



May 16, 2023

CITY OF SARATOGA SPRINGS
City Council Meeting
474 Broadway
Saratoga Springs, New York

7:00 PM

6:45 P.M.

P.H. – Amend Capital Budget for Caroline Street Pedestrian Improvements

P.H. – Ordinance to Prohibit Possession of Firearm in Public Place

P.H. – Amend Chapter 136 – Temporary Outdoor Dining End Date

7:00 PM

CALL TO ORDER

ROLL CALL

SALUTE TO FLAG

PUBLIC COMMENT PERIOD / 15 MINUTES

CONSENT AGENDA

1. Approval of 4/28/2023 Pre-Agenda Meeting Minutes
2. Approval of 5/2/2023 City Council Meeting Minutes
3. Approval of 5/4/2023 City Council meeting Minutes
4. Approve Mid-Warrant 2023, 23MWMAY1 \$972,584.47
5. Approve Warrant 2023, 23MAY2 \$733,025.82
6. Approve Payroll 05/5/2023 \$698,893.63
7. Approve Payroll 05/12/2023 \$470,613.76
8. Approve Budget Transfers - Regular
9. Approve Budget Amendments - Regular

MAYOR'S DEPARTMENT

1. Set Public Hearing: Open Space Plan June 20
2. Set Public Hearing: Amendment to the UDO - 1,000 Foot Buffer Between Schools and Homeless Shelters
3. Announcement: Discussion on Changes to the City Council Agenda
4. Discussion and Vote: Authorization for Mayor to Sign Change Order #2 with Barton & Loguidice for West Fenlon Trail
5. Discussion and Vote: Resolution for the Expenditure from the Assignment for the Non-Profit Grant
6. Discussion and Vote: Accept \$10,976 donation from Saratoga County Children's Committee, Inc.

7. Discussion and Vote: Authorization for Mayor to Sign Saratoga City School District Transportation Agreement
8. Discussion and Vote: Authorization for the Mayor to Sign Contract with Adirondack Cabling & Security
9. Discussion and Vote: Authorization for Mayor to Sign the Zumba Fitness Class Co-Sponsor Agreement with Cathy Kopa
10. Discussion and Vote: Donation of Skate Park Ramps to the Village of Schuylerville

ACCOUNTS DEPARTMENT

1. Discussion and Vote: Amend Chapter 136 of the City Code to Establish an Expiration Date for 2023
2. Discussion and Vote: Article 7 Refund Correction for Parcel ID: 153.-1-21.2
3. Discussion and Vote: Waive Application Fee for Gurtler Brothers Veteran of Foreign Wars Post 420
4. Discussion and Vote: Outdoor Dining Fees for 2023
5. Announcement: Welcome to New Assistant City Assessor
6. Announcement: Grievance Day is May 23, 2023
7. Announcement: Downtown Advisory Committee Workshop May 17, 2023
8. Announcement: Early Voting
9. Announcement: Special Events
10. Announcement: Business Milestones

FINANCE DEPARTMENT

1. Announcement: Update on City Finances
2. Announcement: Participatory Budgeting Accepting Project Proposals Through July 1, 2023
3. Discussion: First Quarter Financial Report
4. Discussion and Vote: 2023 City Fees Update – Recreation Department
5. Discussion and Vote: Budget Transfer – Payroll
6. Discussion and Vote: Budget Amendment – Capital
7. Discussion and Vote: Budget Amendments – Fund Balance

PUBLIC WORKS DEPARTMENT

1. Discussion and Vote: Amend the Capital Budget to Include a Caroline Street Pedestrian Improvements Multi-Modal #4 Project, Funded at \$150,000
2. Discussion and Vote: Authorization for Mayor to Sign Resolution with NYSDOT for Reimbursement of Caroline Street Pedestrian Improvements Capital Project
3. Discussion and Vote: Authorization for Mayor to Sign Eight Designated Engineering Service Contracts
4. Discussion and Vote: Approval to Pay Invoice #40342 to the LA Group in the Amount of \$4,324.50
5. Discussion and Vote: Authorization for Mayor to Sign Sidewalk Installation Agreement for 29 York Avenue
6. Discussion and Vote: Authorization for Mayor to Sign Change Order with James H. Maloy, Inc. for the Buff Road Storm Pipe Project

