



August 2, 2016

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

6:55 PM – P.H. – Amend Chapter 165
Peddling and Vending

7:00 PM

CALL TO ORDER

ROLL CALL

SALUTE TO FLAG

PUBLIC COMMENT PERIOD / 15 MINUTES

CONSENT AGENDA

1. Approval of 7/18/16 Pre-Agenda Meeting Minutes
2. Approval of 7/19/16 City Council Meeting Minutes
3. Approve Budget Amendments (Increases)
4. Approve Budget Transfers – Regular
5. Approve Budget Transfers – Regular (Capital)
6. Approve Payroll: 07/22/16 \$471,938.54
7. Approve Payroll: 07/29/16 \$527,238.32
8. Approve Warrant: 2016 Mid – 16MWJUL2: \$6,692.34
9. Approve Warrant: 2016 REG – 16AUG1: \$761,128.59

MAYOR'S DEPARTMENT

1. Discussion and Vote: Accept Donation from Dehn's Flowers for the Solomon Northup Commemoration
2. Discussion and Vote: Accept Donation of Bottled Water from Saratoga Springs Water for the Solomon Northup Commemoration
3. Discussion and Vote: Adopt Parking Task Force Recommendations
4. Discussion: Code Blue Update
5. Discussion and Vote: Correction re: 6/21/16 and 7/19/16 Motions to Establish a Full Time Civil Service Clerk in the Civil Service Department Effective June 22, 2016
6. Discussion and Vote: Services Rendered from Harris Beach
7. Set Public Hearing: 2017 Capital Budget
8. Set Public Hearing: 2017 Capital Budget
9. Announcement: Update Nelson Ave Bridge Closure

ACCOUNTS DEPARTMENT

1. Discussion and Vote: 2016 Purchase Policy
2. Discussion and Vote: Amend Chapter 165 Entitled Peddling and Vending
3. Award of Bid: HVAC Services to BPI Mechanical

FINANCE DEPARTMENT

1. Discussion: 2nd Quarter Financial Report
2. Discussion and Vote: Resolution for Non-Union Full Time Personnel for 2017
3. Discussion and Vote: Authorization for the Mayor to Sign an Intermunicipal Agreement with Saratoga Housing Authority for Affordable Housing Study
4. Discussion and Vote: Budget Transfer – Payroll
5. Discussion and Vote: Budget Transfers – Benefits
6. Discussion: Decorum at Meetings

PUBLIC WORKS DEPARTMENT

1. Discussion and Vote: Authorization for the Mayor to Sign Curb Agreements
2. Discussion and Vote: Authorization for the Mayor to Sign Agreement Addendum #7 with Greenman Pedersen, Inc. for the Ballston Ave Traffic Improvement Project
3. Discussion and Vote: Appointment to Civil Service Commission

PUBLIC SAFETY DEPARTMENT

1. Discussion and Vote: Authorization for Mayor to Sign STOP DWI Agreement with Saratoga County
2. Set Public Hearing: Amend Chapter 225, Article IX Schedules Sub-Section 225-81, Schedule XVI Parking Prohibited All Times
3. Discussion: Short Term Rentals
4. Discussion and Vote: Accept Ethics Board Opinion Regarding “Mayor’s Box”
5. Discussion: Emergency Management Plan

SUPERVISORS

Matthew Veitch

1. National Association of Counties Conference – July 22nd – 25th
2. Brown’s Beach

Peter Martin

1. Nothing at this time.

ADJOURN



August 2, 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: Meg Kelly, 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 HEARING

Amend Chapter 165 Peddling and Vending

Mayor Yepsen opened the public hearing at 6:58 p.m.

Commissioner Franck advised we held a public meeting on this at the last meeting and will be calling for a vote tonight.

Marilyn Rivers advised this change allows vendors of a special event to not have to purchase a separate permit.

No one spoke.

Mayor Yepsen closed the public hearing at 7:01 p.m.

CALL TO ORDER

Mayor Yepsen called the meeting to order at 7:01 p.m.

Mayor Yepsen reminded all that the Council adopted rules of conduct about a year ago. She advised that the rules are not always being followed by the Council and reviewed the rules again with all. A copy of the rules were provided to the members of the Council.

PUBLIC COMENT

Mayor Yepsen reminded the public and Council that rules have been adopted regarding the public comment period. She reviewed these rules for all.

Mayor Yepsen opened the public comment period at 7:08 p.m.

Bonnie Sellers of Saratoga Springs stated the public can sign up on the City's website to receive notice of the Charter Commission meeting dates. She would like to see the Charter Commission to post where they get their information and their attachments. She also complemented Officer Barrett on his professionalism and the way he handles the police horse while interacting with the public. It is a great program.

