

REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BALLSTON SPA, NY held October 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 VanDeinse-Perez, seconded by Trustee Kormos that the minutes of the 09/25/23 meeting be approved.

Trustee Baskin-abstain

Trustee Raymond-yes

Trustee VanDeinse-Perez-yes

Trustee Kormos-yes

Mayor Rossi-yes

Motion Passed

4) Mayor Announcements-None

5) Liaison Reports

Trustee Raymond reported that paving continues and gave a reminder that leaves, and brush must be bagged until mid-October.

Mayor Rossi stated that preparation for Pickle Ball and Basketball courts will begin in Kelley Park.

Trustee Kormos noted that on 10/19, the Library will host a presentation on songs and Dan Berggren will perform.

The Library will be collecting food donations from 10/17 through 10/21, Trustee Kormos noted.

Thanking the BSBPA and volunteers, Trustee VanDeinse-Perez said car show was an amazing success and noted the focus now is on the holidays and shopping local.

Trustee VanDeinse-Perez stated that the Arts Committee is working hard regarding the Saratoga Arts Grant.

Trustee Baskin stated that the Park and Tree Board is reviewing park rules and signage. They are also working with Studio A on park improvements.

6) Treasurer's Report (attached)

7) Presentation-none

8) Old Business

a) Ethics Law (Mayor Rossi)¹

Mayor Rossi gave an update on the Ethics Code, noting that the attached version is not the correct version due to multiple edits, with the most recent being at 9:00 last night.

Attorney Buettner spoke about several concerns, including the disclosure form and privacy implications, training inconsistencies and possible impact on the Unions.

Ethics Board Chair Julie Gazetos noted she appreciates that some of their changes were considered and stated that she feels the financial disclosure form should be limited to household members.

¹ Discussion may necessitate Executive Session.

Ms. Gazetos said she agrees with the issues Attorney Buettner brought up.

Trustee Baskin noted that in response to labor and bargaining agreement concerns, the proposed code was changed to reflect submission of disclosure forms and future employment stipulations for department heads only.

Trustee Kormos wants to schedule a public hearing.

Trustee VanDeinse-Perez wants to ensure the final copy is ready.

There was further discussion regarding the potential impact on the bargaining units.

Attorney Buettner advised having labor counsel review and stated you can have a public hearing, you can pass the law, but you may not be able to implement some of these things until you do bargaining.

Trustee Raymond said it sounds like we should move forward.

Mayor Rossi wants to be sure we have the final version before it is posted.

b) Woods Hollow (Trustee Kormos)²

Mayor Rossi stated this will be discussed in Executive Session.

c) Brownfield Opportunity Area / Zoning RFP / Zoning Advisory Committee (Mayor Rossi)

Mayor Rossi said it has been advised that we do our BOA RFP work first, and then Zoning.

Trustee Kormos feels it should be zoning first.

Trustee Raymond thinks both can be done in tandem.

Trustee VanDeinse-Perez agreed that it could be wise to do the BOA first.

Trustee Baskin thinks it makes sense to do zoning first.

9) New Business

a) 1-Ton Dump Truck for DPW (Mayor Rossi)

Mayor Rossi noted this was addressed during the budget workshop.

The Board discussed financing vs. paying for the truck out of fund balance funds.

b) Pulp Street Mill Drainage Structure (Mayor Rossi)

Mayor Rossi stated that the drainage structures have been eaten away and the bank is in danger. Engineers have deemed this an emergency situation.

c) Bond Resolution for John St. Tower (Mayor Rossi)

Attorney Buettner explained the bond resolution process.

d) Traffic Measurement (Trustees Kormos & Raymond)

Trustee Kormos said due to the large number of traffic violations, we should measure traffic on Hyde Blvd. to start.

Trustee Raymond spoke about traffic calming options.

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

Anna Stanko of 32 Kent Street questioned the requirement of family members financial disclosures and asked who is editing the Ethics Code.

² Discussion may necessitate Executive Session.

Trustee Baskin answered it is mostly him and Trustees Kormos and Raymond.

Mayor Rossi stated that he and he assumes Trustee VanDeinse-Perez used discretion because the code is supposed to be managing the Board most of all.

Trustee VanDeinse-Perez noted that she preferred that the recommendations of the Ethics Board had been taken.

Trustee VanDeinse-Perez stated that this is such a sensitive issue and transparency is really important, therefore it should be discussed in public.

Ms. Stanko reiterated her comments from a previous meeting, asking the Board why they do not take the advice of the 4 attorneys that told them to put the brakes on this because there are problems with it.

Ms. Stanko asked what the urgency is, stating the public has a right to know.

Lastly, Ms. Stanko also expressed disgust at the Board for failing to act on the water tower issue sooner, the cost will now be over a million dollars, rather than \$300,000.

Mary Price-Bush, 105 McLean Street agreed that the attorneys should have been listened to.

Ms. Price-Bush also agreed that traffic issues need to be addressed.

Bob Bush Jr. of 71 Church Avenue asked for clarification on the financial discloses.

