

A Town Board Agenda Meeting was held by the Town Board of the Town of Ballston on Tuesday evening, August 29, 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 Superintendent Joe Whalen.

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 the Town was not a recipient of the Northern Borders grant for \$1 million to help assist with the potential Burnt Hills business sewer district in the downtown Burnt Hills area. There is another grant that has been submitted and he is awaiting the outcome. The Burnt Hills Forward group will continue to look for grants and not give up. If the Town is awarded the NY Forward grant (\$4.5 million), sidewalks will not be a part of this project because they will need to be torn up in the future to install sewer lines. Sewer grants will continue to be explored. The Burnt Hills School District desperately needs commercial revenue to sustain their programs. Some of the current commercial properties in Burnt Hills are now struggling with septic issues. The Burnt Hills Forward group has received 14 letters of support from the schools, elected officials, key businesses in Town and community organizations that will be a part of the \$4.5 million grant application. The Town will need to show a 2x factor (\$9 million dollars) of public and private investments that have been put forth to date. There are 13 projects submitted by businesses, three or four are very large projects, that will be included in the application. The next step, if the Town is a finalist, is the interview process. The Supervisor would “sell” the Town’s commitment to the grant committee and show how much work has been put forth.

There is a rumor that other NYS grant applications are coming out soon. If so, the Town will apply for the Safe Pathways to Schools grant for the northern end of Town and the Veteran’s Bike Path connection to the Zim Smith Trail. The Town was awarded a \$10,000 grant from the County. This will be used for a small parking area at the Ballston Creek Preserve. The Highway Department will assist with constructing the parking area. Currently, there is no parking available. It is possible that ARPA funds can be used to complete this 6-car parking area. Councilman Curtiss asked what the balance of the ARPA funds is. Comptroller Urkevich stated that approximately \$80,000 is left which will need to be appropriated by 2024.

NEW BUSINESS

Lucky Dog Cannabis Dispensary

The Supervisor stated that there is a lawsuit holding up proprietors from getting a license and opening their cannabis dispensaries. Councilman Carota explained that the statute created to legalize marijuana in New York set forth several categories of social equity groups such as someone with past drug conviction, minority, females in business and other groups. The lawsuit was brought on by four veterans against the Office of Cannabis. The Office created regulations that they will only give preference to people with past marijuana convictions and not any others on the State list of categories. The judge overseeing the case had issued an injunction but exempted certain applications that were further along in the process. Today, upon further review, he reversed that exception and there is a complete stay on any pending applications which means that no applicants can open for business. The Supervisor stated that this ruling affects not only the applicants but farmers as well as they were encouraged by NYS to grow marijuana for the dispensaries. The Town recently received notification that there is interest in opening a cannabis dispensary in our Town. It would be located where it fits the parameters of being more than 500 feet from a church and a school. There is an opioid rehab facility not far from the proposed facility and Supervisor Connolly reached out to the facility’s director to get some input and if they oppose this location. The Town Board can object to the location but there needs to be merit. He has not received a response from the director. Jamie Croyle introduced himself to the Board as the owner

of Lucky Dog Dispensary. He stated that with the lawsuit pending they will have to wait to see when he can open; he looks forward to doing business in Ballston and generating revenue for the Town. Mr. Croyle's consultant stated that the lawsuit is on behalf of the Veterans; however, they are being funded by MSOs (multi-state operators) and the ROs (retail operators) New York State, in its effort to help minority business owners and social justice, wants to keep MSOs and ROs out. Unfortunately, New York State did not secure this and left the door open for them to come in; this is how they arrived with the lawsuit. This is heartbreaking to people who have quit their jobs, mortgaged their homes and were just days away from opening their dispensary; they are at a standstill. Mr. Croyle's consultant will continue to move forward with the hopes that Mr. Croyle has put enough finances into this business, and that he will fall under the exception should the judge grant it.

Parks and Recreation Committee Report

Councilman Fendrick stated that the Parks & Rec Committee meeting was postponed until tomorrow evening. He and Chairperson Sally Draina met with the Town Comptroller on their 2024 budget. Plans for an unloading zone for kayaks are being reviewed and discussed. They met with two officers from the Department of Environmental Conservation (DEC) and are working together to see if an unloading area is possible. If it is possible, how will the Town potentially give DEC back some land and how much land do they want. Councilman Fendrick asked the Board to consider adding two more committee members; he feels the additional positions will make more of a positive impact. Supervisor Connolly stated that people are pulling off the road on the south side in front of the pier which is very dangerous. He calls the Sheriff when he sees this. Guardrails are being budgeted for 2024 in this area which will prevent any parking There.

NEW BUSINESS

Tax Cap Override

Town Comptroller Urkevich stated that the Town will override the tax cap due to the tax increases in the special districts including Jenkins Park: due to operating costs have increased; Ballston Consolidated Water District: a capital plan of \$20 million; Carpenter's Acres Sewer District: the EDU cost will increase about 20% due to the Map Plan and Report assumptions on low interest rates which are no longer available; Round Lake Fire District: it is likely that their tax rate will match their competitors; and Ballston Lake EMS: due to an added second shift their tax rate will increase. There is no new form of taxes (Town or Highway) for the Town; the tax increases only affect the special districts.