PUBLIC SAFETY DEPARTMENT

1. Discussion and Vote: Ordinance to Prohibit Possession of a Firearm in a Public Place While Intoxicated or Impaired by Alcohol and/or Drugs
2. Discussion and Vote: Authorization for the Mayor to Sign Contract with Dr. Jason Bernad as Medical Director
3. Discussion and Vote: Authorization for the Mayor to Sign a Contract with Tuff Kote Flooring, LLC
4. Discussion and Vote: Authorization for the Mayor to Sign Change Order #10 to Hueber Breuer for Fire Station 3
5. Discussion and Vote: Authorization for the Mayor to Sign Change Order #11 to Hueber Breuer for Fire Station 3
6. Discussion and Vote: Authorization for the Mayor to Sign Change Order #12 to Hueber Breuer for Fire Station 3

7. Discussion and Vote: Authorization for the Mayor to Sign Change Order #13 to Hueber Breuer for Fire Station 3
8. Discussion and Vote: Authorization for the Mayor to Sign Change Order #14 to Hueber Breuer for Fire Station 3
9. Discussion and Vote: Authorization for the Mayor to Sign Change Order #15 to Hueber Breuer for Fire Station 3
10. Discussion and Vote: Authorization for the Mayor to Sign Change Order #16 to Hueber Breuer for Fire Station 3
11. Discussion and Vote: Authorization for the Mayor to Sign Change Order #17 to Hueber Breuer for Fire Station 3
12. Discussion and Vote: Authorization for the Mayor to Sign Change Order #18 to Hueber Breuer for Fire Station 3
13. Discussion and Vote: Authorization for the Mayor to Sign Change Order #19 to Hueber Breuer for Fire Station 3
14. Discussion and Vote: Authorization for the Mayor to Sign Change Order #20 to Hueber Breuer for Fire Station 3
15. Discussion and Vote: Authorization for the Mayor to Sign Change Order #21 to Hueber Breuer for Fire Station 3

SUPERVISORS

Matt Veitch

1. Report from Select USA Conference May 1-4
2. Saratoga County DSS Commissioner

ADJOURN



May 16, 2023

CITY OF SARATOGA SPRINGS
City Council Meeting
474 Broadway
Saratoga Springs, New York

7:00 PM

PRESENT: Ron Kim, Mayor
Minita Sanghvi, Commissioner of Finance
Dillon Moran, Commissioner of Accounts
Jason Golub, Commissioner of Department of Public Works
Jim Montagnino, Commissioner of Department of Public Safety

STAFF PRESENT: Angela Rella, Deputy Mayor
Heather Crocker, Deputy Commissioner of Finance
Stacy Connors, Deputy Commissioner, Accounts
Joe O'Neill, Deputy Commissioner of Public Works

Matthew Veitch, Supervisor
Tara Gaston, Supervisor

EXCUSED: Jason Tetu, Deputy Commissioner, Department of Public Safety

RECORDING OF PROCEEDING

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

PUBLIC HEARING

Amend Capital Budget for Caroline Street Pedestrian Improvements

Mayor Kim opened the public hearing at 6:49 p.m.

No one spoke.

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

Ordinance to Prohibit Possession of Firearm in Public Place

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

Tim Coll of Saratoga Springs asked if the chief of police and the district attorney approve of the ordinance.

Commissioner Montagnino stated the police chief does support this ordinance and the district attorney has not been consulted.

Mr. Coll asked Commissioner Montagnino if he could expand on his discussion with the chief.

Commissioner Montagnino stated there have been discussions such as the definition of a public place 'vessel'. There was a question about the draft ordinance providing for notice to the licensing authority at time of conviction and should be at time of arrest.

Chris Mathiesen of Saratoga Springs stated he supports this approach. Testosterone, weapons, and alcohol is not a good combination.

Joe Ribis of Saratoga Springs asked for clarification of where a gun could be carried. Is it all public places in the City?

Commissioner Montagnino explained it is not the possession of a firearm; it is the possession while being intoxicated or impaired by drugs or alcohol.

