

**REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BALLSTON SPA, NY held February 26, 2024**

Present: Mayor Rossi, Trustee Price-Bush, Trustee Baskin, Trustee VanDeinse-Perez, Trustee Raymond, Village Clerk O'Connor, Village Administrator Moskowitz, Attorney Buettner (via Zoom)

**1) Call to Order**

**2) Pledge to the Flag**

**3) Minutes**

a) Motion made by Trustee VanDeinse-Perez, seconded by Trustee Baskin that the minutes of the 02.12.24 meeting be approved.

**Ayes All**

b) Motion made by Trustee VanDeinse-Perez, seconded by Trustee Price-Bush that the minutes of the 02.19.24 meeting be approved.

Trustee Baskin-abstained	Trustee VanDeinse-Perez-yes	Trustee Price-Bush-yes
Trustee Raymond-abstained	Mayor Rossi-yes	
<b>Motion Passed</b>		

**4) Presentations - None**

**5) Public Comment on Agenda Items Only (3 Minutes per Speaker)**

Liz Kormos of 89 Hyde Blvd. suggested dollar amounts be on all motions and also feels the Town of Milton should increase their monetary contributions to the Village.

Marilyn Stephenson, 45 West High Street asked for the proposed law drafts and the Wiswall Park Master Plan be put on the website.

Ray Otten of 16 Middlebrook Avenue feels it is not fair to reward people who chose not to install sidewalks by reimbursing them 100% to install them, while only offering a 50% reimbursement for repairs.

**6) Consent Agenda Items for Consideration**

a) Motion made by Trustee VanDeinse-Perez, seconded by Trustee Baskin to approve the items on the following Consent Agenda:

i) Motion to appoint Eric Muller as a part time Police Officer.

ii) Motion that Eagle-Matt Lee Fire Co. #1 be authorized to expend the amount of \$24,845.40 for 5 new sets of turn-out gear.

iii) Motion that Eagle-Matt Lee Fire Co. #1 be authorized to expend the amount of \$3,662.50 for a ladder and a rescue winch.

iv) Motion to allow the Park and Tree Board to plant a tree in Kelley Park for Arbor Day on Saturday, April 27, 2024, at 10:00am.

**Ayes All**

**7) Motions/Resolutions for Consideration/Vote**

a) Motion made by Trustee VanDeinse-Perez, seconded by Trustee Price-Bush to set a Public Hearing for Proposed Local Law No. 1 of 2024 (to add Section 150, "Parks," to the Village Code) for the regular meeting of the Board of Trustees on March 11, 2024, at 7:01pm.

**Ayes All**

b) Motion made by Trustee VanDeinse-Perez, seconded by Trustee Raymond to set a Public Hearing for Proposed Local Law No. 2 of 2024 (to amend Section 174-2 and Section 174-20(B) in Chapter 174 Streets and Sidewalks) for the regular meeting of the Board of Trustees on March 11, 2024, at 7:05pm.

Ayes All

c) Motion made by Trustee VanDeinse-Perez seconded by Trustee Price-Bush approving the attached proposal by LaBella Associates related to the retaining wall and vault work at 66 Front St. (Village Offices) and authorizing the Mayor to execute same.

Trustee Baskin-yes	Trustee VanDeinse-Perez-yes	Trustee Price-Bush-yes
	Trustee Raymond-yes	Mayor Rossi-yes

Motion Passed

d) Resolution related to awarding the John St. Tower bid to USG Water.

Motion made by Trustee VanDeinse-Perez, seconded by Price-Bush to approve the resolution regarding USG Water.

Trustee Baskin-yes	Trustee VanDeinse-Perez-yes	Trustee Price-Bush-yes
	Trustee Raymond-yes	Mayor Rossi-yes

Motion Passed

e) Motion made by Trustee VanDeinse-Perez, seconded by Raymond approving the resolution related to naming the Village as Lead Agency for SEQRA review for the Woods Hollow project.

Trustee Baskin-yes	Trustee VanDeinse-Perez-yes	Trustee Price-Bush-yes
	Trustee Raymond-yes	Mayor Rossi-yes

Motion Passed

f) Motion made by Trustee VanDeinse-Perez, seconded by Trustee Price-Bush approving engagement of Bartlett, Pontiff, Stewart & Rhodes, P.C., as bond counsel related to the purchase of 78 Thompson St., Ballston Spa, New York, and authorizing the Mayor to execute the attached retention agreement.

