



April 5, 2016

CITY OF SARATOGA SPRINGS
City Council Meeting
City Council Room
7:00 PM

6:30 PM – P.H. – Nicholas' Law
6:35 PM – P.H. – Comprehensive Plan
Amendment – Institutional
Design to Prior Location
6:45 PM - P.H. – City Center Parking
Structure Lease

7:00 PM

CALL TO ORDER

ROLL CALL

SALUTE TO FLAG

PUBLIC COMMENT PERIOD / 15 MINUTES

PRESENTATIONS

1. Theater District Concept for the High Rock Parcel

CONSENT AGENDA

1. Approval of 2/25/16 High Rock Technical Review Committee Meeting Minutes
2. Approval of 2/29/16 Pre-Agenda Meeting Minutes
3. Approval of 3/1/16 City Council Meeting Minutes
4. Approval of 3/14/16 Pre-Agenda Meeting Minutes
5. Approve Budget Amendments (Increases)
6. Approve Budget Transfers – Regular
7. Approve Payroll: 3/18/16 \$444,705.02
8. Approve Payroll: 3/25/16 \$478,144.36
9. Approve Payroll: 4/1/16 \$472,242.26
10. Approve Warrant: 2016 Mid – 16MWAPR1: \$2,969,394.57
11. Approve Warrant: 2016 Mid – 16MWMAR2: \$14,813.81
12. Approve Warrant: 2016 Mid – 16MWMAR3: \$93,576.63
13. Approve Warrant: 2016 REG – 16APR1: \$672,032.94

MAYOR'S DEPARTMENT

1. Discussion and Vote: 2016 Community Development Block Grant Allocations
2. Announcement: Update – 2016 HUD Regional Summit – April 10th & 11th
3. Discussion and Vote: Approval or the Mayor to Sign the Fair Housing Proclamation
4. Discussion and Vote: Authorization for Mayor to Sign 3-Way Contract with Saratoga Co. IDA and GPI to Advance Geyser Road Project
5. Discussion and Vote: City Council Adoption of a Resolution Authorization Exemption and Payment in Lieu of Taxes Agreement for Raymond Watkin Apartments

6. Discussion and Vote: Authorization for Mayor to Sign Agreement with RW Housing Development Fund Company, Inc. and RW Preservation, LLC in Relation to Payment in Lieu of Taxes Agreement for Raymond Watkin Apartments
7. Discussion and Vote: City Council Adoption of a Resolution Supporting Application to REDC for Private Activity Tax Exempt Bond Allocation for Raymond Watkin Apartments
8. Discussion and Vote: City Council Adoption of a Resolution Regarding the New York Racing Association (NYRA)
9. Discussion and Vote: City Council Adoption of a Resolution Supporting Saratoga Lake Protection Improvement District
10. Discussion: High Rock Lot RFP Responders
11. Set Public Hearing: Zoning Map Amendment to Include 199 and 200 Woodlawn Avenue within the City Historic District

ACCOUNTS DEPARTMENT

1. Announcement: Grievance Class – May 10, 2016
2. Award of Bid: Sale of Used Vehicle to Shawn Willard

FINANCE DEPARTMENT

1. Discussion and Vote: Authorization for Mayor to Sign City Center Parking Structure Leases
2. Discussion and Vote: Standard Workday Resolution
3. Announcement: "Honor a Veteran" Program
4. Discussion: New York State FY16-17 Enacted Budget
5. Discussion and Vote: Budget Amendments – Benefits
6. Discussion and Vote: Budget Transfers – Payroll
7. Discussion and Vote: Budget Transfers – Contingency (PO Admin; Non-Union FTE)

PUBLIC WORKS DEPARTMENT

1. Discussion and Vote: Authorization for Mayor to Sign Renewal with Mahoney Notify-Plus, Inc. Alarms
2. Discussion and Vote: Authorization for the Mayor to Sign Agreement with Greenridge Cemetery
3. Discussion and Vote: Authorization for the Mayor to Sign Agreement Addendum #1 with Schnabel Engineering of New York for the Loughberry Lake Dam Safety Compliance Project
4. Discussion and Vote: Authorization for the Mayor to Sign Agreement Addendum #1 with Barton & Loguidice, DPAC for the Washington Street Water Main Construction
5. Discussion and Vote: Authorization for the Mayor to Sign Agreement Addendum #1 with Stantec Consulting Services, Inc. for Adams Street
6. Discussion and Vote: Authorization for the Mayor to Sign Credit Change Order with Gallo Construction for the Washington Street Water Main Upgrade Project
7. Discussion and Vote: Authorization for the Mayor to Sign Memorandum of Understanding with Stewart's Shop Corporation

PUBLIC SAFETY DEPARTMENT

1. Discussion and Vote: Authorization for Mayor to Sign Agreement with Complus Data Innovations
2. Discussion and Vote: An Ordinance to Amend Chapter 115 of the City Code – Nicholas' Law
3. Discussion: Noise Ordinance
4. Announcement: Parking Enforcement Update

SUPERVISORS

Matthew Veitch

1. 2016 Open Space and Trails Grand Applications
2. Renaming Route 9P Bridge at Exit 14 "Assemblyman Robert D'Andrea Bridge"

City Council Meeting
4/5/16

Peter Martin

1. Center for the Family
2. Big Brothers – Big Sisters – Start Up Something Saratoga

ADJOURN



April 5, 2016

CITY OF SARATOGA SPRINGS
City Council Meeting
City Council Room
7:00 PM

PRESENT: Joanne Yepsen, Mayor
Michele Madigan, Commissioner of Finance
John Franck, Commissioner of Accounts
Anthony Scirocco, Commissioner of DPW
Christian Mathiesen, Commissioner of DPS

STAFF PRESENT: Joe Ogden, Deputy Mayor
Lynn Bachner, Deputy Commissioner, Finance
Maire Masterson, Deputy Commissioner, Accounts
Tim Cogan, Deputy Commissioner, DPW
Eileen Finneran, Deputy Commissioner, DPS

Vincent DeLeonardis

Matthew Veitch, Supervisor
Peter Martin, Supervisor

RECORDING OF PROCEEDING

The proceedings of this meeting were taped for the benefit of the secretary. Because the minutes are not a verbatim record of the proceedings, the minutes are not a word-for-word transcript.

