

**REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BALLSTON SPA, NY** held on ,  
August 28, 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) Completion of Public Hearing – 2023 Village of Ballston Spa Comprehensive Plan Update (5 Minutes per Speaker)**

Clerk O'Connor stated no correspondence was received on the matter.

John Cromie of 136 Bath Street stated the line “due to climate migration from coastal areas” be deleted.

Motion made by Trustee VanDeinse-Perez, seconded by Trustee Kormos to close the public hearing at 7:04pm.

Trustee Baskin-yes

Trustee Raymond-yes

Trustee VanDeinse-Perez-yes

Trustee Kormos-yes

Mayor Rossi-yes

**Motion Passed**

**4) Minutes**

a) Motion made by Trustee VanDeinse-Perez seconded by Trustee Raymond that the minutes of the 8/14/23 meeting be approved.

**Ayes All**

**5) Mayor Announcements**

a) The Mayor and Chief Bush had a Zoom call with Springs Mayor Kim and several other Saratoga Springs officials to discuss the event of 8/5 and see what can be done to maximize communication.

b) Firefighter Ken Wooley passed away last week. Thank you to our Fire Dept. for their work.

**6) Liaison Reports**

Trustee Kormos announced that “Killer Story” Author Matt Whitten will have a book signing on 9/9 at 1:00pm at the Library.

Trustee VanDeinse-Perez thanked the BSBPA for their involvement with Family Fun Day.

Trustee VanDeinse-Perez noted the Farmer’s Market has more produce and items to sell.

Additionally, Trustee VanDeinse-Perez announced that a ribbon cutting will be held on 9/2 for Saha Yoga, on 9/10 for NightWorks Bread Co. and on 10/6 for the National bottle Museum.

Please email [dana@ballston.org](mailto:dana@ballston.org) to volunteer at the car show.

Mayor Rossi expressed his thanks to the volunteers and businesses who participated in Family Fun Day.

Trustee Raymond noted that the DPW is busy paving.

Trustee Baskin reported that the Park and Tree Board is working on a picnic table with benches for Wiswall Park.

The Committee on the Arts is working on branding marketing and will be doing a survey in the Village according to Trustee Baskin.

**7) Treasurer's Report (attached)**

**8) Presentation**

**a) FANS-Built Playground at Kelley Park Transfer of Funds (Andy Manion / Shannon Hansen)**

Ms. Hansen announced that FANS will be doing a voluntary dissolution and will present the Village with a check for \$4, 465.81 to be put into escrow for playground maintenance.

Motion made by Baskin, seconded by Trustee VanDeinse-Perez that the Village accept \$4,465.81 from FANS with the following restriction: the funds are to be used exclusively for maintenance and/or improvements for the Kelley Park Fans built playground. Furthermore, the Mayor may provide FANS a letter acknowledging acceptance of the funds with this restriction.

Motion made by Trustee Baskin, seconded by Trustee VanDeinse-Perez that the motion be amended to add "and that the Attorney for the Village is appointed as Escrow Agent to hold the funds within their escrow account until such time as all the parties indicate it can be distributed".

Ellie Dillon, 116 Malta Avenue commended FANS.

**Ayes All**

**9) Old Business**

**a) CDTA Bus Stop Update (Mayor Rossi)**

CDTA confirmed that the Malta Avenue/Route 50 stop will move to the Village parking lot just past Reshop and a shelter will be installed. Also, beginning 9/3, there will be up to 7 stops a day to Social Services.

**b) Ethics Code Workshop (Mayor Rossi)**

Mayor Rossi stated that with the acrimony that has been going on, he proposes reverting back to the Ethic's Committee had done in the first place.

**10) New Business**

None

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

Mary Price-Bush, 105 Mclean Street noted the success of Family Fun Day and thanked the volunteers.

Ms. Price-Bush announced that \$2,053.00 was raised in the donation jars and they would like to donate it to the victims of the Maui wildfires.

Mayor Rossi said because the money is Village held funds, it is impermissible to donate it.

The Mayor offered to donate the \$900.00 saved due to him refusing a raise.

Ways to donate will be looked into.

Trustee Raymond suggested having an independent party run future events.

Ray Otten of 16 Middlebrook Avenue thanked his fellow committee members and all of the volunteers.

Christine Fitzpatrick, 31 Chapman Street asked for clarification on the motions regarding Ethics.

Mayor Rossi apologized for the confusion. And explained that motions "D and I" match up, as do motions "E and J".

Mayor Rossi said motion "I" is the code written by the Ethics Committee. Mayor Rossi is supporting the motion if we don't go to a workshop.

Ms. Fitzpatrick commented on the success of Family Fun Day.

