

REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BALLSTON SPA, NY held on September 12, 2023.

Present: Mayor Rossi, Trustee Kormos, Trustee Baskin, Trustee VanDeinse-Perez, Trustee Raymond, Village Clerk O'Connor, Village Administrator Moskowitz, Attorney Buettner (arrived 7:04pm)

1) Call to Order

2) Pledge to the Flag

3) Public Hearing on Proposed Local Law No. 2 To Repeal and Replace the Village of Ballston Spa Ethics Code (7:01pm; Speakers Will Have 5 Minutes Each To Speak)

Mayor Rossi noted that the public hearing will be paused after reading of the legal notice to allow for the presentation by Mr. Hersh.

Motion made by Trustee VanDeinse-Perez, seconded by Trustee Baskin to temporarily pause the public hearing at 7:03pm.

Ayes All

4) Motion made by Trustee Raymond, seconded by Trustee VanDeinse-Perez that the minutes of the 8/28/23 meeting be approved.

Trustee Baskin noted there is a typo regarding the dollar amount on the FANs motion.

Motion made by Trustee Raymond, seconded by Trustee VanDeinse-Perez that the minutes of the 8/28/23 meeting be approved as amended (44465.81 corrected to \$4,465.81).

Ayes All

5) Mayor Announcements

a) Thank you to the Events Task Force, all who helped put together and attended the 9/11 Ceremony last night.

b) The official bound version of the Comprehensive Plan was delivered. Thank you to all who worked on it.

c) A 200 page draft for an RFP for the John Street water tower was received. It will be submitted to legal and the DPW for review.

6) Liaison Reports

Trustee VanDeinse-Perez reported that volunteers are still needed for the car show.

Trustee VanDeinse-Perez noted that in August the Fire Dept. responded to 41 emergency calls, making the total calls 131 so far this year. A recent fire call resulted in the arrest of arsonist.

Trustee Raymond stated roads are getting paved and crosswalk striping is getting done.

Trustee Raymond said leaves and brush should continue to be bagged and bundled until further notice.

Trustee Baskin reported that the Park and Tree Board would like an alternate member to be appointed.

The Arts Committee will have concerts at Brookside Museum on 11/18 and 12/30 at 3:00pm.

Additionally, Trustee Baskin noted that any artists looking to do community public art through Saratoga Arts should contact the Arts Committee by mid-November if they are looking to have to have the Village as a fiscal sponsor.

7) Treasurer's Report (attached)

8) Presentation

a) Lions Club Iron Spring Park Improvement Project (Ed Hersh)

Mr. Hersh announced that local Eagle Scout candidates would like to make improvements to the stage at the Lion's Club Music Park in Old Iron Spring Park. Proposed improvements include widening of the stairs and adding a handrail, gutter installation, and a removable railing for the rear of the stage.

Mr. Hersh said they are also proposing to build 3 garbage can covers with doors and improvements to the spring.

Motion made by Trustee VanDeinse-Perez, seconded by Trustee Kormos granting permission to the Lions Club and Eagle Scouts usage of Old Iron Spring Park on 9/30, 10/1 and 10/9 for a renovation project.

There was no public comment.

Motion made by Trustee VanDeinse-Perez, seconded by Trustee Kormos to amend the motion to add "Proof of insurance is to be provided by the Scouts and/ or Lions before work is performed".

Ayes All

Motion made by Trustee Baskin, seconded by Trustee to resume the public hearing formerly known as Local Law # 3, currently known as Local Law #2 concerning the code of ethics at 7:14pm.

Ayes All

Mayor Rossi opened the public hearing for public comment.

Ethics Board Chair Julie Gazetos of 57 Chapman Street, feels the disclosure form is too strict, including amendments should be required annually, not within 30 days, the list of family is too broad and stated that real property can only be used for personal, or family members should be removed.

Mayor Rossi thanked the Ethics Board for their hard work.

Keith Lewis, 38 East High Street accused the Mayor of being unethical under the current ethics law.

Attorney Buettner advised Mr. Lewis this public comment period is on the current code, and comments on other codes can be made during general public comment.

