

A Town Board Agenda Meeting was held by the Town Board of the Town of Ballston on Tuesday evening, April 26, 2022, via Zoom video conferencing.

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

## **OLD BUSINESS**

### **Ballston Lake Sewer Project Update**

Ed Hernandez, engineer for the project, stated that the project continues to move forward on schedule and under budget. Contract #2 is almost complete with their work. Contracts #3 and #4 are progressing and Contract #1 has quite a bit more work to do through the summer. There are two pay items on the agenda which have been approved by himself and the Sewer Committee. An addendum (Resolution 22-134) is needed so that Environment Facilities Corporation (EFC) will reimburse the Town for money already in the contract. He met with his construction manager and Highway Superintendent Joe Whalen to go over Contract #2 and Contract #3 to identify restoration items that Mr. Whalen wanted to see completed. These items have been done by Contract #2 and Contract #3 continues to work on them. The Supervisor stated that the application window is open for sewer district residents who believe that they qualify for sewer hookup assistance. A first-class post card mailing has been mailed to the residents of the sewer districts. The application is on the Town website and the sewer website. He encouraged people to spread the word. Councilwoman Jasinski also stated that this also includes the Carpenter's Acres Sewer district residents.

### **Grants Update**

Jenny Lippman of MJ Engineering stated that she is still waiting for the grant announcements for the Veteran's Trail extension and the Thomas Avenue sidewalk grants.

### **Parks and Rec Committee Report**

Councilman Fendrick stated that signs have been ordered and should arrive in two weeks. The geotextile materials have been delivered to Town Hall and will be picked up next week. The Committee is revisiting the Goode Street extension project and will be speaking to the building inspector for clarification. He encouraged the passing of Resolution 22-138 for the demolition of buildings in the Ballston Lake Fire Department Memorial Park (BLFDMP) and he looks forward to the useable space after the demo to be a functional area for the community to enjoy. At the May Board meeting there will be a resolution to consider approval of the Gaga ball court Scout project. This was presented at the last meeting. Highway Superintendent Joe Whalen stated that the electrical service is located in the garage area in BLFDMP which needs to be relocated. There is a power pole that can be used. It would have a locked box with service on it. This is his recommendation or there will be no lights. He received a quote for \$5,000 and will get two more quotes. Mr. Whalen met with the former chairperson of Jenkins Park, Lynnette Ziskin, and they walked around the park. There is a list of items that need to be done. He has shared this list with the Parks & Recreation Committee chairperson.

### **Adoption of Comp Plan and Zoning amendments**

The Supervisor stated that this is a big night for the Town. There will be a new zoning package. He appreciated and thanked the team including MJ Engineering, Councilwoman Jasinski and all those who worked so hard to make this happen. He also thanked the community and businesspeople for their patience. Jackie Hakes, of MJ Engineering, thanked the Town Board, the community members who participated, the Town staff members, the Town attorney, and the team. It was a robust process, and a lot was accomplished. She was happy to assist and be a part of this effort. The Supervisor also thanked Nan Stolzenburg and Attorneys Bill Keniry and Deb Kaelin.

## **Bike Path Extension Phase 2**

Supervisor Connolly stated that he received the Phase 2 bike path extension feasibility study that was prior approved. Phase 2 of the path extension would start at the intersection of the existing railway and Curtis Lumber Industrial Park. This route would follow the National Grid powerlines north, terminating at Garrett Road. This new path would connect Brookline Road, Route 50 (Saratoga Road), and Garrett Road. The surrounding developments along with the Ballston Spa Central School District will be able use this new path.

Option A proposes a 10-foot-wide asphalt path starting at the CP Rail's existing railway and the proposed intersection at the back entrance of Curtis Lumber Industrial Park. The path would then run north for approximately 0.59 miles where it would transition to elevated boardwalk for 0.28 miles. The elevated boardwalk portion would end at the crossing of Route 50 before continuing as a 10-foot-wide-asphalt path north along the existing powerlines for approximately 1.25 miles. At Garrett Road, the path would connect to a proposed 5-foot sidewalk extending to the east before ultimately terminating at Ballston Spa School District. This route requires at-grade pedestrian crossings on Brookline Road and Route 50. The surrounding neighborhoods and nearby school district can use this proposed path, integrating the surrounding community. The path would have an approximate total length of 2.15 miles. The total project estimated cost for Option A is \$2,063,793.

