

# CITY OF SARATOGA SPRINGS

## City Council Meeting



May 17, 2022

City Council Meeting Room

: P.H. - UDO Amendment 1 - Remove Uses From Greenbelt

: P.H. - UDO Amendment 2 - Land Use Boards Criteria for Greenbelt

: P.H. - UDO Amendment 3 - Enhance Stream and Wetland Protections

: P.H. - UDO Amendment 4 - Amend Land Disturbance Activity Permit

06:45 PM P.H. - Amend City Code Re: Alcohol Sales and Use

**7:00 PM**

**CALL TO ORDER ROLL**

**CALL SALUTE TO FLAG**

**PUBLIC COMMENT PERIOD / 15 MINUTES**

**PRESENTATION(S):**

**EXECUTIVE SESSION:**

### **CONSENT AGENDA**

1. Approval of 5/2/2022 Pre-Agenda Meeting Transcript
2. Approval of 5/3/2022 City Council Meeting Transcript
3. Approval of Temporary Outdoor Dining Permits as of 5/13/2022
4. Approve Budget Transfers - Regular
5. Approve Budget Amendments - Insurance
6. Approve Budget Amendments - Regular
7. Approve Payroll 05/06/22 \$834,168.38
8. Approve Payroll 05/06/22 #2 \$15,285.49
9. Approve Payroll 05/13/2022 \$399,753.36
10. Approve Mid-Warrant - 2022, 22MWMAY1 \$52,763.02
11. Approve Warrant 2022, 22MAY2 \$383,822.16

**MAYOR'S DEPARTMENT**

1. Announcement: Saratoga High School Mock Trial Team
2. Announcement: Appointment of Chair to Ethics Board
3. Announcement: Appointment to Community Development Citizen Advisory Committee
4. Announcement: Summer Season Open for CDPHP Cycle
5. Announcement: All Together Now: Arts Celebration Weekend June 2-5
6. Announcement: June 8 Public Forum on Strategies and Response to Homelessness
7. Announcement: Report on Status of Email Distribution to Private Parties
8. Announcement: Civilian Review Board Procedure
9. Discussion and Vote: Approval to Pay Invoices of \$2939 and \$4351 to Goldberger & Kremer for Legal Services
10. Discussion and Vote: Merit for Review and Referral to Design Review Committee - Proposed Amendments 1 and 2 of the UDO
11. Dicussion and Vote: Discussion and Vote: Approval of MOU Between The Department of Navy and The City of Saratoga Springs
12. Dicussion and Vote: Resolution - Title 8 (Legal Matters)
13. Dicussion and Vote: Authorization for Mayor to Sign Youth Service Project Minor Contract with the County of Saratoga
14. Dicussion and Vote: Authorization for Mayor to Sign the Co-Sponsor Agreement with Saratoga Youth Boxing Association
15. Dicussion and Vote: Authorization for Mayor to Sign the Co-Sponsor Agreement with Rock Your Fitness Boot Camp
16. Discussion and Vote: Establish Title and Salary for Program Director in Recreation Department
17. Set Public Hearing: Amend Capital Program and Budget for the Recreation Playground and Facilities Project utilizing Subdivision Recreation Fees
18. Set Public Hearing: Amend Capital Program and Budget for the Recreation Skate Park Project utilizing Subdivision Recreation Fees

## ACCOUNTS DEPARTMENT

- 1 Discussion and Vote: Amend Chapter 61 Re: Alcohol Sales and Use
- 2 Discussion and Vote: Resolution of Official City Newspaper
- 3 Discussion and Vote: Authorization for Mayor to Sign Contract with New York State Industry for the Disabled ( NYSID) for Design Review Scanning
- 4 Announcement: Grievance Day is Tuesday, May 24, 2022
- 5 Announcement: Cannabis Update
- 6 Announcement: Temporary Outdoor Dining Update
- 7 Set Public Hearing: Amend Chapter 136 Entitled Lodging and Eating and Drinking Establishments - Temporary Outdoor Seating Area Permits
- 8 Update: Special Events
- 9 Set Public Hearing: Amendment to Chapter 199A - Special Events
- 0 Award of Bid: Polyaluminum Chloride to Holland Chemical
- 1 Award of Bid: Geyser Crest Well #7 Construction to Layne Christensen Company
- 2 Announcement: Southside Cemetery Restoration
- 3 Announcement: Update: COVID and Planned City Activities

## FINANCE DEPARTMENT

1. Update: Participatory Budgeting
2. Update: City Finances
3. Discussion and Vote: Use of Assignment - IT Initiatives
4. Discussion and Vote: Budget Amendment - Assignment for IT Initiatives
5. Discussion and Vote: Authorization for Mayor to Sign Addendum 1 with Granicus for Peak Management - Updated Agenda Software
6. Approve Budget Amendments - Benefits
7. Discussion and Vote: Budget Transfers - Payroll
8. Announcement: Transparency Portal on City Web -LIVE!

