to accommodate one locker per staff member; construction of two restrooms; construction

of four additional garage bays; and providing the fourth bay with the capability to wash vehicles along with all necessary plumbing, heat, ventilation and air conditioning systems and all requisite electrical necessary for the entire garage and the new addition. The bids being returnable to the Town Clerk's Office by February 16, 2022, at 3 o'clock pm., to be publicly opened and read at that same time and date; and

WHEREAS, Harold Clune, Inc., submitted a bid known as Contract #4 for the electrical of the Highway Garage Addition at the time and place in the amount of \$295,800.00; and

WHEREAS the Highway Superintendent in conjunction with the project engineer, MJ Engineering and Land Surveyors, PC reviewed the specifications of the electrical contract bid and compared the same to the bidding specifications, along with comparing it to other bidders on the electrical contract and finds the same in compliance therewith and Harold Clune, Inc., being the lowest responsible bidder for Contract # 4 Electrical.

NOW, THEREFORE, BE IT RESOLVED that pursuant to the General Municipal Law, Section 103 and the Town of Ballston Code Chapter 30, the Town Supervisor of the Town is hereby authorized to enter into a contract with Harold Clune, Inc., for the electrical portion of the highway garage addition pursuant to the bidding specifications for a maximum cost of \$295,800.00. Payments shall be in accordance with the contract and approved by this Board.

Dated: March 8, 2022

Roll Call Vote as follows:

Councilperson Carota	Aye
Councilperson Curtiss	Aye
Councilperson Jasinski	Aye
Councilperson Fendrick	Aye
Supervisor Connolly	Aye

RESOLUTION 22-72
APPROVE A REFERRAL OF THE REVISED ZONING AMENDMENTS TO THE SARATOGA COUNTY PLANNING BOARD PURSUANT TO GENERAL MUNICIPAL LAW SECTION 239-M.

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

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

RESOLUTION 22-73
APPROVE THE TRANSFER OF \$312,340.00 OF SALES TAX REVENUE RECEIVED IN FEBRUARY 2022 REPRESENTING DECEMBER 2021 SALES TAX RECEIPTS, FROM GENERAL FUND A TO HIGHWAY DB FUND

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

Discussion: After all the transfers this evening, there will be \$1.8 million in this fund for the garage addition. The total construction cost is \$3.2 million. \$1.4 million will be bonded.

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

RESOLUTION 22-74
APPROVE A PROPOSAL FOR PROFESSIONAL SERVICES FROM MJ ENGINEERING AND LAND SURVEYORS DATED JANUARY 5, 2022, IN THE AMOUNT OF \$58,600.00 REPRESENTING THE DESIGN AND CONSTRUCTION INSPECTION FOR THE REPLACEMENT OF THE TOWN OWNED BRIDGE ON FINLEY ROAD OVER THE MOURNING KILL (BRIDGE) IN THE TOWN OF BALLSTON, SARATOGA COUNTY. THESE FUNDS SHALL BE TAKEN FROM HIGHWAY DB FUND.

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 22-75

APPROVE THE TRANSFER OF \$253,740.00 FROM HIGHWAY DB FUND TO HIGHWAY GARAGE ADDITION SPECIFIC FUND IN ACCORDANCE WITH THE ATTACHED RESOLUTION.

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

WHEREAS, on June 8, 2021, the Town of Ballston Town Board adopted a resolution approving a Fund Balance and Reserve Fund Policy; and

WHEREAS, the Town of Ballston Highway Budget as of December 31, 2020, had a surplus fund balance of One Million Four Hundred Thousand and 00/100 Dollars (\$1,400,000); and

WHEREAS, the Town Board of the Town of Ballston has determined that the Town Highway Department requires the construction of the following capital improvements at the town's highway garage, to wit: expanding the Highway Superintendent's office with adequate space to place a meeting table; expand the staff office to accommodate two additional clerks; expand the mechanic's office with a storage room; expand the break room sufficient in size to accommodate all staff; construction of a locker room with sufficient space for lockers to accommodate one locker per staff member; construction of two restrooms; construction of four additional garage bays; and providing the fourth bay with the capability to wash vehicles ; and

WHEREAS, the Town Board of the Town of Ballston has further determined that it will be necessary to fund the proposed capital improvements as set forth above; and

WHEREAS, it is estimated that the maximum cost to construct these capital improvements shall not exceed the sum of Three Million Five Hundred Thousand and 00/100 Dollars (\$3,500,000.00); and

WHEREAS, the Town Board has authorized soliciting bids for this capital improvement; and