Marie Balet of Malta stated she is here regarding the Nelson Avenue Extension Bridge. She thanked all for their support in opposing the closing of this bridge. She was under the impression the Council would be presenting a resolution tonight for passage but does see an update in on the agenda. She has collected over 1,400 signatures to date in opposition of the closure of the bridge.

Peter Reefer of Malta Avenue Extension stated he uses the Nelson Avenue Extension Bridge on a daily basis. The traffic study was done in April, when the traffic is at its lowest. After years of expedient growth the state feels the bridge is not necessary.

Chris Morrell of Malta Avenue Extension stated the traffic over the years have increased significantly. Now more than ever the Nelson Avenue Bridge is needed. It is also needed to emergency vehicles to reach people.

Mark Lawton of Nelson Avenue thanked the Council for presenting the City Council meeting rules. Under Robert's Rules you can have a point of order to clarify something. That is what he was trying to do. Also, under the Council's rules only the mayor can have someone removed from a Council meeting; no other member.

Sam Brewer of Saratoga Springs stated he was disappointed to see censorship of the mayor at the last meeting. He also witnessed a near fatal accident at the intersection of Gilbert Road and Lake Avenue. That would be a great location for a traffic circle.

Mark Baker of the City Center stated he would like to recognize the efforts and work of the Parking Task Force. The City Center will do everything it can to complement whatever the City puts forward regarding a parking plan.

Marci Taylor of Saratoga Springs stated she is here for answers regarding violations of public trust. Since members of the Council want to focus on issues that date back a year, she wants to focus on an issue that goes back to January 2015 – an attempt to define new rules to cut off collection of water connection fees (copy of hand-out attached).

Phil Diamond of Saratoga Springs stated the story doesn't end there as no one knows what happens to those builders who were suppose to pay and didn't. The public have a right to know what happened. Why wasn't this information made public?

Dave Bronner of Saratoga Springs is here to commend the City Council for taking the action they did at the last Council meeting. It was a difficult action to take and no one is celebrating it. It is unfortunate that this happened and the people proposing the project should have received an 'up' or 'down' vote.

Mayor Yepsen closed the public comment period at 7:32 p.m.

Commissioner Mathiesen stated he agrees with the intersection of Gilbert and Lake needing to be addressed. He believes you need to be pro-active with public safety.

Commissioner Madigan stated the Council seems to be unanimous that the Nelson Avenue Extension Bridge is very important. In regards to Robert's Rules we don't follow them and never have. The vote on water connection fees was voted on by the Council, not just the Commissioner of Finance and the Commissioner of Scirocco.

Commissioner Scirocco stated he finds it ironic that the water connection issue comes up again after the mayor was found to be in violation of ethics.

Mayor Yepsen stated she has had 2 conversations with DOT since the last Council meeting regarding the Nelson Avenue Extension Bridge. They indicated they are hearing everything being stated and are willing to revisit the issue. A final decision has not been made.

Commissioner Scirocco stated he too spoke with DOT. They indicated the other bridge they were talking about closing was the bridge on Crescent Avenue that goes over the Northway.

Commissioner Mathiesen stated he spoke with DOT. He asked they come speak to the entire Council.

CONSENT AGENDA

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

1. Approval of 7/18/16 Pre-Agenda Meeting Minutes
2. Approval of 7/19/16 City Council Meeting Minutes
3. Approve Budget Amendments (Increases)
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Ayes – All

MAYOR'S DEPARTMENT

Discussion and Vote: Accept Donation from Dehn's Flowers for the Solomon Northup Commemoration (16-290)

Mayor Yepsen moved and Commissioner Mathiesen seconded to authorize the mayor to accept a donation in the amount of \$125 from Dehn's Flowers for the Solomon Northup commemoration.

Ayes – All

Discussion and Vote: Accept Donation of Bottled Water from Saratoga Springs Water for the Solomon Northup Commemoration (16-291)

Mayor Yepsen moved and Commissioner Franck seconded to authorize the mayor to accept the donation in the amount of \$47.50 from Saratoga Springs Water for bottled water.

Ayes – All

Discussion and Vote: Adopt Parking Task Force Recommendations (16-292)

Mayor Yepsen moved and Commissioner Franck seconded to authorize the mayor to adopt the Parking Task Force recommendations.

Harvey Fox, chair of the Parking Task Force, stated they are asking the Council to adopt the recommendations that were presented in the July meeting. This will give us more accessible parking. This will give us efficient, managed parking.

Commissioner Madigan stated she is not ready to adopt these formally this evening. She has 2 issues – volunteer advisory board and revenue and fees from parking. They need to trust the budget process. The state says funds cannot be set up for parking.

Commissioner Mathiesen stated it is costly to maintain the parking garages. He would have no problem voting to have the revenue from parking go back into the maintenance of the garages.

