



February 15, 2022

CITY OF SARATOGA SPRINGS
City Council Meeting
474 Broadway
7:00 PM

P.H. – 6:30 PM – Amend Chapter 136 –
Outdoor Dining

P.H. – 6:35 PM – Civilian Review Board

P.H. – 6:50 PM – Weibel Avenue PUD
Amendment

P.H. – 6:55 PM – Saratoga Downtown
Connector

7:00 PM

CALL TO ORDER

ROLL CALL

SALUTE TO FLAG

PUBLIC COMMENT PERIOD / 15 MINUTES

PRESENTATION(s)

1. Black History Exhibit at Brookside Museum
2. Participatory Budgeting

CONSENT AGENDA

1. Approval of 1/31/2022 Pre-Agenda Meeting Minutes
2. Approval of 2/1/2022 City Council Meeting Minutes
3. Budget Transfers - Regular
4. Budget Amendments – Insurance
5. Budget Amendments – Regular (Decreases)
6. Budget Amendments – Regular (Increases)
7. Approve Payroll 2/4/2022 \$462,422.12
8. Approve Payroll 2/11/2022 \$794,462.65
9. Approve Mid-Warrant 2021 21MWDE10 \$5,121.14
10. Approve Warrant 2021 21DEC6 \$295,907.30
11. Approve Mid-Warrant 2022 22MWJAN4 \$3,174.00
12. Approve Mid-Warrant 2022 22MWFEB1 \$49,593.34
13. Approve Warrant 2022 22FEB2 \$1,194,053.78

MAYOR'S DEPARTMENT

1. Announcement: CDBG CARES Block Grant
2. Announcement: Date of State of the City Address
3. Announcement: Feasibility Study Re: Expansion of Spa State Park
4. Announcement: Mayor Has Received Petition by Citizens to Impel an Impartial Investigation into the Injury Suffered by Darryl Mount on 8/31/13
5. Announcement: Infrastructure Committee

6. Appointment: Saratoga Casino Hotel Foundation
7. Appointment: Interim City Attorney
8. Discussion and Vote: Resolution Re: Interim City Attorney
9. Discussion and Vote: Authorization for Mayor to Sign Memorandum of Understanding for CDTA Bike Share Program
10. Discussion and Vote: Authorization for Mayor to Sign Occupational Medicine Services Agreement with the Saratoga Hospital
11. Discussion and Vote: Authorization for the Mayor to Sign the Co-Sponsor Pickleball Workshop Agreement with Kenneth Henderson
12. Discussion and Vote: Authorization for the Mayor to Sign the Co-Sponsor Bowling Agreement with Saratoga Strike Zone

ACCOUNTS DEPARTMENT

1. Announcement: Extension of Outdoor Dining
2. Announcement: COVID-19 Update and Planned City Activities
3. Discussion and Vote: Mask Mandate
4. Discussion and Vote: Application for New York State Film Tax Credit
5. Announcement: Upgrade of Basic STAR Exemption to Enhanced STAR Exemption

FINANCE DEPARTMENT

1. Update: Finance Department
2. Announcement: 2022 Bond Refunding Postponed
3. Announcement: 2021 4th Quarter Financial Report
4. Discussion and Vote: Authorization for Mayor to Sign Agreement with Carousel Industries for City Telephone Maintenance
5. Discussion and Vote: Budget Transfers – Benefits
6. Discussion and Vote: Budget Transfers – Payroll

PUBLIC WORKS DEPARTMENT

1. Discussion and Vote: Authorization for Mayor to Sign Contract with Kubricky Construction Corp. for Pavement Services
2. Discussion and Vote: Approval to Pay Invoice #16909 to BPI in the Amount of \$3,933.28

PUBLIC SAFETY DEPARTMENT

1. Discussion and Vote: Approve Payment of Invoice to Terracon in the Amount of \$22,200.00
2. Discussion and Vote: Approve 2021 Invoice to BPI in the Amount of \$7,492.50 for Emergency Service
3. Discussion and Vote: Approve 2022 Invoice to BPI in the Amount of \$4,455.00 for Emergency Service
4. Discussion and Vote: Authorization for Mayor to Sign Contracts with Matt's of Saratoga and Towaway Towing for Towing Services
5. Discussion and Vote: Resolution Authorizing the Mayor to Write Governor Hochul Requesting an Executive Order Authorizing the Attorney General to Conduct a Grand Jury Investigation Pursuant to CPL Article 90 into the Circumstances Surrounding the Death of Darryl Mount, Including an Investigation of Potential Misconduct on the Part of Public Officers in the Period Following the Events of August 31, 2013
6. Announcement: The Draft Report on the Circumstances Surrounding the Death of Darryl Mount has Been Prepared and is Available on the City's Website
7. Announcement: Maintenance After Snow/Ice Events Per City Code 203-26

SUPERVISORS

Matt Veitch

1. Infrastructure Committee Appointment
2. Saratoga County Airport Public Hearing
3. NACo Legislative Conference Report
4. Not for Profit Grant Program