PUBLIC HEARINGS

Mayor Yepsen stated in the past we have never limited comment time at a public hearing. Due to the number of people who want to speak, we are going to limit the speaker's time to 3 minutes.

Nicholas' Law

Mayor Yepsen opened the public hearing at 6:37 p.m.

Commissioner Mathiesen stated this amended adds a new section to the City Code. It requires firearms to be stored in a safe. If found guilty of this code will be fined \$100.

Charlie Samuels of Marion Place stated he is a gun safety advocate. He thanked the Council for bringing this law to vote. He is in support of Nicholas' Law.

Pat Tuz of Saratogians for Gun Safety, New Yorkers Against Gun Violence, and a Wilton resident stated every time she read something like this she would write a letter to the editor about having a law to keep guns locked. She thanked the Council for bringing this ordinance forward.

Cliff Amon of Saratoga Springs stated when in the Marines his gun was kept under lock and key by the sergeant and the ammo was kept underground away from the guns.

Leah Gunn Barrett, executive director of New Yorkers Against Gun Violence, thanked the Council for bringing this forward. They are working to get this passed at the state level. Safe storage saves lives.

Oxsana Naumkin, Nicholas' mom, thanked the Council for doing this. She can't tell how difficult it is to live after losing your child.

Tony Izzo, assistant city attorney, advised anytime a municipality tries to regulate guns or firearms, it is a good idea to be narrow in your purpose and scope.

Anna Dennett of Saratoga Springs stated her sister was friends with Nicholas. It is scary when you don't know if there are guns in someone's house.

Mayor Yepsen closed the public hearing at 6:47 p.m.

Comprehensive Plan Amendment – Institutional Design Prior Location

Mayor Yepsen opened the public hearing at 6:47 p.m.

Commissioner Mathiesen stated this relates to the Comprehensive Plan map that was changed in 2010. He is proposing the boundaries of the institutional zoned areas be returned to residential.

Mayor Yepsen recused herself for reasons stated before.

Commissioner Franck also recused himself from this issue.

Alice Smith of Woodland Court stated the Comprehensive Plan design makes Saratoga Springs more business friendly and brought more money. There were some parts that were not analyzed to predict the consequences.

Edwin Klinkhammer of 13 Seward Street asked the Council to vote in favor of returning the boundary to its original zoned state.

Libby Smith Homes of Birch Run stated this issue has been framed as the hospital versus the homes. This is residential land and is prime land. A piece of property next to the hospital just went for sale; they can look at other options.

Matthew J. Jones, attorney for the hospital, stated what is before the Council is a discussion to amend the Comprehensive Plan. What is not before the Council is an application to amend the PUD for Saratoga Hospital.

Commissioner Mathiesen closed the public hearing at 6:55 p.m. This issue must be forwarded to the County Planning Board for an advisory opinion. It will come back before the Council upon their response.

Mayor Yepsen and Commissioner Franck re-joined the meeting.

City Center Parking Structure Lease

Mayor Yepsen opened the public hearing at 6:55 p.m.

Commissioner Madigan stated the leases are for the lot behind City Hall known as the High Rock Lot. The parking will be used as a paid parking facility which will be available for public use at all times. There is no cost to the City for the lease back. The City will collect 'rent' of \$50,000 each year and will increase every 5 years. The City Center will be responsible for all operating and maintenance expenses during the lease period.

Mark Baker of the City Center stated the financial facts were clearly laid out at the last meeting during the presentation and have been on the City Center's website. The parking study did not include weekend parking as well as the seasonality of our community. The land use boards have registered their support by moving this forward.

John Baker of Saratoga Springs and owner of Gaffney's stated the City Center is the most important economic engine we have. The competition for conventions is only getting tougher. The City Center is lacking parking. He has lost catering jobs due to the lack of parking. He asked the Council to vote yes for the lease and move the project forward.

Charlie Samuels of Saratoga Springs stated he is against the plan to have a single garage. The City deserves better; the design is from last century. We have 5 parking garages in the City and they haven't solved the problem.

Teddie DeMartino of Wilton stated she is a conference meeting planner. They have received many complaints over the years about parking. They asked the Council to consider the additional parking downtown.

Jake Demin of 10 Ascot Circle in Saratoga Springs and market president for Town Square Media stated they produce 20 of the largest events in the Capital District. They run out of parking almost every time. He hopes they support this lease and approve the project.

Charles Holub of the Farmer's Market stated they have been in downtown for 37 years. Their market is starved for parking. They support the idea and have been offered accommodations for the winter time.

Matthew Sickles, principal of Schuylerville High School, stated they hold their commencement ceremony at the City Center each year. Having the ceremony there allows the students to invite many guests instead of the number being limited. The only challenge they have encountered with hold the ceremony at the City Center is parking. A parking structure close to the City Center will alleviate the stress.

Steve Sullivan of Stillwater and owner of Olde Bryan Inn and Longfellows stated tourism drives our economic engine. The one negative they hear from their customers is parking.

Mary and Robert Vanderminden of 10 Whitney Place stated they are here to support the City Center's parking plan.

Mike Lenz of Saratoga Springs and partner of Fallon Wellness thanked the Council for listening to everyone's comments before making a decision. He encouraged the Council the support this.

Cindy Hollowood of Saratoga Springs and general manager of the Holiday Inn stated the attractions and amenities in Saratoga Springs makes us an attractive and desirable destination. Businesses here tonight support many events and clubs. She encouraged the Council to support this.

Jonathan Tingley with Tuczinski, Cavalier & Gilchrist, PC represent the Pedinotti's, and the Mouzon House. He stated the RFP responses were set up to fail from the beginning. He believes those proposals are good proposals and can solve not having enough spots on event days. Those proposals will generate a substantial amount of revenue that dwarfs the \$50,000.

Patrick Pippino stated he tries to stand for fairness. The City Center has stood before this Council many times and has been transparent. The City Center and the Authority deserve an up or down vote tonight out of fairness.

Suzanne Simpson, general manager of the Pavilion Grand Hotel, stated the City is a destination like no other. There is a proven track record with what the City Center has done. There is no reason to believe they wouldn't do the same in the future. She too hears the complaints about parking. It would be nice to say we have a garage over here to park. She is in favor of the lease and the approval and hopes this passes tonight.

