



November 15, 2016

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

6:45 PM – P.H. – Amend Section 203 of the City Code – Streets and Sidewalks

6:50 PM – P.H. – Capital Program
Budget Amendment for Ice Rink
Rehabilitation

6:50 PM – P.H. – Capital Program
Budget Amendment for Security System
Infrastructure

6:50 PM – P.H. – Capital Program
Budget Amendment for Water Treatment
Plant Security Systems Project

6:55 PM – P.H. – Interlaken Zoning
Amendment – 655 Crescent Avenue

7:00 PM

CALL TO ORDER

ROLL CALL

SALUTE TO FLAG

PUBLIC COMMENT PERIOD / 15 MINUTES

PRESENTATIONS

1. Office Arpei Recognition
2. City Center Authority
3. Open Space Advisory Committee

CONSENT AGENDA

1. Approval of 10/31/16 Pre-Agenda Meeting Minutes
2. Approve Resolution for the Use of the Insurance Reserve – 19
3. Approve Budget Amendments – Insurance Reserve
4. Approve Budget Amendments (Decreases)
5. Approve Budget Amendments (Increases)
6. Approve Budget Transfers – Regular
7. Approve Budget Transfers – Regular (Capital)
8. Approve Payroll: 11/04/16 \$633,639.84
9. Approve Payroll: 11/10/16 \$486,940.98
10. Approve Warrant: 2016 Mid – 16MWNOV1: \$112,139.51
11. Approve Warrant: 2016 REG – 16NOV2: \$331,795.94

MAYOR'S DEPARTMENT

1. Discussion and Vote: 2016 Capital Program/Budget Amendment for the Ice Rink Rehabilitation Project
2. Discussion and Vote: Authorization for the Mayor to Sign a Change Order with National Landscaping
3. Discussion and Vote: Authorization for the Mayor to Sign the Dasherboard Agreement with Saratoga Youth Hockey
4. Discussion and Vote: Authorization to Pay M & J Contracting Invoice for Resurfacing of Recreation Center Gym Floor
5. Discussion and Vote: Pitney Meadows Community Farm, Inc. Resolution
6. Discussion and Vote: Conservation Easement RE: Pitney Farm
7. Discussion and Vote: Authorization for Mayor to Execute All Necessary Documents in Support of Eminent Domain Proceeding Pursuant to EDPL, RE: 100 Geysers Road
8. Discussion and Vote: Public Art Policy
9. Discussion and Vote: Authorization for Mayor to Sign Contract with Corporate Health to Provide Medical Services for the City
10. Discussion and Vote: Authorization for Mayor to Sign Contract with Carousel Systems – City Hall Phone System
11. Announcement: Homeless Awareness Candlelight Ceremony, Thursday, November 17th at 5:30 p.m. High Rock Park

ACCOUNTS DEPARTMENT

1. Discussion and Vote: Interlaken PUD SEQRA Determination for Proposed Map and Text Amendment – 655 Crescent Avenue
2. Discussion and Vote: Interlaken PUD Proposed Map and Text Amendment – 655 Crescent Avenue
3. Discussion and Vote: Gold Star Parent Exemption
4. Discussion and Vote: Amend the 2016 Capital Program and Budget for the Security System Infrastructure Project
5. Discussion and Vote: Director of Risk and Safety Salary Increase for 2017

FINANCE DEPARTMENT

1. Discussion and Vote: 2017 Tax Rate Approvals
2. Discussion and Vote: Authorization for the Mayor to Sign Modification of PPA Agreement for Solar Park on the Landfill
3. Discussion and Vote: Resolution for Non Union Full Time Personnel (Executive Assistants)
4. Discussion and Vote: Resolution for Assistant City Attorney
5. Discussion and Vote: Resolution for City Attorney
6. Discussion: 3rd Quarter 2016 Financial Report
7. Discussion and Vote: 2017 City Fees
8. Discussion and Vote: Standard Workday Resolution
9. Discussion and Vote: Budget Transfers – Interfund for Capital Budget Amendments
10. Discussion and Vote: Capital Budget Amendment for Water Treatment Plant Security Systems Project
11. Discussion and Vote: Capital Budget Amendment for Security System Infrastructure
12. Discussion and Vote: Capital Budget Amendment for Ice Rink Rehabilitation
13. Discussion and Vote: Authorization to Have the Mayor Sign Agreement with Anixter for IT Equipment Maintenance
14. Discussion and Vote: Budget Transfers – Payroll
15. Discussion and Vote: Budget Transfers – Benefits
16. Discussion and Vote: Budget Amendments – Assignment for IT Initiatives (14XB)
17. Announcement: City Grant Program for Community Service Organizations – Request for Council Appointees

