

A Town Board meeting was held by the Town Board of the Town of Ballston on Tuesday evening, June 13, 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
	Michael Carota	Councilman
	Kelly Jasinski	Councilwoman
	Chuck Curtiss	Councilman
	Rob Fendrick	Councilman
	Carol Gumienny	Town Clerk
	William Ryan, Jr.	Attorney

Also in attendance were Town Comptroller David Urkevich and Highway/Water Superintendent Joe Whalen.

Supervisor Connolly 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 Officers David Brown and Thomas Shambo, Town Clerk Carol Gumienny, Building Inspector Jeff Stickles, and Library Director Rebecca Verhayden submitted reports for May 2023. They are on file in the Town Clerk's office.

Library Director Rebecca Verhayden gave the following report:

The Library's Charter update Bill was passed unanimously by the New York State Senate on May 31, 2023. It is pending in the Rules Committee of the New York State Assembly which will be reconvening for a special session. They have been working with the Library Association and Assemblywoman Walsh and everyone is optimistic that the Bill will pass when the special session continues.

Tom Shaginaw and Steve Zarelli were both selected as the Southern Adirondack Library Systems "2022 Trustee of the Year" for their work as Ballston Community Public Library Trustees. They were honored by the Library System in May. They served 10 and 11 years respectively as Trustees of the Library.

Registration for the Summer Reading Program is now open. Patrons of all ages are encouraged to log their reading for the chance to earn prizes.

The library is offering over 100 programs this summer including a Kickoff Party in Elmer Smith Park on June 26th. Registration for programs begins June 19th, either online or by calling the library.

FINANCIAL REPORT

Comptroller David Urkevich stated that financial results for the month of May were favorable due to sales tax receipts totaling \$377,000 which represents the third highest monthly total on record that he is aware of. Year to date sales tax revenue is 4% higher than for the same months last year. Each year the Town receives two mortgage tax payments. Last month we received the 1st payment in the amount of \$339,000 which is about \$64,000 or 23% higher than budget. This payment represents actual receipts from the months of October 2022 through March 2023. The next payment will be received in November for actual receipts from April through September 2023. The pace of expenditures remains normal, perhaps slightly less than planned. Conditions thus far seem to indicate a surplus for the fiscal year prevailing. Operating fund balances remain sound and resilient with passive growth in the 4.9% range. Parkland Deposits has a balance of approximately \$279,000. The Comptroller's Office will be starting the framework for the 2024 budget to present to the Board in September. He will be meeting with department heads and committee chairs throughout July and August on their budgets.

SUPERVISOR'S REPORT

Supervisor Connolly stated that the Town held a successful junk drop off and electronic drop off event this past Saturday. There was a steady flow of residents bringing their junk to the Town Hall. The Town is still assessing how much tonnage was dropped off at Town Hall. There was an error on the flyer which stated that the junk drop off would be held until 3 p.m. and it should have stated 2 p.m. We have the money budgeted to hold another junk drop off if the Board decides to do so.

The Northern Borders grant of \$1 million has been submitted to be used towards a sewer system for the downtown Burnt Hills area. The sewer system must run up Route 50 to McCrea

Hill Road. CHA Consulting, Inc., who is preparing the feasibility study, has prepared a grant application with Environmental Facilities Corporation. CHA originally estimated the total cost of the sewer system to be \$20 million; however, they looked at ways of cutting costs and it is now estimated at \$14 million.

Currently, in the History Room at the library, there are some public engagement boards that will be used for public input on design elements in downtown Burnt Hills. They will also be at Gil's Garage and if the parade is rescheduled, the boards will be there as well. Supervisor Connolly will be going to every business owner from the southern end of the town working his way north within the parameters of the district. Any private business investments will go towards the grant showing the 2x cost factor (2x \$4.5 million). The Town needs to show a \$9 million dollar investment in the private and public sector. We are waiting to see if there are any State grants coming out for trails that could be used towards the connection of the bike path to the Zim Smith Trail. There has been some new development with the Safe Pathway to Schools grant. He has been working with M.J. Engineering, the business owners in the area by the high school and talking with students at Ballston Spa High School about safety near the school. He heard some interesting suggestions that he is following up on.