## PUBLIC WORKS DEPARTMENT

1. Discussion and Vote: Department of Public Works Sick Bank Request
2. Discussion and Vote: Authorization for Mayor to Sign Contract with Alpha Boats Unlimited dba Barber Welding Inc for an Aquatic Weed Harvester and Tilt Deck Trailer
3. Discussion and Vote: Authorization For Mayor To Sign Contract With Layne Christensen Company for the Geyser Crest Well 7 Construction Contract In the Amount Of \$99,465
4. Discussion and Vote: Authorization for Mayor to Sign Contract with Holland for Water Treatment Plant Chemicals
5. Announcement: Deputy Commissioner of Public Works
6. Announcement: Water Main Distribution Pipe Replacement Project Update
7. Announcement: Milling and Paving Schedule

## PUBLIC SAFETY DEPARTMENT

1. Discussion and Vote: Authorization for Mayor to sign Ricoh contract lease agreement change for DPS
2. Discussion and Vote: Authorization for Mayor to sign Addendum 2 with Therapeutic Horses of Saratoga Inc.
3. Discussion and Vote: Pay increase for track season Vehicle Traffic Controllers from \$10.50 per hour to \$15 per hour
4. Discussion and Vote: Authorization for Mayor to sign Educational Agreement with Momentive Performance Materials
5. Discussion and Vote: Authorization for Mayor to sign Agreement with Community Emergency Corps, Inc.

## SUPERVISORS

1. Matt Veitch
  1. Gas Tax Resolution
  2. Buildings & Grounds Update
  3. County Bike Routes
  4. Economic Development Funding
2. Tara N. Gaston
  1. COVID-19 Update
  2. Gas Tax Resolution
  3. ARPA Non-Profit Funding
  4. Infant Feeding Resources

## ADJOURN

May 17, 2022

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

**PRESENT:**

Ron Kim, Mayor  
Dillon Moran, Commissioner of Accounts  
Minita Sanghvi, Commissioner of Finance  
Jim Montagnino, Commissioner of DPS  
Jason Golub, Commissioner of DPW

Matthew Veitch, County Supervisor  
Tara Gaston, County Supervisor

**STAFF PRESENT:**

Angela Rella, Deputy Mayor  
Stacy Connors, Deputy Commissioner of Accounts  
Heather Crocker, Deputy Commissioner of Finance  
Joseph O'Neill, Deputy Commissioner of DPW  
Anthony Izzo, City Attorney

**STAFF EXCUSED:**

Jason Tetu, Deputy Commissioner of DPS

**RECORDING OF PROCEEDINGS**

The proceedings of the meeting were taped for the benefit of the secretary and public record. Because the minutes are not a verbatim record of the proceedings, the minutes are not a word-for-word transcript.

## **PUBLIC HEARING**

### UDO Amendment 1 – Remove Uses From Greenbelt

Mayor Kim opened the public comment period at 6:45 p.m.

No one spoke.

Mayor Kim closed the public comment period at 6:46 and kept it open.

### UDO Amendment 2 – Land Use Boards Criteria for Greenbelt

Mayor Kim opened the public comment period at 6:47 p.m.

No one spoke.

Mayor Kim closed the public comment period at 6:47 and kept it open.

### UDO Amendment 3 – Enhance Stream and Wetland Protections

Mayor Kim opened the public comment period at 6:48 p.m.

No one spoke.

Mayor Kim closed the public comment period at 6:48 and kept it open.

### UDO Amendment 4 – Amend Land Disturbance Activity Permit

Mayor Kim opened the public comment period at 6:48 p.m.

No one spoke.

Mayor Kim closed the public comment period at 6:49 and kept it open.

### Amend City Code Re: Alcohol Sales and Use

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

Commissioner Moran stated the section of the Ordinance to Amend City Code Chapter 61, which included Congress Park and the Canfield Casino, had been removed due to the importance of newly appointed DPW Commissioner Golub to be in the conversation and decision-making process of those two properties that fall under Commissioner's Golub purview. Moran stated there had been second change from the original ordinance to amend chapter 61-1.5 in subsection b , as follows:

“Sale, possession and consumption of alcoholic beverages at one or more approved designated areas at an event for which a Special Permit has been issued under the provisions of Chapter 199A of the City Code. Such areas shall be designated on a plan or map submitted with the Special Permit application and shall be separately approved in writing. Such accommodation shall only be

made for events sponsored by a charity, not for profit, 501(c)3, or other similar noncommercial entity,” had been a recommendation brought forth by Mayor Kim. Moran stated to agree not-for-profit charities and noncommercial entities were the types of organizations that would be able to make use of the amended ordinance, due to the City inclination to provide accommodations where they make sense, able to be controllable, and properly licensed. Moran stated the above stated changes to the ordinance would be brought forward during the Accounts Department Agenda to vote on during the meeting.

Sam Brewer of Lake Avenue, Saratoga Springs, stated to have read Commissioner Moran’s proposed changes to the ordinance and stated to fully support the Commissioner’s efforts to liberalize drinking and imbibing in outdoor spaces. Brewer endorsed the addition of more caveats to make it easier for outdoor festivals to drink and imbibe in a controlled setting.

Mayor Kim confirmed the Public Hearing’s on UDO Amendments 1, 2, 3, 4 had been kept open and are before the City and County Planning Boards. Mayor Kim confirmed with Commissioner Moran the Public Hearing on Amending Chapter 61 – Alcohol Sales is use is closed and would be up for a vote later in the meeting.

Mayor Kim closed the public comment period at 6:53 p.m.

