

A Public Hearing was held by the Town Board of the Town of Ballston on Tuesday evening, March 28, 2023, in the Meeting Room at Town Hall located at 323 Charlton Road, Ballston Spa, New York and on a Zoom webinar for the public only to watch and listen.

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

The Supervisor opened the Public Hearing at 6:15 p.m. on a motion by Councilman Fendrick and seconded by Councilwoman Jasinski. The Clerk read the following Public Hearing notice:

**NOTICE OF PUBLIC HEARING
TOWN OF BALLSTON
ORDER FOR PUBLIC HEARING ON THE COST OF IMPROVEMENTS AND/OR THE
COST TO RECONSTRUCT EXISTING FACILITIES AND APPURTENANCES FOR
THE BENEFIT OF PARK DISTRICT NO. 1, IN THE TOWN OF BALLSTON, COUNTY
OF SARATOGA, STATE OF NEW YORK, PURSUANT TO SECTION 202-b OF THE
TOWN LAW OF THE STATE OF NEW YORK**

WHEREAS, New York State Town Law Section 202-b establishes that whenever the Town Board shall determine it to be in the public interest, after a public hearing, the Town may construct additional improvements on behalf of a park district or other special districts; and

WHEREAS, the Town of Ballston Park District No. 1 was created by Town Board Order dated September 7, 1954; and

WHEREAS, Section 202-b 2 of the Town Law provides in part that “the town board may, on behalf of a park district acquire additional apparatus and equipment and replace obsolete, inadequate, damaged, destroyed or worn-out apparatus and equipment, and it may construct additional facilities and appurtenances thereto or reconstruct or replace obsolete, inadequate, damaged, destroyed or worn out facilities and appurtenances thereto;” and

WHEREAS, Park District No. 1 requires the removal of existing fencing and the installation of new fencing and other appurtenances for the creation of a dog park; and

WHEREAS, the aforesaid section of the Town Law does not require the preparation of a map, plan and report; and

WHEREAS, the cost to remove the existing fencing, the installation of new fencing and other appurtenances shall equal \$19,750.00; and

WHEREAS, approval of the New York State Comptroller is not required for approval of this project inasmuch as the real property in the Town of Ballston Park District No. 1 is not wholly or partly located within the Adirondack Park.

NOW, THEREFORE, IT IS ORDERED, that the Town Board of the Town of Ballston shall meet and hold a public hearing at the **Town of Ballston Town Hall, 323 Charlton Road, Ballston Spa, New York 12020**, in said Town, on the **28th day of March, 2023, at 6:15 p.m.**, local time, to consider the proposed improvements and to hear all persons interested in the subject thereof as is required or authorized by law.

The foregoing was moved by Councilperson Fendrick and seconded by Councilperson Jasinski.

The adoption of the foregoing order was duly put to a vote, and the vote was as follows:

Eric Connolly, Supervisor	Aye
Michael Carota, Councilperson	Absent
Chuck Curtiss, Councilperson	Absent
Rob Fendrick, Councilperson	Aye
Kelly Jasinski, Councilperson	Aye

Dated: February 28, 2023

The Supervisor thanked everyone for coming, he was happy to see so many people that attended. He introduced Lynnette Ziskin, alternate member of the Parks & Rec Committee who lives across the street from Jenkins Park, and Sally Draina, Chairperson of the Committee. Ms. Ziskin stated that the Committee is proposing that a dog park be placed in the baseball field located closest to the parking lot next to the basketball court. Why a dog park? The front baseball field in Jenkins Park was being used as an unofficial “dog park” as long as Ms. Ziskin can remember. The current fence requires replacement due to liability; there are a lot of jagged edges and broken pieces. It is not being used as a baseball field in its current state. The Committee has received much support from area residents for a dog park. The potential to create capital improvement and additional income to the park from outside residents meaning people who do not live in the park district. The Committee is proposing a two-phase project to ensure smooth transition and timely results. There are numerous details involved and they do not feel that all are necessary to start the dog park. There will be room to expand in this area as the budget allows. If the Committee submits pricing for materials, signage, infrastructure, software, etc. to the Town Board for approval and then the prices change, this could delay the entire project. Smaller phases seem to be more feasible and manageable. Smaller phases will also prevent the Clerk’s Office from receiving a heavy influx of paperwork (tags, licensing, etc.) and they would still be able to operate using their current programs.

