



January 17, 2017

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

6:50 P.M. P.H. – Eminent Domain – Geyser
Road

7:00 PM

CALL TO ORDER

ROLL CALL

SALUTE TO FLAG

PUBLIC COMMENT PERIOD / 15 MINUTES

PRESENTATIONS

1. Saratoga Convention and Tourism Bureau

EXECUTIVE SESSION

CONSENT AGENDA

1. Approval of 1/3/17 City Council Meeting Minutes
2. Approval of 12/14/16 Special City Council Meeting Minutes – Affordable Housing
3. Approval of 12/29/16 City Council Meeting Minutes
4. Approve Resolution for the Use of the Insurance Reserve – 1 (2017)
5. Approve Resolution for the Use of the Insurance Reserve – 23 (2016)
6. Approve Resolution for the Use of the Insurance Reserve – 24 (2016)
7. Approve Budget Amendments – Insurance Reserve – 1
8. Approve Budget Amendments – Insurance Reserves – 23, 24
9. Approve Budget Amendments (Increases-16)
10. Approve Budget Amendments (Increases-17)
11. Approve Budget Transfers – Regular
12. Approve Payroll: 1/6/17 \$442,816.69
13. Approve Payroll: 1/13/17 \$554,448.99
14. Approve Warrant: 2016 Mid – 16MWDEC3: \$124,261.58
15. Approve Warrant: 2016 REG – 16DEC5: \$385,715.73
16. Approve Warrant: 2017 Mid - 17MWJAN1: \$424.14
17. Approve Warrant: 2017 REG – 17JAN2: \$938,440.22

MAYOR'S DEPARTMENT

1. Appointment: Alternate to Planning Board
2. Appointment: Alternate to Zoning Board of Appeals
3. Appointment: Downtown Special Assessment District Board
4. Discussion and Vote: Authorization for Mayor to Execute Property Acquisition Steps for Geyser Road Bicycle-Pedestrian Trail
5. Announcement: Update from the Governor's State of the State

6. Announcement: New Date for State of the City Address: January 30, 2017 at 6 p.m., Saratoga Springs City Center

ACCOUNTS DEPARTMENT

1. Appointment: Board of Assessment Review Member
2. Announcement: Meeting Regarding Special Events

FINANCE DEPARTMENT

1. Discussion and Vote: Bond Resolution
2. Discussion and Vote: Authorization for Commissioner of Finance to Sign Letter of Authority for Onyx to Act as Agent on Behalf of Saratoga Springs Regarding National Grid Interconnection for the Spa Solar Park
3. Discussion and Vote: Budget Transfers – Payroll
4. Discussion: Budget Policies and Procedures – Charter Review Commission

PUBLIC WORKS DEPARTMENT

1. Discussion and Vote: Authorization for Mayor to Sign Change Order with Trinity Construction, Inc. for the Adams Street Pump Station Mechanical Upgrade Project
2. Discussion and Vote: Approve to Pay Invoice – Kubricky Construction Corp.

PUBLIC SAFETY DEPARTMENT

1. Discussion and Vote: Authorization for Mayor to Sign Agreement with Wellness Farms
2. Discussion and Vote: Accept Donations
3. Announcement: SPA Housing Sponsorship

SUPERVISORS

Matthew Veitch

1. Saratoga County Organizational Meeting and Committee Assignments
2. NYS Indigent Legal Defense Bill
3. Governor's 2017 Proposal for Counties to Develop Consolidation Plans
4. Racing & Gaming Committee
5. Saratoga County Prosperity Partnership Small Business Development Workshop Series

Peter Martin

1. County Organizational Meeting
2. Equalization and Assessment
3. Social Programs
4. Senior Advisory Committee
5. County response to Momentive Strike

ADJOURN



January 17, 2017

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
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

Eminent Domain – Geyser Road

Mayor Yepsen opened the public hearing at 6:54 p.m.

