

Board Meeting
Village of Ballston Spa
March 27, 2023
Minutes

Present : Mayor Frank Rossi, Jr. – Village Lawyer Karla Williams Buettner, Esq – Trustee Benjamin Baskin
- Trustee Elizabeth Kormos – Trustee Bernadette VanDeinse-Perez – Village Administrator Jennifer
Moskowitz

1) Call to Order – 7:00pm

2) Pledge to the Flag

Mayor Rossi, Jr. addressed the issue of the High School student that was hit in vehicle traffic in front of the High School.

3) Public Hearing (Official Year Change) Opening at 7:04pm

Mayor Rossi read the Local Law posting from the paper.

4) Local Law No. 1 of 2023 Approval

Motion made by Trustee VanDeinse-Perez , seconded by Trustee Kormos approving Local Law No. 1 of 2023, adding Article II; Official Year to Chapter 45 of the Code of the Village of Ballston Spa. (Requested by Mayor Rossi)

Anyone looking to get a copy of Local Law No. 1 2023 can pick up a copy at Village Hall. 66 Front Street, Ballston Spa, NY.

The Mayor asked for any public comments on Local Law No. 1 and there was no public comment. The Public Hearing was closed at 7:06pm

Counselor Buettner stated that we are not in violation of SEQR with Local Law No. 1. Counselor Buettner read the SEQR questionnaire, and the outcome completed the questionnaire, and the Mayor read the entire resolution.

Trustee Kormos asked when the organizational meeting would be. Counselor Buettner answered, “in January”.

Role Call Vote - Trustee Baskin – Yes, Trustee Kormos – Yes, Trustee Raymond – Absent

Trustee VanDeinse-Perez – Yes, Mayor Rossi, Jr – Yes

Resolution Carries

Trustee Baskin then asked if there will be an organizational meeting in April. Counselor Buettner states that there won't be one. Trustee Baskin asked if the Village can request one, Counselor Buettner said no.

5) Woods Hollow Public Discussion (2-Minute Limit per Speaker)

Mayor Rossi Outlined the specifics of the deal in play.

\$360000.00 purchase price

Town of Milton will cover LUMAC contract.

Town of Milton will also provide 5 years of Colonial Hills maintenance.

Instant creation of water districts in the Town of Milton

Conservation easement with a Forever Wild approach (Mining is not on the table. The sticking issue is the Villages ability to retain the right to do exploration for water.)

Split of forest management 50/50 in the future.

Increase in the amount that Milton provides to the Village for Pool and Library.

Someone in the audience asked about the number of trees that were coming out of the Preserve. Mayor Rossi replied that it is about 1 in 6 trees. Forest management will occur no matter who owns the property.

Trustee Baskin wanted to include that the Village will retain the right of way to fix our water pipes going through the Preserve.

Trustee Kormos wanted to make sure that the audience knew that since the property is considered "parkland" it will always be open to the public for use as such.

Marilyn Stevenson - 45 West High Street – Upset that the comments sought now are too late. She felt that the Forest Management situation should continue in order to protect the residents that continue to use the property. She felt the Village should not sell.

Mayor Rossi, Jr. responded that the property is not on an aquifer.

Trustee Baskin wanted to clarify that this is not a done deal, and all comments are meaningful.

Tim Bantham - 32 Birch Tree Lane – Lives near the Preserve and feels that the property has not received much attention until the Village decided to engage in Forest Management. Feels it is very important to keep the property wild. Why is the sale being proposed now? What is the cost of the land? Who will pay for it? Who will benefit from the sale?

Mayor Rossi, Jr. responded that Milton was dissatisfied with maintaining the property without any say in the land. Trail maintenance was a price that the Village was looking to pay to an outside company. The cost of the property is \$360000.00, Milton will pay the cost. We should all be able to benefit from the sale.

Trustee Baskin stated he had spoken to Scott Ostrander and was told that maintenance is about \$10000.00 per year.