Ayes All

g) Motion made by Trustee VanDeinse-Perez, seconded by Trustee Raymond to approve the resolution related to the purchase of 78 Thompson St.

Trustee Baskin-yes	Trustee VanDeinse-Perez-yes	Trustee Price-Bush-yes
	Trustee Raymond-yes	Mayor Rossi-yes

Motion Passed

h) Motion made by Trustee VanDeinse-Perez, seconded by Trustee Raymond approving the attached agreement between the Village of Ballston Spa and the Town of Milton related to the Village Library, and authorizing the Mayor to execute same.

Ayes All

i) Motion made by Trustee VanDeinse-Perez, seconded by Trustee Price-Bush approving the attached agreement with correction (adding "included but not limited to") between the Village of Ballston Spa and the Town of Milton related to the Village events, and authorizing the Mayor to execute same.

Ayes All

j) Motion made by Trustee VanDeinse-Perez, seconded by Trustee Price-Bush approving the attached agreement between the Village of Ballston Spa and the Town of Milton related to the Village swimming pool, and authorizing the Mayor to execute same.

Motion made by Trustee VanDeinse-Perez, seconded by Trustee Price-Bush that the motion be amended to change the year from 2023 to 2024.

Ayes All

8) Mayor's Announcements

a) Thank you to Trustee VanDeinse-Perez for doing a great job serving as Deputy Mayor.

9) Treasurer's Report (attached)

10) Liaison Reports

Trustee Raymond noted that the DPW completed many tasks including the Colonial Hills Greenfield Avenue entrance and will begin working on the summer paving list.

Trustee Price-Bush reported that the Library is offering free tax prep for all ages every Friday.

Trustee VanDeinse-Perez said that the BSBPA is working on movie and concert schedules.

Trustee Baskin noted that Ashley Bush and Emily Bartell have been elected as Co-Chairs to the Committee on the Arts. The Committee is working on street banners, garbage can signs and the "Random Acts of Poetry" project among other things.

The Park and Tree Board is planning a tree planting in celebration of Arbor Day on 4/27/24 in Kelley Park, Trustee Baskin noted. A street tree identification walk is being planned also.

Events Committee Chair Ray Otten stated that the Easter Egg Hunt will be on 3/23 from 11:00am to 1:00pm at the Milton Community Center.

Mr. Otten noted a spring event is being planned.

11) Old Business-None

12) New Business

a) Wiswall Park Draft Master Plan

Mayor Rossi stated that a colorized revised plan was submitted to the Board.

Trustee Baskin shared some highlights of the draft, while asking for it to be made public, including a smaller spring area on the corner, a smaller kids play area, fewer trees and bushes around the perimeter, a larger pavilion with picnic tables and a modified path layout.

Trustee VanDeinse-Perez suggested a more visual drawing would be helpful to people who are not used to seeing these types of drafts.

Committee Chair Caitlin Parwana noted that feedback was implemented in this drawing, and they are open to more.

Trustee Raymond thinks that this drawing should be put on the website for feedback and Studio A should do a presentation.

b) Rules of Procedure

Trustee Baskin read a statement (attached)

Mayor Rossi explained Roberts Rules.

Trustee Baskin continued to express frustration, as he believed he was interrupted.

Mayor Rossi apologized to Trustee Baskin, stating the motion to table was not intended to offend him.

Trustee Baskin thanked Mayor Rossi and, noting he gets loud, apologized.

Mayor Rossi noted that Trustee Baskin owes Clerk O'Connor an apology most of all.

Trustee Baskin declined.

13) Public Comment on Any Issue (3 Minutes)

Mayor Rossi explained the motion to be added under "Other Business."

Ms. Kormos is disturbed that motion "b" was passed and asked for more information regarding the financing of the John Street Water Tower.

Eve Kenyon of 50 North Street loves Ballston Spa and being part of the Park and Tree Board.

Ms. Stephenson, referring to suggestions on making the Wiswall Park drawing easier for people to understand, stated there's a thing called a ruler and she would be happy to show somebody how to use it.

Bob Bush Jr., 71 Church Avenue asked who will maintain Wiswall Park.

