

REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BALLSTON SPA, NY held on December 12, 2022.

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

1) Call to Order

2) Pledge to the Flag

3) Motion made by Trustee Raymond, seconded by Trustee Kormos that the minutes of the 11/28/22 meeting be approved.

Trustee Baskin asked for revisions regarding December being limited to 1 meeting, with no special meetings as has been tradition.

Trustee Baskin also feels that there should be no comments on other people's motions on the agenda.

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

Ayes All

4) Mayor Announcements

a) Thank you to the DPW for their endless work in getting the roads cleared yesterday.

5) Liaison Reports

Trustee VanDeinse-Perez shared that Small Business Saturday was very successful, as was the parade. The BSBPA thanks the entire Board for participating.

Trustee Kormos reported that the Library kicked off their fundraising on 12/08 and attendance was successful, as was the performance by Dan Berggren the next day.

Trustee Kormos note that a committee for the ADA grant will be finalized in January.

Trustee VanDeinse-Perez stated that Saratoga Arts grant documentation is being worked on.

Trustee Baskin said some residents are complaining about trees being removed but not stumps. The Park and Tree Board is working on a stump removal policy.

Trustee Raymond reported that the DPW is prepping for winter. Residents are encouraged to park off street if possible, and any trailers, equipment, basketball hoops, anything like that must be removed from the street for winter.

6) Treasurer's Report (attached)

7) Presentation (None)

8) Old Business

a) Fire Truck (EML) (Mayor Rossi & Trustee VanDeinse-Perez)

Mayor Rossi said the proposed fire truck purchase will cost about \$942,000.00. A USDA loan has been applied for, and the current interest rate is 3.5%.

The Mayor stated that we need to lock in pricing by approving the contract with financing contingency. Mayor Rossi would then execute the documents related to a USDA approval should it occur this month, to lock in the interest rate before it goes up on January 1st.

Mayor Rossi said the Fire Dept. has been doing a very good job preserving money, and there should be sufficient funds for overlapping payments.

Trustee VanDeinse-Perez agreed that the Fire Dept. is very responsible with their funds and stated her concerns about people's safety, as the current truck continues breaking down.

Lt. Paul Marozzi noted that the truck is going in for repair again tomorrow.

9) New Business

a) Accessory Dwelling Units ("ADUs") (Trustee Kormos)

Trustee Kormos is in favor ADU's, noting that it is a way to add affordable housing to the Village and would like our zoning code changed to allow for them.

Mayor asked how current violators would be handled.

Trustee Kormos thinks they should be given 6 months to a year to come forward and register and meet the requirements.

Mayor Rossi suggested that we should not be doing a piece meal approach to zoning code changes.

Trustee Kormos feels this should not wait for the whole code rewrite.

The Board discussed a potential zoning grant.

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

Mike Iacolucci of 9 Russell Street suggested the Village coordinate with the Town of Milton on the Rt. 50 corridor.

Ray Otten, 16 Middlebrook Avenue asked if the Board has taken the FEMA training yet.

Mr. Otten is unhappy with the restricted public comment period.

Christin Iacolucci, 24 Chapman Street thanked Mayor Rossi for his Facebook updates.

Mark Blech of 10 Thompson Street invited the community to join the Hanukkah menorah lighting ceremony on 12/21 at 6:00pm in Wiswall Park.

Bob Bush Jr, 71 church Avenue regarding ADU's, asked how that will work with a 2 family house and also asked where the committee volunteer form is on the website.

Mr. Bush feels that the Board is limiting the public's voice.

Mr. Bush attempted to stand in silence for the remainder of his allotted 5 minutes.

Trustee Baskin called Mr. Bush a waste of time.

Mr. Bush responded that the Board wastes the public's time.

Regarding the committee form, Trustee Baskin, said you can search or type in "show all forms".

Dana Womer, 18 Coronado Way, speaking as the BSBPA Executive Administrator said the Holiday Parade had a large crowd and there was a great sense of community.

Ms. Womer said the majority of the businesses she spoke to about the Winter Festival are in favor of it.

Forman Phillips of 101 Hyde Blvd. read an email he received from Trustee Kormos' son.

Mr. Phillips would like to meet with Trustee Kormos and her son at Village Hall to address the problems they are having as neighbors.

Ashley Edwards of Community Emergency Corps. said her entire family enjoyed the Holiday Parade.

Christine Kernochan, 12 Carriage Way, representing the BSBPA thanked the Village and the Board members for a remarkable "Small Business Saturday".