Gina Marozzi of 10 Old Glory Lane remarked about the excitement of the children on Family Fun Day.

Ms. Marozzi stated how it was great to see how happy kids were to get school supplies as prizes and noted it was wonderful to see a family of 4 eat for under \$20.00.

Ms. Marozzi thanked the Task Force, all of the volunteers, and the merchants.

Speaking about the Ethics Code, Ms. Marozzi chastised the Board for wanting to write the rules that govern themselves.

Ms. Marozzi asked permission for the Events Task Force to hold the 9/11 Ceremony on 9/11 at 7:00pm and to close Front Street from Bath Street to Science Street from 6:30pm to 8:00pm.

Jared Iacolucci, 24 Chapman Street said it's important to have a strong ethics code.

Mr. Iacolucci feels it is importance of having Village Official fill out a disclosure form.

Regarding appointments to the Zoning Advisory Committee, Mr. Iacolucci questioned why the Building Inspector, Zoning Board and Planning Board Chairs would be automatic appointments.

Before voting on a disclosure form, Mayor Rossi wants the Board to fill one out as he and Trustee Baskin did as an exercise.

Bob Bush Jr., 72 Church Avenue agreed with Ms. Marozzi who said earlier that the picnic table for Wiswall Park could be purchased much cheaper than the one chosen.

Trustee Kormos feels a less expensive one would not be the same quality.

Trustee Baskin is willing to forward picnic table suggestions to the Park and Tree Board.

Mike Iacolucci of 9 Russell Street appreciates the meeting materials being posted on the web site.

## 12) Board Response

Trustee VanDeinse-Perez will be happy to fill out a disclosure form.

Trustee Raymond stated the same.

Mandy Rider, 9 Heritage Place said Family Fun Day was amazing.

Noting that Family Fun day was successful, Trustee Baskin thanked all of the volunteers.

Mayor Rossi expressed his gratitude for the volunteers.

## 13) Agenda Items for Consideration

a) Motion made by Trustee Raymond, seconded by Trustee VanDeinse-Perez that the DPW be authorized to expend the amount of appx. \$6,000.00 (not to exceed \$7,500.00) for brakes for the tandem dump truck. (Requested by Mayor Rossi)

Ayes All

b) Motion made by Trustee Baskin, seconded by Trustee Kormos approving the closing of Malta Avenue from 3:30pm until 5:00pm on Wednesday, 9/6/2023, for the annual "Back to School Block Party" at Malta Avenue School. (Requested by Mayor Rossi)

Motion amended as:

Motion made by Trustee Baskin, seconded by Trustee Kormos approving the closing of Grove and Pine Streets from 3:30pm until 5:00pm on Wednesday, 9/6/2023, for the annual "Back to School Block Party" at Malta Avenue School.

Ayes All

c) Motion made by Trustee Baskin, seconded by Trustee VanDeinse-Perez that the Village accept \$4,465.81 from FANs with the following restriction: the funds are to be used exclusively for maintenance and/or improvements toward the Kelley Park FANs-built playground. Furthermore, the Mayor may provide FANs a letter acknowledging acceptance of the funds with this restriction. (Requested by Mayor Rossi)

Ayes All

d) Motion made by Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_ to approve the attached Zoning Advisory Committee Charter and to have the Charter, which includes a description of the Zoning Advisory Committee's purpose and duties, posted in the Village Offices Building, and on the Village web site and social media, starting Tuesday, August 29, until the committee's membership has been chosen. (Requested by Mayor Rossi & Trustee VanDeinse-Perez; see version marked with "D")<sup>1</sup>

The Board discussed the composition of the Zoning Advisory Committee (ZAC) and whether or not the Zoning and Planning Chairs should be included.

Trustee VanDeinse-Perez is in favor of their inclusion.

Trustee Baskin is willing to accommodate 11 people and indicated the rest of the Board is free to nominate anyone they want, including the Zoning and Planning Chairs as well as the Building Inspector.

Trustee Baskin is unhappy with this agenda, including the 2 motions that are alike and the order of the motions.

Trustee Raymond feels the odd numbered pick should go to the Mayor.

Mayor Rossi proposed the following change to motion "i":

Number of members will change from 13 to 11.

Trustee Baskin interjected expressing his dismay that the charter that he wrote is not being utilized.

Motion made by Trustee \_\_\_\_\_ seconded by Trustee \_\_\_\_\_ approving the attached Zoning Advisory Committee Charter labeled as motion "i", amended by Trustee VanDeinse-Perez with the following changes:

The number of members shall be changed from 13 to 11.

The automatic choices of the Zoning Board Chair, Planning Board Chair and the Building Inspector/Code Enforcement Officer will be removed.