Frank Parillo, partner of 38 High Rock and Hampton Inn, stated this parking garage is greatly needed. It would be a great benefit to the City.

Heather Maybee of Saratoga Springs stated it is really important to build this parking garage. She is working for a local company and putting on events at the City Center. She urged the Council to vote in favor of this project.

Mark Lawton of Saratoga Springs stated he has worked on Wall Street, and with bonds, knows how due diligence works, and about moral obligations. Passing this gives the ok to build. Bond counsels are not good people to talk to; they make their money on issuing bonds.

John Spore, who runs cage combat at the City Center, stated their doctors were late to the show as they were not able to find parking. He supports the garage; it will provide opportunity to bring more shows in.

Lou Schneider of Saratoga Springs stated there are many valid pros and cons to the parking garage. In his experience from attending many conventions, success is based upon parking. The parking deck is essential.

Rick Fenton of Saratoga Springs stated this process has shown flaws in how we approach big projects like this in the City. We weren't very good at articulating our needs which made it difficult for the respondents to the RFP.

Samuel Chase, president of Chase Com Expo, stated several thousand people attend his events. One of the biggest complaints he receives is parking. He feels the parking garage is necessary and asked the Council to vote in favor.

Julie Cuneo of Saratoga Springs and member of Citizens for High Rock stated she is happy to hear when the City Center was created there was vision. It is disappointing we are looking at this lease without a more global context of this lot. What she is hearing is we need city-wide parking management.

Diane Pedinotti, owner of the Mouzon House stated her husband asked Mark Baker several years ago if Mark understood building the parking garage would put them out of business – Mark said yes. We need parking but do we need to take this kind of risk? The RFPs asked the history of the Mouzon House be considered.

Brian Cuneo of Saratoga Springs stated there is no dispute of a parking need. The parking garage is a single purpose entity that has a single source of revenue. It puts the financial viability of this project in question.

Laura Cogan of Saratoga Springs asked we find a parking solution that respects the neighbors and the space. What we have now doesn't do that. She asked the Council to vote this plan down.

Mindy Wisowski of 33 York Avenue stated this is her neighborhood. People stop her on the street because they can't find parking. We need something different than this.

Marla Caruthers of Saratoga Springs stated she hears people like it here because of its charm. If you are going to add to the parking plan it should add to the character not be an unsightly structure.

Tom Newkirk of Saratoga Springs, property owner on Broadway, and president of the Saratoga Convention and Tourism Bureau stated there are 635,000 room nights available in Saratoga and they generated \$71.3 million dollars. Adjacent covered parking is needed to be competitive. This is a risk free investment for the City and encouraged the Council to vote in favor.

John Safford of Saratoga Springs stated almost every night the news reports show downtown Saratoga. This is because Saratoga is busy and that is due to the City Center. The only real objection he has heard tonight is the aesthetics. The Council has the responsibility to do the best thing for the City.

Elizabeth Haines of Saratoga Springs stated if you want to cut off growth from Broadway than put a big parking garage in. No one is debating we need parking. She doesn't understand the haste in making a quick decision on this.

Charlie Wheeler of Saratoga Springs stated he has spent over 40 years managing public assembly venues. He learned what it takes to attract business is a new area. Right now Saratoga has a number of outside threats that bring people to downtown. He urged the Council to provide the necessary services to help attract business to the urban core in Saratoga Springs.

Cliff Amon of Saratoga Springs stated he took an informal non-scientific poll. All the people he asked likes the City Center; 75% of the people believe parking is needed; most people didn't like the proposed structure by the City Center; and most were in favor of the multi-use proposals.

Dave Pedinotti of Saratoga Springs and owner of Mouzon House asked the business owners to go to the Mouzon House for a drink on him. He would like them to see what this project is going to do to his business. He knows the City Center has worked diligently on this and now we are at the point of signing a lease. This is the end. He is begging, pleading, asking as a business owner and taxpayer not to sign this lease.

Ellen Downing of Saratoga Springs stated she is concerned about the growth that has happened in the last 5 years. She has lived in cities that have had poor city planning and the cities were destroyed. It is not about parking, it is about how to get people into your city with less parking. She can't imagine what it will look like when there are 500 more cars waiting to park.

Colin Klepetar of Saratoga Springs stated many communities that are similar to ours have managed their parking through paid parking. It is not a parking issue it is parking management. Land is an asset to the community so we are paying for this. This is supporting and benefiting one entity. He suggested the Council table the issue and come to a comprehensive approach.

Harry Moran, chair of Sustainable Saratoga, stated they supported the RFP process. They put together 4 recommended amendments to the Council. The recommendations are to eliminate the parking deck over Maple Avenue; require the agora space on the High Rock façade to be year round space; require a similar shallow leasable space on Maple Avenue to stimulate economic opportunity; and require a community solar array on the parking garage for the City Center and other neighbors.

Jane Weihe of Saratoga Springs stated the Technical Committee spent 5 months looking at the alternative. Their conclusions were unanimous and cautious. They found neither proposal provided adequate financial information. After 3 years, this is not a rushed decision.

Shawn Banner 34 Madison Street stated this town is all about aesthetics and a pedestrian town. It does matter what it looks like and mixed use does matter.

John Kaufman of Saratoga Springs stated this parking project could be delayed for years in the context of trying to resolve an ambitious project. He hopes to see 5 votes in favor of this.

Joe Dalton of Saratoga Springs and chair of the City Center Authority stated this is not Mark Baker's garage; it is the City Center's garage. They have spent 3 years putting this together and have gone through all the land use boards. The City Center is going to pay for the garage; it will not cost the City a penny. The people who visit Saratoga need somewhere to park. Vote on this tonight.

Denise Desmond, business owner in Saratoga Springs stated she gets what the City Center is saying and visitors are saying. She doesn't want the Council to vote on this lease because we can do better. We can make a lot more money on that land. They are not against the City Center but they want better.

Joyce York of Gansevoort stated this meets the needs. She organizes events at the City Center and downtown corridor and hears complaints about the lack of parking. The Council needs to approve the lease.