Tara Gaston

1. COVID-19 Update
2. Infrastructure Committee Assignment
3. NACo Conference

ADJOURN



February 15, 2022

CITY OF SARATOGA SPRINGS
City Council Meeting
474 Broadway
7:00 PM

PRESENT: Ron Kim, Mayor
Minita Sanghvi, Commissioner of Finance
Dillon Moran, Commissioner of Accounts
Jim Montagnino, Commissioner of DPS

STAFF PRESENT: Angela Rella, Deputy Mayor
Heather Crocker, Deputy Commissioner, Finance
Stacy Connors, Deputy Commissioner, Accounts
Joe O'Neill, Deputy Commissioner, DPW

Matthew Veitch, Supervisor
Tara Gaston, Supervisor

EXCUSED: Anthony Scirocco, Commissioner of DPW
Jason Tetu, Deputy Commissioner, DPS

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 136 – Outdoor Dining

Mayor Kim opened the public comment period at 6:34 p.m.

Commissioner Moran stated that the temporary outdoor dining program will stay the same as it has been except for the duration. The intent is to extend outdoor dining for three years and to give the businesses assurances about the program, and at the same time bring formality. The City is coordinating with the county for the movement of the blocks (road barriers). The extension could also expand the program for more businesses throughout the community. There has been

one (1) Zoom session with the business community and the intent is to continue to get input on this topic.

Chris Mathiesen of Saratoga Springs expressed his support of the Outdoor Dining Program, and it is his hope that the program would extend beyond the proposed three years. Mathiesen congratulated both former Commissioner Franck and Commissioner Moran on this endeavor.

Mayor Kim concluded the public hearing at 6:37 p.m. and left it open.

Civilian Review Board

Mayor Kim opened the public comment period at 6:37 p.m.

Mayor Kim provided background information that the first public hearing on the CRB was in January 2022, and this hearing is in regards to any public comments on the Police Reform Task Force and the Civilian Review Board.

Commissioner Montagnino asked for this to be carried over to the next City Council meeting as they are working on a draft.

Chris Mathiesen of Saratoga Springs (former Commissioner of DPS) stated while he was in office, a CRB was looked into during the Darryl Mount incident. Mathiesen expressed he felt it worked well in some communities and not in others. Mathiesen stated his office established an advisory committee of individuals from various aspects of Saratoga Springs. The committee was not used a lot. He adds that if one is developed, he advises it should be a balanced committee.

Commissioner Sanghvi asked Chris Mathiesen if his committee had a name.

Chris Mathiesen advised he doesn't remember if they had a name. He and Chief Veitch came up with a list of people.

Angela Kaufman of Stolen Land stated she hopes the prior comment is what the future civilian review board will avoid. That is, if a small group of people claims that they couldn't identify a problem, then a problem doesn't exist.

Mayor Kim concluded the public hearing at 6:41 p.m. and left it open.

Weibel Avenue PUD

Mayor Kim opened the public comment period at 6:50 p.m.

No one spoke.

Mayor Kim concluded the public hearing at 6:55 p.m. and left it open.

Saratoga Downtown Connector

Mayor Kim opened the public comment period at 6:55 p.m.

Chris Mathiesen asked for a description of the Saratoga Downtown Connector. Mayor Kim explained it is an extension of a multi-use trail that has been developed that will start, virtually outside City Hall, extending up Excelsior Avenue through Excelsior Park to Exit 15. Mayor Kim expressed it will enhance those living in that area of the city.

Mayor Kim closed the public hearing at 6:58 p.m.

CALL TO ORDER

Mayor Kim called the meeting to order at 7:00 p.m.

PRESENTATION

Black History Exhibit at Brookside Museum

Mayor Kim moved this presentation up as the presenter has another engagement and is pressed for time.

Field Horne, president of the Brookside Museum, gave a presentation about Black Experiences in Saratoga County, 1750-1950” an exhibit featured at the museum. The exhibit features the diversity and human stories of black Americans living in Saratoga County during the 19th and mid-twentieth centuries.

Briefly detailed were topics and stories of local black Americans that represented 3% of Saratoga County during the period represented in the exhibit, and ranged from John Mercer Langston’s personal journey of being denied admission to a Ballston Spa law school to becoming the founding dean at Howard University. Mr. Horne also cited the stories of Solomon Northrup, Frederick Douglass, Peter Francis, Francis Johnson, T.H. Sands Pennington, and Hattie. The exhibit is open Thursday through Sunday.

PUBLIC COMMENT

Mayor Kim advised the audience that each person has two (2) minutes to speak, that those minutes are yours and yours alone. He reminds everyone that we are a community; be kind, be factual and accurate. Council members may respond to questions if they choose. The mayor asked all commenters to state their name and address.

Mayor Kim opened the public comment period at 7:10 p.m.

Chris Mathiesen of Saratoga Springs stated the report issued by Commissioner of Public Safety Montagnino regarding Darryl Mount reaches the same conclusion that his department did when Mr. Mathiesen was Commissioner of Public Safety, which is that the police did nothing wrong the night of the Darryl Mount incident. Mathiesen stated Commissioner Montagnino stated his report was the first report produced. Mathiesen claims that is not true and a report on the summary of findings was issued on June 20th, 2014, which included the summary of the findings of the comprehensive investigation done by the police, as well as volumes of supporting documents and videos.