WHEREAS, bids were received by the Town, opened on February 16, 2022 and the Town intends to award contracts to the lowest responsible bidders; and

WHEREAS, in recognition of this need and the fact that the Town of Ballston Highway Budget has a surplus balance to pay for the construction of these capital improvements, the Town Board of the Town of Ballston established a specific capital reserve fund for this capital project from surplus funds within the Town of Ballston Highway Budget; and

WHEREAS, in a resolution dated September 14, 2021, the Town Board of the Town of Ballston created a specific capital reserve fund to defray the cost associated with this capital improvement project, a copy of which resolution is attached hereto and made a part hereof; and

WHEREAS, the Town Board of the Town of Ballston initially funded this specific capital reserve fund with the sum of Five Hundred Thousand and 00/100 Dollars (\$500,000.00); and

WHEREAS, this board by resolutions have added to the specific capital reserve fund in December, 2021 and February 8, 2022 making the fund's balance as of February 8, 2022 one million one hundred sixteen thousand six hundred and fifty three dollars and 00/100 (\$1,116,653.00)

WHEREAS, budgetary projections indicate that additional funds are available to deposit into this specific capital reserve fund; and

WHEREAS, the construction of these capital improvements remains in the public interest.

NOW, THEREFORE, IT IS:

RESOLVED, the Town Board hereby authorizes and consents to an additional deposit in the amount of Two Hundred Fifty-Three Thousand Seven Hundred and Forty and 00/100 Dollars (\$253,740.00) to be placed into the specific capital reserve fund for the construction of the

aforementioned capital improvements for the Town of Ballston Highway Department; and it is further

RESOLVED, after this additional deposit the principal amount of money within the specific capital reserve fund shall equal One Million Three Hundred Seventy Thousand Three Hundred Ninety-Three and 00/100 Dollars (\$1,370,393.00) which sum shall be funded by surplus funds within the Highway Budget; and it is further

RESOLVED, the Town Board authorizes the expenditure of up to One Million Three Hundred Seventy Thousand Three Hundred Ninety-Three and 00/100 Dollars (\$1,370,393.00) from the specific capital reserve fund to defray the cost associated with this capital improvement project only upon the order of the Town of Ballston Superintendent of Highways upon audit and with the consent of the Town Board; and it is further

RESOLVED, the moneys deposited within this capital reserve fund shall be expended therefrom for the purpose for which they were levied.

	<u>AYES</u>	<u>NOES</u>
Eric Connolly, Supervisor	Aye	
Michael Carota	Aye	
Chuck Curtiss	Aye	
Robert Fendrick	Aye	
Kelly Jasinski	Aye	

Dated: March 8, 2022
Ballston, New York

RESOLUTION 22-76

APPROVE TO TRANSFER \$500,000.00 OF UNRESERVED, UNAPPROPRIATED FUND BALANCE FROM GENERAL FUND A TO HIGHWAY DB FUND.

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 22-77

APPROVE THE TRANSFER OF \$500,000 FROM HIGHWAY DB FUND TO HIGHWAY GARAGE ADDITION SPECIFIC FUND IN ACCORDANCE WITH THE ATTACHED RESOLUTION.

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

WHEREAS, on June 8, 2021, the Town of Ballston Town Board adopted a resolution approving a Fund Balance and Reserve Fund Policy; and

WHEREAS, the Town of Ballston Highway Budget as of December 31, 2020, had a surplus fund balance of One Million Four Hundred Thousand and 00/100 Dollars (\$1,400,000); and

WHEREAS, the Town Board of the Town of Ballston has determined that the Town Highway Department requires the construction of the following capital improvements at the town's highway garage, to wit: expanding the Highway Superintendent's office with adequate space to place a meeting table; expand the staff office to accommodate two additional clerks; expand the mechanic's office with a storage room; expand the break room sufficient in size to accommodate all staff; construction of a locker room with sufficient space for lockers to accommodate one locker per staff member; construction of two restrooms; construction of four additional garage bays; and providing the fourth bay with the capability to wash vehicles ; and

WHEREAS, the Town Board of the Town of Ballston has further determined that it will be necessary to fund the proposed capital improvements as set forth above; and

WHEREAS, it is estimated that the maximum cost to construct these capital improvements shall not exceed the sum of Three Million Five Hundred Thousand and 00/100 Dollars (\$3,500,000.00); and

WHEREAS, the Town Board has authorized soliciting bids for this capital improvement; and

WHEREAS, bids were received by the Town, opened on February 16, 2022 and the Town intends to award contracts to the lowest responsible bidders; and