Commissioner Franck stated he would like to find out if they can appropriate the money. He would want to appropriate the surplus.

Commissioner Madigan stated we have a separate water and sewer budget and a recreation budget. We can create a separate budget for whoever is going to be responsible for this.

Friendly Amendment 1: volunteer advisory board to be nominated by mayor and each member of the City Council and should include at least one representative.....

Friendly Amendment 2: all revenues that are received from parking go back into parking and the downtown so that it should be a separate budget.

Friendly Amendment 3: the board will have 11 voting members.

Ayes - All

Discussion: Code Blue Update

Mayor Yepsen discussions are ongoing regarding a new home for Code Blue. There is a property owner who is working with the team to create a permanent drop-in daytime center and a Code Blue shelter all in one building.

Discussion and Vote: Correction re: 6/21/16 and 7/19/16 Motions to Establish a Full Time Civil Service Clerk in the Civil Service Department Effective June 22, 2016 (16-293)

Mayor Yepsen stated the position is to be non-exempt.

Mayor Yepsen moved and Commissioner Franck seconded to authorize the mayor to correct 7/19/16 motion to establish full time Civil Service Clerk in the Civil Service Department – non-exempt.

Ayes – All

Discussion and Vote: Services Rendered from Harris Beach (16-294)

Mayor Yepsen stated 3 quotes were obtained per the purchasing policy. There was no purchase order obtained, therefore, the purpose of this motion.

Mayor Yepsen moved and Commissioner Franck seconded to authorize the mayor to submit services rendered from Harris Beach and for the City to pay in the amount of \$12,340.20.

Commissioner Scirocco verified the invoice sent out today was sent out to the mayor's home.

Mayor Yepsen stated that is correct but it is to be paid by the City.

Commissioner Scirocco stated \$12,000 is a lot of money to spend for a personal issue just to question the Ethics Board.

Mayor Yepsen stated the policy and procedure is when the Ethics Board comes to you, you have a short opportunity to respond to them. She chose to hire a written submission by an attorney to respond. This happened while she was in the position of a public official.

Commissioner Mathiesen stated he understood for issues like this approval was to be given by the Council beforehand.

Commissioner Madigan stated this is an extraordinary amount of money. She believes we should have legal services but it should have come to the Council for an 'up to' amount. The mayor has incurred a liability for the City. During her conversation with Tony Izzo yesterday, he could not find any case law.

Commissioner Franck stated there is precedent for this. The fact that the resolution passed at the last meeting could result in criminal action. The only violation is a PO was not obtained.

Commissioner Madigan stated this looks like we are supporting your own private consulting business. Nowhere does it say it relates to her as the mayor of the City.

Commissioner Mathiesen suggested approving this and referring it to the BAR Association for review of fees.

Commissioner Madigan stated she will not support this unless they approve an up to amount. She was prepared to support this until she saw this amount.

Ayes – 3

Nay – 2 (Commissioner Madigan & Commissioner Scirocco)

Set Public Hearing: 2017 Capital Budget

Mayor Yepsen set a public hearing for Tuesday, August 16, 2016 at 6:50 p.m.

Set Public Hearing: 2017 Capital Budget

Mayor Yepsen set a public hearing for Tuesday, September 6, 2016 at 6:50 p.m.

Announcement: Update Nelson Ave Bridge Closure

This item was covered under the Public Comment section above.

ACCOUNTS DEPARTMENT

Discussion and Vote: 2016 Purchase Policy (16-295)

Commissioner Franck advised Stefanie Richards, as assistant purchasing agent, completed an extensive review of the current purchasing policy with assistance from the NYS Office of General Services and the NYS Comptroller's Office. Each legal reference in the document has been researched by Albany Law

School Intern David Crossman, who spent a semester assisting my department with this revision. The Purchasing Policy has also been reviewed by key individuals within City Hall including the city attorney and risk and safety.

Commissioner Franck moved and Commissioner Mathiesen seconded for the Council to adopt the purchasing policy as distributed with the agenda.

Commissioner Madigan stated she will not support this as she does not like having to send an RFP out for professional services.

**Ayes – 4
Nays – 1 (Commissioner Madigan)**

Discussion and Vote: Amend Chapter 165 Entitled Peddling and Vending (16-296)

Marilyn Rivers stated they matched the insurance requirements of revisions made to Chapter 199 pertaining to Special Events. This revision allows vendors who are part of a special event held within the City be listed under the Special Event Permit and not have to obtain a separate vendor permit for the activity. This change will benefit the community organizations by cutting down the cost of the licensing activities allowing more donations to go to the community.

Commissioner Franck moved and Commissioner Mathiesen seconded for the Council to amend Chapter 165 entitled Peddling and Vending as distributed with the agenda.