Mathiesen stated there was a criminal investigation, a comprehensive investigation, and an investigation by the City's liability insurance carrier.

Mathiesen stated there was no deception on his department's part in the matter. Mathiesen states that Chief (Gregory) Veitch handled the case well and there is no requirement for a formal internal investigation when the only witness claiming police wrongdoing is conclusively lying. Mathiesen stated he hopes the Council votes in favor of item #5 on the Public Safety agenda, as he wants his name cleared.

D's Nuts, also known as Prez of Saratoga Springs, stated he is an audio video engineer and asks the Council if they know who he is and states that he knows a lot of prominent Saratogians. Prez expressed that he believes in the truth, and is in attendance to warn the Council that he has evidence regarding Darryl Mount and will go to the press.

Angela Kaufman of Stolen Land in Saratoga stated that the museum exhibit appreciates the human side of black people in Saratoga, but there is another side which is that black history is now, today, and what happened on July 14th. Kaufman expressed going to a museum is fine and good and makes people feel safe, but it is more important to pay attention to what is happening now and continues to happen. Kaufman makes the comment that charges against Lexis Figuereo should be dropped.

Chris Mathiesen of Saratoga Springs (former Commissioner Mathiesen's son) stated he does not want to spend too much time on Commissioner Montagnino's report; he does not find too much fault with it, but then reads the passage where it states there was no physical assault and that is what everyone has been seeking answers to the past eight (8) years. Mathiesen stated that during Commissioner Montagnino's campaign for office he established himself as an authority on the Mount case. Mathiesen questioned why Commissioner Montagnino did not share the answers he had regarding the Darryl Mount case sooner.

Lexis Figuero of Saratoga Springs referenced the report by Commissioner Montagnino, and stated he had figured out what Commissioner Montagnino's opinion was regarding what happened to Darryl Mount prior to this report. Figuero stated he too has read the documents and has figured out what happened to Darryl Mount, since this has been going on in the city for over eight (8) years. Figuero stated a lot of people in the community believe the cops in Saratoga Springs did do harm to Darryl Mount. Figuero stated that there are others in the community that think Darryl Mount caused his own death. Mr. Figuero referenced the medical examination of Darryl Mount. Figuero stated he looks to Governor Hochul to issue an executive order for the NYS Attorney General's Office to be involved in an independent investigation of this case.

Molly Dunn of Saratoga Springs stated that a number of FOIL requests for officers' disciplinary records were completely ignored by the prior administration. Some of the records requested were of police officers involved in the Darryl Mount case, including Officer Benware. She would like to get those records.

Commissioner Montagnino asked Dunn to contact his office and get the FOIL requests directly to him.

Mayor Kim closed the public comment period at 7:30 p.m.

PRESENTATION

Participatory Budgeting

Commissioner Sanghvi stated she held a public forum last Monday. This is an exploratory phase to make the City's budget more inclusive through community outreach. Participatory Budgeting allows city residents and organizations to identify, discuss, and prioritize public spending projects to decide how to allocate part of a municipality's budget. Olivia Kupiec and Marie Bideiwy, both of Skidmore College worked on this presentation (attached).

Kupiec stated this is a different process from the traditional budgetary process as it is interactive. People in the community can directly suggest how the funds can be spent in their community.

Bideiwy stated there are five stages to participatory budgeting. These stages include designing the process; idea generation; vetting the ideas; project recommendations; and presentation to the City Council. She provided a list of cities that participate in participatory budgeting.

Kupiec stated Vellejo, California is the first place where this was done citywide. Vellejo allows their residents to be engaged at every step of this process.

Bideiwy stated there are many advantages with participatory budgeting including generating enthusiasm for civic engagement, raising awareness of government challenges, and helping to better understand what constituents want.

Kupiec stated there a few challenges with the participatory budgeting process. It can be time consuming and expensive and the municipality needs staff to implement.

Commissioner Moran asked if there is a general amount of money allocated each year for participatory budgeting.

Commissioner Sanghvi and Ms. Bideiwy stated some cities budget millions of dollars per year and others budget \$100,000.

SUPERVISORS

Matthew Veitch

Infrastructure Committee Appointment

Supervisor Veitch reported he is appointing Jason Tepper to the Infrastructure Committee.

Saratoga County Airport Public Hearing

Supervisor Veitch reported that the County is in the process of a lease agreement for Saratoga County Airport with North American Flight Services, which is the current operator of the airport. The company currently holds two (2) lease agreements on the property referred to as east lease and west lease, and the county is looking to consolidate those leases.

Supervisor Veitch stated that a public hearing on the lease agreement was held last week because the flight service company plans to build a new hanger building at their expense that will cost several million dollars. With such an investment, it would benefit the company to have a longer-term lease at the airport. Supervisor Veitch will advise the City Council if the new contract triggers another public hearing.

NACo Legislative Conference Report

Supervisor Veitch reported on the 2022 National Association of Counties Conference, which he attended virtual and is still ongoing.

