

CITY OF SARATOGA SPRINGS

City Council Meeting



May 3, 2022

Music Hall, 3rd Floor of City Hall

: P.H. - Amend City Code Re: Alcohol Sales and Use
 : 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
 06:30 PM P.H. - Civilian Review Board

 Print

7:00 PM

CALL TO ORDER

ROLL CALL

SALUTE TO FLAG

PUBLIC COMMENT PERIOD / 15 MINUTES

PRESENTATION(S):

EXECUTIVE SESSION:

Discussion regarding Current Litigation: Acquisition by City for Rights in Real Property

CONSENT AGENDA

1. [Approval of 04192022 City Council Minutes](#)
2. [Approval of 3/15/22 City Council Meeting Transcript](#)
3. [Approval of 4-5-2022 City Council Meeting Minutes](#)
4. [Approval of 4/18/22 Pre-Agenda Meeting Minutes](#)
5. [Approval of 4/18/22 Pre-Agenda Meeting Transcript](#)
6. [Approval of 4/4/22 Pre-Agenda Meeting Minutes](#)
7. [Approval of 4/4/22 Pre-Agenda Meeting Transcript](#)
8. [Resolution: Temporary Outdoor Dining Permits as of 4/29/2022](#)
9. [Approve Budget Transfers - Regular](#)
10. [Approve Budget Amendments - Insurance](#)
11. [Approve Budget Amendments - Regular](#)
12. Approve Payroll 04/29/22 \$409,588.92
13. Approve Payroll 04/22/22 \$662,850.42
14. [Approve Mid-Warrant - 2022, 22MWAPR2 \\$8,944.67](#)
15. [Approve Warrant 2022, 22MAY1 \\$488,236.84](#)

MAYOR'S DEPARTMENT

1. Discussion and Vote: Appointment of Commissioner of Public Works

2. Announcement: Saratoga High School Girls Gymnastics Team
3. Announcement: Asian American and Pacific Islander Heritage Month
4. Announcement: Saratoga Farmers' Market May Location
5. Announcement: National Bike Month
6. Announcement: Promotion of No Mow May
7. Announcement: Appointment to Complete Streets Advisory Board
8. Announcement: Appointment to Saratoga Springs Housing Authority Board of Commissioners
9. Announcement: Request for Commissioner of Finance to Report to Council on Status of Email Distribution to Private Parties
10. Discussion and Vote: Community Development Non-Profit Grant Program
11. Discussion and Vote: Approval and Authorization to Sign Energize NY Open C-PACE Financing Program Documents
12. Discussion and Vote: Merit for Review and Referral to City and County Planning Boards - Proposed Amendment 1 to UDO
13. Discussion and Vote: Merit for Review and Referral to City and County Planning Boards - Proposed Amendment 2 to UDO
14. Discussion and Vote: Merit for Review and Referral to City and County Planning Boards - Proposed Amendment 3 to UDO
15. Discussion and Vote: Merit for Review and Referral to City and County Planning Boards - Proposed Amendment 4 to UDO

ACCOUNTS DEPARTMENT

1. Discussion and Vote: Merit to Forward Weibel Plaza Commercial PUD Amendment to City and County Planning Boards for Advisory Opinions
2. Announcement: Grievance Class
3. Announcement: Grievance Day
4. Announcement: Business Milestones
5. Announcement: Update on Outdoor Dining
6. Announcement: Update on COVID and Planned City Activities

FINANCE DEPARTMENT

1. Update: Participatory Budgeting
2. Discussion: 2021 Preliminary Financial Report
3. Update: City Finances
4. Discussion and Vote: Resolution for Full-Time Non-Union Employees (Executive Assistant, City Attorney)
5. Discussion and Vote: 2022 City Fee Update - Recreation Department (Pickleball, Fitness Fees)
6. Discussion and Vote: Approval to Reimburse IT Employee in the amount of \$169 for Payment to MindManager
7. Discussion and Vote: Authorization for Mayor to Sign Agreement with Windstream Holdings II, LLC for Digital City Telephone access (including inbound Police Department calls)
8. Discussion and Vote: Budget Transfers - Payroll

PUBLIC WORKS DEPARTMENT

1. Discussion and Vote: Authorization for Mayor to Sign Contract with Pace Analytical Services, LLC for Laboratory Services
2. Discussion and Vote: Authorization for Mayor to Sign Contract with MiltonCat for Heavy Construction Equipment with Related Accessories, Attachments and Supplies
3. Discussion and Vote: Approval for the Department of Public Works to Hire 2 Part Time Seasonal Street Department Employees
4. Discussion and Vote: Approval for the Department of Public Works to Hire 10 Part Time Seasonal Carousel Employees
5. Discussion and Vote: Approval for the Department of Public Works to Hire 2 Part Time Canfield Casino Laborers
6. Discussion and Vote: Department of Public Works Sick Bank Request
7. Announcement: Saratoga County's Spring Tire Recycling Program
8. Announcement: Arbor Day Tree Planting
9. Announcement: American Public Works Association 2022 Project Of The Year

PUBLIC SAFETY DEPARTMENT

1. Discussion and Vote: Authorization to pay 2021 invoice to Axon Enterprises
2. Discussion and Vote: Civilian Review Board Ordinance
3. Discussion and Vote: Application Form for Membership Appointment to Civilian Review Board
4. Announcement: Bike Rodeo at the East Side Rec on Saturday, May 7 9am-12pm

SUPERVISORS

1. Matt Veitch
 1. Crescent Avenue Road work Update
 2. County Bike Routes
2. Tara N. Gaston
 1. COVID-19 Update
 2. Senior Luncheon
 3. Redistricting Update

ADJOURN

May 03, 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

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
Anthony Izzo, City Attorney

STAFF EXCUSED:

Jason Tetu, Deputy Commissioner of DPS
Joseph O'Neill, Deputy Commissioner of DPW

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

Amend City Code re: Alcohol Sales and Consumption

Mayor Kim opened the public comment period at 6:30 p.m.

Commissioner Moran asked to preface the Public Hearing to amend the City Code regarding Alcohol Consumption. Moran stated notices to amend the law had been available to the public by issuance in public newspaper for consecutive days. Moran stated the notice to amend had been available on the Public Hearing section of the City's website and in the Account's Department for a week and one-half. Moran stated the legislature had been written by City Attorney Izzo. Moran

stated the act provides for local control over the outdoor dining program, which continues to remain in a temporary

state. Moran stated three (3) steps were required in order to facilitate local control. Moran stated: the first was the extension of the permissive of temporary outdoor dining, which had passed a month ago by the City Council; the second step would be the issuance of the authority to sell and use alcohol within the land used as outdoor dining; the third step would be for the licensee to apply to the NYS Liquor Authority for an amended license, which the process had been known to take six – nine months. Moran stated the above steps and amending City Code 61 would be the best approach for the City to take to assist in and have control over the circumstance which the licensee operates once it is determined the temporary process becomes a permanent process and merges with the existing sidewalk café legislations, which has been around for 2 decades. Moran stated there had been misinformation given to the public-on-public forums on the intent of the amendment of the City Code.

Moran stated there were groups on social media news forums, which seemed to have the attempt to misguide, misinform, and harm the reputation of the Saratoga Springs community. Moran stated the harmful intent goes as far as to lie about the activities of our local government. Moran stated the multitude of ways the public and bloggers have to access City information whether in person, online or by public notice information, the individuals whom had stated the information on the Public Hearing had not been made public were either lazy or a social deviant whose intent on harming the reputation of the Saratoga Springs community with lies. Moran read the ordinance into the minutes:

AN ORDINANCE TO AMEND CHAPTER 61 OF THE CODE OF THE CITY OF SARATOGA SPRINGS, NY, ENTITLED “ALCOHOLIC BEVERAGES”

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

SECTION 1: Chapter 61 of the Code of the City of Saratoga Springs, NY, entitled “Alcoholic beverages” is hereby amended to add a new section 61-1.5 as follows:

61-1.5 EXCEPTIONS (Effective through December 31, 2024) The provisions of section 61-1 above shall not be applicable to public places in the following circumstances, provided all licensing and regulatory requirements of the State Liquor Authority are complied with:

- a) Sale, possession and consumption of alcoholic beverages at a temporary outdoor seating area licensed under the provisions of City Code Section 136, Article IVA
- b) Possession and consumption of alcoholic beverages, by guests invited to an event at the Canfield Casino in Congress Park for which a rental agreement has been obtained from the City, at the War Memorial or the Italian Gardens/Spit & Spat area in Congress Park, during the hours that the rental agreement is in effect.
- c) 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.

Commissioner Moran read into record a letter received by President of the Saratoga County Chamber of Commerce Todd Shimkus and co-signed by Executive Director of City Center Authority Ryan McMahon and President / CEO of Discover Saratoga Darryl Leggieri:

“I cannot attend tonight. If you would like to read these comments into the record that is fine with me. The Chamber continues to appreciate the direct dialogue from the Accounts office

with local business leaders and the collaboration forged so far to expand outdoor dining and to approve events, both new and returning ones. We have long sought flexibility in the law that would allow approved event organizers to use some appropriate spaces for alcohol to be served. This is a common practice for many convention events and road races in other communities. I am sure with input from all of the departments involved in reviewing these applications that any issues, which may come up with specific locations, vendors or products could be rectified before the application is approved. While I cannot comment on the legal language you provided, we are definitely supportive of the intent to help local event organizers and local businesses by providing them with this flexibility as part of their applications. With Kindness, Todd Shimkus President, Saratoga County Chamber of Commerce.”

Chris Mathiesen of Friar Tuck Way, Saratoga Springs, stated not to be lazy. Mathiesen stated when the Council amends a City Code it is important to note which City Code is being amended. Mathiesen stated there to be no code titled Alcohol Sales and Use. Mathiesen stated not to have issue with the amendment or the expanded use of extended outdoor dining. Mathiesen stated the limitation associated with the Sidewalk Café ordinance would make sense to incorporate into the Temporary Outdoor Dining ordinance. Mathiesen stated it to be important to be specific when amending codes.

Mayor Kim asked Commissioner Moran whether the Public Hearing on Alcohol Sales and Use to be kept open. Moran stated the fact the amendment involved City lands and Department of Public Works would be directly involved, it would be prudent to keep the hearing open until a Commissioner of Public Works is appointed and able to weigh in and to bring the amendment forward as a unified City Council.

Mayor Kim closed the public comment period at 6:39 p.m. and kept it open.

UDO Amendment # 1- Remove Uses From the Greenbelt

Mayor Kim stated Amendment 1 would remove country club and educational facility uses from the RR-1 District. Kim stated Amendment # 1 would remove from the Gateway Rule District: community centers, medical and dental offices, multi-family residential structures, townhouses, eating and drinking entablements with more than 40 seats, vocational education centers, and hotels with more than 20 room occupancies.

Mayor Kim opened the public comment period at 6:40 p.m.

Chris Mathiesen of Friar Tuck Way, Saratoga Springs commented not to understand why country clubs would be taken out of the Greenbelt, since there were two existing country club/golf courses with the Greenbelt, which had no negative effects associated with them. Mathiesen stated not to understand the rationale.