The Supervisor received a phone call from one of the owners of Mohawk Honda who is interested in helping to beautify 814 Saratoga Road, formerly the Magnum Gas Station. The Town is interested in this offer. We don't have full ownership yet until we pay the County; however, we can still have a plan. The Supervisor reached out to Gary Dake, the president of Stewarts Shops, to see if he could match the donation. Mr. Dake would need to see a plan of what would be done to render a decision on a donation. The Supervisor believes this corner can be spruced up without spending a huge amount of money. He believes he has a feel for what residents want and we should take the businesses up on their offers. It would be tough to take the parcel away from the residents once it is beautified if the Town wanted to sell the parcel in the future. The sale would be subject to permissive referendum. Councilman Carota stated that we should do something to the parcel to make it nice for the residents to use. Supervisor Connolly stated that a master plan including the cost will be done this summer.

COUNCIL MEMBERS REPORTS

Councilwoman Jasinski thanked the owner of Cupola Coffee for allowing the Burnt Hills Forward Committee to display their boards to gather community input on architectural design for the downtown Burnt Hills area. These boards will be displayed at Gil's Garage and at Burnt Hills Hardware. She thanked these owners as well.

The Green Community Committee will meet on June 20th at 7 p.m. The public is invited. The Committee will be discussing Climate Smart Community and a possible household hazardous waste drop off. The Town cannot do this alone, as it is very expensive.

Councilwoman Jasinski gave an update on the Ballston Lake Sewer District. The east side of the lake has 48 hookups, and the west side has 14 hookups. As a reminder to the sewer district residents, they have three years from their initial letter to connect to sewer – 2025 for the east side and 2026 for the west side. If a sewer district resident has a septic system that reaches 15 years of age, they need to connect to sewer.

She met with the County to discuss the county roads in our Town and how to make them safer for residents and cyclists. She discovered that there is a county bike road map which includes roads in the Town (Charlton Road, Goode Street, Lakehill Road, parts of Kingsley and Blue Barns Roads) There should be bike route signs on these roads.

Councilman Fendrick stated that he is working on a grant application for trails through the County that is due June 30th. He has received a lot of positive feedback on the new fishing pier. It is getting a lot of use. It is good to see people enjoying it after a long wait.

The Supervisor asked if there is anything the Town can do temporarily to prevent people from pulling over at the head of the fishing pier. Councilman Frederick stated that the Parks & Rec Committee is working the DEC (Department of Environmental Conservation) on this. There is a sign posted stating 15-minute parking - it needs to be removed. Stones were suggested to be placed there; however, Mr. Whalen felt it was a liability in the Town right of way. Mr. Fendrick stated that the fence deposit for the Jenkins Dog Park has been issued and it is currently on their schedule. The signs have been approved and will be done next week. There is no date set for when the fence will be installed.

There will be a workday at Anchor Diamond Park on July 8th at 9 a.m. The public is invited and are asked to wear boots and gloves. The Committee is aware of some trees that have fallen in the Park. The Parks & Rec Committee is also investigating border and ground cover for Reita Park and playground equipment for Jenkins Park.

New York, by **Spectrum Northeast, LLC**, an indirect subsidiary of Charter Communications, Inc. (“Charter”), a limited liability company organized and existing in good standing under the laws of State of New York doing business at 2604 Seneca Avenue, Niagara Falls, NY 14305, for the approval of a renewal agreement for Charter's cable television franchise for fifteen (15) years commencing with the date of approval by the Public Service Commission.

The franchise renewal agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

A public hearing was held in the Town of Ballston, New York on May 30, at 6:15 P.M. and notice of the hearing was published in the Gazette Newspapers on May 19, 2023.

NOW, THEREFORE, the Board of the Town of Ballston finds that:

1. Spectrum Northeast, LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Spectrum Northeast, LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Spectrum Northeast, LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED that the Board of the Town of Ballston hereby grants the cable television franchise of Spectrum Northeast, LLC and the Town of Ballston for fifteen (15) years commencing with the date of approval by the Public Service Commission and expiring fifteen (15) years hence.

