



March 2, 2021

CITY OF SARATOGA SPRINGS
City Council Meeting

7:00 PM

(via zoom)

**6:55 PM – P.H. – Capital Program and
Budget Amendment East and West
Side Fields Capital Contribution**

7:00 PM

CALL TO ORDER

ROLL CALL

SALUTE TO FLAG

PUBLIC COMMENT PERIOD / 15 MINUTES

PRESENTATION

1. 2021 West Avenue Special Assessment District (WASAD) Annual Report

CONSENT AGENDA

1. Approval of 2/16/2021 City Council Meeting Minutes
2. Approval of 2/16/2021 Pre-Agenda Minutes
3. Approval of 2/2/2021 City Council Meeting Transcript
4. Approve Budget Amendments - Regular
5. Approval Payroll 2/19/2021 \$505,658.17
6. Approval Payroll 2/26/2021 \$484,946.38
7. Approval Warrant – 2020 20MWDEC8 \$118,746.11
8. Approve Warrant – 2021 21MAR1 \$1,160,023.47
9. Approve Warrant – 2021 21MWFEB3 \$89,199.47

MAYOR'S DEPARTMENT

1. Announcement: Police Reform Task Force
2. Approval for 2020 Purchase Order to Encumber Complete Streets Greenbelt Funds
3. Discussion and Vote: Approval for Mayor to Sign Contract with Goldberger and Kremer for An Award of Bid for Labor and Employment Legal Services
4. Discussion and Vote: Approval for Mayor to Sign Amendment to the City of Saratoga Springs Police Benevolence Association Flexible Benefit Plan
5. Discussion and Vote: Amend the 2021 Capital Budget and Capital Program to Include East and West Side Fields Annual Capital Contributions
6. Discussion and Vote: Revocable License for Use of City of Saratoga Springs Fields (Field User Agreements) Template with Updates
7. Discussion and Vote: Co-sponsored Program Templates
8. Announcement: Community Development Block Grant 2021 Program Year Subgrantee Application Period Closes Friday 3/5/21

ACCOUNTS DEPARTMENT

1. Discussion and Vote: Approval of New York State Mandated Pandemic Operations Plan
2. Discussion and Vote: Approve Resolution for Outdoor Temporary Seating
3. Discussion and Vote: Authorization for Mayor to Sign Addendum #5 with GAR Associates
4. Award of Bid: Labor and Employment Legal Service to Goldberger and Kremer

FINANCE DEPARTMENT

1. Announcement: 2021 Bond Rating
2. Discussion and Vote: 2021 Bond Resolution
3. Update: City Finances
4. Discussion and Vote: Budget Amendments – Capital Fund for Recreation (School District Contract for Capital Improvements)
5. Discussion and Vote: Budget Transfers – Payroll
6. Discussion and Vote: Budget Amendment – Capital Fund for 2020 Reimbursement
7. Budget Transfers – Contingency
8. Discussion: Commemoration in Honor of Matt McCabe, Former Commissioner of Finance, Community Leader and Good Samaritan to All

PUBLIC WORKS DEPARTMENT

1. Discussion and Vote: SEQR Resolution for Loughberry Lake Dam Rehabilitation Project
2. Set Public Hearing: 2021 Water and Sewer Rate Resolution
3. Discussion and Vote: Amend 2021 Capital Budget to Include Reimbursement to City Hall Buildings (Project 1141)

PUBLIC SAFETY DEPARTMENT

1. Nothing at this time.

SUPERVISORS

Matt Veitch

1. Veteran's Committee Update

Tara Gaston

1. COVID-19 Update
2. Executive Order 203 Recommendations

ADJOURN



March 2, 2021

CITY OF SARATOGA SPRINGS

City Council Meeting

7:00 PM

(via Zoom)

PRESENT: Meg Kelly, Mayor
Michele Madigan, Commissioner of Finance
John Franck, Commissioner of Accounts
Anthony Scirocco, Commissioner of DPW

STAFF PRESENT: Lisa Shields, Deputy Mayor
Deirdre Ladd, Deputy Commissioner of Finance
Maire Masterson, Deputy Commissioner, Accounts
Joe O'Neill, Deputy Commissioner, DPW
Eileen Finneran, Deputy Commissioner, DPS

Vincent DeLeonardis

Matthew Veitch, Supervisor
Tara Gaston, Supervisor

EXCUSED: Robin Dalton, Commissioner of 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

Capital Program and Budget Amendment East and West Side Fields Capital Contribution

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

Mayor Kelly stated the Recreation Department is requesting to amend the east and west side fields capital contribution. The funds are for the east and west side fields up to the amount of \$40,000.

