

A Town Board meeting was held by the Town Board of the Town of Ballston on Tuesday evening, April 11, 2023, in the Meeting Room at Town Hall located at 323 Charlton Road, Ballston Spa, New York and via Zoom webinar for the public to view and listen only.

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| PRESENT: | Michael Carota | Councilman |
| | Kelly Jasinski | Councilwoman |
| | Chuck Curtiss | Councilman |
| | Rob Fendrick | Councilman |
| | Carol Gumienny | Town Clerk |
| | David Urkevich | Town Comptroller |
| | Joe Whalen | Highway/Water Superintendent |
| ABSENT: | Eric Connolly | Supervisor |
| | William Ryan, Jr. | Attorney |

Due to Supervisor Connolly's absence, Councilman Carota 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, Building Inspector Jeff Stickles and Library Director Rebecca Darling submitted reports for March 2023. They are on file in the Town Clerk's office.

FINANCIAL REPORT

Comptroller David Urkevich stated that we only received one month of sales tax so far this year. The results for January were 19% higher than 2022, which was a stellar year. Adjustments do occur, the economy is uncertain, and we don't know what the rest of the year will be like. There is a small mortgage tax deficit of \$150,000. Sales tax is a much higher revenue. Building permit fees have doubled year to date due to receiving money that prior administrations did not invoice or collect from developers. Resolutions on the agenda this evening are to reallocate funds for operation and maintenance, an appropriation for the Jenkin's Park Fund for legal fees, and highway fund adjustments to pay the debt service for the highway garage addition. \$1.8 million has been reserved for the new garage. These funds will be used to pay the debt service. Mr. Urkevich will continue to reserve funds yearly.

SUPERVISOR'S REPORT

There was no Supervisor report this month.

COUNCIL MEMBERS REPORTS

Councilwoman Jasinski stated that on the May Town Board agenda there will be a resolution to change the name of the Clean Energies Committee to Green Community Committee. The Committee is working on a mission statement. The next Clean Energies Committee meeting is April 20th at 1 p.m. at Cupola Coffee. The Committee is always looking for new members.

Councilman Fendrick stated that the Parks & Rec Committee is working with Pete Sheridan and the library on a story walk in Jenkins Park and Anchor Diamond Park.

There have been three quotes obtained for the parking lot expansion on Outlet Road and the Committee will vote on this at their next meeting, if any, to approve.

Councilman Fendrick publicly thanked all the people who came out at the last meeting and spoke in favor or against the dog park. He respected everyone's opinion. If the public has any questions, please email or call him. It is important to have everyone's concerns and questions addressed. He will meet with residents should he need to. Councilman Fendrick wanted to clarify a couple of things. He stated that there were talks of lumping phases together for the dog park. The Committee does not want to convolute the process. It is best to stick with the core part of the project which is the fence and the signage which puts us in the position to be able to open the dog park, and then give the Committee the opportunity to evaluate the scan pass and computer program in the future if they are needed. They don't want to rush and do a lot of things up front. A fence and the signage are needed. This is the best fiscally responsible way to do this as the scan pass and computer program may not be needed. This is how the process will work. He hopes to have a resolution for the next meeting to vote on this.

There is a resolution this evening to purchase stone dust for \$375 for Anchor Diamond Park trails. There will be a workday for Committee members and Saratoga PLAN on May 13th and July 8th; currently, this is not open to the public.

The installation of the new fishing pier has begun and will be completed in May. He thanked everyone

involved in this long process for their hard work.

The Committee will be working on a plan on how to handle the diseased trees in Anchor Diamond Park and will present it to the Board at a future meeting.

Councilman Curtiss stated that he received the report from the sheriff's department for last month's stats and violations were down slightly. He feels that the Town needs to continue to pay for one sheriff patrol at a minimum, as you cannot put a price on public safety.

The Farmland Protection Committee met last month and discussed the idea of a sewer line on Route 50 into the hamlet from the Glenville Town line possibly going to McCrea Hill Road. He personally would be in favor of only having sewer go to the bait shop on Route 50. The Committee is adamantly opposed to any sewer on Route 50 in this entire section. The reason is that there has been no knowledge of any interested parties and businesses. If it goes through it will be for small businesses. The reality is how viable it is. The hamlet area of Burnt Hills, Route 50 from the Glenville town line north, won't change. The Committee looked at our neighboring communities – Saratoga, Malta, Clifton Park, Schenectady, and Amsterdam, all of which have all these services, including big box stores. The Committee is not in favor of bringing anything major to Town except for small businesses that can make it work without public sewers. After that discussion, he feels the same. It is hard on residences in the hamlet area to support much more, some, but not much more. He fears that if we build there will be vacant buildings and it will eventually look like the east end of State Street. He is not in favor of any of that kind of infrastructure.

