

A Town Board Agenda Meeting was held by the Town Board of the Town of Ballston on Tuesday evening, May 30, 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.

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

Supervisor Connolly called the meeting to order at 6:30 p.m. and the Pledge of Allegiance was recited.

Presentation - HR

The Supervisor introduced Ian Loehner, the Town's human resources representative from Public Sector HR. Mr. Loehner discussed the pros and cons for the Town to opt for a paid family leave plan (attached). Councilman Fendrick was not in favor of this as he has had firsthand experience with it, and it is not good. Supervisor Connolly had concerns about how this would affect the Highway Department as did Councilman Carota. The Supervisor stated that he is leaning towards an alternative option. Comptroller Urkevich stated that to participate in the paid family leave it would cost approximately \$10,000 per year and that fund balance would have to be used as this was not budgeted for. If the employees were to pay for this, everyone must participate at a cost of approximately \$5 per week. The Supervisor asked the Board to think this over and send their comments to him. He will also get input from the Highway Superintendent.

OLD BUSINESS

Grants Update

Supervisor Connolly stated that the Town is trying to make the north end of Town safer for pedestrians, which includes Thomas Avenue, Ballston Avenue and Martin Avenue. He has had discussions with Adirondack Trust and the orthodontist office about installing a sidewalk to improve walkability. Long term, sidewalks will go from Ballston Avenue south to Brookline Road. The Safe Pathway to Schools grant will be applied for with the assistance of M.J. Engineering.

The Supervisor stated that there is the possibility of the construction of a business district sewer line to help attract new commercial businesses in the downtown area of Burnt Hills which would assist the school system's tax base in the long term. The feasibility study has been completed by CHA Engineering. The Northern Regional Border Commission grant is due June 1, 2023, for \$1 million. The only possible solution for sewer would be to run the lines from the south end of Town with a few strategic pump stations and gravity fed sections of the sewer to McCrea Hill Road; run through McCrea Hill Road to hook up the main sewer trunk which runs along the Zim Smith; there is already an existing sewer line that does this, it would run parallel to it and not hook up to it as it needs to have the capacity to handle these potential businesses. The sewer is only being investigated very carefully. The Town would have to apply for two other grants, at a minimum, to try to find enough money to get under the amount that the State sets. The threshold for a special sewer district in the eyes of New York State is approximately \$600 annually for one EDU (equivalent dwelling unit). The Burnt Hills Forward Group is trying to apply for two grants, one for \$4.5 million and one for \$2.5 million. Their next step is to hold a pop-up event during the Flag Day parade to get feedback on design elements; what the downtown Burnt Hills area should look like as far as common theme elements. Supervisor Connolly stated that he created a spreadsheet of all the businesses, and he will reach out to each one of them to be sure they are aware of the possibility of a sewer project and ask for their ideas for transformation. M.J. Engineering will be looking over the Consolidated Funding Application, as there is some opportunity for grant money for the bike path. The grant for trails occurs every two years, which the Town will apply for.

Parks and Recreation Committee Report

Councilman Fendrick stated that there was a Parks & Rec Committee meeting last week. There will be a workday in Anchor Diamond Park on July 8, 2023, and the public is invited.

TOWN AND TIGR ACQUISITIONS IV, LLC AND FURTHER PERMITTING THE SALE OF ALL OTHER ASSETS USED OR USEFUL IN CONNECTION WITH THE OWNERSHIP OR OPERATION OF THE WIRELESS COMMUNICATIONS TOWER PURSUANT TO SECTION 198 12 OF THE TOWN LAW OF THE STATE OF NEW YORK.

A RESOLUTION AND ORDER OF THE TOWN OF BALLSTON TOWN BOARD SCHEDULING A PUBLIC HEARING FOR THE SALE OF A CERTAIN WIRELESS TELECOMMUNICATIONS TOWER OWNED BY CONSOLIDATED WATER DISTRICT, PERMITTING THE EXECUTION OF A NINETY NINE YEAR TELECOMMUNICATIONS EASEMENT BETWEEN THE TOWN AND TIGR ACQUISITIONS IV, LLC AND FURTHER PERMITTING THE SALE OF ALL OTHER ASSETS USED OR USEFUL IN CONNECTION WITH THE OWNERSHIP OR OPERATION OF THE WIRELESS COMMUNICATIONS TOWER PURSUANT TO SECTION 198 12 OF THE TOWN LAW OF THE STATE OF NEW YORK.