PUBLIC WORKS DEPARTMENT

1. Discussion and Vote: Authorization for the Mayor to Sign Agreement Addendum One with Wehran LFG, LLC for the Weibel Avenue Landfill Gas Collection and Control Systems Upgrades and Repairs

2. Discussion and Vote: Approve Capital Program/Budget Amendment for the Water Treatment Plant Security Project
3. Discussion and Vote: Authorization for Council to Approve Agreement with Interlaken Homeowners Association
4. Discussion and Vote: Authorization for the Mayor to Sign Agreement with the Empire State College of New York for the Aletta Street Main Water Extension

PUBLIC SAFETY DEPARTMENT

1. Discussion and Vote: Amend Chapter 203 of the City Code
2. Discussion and Vote: Authorization for Mayor to Sign Contract with Greenman-Pedersen, Inc.
3. Announcement: Condolence

SUPERVISORS

Matthew Veitch

1. Saratoga County 2017 Budget
2. Home Energy Assistance Program (HEAP) 2016 – 2017
3. Saratoga County Open Space Grants
4. Truth in Taxation

Peter Martin

1. Social Programs
2. Economic Development
3. County Property and Casualty Insurance
4. Airport Improvements

ADJOURN



November 15, 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 Section 203 of the City Code – Streets and Sidewalks

Mayor Yepsen opened the public hearing at 6:50 p.m.

Commissioner Mathiesen stated parts of this ordinance created confusion. This ordinance relates to people sitting on the surface of the sidewalk. They are also changing the penalties associated.

Karl Strock of Saratoga Springs stated he is here on behalf of the New York Civil Liberties Union. They have been opposed to this ordinance from the beginning. He asked the members of the Council who plan to vote in favor of this to explain how it does not target homeless individuals.

Darlene McGraw of Saratoga Springs asked the Council to consider community service as a punishment because people can't afford to pay.

Commissioner Mathiesen stated community service has always been in the law as an alternative.

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

Capital Program Budget Amendment for Ice Rink Rehabilitation and Capital Program Budget Amendment for Security System and Capital Program Budget Amendment for Water Treatment Plant Security Systems Project

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

Commissioner Mathiesen spoke for Commissioner Madigan as she was not at the meeting at this time.

Commissioner Mathiesen advised this item and the next 2 are to amend the 2016 capital budget and program to move these items from the 2017 capital budget and program into the 2016 capital budget and program.

No one spoke.

Mayor Yepsen closed the public hearing at 6:57 p.m.

Interlaken Zoning Amendment – 655 Crescent Avenue

Mayor Yepsen opened the public hearing at 6:57 p.m.

Commissioner Franck advised the applicant would like to subdivide this property into 4 parcels and merge those 4 parcels into the existing Interlaken Planned Unit Development Zone BB. The applicant intends to have single family homes constructed on this property.

Mr. Shuttleworth of Saratoga Springs stated he is opposed to tearing down the house. He submitted photos of the dwelling into the record. Tearing down of the property is a judgment call. It is a beautiful building and should be saved.

Joe Geiger of Saratoga Springs stated he supports this project. It has been an eyesore for the past 15 years. This is a well thought out project for 4 families to enjoy living in that area.

Joe Curtin of Saratoga Springs stated he has witnessed the deterioration of this property over the past 10 years. He is in favor of this project.

Dewey Walling of Saratoga Springs stated he watched the open land surrounding him develop into a beautiful neighborhood with beautiful homes. The house on 655 Crescent has been an eyesore. The property has been ill kept and the backyard was a junkyard.

Bill Krueger of Saratoga Springs stated he supports/approves of this project.

Paul Calhoun of Saratoga Springs stated he approves/supports this project.

Donna Colosimo of Saratoga Springs approves/supports this project.

Jane Keyser of Saratoga Springs stated she approves/supports this project.

Robert Keyser of Saratoga Springs stated he approves/supports this project.

Richard Zack of Saratoga Springs stated he approves the project.

Jim Oplinger of Saratoga Springs stated John Witt looked at the blue house about 15 years ago with the idea he could fix it up and sell it. After he saw this house and its condition, he decided there was no way he could recover the house and walked away from the project.

Darlene McGraw of Saratoga Springs stated the house looks ok from the outside. She asked they do not add another car lot or condos.

Judy Morris of Saratoga Springs stated she is looking forward to seeing the house come down.

Mike Toohey, attorney for the applicant, stated the applicant will build in that area as legislation currently proposes.

Mayor Yepsen closed the public hearing at 7:14 p.m.

CALL TO ORDER

Mayor Yepsen called the meeting to order at 7:14 p.m.

PUBLIC COMMENT

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 7:22 p.m.