Keith Lewis, 38 East High Street wants the County's probable move to be discussed.

Mr. Lewis suggested that a parliamentarian be used to oversee the Village meetings as suggested by Roberts Rules.

Gina Marozzi of 10 Old Glory Lane noted that Breakfast with Santa was incredible, they sold out after serving approximately 350 breakfasts.

Ms. Rossi thanked the Fire Dept for cooking all of the breakfasts.

As for the Winter Festival, Ms. Marozzi stated they are still in the planning stages; what's stated in the motion is a worst case scenario. Also, businesses are always consulted about these events, and they are encouraged to participate.

11) Board Comments, Questions, and Concerns

Trustee VanDeinse-Perez thanked Ms. Marozzi and Mr. Blech for their efforts and discussing solutions with the BSBPA.

Trustee Kormos said she has always been available to residents via email and text.

Trustee Kormos said to let her know if anyone wants a sit down.

Speaking about CDTA, Trustee Kormos reported that they will consult with the public about the location of potential bus shelters.

Trustee Kormos said she is she is willing to meet with Mr. Phillips, but she is not responsible for her son and cannot say if will meet.

Trustee Kormos asked who is involved in the Winter Festival.

Mr. Marozzi answered it is the Mayor's Task Force.

Trustee Baskin asked if there is going to be a request for funds for the festival, besides the cost of DPW.

Ms. Marozzi suggested that they would have already asked.

Trustee Baskin thanked Mr. Blech for doing the Hanukkah celebration.

Mr. Blech explained that the reason for it being on the 4th night of the holiday is due to the Rabbi having other commitments on the 1st 3 nights.

Trustee Baskin said people are free to contact him.

Trustee Raymond addressed a concern Mr. Otten had that questions are not allowed to be asked during public comment, saying people can ask as many questions as they'd like during their 5 minutes.

Trustee Raymond said everyone has access to the Trustees through email.

12) Agenda Items for Consideration

a) Motion made by Trustee VanDeinse-Perez, seconded by Trustee Raymond that the attached budget transfers be approved. (Requested by Mayor Rossi)

Ayes All

b) Motion made by Trustee VanDeinse-Perez, seconded by Trustee Kormos that Union Fire Co. #2 be authorized to expend the amount of \$5,695.00 for SCBA masks. (Requested by Trustee VanDeinse-Perez)

Ayes All

c) Motion made by Trustee Raymond, seconded by Trustee Baskin that the DPW be authorized to expend the amount of \$12,000.00 for rock salt. (Requested by Mayor Rossi)

Ayes All

d) Motion made by Trustee Kormos, seconded by Trustee VanDeinse-Perez that the Friends of the Library in partnership with the Library Board be granted permission to submit the attached Glens Falls Foundation grant application for consideration. (Requested by Mayor Rossi)

Ayes All

e) Motion made by Trustee VanDeinse-Perez , seconded by Trustee Baskin, that the Village of Ballston Spa adopt the following policy effective 12/13/22: “No videotaping or photography are allowed without consent in the Village Offices Building (“Village Hall”). No loitering is permitted in Village Hall. Visitors to Village Hall must be there to conduct Village business. Violators of this policy will be asked to leave the premises, and law enforcement may be requested to enforce this policy and/or remove violators.” (Requested by Mayor Rossi)

Trustee Kormos wants the first sentence removed.

Motion made by Trustee VanDeinse-Perez, seconded by Trustee Baskin to table this motion pending executive session.

Trustee Raymond-yes

Trustee Baskin-yes

Trustee Kormos-abstained

Trustee VanDeinse-Perez-yes

Mayor Rossi-yes

Motion Passed

f) Motion made by Trustee VanDeinse-Perez, seconded by Mayor Rossi approving the purchase of the fire truck for Eagle-Matt Lee Fire Co. #1 depicted and described in the attachments and authorizing the Mayor to execute the necessary documents that enable that purchase so long as the purchase is made with the financing contingency that is present in the attached documents. (Requested by Mayor Rossi)

Trustees Kormos, Baskin and Raymond are unhappy about when information gets provided, stating they did not have the numbers until 447 today.

Mayor Rossi noted that they had the payment amount 2 weeks ago, and now the payment is even lower due to the loan being for 20 years.

Trustee Raymond said he will abstain from the vote.

Mayor Rossi expressed his concern for our safety and noted that if this matter is delayed, there will be additional costs.

