

A Town Board Agenda Meeting was held by the Town Board of the Town of Ballston on Monday evening, October 30, 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
	Rob Fendrick	Councilman
	Mike Carota	Councilman
	Carol Gumienny	Town Clerk
	William Ryan, Jr.	Counsel
ABSENT:	Kelly Jasinski	Councilwoman

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 he met with State officials for the Burnt Hills Forward grant at the Dollar General Plaza and they walked from there north to the Kingsley Road corner. They had some constructive criticism, which is normal. The Supervisor did not get a sense of where the Town stood regarding getting the grant. The grant is very competitive and open to the entire State of New York. He remains cautiously optimistic about receiving it.

Supervisor Connolly stated that the Town should hear sometime in December if it is the recipient of the \$275,000 grant for the bike trail extension. This is a 20% match grant. If we are awarded the grant, he will have a discussion with Champlain Hudson Power Express on donating a community benefit for the match. The crusher run that would be donated by them needs to be further west due to the Town having to change paths for the extension. He is also in early discussions with a property owner that may possibly sell their lot closest to the bike trail to create a parking area.

The next grant the Town is working on is the CMAQ grant called Safe Pathways to School. The Town is working on drastically improving the safety around Ballston Spa Middle and High School. He spoke to Charles Waite, president of Adirondack Trust, and Michelle Burlingame and her husband, owners of Burlingame Orthodontics, about putting a path to Route 50. There is a little strip of land between these businesses to put in a crosswalk as a path to Route 50 with connecting sidewalks, connecting the V-corners Sunoco gas station to McDonalds. Currently there is a curb cut crosswalk with a push button light to cross Thomas Avenue but it ends there. This effort would bring the sidewalk up Thomas Avenue, onto Martin Avenue, connecting to Route 50. Part of the grant requires that at least 10 engineering firms are contacted to ask if they would have an interest in the project. The Supervisor has heard back from 4 or 5. The Town should score high on the grant as we have had two kids be hit by cars in the last few years. The Town has a map showing the new pathways, letters of support, and has received positive feedback from Assemblywoman Mary Beth Walsh, Senator Tedisco, Senator Tonko, Mr. Waite, and Michelle Burlingame. The path is being looked at by legal.

The Town will work with the Town of Glenville on an intermunicipal grant for a possible sewer system that will begin at Fogg's Automotive and continue to McCrea Hill Road. Intermunicipal grants are less competitive because they require a lot of due diligence and cooperation between the municipalities.

### **Parks and Recreation Committee Report**

Councilman Fendrick stated that the Parks & Rec Committee met on October 18<sup>th</sup>. He gave an update on the trees that need to be treated for Woolly Hemlock disease in Anchor Diamond Park. The trees have not been treated yet due to permits needed by the State. The company who was hired to do the work reassured Mr. Fendrick that there would be no increase in the price and if the work is not done this fall it would be done in the spring. Councilman Fendrick stated that there is a resolution on the agenda this evening for a replacement slide for Reita Park. There is no other option than to replace it. After November 4<sup>th</sup> there will be an increase of 10% to 20%. The Anchor Diamond Park workday was cancelled last Saturday and will be rescheduled. He obtained a quote to have the wetland delineation done for the Outlet Road parking area. The cost is \$500. This is the cheapest option to see if the project is feasible or not. The Jenkins Park Story Book Walk was removed. He thanked the library and all those involved in that project. The Committee is working on renewing the 3-year contract with the baseball team that has been using the back baseball field and maintaining it.

## **NEW BUSINESS**

### **Weekend Trick or Treating**

Supervisor Connolly stated that he was approached by a couple of Boy Scouts to have trick-or-treating on the weekends instead of on Halloween. He understands the idea, but it poses challenges that would be difficult to overcome. It would cause confusion with the public and he would have to have the Village and the Town of Milton be on 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**

**RESOLUTION 23-197**

**APPROVE THE PARKS & REC COMMITTEE TO PURCHASE A SLIDE INSERT FOR REITA PARK IN THE AMOUNT OF \$7,412.83. CONSIDER A RELATED SUPPLEMENTAL APPROPRIATION TO THE 2023 FINAL BUDGET TO INCREASE A FUND'S "BUDGETED FUND BALANCE DRAW" REVENUE ACCOUNT AND THE "CONTRACTUAL EXPENDITURES – PARKS & REC" ACCOUNT BY \$7,412.83 TO ADJUST FOR THIS INVESTMENT. THE SOURCE OF THE FUNDS WILL BE PARKLAND DEPOSIT RESERVES.**

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

Discussion: Councilman Fendrick stated that the slide will be delivered in 2 ½ months. It will be ready to be installed in the spring.

ADOPTED Ayes 4 Councilman Fendrick, Councilman Curtiss, Councilman Carota and Supervisor Connolly

Nays 0

Absent 1 Councilwoman Jasinski

**RESOLUTION 23-198 \* RESCINDED BY RESOLUTION 23-210 ON 11-14-2023 \***

**APPROVE HIRING JOHN HILLMAN AS A PART TIME COURT OFFICER FOR THE TOWN OF BALLSTON COURT AT A RATE OF \$22 PER HOUR, UP TO 8 HOURS PER WEEK, EFFECTIVE OCTOBER 31, 2023.**

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

Discussion: Councilman Carota stated that he will abstain from voting due to his employment in the court at the County.