Brad Birge of the Planning Department stated this relates to the Geyser Road Trail and the property acquisition for that. We are following a strict eminent domain law proceeding. Jim Deloria of RK Hite was introduced by Brad.

Jim read a prepared script into the record (attached).

Peter Faith of Greenman-Pedersen, Inc. made a presentation to the Council. He reiterated what the project is and reviewed a timeline of events. (copy of presentation attached)

Jim continued to read from the script (attached) to follow the strict eminent domain law proceeding.

Beth Seriani of 15 Magnolia Drive - daughter of Marie and Jack Pompei who reside at 11 Geyser Road presented several questions to the Council such as who is responsible for the maintenance of the trail that goes through businesses, private property, and the school; who is responsible for lawsuits that result on

the trail that goes through a business, private driveway, and parking lot. Where will the funds come from to maintain the trail?

Carl Slate of Harris Beach Law Firm is here representing Saratoga Spring Water Company. He submitted exhibits into the record. He is here in response to a notice received 5 days ago. Notice was not provided within a 10 day time period as required. The issue here is safety. The bikers will be coming down a significant grade. There are employees and large trucks that go in and out of Saratoga Spring Water.

Mayor Yepsen closed the public hearing at 7:30 p.m.

CALL TO ORDER

Mayor Yepsen called the meeting to order at 7:30 p.m.

PUBLIC COMMENT

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

Mayor Yepsen opened the public comment period at 7:31 p.m.

Pat Kane of Saratoga Springs and member of the Charter Review Commission stated the Commission has reviewed and voted in favor of their projections for their general expenses and special election. The Commission also had a lengthy discussion of a general versus special election and the timing of a special election.

Bob Turner of Saratoga Springs and chair of the Charter Review Commission stated the Commission has gotten down to drafting a new Charter. They talked about the number of members of the City Council – they feel 7 is the right number; they talked about term length – they feel 4 years is the right number; and they feel ward elections will get new blood into the City.

Mayor Yepsen closed the public comment period at 7:37 p.m.

PRESENTATION

Saratoga Convention and Tourism Bureau

Todd Garafano of the Convention and Tourism Bureau presented to the City Council. Heather McElhiney, director of the center. (copy of presentation attached)

Heather advised of some of the highlights of 2016 including carpet being replaced; new brochure rack purchased; reworked heritage displays for better space usage; phone system upgrade; increased staffing and volunteer levels; served as a venue for several community events; greeted over 2,450 motor coach passengers; and increased the number of conference room rentals and after hours event rentals. They won the Trip Advisor Award of Excellence. They have over 10,000 contacts in their database and built their social media presence.

Todd showed pictures of how the Visitor Center looks now with the new carpet, new brochure racks, and the flat screen televisions which continually scroll events.

Heather shared some of their goals for 2017.

CONSENT AGENDA

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

1. Approval of 1/3/17 City Council Meeting Minutes
2. Approval of 12/14/16 Special City Council Meeting Minutes – Affordable Housing
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4. Approve Resolution for the Use of the Insurance Reserve – 1 (2017)
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Ayes – All

MAYOR'S DEPARTMENT

Appointment: Alternate to Planning Board

Mayor Yepsen appointed Abby Wolfson to be the alternate for the Planning Board. She will serve a 2 year term.

Appointment: Alternate to Zoning Board of Appeals

Mayor Yepsen re-appointed Oksana Ludd to be the alternate for the Zoning Board of Appeals for a 2 year term.

Appointment: Downtown Special Assessment District Board

Mayor Yepsen appointed Amy Smith to the Downtown Special Assessment District Board.

Discussion and Vote: Authorization for Mayor to Execute Property Acquisition Steps for Geyser Road Bicycle-Pedestrian Trail (17-008)

Mayor Yepsen moved and Commissioner Mathiesen seconded to authorize the mayor to execute property acquisition steps for Geyser Road bicycle-pedestrian trail.

