

A Town Board Agenda Meeting was held by the Town Board of the Town of Ballston on Tuesday evening, June 27, 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

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.

OLD BUSINESS

Ballston Lake Sewer Update

Supervisor Connolly stated that he spoke with Ed Hernandez, project engineer, who stated that many residents are connecting to the sewer. He is working on some tweaks. Councilwoman Jasinski stated that some residents had concerns about liability. She stated that the Saratoga County Sewer District assured her that their contractors are insured if they put in the connection. Councilman Fendrick stated that he has heard from a few sewer district residents on Lakehill Road that their soil is rock, clay-like, and they can't get any grass to grow. He asked the Supervisor if the contractors will be laying topsoil for these areas? The Supervisor stated that he was not sure if the punch list is 100% completed but will investigate it and let Councilman Fendrick know.

Grants Update

Supervisor Connolly stated that he has been reaching out to businesses in Burnt Hills to let them know that the Burnt Hills Forward grant application will be submitted in September and that he is looking for proposals to improve their business appearance (transformative projects). He is also looking to improve the lot once occupied by the old Magnum gas station. \$7,000 is being reimbursed to the County for paying into the NYS Oil Spill Clean Up Fund, then the Town can take title of the property. Preliminary plans of what can be done with the property are being donated by a local landscaper on how to improve the corner. The Supervisor will share the draft of what the corner could look like when he receives them. He contacted the owner of AJ Signs, who may possibly help the Town by refurbishing the old Magnum sign. One side of the sign could read "Welcome to the Town of Ballston," the other side could read "Hamlet of Burnt Hills". Other ideas may include a flagpole, lights, a retaining wall, and multiple sitting areas. This could be a meeting place for kids and adults. There is no rush to get this done. Should things move forward, bidding could be done over the winter, and potentially the project could start in the spring of 2024. There is approximately \$280,000 in the Parkland Deposit Fund; money is limited. To do a nice job it could cost \$500,000; a retaining wall is expensive. Supervisor Connolly stated that design standards are being put together for the downtown Burnt Hills area. Councilwoman Jasinski stated that input was received on design standards by the residents. Boards were set up at various locations in Town for residents to choose what styles they liked. She thanked Cupola Coffee, Gil's Garage, the library, and Burnt Hills Hardware for allowing these boards at their businesses. The Northern Borders grant application has been submitted. The grant is for \$1,000,000 to be used for a potential sewer system that will begin at the southern end of Town, up Route 50, to McCrea Hill Road. The Supervisor stated that other grants will be needed for this project. The bike trail extension grant application is not available yet and the Town will apply when it is. M.J. Engineering found another grant that could be used for the bike trail for \$250,000 that would go towards the construction. We are waiting for the application to come out to apply for the Safe Pathways grant. This is for the northern end of Town, to improve walkability in the areas of Ballston Avenue, Thomas Avenue and Martin Avenue.

Presentation – Town Insurance

The Supervisor introduced Dave Meager of Amsure Insurance, who gave a presentation on insurance coverage for the Town. The policy will need to be renewed in July. The Town will

have the same coverage that it had previously. There will be a 9% increase in Building and Business Property Limits as the cost of replacement materials continues to rise. The policy also includes crime and cyber liability policies. The Board thanked Mr. Meager.

The Supervisor stated that a subcommittee of the Burnt Hills Forward group has been formed to improve 814 Saratoga Road (old Magnum gas station) which includes him, Councilman Fendrick, Will Gorman of the Highway Department and the owner of Cupola Coffee, Cindy Turgeon.

Parks and Recreation Committee Report

Councilman Fendrick stated that he is working on a grant application for \$10,000 through Saratoga County; he will be submitting it on Thursday. The Ballston Lake Fire Department Memorial Park is open and available to rent. Rentals go through the Town Clerk's office. The Highway Department will pour a slab at the entrance of the fishing pier to increase accessibility to the pier. They are still working on a plan for an unloading area. The workday at Anchor Diamond Park will be held on July 8th at 9 a.m. There will be a load of stone dust delivered prior. They are looking at a picnic table to purchase for Anchor Diamond Park. The library story time is held at Jenkins Park every Thursday at 10 a.m. An edging and ground covering plan for Reita Park will be presented to the Board at an upcoming meeting. They will complete the posting of perimeter boundary signs at the back of the Anchor Diamond Park. The dog park fence installation will begin tomorrow. He asked the public to please give the workers the space they need to get the job done. The opening date is July 10th. Residents may apply for their annual dog tag beginning then.