WHEREAS, in recognition of this need and the fact that the Town of Ballston Highway Budget has a surplus balance to pay for the construction of these capital improvements, the Town Board of the Town of Ballston established a specific capital reserve fund for this capital project from surplus funds within the Town of Ballston Highway Budget; and

WHEREAS, in a resolution dated September 14, 2021, the Town Board of the Town of Ballston created a specific capital reserve fund to defray the cost associated with this capital improvement project, a copy of which resolution is attached hereto and made a part hereof; and

WHEREAS, the Town Board of the Town of Ballston initially funded this specific capital reserve fund with the sum of Five Hundred Thousand and 00/100 Dollars (\$500,000.00); and

WHEREAS, this board by resolutions have added to the specific capital reserve fund in December, 2021, February 8, 2022 and March 8, 2022 making the fund's balance as of March 8, 2022 One Million Three Hundred Seventy Thousand Three Hundred Ninety Three and 00/100 Dollars (\$1,370,393.00); and

WHEREAS, budgetary projections indicate that additional funds are available to deposit into this specific capital reserve fund; and

WHEREAS, the construction of these capital improvements remains in the public interest.

NOW, THEREFORE, IT IS:

RESOLVED, the Town Board hereby authorizes and consents to an additional deposit in the amount of Five Hundred Thousand and 00/100 Dollars (\$500,000.00) to be placed into the specific capital reserve fund for the construction of the aforementioned capital improvements for the Town of Ballston Highway Department; and it is further

RESOLVED, after this additional deposit the principal amount of money within the specific capital reserve fund shall equal One Million Eight Hundred Seventy Thousand Three Hundred Ninety-Three and 00/100 Dollars (\$1,870,393.00) which sum shall be funded by surplus funds within the Highway Budget; and it is further

RESOLVED, the Town Board authorizes the expenditure of up to One Million Eight Hundred Seventy Thousand Three Hundred Ninety-Three and 00/100 Dollars (\$1,870,393.00) from the specific capital reserve fund to defray the cost associated with this capital improvement project only upon the order of the Town of Ballston Superintendent of Highways upon audit and with the consent of the Town Board; and it is further

RESOLVED, the moneys deposited within this capital reserve fund shall be expended therefrom for the purpose for which they were levied.

AYES NOES

Eric Connolly, Supervisor	Aye
Michael Carota	Aye
Chuck Curtiss	Aye
Robert Fendrick	Aye
Kelly Jasinski	Aye

Dated: March 8, 2022

Ballston, New York

RESOLUTION 22-78

APPROVE TO PAY INVOICE #12422 FROM THE HIGHWAY DEPARTMENT FOR THE BUILDING DEMOLITION, EQUIPMENT RENTAL, CLEAN UP AND TO FILL IN THE PIT AT 814 SARATOGA ROAD IN THE AMOUNT OF \$16,256. FUNDS WILL BE TAKEN FROM GENERAL FUND A FUND BALANCE.

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

Discussion: Councilman Fendrick asked if this is the last of these bills for this property?

Supervisor Connolly stated that should the Town move forward with the contract with the County and take possession of this parcel, the only item remaining is that \$7,000 to the Oil Spill Cleanup Fund will need to be paid to the State.

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

Nays 0

RESOLUTION 22-79

APPROVE TO INCREASE THE BUDGETED PRINCIPAL PAYMENT BY \$4,550 ON THE MORNINGDALE COURT WATER DISTRICT LOAN WITH BALLSTON SPA NATIONAL BANK TO BE PAID BY USE OF EXISTING MORNINGDALE COURT WATER DISTRICT FUND BALANCE RESOURCES. THIS INCREASED PRINCIPAL PAYMENT WILL REDUCE BY APPROXIMATELY \$1,900, THE EXPECTED TOTAL INTEREST PAID OUT ON THE REMAINING DEBT AND, REMOVE ANOTHER YEAR OF PAYMENTS MOVING TOWARDS THE GOAL OF REDUCING THE DEBT SO THAT THIS DISTRICT CAN BE ADDED TO THE TOWN OF BALLSTON CONSOLIDATED WATER DISTRICT WHEN THE DEBT IS PAID.

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

Discussion: Ms. Hadcock stated that this is an item that will be revisited every year depending on how fund balance looks for this fund. The goal is to include this district into the Consolidated Water District.

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

Nays 0

RESOLUTION 22-80

APPROVE LOCAL LAW 1 OF 2022 – AMENDING THE TOWN CODE, CHAPTER 104 SUBDIVISION OF LAND, SECTION 13, SUBSECTION H (1) ON HOW PARK AND REC FEES CAN BE USED.