There will be a provision added to prevent a Board or Committee Chair from chairing this Committee.

Trustee Baskin is insulted and feels that his motion was copied.

Trustee VanDeinse-Perez stated she was only offering minor edits.

Trustee Baskin said he is willing to compromise and use Trustee VanDeinse-Perez's motion with 11 members and the motion as written by him with his name attached to it.

Attorney Buettner offered the following changes to the motion:

11 members instead of 13

Taken out Chairs of the Zoning Board of Appeals and the Planning Board to be on it.

Added the Chair cannot be a member of another Village Committee or Board.

After more discussion, the Board hopes to create and nominate this committee at the next meeting.

Motion made by Trustee Baskin, seconded by Trustee VanDeinse-Perez approving the Zoning Advisory Charter as edited by the Village Attorney and discussed in open session.

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<sup>1</sup> Motions d) and e) are based on the same topic, but the Board could not reach a full consensus via email during the week. As a result, both are offered on this Agenda pursuant to the Rules of Procedure.

Ayes All

e) Motion made by Trustee \_\_\_\_\_ n/a \_\_\_\_\_, seconded by Trustee \_\_\_\_\_ n/a \_\_\_\_\_ to approve the attached Zoning Advisory Committee Charter and to have the Charter, which includes a description of the Zoning Advisory Committee's purpose and duties, posted in the village offices, and on the Village web site and social media, starting Tuesday, August 29, until the committee's membership has been chosen. (Requested by Trustee Baskin; see version marked with "E")

n/a

f) Resolutions related to any potential revisions of and, if revisions are not deemed substantive, the SEQRA and approval of the 2023 Village of Ballston Spa Comprehensive Plan Update. (Requested by Mayor Rossi)<sup>2</sup>

Trustee Kormos prefers the motion she wrote.

Mayor Rossi pointed out it is an illegal motion.

Trustee Baskin disagreed.

Attorney Buettner explained the SEQRA procedure (SEQRA, changes, motion) and clarified that the resolution is the motion.

The Board agreed that there would be no significant environmental impact by the adoption of the Comprehensive Plan.

Motion made by Trustee Baskin, seconded by Trustee Raymond to make the following amendment to the draft Comprehensive Plan in Section 9 changing the second sentence to read " recognize opportunities to be responsive to a potential population increase from outside the region. And expunging the remainder of that sentence.

Trustee Raymond-yes

Trustee Baskin-yes

Trustee VanDeinse-Perez-yes

Trustee Kormos-yes

Mayor Rossi-yes

Motion Passed

Mayor Rossi

Attorney Buettner read the "resolved" portion of the resolution.

Motion made by Trustee Kormos, seconded by Trustee Raymond to adopt the resolution.

Trustee Baskin thanked the Comprehensive Plan Committee.

Trustee Kormos noted this is a milestone.

Trustee Baskin-yes

Trustee Raymond-yes

Trustee VanDeinse-Perez-yes

Trustee Kormos-yes

Mayor Rossi-yes

Motion Passed

g) Motion made by Trustee Baskin, seconded by Trustee VanDeinse-Perez to transfer \$390.00 previously budgeted for mulch and annuals (to the degree that these funds are not already located in the correct budget line) to help cover the cost of one picnic table for \$1,589.29. (Requested by Trustee Baskin)

Ayes All

h) Motion made by Trustee VanDeinse-Perez, seconded by Mayor Rossi that a Special Meeting of the Board of Trustees be held on Tuesday, 9/19/2023, at 7pm in the Village Offices Building (66 Front Street) for the purpose of a workshop related to the draft Ethics Code. (Requested by Mayor Rossi)<sup>3</sup>

<sup>2</sup> At the time of issuance of this Agenda, two revisions were proposed by Trustee Baskin (see attachments). The Village Attorney has not yet determined whether the revisions would be considered substantive (forcing a new notice of public hearing before approval would be permitted by law).

<sup>3</sup> It was recommended by counsel that the Board utilize a workshop, originally intended for April 2023, to determine the proper version and provisions to use. At the time of release of this Agenda, there were concerns

Mayor Rossi explained the reason for motions “ h, I and j”.

The Board had extended discussion regarding the Ethics Code and whether or not to hold a public hearing.