Phase 1: Administration- tags, pricing, and licensing:

The Committee has researched this based on other towns and dog parks in our area and we have been working closely with the town clerk’s office to assist.

Currently, in the State of New York, it is required by law to have your dog registered within your Town. The Town of Ballston currently charges \$10 for spayed / neutered dogs and \$17 for dogs that are not. Immunization records must be provided. The Town will issue a tag for your licensed dog.

The Committee proposes that the Town charges for use of the dog park and that all members of the dog park receive a separate dog park tag. The proposed fees are as follows:

- Jenkins Park tax district residents: free to use the dog park upon payment of registering your dog with the Town of Ballston.
- Town of Ballston residents: \$25 fee, per dog, per year, in addition to registering your dog with the Town of Ballston.
- Non-residents: \$50 fee, per dog, per year and must provide updated immunization records and license.

These fees can provide income for the park.

In Phase 1 the following will occur for the dog park:

- Replace 4ft. fencing that is broken and jagged and backstop with new 5ft. fencing.
- Retain the outfield fence that is in good shape, future replacement as required.
- Add one fence to divide the field into two areas:
 - (1) large dog area (30lbs. and bigger)
 - (1) small dog area (30lbs. and smaller)
- Add corral areas for both entrances to the small and large dog areas. This is to ensure dogs remain in the penned area while people are coming in and out, for safety precautions.
- (4) new 5ft.-wide gates included to provide access for mowing equipment.
- Add pavement or gravel to the entrance area.
- Add signage on all gates stating rules and requirements of dog park.

Phase 1 will be a “trial phase” before any additional higher cost projects are considered.

Is the park being used in this phase? Can administration handle the influx of work?

What complaints and concerns are there and how can we fix those for phase two before adding any extra costs? Please keep in mind that this area has been an unofficial dog park area for several years with little to no complaints in its current form.

Enforcement - Community members will continue to “self-police.”

Phase 2 includes:

- Inclusion of Tag Fob system.
- Consideration of Barkpass™ system which is an electronic system that would monitor the action of the dog park. The Fob will authorize entry into the dog park area. It will be provided by the Town of Ballston Town Clerk after proper licensing and payment of fees.

The addition of a fob system will bring additional expenses such as internet and electricity will need to be run into this area of the park, a box or shed needs to be around the electric box and computer to keep it from vandalism and elements of weather.

- Adding additional signage for instructions on the fob system
- Additional program and management system in Town Clerk's office to manage.
- Furnishings to the area will be added as the budget allows. Examples include agility stations, dog courses, obstacles, benches, gazebo, trees for shade and additional dog waste receptable.

Supervisor Connolly stated that the Parks Committee is an appointed committee and works very hard under the Parks & Rec chairperson and Town Board liaison Councilman Fendrick. They bring recommendations to the Town and have no authority to implement policy, only to make recommendations based on their research. That said, operation and maintenance of the park has been budgeted for Jenkins Park, this is not in jeopardy. Jenkins Park Fund balance of approximately \$25,000 will be used to fund this project. Phase One is strongly recommended; to make sure that all the policies, rules and procedures are in place before opening the dog park. The fob system software needs to be in place and tested. He wants everyone to understand what is going on. Phase 2 would be the items such an agility station, benches, gazebo etc. This was discussed at the last meeting by the Town Bard to take this approach to have everything in place before the opening a dog park.

Joanne Richardson of Goodman Court stated that she is concerned that the fence is only 5 feet high and close to where children play. She has seen dogs jump over a 5 ft. fence. If a dog gets loose or if a dog jumps over the fence and a child gets hurt, are we liable for injuries? Another concern is who in the area is there to make sure that the people are using the fob correctly or potentially give it to someone else to get into the dog park?