Pip Skoval - 53 Skylark Drive – Stated she walks the Preserve every day. Stated that the preserve is a wreck. She stated that no one maintains the preserve. Does not want the sale to go through.

Jason Miller from Milton spoke up about what the Town does for the Preserve. He stated that maintenance for the preserve needs to be taken to the next step, and that that step should be taken by whoever owns the property.

Lisa McClusty - 7 Carriage Way – Asks what is a passive park?

Mayor Rossi, Jr. replied that no one is looking to add campsites, however there is discussion about pavilions or unenclosed structures.

The Mayor was asked if that was a condition of sale?

Trustee Kormos replied that Forever Wild is in perpetuity and can't be changed.

The Mayor asked if Trustee Kormos was willing to accept a non-binding term sheet that allowed for a contract to be reviewed by the Board?

Trustee Kormos replied that she would not be willing to accept that that night as she still wants to hear from the public.

Jim Shaad – no address given – Mr. Schaad agreed that the maintenance has fallen by the way-side in recent years in the preserve. He spoke with Bob Rice from LUMAC and understood that for the health of the forest culling was necessary. He did not care if the Town of Milton did it spaced out or the Village of Ballston Spa did it all at once. He is not in favor of ANY structure being built in the Preserve.

Keith Lewis – 38 High Street – Doesn't want to call the Preserve "Forever Wild" because it doesn't qualify. It is park land. He felt that if the Preserve needs to be liquidated then the sellers should find out the cost of maintenance and value of the property not the buyers. He was also not sure who was doing any maintenance. Does not want to make the decision in fear.

Mayor Rossi, Jr. replied that since the Park Land is owned by a municipality then it can only be purchased by another municipality.

Michelle Juda – 34 Van Tessel Lane – Wanted to say that the initial talk about the preserve was about the health of the Preserve. Why no one was asked about what the residents want to see happen in the Preserve before talk of sale was begun.

Mayor Rossi, Jr. responded that the cost for Forestry Management will have a high turnout for the 1st cutting, but as more occurred in the following years, then the money made from each additional cutting would decrease because not as much would be taken as the forest was better maintained. Also, there aren't as many protections as possible for the property and this sale would solidify more protections of the property.

Trustee Kormos commented that the Village budget is over 6 Million and that the Village spends over \$20 thousand on many things, and we lose money on a lot of them. She asked if the Village should be spending that money on the Preserve?

Trustee VanDeinse-Perez stated that the Town of Milton has a fund for every time there is development of open space, they have more leverage to invest into something like the Preserve.

Former Mayor Christine Fitzpatrick – 31 Chapman Street - Thanked the Board for such a productive exchange of information on this topic. She stated that she has concerns about the water rights and the "Forever Wild", so she tried to research the subject on the Town of Milton webpage and found very little. She stated that she spoke with Scott Ostrander and was told that the Town is not looking to find water on the property. She also stated that not everyone uses Facebook and should be on the webpage of a Village publication.

Trustee Kormos replied that she thought all parties had already agreed on "water rights", but since this is going to be a forever deal stating that the Preserve would never be used for water was not realistic.

Mayor Rossi, Jr. wanted to correct what a water operation is or isn't. There are rules and laws in creating safe water that may take much more of the preserve than thought.

Christin Iacolucci - 24 Chapman Street – Thanked the Board for having this conversation. And would like to see these kinds of conversations happen more often.

- Sound Dropped from recording -

Trustee Baskin spoke about water rights in terms of where the Village is now. He stated he feels that it is not a great deal for the Village, and questions why the appraisal is so low. She stated that the Town of Milton has refused to allow the sale if Forest Management goes forward. He stated that the Town of Milton has no interest in water drilling. He supported the idea that Milton seems to be interested in a good faith sale. He stated that saying that the Village still has water rights, but no one is allowed to drill for water was not a sound choice. He also stated that he has seen other water wells, and that they don't take up that much space. He does not want to give up the Villages water rights.

Mayor Rossi, Jr. replied that there was a resolution that undercuts the ability to use the water on the property. Boyhaven should not be used as a comparison.