Lt. Marozzi chastised the Board for not trusting the 25 years of service that he’s given to this Village and the numbers being provided, informing them that by waiting, it will cost an additional \$94,000.00.

Lt. Marozzi is very concerned about risking the safety of this fire district; the truck that needs replacement is going in for repairs again.

Trustees Raymond, Baskin and Kormos argued that they don’t have the numbers.

Mayor Rossi and Lt. Marozzi responded that they do, they’re right in front of them.

Trustee Kormos is concerned if there is a payment overlap, they won’t be able to make the payments.

Asst. Chief Mike Bashore stated this money is there’s to spend how they want; it is their money.

Trustee Kormos asked if they can guarantee they can meet their obligations.

Asst. Chief Bashore responded that they wouldn't be here if they couldn't; they will sacrifice other purchase to get this truck; the truck being replaced is going to die before the new one gets here.

The Asst. Chief stated that hundreds of thousands of dollars have been spent repairing that truck over the last 5 years.

Chief Kevin Krogh (via Zoom due to illness) applauded Lt. Marozzi and Asst. Chief Bashore for everything that they're saying.

Chief Krogh noted that 2 years ago the Board, which included Trustees Kormos and Raymond turned down buying this truck, which now costs \$167,000.00 more.

Chief Krogh implored the Board to approve this truck purchase.

Ayes All

g) Motion made by Trustee VanDeinse-Perez, seconded by Mayor Rossi that the Mayor accept and execute documents related to a USDA approval for the purchase of the fire truck at \$942,000.00 at an interest rate of 3.5%.

Trustee Raymond-yes

Trustee Baskin-yes

Trustee Kormos-yes

Trustee VanDeinse-Perez-yes

Mayor Rossi-yes

Motion Passed

h) Motion made by Trustee VanDeinse-Perez, seconded by Mayor Rossi approving the Easement and the Front Street Wi-Fi Agreements between the Village of Ballston Spa and SLIC Networks, and authorizing the Mayor to execute such documents. (Requested by Mayor Rossi)

Attorney Buettner explained that in exchange for the easement, the fire house will have free Wi-Fi in perpetuity and Front Street will have free Wi-Fi for 3 years.

Trustee Raymond-yes

Trustee Baskin-yes

Trustee Kormos-abstained

Trustee VanDeinse-Perez-yes

Mayor Rossi-yes

Motion Passed

i) Motion made by Trustee Baskin, seconded by Trustee VanDeinse-Perez authorizing the Mayor to execute an agreement between the Ballston Spa School Central District and the Village of Ballston Spa related to this winter's Ice Rink. The agreement is to be substantially identical to the attached agreement from 2021, including the provisions related to the Village providing the insurance related to the Rink and related activities. Furthermore, the agreement shall encompass the usage of the School District's land near the BARC building for the Rink and, to the degree permitted, the BARC building for warming hut and storage activities. The Mayor shall not execute such agreement until authorized to do so by the Village Attorney after her review and approval of the legal terms (Requested by Mayor Rossi & Trustee Baskin)

Ayes All

j) Motion made by Trustee Baskin, seconded by Trustee Kormos to approve the contract with Bartlett, Pontiff, Stewart, and Rhodes P.C. as attorneys for the Village for the period 12/13/22 through 1/1/24 at a cost of \$5,000 per month (\$60,000 per year) for the retainer fee. Fees for work outside of the retainer will be as follows: special matters - \$225/hour-attorney, \$100/hour-paralegal; bond counsel-\$2,000 for notes, plus \$1 per thousand \$1,000 of the issue. The contract also includes disbursements for related expenses to services for counsel. This motion authorizes Deputy Mayor VanDeinse-Perez to sign the contract. (Requested by Trustees Baskin and VanDeinse)

Ayes All

k) Motion made by Trustee VanDeinse-Perez, seconded by Trustee Raymond authorizing the issuance of purchase orders for equipment related to the USDA loan for DPW equipment that is to be delivered between 12/12/2022 and 2/13/2023 (said loan having been obligated earlier in the Fiscal Year), and authorizing the Mayor to execute any documents related to such purchases, so long as the costs for such equipment are consistent with or less than the prices approved within the USDA loan application process. This motion approves the use of General Fund Balance to pay for any such equipment until such time that the USDA loan closing occurs, and funding is provided. (Requested by Mayor Rossi)