Keith Lewis, 38 East High Street again expressed concerns that the Mayor is not upholding the constitution; FOIL responses not being timely and again made accusations about the Mayor and his family.

Kristin Iacolucci of 24 Chapman Street is in support of moving forward with the ethics law.

Ms. Iacolucci said she is sad that Trustee Kormos had to put a motion on the agenda to get data.

Gina Marozzi, 10 Old Glory Lane is concerned about Trustees not being hands off when it comes to committees.

Citing the the minutes of the Revenue Advisory Committee (RAC) , Ms. Marozzi pointed out the numerous times that Trustee Kormos commented; she is not a liaison to that committee.

Alex Funciello stated that he invited Trustee Kormos to present since they didn't have much information when they first started.

Mayor Rossi noted that the concern is Trustee Kormos speaking frequently at more than that meeting.

11) Board Response

In response to Ms. Stanko's comments, Trustee Kormos stated the code is not just for us, and that this Board are the only ones you can't get rid of, nobody can fire us.

Trustee Kormos said they did not fail to act on the John Street Water Tower, it takes time.

Trustee Kormos said she is not restricted from speaking as a resident during public comment period and is not restricted from making contributions.

Mayor Rossi asked Trustee Kormos to share with the Board all email communications she has had with the RAC and ZAC.

Trustee Kormos said she will.

Trustee VanDeinse-Perez encouraged people to volunteer for the Thanksgiving dinner.

Trustee Raymond disagreed that this Board is responsible for the delay on the John Street Water Tower or the Ethics code.

Trustee Raymond advocated for Trustee Kormos to be able to contribute to committees.

Trustee Baskin stated he agreed with Trustee Raymond.

Mayor Rossi said no matter who is at fault for delays, we need to get these things done.

With respect to the Ethics Code, Mayor Rossi noted that a better version could have been passed a year ago; the Board tinkered with it several times and is now rushing to pass it because the election is coming up.

Mayor Rossi said committees should be trusted; Board members should not undermine the process by interjecting themselves.

12) Agenda Items for Consideration

a) Motion made by Trustee VanDeinse-Perez, seconded by Trustee Kormos that Union Fire Co. #2 be granted permission to host the 29th Annual Thanksgiving Dinner on 11/23/23 utilizing the Fire House on 11/22/23 for preparation and 11/24/23 for dinner. (Requested by Mayor Rossi)

Motion made by Trustee VanDeinse-Perez, seconded by Trustee Kormos to modify the motion to reflect the correct dates of 11/22/23 for prep and 11/23/23 for dinner.

Ayes All

b) Motion made by Trustee VanDeinse-Perez, seconded by Trustee Raymond that The Town of Milton be granted permission to utilize the Eagle-Matt Lee Fire Co. #1 and Union Fire Co. #2 Firehouses on Election Day, 11/7/23, from 5:00am to 9:00pm. (Requested by Mayor Rossi)

Ayes All

c) Motion made by Trustee VanDeinse-Perez, seconded by Mayor Rossi that the Mayor be authorized to execute the attached application for financing for a one-ton dump truck to be purchased from Mangino Chevrolet, and for the Mayor to execute any other necessary paperwork to consummate the purchase. Any funds to be expended currently will be expended from the General Fund Fund Balance. (Requested by Mayor Rossi)³

Trustee Raymond does not agree with financing and prefers to use fund balance funds.

Mayor Rossi feels it is important to reserve fund balance for future expenses.

The Board discussed buying vs. leasing.

Motion amended as follows:

Motion made by Trustee VanDeinse-Perez, seconded by Mayor Rossi to authorize the Mayor to inform Mangino Chevrolet that the Village will either purchase or lease the 2024 Chevrolet 3500 Regular Cap Dump Fisher Plow and Poly Caster and to work with Mangino to explore other financing options beyond the one that was presented to the Board at the 10/10/23 meeting and to further require the Mayor to report on such opportunities to the Board as soon as possible. Any funds to be expended currently will be expended by the General Fund fund balance.

Ayes All

d) Motion made by Trustee VanDeinse-Perez seconded by Trustee Kormos authorizing the Mayor to execute the attached contract with special Labor Counsel, Roemer Wallens Gold & Mineaux, LLP for the term of November 1, 2023, through October 31, 2026. (Requested by Mayor Rossi)

Ayes All

³ This motion may require a motion for reconsideration, as it is identical to the motion denied during the 9/25/23 Board of Trustees meeting.

e) Motion made by Trustee Raymond, seconded by Trustee Baskin authorizing LaBella Associates to create a proposal related to the Pulp Street Mill drainage structures and declaring the condition an emergency for immediate resolution of the existing condition. (Requested by Mayor Rossi)

Ayes All

f) Motion made by Trustee Baskin, seconded by Trustee VanDeinse-Perez to reconsider Motion “f” which was defeated at the previous Board of Trustees meeting in September of 2023

Ayes All

g) Motion made by Trustee VanDeinse-Perez, seconded by Trustee Kormos authorize the Ballston Spa Fire Department to expend up to \$12,500.00 for the renovation of the Eagle-Matt Lee Fire Company No. 1 firehouse bathroom. After 5/31/2023, \$10,000.00 for this renovation project was moved to General Fund fund balance. The Board approves the \$12,500.00 to be utilized from General Fund fund balance. (Requested by Trustee VanDeinse-Perez)

Ayes All

h) Motion made by Trustee Raymond, seconded by Trustee Baskin to have the Village Attorney make the attached Committee policy into a village law and to schedule a public hearing for the village board meeting on November 13, 2023. (Requested by Trustee Kormos)

Mayor Rossi stated that the attached Committee policy is not the Village policy.