Option B would start at the same location as Option A. The 10-foot asphalt path would extend approximately 0.59 miles north to Brookline Road. The path would then travel west along Brookline Road for approximately 0.29 miles until reaching the intersection with Route 50. The path would then have an at-grade pedestrian crossing on Brookline Road before turning and having a second at-grade pedestrian crossing on Route 50. The path would then run north along Route 50 for 0.25 miles before turning west at the National Grid Power Line path. From this point, the path would follow the powerlines for 1.25 miles before reaching Garret Road, like Option A. This route requires at-grade pedestrian crossings on Brookline Road and Route 50 though these would be at an intersection rather than mid-block crossings while also allowing for less wetland impacts. This option provides the same community connections as Option A which connects the surrounding communities, and school district. This option would have a total distance of approximately 2.4 miles. The total project estimated cost is \$1,945,734.

The Supervisor likes both options and to put them both in place. A developer will be developing the northeast corner of Route 50 and Brookline Road that will include sidewalks. The ideal goal is to have sidewalks on Route 50 for more walkability access. If we get denied the grant to extend the Veterans Bike Path, then maybe the Board could focus on Phase 2 and save Phase 1 for another time. The logic is the connection of so many neighborhoods with Phase 2. There is not enough money for this, but it is something to think about if we are denied the grant. Jenny Lippman of MJ Engineering stated that she believes Phase 1 is a great project because it provides the vital linkage between the Veteran's Trail and the Zim Smith Trail, and it is part of a greater plan for trail connections in the Capital Region. This connection would add a lot of points to an application. Councilwoman Jasinski stated that her only concern is the high price tag. Councilman Curtiss stated that he has spoken on this before about his concern on crossing Brookline Road. He suggested a pedestrian bridge. He is in favor of trail systems but not in favor of any type of crossing Brookline Road; it is too dangerous. Ms. Lippman stated that even if a pedestrian crossing bridge is built the likelihood of people using is not high due to that they will take the path of least resistance. It could be explored though.

## **Library**

The Supervisor stated that this week we had an interesting thing happen online with the Town library. He stated that he admires our public servants at the library, the trustees who volunteer their time and their efforts to help run the library, and all the dedicated staff members. He has always supported the library. In the beginning of his administration, it was recognized that there were some pretty big problems that kept occurring and change was needed. These were discussed and worked on to guide the library. Eventually the library concluded as well to break away from the Town, and to work with New York State and State legislators to try to get the designation of a hybrid special district over to, for lack of a better term, a pure special district. This way the trustees would be elected, voted into office and the voters could hold the trustees accountable. Currently, the way things are set up, we believe, and this is one of the differences of opinion that we have with the trustees, is that we, the Town Board, are ultimately responsible for what goes on at the library financially. The Supervisor respects the fact that they disagree with that, and it's been frustrating to say the least; however, his train of thought is they're part of the team and even when they separate, they're still kind of part of the team, if we can get to that point

because we'll always support them in any way we can. His philosophy when he teaches and takes the same philosophy with the Town of Ballston, is that he tries his best to work out conflict internally, without bringing it out and airing the dirty laundry.

He doesn't think the Board of Trustees realized how close we were to having this resolved and progress has been made since their post (Facebook and library website). We've made a lot of progress, and it really didn't have much to do with the post, as we were working on this and trying to come up with solutions to move forward, not only with the construction project on the Town owned building, but also trying to figure out how to handle the financial pieces of this in the interim until we can get the State to hopefully work with us and help the library to come into a pure special district. He was disappointed to see the post. He didn't give it much credence and didn't respond to it because he just didn't feel as though it was valid. He has been committed, as well as the Town Board members and that these are not decisions that are made in isolation. He wants everybody to understand that he does not run a top-down Town It's a group think. He moves things along when he gets as much information as he can, and tries to move quickly, but sometimes you've got to move slow and this was one of those times, where it was so sticky legally; there were a lot of accounting issues, and procedural issues. He would be happy to explain from the Town's view what is being wrestled with to any resident. As CFO of the Town, he depends heavily on his experts: the Town Board members, our new comptroller, our Town attorney; he listens to them, decisions need to be made, and some of them are not easy. The good news is that we're totally in favor of having a Special Town Board meeting. The Library Board of Trustees requested that the Town turn over their entire tax levy for this calendar year and he does not have a problem with that. There is a plan for moving forward with the construction project, but a few things need to take place before that can happen and they're important pieces. He stated to the public to schedule an appointment with him if they want more information. He may highlight some items at a special board meeting to set the record straight on some of the things that happened, but he really doesn't want to look back, he is all about moving forward and solving problems. People who know him know that he tries and prides himself on being transparent and tries to do what's right for the entire Town and he will continue to do that; sometimes it's going to be tough but that's the nature of governing, it's not always easy. Councilman Carota stated that as the library liaison he has been able to attend the last couple of library meetings. He agreed with Supervisor Connolly to move things forward, this is where we had been working towards. He believes everyone wants the same thing and we're getting there. He looks forward to completing that process.

