

A Town Board Agenda Meeting was held by the Town Board of the Town of Ballston on Tuesday evening, May 31, 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
ABSENT:	Debra Kaelin	Town Attorney

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

PRESENTATIONS

Patrol car for the Town

Saratoga County Sheriff Zurlo and Undersheriff Castle presented an option for the Town to consider having two officers and one patrol car to exclusively patrol in the Town of Ballston. Undersheriff Castle gave a slide presentation. He stated that there are 11 patrol zones in the sheriff's office. Each zone contains two towns, some zones are single towns based on call volume. The Town of Ballston is in Zone 7 with the Town of Charlton. The Town is also part of the State Police post which covers Malta, Charlton, and Ballston, south of Route 67. This is the current coverage for Ballston. Undersheriff Castle showed a graph for calls for service in 2020 through March 2022. 2020 was busy and continued at the same pace through 2021. 2022 was higher than the end of last year. When looking at the April 2022 stats it showed a 27% increase in property damage accidents year over year and 150% increase in personal injury accidents from 4 in 2021 to 10 in 2022. Traffic is increasing in Town. He is seeing an uptick in accidents. A question by the Supervisor was when the busy days in Town are. Undersheriff Castle stated that the range of calls shown on the graph between 2020 and March 2022 ranged between 893 and 1288, with Sunday being the lowest day of the week for calls. The peak times for calls are 5:30 a.m. to 7 a.m. during rush hour, 8:30 a.m. to 9 a.m. when businesses open, and 5:30 p.m. to 6 p.m. The overall busy times are 7 a.m. to 10 p.m. The Sheriff's office currently provides additional dedicated law enforcement services to the Towns of Halfmoon (1 day shift, 6 days per week, 1 evening shift, 5 days per week), Clifton Park (2-day shifts, 2 evening shifts, 7 days a week), Wilton (1 day shift, 5 days per week), Village of Corinth (1 evening shift, 7 days a week) and 10 school districts. The County does provide ample coverage across the County to handle calls, so they don't have an issue with actual call volume. Their 911 responses are very quick but what has dropped off over the years is our ability to provide some dedicated non-emergency resources. You don't see as many patrol cars sitting around running radar because you're seeing them going up and down the road with their lights and sirens going from call to call so those are the kinds of things that have dropped off over the years as the call volume has started to exceed their capacity. The contract entails dedicated patrol coverage in Ballston on a mutually agreed upon schedule and management of any provided service will remain under the direction of the Sheriff in consultation with the Town liaison. The Sheriff will consider all requests from the Town regarding delivery services in accordance with applicable statutes and department policies. The Sheriff will provide the Town with a monthly report of provided law enforcement services within the Town. The Town would be contracting for services and any personnel assigned are at all times employed solely by the Sheriff; they don't become employees of the Town. The annual program cost for 2022 for one Deputy Sheriff is \$94,948 and one annual patrol vehicle of \$11,160. The next steps are to discuss the needs and desires of the Town, a letter of intent from the Town to the Sheriff, then the Sheriff would present a resolution to the Board of Supervisors requesting authorization to negotiate a contract. Once approved, the Sheriff and the County attorney will negotiate and prepare a final contract with the Town. The final contract is ratified by the Town and signed by the Sheriff and Chairperson of the Board of Supervisors. Service could possibly begin this summer. The Supervisor asked if the Town would receive a new officer or a veteran? Undersheriff Castle stated that the deputies patrolling in Ballston will be people who already know the area and are comfortable in the community. The Supervisor asked Sheriff Zurlo what the standard shifts are. Sheriff Zurlo stated that they are 8 a.m. to 4 p.m., 4 p.m. to midnight, and midnight to 8 a.m. There is also an early shift of 7 a.m. to 3 p.m., 3 p.m. to 11 p.m. and 11 p.m. to 7 a.m. He wants to keep these standard shifts so there are no union issues. The Supervisor stated that the thoughts now are to have a 7 a.m. to 3 p.m. shift and a 3 p.m. shift to

11 p.m., Monday through Friday. The total cost of this service of 2 shifts, one car, 5 days a week is \$201,057 per year.

