

REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BALLSTON SPA, NY held on February 27, 2023.

Present: Mayor Rossi, Trustee Kormos, Trustee Baskin Trustee VanDeinse-Perez, Trustee Raymond, Village Clerk O'Connor, Village Administrator Moskowitz (via Zoom), Attorney Buettner (via Zoom)

1) Call to Order

2) Pledge to the Flag

3) Minutes

a) Motion made by Trustee Raymond, seconded by Trustee VanDeinse-Perez that the minutes of the 02.13.23 meeting be approved.

Trustee Raymond-yes

Trustee Baskin-abstain

Trustee Kormos-yes

Trustee VanDeinse-Perez-yes

Mayor Rossi-yes

Motion Passed

4) Mayor Announcements

a) Water bill payments are due by 3/2/23.

b) Mayor Rossi is appointing Emily Bartell to the Committee for the Arts.

c) The Mayor read a proclamation in honor of Suzanne Lyall. (attached)

Representing Senator Jim Tedisco, Alex Blizinski read a statemen in honor of Ms. Lyall. (attached)

A moment of silence followed.

5) Liaison Reports

Trustee Raymond said the DPW is doing tree trimming, pump station general repairs and catch basins on Front Street.

Trustee Baskin noted that a lot of committees have been busy working on budgets.

Trustee Baskin said that the Committee on the Arts is putting together an arts map and are asking if any businesses are interested in having a mural done, please send an email to the committee.

Regarding the Park and Tree Board, they are looking for volunteers and donations to help rehabbing benches.

Lastly, Trustee Baskin noted that BACC is expanding its Universal Pre-K Program.

Trustee Kormos stated that the Library is continuing to seek grants to help with the Library expansion.

Trustee VanDeinse-Perez announced the BSBPA is having their annual Meeting on 3/20.

Ballston Spa has more than 150 women owned businesses, according to Trustee VanDeinse-Perez, which WNYT will be highlighting.

6) Treasurer's Report (attached)

7) Presentation

a) Ballston Spa High School After-Prom Party (Rana Hughes)

Ms. Hughes reported that the After Prom Party will be held in the High School cafeteria surrounding areas right after the Prom on 6/3 from 11pm to 3am. Sponsors are being sought.

8) Old Business

a) Sidewalk Law Revision and Update to Fee Schedule (Trustee Baskin)

Attorney Buettner sent the final draft to the Board, as well as the notice of Public Hearing.

Trustee Baskin would like to set up a Special Meeting to further discuss this and the Ethics Code.

b) Ethics Law Revision (Trustee Baskin)

Attorney Buettner said the final comments and questions ,along with e notice of Public Hearing were presented to the Board.

c) Comprehensive Plan Next Steps (Trustee Baskin)

Attorney Buettner has presented an updated timeline to Board and comments are awaited from the Zoning and Planning Boards as well as the Historic District Commission. Comments from this Board are wanted also.

Trustee Baskin encouraged the public to also submit comments.

d) Proposed Accessory Dwelling Unit (ADU) code (Trustee Kormos)

Attorney Buettner stated that she has been to conferences on the subject in addition to speaking with NYCOM, The Association of Towns, other municipal attorneys and Amy Fitzgerald of Behan and all are of the opinion that it makes sense not to change any part of our Zoning Code until the Comprehensive Plan is adopted.

Trustee Kormos wants the Planning and Zoning Boards look at the proposed ADU Code.

Attorney Buettner asked Zoning Board Chair Anna Stanko if there is anything proposed or pending regarding an ADU.

Ms. Stanko said there is nothing in front of the Board and she doesn't understand what the big push is. Of her approximately 15 years on the Zoning Board, she has only seen 2 ADU applications.

Trustee VanDeinse-Perez concurred with Attorney Buettner that this should not be rushed and also suggested it might be more appropriate that when the code is being rewritten, we look at areas that might be better suited for R2.

Trustee Baskin noted it takes a long time to implement any law and supports taking the initial steps.

Trustee Baskin stated there are definitely a lot of ADU's on Ballston Avenue.