Charles Wait of Saratoga Springs stated tonight should be a cause for celebration and gratitude. No one disagrees the City Center has been a success and it has a parking problem. The parking problem is also the City's. This is part of the engine that has driven Saratoga. Three years should be enough to make a decision and he urged the Council to pass this tonight.

Bill Dake of Saratoga Springs stated the downtown area is the key to Saratoga. Saratoga is more vulnerable than realized. Half the things you buy are bought on the internet. Retailers are under severe stress. Mixed use is half empty on Weibel Avenue and in Malta.

Mayor Yepsen closed the public hearing at 8:51 p.m.

The Council took a break at 8:52 p.m.

The Council returned at 9:01 p.m.

CALL TO ORDER

Mayor Yepsen called the meeting to order at 9:01 p.m.

Mayor Yepsen asked for a moment of silence for Jean Stramm and David Porter who passed recently.

PUBLIC COMMENT

Mayor Yepsen said the public comment period is limited to a total of 15 minutes and individuals are limited to two minutes.

Mayor Yepsen opened the public comment period at 9:04 p.m.

No one spoke.

Mayor Yepsen closed the public comment period at 9:04 p.m.

PRESENTATION

Theater District Concept for the High Rock Parcel

Commissioner Scirocco presented his proposal of a Theater District Concept on the High Rock parcel. At one time the town hall housed a two story theater in the now Music Hall. Theatres are resilient in tough economic times. The third floor of City Hall is being threatened right now by the need for space in City

Hall; there is potential for putting offices up there and the courts are looking for additional space. A theater district would be a year round economic powerhouse. Theater patrons would generate revenue for the proposed parking on High Rock. This would use about 1/3 of the High Rock lot. The time is now to give the City back part of its history. (copy of presentation attached) His department is ready to put a RFP together for a feasibility study and a market evaluation.

Commissioner Madigan stated she is not sure how UPH would work together with this idea. We are missing a theater piece to our downtown. She believes a feasibility study is the next step.

Commissioner Scirocco stated this would be no cost to the City. There are developers that do this sort of thing and professional theater groups that operate this.

Commissioner Mathiesen asked if this would replace the function of the music hall.

Commissioner Scirocco stated he is not sure. The consultants are looking at using that space for the courts or office space for City Hall.

CONSENT AGENDA

Mayor Yepsen moved and Commissioner Mathiesen seconded to accept the consent agenda as follows:

1. Approval of 2/25/16 High Rock Technical Review Committee Meeting Minutes
2. Approval of 2/29/16 Pre-Agenda Meeting Minutes
3. Approval of 3/1/16 City Council Meeting Minutes
4. Approval of 3/14/16 Pre-Agenda Meeting Minutes
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12. Approve Warrant: 2016 Mid – 16MWMAR3: \$93,576.63
13. Approve Warrant: 2016 REG – 16APR1: \$672,032.94

Commissioner Madigan pointed out the \$5,000 for SLPD is included in the consent agenda.

Ayes – All

MAYOR'S DEPARTMENT

Discussion and Vote: 2016 Community Development Block Grant Allocations (16-113)

Mayor Yepsen advised of the following recommendations:

- Shelters of Saratoga Code Blue Program _ \$16,150
- Wellspring Homeless Prevention - \$6,922
- Saratoga County Economic Opportunity Council - \$9,229
- Catholic Charities Mentoring Program - \$9,229
- Habitat for Humanity - \$92,288
- Saratoga Affordable Housing Group Allen Dr. Apartments - \$88,180
- Legal Aid Society of Northeastern New York - \$12,920
- Rebuilding Together Saratoga County - \$11,536
- Franklin Community Center - \$8,306

- Community Development Program Administration - \$59,987

Mayor Yepsen moved and Commissioner Mathiesen seconded to approve the 2016 Community Development Block Grant recommendations from our Community Development Citizens Advisory Committee as distributed with the final agenda.

Ayes - All

Announcement: Update – 2016 HUD Regional Summit – April 10th & 11th

Cindy Phillips, of the Community Development Department, advised we are getting a lot of late registrations and will be over the number originally expected. There has been a lot cooperation for this event within the City. She thanked the Saratoga Convention and Tourism Bureau, the Chamber of Commerce, and Saratoga Tours.

Mayor Yepsen stated they will bring back a full financial report to the Council.

Discussion and Vote: Approval or the Mayor to Sign the Fair Housing Proclamation (16-114)

The Council waived the reading of the following proclamation:

FAIR HOUSING MONTH

WHEREAS, April marks the 48th anniversary of the passage of the Fair Housing Act of 1968, which sought to eliminate discrimination in housing opportunities and to affirmatively further housing choices for all Americans; and

WHEREAS, the ongoing struggle for dignity and housing opportunity for all is not the exclusive province of the Federal government; and

WHEREAS, vigorous local efforts to combat discrimination can be as effective, if not more so, than Federal efforts; and

WHEREAS, illegal barriers to equal opportunity in housing, no matter how subtle, diminish the rights of all;

NOW, THEREFORE, BE IT RESOLVED, that in the pursuit of the shared goal and responsibility of providing equal housing opportunities for all men and women, the City of Saratoga Springs, New York does hereby join in the national celebration by proclaiming

APRIL 2016 as FAIR HOUSING MONTH and encourages all agencies, institutions and individuals, public and private, in Saratoga Springs to abide by the letter and the spirit of the Fair Housing law.

Mayor Yepsen moved and Commissioner Scirocco seconded to authorize the mayor to sign the Fair Housing Proclamation that was distributed with the final agenda.

Ayes - All

Discussion and Vote: Authorization for Mayor to Sign 3-Way Contract with Saratoga Co. IDA and GPI to Advance Geyser Road Project

Mayor Yepsen advised she is pulling this item from her agenda.