Services provided by CAPTAIN

Mike Holley, Board President, and Andy Gilpin, Executive Director from CAPTAIN discussed their services to the community. Board president Mike Holley stated that CAPTAIN Youth and Family services started in 1977; Community Human Services was established in 1976. The two agencies merged in 2018. Their mission is to support and empower people of all ages to reach their goals of personal growth and be self-sufficient. They strengthen communities. Mr. Gilpin stated that there are 31 different programs which include homelessness, economic crisis, community support and empowerment. All services are available to the Town of Ballston. There are services for seniors to drive them to their medical appointments, there is a food pantry open three days a week, and free summer meal programs are available throughout 20 sites in Saratoga County. He is partnering with Burnt Hills-Ballston Lake School District for a site and a supporting church group, which is new this year. Free tax preparation is given to those who make less than \$56,000. Social workers are provided full time in various schools for support. There is a next to new store. There are different programs to help support people, such as a 16-week power-based program to help people in poverty to pull themselves out of that situation. There are so many different programs available for the young and old. The Supervisor asked Mr. Gilpin what the Town can do to assist? Mr. Gilpin stated that spreading the word to raise awareness. The Supervisor stated that he will post their website link on Facebook, and it is on the Town website. Supervisor Connolly asked how the agency gets their funds. Mr. Gilpin stated that the agency has two large fundraisers, the Mile Run on June 9th and the Gala on July 21st. They also get a lot of their funding through New York State and federal grants, the County, the foundations that they work with, and from the community. They have 300 volunteers who give an hour which is an important part of their work force. Their website is <https://captaincares.org/>.

Report on property walked for potential trails/open space

The Supervisor stated that three different properties were walked. Two are Town owned; one parcel is 4 acres located on the north side of Stonebridge Drive and the other parcel consists of 12 acres on Stonewall Drive. The third property is approximately 49 acres located off Dominic Drive and is not owned by the Town. It is split into two parcels of approximately 39 acres and 10 acres. He walked the properties with Mike Gaige who did a report on the three properties. Mr. Gaige stated that all three properties are somewhat limited by wet soil. The Stonebridge property is 4 acres; it slopes down from the apartments and townhomes toward Lake Road and the swampy outlet of Ballston Lake and gets damper and damper. Anytime of the year, except during a very dry period, you can clearly see the damp soils, it's not a swamp but a limiting factor. Mr. Gaige stated that anywhere you go in the Northeast including Ballston if the land is forested it is too wet, too steep, or too dry to farm or do anything else with it; the Stonewall Drive property is another case of this. The land slopes down to a little drainage area where there is a very small stream then from the west it slopes, and all the water flows away and goes into the Anchor Diamond Park property. The parcel can't be anything other than a natural area. The 49-acre property on Dominick Drive is split by railroad tracks with a 10-acre parcel that is between the rail line and the Zim Smith trail. The bulk of the 40 acres goes from the track up to Dominic Drive. It is forested because it was no longer productive for farming. The property starts out being high and dry and slopes down to wet and goes dry again by the railroad tracks. Everywhere where the stone walls are is very wet, but seasonal. There are portions of the wetlands that do dry out, but if you put in a trail there it would need improvement. The upland portions would not need any improvements for trails as they are high. The Supervisor stated that he had low expectations walking the Dominic Drive property because the two Town owned parcels were a disappointment. The Dominic Drive lot could possibly be used for passive trails or something passive. It was shown on a map in the report done by Mr. Gaige, the area of the property that was walked. The area could have an approximately 1-mile trail. Phase II could have a 600 ft. boardwalk across the wetland which would require a DEC permit, adding an extra .42 mile for a total of 1.25 miles on a 40-acre parcel. The Supervisor stated that you can put in a disc golf area even if there are wetlands. A few bog bridges would be needed. The disc golf in Malta is 18 holes and 1 acre per hole is needed. The disc golf and nature trails can co-exist. Tournaments can be held. The entire area could be dedicated for disc golf with different levels of launch pads. He encouraged the Board to research disc golf. The cost is \$400 per hole and \$400 to \$600 for a launch pad. There are many people passionate about this sport and they volunteer. He will get thoughts from the Parks & Rec Committee. There is only a small piece of this

property that could be used for commercial purposes, and it has been for sale for a long time. The report from Mr. Gaige is on file in the Clerk's office.

