

A Town Board meeting was held by the Town Board of the Town of Ballston on Tuesday evening July 12, 2022, via Zoom video conferencing.

PRESENT:	Eric Connolly	Supervisor
	Kelly Jasinski	Councilwoman
	Chuck Curtiss	Councilman
	Rob Fendrick	Councilman
	Mike Carota	Councilman
	Carol Gumienny	Town Clerk
	Debra Kaelin	Town Attorney
	David Urkevich	Town Comptroller

Supervisor Connolly called the meeting to order at 6:36 p.m. and the Pledge of Allegiance was recited.

REPORTS

Highway/Water Superintendent Joseph Whalen, Dog Control Officer Thomas Shambo, Town Clerk Carol Gumienny, Building Inspector Jeff Stickles and Library Director Rebecca Darling submitted reports for June 2022. They are on file in the Town Clerk's office.

FINANCIAL REPORT

The Financial Reports were emailed to the Board by Town Comptroller David Urkevich. Mr. Urkevich stated that as usual expenses are pacing normally, which is a great sign. Revenue is coming in higher than expected. His forecasted predictions for higher-than-expected revenue by approximately \$1,000,000 this year is slowly but surely coming to life. Things are looking good, and he is happy to report that the Town is in a sign of strength ahead of budget season and will be planning accordingly next year.

SUPERVISOR'S REPORT

Supervisor Connolly stated that there was more vandalism at the fishing pier recently. Due to this episode and past episodes the Town will declare this as a public safety issue and can proceed without going out to a formal bidding process. The Board can proceed and hire the right firm to deconstruct the pier and install a new floating pier according to the specifications by Foit Albert Engineering. A lot of inquiries have been made by the public and he has spoken to the Gazette Newspapers, News Channels 10 and 13. The pier will not be completed until fall of 2022 or spring of 2023. It will be a state-of-the-art pier, much wider, with a kayak launch. Supervisor Connolly stated that there are a couple of solar installations that the Town will be working with to establish a Host Agreement; the Town will charge a host fee per megawatt of energy that's created. This will be spread out over a 15-year period. For example, three different commercial solar installations generating 5 megawatts each, will be over \$1,000,000. This revenue will go specially to the Purchase of Development Rights program which in perpetuity protects open space and farmland. There is a committee consisting of himself, Councilwoman Jasinski, Councilman Curtiss and Nan Stolzenburg that will define the process and eventually prioritize every parcel and attach a number on it based on a rubric that they create and refined with Ms. Stolzenburg's assistance. Once there is a lump sum available, landowners will be approached to see if they would be interested in participating in the program. It would be totally voluntary.

COUNCIL MEMBERS REPORTS

Councilman Curtiss stated that he would like the Town to hold a future workshop to explain the Purchase of Development Rights Program in more detail to the public. The Supervisor agreed.

Councilwoman Jasinski stated that the Ballston Lake Sewer residents on the east side of the lake will be notified that they can hook up to the sewer at the end of July and will receive notification in the mail of this soon. Construction began on July 5th for the Carpenter's Acres Sewer project. The project will be completed this fall upon approval by Saratoga County Sewer District. There are a couple of residents who are not in this sewer district that would like to be, and this will need to be addressed in the future. She is still waiting for National Grid to supply her with a list of streetlights for the LED conversion. She has also asked National Grid for a site visit to Sherwood Lane and is still waiting.

Councilman Carota stated that a resolution is on this evening for the resignation of a Library Board Of Trustee and according to the Charter, the Library Board of Trustees will appoint someone to complete the remainder of the term. The construction project at the library will take place after the

Summer Reading Program is completed. Positive steps are still being made in continuing with the library services.