Supervisor Veitch serves on the Community Economic and Workforce Development Committee at NACo. There were three (3) resolutions: 1) urging the federal government to help increase African-American home-ownership. 2) enacting a Creative Economy Revitalization Act; and 3) preserving funding for housing and urban development funding, which includes CBGE funding.

Supervisor Veitch serves as vice-chair of the International Economic Development Task Force at NACo. Foreign opportunities were discussed at the NACo that could benefit Saratoga County.

The staff of the embassies of China, Australia, and India were there to share how they viewed their countries' economic relationships with the United States and local counties.

Supervisor Veitch also serves on the IT Standing Committee. Supervisor Veitch states Saratoga County is part of the Northeast Regional Caucus where he met yesterday, and today the Supervisor was part of a briefing with congressional representatives regarding the ARPA funding.

Not For Profit Grant Program

Supervisor Veitch reported Saratoga County has a \$2 million dollar COVID relief fund for not-for profit organizations. The application process is currently active. For those organizations to apply the application is on the county's website SaratogaCountyNy.gov/covidfund. The goal is to disburse the money during the second quarter of the year.

Tara Gaston

COVID-19 Update

Supervisor Gaston stated that all the metrics to measure COVID-19 indicate that the situation is rapidly improving for Saratoga County. The seven (7) day rolling average for positivity is 5.8% with only 28 residents hospitalized. 22 of the 28 people hospitalized are not up-to-date on their vaccination. Supervisor Gaston stated these numbers continue to show the benefit of being fully vaccinated and boosted if you are eligible. The CDC considers Saratoga County a high-risk area for contracting COVID-19, because there have been 550 new cases in the last seven (7) days.

Supervisor Gaston stated that since the positivity rate is still high for Saratoga County, facemasks continue to be recommended and boosters as soon as a person is eligible. Rapid tests are readily available locally through the city and county.

Infrastructure Committee Assignment

Supervisor Gaston reported she is appointing Erin Maciel to the Infrastructure Committee.

NACo Conference

Supervisor Gaston stated she has been attending the National Association of Counties, and sat in on a Resiliency Forum. Topics discussed at the resiliency forum included disaster resiliency and making government more responsive to disaster. Supervisor Gaston will share a report received from that forum. Supervisor Gaston additionally sat for the CIO Forum, which discussed the securities and concerns with IT and effects on local governments.

Supervisor Gaston stated that priority issues were securing funds and resources and making sure farming resiliency and agriculture would continue to be important parts of federal actions because of the large part they play in the community.

Supervisor Gaston stated that on Thursday, February 17, 2022 from 5:30 PM to 7:30 PM, she will be holding a short-term rental forum at the City Center for public comments and concerns.

Supervisor Gaston thanked Commissioner Sanghvi for exploring participatory budgeting and stated her support for the initiative as a great way to get people invested in government.

CONSENT AGENDA

Commissioner Moran moved and Mayor Kim seconded to remove items 1 (Approval of 1/31/2022 Pre-Agenda Meeting Minutes & 2 (Approval of 2/1/2022 City Council Meeting Minutes) from the Consent Agenda. (22-056)

Ayes – All

Mayor Kim clarified the Council is removing items 1 & 2 from the Consent Agenda and the Council is voting on items 3 – 13.

Commissioner Sanghvi moved and Commissioner Moran seconded to approve the consent agenda for items 3 – 13.

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13. Approve Warrant 2022 22FEB2 \$1,194,053.78

Ayes – All

MAYOR'S DEPARTMENT

1. Announcement: CDBG CARES Block Grant

Mayor Kim announced the City received notice that the City will be receiving \$250,000 from the Community Development Block Grant, known as CDBG CARES Block Grant. The grant is to

help small businesses prepare, prevent, and respond to the impacts by COVID-19 or future pandemics. Mayor Kim stated the City is at the beginning stages of opening up the application processes. Additional information will be on the website when available.

2. Announcement: Date of State of the City Address

Mayor Kim announced that the State of the City is planning to be held the week of March 7th pending the confirmation of a site and special guest.

3. Announcement: Feasibility Study Re: Expansion of Spa State Park

Mayor Kim thanked community members and specifically Billy McTygue and Gordon Boyd for coming forward with their ideas. Mayor Kim expressed that it is a pivotal moment for the nation, state, and city with historic resources from the federal government earmarked for infrastructure, climate mitigation, and land preservation. Mayor Kim stated it is the ideal time for our community to think big. A letter will be sent to Governor Hochul urging her to establish a feasibility study to extend the southern end of the Spa State Park to expand the preservation of wetlands and recreation space.

4. Announcement: Mayor Has Received Petition by Citizens to Impel an Impartial Investigation into the Injury Suffered by Darryl Mount on 8/31/13

Mayor Kim announced that a petition was received by the Mayor's office and submitted to the City Clerk's office. The petition is signed by approximately sixty (60) citizens of Saratoga Springs to impel an impartial investigation into the injuries suffered by Darryl Mount on 8/31/2013.

Commissioner Moran stated that the City Clerk's Office is in receipt of the petition.