Mayor Rossi told Trustee Baskin it is our duty to report any thing we believe may have been done without permits or approvals to Code Enforcement.

e) Grants Update (Trustee Kormos)

Trustee Kormos announced that the ADA Transition Grant kick off meeting is scheduled for 3/2 at 7pm at the Malta Avenue School District Offices.

Trustee Kormos asked where we stand with the BOA Grant.

Attorney Buettner answered that a fairly extensive RFP has to be done to have a company administer the grant.

f) Rules and Procedures (Trustee Kormos)

Trustee Kormos said some members of this Board are not adhering to rule that motions must be in by noon on Thursday and encouraged all Board Members to do so.

9) New Business

None

10) Public Comment (5-Minute Limit per Speaker)

Marilyn Stephenson, 45 West High Street wants to hear more about the next steps for the Comp Plan.

Attorney Buettner said it will be posted on the website.

Danielle Thomson of 62 Hyde Blvd. read a statement on behalf of Julie Gazetos, Ethics Board Chair. (attached)

Ms. Thomson stated that everyone on the Ethics Board felt comfortable with the revisions that they made.

Ray Otten of 16 Middlebrook Avenue agreed with Ms. Gazetos letter.

Mr. Otten made several points as to how he feels and that many people will be eliminated if motion "M" is passed.

As for motion "L", Mr. Otten said if you're going to do it for one, everyone of you should have to.

Mr. Otten said things like this are of a personal nature, noting that everything that comes before this Board is 3-2.

Lisa Speidel, 106 Prospect Street commented on several motions including "D" which she likes, "H" which she noted the Liaison's do anyway, so why waste more time, "L" and "M" which Ms. Speidel feels are both overreaching.

Judy Esposito of 48 Chapman Street, speaking on Motion "K", feels that moving the spring would make it easier for people to just pull up and get the water and have more room for the Farmer's Market Vendors.

Anna Stanko, 32 Kent Street asked why we're wasting peoples time with all of this bureaucracy, referring to motions' "F" and "H".

Ms. Stanko asked when we are going to see the ethics law.

Ms. Stanko does not agree with motions "L" and "M" and stated that this is politicizing committee events.

Donna Dardaris of 64 Middle Street called the Boards discussion about the part time position at the meeting upsetting; employees were treated like they have no feelings.

Ms. Dardaris asked the Board to treat employees with respect, they work hard for us.

Regarding the Trustee who at the meeting complained about the number of hours she puts in and the amount she is paid, Ms. Dardaris chastised her and suggested resigning if she doesn't think she's getting paid enough.

Mayor Rossi noted that he is proposing 0% raises for the Board in the upcoming budget.

Peter Martin, 20 Chesterwood Court agreed with Ms. Dardaris, adding the Board belittled the employees, they deserve to be treated better.

Speaking about the Ethics Code, Mr. Martin would like the draft put on the website along with all of the changes the Trustees want, because what they want is ridiculous.

Mr. Martin is also against motions "L" and "M".

Mary Price-Bush of 105 McLean Street also spoke about her concerns regarding Motion "M" and urged the Board to follow the recommendations of the Ethics Committee.

Ms. Price-Bush noted that she felt bad for the way Treasurer Bartlett was treated by the Board, she deserves more respect than that.

Bob Bush Jr, 71 Church Avenue also urged the Board to listen to the Ethics Committee and would also like the draft and comments to be put on the website so the public can see what goes on.

Mr. Bush suggested enforcing the laws we have on the books, such as the sidewalk law.

Commenting on motion "L", Mr. Bush feels that the whole Board should have to do it if they are going to make the Mayor do it and thinks motion "M" will discourage people.

Mr. Bush reminded the Board they limited public comment, blaming the public for the long meetings and pointed out that this agenda has 13 motions, over half of which are Trustee Baskins.

Mr. Bush proposed the number of motions be limited.

Keith Lewis, 38 East High Street agrees that all of the Trustees should have to abide by motion "M".

Mr. Lewis also noted he was uncomfortable during the personnel discussion at the last meeting and hopes the Board learned a lesson.

Christine Fitzpatrick of 31 Chapman Street is disappointed that Dept head reports have not been done this year and noted the Library should be included.

