

A Town Board Agenda Meeting was held by the Town Board of the Town of Ballston on Tuesday evening, July 25, 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 was Town Comptroller David Urkevich.

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

OLD BUSINESS

Grants Update

Supervisor Connolly stated that a grant through the New York Consolidated Funding Application will be submitted for \$250,000.00 for the bike trail extension. Senator Tedisco will write a letter of support for this extension. This grant money will not be enough to complete the extension, but the grant can be used to connect a path before going underneath the railroad tracks. We may also get a community benefit payment that can be used towards the extension from the Champlain Hudson Power Express project. There are two applications for sewer grants that have been submitted. A new development occurred today affecting the sewer project. The Katz Planned Unit Development on Route 50 had been approved prior to moratorium, and Mr. Katz had been waiting for a strategic partner, who he finally received. The partner has deep pockets, and they are going to attempt to tap into the main sewer line which will affect the possible sewer project in two ways. The 211 EDUs were not included in the sewer feasibility study which will help lower the cost per EDU (equivalent dwelling unit). This section of sewer pipe would now be installed by the developer, which would also reduce the total cost of the sewer project. The Supervisor contacted the team of developers and CHA Engineering, who is doing the sewer feasibility study, to communicate with each other and hopefully reduce the cost of the possible sewer project.

The Burnt Hills Forward grant will be submitted in September. The Supervisor had reached out to all 40 businesses in the downtown Burnt Hills area. If a business submits a project, they are not held to do it. Six projects will be submitted. If only two large projects are submitted, the 2x factor will be met. He will elaborate more as projects are submitted.

The trail grant application deadline has not come out yet. The State Comptroller had stated that New York State finances are not healthy which may result in a reduction of grant money. The Safe Pathway to Schools grant application also has not been released, but when these applications are available the Town will apply.

The Supervisor went to SUNY Albany to a listening session on the NYS Environmental Bond Act. Bike paths are part of climate change due to people biking or walking instead of driving their cars which give off emissions that can harm the environment. These grants do not require a match from the Town. He is looking to apply for a wastewater grant, a water grant, and a trail grant. The applications are not out yet; the Town will apply when they are. He did not hear back from the County on the \$10,000 trail grant previously submitted. The campaign for EV grants will be applied for by Councilwoman Jasinski. The application is due in November.

Councilwoman Jasinski stated that the \$5,000 grant can be used towards a green energy project.

Parks and Recreation Committee Report

Councilman Fendrick stated that the Parks and Rec Committee met last week at Jenkins Park. He thanked all the volunteers who recently volunteered in Anchor Diamond Park; the trails look amazing. The dog park is open in Jenkins Park. People may register their dog to use the dog park at the Town Clerk's office. The Committee is considering adding three extra members to the Committee with Town Board approval. They are discussing adding a picnic table and stationary grills for the Outlet Road parking lot and for Ballston Lake Fire Department Memorial Park in the future.

Short Term Rental Policy

The Supervisor stated that some research has been done on this topic. A decision needs to be made by the Board to continue discussing this topic or not. There have been no lawsuits with municipalities who have a policy or don't have a policy. This will not help the Town financially with permitting and it will create work for the Building Department. They are maxed out with their current workload. Councilman Curtiss asked if the inspections are scheduled. The Supervisor stated yes, it is not a rental certificate. Councilwoman Jasinski stated that if there is an issue and a law is put in place, the law can take care of the issue. If we don't have a law in place that can't happen. She feels this should be considered. It is not a big issue in our Town now but could be in the future. She wants to make sure that what happens doesn't impact the residents that live near the rental properties. There are many ways to set up the policy. Policies can protect the residents near these properties. Ballston Lake is a desirable area for renting. In the future there will be people who buy property on the lake as rentals. It does not hurt to have a policy in place. Councilman Fendrick stated that this could be done for the safety of the people who are renting. He is on the fence with a policy. Councilman Carota is leaning toward sitting on this. He has done a lot of landlord tenant law. The State redid the Landlord Tenant Law in 2019. They took rules from NYC and used them across the State. His feeling is that there have been no issues in our Town; he doesn't want to invent a solution to an issue that is not here in Town. He would not rush into doing anything now. Attorney Ryan stated to the Supervisor prior that if you don't have a law, the Town won't have any liability. If you have a law and don't carry it out as stated, you may be more liable than if you didn't have a policy. Councilman Curtiss stated that he needs more time to digest this topic. After further discussion of what the next step should be, Councilman Fendrick will reach out to some smaller towns that have a lot of short-term rentals to see what policies they have in place, if any, and any issues that they have had and their solutions.