BE IT FURTHER RESOLVED that the Board of the Town of Ballston hereby confirms acceptance of this franchise renewal agreement.

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

A Roll Call Vote was as follows:

Councilman Carota	Aye
Councilman Curtiss	Aye
Councilman Fendrick	Aye
Councilwoman Jasinski	Aye
Supervisor Connolly	Aye

The foregoing having received a 5-0 vote was thereby declared adopted.

Dated: June 13, 2023

Town of Ballston Clerk

RESOLUTION 23-122

APPOINT EDWARD GUIDER AS A BALLSTON COMMUNITY PUBLIC LIBRARY BOARD OF TRUSTEE FOR A TERM BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2028.

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

Discussion: Councilman Carota stated that he had the pleasure of meeting Mr. Guider at the opening of the History Room at the Library; he seemed very engaged. Councilman Carota was glad to see a full Board.

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

RESOLUTION 23-123

APPROVE A REALLOCATION OF APPROPRIATIONS WITHIN A FUND'S 2023 FINAL BUDGET TO DECREASE THE "TOWN ATTORNEY – PERSONAL SERVICES" EXPENSE ACCOUNT AND INCREASE THE "TOWN ATTORNEY – PROFESSIONAL SERVICES" EXPENSE ACCOUNT BY \$75,234.55 TO ADJUST FOR HIGHER THAN ANTICIPATED PROFESSIONAL SERVICES EXPENSES IN 2023. THE SOURCE OF THE FUNDS WILL BE A REALLOCATION OF EXPENDITURES WITHIN A FUND'S 2023 FINAL BUDGET. THERE WILL BE NO IMPACT TO FUND BALANCE.

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

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

Nays 0

RESOLUTION 23-124

APPROVE A REALLOCATION OF APPROPRIATIONS WITHIN A FUND'S 2023 FINAL BUDGET TO DECREASE THE "CONTINGENCY BUDGETING ACCOUNT" EXPENSE ACCOUNT AND INCREASE THE "TOWN BOARD - CONTRACTUAL" EXPENSE ACCOUNT BY \$7,870.00 TO ALLOW THE TOWN TO ACQUIRE THE FORMER MAGNUM PROPERTY LOCATED AT 814 SARATOGA ROAD (TAX ID NO. 257.10-2-55). THE SOURCE OF THE FUNDS WILL BE A REALLOCATION OF EXPENDITURES WITHIN A FUND'S 2023 FINAL BUDGET. THERE WILL BE NO IMPACT TO 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 23-125

ACCEPT A PROPOSAL DATED FEBRUARY 10, 2023, FROM NATHAN SCHECTER FOR APPRAISAL SERVICES RELATED TO ONGOING TAX CERTIORARI PROCEEDINGS. CONSIDER A RELATED AMENDMENT TO THE 2023 FINAL BUDGET TO DECREASE THE "CONTINGENCY BUDGETING" EXPENSE ACCOUNT BY \$9,000 AND INCREASE THE "ASSESSOR'S OFFICE – CONTRACTUAL" EXPENSE ACCOUNT BY \$9,000 TO ADJUST FOR THIS EXPENSE. THE SOURCE OF THE FUNDS WILL BE A FUND'S 2023 FINAL BUDGET. THERE WILL BE NO IMPACT TO FUND BALANCE.

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

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

Nays 0

RESOLUTION 23-126

APPROVE THE SALE OF A CERTAIN WIRELESS TELECOMMUNICATIONS TOWER AND RELATED EQUIPMENT FOR THE SUM OF \$1,700,000.00 SUBJECT TO THE NEGOTIATION AND EXECUTION OF A PURCHASE AND SALE AGREEMENT AND ANY OTHER RELATED DOCUMENTS BETWEEN THE TOWN OF BALLSTON ON BEHALF OF THE CONSOLIDATED WATER DISTRICT AND TIGR ACQUISITIONS IV, LLC 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 subject to further negotiation are contained in a certain Purchase and Sale Agreement attached hereto and made a part hereof as Exhibit A.