No one spoke.

Mayor Kelly closed the public hearing at 6:56 p.m.

CALL TO ORDER

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

PUBLIC COMMENT

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

Mayor Kelly opened the public comment period at 7:01 p.m.

No one spoke.

Mayor Kelly closed the public comment period at 7:01 p.m.

PRESENTATION

2021 West Avenue Special Assessment District (WASAD) Annual Report

Commissioner Madigan introduced Matt Jones of the Jones Steves Law Firm who will present the West Avenue Special Assessment District.

Matt Jones stated this is his 19th presentation on the West Avenue Special Assessment District. He stated 97% of the special assessment district budget goes to the City. The repayment is to take place over a 25-year period. Their obligation is being paid at a 5 1/8 % rate. The special assessment tax will conclude in 6 years.

CONSENT AGENDA

Mayor Kelly moved and Commissioner Madigan seconded to approve the consent agenda as follows:

1. Approval of 2/16/2021 City Council Meeting Minutes
2. Approval of 2/16/2021 Pre-Agenda Minutes
3. Approval of 2/2/2021 City Council Meeting Transcript
4. Approve Budget Amendments - Regular
5. Approval Payroll 2/19/2021 \$505,658.17
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9. Approve Warrant – 2021 21MWFEB3 \$89,199.47

Ayes – All

MAYOR'S DEPARTMENT

Announcement: Police Reform Task Force

Vince DeLeonardis, city attorney, stated the governor issued an executive order #203 where he required local governments to review existing police policies, practices and procedures, and improve those with community input. In August 2020, the Council created a Task Force of community members. Last week the Task Force voted on a majority of the recommendations. Tomorrow the Task Force will vote on the rest of the recommendations. At the next City Council meeting, the Council will act upon the recommendations.

Approval for 2020 Purchase Order to Encumber Complete Streets Greenbelt Funds (21-074)

Mayor Kelly advised this is to roll over \$231,276.69 for Complete Streets Greenbelt Funds.

Mayor Kelly moved and Commissioner Franck seconded to approve the 2020 purchase order to encumber Complete Streets Greenbelt funds.

Ayes – All

Discussion and Vote: Approval for Mayor to Sign Contract with Goldberger and Kremer for An Award of Bid for Labor and Employment Legal Services (21-075)

Mayor Kelly moved and Commissioner Madigan seconded to approve the signing of the contract with Goldberger and Kremer for the award of bid for labor and employment legal services.

Ayes - All

Discussion and Vote: Approval for Mayor to Sign Amendment to the City of Saratoga Springs Police Benevolence Association Flexible Benefit Plan (21-076)

Mayor Kelly advised there is one participant enrolled in the flexible spending account. Due to the pandemic, the IRS passed a temporary relief act that will allow the participant to rollover unused funds from the 2020 plan year to 2021 plan year.

Mayor Kelly moved and Commissioner Franck seconded to authorize the mayor to sign amendment to the City of Saratoga Springs Police Benevolence Association flexible benefit plan.

Ayes – All

Discussion and Vote: Amend the 2021 Capital Budget and Capital Program to Include East and West Side Fields Annual Capital Contributions (21-077)

Mayor Kelly advised the funds are for improvements to the east and west side fields; annual contribution of up to \$40,000.

Mayor Kelly moved and Commissioner Franck seconded to amend the 2021 capital budget and capital program to include east and west side fields annual capital contribution.

Ayes – All

Discussion and Vote: Revocable License for Use of City of Saratoga Springs Fields (Field User Agreements) Template with Updates (21-078)

Mayor Kelly moved and Commissioner Franck seconded to approve the revocable license for use of City of Saratoga Springs fields, the field user agreement templates with updates.

Ayes – All

Discussion and Vote: Co-sponsored Program Templates (21-079)

Mayor Kelly advised the City is looking to have a 50/50 revenue split with the following organizations: Saratoga Strike Zone, Saratoga American Legion Stampede, and Saratoga Miss Softball.

Mayor Kelly moved and Commissioner Franck seconded to approve the co-sponsored program templates.

Ayes – All

Announcement: Community Development Block Grant 2021 Program Year Subgrantee Application Period Closes Friday 3/5/21

Mayor Kelly announced the Community Development Block Grant 2021 program year subgrantee application period ends this Friday, March 5, 2021. There will be a special City Council meeting on March 30th to vote on the recommendations.