Gina Marozzi, 10 Old Glory Lane, addressing Trustee Kormos, stated that to her knowledge, there is only 1 ADU in the Village that was denied, and the property owner built the unit anyway. Ms. Marozzi noted that the property belongs to Trustee Kormos' good friend and feels the ADU motion is rewarding bad behavior and smacks of a political favor, an ethics violation and a potential lawsuit to the Village.

Ms. Marozzi asked Trustee Kormos to step away from it because it is a direct conflict.

As for motion "L", Ms. Marozzi chastised the Board for what she feels is an outrageous motion; business carries on no matter where the Mayor is. Ms. Marozzi feels this motion is intrusive, inflammatory, harassing and a violation of privacy.

Ms. Marozzi stated that she understands the resignation of Former Mayor Woolbright due to Trustees Kormos and Baskin.

Referring to motion M", Ms. Marozzi urged Trustee Baskin to stop micromanaging.

11) Board Comments, Questions, & Concerns

Trustee Baskin said he and Trustees Kormos and Raymond wanted the personnel discussion to be done in Executive Session, but the Mayor refused.

Trustee Baskin spoke about emergency management training, noting we need to work on that.

Trustee Baskin said there are so many motions because things weren't happening.

Attorney Buettner clarified that the personnel motion was the creation of a position, not an appointment and therefore was not Executive Session material.

Attorney Buettner said she had made that very clear to the Board.

Trustee Kormos felt that the Treasurer should not have been the one to describe the Deputy Treasurer job description.

Mayor Rossi countered that the Treasurer knows what her needs are.

Addressing moving the spring in Wiswall Park, Trustee Raymond said the water pipe can be redirected wherever it needs to go.

Trustee Raymond feels motions "L" and "M" are necessary for transparency.

Trustee Baskin said motion "K" may be tabled so that the whole master plan can be presented together.

Regarding former Mayor Larry Woolbright's resignation, Trustee Baskin is angry he stated in his resignation statement that the behavior of he and Trustee Kormos is the reason he is resigning.

Trustee Baskin accused the former Mayor of taking off every other week and of not being interested in the jobs demands.

Mayor Rossi stated that Mr. Woolbright continues to help this Village.

Mayor Rossi stated that Trustee Baskin's statement is "bs"; you've done this to John Romano and Larry Woolbright.

Mayor Rossi pointed out that he does not denigrate the job that former Mayor Christine Fitzpatrick did; for any of us to denigrate any other former Mayor in the Village is atrocious.

12) Agenda Items for Consideration

a) Motion made by Trustee Kormos, seconded by Trustee_ Raymond that the Saratoga County Agricultural Society be granted permission to conduct a Monster Truck Show at the Fairgrounds on June 9 & 10 from 4pm to 10pm. Proof of insurance has been provided. (Requested by Mayor Rossi)

Ayes All

b) Motion made by Trustee Raymond, seconded by Trustee Baskin that the DPW be authorized to expend the amount of \$7,200.00 for rock salt. (Requested by Mayor Rossi)

Ayes All

c) Motion made by Trustee VanDeinse-Perez, seconded by Trustee Kormos that the resignation of Greg Pelletier be accepted and that he be removed from the rolls of Eagle-Matt Lee Fire Co. #1 and the Ballston Spa Fire Dept. (Requested by Trustee VanDeinse-Perez)

Ayes All

d) Motion made by Trustee VanDeinse-Perez, seconded by Mayor Rossi approving the request of Laberge Group from February 8, 2023, to allow their firm to assemble a bid package needed to solicit proposals for John Street water tank renovation, including the relocation of the cellular equipment on such tower to the top of the tank through the use of a "corral" or off the tank through the use of an external monopole. (Requested by Mayor Rossi)

Trustee Raymond is concerned with "Task 1.5 being removed.

Trustee Kormos agreed that we need to have plans to add capacity in the future if needed and questioned if we make money on the cell towers.

Mayor Rossi stated capacity is not our issue we need to move forward with the John Street water tower.

Trustee Baskin doesn't think this motion is ready for a vote due to lack of prior discussion.