Trustee Baskin replied that the Boyhaven appraisal is accurate.

Trustee Kormos replied that she asked for an appraisal be done by the Village and stated that Mayor Rossi, Jr. told her there was no one to do it. If the residents agree to sell the property, then she agrees to sell.

Mayor Rossi, Jr. corrected Trustee Kormos's assertion that he told her there wasn't any one to do the appraisal, he told her that it would cost several thousand dollars and he wasn't approved to spend that money.

Trustee Baskin wanted to clarify that NO ONE is looking to develop Woods Hollow.

Mayor Rossi, Jr. interjects that a conservation easement states that is being considered will not allow development inside.

Ray Otten – 16 Middlebrook Avenue – As the Director of Emergency Medial Cop the town of Milton did their appraisal on a piece of property they were looking to purchase and there was a 2.25 different in the appraisal costs.

Question from a resident – Asks if the easement specifics will be shared with the public.

Mayor Rossi, Jr. explains that it will be once the lawyers are done with negotiations, once the curtains are pulled back.

Trustee Kormos believes it will be before the Village signs a Letter of Intent.

Resident question – Will there be logging trucks in the Preserve?

Mayor Rossi, Jr. asks Jim Schadd about the answer. Mr. Schaad answers that the logging trucks do not go into the preserve, but there would be other logging equipment in the preserve. In a few years no one would notice. The ruts in the ground are beneficial to the ground.

Trustee Kormos references that the LUMAC contract states there will be cleanup.

Jason states that if Milton takes over the Preserve nothing will change.

Mayor Rossi, Jr. asked Jason Miller if the only hang up right now on the issue of water rights, and Jason Miller felt that was already dealt with.

An argument ensued over the LUMAC contract and their deadlines for completion between Mayor Rossi, Jr. and Trustee Kormos.

Jason Miller stated that the Town of Milton is only rushing because they want to take ownership before it is logged.

Trustee Kormos questioned how the Town of Milton gets to apply for a Grant if they do not own the property or have a letter of agreement from the Village.

An argument ensued over when logging would begin, based on contractual needs.

Mayor Rossi, Jr. states the termination fee is \$75000.00.

Gina Marozzi – 10 Old Glory Lane – Asked if the sticking point is the water rights. Asked why the Village and the Town agree not to do any water? Stated that taking water from the preserve would cause the degradation of the preserve.

Mayor Rossi, Jr. is concerned about the water table impact on the Preserve.

Conflict ensued over an off-topic comment.

A resident agreed with Gina's comment about not accessing the Preserve for any water.

Mayor Rossi, Jr. states there isn't much water in the Preserve.

A resident asks if the Village will still have enough water.

The Mayor answered yes.

A resident asked if there was going to be a deed restriction on the property.

Counselor Buettner replied YES, there would be an easement on the property. She also stated that park land can only be sold to another municipality, and it can only be used as park land. It's against the law to develop it.

Trustee Kormos asked if a Conservation Easement can be changed, and Counselor Buettner stated NO.

Trustee Kormos stated she feels the Village is not getting the full value of the land.

A resident asked how the property can have value if no one can develop on it?

Mayor Rossi, Jr. stated there isn't.

Counselor Buettner stated there is no legal president to sell the property at full market value.

Mayor Rossi, Jr. stated that the lawyers on both sides are working very hard and he thanked Counselor Buettner for all she has endured.

A resident asked why there was an emergency, and Mayor Rossi, Jr. stated it was logging and curtesy to the Town.

Trustee Kormos preferred to wait and present the restrictions before signing a letter of intent, and asked if the Town of Milton has agreed to all the restrictions.

Mayor Rossi, Jr. goes through the restrictions: there would be no water usage, no motorized vehicles, and no enclosed structures.

Trustee Kormos stated that there needs to be an agreement on what "structures" means.

Trustee VanDeinse-Perez stated that the situation is frustrating since there had already been discussion about these subjects that now seems to be just stalling tactics and asks for a non-binding Memorandum of Understanding.