ACCOUNTS DEPARTMENT

Discussion and Vote: Approval of New York State Mandated Pandemic Operations Plan (21-080)

Commissioner Franck advised Governor Andrew M. Cuomo signed legislation (S8617B/A10832) on September 7, 2020 requiring all public employers to create plans to adequately protect workers in the event of another state disaster emergency involving a communicable disease. This plan has been developed in accordance with Section 27-c of New York State Labor Law, which requires public employers to adopt a plan for operations in the event of a declared public health emergency involving a communicable disease. The purpose of the plan is to provide for the continuity of City operations and to ensure that protocols exist to protect employees and onsite contractors, in the event of a public health emergency declaration in New York State that impacts the City.

Marilyn Rivers, director of Risk & Safety advised the City's Pandemic Operation Plans includes protocols for the following:

- List and description of positions considered essential.
- Descriptions of protocols to follow to enable all non-essential employees to work remotely.
- Description of how employers would stagger work shifts to reduce overcrowding.
- Protocols for PPE.
- Protocol for when an employee is exposed to disease.
- Protocol for documenting hours and work locations for essential workers.
- Protocol for working with essential employees' localities for identifying emergency housing if needed.
- Any other requirement determined by the New York State Department of Health, such as testing and contact tracing.

Assistant Chief Catone has reviewed and approved the attached plan in the context of the City's Emergency Management Plan previously approved by City Council. Each of the City's collective bargaining units participated and have approved the draft presented this evening.

Commissioner Franck thanked the Safety Committee, Marilyn Rivers and all others Marilyn mentioned for their hard work on this.

Commissioner Franck moved and Mayor Kelly seconded to approve the Pandemic Operations Plan as included with the agenda.

Ayes – All

Discussion and Vote: Approve Resolution for Outdoor Temporary Seating (21-081)

Commissioner Franck advised this updated resolution for temporary outdoor seating allows local restaurants to begin temporary outdoor seating Monday, March 15th and will expire on June 30, 2021. He is prepared to bring this resolution back to extend the expiration date as more information becomes available.

Marilyn Rivers advised this was reviewed by the Safety Committee in February. We are suggesting this be extended until June 30, 2021 with the caveat that it be extended as necessary.

The resolution is as follows:

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, on June 16, 2020 this Council enacted an ordinance to add a new Article IV-A to Chapter 136 of the City Code. The new Article allowed persons and entities holding valid permits to operate eating and drinking establishments to apply for an additional permit to use certain specified public property as a temporary outdoor seating area; and
WHEREAS, Section 136-33.1-9 of that Article specified that all permits issued thereunder would expire at midnight on September 7, 2020, but that expiration date may be extended from time to time by resolution of the City Council; and
WHEREAS, on August 4, 2020, the City Council extended the expiration date in Section 136-33.1-9 of the City Code to midnight, October 5, 2020, and on September 15, 2020, the City Council extended the expiration date to midnight, October 31, 2020; and on October 20, 2020, the City Council extended the expiration date to midnight, November 30, 2020; and on November 17, 2020 the City Council extended the expiration date to midnight, December 31, 2020; and
WHEREAS, the Council finds that the said permit procedure continues to have a positive impact on our City's local economy, that it has provided a convenience and benefit to members of the public, and that its extension at this time would be in the public interest,
NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The City Council hereby commences use certain specified public property as a temporary outdoor seating area to commence March 15, 2021 and extend the expiration date in Section 136-33.1-9 of the City Code to midnight, June 30, 2021.
2. All other laws, ordinances, rules, policies and regulations of the City of Saratoga Springs shall remain in full force and effect.
3. Nothing in this resolution shall be construed so as to amend, replace or supersede any law or regulation of the State of New York, or any Executive Order of the Governor.
4. This authorization shall take effect immediately upon filing in the Office of the City Clerk.

Commissioner Franck moved and Commissioner Scirocco seconded for the City Council to approve the resolution for temporary outdoor seating as included with the agenda.

Commissioner Madigan thanked Marilyn Rivers and all who have worked on this and the first item on Commissioner Franck's agenda. This item was discussed at the pre-agenda meeting yesterday. There was discussion regarding the expiration date depending upon if the restaurants are able to open to full capacity or not and if we are able to have the track open. She supports extending the June deadline.

Ayes – All

Discussion and Vote: Authorization for Mayor to Sign Addendum #5 with GAR Associates (21-082)

Commissioner Franck advised this addendum is a continuation of the original 2012 contract for commercial property appraisals. This addendum adds to the contract sum.

Commissioner Franck moved and Commissioner Scirocco seconded to authorize the mayor to sign addendum #5 with GAR Associates as included with this agenda.