5. Announcement: Infrastructure Committee

Mayor Kim announced the members of the Infrastructure Committee: Joanne Yepsen as chair, Jason Tepper, Carol Obloy, Daniel Ratiker, Erin Maciel, Mike Sharp, Amy Ryan, and Laura Faulk.

6. Appointment: Saratoga Casino Hotel Foundation

Mayor Kim announced that it is traditional for the Mayor of Saratoga Springs to sit on the Saratoga Casino Hotel Foundation. Mayor Kim appointed himself.

7. Appointment: Interim City Attorney

Mayor Kim appointed Tony Izzo as the interim City Attorney.

Tony Izzo stated 36 years ago this Friday he was appointed temporary acting City Attorney by Mayor Ellsworth Jones. He stated this is a great honor and thanked the Council.

8. Discussion and Vote: Resolution Re: Interim City Attorney (22-057)

Mayor Kim stated this applies to hours and compensation. Mayor Kim read the addition of item #7 of the resolution into the record as follows: “Construction with Previous Resolutions: If any person appointed as Interim City Attorney under this Resolution shall have previously served as Assistant City Attorney under a prior resolution of this Council, and shall have qualified for benefits as a retiree under the terms of that prior resolution, said benefits shall continue and shall not be affected or superseded by this Resolution.”

Mayor Kim requests a change to Paragraph 4A to change language to read “may” instead of “shall.”

The resolution reads as follows:

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

INTERIM CITY ATTORNEY

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

It is the intent of this resolution to establish terms, compensation, and benefits for the Interim City Attorney of the City of Saratoga Springs. This resolution shall supersede all prior resolutions, contracts, and Council actions affecting terms, compensation, and benefits for the City Attorney. Nothing in this resolution shall be construed to create an employment agreement nor alter the “at-will” status of the appointed Interim City Attorney.

WHEREAS, Title 8 of the City Charter entitled LEGAL MATTERS, Section 8.1 City Attorney states “There shall be a City Attorney who shall report to the Council regarding all legal matters affecting the City. The Mayor shall appoint the City Attorney, and the Council shall establish his or her compensation. The City Attorney shall serve as general legal advisor and shall be responsible for providing legal services and guidance to the City and all its departments and entities. The City Attorney shall maintain regular and updated records and shall report to the Council on the progress of all legal matters conducted by or on behalf of the City, as required.”; and

- WHEREAS, The Interim City Attorney provides legal services including but not limited to:
1. Legal services and advice for the benefit of the City Council, Mayor, Commissioners, and City departments;
 2. Attendance at regularly scheduled City Council meetings and such other meetings, as determined by the City Council or Council members;
 3. Service as the Chief Information Officer for the City for all FOIL requests;
 4. Service on various committees in accordance with the City Charter, City ordinances, Council Resolution(s), or as requested by City Council or Council member(s);
 5. General supervision of all legal matters conducted by or on behalf of the City in conjunction with the Mayor’s office and staff;

6. Maintaining records for all legal matters; and
7. Other tasks in connection with the position Interim City Attorney as may be requested by the Mayor or Commissioners.

NOW THEREFORE BE IT RESOLVED as follows:

1. Term: This resolution shall take effect immediately upon City Council approval and continue for six (6) months.
2. Standard Workweek: The Interim City Attorney's standard workweek shall be no less than twenty (20) and no more than twenty nine (29) hours per week. The Interim City Attorney shall not be entitled to overtime or compensatory compensation. The Interim City Attorney shall provide legal services under the supervision of the Mayor's office.
3. Compensation: The base salary for the Interim City Attorney shall be One Thousand Eight Hundred Dollars (\$1,800.00) per week.
4. The Interim City Attorney shall be an employee of the City of Saratoga Springs, and receive benefits attended thereto, including:
 - a. Retirement: The Interim City Attorney may be covered by the New York State Employee's Retirement System known as 75i of the New York State Retirement Law.
 - b. Health Insurance: The Interim City Attorney 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 Interim City Attorney of ten percent (10%) of the total cost of his or her health insurance plan, not to exceed Seven Hundred Fifty Dollars (\$750.00) per year. The City shall provide the plan to the Interim City Attorney, and his or her 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:
 - (i) 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);
 - (ii) 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
 - (iii) 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 the Interim City Attorney, 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 Interim City Attorney may elect not to participate in a plan of medical and health insurance benefits provided under this resolution and such Interim City Attorney shall be eligible to receive a payment of Twenty Two Hundred Dollars (\$2,200.00) for single coverage, Twenty Five Hundred Dollars (\$2,500.00) for two (2) person coverage, or Three Thousand Dollars (\$3,000.00) for family coverage per calendar year. The Interim City Attorney shall not be eligible to receive such payment unless the Interim City Attorney shall have provided proof to the Human Resources Office that the Interim City Attorney and such Interim City Attorney's eligible dependents are covered by a comparable plan of medical and health insurance benefits for the entire year that the Interim City Attorney elected not to be covered by a plan provided by the City. Payments shall be made on December 15th 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 Human Resources Specialist in the Human Resources Office in charge of City provided benefits pursuant to the regulations of the plan in effect together with evidence of coverage of the Interim City Attorney and the Interim City Attorney's eligible dependents under a comparable plan of medical and health insurance benefits. The Interim City Attorney must promptly notify the City of termination of alternative medical and health insurance benefits. In the event that the Interim City Attorney reenrolls in a health insurance program, the Interim City Attorney shall be permitted to a prorated portion of the payment of Twenty Two Hundred Dollars (\$2,200.00) for single coverage, Twenty Five Hundred Dollars (\$2,500.00) for two (2) person coverage, or Three Thousand Dollars (\$3,000.00) for family coverage, but shall not be permitted to again opt-out of the insurance program during the calendar year.

