

REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BALLSTON SPA, NY held on April 24, 2023.

Present: Mayor Rossi, Trustee Kormos, Trustee Baskin, Village Clerk O'Connor, Village Administrator Moskowitz Attorney Buettner

Via Zoom: Trustee VanDeinse-Perez

Absent: Trustees Raymond

1) Call to Order

2) Pledge to the Flag

3) Public Hearing (Local Law No. 2 of 2023; amending Section 45-1 to add language expanding the residency for appointed officers and employees to Albany, Montgomery, Rensselaer, Schenectady, Warren and Washington Counties, in addition to Saratoga County)

Mayor Rossi announced that we the Board will not be voting on Local Law #2 of 2023 because State law says you have to reside in the County.

4) Minutes

Motion made by Trustee _____ n/a _____, seconded by Trustee _____ n/a _____ that the minutes of the 04/13/23 meeting be approved.

Tabled

5) Mayor Announcements

a) Liz Snell is being appointed to the Park and Tree Board.

b) The Front Street project is moving according to schedule.

c) Trustee VanDeinse-Perez is joining us via Zoom tonight and therefore can participate but not vote.

6) Liaison Reports

Trustee Kormos stated that the Library will be having a bilingual story time this Saturday and the story will be in Spanish and English and the Friends of the Library are sponsoring an auction on May 11.

Regarding Arbor Day, Trustee Kormos announced that the Park and Tree Board will be planting a tree in Kelley Park on 04/29 at 10:00am.

Trustee Baskin reported that the Park and Tree Board is looking for donations of funds or help with restoring park benches.

The next Park and Tree Board meeting is on the 16th and there are 2 additional vacancies on the board.

The next meeting of the Arts Committee is May 3 at 7pm.

Trustee VanDeinse-Perez announced that the BSBPA and The Arts Committee have collected their grants from Saratoga Arts.

7) Treasurer's Report (attached)

8) Presentation

a) Final Proposed Budget (Mayor Rossi)¹

¹ Due to the importance of the Budget for the community, Public Comment will be permitted after the brief presentation, limit two minutes per speaker, and a motion will follow to approve any amendments and to approve the Final Budget.

Mayor Rossi stated that all of the changes that the Trustees wanted were made and some glitches were fixed.

Gina Marozzi, 10 Old Glory Lane asked for events funding clarification.

Mayor Rossi noted that there is no funding in this budget for the 9/11 Observance, Falling Leaves Festival, Breakfast with Santa or WinterFest.

Motion made by Mayor Rossi, seconded by Trustee Baskin adopting the final budget for Fiscal Year 2023-2024. The final budget will be document entitled "Proposed Final Budget reflecting changes from an email between Frank Rossi, Jr. and the Trustees dated April 24, 2023, at 2:56pm and permitting the Mayor to change the cover page and any typographical or formatting errors that do not change figures inside the budget for submission to the Comptroller.

Trustees Baskin and Kormos prefer to vote on just the amendments.

Motion made by Mayor Rossi, seconded by Trustee Baskin to amend the motion as follows: remove the part about adopting the budget and change to approving the amendments in the email between Frank Rossi, Jr. and the Trustees dated April 24, 2023, at 2:56pm.

Trustee Baskin-yes

Trustee Kormos-yes

Mayor Rossi-yes

Motion Passed

Motion made by Trustee Baskin, seconded by Mayor Rossi to adopt the 2023-2024 final budget utilizing the document called "Proposed Final Budget for Fiscal Year 2023-2024 which included the amendments just voted on by the Board.

Trustee Baskin-yes

Trustee Kormos-yes

Mayor Rossi-yes

Motion Passed

9) Old Business

a) Code Change Status Updates (Mayor Rossi with Village Attorney Buettner)

Attorney Buettner noted that at a special meeting, there were some proposed changes to the sidewalk law and the hope is to present it at the next meeting.

With respect to the ethics code, Attorney Buettner said nothing is happening; will be discussed at a special meeting or a regular meeting.

Regarding the Comp Plan, Attorney Buettner stated that it is ready to go to SEQR.

Attorney Buettner said it is her understanding that the ADU code change will be put on hold, which is what was recommended.