OLD BUSINESS

Ballston Lake Sewer update

Ed Hernandez, project engineer, stated that the project continues to move along. Three of the contracts are essentially finished. One contractor is finished, the other two are working on restoration items and have a couple of tests to do. He expects them to be finished in the next couple of weeks. He has a list of property owners who are waiting for their yards to be restored. He is holding funds from the contractors until all these items are completed. They will get the restoration completed; he just doesn't know the contractor's schedule. Contracts 2, 3 and 4 are completed and Mr. Hernandez expects sometime in June to be able to issue a substantial completion for those three contracts that enable him to turn things over to the County and get approval from DEC. Residents on the east side of the Lake may be able to connect in July once approvals have been given by the County and DEC. A letter from the Town will be sent to residents on the process to connect to sewer. Contract 1 continues to work in Buell Heights, on Route 146A and up Lake Hill Road. Over the last 30 days they worked around Mill Road and up part of Main Street. The power is finally scheduled with National Grid to be turned on the week of June 13th for the pump station that will allow them to finish items in that area. They still have quite a bit of work to do, and he expects them to continue working through most of the season to finish. There are four pay items on the agenda: two are with one contractor, one is from last fall, and a second pay application. He is recommending payment. There are also two change orders due to a lot more service pipe than was estimated and planned. He expects more change orders, hopefully some negative change orders. Property owners worked with the Sewer Committee to get the pipe closer to their homes; therefore, more pipe was needed. This will allow them to connect, and this is the main reason for the two change orders. He asked the Board for their approval. The Supervisor stated that any restoration concerns should be sent to the Supervisor; he and Mr. Hernandez have been working together on all resident concerns. The Supervisor asked for an update on the applications received for sewer hookup assistance. Town Comptroller David Urkevich stated that there were 30 applications received for the sewer assistance grant (using ARPA funds). 22 of those residents will most likely qualify for assistance, two residents were from Clifton Park whom he referred to the Town of Clifton Park, and the remaining applications did not qualify due to being over the income limit. Each resident who applied will receive a response from the Town. There would be approximately \$15,000 available per household. The next steps include giving guidance on how to proceed. The Town will reimburse residents when they can prove final invoice and connection to the sewer system.

Grants update

The Supervisor stated that there is no new update on the grants.

Parks and Recreation Committee Report

Board Liaison for the Committee, Rob Fendrick, stated that the Committee desperately needs new members. Volunteers hung signs in Anchor Diamond Park and established property lines and they focused in the area in the back off Goode Street in the area where the trees were taken down. There was a lot of poison ivy, and they will finish the project in the fall. There are three geotextile strips that have been installed in Anchor Diamond Park and seem to be holding up well. These were put in place of a bog bridge in the marshy, muddy area. The Gaga Ball court will be installed in Jenkins Park by the Girl Scouts on Sunday. Councilman Fendrick stated that the Flag Day Parade is Thursday, June 9th and he is happy to see it returning this year. The next Parks and Rec Meeting is June 15th; when the public is invited to speak about the Goode Street trail extension project in the back of Anchor Diamond Park. A mailer will be sent directly to those residents affected. The Ballston Lake Fire Department Memorial Park's old bathrooms, kitchen and garage will be demolished tomorrow.

Water Project Routes 50 and 67

The Supervisor stated that the Town will be spending some ARPA funds on a project to make our water system more resilient when there are water main breaks. Highway Superintendent Joe Whalen stated that this project is part of the 10-year water plan. It is in the area of Route 67 and Dominic Drive. The water main goes up Route 50 to the V corners, just past the Adirondack Trust by Currie Court and then just below the Janet V corners it cuts across through an easement, across Route 67 and dead ends south of there. The other part of the main comes up Route 67 approximately 1500 to 2500 feet and stops there. This project would take those two dead ends

be appropriated later for anything government related; as we move forward with the Highway garage project there will likely be opportunities for energy efficiency.

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

Nays 0

RESOLUTION 22-160

APPROVE THE CONTRACT FOR THE HIGHWAY DEPARTMENT WITH THE TEAMSTER'S UNION FOR THREE (3) YEARS EFFECTIVE JANUARY 1, 2022, THROUGH DECEMBER 31, 2024. CHANGES SINCE RESOLUTION 22-109 ON APRIL 12, 2022, INCLUDE UPDATES TO BASE HOURLY RATES, LEAVE ACCRUAL TERMS, AND LANGUAGE RELATED TO BENEFITS.