Ayes - All

Award of Bid: HVAC Services to BPI Mechanical (16-297)

Commissioner Franck moved and Commissioner Scirocco seconded to award the bid for HVAC Services to BPI Mechanical for various prices and not to exceed appropriations. This contract is on an as need basis with funding coming from lines: A3031624 / 54610, A3031634 / 54610, A3031644 / 54612, A3031654 / 54610, A3416314 / 54610, A3537114 / 54610, A3567144 / 54610 / 3000, A3567174 / 54610 / 3000, A3567184 / 54610 / 3000, and A3567194 / 54610 / 3000.

Ayes - All

FINANCE DEPARTMENT

Discussion: 2nd Quarter Financial Report

Commissioner Madigan advised the report is available on the City's website, with the agenda, and in the City Clerk's Office. The City is on target for the second quarter of 2016. General fund revenues collected is 47.8% and the general fund expenditures is 45.8%. About \$11,047,000 has been collected in taxes. VLT aid was received June 27th in the amount of \$2.25 million. Sales tax received is \$3,916,000 and hotel occupancy tax received for the first quarter was slightly less than 2015. Ambulance transport fees as of 6/30/16 were \$477,000. The City closed on a general obligation bond on June 22, 2016 to finance various 2016 capital budget projects. More detailed information is on the City's website.

Discussion and Vote: Resolution for Non-Union Full Time Personnel for 2017 (16-298)

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

Resolution for Non-Union Full Time Personnel
Amended August 2, 2016

It is the intent of this resolution to establish changes in compensation and fringe benefits for the following non-union full time employees of the City of Saratoga Springs. Employees and personnel subject to this resolution shall be each hereinafter referred to as "employee", and include: Executive Assistant to the Mayor Executive Assistant to the Commissioner of Public Works Executive Assistant to the Commissioner of Public Safety Secretary to the Civil Service Commission Civil Service Clerk Human Resources Administrator Director of Risk and Safety Principal Planner Zoning and Building Inspector Administrative Director – Recreation Deputy Commissioner of Public Works Deputy Commissioner of Accounts Deputy Commissioner of Finance Deputy Commissioner of Public Safety Deputy Mayor

This resolution shall supersede all prior resolutions affecting compensation and benefits for said employees. This resolution shall only be effective for stated employees in service as of the date of the resolution adoption and those in service subsequent to the date of adoption and specifically shall not apply to employees who have retired, or left office, prior to date of adoption.

Nothing in this resolution shall be construed to create an employment agreement nor alter the "at-will" status of the Executive Assistant to the Mayor, the Executive Assistant to the Commissioner of Public Works, the Executive Assistant to the Commissioner of Public Safety, Secretary to the Civil Service Commission, Deputy Commissioner of Public Works, Deputy Commissioner of Accounts, Deputy Commissioner of Finance, Deputy Commissioner of Public Safety and the Deputy Mayor.

NOW THEREFORE BE IT RESOLVED as follows:

- A. The terms of this resolution shall take place on January 1, 2007, and shall include such further terms as added by Resolutions dated July 19, 2011, January 15, 2013, August 6, 2013, December 17, 2013, August 5, 2014, September 16, 2014, November 18, 2014, January 19, 2016, June 21, 2016, and August 2, 2016.
- B. Unless otherwise stated, the terms added by the September 16, 2014 amendment shall take effect January 1, 2015.
- C. Effective January 1, 2014, the Principal Planner, Zoning and Building Inspector shall no longer be included in or covered by this Resolution, or any terms and conditions contained herein.
- D. Effective July 11, 2014, the Administrative Director – Recreation shall no longer be included in or covered by this Resolution, or any terms and conditions contained herein.
- E. Effective January 1, 2015, the Secretary for the Civil Service Commission shall have a total annual base salary, inclusive of all increases to through January 1, 2015, of fifty thousand dollars (\$50,000.00).
- F. Effective June 22, 2016, the Civil Service Clerk shall be a non-exempt position and have a total annual base salary of thirty-five thousand eight hundred and twenty dollars (\$35,820).
- G. The employee shall not be entitled to overtime compensation, except that employees classified as non-exempt shall be entitled to overtime compensation.
- H. The employee's standard workweek shall be 40 hours per week; excluding Secretary to the Civil Service Commission, the Executive Assistant to the Mayor, the Executive Assistant to the Commissioner of Public Works, and the Executive Assistant to the Commissioner of Public Safety, which shall remain at 33 hours per week.
- I. The salary of the Executive Assistant to the Commissioner of Public Works and the Executive Assistant to the Commissioner of Public Safety shall be the same as the Executive Assistant to the Mayor.
- J. The employee shall enjoy and be entitled to the following benefits:
 1. Vacation: An employee shall earn annual vacation as follows: 10 working days during their first year of service, and during each of the next four years of service; 15 working days upon completion of five (5) years of service; 20 working days upon completion of ten (10) years of service; 25 working days upon completion of fifteen (15) years of service and 30 working days upon completion of twenty (20) years of service. For each employee hired after January 1, 2006, a proration of the 10 days will be granted during the first year of service.