Councilman Carota stated that progress continues for the library's charter update. There will be a resolution on the agenda at the next meeting to move the library legislation forward; the legal team has been working on this. The legislation went to Assemblywoman Mary Beth Walsh's office for their feedback. The library's next meeting is April 26th.

Councilman Carota asked if the library wanted to add anything to his report. Library Board of Trustee Julia Stone stated that during the month of April, Burnt Hills – Ballston Lake student art is on display at the library. There will be an artist reception, hosted by the Friends of the Library, on April 22nd from 11 a.m. to 1 p.m. The Friends of the Library Spring Book Sale will be held May 4th – May 6th. The Friends are accepting donations of good condition books, movies, music, games, and puzzles from April 10th – April 29th. They are also looking for volunteers to help during the event.

OLD BUSINESS

There was no Old Business to discuss.

NEW BUSINESS

There was no New Business to discuss.

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

No one wished to speak.

NEW BUSINESS FOR CONSIDERATION AND ACTION THIS EVENING

RESOLUTION 23-71

APPROVE THE SUPERVISOR'S FINANCIAL REPORT FOR MARCH 2023.

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

ADOPTED Ayes 4 Councilman Curtiss, Councilman Carota, Councilman Fendrick,
and Councilwoman Jasinski

Nays 0

Absent 1 Supervisor Connolly

RESOLUTION 23-72

APPROVE A SUPPLEMENTAL APPROPRIATION FOR THE HIGHWAY FUND'S 2023 FINAL BUDGET TO INCREASE THE "INTERFUND TRANSFER IN" REVENUE ACCOUNT AND THE "DEBT SERVICE – INTEREST" AND "DEBT SERVICE – PRINCIPAL" EXPENSE ACCOUNTS BY \$129,244.50 AND \$169,000 RESPECTIVELY, TO ALLOW FOR 2023 DEBT SERVICE PAYMENTS FOR THE HIGHWAY GARAGE EXPANSION PROJECT. CONSIDER APPROVING A RELATED TRANSFER UP TO \$298,244.50 FROM HIGHWAY GARAGE RESERVE UNRESTRICTED FUND BALANCE TO HIGHWAY FUND TO FULLY OFFSET THE COST OF THIS EXPENDITURE.

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

ADOPTED Ayes 4 Councilman Curtiss, Councilman Carota, Councilman Fendrick,
and Councilwoman Jasinski

Nays 0

Absent 1 Supervisor Connolly

RESOLUTION 23-73

APPROVE A REALLOCATION OF APPROPRIATIONS IN A FUND'S 2023 FINAL BUDGET TO DECREASE THE "CONTINGENCY BUDGETING" EXPENSE ACCOUNT AND INCREASE THE "BUILDINGS O&M – CONTRACTUAL NOT SPECIFIED" EXPENSE ACCOUNT BY \$30,000 TO ADJUST FOR HIGHER THAN ANTICIPATED CUSTODIAL AND BUILDING SYSTEM REPAIR COSTS IN 2023 FOR TOWN HALL. THE SOURCE OF THE FUNDS WILL BE A REALLOCATION OF 2023 EXPENDITURES WITHIN A FUND WITH NO IMPACT TO FUND BALANCE.

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

ADOPTED Ayes 4 Councilman Curtiss, Councilman Carota, Councilman Fendrick,
and Councilwoman Jasinski

Nays 0

Absent 1 Supervisor Connolly

RESOLUTION 23-74

APPROVE A SUPPLEMENTAL APPROPRIATION FOR THE JENKINS PARK FUND'S 2023 FINAL BUDGET TO INCREASE THE "BUDGETARY FUND BALANCE DRAW" REVENUE ACCOUNT AND INCREASE THE "OUTSIDE PROFESSIONAL SERVICES" EXPENSE ACCOUNT BY \$2,000 TO ADJUST FOR HIGHER THAN ANTICIPATED LEGAL FEES IN 2023. THE SOURCE OF THE FUNDS WILL BE JENKINS PARK FUND UNRESTRICTED FUND BALANCE.