New Cell Tower

The Supervisor stated that we have an agreement with a firm to lease land behind the Town Hall for construction of a cell tower. This firm has tenants and is requesting that the Town Board skip some steps such as lead agency, and SEQRA, to speed up the project. These steps are skipped because it serves as a public interest. There are no wetlands; a Public Hearing was held, and it is on Town land. The plans will still be submitted to the Building Department for review. Town Attorney Bill Ryan would like to hold off on this due to another matter that may create a problem with this. This is the first time he has heard of the request. No action will be taken now until Mr. Ryan's review.

Maternal/Paternal Paid Leave

The Supervisor stated that after several drafts two elements were removed: foster care and the inclusion of the highway employees because they are part of the union. This leave could be negotiated in their next contract. This is for Town employees and covers maternity/paternity for eight weeks with full pay; four additional weeks are available but without pay. It is not certain this policy would include adoption; the Supervisor does not believe so but will check. This will be on the August Town Board agenda for possible approval.

NEW BUSINESS

Sheriff Contract

Supervisor Connolly stated that the contract with the sheriff's department had expired on July 19th. We are having challenges getting invoices from them. What do we budget for, if at all, for 2024? We have a half million-dollar deficit for 2024 due to the Highway Department needing three dump/plow trucks; however, these vehicles won't come in for one to three years. The money will be allocated but earning significant interest during this time. The Supervisor is confident that the Finley Road Bridge will be at the top of the Bridge NY grant list for 2024. The sheriff's contract for one patrol is an ongoing cost of six figures; is the Town reaping enough of the benefit to justify it? Our sheriff's department is obligated to cover our Town whether we have an exclusive contract or not. They continue to have staffing issues. There is a lack of law enforcement everywhere. Councilwoman Jasinski stated that this is the first she has heard of this deficit. The Supervisor stated that this is because of the truck orders. Councilwoman Jasinski stated that a lot of our funds go towards maintaining the Highway Department which our entire town uses. How do we continue to maintain this? We are a growing Town with a need for services such as parks, dog parks and other services within our Town. Public safety needs consideration. We need to rethink our dependence on sales tax for all our Town's needs. Comptroller Urkevich stated that Funds A, B and Highway are dependent on sales tax. That funding ultimately can change.

There are no guarantees even if we are very conservative. Budgets will be discussed with all department heads. The sheriff's contract is not sustainable long term. This will always be a struggle to pay for. All signs point to preserving fund balance; we cannot predict what will happen. Supervisor Connolly stated that the one-year sheriff's contract has expired. He needs to reach out to them regarding invoices. If we do another year, we need to give 90 days' notice if we decide to cancel. Councilman Curtiss is in favor of having a patrol for 6 months. The Supervisor stated that they will not do a six-month contract. Councilman Fendrick stated that a conversation is needed. The Supervisor does not know if our Town is still being patrolled, The Supervisor will approach the sheriff's department. Attorney Ryan stated that the contract is completed, and the Town is under no obligation to renew it.