Dan Richardson of Goodman Court stated that he has lived here since 1979 and was a member of the Jenkins Park Advisory Board Committee from 2009 to 2019. The 1954 bylaws state that Jenkins Park is independent of the Town. It should have a Board. The Town did not work on recruiting any new advisory board members after several members resigned in 2019. The law is being violated. He suggested reappointing the advisory board and get them to work on this dog park. The Parks & Rec Committee residents do not live in the Jenkins Park district. No one should make any decisions about the park other than the people who actually live in the district.

Joshua Martin of Scotchbush Road (not a Jenkins Park district taxpayer) stated that he is in favor of a dog park and a is new Town resident since 2021. He meets the community at Jenkins Park when bringing his dog here. It is more than a dog park; it is a sense of community.

Carl Thurnau of Woodside Drive stated that he is a resident of the Jenkins Park tax district. He does not own a dog. He read a letter to the Board that he presented to the Board at the last meeting which stated:

“I respectfully object to the vote on Dog Park Resolution 23-48 without prior due process and transparency being given to the 500+ taxpayers of the Park District. I am sure that the vast majority of them are unaware of the Dog Park Project as I was until February 28, 2023.

What's the rush? The taxpayers need at least 2 informational meetings and a Referendum prior to a vote by the Board to approve or disapprove the project. This would follow past practice of the Town on Capital Project matters.

Please give us taxpayers due process and transparency on this project.”

Mr. Thurnau also quoted from prior meeting minutes that “the insurance company is calling for the Town for upgrades that are overdue and currently dangerous (playground equipment) this to him is a priority”. Mr. Thurnau feels that the committee has their priorities backwards promoting a dog park; they should be working on the dangerous playground equipment. He is not in favor of depleting the \$20,000 in the fund for this park. The Town is now on notice by virtue of the insurance company's inspection that the equipment is dangerous.

Grace Holtzman of Jenkins Road stated that a dog park is important to her. She has been coming to Jenkins Park all her life. She feels like she has community again and needs an outdoor space to support each other. It is hard coming back from graduating from college; she is happy to reconnect again with her community. She supports the park.

Jim Hale of Goode Street (not a Jenkins Park district taxpayer) has lived here since 1990. Jenkins Park has been great for his dog, especially for socializing. He supports the dog park.

William Gorman of Plummer Road (Town of Milton resident) is in favor of the park. He notices issues with the fence that need repairing. He brings his dog here weekly. He sees how many people use the park, and that this is a good opportunity to fix the issues.

Jodi Hollowood of Sherwood Lane is not in favor of the dog park and read the following statement:

“As a resident of the Jenkins Park special tax district, I am not in favor of a dog park being added to the park. In the 27 years that I have lived in the district I have thoroughly enjoyed being part of this park district and having a quaint little park to use. Whether it was to take my kids to the playground when they were little, watch them as they had their little league practice, enjoy a walk or bike ride, or even meet my friends to walk our dogs together. This little park has been used by so many and paid for by very few. I have never once resented being a taxpayer in this special district. The special taxes I have paid for the park have always been very low. This was in large part to the dedicated people that we once had serving on our Jenkins Park Advisory Board. These individuals were always doing their due diligence to make sure the maintenance and necessary upkeep of the park was done all while doing it within the parameters of our Jenkins Park fund balance.

The current Parks and Recreation Committee is proposing to put in a dog park with no information presented on what the continual long-term cost will be to the taxpayers in this special district. The only real cost we have is for installing the fence and by installing the fence it will almost deplete the existing Jenkins Park Fund Balance. I do not think that this is a wise way to spend our district taxpayer money, especially when there is much needed attention and repairs that need to be done to the playground equipment currently in the park. Let’s put our money into making improvements to the things that the park already has to offer rather than neglect these items and add additional expenses to an already small established tax base. If the committee has had such a large response of interested residents that would like to see a dog park in Town, I feel that they should take a look at another Town owned location or that the Town Board take the necessary steps to make Jenkins park a Town owned park that is able to pull resources from the Parkland Deposit Funds shared by all the residents of the Town. This would allow for the necessary improvements to the park as well as the addition of a dog park.

