

A Town Board meeting was held by the Town Board of the Town of Ballston on Tuesday evening, August 8, 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
	Andrew Clark	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.

REPORTS

Highway/Water Superintendent Joseph Whalen, Town Clerk Carol Gumienny, Building Inspector Jeff Stickles, and Library Director Rebecca Verhayden submitted reports for July 2023. They are on file in the Town Clerk's office.

LIBRARY REPORT

Library Board of Trustee Julia Stone stated that the Summer Reading Program ends on August 12th. There is still time to sign up and participate by logging your reading or attending programs. Story Time at Jenkins Park will be held on August 10th and August 17th at 10:30. A Teen Car Maintenance Program will be held on August 17th at Gil's Garage for teens ages 15 and up. The Friends of the Library are accepting donations of good condition books, movies, audio, puzzles, and board games starting August 14th. The Fall Book Sale will be held September 12-16.

FINANCIAL REPORT

Comptroller David Urkevich stated that the Town received its fifth monthly sales tax distribution from Saratoga County; it is the second highest amount received. Finances are looking good. Cost increases for goods and services will continue to increase and this will be noted when doing the 2024 budget. Mr. Urkevich stated that Town Historian Rick Reynolds submitted a grant for Hillside Cemetery in February. The Town was recently awarded that grant in the amount of \$39,850.00. This money will be used for cleanup, maintenance, equipment, and other needed repairs in the cemetery. He thanked Mr. Reynolds for all his hard work and his public service.

SUPERVISOR'S REPORT

Supervisor Connolly gave an update on Burnt Hills Forward stating that three projects have been submitted and are being reviewed by the engineers. He anticipates another five or six projects will be submitted. The deadline to submit projects is August 18th. The engineers are writing a narrative for the grant. The Burnt Hills Forward group will meet next Tuesday. The Supervisor also updated the public on the feasibility study for the proposed Burnt Hills Business Sewer District. CHA Engineering, who is doing the study, is looking at how much the project amount needs to be reduced to keep the cost per EDU under the amount allotted by New York State. The project is currently \$14 million. Grants are being applied for.

COUNCIL MEMBERS REPORTS

Councilwoman Jasinski stated that the Green Community Committee met last month, and they are investigating climate smart communities. It's a little bit more entailed than what it used to be a couple of years ago, and they will need to come up with a task force. The committee will be looking into this at their next meeting and hope to have something before the Board in the near future.

Councilman Fendrick updated the public on the dog park in Jenkins Park. He stated that there was one safety complaint and one dog not registered. He asked that people get their dogs registered with the Town and register for a dog park tag at the Clerk's office. This is needed to ensure that dogs are properly vaccinated for the safety of people and their dogs. He will make a request for the September meeting for three additional members to be added to their committee. Councilmember

Fendrick continues to receive positive feedback on the fishing pier; it is getting a lot of use. Last month, the Committee met at Jenkins Park and inspected the playground equipment listed by the insurance company as needing attention. The equipment will be replaced piece by piece as budgeting and funding allow. They are looking at the possibility of having some shade at the dog park by planting trees or having a small open structure in the spring. The gaga ball pit at the park needs a mat as a foundation. The Parks & Rec Committee will hold next month's meeting at Reita Park; they will be evaluating the park equipment. Councilman Fendrick will be meeting with DEC (Department of Environmental Conservation) on the potential parking area for unloading kayaks and what will be required. The Supervisor suggested looking into grant money for projects through the NYS Bond Environment Act. Many of the current grants are a 50% match; however, future grants will not require a match. The Supervisor will email the information.

Councilman Carota stated that there has been no progress with the library legislation. The legislation has not been put on the governor's desk for her signature. When it does, she will have 30 days to sign it, or it is deemed to be vetoed.

Councilman Curtiss stated to the Board to keep in mind during budget season that it is important to have a "want" list and a "need" list and that we need to pay close attention to the Town's needs. One of his higher concerns is investing in our employees and this should be reviewed.

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS

The Supervisor stated that the Town of Clifton Park has invited Ballston to participate in their household hazardous waste drop-off. It is held in September. In the past, Ballston residents registered for the event at the Clerk's office, paid \$75, and were able to bring all their items to the Clifton Park Transfer Station for disposal. There is money in the budget for this. The Supervisor will gather more information to share with the Board.

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

No one wished to speak.

NEW BUSINESS FOR CONSIDERATION AND ACTION THIS EVENING

RESOLUTION 23-152

APPROVE THE SUPERVISOR'S FINANCIAL REPORT FOR JULY 2023.