Councilman Fendrick stated that he is just came back from a vacation and that Chairperson Sally Draina of the Parks and Rec Committee will give an update this evening. Ms. Draina stated that the Committee is working on blueprints for the trail extension to Goode Street from Anchor Diamond Park and hopes to have it ready to present to the Town Board in August. Residents in the immediate area of the trail will be receiving a letter inviting them to the next Parks and Rec Committee meeting in August to answer any questions or address any concerns of the project. Recently, the Rotary Club and Saratoga PLAN stewards had a workday in Anchor Diamond Park on July 9th. It was extremely successful. They laid over 200 yards of stone dust on the White Trail located between the mansion and the second bridge. She encouraged everyone to walk this trail. The volunteers did a tremendous job, and she is forever grateful for them and the dedication that they put into our parks. The Committee has also been researching new playground equipment for Reita Park and Jenkins Park to update some of the outdated equipment. Ms. Draina also stated that the Committee is seeking two new members. If interested, please send her an email.

OLD BUSINESS

There was no Old Business this evening.

NEW BUSINESS

There was no New Business on the agenda; however, Supervisor Connolly stated that he has been working with a company named Vertical Bridge who wants to lease land at Town Hall and erect a cell tower. This would be a source of revenue for the Town. He will have more information in the future.

Privilege of the floor ONLY on items for consideration and action this evening. (Limit 3 mins.)

No one wished to speak.

Councilman Curtiss asked if there will be a special meeting to vote on having the sheriff's department patrol our Town. Supervisor Connolly stated that the Town Board voted on this prior and it was approved. The next step is for the County to approve it on July 19th at the Board of Supervisors monthly meeting. Upon approval, patrols will begin in Town on July 20th.

NEW BUSINESS FOR CONSIDERATION AND ACTION THIS EVENING

RESOLUTION 22-194

APPROVE THE SUPERVISOR'S FINANCIAL REPORT FOR JUNE 2022.

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

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

Nays 0

RESOLUTION 22-195

APPROVE LOCAL LAW 4 OF 2022 "AMENDING CHAPTER 30, PROCUREMENT POLICY, OF THE TOWN OF BALLSTON TOWN CODE".

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

Be it enacted by the Town Board of the Town of Ballston as follows:

§ 30-1. Evaluation of purchase.

Every prospective purchase of goods or services shall be evaluated to determine the applicability of General Municipal Law § 103. Every Town officer, board, department head or other personnel with the requisite purchasing authority (hereafter "purchaser") shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other Town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity. All prospective purchases of goods or services must be reasonable, necessary, and fully

authorized by appropriations formally adopted by Town Board resolution. All elected officials are authorized to make such purchases. All employees are authorized to make such purchases with approval from their department head. Any purchases exceeding \$1,000 require a purchase order approved in advance by the Comptroller's Office. Individuals responsible for prohibited expenditures will be subject to disciplinary action up to and including termination and reimbursement of Town funds directly or by payroll deduction.

§ 30-2. Purchases to be formally bid. [Amended 3-6-2012 by L.L. No. 1-2012 1]

All purchases of supplies or equipment which will exceed \$20,000 in aggregate or public works contracts over \$35,000 in aggregate, in any 12-month period shall be formally bid pursuant to General Municipal Law § 103.

§ 30-3. Estimated purchases requiring quotes or proposals.

A. All estimated purchases of:

- (1) Greater than \$20,000 require public solicitation for sealed bids pursuant to General Municipal Law § 103.
- (2) Less than \$20,000 but greater than \$5,000 require a request for written quotes from two vendors.
- (3) Less than \$5,000 are left to discretion of the purchaser.

B. All estimated public works contracts of:

- (1) Greater than \$35,000 require public solicitation for sealed bids pursuant to General Municipal Law § 103. [Amended 9-5-2000 by L.L. No. 3-2000]
- (2) Less than \$35,000 but greater than \$15,000 require a request for written proposals from two contractors. [Amended 9-5-2000 by L.L. No. 3-2000]
- (3) Less than \$15,000 are left to the discretion of the purchaser.