## **CALL TO ORDER**

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

### **Roll Call**

**Moran – Ayes**

**Sanghvi – Ayes**

**Kim – Ayes**

**Golub – Ayes**

**Montagnino – Ayes**

**Veitch – Ayes**

**Gaston – Ayes**

**Izzo – Ayes**

**Mayor Kim stated on Saturday, May 14, 2022, a domestic terrorist killed 10 New York State residents, and asked all to rise for a moment of silence for the fallen heroes. Kim asked each Commissioner and Supervisor to say a name of the fallen: Moran named Ms. Celestine Chaney, Sanghvi named Roberta Drury, Golub named Andre Mackneil, Montagnino named Aaron Salter, Veitch named Katherine Massey, Gaston named Margus D. Morrison, and Mayor Kim named Heyward Patterson, Geraldine Talley, Ruth Whitfield, Pearl Young.**

## **PUBLIC COMMENT**

**Mayor Kim reminded the audience there is one (1) rule and three (3) suggestions: the rule is each speaker would have two (2) minutes to speak. Kim stated the suggestions to the audience are to remember they are members of a community speaking to public members of that same community, be kind, because kindness is never wasted, and be factual because accuracy and truth are the foundations of our democracy.**

Mayor Kim opened the Public Comment period at 7:02 p.m.

John Kaufman of White Street, Saratoga Springs stated Commissioner Moran had complained about misinformation spread on social media. Kaufman stated Moran ignored emails Kaufman sent to Moran and Sanghvi regarding city policy issues. Kaufman stated in order for Moran to live up to promises of transparency, Moran would be required to engage by providing responses to emails. Kaufman stated barriers had been installed as part of the temporary outdoor dining policy. Kaufman stated it to be his understanding the procurement policy required the Council's approval of the expenditure of the barriers. Kaufman stated Mayor Kim had engaged Miller Mannix Law Firm to pursue an appeal of Judge Waite's decision dismissing the Church Street Trust case. Kaufman stated should the appeal by Miller Mannix be successful the result would be Judge Waite rehearing the case. Kaufman stated to feel the appeal to be pointless, since the Building Department had submitted a complaint on the same issue and would be heard in Municipal Court. Kaufman stated to not understand why the City would spend public money on the appeal.

Sam Brewer of Lake Avenue, Saratoga Springs stated that one evening there had been a large possum foraging for food in his backyard. Brewer stated days later to have gone to Congress Park and found a duck egg left behind by one of the park ducks. Brewer stated it to be a moral problem with the signage throughout the park, which states "do not feed the ducks," and there are too many ducks. Brewer stated to disagree with there being too many ducks. Brewer stated ducks lay eggs humans can eat, and once the ducks leave the park, duck hunters will produce more ducks to sell to restaurants instead of chickens and the City would have more food.

Commissioner Moran stated the ducks at Congress Park are hybrid ducks, and cannot fly or migrate like other ducks. Moran stated the new DPW Commissioner would be able to look into Brewer's concerns regarding the ducks. Moran stated his wife is associated with North Country Wild Care and had received many calls regarding the ducks in the City, where the ducks are considered residents of the City of Saratoga Springs. Moran stated when the Wild Care Center received calls of injured animals within the community; those animals usually end up at Moran's house for Mrs. Moran to care for. Moran recommended Brewer call regarding the possum.

Dan Morano of Saratoga Springs stated to have email the Council. Morano stated to represent crime victims and worked doing crime victim stuff. Morano stated to have handout to be added to the record. Morano stated anyone living in Saratoga Springs who were in need of the police had the option of State and County Police. Morano stated to spend money on police in the City of Saratoga Springs to be a waste of money. (Attachment)

Mayor Kim concluded the public comment period at 7:12 p.m.

**There were no Presentations nor Executive Session.**

Mayor Kim moved to the first item on the Mayor's Agenda, and introduced the Saratoga High School Mock Trial Team.

1. Announcement: Saratoga High School Mock Trial Team

Mayor Kim announced the Saratoga High School Mock Trial Team were crowned 2022 Saratoga County Mock Trial Champions a mock trial competition hosted by the Saratoga County Bar Association (NYSBA). Kim stated the final round were held in Wilton Town Court with Justice Matthew Coseo presiding where the Saratoga Springs High School team beat Schuylerville High School. Kim stated Tim McGuiggan to be the team's advisor.

McGuiggan stated each year the NYSBA announced the case and topic each year, and the topic the team tried had been Securities Fraud criminal case. McGuiggan stated the team's attorney advisor Jim Leary had been the backbone of preparing the students. McGuiggan stated Leary worked on a volunteer basis for the school and team, and is a Saratoga Springs High School graduate and former member of mock trial. McGuiggan stated the team made it to the semi-finals. McGuiggan stated the team is a time commitment for the students.

Commissioner Montagnino stated the NYSBA would be hosting a Mock Trial luncheon in honor of the victors.

## CONSENT AGENDA

**Mayor Kim moved and Commissioner Montagnino seconded to approve the consent agenda as listed.**

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11. Approve Warrant 2022,22MAY2 \$383,822.16

**Ayes – All**

## SUPERVISORS

**Matthew Veitch**

### Gas Tax Resolution

Supervisor Veitch reported on the Saratoga County Gas Tax Resolution passed last week. Veitch stated the resolution, which passed waves the County portion of sales tax on gas sales when the price is over two dollars per gallon. Veitch stated the consumer is taxed on the first two dollars per gallon, and monies above two dollars per gallon would be waived from the county tax

perspective. Veitch stated the resolution to begin June 1, 2022, through September 1, 2022. Veitch stated this gas tax to be a quarterly tax with the option to renew. Veitch stated the resolution would be in addition to any State gas tax waiver. Veitch stated the resolution would be a 3% per gallon savings and would not be of significant savings per fill up. Veitch stated he had voted for the resolution, because he felt every little bit would help families in tough economic times.