Discussion and Vote: City Council Adoption of a Resolution Authorization Exemption and Payment in Lieu of Taxes Agreement for Raymond Watkin Apartments (16-116)

The City Council waived the reading of the following resolution:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SARATOGA SPRINGS, NEW YORK

Authorizing Exemption and Payment-in-Lieu of Taxes Agreement for Raymond Watkin Apartments

WHEREAS, the City of Saratoga Springs (the "City") encourages a sufficient supply of adequate, safe and sanitary dwelling accommodations properly planned for senior citizens having household incomes less than or equal to sixty percent (60%) of area median income for Saratoga County, adjusted for family size ("AMI"); and

WHEREAS, the Raymond Watkin Apartments located at 57 Ballston Avenue, City of Saratoga Springs, Saratoga County, New York, Tax Map Section 165, Block 1, Lot 1 (the "Land"), upon which SNS Development Company LP (the "Owner") has developed and operated a single building containing approximately one hundred twelve (112) residential units, one hundred eleven (111) of which have been designated for senior citizens of low income (the "Project"), has served to meet a critical need for affordable senior housing in the City since the project was originally developed in 1978; and

WHEREAS, the Project was originally developed by their Owner in the Form of a Redevelopment Company under Article V of the New York Private Housing Finance Law ("PHFL") subject to City consent; and

WHEREAS, the Project's affordability requirements expire in less than one year and the Project is in need of improvements to update and extend the useful life of the Property; and

WHEREAS, the Owner is interested in the rehabilitation of the Project and its reservation as affordable housing for senior citizens'

WHEREAS, if the Project is transferred to a new ownership entity and rehabilitation, with partial financing from tax-exempt private activity bonds, the Project will qualify for low income housing tax credits to assist in financing the rehabilitation, and

WHEREAS, in order to facilitate the rehabilitation of the Project and extension of affordability covenants for the Project, Owner is willing to dissolve and reconstitute and thereafter sell the land and project to RW Housing Development Fund Corp. (the "HDFC"), a New York not-for-profit corporation nominee, and RW Preservation, LLC, a New York limited liability company, an affiliate of Owner (the "Company"), as equitable and beneficial owner, and the HDFC and the Company will then rehabilitate the project and preserve it as affordable housing by extending the affordability covenants, with assistance from the City in the form of tax-exempt private activity bond issuance and a PILOT Agreement (collectively, the "Preservation Transaction"); and

WHEREAS, the HDFC has been formed with the City's consent for the purpose of providing residential rental accommodations for senior citizens having household incomes less than or equal to sixty percent (60%) of AMI; and

WHEREAS, the HDFC's and the Company's plan for the use of the project constitutes a 'housing project' as that term is defined in the PHFL; and

WHEREAS, the HDFC is a "housing development fund company" as the term is defined in Section 572 of the PHFL, and Section 577 of the PHFL authorizes the City Council to exempt the project from real property taxes, and to agree to a payment in lieu of taxes on the project; and

WHEREAS, the Company and the HDFC will be willing to enter into a PILOT Agreement whereby they will make annual payment in lieu of taxes to the City as set forth in the PILOT Agreement presented to the City Council for approval;

NOW THEREFORE, BE IT RESOLVED, that the City Council hereby consents to the Preservation Transaction, including the dissolution of Owner as a PHFL Article V redevelopment company and the subsequent transfer of ownership of the land the project from the owner to the HDFC and Company as described above, and upon the dissolution and transfer owner shall cease to have any further responsibilities or obligations relating to the land and/or project and shall be deemed to have satisfied all of its obligations under the PHFL; and be it

BE IT FURTHER RESOLVED, that the City Council hereby exempts the Project from real property taxes to the extent authorized by Section 577 of the PHFL and approves the proposed PILOT Agreement by and among the City of Saratoga Springs, the Company and the HDFC, in substantially the form presented at this meeting, providing for annual payments as set forth in such agreement; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute the foregoing PILOT Agreement, in substantially the same form with other documents as the City Attorney by deem appropriates as are incidental to the PILOT Agreement, in substantially the same form with other documents as the City Attorney may deem appropriates as are incidental to the PILOT Agreement, on behalf of the City, and to deliver the signed PILOT Agreement on behalf of the City.

Mayor Yepsen moved and Commissioner Madigan seconded to adopt the resolution that was distributed with the agenda that authorizes an exemption and payment in lieu of taxes agreement for the Raymond Watkin Apartments.

Ayes - All

Discussion and Vote: Authorization for Mayor to Sign Agreement with RW Housing Development Fund Company, Inc. and RW Preservation, LLC in Relation to Payment in Lieu of Taxes Agreement for Raymond Watkin Apartments (16-117)

Mayor Yepsen stated this is the actual agreement.

Mayor Yepsen moved and Commissioner Madigan seconded to authorize the mayor to sign an agreement with RW Housing Development Fund Company, Inc. and RW Preservation, LLC in relation to payment in lieu of taxes agreement for Raymond Watkin Apartments.

Ayes - All

Discussion and Vote: City Council Adoption of a Resolution Supporting Application to REDC for Private Activity Tax Exempt Bond Allocation for Raymond Watkin Apartments (16-118)

Mayor Yepsen stated this resolution shows support of state bond financing.

The Council waived the reading of the following resolution:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SARATOGA SPRINGS, NEW YORK

Supporting Application to Regional Economic Development Council for Private Activity Tax Exempt Bond Allocation for Raymond Watkin Apartment Preservation Project

WHEREAS, the City of Saratoga Springs (the "City") encourages a sufficient supply of adequate, safe and sanitary dwelling accommodations properly planned for senior citizens having household incomes less than or equal to sixty percent (60%) of area median income for Saratoga County, adjusted for family size ("AMI"); and

WHEREAS, The Raymond Watkin Apartment Project has served to meet a critical need for affordable senior housing in the City since the project was originally developed in 1978; and

WHEREAS, the economic prosperity experienced by the City in recent years has put continued upward pressure on residential housing prices, and has made the need for affordable housing for senior citizens in the City more acute; and

WHEREAS, the Raymond Watkin Apartment Project was originally developed and was made affordable through the use of tax exempt bonds and through the use of local property tax incentives; and

WHEREAS, the owners of Raymond Watkin Apartments have proposed the preserve the affordability of and undertake improvements to the property through a transaction which includes the transfer of nominal ownership to a not-for-profit housing development fund company and economic and beneficial ownership to RW Preservation LLC, to be partially financed through issuance of tax exempt bonds so as to automatically qualify for four percent low income housing tax credit (the "Raymond Watkin Preservation Project"); and