Ayes - All

Award of Bid: Labor and Employment Legal Service to Goldberger and Kremer (21-083)

Commissioner Franck moved and Commissioner Scirocco seconded to award the bid for labor and employment legal services to Goldberger and Kremer for an amount not to exceed \$30,000.

Ayes - All

FINANCE DEPARTMENT

Announcement: 2021 Bond Rating

Commissioner Madigan announced the City's bond rating remains at AA+ with a negative outlook. This is the same rating as last year. The negative outlook is due to the City's exposure to continued volatility from economically sensitive revenue sources. If the City can limit fund balance drawdowns and maintain structurally aligned budgets, we could revise the outlook to stable.

Discussion and Vote: 2021 Bond Resolution (2-1084)

Commissioner Madigan advised the City is not required to bond all projects listed. She will be evaluating interest to determine the best course to take when bonding. The bond resolution authorizes the issuance of \$7,381,823 in bonds to finance various capital projects.

Commissioner Madigan moved and Commissioner Franck seconded to approve the 2021 bond resolution as included with the agenda.

Roll Call:

**Commissioner Franck – Aye
Commissioner Madigan – Aye
Commissioner Scirocco – Aye
Mayor Kelly - Aye**

Update: City Finances

Commissioner Madigan advised the House passed the stimulus bill and now the Senate has to vote on this. Under this bill, the City of Saratoga Springs is slated to receive \$7 million. Our money will flow through the state government and they will have 30 days to forward it to the City. Five million dollars of that will cover our retirement costs and the remaining \$2 million will go towards revenues that will not meet estimates at this time. The final 2020 sales tax number is \$11,074,174.35 for 2020. This is down 17.62% from 2019.

Discussion and Vote: Budget Amendments – Capital Fund for Recreation (School District Contract for Capital Improvements) (21-085)

Commissioner Madigan advised this year's annual amount is \$40,000.

Commissioner Madigan moved and Commissioner Scirocco seconded to approve budget amendments – capital fund for recreation school district contract for capital improvements as included with the agenda.

Roll Call:

**Commissioner Franck – Aye
Commissioner Madigan – Aye
Commissioner Scirocco – Aye
Mayor Kelly - Aye**

Discussion and Vote: Budget Transfers – Payroll (21-086)

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

Ayes – All

Discussion and Vote: Budget Amendment – Capital Fund for 2020 Reimbursement (21-087)

Commissioner Madigan moved and Commissioner Scirocco seconded to approve budget amendment – capital fund for 2020 reimbursement as included with the agenda.

Roll Call:

**Commissioner Franck – Aye
Commissioner Madigan – Aye
Commissioner Scirocco – Aye
Mayor Kelly - Aye**

Budget Transfers – Contingency (21-088)

Commissioner Madigan advised the current contingency balance is \$236,485.83 and \$235,985.83 will remain after this transfer.

Commissioner Madigan moved and Commissioner Franck seconded to approve budget transfers – contingency as included with the agenda.

Ayes – All

Discussion: Commemoration in Honor of Matt McCabe, Former Commissioner of Finance, Community Leader and Good Samaritan to All

Commissioner Madigan suggested placing a plaque outside the entrance to the ramp of City Hall and name one of the benches to memorialize Matt McCabe.

Mayor Kelly stated she is in total agreement.

Commissioner Scirocco stated the benches in front of City Hall are already named for other people. He has another idea for placing a bench elsewhere.

PUBLIC WORKS DEPARTMENT

Discussion and Vote: SEQR Resolution for Loughberry Lake Dam Rehabilitation Project (21-089)

Commissioner Scirocco advised the Loughberry Lake Dam was reclassified by the DEC in 2019 to a 'class C'. This higher classification allows the City to be eligible for FEMA funding to complete the approximate \$6.7 million rehabilitation. The City hired Schnabel Engineering to bring the dam into compliance. The City must comply with SEQR and pass a resolution that SEQR is satisfied.

The resolution is as follows:

A RESOLUTION
OF THE CITY COUNCIL
OF THE CITY OF SARATOGA SPRINGS
SEQR – LOUGHBERRY LAKE DAM REHABILITATION PROJECT

WHEREAS, the City of Saratoga Springs (City) is proposing the Loughberry Lake Dam Rehabilitation Project (the Project) in Saratoga Spring, NY. Loughberry Lake Dam is located in, owned, operated, and maintained by the City and its staff. The dam impounds Loughberry Lake, which is the principal water supply for the City. The dam was previously regulated by the New York State Department of Environmental Conservation (NYS DEC) as an intermediate hazard (Class B) dam but NYS DEC issued a letter dated August 23, 2019 officially reclassifying the dam as high hazard (Class C); and