Matt Jones Esq. of Jones & Steves Law Firm on behalf of the Saratoga County Chamber of Commerce, stated the Chamber of Commerce priorities are to work with the City of Saratoga Springs to find suitable property to provide workforce housing and to expand public transportation services within the City. Jones stated the Chamber's goals were to help more people who already work within the City to live within the City. Jones stated the UDO had already included a myriad of rules, requirement, and regulation which made it very difficult and expensive to build anything within the City. Jones stated Amendments 1- 4 would further erode the flexibility of property owners and the City, which would make the City less inclusive. Jones stated if the City shared the Chambers priority on use, the Council would work to see how the UDO works first before adding new restrictions. Jones referenced the GCR (Route 9 area of the map) in the proposed

Amendment # 1, and stated the Comprehensive Plan consisted of lands referred to as the Country Overlay Area. Jones pointed out the Crescent Avenue area and the former driving range are part of the GRC, but not part of the Greenbelt. Jones stated the amendment ought to be consistent in its intent and

exclude those parcels. Jones stated the Homewood Suites on South Broadway would fall into the category of hotel over 20 rooms, and would be significantly affected in a negative way by rendering the property status as pre-existing non-conforming use.

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

UDO Amendment # 2 – Land Use Boards Criteria for Greenbelt

Mayor Kim stated the Gateway Commercial Rule would impose design standards and provide Design Review and the Planning Board standards to vary and exempt current design standard if the design, structure, lot configuration, or extraordinary circumstances make it a unique situation and preclude the design from being required to meet current design standards.

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

No one spoke.

Mayor Kim closed the public comment period at 6:50 p.m. and kept it open.

UDO Amendment # 3 – Enhance Stream and Wetland Protections

Mayor Kim stated the Amendment would change the existing 50-foot buffer to 100-foot buffer when constructing near perennial streams and wetlands.

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

No one spoke.

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

UDO Amendment # 4 – Amend Land Disturbance Activity Permit

Mayor Kim stated Amendment # 4 would reduce tree cutting on undeveloped land and circumvent tree preservation with a more restrictive permit for removing trees when there is a proposed development.

Mayor Kim opened the public comment period at 6:51 p.m.

No one spoke. Mayor Kim stated Amendments 1 – 4 would be kept opened to be referred to the City and County Planning Boards.

Mayor Kim closed the public comment period at 6:52 p.m. and kept it open.

Civilian Review Board (CRB)

Commissioner Montagnino prefaced the opening of the Public Hearing by stating some minor changes had been made to the CRB draft published for the April 19, 2022, agenda. Montagnino stated the residency requirement had been proposed to be extended from six months to one year.

Montagnino stated the other changes were grammatical and formatting in nature. Montagnino stated an additional provision had been included which addressed a situation where a CRB Member is proposed to be removed from the Board. Montagnino stated the removal process would appear as an agenda item with the alleged cause for removal before the meeting where the removal is to be discussed and considered by the Council.

Mayor Kim opened the public comment period at 6:52 p.m.

Chris Mathiesen of Friar Tuck Way, Saratoga Springs, stated there were no problems with prejudice or bias in the Saratoga Springs Police Department. Mathiesen stated the CRB proposal did not contain anything the police department would not be able to work with. Mathiesen referenced paragraph 37/6 section B, which stated, "Upon receiving complaint from a resident of the city..." Mathiesen wondered if the CRB would be meant for Saratoga Springs residents only.

Mayor Kim closed the public comment period at 6:56 p.m. for a vote later in the evening.

Call To Order

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

Roll Call

Moran – Aye via video conferencing

Sanghvi – Aye

Kim – Aye

Montagnino – Aye

Mayor Kim moved up Item # 2 on the Mayor's Department Agenda.

Announcement: Saratoga High School Girls Gymnastics Team

Mayor Kim recognized those in attendance from the Saratoga Springs High School Girls Gymnastics Team and invited them to the front of the stage. Kim stated the Saratoga Springs High Schools Girls Gymnastics Team had won 20 years of consecutive Section 2 Championships: the team included 13 out of 20 Sectional Vault Champions, 16 out of 20 Uneven Bar Champions, 16 out of 20 Beam Champions, and 17 out of 20 Double A Sectional Champions. Kim introduced gymnastics coaches Deb Smarro and Marlene Michaels who introduced the whole team by name.

PUBLIC COMMENT

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

Mayor Kim opened the Public Comment period at 7:01 p.m.

Gordon Boyd of State Street, Saratoga Springs, stated there to be a situation where a number of parents in the school district had been receiving unwanted emails from an organization named Moving Saratoga Forward. Boyd stated after discussion amongst parents the common denominator

to give out their email address were while signing their children up for a program at the Saratoga Springs Recreation Department. Boyd read a letter from Kate Boyd, which stated to receive unsolicited emails from Moving Saratoga Forward, which promoted issues regarding the City schools and City government, and included racial undertones. Boyd's letter stated Boyd believed the only way the group had the email address was when Boyd signed up a child at the recreation department. Boyd read a letter from Rebecca Lynch, which stated had received numerous unsolicited emails from a group called Moving Saratoga Forward. Boyd stated Lynch's letter referenced the emails from the group to be racist, misogynistic, and obnoxious; Lynch claimed to believe the only way the email address had been obtained had been when Lynch signed up a child at the recreation center.

Thomas McTygue of Saratoga Springs, stated to be in attendance at City Council for the Appointment of Commissioner of Public Works (DPW), which McTygue held the position for 32 years. McTygue stated the Council should not have appointed a committee to make a recommendation to the City Council on the candidates for Commissioner of DPW. McTygue stated the Council were elected officials and are responsible for making their own decisions without a third-party committee recommendation. McTygue stated the Council were in error for not of not going to the Democratic and Republican Chairpersons for their recommendations of an appointment for Commissioner of DPW. McTygue stated each of the members of the Council should have spoken to the candidates to make a decision. McTygue stated his brother Bill McTygue, who had interviewed before the Committee, would be able to take over the position from day 1 if selected and had the time to commit to the position. McTygue stated if Jason Golub were to be selected Golub would be tasked with planning for the November special election for the office of Commissioner of DPW while working as Commissioner of DPW, while working another fulltime job. McTygue stated the plan to endorse Bill McTygue to run for Commissioner in the November special election. McTygue stated were Bill McTygue to run for office the Democratic Committee would select McTygue over Golub. McTygue stated the City Council should go into Executive Session to discuss before making a final decision and vote.

Bob Reed of Allen Drive, Saratoga Springs, stated the Council should honor the Saratoga High School Girls Gymnastic Team with a proclamation for their achievements.

Robert Millis of Saratoga Springs, stated Caroline Street is a problem and the City need to take steps to fix the culture and environment and find a solution. Millis stated the problems and causes could be fixed with solutions from the enforcement of City Codes and conducting a decision tree methodology analysis. Millis stated past Councils had misidentified the solution of the issues on Caroline Street and depended on the bar owners to work together, which did not solve any of the problems. Millis stated the City took positive action against Gaffney's in their closure due to a not sufficient funds check return. Millis stated the NYS Liquor Authority were in the process to enact a license suspension of Gaffney's. Millis stated the suspension generally requires City input. Millis stated the issue is a Caroline Street problem, and not a Gaffney's problem.

Chris Mathiesen of Friar Tuck Way, Saratoga Springs, stated to be retired and have a lot of time on his hands to attend Council Meetings, and stated not to continue to attend Council Meetings, in the future, on a such a regular basis. Mathiesen congratulated Mr. Jason Golub on the potential

appointment to Commissioner of DPW. Mathiesen stated to had taken time to view past recorded Council Meetings, and found many statements and assumptions regarding Darryl Mount and the Police Reform Task Force were untrue. Mathiesen stated there to be falsehoods, since there were no bias or racism. Mathiesen stated the August 31, 2013, incident started as a domestic violence incident in the presence of two police officers, and were the officers attempted to intervene. Mathiesen stated Mount's background of ADHD or medical issue where Mount had a medical plate in the neck were not factors. Mathiesen stated Mount demonstrated cowardice in the actions taken that lead to Mr. Mount's subsequent loss of life, due to the events of the 2013 incident. Mathiesen

stated Mount had been turned into a hero by a group of people. Mathiesen stated then Police Chief Greg Veitch had not lied to Caitlin Morris, but had tried to make Morris understand the scope of the investigation.

Robin Dalton of Caroline Street, Saratoga Springs, stated Commissioner Montagnino's plan to defund the Assistant Chief of Police position to start a new phase and staffing plan had not been disclosed to the public, and the reallocation of the police budget is not clear. Dalton stated there had been an exodus from the police department. Dalton stated the summer population will grow from 29,000 to 75,000, and is concerned on police staffing. Dalton stated Council Public Hearings on the Civilian Review Board (CRB) had been ongoing for months, and there had not been a proposal about the Civilian Review Board until the present meeting. Dalton stated it was attached to the May 3, 2022, agenda, but did not state to be a Discussion and Vote. Dalton stated not to understand why feedback was not sought by the Council from the public. Dalton stated no one in the public or police department were able to read the proposal. Dalton stated the Council should be transparent.

Commissioner Montagnino stated the proposal had been on the agenda on the April 19, 2022, Council Meeting.

Sam Brewer of Lake Avenue, Saratoga Springs, stated to be a student of human behavior. Brewer stated risk taking or risk averse behavior is of interest. Brewer stated the City should inform citizens of risks, and should not try to stop people from taking personal risks. Brewer stated part of living in a free country is to take risks. Brewer stated City Government should discontinue law making which inhibit individual's personal freedom from taking risks, discontinue prohibitions and police behavior.

Mayor Kim moved to close the Public Comment period at 7:18 p.m.

Executive Session

Mayor Kim stated the Council would go into the scheduled Executive Session for discussion regarding current litigation of acquisition by the City of Saratoga Springs for Rights in Real Property.

Mayor Kim moved and Commissioner Montagnino seconded the Council to go into Executive Session regarding current litigation: acquisition by the City for Rights in Real Property.

Ayes – All

Executive Session started at 7:19 p.m. Executive Session returned at 7:25 p.m.

Mayor Kim proposed Discussion and Vote on the 255 Excelsior Avenue matter. Kim stated the Council agrees with the property owners on the price offered for the property rights and authorized the City Attorney to work with opposing council to draft and execute appropriate documents of transfer of those property rights.

Mayor Kim moved and Commissioner Sanghvi seconded the acquisition by the City for the purchase of Rights in Real Property of 255 Excelsior Avenue.

Ayes – All

Mayor Kim moved and Commissioner Montagnino seconded to approve the consent agenda as listed and described:

1. Approval of 04/19/2022 City Council Minutes
2. Approval of 3/15/22 City Council Meeting Transcript
3. Approval of 4/5/2022 City Council Meeting Minutes
4. Approval of 4/18/22 Pre-Agenda Meeting Minutes
5. Approval of 4/18/22 Pre-Agenda Meeting Transcript
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14. Approve Mid-Warrant - 2022, 22MWAPR2 \$8,944.67
15. Approve Warrant 2022, 22MAY1 \$488,236.84

Ayes – All

SUPERVISORS

Matthew Veitch via video conferencing

Crescent Avenue Road Work Update

Supervisor Veitch stated County Route 22 to be in the process of road work by Saratoga County DPW. Veitch stated the work consisted of pavement overlay, drainage and vegetation maintenance. Veitch state the road work to be from the section Crescent Avenue to the interchange of I-87 with the estimated completion date to be the end of May 2022.

Supervisor Veitch removed Supervisor's second agenda item.

Tara Gaston

COVID-19 Update

Supervisor Gaston stated the seven-day rolling average of COVID-19 positivity rate in Saratoga County to be 12.9%. Gaston stated the drop of state mandates and relaxed quarantine guidelines may have affected the number of COVID-19 diagnoses. Gaston stated the demand continues to increase at local hospitals, public health services, and schools. Gaston stated the importance of receiving the COVID-19 vaccines and COVID-19 testing. Gaston stated the multiple strains of COVID-19 give false negative rapid tests, so repeated testing is advised.