- c. Vision: The City agrees to pay one hundred percent (100%) of the cost of the Employee Benefit Fund Vision Plan Platinum 12 for the Interim City Attorney and his/her dependents.
- d. Disability: New York State Disability Insurance shall be offered to the Interim City Attorney.
- e. Life Insurance: The City shall provide group term life insurance for the City in the amount of Five Thousand Dollars (\$5,000.00) while he/she is employed by the City of Saratoga Springs.
- f. Dental: The City agrees to provide dental plan(s), within ninety (90) days of the passage of this Resolution, which the Interim City Attorney may participate in, at the sole expense of the Interim City Attorney.

5. Liability Insurance: The City agrees to hold the Interim City Attorney harmless from professional liability or loss sustained by or from any causes of action, suit, debts, dues, accounts, judgments, proceedings, claims, and demands whatsoever which may be commenced against the Interim City Attorney alleging acts or omissions by him/her while acting in his/her capacity as Interim City Attorney on behalf of the City Council. The City shall provide the Interim City Attorney while acting in his/her capacity as the City's Attorney all statutory workers compensation and liability coverage.

6. Conflicts of Interest: The Interim City Attorney as appointed represents and warrants that he/she has no conflict, actual or perceived, that would prevent him/her from performing the duties and responsibilities of the office and as set forth under this Resolution in accordance with the NYS Public Officers Law and the ethical considerations and rules adopted by NYS Bar Association. The Interim City Attorney may perform legal duties for other clients as long as there is no conflict of interest. In the event a conflict exists, the Interim City Attorney shall notify the City Council by formal written notice within five (5) business days of the conflict being identified. The Interim City Attorney shall recuse himself/herself from participation in any legal matter when such participation may impair the operation of City government.

7. Construction with Previous Resolutions: If any person appointed as Interim City Attorney under this Resolution shall have previously served as Assistant City Attorney under a prior resolution of this Council, and shall have qualified for benefits as a retiree under the terms of that prior resolution, said benefits shall continue and shall not be affected or superseded by this Resolution.

Mayor Kim moved and Commissioner Montagnino seconded to approve the resolution as discussed.

Ayes – All

9. Discussion and Vote: Authorization for Mayor to Sign Memorandum of Understanding for CDTA Bike Share Program (22-058)

Mayor Kim advised CDTA is a public authority that focuses on Albany, Rensselaer, Schenectady, and Saratoga counties. CDTA has contracted with Jump Bicycles to operate the bike share system. The City will reimburse CDTA for part of the operating costs in the amount of \$25,000 for year 2022.

Mayor Kim moved and Commissioner Sanghvi seconded to approve the MOU as included with the agenda.

Commissioner Moran asked if this program will expand beyond the current footprint.

Mayor Kim advised this continues what we are doing but the idea is to expand transportation alternatives.

Ayes – All

10. Discussion and Vote: Authorization for Mayor to Sign Occupational Medicine Services Agreement with the Saratoga Hospital (22-059)

Mayor Kim advised this contract with the hospital is for specific occupational medicine services. Fees are only charged to DPS and DPW after requested services are rendered.

Mayor Kim moved and Commissioner Moran seconded to approve the agreement as presented.

Ayes – All

11. Discussion and Vote: Authorization for the Mayor to Sign the Co-Sponsor Pickleball Workshop Agreement with Kenneth Henderson (22-060)

Mayor Kim advised pickleball has huge following and is very popular.

Mayor Kim moved and Commissioner Montagnino seconded to authorize the mayor to sign an agreement with Kenneth Henderson to conduct pickleball workshops.

Ayes – All

12. Discussion and Vote: Authorization for the Mayor to Sign the Co-Sponsor Bowling Agreement with Saratoga Strike Zone (22-061)

Mayor Kim stated the staff works with the participants and we rent the lanes, balls, and shoes.

Mayor Kim moved and Commissioner Sanghvi seconded to approve the agreement as described.

Ayes - All

ACCOUNTS DEPARTMENT

1. Announcement: Extension of Outdoor Dining

Commissioner Moran reaffirmed the intention to vote at the next City Council meeting, March 1, 2022, on the extension of outdoor dining. Commissioner Moran stated that the extension of outdoor dining would be until November 1, 2024. The public hearing has been kept open, and the Accounts Department is open and happy to receive comments.

2. Announcement: COVID-19 Update and Planned City Activities

Commissioner Moran announced that over 4,000 COVID-19 Rapid Tests have been distributed through the Accounts Department by way of SOS/Code Blue, Salvation Army, Jefferson and Vanderbilt Terraces, BOCES, Wellspring, City Center Parking Garage, and Geysers Road Elementary School. Commissioner Moran expressed that COVID-19 testing should become commonplace. Commissioner Moran announced another COVID-19 Rapid Test giveaway is targeted for February 26th with a proposed location of Geysers Road Elementary School. An announcement will be made.