I truly feel this proposed dog park is being rushed along. I feel that there needs to be more input gathered from the district taxpayers as well as more research done on whether such a small park can handle such a big addition. One of my many concerns is can the parking lot handle all the cars and traffic that will come when the weather gets nice and we have playground users, baseball players, basketball court users and walkers of the park in addition to the dog park users when everyone decides to come together to recreate? I know that ultimately, the final decision falls on the Town Board, I ask that before making your final decision, you seriously consider the additional cost this will burden the residents of this special district along with any long-term negative implications that might arise out of making Jenkins Park too big to fit in its existing footprint.”

James D’Auria of Jenkins Road stated that he and his wife Maura have been residents since 2004. He had frequented the park with his dogs, children and grandchildren and enjoyed the park. There is a community of people using it now. The project should be pursued. He wouldn’t let only having \$20,000 in the kitty prevent this from moving ahead. He is in favor of pursuing the project, it is going in the right direction.

Mike Henderson of Scotchbush Road (not a Jenkins Park district taxpayer) stated that he has been here for 15 years. 13 of those years he took his dog to the park. He never had a problem at the park. He is in support of the project.

Jaime Youngmann of Forest Road stated that she supports a dog park. It is a place for the community to meet. Forest Road is not a safe place to walk our dogs. She takes her dog to Jenkins Park for socialization and exercise. She thanked everyone for the work that had been done.

Mr. Marshall of Sweetman Road, (Town of Charlton resident) stated that he belongs to dog parks all over the area. The roads in the area are not safe. He does not care how much he has to pay to use it.

Susan Frederick of Charlton Road (not a Jenkins Park district taxpayer) stated that she is in favor of a dog park. It gives her dog a chance to socialize.

Nancy Reynolds of Goode Street stated that she has been a resident for 76 years. She agreed with Ms. Hollowood's comments. Her big concern is that those who have been paying all along, now there will be more people coming in. She would like this investigated a little more. She is concerned about the funding, the future maintenance, and there is no sheriff.

Seth McGrath of Goode Street stated that he has used the park his whole life since 1983. He has questions: if it will be a self-police park will it be for cleaning up after their dog waste and garbage?

Karen Agresta of Scotchbush Road (not a Jenkins Park District taxpayer) stated that she is at the park every day. She meets good people at the park. There are good people in this community.

Jeff Hadler of David's Lane for 30 years. There are many pros and cons to dog parks. It is a wonderful place for people to meet. Pets are great for people's mental and physical health. His only concern is that in his observations when using the park, people do not clean up after their dogs. He would like to see good signage and education. It can be a haven for disease and parasites. He likes the idea of a dog park.

Mary Heath of Scotchbush Road is in favor of a dog park. She has been here since 1967 and she had used the park many times. She would be willing to pay for it.

Nancy Heath of Scotchbush Road, (not a Jenkins Park District taxpayer), stated that she has used the park many times and suggested a fundraiser. She is in favor of a dog park. Currently without a door and gate, it upsets people who can't take their dog there.

Susan Macejka of Sherwood Lane stated that she was the president at one time of the Jenkins Park Advisory Board and the Town Board is in violation of the rules. There used to be signs in the park that dogs were allowed; however, the monitoring of cleaning up after their dogs was nonexistent. No one has brought up the cleanliness of the park. She has an article about the Town of Clifton Park's dog park that due to lack of cleaning up their supervisor wanted to close the park. No one has thought about the biodegradable waste that needs to be removed twice a week, or that there are wetlands that need to be considered. The Town's current dog control law states that the only time you can have your dog off leash is on your own premises. Every person who brings their dog to Jenkins Park with their dog off leash is in violation. Why are these people not fined? She feels that the equipment in the playground should be a priority. She stated that Supervisor Connolly was quoted during a Parks & Rec Committee meeting that "expanding the Town park district was determined unacceptable due to the negative financial impact that it would have on Town residents during a time of inflation". Why was this not considered for Jenkins Park? She is not in favor of a dog park.