Senior Luncheon

Supervisor Gaston announced the Saratoga County Office for the Aging Annual Senior Luncheon to take place Friday, May 6, 2022, 11 a.m. – 3 p.m., and the tickets are four dollars. Gaston stated the luncheon is Wizard of Oz themed.

Redistricting Update

Supervisor Gaston stated the normal schedule for election primaries were in June, and general election held in November. Gaston stated this to be the first year Saratoga County had been required to the City of Saratoga Springs to have an early voting site. Gaston stated due to redistricting changes, the State Senate Primaries were currently scheduled for August 23, local judicial and State Assembly Primaries were currently scheduled for June 28. Gaston stated the August 23rd date had been due to a court order. Gaston stated due to the burden on the Board of Elections (BOE) of multiple primaries and election, the State would consider to combine two sets of primaries. Gaston stated since the election dates were in flux, the public is recommended to City and County websites for more information.

MAYOR'S DEPARTMENT

1. Discussion and Vote: Appointment of Commissioner of Public Works

Mayor Kim stated after the untimely death of Commissioner Sirocco the City Council were charged under City Charter § 2.4 with the responsibility of appointing a new Commissioner of Public Works. Kim stated rather than simply meeting in Executive Session and appointing a successor, the City Council implemented a plan that would be transparent and accountable to the public. Kim stated the Council adopted a resolution creating a five-member search committee for the purpose of interviewing candidates and anyone interested in the position. Kim stated Council jointly named former Commissioner John Franck as Chairperson. Kim stated the search committee met last April 29, 2022, in a publicly seen livestreamed meeting in City Council Chamber to interview candidates. Kim stated the candidates were Bill McTygue, Anthony Scirocco and Jason Golub. Kim stated the after the interviews and over the weekend, the committee met to discuss the interviews and filed a report with the Mayor's Office containing their recommendations. Kim stated the Mayor's Office distributed the report of the candidates.

Mayor Kim took a moment to thank the search committee members. Kim stated the committee performed a stellar job in a short period of time to organize, deliberate, and discuss. Kim stated the committee came up with a process with rules that were fair and transparent. Kim stated the committee's efforts demonstrated why the Saratoga Springs community is so strong. Kim stated the committee members stepped up and were willing to be part of a democracy.

Mayor Kim stated to continue the process of transparency by not going into Executive Session, and City Council would deliberate in open. Kim stated the Council had a chance to review the assessment of the committee's report and watch the interviews. Kim stated each Council Member were to state their opinion and give their vote for the next Commissioner of the Department of Public Works.

Commission Moran stated to be grateful for the service of the committee. Moran stated to have met with all three interviewed candidates and additional interested parties. Moran recognized Anthony Scirocco strength by coming forward with his candidacy to replace his father as Commissioner. Moran recognized Bill McTygue and the McTygue Family's service to the City of Saratoga Springs. Moran stated McTygue's qualifications and willingness to step forward for the better good of the community is commendable. Moran stated the Scirocco and McTygue families were to be commended for their service to the City of Saratoga Springs. Moran stated Jason Golub had a background of managerial success. Commissioner of Accounts Dillon Moran casted the vote for Jason Golub as Commissioner of Public Works.

Commissioner Sanghvi stated to be grateful for the service of the committee. Sanghvi stated to the Council tried to be open and transparent in the process of the appointment of Commissioner. Sanghvi recognized Anthony Scirocco in stepping up to fulfil his father's legacy, and desire to finish the projects started by former Commissioner Scirocco. Sanghvi recognized Bill McTygue for selfless service to the City of Saratoga Springs and McTygue's devotion to the DPW and the City. Sanghvi stated the Scirocco and McTygue families were to be commended for their service to the City of Saratoga Springs. Sanghvi stated the committee's report had been clear in their recommendation, and looked forward to working with Golub on environmental issues. Commissioner of Finance Minita Sanghvi casted the vote for Jason Golub as Commissioner of Public Works.

Commissioner Montagnino stated to be grateful for the service of the committee. Montagnino stated to had made a decision before reading the committee's recommendations. Montagnino stated the decision were based upon the facts established and the statements made by the candidates at the hearing, which Montagnino watched livestreamed. Montagnino stated to be transparent and to be willing to share the notes in which assisted in the decision-making process. Montagnino stated not to have spoken to any of the three candidates before or after the interviews. Montagnino stated both Bill McTygue and Jason Golub had supported and contributed to Montagnino's campaign, and were not relevant to Montagnino's decision-making process. Montagnino recognized McTygue competency and knowledge of the working of the DPW, which Montagnino stated to not question McTygue's ability to walk into the role seamlessly. Montagnino stated McTygue stated during the interview not to be interested in running for the special election in November, which Montagnino pointed out would be cause a third administration of the DPW within a year. Montagnino recognized Anthony Scirocco's loss of his father, and how well Scirocco rebounded and acquitted himself during the interview process as well as being informed of the processes of the DPW. Montagnino stated Scirocco lacked legislative background and knowledge of the happenings and topics before the City Council. Montagnino stated Jason Golub is a Columbia University graduate. Montagnino stated Golub stated in the interview not to be able to commit to the Commissioner position fulltime, which is drawback. Montagnino stated Golub recognized the need of help from the leadership of DPW. Montagnino stated Golub had experience in the legislative arena in Golub's co-chairmanship of the Police Reform Task Force. Commissioner of DPS James Montagnino casted the vote for Jason Golub as Commissioner of Public Works.

Mayor Kim stated the decision to make the appointment process transparent and open to the public was important to the Mayor's Office and Council. Kim stated the Council members were in their position due to voters that had put them in office six (6) months earlier, and since the position of DPW Commissioner would not be a public vote it was important to make it as public and transparent as possible. Kim stated it had been a difficult choice to make the decision on the vote, due to knowing the individuals who interviewed. Kim recognized Bill McTygue had been Director of DPW while Mayor Kim had been on the City Council. Kim stated McTygue had accomplished a lot of duties including the renovation work of the Carousel and Canfield Casino as part of his tenure. Kim stated to had agreed with the search committee and the others on the Council in the Mayor's selection of Jason Golub as Commissioner of Department of Public Works. Kim stated Golub communicated the aspirations and goals Golub envisioned if selected as Commissioner, and implementation of a recycling program and an operational audit were great ideas. Kim stated all the new ideas that been brought to the Council for City improvement will all take have a role for the Department of Public Works. Kim stated the challenge for anyone that came to the role of Commissioner is that the job is a full-time job. Kim stated credit had been due to Commissioner Scirocco for the placement of the executive staff in place at the DPW.

Mayor Kim moved and Commissioner Montagnino seconded per § 2.4 of the City Charter to appoint Jason Golub to fill the current vacancy of Commission or Public Works based on the comments and votes by the members of the City Council.

Ayes – All

City Attorney Izzo agreed with Mayor Kim and confirmed a roll call vote had not been required. Kim acknowledged Commissioner-elect Golub appointment would become effective after signing the Oath of Office.

Commissioner-elect Jason Golub thanked the Council and the committee. Golub stated the vision for DPW Golub would be commitment to work with the Council, and operate DPW with transparency and accountability. Golub gave thanks for Commissioners Scirocco for the former Commissioners great service to the community. Golub gave thanks to the McTygue Family for the great service they had given through the years to the City of Saratoga Springs.

2. Announcement: Saratoga High School Girls Gymnastics Team

Mayor Kim had moved Item #2 up in agenda before Public Comment, and is repeated for recordkeeping purposes. Mayor Kim recognized those in attendance from the Saratoga Springs High School Girls Gymnastics Team and invited them to the front of the stage. Kim stated the Saratoga Springs High Schools Girls Gymnastics Team had won 20 years of consecutive Section 2 Championships: the team included 13 out of 20 Sectional Vault Champions, 16 out of 20 Uneven Bar Champions, 16 out of 20 Beam Champions, and 17 out of 20 Double A Sectional Champions. Kim introduced gymnastics coaches Deb Smarro and Marlene Michaels who introduced the whole team by name.

3. Announcement: Asian American and Pacific Islander Heritage Month

Mayor Kim announced every May had been designated Asian American and Pacific Islander Heritage Month since the 1990's. Kim stated there would be details of events throughout the month of May. Commissioner Sanghvi stated acknowledgement of Mayor Ron Kim who is the first Asian mayor in New York State.

4. Announcement: Saratoga Farmers' Market May Location

Mayor Kim announced the Saratoga Farmers' Market would begin on Wednesday May 4, 2022, from 3 p.m. – 6 p.m. outside the City Center Parking Garage on High Rock Avenue. Kim stated the Saturday Market would be held at the Wilton Mall Parking Lot due to the construction on High Rock Avenue during the month of May for the Downtown Connector Multi-Use Trail. Kim stated the Wednesday & Saturday Farmers' Market would continue at the High Rock Park during the early part of Summer 2022.

5. Announcement: National Bike Month

Mayor Kim announced National Bike Month and read the following proclamation into the minutes:

A PROCLAMATION OF THE CITY OF SARATOGA SPRINGS, NEW YORK
MAY 2022

NATIONAL BIKE MONTH WHEREAS, May is National Bike Month, sponsored by the League of American Bicyclists and celebrated in communities from coast to coast; and WHEREAS, National Bike Month was established in 1956 and is a chance to showcase the many benefits of bicycling — and encourage more folks to give biking a try; and WHEREAS, whether you bike to work or school, ride to save money or time, bike for your health or the environment, or simply to explore our community, National Bike Month is an opportunity to celebrate the unique power of the bicycle and the many reasons we ride; and WHEREAS, Saratoga Springs is proud to celebrate the recent groundbreaking of the downtown portion of the Saratoga Greenbelt Trail; and Whereas, creating a bicycling-friendly community has been shown to improve citizens' health, well-being, and quality of life; to grow the economy of Saratoga Springs by attracting tourism dollars; to improve traffic safety; to reduce pollution, congestion, and wear and tear on our streets and roads; and Whereas, the City, Complete Streets Advisory Board, New York State, Saratoga Spa State Park, Saratoga County, Bikeatoga, and the Saratoga Chamber of Commerce, are also promoting bicycle tourism year round to attract more visitors to enjoy our local restaurants, hotels, retail establishments, and cultural and scenic attractions; and WHEREAS, the following tips will help you enjoy biking more:

- Have your bike checked over by a qualified bicycling shop
- Always wear a helmet to protect your head in the event of a crash
- Ride in the right-most lane that goes in the direction that you are traveling
 - Obey all stop signs, traffic lights, and lane markings
 - Look before you change lanes or signal a turn
 - Be visible and predictable at all times

NOW, THEREFORE, I, Ron Kim, Mayor of the City of Saratoga Springs, in recognition of National Bike Month urges everyone to bike to work or try cycling for fun, fitness, or transportation.

Mayor Kim stated the City of Saratoga Springs Bike to Work Day is Wednesday, June 1, 2022. Kim stated the City had a team headed by Tina Carton.

6. Announcement: Promotion of No Mow May

Mayor Kim announced No Mow May is a national movement in which people don't mow their lawns for one month in order to help provide more food sources for bees and other pollinators emerging from winter hibernation. Kim stated No Mow May is a simple and effective way we can help bees and other pollinators facing catastrophic decline due to climate change, pesticides and habitat invasion. Mayor Kim acknowledged No Mow May does not break any

City Code regarding lawn mowing. Kim stated Sustainable Saratoga would feature lawn signs at sustainablesaratoga.org

7. Announcement: Appointment to Complete Streets Advisory Board

Mayor Kim announced the mayor's reappointment of Ted Orzo to the Complete Streets Advisory Board. Kim stated Orzo had been originally appointed in 2017. Kim stated Orzo to be a professional city planner, and previously worked for the NYC MTA. Kim stated this to be a five (5) year term.