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

Be it enacted by the Town Board of the Town of Ballston as follows:

An amendment to the Town Code Subdivision of Land Chapter 104, Section 13 subsection H (1)

The owner shall dedicate to the Town land usable for recreation purposes equal in size to not less than 5% of the owner's tract to be subdivided for residential usage. This land shall be used by the Town for parks, playgrounds or for other specific public recreational uses as deemed desirable by the Planning Board. However, if the Planning Board should consider an owner's tract too small or unsuitable for dedication of 5% of the total area as usable recreational land, the Town Board shall direct the owner to make a money payment to the Town in lieu of the land. This payment must be equal to a fee as established by the Town Board, and will be assessed on each commercial building placed on a building lot created through subdivision after September 30, 2004, and on each dwelling unit placed on a building lot created through subdivision after September 30, 2004. Where a commercial building has within it one or more dwelling units, the fee shall be one fee for each commercial building and an additional fee for each dwelling unit within each commercial building. The first dwelling unit shall be exempt from the parks and recreation fee for two-family and multiple dwellings placed on lots created through subdivision before September 30, 2004. The parks and recreational fee may be used by the Town for the purchase of land for such public recreational uses and/or for the purchase of materials, equipment, capital improvements, capital

repairs, or necessary services to create or significantly improve a recreational facility for public use. The fee schedule is on file in the Town Clerk's office.

This amendment shall take effect immediately.

Roll Call Vote as follows:

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

RESOLUTION 22-81

ACCEPT THE RESIGNATION OF BOARD OF ASSESSMENT AND REVIEW MEMBER ANTON ROHRMEIER EFFECTIVE IMMEDIATELY.

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

Discussion: The Supervisor thanked Mr. Rohrmeier for his many, many years of service.

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

Nays 0

RESOLUTION 22-82

CONSIDER APPOINTING LINDA DEPREY AS A MEMBER OF THE BOARD OF ASSESSMENT AND REVIEW FOR A TERM BEGINNING MARCH 8, 2022 AND ENDING DECEMBER 31, 2026.

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

Discussion: The Supervisor stated that he usually meets with anyone who is being appointed to a Board. He did not get a chance to meet with Ms. DePrey therefore he would like to table the resolution. **This resolution was tabled** due to the Supervisor did not get a chance to meet with Ms. DePrey prior. A motion was made by Councilwoman Jasinski and seconded by Councilman Fendrick to table the resolution. All members were in favor.

RESOLUTION 22-83

APPROVE THE REQUEST FOR PROPOSALS AND SOLICIT SEALED BIDS FOR AN AUDIO-VISUAL DESIGN AND IMPLEMENTATION PROJECT FOR THE TOWN BOARD MEETING ROOM (UPSTAIRS) AND THE SMALL CONFERENCE ROOM (DOWNSTAIRS) THE REQUEST FOR PROPOSALS WILL GO OUT ON MARCH 9, 2022, WITH A BID OPENING DATE OF APRIL 22, 2022, AT 3 P.M.

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

Discussion: The document was sent to our IT company, and they will be involved when a bidder is approved.

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

Nays 0

RESOLUTION 22-84

APPROVE THE HIRING OF DAVID URKEVICH FOR THE POSITION OF COMPTROLLER FOR THE TOWN OF BALLSTON COMMENCING MARCH 10, 2022, AT AN ANNUAL SALARY OF \$93,500.00 PLUS BENEFITS AS SET FORTH IN THE HUMAN RESOURCE HANDBOOK FOR THE TOWN OF BALLSTON WITH THE EXCEPTION THAT HE SHALL RECEIVE 15 DAYS' VACATION FOR HIS TENURE WITH THE TOWN UNTIL HE REACHES HIS 20TH ANNIVERSARY DATE WITH THE TOWN OR IT IS CHANGED BY THE TOWN BOARD SOONER.

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

Discussion: The Supervisor stated that the Town will save a little money in the current budget with a full-time person assisting the bookkeeper. He also thanked Jeanette Borthwick for her many years of excellent service to the Town and what she was able to do with fixing a broken budgeting process and a management of finances.