Lynnette Ziskin of Katherine Drive is in favor of a dog park and read the following statement: "My family moved to Burnt Hills in 1996. I have lived in my home 26 ½ years, which is across the street from Jenkins Park. I joined the Jenkins Park Advisory Board in 2001, and I chaired the Board for about 18 yrs. From fall 2004 until last fall, I had a home childcare. I've had a dog since 1999. On average, I visit Jenkins Park at least twice daily. So, over the years, I have spent a great deal of time at Jenkins Park, either as a patron of the park or performing volunteer work there. Jenkins Park is mostly volunteer driven, although we've asked the Town Highway Dept. for help with projects, and received, thank you Joe Whalen, and we subcontract the big jobs.

When I joined the Park Board, and since this area was a baseball field, I felt strongly that the field should be used for baseball, not as a dog area as it was being used and had been for numerous years. During my initial years on the Park Board, I negotiated with, and Jenkins Park contracted with, 3 different baseball teams for the privilege of using the baseball fields at Jenkins Park. The lease on the back baseball field has, in general, been a success story. The front field is a much smaller field but requires as much annual maintenance and money to maintain as any other baseball field, and the field is too small for most teams. Within the same contract season, all 3 of those teams reneged on their contract with Jenkins Park. I eventually learned that once

Indian Meadows completed their fields, most of the baseball teams vacated Jenkins Park and went to Indian Meadows.

During the past 26 years, there has always been a high volume of dog people traffic at the park, which is something I recognized when I joined the Park Board. Since the front baseball field was no longer wanted or needed for baseball, we basically agreed to, literally, let that field “go to the dogs”. Having the continuous presence of dog people traffic in the park is a very good thing – all hours throughout the day, from early dawn through late dusk – the extra eyes and ears of these dog people help to watch over our park; help to police our park. Unwanted activities at our park are deterred when this constant flow of people with dogs are roaming through the park or in the front field of the park where they can see all the cars that enter the park.

Jenkins Park is a Park District, and the Park District boundary is illogical. But, like it or not, our park is the ONLY park in the Town of Ballston that is a multi-purpose recreational facility. We have a playground, including a sledding hill. There are picnic tables and benches in the playground area. There are 2 ponds for fishing and/or ice skating, we have a basketball court – which is sometimes used for roller hockey, and for young children learning to roller skate or ride a 2-wheeler without training wheels. Sometimes pickle ball is played there. Jenkins Park has 1 active baseball field; the back baseball field has always been leased to a local travel league. There is a vast open area in the center of the park, which has been used in the past by local groups for soccer and rugby practices, summer volleyball tournaments, a summer track & field program, summer music festivals, and the boy scouts launch rockets there. To name a few... there are many others. There is a pavilion containing 4 picnic tables. The pavilion is used for birthday parties, bridal and baby showers, girl and boy scout events, the annual kickoff party for the Burnt Hills Library’s summer reading program, and I believe the BH Rotary meets there during the summer months. The Jenkins Park Advisory Board always met there during the spring and summer months. There are also many nice walking trails throughout the woods at the back of the park, which get lots of use all year long – hiking, cross-country skiing, etc. It makes sense that a dog park would be a good fit and a nice addition to Jenkins Park. We may be a “Park District”, but Jenkins Park has always been open for all in our community to use and enjoy.

The definition of the word “taxes” is “money that is collected and used for the betterment of the community and the people living in it” The cost of this project is reasonable, and we have the measured and laid out area for the project. Since there have been no capital improvement projects at Jenkins Park in over 3 years, we currently have ample funds for this project. This is a capital improvement project that has a high need in our community; it is one that I believe will be welcomed and well used by community members. Our Jenkins Park taxes will not increase due to this project. Additions to the current dog park plan will be paid for with the income that is generated by the “out of district users” of the dog park.