Barbara Glaser of Saratoga Springs stated the farm land on West Avenue was identified as land to preserve in 1994. She reviewed various dates over time since regarding the Pitney Farm being in discussion as land to be preserved.

Sandy Arnold, chair of the board for Pitney Meadow Community Farm, Inc. stated they will provide recreation for the public in the way of trails (including the Greenbelt Trail), children's farm, and community gardens.

Peter Goutos of Saratoga Springs stated he was here to support the Pitney Farm. He looks at the farm as recreation.

Matt Kopans of 8 Empire Avenue stated he is in support of the Pitney Farm. This will become a whole new classroom. He hopes the Council supports it.

Chelsey Lester of Saratoga Springs stated he children stand to benefit from this project. She is here to thank all who have been involved to make this project happen.

Harry Moran, chair of Sustainable Saratoga, stated he is here to state their support of the Pitney Farm. They respectfully ask the Council to support the resolution and the conservation easement.

Jenny Mirling, a realtor in Saratoga Springs, stated she endorses this project. It adds value and reflects what we have been about.

Monica Rickter of Skidmore College stated the Pitney Farm project is an opportunity for the students to learn about agriculture.

Ellen Aimone of Saratoga Springs stated she supports the Pitney Farm. The farm is a great opportunity to build a sustainable agricultural community to connect people on many levels.

Richard Torkelson of Saratoga Springs stated the open space bond act passed 20 years ago with 70%+ of the vote. The Pitney Farm is the last farm left in Saratoga Springs; you never know how valuable something is until its gone.

Patricia Garrett of the League of Women's Voters stated they support the preservation of the Pitney Farm.

Ron Harrison of Saratoga Springs stated the children will be impacted by this project. He is grateful to the Pitney's for what they are doing.

Field Horne of Saratoga Springs stated the Pitney Farm will be used to educate the public regarding issues surrounding food.

Rocco Verrigni of Saratoga Springs thanked the Pitney's for their foresight to preserve the farm.

Otis Maxwell of Saratoga Springs and member of the Saratoga Springs Democratic Committee discussed at their recent meeting that they would provide a service if a citizen of Saratoga County finds hate graffiti on their property they will remove it. They can contact the Committee chair at charley.brown@saratogadems.org.

Darlene McGraw of Saratoga Springs stated our Police Department is not the bad guys. This Friday is coffee with a cop. Also, she was at a conference where Commissioner Madigan's and Mayor Yepsen's names came up a those who help cities become smarter.

Mayor Yepsen closed the public comment period at 7:53 p.m.

PRESENTATIONS

Office Arpei Recognition

Chief Veitch introduced the family of Jerry Carpenter. Officer Arpei performed CPR and revived Mr. Carpenter. The Carpenter family publically acknowledged Officer Arpei and thanked him for his service and saving Mr. Carpenter's life. Unfortunately, Mr. Carpenter passed away a week later.

City Center Authority

Mark Baker, president of the City Center, presented the 2015 annual report. He pointed out many of the accomplishments of the City Center during 2015. Some of those accomplishments are listed as follows:

- held 154 events in 2015.
- 252 paid days of activity – the highest number to date.
- 112 return events.
- generated over \$30.5 million in sales tax and \$2.1 million in sales tax revenue within the community
- facility rental increased 108% over 2014 and catering increased 24.7% over 2014
- overall earned revenue in 2015 was 9.8% and ended the year with a fund balance

Mr. Baker provided each member of the Council with a copy of the annual report as well as the City Clerk.

Open Space Advisory Committee

This item was pulled from the agenda.

CONSENT AGENDA

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

1. Approval of 10/31/16 Pre-Agenda Meeting Minutes

2. Approve Resolution for the Use of the Insurance Reserve – 19
3. Approve Budget Amendments – Insurance Reserve
4. Approve Budget Amendments (Decreases)
5. Approve Budget Amendments (Increases)
6. Approve Budget Transfers – Regular
7. Approve Budget Transfers – Regular (Capital)
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9. Approve Payroll: 11/10/16 \$486,940.98
10. Approve Warrant: 2016 Mid – 16MWNNOV1: \$112,139.51
11. Approve Warrant: 2016 REG – 16NOV2: \$331,795.94

Ayes – All

MAYOR'S DEPARTMENT

Discussion and Vote: 2016 Capital Program/Budget Amendment for the Ice Rink Rehabilitation Project (16-404)

Mayor Yepsen moved and Commissioner Mathiesen seconded to approve the 2016 capital program and budget amendment for the ice rink rehabilitation project.