Kris DuBuque of 6 Kaleen Drive stated he is appreciative of all the work that is being done to improve Wiswall Park.

Mr. DuBuque noted he agrees that the drawing measurements should be easier to read.

14) Other Business (Including, but Not Limited to Board Response to Public Comment)

Motion made by Trustee VanDeinse-Perez, seconded by Trustee Price-Bush to engage LaBerge Engineering to be construction manager for the John Street Water Tower Renovation Project at the rates listed on LaBerge's 2024 rate sheet and allowing the Mayor to execute such agreement after review by the Village Attorney.

Ayes All

Trustee Raymond read a statement regarding the John Street Water Tower. (attached)

Trustee Baskin inquired as to when budget workshops will be held.

15) Executive Session (If Needed)-None Needed

16) Adjournment/Voucher Audit:

Motion made by Trustee VanDeinse-Perez, seconded by Trustee Raymond, that the Vouchers be audited, and the meeting adjourned at 8:55pm.

General Fund	\$ 21,829.04
Sewer Relevy	74.40
Library Fund	4,457. 08
Trust & Agency	<u>1,289.75</u>
Total	\$ 27,650.27

Ayes All

Respectfully Submitted,

Teri L. O'Connor  
Village Clerk

**Statement Read by Trustee Baskin  
at the Feb. 26, 2024 Meeting of the Board of Trustees**

I feel the need to talk about our Rules of Procedure because I do not feel the mayor is following them.

Last week we were in the middle of discussing the park's law when Frank abruptly cut off discussion to table the item, despite the fact that I was clearly in mid-sentence and was not done discussing the law.

In the Rules of Procedure it states:

**A member, once recognized, shall not be interrupted when speaking unless it is to call him/her to order. If a member, while speaking, were called to order, the member should cease speaking until the question of order is determined, and, if in order, the member shall be permitted to proceed.**

**There is no limit to the number of times a member may speak on a matter.**

I feel that the mayor did not follow the Rules and Procedures as written, and we should discuss this discrepancy.

The Rules of Procedure say that board members (quote) "shall not be interrupted when speaking" (unquote) within the proper order of the agenda, and the question of proper order was never raised and never in question. The interruption occurred at 1 hour, 17 minutes, and about 7 seconds, for those who are interested.

I had no issue with tabling that motion, in fact I would have voted for it if it had occurred about 15 seconds later. But tabling cannot be used to shut down discussion the mayor doesn't like or doesn't want and interrupt board members in mid-sentence. The Rules of Procedure do not allow for that.

There is good reason why the only excuse for interrupting a board member during a scheduled discussion on the agenda is to determine the question of order. The public should be able to hear and witness in real time the deliberations of its elected body. Of course there will be discussion between meetings, but public meetings are very important opportunities for transparency, and discussion behind the scenes should never substitute for discussion before the public. Tabling should never be used to move a discussion behind closed doors when the discussion before the public has not even come to an end. And it should never be used, as it was, as a tool for the board majority to silence the board minority. Tabling should only be introduced after all board members have finished their public comments related to the agenda item at hand.

There was a time, when the mayor was in the board minority, that he more greatly valued public-facing discussion of board business, and claimed that editing draft laws was not even allowed between meetings.

On May 11, 2023 the mayor sent an email regarding the sidewalk law, stating: "A majority of the Board approved an edit to legislation outside a public meeting? I guess we shouldn't even have public meetings anymore." and continued in a separate email that same day, "Last I checked, Ben, you cannot legislate by email in the manner you're attempting."

In an Aug. 25, 2023 email on the ethics law, the mayor wrote, "Once a Public Hearing is set, you can't continue tweaking the language."

Now that the mayor is in the board majority, his position has changed 180 degrees. Now it's fine to tweak laws between meetings and after the public hearing has been set. No problem! He's now organized that effort multiple times.

However, now that the mayor is quite comfortable working behind the scenes, it is even more important that board members insist on our right to a public airing of views, and public-facing deliberations. Emails between meetings should supplement but never substitute for live, public discussion.

Thank you - Trustee Ben Baskin

## **Statement regarding background of John St. Water Tower and Village Infrastructure-**

### **Trustee Raymond**

I wanted to provide to the public the history and background on the John Street Water Tower and the process that has gotten the village to where we are today doing the necessary renovations to maintain that tower, and the needed maintenance to the exterior of the other towers and water/sewer infrastructure.