#### Building and Grounds Update

Supervisor Veitch stated the Building and Grounds Committee passed a resolution at the Board of Supervisors Meeting on a conservation easement on County forestland in the Towns of Wilton and Northumberland. Veitch stated the County monitors the County Airport, and there were seasonal needs throughout the spring and summer to mow the grass. Veitch stated the airport to be a habitat for karner blue butterflies. Veitch stated parcels of land were traded in equal parts throughout the county to plant blue lupin to foster new habitats for the butterflies. Veitch stated the resolution had been approved by the NYSDEC and federal government, due to it being an airport and the FAA's requirement to be involved. Veitch stated there to be a conservation easement over the county land to maintain the karner blue butterfly habitat. Veitch state the project would be completed with an agreement with the North American Land Trust, which the County and City worked with to establish same type of habitat at Beaver Pond Village off Geysers Road. Veitch stated recreation walking paths would be established in the areas of the new butterfly habitats.

#### County Bike Routes

Supervisor Veitch stated during Fall 2021 the County approved a bike route map, which had encompassed the entire county for bike lanes and bike routes along county roads. Veitch stated the County DPW would be installing bike route signs throughout the 2022 summer.

#### Economic Development Funding

Supervisor Veitch stated the Economic Development Funding Committee and Law and Finance Board had met during the past week. Veitch stated over the past three (3) years the economic developments grants had \$150,000 to bestow on county cities and towns, which equated to \$7,100 per entity. Veitch stated due to the dissolution of the Saratoga County Prosperity Partnership, the County gained approximately \$350,000 and some of those dollars would be merged with the economic development funding to allocate. Veitch stated each town and city would be able to apply for \$14,200 worth of grants due to the reallocation. Veitch stated grants applications would come out over the summer. Veitch stated the most recent grant to the City of Saratoga Springs had been used for the Visitor Center. Veitch stated money had begone to be set aside for the 250<sup>th</sup> Anniversary of the Saratoga Battlefield, which would have national attention.

### **Supervisor Tara Gaston**

#### COVID-19 Update

Supervisor Gaston stated the County COVID-19 rolling positivity rate had been reported to be at 14%. Gaston stated approximately 60 cases per one-hundred thousand, which had been the rate at the beginning of the pandemic. Gaston stated there had been an increase in the reinfection rate.

Gaston stated hospitalization is 0.37% of those fully vaccinated. Gaston stated the FDA had approved a booster vaccine for ages 5 years to 11 years old.

### Gas Tax Resolution

Supervisor Gaston stated to have cast a vote against the Gas Tax Resolution. Gaston stated the reasoning were the changes to tax structure are normally done by local law. Gaston stated the bill had been pushed through by the Governor, and there was no public comment on the matter. Gaston stated the cost savings to the public would be low and would mean less sales tax to the municipalities. Gaston stated smaller municipalities use the tax dollars for their highway fund.

### ARPA Non-Profit Funding

Supervisor Gaston stated the County received over 170 applications for the two-million dollars in funding, which Gaston stated to have asked for five-million dollars for the non-profit fund. Gaston stated a sub-committee had been appointed, and it was Gaston's hope to ensure the Saratoga Springs not-for-profits were able to get their fair share of funding. Mayor Kim asked Gaston how many Saratoga Springs non-profits applications were received. Gaston stated to not have the number of City applications, and would work to receive the number.

### Infant Feeding Resources

Supervisor Gaston stated there to be a national shortage of formula. Gaston stated there to be a formula and diaper swap held at Allo Saratoga on Lawrence Street on the upcoming Sunday. Gaston stated the FDA would be moving forward on addition resources and encouraging other manufacturers to produce, and feel supply would be back to normal in a few weeks. Gaston stated for those in need of help to reach out to the County DSS or EOC, or the County Supervisors who oversee the Public and Mental Health Departments. Gaston recommended not to water down formula or move to another substance.

Supervisor Gaston stated the Special Master who had been appointed by the Steuben County Judge had presented draft maps of congressional and state senate races. Gaston stated the those who'd like to make a public comment to the Special Master to email [bwise@nycourts.gov](mailto:bwise@nycourts.gov). Gaston stated there would be significant changes for Saratoga Springs, which is in the 20<sup>th</sup> congressional district to be changed to the 21<sup>st</sup> congressional district. Gaston stated Saratoga Springs would be merged to the state senate district comprised almost entirely with Saratoga County districts along with Schenectady and Niskayuna.

## **MAYORS DEPARTMENT**

### 2. Announcement: Appointment of Chair to Ethics Board

Mayor Kim announced Brendan Chudy would step down as Chairman of the Ethics Board, and would remain on the board as a member. Kim stated during the April 5<sup>th</sup> City Council Meeting Susan Barden would be appointed Chair, and Kim had announced the appointment had been completed for Susan Barden as Chair of the Ethics Board.