Mayor Kim concluded the public hearing at 6:55 p.m. and left it open.

Amend Chapter 136 – Temporary Outdoor Dining End Date

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

Commissioner Moran advised this amendment is to set the expiration date for privately owned parking lots and privately owned lands used as temporary outdoor seating areas. The proposed expiration date is midnight on November 1, 2023.

John Kaufman of Saratoga Springs asked what the starting date is.

Commissioner Moran stated this ordinance is about an end date for external properties outside of the downtown area. He stated he didn't understand the relevance to Mr. Kaufman's question.

Mr. Kaufman stated he couldn't find a starting date for temporary outdoor dining.

Commissioner Moran advised Mr. Kaufman couldn't find the law for outdoor dining so he is not surprised he couldn't find the date.

Mr. Kaufman asked if that is going to be available some time.

Commissioner Moran told Mr. Kaufman it is in the code and to go read it. Mr. Kaufman continues to insist factual things are not there that are there. Mr. Kaufman is the only person who has a problem with outdoor dining in Saratoga Springs.

Mayor Kim closed the public hearing at 6:57 p.m.

CALL TO ORDER

Mayor Kim called the meeting to order at 6:57 p.m.

PUBLIC COMMENT

Mayor Kim advised there are new rules to public comment. People have 4 minutes to speak. At that time, the speaker will be asked to stop. He asked all to be kind; not interrupt; and exercise free speech. He also asked the speakers to be factual. The Council members may respond if they choose. He will also hold a public comment period at the end of the City Council meeting.

Mayor Kim opened the public comment period at 6:58 p.m.

Rose Tait of Saratoga Springs stated cars were able to park along the fence on Lincoln Avenue until the sidewalk went in. She has brought this up and asked if there has been an accident on Lincoln Avenue as a result of the cars backing up into traffic. She has also been asking for relief from having to drive around the block to get to her house and would like an update/answer to this. She has read about all the money New York State and the federal government is giving Saratoga Springs and wonders why it is going out Union Avenue to the lake. The media is picking up on the mess in that area. Ms. Tait suggested contacting the governor to ask her to have NYRA turn the Lincoln Avenue into a two-way street.

Commissioner Sanghvi asked Commissioner Montagnino to provide information regarding accidents on Lincoln Avenue.

Commissioner Montagnino stated to his knowledge there haven't been any accidents.

John Dooley of Saratoga Springs stated he is a member of Protecting All Saratoga Students (PASS). In the last six months, this group has grown into the thousands. He thanked the Council for their deliberation over the location of the homeless shelter and thanked the Homeless Task Force for all their hard work. The task force came to a decision last night that the Williams Street location is not a good location.

Chris Mathiesen of Saratoga Springs stated he hopes the change orders for station 3 go through tonight. Also, he could not find anything on the internet regarding the changes to the outdoor dining fees; nothing was attached to the agenda.

John Kaufmann of Saratoga Springs stated he doesn't understand why there were no fees or the resolution attached to the temporary outdoor dining item on the agenda. He has also written repeatedly to Commissioner Sanghvi regarding plans for paying for the SAFER grant for the additional two years. It is going to run around \$3 million dollars. If you believe in transparency, you should respond.

Commissioner Sanghvi stated the grant is for three years so they have to worry about the money for 2026. There is going to be new revenue sources over the next several years so until they come to a final decision, she cannot speak to that yet.

John Kaufmann stated she might have responded to his e-mail out of courtesy.

Diogenes of stolen land asked if the stairs are okay, as they required protection by the police at the last City Council meeting. What is related to the situation here is Jordan Neely. Commissioner Montagnino equating black people with mobs and speech with crime and violence has incited threats against Saratoga Black Lives Matters (BLM) and against Council members who are of color. Commissioner Montagnino wants to focus on speech that makes him uncomfortable but not threats to people's actual physical safety. She reminded everyone that she has done everything BLM has done and she has to remind Commissioner Montagnino that he didn't follow through on his plan to arrest white people to prove he is not racist.