NEW BUSINESS

Short term Rental Policy

The Supervisor stated that the Town does not have a policy. He doesn't believe the County does either. This has not been a problem in our Town so far; however, he foresees this as a problem in the future. Warren County has a policy with over 1000 properties registered. They collect a 4% tax. He will bring this to the attention of the County. The Town itself should consider the creation of a policy. We want people to be safe, have a good experience and consider the neighbors in the process. The Town of Warrensburg has a policy which includes a long safety inspection list. There are a lot of rentals in our Town and a policy is something that we may want to explore. Councilman Carota stated that many counties require a permit for rentals and need to be inspected by the Building Department to ensure the property is safe. Short-term rentals are popular in our County. It should be looked at in general. Supervisor Connolly stated that permits could be issued through the Building Department. Questions that the Board will need to answer if they want a policy are how long the permit is good for and how to track the rentals. She feels that this is something we should look at further. Councilman Fendrick stated that if a 4% fee is added, it could provide a revenue stream for the Town. The Supervisor believes that the fee should be at the County level. The Building Department needs to do the inspections and there should be a fee for the permit. Councilman Curtiss stated that the Building Department will need to inspect but where does it go from there? This could be very taxing for the Building Department. The Supervisor stated that most permits are annual or biannual. The Board should lean on the Building Department on this topic. The best approach is to let the Building Department draft a proposal and let the Board review it.

Small Cell Technology

Supervisor Connolly stated that small cell technology is a rectangular box that sits on top of a telephone pole that is 40 to 50 feet in the air. It doesn't have a big range; however, it is 5G. It will do a couple of things. People will try to connect to the tall towers that are 200 ft. tall. If there is small cell technology and people are near it, they can connect to high speed internet which frees up bandwidth on the main tower. He received a call from Verizon who sent him an intermunicipal agreement to work with two other municipalities: Malta and Clifton Park. This will generate revenue. The Supervisors will come up with a price per small cell device per year. The Town does not own the telephone poles and Verizon will have to pay a fee to have this technology in our Town. Verizon has two active sites that they are working on. One is off Garrett Road, which will help the high school, and the other is near the County Building in Town. This will improve cell service. The Supervisor will update everyone as things progress.

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

Kathy Wilcox of Nolan Road spoke on Resolution 23-136. She read through the reasonings in the resolution and agreed with all of them. She stated that she hopes that this resolution will be passed by the Board.

NEW BUSINESS FOR CONSIDERATION AND ACTION

RESOLUTION 23-132

APPROVE PAYMENT TO EMPIRE STATE APPRAISAL CONSULTANTS FOR SERVICES RELATED TO NIAGARA MOHAWK EASEMENTS REQUIRED FOR THE BALLSTON LAKE SEWER DISTRICT IN THE AMOUNT OF \$2,200 FOR WORK COMPLETED.

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

Discussion: Attorney Ryan stated that this is for an easement for the installation of a sanitary sewer line for the Ballston Lake Sewer District.

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

 Nays 0

RESOLUTION 23-133

APPROVE THE BURNT HILLS-BALLSTON LAKE BUSINESS PROFESSIONAL ASSOCIATION TO HOLD THE FLAG DAY PARADE ON JULY 6, 2023, AND TO OBTAIN ALL REQUIRED PERMITS FROM THE NYS DEPARTMENT OF TRANSPORTATION.

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 23-134

ACCEPT A PROPOSAL DATED JUNE 1, 2023, FROM M.J. ENGINEERING FOR ENGINEERING SERVICES RELATED TO ASSESSMENT OF STRUCTURAL CONDITIONS OF TWO PROPERTIES WITHIN TOWN IN THE AMOUNT OF \$9,095. CONSIDER APPROVING A RELATED REALLOCATION OF APPROPRIATIONS WITHIN B FUND'S 2023 FINAL BUDGET TO DECREASE THE "CONTINGENCY BUDGETING" EXPENSE ACCOUNT BY \$9,095 AND INCREASE THE "PLANNING – OUTSIDE PROFESSIONAL SERVICES" EXPENSE ACCOUNT BY \$9,095 TO ADJUST FOR THIS EXPENSE. THE SOURCE OF THE FUNDS WILL BE A REALLOCATION OF EXPENDITURES WITHIN B FUND'S 2023 FINAL BUDGET. THERE WILL BE NO IMPACT TO FUND BALANCE. THE TOWN WILL SEEK REIMBURSEMENT FOR THESE COSTS IN THE FORM OF COURT JUDGEMENT AND SUBSEQUENT LIENS ON BOTH PROPERTIES.

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

Discussion: Councilwoman Jasinski stated that these are two properties that are structurally unsound and dilapidated. After this cost for engineering, is the Town paying for the court judgement and the demolition? What is the end cost for two properties in our Town? Attorney Ryan stated that he cannot state any certainty of the total amount. Under the statute someone has to lay out the money to have this work done ,typically the municipality. The end of the process is that everything that the Town puts into this effort will be reduced to a judgement, filed in the County Clerk's office and the amount placed on the tax bill to retrieve the money. The Town would have to do the demolition as there have been no responses from the owners. There would be a lien against the property.

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

 Nays 0

RESOLUTION 23-135

APPROVE PAYMENT TO NIAGARA MOHAWK POWER COMPANY FOR THE PURCHASE OF TWO PERMANENT EASEMENTS REQUIRED FOR THE BALLSTON LAKE SEWER DISTRICT IN THE AMOUNT OF \$5,350 PLUS INTEREST PURSUANT TO NYS GENERAL MUNICIPAL LAW 3-A AND EMINENT DOMAIN PROCEDURE LAW 304(A)(3).