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 23-153

APPROVE AMENDING THE TOWN OF BALLSTON PERSONNEL POLICY TO INCLUDE 8 WEEKS OF PAID MATERNITY/PATERNITY LEAVE EFFECTIVE IMMEDIATELY.

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

Discussion: Councilman Fendrick stated that he was strongly against this; but after some research and doing his due diligence, he is now in favor. It will be a relief for current and future employees, and it is the right thing to do. Councilman Curtiss stated that the Town needs to invest in its employees. Supervisor Connolly stated that the Town has an excellent team.

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

Nays 0

RESOLUTION 23-154

APPROVE THE 2024 BUDGET WORKSHOPS TO BE HELD ON SEPTEMBER 7TH AND SEPTEMBER 14TH AT 5:30 P.M.

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

Discussion: Councilwoman Jasinski asked why the workshops are held on a Thursday and not Tuesday. The Clerk responded by stating that it has been a past practice. Supervisor Connolly

stated that he would have scheduling conflicts (County) if they were held on a Tuesday.

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

Nays 0

RESOLUTION 23-155

APPROVE A DEFERRAL APPLICATION OF THE SEWER CONNECTION TO THE BALLSTON LAKE SEWER DISTRICT FOR 20 CONNOLLY ROAD, TAX MAP ID# 239.-1-17.1 PURSUANT TO SECTION 87-15 (B) OF THE TOWN OF BALLSTON SEWER USE LAW. PROOF OF A SEPTIC INSPECTION WILL BE REQUIRED EVERY THREE YEARS. 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 application has been approved due to the connection would be more than 500 feet from the sewer line.

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

Nays 0

RESOLUTION 23-156

SET A PUBLIC HEARING FOR TUESDAY, AUGUST 29, 2023, AT 6:15 P.M. FOR THE APPROVAL OF A CABLE TELEVISION AGREEMENT BETWEEN SPECTRUM NORTHEAST LLC AND THE TOWN OF BALLSTON.

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

Discussion: The Supervisor stated that this must be redone due to a new required sentence that must be stated in the Public Hearing notice.

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

Nays 0

RESOLUTION 23-157

APPROVE THE CONTRACT BETWEEN THE BALLSTON CONSOLIDATED WATER DISTRICT AND TIGR ACQUISITIONS IV, LLC AND AUTHORIZE THE SUPERVISOR OF THE TOWN OF BALLSTON TO EXECUTE THE PURCHASE AND SALE AGREEMENT ON BEHALF OF THE BALLSTON CONSOLIDATED WATER DISTRICT AND TIGR ACQUISITIONS IV, LLC.

WHEREAS, on June 13, 2023, the Town of Ballston Town Board conducted a public hearing with respect to the sale of a certain wireless telecommunications tower and related equipment owned by the Ballston Consolidated Water District for the sum of \$1,700,000 subject to the negotiation of a purchase and sale agreement and any other related documents; and

WHEREAS, there was no public comment from any resident of the Ballston Consolidated Water District at the public hearing conducted on June 13, 2023; and

WHEREAS, the sale of the telecommunications tower and any other related equipment is not required for the purposes and operation of the Ballston Consolidated Water District; and

WHEREAS, the attorney for the Town of Ballston on behalf of the Ballston Consolidated Water District and the attorney representing the buyer have engaged in contract negotiations; and

WHEREAS, a copy of the Purchase and Sale Agreement negotiated between the attorneys for the buyer and seller is attached hereto and made a part hereof.

NOW, THEREFORE, IT IS:

RESOLVED, the Town Board of the Town of Ballston approves the contract between the Ballston Consolidated Water District and TIGR Acquisitions IV, LLC; it is further

RESOLVED, the Supervisor of the Town of Ballston is authorized to execute the purchase and sale agreement on behalf of the Ballston Consolidated Water District and TIGR Acquisitions IV, LLC.

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

Discussion: Councilman Carota stated that the non-compete clause in a 3-mile radius has been changed to one mile. Supervisor Connolly stated that the small cell technology will most likely conflict with the contract in the Burnt Hills area, but it is unlikely that the small cell technology will be needed there. Councilwoman Jasinski thought it may be a health concern because our water tower is there. She was advised by counsel that when they go through the easement language, the Town will be covered. Counsel is satisfied with the language and so is the Supervisor.

A Roll Call Vote was as follows:

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

ADOPTED 5-0

Dated: August 8, 2023
Ballston, New York

RESOLUTION 23-158

APPROVE A REALLOCATION OF APPROPRIATIONS WITHIN A FUND’S 2023 FINAL BUDGET BY DECREASING “CONTINGENCY” EXPENSE ACCOUNT BY \$4,500 AND INCREASING THE “TAX COLLECTOR - CONTRACTUAL” EXPENSE ACCOUNT BY \$4,500 TO ADJUST FOR HIGHER-THAN-EXPECTED EXPENSES THIS FISCAL YEAR. 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 Curtiss.

