

REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BALLSTON SPA, NY held on July 10, 2023

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

1) Call to Order

2) Pledge to the Flag

3) Minutes

a) Motion made by Trustee Baskin, seconded by Trustee VanDeinse-Perez that the minutes of the 06/12/23 meeting be approved.

Ayes All

4) Mayor's Announcements

a) We will have enhanced traffic enhancement this summer.

Trustee Raymond asked for data to see the results of this.

5) Liaison Reports

Trustee Kormos reported on the many special Library programs, including the summer reading club, story times at Kelley Park with mystery readers and an art journaling class.

Trustee Kormos noted that the Friends of the Library have a table of books for sale and announced that the Library is now fine free.

Trustee VanDeinse-Perez stated that there are new vendors at the Farmer's Market and noted that the BSBPA is working to promote Village businesses.

Trustee Raymond reported that the DPW has been working on road striping, installing cameras around the pool and planning paving.

Mayor Rossi added that the crosswalks will be painted red.

Trustee Baskin said the Arts Committee is busy working with the Library to publicize the art journaling.

Trustee Baskin announced there will be 2 Plein Aire (painting outside) classes held. The 1st will be on 8/1 (rain date 8/2) at Brookside from 6pm-8pm, the 2nd class will be at Old Iron Spring on 9/1 (rain date 9/2) from 6pm-8pm. Email info@bspaarts.org to reserve your spot. Cash or check will be accepted at the class.

The " Sounds of Ballston" concert series, Trustee Baskin reported, will be held at Brookside Museum on 7/30 (rain date 8/2, 8/13 (rain date 8/16), 11/18 and 12/30. All concerts will begin at 3pm.

On behalf of the Park and Tree Board, Trustee Baskin thanked the DPW for their thorough work removing the yews and the bishops weed in Wiswall Park; they did a great job.

6) Treasurer's Report (attached)

Mayor Rossi noted that LaBella has provided a proposal on a rebuild of DPW on its current site. It will be provided for review at the next meeting.

7) Presentation

None

8) Old Business

a) Sidewalk Law (Trustee Baskin)

Trustee Baskin proposed relieving the burden of sidewalk repair or replacement to the Village.

Trustee Baskin said this could be done by prioritizing the most important areas for sidewalk improvement.

Trustee Baskin feels by having the Village take over, it will put us in a good position for grants and will avoid the issue of whether the Village is gifting people whose sidewalks are done by the Village, while other people who are not covered by the grant have to pay for their own.

Our current model isn't working, the Trustee continued, noting if it were, we wouldn't be looking at another model.

Trustee Baskin requested that our legal counsel take this draft and move it to the next level.

Mayor Rossi read from page 45 of the final Pedestrian and Bicycle Master Plan. (attached)

Mayor Rossi stated that Trustee Baskin created a proposed benefit assessment schedule for what it would cost residents yearly.

Mayor Rossi also pointed out that if the Village were to take over sidewalks, we would have to pay prevailing wage, there would be a new level of taxation or a new benefit assessment that will have to be handled internally at the worst time of year for Village staff.

Mayor Rossi added that the DPW would have to hire additional staff, making the costs to the Village even higher.

Mayor Rossi encourages raising the reimbursement rate, as suggested in the Pedestrian and Bicycle Master Plan.

Trustees Baskin, Kormos and Raymond prefer an assessment fee so that residents don't have to come up with thousands of dollars.

Trustee VanDeinse-Perez feels this conversation is premature as we don't have actual figures yet.

Insurance risk would also be an issue, Mayor Rossi stated.

The Board continued to discuss the issue at length.

9) New Business

None.

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

Gina Marozzi of 10 Old Glory Lane noted that some people played by the rules and are concerned that people who did would now have to pay for other people's sidewalks.

Ms. Marozzi asked Trustee Baskin to listen to his constituents and would like to see this matter be put go in a public referendum.

Mary Price -Bush, 105 McLean Street also expressed concerns for the sidewalk law, including the extra burden that would be put on the DPW, incremental tax increases for residents that cannot afford it and eminent domain. Ms. Price-Bush suggested a mailing to residents to see what their feelings are.