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

ADOPTED Ayes 4 Councilman Curtiss, Councilman Carota, Councilman Fendrick,
and Councilwoman Jasinski

Nays 0

Absent 1 Supervisor Connolly

RESOLUTION 23-75

APPROVE HIGHWAY SUPERINTENDENT JOE WHALEN TO ATTEND THE CORNELL LOCAL ROADS ANNUAL HIGHWAY SCHOOL FROM JUNE 5TH TO JUNE 7TH IN ITHACA, NY. THE TOTAL COST TO ATTEND IS \$713.89, WHICH IS THE HOTEL FOR THREE NIGHTS. THERE IS NO COST TO ATTEND SCHOOL AS IT IS MR. WHALEN'S 22ND YEAR ATTENDING. ALL OTHER REASONABLE EXPENSES SUCH AS MEALS WILL BE APPROVED BY THE COMPTROLLER FOR REIMBURSEMENT. THE COSTS ARE BUDGETED FOR 2023.

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

ADOPTED Ayes 4 Councilman Curtiss, Councilman Carota, Councilman Fendrick,
and Councilwoman Jasinski

Nays 0

Absent 1 Supervisor Connolly

RESOLUTION 23-76

APPROVE THE 2023 HIGHWAY AGREEMENT FOR ROAD PAVING PROJECTS AND AUTHORIZE THE SUPERVISOR AND COUNCILMEMBERS OF THE TOWN BOARD TO EXECUTE THE SAME.

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

Discussion: Highway Superintendent Joe Whalen stated that because the paving of Buell Heights is paid for as part of the grant for the sewer project, 7 miles of roads will be paved this year and his crew will begin this work soon.

ADOPTED Ayes 4 Councilman Curtiss, Councilman Carota, Councilman Fendrick,
and Councilwoman Jasinski

Nays 0

Absent 1 Supervisor Connolly

RESOLUTION 23-77

APPROVE THE BURNT HILLS-BALLSTON LAKE BUSINESS PROFESSIONAL ASSOCIATION TO HOLD THE FLAG DAY PARADE ON JUNE 8, 2023, AND TO OBTAIN ALL REQUIRED PERMITS FROM THE NYS DEPARTMENT OF TRANSPORTATION.

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

ADOPTED Ayes 4 Councilman Curtiss, Councilman Carota, Councilman Fendrick, and Councilwoman Jasinski

Nays 0

Absent 1 Supervisor Connolly

RESOLUTION 23-78

APPROVE THE STANDARD WORKDAY AND REPORTING RESOLUTION FOR ELECTED OFFICIALS AND APPOINTMENTS FOR 2023.

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

Discussion:

ADOPTED Ayes 4 Councilman Curtiss, Councilman Carota, Councilman Fendrick, and Councilwoman Jasinski

Nays 0

Absent 1 Supervisor Connolly

RESOLUTION 23-79

APPROVE AWARDING THE LOWEST BID FOR CLEANING SERVICES FOR THE TOWN HALL FOR 2023 TO TWIN BRO. PROPERTY MAINTENANCE, LLC IN THE AMOUNT OF \$2,900.00 PER MONTH EFFECTIVE APRIL 11, 2023.

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

ADOPTED Ayes 4 Councilman Curtiss, Councilman Carota, Councilman Fendrick, and Councilwoman Jasinski

Nays 0

Absent 1 Supervisor Connolly

RESOLUTION 23-80

APPROVE AWARDING THE LOWEST BID FOR MOWING SERVICES FOR JENKINS PARK AND BALLSTON LAKE FIRE DEPARTMENT MEMORIAL PARK FOR THE 2023 SEASON TO CAPRI PRECISION LANDSCAPING LLC.

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

ADOPTED Ayes 4 Councilman Curtiss, Councilman Carota, Councilman Fendrick, and Councilwoman Jasinski

Nays 0

Absent 1 Supervisor Connolly

RESOLUTION 23-81

AUTHORIZE THE SUPERVISOR TO EXECUTE A HOLD HARMLESS AGREEMENT BETWEEN THE TOWN OF BALLSTON AND THE AMERICAN DIABETES ASSOCIATION FOR A BICYCLE RIDE TO BE HELD ON JUNE 4, 2023. CYCLISTS WILL BE USING CHARLTON ROAD, SCOTCHBUSH ROAD AND GOODE STREET IN THE TOWN; THERE WILL BE NO ROAD CLOSURES.

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

Discussion: Councilman Curtiss suggested to have our sheriff patrol this area for safety reasons.

RESOLVED, the Town of Ballston Town Board approves the Indemnification and Hold Harmless Agreement between the Town of Ballston and the American Diabetes Association; and it is further

RESOLVED, the Supervisor is authorized to execute the Indemnification and Hold Harmless Agreement with the Town of Ballston.