Three years ago, when the pandemic attacked us, Jenkins Park was one of the only parks in our area that remained open to the public. During that time, our park population dramatically increased. People from “outside our district” fell in love with our quaint little park, and they still continue to visit there. It was never overwhelming, but a constant flow of people, which is a good thing for our park.

I want to reiterate: It makes sense that a dog park would be a good fit and a nice addition to Jenkins Park. We may be a small Park District, but Jenkins Park has always been open for everyone in our community, and neighboring towns (Charlton, Glenville, etc.) to use and enjoy.

Supervisor Connolly stated that the Public Hearing will remain open for additional comments until the next Town Board Meeting. Comments can be emailed to the Town Clerk. She will forward these to the Board.

Respectfully submitted,

Carol A. Gumienny
Town Clerk

Carol Gumienny

From: William Bechtel <wiltbec@gmail.com>
Sent: Monday, March 27, 2023 2:50 PM
To: Carol Gumienny
Subject: Construction of dog park at Jenkins Park

I own a home in the Jenkins Park District and am in favor of constructing a dog park in Jenkins Park. Having been on the Jenkins Park advisory board for a number of years it was apparent to all of us on the board that a major use of the park is by people exercising their dogs either in the front ball field or walking the trails. I think a formal dog park would be enjoyed and used extensively by Park District homeowners and the general public. This is a great way for people with their dogs in adjoining neighborhoods to meet and socialize.

However, I am concerned with the way this major capital project in the park is being presented by the Town Board, such that the Park District homeowners are going to be superseded by the voices of the general public who by the way should have no say in what is being done in the Jenkins Park. Projects in the Jenkins Park District should be decided either by an Advisory Board or a vote of the Park District homeowners. The Park District homeowners are the people paying for capital improvements in the Park, not the Town itself through Park Funds or "out of Park District" tax payers. Either dissolve the Jenkins Park District or include the Jenkins Park in One Park District that would include all the parks in the Town before proceeding with expensive capital projects in Jenkins Park. Then all Town tax payers will pay for capital improvements to all Town parks. This would be the fair way to proceed with this project and others of this monetary magnitude. .

William Bechtel
37 Beechwood Drive
Burnt Hills, NY 12027
518-399-1206

RECEIVED

MAR 27 2023

TOWN CLERK'S OFFICE

March 27, 2022

Town of Ballston Town Board:

As a family that lives directly across from Jenkins Park and enjoys it during all seasons of the year, we are very interested in any plans for it.

Jenkins Park has changed over the years that we have lived near it and has become a very much used and enjoyed piece of property. The Park Committee, an independent group of local volunteers living within the special park district (with the support of the town board) deserve credit and many thanks for their efforts in maintaining the land, establishing trails, etc.

However, we do not know the terms under which the park was established nor reasons for keeping it under a separate jurisdiction with a special tax levy not shared by the rest of the town. We have always considered the extra tax modest and have been proud and willing to share "our park". At the same time, we would like to understand why that distinction continues and why we are not also sharing the expenses with the entire town, as we share the privileges,

We would appreciate a fuller explanation.

Respectfully, Jane Robbins
21 Beechwood Drive

RECEIVED

MAR 27 2023

TOWN CLERK'S OFFICE

Carol Gumienny

From: mom mom <mariajanzen2000@yahoo.com>
Sent: Saturday, March 18, 2023 10:17 PM
To: Carol Gumienny
Subject: Public notice

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Dear Madam Town Clerk,

In response to The Notice of Public Hearing, and the inability to attend the hearing, I hereby reject the proposal for public funding for renewal of fencing to create a dog park.

I do not own a dog; many I know do not own a dog.

Dogs have tags through which owners can be identified. Please allow the proposed users of the dog park, to pay for this project.

The cost amount can be used elsewhere for all common good.

Thank you,

Maria A. Janzen

RECEIVED

MAR 20 2023

TOWN CLERK'S OFFICE