Trustee Baskin asks if there will be a motion to move forward? He stated that the terms of the sale have not been publicly posted and shouldn't be moved upon until they are.

Trustee VanDeinse-Perez asked what terms Trustee Baskin wants made public since there are no agreements yet on specifics.

Mayor Rossi, Jr. suggests making a motion to make the property surplus in order to get official specifics moving forward.

Counselor Buettner stated that "surplus" means that the Village no longer needs to own the property. She asked the Trustee's if they need to own the property. If they claim the property surplus, then she can move forward. If they do not, she cannot move forward in any capacity.

An argument ensues over what the term "surplus" means.

An argument then ensues over social media and what constitutes how to make the MOU public.

An argument ensues over what the term "surplus" means.

The Mayor asks for a motion to make the property "surplus".

A roll call vote is called - Trustee Kormos – No, Trustee Baskin - NO, Trustee VanDeinse-Perez - Yes

Mayor Rossi, Jr. – No – to preserve rights.

6) Minutes

Motion made by Trustee _____, seconded by Trustee _____ that the minutes of the 3/10/23 meeting be approved. The Minutes were not included in the attachments so they could not be voted on. Motion Tabled.

7) Mayor Announcements -

Front Street is still a work in progress as we get ready for the paving project. There will be an update on Zoom on Thursday, March 30th.

Trustee Kormos asked about the cold patch being used by National Grid on Front Street. The Mayor assured Trustee Kormos that the cold patch was temporary.

8) Liaison Reports –

Trustee Kormos gave an update on the Library. The Library Board continues to apply for grants to help with their construction project.

Trustee VanDeinse-Perez gave an update on the BSBPA. They had 88 people attend their last meeting. They are starting to plan the Farmers Market. Saratoga Arts OK's 3 different arts projects in the Village of Ballston Spa.

Trustee Baskin – The Park and Tree next meeting is 4/18/2023 - The Next Arts Committee Meeting is 4/5/2023.

9) Treasurer's Report – Included in the document attachments

10) Presentation - no presentation

11) Old Business

a) Sidewalk Code Status (Mayor Rossi) – There is a Special Meeting on Thursday 4/6/2023. Argument ensued over the correct date and the date that Trustee Baskin mailed out his comments.

A resident asked what the meeting was about, and Mayor Rossi, Jr. replied that it was about the guidelines and reimbursement rate.

b) Water Feasibility Change of Scope/Additional Costs (Mayor Rossi) This was already passed.

c) New York Forward (Trustee VanDeinse-Perez) Trustee VanDeinse – Perez stated that the Village did not get the Grant but there was a lot to learn from this project. Members of the Committee will be viewing the winning applications to see where the Village can improve their efforts for next time. Trustee VanDeinse – Perez thanked several people for all their assistance.

d) Grants Update (Trustee Kormos) – Trustee Kormos shared that the Village did not get the Zoning Grant. That will cost some money out of the budget. The Town of Milton did get it. There is a Forest Grant coming up.

12) New Business

a) Presentation of the Tentative Budget / Setting Public Hearing (Mayor Rossi) Mayor Rossi, Jr. passed out the Tentative Budget. The next Board meeting will host the Public Hearing on the 2023-2024 Budget. The Mayor asked for a motion.

Motion made by Trustee VanDeinse – Perez, seconded by Trustee Baskin that the Public Hearing for the 2023-2024 Village of Ballston Spa Budget on Monday, April 10th, 2023 at 7:01pm.

Trustee Kormos – Yes, Trustee VanDeinse – Perez- Yes, Trustee Baskin – Yes, Mayor Rossi, Jr. - Yes

b) Professional Services Purchasing Policy (Trustee Kormos) Tabled by Trustee Kormos

c) Officers & Employees – Residency Requirement (Trustee Kormos) Discussion ensued about opening the residency requirement to include all continuous counties that border Saratoga County. Montgomery, Washington, Warren, Schenectady, Washington, Rensselaer, Albany. A preference will be given to Saratoga County residents.