## **NEW BUSINESS**

### **MJ Proposal Fishing Pier Replacement**

Jenny Lippman of MJ Engineering stated that she was asked to provide a proposal for the contract documents, bid and construction administration services for the replacement of the dock. The proposal includes design, permitting services and construction phase services for \$17,400. The project exceeds the Town's procurement limit; therefore, it will need to be competitively bid and prevailing wage rates will apply, and all other municipal bidding laws apply to the project. This is under the jurisdiction of the New York State Department of Environmental Conservation (NYSDEC) and the Army Corps of Engineers, and a permit will be needed from NYSDEC. Councilman Fendrick asked Ms. Lippmann if a final stamped and signed drawing is required for this project. He is struggling with spending \$17,000 when you could say to a vendor, I want a six-foot wide by 100 feet long dock. A dock is a dock. Ms. Lippmann stated that this is a public project, so it is structural and needs to have building code requirements. The design phase is small, and she would be working directly with a dock manufacturer; MJ Engineering would require seeing their drawings and stamped documents for any kind of structural analysis and construction design of the dock. A big chunk of the money of the proposal is the permitting services which are a requirement and then the bid phase, coordination of the documents, construction phase services which includes periodic inspections, and a lot of administration that goes along with a publicly bid project. Councilwoman Jasinski stated that under permitting services the Town will be required to have freshwater wetland services done and that the wetland delineation is not included in the bid. There are construction phase services that need inspections services that are not included either. She asked are these items that need to be outsourced. Ms. Lippmann stated that no, one of the things with the wetland delineation is a required wetland permit and she has asked NYSDEC if they're going to require a delineation. They have implied that they would be willing to potentially do that delineation or just validate the mapping. There's no question that this project is wetland, she has asked that they would not need to delineate; she is still waiting for that final answer, but her hope is that a wetland delineation performed by MJ

Engineering or a subconsultant is not required and that DEC will help with that effort, but the wetland permit will be required. As far as construction phase services, Ms. Lippmann suggested that she would make one construction phase site visit to review the progress of the work, and then could do some spot checks throughout the construction duration, which would not cost anything extra. Ms. Jasinski asked if Ms. Lippmann would be willing to work with the Parks Committee. Ms. Lippman stated that she would. The Supervisor asked the Highway Superintendent for a timetable for the fishing pier to reopen. Mr. Whalen stated that he has five quotes but per the procurement policy the Town must go out to bid. There is a timeline to advertise the bid, review the bids, and award the bids. He spoke to the vendors who supplied quotes and they stated that there is a lack of materials. There are so many variables. It could be months before a new pier is put in. In the Town's procurement policy, the Town must follow a process and when you reach a certain dollar amount, it is required by law to go out to bid. Town Attorney Deb Kaelin stated that the Town has a local law, which is our own procurement policy, and we are also mandated under the general municipal law to comply with public works projects. Public works projects, goods and services, and any kind of equipment is an across-the-board mandate with very few exceptions. The Supervisor asked about the safety of the fishing pier. Highway Superintendent Whalen stated that between the pier and the walkway there is separation. The walkway is leaning in 3 to 4 sections. Towards the south side of the walkway, there is a one-foot difference because the pier is leaning. The pier was inspected by the Building Department and Code Enforcement. They stated that it is not safe, and it needed to close. The Town immediately closed the pier.

### **MJ Proposal for Replacing Doors and Windows in Old Section of Town Hall**

Jenny Lippman of MJ Engineering stated that this proposal is for architectural services associated with replacement of the exterior windows, doors, and soffits. Like the fishing pier the Town received some quotes, and they exceeded the limit of the procurement policy; therefore, the project needs to go out to bid. MJ would be responsible for preparing the contract documents, and the bidding documents. They would also do a schematic plan that would indicate the location. Included in the proposal is a quote of approximately \$5,000 to do hazardous material testing. Because it is a publicly bid project, Ms. Lippmann needs to be certain that there are no hazardous materials in the windows specifically the caulk and doors. Councilman Fendrick stated that the testing (hazardous material tests) is included but if the tests come back positive, that would be an additional fee. It is tough to accept these proposals, but understands it's the law.