Vacations for the employee shall be scheduled and approved by their respective Council member.

Vacation must be taken by December 31st of the year vacation was earned, or else the time shall be forfeited. If the employee retires, resigns, or is not reappointed, the employee shall be entitled to payment for only those vacation days earned and unused for the period between the employee's last anniversary date and the date of retirement, resignation or other termination.

If a recognized City Hall holiday falls within the vacation period, the vacation period shall be extended by the holiday falling within such periods.

If an employee should die during his or her employment, all vacation time earned and unused for the period between the employee's last anniversary date and the date of death, shall be paid in cash or as employee's death benefit to his/her designated beneficiary or estate.

2. Sick Leave: The employee shall be entitled to sick leave with pay for a maximum of twelve (12) working days per year. The employee may accumulate sick leave, but may not use more than 150 days in any given 12 month period. Employee shall use sick leave in no shorter than two hour increments. Each employee hired after January 1st shall be granted a proration of the 12 days allotted during the first year of service.

If an employee is absent because of illness or disability for more than three consecutive days, they may be required by their Commissioner/Mayor to provide a physician's statement of sickness or disability.

Prior to any cash payments for unused sick leave, an employee who terminates his/her service prior to December 31st shall be granted a proration of the 12 days allotted.

Their Commissioner on an annual basis must maintain an employee's records of sick time with a copy submitted to the Commissioner of Finance for each employee's payroll folder.

Cash payments will be made for accumulated unused sick leave remaining in the employee's individual account at termination of employment or upon death of employee while in the employ of the City upon the following basis: Twenty-five percent (25%) of accumulated sick leave up to a maximum of 200 days (cash payment of 50 days). Cash payments upon death of employee while in the employ of the City shall be paid to the employee's beneficiary or estate.

3. Personal Days: The employee who works 40 hours per week shall be granted six (6) personal days per year. The employee who works 33 hours per week shall be granted five (5) personal days. Each personal day may be taken at either a full day, one half day, or at a minimum of two (2) hour increments at a time. Such leave shall be requested in writing at least 24 hours in advance of the request time.

The six (6) personal days (or five (5) for employees working 33 hours per week) shall be granted for the year on January 1. Each employee hired after January 1st shall be granted a proration of the six or five days allotted, however, if the employee does not complete the entire year, the pro-rated equivalent daily rate of pay shall be subtracted from any monies due to the employee. Personal days not used in any calendar year shall be credited to accumulated sick leave.

4. Holidays: The employee shall be entitled to 12 paid Holidays: New Year's Day, Martin Luther King Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Day after Thanksgiving, Christmas Day, and Election Day at the November General Election.
5. Bereavement: The employee shall be entitled to three (3) consecutive workdays off per death in their immediate family. Immediate family shall be defined as mother, father, sister, brother, son, daughter, mother-in-law, father-in-law, sister-in-law, brother-in-law, spouse, grandparent (s), grandchild, step parent, step child, aunt, uncle or other persons living in the household of the employee.
6. Retirement: The employee shall be covered by the New York State Employee's Retirement System known as 75i of the New York State Retirement Law.
7. Health: For employees hired prior to January 1, 2007, the employee shall be entitled to participate in the MVP25 health insurance plans offered by the City to the various bargaining units, at no cost to the employee. The City shall provide the plans to the employee, their dependents, and retired employees and their dependents at the City's own expense. For employees hired after January 1, 2007, the employee shall be entitled to participate in the MVP25 health insurance plans offered by the City to the various bargaining units, at a cost to the employee of 10% of the total cost of his or her health insurance plan not to exceed \$750 per year. The City shall provide the plans to the employee, their dependents, and retired employees and their dependents.

For all Medicare eligible retirees residing within the geographic network served by MVP, the City shall offer the MVP Medicare Advantage Preferred Gold as the sole plan. For all Medicare eligible retirees residing outside the geographic network served by MVP, the City shall offer the MVP Preferred PPO Plan as the sole plan. For all retirees not eligible for Medicare residing within the geographic network served by MVP, the City will offer the MVP Co-Plan 25 HMO as the sole plan. For all retirees not eligible for Medicare residing outside the geographic network served by MVP, the City will offer the MVP Preferred PPO Plan as the sole plan. The City shall provide these plans to the retired employees and their dependents.