13) Public Comment (5-Minute Limit per Speaker) – 2 Minutes for Pending Motions ONLY – None

13a) Public Comment (3-Minute Limit per Speaker) – After the Motions had been read.

Pete Martin – 20 Chesterwood Court – He questioned the timing of the Basketball courts at Kelley Park. Mayor Rossi, Jr. advised they are coming soon. He spoke against any sidewalk fees.

Michelle Juda – 34 Van Tessel Lane – Had concerns about the amount of miscommunication on the Woods Hollow situation coming out of the Town of Milton.

Trustee Baskin responded that the Town of Milton is waiting for the Village to make their final decisions before making too much information available.

Gina Marozzi – 10 Old Glory Lane – Gina stated that she spoke with the Milton residents that had already left the meeting and confirmed that they were pleased with the information they got at the Village Board meeting. She also thanked everyone that had turned out to help stuff easter eggs and helped out with the birdhouses. She advised that the Easter Egg Hunt is Saturday the 1st in Milton from 11am to 3pm.

Ray Otten – 16 Middlebrook Avenue – Ray resigned from all his committees and boards he participates on. His resignation letter is attached. He also commented on the politicalization of the leadership of the Village. He referenced Trustee Raymond's unmoving opinions on the new deputy treasurer hiring process. He commented on Trustee Baskin's comments on how a particular social family program in the Village has gotten "too big" and called those comments ludicrous. The Trustees fight the Mayor on every issue. He voiced support for Trustee VanDeinse – Perez and a run for Mayor. He commented on Trustee Kormos' s statements to the public. He thanked Mayor Rossi, Jr. for his dedication to the Village.

Mayor Rossi, Jr. sent thoughts and prayers to the family of Village Clerk Teri O'Connor on the loss of her husband.

Nathan Ward – 1 Hyde Blvd. – BSBPA announcements, Saratoga Restaurant Week is coming. Oxford Property Group is having a Ribbon Cutting, Thanks to the Board for approving the Earth Day event in Wiswall Park. May's 1st Friday there will be an art show in the Village.

Mike Iacolucci – Thanked Ray Otten for his service. He stated he feels it is inappropriate for residents to publicly attack members on the Board during public comment.

Chris DeBuke – address could not be understood. – Thanked Mark Blech for the event getting ready for the Easter Egg Hunt. Thanked Ray Otten for his service to the Village. He commented that the meeting was quite a show. He stated he believes that it's important to hold the Village Board accountable. He feels it is not appropriate to stonewall the process by not making Woods Hollow "surplus". Advised that the Village needs to get in touch more with youth. They are the future of the Village. He asked for more decorum from the Board.

14) Board Comments, Questions, & Concerns - Trustee VanDeinse – Perez thanked Ray Otten for his service. Mayor Rossi, Jr. thanked Ray Otten for his dedication.

15) Agenda Items for Consideration

a) Motion made by Trustee VanDeinse – Perez, seconded by Trustee Baskin that the attached budget transfers be approved. (Requested by Mayor Rossi) Trustee Kormos asked why \$2400.00 in a contingency fund for Bath Street and the Mayor stated its for the rest of the year. Trustee Kormos stated that she is concerned that money is being taken out of contingency for utilities. Mayor Rossi, Jr. agreed.

Ayes All

b) Motion made by Trustee VanDeinse – Perez seconded by Trustee Baskin that Fox Pest Control be authorized to solicit door to door from 5/9/23 to 8/31/23 Monday - Friday 9am to 9pm and Saturdays 9am to 5pm. (Requested by Mayor Rossi) Trustee Kormos asked why we needed to do this motion. Mayor Rossi, Jr. replied that it is response to the Village Peddler law and receiving a complaint last year.

Ayes All

c) Motion made by Trustee Kormos, seconded by Trustee Baskin that the DPW be granted permission to pay for the Tymco 435 Street Sweeper Truck for the price of \$198,095.00, that was received by the Village of Ballston Spa on Tuesday, March 21, 2023. The payment would be made from General Fund (A-Fund) Fund Balance, pending reimbursement by the USDA Loan in 2024. (Requested by Mayor Rossi) Trustee Kormos asked about how many more pieces of heavy equipment there are to purchase and Mayor Rossi, Jr. replied that we still need a pickup truck and 2 dump trucks.