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

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

RESOLUTION 23-136

**APPROVE TO URGE THE GOVERNOR TO VETO A.04282B/S.3505B TO MOVE
CERTAIN LOCAL ELECTIONS TO EVEN NUMBERED YEARS.**

Whereas, the Town of Ballston Town Board believes that increasing participation in the election process and reducing costs of government operations is good for our republic; and

Whereas, Assembly Member Amy Paulin and State Senator James Skoufis reintroduced legislation that would move local elections to even-number years during the 2023 legislative session; and

Whereas, versions of this legislation were introduced in previous years and failed to reach the floor for a vote due to lack of support; and

Whereas, after the 2022 session concluded, the bill sponsor indicated that hearings would be held on the proposal through the Election Committee process; however, there were no hearings held; and

Whereas, the legislation passed in the middle of the night on the last days of the legislative session which is counter to the idea of an open and transparent government; and

Whereas, the Town of Ballston Town Board has several concerns with this bill; and

Whereas, this legislation usurps the Home Rule powers reserved by local governments and protected by the Constitution of the State of New York, raising questions of legality and constitutional authority; and

Whereas, local municipalities have had the ability to change their elections to even-number years for decades, and chose not to do so; and

Whereas, we believe that establishing the schedule of local elections is the right of the local government, and has been for more than 100 years; and

Whereas, The Assembly Bill sponsor indicated that she had not received any messages of support for this proposal from any of the 57 Counties and 933 Towns across New York State impacted by this legislation and

Whereas, this legislation excludes more than half of all New Yorkers who vote in cities and villages from the changes to election law, creating an inequity among New York voters; and

Whereas, this legislation unfairly excludes the elections to offices in New York City and all other cities and villages in New York State, as well as certain offices within all counties and towns; and

Whereas, the proposed legislation circumvented the legislative committee process during this session, limiting public input and understanding of the impacts; and

Whereas, there has been no financial analysis or operational analysis of the impacts on local Boards of Elections; and

Whereas, there are concerns that the current election and ballot counting technology would not be able to adequately meet the demands of the significantly increased ballot size; and

Whereas, this will create confusion amongst voters in towns and counties across New York State; and

Whereas, separating the elections affords voters more time and focus to better understand important local issues and provides candidates the appropriate platforms to explain their stance on issues without having to compete against national and state level campaigns; and

Whereas, moving local elections to even-numbered years would increase the cost of campaigns for local office, reducing the number of candidates willing to invest funds into their own campaign, because the cost of media will increase to compete with national and state level campaign advertisements, and

Whereas, there are significant legal and constitutional questions regarding the legality of this measure that have not been adequately addressed; and

NOW, THEREFORE, BE IT RESOLVED that this Town Board of the Town of Ballston urges the Governor to oppose this legislation and utilize her veto authority to reject this proposal; and

RESOLVED, that copies of this resolution be distributed by the Town Clerk of The Town of Ballston to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart Cousins, Assembly Speaker Carl Heastie, Senate Minority Leader Robert Ort, Assembly Minority Leader William Barclay, Assembly Bill Sponsor Amy Paulin, Senate Bill Sponsor James Skoufis, Senator James Tedisco, Assemblymember John McDonald, Assemblymember Mary Beth Walsh, Assemblymember Carrie Woerner, and Assemblymember Matthew Simpson.

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

Discussion: The Supervisor stated that is a costly move adding an election for Towns and the school districts. Additionally, it will take the spotlight off local elections, which are very important. These are the reasons he personally opposes this.

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

RESOLUTION 23-137

APPROVE SETTING A PUBLIC HEARING. ON PROPOSED LOCAL LAW 1 OF 2023 AMENDING THE WATER CHAPTER FOR TUESDAY, JULY 13, 2023, AT 6:15 P.M.

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

Privilege of the floor on any topic

Tom Shaginaw of Long Creek Road stated that, regarding the discussion of a short-term rental policy, he is an advocate of property rights. He would like to make sure another option for the Board is to study, monitor, understand and hold off. He would like to know why? What is the basis of the Town injecting itself in the lawful use of his property? He discourages action.

David Connors, of Lakehill Road voiced his displeasure with the condition of the restoration of his property after the completed sewer project. The property has not been restored to what it was before. The soil is like clay and he cannot do gardening. He didn't understand why topsoil was not put down. The Supervisor asked Mr. Connors to send him an email and he will contact the project manager to make sure it is on the contractor's list.

A motion was made by Councilman Fendrick and seconded by Councilman Carota to enter into Executive Session at 7:55 p.m. to discuss a personnel/legal matter with no expected action. All Board members were in favor.

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

A motion was made by Councilman Fendrick and seconded by Councilwoman Jasinski to adjourn the meeting. All Board members were in favor. The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Carol Gumienny, Town Clerk