

April 17, 2018



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

6:55 PM P.H. – Community Development
Citizen Advisory Committee
Recommendations

7:00 PM

CALL TO ORDER

ROLL CALL

SALUTE TO FLAG

PUBLIC COMMENT PERIOD / 15 MINUTES

PRESENTATION

1. Enterprise Fleet Management

CONSENT AGENDA

1. Approval of 4/2/18 Pre-Agenda Meeting Minutes
2. Approval of 4/3/18 City Council Meeting Minutes
3. Approve Budget Amendments – Regular (Increases)
4. Approve Budget Transfers - Regular
5. Approve Payroll 4/06/18 \$593,597.79
6. Approve Payroll 4/13/18 \$500,186.27
7. Approve Warrant - 2018 18MWAPR1 \$206.00
8. Approve Warrant - 2018 18MWAPR2 \$93,643.84
9. Approve Warrant – 2018 18APR2 \$236,966.54
10. 2018 Camp Saradac Trip and Program Approvals
11. Approval of the 2018 Camp Safety Manual
12. Authorization for the Mayor to Sign NY State Park Permit
13. Authorization for the Mayor to Sign the 2018 State of New York Department of Health Renewal Application for a Permit to Operate Camp Saradac
14. Approval to Pay Invoice for Veteran's Cemetery Flags to Saratoga Flag \$2,448.60

MAYOR'S DEPARTMENT

1. Recreation Commission Appointment – Michelle Merola
2. Announcement: Fair Housing Month Proclamation
3. Announcement: Arbor Day Proclamation
4. Announcement: Saratoga Springs Recreation Programs and Leagues
5. Discussion and Vote: Resolution #262-2017 Authorizing Award of 2017 Saratoga County Farmland/Open Space Preservation Program
6. Discussion and Vote: Mayor to Sign Agreement Between County of Saratoga and the City of Saratoga Springs to Accept Saratoga County Farmland Protection and Open Space Preservation Program Award

7. Discussion and Vote: Approval for Mayor to Sign NYSERDA Clean Energy Communities Grant Letter of Commitment
8. Discussion and Vote: Authorization to Apply for NYSERDA's Clean Energy Communities Grant
9. Discussion and Vote: Resolution Authorizing NYS DOT Master Agreement for Saratoga Greenbelt Downtown Connector
10. Discussion and Vote: Approval of 2 Invoices for Designated Engineer Services to Chazen Engineering in the Amount of \$1,500 and \$750
11. Discussion and Vote: Merit for Review and Referral to City and County Planning Boards: Zoning Change From Warehouse to Transect – 4
12. Discussion: Charter Review Commission Budget Request

ACCOUNTS DEPARTMENT

1. Discussion and Vote: Approval to Appoint Marriage Officiant
2. Announcement: Grievance Class – May 8, 2018
3. Announcement: Special Events Forms Now Fillable on Line
4. Award of Bid: Traffic Signal Improvement Project to Stilsing Electric, Inc.

FINANCE DEPARTMENT

1. Discussion and Vote: Resolution for Assistant City Attorney
2. Discussion and Vote: Budget Amendment – Use of Assigned Fund Balance Economic Development
3. Discussion and Vote: Budget Transfers – Payroll
4. Discussion and Vote: Budget Transfer – Contingency
5. Discussion and Vote: Budget Transfers – Insurance

PUBLIC WORKS DEPARTMENT

1. Discussion and Vote: Authorization for the Mayor to Sign Agreement with Saratoga Arts Council Center
2. Discussion and Vote: Authorization for the Mayor to Sign Agreement with Schindler Elevator
3. Discussion and Vote: Approval to Pay Invoices to Ferguson Waterworks

PUBLIC SAFETY DEPARTMENT

1. Announcement: Active Shooter Training
2. Appointment: Code Enforcement Special Prosecutor
3. Announcement: Retirement
4. Set Public Hearing: Amend 2018 Capital Budget

SUPERVISORS

Matt Veitch

1. Property Sale to Skidmore College
2. Maplewood Manor Local Development Corporation

Tara Gaston

1. Health and Social Services Committee
2. Real Property Committee
3. Saratoga Springs Opioid Forum

ADJOURN



April 17, 2018

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

PRESENT: Meg Kelly, Mayor
Michele Madigan, Commissioner of Finance
John Franck, Commissioner of Accounts
Peter Martin, Commissioner of DPS

STAFF PRESENT: Lisa Shields, Deputy Mayor
Mike Sharp, Deputy Commissioner, Finance
Joe O'Neill, Deputy Commissioner, DPW
John Daley, Deputy Commissioner, DPS

Vincent DeLeonardis

Matthew Veitch, Supervisor
Tara Gaston, Supervisor

ABSENT: Anthony Scirocco, Commissioner of DPW
Maire Masterson, Deputy Commissioner, Accounts

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

Community Development Citizen Advisory Committee Recommendations

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

Richard Ferguson, chair of the Community Development Citizen Advisory Committee Recommendations stated they met 4 times this year. They are recommending the following: The Mother Susan Anderson Emergency Shelter for \$14,000; Saratoga Affordable Housing Group for \$12,500; Saratoga County Economic Opportunity Council for \$10,000; Wellspring for \$7,500; City of Saratoga Springs for \$90,000; Saratoga Community Health Center for \$50,000; Saratoga Affordable Housing Group for \$24,700; Rebuilding Together Saratoga County \$16,078.42; Mother Susan Anderson Emergency Shelter for \$12,000; Legal Aid Society for \$7,320; and Saratoga Springs Senior Citizen Center for \$5,427.50; and administrative costs for the Community Development Office at the City of Saratoga Springs \$59,955.

No one spoke.

Mayor Kelly closed the public hearing at 7:00 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.

Marsha Murphy, co-owner of Uncommon Grounds stated they have collected over 1,100 signatures against paid parking. A poll regarding paid parking has been published by the media with an overwhelming response against it.

Thomas Kinsella of Saratoga Springs provided a letter to each member of the Council (attached). He has experience on the Planning Board and Town Board of the Town of Greenfield. He provided positive and negative points of what paid parking means to Saratoga Springs. He is not a supporter of paid parking. Additional revenue can be obtained by enforcing the current parking laws.

Sam Brewer of Saratoga Springs stated he is against the purchase of the new radios for the Police Department.

Miriam Scarborough of Saratoga Springs stated the City has been voted as having one of the nicest downtowns. The charm of the City could possibly eroding. Paid parking becomes less inclusive and more of a rich city. She would like to see the charm maintained and not have parking meters.

Kathryn Hamilton of Putnam Market stated her business counts on her customers coming through the door. She needs the City to help her bring her customers through her door and paid parking will hinder that.

Bonnie Sellers of Saratoga Springs stated it has been a Saratoga tradition to welcome all and not have paid parking. It is not necessary and we can find other ways to balance our budget.

Ken Rowling of Round Lake stated no one he has spoken to wants paid parking. He has heard the City is hurting for cash; it is a done deal – the mayor wants it. It may be a communications problem and people don't know what you are doing. Maybe the Council can do a better job communicating their plans with parking. He asked the Council to be careful making this decision and listen to the people of the community.

Darlene McGraw of Saratoga Springs stated there are resources available that the City doesn't need to charge for parking.

Mayor Kelly closed the public comment period at 7:17 p.m.

Mayor Kelly stated they are not shutting out the public. She has met with the Murphy's from Uncommon Grounds. She stated at the last meeting that she hasn't gotten to review the responses. She feels insulted when people say they are not listening. Don't jump the gun as they are doing their due diligence. If you want to meet with her call her office.

Commissioner Madigan stated there was some miscommunications when the RFP first went out. This is not about paid parking but about logistics such as electronic signs to tell you how many spots are available. When she looked at the first RFP it stated paid parking so she had that RFP pulled and resent it. The City is not desperate for revenues; if they were, they could raise taxes to bring in revenue. This is about smart parking; there will never be meters on Broadway. Right now we are in an information seeking place. She too has not made it through all the responses to our parking RFP.

Commissioner Martin stated he would like to address the comments regarding the City's investment into the police radios. Right now they do not have the ability to fully communicate with the current system from first responders. Also, the old radios would not allow them to participate in a tri-county radio system.

Commissioner Franck stated he has gone through the paid parking numerous times. He has been on Broadway for 27 years and he hears people's comments about paid parking. He will never vote for paid parking; there is so much competition in retail and it would hurt our shops. He believes various devices could help people find open spots.

Commissioner Madigan stated she supports Commissioner Martin regarding the \$1 million dollars for police radios. You can't be too safe and we all should be tied in should we need to call for back-up.

PRESENTATION

Enterprise Fleet Management

Deputy Mike Sharp stated the Finance Department has been in contact with Enterprises Fleet Management Division. The discussions have been about non-emergency/non-CDL vehicles.

Ryan Forrest and Jacob Garth of Enterprise presented their plan to the City Council. They have 2 million vehicles they own and operate. They know the City keeps vehicles about 14 years when their value drops and the maintenance costs rise. Newer vehicles will cost less to maintain and have better fuel economy. They created a fleet profile and created a fleet replacement schedule getting rid of the vehicles with the highest mileage first. The 3 main areas to focus on is purchase costs, maintenance costs, and fuel costs. They are proposing an open ended equity lease program which gives the City the cash flow benefits of a normal lease and gives the City all the ownership rights of the vehicle. There are no wear and tear penalties and no early termination fees. An ancillary benefit is safety with newer vehicles.

Commissioner Madigan asked if the City actually purchases the vehicles from Enterprise?

Ryan stated the City will purchase the vehicles through Enterprise according to the City's specs and with the government discount.

Commissioner Madigan asked if Enterprise offers something similar for police vehicles.

Ryan stated they can offer a program for the police vehicles. They break out the police fleet from the service vehicles.

Commissioner Martin asked whose name is on the title of the vehicle.

Ryan stated Enterprise.

Commissioner Martin asked what the interest rate is.

Ryan stated 4.75%.

(copy of presentation is attached)

CONSENT AGENDA

Mayor Kelly moved and Commissioner Madigan seconded to accept the consent agenda as follows minus item #7:

1. Approval of 4/2/18 Pre-Agenda Meeting Minutes
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14. Approval to Pay Invoice for Veteran's Cemetery Flags to Saratoga Flag \$2,448.60

Ayes – All

MAYOR'S DEPARTMENT

Recreation Commission Appointment – Michelle Merola

Mayor Kelly advised Michelle Merola was appointed previously but failed to complete the oath of office in the required time period. She is 're-appointing' Michelle Merola to the Recreation Commission.

Announcement: Fair Housing Month Proclamation

Mayor Kelly read the following proclamation into the record:

FAIR HOUSING MONTH

WHEREAS, April marks the 50th anniversary of the passage of the Fair Housing Act of 1968, which sought to eliminate discrimination in housing opportunities and to affirmatively further housing choices for all Americans; and

WHEREAS, the aforementioned federal act ensures fair housing opportunity regardless of race, color, national origin, religion, sex, familial status, disability; and

WHEREAS, New York State laws cover all the same characteristics but also protects based on religion, marital status, sexual orientation, age, and military status; and

WHEREAS, the Violence Against Women Reauthorization Act of 2013 ensures housing protections for victims of domestic violence, dating violence, sexual assault, and stalking; and

WHEREAS, the ongoing struggle for dignity and housing opportunity for all is not the exclusive province of the Federal government; and

WHEREAS, vigorous local efforts to combat discrimination can be as effective, if not more so, than Federal efforts; and

WHEREAS, illegal barriers to equal opportunity in housing, no matter how subtle, diminish the rights of all;

NOW, THEREFORE, BE IT RESOLVED,

that in the pursuit of the shared goal and responsibility of providing equal housing opportunities for all men and women, the City of Saratoga Springs, New York does hereby join in the national celebration by proclaiming

APRIL 2018 as FAIR HOUSING MONTH

and mandates all agencies, institutions and individuals, public and private, in Saratoga Springs to abide by the letter and the spirit of State and Federal Fair Housing laws.

Announcement: Arbor Day Proclamation

Mayor Kelly read the following proclamation into the record:

**A PROCLAMATION
OF THE CITY OF SARATOGA SPRINGS, NY**

WHEREAS, for more than a century, Arbor Day celebrations have been held in communities across the United States. Principles of forestry, conservation, and environmental responsibility are an important part of our American Heritage, and
WHEREAS, Saratoga Springs is one of more than 3,400 Tree City USAs, with a combined population of 140 million; and
WHEREAS, in 2013, the Saratoga Springs City Council unanimously adopted its first ever Urban & Community Forest Master Plan, which committed the City to “preserving and expanding the urban forest,” and
WHEREAS, Sustainable Saratoga’s Urban Forestry Project has partnered closely with the City on tree issues since 2012, beginning with the inventory of 5600 street and park trees they donated to the City to provide the data upon which the Urban & Community Forest Master Plan was based; and
WHEREAS, this May, the City’s DPW will plant trees, many in the commercial core of the City, a priority of the Urban & Community Forest Master Plan; and
WHEREAS, on April 28, 2018, Sustainable Saratoga’s volunteers will plant 25 large maturing trees throughout the City as part of its semi-annual Tree Toga planting effort,
NOW, THEREFORE I, MEG KELLY, Mayor of the City of Saratoga Springs, am pleased to join with my colleagues on the City Council, with the dedicated people of Sustainable Saratoga’s Urban Forestry Project and all their Tree Toga volunteers, and with all my fellow Saratogians, in proclaiming the week of April 23rd, 2018 as ARBOR WEEK.

Announcement: Saratoga Springs Recreation Programs and Leagues

Mayor Kelly announced Camp Saradac registration is occurring on a first come first serve basis. All information can be found on the City’s web page.

Discussion and Vote: Resolution #262-2017 Authorizing Award of 2017 Saratoga County Farmland/Open Space Preservation Program (18-118)

Tina Carton, sustainability coordinator, advised the City applied for the Saratoga County Farmland Protection Open Space Grant in 2017. This award was for the purchase of the Tommell property. This will be reimbursing the open space bond fund.

Mayor Kelly moved and Commissioner Madigan seconded to approve the resolution #262-2017 authorizing the award of 2017 Saratoga County Farmland Open Space Preservation Program.

Ayes - All

Discussion and Vote: Mayor to Sign Agreement Between County of Saratoga and the City of Saratoga Springs to Accept Saratoga County Farmland Protection and Open Space Preservation Program Award (18-119)

Mayor Kelly moved and Commissioner Franck seconded to authorize the mayor to sign the agreement between the County of Saratoga and the City of Saratoga Springs to accept the County Farmland Protection and Open Space Preservation Program Award.

Ayes – All

Discussion and Vote: Approval for Mayor to Sign NYSERDA Clean Energy Communities Grant Letter of Commitment (18-120)

Tina Carton advised the City completed 4 out of 10 action items. The City is committed to investing the funds into LED street lighting. They are looking to concentrate on using the \$50,000 to convert the lights in Congress Park.

Mayor Kelly moved and Commissioner Martin seconded to authorize the mayor to sign the NYSERDA Clean Energy Communities Grant Letter of Commitment.

Ayes – All

Discussion and Vote: Authorization to Apply for NYSERDA's Clean Energy Communities Grant (18-121)

Mayor Kelly moved and Commissioner Madigan seconded to authorize the mayor to apply for NYSERDA's Clean Energy Communities Grant.

Ayes – All

Discussion and Vote: Resolution Authorizing NYS DOT Master Agreement for Saratoga Greenbelt Downtown Connector (18-122)

Tina Carton advised the City was awarded a \$1.53 million dollar grant through the Transportation Alternative Program to construct the Greenbelt Downtown Connector. The master agreement is for the first phase and allows the City to bill the DOT for \$73,000 for preliminary design; \$73,000 for detail design; and \$30,185 for the right-of-way incidentals.

Mayor Kelly moved and Commissioner Madigan seconded approve the resolution authoring the NYS DOT Master Agreement for the Saratoga Greenbelt Downtown Connector.

Ayes – All

Discussion and Vote: Approval of 2 Invoices for Designated Engineer Services to Chazen Engineering in the Amount of \$1,500 and \$750 (18-123)

Mayor Kelly moved and Commissioner Franck seconded to approve 2 invoices for designated engineering services to Chazen Engineering in the amount of \$1,500 and \$750 agenda.

Ayes – All

Discussion and Vote: Merit for Review and Referral to City and County Planning Boards: Zoning Change From Warehouse to Transect – 4 (18-124)

Libby Corena from Carter Conboy stated the request is to bring the T-4 across 9N by Tait Lane to allow 6 parcels which are currently zoned warehouse to be converted to T-4. A use diagram has been provided.

Mayor Kelly moved and Commissioner Madigan seconded to approve merit for review and referral to the City and County Planning Boards; zoning change from warehouse to Transect 4 on Tait Lane.

Commissioner Martin requested the Planning Board advise why it is best designated as a T-4.

Ayes – All

Discussion: Charter Review Commission Budget Request

Vince DeLeonardis, chair of the Charter Review Commission, advised at the most recent meeting a budget was established for up to \$40,000. This budget would include expenses for a clerk, legal counsel, communications, and a mailing/postage that will be necessary. The next meeting is April 25th at 4:30 p.m. They will be discussion Titles I & II of the Charter.

ACCOUNTS DEPARTMENT

Discussion and Vote: Approval to Appoint Marriage Officiant (18-125)

Commissioner Franck moved and Commissioner Madigan seconded for the City Council to approve the resolution allowing Landon McCord Moore III to officiate a marriage on October 12, 2018 as distributed with the agenda.

Ayes – All

Announcement: Grievance Class – May 8, 2018

Commissioner Franck announced the Assessment Office will be holding a grievance class this year on Tuesday, May 8th at 5:30 p.m. in the City Council room. Residents are invited to attend to learn how to correctly fill out the application to grieve their assessments and understand the process.

Announcement: Special Events Forms Now Fillable on Line

Commissioner Franck advised event organizers have been asking to be able to fill out the special events form on line and submit it directly to the Accounts Department. This request has been completed and the fillable special events form is now on line.

Award of Bid: Traffic Signal Improvement Project to Stilsing Electric, Inc. (18-126)

Commissioner Franck moved and Commissioner Martin seconded to award the bid for Traffic Signal Improvement Project to Stilsing Electric, Inc. for an amount not to exceed \$265,615.

Funding is in line: H3143122 / 52000 / 1255.

Ayes – All

FINANCE DEPARTMENT

Discussion and Vote: Resolution for Assistant City Attorney (18-127)

The resolution is as follows:

2018 RESOLUTION FOR THE ASSISTANT CITY ATTORNEY

It is the intent of this resolution to establish terms, compensation, and benefits for the Assistant 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 Assistant City Attorney. Nothing in this resolution shall be construed to create an employment agreement nor alter the "at-will" status of the appointed Assistant 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/her compensation. The City Attorney shall serve as the 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. The Council may, from time to time, engage legal professionals to provide additional legal services to the City or to any department or entity."; and

WHEREAS, additional legal services will be required by the City in connection with its administration; and

WHEREAS, The Assistant City Attorney provides legal services in accordance with job specifications promulgated by the Civil Service Commission, which include but are 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 on various committees in accordance with the City Charter, City ordinances, Council Resolutions, or as requested by City Council or Council member(s).
4. Other tasks in connection with the position Assistant City Attorney as may be requested by the Mayor or Commissioners.

NOW THEREFORE BE IT RESOLVED:

- A. **Term:** This resolution shall take effect immediately upon City Council approval.
- B. **Standard Workweek and Reporting:** The Assistant City Attorney's standard workweek shall be no less than twenty (20) and no more than twenty nine (29) hours per week. The Assistant City Attorney shall not be entitled to overtime or compensatory compensation. The Assistant City Attorney shall report to the City Attorney.
- C. **Compensation:** The base salary for the Assistant City Attorney for the calendar year shall be Sixty Thousand Dollars (\$60,000.00).
- D. **Benefits:** The Assistant City Attorney shall be an employee of the City of Saratoga Springs, and receive benefits attended thereto, including:
 1. **Dental Insurance:** The City agrees to provide dental plan(s), within ninety (90) days of the signing of this Resolution, which the Assistant City Attorney may participate in at the sole expense of the Assistant City Attorney.
 2. **Disability Insurance:** New York State Disability Insurance shall be offered to the Assistant City Attorney at no cost to the Assistant City Attorney.
 3. **Health Insurance:** The Assistant City Attorney shall be entitled to participate in the MVP-25 Health insurance plan, or such other health insurance plan of the City's choice. The City shall provide the plan to the employee and his/her dependents. Assistant City Attorneys hired prior to January 1, 2007 shall be entitled to participate in the health plan offered by the City at no cost to the Assistant City Attorney. Assistant City Attorneys hired after January 1, 2007 shall be entitled to participate in the health plan offered by the City at a cost to the Assistant City Attorney of ten percent (10%) of the total cost of the health insurance plan, not to exceed Seven Hundred Fifty Dollars (\$750.00). The City shall provide the plan(s) to the Assistant City Attorney and his/her dependents, as well as retirees and their dependents. The City shall only be obligated to retirees and their dependents during the life of the retiree.

For the purpose of this Resolution, "retiree(s)" shall be defined as persons who have served the City of Saratoga Springs for at least thirty (30) consecutive years and were working at their Standard Workweek for the City of Saratoga Springs at the time of departure from City service.

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

- a. Affordable Care Act. In the event that federal or state legislation, rules and/or regulations issued in relation to the Patient Protection and Affordable Care Act (herein after known as "PPACA"), the Health Care and Education Reconciliation Act of 2010 (herein after known as "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); or
 - (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 individual employees, including modification to individual or group coverage, benefits, contributions or wages, to the extent necessary to comply with federal and/or state laws, rules, and regulations and/or to avoid or eliminate penalties, potential penalties, taxes, or cessation of payments toward the cost of benefit(s) if such benefit(s) are not compliant with the PPACA/HCERA or if such compliance would cause the City penalty or cost associated with avoidance of penalty.

- b. **Opt-Out:** The Assistant City Attorney may elect not to participate in a plan of medical and health insurance benefits provided under this agreement and such Assistant 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-person coverage; or Three Thousand Dollars (\$3,000.00) for family coverage per calendar year. The Assistant City Attorney shall not be eligible to receive such payment unless the Assistant City Attorney shall have provided proof to the Finance Office that the Assistant City Attorney, and such Assistant City Attorney's eligible dependents, are covered by a comparable plan of medical and health insurance benefits for the entire year that the Assistant 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 Principal Account Clerk in the Finance Office in charge of City provided benefits pursuant to the regulations of the plan in effect together with evidence of coverage of such employee and such employee's eligible dependents under a comparable plan of medical and health insurance benefits.

The Assistant City Attorney must promptly notify the City of termination of alternative medical and health insurance benefit coverage. In the event that the Assistant City Attorney re-enrolls in a health insurance program, the Assistant 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-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.

4. **Life Insurance:** The City shall provide group term life insurance for the Assistant City Attorney at no cost to the Assistant City Attorney.
5. **Vision Insurance:** The City agrees to pay one hundred percent (100%) of the cost of the Employee Benefit Fund Vision Plan Platinum 12 for the Assistant City Attorney and his/her dependents.
6. **Retirement:** The Assistant City Attorney may be covered by the New York State Employee's Retirement System known as 75i of the New York State Retirement Law.
- E. **Liability Insurance:** The City agrees to hold the Assistant City Attorney harmless from liability or loss sustained by or from any causes of action, suit, debts, dues, accounts, judgments, proceedings, claims and demands whatsoever which may be commended against the Assistant City Attorney alleging acts or omissions by him/her while acting in his/her capacity as Assistant City Attorney on behalf of the City Council. The City shall provide the Assistant City attorney while acting in his/her capacity as the City's Attorney all statutory workers compensation and public officials liability coverage.
- F. **Confidential Information:** In connection with the provision of the legal services to the City by the Assistant City Attorney, the City may disclose to the Assistant City Attorney information that is proprietary or confidential information. Any and all City communications, records, documents, written, oral or electronic communications or other information of any kind shall be deemed and treated as confidential by the Assistant City Attorney. The Assistant City Attorney shall not copy, transmit, deliver or communicate in any way to any other person or entity and such communications and/or information without the prior approval of the City Council, Mayor, or Commissioner(s). The Assistant City Attorney agrees to use such confidential information solely for the purpose of performing services hereunder for the City.

The term "confidential information" does not include information that:

1. is or becomes generally available to the public other than as a result of disclosure by the Assistant City Attorney,
2. is or becomes available to the Assistant City Attorney on a non-confidential basis from sources other than the City, provided that such source is not bound by a written confidentiality agreement with the City, or
3. was lawfully within the Assistant City Attorney's possession prior to its being furnished to the Assistant City Attorney by the City, provided that the source of such information was not bound by a written confidentiality agreement with the City, or
4. is required under applicable law or by deposition, interrogatory, request or demand for information or documents, subpoena, investigative demand, FOIL, court order or other similar legal process. In such cases the Assistant City Attorney shall provide the City with written notice that such information is not deemed confidential. Such notice shall provide the City sufficient time to see a protective order or other legal remedy.

All written confidential information (and all copies, extracts or other reproductions in whole or in part thereof) obtained by the Assistant City Attorney from the City shall be returned to the City and have the status of City work papers. Except as set forth herein, no confidential information shall be retained by the Assistant City Attorney upon the conclusion of the Assistant City Attorney's appointment.

- G. **Press:** No comment to the press shall be made by the Assistant City Attorney without prior approval of the City Council, Mayor, or Commissioner(s).
- H. **Conflicts of Interest:** The Assistant 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 Officials Law and the ethic considerations and rules adopted by NYS Bar Association. In the event a conflict exists, the Assistant City Attorney shall notify the City Council by formal written notice within five (5) business days of the conflict being identified. The Assistant City Attorney shall recuse himself/herself from participation in any legal matter when such participation may impair the operation of City government.
- I. This resolution shall be periodically reviewed by the City Council.

Commissioner Madigan advised additions include dental insurance, clarifying language of the number of hours for a work week, and reporting to the city attorney.

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

Ayes - All

Discussion and Vote: Budget Amendment – Use of Assigned Fund Balance Economic Development (18-128)

Commissioner Madigan moved and Commissioner Franck seconded to approve the budget amendment – use of assigned fund balance economic development as previously distributed with the agenda.

Ayes - All

Discussion and Vote: Budget Transfers – Payroll (18-129)

Commissioner Madigan moved and Commissioner Martin seconded to approve the budget transfers – payroll as previously distributed with the agenda.

Ayes - All

Discussion and Vote: Budget Transfer – Contingency (18-130)

There is currently \$267,570.68 in contingency; after approval of this motion there will be \$164,588.43 left in contingency.

Commissioner Madigan moved and Commissioner Martin seconded for approval of the budget transfer – contingency as previously distributed with the agenda.

Ayes – All

Discussion and Vote: Budget Transfers – Insurance (18-131)

Commissioner Madigan moved and Commissioner Franck seconded for approval of the budget transfer – insurance as previously distributed with the agenda.

Ayes - All

PUBLIC WORKS DEPARTMENT

Commissioner Madigan will be presenting Commissioner Scirocco's agenda in his absence.

Discussion and Vote: Authorization for the Mayor to Sign Agreement with Saratoga Arts Council Center (18-132)

Commissioner Madigan advised this is to extend the term of the existing lease bringing the lease to 2028.

Commissioner Madigan moved and Commissioner Franck seconded to authorize the mayor to sign an extended 10 year lease agreement effective April 1, 2018 – April 1, 2028 with the Saratoga Arts Council with the lease agreement to include a third extension option with an expiration date of April 1, 2038.

Joel Reed of the Saratoga Arts Council stated they appreciate the partnership with the City and are happy to be a part of the community.

Ayes – All

Discussion and Vote: Authorization for the Mayor to Sign Agreement with Schindler Elevator (18-133)

Commissioner Madigan stated this is an extended agreement for the elevators in City Hall and the Arts Center. The effective date of the agreement will continue from 2017 to 2020 and the amount will not exceed \$24,999 per year.

Commissioner Madigan moved and Commissioner Martin seconded to authorize the mayor to sign and extended agreement with Schindler for the maintenance and service of the elevators located in City Hall and Arts Center.

Ayes – All

Discussion and Vote: Approval to Pay Invoices to Ferguson Waterworks (18-134)

Commissioner Madigan stated the Department of Public Works has a contract with Ferguson as a sole source provider for fire hydrants, parts, and equipment. The materials were purchased prior to a purchase order being in place.

Commissioner Madigan moved and Commissioner Franck seconded to approve payment of 3 invoices to Ferguson Waterworks for fire hydrants and parts in the amount of \$24,466.59.

Ayes - All

PUBLIC SAFETY DEPARTMENT

Announcement: Active Shooter Training

Commissioner Martin announced active shooter training was held at SPAC this past weekend. It was a joint agency training totaling over 100 officers.

Appointment: Code Enforcement Special Prosecutor

Commissioner Martin appointed Samuel Better as code enforcement special prosecutor. This position is being funded by a grant.

Announcement: Retirement

Commissioner Martin announced Mark Benaquista will be retiring on April 30, 2018 after 29 years of service. Mark built the Traffic Maintenance Department.

Set Public Hearing: Amend 2018 Capital Budget

Commissioner Martin pulled this item from his agenda.

SUPERVISORS

Matt Veitch

Property Sale to Skidmore College

Supervisor Veitch reported there will be a public hearing on May 9th at 4:25 p.m. regarding Skidmore College purchasing land that the County owns nears Staffords Bridge Road. The purchase is about a ½ acre appraised at \$9,000.

Maplewood Manor Local Development Corporation

Supervisor Veitch reported the supervisors voted to accept the proceeds from the sale of Maplewood Manor. This money will be used to pay the retirements of employees of Maplewood Manor.

Tara Gaston

Health and Social Services Committee

Supervisor Gaston reported May has been designed as the Older Americans Month and Mental Health Month by the County Board of Supervisors. They accepted a grant of \$149,000 for the administration of a Code Blue Shelter.

Real Property Committee

Supervisor Gaston reported the sale of foreclosed properties totaled \$800,000.

Saratoga Springs Opioid Forum

Supervisor Gaston reported the forum discussed opioid, gambling, and alcohol addiction.

ADJOURNMENT

There being no further business, Mayor Kelly adjourned the meeting at 8:39 p.m.

Respectfully submitted,

Lisa Ribis
Clerk

Approved: 5/1/18
Vote: 5 - 0