Attorney Buettner expressed concern about making this a law rather than keeping it as a policy; codifying it will make it difficult to change it.

Trustee Kormos stated she wants it to be difficult to be overturned.

Trustee Kormos said during the Romano administration it was restricted to one political party and she was not selected to be on a committee, she believes because she wasn't the right political party.

At the mention of Dave Beals having been an appointed, Trustee Kormos stated that Dave Beals was a “token”.

Trustee VanDeinse-Perez chastised Trustee Kormos, stating that was incredibly disrespectful to a good man well respected by both sides.

Trustee Kormos stated it was not disrespectful.

Attorney Buettner cautioned and advised against codification noting it is not in the best interest of the Village.

Trustees Baskin and Kormos continued to advocate for making this a law.

Mayor Rossi feels that the Board should allow Attorney Buettner to focus on other issues such as parks, parking and parades which have not yet been addressed, instead of having this jump the line.

Referring to the Proud Boys and other possible events in the future, Mayor Rossi stressed that the Board should be addressing safety issues such as parades to keep our community safe.

Trustee VanDeinse-Perez noted she like the committee forms but feels this should stay as a policy.

Trustee VanDeinse-Perez also feels that parks, parking, and parades are more important.

Stating that NYCOM said they can't believe that Attorney Buettner still works for us considering how she is treated; she has been berated and expected to jump through hoops.

Attorney Buettner suggested the Board look into having an Attorney who is an employee.

Trustee Raymond suggested listening to our Attorney and table this.

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

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

Motion Passed

i) Motion made by Trustee Kormos, seconded by Trustee Raymond to provide the attached water and sewer billing data in an excel file to the Trustees, any consultants hired to evaluate the water and sewer system and the Revenue Advisory Committee no later than October 18, 2023. (Requested by Trustee Kormos)

There was discussion as to the necessity of this information.

RAC member Pete Martin said they already have the information they need.

Trustees Kormos and Baskin continued to argue the point, with Trustee Kormos accusing Mayor Rossi of telling Bob Cavanaugh not to give her the requested information.

Trustee Raymond suggested the Board vote.

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

Motion Passed

j) Motion made by Trustee Raymond, seconded by Trustee Kormos naming the Village of Ballston Spa Board of Trustees lead agency for SEQR purposes related to the Ethics Code repeal and replacement to be discussed further on October 23, 2023, meeting of the Board of Trustees.

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

Motion Passed

k) Motion made by Trustee VanDeinse-Perez, seconded by Trustee Raymond that a Public Hearing on a version of the Ethics Law to be determined by the Board of Trustee on no later than 5:00pm October 11 , 2023 be scheduled for the October 23, 2023 meeting of the Board of Trustees at 7:01pm.

The Board agreed to utilize Attorney Larry Paltrowitz for Labor Attorney review if available at a cost of up to \$500.00.

Mayor Rossi noted that the intent of this motion is if we don't reach some type of agreement by 5:00pm tomorrow, then this version from 9:00pm last night is the one.

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

Motion Passed

l) Potential resolutions and other actions related to approval of the John St. Tower Bond Resolution (to be provided to the Board prior to the meeting by counsel).

No resolutions were presented.

13) Other Business

Motion made by Trustee VanDeinse-Perez, seconded by Trustee Raymond approving the CHP SWIP (Storm Water Protection Plan) which was reviewed and approved by LaBella Associates and authorizing the Mayor to sign and execute any documentation related to such an approval.

Ayes All

Trustee Kormos asked about the status of Village Hall essential repairs.

Mayor Rossi answered we are waiting on the official proposal so we can review and send it out to bid.

Trustee Baskin asked for the status of pedestrian signs on Ballston Avenue and McMaster Street.

Mayor Rossi said they will be put up after paving.

14) Motion made Trustee VanDeinse-Perez, seconded by Trustee Raymond that the Board enter into Executive Session at 10:13pm to discuss a land contract and potentially collective bargaining.

Ayes All

15) Adjournment/Voucher Audit:

Motion made by Trustee VanDeinse-Perez, seconded by Trustee Baskin, that the Vouchers be audited, and the meeting adjourned at 10:55pm.

General Fund	\$297,091.37
Sewer Relevy	n/a
Library Fund	130.78
Trust & Agency	<u>141.90</u>
Total	\$297,364.05

Ayes all

Respectfully Submitted,

Teri L. O'Connor
Village Clerk