3. Discussion and Vote: Mask Mandate (22-062)

Commissioner Moran advised that the governor has withdrawn the requirement of mask wearing in public indoor spaces. The City is withdrawing the requirement that City employees and visitors must wear masks in city buildings. The City encourages people to wear masks at City Council meetings and encourages employees to wear masks while at work. Commissioner Moran states that public health recommendations will continue to be monitored, and should there be a necessity in re-implementing the use of face masks, the City Council will take any and all steps to protect employees and those visiting City employees.

Commissioner Moran read the following resolution into the record:

A Resolution of the City Council
of the City of Saratoga Springs, NY

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

WHEREAS, the Saratoga County Public Health Department has confirmed that the County is now experiencing a significant decrease in the level of COVID-19 community transmission, and the Governor of the State of New York has eliminated the mandate for the wearing of face masks in public places and businesses.

NOW, THEREFORE BE IT RESOLVED, that this Council is eliminating the requirement that all employees and visitors must wear masks when entering City buildings.

In the future, the City Council will continue to monitor our public health organization at the county, state and federal level. Should there be changes necessitating the reimplementation of masking, the City Council will take any and all necessary steps to protect our employees and those visiting our facilities.

Commissioner Moran moved and Commissioner Sanghvi seconded to adopt the resolution regarding the mask mandate as included with this agenda with a change making the resolution effective for not only City Hall but for City buildings.

Ayes – All

Discussion and Vote: Application for New York State Film Tax Credit

Commissioner Moran stated anything that we can do to further enhance folks knowledge of our City and its beauty are steps that should be taken as a City Council.

Commissioner Moran moved to authorize the mayor to sign and submit the application for the New York State Film Tax Credit.

Commissioner Sanghvi requested more information to understand the tax credit and how it works.

Commissioner Moran stated that the application has not been filled out, and this allows the City to submit the application.

Commissioner Sanghvi requested more information about the financial component and whether the waiver impacts City revenue.

Commissioner Moran stated that the details requested were not available at the moment.

The motion was tabled for a future date.

4. Announcement: Upgrade of Basic STAR Exemption to Enhanced STAR Exemption

Commissioner Moran announced March 1st is the deadline to apply for Basic STAR property tax exemptions. Some senior citizens are eligible to upgrade their benefit to the Enhanced STAR Exemption. Eligibility requirements include: one who is currently receive Basic STAR exemption; one owner of the property will be at least 65 years of age by December 31, 2022; and 2020 income was equal to or below \$92,000. For more information, please contact Margaret in the Assessment Office at 587-3550 ext. 2552 with any questions.

FINANCE DEPARTMENT

1. Update: Finance Department

Commissioner Sanghvi advised one of her campaign promises was to have the budget available in an easy to read format on the City website with a supplemental document. That is now complete. It shows where the money comes in and how the money is used in each department. The Finance Department is now actively exploring new sources of revenue through cannabis, short-term rental taxes, and others. Another initiative is participatory budgeting. If participatory budgeting is implemented it will be less than half a percent of our City's budget. The property tax bills were mailed out. There is one more payment of sales tax remaining to close out the 2021 year. The City is still waiting to hear how the money from cannabis will be distributed and how the municipalities will be allocating the revenues, and whether there will be restrictions on how the funds are used.

2. Announcement: 2022 Bond Refunding Postponed

Commissioner Sanghvi advised the City will refinance its bonds from time to time. Per the advice of the City's bond counsel, the refund has been postponed.

3. Announcement: 2021 4th Quarter Financial Report

Commissioner Sanghvi announced the report will be posted to the City's website and presented as soon as the fourth quarter is completed, closed, and processed, and that will be no later than April 30, 2022.

4. Discussion and Vote: Authorization for Mayor to Sign Agreement with Carousel Industries for City Telephone Maintenance (22-063)

Commissioner Sanghvi advised this covers a six-month contract for maintenance of the City's phone system.

Commissioner Sanghvi moved and Commissioner Moran seconded to approve the authorization for mayor to sign agreement with Carousel Industries for City telephone maintenance as included with the agenda.

Ayes – All

5. Discussion and Vote: Budget Transfers – Benefits (22-064)

Commissioner Sanghvi moved and Commissioner Montagnino seconded to approve the budget transfer – benefits as included with the agenda.

Ayes – All

6. Discussion and Vote: Budget Transfers – Payroll (22-065)

Commissioner Sanghvi moved and Commissioner Moran seconded to approve the budget transfers – payroll as included with the agenda.

Ayes - All

PUBLIC WORKS DEPARTMENT

Mayor Kim presented Commissioner Scirocco's agenda in his absence.

1. Discussion and Vote: Authorization for Mayor to Sign Contract with Kubricky Construction Corp. for Pavement Services (22-066)

Mayor Kim advised this is for pavement services funded through the CHIPS program. This is a piggyback contract off a Saratoga County bid.