In the event that federal or state legislation, rules and/or regulations issued in relation to the Patient Protection and Affordable Care Act ("PPACA"), the Health Care and Education Reconciliation Act of 2010 ("HCERA") and/or any other legislation, rule or regulation:

- A) impact in any way the health insurance plans, costs or benefits provided for in this Resolution (including but not limited to contractual benefits such as health insurance buy-outs or stipends); or
- B) raise a question as to whether the health insurance benefits provided for herein meet certain standards contained in such legislation, rules and/or regulations (including, but not limited to, compliance with legislation, rules, regulations, or any legislation, rules, or regulations which may cause the City to be charged any penalty, or those that govern whether plan benefits meet the "minimum essential benefits" standard or a similar standard, whether the City premium contribution levels are adequate and/or meet legal requirements, or whether the individual household affordability standard is satisfied); or
- C) permit an individual or group of individuals to receive benefits, subsidies, or credits through a health insurance exchange program (or any other government subsidy or benefit provided pursuant to the PPACA, HCERA, or any state or federal regulations or rules implementing health insurance reform laws);;

The City may immediately implement changes as necessary to comply with federal and/or state laws, rules, and regulations and/or to avoid or eliminate penalties, potential penalties, or taxes. Such changes may include, among others, modifications for individual employees, including modification to individual or group coverage, benefits, contributions or wages, to the extent necessary to comply with federal and/or state laws, rules, and regulations and/or to avoid or eliminate penalties, potential penalties, taxes, or cessation of payments toward the cost of benefit(s) if such benefit(s) are not compliant with the PPACA/HCERA or if such compliance would cause the City penalty or cost associated with avoidance of penalty.

The City shall provide such medical coverage for the widow or widower of the employee or retired employee in this resolution until the widow or widower's death or remarriage whichever occurs sooner.

Children shall be covered until age 19 or as stipulated in the appropriate health care contract or otherwise as may be required by law.

"Retirees" shall be defined as full time employees who have served the City of Saratoga Springs for at least twenty consecutive years and retire from the New York State Employee's Retirement System Section 75i of the New York State Retirement Law and were serving as full time employees of the City of Saratoga Springs at the time of retirement. For the purposes of this definition, the commencement date of "full time employment" for the current Civil Service Secretary, Patsy Berrigan, shall be deemed September 4, 1995, and the number of consecutive years of full time employment required is ten, as per prior documentation.

An employee may elect not to participate in a plan of medical and health insurance benefits provided under this agreement and such employee shall be eligible to receive a payment of \$2,200.00 for single coverage, \$2,500.00 for two-person coverage or \$3,000.00 for family coverage per calendar year. No employee shall be eligible to receive such payment unless the employee shall have provided proof to the Finance Office that such employee and such employees' eligible dependents are covered by a comparable plan of medical and health insurance benefits for the entire year that such employee elected not to be covered by a plan provided by the Employer. Payments shall be made on December 15 of each year. The parties understand that participation in a plan of medical and health insurance benefits is mandatory. An election not to be covered shall be made on or about December 15th of each year to the Principal Account Clerk in the Finance Office in charge of City provided benefits pursuant to the regulations of the plan in effect together with evidence of coverage of such employee and such employee's eligible dependents under a comparable plan of medical and health insurance benefits. Such employee must promptly notify the Employer of termination of alternative medical and health insurance benefit coverage. In the event that an employee reenrolls in a health insurance program, the employee shall be permitted to a prorated portion of the \$2,200.00 (for single coverage), \$2,500.00 (for two-person coverage), or \$3,000.00 (for family coverage), payment but shall not be permitted to again opt-out of the insurance program during the calendar year.

Employees hired before July 1, 2011 shall be entitled to participate in the Health Reimbursement Arrangement as contracted by the City Council and will receive the full benefits of such as are being enjoyed by members of the collective bargaining units under the HRA Plan. The City shall provide this plan to the employee, their dependents, and retired employees and their dependents. Effective January 1, 2015, said employees will no longer be entitled to participate in the Health Reimbursement Arrangement. Employees shall have until March 31, 2015 to submit claims for expenditures incurred in 2014.

8. Vision: The City agrees to pay 100% of the cost of the Employee Benefit fund Vision Plan Platinum 12 for all employees and their dependents.
9. Disability: New York State Disability Insurance shall be offered to the employee.
10. Life: The City shall provide group term life insurance for the employee in the amount of \$5,000.00 while they are employed by the City of Saratoga Springs.
 11. All increases in compensation and benefits paid to employees under this resolution shall be drawn from the budget of the employees department, except that if said departmental budget does not contain funds sufficient to pay the employee, the Head of that Department may draw any remaining compensation or payment due to the employee from the City's contingency budget.
12. Each employee shall receive longevity payments as follows: After 5 years of service \$250.00; After 10 years of service \$500.00; After 15 years of service \$1,550.00; After 19 years of service \$1,800.00; and an additional \$250.00 each five (5) years thereafter.