Bill Staiger of Saratoga Springs spoke at the last City Council meeting about how proud he is of Saratoga. He spoke about the love his has for his hometown and how as kids they were integrated from day one. When he was done speaking, he got the feeling that the perception was he thought there is no racism in Saratoga Springs – that is the furthest from the truth. The City is now divided in a way he has never seen before. He is here because he wants to know how they are going to fix this. He asked the City Council to do their job, conduct business, and keep moving this City forward. This Council has turned this City into a

laughing stock. The divide can be closed if everyone works together. People need to start talking and not screaming. (Mr. Staiger's complete statement is attached)

Tracey Krosky stated restorative justice is powerful but is hard work. Our disgraced public safety commissioner has shown our society is built on punishment. No one should feel unsafe in their home or community. No one should feel their children aren't safe.

Anthony of Albany stated black lives matter. He demanded Commissioner Montagnino drop the charges against his friends and he needs to resign. He told Commissioner Moran his mouth is crazy and reckless. He doesn't know who elected him.

Leslie Dana of Saratoga Springs stated she has helmed MLK Saratoga for over seven years and works closely with the Frederick Allen Lodge. Dr. King spoke about addressing the behavior and not the person. She stated people are not getting past personalities. She encouraged everyone to start talking about what the future looks like.

Lexis Figuereo of Saratoga BLM (Black Lives Matter) stated when there was a discussion back and forth with Commissioner Sanghvi there was no problem in the audience. No charges were filed against anyone from the last City Council meeting that was shut down, showing implicit bias. The City made national news about passing the restorative justice measure.

Samira Sangare of Saratoga Black Lives Matter stated it has been two weeks and no warrants for anyone's arrest. The meeting was shut down. This led to Commissioner Montagnino's inclusion in the attorney general investigation. They are here for the community. They heard the last City Council meeting was compared to an insurrection.

Mayor Kim closed the public comment period at 7:37 p.m.

SUPERVISORS

Matt Veitch

Report from Select UDA Conference May 1 – 4

Supervisor Veitch reported this conference was put on by the Department of Commerce. All 50 states are trying to attract businesses from other countries to relocate businesses in the United States. Supervisor Veitch worked with Saratoga Economic Development Corp. to interact with those companies and address how Saratoga is looking for foreign investments.

Saratoga County DSS Commissioner

Supervisor Veitch reported a new Department of Social Services Commissioner (DSS) was appointed at today's meeting. Patrick Maxwell is the new DSS commissioner.

Tara Gaston

Supervisor Gaston stated she has nothing to report tonight.

CONSENT AGENDA

Commissioner Moran moved and Commissioner Sanghvi seconded to remove item #3 from the Consent Agenda.

Commissioner Moran advised there is a page missing from the minutes.

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)

Nays – 0

Commissioner Montagnino moved Commissioner Sanghvi seconded to approve the consent agenda without item #3.

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6. Approve Payroll 05/5/2023 \$698,893.63
7. Approve Payroll 05/12/2023 \$470,613.76
8. Approve Budget Transfers - Regular
9. Approve Budget Amendments - Regular

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)

Nays – 0

MAYOR'S DEPARTMENT

Set Public Hearing: Open Space Plan June 20

Mayor Kim set a public hearing for Tuesday, June 6, 2023 and Tuesday, June 20, 2023.

Set Public Hearing: Amendment to the UDO - 1,000 Foot Buffer Between Schools and Homeless Shelters

Mayor Kim set a public hearing for Tuesday, June 20, 2023. There are a couple preliminary steps to get this on the City Council for approval.

Mayor Kim moved and Commissioner Sanghvi seconded to add an item to his agenda regarding discussion and vote: merit for review referral to the Saratoga Springs Planning Board and Saratoga County Planning Board to amend the UDO to include a 1,000-foot buffer between schools and homeless shelters. (23-275)

Mayor Kim advised because some of the buffers are close to state roads, it is required to have the City and County Planning Boards review this.

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)

Nays – 0

Announcement: Discussion on Changes to the City Council Agenda

Mayor Kim announced he would like to make the following changes to the City Council agenda:

- Begin meeting at 6 p.m. – call to order
- Consent agenda
- Presentations
- Executive sessions
- Supervisors
- 7 p.m. begin public hearings and public comment period

- Continue with regular order of meeting – Mayor’s Department , Accounts Department, Finance Department, Department of Public Works, and Department of Public Safety
- Another public comment period.