Roll Call:

**Commissioner Franck – Aye
Commissioner Madigan – Aye
Commissioner Scirocco – Aye
Commissioner Mathiesen – Aye
Mayor Yepsen - Aye**

Discussion and Vote: Authorization for the Mayor to Sign a Change Order with National Landscaping (16-405)

Mayor Yepsen stated this is for renovations to the bathrooms at the west side recreation. The cost was increased by \$700.

Mayor Yepsen moved and Commissioner Mathiesen seconded for the City Council to authorize the mayor to sign a change order with National Landscaping.

Ayes - All

Discussion and Vote: Authorization for the Mayor to Sign the Dasherboard Agreement with Saratoga Youth Hockey (16-406)

Mayor Yepsen advised the Saratoga Youth Hockey will have first rights to rent the 72 dasherboards at the ice rink for the duration of one year.

Mayor Yepsen moved and Commissioner Madigan seconded to authorize the mayor to sign the agreement with Saratoga Youth Hockey.

Ayes - All

Discussion and Vote: Authorization to Pay M & J Contracting Invoice for Resurfacing of Recreation Center Gym Floor (16-407)

Mayor Yepsen moved and Commissioner Franck seconded to approve the payment to M & J contracting for an invoice for resurfacing the recreation gym floor in the amount of \$8,474.

Ayes - All

Discussion and Vote: Pitney Meadows Community Farm, Inc. Resolution (16-408)

Mayor Yepsen advised this resolution changes the name of the not-for-profit so they can receive the \$100,000 grant from the County's Farm Land Protection Fund. This resolution changes the name of the applicant from Saratoga PLAN to Pitney Meadows Community Farm.

Mayor Yepsen moved and Commissioner Madigan seconded to approve the Pitney Meadows Community Farm, Inc. resolution as listed on the agenda.

Commissioner Scirocco stated he will support the resolution but wanted it noted that the transparency process wasn't followed. Good government would have allowed them to re-open it to public hearings.

Ayes - All

Discussion and Vote: Conservation Easement Re: Pitney Farm (16-409)

Mayor Yepsen provided a timeline of events regarding the Pitney Farm project.

Mayor Yepsen moved and Commissioner Franck seconded for the City Council to approve the Conservation Easement regarding the Pitney Farm.

Commissioner Madigan provided additional details to the timeline of events.
Supervisor Matt Veitch read the County's resolution into the record as follows:

A RESOLUTION
OF THE SARATOGA SPRINGS
OPEN SPACE ADVISORY COMMITTEE

BE IT RESOLVED by the Saratoga Springs Open Space Advisory Committee, as follows:

WHEREAS, the Committee has reviewed a Deed of Conservation Easement between Pitney Meadows Community Farm, Inc. and the City of Saratoga Springs, by which the City is granted a Conservation Easement over lands of Pitney Meadows Community Farm, Inc., so that said lands shall hereafter remain predominantly in their open and scenic state and be available for agriculture, forestry, wildlife habitat, water source protection, educational and other open space uses and purposes, and
WHEREAS, the Committee finds the proposed Conservation Easement consistent with the purposes of Chapter 110 of the Code of the City of Saratoga Springs, entitled "Environmental, Parks and Open Areas Protection Program",
NOW THEREFORE, the Committee approves said Conservation Easement at a meeting held this 8th of November, 2016, and recommends it to the City Council.

Mayor Yepsen submitted 3 letters into the record.

Commissioner Scirocco stated he will support this but again objected to the way it was handled including the lack of transparency and public hearings.

Ayes - All

Discussion and Vote: Authorization for Mayor to Execute All Necessary Documents in Support of Eminent Domain Proceeding Pursuant to EDPL, RE: 100 Geyser Road (16-410)

Mayor Yepsen moved and Commissioner Mathiesen seconded to authorize the mayor to execute all necessary documents in support of an eminent domain proceeding pursuant to EDPL re: 100 Geyser Road.

Vince DeLeonardis, city attorney, advised the documents referred to include the petition. The City is not seeking title to the property, just an easement.

Ayes - All

Discussion and Vote: Public Art Policy (16-411)

Mayor Yepsen moved and Commissioner Mathiesen seconded to accept the public art policy as listed with the agenda.

Ayes - All

Discussion and Vote: Authorization for Mayor to Sign Contract with Corporate Health to Provide Medical Services for the City (16-412)

Mayor Yepsen moved and Commissioner Franck seconded to authorize the mayor to sign a contract with Corporate Health to provide medical services for the City.

Ayes - All

Discussion and Vote: Authorization for Mayor to Sign Contract with Carousel Systems – City Hall Phone System (16-413)

Mayor Yepsen moved and Commissioner Franck seconded to authorize the mayor to sign a contract with Carousel Systems for maintenance regarding our phone system.