Lastly, Attorney Buettner noted that the parks law and a law allowing remote meeting participation will be drafted.

b) Accessory Dwelling Units (Trustee Kormos)

Trustee Kormos noted she has no plans on presenting on this before the Comp Plan is completed.

Planning Board Chair Rory O'Connor concurred with the Village Attorney that any changes to the zoning code should be done collectively after the Master Plan is approved.

Zoning Board Chair Anna Stanko agreed and feels the proposed ADU law has a lot of flaws.

Former Chair and current member of the Zoning Board, Kevin McDonough feels there are some contradictions in the proposal; let legal look at it.

c) Sidewalk Reimbursement Schedule (Trustee Baskin)

Trustee Baskin stated that he is proposing that reimbursement rates go up from \$2.50 per square foot to \$6.00 per square foot.

Trustee Baskin spoke about having continuous sidewalks and raising the reimbursement rate for those who have no sidewalk to \$8.00 per square foot.

Other points of discussion were the possibility of not having enough funding if too many people apply for reimbursement in a fiscal year, making it mandatory to install a new sidewalk within a 1 year time frame and whether or not a Village Board of Trustees member or their immediate family members should be eligible for reimbursement.

10) New Business

a) Fund Balance Policy (Trustee Kormos)

Trustee Kormos stated that that our accountant, Bob Fox recommended having a fund balance of in between 25% and 50%.

Trustee Kormos suggested the Revenue Committee look at having a fire tax for Village residents.

Chief Bashore said they are never going to say no to more money, but wished he had been contacted about this before the meeting so that he could have been prepared for this discussion.

b) Fire Department Fees (Trustee Kormos)

Trustee Kormos suggested the Revenue Committee look at having a fire tax for Village residents.

Chief Bashore said they are never going to say no to more money, but wished he had been contacted about this before the meeting so that he could have been prepared for this discussion.

c) Policies and Procedures (Trustee Kormos)

Trustee Kormos would like our Policies and Procedures followed and wants the part about public comment policy read aloud at each meeting and potentially posted it on the wall.

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

Anna Stanko, 32 Kent Street asked if there has been any progress on trees that are damaging our sidewalks.

Mayor Rossi stated that the ones not on State roads will be addressed in the code. As far as the ones on Route 50, we will attempt to go to the State and tell them to do something.

Ms. Stanko chastised the Trustees who disrespect our Attorney and other Village Professionals by seeking advice elsewhere and not listening to anything they say.

Trustee Baskin agreed with Trustee Kormos regarding public comment.

Christine Kernochan, BSBPA President thanked Trustee VanDeinse-Perez supporting their application to Saratoga Arts, a \$2,000.00 grant for the Summer Concert Series was received.

Ms. Kernochan announced that 1st Friday will be held on 5/5, Movies in the Park, Concerts in the Park and the Farmer's Market are scheduled. Also, the marketing videos have been coming out.

Peter Martin of 20 Chesterwood Court said none of his neighbors want ADU's in the neighborhood. (Mr. Martin did not ask Trustee Raymond).

Speaking about the proposed sidewalk law needs clarification regarding nonprofits.

Mr. Martin apologized for getting out of control the comment "take her out back and beat her up" was made by Keith Lewis. Additionally, Mr. Martin feels the Board should have addressed it, even though he knows he didn't mean it.

Keith Lewis, 38 East High Street apologized for making the comment.

Mr. Lewis accused Mayor Rossi of weaponizing issues such as the bud get and also accused the Mayors' family regarding the water/sewer billing for a multi-unit dwelling they own.

Ms. Marozzi commented on the hypocrisy of the previous speaker.

Ms. Marozzi is tired of the arts and events group being singled out and asked what they are doing wrong.

Ms. Marozzi also spoke about the hypocrisy of being told it was inappropriate to have political donors' names on the Family Fun Day banner, but when political donors of the of the other party were thanked on a banner for Breakfast with Santa, there were no complaints. Ms. Marozzi said she heard no complaints from parents or children.

Due to lack of support and underfunding from the Board, Ms. Marozzi is uncertain what will happen with future Village events.