WHEREAS, the Town of Ballston Consolidated Water District was created on November 10, 2015; and

WHEREAS, the Town of Ballston Consolidated Water District owns or has under its control a certain wireless communications tower and other related equipment (hereinafter referred to as "Tower"); and

WHEREAS, the Tower and the related equipment is not required for the purposes of the Consolidated Water District; and

WHEREAS, the value of the Tower and the related equipment approximates One Million Seven Hundred Thousand and 00/100 (\$1,700,000.00) Dollars; and

WHEREAS, a description of the property to be sold and the proposed terms of the sale are contained in the Purchase and Sale Agreement attached hereto and made a part hereof as Exhibit A.

NOW, THEREFORE, IT IS RESOLVED:

1. The Town of Ballston Town Board shall hold a Public Hearing on June 13, 2023, at 6:15 p.m. at the Town of Ballston Town Hall located at 323 Charlton Road, Ballston, New York to hear all persons interested in the sale of the Tower and the other related property and at which time the Supervisor of the Town of Ballston shall describe the property to be sold and the terms of the proposed sale.

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

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

ADOPTED 5-0

May 30, 2023
Ballston, New York

RESOLUTION 23-112

APPROVE AN ESTIMATE DATED MAY 3, 2023, FROM AJ SIGN CO. FOR (2) 18"X24" PRINTED SIGNS FOR \$95 EACH AND (10) 6"X12" PRINTED SIGNS FOR \$32.00 EACH FOR THE DOG PARK IN JENKINS PARK. THE TOTAL AMOUNT IS \$510.00. CONSIDER APPROVING A RELATED SUPPLEMENTAL APPROPRIATION FOR JENKIN'S PARK 2023 FINAL BUDGET TO INCREASE "BUDGETARY FUND BALANCE DRAW" REVENUE ACCOUNT AND "SUPPLIES AND MATERIALS" EXPENSE ACCOUNT BY \$510 TO ADJUST FOR THIS EXPENSE. THE SOURCE OF THE FUNDS WILL BE JENKINS PARK FUND, UNRESTRICTED FUND BALANCE.

A motion was made by Councilman Fendrick and seconded by Councilman Carota.
Discussion: Councilwoman Jasinski asked what the balance of the Jenkins Park unrestricted fund balance is. Comptroller Urkevich stated that after the approval of this resolution and the next, the balance will be approximately \$2,000. The Supervisor stated that the mowing will continue and any other operational expenses as they are already in the budget.

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

RESOLUTION 23-113

APPROVE A COST NOT TO EXCEED \$250.00 FROM KETCHUM MFG. CO. FOR TAGS AND O RINGS TO BE ISSUED TO APPLICANTS TO USE THE DOG PARK IN JENKINS PARK. CONSIDER APPROVING A RELATED SUPPLEMENTAL APPROPRIATION FOR JENKIN'S PARK 2023 FINAL BUDGET TO INCREASE "BUDGETARY FUND BALANCE DRAW" REVENUE ACCOUNT AND "SUPPLIES AND MATERIALS" EXPENSE ACCOUNT BY \$250 TO ADJUST FOR THIS EXPENSE. 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 5 Councilman Fendrick, Councilwoman Jasinski, Councilman
Curtiss, Councilman Carota and Supervisor Connolly
Nays 0

RESOLUTION 23-114

APPROVE THE DOG PARK APPLICATION, WAIVER FORM, AND RULES AND REGULATIONS FOR THE DOG PARK IN JENKINS PARK.

A motion was made by Councilman Fendrick and seconded by Councilman Carota.
Discussion: Councilman Fendrick thanked all the people involved to help expedite these forms. He assured the Supervisor that the fence would not be installed until all items were in place. Councilwoman Jasinski thanked the taxpayers of the Jenkins Park Special District for providing the Town with this dog park.

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

RESOLUTION 23-115

AUTHORIZE THE TOWN COMPTROLLER TO ISSUE A CHECK PAYABLE TO RYAN DEVLIN IN THE AMOUNT OF \$750 IN FULL PAYMENT OF THE CONDEMNATION UNDERTAKEN PURSUANT TO ARTICLE 2 OF THE EMINENT DOMAIN PROCEDURE LAW.