Ayes – All

Announcement: Homeless Awareness Candlelight Ceremony, Thursday, November 17th at 5:30 p.m. High Rock Park

Mayor Yepsen announced there will be a candlelight ceremony on Thursday, November 17th at 5:30 p.m. in High Rock Park.

ACCOUNTS DEPARTMENT

Discussion and Vote: Interlaken PUD SEQRA Determination for Proposed Map and Text Amendment – 655 Crescent Avenue (16-414)

Commissioner Franck read the SEQRA Part 2 – Short Form with the proposed answers into the record. A copy of the SEQRA is attached.

Commissioner Franck moved and Commissioner Mathiesen seconded to issue a SEQRA negative declaration for this action.

Ayes - All

Discussion and Vote: Interlaken PUD Proposed Map and Text Amendment – 655 Crescent Avenue (16-415)

Commissioner Franck moved and Commissioner Madigan seconded to approve the map and text amendment for the Interlaken PUD – 655 Crescent Avenue.

Ayes – All

Discussion and Vote: Gold Star Parent Exemption (16-416)

Commissioner Franck advised the Real Property Tax Law 458-a permits municipalities to include a Gold Star Parent in the definition of a qualified owner, making them eligible for a tax exemption as an extension

of the Alternative Veteran's Exemption. A public hearing was held on this at the last City Council meeting. Gold Star Parents should contact the Assessment Office for details of how to file.

Commissioner Franck moved and Commissioner Mathiesen seconded to adopt Local Law #1 of 2016 regarding the Gold Star Parent Exemption regarding a local law to amend Chapter 212-72 of the City code to include the Gold Star Parent Exemption as an extension of the Alternative Veteran Exemption to be effective with the 2017 tax roll.

Ayes - All

Discussion and Vote: Amend the 2016 Capital Program and Budget for the Security System Infrastructure Project (16-417)

Commissioner Franck advised this is an extension of the City's existing security infrastructure for vulnerable areas requiring a security presence. This would add cameras to the existing security camera infrastructure in compliance with the City's risk insurance program and replace existing cameras that are not able to be repaired.

Commissioner Franck moved and Commissioner Madigan seconded to amend the 2016 capital program and budget to include the security infrastructure project in the amount of \$39,566.

Ayes - All

Discussion and Vote: Director of Risk and Safety Salary Increase for 2017 (16-418)

Commissioner Franck advised the director of risk and safety's position is included within the resolution for non-union exempt employees. The salary of that position is not consistent with other director positions within the City; it is much less.

Commissioner Franck moved and Commissioner Scirocco seconded to approve an increase in the salary of the director of risk and safety for 2017 to be a base of \$107,353, plus the 2% increase that is part of the non-union resolution, bringing the salary to \$109,500, plus \$500 longevity for a total salary of \$110,000 effective January 1, 2017. The current employee will retain her current longevity and accrual dates.

Ayes – All

FINANCE DEPARTMENT

Discussion and Vote: 2017 Tax Rate Approvals (16-419)

Commissioner Madigan stated once these rates are approved they will be forward to the County. The tax rate remains stable with the inside district rate being \$6.0560 and the outside district rate is \$5.9820.

Commissioner Madigan moved and Commissioner Franck seconded to approve the 2017 tax rates as distributed with the agenda.

Ayes – All

Discussion and Vote: Authorization for the Mayor to Sign Modification of PPA Agreement for Solar Park on the Landfill (16-420)

Commissioner Madigan advised under the power purchase agreement signed with SunEdison for 20 years. They have been working on where the solar panels should be placed. As they were closing in on the construction start date, SunEdison filed for bankruptcy in April 2016. We were grandfathered in to the

cash credits; money credits are no longer allowed. She is bringing an amendment forward to assign the project to SunEdison affiliates which will be purchased by Onyx Renewables. This needs to be up and running by December 2017.

Commissioner Madigan moved and Commissioner Mathiesen seconded to approve the mayor's required signature on the modification of the power purchase agreement for the solar park on the landfill; entitled First Amendment and Agreement, as distributed with the agenda.

Ayes – All

Discussion and Vote: Resolution for Non Union Full Time Personnel (Executive Assistants) (16-421)

Commissioner Madigan stated the City has 2 employees whose terms of employment are in conflict with the revised Fair Labor Standards Act; the executive assistant to the mayor and the executive assistant to public works. She is asking to rectify this with revisions to the non-union full time employee resolution. The revision will increase their salaries to \$47,504 per year and increase their hours to 40 hours per week. This will become effective 12/1/16.

Commissioner Madigan moved and Commissioner Franck seconded to approve the resolution for non-union full time personnel as distributed with the agenda.