ADOPTED Ayes 3 Councilman Fendrick, Councilman Curtiss, and Supervisor Connolly

Nays 0

Absent 1 Councilwoman Jasinski

Abstain 1 Councilman Carota

**RESOLUTION 23-199**

**AUTHORIZE AND EMPOWER TOWN SUPERVISOR ERIC CONNOLLY TO SIGN ALL DOCUMENTS REQUIRED TO EFFECTUATE THE SALE OF A TELECOMMUNICATIONS TOWER AND RELATED EQUIPMENT OWNED BY THE BALLSTON CONSOLIDATED WATER DISTRICT AND TO ENTER INTO AN ASSIGNMENT OF LEASE AND EASEMENT AGREEMENT WITH TIGR ACQUISITIONS IV, LLC FOR THE PAYMENT OF ONE MILLION SIX HUNDRED NINETY-ONE THOUSAND AND FIFTY AND NO/100 DOLLARS (\$1,691,050.00) LAWFUL MONEY OF THE UNITED STATES OF AMERICA.**

**BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF BALLSTON, NEW YORK AS FOLLOWS:**

**WHEREAS,** the Town of Ballston, New York entered into:

1. That certain Lease Agreement dated July 30, 1998, by and between The Town of Ballston and Albany Telephone Company, as amended by that certain First Amendment to Lease Agreement dated September 23, 2010, by and between Town of Ballston, a municipal corporation and New Cingular Wireless PCS, LLC, a Delaware limited liability company, as successor in interest to Albany Telephone Company, as further amended by that certain Second Amendment to Lease Agreement dated August 19, 2013, by and between Town of Ballston, a municipal corporation and New Cingular Wireless PCS, LLC, a Delaware limited liability company;
2. That certain Option and Lease Agreement dated April 8, 1994, by and between The Town of Ballston, and New York Cellular Geographic Service Area, Inc., a Delaware corporation, as amended by that certain Amendment and Memorandum of Lease Agreement dated April 13, 2011, by and between The Town Board of the Town of Ballston acting as Commissioners

on behalf of the Burnt Hills Ballston Lake Water District No. 2 and Cellco Partnership d/b/a Verizon Wireless;

3. That certain Lease Agreement dated January 5, 1999, by and between Omnipoint Communications Inc., a Delaware corporation, and Town of Ballston a Municipal Corporation, as amended by that certain First Amendment to Lease Agreement dated April 6, 2011, by and between Town of Ballston, a Municipal Corporation and T-Mobile Northeast LLC, a Delaware limited liability company and successor in interest to Omnipoint Communications, Inc.;
4. That certain Site Lease Agreement dated December 6, 2022, by and between Town of Ballston, a New York municipal corporation and DISH Wireless L.L.C., a Colorado limited liability company;

(collectively, the “Leases”), and;

**WHEREAS**, the Town has been offered a significant amount of consideration to assign the Leases and to grant an easement (the “Easement”) to TIGR Acquisitions IV, LLC (herein “TIGR IV”).

**NOW, THEREFORE, BE IT RESOLVED THE TOWN BOARD OF THE TOWN OF BALLSTON, NEW YORK APPROVES THE FOLLOWING FORMAL ACTION, AS FOLLOWS:**

**Be it Ordered** that the proposal from TIGR Acquisitions IV, LLC for the buyout of the Leases and granting of an Easement at 831 New York Route 50, Ballston, New York 12027 for the aggregate amount of One Million Six Hundred Ninety-One Thousand and Fifty and No/100 Dollars (\$1,691,050.00) be accepted and that the Town Supervisor is hereby authorized to complete the transaction as proposed and to execute all documents in connection with the sale of the wireless telecommunications tower, related equipment and the assignment of all leases; and it is further,

ORDERED, the sale of the telecommunications tower and any other related equipment is not required for the purposes of the Town of Ballston Consolidated Water District; and it is further,

ORDERED, the consideration received from the sale of the telecommunications tower and related equipment shall be paid to the Town of Ballston and credited to the Town of Ballston Consolidated Water District and shall only be expended for any purpose which would properly be charged against the entire Town of Ballston Consolidated Water District; and it is further,

ORDERED, this resolution shall become effective immediately upon passage.

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

Discussion: Attorney Bill Ryan stated that this process began in June and a Public Hearing was held on the sale. No one opposed. The Town Board adopted a resolution for the sale and in August authorized the Supervisor to sign the purchase agreement. Town Law states that the proceeds of this sale must go to the Consolidated Water District. All documents will be signed this evening. Rents are due November 1<sup>st</sup>. The Town will keep these rents. The funds will be dispersed on November 2<sup>nd</sup>.

Supervisor Eric Connolly	Aye
Councilman Michael Carota	Aye
Councilman Chuck Curtiss	Aye
Councilman Robert Fendrick	Aye
Councilwoman Kelly Jasinski	Absent

ADOPTED

Dated: October 30, 2023

Ballston, New York

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 7:02 p.m.

Respectfully submitted,

Carol Gumienny  
Town Clerk