C. Any written quote shall describe the desired goods or equipment, quantity, and the particulars of delivery. The purchaser shall compile a list of all vendors from whom written quotes have been requested.

D. All information gathered in complying with the procedures of this guideline shall be preserved and filed with the documentation supporting the subsequent purchase in the Office of the Town Comptroller.

1. Editor's Note: This local law is effective 6-13-2012.

§ 30-4. Award of purchase contract.

The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the purchaser prepares a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low bid. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

§ 30-5. Inability to obtain proposals.

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

§ 30-6. Exceptions from solicitation of quotes or proposals.

Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- A. Acquisition of professional services.
- B. Emergencies.
- C. Sole source situations with written documentation to justify the sole source limitation.
- D. Goods and equipment purchased from agencies for the blind or severely handicapped.
- E. Goods and equipment purchased from correctional facilities.
- F. Goods and equipment purchased from another governmental agency.
- G. Goods and equipment purchased at auction.
- H. Goods and equipment purchased for less than \$5,000.
- I. Public works contracts for less than \$15,000.
- J. Goods and equipment or public works purchases through NYS Office of General Services contracts, county, and federal contracts in accordance with General Municipal Law Section 104.
- K. Goods and equipment purchased from Service-Disabled Veteran-Owned Businesses (SDVOB's).

§ 30-7. Annual review.

This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable.

This local law shall be effective immediately upon filing with the New York Secretary of State.

Roll Call Vote as follows:

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

RESOLUTION 22-196

ACCEPT THE RESIGNATION OF JANE CURTISS AS COURT CLERK FOR THE TOWN OF BALLSTON COURT EFFECTIVE JULY 15, 2022.

A motion was made by Councilman Fendrick and seconded by Councilwoman Jasinski. Discussion: Councilman Carota stated that he will abstain due to his dealings with the Court. He also stated that Ms. Curtiss will be missed. She was an excellent Court Clerk for Ballston and the Town of Malta and a pleasure to work with. He is sorry that she is leaving but a well-earned retirement.

ADOPTED	Ayes	4	Councilman Curtiss, Councilman Fendrick, Councilwoman Jasinski and Supervisor Connolly
	Nays	0	
	Abstain		Councilman Carota

RESOLUTION 22-197

APPROVE THE APPOINTMENT OF SHANNON BROOKS AS COURT CLERK FOR THE TOWN OF BALLSTON COURT AT AN ANNUAL SALARY OF \$11,281.20 EFFECTIVE JULY 14, 2022

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

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

RESOLUTION 22-198

APPROVE TO SET A PUBLIC HEARING FOR TUESDAY, JULY 26, 2022, AT 6:15 P.M. FOR TWO PROPERTIES ON ROBINHOODS COURT (TAX MAP ID#S 239.-2-38.3 AND 239.-2-38.4) TO BE INCLUDED INTO THE BALLSTON CONSOLIDATED WATER DISTRICT.

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

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

RESOLUTION 22-199

APPROVE AMENDMENT #5 TO OWNER/ENGINEERING AGREEMENT DATED FEBRUARY 17, 2017, BETWEEN THE TOWN OF BALLSTON ON BEHALF OF THE BALLSTON LAKE SEWER DISTRICT AND ADIRONDACK MOUNTAIN ENGINEERING, PC. THE AMENDMENT WILL APPROVE AN INCREASE IN THE ENGINEER'S CONSTRUCTION ADMINISTRATION BUDGET BY AN ADDITIONAL \$17,592.00 AND INCREASE THE CONSTRUCTION INSPECTION BUDGET BY AN ADDITIONAL \$85,992.00 (1,200 HOURS AT \$71.66/HR.). THIS RESOLUTION ALSO AUTHORIZES THE SUPERVISOR TO SIGN THE AMENDMENT.