Trustee VanDeinse-Perez agreed we need to move forward on the water tower.

Motion made by Trustee VanDeinse-Perez, seconded by Trustee Kormos to table the motion.

Trustee VanDeinse-Perez-yes

Trustee Kormos-yes

Trustee Baskin-yes

Trustee Raymond-yes

Mayor Rossi-abstain

Motion Passed

e) Motion made by Trustee Kormos, seconded by Trustee Raymond that the claim with respect to water meter issues be settled as discussed in executive session. (Requested by Mayor Rossi)

Ayes All

f) Motion made by Trustee Baskin, seconded by Trustee Raymond that all village committees and board openings, including Park and Tree Board, and Committee on the Arts, be posted on the village web site and village Facebook page until filled. (Requested by Trustee Baskin)

Trustee VanDeinse stated this is overreach,

Trustee VanDeinse-Perez-no

Trustee Kormos-yes

Trustee Baskin-yes

Trustee Raymond-yes

Mayor Rossi-abstained

Motion Passed

g) Motion made by Trustee Kormos, seconded by Trustee Baskin to have a special meeting to finalize the draft ethics law. No other business will occur at this meeting. Date and time to be determined at this village board meeting. (Requested by Trustee Baskin)

After discussion,

Motion made by Trustee Kormos, seconded by Trustee Baskin to have a special meeting to finalize the draft sidewalk law and draft ethics law on April 6 at 4:00pm in the Village Office.

Ayes All

h) Motion made by Trustee Baskin, seconded by Trustee Kormos that all Village Departments will provide once per year an annual report covering activities, successes, and challenges of preceding year, and present a verbal summary of this report at a village board meeting annually. These presentations will take place between January and March. Departments included in this motion are: DPW, Fire, Police, Village Hall (Clerk and Administrator) (Requested by Trustee Baskin)

After discussion,

Motion made by Trustee Baskin, seconded by Trustee Kormos that all Village Departments will provide once per year an annual report covering activities, successes, and challenges of preceding year, and present a verbal summary of this report at a village board meeting annually. These presentations will take place between January and March. Departments included in this motion are: DPW, Fire, Police, Village Hall (Clerk and Administrator) and the Library.

Ayes All

i) Motion made by Trustee Baskin, seconded by Trustee Kormos to have volunteers work in Wiswall Park the weekend of June 2 - 4, 2023. Volunteers will plant annual flowers and put in mulch. Contact person is Judy Esposito. (Requested by Trustee Baskin)

Ayes All

j) Motion made by Trustee Baskin, seconded by Trustee VanDeinse-Perez to approve the installation of a trail sign in Kelley Park. Production and installation of the sign will be done by Friends of the Kayaderosseras. (Requested by Trustee Baskin)

Ayes All

k) Motion made by Trustee _____ n/a _____, seconded by Trustee _____ n/a _____ to approve the relocation of the natural spring in Wiswall Park to the northeast corner of the park. (Requested by Trustee Baskin)

Withdrawn

l) Motion made by Trustee Raymond, seconded by Trustee Kormos that the mayor be required to inform all Village of Ballston Spa trustees via email of the dates he/she plans to be or is away from the Village of Ballston Spa and is unable to conduct village business in person for a period longer than 24 hours. (Requested by Trustee Kormos)

Attorney Buettner stated this is not the legal standard, is unenforceable and is not recommended by legal counsel at NYCOM.

Trustee Raymond-no

Trustee Baskin-yes

Trustee Kormos-yes

Trustee VanDeinse-Perez-no

Mayor-abstain

Motion Failed

m) Motion made by Trustee Baskin, seconded by Trustee Raymond that members of any committee or board, including Mayor’s advisory committees, shall disclose, in writing, to the Board of Trustees, Village Clerk, and Board of Ethics, any personal financial interest in any project considered by the committee or board. To accomplish this purpose, every member will complete and submit a Conflict of Interest disclosure form. (Requested by Trustee Baskin)

Attorney Buettner stated this is also not recommended by NYCOM; it is unenforceable.

Motion made by Trustee Baskin, seconded by Trustee Raymond that members of any committee or board, such as the Mayor’s advisory committees, shall disclose, in writing, to the Board of Trustees, Village Clerk, and Board of Ethics, any personal financial interest in any project considered by the committee or board. To accomplish this purpose, every member will complete and submit a Conflict of Interest disclosure form.

Trustee Raymond-yes

Trustee Baskin-yes

Trustee Kormos-yes

Trustee VanDeinse-Perez-no

Mayor-no

Motion Passed

13) Other Business

Motion made by Trustee Kormos, seconded by Trustee Baskin that the attached proposed ADU code be referred to the Planning Board and Zoning Board of Appeals for comment.

Ms. Marozzi reiterated her concern for the risk this motion is putting the Village in.

Lisa Speidel of 106 Prospect Street stated you are doing what they want to do, not what the people you represent want.

Trustee VanDeinse-Perez stated we should take our time and work through the process.

Mayor Rossi pointed out that we have more important priorities such as sidewalks, parks, and ethics.

Mayor Rossi expressed his concern that 1 Trustee writes their own code and wants this code done right now.

Trustee Kormos responded “you have your priorities, I have my priorities”.

Addressing the Board, Ms. Speidel stated it is our priority, not yours.

Several residents asked what the rush is.

Trustee Kormos finds it highly ironic that the Mayor and his family supported an application for an ADU.

Ms. Marozzi pointed out that that application went through the proper channels and didn’t disobey the law unlike Trustee Kormos’ s friend who did not and will benefit from this.

Ms. Marozzi suggested Trustee Kormos acknowledge her relationship with the person this will benefit and recuse yourself.

Trustee Kormos responded “why should I”?

Mayor Rossi answered “transparency”.

Trustee Kormos suggested that the application that was approved was done so because of the applicants friends.

Anna Stanko, Zoning Board Chair, stated she takes great offense that an elected official is essentially saying that the ZBA did something irregular and stated the law was followed,

Ms. Stanko noted that everyone knows that Trustee Kormos is doing this for 38 East High Street.

Trustee Kormos countered that she is not just representing 1 resident, she has been in favor of ADU's since her mother moved in to 1 in her (Trustee Kormos) home.

Trustee Kormos said she is not trying to push this through before the Comp Plan, she just wants to start the process and get comments from the ZBA and Planning Board.

Trustee VanDeinse-Perez stated the issue here is timing; this should be looked at when the Comp Plan and zoning changes are reviewed.

Trustee Raymond said this is just review and comment, this is not drafting law.

Attorney Buettner noted she agrees that this is a timing issue and should be done along with the entire zoning code and Comp Plan.

Trustee Kormos stated she is confused about Attorney Buettner's comments.

Trustee Baskin noted that if the ZBA and Planning Boards don't respond within 30 days, it can be assumed they have no response.

Attorney Buettner answered that is correct.

Trustee VanDeinse-Perez stated this is not partisan from her stance, this is about good zoning.

Mayor Rossi asked Trustee Kormos if she would support the code if amnesty was removed for violators.

Trustee Kormos answered no.

Trustees Kormos and Baskin feel it is not unethical to vote on something that benefits a friend.

Trustee Raymond-yes	Trustee Baskin-yes	Trustee Kormos-yes
	Trustee VanDeinse-Perez-no	Mayor-no

Motion Passed

Mayor Rossi told Trustee Kormos she should come in and fill out a new disclosure form due to what has come out in this meeting.

14) Executive Session (If Needed)

Motion made by Trustee Baskin, seconded by Trustee VanDeinse-Perez that the Board enter into Executive Session to discuss pending litigation and potential settlement, contract negotiations under Article 14 and real property at 11:22pm.

Ayes All

15) Adjournment/Voucher Audit:

Motion made by Trustee Baskin, seconded by Trustee VanDeinse-Perez, that the Vouchers be audited and the meeting adjourned at 11:45pm.

General Fund	\$ 28,985.34
Sewer Relevy	132.45
Library Fund	1,569.79
Trust & Agency	----
Total	\$ 30,687.58

Ayes All

Respectfully Submitted,

**Teri L. O'Connor
Village Clerk**