

A Town Board Agenda Meeting was held by the Town Board of the Town of Ballston on Tuesday evening, October 25, 2022, in the Meeting Room at Town Hall located at 323 Charlton Road, Ballston Spa, New York.

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| PRESENT: | Eric Connolly | Supervisor |
| | Kelly Jasinski | Councilwoman |
| | Rob Fendrick | Councilman |
| | Chuck Curtiss | Councilman |
| | Michael Carota | Councilman |
| | Carol Gumienny | Town Clerk |
| | Debra Kaelin | Town Attorney |
| | David Urkevich | Town Comptroller |
| | Joe Whalen | Highway/Water Superintendent |

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

PRESENTATION

Summer Rec Program

Andrew Haluska, Director of the Summer Rec Program, stated that this past summer there were 260 participants in the program, up from 85 participants in 2021. The program could accommodate 350 to 375 participants, but due to limited space at Charlton Heights School (ongoing construction work) and trying to hire people, enrollment had to be capped at 260. Participants came from Burnt Hills, Glenville, and Charlton. 42% of the participants were from Ballston. The program serves grades 1st through 7th and nine scholarships were awarded thanks to some local businesses as sponsors. The Summer Rec Program is the only one in the Capital Region that provides bus transportation to and from the program. The program consists of an assistant director and seven program directors (i.e.: sports, arts, outdoor activity, games) a swim director on site at the pool, 30 high school counselors, five counselors in training, five lifeguards and five bus drivers. Also offered are field trips such as bowling, a carnival day is held as well as an ice cream social, and miSci Museum activities. Mr. Haluska stated that the program is a success. The three major costs are insurance, staffing and transportation. Two insurance binders were needed for two different buildings that were used over the summer: Charlton Heights School and the outdoor pool in Charlton. Mr. Haluska's off season goals are to set up a website for payment and registration and to offer more educational yet fun programs. The program runs for four weeks from 8:30 a.m. to 2:30 p.m. and the cost is \$425. Currently, there is a bank balance of approximately \$8,000, and they obtained a small grant from the County. Mr. Haluska is in the process of getting insurance quotes. Bus rates may possibly increase for field trips; however, he believes that he will have enough money not to have to raise the price of the program. The Supervisor thanked him for his commitment and for doing an outstanding job. Mr. Haluska stated that if he could get the same funding from the Town as last year, he can make it work.

OLD BUSINESS

Ballston Lake Sewer Project Update

Ed Hernandez, project manager, stated that the project is in the final stretch. One contractor is three months behind schedule and should finish in December. The project is \$1 million under budget with contingency. There is a change order on the agenda to pave the roads in Buell Heights that needs Board approval as well as EFC (Environmental Facilities Corporation). There is also a resolution on this evening for an easement agreement with National Grid. This will allow the work to be completed at the intersection of Main Street and Fireman's Grove Lane. The payment for Trinity Construction is on the agenda for payment approval and he recommends payment as the work has been completed. In the future, he will have a few more change orders: additional landscaping for the pump house, a closeout for Contract #1, and for Mr. Hernandez's additional construction and inspection services. Connections and additional restoration work will start in the spring of 2023.

Grants Update

Supervisor Connolly stated that he had a meeting with the hydroelectric company who is putting in the cable to supply energy from existing hydro systems from Canada to New York City. The Town will benefit in several ways. Our Town engineer met with National Grid, and they feel that the bike path connection project can occur, extending the bike path to the north