NOW, THEREFORE, IT IS RESOLVED:

1. The publishing and posting of notices for the public hearing were completed pursuant to Section 198 12 of the Town Law of the State of New York;
2. The sale of the tower and any other related equipment is not required for the purposes of the Town of Ballston Consolidated Water District;
3. The sale of the tower and related equipment is approved for the sum of One Million Seven Hundred Thousand and 00/100 Dollars (\$1,700,000) subject to the negotiation of a Purchase and Sale Agreement and any other related agreements between the Town of Ballston on behalf of the Consolidated Water District and TIGR Acquisitions IV, LLC;
4. If ultimately consummated the receipts from the sale of the subject property shall be paid to the supervisor of the town and credited to the Consolidated Water District and may only be expended for any purpose which would properly be charged against the entire Consolidated Water District;
5. The execution of all agreements related to the sale of the Tower and related equipment is subject to the approval of the town board of the Town of Ballston.

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

Discussion: Councilman Fendrick stated that he did some research, and the current monthly income that the Town receives would take 24.5 years to pay this off; for the money we are receiving, in his opinion, there may be different technology in the future, and it would be obsolete. He is in favor as is Councilman Curtiss. Councilman Carota stated that he is in favor. Councilwoman Jasinski had concerns but she came to the same conclusion. She encouraged the Board to make sure that we are creative in spending the money on water projects, and to do our due diligence.

A Roll Call Vote was as follows:

Councilman Michael Carota	Aye
Councilman Chuck Curtiss	Aye
Councilman Rob Fendrick	Aye
Councilwoman Kelly Jasinski	Aye
Supervisor Eric Connolly	Aye

ADOPTED 5-0

June 13, 2023

Ballston, New York

RESOLUTION 23-127

APPROVE A DEFERRAL OF THE SEWER CONNECTION TO THE BALLSTON LAKE SEWER DISTRICT FOR 6 PHILLIPS STREET, TAX MAP ID# 257.8-1-60 PURSUANT TO SECTION 87-15 (C) OF THE TOWN OF BALLSTON SEWER USE LAW. THIS DEFERRAL SHALL BE EFFECTIVE FOR FIVE (5) YEARS FROM THE DATE OF THIS RESOLUTION OR LESS IF THE EXISTING SEPTIC SYSTEM FAILS AS DETERMINED BY THE TOWN OF BALLSTON. THIS DETERMINATION SHALL BE FILED IN THE BUILDING DEPARTMENT, ASSESSOR'S OFFICE, AND TOWN CLERK'S OFFICE.

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

Discussion: Councilwoman Jasinski stated that if you are approved for a deferral, you are still required to submit documentation to the Town every three years proving that the septic system is in good working order; septic tanks should be pumped every three years.

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

Nays 0

RESOLUTION 23-128

APPROVE A DEFERRAL OF THE SEWER CONNECTION TO THE BALLSTON LAKE SEWER DISTRICT FOR 158 WESTSIDE DRIVE TAX MAP ID# 249.17-1-7 PURSUANT TO SECTION 87-15 (C) OF THE TOWN OF BALLSTON SEWER USE LAW. THIS DEFERRAL SHALL BE EFFECTIVE FOR TWO (2) YEARS FROM THE DATE OF THIS RESOLUTION OR LESS IF THE EXISTING SEPTIC SYSTEM FAILS AS DETERMINED BY THE TOWN OF BALLSTON. THIS DETERMINATION SHALL BE FILED IN THE BUILDING DEPARTMENT, ASSESSOR’S OFFICE, AND TOWN CLERK’S OFFICE.

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

Discussion: Councilwoman Jasinski stated that this septic system was installed in 2010. In two years (2025), it will be 15 years old.