Ayes - All

Announcement: Update from the Governor's State of the State

Mayor Yepsen announced the governor emphasized the reduction of property tax; he announced the proposal of \$200 million for the largest multi-use trail system in the U.S.; he is focusing on bringing international tourism with this trail; he is in favor of the ride-share program in upstate; he is investing in infrastructure; he is proposing college free tuition for state schools; he is proposing doubling the state credit for child care; and he is proposing a state review board to help cap the cost of drugs in New York.

Announcement: New Date for State of the City Address: January 30, 2017 at 6 p.m., Saratoga Springs City Center

Mayor Yepsen announced the State of the City Address has been moved to January 30, 2017 at 6 p.m. at the Saratoga Springs City Center.

ACCOUNTS DEPARTMENT

Appointment: Board of Assessment Review Member

Commissioner Franck re-appointed Jim Martinez to the Board of Assessment Review for a 5 year term. Jim was originally appointed in 2012 to the board – this will be his 2nd term. His appointment is effective immediately and will end September 2021.

Announcement: Meeting Regarding Special Events

Commissioner Franck announced that a meeting has been scheduled for Wednesday, February 8th at the Holiday Inn from 5:30 – 6:30 p.m. regarding special events. There will be a panel to discuss the changes in the application and describe the City's involvement in special events; and to take questions from the various organizations.

Maire Masterson stated the change made to the application is the time filing. She thanked the Chamber, Department of Public Safety, and the IT Department for all their help with this.

FINANCE DEPARTMENT

Discussion and Vote: Bond Resolution (17-009)

Commissioner Madigan advised the amount is \$6,116,574 and includes all items in the 2017 capital budget that require bonding with the exception of the Canfield Casino. It also includes amount for the Greenbelt Trail connector.

Commissioner Madigan moved and Commissioner Scirocco seconded to approve the 2017 bond resolution as distributed with the agenda.

Roll Call:

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

Discussion and Vote: Authorization for Commissioner of Finance to Sign Letter of Authority for Onyx to Act as Agent on Behalf of Saratoga Springs Regarding National Grid Interconnection for the Spa Solar Park (17-010)

Commissioner Madigan stated the City voted to assign our power purchase agreement to Onyx as a result of SunEdison going bankrupt. National Grid is requiring the letter of authority from the City for Onyx to act as our agent. Today we received DEC post closure permit for the solar park.

Commissioner Madigan moved and Commissioner Franck seconded to approve the Commissioner of Finance's signature on the letter of authority for Onyx to act as agent on behalf of the Saratoga Springs National Grid Interconnection for the Spa Solar Park as distributed with the agenda.

Ayes - All

Discussion and Vote: Budget Transfers – Payroll (17-011)

Commissioner Madigan moved and Commissioner Scirocco seconded to approve the 2017 budget transfers – payroll which were distributed with the agenda.

Ayes – All

Discussion: Budget Policies and Procedures – Charter Review Commission

Commissioner Madigan stated the Charter Review Commission does not have a budget at this time. The 2016 budget was closed with an amount remaining of \$16,600. No additional funds requests were made by the Mayor's Department or the Charter Commission during the 2017 budget season. The City has the ability to appropriate funds as necessary to defray Commission expenses. A budget amendment can be submitted to amend the City's 2017 budget. To date nothing has been received. The Charter Commission needs an amendment and appropriation and should not be expending funds until that has been put in place.

Commissioner Scirocco stated it appears most of the information they have received to date has been coming from the newspapers. He is concerned about the tax payer dollars that are going to be spent.

Commissioner Madigan stated at this point she is mostly concerned with funding.

Mayor Yepsen stated as soon as she received the budget from the Commission she forwarded it to the Council. She hoped each member of the Council who wanted to meet with the Commission to learn more would do so.

Bob Turner, chair of the Commission stated the rules are spelled out in the memo Tony Izzo sent to the Council.