Intermunicipal Sidewalk Agreement

The Supervisor stated that he had a meeting with the Supervisor of Malta and Chad Cooke of the Saratoga County Department of Public Works on creating a project that would connect the Timber Creek Preserve neighborhoods consisting of 400 homes, (close to 1,000 people) by installing a sidewalk, not very long, to get people to Eastline Road, then cross over Round Lake Road, cross over Eastline Road and then into Malta with a continuous sidewalk for almost a block until it connects to the existing paved sidewalks. This enables our community to connect to another community and the Zim Smith Trail, and bike or walk to Hannaford and Chango School. It would be in the County right of way in both Towns. One Town would take the lead on this project and the other reimburse their portion. Supervisor Connolly volunteered Ballston to take the lead. If the Board wanted to move forward, bid documents would be created to go out to bid. Two separate quotes would be in the bid so we know how much Malta would need to reimburse Ballston. Discussions were held on who is responsible for the sidewalk. It would be a three-season sidewalk. Supervisor Connolly does not know how much this project will cost. A quote from an engineering firm would be needed to create the bid documents. Councilman Curtiss asked who is responsible for maintaining the sidewalks. Supervisor Connolly responded by stating that the County would not be responsible and would require a hold a harmless agreement, and Malta does not remove snow on their sidewalks. Ballston could maybe plow their portion too. Councilman Curtiss stated that if Malta doesn't plow the sidewalks in their area, then the Town of Ballston shouldn't be doing it. The Town is already strapped with getting Highway Department help. He also noted that the occupants of Blue Heron Apartments on Route 67 do not have sidewalks to safely cross Eastline Road. Supervisor Connolly stated that the next steps for a sidewalk, if this moves forward, are to allocate resources to create the bid documents, have an intermunicipal agreement passed at the County level, resolutions from each Town will need to pass, and engineering costs are needed. Where does the money come from in a tough budgeting year? Councilwoman Jasinski stated that it is a valuable project but there are so many other places that have needed sidewalks for many, many years. This will be a huge cost. Supervisor Connolly will ask Highway Superintendent Joe Whalen to supply a rough estimate on the cost of installing this sidewalk and get back to the Board with the approximate cost.

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

No one wished to speak.

NEW BUSINESS FOR CONSIDERATION AND ACTION

RESOLUTION 23-150

APPROVE THE REDUCTION IN THE ASSESSED VALUE FROM \$3,306,200.00 TO \$3,108,300.00 FOR REAL PROPERTY LOCATED AT 120 LAKEHILL ROAD, BALLSTON, NEW YORK WHICH PARCEL IS IMPROVED BY A CVS PHARMACY AND AUTHORIZE THE TOWN ASSESSOR TO MAKE THE NECESSARY ADJUSTMENTS IN THE ASSESSMENT ROLL TO REFLECT THIS REDUCTION.

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

RESOLVED, the Town Board of the Town of Ballston approves the reduction in the assessed value from \$3,306,200 to \$3,108,300 for real property located at 120 Lakehill Road, Ballston, New York which parcel is improved by a CVS pharmacy; and it is further

RESOLVED, the Town Assessor is authorized to make the necessary adjustments in the

assessment roll to reflect this reduction in assessed value since no Real Property Tax Law Article 7 proceeding has been initiated.

Ballston, New York
July 25, 2023

Discussion: Councilman Fendrick asked what affect does this have on the taxes to the Town annually? The Supervisor replied that the Town does not have a Town tax, therefore it does not have any effect.

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

RESOLUTION 23-151
APPROVE TO AMEND THE 2023 BUILDING DEPARTMENT FEE SCHEDULE TO
INCLUDE THE FOLLOWING FOOTNOTE: “AN INITIAL ENGINEERING REVIEW**
ESCROW OF \$1,000.00 IS REQUIRED FOR ANY PERMITTED CHANGES TO
TELECOMMUNICATIONS TOWERS” THAT APPLIES TO “COMMERCIAL
BUILDING PERMIT”.**

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

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

Privilege of the floor on any topic

No one wished to speak.

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 8:03 p.m.

Respectfully submitted,

Carol Gumienny
Town Clerk