WHEREAS, the City has consented to formation of a not-for-profit housing development fund company for the purpose of preserving and redeveloping the Raymond Watkins Apartments, and has agreed to provide local property tax incentives for the property through the exemption and a payment in lieu of taxes, as authorized by New York Private Housing Finance Law Section 577; and

WHEREAS, the Saratoga County Capital Resources Corporation has been requested by the owner of the Raymond Watkin Apartments to serve as issuer of tax exempt bonds for the Raymond Watkin Preservation Project; and

WHEREAS, the Capital Region Regional Economic Development Council has been provided with an allocation of private activity tax exempt bond authority to be made available through that Council for eligible projects deemed suitable in the economic interest of the Capital Region;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Saratoga Springs does hereby support the Raymond Watkin Preservation Project, including an application to the Capital Region Regional Economic Development Council for an allocation of tax-exempt private activity bonds sufficient to automatically qualify for four percent low income housing tax credits and to be used for the Raymond Watkin Preservation Project; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chairpersons of the Capital Region Economic Development Council, Acting Regional Director of the Capital Region of Empire State Development: Assemblywoman Carrie Woerner; Senator Kathy Marchione; and the Saratoga County Capital Resources Corporation.

Mayor Yepsen moved and Commissioner Madigan seconded to adopt the resolution that was distributed with the agenda that supports the application to REDC for private activity tax exempt bond allocation for Raymond Watkin Apartments.

Ayes - All

Discussion and Vote: City Council Adoption of a Resolution Regarding the New York Racing Association (NYRA) (16-115)

Mayor Yepsen stated the governor made it clear that he does not want to have discussions regarding the future of NYRA during the budget season. This resolution suggests returning NYRA to a private not-for-profit organization; reactive the local advisory board; and suggesting having local representation on the board from Saratoga Springs.

The Council agreed to waive the reading of the following resolution:

RESOLUTION

WHEREAS, the Saratoga Race Course is one of the most significant and important landmarks in the City of Saratoga Springs and our City's national and international reputation, local economy, and identity are directly connected to the track, and have been so connected or more than 150 years; and

WHEREAS, in 2012, the Governor of New York State created a Reorganization Board to impose the Stat's control over the New York State Racing Association (NYRA) for what was intended to be a temporary three (3) year term; and

WHEREAS, in 2015, the Governor of New York State extended the term of the Reorganization Board and, thus, the State's control over NYRA for an additional one (1) year term;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The Saratoga Springs City Council respectfully requests that the Governor re-privatize NYRA to a not-for-profit organization and remove the stat-controlled oversight; discontinue the Reorganization Board and returning control to the New York Racing Association with a newly formed board; and
2. The Saratoga Springs City Council respectfully requests that the Local Advisory Board be reactivated to meet Section 212 of the New York Racing, Pari-Mutual Wagering and Breeding Law; and
3. The Saratoga Springs City Council respectfully requests that, upon the 4 return of control to the New York State Racing Association, the City of Saratoga Springs be allowed sufficient and adequate representation on the new YRA Board by allowing for host membership based upon revenue produced from each host city.

Mayor Yepsen moved and Commissioner Franck seconded to adopt the resolution regarding the New York Racing Association that was distributed with the agenda and further move that copies of this resolution be forwarded to the Offices of Saratoga County Board of Supervisors, State Assemblywoman Carrie Woerner, State Senator Kathy Marchione, State Senator Hugh Farley, and Governor Andrew Cuomo.

Ayes - All

Discussion and Vote: City Council Adoption of a Resolution Supporting Saratoga Lake Protection Improvement District (16-119)

Mayor Yepsen stated this resolution recognizes the work SLPID does on Saratoga Lake. The resolution also states the City will make a \$5,000 contribution this fiscal year.

The Council waived the reading of the following resolution:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SARATOGA SPRINGS, NY

WHEREAS, the Saratoga Lake Protection and Improvement District (SLPID) was formed by the New York State Legislature in 1986 and is the lead government agency responsible for the protection and well being of Saratoga Lake and the lands that surround it; and
WHEREAS, the City of Saratoga Springs is one of several municipalities that immediately surround Saratoga Lake and the citizens of Saratoga Springs live, work reside, and recreate on the lake at its surrounding areas; and
WHEREAS, the work SLPID does to preserve and enhance the lake's ecosystem is of substantial benefit not only to the lake itself but to the citizens, business, and visitors who enjoy Saratoga Lake; and

WHEREAS, SLPID ensures the preservation of real property values within the district, improve the water quality of Saratoga Lake, thereby enhancing the opportunities for public water-related recreational activities, conserve the fish and wildlife while enhancing the scenic beauty.

NOW, THEREFORE, BET IT RESOLVED, that the City Council recognizes the important work done by the Saratoga Lake Protection and Improvement District and wishes to provide the District with a payment of \$5,000 for city fiscal year 2016.

Mayor Yepsen moved and Commissioner Scirocco seconded to adopt the resolution supporting Saratoga Lake Protection Improvement District as distributed with the agenda.

Ayes - All

Discussion: High Rock Lot RFP Responders

Mayor Yepsen stated we need to take some next steps regarding the open bids for the High Rock Lot. The full Council issued the RFP; held a special Council meeting with presentation from both responders; appraised the lot; and had input from the Technical review team. Because they have more pieces of information; they have some options. They can do nothing; they could award the bid; pick a preferred developer; put out new revised proposals; or reject both bids. She suggested putting this out for a new revised proposal as this has really changed.

Commissioner Franck advised that our interpretation is we cannot accept the bid, even if we wanted to, as there are too many changes to it since the bid went out. We could do nothing and let it sit there but he doesn't feel that is professional.

Commissioner Madigan stated she doesn't feel they owe anything to the developers. It was their choice to respond to the RFP. She feels the Council should make a motion now to reject these proposals.

Commissioner Scirocco stated we already allocated 1/3 of the lot; so if we want to send out another RFP it would be to develop the remaining 2/3 of the lot. These 2 proposals are dead in the water.

Commissioner Franck advised since the RFP was put out by the mayor, it is really up to her to decide if she moves forward with it or not today or the next meeting. Professionally it should be done by the next meeting.

Mayor Yepsen advised she will put a motion out at the next meeting.

Set Public Hearing: Zoning Map Amendment to Include 199 and 200 Woodlawn Avenue within the City Historic District

Mayor Yepsen set a public hearing for Tuesday, May 3, 2016 at 6: 55 p.m.

ACCOUNTS DEPARTMENT

Announcement: Grievance Class – May 10, 2016

We will be holding a grievance class this year on Tuesday, May 10th at 6 p.m. in the City Council room. Residents are invited to attend to learn how to correctly fill out the application to grieve their assessments and understand the process.

Award of Bid: Sale of Used Vehicle to Shawn Willard (16-120)

Commissioner Franck moved and Commissioner Mathiesen seconded to award the bid for the sale of the used 2010 Mitsubishi to Shawn Willard in the amount of \$3,000.

Ayes – All

FINANCE DEPARTMENT

Commissioner Madigan moved and Commissioner Mathiesen seconded to add an item to her agenda to reject the RFP proposals from the bidders.

Ayes – 4

Nays – 1 (Mayor Yepsen)

Commissioner Madigan moved and Commissioner Scirocco seconded to reject the proposals from the two RFPs received on behalf of the Council.

Ayes – 4

Nays – 1 (Mayor Yepsen)

Discussion and Vote: Authorization for Mayor to Sign City Center Parking Structure Leases (16-121)

Commissioner Madigan stated there have been 2 public hearings and a presentation on this topic. The City Center has been through all the land use boards. This is the next step. The City Center will need to go to Design Review after the vote. She had the city attorney and an outside attorney review this lease. She is confident in this lease. This project was in the works from the time the City Center was first established.

Commissioner Madigan moved and Commissioner Mathiesen seconded to authorize and direct the mayor to execute the City Center lease and the City Center lease back agreements as distributed with the agenda.

Commissioner Scirocco stated he has heard pros and cons to why it should be built. The City Center changed Broadway; it made the City a different place to live and a destination. We have nowhere to put the cars and we need to solve the problem. He just proved there could be another venue down there. Parking is a necessity.

Commissioner Mathiesen stated the City Center is an important part of the City. It makes more sense to do things on a piece by piece basis. It is important they approve this.

Commissioner Franck stated he disagrees not with the parking but he believes they have an opportunity to do better. He can't argue with the fact it is an approved project and it can be built within a year. His vision has changed since 2012 as we have had a lot of issues with the Woodlawn parking garage. The lease does not equate with fair market value of the lot. There are also 2 outstanding RFPs that at minimum should be closed or rescinded before a vote is taken.

Mayor Yepsen stated there is a question she is not getting an answer on is title and conditions. Where did the \$100,000 come from and the City would be on the hook if contamination clean up needs to be done at some time.

Commissioner Madigan stated they know there is contamination on the site and have been told the clean up would be no more than \$110,000. The City Center has taken on the responsibility to pay up to \$100,000 towards the clean up.

Vince DeLeonardis, city attorney, stated the numbers came from the study done by the City Center. He does not know who the authors are of the study. There is a certain amount of contamination that is known. The lease covers only a portion of the lot. The City will receive a minimum of \$1.25 million dollars over the term of the lease.

Commissioner Madigan stated we are looking at \$1.3 million. This is a good deal for the City. We reserve our rights to develop the rest of the lot. We have gotten a clear project with revenue that will be coming to the City.

Commissioner Franck stated this is a land lease. Land leases are based upon acreage or square footage. It is currently at \$.71 per square foot. This is well under market value. He is not disagreeing with if we can benefit.

Commissioner Mathiesen asked what happens after 25 years?

Commissioner Franck stated we get a 25 year old parking garage back that will be obsolete.

Commissioner Madigan asked for clarification of what the attorney Mr. Tingley was referring to regarding 4 votes.

Vince explained Mr. Tingley sent a letter late this afternoon making a number of allegations in attempt to get the Council to delay this. Allegations were made that New York General City Law Section 23 requires a 4/5 vote; alleging a lease must go out to auction and we must accept the highest bid; and the mayor must approve the lease, notwithstanding, the vote of the City Council.

Mayor Yepsen stated the Technical Review Team did a good job but their job was not to make any recommendations. They were tasked with comparing the proposals side by side. We have a parking problem and are eager to discuss how we are going to solve it. Saratoga is fragile and we have to do long range planning. A mixed use approach will generate more revenue for the City and encourage more street activity for the City. She doesn't feel a standalone garage is the best solution.

Commissioner Madigan stated there will be revenue for our taxpayers and citizens as a direct result of this.

Ayes – 3

Nays – 2 Franck Yepsen

Discussion and Vote: Standard Workday Resolution (16-122)

Commissioner Madigan stated this resolution must be filed with the state to confirm and report standard workday information.

Commissioner Madigan moved and Commissioner Mathiesen seconded to approve the standard workday resolution as distributed with the agenda.

Ayes - All

Announcement: "Honor a Veteran" Program

Commissioner Madigan stated a press conference was held today with the Lions Club. Saratoga Lions will be selling flags. All proceeds from the sale of the flags goes to Saratoga War Horse.

Discussion: New York State FY16-17 Enacted Budget

Commissioner Madigan advised the state fiscal 2016-2017 for the VLT is \$2.3 million. She budgeted it at \$1.8 million.

Discussion and Vote: Budget Amendments – Benefits (16-123)

Commissioner Madigan moved and Commissioner Scirocco seconded to approve the 2016 budget amendments – benefits which were distributed with the agenda.

Ayes - All

Discussion and Vote: Budget Transfers – Payroll (16-124)

Commissioner Madigan moved and Commissioner Mathiesen seconded to approve the 2016 budget transfers – payroll which were distributed with the agenda.

Ayes – All

Discussion and Vote: Budget Transfers – Contingency (PO Admin; Non-Union FTE) (16-125)

Commissioner Madigan moved and Commissioner Mathiesen seconded to approve the 2016 budget transfers- contingency for the police officers admin and non-union full time employees as distributed with the agenda. The current budget amount in the general fund contingency line is \$305,200; there will remain \$264,786 after these transfers.

Ayes – All

PUBLIC WORKS DEPARTMENT

Discussion and Vote: Authorization for Mayor to Sign Renewal with Mahoney Notify-Plus, Inc. Alarms (16-126)

Commissioner Scirocco advised this is an annual agreement.