8. Announcement: Appointment to Saratoga Springs Housing Authority Board of Commissioners

Mayor Kim announced the mayor's reappointment of Joy King to the Saratoga Springs Housing Authority Board of Commissioners. Kim stated the term would be King's third term, whose first appointment had been in 2012. Kim stated this to be a five (5) year term.

9. Announcement: Request for Commissioner of Finance to Report to Council on Status of Email Distribution to Private Parties

Mayor Kim announced the request from the Commissioner of Finance of a report on the status of email distribution to private parties per Charter Section Article 3 Subsection 8. Kim stated this request is particular of the Information Technology Department overseen by the Commissioner of Finance to report on or before May 12, 2022. Kim stated the report and investigation would be in regards to any distribution of private emails addresses and any other information to parties outside the Saratoga Springs City Government. Kim stated the request would be a review of any possible distribution of email contact information to outside parties collected by the recreation department in the normal course of its duties from 2015. Kim stated the City had been made aware of potential third party utilization of emails through the Recreation Department. Commissioner Moran stated cybersecurity falls under the Office of Risk and Safety Management, and would fall under a material breach. Moran stated forensic expertise would be a quicker and thorough solution than an internal I.T. Department investigation. Kim stated Moran had a point, and the City would start with an internal analysis and the Mayor and Finance would consider moving forward with the Office of Risk and Safety if deemed necessary.

10. Discussion and Vote: Community Development Non-Profit Grant Program

Mayor Kim stated the Community Development Non-Profit Grant Program had been developed for the 2022 City Budget, last year, for the Mayor's Department to implement a program to annually distribute \$200,000 or more to local nonprofits. Kim stated the program had been developed due to the restrictions of use of the Community Development Block Grants, which had limited categories to fund. Kim stated the program was developed to support the following types of programs: Human Resources for housing and workforce development, environmental sustainability and resiliency, and arts, culture and history.

Mayor Kim moved and Commissioner Montagnino seconded to approve the Community Development Non-Profit Grant Program.

Ayes – All

11. Discussion and Vote: Approval and Authorization to Sign Energize NY Open C-PACE Financing Program Documents

Mayor Kim stated the Energize NY Open C-PACE Financing Program Documents had been developed in 2021 for use in 2022 as a property assessment clean energy program, which provide long-term alternative financing to fund clean-energy projects in commercially owner buildings. Kim stated the City had previously passed a local law to provide for this program.

Commissioner Sanghvi asked if the NY Open C-PACE Financing Program affected the budget. Mayor Kim stated the program did not affect the budget or have a cost to the City. Kim stated the EIC to loan the money to commercial vendors. City Attorney Tony Izzo stated the documents were in accordance with the documents from the previous administration.

Mayor Kim moved and Commissioner Montagnino seconded to authorize the Mayor to sign the Energize NY Open C-PACE Financing Program Documents.

Ayes – All

12. Discussion and Vote: Merit for Review and Referral to City and County Planning Boards – Proposed Amendment 1 to UDO

Mayor Kim moved and Commissioner Montagnino seconded the referral to the City and County Planning Boards Amendment 1 to the UDO.

Ayes – All

13. Discussion and Vote: Merit for Review and Referral to City and County Planning Boards – Proposed Amendment 2 to UDO

Mayor Kim moved and Commissioner Montagnino seconded the referral to the City and County Planning Boards Amendment 2 to the UDO.

Ayes – All

14. Discussion and Vote: Merit for Review and Referral to City and County Planning Boards – Proposed Amendment 3 to UDO

Mayor Kim moved and Commissioner Montagnino seconded the referral to the City and County Planning Boards Amendment 3 to the UDO.

Ayes – All

15. Discussion and Vote: Merit for Review and Referral to City and County Planning Boards – Proposed Amendment 4 to UDO

Mayor Kim moved and Commissioner Montagnino seconded the referral to the City and County Planning Boards Amendment 4 to the UDO.

Ayes – All

Mayor Kim requested to add an Announcement as the 16th item to the Mayor's Department Agenda regarding homelessness in the City.

Mayor Kim moved and Commissioner Sanghvi seconded the Mayor to add an Announcement as item # 16 to the Mayor's Department Agenda.

Ayes – All

Mayor Kim stated there to be concern by the public regarding panhandling and homelessness within the City. Kim stated the decision had been made to hold a public forum on June 8, 2022, at the City Center to discuss the long-term and short-term plans are by local organizations. Kim stated the Mayor's Office would be open to receive questions for the panel in advance.

ACCOUNTS DEPARTMENT

1. Discussion and Vote: Merit to Forward Weibel Plaza Commercial PUD Amendment to City and County Planning Boards for Advisory Opinions

Commissioner Moran moved and Commissioner Montagnino seconded the merit to forward the Weibel Plaza Commercial PUD Amendment to City and County Planning Boards for Advisory Opinions.

Ayes – All

2. Announcement: Grievance Class

Commissioner Moran announced the Assessment Office of the Accounts Department would hold a Grievance Class for residents to learn how to grieve their property tax. Moran stated grievance class would be held Tuesday, May 10, 2022, at 5:30 p.m. Moran stated the class would be for the benefit of city residents to learn how to fill out the application to grieve their assessments and understand the grievance process. Moran stated there to be a grievance class PowerPoint on the City's website if unable to attend in person. Moran gave thanks to Margaret LoPresti in the Assessment Office for the initiative taken to organize the class and add the information to the website for community use: Gov/Department/Assessment/Grieve Your Assessment

3. Announcement: Grievance Day

Commissioner Moran announced Grievance Day to be held Tuesday May 24, 2022. Moran stated a resident would not need to present their assessment. Moran stated a resident not attending in person would be required to submit a completed application with the necessary documentation submitted to the Assessment Department prior to the start of a Hearing Session. Moran stated available appointment times are available for residents to sign up.

4. Announcement: Business Milestones

Commissioner Moran announced the five-year anniversary of Creative Community Studios, which is a not-for-profit based studio on Beekman Street. Moran stated the Creative Community Studios is community-oriented. Moran stated they would celebrate with a ribbon cutting at the Beekman Street location. Moran announced Saratoga Paint & Sip had celebrated their ten-year anniversary in business. Moran stated Saratoga Paint & Sip is located on Henry Street and owned by Mark and Catherine Hanover, and the first of its kind in the Capital Region. Moran stated Saratoga

Signature had celebrated thirty years in business, which offered professional interior design services and showroom. Moran stated Saratoga Signatures is located on Church Street and incorporated by Nancy Smith.

5. Announcement: Update on Outdoor Dining

Commissioner Moran announced it had been one (1) month since the Temporary Outdoor Dining legislation had been passed by the City Council. Moran stated new road barriers were purchased and distributed, while a new process had been adopted with the assistance of DPW and Commissioner Scirocco. Moran stated over a two (2) week period of time, the process had been standstill to the licensure of over ten (10) businesses to extend their business area to outdoors. Moran stated it took a lot of collaborative production of departments working together to make for the success of the Temporary Outdoor Dining program. Moran gave thanks for the leadership of Deputy Mayor Rella, Deputy Commissioner of Finance Crocker, Deputy Commissioner of DPW O'Neill, Deputy Commissioner of DPS Tetu, Assistant Fire Chief Dyer, Director of Finance Marilyn Rivers, Building Inspector and Zoning Officer Patrick Cogan, Asst. Building Inspector Richard Tiersch, DPW Business Manager Mike Veitch, Asst. City Clerk Barb Brindisi under the leadership, knowledge and experience of Accounts Department Deputy Commissioner Stacy Connor. Moran gave thanks to Mayor Kim and all the Commissioners for their successful assistance in the outdoor dining program.

6. Announcement: Update on COVID and Planned City Activities

Commissioner Moran stated there were spiked numbers of COVID-19 and very concerning at this point of time. Moran stated as a local community should take appropriate steps and recognize the effectiveness of social distancing and mask wearing. Moran stated it to be fortunate to be able to participate in outdoor dining. Moran stated his family had contracted COVID-19 even with the vaccination, and recommended the use of rapid testing. Moran stated the City had available test kits for the public. Moran stated Saratoga Hospital had tightened visitation policies in response to rising rates in Saratoga County, in which patients can designate one visitor per day.

7. Award of Bid: Aquatic Weed Harvester and Tilt Deck Trailer to Alpha Boats Unlimited IFB Bid Result in the amount of \$167,955.00.

Commissioner Moran moved and Commissioner Montagnino seconded the award of bid for Aquatic Weed harvester and Tilt Deck Trailer to Alpha Boats Unlimited for in the amount not to exceed \$167,955.00.

Ayes – All

FINANCE DEPARTMENT

1. Update: Participatory Budgeting

Commissioner Sanghvi stated the Finance Department had received applications for participatory budgeting committee. Sanghvi stated May 15, 2022, to be the deadline for committee applications, and interested parties were to contact Department of Finance Deputy Commissioner Heather Crocker. Sanghvi stated the committee would announced at the May 17, 2022, City Council Meeting.

2. Discussion: 2021 Preliminary Financial Report

Commissioner Sanghvi stated the 2021 Preliminary Financial Report, which had ended December 31, 2021. Sanghvi stated the report had been filed with the State's Comptroller's Office on April 28, 2022. Sanghvi gave thanks to former Commissioner of Finance Madigan and Director of Finance Christine Gilbert-Brown. Sanghvi stated the final audited financial statement would be released to the City Council by the end of September 2021. Sanghvi stated the City had a surplus of approximately of nine million dollars, and an excess fund balance of approximately of \$1.9 million dollars. Sanghvi stated the total is high due to two one-time events: \$3.9 million dollars of federal funding due to COVID-19 relief, and sale of City property which had generated approximately two million dollars of revenue for the City. Sanghvi stated the 2021 fund balance to be \$7.6 million dollars in restricted assigned, non-spendable funds and \$15.4 million dollars in unrestricted unassigned funds. Sanghvi stated restricted reserves are governed by New York State Law and City Council oversight. Sanghvi stated the fund balance policy restrict fund balance to 10% minimum and 25% maximum of general fund adopted budget. Sanghvi stated the 2021 revenues came from the increases over 2020. Sanghvi stated the increases between 2020 and 2021 to be: 35% sales tax increase, 120% occupancy tax, 34% mortgage tax increase. Sanghvi stated 2021 ambulance fees were \$1.4 million dollars, which were 34% more than budgeted for. Sanghvi gave other examples of increases of 2021 over budgeted for amounts. Sanghvi stated overtime amounted to \$912,000, which had been an increase of 15% over 2020. Sanghvi stated the general fund expenses had been one million dollars more than 2020. Sanghvi stated the cash balance at the end of k2021 are \$4.86 million dollars less than 2020, due to full payment of loans and notes used to cover cash deficits during peak pandemic periods of 2020. Sanghvi stated to be upbeat about the financial security of the City's funds, and recommended a restrained approach to spending to restore financial stability. Sanghvi stated the Capital Reserve is half of what it had been in 2018. Sanghvi stated the intent to work with the City Council to find the best solutions that work for the City of Saratoga Springs, while the City maintain their AA + bond rating.

3. Update: City Finances

Commissioner Sanghvi stated the revenue for 2022 look strong. Sanghvi stated the City would be able to fill the \$3.9 million dollar hole the City would feel by the lack of the one-time COVID-19 federal funding. Sanghvi stated there to be penalties to residents on delinquent school tax bills and City and County tax bill installments. Sanghvi stated 9,000 late notices for city and school tax bill had been mailed, as well as water bills had been mailed by DPW.