and going underneath the railroad tracks to the Curtis Industrial Park. National Grid will remove the transmission lines that are currently there, which the hydroelectric company just learned of. This gives more wiggle room for the lines to coexist. They must put down a construction road for a couple of reasons: as they dig three feet down, the dirt needs to be removed by truck and another truck with bring in the reels of hydroelectric line. Normally on a bike trail, the foundation would be 6-8.” This will be a foot. Under normal circumstances this road would need to be removed; however, it can stay. This will be ¾ of a mile of prep work already done for the bike path extension. The Town engineer anticipates that this would save the Town \$200,000. The challenge is going under the railroad tracks; however, any lines would go over the top of the tunnel. The Town needs to apply for a grant. Our Town engineer will be at our next Town Board meeting to answer Board questions. National Grid is open to giving us the right of way, they didn’t years ago because they were unsure of the future of the transmission lines. The lines will now be gone. The Town can’t apply for the right of way until the entire design work is done. The Town would also save on wetland delineation that National Grid did; they are willing to give us this information. In 2027, the Town will receive a host fee of \$200,000 - \$300,000. Ms. Jasinski asked if this would be a yearly fee? The Supervisor would check on this. The Town will apply in 2023 for a grant and will find out in 2024 if the Town is the recipient of the grant. If awarded, construction could start in the fall of 2024.

A grant will be applied for again for the replacement of the Finley Road bridge.

Parks and Rec Committee Report

Councilman Fendrick stated that volunteers from Immaculate Conception Church, Rotary, and Parks and Rec Committee members had a workday in Anchor Diamond Park. They were able to clean up some of the trails. He expressed his thanks to these volunteers. A large pile of stone dust was spread, and the white trail was widened and hardened to the second bridge. The first 75 yards of the blue trail has been hardened. In the spring, they will continue to manage the wet areas. The geocell mats on the orange trails that replaced the bog bridges are working well. They are safer and much cheaper. The story walk boards have been taken out of the park. It was a big success and he thanked Pete Sheridan and the Town of Ballston Community Library. A new story walk will be in Anchor Diamond Park and Jenkins Park in the future. The Committee is looking for an update of the trust funds. The Parks & Rec Committee is aware of the estimate to repair the existing bike bath and this project should be coordinated with the hydroelectric power project coming to Town, they don’t want the bike path repaired and then have it damaged by the project. Mr. Fendrick stopped by Adirondack Floating Dock to check on the status of the new fishing pier. All the railings and decks are in, and more materials are scheduled to arrive. Installation of the pier is on the schedule in the spring of next year. The Committee has been working on a 5-year plan and a 10-year plan for the parks in Town. Information is being obtained and research is being done on having a dog park in Jenkins Park. Councilman Fendrick received a phone call inquiring on the use of the back baseball field in Jenkins Park as this group has done in the past. They would like to start to do some prep work now to get the field ready to use in the spring. Lynnette Ziskin as an alternate member will be on the November Board meeting for approval. The Committee needs one more alternate member.

Jenkins Park – Dog Park

Supervisor Connolly asked the Comptroller about moving forward with comments made at the Budget Public Hearing earlier on obtaining a dog park for Jenkins Park. Comptroller David Urkevich stated that the public hearing on the budget has closed, and he is allowed to make changes; there is not a lot of capacity to add taxes to a special district such as Jenkins Park. He needs a consensus of a Town Board vote to have a dog park and an estimate to create a dog park. He has ways of financing. The taxes for Jenkins Park are rising this year slightly to maintain the park. The Supervisor stated that if this is a high priority for the Parks and Rec Committee in their 10-year plan, estimates are needed.

Solar Bubblers

Supervisor Connolly stated that we are spending almost \$300,000 on a new fishing pier. An individual who deconstructs piers suggested that solar bubblers be purchased to be sure that there is no damage done by the ice to the new pier. He spoke with Adirondack Floating Dock, and they said that the pier is only warrantied if the fishing pier is taken out before the winter. The Town would have to remove and store the pier yearly and currently does not have the capacity to do this. If solar bubblers are installed, you have a different set of problems. Ice fisherman will be out year-round, someone could fall off the pier into the water and the

It is hereby determined that the Town Board of the Town of Ballston declares itself to be the lead agency under the State Environmental Quality Review Act (“SEQRA”) and the regulations promulgated thereunder for purposes of determining the environmental impact of the project described below.