Trustee Baskin-no

Trustee Raymond-no

Trustee VanDeinse-Perez-yes

Trustee Kormos-no

Mayor Rossi-yes

Motion Failed

i) Motion made by Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_ that a Public Hearing be held on Tuesday, 9/12/2023, at 7:01pm during the Village Board of Trustees meeting related to Proposed Local Law #\_\_ of 2023 to repeal Chapter 27 of the Village of Ballston Spa Village Code and replace Chapter 27 with the attached proposed Ethics Law. (Requested by Mayor Rossi; see version marked with “I”)

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j) Motion made by Trustee Baskin, seconded by Trustee Raymond that a Public Hearing on the revised Ethics Law (attached "DOCLIB-#777043-v1-BSPA\_-\_Ethics\_Code\_Clean Copy.8.24.23") be set for the September 12 meeting of the Board of Trustees at 7:01 p.m. (Requested by Trustee Baskin; see version marked with “J”)

Trustee Baskin went over some of the proposed changes.

Motion made by Trustee Baskin, seconded by Trustee Raymond that the motion be amended to include “ All public Officials shall be truthful in their dealings, discussions and decisions relating to the Village”.

Trustee Baskin-yes

Trustee Raymond-yes

Trustee VanDeinse-Perez-yes

Trustee Kormos-yes

Mayor Rossi-abstain

Trustee VanDeinse-Perez stated she thinks this still needs more work; this is not necessarily the right document to present to the public, but she does support a public hearing.

Mayor Rossi noted he abstained because the Board should not be doing what they’re doing with respect to this code; you don’t write code about yourself.

Motion Passed

k) Motion made by Trustee VanDeinse-Perez, seconded by Trustee Kormos approving the emergency work performed by Hawk Drilling Co. Inc. on the San Souci Spring on Friday, 8/25/2023, for the cost of \$3,114.71 (Requested by Mayor Rossi)

Ayes All

Motion made by Trustee VanDeinse-Perez, seconded by Trustee Baskin permitting the 9/11 ceremony to occur next to 66 Front Street and along the sidewalk and allowing closure of the road from Bath Street to Science Street from 6:30pm to 8:30pm on 9/11/23.

Ayes All

#### 14) Other Business

A motion proposed by Trustee Kormos regarding an RFP was discussed.

15) Motion made by Trustee VanDeinse-Perez, seconded by Trustee Kormos that the Board enter into Executive Session to discuss a real estate contract and a personnel issue at 10:16pm.

Ayes All

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with the current status of Trustee Baskin’s unilateral revisions to the draft Ethics Code, and there was not a consensus on the potential for a workshop. As a result, three motions are being offered to be comprehensive and to comply with the Rules of Procedure: h) proposing the workshop; i) proposing a public hearing for the version originally offered by the Ethics Code Advisory Committee; and j) proposing a public hearing for one of Trustee Baskin’s versions from the days preceding the Agenda’s release.

The Board returned from Executive Session at 11:03pm.

Motion made by Trustee Baskin, seconded by Trustee VanDeinse-Perez approving the binding term sheet for purchase of 78 Thompson Street in the Village of Ballston Spa and the adjoining parking lot parcel to the degree that it is a separate tax map parcel and permitting the Mayor to execute same.

Mayor Rossi stated the intent is to house the Police Dept. and possibly the Court. Closing is expected to be at the end of February 2024.

Trustee Baskin-yes      Trustee Raymond-yes      Trustee VanDeinse-Perez-yes  
Trustee Kormos-yes      Mayor Rossi-yes

Motion Passed

Motion made by Trustee VanDeinse-Perez, seconded by Trustee Raymond to appoint Scott Straight as a new full time officer effective on 9/1/23 or when his paperwork, training and/or availability to be a full time officer is completed, whichever is later.

Ayes All

Motion Passed

Motion made by Trustee VanDeinse-Perez, seconded by Trustee Kormos appointing Ed Ackley as a new full time officer effective on 1/1/24, paid at the lowest pay rate until the retirement of Officer Todd Ives.

Mayor Rossi noted that this will allow Officer Ives to share institutional knowledge with both full timers.

Ayes All

16) Adjournment/Voucher Audit:

Motion made by Trustee VanDeinse-Perez, seconded by Trustee Raymond, that the Vouchers be audited, and the meeting adjourned at 11:08pm.

General Fund	\$ 82,751.01
Sewer Relevy	348.67
Library Fund	4,639.07
Trust & Agency	<u>856.74</u>
Total	\$ 88,595.49

Ayes All

<sup>1</sup> It was recommended by counsel that the Board utilize a workshop, originally intended for April 2023, to determine the proper version and provisions to use. At the time of release of this Agenda, there were concerns with the current status of Trustee Baskin’s unilateral revisions to the draft Ethics Code, and there was not consensus on the potential for a workshop. As a result, three motions are being offered to be comprehensive and to comply with the Rules of Procedure: h) proposing the workshop; i) proposing a public hearing for the version originally offered by the Ethics Code Advisory Committee; and j) proposing a public hearing for one of Trustee Baskin’s versions from the days preceding the Agenda’s release.

**Respectfully Submitted,**

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