Based on the condition assessment of our water towers in 2017 it was determined that there were condition issues, however nothing was identified as needing immediate attention, but would benefit from maintenance. There was a recommendation as part of a feasibility study done in 2018 by CHA to determine the needs to increase water supply to the Town of Ballston and within that study a recommendation to decommission the John Street Water Tower and replace with a larger capacity, glass-lined tower at a cost of approximately \$3 Million since glass-lined towers require minimal interior maintenance as compared to painted tanks.

After the review of this feasibility study there was no longer a desire by the Town of Ballston to increase the water supply and the majority of the Village Board decided at that time to wait until the next 5-year condition assessment (2021) to determine a course of action regarding the John St. Tower. This could be attributed to a minimal fund balance (approx. \$40,000) that would not be sufficient to even support payments for a long-term loan to address water tower conditions. Due to a history of no capital improvement plan being developed because of no studies being conducted to develop cost estimates, other than the one conducted in 2018, meant that no planning had been done for well over a decade to incrementally raise taxes and water/sewer rates to prepare for the current or future needs of the village. Even if we were able to generate the revenue to pay a loan payment our fiscal state was in such disarray that the village was under the scrutiny of the state comptroller. It is unlikely we would be given a loan by any institution under such scrutiny.

It was at that time that former Trustee Shaw and I recommended to the board a significant increase in taxes, to restructure water rates and fire protection rates to increase revenue and reduce the Fire Department's dependence on taxpayer dollars.

In 2019, a new mayor (Larry Woolbright) started his term with a budget surplus and a sizable fund balance, which was the result of the changes recommended and was also the seed for our current fund balance. Mayor Woolbright further increased fund balance through debt consolidation with the low interest rates at the time.

It was my understanding that it was Mayor Woolbright's intent to save the roughly \$2 million estimated needed to replace the John St. Water Tower in the fund balance as it increased annually. A year later, due to the pandemic, a pause on any additional spending, other than required to maintain operations of the village, was considered the best course of action. It was then decided to wait until the next water tower condition assessment scheduled (2021) to address the condition of the John St. Tower, the other towers, and infrastructure. Mayor Woolbright did not engage the Village Engineer, or issue a RFP (Request for Proposals), to determine the feasibility and cost of repairing vs replacement of the John St. Tower during his time in office.

In December 2021, I was tasked by Mayor Fitzpatrick to write an RFP for a feasibility study not only to address the John St. Tower, but also have an assessment of our other towers and aging infrastructure. The engineering consultants LaBerge Associates were engaged in the spring of 2022 to assess our existing infrastructure, provide alternatives, and apply for grants to fund the repair and replacement of our infrastructure. In the summer of 2022 upon receipt of the water towers' condition assessment report it was determined that the John Street Tower had condition issues that needed repair to continue to provide safe, uninterrupted operations in the next 5 years. It was determined in the fall of 2022 by our consultants the village would not be able to obtain grants due to our lack of complete municipal water districts outside the village where we provide water, and our very low water rates as compared to other water providers.

It was agreed to by the board in 2023 that we would alter the scope of the feasibility study conducted by LaBerge Associates into a RFB (Request for Bids) to repair and repaint the John St. Tower since the results of the alternative comparisons yielded the cost of replacement would far exceed the original projection of \$2 million. Later that year, the paint on the John St. tower was



found to contain lead which required testing and altering the scope of work for the RFB which delayed letting of the bid and increased the cost of repair.

In summary, it would have been advantageous to be where we are today with a contract to repair and repaint the John St. Tower years ago. However, to accomplish that long process of planning, conducting studies, and generating the necessary revenue should have been started decades ago, certainly prior to 2018. Due to the recommendations of village board members in 2018, and the work and planning of subsequent village boards since 2019, the village has been able to finance this project, finance equipment for DPW, and plan for future infrastructure maintenance with a fund balance going from \$40,000 to \$4+ million in just 6 years. Other than increases in water/sewer rates and taxes to compensate for inflation, no significant revenue generation strategies have been developed beyond those in 2018 and 2019 to address our estimated \$30 million in infrastructure needs.