It is hereby determined that the project described in this Resolution is an Unlisted Action which it has been determined will not result in any significant adverse impacts upon the environment in accordance with the regulations under the New York State Environmental Quality Review Act (SEQRA- 6 NYCRR Part 617) and, therefore, the Board makes a negative declaration.

The project which is the subject of this Resolution is: An option and lease agreement providing for two (2) one-year periods during which Vertical Bridge Development LLC may exercise an option to lease Town owned property located at 323 Charlton Road. If the option is exercised, the lease will become effective and provide that Vertical Bridge lease an 80’ x 80’ (6,400 square feet) piece of Town owned property located behind the Town Hall and adjacent to the current Highway Garage and construct a Communications Facility which will provide for cell phone providers to lease space on its Communications Facility. The lease, if the option is exercised, will be for an initial five (5) year term and provide for nine (9) automatic renewals.

Section 4. This resolution shall take effect immediately.

A motion was made by Councilman Curtiss and Councilwoman Jasinski.

Discussion: Councilwoman Jasinski asked why SEQRA had to be done. Town Attorney Debra Kaelin stated that the SEQRA needs to be completed only on the option to lease. If Vertical Bridge exercises its option, it will go before the Planning Board where a more detailed SEQRA will be done.

A Roll Call Vote was as follows:

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| Councilman Carota | Aye |
| Councilman Curtiss | Aye |
| Councilman Fendrick | Aye |
| Councilwoman Jasinski | Aye |
| Supervisor Connolly | Aye |
| ADOPTED | 5-0 |

RESOLUTION 22-290

APPROVE THE SUPERVISOR TO EXECUTE AN OPTION AND LEASE AGREEMENT WITH VERTICAL BRIDGE DEVELOPMENT, LLC. THE OPTION AGREEMENT PROVIDES FOR TWO (2) ONE-YEAR OPTION PERIODS DURING WHICH VERTICAL BRIDGE DEVELOPMENT LLC MAY EXERCISE ITS OPTION TO LEASE TOWN OWNED PROPERTY LOCATED AT 323 CHARLTON ROAD. THE TOWN WILL BE PAID THE SUM OF \$2,500 FOR EACH ONE-YEAR OPTION PERIOD. IF VERTICAL BRIDGE EXERCISES ITS OPTION, THE LEASE WILL BECOME EFFECTIVE AND PROVIDE THAT VERTICAL BRIDGE SHALL LEASE AN 80’x80’ (6,400 SQUARE FEET) PIECE OF TOWN OWNED PROPERTY LOCATED BEHIND THE TOWN HALL AND ADJACENT TO THE CURRENT HIGHWAY GARAGE. IT MAY CONSTRUCT A COMMUNICATIONS FACILITY WHICH SHALL PROVIDE

FOR CELL PHONE PROVIDERS TO LEASE SPACE ON ITS COMMUNICATIONS FACILITY. THE LEASE, IF THE OPTION IS EXERCISED, WILL BE FOR AN INITIAL FIVE (5) YEAR TERM AND PROVIDE FOR NINE (9) AUTOMATIC RENEWALS UNLESS TERMINATED SOONER. THE LEASE PROVIDES FOR AN INITIAL MONTHLY RENTAL OF \$1,400 PER MONTH WITH AN INCREASE OF \$140 PER MONTH UPON THE PLACEMENT OF A 2ND CELL PHONE PROVIDER AND EACH SUBSEQUENT PROVIDER ON THE FACILITY. RENT WILL BE ESCALATED IN EACH SUBSEQUENT TERM BY 10%. THIS RESOLUTION AND THE AUTHORITY TO SIGN SHALL NOT BE EFFECTIVE UNTIL THIRTY (30) DAYS HAVE PASSED SINCE IT IS SUBJECT TO A PERMISSIVE REFERENDUM UNDER TOWN LAW.

A motion was made by Councilman Carota and Councilwoman Jasinski.