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

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

Nays 0

RESOLUTION 22-161

APPROVE THE ESTABLISHMENT OF A BALLSTON SPA NATIONAL BANK CHECKING ACCOUNT FOR THE HIGHWAY GARAGE ADDITION CAPITAL PROJECT, AS WELL AS THE TRANSFER OF \$1,870,393.00 FROM THE HIGHWAY FUND "SPECIFIC RESERVE – 2022 HIGHWAY GARAGE ADDITION" ACCOUNT TO THE "HIGHWAY GARAGE ADDITION – INTERFUND REVENUE" CAPITAL ACCOUNT. DESIGNATED SIGNATORIES OF THIS ACCOUNT WILL BE SUPERVISOR ERIC CONNOLLY, DEPUTY SUPERVISOR JOSEPH WHALEN, AND TOWN CLERK CAROL GUMIENNY.

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

Discussion: Councilman Curtiss asked if this money can be put into an account to earn interest? Comptroller David Urkevich stated that most of our fund balances are invested in a financial instrument managed by NYCLASS. Monthly interest is earned.

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

Nays 0

RESOLUTION 22-162

APPROVE TO HIRE TABNER, RYAN & KENIRY, LLP FOR PROFESSIONAL LEGAL SERVICES AT THE RATE OF \$275 PER HOUR FOR THE PURPOSE OF OBTAINING AN EASEMENT OVER THE PARCEL OF REAL PROPERTY OWNED BY NATIONAL GRID THROUGH EMINENT DOMAIN PROCEEDINGS PURSUANT TO THE EMINENT DOMAIN PROCEEDING LAW. THE EASEMENT IS NEEDED FOR THE BALLSTON LAKE SEWER PROJECT.

WHEREAS, the Town of Ballston has created the Ballston Lake Sewer District pursuant to the Town Law of the State of New York; and

WHEREAS, creation of the Ballston Lake Sewer District requires the right to construct, install, operate and maintain a public sewer line over a certain parcel of real property, Tax ID No.: 257.16-1-10, owned by Niagara Mohawk Power Corporation, now known as National Grid and hereinafter referred to as National Grid; and

WHEREAS, National Grid offered the Town a revocable license over said parcel of real property but refused to grant an easement; and

WHEREAS, the Town seeks to obtain a permanent easement over the parcel of real property to construct, install, operate and maintain a public sewer line; and

WHEREAS, the New York State Environmental Facilities Corporation requires that the Town obtain an interest in the real property on which the sanitary sewer infrastructure will be installed; and

WHEREAS, the Town requires professional legal services in order to obtain said easement through eminent domain.

THEREFORE BE IT RESOLVED AND DETERMINED, that a permanent easement to construct, install, operate and maintain a public sewer line must be obtained through eminent domain; and it is further

RESOLVED AND DETERMINED, that the Town of Ballston retain Tabner, Ryan & Keniry, LLP for professional legal services for the purposes of obtaining the aforementioned easement over the parcel of real property through eminent domain proceedings pursuant to the Eminent Domain Proceeding Law; and it is further

RESOLVED AND DETERMINED, that this hiring is not subject to the competitive bidding requirements of the General Municipal Law and is further exempt from solicitation of quotes or proposals pursuant to the Town of Ballston Code Chapter 30-6; and it is further

RESOLVED AND DETERMINED, that Tabner, Ryan & Keniry, LLP is hired pursuant to the professional service agreement previously entered into between the Town of Ballston and Tabner, Ryan & Keniry, LLP.

NOW, upon motion of Councilman Fendrick and seconded by Councilwoman Jasinski.

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

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

Dated: May 31, 2022

Privilege of the floor on any topic

No one wished to speak.

A motion was made by Councilman Carota and seconded by Councilman Curtiss to enter Executive Session for a personnel matter with no expected action. All Board members were in favor.

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

A motion was made by Councilwoman Jasinski and seconded by Councilman Fendrick to adjourn the meeting. All Board members were in favor. The meeting adjourned at 9:08 p.m.

Respectfully submitted,

Carol Gumienny
Town Clerk