4. Discussion and Vote: Resolution for Full-Time Non-Union Employees (Executive Assistant, City Attorney)

Commissioner Sanghvi stated the Finance Department would add the title of Executive Assistant to the Commissioner of Finance. Sanghvi stated the position of Executive Assistant would be a non-union position. Sanghvi stated the Finance Department would use funds from another Finance Department position that had not been filled. Sanghvi stated the uploaded resolution had grammatical errors, which would be changed.

Commissioner Sanghvi moved and Commissioner Montagnino seconded the resolution for a full-time non-union employee - Executive Assistant.

Mayor Kim opposed the motion.

Mayor Kim stated the opposition is due to the resolution terms stated the resolution had been wording which dated in to 2007, and called for terms and condition for 2011; five (5) years in the future. Kim stated another term of the resolution required the resolution to be reviewed each August and there to be no evidence of those reviews by past Councils, which violated a material term of the resolution. Kim stated that as a practicing employment attorney, and the resolution had twenty (20) errors or problems with wording, including ten different types of employees are listed, while fifteen were covered under the resolution; at-will employee status is not clear and four different terms for salary without definition were within the resolution. Kim stated to feel the resolution may violate the Fair Labor Standards Act. Kim stated to had been told the resolution were required to hire the Deputy Commissioners and that when City Attorney Tony Izzo had been hired, the same non-union employee resolution had been presented. Kim stated that there were no basis to use the resolution to hire non-union full-time employee other than it had always been done the same way. Kim stated instead of ratifying errors, Kim would propose a resolution to allow Commissioners to hire within their departments and be able to make a budget line for each position.

City Attorney Tony Izzo stated the resolution to be an example of a document that had been amended a number of times and had been meant for Deputy Commissioners. Izzo stated other positions had been added to the resolution. Izzo stated to make a resolution at the table would depend on the importance of hiring an Executive Assistant to Commissioner of Finance. Sanghvi asked if a vote on the resolution would be able to be voted on and then restructured. Mayor Kim stated if the Council voted it would ratify the document. Commissioner Montagnino recommended Sanghvi to change the motion to a motion to amend to hire a non-union full-time employee Executive Assistant. Mayor Kim and City Attorney Izzo agreed with Montagnino's recommendation.

Attorney Izzo, Mayor Kim, and Commissioner Moran agreed the resolution required changes. Kim stated at-will employees did not have an employee handbook. Moran stated the effort made at the Council table to be commendable.

Commissioner Sanghvi moved and Commissioner Montagnino seconded the motion to withdrawn item #4 from the table.

Ayes – All

Commissioner Sanghvi moved in the form of a motion and Commissioner Montagnino seconded the authorization of Commissioner Sanghvi to create and fill the position of a full-time non-union employee - Executive Assistant to the Commissioner of Finance.

Ayes – All

5. Discussion and Vote: 2022 City Fee Update – Recreation Department (Pickleball & Fitness Fees)

Commissioner Sanghvi stated the Recreation Department fees for Pickleball would be \$45 per resident and \$65 for non-resident. Sanghvi stated fitness classes for a seven-day session to be \$105 per resident and \$125 for non-resident with a daily rate of \$18 per resident and \$20 for non-resident.

Commissioner Sanghvi moved and Commissioner Montagnino seconded the 2022 City Fees for Pickleball and Fitness Fees.

Ayes – All

6. Discussion and Vote: Approval to Reimburse IT Employee in the amount of \$169 for Payment to MindManager

Commissioner Sanghvi stated the receipt had been processed after the 30-day deadline under the purchasing requirement.

Commissioner Sanghvi moved and Commissioner Montagnino seconded the approval to reimburse I.T. Employee in the amount of \$169.00 for payment to MindManager.

Ayes – All

7. Discussion and Vote: Authorization for Mayor to Sign Agreement with Windstream Holdings II, LLC for Digital City Telephone access (Including inbound Police Department Calls)

Commissioner Sanghvi stated the agreement were to renew citywide telephone services and revised it from analog to digital. Sanghvi stated the agreement is in the amount of \$11,761.44 per year and had been a three (3) year agreement. Sanghvi stated the agreement met the approval of Risk and Safety, Purchasing, and Finance Departments.

Commissioner Sanghvi moved and Commissioner Montagnino seconded to authorize the Mayor to sign the agreement with Windstream Holdings II, LLC for digital city telephone access including inbound Police Department calls.

Ayes – All

8. Discussion and Vote: Budget Transfers - Payroll

Commissioner Sanghvi stated the budget transfer of funds to the Planning Department for UDO Training from the Administrator to Planning Econ wage line in the amount of \$6,000.00.

Commissioner Sanghvi moved and Commissioner Montagnino seconded the budget transfer – Payroll as included in the agenda.

Ayes – All

PUBLIC WORKS DEPARTMENT

1. Discussion and Vote: Authorization for Mayor to Sign Contract with Pace Analytical Services, LLC for Laboratory Services

Mayor Kim stated the City had a contract with CNA Laboratory and had been purchased by Pace Analytical Services, LLC. Kim stated the Pace Analytical Services, LLC contract would continue the necessary testing for the City's water supply. Kim stated the City of Saratoga Springs per NYSDOH and the EPA are required to meet the water sampling tests on a regular basis.

Commissioner Montagnino asked if there had been a dollar amount attached to the contract. Commissioner Moran stated it is usually done on an on-basis testing schedule. Mayor Kim stated Deputy Rella provided a testing price list of on-basis testing.

Mayor Kim moved and Commissioner Montagnino seconded to authorize the Mayor to sign the contract with Pace Analytical Services, LLC. for laboratory services.

Ayes – All

2. Discussion and Vote: Authorization for Mayor to Sign Contract with MiltonCat for Heavy Construction Equipment with Related Accessories, Attachments and Supplies

Mayor Kim stated the approved 2022 Capital Budget included funds for heavy duty equipment by the DPW. Kim stated there had been a trade-in cred for a John Deere 624J and Cat IT28G owned by the city of Saratoga Springs.

Mayor Kim moved and Commissioner Montagnino seconded to authorize the Mayor to sign the contract with MiltonCat for Heavy Construction Equipment with related accessories, attachments, and supplies with a trade-in credit for John Deere 624J and Cat IT28G with the bid valid until December 31, 2022, in the amount of unit bid prices subject to appropriations.

Ayes – All

3. Discussion and Vote: Approval for the Department of Public Works to Hire 2 Part Time Seasonal Street Department Employees

Mayor Kim stated the DPW hire on a yearly basis hires two (2) part-time seasonal street department laborers. Kim stated the DPW had the funding and street laborer budget line A2225011-51900.

Commissioner Sanghvi stated to have issue with DPW Agenda item # 3-6. Sanghvi stated there had been no attachments supplied by the DPW regarding budget, and could not approve without having additional information. Mayor Kim stated the Council would have the ability to table the items even though there are budget lines. Commissioner Montagnino stated there is an issue of time due to the carousel opening within the week. Commissioner Moran stated the department had the ability to hire within the department when the position had been budgeted. Moran stated to be in communication with DPW Business Manager Mike Veitch, via telephone, where Veitch stated the positions are not usually on the agenda and are only on the agenda because there is no Commissioner of DPW, and the department wanted to ensure transparency. City Attorney Tony Izzo stated the charter puts within the authority of every council member to hire employees. Izzo stated there should be something on the record to hire particular employees when there is no Commissioner in place. Moran stated Veitch felt once appointed the next day, the new Commissioner of DPW could work out the hiring of temporary seasonal staff. Kim stated if the issue became an emergency, the Council would call a special session. Kim confirmed there were budget lines for the positions.

Mayor Kim moved and Commissioner Sanghvi seconded the motion to table items 3, 4, 5, 6.

Ayes – All

4. Discussion and Vote: Approval for the Department of Public Works to Hire 10 Part Time Seasonal Carousel Employees

Tabled.

5. Discussion and Vote: Approval for the Department of Public Works to Hire 2 Part Time Canfield Casino Laborers

Tabled.

6. Discussion and Vote: Department of Public Works Sick Bank Request

Tabled.

7. Announcement: Saratoga County's Spring Tire Recycling Program

Mayor Kim announced Saratoga County is hosting the annual tire recycling program. Kim state the event would be held May 26, 2022, 4 p.m. – 5:30 p.m. at 323 Charlton Road in Ballston Spa.

8. Announcement: Arbor Day Tree Planting

Mayor Kim stated the Arbor Day tree planting event had been held by DPW Deputy Commissioner Joe O'Neill who had been joined by City Arborist Steve Lashomb, members of the Southwest Neighborhood Association, Sustainable Saratoga, the Urban Forestry Project included a class of students from Geysers Street Elementary School on April 29, 2022. Kim stated the DPW's Urban Forestry Master Plan were developed under Commissioner Scirocco's tenure as DPW Commissioner in 2008. Kim stated the commitment to the City's streets would continue the late Commissioner's legacy of dedication to the urban forest. The Arbor Day Foundation require municipalities to spend at least \$2 per capita on urban forestry; Saratoga Springs budgets approximately \$11 per capita to manage its urban forest.

Commissioner Moran stated to had been asked to represent the City in lieu of the passing of Commissioner Moran. Moran stated due to contracting COVID-19 and unable to attend the event he would read into record the remarks prepared for the event. Moran stated the following:

"I want to thank each and everyone of you today for coming out for my favorite community event Treetoga. I've been looking forward to leading my first crew and continuing this incredible tradition since its inception in 2014. This event has planted over 270 trees and we will be adding and additional 53 to our urban forest in 2022. This is the highest single day of planting during the event to date. Due to the pressure of development and the abuse urban trees experiences, we have seen a decrease in our urban forest. Events like today can turn the tides. Many may know Commissioner Scirocco and the Department of Public Works have provided support to Sustainable Saratoga's Treetoga event. In his memory, I ask each of you to talk to your neighbor and friends and get them to plant trees in their backyard. It is there that they will have the better chance to reach full maturity and bring back our urban forests to its true glory. As commissioner Scirocco often said, "all the small animals will have a place to go"."

9. Announcement: American Public Works Association 2022 Project Of The Year

Mayor Kim announced the City Hall Renovation and Restoration Project had been named the 2022 Project of the Year for historic restoration and preservation for small cities and rural

communities by the American Public Works Association. Kim stated The American Public Works Associations presents public works project of the year to promote excellence within the management and administration of public works. Kim stated the award to be a testament to the legacy of Commissioner Scirocco and the excellent management of our Department of Public Works. Kim stated Commissioner Scirocco would have been proud. Kim stated all city staff contributed due to the perseverance during a time of transition and difficulty. Kim congratulated the DPW, all city staff, former members to the Council, the Design Review Committee, Engineering Department, and contractors by their work of an award-winning project on a national level.

PUBLIC SAFETY DEPARTMENT

1. Discussion and Vote: Authorization to pay 2021 invoice to Axon Enterprises

Commissioner Montagnino stated there to be a leftover invoice from 2021 with Axon Enterprises. Montagnino stated Axon Enterprises provide body cameras and cameras in vehicles. Montagnino stated the prior Council were not aware of the outstanding invoice when approving the 2022 contract. Montagnino stated the amount of the invoice is in the amount of \$29,412.00.

Commission Montagnino moved and Commissioner Sanghvi seconded to authorize the payment of the outstanding 2021 invoice to Axon Enterprises in the amount of \$29,412.00.