Attorney Buettner stated that this public comment session is for the code discussion only.

Mr. Lewis feels the Mayor should not vote on the new code.

Mr. Lewis continued to speak off subject.

Mike Iacolucci of 9 Russell Street encouraged the Board to adopt a disclosure form.

Gina Marozzi of 10 Old Glory Lane asked why the changes made by the Board of Trustees were not sent back to the Ethics Board for their approval and consideration as that was their charge.

Christine Fitzpatrick, 31 Chapman Street supports the proposed Ethics Law and an annual disclosure form.

Danielle Thomson of 62 Hyde Blvd. and a member of the Ethics Board suggested that the Ethics Committee review the proposed code, noting there are many versions out there.

Peter Martin, 20 Chesterwood Court and a member of the Ethics Board stated the many versions make it confusing and feels the Ethics Board should review the final version.

Melissa Taylor of 4 Creekview Court, regarding public comment wants to make sure the rules are being followed.

Motion made by Trustee Kormos, seconded by Trustee VanDeinse-Perez to close the public hearing at 7:40pm.

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

Trustee Kormos-yes Mayor Rossi-yes

Motion Passed

9) Old Business

a) RFP for Zoning (Mayor Rossi & Trustee Kormos)

Mayor Rossi stated that the Trustees had submitted comments and

Trustee Baskin thanked everyone for compromising.

b) Zoning Advisory Committee (ZAC) Appointments (Trustee Kormos)

Trustee Kormos announced that her picks for the ZAC are Marilyn Stephenson and Darvin Bowie.

c) Determination of Next Steps for Local Law No. 2 – Ethics Code (Mayor Rossi)

Mayor Rossi noted that Marilyn Stephenson commented via email. (attached)

Trustee Baskin stated that the Ethics Board said they were done working on the code and that it's this Board's job to finish it.

Referring to the section on real estate (27-7), Trustee Baskin noted he is comfortable with it.

Trustee VanDeinse-Perez does not agree with limiting property purchases.

More discussion and debate ensued on the topic.

Trustee Baskin stated he does not want to further this process by having the Ethics Board review this after they said they were done.

Ms. Gazetos stated that was never said.

Trustee VanDeinse-Perez feels it should go back to the Ethics Board.

Motion made by Trustee Raymond, seconded by Trustee VanDeinse-Perez to refer the current draft of proposed Local Law #2 "Code of Ethics" to the full Ethics Board for review and recommendations' to be returned no later than 4:00pm on October 6, 2023.

Trustees Baskin and Kormos want the Ethics Board meeting open to the public.

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

Trustee Kormos-yes Mayor Rossi-yes

Motion Passed

10) New Business

a) Trustee Kormos Statement – Ethics (Trustee Kormos) (attached)

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

Anna Stanko, 32 Kent Street asked the Board to consider moving the 1st ZAC meeting back a little bit.

Ms. Stanko thanked Gina Marozzi for the 9/11 Ceremony and for recognizing Larry Thompson who lost his life 2 months ago.

Ms. Stanko thanked Mayor Rossi and Trustee VanDeinse-Perez for attending, and chastised the Trustees who did not.

Mary Price-Bush of 105 McLean Street also thanked Ms. Marozzi and announced that Breakfast with Santa, generously funded by a donor will be held on 12/2 at St. Mary's.

Mr. Lewis read a statement. (attached)

Ms. Marozzi spoke about the 9/11 Ceremony and expressed her disappointment in the Trustees who did not attend.

Mr. Iacolucci commended the Board for agreeing on an RFP.

Kris DuBuque of 6 Kaleen Drive noted that people notice if Board members attend events.

12) Board Response

Trustee Kormos stated she did not attend the 9/11 Ceremony due to being ill.

Trustee VanDeinse-Perez noted that the BOA RFP has gone out.

Trustee Baskin apologized for missing the 9/11 Ceremony; he was working on Village business.

Trustee VanDeinse-Perez thanked those who worked on the 9/11 Ceremony, and the 1st responders.