Due to the fact that a contract agreement could not be reached, Ms. Price-Bush announced that the CEO of ASCC has stepped away from Family Fun Day. The Events Task Force will continue to execute and reimagine Family Fun Day. Volunteers can email Ms. Price-Bush at Mary.Price.Bush@gmail.com.

Trustee Baskin is thankful that the event will continue, but confused as to what happened with the contract and asked how Mark Blech knew about internal conversations related to the contract.

Attorney Buettner responded that Mr. Blech walked away because he was not going to get the dollar amount he wanted from this Board.

Attorney Buettner stated she has not breached any Attorney Client privilege.

Motion made by Trustee VanDeinse-Perez, seconded by Mayor Rossi that the Board enter into Executive Session to discuss a contractual issue with legal at 8:23pm.

The Board returned from Executive Session at 8:38pm.

Trustee Baskin apologized for his harsh tone towards Attorney Buettner and noted his comments were based on a misunderstanding.

Donna Dardaris, 64 Middle Street said she fully supports the stricter enforcement of speed limit laws.

Ray Otten of 16 Middlebrook Avenue asked if anything has been done with bike lane striping and the Zim Smith Trail connection.

Mayor Rossi noted that at a meeting a couple of months ago, the correct route to get to Saratoga State Park utilizing Oak Street.

Mayor Rossi stated that the County is working on somehow connecting the trail to the Village, while taking into consideration the safety issues due to the underpass.

Mr. Otten advised that the Romano Trail in Kellley Park needs signage, and noted the trail also needs maintenance for safety concerns.

Regarding CDTA testing bus stops and shelters in the Village, Mike Iacolucci, 9 Russell Street stated he is in favor of it.

Mr. Iacolucci feels it is imperative that the Board have good numbers to work with regarding sidewalk laws.

Mayor Rossi noted that one location as a possibility for a bus shelter is the Village parking lot on Milton Avenue.

Christine Fitzpatrick of 31 Chapman Street said it's clear to her that people do not want to pay large amounts of money for a sidewalk.

Christin Iacolucci, 24 Chapman Street encouraged more consideration for the proposed sidewalk law.

Kamran Parwana of 86 South Street noted we maintain roads as a Village and feels the same should apply to sidewalks.

Mayor Rossi noted that it is State law that we have to maintain roads.

11) Board Response

Trustee Kormos said in this proposed law that new construction will not get a sidewalk reimbursement.

Trustee VanDeinse-Perez thanked Mary Price-Bush and the team for pitching in for Family Fun Day.

Trustee Raymond said the proposed benefit assessment fee is not a tax.

12) Agenda Items for Consideration

a) Motion made by Trustee VanDeinse-Perez, seconded by Trustee Kormos that the Ballston Spa Lions Club be granted permission to park cars during the Saratoga County Fair July 18-23 in the Village right of way along the fence line on Fairground Avenue. (Requested by Mayor Rossi)

Ayes All

b) Motion made by Trustee VanDeinse-Perez, seconded by Trustee Raymond that the BSBPA be granted permission to conduct the 21st Annual “The Way We Were Car Show” on 10/8/23 (rain date 10/15/23 from 9:00am-4:00pm, set up beginning at 6:00am. See attached letter for street closings and other details. (Requested by Trustee VanDeinse-Perez)

Ayes All

c) Motion made by Trustee VanDeinse-Perez, seconded by Trustee Raymond that Eagle-Matt Lee Fire Co. #1 be granted permission to hold their Annual “Tag Day” on 7/22/23 from 8:00-4:00pm. (Requested by Trustee VanDeinse-Perez)

Ayes All

d) Motion made by Trustee VanDeinse-Perez, seconded by Trustee Kormos that the resignation of Timothy Hajec as a Village Full-Time Police Officer be accepted effective 7/15/2023. (Requested by Mayor Rossi)