Commissioner Franck asked if a survey was done to the general residents of Saratoga Springs.

Bob Turner advised they did not survey the residents. They did surveys about why candidates do or don't run for office under the commission form of government versus other forms of government. Only 23% felt they could serve under the commission form of government.

Commissioner Franck stated what it comes down to a budget has been sent and he wants to know when the 45 day clock starts.

Tony Izzo stated it is in the memo he sent the Council. City officials have 45 days from their request to provide the sum to defray expenses. If that is not done within the 45 days, after 45 days, the mayor can certify the amount or any amount up to that amount and that amount becomes a charge upon the City by law. There is not a lot of good solid law on this.

Commissioner Franck asked what constitutes a request?

Tony Izzo stated there is not a lot of rules on that.

Mayor Yepsen stated she asked the Commission to forward their request so that is their request.

Commissioner Franck confirmed the 45 days started when they sent their budget to the mayor.

Commissioner Madigan stated we have a problem, liability is being incurred on behalf of the taxpayer and there is no appropriation.

Tony Izzo stated they did submit a request for funds.

Commissioner Franck stated they have to vote at a meeting. When did the 45 days start?

Tony Izzo stated the 45 days started when they made their request.

Commissioner Franck asked if they need to follow the City's Purchasing Policy?

Tony Izzo stated the Commission probably has more flexibility to hire people than the City does.

Commissioner Franck stated a vote has to be taken as Commissioner Madigan can't move the funds without it.

Commissioner Madigan stated a request from the Charter Commission is not enough to let her move the money.

Mayor Yepsen suggested they hold a special City Council meeting and put on the agenda a budget transfer.

Commissioner Madigan advised the mayor she needs to forward a budget transfer request to get this rolling.

Commissioner Franck stated the question is if it is reasonable to spend \$37,000 on a special election.

Bob Turner stated the Charter will not get the news attention that the general election will get.

Commissioner Franck stated he is not going to support spending \$37,000 for 1/3 of the people to show up. A document hasn't even been written.

Bob Turner stated their time table is to be done drafting it mid February.

Commissioner Madigan stated she too does not see expending funds for a special election. Nothing has been vetted. This deserves to have the most voters come out to vote.

Commissioner Mathiesen stated there is a problem with objectivity as this proposal deals with the elimination of all 5 of these positions. How objective can this Council be?

Commissioner Madigan stated \$37,000 is a lot of money when it comes to taxpayer money.

PUBLIC WORKS DEPARTMENT

Discussion and Vote: Authorization for Mayor to Sign Change Order with Trinity Construction, Inc. for the Adams Street Pump Station Mechanical Upgrade Project (17-012)

Commissioner Scirocco stated this change order is for items uncovered during work and not known previously. This change order will include: changes to the configuration, additional concrete work in the wet well; additional days of bypass pumping; and extension of contract times.

Commissioner Scirocco moved and Commissioner Franck seconded to authorize the mayor to sign change order #1 with Trinity Construction, Inc. for the Adams Street Pump Station Mechanical Upgrade Project in the amount of \$12,560.96.

Ayes - All

Discussion and Vote: Approve to Pay Invoice – Kubricky Construction Corp. (17-013)

Commissioner Scirocco stated they received many complaints in December regarding flooding on Bolster Lane. DPW order equipment from Kubricky Construction to mill and pave that road to eliminate the flooding issues.

Commissioner Scirocco moved and Commissioner Madigan seconded to approve the payment of invoice to Kubricky Construction Corp. in the amount of \$3,792.50.

Ayes - All

PUBLIC SAFETY DEPARTMENT

Discussion and Vote: Authorization for Mayor to Sign Agreement with Wellness Farms (17-014)

Commissioner Mathiesen stated this is to provide boarding for the police horses. They will pay \$600 per month and is a 2 year agreement ending December 31, 2018.