Ayes All

d) Motion made by Trustee VanDeinse – Perez seconded by Trustee Baskin that the DPW be granted permission to purchase a Lenovo 420 Laptop computer and scanner with Diagnostic and Repair hardware and software for Medium and Heavy Equipment Vehicles not to exceed \$11,000.00, budgeted in the 2022-23 Budget. (Requested by Mayor Rossi) Trustee Kormos stated she felt this was a lot of money. Administrator Moskowitz explained that it was hardware and software for diagnostics.

Ayes All

e) Motion made by Trustee Baskin, seconded by Trustee VanDeinse – Perez to transfer \$1,800 of funds originally allocated to basketball hoops in Kelley Park for the purchase of two benches for Victory Circle Park in Colonial Hills. (Requested by Trustee Baskin) The Mayor asked if Park and Tree could still buy the basketball hoops. Ray Otten explained that \$1800 wasn't enough to get the proper hoops.

Ayes All

f) Motion made by Trustee Baskin, seconded by Trustee Kormos to transfer \$700 of funds originally allocated to basketball hoops in Kelley Park for the purchase of flowers and mulch for Wiswall Park. (Requested by Trustee Baskin)

Ayes All

g) Motion made by Trustee Baskin, seconded by Trustee VanDeinse – Perez to allow the Park and Tree Board to plant one or two trees in Kelley Park on April 29th in celebration of Arbor Day. (Requested by Trustee Baskin)

Ayes All

h) Motion made by Trustee VanDeinse – Perez seconded by Trustee Baskin to approve the Laberge Change of Scope agreement for provision of John St. Tower RFP & Bid services and other water system reporting, as described in Donald Rhodes’ February 8th, 2023, letter, and authorizing the Mayor to execute the related agreement. (Requested by Mayor Rossi) Trustee Kormos asked which one they were approving. Mayor Rossi, Jr. advised it was just the change of scope.

Ayes All

i) Motion made by Trustee Kormos, seconded by Trustee VanDeinse – Perez to approve the attached Library Design Development Master Plan agreement, and authorizing the Mayor and/or the Library Board to execute the related agreement. (Requested by Mayor Rossi)

Ayes All

j) Motion made by Trustee Baskin, seconded by Trustee Kormos to have the Village of Ballston Spa apply for recertification for “Tree City USA” recognition, and to authorize the Mayor to execute the application after his review of said completed application. (Requested by Trustee Baskin)

Ayes All

k) Motion made by Trustee VanDeinse – Perez, seconded by Trustee Baskin to approve the event request by the BSBPA for an Earth Day “pop-up” event in Wiswall Park on Saturday, April 22nd, 2023, from 8am until 3pm. A certificate of insurance has been provided. (Requested by Trustee VanDeinse-Perez)

Ayes All

l) Motion made by Trustee VanDeinse – Perez, seconded by Trustee Baskin to approve the appointment of Melissa McCann as Deputy Treasurer. The appointment is contingent on a six-month probationary period, and the appointment after that period shall follow the term of the Treasurer, which is scheduled to be completed at the end of the Official Year that begins on or about January 1st, 2024 (renewable after that time). The rate of pay for this part-time position shall be \$26.00 per hour, and it will be subject to a potential increase on June 1, 2023. (Requested by Mayor Rossi)

Ayes All

16) Other Business

17) Executive Session (If Needed) – Not Needed

18) Adjournment/Voucher Audit:

Motion made by Trustee Baskin, seconded by Trustee VanDeinse – Perez, that the Vouchers be audited and the meeting adjourned at 10:27pm.

Ayes All

General Fund	\$193,893.96
Sewer Relevy	5,311.30
Library Fund	1,636.86
Trust & Agency	<u>0.00</u>
Total	\$200,842.12