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

Discussion: The Supervisor stated that the contractor who started the sidewalk on Mann Road will now be able to continue installing the sidewalk to Ballston Avenue. 200 ft. of Mr. Devlin's property was needed which he did not want to grant. Once confirmed that Mr. Devlin received his check, the sidewalk installation will continue and be completed by the next school year.

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

RESOLUTION 23-116

APPROVE THE CANCELLATION OF THE CONTRACT AND OF NO FURTHER FORCE AND EFFECT BETWEEN THE TOWN OF BALLSTON AND CAPRI LANDSCAPING DUE TO INADEQUATE PERFORMANCE AND NONCOMPLIANCE WITH THE ORIGINAL BID SPECIFICATIONS.

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

RESOLVED, because of inadequate performance and noncompliance with the original bid specifications, the contract between Capri Precision Landscaping and the town of Ballston is cancelled and of no further force and effect.

Discussion: The Supervisor is comfortable with the Highway Superintendent's decision. Councilman Fendrick stated that pictures were taken that show the justification.

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

RESOLUTION 23-117

APPROVE THE CONTRACT BETWEEN THE TOWN AND BRYERWOOD TREE & LAWN SERVICES, LLC AND AUTHORIZE THE SUPERVISOR TO EXECUTE THE SAME.

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

RESOLVED, the Town Board of the Town of Ballston approves the contract between the Town and Bryerwood Tree & Lawn Services, LLC and hereby authorizes the Supervisor to execute the same.

Discussion: Councilman Fendrick stated that this contractor has been hired to do the job previously to everyone's satisfaction.

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

RESOLUTION 23-118

APPROVE THE SUBMISSION OF THE APPROPRIATE FORM TO SARATOGA COUNTY REQUESTING A REDUCTION IN THE SPEED LIMIT ON BROOKLINE ROAD TO 35 M.P.H. SO AN APPROPRIATE REVIEW CAN BE UNDERTAKEN.

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

WHEREAS, automobiles driving in excess of the speed limit on Brookline Road have been observed by town officials; and

WHEREAS, automobiles driving in excess of the speed limit on Brookline Road negatively impacts the health, safety, and welfare of town residents.

NOW, THEREFORE, IT IS:

RESOLVED, the Town Board is requesting that the speed limit on Brookline Road be reduced; and it is further

RESOLVED, that the appropriate New York State Department of Transportation form be submitted to Saratoga County for further action so an appropriate review can be undertaken. Discussion: Councilwoman Jasinski stated that there are many other roads that need a speed limit reduction. The Town should group all the high-density roads and send a message to the County that these areas should be 35 m.p.h. It is an appropriate time to stand up and ask for assistance. Most of our major roads in Town are County or State roads. Councilman Curtiss agreed.

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

Privilege of the floor on any topic

Louie Nowak, of Brookline Road, thanked the Board for taking a step forward to reduce the speed limit on Brookline Road. She stated that she viewed the NYS Department of Transportation's counts, and it showed that approximately 10,000 cars travel daily on Route 50 from Burnt Hills to Brookline Road. 7,500 vehicles travel on Brookline Road daily between Route 50 and Route 67. Brookline Road is not designed to handle this volume of vehicles; it needs to change. She also suggested putting in sidewalks near Eastline Road and Route 67 for people to be able to safely walk to the intersection of Eastline Road and Route 67 to cross the road.

A motion was made by Councilman Fendrick and seconded by Councilman Carota to adjourn the meeting. All Board members were in favor. The meeting was adjourned at 8:02 p.m.

Respectfully submitted,

Carol Gumienny, Town Clerk



Child Care Leave:

Pros and Cons of New York Paid Family Leave versus developing an internal policy to grant employee's paid time off to bond with a newborn or adopted child.