Ayes All

e) Motion made by Trustee____n/a_____, seconded by Trustee____n/a_____ that Timothy Hajec be approved as a Village Part-Time Police Officer effective 7/16/2023. (Requested by Mayor Rossi)

Withdrawn

f) Motion made by Trustee Baskin, seconded by Trustee VanDeinse-Perez approving the use of the Old Iron Spring Park for a Plein Air art class to be held 9/1/2023 (rain date 9/2/2023) from 6pm to 8pm. An Event Request Form was filed by The Committee on the Arts, and a Certificate of Insurance was submitted by the artist. (Requested by Trustee Baskin)

Ayes All

g) Motion made by Trustee Baskin, seconded by Trustee Raymond to approve Trustee Kormos as liaison to the Revenue Advisory Committee. (Requested by Trustee Baskin)

Mayor Rossi read an email written by Alex Funicello a resident of 60 Hyde Blvd and Chair of the Revenue Advisory Committee (RAC). In his email, Mr. Funicello stated that the members of the RAC voted and decided that a liaison is not needed at this time.

Trustee Kormos thinks there must be liaisons.

Attorney Buettner noted that is incorrect.

Trustee Kormos disagreed with Attorney Buettner and attempted to modify the motion.

Mayor Rossi noted that Trustee Kormos is not able to vote on this.

Attorney Buettner stated that because it’s for a specific Trustee, whichever Trustee it would be, or the Mayor, that individual has to recuse themselves from any discussion and from voting.

Trustee VanDeinse-Perez feels it would be beneficial for the RAC to be independent and develop their own ideas and noted that Trustee Kormos did not accurately report back to the Board or the public when she was a member of the original RAC.

RAC Chair Funciello stated he wants the Committee to be able to represent their findings directly.

Trustees Raymond and Baskin are in favor of Trustee Kormos being a liaison to the RAC.

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

Trustee Kormos-recused Mayor Rossi-no

Motion Failed

h) Motion made by Trustee Baskin, seconded by Trustee Kormos to amend the committee policy to add the text: "3) Should a board member refuse to select one or more committee members, or if the board member's selection is delayed by more than three weeks from creation of the committee, then the selection will go in order of seniority to the other board members willing to pick members." (Requested by Trustee Baskin)

Trustee VanDeinse-Perez questioned what triggered this motion.

Trustee Baskin said there needs to be a timeline.

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

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

Trustee Kormos-no Mayor Rossi-yes

Motion to table failed

On the original motion:

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

Trustee Kormos-yes Mayor Rossi-no

Motion Passed

Motion made by Trustee VanDeinse-Perez, seconded by Mayor Rossi that a public hearing be set during the 7/24/2023 meeting of the Board of Trustees at 7:01pm to consider proposed Local Law No. 4 of 2023 to repeal Section 174-2 of the Village of Ballston Spa Code pertaining to Sidewalk Reimbursement and to replace Section 174-2 with the following language: "Whenever sidewalks are constructed, repaired, or replaced on the streets of said Village with the consent of the Village Clerk, of approved

material and of the width and cost provided by law, the owner or occupant of the premises adjoining such walk who shall have constructed, repaired, or replaced the same will be paid, with approval of the Board of Trustees, fifty percent (50%) of the cost of such sidewalk and/or curb construction, repair, or replacement, up to \$3,500 per property (which shall be adjusted annually on June 1st based on the prior calendar year's Consumer Price Index change to account for inflation). Receipts and bills of items of the cost thereof must accompany all claims for such payment." (Requested by Mayor Rossi)

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

The Board discussed the matter at length.

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

Motion to table passed

j) Motion made by Trustee VanDeinse-Perez, seconded by Mayor Rossi that a Public Hearing be set for the July 24, 2023 meeting of the Board of Trustees at 7:01pm to consider a proposal of Local Law #4 of 2023 to repeal Section 174-2 Village of Ballston Spa Code pertaining to sidewalk reimbursement and replace 174-2 with the following language: "Whenever sidewalks are constructed, repaired, or replaced on the streets of said Village with the consent of the Village Clerk, of approved material and of the width and cost provided by law, the owner or occupant of the premises adjoining such walk who shall have constructed, repaired, or replaced the same will be paid, with approval of the Board of Trustees, fifty percent (50%) of the cost of such sidewalk and/or curb construction, repair, or replacement, up to \$3,500 per property (which shall be adjusted annually on June 1st based on the prior calendar year's Consumer Price Index change to account for inflation). Receipts and bills of items of the cost thereof must accompany all claims for such payment."