Ayes All

l) Motion made by Trustee VanDeinse-Perez, seconded by Trustee Baskin approving the "Winter Festival" event to take place on February 11, 2023, from 10am until 4pm with the following street closures: Bath Street from West High Street to Washington Street, and Front Street from Milton Avenue to Science Street, and from 6:30pm until 9:30pm at Kelley Park for a bonfire and fireworks display. Insurance is to be the responsibility of the Village of Ballston Spa, as this event is a Village event. There is overtime anticipated for DPW staff during the day (2/11/2023) in setting up and removing the snow on Bath Street hill, although it cannot be fully determined to what degree due to the potential weather challenges that could exist. (Requested by Mayor Rossi)

Ayes All

m) Motion made by Trustee VanDeinse-Perez, seconded by Trustee Raymond approving the renewal of the Village of Ballston Spa's existing health care plan (Empire) and Medicare plan. (Requested by Mayor Rossi)

Ayes All

n) Motion made by Trustee VanDeinse-Perez, seconded by Trustee Reymond approving the attached Natural Gas Sales Agreement between the Village of Ballston Spa and Mirabito Power & Gas and authorizing the Mayor to execute such agreement after the Village Attorney approves any final needed minor amendments. (Note: This pricing was negotiated and reviewed by Upstate Utilities & Consultants, Inc., as they have done annually for four years for the Village.) (Requested by Mayor Rossi)

Ayes All

o) Motion made by Trustee Baskin, seconded by Trustee Kormos to add the following language in bold to the Rules of Procedure, to provide clarification regarding public comment: Currently in RoP: "The Public shall be allowed to speak during any public comment period of the meeting or in the event a motion is made and up for discussion that has not been listed on the agenda." This motion would add the following sentence after the previous sentence: "There shall be no public comment allowed for proposed amendments to motions that are listed on the agenda." (Requested by Trustee Baskin)

Attorney Buettner noted that Roberts Rules is not recommended.

Trustee Raymond-yes Trustee Baskin-yes

Trustee Kormos-yes Trustee VanDeinse-Perez-no

Mayor Rossi-no

Trustee VanDeinse-Perez and Mayor want it noted that they feel this is curtailing the public.

Motion Passed

12) Other Business

Motion made by Trustee Baskin seconded by Trustee Kormos that there will be no written comments about another board member's motion allowed on the official meeting agenda without the express permission of the author of the motion. Furthermore, there shall be no editing of another board member's motion without that member's express consent.

Ms. Marozzi feels this another example of micromanagement and the unwillingness to work together, and compromise is appalling.

Mayor Rossi stated that for the record, his note said

“ There is no recently revised ethics code, there is a draft put forward by a committee with proposed revisions to such code and by our Village Attorney under consideration. Furthermore, Trustees Kormos and Baskin submitted pages for the proposed revisions that must be reviewed by our Village Attorney and the committee Chair to create a revised draft from which the Trustees can work. As such no draft ethics code is attached to this agenda. This motion is at the request of Trustee Baskin for an unspecified date and time.”

Trustee Baskin feels those comments are disparaging and would like to talk about any confusion before the agenda goes out.

Trustee VanDeinse-Perez thinks the Board can work on discussing things more, but we don't need a motion for everything.

Trustee Kormos thinks we do need these rules because of the way these meetings are being handled.

Trustee Raymond-yes Trustee Baskin-yes Trustee Kormos-yes

Trustee VanDeinse-Perez-no Mayor Rossi-no

Motion Passed

Motion made by Trustee Kormos, seconded by Trustee Raymond that all motions on the agenda be put out to the whole Board by Wednesday at noon, including the Mayor's motions, such that we have a chance to look them over.

Mr. Otten agreed.

Mr. Blech told the Board they are incredibly difficult to work with.

Attorney Buettner reminded the Board that the Rules of Procedure currently states that all members of the Board of the Board have the right to place items on the agenda provided same is presented to all Board members by noon on the Thursday before the meeting.

13) Motion made by Trustee VanDeinse-Perez, seconded by Trustee Raymond that the Board enter into executive session to discuss a personnel issue and a litigation issue at 9:57pm.

Ayes All

The Board returned from executive session at 10:15pm.

Motion made by Trustee Baskin, seconded by Trustee Raymond to take motion "e" off the table, back into consideration.

Ayes All

14) Adjournment/Voucher Audit:

Motion made by Trustee Raymond, seconded by Trustee VanDeinse-Perez, that the Vouchers No. 23-00221 to 23-01308 be audited and the meeting adjourned at 10:19pm.

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

Respectfully Submitted,

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