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

Nays 0

RESOLUTION 23-129

APPROVE A DEFERRAL OF THE SEWER CONNECTION TO THE BALLSTON LAKE SEWER DISTRICT FOR 12 CONNOLLY ROAD, TAX MAP ID# 239.-1-74 PURSUANT TO SECTION 87-15 (C) OF THE TOWN OF BALLSTON SEWER USE LAW. THIS DEFERRAL SHALL BE EFFECTIVE FOR FIVE (5) YEARS FROM THE DATE OF THIS RESOLUTION OR LESS IF THE EXISTING SEPTIC SYSTEM FAILS AS DETERMINED BY THE TOWN OF BALLSTON. THIS DETERMINATION SHALL BE FILED IN THE BUILDING DEPARTMENT, ASSESSOR’S OFFICE, AND TOWN CLERK’S OFFICE.

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

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

Nays 0

RESOLUTION 23-130

DENY A DEFERRAL OF THE SEWER CONNECTION TO THE BALLSTON LAKE SEWER DISTRICT FOR 40 MAIN STREET, TAX MAP ID# 257.16-1-3 PURSUANT TO SECTION 87-15 OF THE TOWN OF BALLSTON SEWER USE LAW. THIS DETERMINATION SHALL BE FILED IN THE BUILDING DEPARTMENT, ASSESSOR’S OFFICE, AND TOWN CLERK’S OFFICE.

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

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

Nays 0

RESOLUTION 23-131

ACCEPT A PROPOSAL DATED JUNE 13, 2023, FROM M.J. ENGINEERING FOR SURVEY SERVICES FOR THE CREATION OF A PERMANENT EASEMENT OVER A PORTION OF 155 LAKE HILL ROAD SBL#157.10-1-74 IN THE AMOUNT OF \$2,500. CONSIDER A RELATED REALLOCATION OF APPROPRIATIONS WITHIN A FUND’S 2023 FINAL BUDGET, DECREASING “CONTINGENCY BUDGETING” EXPENSE ACCOUNT BY \$2,500 AND INCREASING “TOWN BOARD – OUTSIDE PROFESSIONAL SERVICES” EXPENSE ACCOUNT BY \$2,500. THE SOURCE OF THE FUNDS WILL BE A FUND’S 2023 FINAL BUDGET, THERE WILL BE NO IMPACT TO FUND BALANCE.

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

Discussion: The Supervisor stated that the property borders the Towns of Glenville and Ballston. The Town of Glenville is ready to work with the Town. An easement is needed to connect the sidewalk on Lakehill Road to the middle school. Our building inspector spoke to the homeowner, and they agreed to grant the easement. This is the beginning step to connect a sidewalk to the school. Councilman Curtiss asked who is responsible for maintaining the sidewalk. The Supervisor replied that the homeowner is per Town Law. Councilwoman Jasinski asked what if someone can’t physically maintain it? The Supervisor responded that they would have to hire out.

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

Nays 0

Privilege of the floor on any topic

William Bechtel of Beechwood Drive stated that he has lived in the Jenkins Park Special Tax District for 15 years. There are 573 parcels in this taxing district. He presented a spread sheet to the Board that showed the amount of taxes that these residents paid from 2009 to 2023 (\$363,000). The average tax bill was \$42.35 per year. A column was displayed showing the total number of residential parcels in the Town for each year (2009-2023) and the annual amount that the Town would have collected from the residential parcels for the last 15 years to use for parks (\$2.3 million). The spreadsheet also showed the annual amount (approximately \$3.1 million) if the Town had collected a town-wide park tax on all parcels for the last 15 years. He asked that the Board, in all fairness, dissolve the Jenkins Park Special Tax District or include it in a town-wide park tax district beginning this year.

Kris DuBuque of Kaleen Drive, Village of Ballston Spa, thanked the Supervisor for the continued work of addressing the safety issue for the students at the Ballston Spa High School; he thinks reaching out to the students is a great idea. Mr. DuBuque stated that the Summer Youth Program in the Village is a great partner resource for potential employees as they have many applications and only a limited number of positions available in the program.

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 7:43 p.m.

Respectfully submitted,

Carol Gumienny
Town Clerk