Ayes – All

2. Discussion and Vote: Civilian Review Board Ordinance

Commissioner Montagnino stated the Civilian Review Board Ordinance had two (2) months of Public Hearings regarding the Civilian Review Board Ordinance. Montagnino stated when the Public Hearing had opened, it had been indicated the basic framework which would be used was the Police Reform Task Force Appendix G. Montagnino stated the Council held multiple Public Hearings based upon based on that framework. Montagnino stated there had been amendments based on Public Hearing comments. Montagnino stated the final ordinance being presented to be basically the same as past posted Civilian Review Board drafts, with the exception of the addition of the residency change from six (6) months to one (1) year.

City Attorney Izzo commented the Civilian Review Board Ordinance to be numbered as Chapter 37 of the City Code of Saratoga Springs.

Commissioner Sanghvi asked when would the Civilian Review Board (CRB) go into effect. Commissioner Montagnino stated the Civilian Review Board Committee would be required to

be put in place, and would require thirty (30) days for interested parties to apply and allow for the selection process, and there to be a question on the funding requirements. Sanghvi stated the previous administration had set aside fund for the CRB. Montagnino stated to the previous administration had funds set aside, but may have been redirected by a budget transfer.

Mayor Kim stated the former Council stated the City would not be able to adopt the CRB, due to the requirement to change our commission form of government and the police union would

stop the adoption of a Civilian Review Board. Kim stated it took the calm leadership of Department of Public Safety Commissioner Montagnino to bring the proposal to the City Council. Kim stated there may be challenges to face along the way, but it was not the commission form of government that prevented the Civilian Review Board Ordinance. Kim stated the hope the City did not need the CRB, and stated it had been important to the public to have the trust of the citizens.

Commissioner Montagnino moved and Mayor Kim seconded to adopt Chapter 37 as the Civilian Review Board Ordinance of the City Code of Saratoga Springs.

Ayes – All

3. Discussion and Vote: Application Form for Membership Appointment to Civilian Review Board

Commissioner Montagnino stated Civilian Review Board Ordinance require the application for membership to the Board.

Commissioner Montagnino moved and Commissioner Sanghvi seconded the adoption of the application form for Membership Appointment to the Civilian Review Board.

Ayes – All

4. Announcement: Bike Rodeo at the East Side Rec on Saturday, May 7TH 9 am -12pm

Commissioner Montagnino announced May 7, 2022, would be the first annual Bike Rodeo to be held at the Eastside Recreation Center. Montagnino stated the event is meant for young people to receive some training and instruction on basic bicycle safety. Montagnino stated there to be police and fire department personnel present to assist in the program.

ADJOURN

Commissioner Sanghvi moved and Commissioner Montagnino seconded to adjourn the meeting at 9:46 p.m.

Respectfully submitted,

Barbara Brindisi
Assistant City Clerk

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

AN ORDINANCE TO AMEND CHAPTER 61 OF THE CODE OF THE CITY OF SARATOGA SPRINGS, NY, ENTITLED "ALCOHOLIC BEVERAGES"

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

SECTION 1: Chapter 61 of the Code of the City of Saratoga Springs, NY, entitled "Alcoholic beverages" is hereby amended to add a new section 61-1.5 as follows:

61-1.5 EXCEPTIONS (Effective through December 31, 2024)

The provisions of section 61-1 above shall not be applicable to public places in the following circumstances, provided all licensing and regulatory requirements of the State Liquor Authority are complied with:

- a) Sale, possession and consumption of alcoholic beverages at a temporary outdoor seating area licensed under the provisions of City Code Section 136, Article IVA
- b) Possession and consumption of alcoholic beverages, by guests invited to an event at the Canfield Casino in Congress Park for which a rental agreement has been obtained from the City, at the War Memorial or the Italian Gardens/Spit & Spat area in Congress Park, during the hours that the rental agreement is in effect.
- c) 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.

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:

Ayes Nays

CITY COUNCIL OF THE CITY OF
SARATOGA SPRINGS, NY

By: Dillon Moran, City Clerk

AN ORDINANCE TO AMEND SECTION 136-33 ARTICLE IV OF CHAPTER 136 OF THE CODE OF THE CITY OF SARATOGA SPRINGS, NY, ENTITLED “LODGING AND EATING AND DRINKING ESTABLISHMENTS – ARTICLE IVA - TEMPORARY OUTDOOR SEATING AREA PERMITS ”

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

SECTION 1. Article IVA of Chapter 136 of the Code of the City of Saratoga Springs, entitled “Lodging and Eating and Drinking Establishments”- Temporary Outdoor Seating Area Permits” is hereby amended to read (new material underlined, old material in brackets):

ARTICLE IVA
TEMPORARY OUTDOOR SEATING AREA PERMITS

136-33. 1 Purpose and Intent

The [recent] ongoing COVID-19 pandemic has caused countless unforeseeable difficulties in municipalities across our nation. It is in the public interest at this time for every municipality to make reasonable accommodations and allowances for persons and businesses who have received municipal licenses, particularly when the licensed activities provide services to the public. This article establishes rules and regulations under which the holder of a valid license for an eating and drinking establishment under Article II of this Chapter may apply for a permit to use, for a temporary period of time as stated herein, certain specified public property of the City of Saratoga Springs as a temporary outdoor seating area for said eating and drinking establishment.

136-33. 2 Construction with other laws

The rules and regulations established in this article shall be in addition to and not in limitation of the other articles in this chapter. If any rule or regulation in this article shall be in conflict with any other rule or regulation elsewhere in this chapter, as said rules or regulations may be applicable to a temporary outdoor seating area permit as herein described, the rules and regulations of this article shall have priority.

136-33. 3 Establishment of temporary outdoor seating areas

The City Council hereby designates [the Battalion Chief of the Fire Department, the Director of Risk and Safety, and the Department of Public Works Business Manager] 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 but not limited to sidewalks, 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.

136-33.4 Application for permit

Any person or legal entity who is the holder of a valid license for an eating and drinking establishment issued pursuant to Article II of this chapter may make application to operate a temporary outdoor seating area, in connection with said eating and drinking establishment. The application shall be in writing on forms provided by the Department of Accounts, and shall contain the following:

- A. Name, physical address, mailing address, email address, and telephone number of the eating and drinking establishment.
- B. Name, physical address, mailing address, email address, and telephone number of the applicant.
- C. An accurate drawing showing the location, dimensions, and barriers of the temporary outdoor seating area requested, location of tables, location of seats, distance between tables and seats, aisles, entrances and exits, and location and specification of emergency fire equipment.
- D. A narrative summary of the services to be provided.
- E. Verification of any required submission to the State Liquor Authority for the expanded area, including but not limited to a supervision and control plan.
- F. Proof of insurance as set forth in 136-33.6

136.33.5 Review of Applications

Applications shall be submitted to the Department of Accounts for review. Upon receipt, the Department of Accounts shall refer the application to [the Department of Public Safety, The Department of Public Works, and the Office of Risk and Safety] the Committee on Outdoor Dining for comments and recommendations. The Committee on Outdoor Dining shall be constituted by the following members: The Battalion Chief of the Fire Department, the Director of Risk and Safety, and the Department of Public Works Business Manager, a representative from the Mayor's Office, and a representative from the Finance Department. The Department of Accounts may then issue a permit, conditioned upon such reasonable limitations and requirements as it may deem necessary in the interest of public health, safety and welfare. [Final approval of permits shall be authorized by the City Council upon motion and vote.]

136-33.6 Insurance and Indemnification

No permit shall be issued until the following insurance has been provided therefor:

- A. A certificate of insurance for commercial general liability insurance, including personal injury liability insurance, in the amount of \$1,000,000

per occurrence and \$2,000,000 aggregate, naming the City of Saratoga Springs as an additional insured on a primary and non-contributory basis. The City of Saratoga Springs must be listed as the certificate holder with the physical address of Office of Risk and Safety, 474 Broadway, Saratoga Springs, NY 12866.

- B. Proof of New York State statutory workers' compensation and employer's liability insurance for all employees.
- C. If alcoholic beverages are consumed in the temporary outdoor seating area, A certificate of insurance for liquor legal liability insurance in the amount of \$1,000,000 bodily injury and property damage per each occurrence. Such insurance must contain a provision that the Commissioner of Accounts of the City of Saratoga Springs be notified if the policy is cancelled or if there has been a material change in coverage and/or conditions. The City of Saratoga Springs must be listed as the certificate holder with the physical address of Office of Risk and Safety, 474 Broadway, Saratoga Springs, NY 12866.
- D. The certificate of insurance must name the City of Saratoga Springs as an additional insured on a primary and non-contributory basis and [should] shall be addressed to the attention of:

Department of Accounts
City of Saratoga Springs
474 Broadway
Saratoga Springs, NY 12866
Attention: City Clerk's Office

- E. The permit holder shall acknowledge that failure to obtain such insurance on behalf of the municipality constitutes a material breach of the contract and subjects the permit holder to liability for damages, indemnification and all other legal remedies to the City of Saratoga Springs. The permit holder shall provide the City with a certificate of Insurance naming the City as an additional insured on a primary and non-contributory basis prior to the issuance of any permit under this article. The failure to object to the contents of the certificate of insurance or the absence of same shall not be deemed a waiver of any and all rights held by the municipality.
- F. The permit holder shall indemnify and save harmless the City of Saratoga Springs, its agents and employees (hereinafter referred to as "City") from and against all claims, damages, losses and expenses (including, but not limited to, attorneys' fees) arising out of or resulting from the permitted activity, sustained by any person or persons, provided that any such claim, damage, loss or expense is attributable to bodily injury, sickness, disease, or death, or to any injury or destruction of property caused by the tortious act or negligent act or omission of the permit holder or the permit holder's employees, agents or subcontractors.

136-33.7 Regulations

A temporary outdoor seating area permitted under this article shall be subject to the following regulations:

- A. The permit holder shall accept the temporary outdoor seating area as is, and shall maintain the area and keep it clean and free of debris [, decoration] and impediments
- B. The permit holder shall clean up and dispose of all garbage and debris throughout the use of the allocated space and at the end of each business day.
- C. The permit holder shall immediately notify the City of any defects or deficiencies in the surface of the temporary outdoor seating area and adjacent curbs and walkways.
- D. Alcoholic beverages shall be served only during the hours allowed by the license for the eating and drinking establishment.
- E. All persons must vacate the temporary outdoor seating area no later than the close of business each evening, and, if so required by the terms of the permit, all furniture, barriers, utensils, and other material and equipment used for the temporary outdoor seating area must be removed from the area or properly secured no later than the close of business each evening.
- F. [At the end of the season] Upon expiration of the permit, all elements of a temporary outdoor seating area shall be removed and the area shall be returned to its original state.
- G. No music from any source shall be played at any time.
- H. No smoking shall be allowed at any time.
- I. Copies of all certificates held by the permit holder from the New York State Department of Health, The New York State Liquor Authority, and the City of Saratoga Springs shall be prominently displayed in the seating area.

136-33.8 Status of Permit; revocation

A permit issued pursuant to this article shall constitute a revocable license to temporarily occupy a designated area of public property during a period of emergency. It confers no vested rights of any kind and it may be revoked at any time upon action of the City Council repealing this article or upon a finding of the designated permit issuing official, after due process, for any of the following reasons:

- A. That the permit holder has violated any provision of this article or this chapter.
- B. That the permit holder has violated any provision of the New York State Building and Fire Codes.
- C. That the permit holder has not maintained required insurance.
- D. That the permit holder has not complied with an imposed requirement, condition, or regulation.