Ed Gawrys, 84 Division Street suggesting forming a new nonprofit to maintain Woods Hollow at no cost to taxpayers.

Ray Otten of 16 Middlebrook Avenue asked how he would go about reporting a sidewalk violation.

Mr. Otten suggested Board raises should not be automatic, but should evaluation based.

Christine Fitzpatrick, 31 Chapman Street congratulated the Board on passing the budget.

Ms. Fitzpatrick asked what the situation is with Ricketts.

Ms. Fitzpatrick refuted comments made by Mark Blech at the previous meeting.

Mayor Rossi said the State is working on Ricketts.

Chief Bashore thanked our fire department for all of their hard work and asked for continued support.

Chief Bashore reminded all that there is no open burning allowed in the Village without permission from him or code enforcement. Questions can be asked via the fire department's website, Facebook page or by contacting him or the Code Enforcement Officer.

Kris DuBuque, 6 Kaleen Drive spoke about meeting procedure and cautioned against limiting public comment any more than already has been, there's value in listening to the public.

12) Board Comments, Questions, and Concerns

Trustee Kormos feels that the Historic District is a good place for ADU's.

As far as the Trustees calling NYCOM on a regular basis for advice, Trustee Kormos said one reason is they don't charge us anything and personally she always checks more than one source.

Addressing Ms. Marozzi regarding political banners, Trustee Kormos read an IRS code that explains what a not-for-profit can and cannot do.

Trustee Kormos disagrees with evaluations for raises for the Board.

Trustee Kormos noted they are proposing a conservation easement on the Woods Hollow agreement.

Trustee Baskin added Milton requested to have the possibility of unenclosed structures and suggested that anyone against that appeal to the Town.

Addressing Mr. Blech and Ms. Marozzi, Trustee Baskin expressed his displeasure at the amount of funds they asked for and chastised them for not saying thank you to the Board.

Ms. Marozzi responded that she doesn't know why they have to fight to do good and said "thank you for the money".

Mayor Rossi told the Trustees that they should be taking Karla's advice; stop undermining her, she really cares about us.

13) Agenda Items for Consideration

a) Motion made by Trustee Kormos, seconded by Trustee Baskin that the attached budget transfers be approved. (Requested by Mayor Rossi)

Ayes All

b) Motion made by Trustee Baskin, seconded by Trustee Kormos that Eagle-Matt Lee Fire Co. #1 be authorized to expend the amount \$3,719.58 for truck repairs. (Requested by Trustee VanDeinse-Perez)

Ayes All

c) Motion made by Trustee Baskin, seconded by Trustee Kormos that the Fire Police be authorized to expend the amount of \$1,200.00 for replacements coats. (Requested by Trustee VanDeinse-Perez)

Ayes All

d) Motion made by Trustee Kormos, seconded by Trustee Baskin that the BSBPA be granted permission to conduct "First Friday Art Show" in Wiswall Park on 5/5/23 from dusk to 8pm. Proof of insurance has been provided. (Requested by Trustee VanDeinse-Perez)

Ayes All

e) Motion made by Trustee Baskin, seconded by Trustee Kormos that Play Hollow and DB Trends be granted permission to conduct "Summer Kick Off" in Wiswall Park on 6/25/23 (rain date 7/9/23) from 8am to 4pm (includes set up and take down time), and a partial closure of Low Street. (Requested by Trustee VanDeinse-Perez)

Ayes All

f) Motion made by Trustee Kormos, seconded by Trustee Baskin that the BSBPA be authorized to conduct the annual Farmer's Market on Saturdays from 9am-1pm and Thursdays from 3pm-to 6pm in Wiswall Park and to approve reserving of parking on Walnut Street for vendors only starting one hour before the market begins with the Village placing the parking by permit only signs along the park on Walnut Street before the first market and placing cones on the street to prevent others from parking there by mistake. Proof of Insurance has been provided. (Requested by Trustee VanDeinse-Perez)

Ayes All

g) Motion made by Trustee Baskin seconded by Trustee Kormos that the BSCSD be permitted to conduct the annual "Scotties Stampede" 5K on 5/13/23 from 9:15am to 10:30am. A permit will be issued upon receipt of insurance. (Requested by Mayor Rossi)