Mayor Rossi spoke about the football team, noting that the whole team showed up for the ceremony.

Mayor Rossi thanked Steven Cafiero, who read a poem about losing his son on 9/11, Coach Ohnsman and all of the 1st responders.

13) Agenda Items for Consideration

a) Motion made by Trustee Baskin, seconded by Trustee VanDeinse-Perez that Malta Avenue Elementary School be granted permission to close Grove Street on 10/5 from 9:30am until 2:00pm for Fire Prevention Day. (Requested by Mayor Rossi)

Ayes All

b) Motion made by Trustee Kormos, seconded by Trustee Baskin approving the revised Request for Proposal as agreed to by the Board of Trustees on Tuesday afternoon, September 12, 2023 for a Planning Consultant to work with the Zoning Advisory Committee, Village Staff, and the Board of Trustees to revise the Village's zoning and other land use related codes. The RFP will be placed on the New York State Contract Reporter (<https://www.nyscr.ny.gov/>) by Village Staff September 15, 2023 and will be sent to firms on a list provided by Trustee Kormos along with other consultants recommended by others. Questions submitted by respondents, and proposals received will be forwarded via email to the Village Board members as soon as they are received. (Requested by Trustee Kormos)

Attorney Buettner said proposals should go to the Clerk who will then disseminate them.

Motion made by Trustee Kormos, seconded by Trustee Baskin that the front page be changed to ensure that only the Clerk will receive ultimate submissions.

Ayes All

c) Motion made by Trustee Baskin, seconded by Trustee VanDeinse-Perez to appoint the following members to the Zoning Advisory Committee and to hold the first meeting no later than October 6, 2023. Zoning Advisory Committee will review the responses for the consultant RFP and make recommendation to the Board of Trustees by November 9, 2023. (Requested by Trustee Kormos)¹

¹ Note that the Zoning Advisory Committee ("ZAC") was formed earlier in 2023 by the Board of Trustees, with its Charter approved during the 8/28/2023 meeting.

Marilyn Stephenson and Darvin Bowie (Trustee Kormos)

Mike Coffey and Mat Ercoline (Trustee VanDeinse-Perez)

Kamran Parwana and Jared Iacolucci (Trustee Raymon)

Margaret Danison and John Menzie (Trustee Baskin)

Anna Stanko, Rory O'Connor, and Peter Martin (Mayor Rossi)

Motion made by Trustee Baskin, seconded by Trustee Kormos amending the RFP that was approved in motion "b" on September 12, 2023 to change the deadline for responses to October 13, 2023.

Ayes All

d) Depending on the disposition of the Board during Old Business Item c) above, resolutions concerning Local Law No. 2 To Repeal and Replace the Village of Ballston Spa's Ethics Code (including SEQRA compliance) may be considered (see attached documents).

Motion non-applicable

e) Motion made by Trustee Baskin, seconded by Trustee Kormos to approve the attached Contract with Studio A and to authorize the Mayor to execute it. (Requested by Mayor Rossi)

Ayes All

14) Other Business

Mayor Rossi asked if when the letter of Intent with Community Emergency Corps. is signed, we have to deposit \$10,000.00 from fund balance into escrow.

Trustee Kormos asked about Village Hall repairs.

Mayor Rossi responded that the Engineer will be reevaluating.

Trustee Baskin inquired as to the status of the Wiswall Park sewer study, with Mayor Rossi responding that we have not gotten anything yet.

Trustee Baskin asked about the status of the Family Fun Day expenses.

Mayor Rossi answered it should be ready for the next meeting.

15) Executive Session (If Needed)

None needed.

16) Adjournment/Voucher Audit:

Motion made by Trustee VanDeinse-Perez, seconded by Trustee Baskin, that the Vouchers be audited, and the meeting adjourned at 9:28pm

General Fund	\$ 137,568.09
Sewer Relevy	7,762.08
Library Fund	3,941.85
Trust & Agency	<u>298.45</u>
Total	\$ 149,570.47

Ayes All

Respectfully Submitted,

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