### 3. Announcement: Appointment to Community Development Citizen Advisory Committee

Mayor Kim announced the appointment of Alexis Brown to the Community Development Citizens Advisory Committee. Kim stated Brown to be a community activist and volunteer. Kim

stated Brown established Saratoga Free Fridge, which is located on Beekman Street and provides for free and fresh food to the Saratoga Springs community in need. Kim stated Brown developed resources through crowdsourcing and made connections with local farms and business to provide food 24/7. Kim stated Brown most recently served on the Search Committee for Commission of the DPW. Kim stated Brown's appointment effective this meeting.

4. Announcement: Summer Season Open for CDPHP Cycle

Mayor Kim announced the CDPHP had contacted the Mayor's Office to announce the bicycle program had started and the bicycle had been placed in the allocated locations around the City for public use. Kim stated in 2021, 5,382 CDPHP bicycles were used through the City of Saratoga Springs. Commissioner Moran stated there had been a presentation by the CDPHP at a City Council Meeting earlier in the year of scooters. Kim stated CDPHP would put together scooter demonstrations and safety sessions throughout the City and roll out a program after June 1, 2022. Kim stated the three (3) CDPHP proposed locations for scooter racks would be near the racetrack, High Rock Park parking garage, and Hamilton Street. Kim stated the scooters would be available during set times during the days, and there to be restrictions on certain locations of use. Kim stated the scooter programs were successful in Albany, Schenectady, and Troy.

5. All Together Now: Arts Celebration Weekend June 2 – 5

Mayor Kim announced the All Together Now Arts Celebration Weekend to be June 2 – 5, 2022. Kim stated the event would be a festival and collaboration with local cultural organizations to kick off the summer season and to celebrate our vibrant arts community. Kim stated SPAC, Caffe Lena, and Skidmore College had come together to launch the first of its kind arts celebration. Kim stated some highlights to be Lindsay Webster at Caffe Lena. Mikhail Baryshnikov photographs inside The Pines, and the first ever Saratoga Arts Community Talent Show. Commissioner Golub stated the arts community have a vision for Saratoga Springs to be a cultural destination. Commissioner Sanghvi stated the City had world class organization from the Yaddo to SPAC to the Tang Museum. Sanghvi stated the Arts Celebration Weekend program would start the tourism season a month earlier than traditionally seen in Saratoga. Golub stated the cultural tourist spend 60% more money than other tourists in Saratoga Springs. Kim stated [Saratoga.org/arts](http://Saratoga.org/arts) to be the website of the full lineup.

6. Announcement: June 8 Public Forum on Strategies and Response to Homelessness

Mayor Kim stated the Mayor's Office routinely received phone calls each year during the spring regarding the homeless issue in Saratoga Springs. Kim stated the homeless issue would become more visible to the community, because the Code Blue Shelter closes and due to people being out more. Kim stated to be in contact with RISE, Captain Community Human Services, local shelters, and the Salvation Army to reach out to the community to address homelessness in the community, and to address plans the City and the organizations had discussed to ensure compassion, safety, and that the law is being abided by the citizens of the City. Kim stated the Public Forum would be held at the City Center. Kim stated DPS Commissioner Montagnino would be in attendance to speak on the public safety aspect. Kim stated the forum would be the time for the public to attend and be heard, and to learn. Commissioner Moran gave thanks to Commissioner Golub for bringing the subject of homelessness in our community at the interview for Commissioner of DPW. Moran gave thanks to Kim for bringing the forum together. Golub encouraged the public to attend the forum

to bring their ideas, so potential outside the box ideas could come forth. Supervisor Gaston gave the support of the County's Mental Health Department.

7. Announcement: Report on Status of Email Distribution to Private Parties

Mayor Kim stated the Mayor's Office issued a news release regarding the Recreation Department email distribution to private parties. Kim stated the discovery made by the City relating to the Recreation Department email list, had been due to a previous Mayor's Department agenda item of the Finance Department which oversees the I.T. Department. Kim stated the Recreation Department routinely collected email addresses for community events and opportunities. Kim stated it appeared there had been evidence the email list the Recreation Department has maintained for years may have gone to some private parties. Kim stated the Mayor's Office does not believe the Rec Department, staff, or Recreation Commission had acted improperly. Kim stated this issue occurred during the former administration. Kim stated once the City became aware of the release of the information.

**The May 17, 2022, City Council Meeting had been interrupted by an active fire alarm, and the meeting had been adjourned by Mayor Kim at 7:54 p.m. The building had been evacuated.**

**The Meeting did not reconvene that evening due to a fire within the Police Department. The City Council Meeting reconvened the following Tuesday, May 24, 2022, at 7:00 p.m.**

Respectfully submitted,

**Barbara Brindisi  
Assistant City Clerk**

**Approved: July 5, 2022  
Vote: 4-0 Absent 1**

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Read Me!

Received

MAY 17 2022

AccountsDepartment

# **SARATOGA COUNTY - Ethics Alert Notice (Spring 2022)**

Brought to you by *Saratoga County CrimeVictims*

## ***Folly Of The Armed (The Paradox of Protection)***

The 'Paradox of Protection' is that when you put on a bulletproof vest, you're implicitly inviting bullets to be fired at you [and now your torso] - intrinsically and unavoidably. And that when you arm yourself with a gun, you're raising the stakes such that the odds of you now being attacked (and with a gun) are now intrinsically and inevitably higher than they would be otherwise [plus now the added risk of that gun going off and injuring you personally].