Mayor Kim moved and Commissioner Moran seconded for the mayor to sign a contract with Kubricky Construction for pavement services valid until January 31, 2023 in the amount not to exceed unit bid prices.

Ayes – All

2. Discussion and Vote: Approval to Pay Invoice #16909 to BPI in the Amount of \$3,933.28 (22-067)

Mayor Kim advised an emergency leak related to a water heater occurred at the Senior Center. A call was placed to BPI without obtaining a purchase order first.

Mayor Kim moved and Commissioner Montagnino seconded to approve payment of invoice #16909 to BPI in the amount of \$3,933.28.

Ayes – All

PUBLIC SAFETY DEPARTMENT

1. Discussion and Vote: Approve Payment of Invoice to Terracon in the Amount of \$22,200.00 (22-068)

Commissioner Montagnino advised this is for geotechnical testing at fire station #3 location.

Commissioner Montagnino moved and Commissioner Sanghvi seconded to approve payment of invoice to Terracon in the amount of \$22,200.

Ayes – All

2. Discussion and Vote: Approve 2021 Invoice to BPI in the Amount of \$7,492.50 for Emergency Service (22-069)

Commissioner Montagnino advised this was for emergency work as fire station #1 – Lake Avenue in December 2021.

Commissioner Montagnino moved and Commissioner Sanghvi seconded to approve the 2021 invoice to BPI in the amount of \$7,492.50 for emergency services.

Ayes – All

3. Discussion and Vote: Approve 2022 Invoice to BPI in the Amount of \$4,455.00 for Emergency Service (22-070)

Commissioner Montagnino advised this is for emergency work at fire station 2 in January of this year.

Commissioner Montagnino moved and Commissioner Sanghvi seconded to approve payment of the 2022 invoice to BPI in the amount of \$4,455.00.

Ayes – All

4. Discussion and Vote: Authorization for Mayor to Sign Contracts with Matt's of Saratoga and Towaway Towing for Towing Services (22-071)

Commissioner Montagnino split this item into two – one for Matt's of Saratoga and the other for Towaway Towing. There is no cost for towing to the City. These two companies rotate each week.

Commissioner Montagnino moved and Commissioner Moran seconded to sign a contract with Matt's of Saratoga.

Ayes – 3

Abstentions – 1 (Commissioner Sanghvi)

Commissioner Montagnino moved and Mayor Kim seconded to create an item 4b. (22-072)

Ayes – 3

Abstentions – 1 (Commissioner Sanghvi)

Commissioner Montagnino moved and Commissioner Moran seconded to authorize the mayor to sign contract with Towaway Towing for towing services similar to those described earlier. (22-73)

Ayes – 3

Abstentions – 1 (Commissioner Sanghvi)

5. Discussion and Vote: Resolution Authorizing the Mayor to Write Governor Hochul Requesting an Executive Order Authorizing the Attorney General to Conduct a Grand Jury Investigation Pursuant to CPL Article 90 into the Circumstances Surrounding the Death of Darryl Mount, Including an Investigation of Potential Misconduct on the Part of Public Officers in the Period Following the Events of August 31, 2013 (22-074)

Commissioner Montagnino advised CPL Article is 190 not Article 90. This resolution mirrors the request made to the District Attorney in January, which was rejected. Commissioner Montagnino requests a Motion for the Mayor to ask the Governor of New York to authorize the Attorney General jurisdiction to conduct a Grand Jury investigation pursuant to CPL Article 190. Commissioner Montagnino believes this investigation will assist in relieving our community's questions with factual findings and recommendations and will authorize the Grand Jury to offer recommendations for legislative, executive, or administrative changes for the future.

Commissioner Montagnino moved and Commissioner Sanghvi seconded to authorize the mayor to request the governor to issue the executive order.

Commissioner Sanghvi stated this is something they should do but questioned whether this would open the floodgates to anyone who wants to go back any number of years to ask Governor Hochul to issue an executive order.

Commissioner Montagnino stated it would be discretionary on the governor's part.

Ayes – All

1. Announcement: The Draft Report on the Circumstances Surrounding the Death of Darryl Mount has Been Prepared and is Available on the City's Website

Commissioner Montagnino announced that a draft report on the circumstances surrounding the death of Darryl Mount will be presented to the City Clerk's Office. Commissioner Montagnino stated the draft report has been put on the City's website.

Mayor Kim stated that Commissioner Montagnino's report is thorough and required a tremendous amount of work to prepare. Mayor Kim stated that he believes that there should be an independent investigation.

2. Announcement: Maintenance After Snow/Ice Events Per City Code 203-26

Commissioner Montagnino reminded Saratoga Springs homeowners of their responsibility to clear snow and ice from the sidewalks adjacent to their homes and businesses. Code Enforcement requires sidewalks and pathways be clear of snow twelve (12) hours after each snowfall. It is important that fire hydrants are cleared.

ADJOURN

There being no further business, Mayor Kim adjourned the meeting at 8:53 p.m.

Respectfully submitted,

Stacy Connors
Deputy Commissioner of Accounts

Approved: 03/01/2022
Vote: 4-0