- E. Any other conduct which evidences the inability of the permit holder to safely occupy the temporary outdoor seating area.
- F. That, regardless of any conduct on the part of the permit holder, the temporary outdoor seating area cannot be safely occupied.

136-33.9 Duration of Permit; Duration of Article

[All permits issued under this article shall expire at midnight on September 7, 2020, except that such date may be extended from time to time by resolution of the City Council.]

A. All permits issued under this article shall expire at midnight on November 1 in the year the permit is issued.

B. This article shall remain in effect until midnight on November 1, 2024, except that such date may be extended from time to time by resolution of the City Council.

136.33.10 Fees

[There shall be no fee for each permit issued under this article] A schedule of fees shall be developed prior to each season. Such schedule shall be adopted by resolution of the City Council.

136-33.10 When Effective

This article shall take effect immediately upon enactment by the City Council.

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: 3/15/2022

VOTE: 4 - 0

CITY COUNCIL OF THE CITY OF
SARATOGA SPRINGS, NEW YORK

By: Dillon Moran, City Clerk

On May 3, 2022, at 11:37 AM, Todd Shimkus <tshimkus@saratoga.org> wrote:

CAUTION: This email originated outside of the City network. Please contact IT Support if you need assistance determining if it's a threat before opening attachments or clicking any links.

Hi Stacy;

I cannot attend tonight. If you'd like to read these comments into the record that is fine with me. The Chamber continues to appreciate the direct dialogue from the Accounts office with local business leaders and the collaboration forged so far to expand outdoor dining and to approve events, both new and returning ones. We've long sought flexibility in the law that would allow approved event organizers to use some appropriate spaces for alcohol to be served. This is a common practice for many convention events and road races in other communities. I am sure with input from all of the departments involved in reviewing these applications that any issues which may come up with specific locations, vendors or products can be rectified before the application is approved. While I can't comment on the legal language you provided, we are definitely supportive of the intent to help local event organizers and local businesses by providing them with this flexibility as part of their applications.

With Kindness,

Todd Shimkus
President, Saratoga County Chamber of Commerce

Sent from my iPhone

Received

MAY 03 2022

Accounts **Department**

CERTIFICATE OF PARTICIPATING MUNICIPALITY

I, Mayor Ron Kim, an authorized officer of the City of Saratoga Springs, New York (the “Participating Municipality”), a municipal corporation of the State of New York, HEREBY CERTIFY as follows:

1. On May 21, 2019 the Participating Municipality duly adopted Local Law No. 1 of 2019 (the “Local Law”), in the form attached hereto as Exhibit A, in accordance with the Municipal Home Rule Law and Article 5-L of the General Municipal Law (“Article 5-L”) and such Local Law is in full force and effect and has not been modified, amended or revoked.

2. On May 23 2019, Mayor Meg Kelly, on behalf of the Participating Municipality, being duly authorized, executed the Municipal Agreement, between Energy Improvement Corporation (“EIC”) and the Participating Municipality, dated as of May 23, 2019 (the “Municipal Agreement”), in the form attached hereto as Exhibit B, and said Municipal Agreement is in full force and effect as it relates to the Participating Municipality and to the best of my knowledge, the Participating Municipality is not in default under any of the provisions thereof.

3. Pursuant to the Municipal Agreement, the Participating Municipality has appointed EIC to act as its agent in the administration of the Open C-PACE Program (the “Program”) within the Participating Municipality and in its dealings with financing parties and property owners wishing to participate in the Program. EIC is authorized on behalf of the Participating Municipality to levy and record the Benefit Assessment Lien (in the form attached to the Municipal Agreement), any amendments or assignments thereof and the Release in the land records for properties in the Participating Municipality without charge, and to take any reasonable actions in the performance of its duties under the Municipal Agreement and other Program documents.

4. To the best of my knowledge, as of the date of this Certificate:

- a. No litigation, legal action or other proceeding is pending or threatened against the Participating Municipality with respect to its obligations under the Municipal Agreement; and
- b. There is no litigation pending or threatened to restrain or enjoin the Municipal Agreement or in any manner questioning: (i) the proceedings under which the Local Law was adopted; (ii) the proceedings under which the Municipal Agreement was authorized, or (iii) the validity of either the Local Law or the Municipal Agreement or the legal authority of the Participating Municipality to perform any of its obligations or undertaking under the Local Law or the Municipal agreement, respectively;
- c. As of even date hereof, the undersigned acting in its official capacity and to the best of his/her understanding, there has occurred no material adverse change in the financial condition of the Participating Municipality as set forth in the audited financial statements of the Participating Municipality for its fiscal year ending 2022, which is the most recent year for which audited financial statements are available.

All terms not otherwise defined hereinabove shall have the respective meanings set forth in the Municipal Agreement.

IN WITNESS WHEREOF, I have hereunto set my hand this day of , 2022.

Name: Ron Kim
Position: Mayor
Participating Municipality: City of Saratoga Springs

AMENDMENT TO UDO

AMENDMENT 1: REMOVE INAPPROPRIATE USES FROM THE GREENBELT

The UDO should be amended to remove the following uses from the greenbelt:

Rural Residential (RR) Zoning District

1. Country Club
2. Educational Facility – Primary and Secondary

Gateway Commercial-Rural (GC-R) Zoning District

3. Community Center
4. Medical/Dental Office
5. Office
6. Dwelling – Multi-Family (Above Ground Floor & Residential Only Structure)
7. Dwelling – Townhouses
8. Eating and Drinking Establishments (More Than 40 Seats)
9. Educational Facility – Vocational
10. Hotel (More Than 20 Guestrooms)

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.”

AMENDMENT TO UDO

AMENDMENT 3: ENHANCE STREAM AND WETLAND PROTECTIONS

Stream protections: Article 7.1.E should be amended to:

- Require a buffer of 100 feet on all perennial streams and 50 feet on all intermittent streams in the city.
- Give the Planning Board the authority to increase the stream buffer width if their review indicates that this is necessary to protect the integrity and function of the stream system.
- Require that the buffer be measured from the high-water mark on the stream bank.

Wetland protections:

- Article 7.1.D should be amended to extend wetland 100-foot buffer protections to all wetlands over 1 acre in size.
- Article 13.6.C.3 should be amended to include a provision requiring the Planning Board to provide a written rationale how they used the criteria if they determine that a waiver is appropriate.

AMENDMENT TO UDO

AMENDMENT 4: AMEND LAND DISTURBANCE ACTIVITY PERMIT

To reduce the possibility that tree cutting on undeveloped land will be undertaken in a way that would circumvent the tree preservation requirements of Article 11.9, the following changes should be made to Article 13.7:

- Article 13.7.A should be amended to include a provision to the effect that all tree cutting related to development will be subject to Article 11, and that on a parcel for which a Land Disturbance Activity Permit was issued allowing trees to be cut for purposes other than development, tree removal mitigation will be required for any development application submitted for that same parcel within five years.
- Article 13.7.D should be amended to require a more detailed inventory of standing trees, as well as trees to be removed.
- The application for the Land Disturbance Activity Permit, mentioned in Article 13.7.D.1, should be modified to require the applicant to indicate specifically whether construction will be involved, and to provide a tree inventory and cutting plan.

Request for Certification of Sufficient Funds

Submittal Date: 4/18/22

The Department of Finance requests certification that sufficient funds are or will be available to cover the claim to meet the following obligation when it becomes due and payable.

Obligation to be incurred, detailing vendor name, project description, Council approval, etc. (attach supporting documentation):
Reimbursement for M. [REDACTED] MindManager

Appropriation - Current Budget Expense

Org/Object/Proj(s): Amount Requested for Approval:

A3021694-54740 *j* \$ 169.00 / /

Current Amount Available : \$ 47,365.32 /

Transfer/Amendment Pending: \$ 0.00

Transfer/Amendment Date: 4/18/22 - - - - -



4le
Department Head Signature

4/18/22
Date

Certification of Sufficient Funds

The Commissioner of Finance hereby certifies that funds are or will be available to cover the claim to meet the above described obligation when it becomes due and

payable

ldo

Commissioner of Finance

Approval Date

CITY OF SARATOGA SPRINGS - VOUCHER
474 BROADWAY SARATOGA SPRINGS, NY 12866

DEPT/LOC 2000 DEPARTMENT Finance / IT

VENDOR # 9104 VENDOR NAME Michael [REDACTED]

REMIT ADDRESS [REDACTED]

PO# FINAL PARTIAL

INVOICE # and/or ACCOUNT #	ORG	OBJECT	PROJECT	\$ AMOUNT
Reimbursement to M. [REDACTED] MindManager	A3021694	54740		\$ 169.00
RECEIVED BY: DW				
			TOTAL	\$ 169.00

By uploading this voucher for payment into the designated electronic folder, I as an approved authorized signor for my department certify the articles or services were necessary and for sole use of the City; have been received in good condition or properly performed.

The Commissioner of Accounts audits and certifies this purchase is in conformity with appropriate standards and procedures by affixing his/her signature to the warrant report approved by City Council in accordance with the City Purchasing Policy.

The Commissioner of Finance certifies this claim is approved from the appropriation indicated above by affixing his/her signature on the check issued as payment for this claim in accordance with the City Purchasing Policy.

Michael [REDACTED]
Saratoga Springs, NY 12866
United States

Invoice

Reference number: 321640711
(required for all inquiries)

Invoice date: 2/22/2022

Invoice number: BKD-73639649885

Invoice information

#	Product name	Delivery	Qty.	Price
1	MindManager Professional Annual Plan <small>For individuals & teams Duration: 12 month(s)</small>	Electronic download, Web app	1	\$169.00
			Subtotal:	\$169.00
			Sales tax:	\$11.83
			Total:	\$180.83

Unless stated otherwise, the delivery date is identical to the billing date.

Payment details

Your credit card [REDACTED] has been successfully authorized. Please note that the charge on your credit card will appear as "www.cleverbridge.net."

AN ORDINANCE TO CREATE A NEW CHAPTER 37 OF THE CODE OF THE CITY OF
SARATOGA SPRINGS, NY ENTITLED "CIVILIAN REVIEW BOARD"

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

SECTION 1: A new Chapter 37 of the Code of the City of Saratoga Springs, entitled
"Civilian Review Board," is hereby enacted to read:

CHAPTER 37

CIVILIAN REVIEW BOARD

37-1 FINDINGS AND PURPOSE

- a) The Saratoga Springs Police Department (the Department) exists to help create and maintain a safe environment for the citizens of and the visitors to our community. In order to fulfill that role, the Department must have the trust and respect of the community. The Civilian Review Board (CRB) is intended as an aid to maintaining that trust and respect.
- b) The trust and confidence of the community in its law enforcement personnel are essential for the smooth operation of the Department. The members of the Department, both sworn and civilian, are part of the community. The community as a whole relies on its trust and confidence in law enforcement as part of the foundation of a free and secure society. When that trust and confidence is drawn into question or broken, prompt, appropriate and effective procedures must be available to resolve any issues that may have arisen.

- c) Our society entrusts its police departments with extraordinary authority. An encounter with law enforcement can profoundly impact the life of the person affected, whether that person is an individual in need of assistance; a victim of or witness to criminality; or a person accused or suspected of wrongdoing. Members of law enforcement must accept that their authority is granted to them by the people they serve. Accordingly, the public is entitled to openness and transparency from the Department as an integral component of a relationship grounded in mutual trust and respect.