The point is that weapons and armor only ever (and always do) make you less safe than if you went without them because they [and their presence] invite and normalize threats. These truths can be statistically verified. Those who don't carry weapons don't invite armed conflict, is the takeaway; those who do always will (implicitly and unavoidably). The natural escalation of just having a gun makes you implicitly and intrinsically less safe than if you didn't - every time (the exception being when your environment is so extreme that it necessitates it - like in a warzone; but since those conditions don't apply here so the alternative is always true).

But the catch is that the type of people who arm themselves [with guns and vests], are risk-averse in such a way that they don't actually want to be safe; their desire to use weapons and armor (and hence their being in possession of that equipment) means they actually want and are seeking out conflict - but under the guise of 'protection' and 'safety'. But secretly what they want is conflict and violence; it's a Freudian-slip: these people implicitly communicate their desire for blood by claiming to want to be protected and under that guise load up on weapons and armor. They want violence but can't/won't admit it - so they seek it out through less honest means (under the guise of protection - violence). It's simple supply-chain logic; those who carry guns have an implicit desire to shoot someone - that's why they choose to carry a gun. The same can't be said for those who don't (they could have that desire, but we have no evidence of it; not like we do with the people who do carry guns). This is also why our police will resist giving up their guns; their [covert and innate] desire for violence (and the chance to shoot someone legally), trumps the principle of 'Public Safety' that they claim to be here upholding in the first place (and because they probably never studied statistics).

The problem is that our city (and most others) have put these 'risk-averse types' into situations where their 'aversion to risk' that enables (and probably compels) them [emotionally] to want to carry a gun around all-day, infringes on the rights (and desires) of the non-'risk-averse types' [people who are uncomfortable with all guns - and particularly uncomfortable with a whole department of local police having them].

So I think the only fair way to compromise in this type of situation is to look closely at the environment (in this case the city of Saratoga Springs), and honestly assess if this town (and its risks - as they are) necessitates the types of risks that come with all those guns; I would argue that it doesn't.

## ***Losing The Thrill-Seekers ("The Thrill Is Gone" - B.B. King)***

A certain segment of our (inordinately large) law enforcement community are people who are in this work for the thrills - and I know that because they put on guns and vests in a town where nobody ever gets shot and run around all-day like its normal. They're the ones who will stubbornly (and irrationally) defend having lethal risks in SO-places a day [or wherever SSPD's armed officers happen to roam] but for no explicable reason. Hopefully those types [the thrill-seekers] will choose to pack up and move along when the thrills (guns) are taken out of the job (as I intend to do). Law enforcement should be made up of responsible people (who acknowledge guns are dangerous and counter to the very notion of 'Public Safety') and not thrill-seekers who insist otherwise.

# SARATOGA COUNTY - Ethics Alert Notice (Spring 2022)

Brought to you by *Saratoga County Crime Victims*

## ***Arbitrary Uses of State Power***

The more police you have, the more people you'll have getting pulled over (predictably). And more people getting searched, and more people getting charged with things like [drug] possession\*; meanwhile, have police made anyone safer by making a traffic stop that only now happened because a guy went to work as a cop that day - and he's only now writing tickets (sitting on the side of a road somewhere watching a speedometer) because there are no actual crimes happening; and now a grown adult (who's going to possess whatever they're going to possess - just as any adult does as they will) is potentially going to go to jail so that some cop can make a paycheck where he goes to work - decides there's nothing to do - then goes and pulls people over for no reason other than having a job where you remedy a problem that largely doesn't exist (Saratoga Springs has never had crime problems - just problems with excessive and unprofessional policing). Examples like this are the nature of the problem in Saratoga, and have been for a long time.

Saratoga Springs has a huge number of people who want to be police (or more precisely, a huge number of people who want to get paid to be police), but yet a very small number of people who commit the type of crimes that put our 'Public's Safety' at-risk. These things are objectively true (the number of people seriously physically-injured by crimes in Saratoga Springs has only ever been very low), such that the number of police (and the extent to which they're armed) in this low-crime town is completely inappropriate.

The majority of charges that come out of SSPD are nuisance charges - things like traffic tickets and possession charges; things police do when there's nothing else to do. And the bulk of these arrests and charges exist purely so men can make money doing a job that our town largely doesn't need done (policing Saratoga Springs is like mopping a clean floor).

The cost of living in this city (and the fact that it costs a lot to live here), is what keeps the crime-rate low (and always has) - not the police. All our police do is add risks (like that of being shot - or disproportionately being charged with nuisance crimes like possession) to a city that is otherwise largely devoid of real 'public safety'-threatening types of risks. We (this city) needs to stop paying so many men [SSPD] to keep doing this to our city (policing it unnecessarily).

## ***Nobody's Clamoring For More Police***

The only people in this county who are resistant to the idea of reducing the volume of police in this county are the people who make money from policing (and their associated friends/families); and they're the same ones who turn out as 'counter-protesters' when BLM is in town. They're also the same people referenced recently (in the paper) as having Confederate flags on their jackets when they turn up at City Council meetings; those people are PEA-affiliates. Friends and family of the police - they probably all have PBA stickers on their car - and I know they're police affiliates because they only ever [and always do] turn up when SSPD is having problems (like they did with BLM last summer), I consider our former Public Safety Commissioner (Robin Dalton) to be among this group - her time 'overseeing' SSPD was such that she was their enabler; not their regulator. I expect SSPD groomed and recruited her specifically to 'oversee' them; which is why she was so thoroughly bad at it.