Ayes – All

Discussion and Vote: Resolution for Assistant City Attorney (16-422)

Commissioner Madigan stated neither the assistant city attorney nor the city attorney receive health insurance benefits upon retirement. This resolution relates to providing health insurance as a retirement benefit. (resolution attached)

Commissioner Madigan moved and Commissioner Mathiesen seconded to approve the resolution for the assistant city attorney as distributed with the agenda.

Ayes - All

Discussion and Vote: Resolution for City Attorney (16-423)

Commissioner Madigan stated this resolution matches the assistant city attorney resolution regarding health benefits upon retirement. (resolution attached)

Commissioner Madigan moved and Commissioner Mathiesen seconded to approve the resolution for city attorney as distributed with the agenda.

Ayes - All

Discussion: 3rd Quarter 2016 Financial Report

Commissioner Madigan advised the report is available on the website and in the City Clerk's Office. The amounts are as of September 30, 2016. Commissioner Madigan provided an overview of the amount of sales tax, occupancy tax, and property tax collected as of the 3rd quarter report. She also reported the amount of revenue received by and expenditures by department. More detailed information is available on the website.

Discussion and Vote: 2017 City Fees (16-424)

Commissioner Madigan moved and Commissioner Mathiesen seconded to approve the 2017 fees as distributed with the agenda.

Ayes - All

Discussion and Vote: Standard Workday Resolution (16-425)

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

Ayes - All

Discussion and Vote: Budget Transfers – Interfund for Capital Budget Amendments (16-426)

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

Ayes - All

Discussion and Vote: Capital Budget Amendment for Water Treatment Plant Security Systems Project (16-427)

Commissioner Madigan advised approval of this item will be contingent upon approval of Commissioner Scirocco's item #2.

Commissioner Madigan moved and Commissioner Mathiesen seconded to approve the 2016 capital budget amendment - water treatment plant security systems project which was distributed with the agenda. The vote is contingent on approval of the DPW agenda item.

Roll Call:

**Commissioner Franck – Aye
Commissioner Madigan – Aye
Commissioner Scirocco – Aye
Commissioner Mathiesen – Aye
Mayor Yepsen - Aye**

Discussion and Vote: Capital Budget Amendment for Security System Infrastructure (16-428)

Commissioner Madigan moved and Commissioner Scirocco seconded to approve the 2016 capital budget amendment for security system infrastructure which was distributed with the agenda. The project is in the amount of \$39,566.29 and will be funded by an interfund transfer of unused liability insurance premiums.

Roll Call:

**Commissioner Franck – Aye
Commissioner Madigan – Aye
Commissioner Scirocco – Aye
Commissioner Mathiesen – Aye
Mayor Yepsen - Aye**

Discussion and Vote: Capital Budget Amendment for Ice Rink Rehabilitation (16-429)

Commissioner Madigan moved and Commissioner Scirocco seconded to approve the 2016 capital budget amendment for the ice rink rehabilitation which was distributed with the agenda. The project amount is \$24,000 and will be funded by an interfund transfer of unused liability insurance premiums.

Roll Call:

Commissioner Franck – Aye

Commissioner Madigan – Aye
Commissioner Scirocco – Aye
Commissioner Mathiesen – Aye
Mayor Yepsen - Aye

Discussion and Vote: Authorization to Have the Mayor Sign Agreement with Anixter for IT Equipment Maintenance (16-430)

Commissioner Madigan advised this is an \$89,050 service and maintenance contract for the City's server room.

Commissioner Madigan moved and Commissioner Scirocco seconded to approve the mayor's required signature on agreement with Anixter for IT equipment maintenance as distributed with the agenda.

Ayes - All

Discussion and Vote: Budget Transfers – Payroll (16-431)

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

Ayes - All

Discussion and Vote: Budget Transfers – Benefits (16-432)

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

Ayes - All

Discussion and Vote: Budget Amendments – Assignment for IT Initiatives (14XB) (16-433)

Commissioner Madigan moved and Commissioner Franck seconded to approve the 2016 budget amendments – assignment for IT initiatives (14 excess balance) as distributed with the agenda.

Ayes - All

Announcement: City Grant Program for Community Service Organizations – Request for Council Appointees

Commissioner Madigan announced she is looking for each member of the Council to appoint a member to the City Grant Program for Community Service Organizations. She hasn't come up with the formula of how much they will come up with each year.

*** City Council took a break at 9:48 p.m.

*** City Council returned at 9:55 p.m.

PUBLIC WORKS DEPARTMENT

Discussion and Vote: Authorization for the Mayor to Sign Agreement Addendum One with Wehran LFG, LLC for the Weibel Avenue Landfill Gas Collection and Control Systems Upgrades and Repairs (16-434)

Commissioner Scirocco moved and Commissioner Franck seconded to authorize the mayor to sign agreement addendum #1 with Wehran LFG, LLC for gas collection and control system upgrades for the Weibel Avenue Landfill in the amount of \$16,617.50.