All longevity payments shall be paid upon completion of the specified amounts of consecutive eligible service regardless of the title (s) held during that time.

- K. Effective January 1, 2013, all employees covered by this resolution and who have been employed with the City for the past six consecutive months without interruption shall receive a 2% increase in salary.
- L. Effective January 1, 2014, and for every year thereafter effective on the first of the year, all employees covered by this resolution, with the exception of the Human Resources Administrator for the year 2014, shall receive an increase in salary based on the Bureau of Labor Consumer Price Index – Northeast Region June (12-month) of the prior year. If there is no increase in the Bureau of Labor Consumer Price Index – Northeast Region June (12-month), then salaries remain unchanged. However, employees other than Executive Assistants and Deputies named herein must be employed with the City for six consecutive months prior to January 1 in order to be eligible for the increase in salary described in this paragraph. This section is repealed effective January 1, 2016.
- M. Effective January 1, 2016, all employees covered by this resolution and who have been employed with the City for the past six consecutive months without interruption shall receive a 2% increase in salary. Effective January 1, 2017 all employees covered by this resolution shall receive a 2% increase in salary.

N. Effective January 1, 2018, and for every year thereafter effective on the first of the year, all employees covered by this resolution will receive the same increase awarded under the CSEA-City Hall bargaining unit contract for that year. In the event that the last CSEA-City Hall bargaining unit contract has expired, and no subsequent contract has yet been ratified, all employees covered by this resolution will receive those increases awarded the CSEA-City Hall bargaining unit upon ratification of a new CSEA-City Hall contract and will receive the associated retroactive pay.

O. This Resolution shall be reviewed by the City Council annually on the Commissioner of Finance's agenda, by no later than the first meeting in August of each year.

Commissioner Madigan moved and Commissioner Mathiesen seconded to approve the resolution for non union full time personnel as distributed with the agenda with the modification that we are waiving Section G that allows the raise only if an employee has been with the City 6 consecutive months for deputies.

Ayes - All

Discussion and Vote: Authorization for the Mayor to Sign an Intermunicipal Agreement with Saratoga Housing Authority for Affordable Housing Study (16-299)

Commissioner Madigan advised the Council approved a letter of intent at the last City Council meeting. The study will be looking at workforce housing, mixed-use type property, and senior specific age restrictive housing.

Commissioner Madigan moved and Commissioner Mathiesen seconded to authorize and direct the mayor to execute the intermunicipal agreement with the Saratoga Housing Authority for housing study as distributed with the agenda.

Ayes - All

Discussion and Vote: Budget Transfer – Payroll (16-300)

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

Ayes – All

Discussion and Vote: Budget Transfers – Benefits (16-301)

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

Ayes – All

Discussion: Decorum at Meetings

Commissioner Madigan thanked the mayor for handing out a hard copy of the code of conduct for meetings. They have had issues over the past couple of years and is not sure what is going on. We are now having issues in City Hall.

Commissioner Franck and Mayor Yepsen asked Commissioner Madigan to stay on topic – decorum at meetings.

Commissioner Madigan moved and Commissioner Mathiesen seconded to amend her item to include decorum at City Hall. (16-302)

Ayes – 3

Nays – 2 (Mayor Yepsen & Commissioner Franck)

Commissioner Madigan went on to say it should be added to the code of conduct to allow a commissioner to protect themselves if the mayor is not going to do so. She went on to read a statement of examples of attacks with lies, yelling at Council meetings, and commissioner's (herself) have been placed in a position to act negatively with the public. She stated they need a mayor that can run a meeting for them, keep them safe and secure; keep the public on topic; and keep the Council on topic.

Commissioner Madigan stated there are skewed videos of her on Facebook put out there from her former opponent Ken Ivins and his daughter. She also stated that she was informed by Gayle LaSalle, former assistant to the mayor, that the mayor had worked with Ken Ivins on his campaign and has something to do with these videos. The videos are completely out of context and just show her yelling at the public.

Commissioner Madigan asked the mayor to have more control and organization over their meetings and more courtesy at City Hall.

Commissioner Franck stated this issue should not have been added as it is an H.R. issue. Commissioner Madigan nor himself were at the meeting so she shouldn't say what happened at the meetings because she wasn't there. We do have these rules but everyone has to follow them. Commissioner Madigan cuts people off if they disagree with her and says it's her 'agenda'.

Mayor Yepsen stated she is happy to follow the rules if everyone else does.