Police in our town get paid (on the scale that they do) based on the perpetuation of a very particular lie - that without them [SSPD], people in our town somehow wouldn't be 'safe'. And the flip-side of that lie is that their presence (SSPD) somehow makes the people in the city safe. Meanwhile, I honestly can't think of a bigger risk in this county than its police (and their guns), and I think most of our public feels similarly [but have probably been intimidated into not communicating it - literally].

\* People who do drugs or they don't. A cop charging someone who does drugs with possessing drugs practically never resolves that person's problems; and catching people who do drugs with crimes for possession for what's objectively a health problem (drug addiction) - not a criminal problem, pretty much only ever compounds those people's problems. The (several) times police confiscated my marijuana, it only ever compounded my problems; it didn't solve them.

# **SARATOGA COUNTY - Ethics Alert Notice (Spring 2022)**

Brought to you by *Saratoga County Crime Victims*

## ***The Real Threat To 'Public Safety'***

I lived on Caroline Street in 2008 for about six months; right above *The Bullpen* - I (shared) a third-floor apartment overlooking the bars. There were probably 3-5 fights a week during that summer; most of the time cops never even showed up - things would develop (people would get rowdy), climax (a fight would break out), and cool back down (they'd get broken up - people would go their separate ways). After living there a few months, they became predictable (at least 3 fights during a weekend; 1 or 2 fights during the week); where people gather and drink they get rowdy and where they get rowdy they fight. Predictably.

Fights on Caroline St. are a trade-off for having a bar scene - people attracted to bar scenes are the type of people who like to fight; predictably. It's always been that way and will always be that way - there's nothing new about it. As long as Caroline Street has bars and a nightlife there will be fights; their frequency and intensity will vary (like with the seasons - and like when the police are present or not), and the particular bars that fights spill out of will change, but fights on Caroline Street will continue to coincide with the nightlife (and often continue even when police are present). People who like to drink and fight often aren't the type to back down just because police are there, so it's mistaken to think inserting police would somehow solve the problem, or that the phenomenon will stop as long as the bars are still there. If we didn't have a nightlife on Caroline St, we wouldn't have fights; but we do so we will.

My main takeaway from this latest story with *Gaffney's* and fights on Caroline Street was how much more dangerous that situation becomes when you insert armed officers into those situations; at any point someone could have reached for an officer's gun and something dangerous (drunk people fighting) could have turned deadly (drunk people fighting but now with access to guns introduced by SSPD's reckless officers). This phenomenon (of everyone experiencing higher risks because of any gun, anywhere), now exists in as many places as there are SSPD's armed officers and those risks [elevated risk of injury because of nearby guns] will continue to be unnecessarily (and unjustifiably) high until SSPD's officers are disarmed.

## ***'The Public Harm Department'?***

People in our town [and our 'Public's Safety'] are put at greater risk by approaching one of SSPD's officers and asking for help (and potentially spooking them and getting shot by them), than they are for half the situations you'd actually call SSPD for in the first place; I'd let a petty larceny go if I thought the cop I'd need to call to report it might show up heavily-armed and could potentially (unlikely as it may be) shoot someone; and that's the truth. People without guns can't shoot anyone; when someone's nearby with a gun, anyone could get shot - is how I calculate risk.

The only time people are at risk of being shot in the city of Saratoga Springs is when they come in close proximity to one of SSPD's officers; their officers are the only people in our town who feel it necessary to walk around with guns, and despite what's probably now decades of people in Saratoga Springs not getting shot (like ever that I can recall), SSPD has become so militarized, they're not only armed with guns, but even have bulletproof vests. And for what? Who are they responding to with all this hardware [guns and vests]? Do you have any idea how completely inappropriate it is for them to be so heavily-armed in a town without a violence problem? These things [SSPD's guns] have become normalized over time (and by past administrations), but aren't normal and are increasingly unacceptable as far as I'm concerned.

I expect SSPD has strategically stocked up on weapons so they can deliberately dissuade the public from interacting with them - that way they can do less work. And they also seem to be addicted to adrenaline - I see no other reason for being so heavily-armed. Being armed with handguns is reckless and both disingenuous and antithetical to the concept of 'Public Safety'.

# **SARATOGA COUNTY - Ethics Alert**

Brought to you by *Saratoga County Crime Victims*

## ***Policing Is Dysfunction***

This behavior underlying policing - to essentially stalk and abduct people - but 'legally'; is dysfunction. Just because everyone is doing it doesn't mean it isn't dysfunction. The reason so many people do it (policing in our county), is because this dysfunction has gone unchecked for this long - and has been allowed to grow; by men who frankly aren't open to negotiation. They do as they will despite (and often in spite) of the rest of us. That's coming to an end - officially, and predictably.

You're either a healthy human being and demonstrate a full range of emotions (including empathy and compassion) - or you don't and you aren't. Becoming a police officer officially shuts off certain emotions - every time. They're all - by definition - dysfunctional; statistically and know-ably. They cannot be trusted to make certain high level decisions - like carrying guns. They simply are not equipped [intellectually or emotionally] to make those types choices. But people in Saratoga Springs seem to be making it up as they go along and don't know that for some reason.