ADOPTED Ayes 4 Councilman Curtiss, Councilman Carota, Councilman Fendrick, and Councilwoman Jasinski

Nays 0

Absent 1 Supervisor Connolly

RESOLUTION 23-82

APPROVE THE PURCHASE OF UP TO 22 TONS OF STONE DUST FOR TRAIL REPAIRS IN ANCHOR DIAMOND PARK FROM CALLAHAN INDUSTRIES FOR AN AMOUNT NOT TO EXCEED \$375. THE SOURCE OF THE FUNDS WILL BE PARKLAND DEPOSIT FUNDS TO BE REIMBURSED BY THE ANCHOR DIAMOND TRUST.

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

ADOPTED Ayes 4 Councilman Curtiss, Councilman Carota, Councilman Fendrick, and Councilwoman Jasinski

Nays 0

Absent 1 Supervisor Connolly

RESOLUTION 23-83

APPROVE THE TOWN CLERK'S OFFICE TO COLLECT A \$25 FEE FOR A ONE DAY OFFICIANT APPLICATION PER CHANGES IN THE NYS DOMESTIC RELATIONS LAW CHAPTER 14, ARTICLE 3, DESIGNATING LAY INDIVIDUALS TO SOLEMNIZE MARRIAGES.

WHEREAS, NYS Domestic Relations Law has been amended for Town/City Clerks to provide for designation of a one-day marriage officiant, which became effective March 28, 2023, and

WHEREAS, the authority is limited to applicants who want to marry a couple to whom the Town Clerk issued a marriage license and limited to the specific couple identified in the application and for that specific ceremony, and

WHEREAS, the legislation clearly states the information to be included in the application for a one-day officiant license and requirements, and has entitled the clerk to collect a twenty-five-dollar fee for the service to be retained by the Town; now, therefore, be it

RESOLVED, that the Town Clerk will be accepting applications for One-Day Marriage Officiants and collecting a twenty-five-dollar fee.

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

ADOPTED Ayes 4 Councilman Curtiss, Councilman Carota, Councilman Fendrick, and Councilwoman Jasinski

Nays 0

Absent 1 Supervisor Connolly

Privilege of the floor on any topic

Frank Rossi Jr., of Saratoga Avenue, wanted to thank Supervisor Connolly for the discussions that occurred regarding the Ballston Avenue incident a couple of weeks ago. Others involved in these conversations were Joe Whalen, Ed Martin, and the school superintendent. They are all working on solutions. He received a call from Councilman Curtiss with concerns of some of the work of the Burnt Hills improvement and asked if this will affect the village. Mr. Rossi does not have that fear, he feels it is positive and every dollar for Saratoga County helps all of us. Last year the Town helped the Village with this application, he wanted to share their education with the Town of the process. Their biggest concern, after their interview, because it was a new program last year, they based it off of DRI type standards which is the \$10 million program where the assumption was that you would have about \$80 million in total investment in your community to get the \$10 million. The question was what the scaling would be down to the \$2.25 million and \$4.5 million awards, and what the expected value would be for the investment in your own community. Be aware that there is an expectation of a large investment of something, don't know what, that goes along with it. He asked the Department of State for feedback on their application, and they promised to work with them. He will share this information with the Town. He wants someone in Saratoga County to be awarded these grants. Overall, Mr. Rossi stated to be aware that it is new, and at the same time worthwhile, if you can make it work with your finances and expectations.

Councilwoman Jasinski stated that there will be a public workshop open to the public at the Burnt Hills High school on April 20th from 6:30 p.m. to 8:30 p.m. held by the Burnt Hills Forward Group. They need feedback on what the public wants to see in the downtown hamlet of Burnt Hills.

Mary Szacik of Westside Drive stated that she is a homeowner impacted by the project with the Champlain Hudson Power Express. She has been a Town resident since 2021. She had no prior knowledge of this project in which a cable would be buried in her backyard. She was not in Town when a rep from the company came to her door and left a business card. After a brief conversation with this rep, she stated that she is more confused. She is getting conflicting answers to her questions. She has heard many different things from neighbors who spoke with different agents at the company of what will be entailed. She is being asked to sign documents that she has no knowledge of. The Town resolution was unanimously voted in favor; she would like to know on what basis was this decision made? She stated that no effort was made to reach out to the affected residents. She is curious to know the outcome of the phone call with the Supervisor and Champlain Hudson Power Express. She is asking for an informational meeting for those affected by this project and to make it right by doing so. She is asking for help to get the information that is needed before this project starts.

Councilman Carota stated to Ms. Szacik that the Supervisor has been working on this matter and to please reach out to him.

A motion was made by Councilman Fendrick and seconded by Councilman Curtiss to adjourn the meeting. All Board members were in favor. The meeting adjourned at 7:13 p.m.

Respectfully submitted,

Carol Gumienny
Town Clerk