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

Nays 0

Privilege of the floor on any topic (limit 3 minutes)

Tom Shaginaw, of Long Creek Drive and a Library Board of Trustee member, stated the following: “On Thursday, March 3, 2022, there was a public meeting of the Board of Trustees of the Library. In that meeting, the Trustees unanimously approved Library Resolution 22-024 requesting that the Town Board reaffirm its commitment to the operational Transition of the Library to a Special District Library as currently defined. This is something that the Town Board and the Library have been working on together since November of 2020. The resolution also asked the Town Board to prioritize and allocate resources to the timely completion of all required steps to execute the Transition in 2022. That resolution was sent to all members of the Town Board on March 4th, 2022 and was submitted for inclusion in the agenda for tonight’s meeting. For the public and newer board members, a little history will help.

The original charter that established the Library was created in 1957 and updated occasionally since then. On some topics, the charter does not have clear lines of responsibility and accountability between the Town Board and the Library Board. Over the years, that lack of clarity has periodically created disconnects and uncertainty.

In 2020, the Trustees suspected that an action requested by the Town Supervisor would have been inappropriate for the Trustees to accept. The Trustee’s concerns were confirmed by experts in New York State Library Law, including the Southern Adirondack Library System director, a Library Law Attorney and representatives of New York State Education Department.

The request from the Supervisor was not malicious – the request was clearly an effort to ensure accountability to the public. However, the Trustees were advised that Library Law stated that the topic in question is a Trustee responsibility – not to be delegated or surrendered. This was another case of a disconnect stemming from the charter.

On November 19th, 2020, the Library Trustees wrote to the Town Board, asking them to collaborate on an effort to broadly clarify the charter. In reply, the Town Supervisor selected an alternate option that would increase the library’s autonomy. Efforts to move in this direction began. The Town Board has previously expressed support for this – the Meeting Minutes of the February 9, 2021 Town Board meeting said:

“Supervisor Connolly stated that the Library is a hybrid special district. Legal is involved to see if it is possible for the Library to be entirely its own entity, which includes the Board of Trustees being elected positions. The Library and the Town are in favor of this.”

The resolution that passed last week in the Library Trustees Meeting asks if this is still the position of the Town Board and welcomes any response now.”

The Supervisor commented that when we received the resolutions there was a number of issues that were concerning, and they needed to meet with the library on these. There is a meeting scheduled on the 14th to go over those concerns and, if all goes well, we could reaffirm our commitment but as of right now everything’s on hold.

Mr. Shaginaw stated that he understood the meeting on the 14th was for the construction contracts not the legislation. The legislative cycle requires the legislation to be placed upon the Assembly floor by April 1st. Supervisor Connolly stated that he is aware of the time frame and has spoken to Mary Beth Walsh and her guidance to him was even if the timetable was met, getting it through the legislation would be a long shot. With this information and the details that are needed to discuss, the resolutions were not added for this evening.

Steve Zarelli, of Palmer Avenue and president of the Library Board of Trustees, stated the advantages to the public of the transition that they have been working on is that the transition does not change the boundaries of the special district, it doesn’t change the services the library performs, it addresses the responsibilities of the Trustees and the Board on the operations. Mr. Zarelli feels it increases accountability to the public by having elected trustees and a public vote on the budget. The transition was broken into two phases; the first phase is migrating the shared services to the library and phase two is the change in legislation. The first phase happened in January; the second phase is to make the library align with the definition of a special district. The Town attorney, library attorney and former Board member Kelly Stewart had been working on the language. He encouraged the Board to move forward with the second phase.

Julia Stone, of Kingsley Road and a Library Board of Trustee member, reiterated what her colleagues stated prior. We are in an ongoing collaboration to complete the transition of the library to a contemporary definition of a special district library. This will eliminate any of the vagueness the Charter currently has in the disconnects between the Town Board and the Library Board of Trustees. This will help with responsibilities and accountabilities. The library asks that the Town Board reaffirms their commitment to the transition and to prioritize and allocate resources to a timely completion of the required steps to execute that transition. She asked if the Board is still committed to this transition? They also ask that the Board identify the specifics of any reservations about the transition by March 11th. Their next Board of Trustees meeting is tomorrow evening.

Sue Tomlinson, of Devils Lane and a Library Board of Trustee member and secretary to the Library Board of Trustees, asked the Town Board to reaffirm the support of the transition of the library to the current definition of a special district library, and to prioritize the completion of the steps required.

Steve Burchett, of Charlton Road and a Library Board of Trustee member, stated that we are hopeful to resolve this and hopeful not to drag this out another year. He is hopeful to work together to make this right and address concerns. He asks for transparency and urgency because we don't want to do this for another year, but we will.

A motion was made by Councilman Curtiss and seconded by Councilman Carota to adjourn the meeting. The meeting adjourned at 8:05 p.m.

Respectfully submitted,

Carol Gumienny
Town Clerk