Motion made by Trustee VanDeinse-Perez, seconded by Trustee VanDeinse-Perez to revise the motion as follows: with the approval of the Board of Trustees 50% of the cost of such sidewalk and/or curbs are constructed, repair or replacement up to \$3,500.00 per property which may be adjusted annually by resolution of the Board.

Motion made by Trustee Raymond, seconded by Trustee Baskin to table the motion.

Mayor Rossi called for public comment on the new motion.

Trustees Baskin and Raymond argued that it was not a new motion, so no public comment should be heard.

Attorney Buettner stated her legal opinion that it is a new motion.

Trustee Baskin expressed his anger regarding Attorney Buettner's legal opinion.

Ms. Marozzi chastised the Trustees for not following rules of procedure on allowing public comment.

Jason Gurtler of 99 Rowland Street noted that the Attorney has the legal knowledge and admonished the Trustees who constantly question her.

Jared Iacolucci, 24 Chapman Street feels it is absurd to change a motion at this hour.

Mr. Otten chastised Trustee Baskin for his behavior towards Attorney Buettner.

On the motion for the Public Hearing to occur on 7/24:

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

Mayor Rossi expressed his disappointment, noting that the purpose of Public Hearing was to hear the public’s voice on this matter.

Mayor Rossi feels it is shameful that the people’s money is being hoarded for political purposes.

Motion Failed

h) Motion made by Trustee Kormos, seconded by Trustee Raymond to approve the attached revised Rules and Procedures. (Requested by Trustee Kormos)

Mayor Rossi stated that he does not believe that having your opportunity to speak is constitutional.

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

Motion Passed

Motion made by Trustee Kormos, seconded by Trustee Basin to adopt the attached charter for the Revenue Advisory Committee (Requested by Trustee Kormos)

Mayor Rossi stated we received a litany of comments from Attorney Buettner and read them aloud.

Trustee VanDeinse- Perez feels the charter should not be so prescriptive, and suggested the charter say, "look at different ways to address revenue."

Trustee Raymond said the only reason the RAC reconvened was to look at water and sewer fees.

Trustee VanDeinse-Perez disagreed.

Trustee Kormos said water and sewer revenue should be the prime task of the committee.

Trustee VanDeinse-Perez doesn't feel this is ready for a vote.

The Board discussed the tour of the water facilities and who was not invited, and why.

Disagreement continued amongst the Board as to the readiness of this motion and whether or not the RAC is subject to the open meetings law.

Motion made by Trustee VanDeinse-Perez, seconded by Mayor Rossi that the motion be tabled.

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

Trustee Kormos-no Mayor Rossi-yes

Motion Passed

More discussion ensued about the charter details and Trustee Kormos' participation during RAC meetings.

Motion made by Trustee Kormos, seconded by Trustee Baskin to accept the revised RAC Charter. (attached)

Trustee Baskin-yes Trustee Raymond-yes Trustee VanDeinse-Perez-yes

Trustee Kormos-yes Mayor Rossi-abstained

Motion Passed

3) Other Business

Mayor Rossi apologized to Attorney Buettner for the inappropriate way she was treated tonight.

14) Executive Session (If Needed)

15) Adjournment/Voucher Audit:

Motion made by Trustee VanDeinse-Perez, seconded by Trustee Raymond, that the Vouchers be audited and the meeting adjourned at 10:56pm.

General Fund	\$ 153,076.12
Sewer Relevy	74.07
Library Fund	44,764.86
Trust & Agency	1,124.46
Total	\$ 199,039.51

Ayes All

Respectfully Submitted,

Teri L. O'Connor

Village Clerk