### **MJ Proposal Highway Gas Conversion Design**

Jenny Lippman of MJ Engineering stated that this proposal is for engineering services related to the mechanical design for the conversion of the Town Hall building from propane fired heating equipment to natural gas fired equipment. In addition to design services, the proposal includes bid and construction phase services. Mr. Whalen stated that Mohawk Heating & Cooling will give an estimate on doing the conversion. Ms. Lippman stated that the proposal is for services associated with the existing equipment to natural gas. The bulk of the design services will be done by MJ's subconsultant, Friedman Fisher Associate.

### **MJ Proposal 3<sup>rd</sup> Party Special Inspections for Highway Garage Addition**

Jenny Lippman of MJ Engineering stated that this proposal is associated with the Highway garage addition project. The NYS Building Code requires special inspections performed for structural materials included in a building project and many other projects. She received proposals from two different testing agencies, including CME and ATL. CME had a better rate, so she recommended that the Town utilize CME for special material testing. Examples of testing are compacting of subbases, concrete to make sure that the concrete meets the specifications, structural steel, and other materials; primarily masonry concrete, earthwork materials and things of that nature do need to be tested to make sure that they meet the specifications and to make sure that the building is constructed as designed. She recommended a budget of \$20,000. The amount will depend on the construction schedule, how many loads of concrete they bring in; that kind of parameter will affect the total fee. Ultimately, CME gave an estimate of about \$17,000; her recommendation is that they were authorized for a fee, not to exceed \$20,000. It will give the Town a little buffer. This would be a straight through cost; whatever CME charges for the testing she will pass that cost off on to the Town directly without any markup. She stated to the Board in case anyone was wondering why there is this extra fee, more recent codes now require a third party that is not associated with a contractor so there is no conflict of interest coming from a contractor that has hired a third party directly.



**RESOLUTION 22-133**

**APPROVE PAYMENT TO VACRI CONSTRUCTION UNDER CONTRACT #2, FOR THE BALLSTON LAKE SEWER DISTRICT IN THE AMOUNT OF \$156,374.18 FOR WORK COMPLETED.**

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 22-134**

**APPROVE AMENDMENT #4 TO OWNER/ENGINEERING AGREEMENT DATED FEBRUARY 17, 2017, BETWEEN THE TOWN OF BALLSTON ON BEHALF OF THE BALLSTON LAKE SEWER DISTRICT AND ADIRONDACK MOUNTAIN ENGINEERING, PC. THE ENGINEER'S PROPOSED FEES FOR ENGINEERING CONSTRUCTION ADMINISTRATION TIME WERE BASED ON A 21-MONTH SCHEDULE AS OUTLINED IN ADDENDUM #1 ITEM 2.G. IT IS ANTICIPATED THAT THE CONTRACT WILL CONTINUE THROUGH SEPTEMBER 2022 ADDING AN ADDITIONAL 5 MONTHS TO THE PROJECT MANAGEMENT SCHEDULE. THIS AMENDMENT WILL APPROVE AN INCREASE IN THE ENGINEER'S CONSTRUCTION ADMINISTRATION BUDGET BY AN ADDITIONAL \$44,880 TO COVER THE ADDITIONAL WORK. THIS RESOLUTION ALSO AUTHORIZES THE SUPERVISOR TO SIGN THE AMENDMENT.**

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

Discussion: Councilman Carota had an initial concern, but it was a time review of all the documentation. It's his understanding that even though it's an extension of time, we're still technically ahead of schedule, because this 21-month time scheduled dates to when this whole process originally started years ago now, obviously things changed since that initial time schedule was created. Drew Hamelink Chairperson for the Sewer Committee stated that the Town is obligated to pay Adirondack Mountain Engineering for these extra months, and Environmental Facilities Corp. (EFC) needs to know so that when the Town submits the voucher to EFC the Town will be reimbursed the money.

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

Nays 0

**RESOLUTION 22-135**

**APPROVE THE ADOPTION OF THE TOWN OF BALLSTON COMPREHENSIVE PLAN UPDATE.**

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

**WHEREAS**, Section 272-a of the New York State Town Law recognizes the importance of preparing a comprehensive plan to facilitate the protection, enhancement, growth and development of the Town and to promote the health, safety and general welfare of its citizens;

**WHEREAS**, the Town Board of the Town of Ballston initiated the update of its 2005 Comprehensive Plan to reflect the current needs, opportunities and future vision for the community; and

**WHEREAS**, the Town has experienced significant residential growth in recent years and seeks to update the plan to strike a balance that supports development in targeted areas while maintaining and enhancing residential areas, natural resources, and the rural community character; and