Ayes – All

Discussion and Vote: Approve Capital Program/Budget Amendment for the Water Treatment Plant Security Project (16-435)

Commissioner Scirocco moved and Commissioner Franck seconded to approve the capital program budget amendment in the amount of \$77,000 for the Water Treatment Plant Security Project.

Ayes - All

Discussion and Vote: Authorization for Council to Approve Agreement with Interlaken Homeowners Association (16-436)

Commissioner Scirocco read the following resolution into the record:

This Agreement is entered into between the City of Saratoga Springs (hereinafter "City"), a municipal corporation with a place of business at 474 Broadway, Saratoga Springs, New York 12866, and Interlake Homeowners Association (hereinafter "Association"), with a place of business at 75 Sarazen Street, Saratoga Springs, New York 12866.

WHEREAS, the City assumed ownership of the Interlaken Water System from the Saratoga County Water Authority in or about 2005, which consisted of four (4) well systems, each with a 70,000 gallon capacity, and a pump facility located within the Interlaken community, and

WHEREAS, the Interlaken Water System has, since 2006, served as a water source for the residents of Saratoga Springs, including the Interlaken Community; and

WHEREAS, on or about April 1, 2006 and on or about July 1, 2007, the City bonded certain sums (\$488,600.00 and \$102,400.00 respectively) relative to necessary upgrades and infrastructure improvements to the Interlaken Water System; and

WHEREAS, the City thereafter imposed certain fees upon residents of the Association, used to pay the indebtedness associated with the aforementioned bonds, including a quarterly maintenance fee of \$26.50 and water rates specific to Association members based upon usage; and

WHEREAS, the imposition of the aforesaid fees and rates were not recorded or otherwise memorialized in a written agreement or contract between the City and the Association; and

WHEREAS, the Association has disputed the appropriateness and legality of the maintenance fees and water rates imposed by the City upon Association members; and

WHEREAS, the City and the Association, in order to avoid possible litigation and the uncertainty, delay and expense associated with same, have reached a mutually agreeable resolution to dispute herein existing between the parties;

NOW, THEREFORE, AND IN THE CONSIDERATION OF THE FOREGOING AND THE MUTUAL PROMISES CONTAINED IN THIS AGREEMENT, THE PARTIES HEREBY AGREE AS FOLLOWS:

1. Commencing with the first quarterly billing cycle in 2017, the City will no longer impose a quarterly maintenance fee of \$26.50 per Association member, and
2. Commencing with the first quarterly billing cycle in 2017, the City will no longer impose special water rates or fees to Association members but will, instead, impose those water rates and fees applicable to City residents not otherwise included in a special assessment, pursuant to Section 11.5 of the City Charter and as established annually by City Council resolution; and
3. The Association and its members agree to waive any and all claims which may now exist or which may arise based upon alleged acts or omissions occurring on or before the effective date of this Agreement under federal, state, municipal or common law and relating to, arising out of or associated with past maintenance fees and/or water rates imposed upon Association members by the City; and
4. The Association agrees to defend and indemnify the City, including attorney's fees, for any action commenced by an Association member relating to, arising out of or associated with past maintenance fees and/or water rates imposed by the City; and
5. This Agreement shall not be effective unless and until approved by the City Council of the City of Saratoga Springs;
6. All parties acknowledge that they are, or have been duly apprised of their opportunity, to be represented by counsel of their own choosing and are voluntarily entering into this Agreement; and
7. Neither the negotiation, undertaking or execution of this Agreement, nor the terms described above, constitutes, operates, or should be construed as an acknowledgement of any kind or nature, by any party to this Agreement or any person acting on their behalf that they violated any law, statute or regulation; and
8. This Agreement shall not constitute or be construed as establishing a precedent of any type whatsoever.

This Agreement constitutes the complete understanding between the parties as to the subjects addressed in this Agreement. No other promises, agreements, alterations or modifications of this Agreement shall be binding unless in writing and signed by all parties hereto.

IN WITNESS WHEREOF, the parties have hereunto set their hands on the date shown.

Commissioner Scirocco moved and Commissioner Madigan seconded to authorize the Council to approve this agreement with Interlaken Homeowner's Association as previously distributed to the Council.

Commissioner Franck stated he remembers a lot of discussion about this in 2006. We took over their wells and there were a lot of expenses associated with it.

Commissioner Scirocco stated the city attorney did the research and there was no former agreement.

Ayes - All

Discussion and Vote: Authorization for the Mayor to Sign Agreement with the Empire State College of New York for the Aletta Street Main Water Extension (16-437)

Commissioner Scirocco stated the DPW workers completed this project in 3 days.