Discussion: Town Attorney Debra Kaelin explained that this is an option for the opportunity to lease, there is no guarantee. The 30 days must pass before work can be done such as taking measurements and obtaining cell phone providers. This is up to a two-year period. If they don't have everything in place within two years, there is no lease. The Town will receive \$2,500.00 for two years.

A Roll Call Vote was as follows:

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

ADOPTED 5-0

Resolution 22-291

Approve to amend Resolution 22-253 to approve the application. The Resolution should read as follows: Consider approving the application to reduce the EDU assignment for 28 Lake Road, Tax Map #249.13.-2-41 in the Ballston Lake Sewer District. This resolution shall be filed in the Assessor's Office and the Town Clerk's Office.

A motion was made by Councilman Carota and Councilwoman Jasinski.

Discussion: After a brief discussion, the Board determined that a conservation easement would be needed from the homeowner. The decision was to table this resolution.

A motion was made by Councilwoman Jasinski and seconded by Councilman Fendrick to table this resolution. All Board members were in favor.

RESOLUTION 22-292

APPROVE A REALLOCATION OF 2022 FINAL BUDGET AUTHORITY FROM B FUND'S "CONTINGENCY BUDGETING ACCOUNT" TO THE "PLANNING – OUTSIDE PROFESSIONAL SERVICES" EXPENSE ACCOUNT IN THE AMOUNT OF \$3,000.00 TO ADJUST FOR HIGHER THAN ANTICIPATED TOWN DESIGNATED ENGINEER PLANNING SERVICES. THERE WILL BE NO IMPACT TO FUND BALANCE.

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

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

RESOLUTION 22-293

APPROVE CHANGE ORDER #2 FOR TRINITY CONSTRUCTION, INC. (CONTRACT #1) IN THE AMOUNT OF \$350,099.00 FOR THE COMPLETE ROAD PAVING FOR ALL THE BUELL HEIGHTS AREA OF THE BALLSTON LAKE SEWER PROJECT TO BE COMPLETED IN THE SPRING 2023.

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

Discussion: Ed Hernandez, project engineer, stated that this will save the Town on using its CHIPS funds and allow for other paving projects. This change order will need approval from Environmental Facilities Corp.

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

RESOLUTION 22-294

APPROVE THE SUPERVISOR EXECUTING A PARTIAL STIPULATION OF SETTLEMENT AND EASEMENT AGREEMENT ALONG WITH ANY OTHER DOCUMENTS REQUIRED IN THE EMINENT DOMAIN PROCEEDING AGAINST NATIONAL GRID SEEKING AN EASEMENT OVER THEIR LANDS FROM NYS ROUTE 146 THROUGH FIREMAN'S LANE TO THE PUMP HOUSE FOR THE CONSTRUCTION, INSTALLATION AND MAINTENANCE OF THE PIPES FOR THE BALLSTON LAKE SEWER PROJECT.

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

Discussion: Ms. Kaelin stated that once the Supervisor signs the agreement, it will be sent to Attorney Bill Ryan. National Grid will sign, and the judge will sign off on it in two weeks. National Grid wants to treat the access to the Ballston Lake Fire Department Memorial Park as a separate easement. Ms. Kaelin is cautiously optimistic that National Grid will grant the easement; if not, the eminent domain process will continue.

A Roll Call Vote was as follows:

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| Councilman Carota | Aye |
| Councilman Curtiss | Aye |
| Councilman Fendrick | Aye |
| Councilwoman Jasinski | Aye |
| Supervisor Connolly | Aye |
| ADOPTED | 5-0 |

The Supervisor asked the Board if they wanted to enter Executive Session to discuss the contract with Ballston Lake EMS. Ms. Kaelin stated that she received correspondence from their attorney requesting a conversation. She will report back to the Board.

A motion was made by Councilman Curtiss and seconded by Councilman Carota to adjourn the meeting. All Board members were in favor. The meeting adjourned at 8:03 p.m.

Respectfully submitted,

Carol Gumienny
Town Clerk