Smart TV Purchase

Supervisor Connolly suggested purchasing a Smart TV for the Community Room. If you have a Smart TV, you can cast your phone on the TV and do a presentation or show photos. At times, the meeting and conference rooms are being utilized at the same time and there is no TV to use in the Community Room for laptop presentations. The Comptroller suggested purchasing a smaller TV and not the size of the one currently in the Meeting Room. ARPA funds may be used for this expense. Councilwoman Jasinski questioned how often this has (not having a room available for a meeting with a TV) occurred in the last two years. The Supervisor didn't know but stated that it will be highly used. Ms. Jasinski stated that she has used the screen in the closet for a presentation in the Community Room in the past and it worked fine. A cost will be obtained from our Comptroller. The Supervisor stated that this may be on the agenda next month.

Climate Smart Community

Councilwoman Jasinski stated that the Town is a certified Clean Energy Community and has received \$25,000 in grants. One of the action items that has not been obtained is the bronze certification for the Town being a Climate Smart Community. When this occurs and National Grid completes our LED conversion, the Town is eligible for \$10,000 in grants. A Climate Smart Community is jointly sponsored by 7 State agencies. There is the potential for more grants when the Town becomes a Climate Smart Community. This program is more detailed and requires more actions. Currently, because of being a Clean Energy Community, the Town has 93 points and only needs 120 points to get the bronze certification. 20 points can be earned when passing a resolution to adopt the pledge, which comprises the following elements: 1.) Build a climate-smart community: this is all the work that has been done thus far. 2.) Inventory emissions, set goals and plan for climate action: completed by benchmarking and more inventory will be done by Jon Mesh, committee member. 3.) Decrease energy use: LED light conversion in Town Hall. 4.) Shift to clean, renewable energy: geothermal in our new Highway garage addition. 5.) Use climate-smart materials management. 6.) Implement climate-smart land use: our brush dump is part of

this. 7.) Enhanced community resilience to climate change: education for the public and upcoming public workshops. 8.) Support a green innovation economy: current Town EV charging stations. 9.) Inform and inspire the public: a vendor's fair will be put in their budget. 10.) Engage in an evolving process of climate action: follow through on items. Councilwoman Jasinski stated that if we take this pledge the State does not hold us to it; the Town can pick and choose the actions. She will be reporting on the progress in her monthly report. The Supervisor stated that it is the hope to earn more points to receive some of the Environmental Bond Act money to use for water infrastructure projects that we don't have the money for. He is in favor of this program and stated that good things have been accomplished and should continue. The Supervisor suggested possibly partnering with the school districts on a vendor fair as he sees it being a challenge to get people to attend if it was held at Town Hall. Councilman Carota asked if we can use the Town's money to host a vendor's fair. Comptroller Urkevich stated he feels it is a valid expense but will investigate this.

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 23-164

APPROVE THE BID DOCUMENTS FOR THE NATURAL GAS CONVERSION AT TOWN HALL WITH A BID OPENING DATE OF SEPTEMBER 28, 2023, AT 2 P.M.

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

Discussion: Highway Superintendent Joe Whalen stated that this work would begin in the spring of 2024 for Town Hall. The Highway garage addition will have natural gas this fall.

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

 Nays 0

RESOLUTION 23-165

APPROVE THE SMALL WIRELESS COMMUNICATIONS FACILITIES MASTER LICENSE AGREEMENT BETWEEN THE TOWN OF BALLSTON AND VERIZON WIRELESS AND AUTHORIZE THE SUPERVISOR TO EXECUTE THE AGREEMENT.

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

Discussion: The Supervisor stated that this agreement was worked on with the Towns of Halfmoon and Clifton Park and the agreement has been approved by them. This will streamline small cell technology on the top of utility poles to bolster network technology. There are two locations in the northern end of Town that Verizon is currently looking at. If the Town approves this, Verizon will find the weak spots and install the devices. The Town does not own any utility poles but will receive a small fee for every device that is installed.

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

 Nays 0

RESOLUTION 23-166

APPROVE THE PTR APPLICATION REQUIRED BY NATIONAL GRID AS PART OF THE PROCESS TO OBTAIN THE ACCESS EASEMENT FOR BALLSTON LAKE FIRE DEPARTMENT MEMORIAL PARK AND AUTHORIZE THE SUPERVISOR TO EXECUTE THE APPLICATION.

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

Discussion: Attorney Ryan stated that this is the first step for obtaining an easement for ingress and egress into the park. It is his hope that this can be completed in two months.

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

 Nays 0

RESOLUTION 23-167

APPROVE PAYMENT TO CANADIAN PACIFIC RAILWAY COMPANY FOR RIGHT OF WAY PROTECTION AND FLAGGING SERVICES ON DECEMBER 3, 2021, AND DECEMBER 6, 2021, FOR THE BALLSTON LAKE SEWER DISTRICT.

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

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 contractual matter and personnel issue with possible action. A motion was made by Councilman Carota and seconded by Councilman Fendrick to enter Executive Session. All Board members were in favor.

A motion was made by Councilman Fendrick and seconded by Councilwoman Jasinski to return to regular session. All Board members were in favor. There was no action taken.

A motion was made by Councilman Carota and seconded by Councilman Fendrick to adjourn the meeting. All Board members were in favor. The meeting was adjourned at 8:07 p.m.

Respectfully submitted,

Carol Gumienny
Town Clerk