- d) A system that facilitates communication between the Department and the people it serves, especially when grievances arise, is essential for the maintenance of trust and confidence in the Department by the community. With this in mind, the following is ordained, established and implemented:

37-2 IMPLEMENTATION

- a) There shall be a Civilian Review Board (CRB) whose purpose is to receive, process and, whenever possible, amicably resolve grievances regarding the conduct of employees of the Department. The CRB shall also act as a vehicle for generating and expressing informed opinions relating to public policy regarding law enforcement in our City. The CRB should represent a fair cross-section of the Saratoga Springs community with regard to age, sex, sexual orientation, cultural background and socio-economic background. The members of the CRB shall be individuals of good character who must, at all times, remain unbiased and impartial regarding matters of law enforcement in our community so that the work of the CRB will be, and will be perceived as, even-handed, just, fair and proper by all stakeholders, including by members of the Department.

- b) The CRB shall consist of five (5) Members, one of whom shall be its Chair. No Member may be employed by the Department in any capacity during his or her tenure

on the CRB, and no Member may be an elected official. The Chair must have some prior experience in adjudicatory proceedings or decision-making and be capable of presiding over administrative hearings, though the Chair need not be an attorney. Members must be at least eighteen (18) years of age, must have their primary residence in Saratoga Springs, and must have resided in Saratoga Springs for at least one (1) year prior to the date of appointment, with periods of vacation, military deployment or hospitalization deemed not to constitute interruptions of continuous residence. At least one (1) Member shall be between the ages of 18 and 25 at the time of appointment. No one may serve as a Member of the CRB who has been convicted of a felony within the ten (10) years preceding the submission of an application for membership; however, a Certificate of Relief issued pursuant to the Executive Law or a Sealing Order issued pursuant to the Criminal Procedure Law shall remove this disability. No one may serve as a Member of the CRB who has been convicted of a crime involving fraud or moral turpitude within the ten (10) years preceding the submission of an application for membership.

37-3 INITIAL APPOINTMENT OF CRB MEMBERS

- a) The Chair of the CRB shall be appointed by the Mayor, subject to ratification by at least two (2) additional City Council members. The Chair shall serve a two (2)-year term. The mayor shall make the appointment of the CRB Chair first. The remaining members of the City Council shall then draw lots for the order in which they will each make one (1) of the remaining appointments. Each appointment shall be subject to ratification by at least two (2) additional City Council members. If no CRB Member between the ages of 18 and 25 shall have been appointed by the time of the appointment of the last CRB Member, the City Council member chosen to make the final appointment shall appoint an individual between the ages of 18 and 25 to serve on the CRB.
- b) Members of the CRB other than the Chair shall serve staggered three (3)-year terms. No one may serve on the CRB for more than six (6) years. When the CRB is first empaneled, the two (2) Members appointed after the Chair shall serve three (3)-year

terms; the next Member appointed shall serve an initial two (2)-year term; and the final Member appointed shall serve an initial one (1)-year term. Vacancies occurring prior to the expiration of a Member's term shall be filled for the balance of the unexpired term by the City Council member presiding over the Department whose Commissioner appointed the CRB Member whose seat is vacant, subject to ratification by at least two (2) additional City Council members. Subsequent appointments and/or re-appointments shall be made by the City Council member presiding over the Department whose Commissioner shall have appointed the CRB Member whose term of office shall have expired, subject to ratification by at least two (2) additional City Council members.

- c) The existence of an open position or positions on the CRB shall be announced as an agenda item at a regularly scheduled City Council meeting. Appointments shall be made at least thirty (30) days following the date of the City Council meeting at which the open position was announced. The City Council shall adopt an application form, to be completed and signed under oath by the applicant, which shall be publicly posted on the City website and available for public inspection and copying at the Office of the City Clerk at least ten (10) days prior to the date of the City Council meeting at which an appointment is scheduled to be made. The Chair and Members of the CRB shall file an oath of office with the Office of the City Clerk prior to the commencement of their participation on the CRB.

37-4 REMOVAL

- a) The Chair or any Member of the CRB may be removed for cause by a majority vote of the City Council at a regularly scheduled meeting of the City Council.
- b) The proposed removal of a Member of the CRB shall appear as an agenda item, with the alleged cause for removal stated in the agenda, prior to the meeting at which the proposed removal is to be considered.

37-5 FUNDING; TRAINING; ORGANIZATION

- a) The Office of the Mayor shall be responsible for providing adequate budget and training to ensure proper functioning of the CRB.
- b) The CRB shall have the authority to create forms and promulgate internal procedural rules consistent with the City Charter and City Code. Copies of any such forms and procedural rules shall be made publicly available by posting on the City website.

37-6 PROCEDURE

- a) In order for the CRB to properly investigate a complaint, the complaint should be made as soon as possible, but not more than 90 days after the incident in question. That time period may be extended for good cause shown.
- b)
 - i) Upon receiving a complaint from a resident of the City, the Department shall make a good faith effort to resolve the issue but shall immediately upon receiving the complaint, advise the complainant that s/he may, at any time, have the complaint, which shall be reduced to writing, filed with the CRB. All complaints shall be recorded in the police log and flagged there in a way to distinguish them from other entries.
 - ii) Complainants shall be given a form upon which to record their complaint. The form shall have a check box and shall state that when checked, the complaint shall be registered with the CRB. Two weeks from the date of the filing of complaints which have been filed with the CRB, a letter shall be sent to the Complainant asking if the complaint has been resolved. The letter shall contain a form which, if checked by the Complainant, shall indicate their desire to actively engage the CRB's grievance procedure, a copy of which shall be attached to the form.

- c) Once the CRB has been advised of the desire of the Complainant to actively engage the CRB, the Department shall conduct an investigation of the complaint and shall create a thorough and complete file of the investigation including all records, statements, evidence and other documents relied upon by the Department in reaching its conclusion regarding the disposition of the complaint. The Department shall identify all records in the file which it will rely upon if the matter is to proceed to an administrative hearing and shall provide copies of those records to the Complainant. The Department shall complete its investigation and compilation of records within three (3) weeks of the date when the CRB will have notified the Department in writing of the Complainant's request for the CRB's active involvement.
- d) Thereafter, should the Complainant agree, one of the Members of the CRB shall conduct a preliminary meeting between the Complainant, who may obtain representation, and a Department representative. At that time, an attempt shall be made to secure a voluntary resolution of the grievance by the CRB Member's mediation of the dispute. The Members of the CRB shall rotate mediation assignments. Where the CRB Member serving in a mediation role concludes that they have been given information during mediation which may influence their ability to serve in a neutral capacity, they shall recuse themselves from future deliberations of the CRB regarding the disposition of the grievance giving rise to the mediation. Where the parties cannot reach a voluntary settlement of the complaint, the neutral CRB Member may, at the conclusion of the mediation, decide that the grievance is so lacking in merit as to be ineligible for appeal to the next step in which case s/he shall so advise the CRB, which shall vote on whether or not the grievance should be dismissed.
- e) Where no resolution of the grievance has been obtained and the matter not declared ineligible for appeal, the CRB shall schedule an administrative due process hearing at which time the parties shall present evidence in support of their respective positions. Absent good cause shown, the Department shall be precluded from offering documentary

evidence which was not previously shared with the Complainant at the preliminary meeting.

- f) The administrative hearing shall be conducted in a manner which will satisfy the due process requirements of a proceeding held under the New York State Administrative Procedure Act, including but not limited to the swearing of witnesses and the issuance of administrative subpoenas to compel the testimony of witnesses, the production of documents, or both. The relaxed rules of evidence for an administrative proceeding, including the admissibility of hearsay, shall apply. Should circumstances warrant, the CRB shall enjoy the discretion to ask questions of its own, to allow testimony in a narrative fashion, or to employ any reasonable means of eliciting the truth without placing an undue burden on either side in the controversy. The hearing shall normally be a private proceeding; a record shall be kept, however, of all testimony adduced and all evidence presented. The parties shall cooperate to all reasonable extents at the hearing, and the CRB shall have discretion to draw an adverse inference against any party or witness who fails to cooperate reasonably with the proceeding.

- g) i) Thereafter the CRB, by majority vote, shall set forth in writing its findings of fact and its final conclusions and shall make an advisory recommendation to the Commissioner of Public Safety with regard to the disposition of the Complaint. The Conclusions and Recommendations shall be made available to the public.

- ii) Should the CRB Member who has performed the mediation at paragraph (d) recuse him- or herself from further deliberations by the CRB regarding a pending grievance, the Chair shall refrain from voting on the CRB's findings and conclusions regarding that grievance in order to prevent a tie vote. The Chair shall, however, continue to perform all other duties of the position.

- iii) In making its recommendations and releasing them publicly, the CRB shall be cognizant of prior, pending or impending legal proceedings, shall adjust the timing of the

CRB process as appropriate, and shall strive to protect information that should remain confidential.

iv) The CRB shall operate in an expeditious manner so as to reduce interference in the Department's business. While the CRB operates at arm's length from the Department, its overall purpose is to enhance the efficiency of the Department's operations by providing assurance to the public, through its oversight of the Department, that it operates in a fair and just manner.

37-7 POWERS AND DUTIES OF THE COMMISSIONER OF PUBLIC SAFETY

- a) The Commissioner of Public Safety (the Commissioner) shall have no authority to review any interlocutory procedural or substantive determination of the CRB. The Commissioner's authority over the proceedings of the CRB shall be limited to a review of and action upon the CRB's advisory Conclusions and Recommendations.
- b) The Commissioner shall be provided with the full record of any hearings which result in advisory Conclusions and Recommendations by the CRB. Within a reasonable time of receipt of the advisory Conclusions and Recommendations and record, and after having provided at least 30 days for the Complainant, the Department, or both to submit written briefs, should either or both so desire, the Commissioner shall issue a written Decision. That Decision, which shall be made available to the public, shall include a specific determination as to whether the record provides a sufficient basis for the CRB's advisory Conclusions and Recommendations as well as a specific determination as to whether the CRB's advisory Conclusions and Recommendations are in accord with the weight of the evidence admitted at the hearing. In making this latter determination, the Commissioner shall give reasonable deference to the CRB's assessment of the credibility of any witnesses who may have testified before it; however, the Commissioner retains the authority to review both factual findings and legal conclusions made by the CRB.

- c) The Commissioner's Decision shall adopt, reject, or modify the advisory Conclusions and Recommendation of the CRB. The Decision shall clearly set forth the reasons for which the advisory Conclusions and Recommendations are adopted, rejected, or modified. The Decision shall respect, whenever applicable, the strictures of any collective bargaining agreement which may limit the scope of the Commissioner's authority. For purposes of any potential judicial review of the CRB's actions under Article 78 of the Civil Practice Law and Rules, the Decision of the Commissioner shall be considered the final administrative determination.

37-8 CONSISTENCY WITH CITY CHARTER

Nothing in this Ordinance shall be read as a limitation, abridgement or infringement of any rights or powers conferred by the Saratoga Springs City Charter.

This ordinance shall take effect the day after publication as provided by the City Charter of the City of Saratoga Springs, New York.

ADOPTED:



CITY OF SARATOGA SPRINGS
CIVILIAN REVIEW BOARD
APPLICATION FOR MEMBERSHIP

Name: _____

Address: _____

Telephone: _____

Email: _____

Age: _____

Occupation: _____

Have you ever been convicted of a crime? _____

If so, please provide details, including the date, nature of the offense for which you were convicted, jurisdiction in which you were convicted, and whether you received a certificate of relief from disabilities or a sealing order:

Please provide a brief description of what experience, abilities or expertise you feel may be relevant for consideration of your application to become a Member of the Civilian Review Board. (You may attach additional information, resume, curriculum vitae, or other relevant documents).

I swear under penalty of perjury that the above statements and any attached additional information are true.

Please sign in the presence of a notary public or commissioner of deeds:
