



May 15, 2020

CITY OF SARATOGA SPRINGS
Special City Council Meeting
Recreation Center
15 Vanderbilt Avenue
(via zoom)

3:30 PM

CALL TO ORDER

ROLL CALL

SALUTE TO FLAG

PUBLIC COMMENT PERIOD / 15 MINUTES

CONSENT AGENDA

1. Nothing at this time.

MAYOR'S DEPARTMENT

1. Discussion and Vote: Authorization for Mayor to Execute MOU Between the City of Saratoga Springs and Collective Bargaining Units
2. Discussion and Vote: Amendment to Resolution for Non-Union City Personnel to Allow Certain Non-Union Personnel to be Furloughed

ACCOUNTS DEPARTMENT

1. Nothing at this time.

FINANCE DEPARTMENT

1. Nothing at this time.

PUBLIC WORKS DEPARTMENT

1. Nothing at this time.

PUBLIC SAFETY DEPARTMENT

1. Nothing at this time.

SUPERVISORS

1. Nothing at this time.

ADJOURN



May 15, 2020

CITY OF SARATOGA SPRINGS
Special City Council Meeting
Recreation Center
15 Vanderbilt Avenue
(via zoom)

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

STAFF PRESENT: Lisa Shields, Deputy Mayor
Maire Masterson, Deputy Commissioner of Accounts
Joe O'Neill, Commissioner of Public Safety
Eileen Finneran, Deputy Commissioner of Public Safety

Vince DeLeonardis, City Attorney

Transcriber's note: this meeting is being conducted in accordance with Executive Order 202.1 and is a full transcript of the meeting.

Transcript begins at 3:32 p.m.

Mayor Kelly: Good afternoon. Welcome to special City Council meeting, May 15, 2020. There are no public hearings and I ask for a roll call please.

Secretary to the City Council:

Commissioner Franck - present
Commissioner Madigan - present
Commissioner Scirocco - here
Commissioner Dalton - present
Mayor Kelly - present

Mayor Kelly: Thank you. Please rise for the Pledge of Allegiance.

All: "I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all."

Mayor Kelly: No public comment period at this meeting. We'll move right into the Mayor's Department. I have two items. The first item is discussion and vote: authorization for mayor to execute MOU between the City of Saratoga Springs and collective bargaining units and I'll turn it over to Vince DeLeonardis.

Vince DeLeonardis: Thank you mayor. Are you able to hear me all right?

Mayor Kelly: Yes.

Vince DeLeonardis: With regard to the agenda item, as you indicated it's a memorandum of agreement between the City of Saratoga Springs and a number of the City's collective bargaining units. Specifically, this memorandum of agreement is with regard to the CSEA City Hall Unit, the DPW Unit, the Police Benevolent Association Unit, and the Fire Unit. Over the last number of days, the director of Human Resources, Christy Spadaro, and I have spent a significant number of hours working and negotiating with the unions and their representative with regard to a furlough program. The furlough program has been raised with Council and I know Commissioner Madigan had a press release with regard to the furlough program, and we have been negotiating with the unions and communicating with the City Council members. The conversations that we've have with our unions has been productive and the conversations have been fruitful and I am very grateful for the reception we've had from the employees and their unions respectively in regards to negotiating something that provides for the ability for the City to save some money during this period of time related to the COVID-19 pandemic. What is up for your review and approval is a memorandum of agreement relating to a furlough program that provides effective as of the close of business today and continuing through July 31st, individuals who are identified on Schedule A, and for clarification, that includes 43 employees, will be furloughed without pay during that period of time. The City retains the ability, however, should the need arise, to recall any of those employees who are furloughed. If the employee is unable during that period of time or is denied unemployment insurance or the pandemic unemployment insurance, they have the ability to request re-instatement with the director of human resources and will be re-instated. The City will be providing those employees an iteration of their health care benefits during the period they are on furlough and they are allowed to use their accumulated leave to pay their portion of the health care benefits, effectively cash out some of their accrued leave to accomplish that. It is clear that the employee will not accrue during the period of furlough but the furlough will not be considered a break in service for purposes of longevity or seniority. Any previously approved paid time off, vacation or personal time, that was previously approved for the time of the furlough is deemed to be cancelled during the period that is identified and that's from the close of business today through July 31st. The City will not oppose any employees' application for unemployment. During the period of furlough, the union will not require the payment of dues of those members that are furloughed and are participating in this program. The unions acknowledge that they will not receive any credit for the New York State Retirement System during the period of time that they are participating in this program. We have that all memorialized in a memorandum of agreement. We have met and reviewed that with the representatives from the unions that are affected. We have had conversations with those unions' outside legal counsel. Everyone has worked hard on this memorandum of agreement and they have worked in a cooperative effort all with the unified goal of attempting to contribute toward solving the problem that financially the City is facing knowing that this doesn't do that but is an attempt to work in that direction and it shows their involvement and participation in that effort. It should be noted that of the 43 employees, when you factor in the total savings that is in excess of \$450,000 minus the unemployment that the City has to provide during that period of time, it still results in a total savings in excess of a quarter of a million dollars. While I fully understand and appreciate this doesn't fully close the gap that we are projecting, this does provide some relief in that direction. I don't know if there are any questions that I can answer in regard to the MOA. If there are, I'd be happy to answer them.

Commissioner Scirocco: Vince, just so I can clear something up here. You know the MOA is volunteering. Of the 43 employees, there are some more employees that could be on this that didn't volunteer. If in fact we do have some more employees that want to volunteer, are they eligible?

Vince DeLeonardis: They are eligible if the union and the City agrees to amend this memorandum of agreement to allow for that. There is language that contemplates exactly that point, commissioner. The unions may consider additional employees for inclusion in the furlough program. There is room for the unions and the City to consider additional employees either during this furlough period or potentially in a subsequent furlough period that may involve other employees not included in this initial round. That's contemplated and can certainly happen.

Commissioner Scirocco: That's good. Thanks.

Mayor Kelly: Any other comments?

I make a motion; I move that the City Council authorize the mayor to execute the MOU between the City of Saratoga Springs and collective bargaining units as included with this agenda. This is a motion. (20-212)

Is there a second?

Commissioner Scirocco: Second.

Mayor Kelly: Any discussion?

Commissioner Scirocco: I would like to thank Vince and Christy for their hard work and for the unions for stepping up to the plate. I've always said, a journey of a million miles starts with a single step. I think this is the single step we needed to have and the conversations we needed to have with the unions to make this all work in the future. This is not the end all cure all. I know we're not going to save all the money that we intend to save and I think everybody understand that. I think we needed to break the ice and I think we need to open these discussions with the unions and I think in the end it will work out for everybody. I thank everybody for their hard work in this.

Mayor Kelly: Thank you commissioner. Commissioner Madigan, did you want to say something?

Commissioner Madigan: I do unless someone wants to speak before me.

Mayor Kelly: I don't know if anyone has any other comments.

Commissioner Madigan: Maybe they'll have comments after my comments. Unfortunately, I'm going to be unable to support this MOU. I do appreciate the work that was done by the negotiating team by Human Resources and by Vince DeLeonardis and the mayor. I also want to thank those who stepped up to volunteer for the furlough program. A furlough program was recommended to the Council on Friday, May 1st by our labor attorney, Human Resources, and the city attorney. I agreed and was asked to set a very high bar for reducing wages, which I did and then I sent an e-mail to the Council Sunday, May 3rd outlining a \$3 million dollar furlough program based on \$28 million dollars in wages and wage related expenses. I then went very public and did send out press release and did a press conference stating just that; that I had set a very high bar and that this high bar would be necessary in order to scathe off potentially lay-offs and/or potentially reduce the number of people the City might need to lay-off in the future. On Friday, May 18th, I provided the Council with revised furlough numbers because it became apparent that \$3 million was really going to be unobtainable. At that time, I reduced my recommendations to the Council and to the negotiating team to \$1.5 million - \$1.7 million in actual wage related expenses over 90 days, which is what the furlough plan should be for; and an additional \$1.5 - \$1.7 million in other wage related expenses – mostly these would be these union contractual obligations. What we are presented with is unfortunately, at least for me and what I'm dealing with, woefully inadequate with 43 union employees and maybe one non-union employee volunteering leading to about \$450,000 in total wages for the furlough program. Yes, unemployment is always going to need to be considered whether we do furloughs or whether we do lay-offs. The unemployment will impact us regardless whether we do furloughs or whether we do lay-offs. I believe right now we are looking at 39 weeks based on how it's been extended for any individual employee. The total reduction in salaries for what is a 60 day furlough program, we aren't even achieving a full 90 day program, is essentially what we have being presented is a voluntary only furlough program over 60 days for a saving of only \$277,000. I sent two e-mails this week asking the negotiating team and the Council. On May 13th I wrote to go back to the unions and get them to agree to a non-voluntary deeper furlough program, something more akin to the program I put forward in terms of numbers. On May 14th I wrote that the dollar savings are nowhere near the amount required and the difficulties implementing are not in consequential and that it is my recommendation that we move on to more efficient product ways of meeting our fast approaching cash deficit. Without firm negotiation on union contractual wage related expenses, the MOA alone is not worth brining forward. As a side note, again, unemployment, we are going to pay unemployment regardless of whether or not we furlough or provide lay-offs to City employees. This will be a sunk cost at that point regardless of the plan. We pay only a maximum too per employee. It's not like we'll pay again if someone was furloughed and then potentially ends up in a lay-off situation. I have

presented two plans that would have allowed the City to maintain employees and their benefits. Neither has been adopted as I had hoped. I cannot rely on faith that we will get more concessions from the unions, although I sure hope that the negotiating team can bring to Council more real dollars and savings and soon. I cannot rely on this faith that the federal government will come forward with much needed aid to local governments. I want to thank those who volunteered for the furlough program; thank the negotiating team; and while I do support a united Council, I sense that I'm going to be in the minority here and that's okay with me. We are encountering a cash flow problem, there are things being discussed that could have a positive impact on our budget and expenditures for the remainder of the year, but we have an immediate cash flow issue now that I need help with now over the course of this next month or two. This doesn't mean that I don't want other things to be negotiated. I do want these other things but they don't help us with cash flow. Setting wages for 90 days – getting a furlough program for 90 days is an immediate reduction in our cash flow. Lay-offs are an immediate reduction to cash flow. I would ask that the Council and the negotiating team to not support this MOA and to go back and get real numbers that can help with cash flow now. This would mean furloughs coming in at the top of the salary ranges not just those who would likely benefit financially from unemployment and the extra \$600 from the federal government through July 31st. Additionally, while I'm here, we have 34 people eligible for retirement and the New York State Local Retirement System just waived the 15-day waiting period for retirement applications through June 7th. It's strongly like to encourage those who are eligible to retire in the City to consider doing so. This is another things that absolutely helps stave off that \$500,000, a half a million dollars a week that we are spending right now on salary related expenses. Thank you.

Commissioner Dalton: Can I just make a comment?

Mayor Kelly: Sure, absolutely.

Commissioner Dalton: I just think that the way the furlough program was described to me was (a) the major benefit was the \$600 a week plus unemployment so there could be a lot of people making more who were being furloughed; and then it was also the voluntary nature of it. I keep seeing this a small part of a much bigger plan and like Commissioner Scirocco said, this is the first step of many steps.

Commissioner Madigan: I'll just say I never saw this potentially as a voluntary program. I had put forward from my department if people weren't to volunteer, who I could, and it would hurt, who could be furloughed. What came down was a union negotiated volunteer program.

Commissioner Scirocco: There would have been no workshare program or furlough program unless the union agreed. That's where we are at right now. That's a good place to be.

Commissioner Madigan: We don't need approval to go forward with lay-offs.

Commissioner Dalton: I made my point which is emphasizing the voluntary nature of the program and the emphasizing the fact that you can make more money with unemployment perhaps targeted the wrong group of people. I just don't know how we could have gotten to an as aggressive of an outcome as Commissioner Madigan would have liked but I am hoping this is just one step of a long process and we are going to have to be creative to get to that number. I know my department is committed to that and this is just one piece of the puzzle.

Mayor Kelly: I do agree with that commissioner that this is one step and in our negotiations we talked about other steps we want to take. We'll get right back at that next week and working with the unions to see how we can take up other things forward.

Any other comments? All those in favor say aye.

Council: Commissioner Dalton, Commissioner Franck, Commissioner Scirocco & Mayor Kelly – Ayes.

Mayor Kelly: Any opposed?

Commissioner Madigan: No.

Mayor Kelly: Any abstentions? **The matter passes.**

My next item is discussion and vote: amendment to resolution for non-union City personnel to allow certain non-union personnel to be furloughed. I'll turn it over to Vince DeLeonardis.

Vince DeLeonardis: Thank you mayor. This is an amendment to our non-union resolution, which basically aligns this with the furlough program that we have incorporated for the unions that were part of the MOA that you just voted on. This is to allow two individuals who are on the non-union resolution and that includes the communications manager and the executive assistant and that is my executive assistant that will be furloughed during the same period that those in the union are being furloughed. The conditions are that these two individuals, although they are on the non-union resolution, will be furloughed under the same terms and conditions as those applicable to the unions that you just approved.

Mayor Kelly: Thank you Vince. Any comments?

Commissioner Scirocco: This is similar to the union MOA agreement where it's voluntary?

Vince DeLeonardis: Yes.

Commissioner Dalton: I think it's a fantastic thing for the City to have a communications manager but I understand that's a bonus of a strong economy and being in good financial health so I hope we all do our best to fill in the void and continue to communicate with the public as best we can. Communicating is crucial at this point especially with this pandemic and where we're at in this re-opening stage. People are craving hearing from us. I'm doing my best to step up to e-mail and social media and put out as much as I can and I urge the rest of the City Council to do the same if they can. I'm here and willing to help with anything anyone needs.

Mayor Kelly: I'm going to preface that a little bit with I don't think you want us all to put our own stuff out. We need to share your stuff.

Commissioner Dalton: Yes, you're right.

Mayor Kelly: We'll share your stuff. I don't think you're asking us to create our own documents, right?

Commissioner Dalton: No, not at all. I just meant that I do think people need to hear from someone other than just me. I don't know how that's going to happen, necessarily with social media. I'm here and willing to help if you guys have a message you want to get out and you need me to help facilitate it. If I have the time, I will certainly do that because I do think the more City Council people that the public hears from the better.

Mayor Kelly: Right. I do agree with that and I do make the effort to share your items and when you post to the City website, I share those.

Commissioner Dalton: I really appreciate that. Thank you.

Mayor Kelly: I do appreciate the work you put into it.

Commissioner Dalton: I am trying to post on behalf of the City when I can but we all know our time is pretty crunched these days but doing my best.

Mayor Kelly: I think you're doing terrific. We all just have to hang in there. Thank you for doing that commissioner.

Commissioner Scirocco: Mayor, on the non-union resolution, I haven't really seen it yet. Is there any way that we can wait until Tuesday and vote on this Tuesday night? I mean I'm going to support this, I don't have a problem. I would just like to see, I would like to read it just to make sure I understand exactly what we're doing here. Again, I haven't really seen it. It wasn't attached to the agenda.

Mayor Kelly: Let me turn it over to Vince.

Vince DeLeonardis: Commissioner, the resolution is very brief. It's only a couple of paragraphs, but it basically amends the non-union resolution to incorporate the following language and that language is as follows: "effective at close of business on May 15, 2020, the employees holding the positions of executive assistant and communications manager shall be furloughed without pay through and including July 31, 2020 under the same terms and conditions established for the CSEA City Hall Bargaining Unit." So that's what relates it back to the MOA you just approved. It just identifies two individuals that are not in the unions under the very same terms and conditions.

Mayor Kelly: So is that okay Skip?

Commissioner Scirocco: Yeah, I'm good with that.

Mayor Kelly: Any other comments from the Council?

Commissioner Madigan: No. I'll just be sure to let the Council know if I end up in a situation where I am unable to certify payroll for the City.

Mayor Kelly: Okay. Any other comments?

Commissioner Scirocco: Could I just add one thing and this is in regards to MOA? I know we had discussed early and I'm not sure how we're going to notify these employees, in fact if we've already done that. I know there is a list but it's 4:00 now so I don't know how all of that is going to happen, if in fact we already did; I don't know.

Vince DeLeonardis: Christy and I met with Kevin just a few hours ago. Individuals that are on the list and include in the furlough program are already being communicated with. H.R. will be working with the union reps for DPW and already have begun those conversations and getting the information out to the affected employees. Everyone that needs to know is being made aware and getting this implemented and it goes into effect as of the close of business today.

Commissioner Scirocco: Thanks.

Mayor Kelly: Anything else from the Council?

I move that the City Council authorize the amendment to the resolution for non-union City personnel to allow certain non-union personnel to be furloughed as included with this agenda. This is a motion. (20-213)

Is there a second?

Commissioner Scirocco: Second.

Mayor Kelly: Any discussion? All those in favor say aye.

Council: Commissioner Dalton, Commissioner Franck, Commissioner Scirocco & Mayor Kelly – Ayes.

Mayor Kelly: Any opposed?

Commissioner Madigan: No.

Mayor Kelly: Any abstentions? **The matter passes.**

This concludes our special City Council meeting. Does anyone have any other items they want to add, please do so now? If not, we are adjourned.

Transcription ended at 4:11 p.m.

Respectfully submitted,

Lisa Ribis
Clerk

Approved: 9/1/2020
Vote: 5 - 0

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF SARATOGA SPRINGS, NEW YORK
TO AMEND THE RESOLUTION FOR NON-UNION FULL TIME EMPLOYEES**

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

WHEREAS, on June 4, 2019, this Council last amended and approved a resolution entitled “Resolution for Non-Union Full Time Employees”; and

WHEREAS, the recent COVID-19 pandemic has created issues that reasonably require amendments to that resolution in order for the city to proceed with an employee furlough program in the public interest

NOW, THEREFORE, **BE IT RESOLVED**, that this City Council hereby amends the Resolution for Non-Union Full Time Employees as follows:

Effective at close of business on May 15, 2020, the employees holding the positions of “Executive Assistant” and “Communications Manager”, shall be furloughed without pay through and including July 31, 2020, under the same terms and conditions established for to the CSEA city hall bargaining unit.

RESOLVED, that a copy of this resolution shall be filed immediately in the Office of the City Clerk.

Dated: 5-15-2020

Ayes 4 Nays 1

CITY COUNCIL OF THE CITY
OF SARATOGA SPRINGS, NY
By John P. Franck, City Clerk