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

Discussion: Councilman Curtiss asked for clarity on this resolution. Ed Hernandez, of Adirondack Mountain Engineering, stated that he has no control over the construction schedule, or the productivity of these contractors. The original construction hours that were included in his contract were estimated by the Town of Ballston. Even if he did it, it would have been an estimate of hours it will take to inspect. For contractors over two years' worth of work, it is not known how long it's going to take each contractor to do the work. In March, the Board approved an amendment extending our construction administration through September and he thought a couple of contractors were going to be finishing up close to the end of March and they were still working through June. It was taking a lot of hours to watch them do all the extra items they needed to do. He still has one contractor working that he had anticipated being done a couple of months ago. He received an updated construction schedule from Contract #1 extending their schedule by another month. Rather than come back to the Board in three months with another amendment, he put those two additional months of construction administration in this proposed amendment. He doesn't like coming to the Board with these amendments; however, he has no control over how many hours it will take to inspect the contractor or how they're going to do the construction work. Councilman Carota stated that back in the spring it was stated that the project is under budget and ahead of schedule and the contractors now suddenly seem to be extending their work which obviously extends Mr. Hernandez's oversight of those same contractors. This is what concerns him. Where does this amendment put our contingency financially? There is a lot of rock near the pump station and Lake Hill. There could be further issues. Mr. Hernandez state that currently our contingencies are running about \$1.1 million. There are a couple of contractors that finished early in the project that are closed out. The good news is that the east side of Ballston Lake is completed. The contractor there is working on the restoration work and some other items. Today Mr. Hernandez received approval from DEC to put that area into service and earlier this week he received approval from Saratoga County Sewer District to accept operation ownership. This leaves only Contract 1 with work. The 1,200 hours he is asking for gives him hours for one full time and one part time inspector. Sometimes there are multiple crews working; they have directional drilling crews working and other crews working on trenching work. Mr. Hernandez stated that there is quite an amount of money for rock in the budget already for the contractor and there is about \$1.1 million in contingency; there is still a good contingency, he is still under budget and slightly behind schedule. He believes that the project is under budget and will have sufficient funds available. When Contract #1 is done, he could do some extra work and pave roads in the Buell Heights area. He started this project, almost a year and a half ago, with about \$1.4 million in contingency and spent about \$300,000 of that over the last year, and we're just about closed out.

ADOPTED Ayes 4 Councilman Carota, Councilman Fendrick, Councilwoman Jasinski
and Supervisor Connolly
Nays 1 Councilman Curtiss

RESOLUTION 22-200

ACCEPT THE RESIGNATION OF LIBRARY BOARD OF TRUSTEE MICHELLE HERNANDEZ EFFECTIVE JUNE 30, 2022.

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

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

Nays 0

RESOLUTION 22-201

APPROVE A SUPPLEMENTAL APPROPRIATION TO THE 2022 FINAL BUDGET TO INCREASE THE “CEMETERY - CONTRACTUAL” EXPENSE ACCOUNT BY \$15,000 AND INCREASE THE “BUDGET FUND BALANCE DRAW” REVENUE ACCOUNT BY \$15,000. APPROVAL OF THIS RESOLUTION WILL ESTABLISH BUDGET AUTHORITY ALLOWING THE TOWN TO OPERATE AND MAINTAIN THE HISTORIC HILLSIDE CEMETERY, IN COMPLIANCE WITH OSC GUIDELINES THIS FISCAL YEAR. THE SOURCE OF THE FUNDS WILL BE THE HILLSIDE CEMETERY FUND, FUND BALANCE.

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

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

Nays 0

RESOLUTION 22-202

APPROVE A REALLOCATION OF BUDGET AUTHORITY IN THE 2022 FINAL BUDGET FROM FUND 27’S “CONTINGENCY BUDGETING ACCOUNT” TO THE “WATER ADMIN CONTRACTUAL – NOT SPECIFIED” EXPENSE ACCOUNT IN THE AMOUNT OF \$8,400 TO ADJUST FOR HIGHER THAN ANTICIPATED EXPENDITURES FOR WATER TESTING IN THE CURRENT FISCAL YEAR. THERE WILL BE NO IMPACT TO FUND BALANCE.