Commissioner Scirocco moved and Commissioner Franck seconded to authorize the mayor to sign an agreement with the State College of New York for the purpose of providing an extension modification of the City's water system on Aletta Street. Empire State College has agreed to pay the total cost of the project of \$54,828.03 as stated in the agreement that was previously distributed to the Council.

Ayes - All

PUBLIC SAFETY DEPARTMENT

Discussion and Vote: Amend Chapter 203 of the City Code (16-438)

Commissioner Mathiesen read the following into the record:

203-21.4

It shall be unlawful for any person to obstruct a public walkway by sitting or lying up the surface of the public sidewalk in the City of Saratoga Springs.

203-21.5 EXCEPTIONS

The prohibition shall not apply to any person

1. sitting or lying on the surface of the sidewalk due to a medical or other emergency.
2. On Broadway, sitting or lying on that portion of the surface of the sidewalk that is permitted for street performances as defined in 205-4.

No exception listed herein shall be construed so as to permit any conduct which is prohibited by the City Code or other law which prohibits willfully and substantially obstructing the free movement of persons from public ways and places.

203-21.6

No person shall be cited for a violation of this Article unless he or she continues to engage in conduct prohibited under this Article after having been notified either verbally or in writing by a police officer that the conduct violates this Article.

203-21.7 PENALTIES

- A. The first offense under this Article shall be a violation, and shall be punishable upon conviction of a fine of no more than Fifty Dollars (\$50.00) and/or community service.
- B. Subsequent Offenses. Any person who subsequently violates this article within 120 days of conviction for the first offense shall be subject to fines and penalties as set forth in Chapter 1 General Provisions Article 3 of the City Code in a matter consistent with penalties for violation of Chapter 205.

Commissioner Madigan seconded the amendment.

Commissioner Scirocco stated he will support this. There should be safe passage for a pedestrian on the sidewalk. The law protects the pedestrian and the person who is sitting on the sidewalk.

Commissioner Madigan stated she is going to support this. She doesn't feel this Council ever directed this towards the homeless. This is completely directed as a safety issue.

Commissioner Franck stated Commissioner Mathiesen goes out of his way to help people. This has nothing to do with homeless people. He is going to support this.

Mayor Yepsen stated she is going to stick with her original vote and vote against it.

Ayes – 4

Nays – 1 (Mayor Yepsen)

Discussion and Vote: Authorization for Mayor to Sign Contract with Greenman-Pedersen, Inc. (16-439)

Commissioner Mathiesen stated this contract is for the design, construction, and replacement of 2 traffic control signals.

Commissioner Mathiesen moved and Commissioner Franck seconded to authorize the mayor to sign the contract with Greenman-Petersen, Inc. in the amount of \$15,750.

Ayes – All

Announcement: Condolence

Commissioner Mathiesen sent condolences to the Cole family on their loss. Eugene Cole was assistant chief of police and his son, Chris, was chief of police for the City of Saratoga Springs.

SUPERVISORS

Matt Veitch

Saratoga County 2017 Budget

Supervisor Veitch reported the County's budget is \$297 million and does reduce spending but the County tax rate is increasing. The public hearing on the budget will be held on December 6, 2016 at 4:30 p.m. with the final vote being taken on December 14, 2016.

Home Energy Assistance Program (HEAP) 2016 – 2017

Supervisor Veitch reported applications are available and being accepted starting yesterday through March 15, 2017.

Saratoga County Open Space Grants

Supervisor Veitch reported the County awarded grants for the open space project. They allocated \$250,000 in grants to be awarded this year.

Truth in Taxation

Supervisor Veitch reported they will do the truth in taxation message to the residents. This explains to the residents where their tax money goes.

Peter Martin

Social Programs

Supervisor Martin reported they authorized the annual implementation plan for 2017 where they provide funding.

Economic Development

Supervisor Martin reported the County reappointed the Saratoga County Chamber of Commerce as their tourism promotion agency. This allows them to apply to New York for the I Love New York promotion dollars.

County Property and Casualty Insurance

Supervisor Martin reported they engaged Marshall & Sterling for another 5 years. They will create an RFP and send it out to other insurance companies. Marshall & Sterling will receive payment of \$25,000 for the first year, and \$10,000 for each year thereafter.

Airport Improvements

Supervisor Martin reported they authorized an expense of \$970,000 to be used for tarmac improvements and tie downs. Of that dollar amount, \$50,000 will be from the County and a majority will be from the feds.

ADJOURNMENT

There being no further business, Mayor Yepsen adjourned the meeting at 10:39 p.m.

Respectfully submitted,

Lisa Ribis
Clerk

Approved: 12/6/16
Vote: 5 - 0