***Council took a break at 9:31 p.m.

***Council returned at 9:40

PUBLIC WORKS DEPARTMENT

Discussion and Vote: Authorization for the Mayor to Sign Curb Agreements (16-303)

Commissioner Scirocco advised they have the following curb agreements:

- William Whalen – 62 Catherine St. – 13 linear feet for \$260.
- Dan Sansone – 75 Catherine St. – 28 linear feet for \$560.
- Peter O'Brien – 118 Catherine St. – 59 linear feet for \$1,180.
- Greg Gerbi – 120 Catherine St. – 52 linear feet for \$1,040.

Commissioner Scirocco moved and Commissioner Madigan seconded to authorize the mayor to sign the resident's curbing agreements in the amounts as stated.

Ayes - All

Discussion and Vote: Authorization for the Mayor to Sign Agreement Addendum #7 with Greenman Pedersen, Inc. for the Ballston Ave Traffic Improvement Project (16-304)

Commissioner Franck recused himself and left the room as he owns property in this area.

Commissioner Scirocco advised this addendum is for attendance at meetings, reviewing additional contract or information, review proposed change orders to justify additional work claims and conducted additional construction inspection and administration tasks.

Commissioner Scirocco moved and Commissioner Madigan seconded to authorize the mayor to sign agreement addendum #7 with Greenman - Pedersen, Inc. for the Ballston Avenue Traffic Improvement Project in the amount of \$ 35,756.

Ayes – All

Commissioner Franck re-joined the meeting.

Discussion and Vote: Appointment to Civil Service Commission (16-305)

Commissioner Scirocco stated he learned there is a vacancy on the Civil Service Commission. He proposed appointing Mark Cacoza.

Commissioner Scirocco moved and Commissioner Franck seconded to approve Mark Cacoza for the appointment to the Civil Service Commission.

Ayes - All

PUBLIC SAFETY DEPARTMENT

Discussion and Vote: Authorization for Mayor to Sign STOP DWI Agreement with Saratoga County (16-306)

Commissioner Mathiesen stated this is an annual agreement. The County will disburse funds to the City in the amount of \$39,700 no later than September 1, 2016.

Commissioner Mathiesen moved and Commissioner Franck seconded to authorize the mayor to sign the agreement with the County for STOP DWI.

Ayes – All

Set Public Hearing: Amend Chapter 225, Article IX Schedules Sub-Section 225-81, Schedule XVI Parking Prohibited All Times

Commissioner Franck recused himself and left the meeting.

Commissioner Mathiesen set a public hearing for Tuesday, August 16, 2016 at 6:45 p.m.

Discussion: Short Term Rentals

Vince DeLeonardis, city attorney, advised the Enforcement Committee was created by former Deputy Mayor Joe Ogden. The Committee is made up of representatives from various departments. Short term rentals are rentals for a period of less than 30 days. There has been an increase of short term rentals brought about by internet providers. We don't go out looking for these properties but act on complaints received. To deal with this, we can amend chapter 136 of the code. This is a work in progress. There would be a licensing fee but this is not intended to be revenue generating.

Commissioner Mathiesen stated what has been going on for years in Saratoga is in violation of state building codes. There are some properties that are being used solely for rentals week after week. That causes a problem in some neighborhoods as the property is being used as commercial rather than residential and inconsistent with our zoning. There is a fee and we want the fee to cover the cost for fire inspections.

Discussion and Vote: Accept Ethics Board Opinion Regarding "Mayor's Box" (16-307)

Commissioner Mathiesen moved and Commissioner Franck seconded to accept and approve the Board of Ethics opinion dated June 3, 2016 with respect to my inquiry regarding the mayor's box.

Commissioner Franck thanked Commissioner Mathiesen for doing this and keeping things consistent.

Commissioner Mathiesen stated he was going to read the letters the mayor and he wrote.

Mayor Yepsen clarified that she did not write the letter. It was the Commissioner of Finance's Office who was totally involved.

Commissioner Madigan asked her not to bring her into this.

Commissioner Mathiesen read the letter signed by the mayor and the letter he wrote.

Ayes - All

Discussion: Emergency Management Plan

Commissioner Mathiesen advised Assistant Chief Catone has been working for a long time to update our Emergency Management Plan. The final product should be available in the near future.

SUPERVISORS

Matthew Veitch

National Association of Counties Conference – July 22nd – 25th

Supervisor Veitch reported the conference was held in Long Beach, California. He attended the IT Steering Committee meeting and review better public access to government. All resolutions were passed at the general session at the end. He also attended a session on ethics and violation of law.

Brown's Beach

Supervisor Veitch reported Brown's Beach has re-opened. It now meets the state standards.

Peter Martin

Insurance Policies

Supervisor Martin reported the County obtains insurance for property and casualty, health insurance (self insurance), and worker's compensation.

ADJOURNMENT

There being no further business, Mayor Yepsen adjourned the meeting at 10:43 p.m.

Respectfully submitted,

Lisa Ribis
Clerk

Approved: 9/6/16
Vote: 5 - 0