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

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

Nays 0

RESOLUTION 22-203

APPROVE A SUPPLEMENTAL APPROPRIATION TO THE 2022 FINAL BUDGET TO INCREASE FUND B’S “ENGINEERING FEES - ESCROW” EXPENSE ACCOUNT BY \$150,000 AND INCREASE THE “ENGINEERING REVENUE - ESCROW” REVENUE ACCOUNT BY \$150,000. APPROVAL OF THIS RESOLUTION WILL ESTABLISH BUDGET AUTHORITY ALLOWING THE TOWN TO RECOGNIZE THE REVENUE AND EXPENSE ACTIVITY RELATED TO ESCROW TRANSACTIONS FOR DEVELOPERS’ ENGINEERING FEES IN COMPLIANCE WITH OSC GUIDELINES THIS FISCAL YEAR. THE SOURCE OF THE FUNDING WILL BE ESCROW DEPOSITS FROM DEVELOPERS. THERE WILL BE NO IMPACT TO FUND BALANCE.

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

Discussion: The Town Comptroller stated that this is a change in accounting. The Trust and Agency bank account no longer exists, and engineering fees will be taken out of Fund B.

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

Nays 0

RESOLUTION 22-204

DECLARE THE TOWN OF BALLSTON FISHING PIER A PUBLIC HEALTH AND SAFETY EMERGENCY WARRANTING APPROVAL OF A PROPOSAL BY UPSTATE PROPERTY MANAGEMENT, LLC IN THE AMOUNT NOT TO EXCEED \$50,000 IN ACCORDANCE WITH THE TOWN OF BALLSTON PROCUREMENT POLICY SECTION 30-6(B) FOR DEMOLITION OF THE EXISTING PIER. THIS RESOLUTION ALSO APPROVES A SUPPLEMENTAL APPROPRIATION FOR THE 2022 BUDGET TO INCREASE THE “PARKS FACILITIES & REC – CONTRACTUAL” ACCOUNT BY \$50,000. THE SOURCE OF THE \$50,000 WILL BE THE PARKLAND DEPOSITS RESERVE.

A motion was made by Councilman Fendrick and seconded by Councilwoman Jasinski.
Discussion: Town Attorney Debra Kaelin stated that a quote was received in March for approximately \$26,000 to demolish the pier. Now that the Board has deemed this an emergency, we don't have to go out to bid to have the demo work done. We are waiting for an updated proposal. Most likely it will not be close to the \$50,000 allocated. She would like to see an approximate start date in the proposal. A permit from DEC is required and State laws need to be followed.

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

RESOLUTION 22-205

APPROVE TO SOLICIT SEALED BIDS IN ACCORDANCE WITH THE SPECIFICATIONS SET FORTH BY FOIT ALBERT FOR THE PURCHASE AND INSTALLATION OF A NEW FISHING PIER, KAYAK LAUNCH AND WALKWAY. THE REQUEST FOR BIDS WILL GO OUT ON JULY 24, 2022, WITH A BID OPENING DATE OF AUGUST 5, 2022, AT 2 P.M.

A motion was made by Councilman Fendrick and seconded by Councilwoman Jasinski.
Discussion: Supervisor Connolly stated that going out to bid is not required, but why not do it. What if the firm that quoted us prior can't do the work until the fall?

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

Supervisor Connolly stated that our insurance broker will be presenting at the Agenda Meeting on the cost to add Vision and Family Medical Leave Act plans to employee insurance.

Privilege of the floor on any topic (limit 3 minutes) Please state your name and address.

No one wished to speak.

A motion was made by Councilman Curtiss and seconded by Councilman Fendrick to adjourn the meeting. All Board members were in favor.

Meeting adjourned at 7:33 p.m.

Respectfully submitted,

Carol Gumienny
Town Clerk