



May 26, 2016

**CITY OF SARATOGA SPRINGS**  
**City Council Meeting**  
**3:00 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  
Eileen Finneran, Deputy Commissioner, DPS  
Michael Veitch, Business Manager, DPW  
Vince DeLeonardis, City Attorney

**EXCUSED:** Peter Martin, Supervisor  
Matthew Veitch, Supervisor  
Tim Cogan, Deputy Commissioner, DPW  
Maire Masterson, Deputy Commissioner, Accounts

**CALL TO ORDER**

Mayor Yepsen called the meeting to order at 3:02 p.m.

**PUBLIC COMMENT PERIOD**

Mayor Yepsen opened the public comment period.

Seeing that no one wished to speak, Mayor Yepsen closed the public comment period at 3:03pm.

**MAYOR'S DEPARTMENT**

Nothing at this time

**ACCOUNTS DEPARTMENT**

Nothing at this time

**FINANCE DEPARTMENT**

Nothing at this time

## **PUBLIC WORKS DEPARTMENT**

### Discussion and Vote: Resolution Authorization for the Mayor to submit documents – City Council designation of preferred plan for Court Administration in City Hall (16-211) Attachment 1

Commissioner Scirocco read the following resolution into the record:

#### **A RESOLUTION OF THE SARATOGA SPRINGS CITY COUNCIL**

WHEREAS, in 2014 NYS converted a part-time judgeship to a full-time judgeship Pursuant to chapter 548 of the Laws of 2013; and

WHEREAS, Judiciary Law § 39(3)(a) was enacted in the 1970's, the purpose of which was, among other things, to incorporate the local City Courts within the Unified Court System. By this law the Legislature obligated the municipalities in question to continue to provide their courts with all goods, services and facilities that were then provided. The statute provides further that "[e]ach political subdivision shall also be responsible for supplying such additional facilities suitable and sufficient for the transaction of business as may become needed.", and

WHEREAS, correspondence from the NYS Unified Court system dated August 4, 2014 States "as a result of the conversion of a part-time judgeship to a full-time judgeship pursuant to Chapter 548 of the Laws of 2013, the courthouse no longer complies with section 39 of the Judiciary Law , which requires that the City provide and maintain a facility that is "suitable and sufficient for the transaction of the business" of the court. To bring the courthouse into compliance with Section 39, the City must provide a second courtroom and a second chambers suite.", and

WHEREAS, the city requested alternatives to construction, including scheduling modifications, that have not been found acceptable as of this date; and

WHEREAS, pursuant to the request from the Office of Court Administration the Saratoga Springs City Council contracted with envision Architects to consult and plan for the above mentioned renovation. The consultant presented four proposals, and has recently presented a fifth proposal. The estimated cost of each proposal is over \$1.5 million; the estimated cost range is \$1.5 to \$6.2 million; and

WHEREAS, the fifth proposal significantly improves compliance with OCA Regulations including: improved security control at public entrance, separation of the public from court circulation (Judges, Court officials, and Jury), separation and control of prisoners from public and courts circulation, appropriate area and adjacency for all Court spaces; and

WHEREAS, correspondence from the NYS Unified court system dated March 1, 2016 states "if the City fails to take appropriate steps to fulfill its statutory obligation to provide suitable and sufficient court facilities, I will recommend that Chief Administrative Judge Lawrence Marks exercise his authority to impose financial sanctions on the city pursuant to section 39(3)(a) of the Judiciary Law." Therefore the City faces possible financial sanctions unless it submits its preferred proposal by May 31, 2016 per the extension granted by the NYS United Court system Office of Administration in correspondence dated April 29, 2016; and

WHEREAS, the city has taken all reasonable efforts to expeditiously comply with its obligations regarding the NYS Unified Court System,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Saratoga Springs, New York, as follows:

1. The Council has reviewed several proposals for the renovation and expansion of space in City Hall. This project is required by the New York State Office of Court Administration.
2. The Council hereby selects and designates the fifth proposal as its preferred Plan for the said expansion and renovation, and specifically references the Following documents:  
  
Exhibit A: Floor Plan submitted by Envisions Architects dated 4-15-2016  
  
Exhibit B: List of Advantages
3. The Council finds that the fifth proposal provides the greatest benefits and The most practical and efficient use of City Hall space for both the Office of Court Administration and the City of Saratoga Springs.
4. The Mayor is authorized to submit the resolution and the accompanying Documents to the Office of Court Administration by May 31, 2016.

**Commissioner Scirocco moved and Commissioner Mathiesen seconded to request Council's approval of the resolution as presented and authorize and direct the Mayor to submit the documents of the designated preferred plan for the Court Administration in City Hall.**

Commissioner Mathiesen stated that option 5 is a sensible solution and although some people are concerned about losing the use of the Music Hall because it is a great room, the reality is that the room is empty most of the time, under-utilized and does not provide much revenue to the City. This is a good approach to the problem.

Mayor Yepsen said that she supports option 5 that was brought forth by Envision Architects and she believes this solution can satisfy the needs of the City Court and the City simultaneously. Mayor Yepsen advised that this is the first step of many. She has received many emails both pro and con and she submitted them to the city clerk for the record. Her primary concern is that the rules and laws regarding historic preservation are being followed. She thanked everyone involved for their hard work on this issue. She said that the required paperwork will be submitted by the May 31 deadline and subsequently the NYS Office of Court Administration (OCA) will respond with their decision and if this plan is not approved, there will be more discussion.

Commissioner Scirocco said that of the 5 proposals, this is the best solution for the OCA and the City Council; both entities will benefit. The new City Council chambers will provide room for more than twice as many people to attend meetings as the current City Council room so it will be unlikely that we would have to set up chairs and a screen in the hallway like we often have to do now. He noted that security will be best with the Court on the third floor, especially with the Police elevator included. Both the City and Court will benefit from this option.

Commissioner Madigan stated that she supports this option for all the advantages listed in Exhibit B. She asked about the next steps in the process and how the OCA makes their decision.

City Attorney Vince DeLeonardis stated that the OCA makes a recommendation to the City Council which is then forwarded to the Chief Administrative Law Judge who will make a decision.

Mayor Yepsen expressed concern that originally the Court seemed to favor option 4. Commissioner Mathiesen stated that if the OCA insists on option 4, option 5 has an ideal footprint and safety features that would lend the City Council a strong argument against option 4 in arbitration.

Commissioner Scirocco advised that many emails have been sent to him on the use of the third floor and basically the floor is not rented often so the benefits of option 5 override any perceived loss. There are limited space options in City Hall and option 5 is the best solution for everyone. This opens up a whole new era for the City. He said the third floor Music Hall can't be rented when the Court is in session because of the noise, so rental options are limited at best.

Mayor Yepsen said that the Saratoga Arts Council has created an inventory of art and performance space available in the City and they worked hard on it because there is already a lack of viable performance space and they are looking to add opportunities. They have gone to every school, civic group and church and when the list is finalized she will share it with the Council.

Commissioner Madigan stated that it is not stated in the letters that the OCA chooses option 4, only where they have a preference for option 4 but the premise at that time was that the second floor was their only option and they were not aware that the third floor was available. The parameters of this proposal and use of the third floor will please the OCA. In terms of the music hall, it is unfortunate but it does not make the city responsible to find a replacement arts/ theatre center. Commissioner Madigan said that Commissioner Scirocco is in the process of having a feasibility study done for High rock Park and one of the things suggested is a performing arts theatre so this may pan out; everything seems to be coming together.

Commissioner Scirocco stated that there are plenty of venues in the City that might rent for one night, including to the Children's theatre. The 3<sup>rd</sup> floor was not rented for weeks, usually for one or two nights at the most. We were never able to even go into the third floor space when court is in session because of the noise, which is another reason why it is best to have the Courts on the third floor. Because of the OCA mandate and space constraints option 5 is the best option with the least conflict and we are willing to spend the money on this option. The concept and floor plan is there and it will be sent to the OCA for them to render their opinion and forward it for a decision.

Mayor Yepsen commented that when the time comes to vote on funding streams, hopefully the costs will be itemized. Commissioner Scirocco replied that when the City council is ready to deal with the funding of this capital project, we will know the costs.

Commissioner Madigan said that the estimated cost for each option is \$250 per square foot.

Commissioner Mathiesen said that since renovating the third floor is essentially expanding into empty space, experienced advisors have indicated that this project will be a little more predictable than other City Hall projects that were laden with surprises and change orders. It will be easier to determine the actual costs

Mayor Yepsen said that court systems and prisoners need to be segregated from the rest of the offices in the building. She that that just last week there was a situation where the prisoner became combative and screamed in the hall while being escorted back to the Police station. It is unprofessional and very scary for employees and visitors to City Hall.

Commissioner Scirocco said that one of the best aspects of option 5 is the inclusion of an elevator specifically placed and designed for the transport of prisoners to the City Court room so that they will not have to be brought through City Hall posing a threat to the public and employees.

Commissioner Franck said he sent Marilyn Rivers to the previous meeting and his biggest concern was taken care of and his other concern was cost because he was advised back in 2006 that renovations of the 3<sup>rd</sup> floor would be too costly now he is certain that the cost would not be prohibitive. He assumes that if Option 5 is selected, then we will go through the process of budgeting for the project, then building it, so this is not going to happen overnight.

Mayor Yepsen stated that we will meet the OCA's deadline and not be sanctioned.

Commissioner Franck said he understands that the Court System will be flexible. As long as we are progressing forward, we will not be fined or sanctioned.

Commissioner Scirocco said that in response to Commissioner Franck's concern as to whether the third floor could withstand the additional weight of option 5, the engineer firm of Ryan Biggs studied the structure of the third floor and they determined that it will support any additional weight and capacity loads and even if they had to beef it up a little, it would not be a big deal.

Mayor Yepsen requested a roll-call vote on the motion:

Commissioner Franck:	Aye
Commissioner Madigan:	Aye
Commissioner Scirocco:	Aye
Commissioner Mathiesen:	Aye
Mayor Yepsen:	Aye

Ayes all, motion passes unanimously.

## **PUBLIC SAFETY DEPARTMENT**

Nothing at this time

## **SUPERVISORS**

Nothing at this time

## **ADJOURN**

Mayor Yepsen adjourned the meeting at 3:30 p.m.

Respectfully submitted,

Nancy Wagner  
Clerk

Approved: 6/7/16  
Vote: 5 - 0