## ***The Problem***

A certain set of middle-aged men [and others] in our town have arrived at the conclusion that if they work as 'local police' - that they can then abuse our public. Like by showering risk on us - by insisting on carrying guns in a town where people don't get shot. That's abuse; don't be mistaken. These are damaged and abusive men who are hiding behind the 'virtues of a badge' to abuse anyone and everyone they come in contact with. The archetype of 'police officer' is itself abusive - you're gaining an unfair psychological advantage over people - every time. Statistically and know-ably.

Either you go to shake someone's hand and you do it cleanly - or you spit on it first. Or you show up with a gun and now half of everyone won't shake your hand. Or you have on a gun and spit on your hand. These things are knowable and objective and observable. People who show up with a gun are passive-aggressively abusing people by exposing them to unnecessary risks (unless there's a legitimate reason to think the gun was needed) - the person spitting on their hand is [more aggressively] exposing people to risks as well (but with germs). People whose job gives them an option to bring a gun are choosing to 'abuse [our] public' by exposing them to unnecessary risks (since our town doesn't have violence problems) - and people who spit on their hands are just gross. These things are objectively and statistically true.

The problem is the people who do this (expose others to unnecessary risks) generally aren't educated in things like statistics and don't know they're doing it - so now they will! :)

## ***The Solution***

I intend to destroy 'police culture' - everyone in this county who has a car with flashing lights is going to need to increasingly defend (their untenable) positions - predictably. And will fail.

### **SPECIAL NOTE:**

A couple younger officers from your Dept. showed up at my house yesterday - a reaction to my mail to SSPD - trying to dissuade me from doing that. They each had their own cars - two of them I think. Making an example of these two - and releasing them - might be a good shock to the system; one that's hypernormalized. Having too many police is toxic to everyone and everything - this practice needs to stop.

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Thanks, everyone. Here is the list of names. Ron will have a hard copy of the list for each of you.

Commissioner Moran: Celestine Chaney

Commissioner Sanghvi: Roberta A. Drury

Commissioner Golub: Andre Mackneil

Commissioner Montagnino: Aaron Salter

Supervisor Veitch: Katherine Massey

Supervisor Gaston: Margus D. Morrison

Mayor Kim: Heyward Patterson

Mayor Kim: Geraldine Talley

Mayor Kim: Ruth Whitfield

Mayor Kim: Pearl Young

ji **Received**

MAY 17 2022

Accounts Department

AN ORDINANCE TO AMEND CHAPTER 136 OF THE CODE OF THE CITY OF SARATOGA SPRINGS, NY, ENTITLED “LODGING AND EATING AND DRINKING ESTABLISHMENTS – ARTICLE IV A – TEMPORARY OUTDOOR SEATING AREA PERMITS”

BE IT ORDAINED by the City Council of the City of Saratoga Springs, NY, as follows:

SECTION 1: Chapter 136 of the Code of the City of Saratoga Springs, NY, entitled “LODGING AND EATING AND DRINKING ESTABLISHMENTS – ARTICLE IV A – TEMPORARIY OUTDOOR SEATING AREA PERMITS” is hereby amended as follows:

1. Section 136-33.3 is amended to read (new material underlined, old material in brackets);

§136-33.3 Establishment of temporary outdoor seating areas

The City Council hereby designates the Commissioner of Accounts, with the advice and consent of the Commissioner of Public Works as the officials who together shall have authority to establish areas of public property, including by not limited to sidewalks, and the use of private property identified as parking facilities for commercial purposes or lands immediately contiguous to the business for use by licensed eating and drinking establishments as temporary outdoor seating areas. Temporary outdoor seating areas shall operate in compliance with the New York State Uniform Codes, the Americans with Disabilities Act, and the applicable provisions of the Code of the City of Saratoga Springs.

SECTION 2: This ordinance shall take effect the day after publication as provided by the City Charter of the City of Saratoga Springs, NY.

ADOPTED:

CITY COUNCIL OF THE CITY OF  
SARATOGA SPRINGS, NEW YORK

By: \_\_\_\_\_ Dillon C. Moran \_\_\_\_\_  
City Clerk

## AMENDMENT TO UDO

### AMENDMENT 2: ESTABLISH CLEAR CRITERIA AND REQUIREMENTS FOR LAND USE BOARDS TO MAINTAIN RURAL CHARACTER IN THE GREENBELT

For Gateway Commercial-Rural: Article 4.5.B.1.b of the UDO should be amended to add an additional requirement as follows:

- “iv. Design standards in the GC-R District may be exempted by the Design Review Board or Planning Board with a written explanation detailing the exemption as follows:
- a. The uses in the structure are unique and preclude meeting the rural design standards of the ordinance; or
  - b. The lot configuration is unique and precludes meeting the rural character of the ordinance; or
  - c. That there are extraordinary circumstances unique to the parcel that demonstrates that the design standards cannot meet the rural character objectives of the ordinance.”

For the Suburban and Rural Residential Districts: Article 16.10 should be amended to provide an introductory statement as follows:

#### 16.10 DESIGN STANDARDS:

“The design standards should be followed but may be exempted by the Design Review Board or Planning Board with a written explanation detailing the exemption as follows: a. The uses in the structure are unique and preclude meeting the rural design standards of the ordinance; or b. The lot configuration is unique and precludes meeting the rural character of the ordinance; or c. There are extraordinary circumstances unique to the parcel that demonstrate that the design standards cannot meet the rural character objectives of the ordinance; or d. The applicant has demonstrated a better way to achieve this rural design objective.”