Ayes All

h) Motion made by Trustee Baskin, seconded by Trustee Kormos that ASCC be granted permission to conduct "The Birdhouse Festival" on 6/11/23 (rain date 6/18/23) from 9am to 5pm (includes set up and take down time) in Wiswall Park, and to close Front Street from Milton Avenue to Bath Street and Low Street from Front Street to Walnut Street. Proof of insurance has been provided. (Requested by Mayor Rossi)

Trustee Kormos is concerned about children climbing on the structure that will be put in Wiswall Park.

Mr. Blech explained that the large birdhouse will be covered in birdhouses and there will be no way to climb on it.

Trustee Baskin appreciates that the businesses were contacted and support the festival.

Trustee Kormos wants children to be able to keep the birdhouses they decorate.

Mr. Blech stated then more funding will be needed.

Ayes All

i) Motion made by Trustee____n/a_____, seconded by Trustee____n/a_____ approving Local Law No. 2 of 2023, amending Section 45-1 of the Village of Ballston Spa Code to add language expanding the residency for appointed officers and employees to Albany, Montgomery, Rensselaer, Schenectady, Warren and Washington Counties, in addition to Saratoga County. (Requested by Mayor Rossi)

Motion Withdrawn

j) Motion made by Trustee Baskin, seconded by Trustee Kormos that Brandi Burns be appointed Associate Village Justice for a period to run from April 3, 2023, to January 8, 2024. (Requested by Mayor Rossi)

Ayes All

k) Motion made by Trustee Baskin, seconded by Trustee Kormos to accept the resignation of Barbara Bartlett as Treasurer of the Village of Ballston Spa as of May 5, 2023, with regrets. (Requested by Mayor Rossi)

Ayes All

l) Motion made by Baskin, seconded by Trustee Kormos approving the contract for mowing with Moe's Mowing for \$19,500.00 for calendar year 2023 and authorizing the Mayor to execute the agreement.

Ayes All

m) Motion made by Trustee Baskin, seconded by Trustee Kormos to allow the Committee on the Arts to place planters in the following locations: Wiswall Park, Library, Front street in front of Village Hall, Front Street in front of O'Brien's, Front Street in front of the Post Office, the corner of Route 50 and Washington Street and the corner of Routed 50 and 67, Noah's Attic.

Ayes All

n) Motion made by Trustee Baskin, seconded by Trustee Kormos approving work to be performed by Subsurface Technologies for the rehab of Well #4A on Geyser Road for the approximate price of \$40,450.00. The Board declares this as an emergency need and authorizes the Mayor to execute documents related to it.

Attorney Buettner advised that over \$30,000.00 for Public Works has to be formally bid on and to be declared an emergency there has to be imminent danger, has to be unforeseen and cannot be something that was budgeted or thought about.

Attorney Buettner suggested putting together a bid package quickly.

Motion made Trustee Baskin, seconded by Trustee Kormos, that the motion be tabled.

Ayes All

o) Motion made by Trustee Baskin, seconded by Trustee Kormos to increase the water fee for inside and outside Village users by 5% for the water period starting June 1, 2023.

Trustee Baskin-yes

Trustee Kormos-yes

Mayor Rossi-yes

Motion Passed

p) Motion made by Trustee Kormos, seconded by Trustee Baskin to increase the sewer fees for all by 5% for the water period starting June 1, 2023.

Trustee Baskin-yes

Trustee Kormos-yes

Mayor Rossi-yes

Motion Passed

14) Other Business

Trustee Baskin asked about department presentations.

Mayor Rossi answered during the summer.

15) Executive Session (If Needed)

None needed.

16) Adjournment/Voucher Audit:

Motion made by Trustee Baskin, seconded by Trustee Kormos, that the Vouchers be audited, and the meeting adjourned at 9:52pm.

General Fund	\$ 47,318.38
Sewer Relevy	33.89
Library Fund	539.90
Trust & Agency	-----
Total	\$ 47,892.17

Ayes All

Respectfully Submitted,

Teri L. O'Connor
Village Clerk