Paid Family Leave: Overview

- Provides eligible employees with up to 12 weeks of job protected, paid time off to bond with a new child, care for a family member with a serious health condition, or to assist loved ones when a family member is deployed abroad on active military service. This time can be taken all at once, or in increments of full days.
- Family members include: spouse, domestic partner (including same and different gender couples; legal registration not required), child/stepchild and anyone for whom you have legal custody, parent/stepparent, parent-in-law, grandparent, grandchild or sibling.
- Employees taking Paid Family Leave receive 67% of their average weekly wage, up to a cap of 67% of the current New York State Average Weekly Wage (NYSAWW). For 2023, the NYSAWW is \$1,688.19, which means the maximum weekly benefit is \$1,131.08.
- PFL is mandatory for private sector employers but is optional for public sector employers. PFL is a mandatory topic of negotiation for unionized employers.

Paid Family Leave: Cost

- New York State Paid Family Leave is insurance that may be funded by employees through payroll deductions.
- For 2023, employees will contribute 0.455% of their gross wages per pay period. The maximum annual contribution for 2023 is \$399.43 (maximum annual contribution would only be reached by employees making \$87,000 or more).
- Cost is variable, and maximum contribution is set by NYS. Maximum annual contribution decreased from 2022 to 2023, while maximum weekly benefit increased (increased previous years).
- Example: Employees earning \$1,000 a week (\$52,000 a year) will pay \$4.55 of their gross wages each week (\$236.60 per year): $\$1,000 \times 0.455\%$. When taking the benefit, these employees will receive \$670 per week, up to a maximum total benefit of \$8,040 (before taxes).
- Cost, or a portion of the cost, can be paid by the Town.

Paid Family Leave: Pros

- Provides employees with income protection during a qualifying event (could be taking the same leave under FMLA, but unpaid).
- Relatively inexpensive to fund, regardless of who funds it.
- Good for employee morale and retention.
- Good for families – allows employees to bond with a newborn or adopted child or care for a sick or dying family member.
- Evens the playing field between high earners and lower earners.
- Helps us remain competitive with benefits offered by private sector employers.
- Is a benefit that the vast majority of your taxpayers receive.

Paid Family Leave: Cons

- Could incentive employees to stay out longer, due to the fact that they receive income during their absence (up to 12 weeks). Employees are allowed to stay out for the same amount of time under the FMLA, but the FMLA is an unpaid leave.
- Must be taken in full-day increments.
- Is a State run program, and thus, if we opt-in we are at the whims of the State (State added sibling under the definition of immediate family member in 2023, State also sets the contribution %, and maximum benefit levels).
- Employees cannot opt-out - Coverage can only be waived if the employee will not meet the minimum time worked requirements (regularly work less than 20 hours per week and will not work 175 days in a year).
- Must be negotiated with the Teamsters Union. Cannot provide fewer than 12 weeks, via the collective bargaining process.
- If Town opted-in now, could take time for employees to become eligible for benefits. Would be dictated by the Paid Family Leave insurance provider.

Child Care Leave: Alternatives

In lieu of opting into the New York State Paid Family Leave, the Town could develop a policy to offer paid childcare leave to employees. Below are examples of what this could include:

- Example 1: 6 weeks fully paid leave in the event of the birth or adoption of a child. This leave shall begin at the date of birth/adoption, and leave must be taken consecutively.
- Example 2: 8 weeks of 50% pay in the event of the birth or adoption of a child. This leave can be taken at any point in the 12 months following birth or adoption and leave may be taken intermittently.

Variables to consider in developing this policy would be: length of leave, amount of pay an employee can receive during leave, whether or not leave must be taken consecutively or intermittently, minimum increment that it must be taken in, and whether or not the leave must begin immediately after birth or adoption.

Separate from PFL, the State of New York recently began to provide up to 12 weeks of paid parental leave (PPL) for more than 10,000 non-unionized executive branch State workers to bond with a newly born, adopted, or fostered child, and does not require any contribution from these employees.

Child Care Leave Policy: Pros

- Town has full control of the cost and administration (including eligibility criterion) of the paid leave.
- Town Board can change or eliminate the policy at any time.
- Employees could receive full pay instead of receiving a maximum of 67% of their pay.
- Less opportunity for abuse - Employees would not get paid leave to care for family members. Would be limited solely to birth/adoption.
- Not required to be offered/negotiated with the Union (though it could be viewed as discriminatory if it were not offered to the Union).
- No waiting period.

Child Care Leave Policy: Cons

- Not a benefit that is commonly offered or mandated in the private sector.
- Employees will almost certainly stay out of work for the maximum allowable time if they are earning full pay.