Commissioner Scirocco moved and Commissioner Franck seconded to authorize the mayor to sign a renewal agreement with Mahoney Notify-Plus, Inc. for the high level alarm radio transmitters in the amount of \$12,450; that is billed monthly at \$1,037.50 for the 24 sanitary pump stations locations. Funding is in line G3638124 / 54331.

Ayes - All

Discussion and Vote: Authorization for the Mayor to Sign Agreement with Greenridge Cemetery (16-127)

Commissioner Scirocco stated this is an annual agreement that dates back to the early 60's. The Department of Public Works does not have the manpower to do this work nor can they be price competitive. The agreement is \$25,000. Funding is in line A3638814 / 54720.

Commissioner Scirocco moved and Commissioner Madigan seconded to authorize the mayor to sign an agreement with Greenridge Cemetery in the amount of \$25,000.

Ayes - All

Discussion and Vote: Authorization for the Mayor to Sign Agreement Addendum #1 with Schnabel Engineering of New York for the Loughberry Lake Dam Safety Compliance Project (16-128)

Commissioner Scirocco stated this is for additional engineering services to complete a flood study and spillway design with cost estimates for the Loughberry Lake dam.

Commissioner Scirocco moved and Commissioner Franck seconded to authorize the mayor to sign agreement addendum #1 with Schnabel Engineering of NY for the Loughberry Lake Dam Safety Compliance Project in the amount of \$19,800.

Funding is in line A3031444 / 54720.

Ayes - All

Discussion and Vote: Authorization for the Mayor to Sign Agreement Addendum #1 with Barton & Loguidice, DPAC for the Washington Street Water Main Construction (16-129)

Commissioner Scirocco stated this is to compensate them for additional construction inspection time. The dollar amount is being credited to the City by Gallo Construction as part of the credit change order in agenda item #6.

Commissioner Scirocco moved and Commissioner Franck seconded to authorize the mayor to sign agreement addendum #1 with Barton & Loguidice for the Washington Street Water Main construction project in the amount of \$3,867.50.

Ayes – All

Discussion and Vote: Authorization for the Mayor to Sign Agreement Addendum #1 with Stantec Consulting Services, Inc. for Adams Street (16-130)

Commissioner Scirocco advised this is for additional engineering services to complete the design for the Adams Street pump station. Stantec assisted the City with additional design and bidding services which was not in their original design agreement scope and fee.

Commissioner Scirocco moved and Commissioner Madigan seconded to authorize the mayor to sign agreement addendum #1 credit change order with Stantec Consulting Group for the Adam Street Pump Station Upgrade Project in the amount of \$22,000. Funding H3638122 / 5200 / 1241.

Ayes - All

Discussion and Vote: Authorization for the Mayor to Sign Credit Change Order with Gallo Construction for the Washington Street Water Main Upgrade Project (16-131)

Commissioner Scirocco advised this change order closes out the Washington Street Water Main Project. Gallo is crediting the City for labor and materials to fix a broken sanitary lateral during construction as well as our engineers – Barton & Loguidice – for their additional construction and inspection time.

Commissioner Scirocco moved and Commissioner Mathiesen seconded to authorize the mayor to sign a credit change order with Gallo Construction for the Washington Street Water Main construction Project in the amount of a decrease of \$144,833.16.

Ayes - All

Discussion and Vote: Authorization for the Mayor to Sign Memorandum of Understanding with Stewart's Shop Corporation (16-132)

Commissioner Scirocco advised this is to collect information for future relocation of an existing City sewer line that runs under a parcel of land owned by the Stewart's Corporation.

Commissioner Scirocco moved and Commissioner Franck seconded to authorize the mayor to sign the MOU with Stewart's Shop Corporation to inspect and study the sanitary sewer line on the Stewart's property located on Excelsior Avenue.

Tony Izzo, assistant city attorney, advised all inspections and studies will be done at Stewart's expense. If it is feasible to move the line, they will also pay for that.

Ayes - All

PUBLIC SAFETY DEPARTMENT

Discussion and Vote: Authorization for Mayor to Sign Agreement with Complus Data Innovations (16-133)

This is a 3 year extension of the contract with Complus. This company processes parking tickets.

Commissioner Mathiesen moved and Commissioner Madigan seconded to authorize the mayor to sign the agreement with Complus Data Innovations, Inc.

Funding is in line: A3143014 / 54802.

Ayes - All

Discussion and Vote: An Ordinance to Amend Chapter 115 of the City Code – Nicholas' Law (16-134)

Commissioner Mathiesen stated the ordinance states a gun should be locked up or in a safe. The penalty for violation is a \$100 fine.

Commissioner Mathiesen moved and Commissioner Madigan seconded to amend Chapter 115 of the City Code entitled Fire Arms.

Ayes - All

Discussion: Noise Ordinance

Tony Izzo advised the current noise ordinance handles the matter adequately provided we establish some kind of administrative procedure; such as when a building permit is taken out. They can advise of the need to be careful with noise around the Oklahoma Track.

Announcement: Parking Enforcement Update

Commissioner Mathiesen announced a new parking enforcement officer started the other day and a second one will be joining soon.

SUPERVISORS

Matthew Veitch

2016 Open Space and Trails Grand Applications

Supervisor Veitch reported grant applications are being developed for this year. There is \$250,000 in their budget for open space this year and \$56,000 in their budget for trails. These grants are matching funds.

Renaming Route 9P Bridge at Exit 14 "Assemblyman Robert D'Andrea Bridge"

Supervisor Veitch reported the Route 9P Bridge at exit 14 will be renamed the Assemblyman Robert D'Andrea Bridge.

Peter Martin

Center for the Family

Supervisor Martin reported the Center for the Family is celebrating their 40th anniversary.

Big Brothers – Big Sisters – Start Up Something Saratoga

Supervisor Martin reported this is a new program – StartUpSomethingSaratoga. This is focused on engaging youths in a mentoring program in science, technology, and the arts.

ADJOURNMENT

There being no further business, Mayor Yepsen adjourned the meeting at 11:38 p.m.

Respectfully submitted,

Lisa Ribis
Clerk

Approved: 5/3/16
Vote: 5 - 0