**WHEREAS**, the Comprehensive Plan update process included multiple opportunities for public input including an online community survey with over 800 responses, an online student survey with over 700 responses, key stakeholder meetings, in-person informational pop-up events, interactive virtual meetings, and regular monthly Town Board updates; and

**WHEREAS**, a project website (EnvisionBallston.com) was created to keep the community informed of the effort, to post materials for public review and to gather public comment throughout the almost two year planning effort; and

**WHEREAS**, the Comprehensive Plan update provides a community profile of existing conditions that includes maps, tables, figures and analysis related to regional context; historic and cultural resources; demographic and socio-economic trends; housing and household characteristics; agriculture; transportation and mobility; community facilities and services; infrastructure and public utilities; natural resources and water quality; parks, recreation and open space protection; the economy and economic development; and land use and zoning; and

**WHEREAS**, based upon the community profile, the Town Board together with community input, created a community vision, and prepared a set of goals to achieve the vision combined with a series of topic-based recommendations related to rural character and targeted growth, agriculture, the hamlets, clean energy and the environment, infrastructure as well as governance and administration; and

**WHEREAS**, pursuant to Town Law §272-a(6), the Town Board held in-person public hearings at Town Hall on May 25, 2021, and September 14, 2021 with a virtual continuation of public hearing on September 15, 2021; and

**WHEREAS**, the draft Comprehensive Plan was available for public review in person at the Town Clerk's office and the Town of Ballston Community Library and digitally on the project website and also on the Town's website. Written public comment was received through the project website or the Town Clerk's Office; and

**WHEREAS**, written and verbal comments received were considered by the Town Board and edits were made accordingly; and

**WHEREAS**, pursuant to General Municipal Law §239-m, the Town Board by resolution referred the draft Comprehensive Plan to the Saratoga County Planning Board on September 3, 2021, and received a decision to Approve with Comments on October 28, 2021; and

**WHEREAS**, pursuant to Town Law § 272-a(9), the Town has taken into consideration any applicable county agricultural and farmland protection plans as created under article twenty-five-AAA of the NYS Agriculture and Markets Law and has included as an appendix to the Comprehensive Plan a Farm and Rural Audit of Current Town Zoning; and

**WHEREAS**, adoption of the Comprehensive Plan Update and Zoning amendments is a Type 1 action pursuant to the State Environmental Quality Review Act (SEQRA), 6 NYCRR 917.4(b)(1), and

**WHEREAS**, on August 10, 2021, the Town Board initiated the required coordinated review with involved agencies to declare and serve as lead agency under SEQRA and following all necessary SEQRA requirements, prepared a Generic Environmental Impact Statement (GEIS); and

**WHEREAS**, pursuant to SEQRA, on March 29, 2022, the Town Board adopted a resolution declaring the Final GEIS complete and complied with the requirements of SEQRA; and,

**WHEREAS**, on April 12, 2022, the Town Board adopted the SEQRA Findings Statement thereby complying with SEQRA regulations.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Town Board of the Town of Ballston:

1. That the Town Board of the Town of Ballston hereby adopts the proposed updated Comprehensive Plan.
2. The Town Board directs that the Plan be periodically reviewed per Town Law § 272-a (10) at least every five (5) years, with any changes to be implemented not less than every ten (10) years.
3. The Plan shall be filed in the office of the Town Clerk and a copy thereof filed with the Saratoga County Department of Planning as required by Town Law § 272-a (12).

Dated: April 26, 2022



*Sue Robbiano*, of Kingsley Road, stated that she is proud of the passing of the zoning! This was a priority when the Supervisor started. She watched him work very hard for the past 2½ years. He did a good job of encouraging the Town residents and builders for their patience during the zoning process. She wanted to say thank you!

Highway Superintendent Joe Whalen asked what the Board would like to do about relocating the power at Ballston Lake Fire Department Memorial Park. There will be no power if the garage comes down. The electric needs to be relocated. He received a quote of approximately \$5,300 to relocate the electrical service. After a discussion, it was decided to have National Grid turn off the power so Mr. Whalen can demo the buildings before his paving season begins. The power will be relocated in the future.

A motion was made by Councilman Carota and seconded by Councilman Curtiss to enter Executive Session to obtain legal advice. All Board members were in favor.

A motion was made by Councilman Fendrick to return to regular session and seconded by Councilwoman Jasinski. All Board members were in favor.

There was no action taken.

A motion was made by Councilman Carota and seconded by Councilman Fendrick to adjourn the meeting. All Board members were in favor. The meeting adjourned at 9:15 p.m..

Respectfully submitted,

Carol Gumienny  
Town Clerk