WHEREAS, very little is known about the original design and construction of the dam; however, earlier design documents indicate a smaller embankment dam with a railroad line extending along the crest. In the late 1960s, as part of the New York State Department of Transportation's (NYS DOT) construction of Route 50, improvements were made to almost every aspect of the dam. Dam safety deficiencies currently exist which include insufficient spillway capacity; inoperable low level outlet; deterioration and multiple defects in the principal spillway arch conduit; hydraulic flow restrictions in the principal spillway downstream piping; corrosion within the principal spillway downstream corrugated metal piping system; corrosion and deterioration within the auxiliary spillway corrugated metal pipes including accumulation of sediment and debris; and insufficient slope stability factors of safety for the upstream embankment slope; and

WHEREAS, in order to bring the dam into compliance with NYS Dam Safety Regulatory Requirements, modifications to the dam and appurtenant structures are required. The dam rehabilitation activities consist of slip-lining the existing principal spillway arch conduit; removal and replacement of principal spillway conduits; centrifugally casting the auxiliary spillway corrugated metal conduits with concrete; construction of an impact basin at the terminus of the primary and auxiliary spillway conduits; allowance of limited overtopping of Route 50 east of the dam embankment to accommodate insufficient spillway capacity; and stabilization of the upstream slope through placement of a rock-fill berm; and

WHEREAS, the City, "may" seek financial assistance for the Project from the New York State Environmental Facilities Corporation (NYSEFC) under the Drinking Water State Revolving Fund (DWSRF). The DWSRF requires compliance with the State Environmental Quality Review Act (SEQR) and State Historic Preservation Act. As described in 6 NYCRR 617.5, Type II (exempt) actions are actions which have been pre-determined not to have a significant adverse impact on the environment and are not subject to further SEQR review; and

WHEREAS, Sponsors of Type II actions seeking funding from DWSRF, must submit required documentation (including a resolution) supporting the Type II classification for their projects to the New York State Environmental Facilities Corporation (EFC) and New York State Department of Health (NYSDOH).

NOW, THEREFORE, BE IT RESOLVED, that, based on our review of the proposed permanent and temporary rehabilitation components at the Loughberry Lake Dam, this Project is being declared a Type II action with the following Type II regulatory exemptions applying: 6 NYCRR 617.5(c)(2). "replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;" The threshold listed in 6 NYCRR 617.4(b)(6i) states that "a project or action that involves the physical alteration of 10 acres" is a Type I action. The Loughberry Lake Dam Rehabilitation involves the physical alteration of less than 10 acres confirming that this meets the requirements for a Type II action.

Commissioner Scirocco moved and Commissioner Franck seconded to pass the resolution supporting this type II classification for Loughberry Lake Dam rehabilitation project.

Ayes - All

Set Public Hearing: 2021 Water and Sewer Rate Resolution

Commissioner Scirocco set a public hearing for Tuesday, March 16, 2021 at 6:55 p.m.

Discussion and Vote: Amend 2021 Capital Budget to Include Reimbursement to City Hall Buildings (Project 1141) (21-090)

Commissioner Scirocco advised due to a billing error, a double payment was made in the amount \$1,291.70.

Commissioner Scirocco moved and Commissioner Madigan seconded to amend the 2020 capital budget for City Hall buildings to include \$1,291.70 for the reimbursement from Systems Management.

Ayes - All

PUBLIC SAFETY DEPARTMENT

Commissioner Dalton has nothing for her agenda at this time.

SUPERVISORS

Matt Veitch

Veteran's Committee Update

Supervisor Veitch reported the Committee met yesterday. They are doing a budget amendment for the Peer to Peer Program. The state has not released the funds for this program yet so the County is funding it for now.

Tara Gaston

COVID-19 Update

Supervisor Gaston reported the numbers continue to improve. The governor has expanded some of the guidelines. The Health Department is getting clarification from the state. Vaccination supplies continue to be limited in the County. They hope to open a mass vaccination site in the next couple of weeks. Hotel and restaurant workers are eligible to be vaccinated as well as food pantry workers and people who do home food deliveries.

Commissioner Madigan stated she will continue to advocate for City Hall employees to be on the eligible list for vaccinations as they do deal with the public.

Executive Order 203 Recommendations

Supervisor Gaston reported the County was also required to participate in this order. They are accepting public comments through March 5, 2021.

ADJOURNMENT

There being no further business, Mayor Kelly adjourned the meeting at 8:11 p.m.

Respectfully submitted,

Lisa Ribis
Clerk

Approved: 3/16/2021
Vote: 5 - 0