Discussion: Comptroller Urkevich stated that this is for miscellaneous items needed for the Tax Collector’s office which includes the installation of an additional telephone line, a phone, and an office chair.

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

RESOLUTON 23-159

APPROVE A REALLOCATION OF APPROPRIATIONS WITHIN BALLSTON LAKE SEWER DISTRICT FUND’S 2023 FINAL BUDGET BY DECREASING “INSTALLMENT BONDS - PRINCIPAL” EXPENSE ACCOUNT BY \$70,000, INCREASING THE “CONTRACTUAL” EXPENSE ACCOUNT BY \$20,000, AND INCREASING THE “INSTALLMENT BONDS – INTEREST” EXPENSE ACCOUNT BY \$50,000 TO AUTHORIZE EXPENSES OF A DIFFERENT CLASSIFICATION THAN PREVIOUSLY ANTICIPATED. THE SOURCE OF THE FUNDS WILL BE BALLSTON LAKE SEWER DISTRICT FUND’S 2023 FINAL BUDGET, THERE WILL BE NO IMPACT TO FUND BALANCE.

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

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

RESOLUTION 23-160

APPROVE A REALLOCATION OF APPROPRIATIONS WITHIN PARADOWSKI WATER FUND’S 2023 FINAL BUDGET BY INCREASING “FUND BALANCE DRAW” REVENUE ACCOUNT BY \$10,000 AND INCREASING THE “WATER PURCHASES FROM OTHERS” EXPENSE ACCOUNT BY \$10,000 TO ALLOW FOR HIGHER-THAN-EXPECTED WATER SALES THIS FISCAL YEAR. THE SOURCE OF THE FUNDS WILL BE PARADOWSKI WATER FUND’S UNRESTRICTED 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 23-161

APPROVE TO ACCEPT GRANT FUNDS TOTALING UP TO \$39,850 FROM NYS DEPARTMENT OF STATE'S DIVISION OF CEMETERIES FOR THE PURPOSE OF MAINTENANCE, UPKEEP, AND UPGRADES AT HILLSIDE CEMETERY. CONSIDER APPROVING A RELATED AMENDMENT TO A FUND'S 2023 FINAL BUDGET INCREASING THE "OTHER CULTURAL & RECREATION INCOME – HILLSIDE" REVENUE ACCOUNT BY \$39,850 AND INCREASING "PARKS FACILITIES & REC – GROUNDS MAINTENANCE" EXPENSE ACCOUNT BY \$39,850 TO ESTABLISH AN APPROPRIATION FOR THE SAME PURPOSE. THE SOURCE OF THE FUNDS WILL BE THE NYS DEPARTMENT OF STATE'S DIVISION OF CEMETERIES GRANT, THERE WILL BE NO IMPACT TO FUND BALANCE.

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

Discussion: The grant money will only be used for Hillside Cemetery.

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

 Nays 0

RESOLUTION 23-162

APPROVE THE SUPERVISOR TO EXECUTE A CHANGE ORDER FOR CONTRACT #1 WITH AN INCREASED AMOUNT OF \$95,075.78 FOR INCREASED CONTRACT QUANTITIES FOR ROCK DRILLING, ASPHALT, AND ROAD SUBBASE FOR THE BALLSTON LAKE SEWER DISTRICT.

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

Discussion: Councilwoman Jasinski asked if the project is still under budget. The Supervisor replied that it is.

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

 Nays 0

RESOLUTION 23-163

APPROVE FINAL PAYMENT TO TRINITY CONSTRUCTION UNDER CONTRACT #1 FOR THE BALLSTON LAKE SEWER DISTRICT IN THE AMOUNT OF \$431,836.00 FOR WORK COMPLETED.

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

Discussion: Councilman Fendrick stated that the two residents on Lakehill Road with complaints of front yard damage have been satisfied. The Supervisor stated that there was a complaint from a resident about the road repair on Mill Road. The Highway Superintendent stated that he believes that the road can be paved this year.

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

 Nays 0

Privilege of the floor on any topic

No one wished to speak.

The Supervisor asked for a motion to go into Executive Session to discuss a personnel matter. A motion was made by Councilman Fendrick and seconded by Councilman Carota to enter Executive Session. 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 was adjourned at 7:29 p.m.

Respectfully submitted,

Carol Gumienny
Town Clerk