Commissioner Mathiesen moved and Commissioner Franck seconded to authorize the mayor to sign the agreement with Wellness Farms.

Ayes - All

Discussion and Vote: Accept Donations (17-015)

Commissioner Mathiesen advised they received 3 donations: \$840 for a bullet proof canine vest, a donation of \$100 to the Fire Department from Steven and Lorraine Johnson, and \$100 from Robert and Marsha Metzger to help establish a crosswalk sign in the memory of Susan Morehouse.

Commissioner Mathiesen moved and Commissioner Madigan seconded to accept the donations in the amount of \$1,040.

Ayes - All

Announcement: SPA Housing Sponsorship

Commissioner Mathiesen announced he is taking over the sponsorship of the SPA Housing Ordinance from Sustainable Saratoga. They will set a public hearing in the future.

Commissioner Mathiesen moved and Commissioner Madigan seconded to add an agenda item to his agenda regarding the Union Avenue parcel determination.

Ayes - All

Announcement: Union Avenue Parcel Determination

Commissioner Mathiesen advised there has been an attorney general determination made regarding the sale of the parcel on Union Avenue. We may be able to make other arrangements from here.

SUPERVISORS

Matthew Veitch

Supervisor Veitch stated the County did vote today to re-award the \$100,000 to the City for the Pitney Farm.

Saratoga County Organizational Meeting and Committee Assignments

Supervisor Veitch reported Ed Kinowski was elected as the chair of the board and John Collier as vice-chair. He has been appointed to the Racing and Gaming Committee (chair), Equalization and Assessment Committee, Veteran's Committee, Law and Finance Committee, Saratoga Casino and Hotel Foundation, NYRA Local Advisory Board, Saratoga County Capital Resource Corporation, Saratoga County Prosperity Partnership, Vice-Chair of NYSAC Public Safety Committee, Telecommunications and Technology Steering Committee, Saratoga County Law Library Board, and Chair of the Open Space Committee at the City.

NYS Indigent Legal Defense Bill

Supervisor Veitch reported this is also called the Public Defense Mandate Relief Act. This is a state mandate cost.

Governor's 2017 Proposal for Counties to Develop Consolidation Plans

Supervisor Veitch reported counties have to coordinate services. The tax payers will be voting on these items as a referendum in November.

Racing & Gaming Committee

Supervisor Veitch reported he has been appointed as chair to this committee. There was a public hearing at the senate racing committee. The governor's plan includes the re-privatization of NYRA. The racetrack has the highest overall paid attendance of all New York State sports venues.

Saratoga County Prosperity Partnership Small Business Development Workshop Series

Supervisor Veitch reported stated this is a new program this year.

Peter Martin

County Organizational Meeting

Supervisor Martin reported the County chose the Saratogian and Daily Gazette and their official newspapers. He was appointed to Equalization and Assessments, Public Health, Social Programs, and Racing and Gaming.

Equalization and Assessment

Supervisor Martin reported they set the date and time to the first quarter auction. There are close to 100 properties on the list at this time.

Social Programs

Supervisor Martin reported they authorized payment for a software program for pre-school special education. They renewed for 1 year with a 1 year option the lease agreement for the Capital District Youth Center for incarceration of violent youths. This is next to the Albany County prison.

Senior Advisory Committee

Supervisor Martin reported they put together an action plan for the year including increasing mobility for an age friendly community, advocate for seniors through county, state, and federal government officials, and reach out to the homebound.

County response to Momentive Strike

Supervisor Martin reported the Sheriff's Department has provided deputies at the strike site since November 2, 2016. This was all overtime. The sheriff sent a letter to the officials at Momentive stating he is pulling deputies off the strike site.

ADJOURNMENT

There being no further business, Mayor Yepsen adjourned the meeting at 9:38 p.m.

Respectfully submitted,

Lisa Ribis
Clerk

Approved:
Vote:

DRAFT