These changes will go into effective with the June 6, 2023 City Council meeting.

Discussion and Vote: Authorization for Mayor to Sign Change Order #2 with Barton & Loguidice for West Fenlon Trail (23-276)

Mayor Kim moved and Commissioner Sanghvi seconded to authorize the mayor to sign change order #2 with Barton & Loguidice for the West Fenlon Trail.

Mayor Kim stated a sidewalk is being installed on West Fenlon and will connect the State Park trails being built. The cost is \$6,000 to the City.

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)
Nays – 0

Discussion and Vote: Resolution for the Expenditure from the Assignment for the Non-Profit Grant

Mayor Kim advised this item will appear on Commissioner Sanghvi’s agenda.

Discussion and Vote: Accept \$10,976 donation from Saratoga County Children’s Committee, Inc. (23-277)

Mayor Kim moved and Commissioner Moran seconded to accept the donation of \$10,976 from the Saratoga County Children’s Committee for camp scholarships.

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)
Nays – 0

Discussion and Vote: Authorization for Mayor to Sign Saratoga City School District Transportation Agreement (23-278)

Mayor Kim moved and Commissioner Sanghvi seconded to authorize the mayor to sign the Saratoga City School District Transportation Agreement.

Mayor Kim stated this transportation is for Camp Saradac.

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)
Nays – 0

Discussion and Vote: Authorization for the Mayor to Sign Contract with Adirondack Cabling & Security (23-279)

Mayor Kim moved and Commissioner Moran seconded to authorize the mayor to sign a contract with Adirondack Cabling & Security.

Mayor Kim stated this is for security and alarms at the ice rinks for \$83,542.

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)
Nays – 0

Discussion and Vote: Authorization for Mayor to Sign the Zumba Fitness Class Co-Sponsor Agreement with Cathy Kopa (23-280)

Mayor Kim moved and Commissioner Sanghvi seconded to authorize the mayor to sign the Zumba fitness class co-sponsor agreement with Cathy Kopa.

Mayor Kim advised this contract is a 50/50 revenue split.

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)

Nays – 0

Discussion and Vote: Donation of Skate Park Ramps to the Village of Schuylerville (23-281)

Mayor Kim moved and Commissioner Sanghvi seconded to donate the skate park ramps to the Village of Schuylerville.

Mayor Kim stated there is no significant value to the ramps that are being donated.

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)

Nays – 0

ACCOUNTS DEPARTMENT

Discussion and Vote: Amend Chapter 136 of the City Code to Establish an Expiration Date for 2023 (23-282)

Commissioner Moran advised a public hearing was held tonight on this item. Privately owned parking lots and privately owned lands have been opened to and made accessible to the general public, for use by licensed eating and drinking establishments as temporary outdoor seating areas. This ordinance is for all licenses issued for temporary outdoor seating areas for privately owned parking facilities and privately owned lands to expire at midnight on November 1, 2023.

Commissioner Moran moved and Commissioner Sanghvi seconded to approve the amendment to Chapter 136 for privately owned parking facilities and privately owned lands used as temporary outdoor seating areas to expire at midnight on November 1, 2023.

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)

Nays – 0

Discussion and Vote: Article 7 Refund Correction for Parcel ID: 153.-1-21.2 (23-283)

Commissioner Moran advised that at the February 21, 2023 City Council meeting, the Council voted to refund \$5,556.16 for this parcel for tax year 2023, based upon the 2022 assessment roll. It has come to our attention that this amount is incorrect. Per the court order, there will not be a refund for tax year 2023 – an adjustment will be made to the tax bill by Finance.

Commissioner Moran moved and Commissioner Sanghvi seconded to rescind the motion made on February 21, 2023 for parcel ID 153.-1-21.2 and to allow the Finance Department to adjust the 2023 tax bill according to the court order.

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)

Nays – 0

Discussion and Vote: Waive Application Fee for Gurtler Brothers Veteran of Foreign Wars Post 420 (23-284)

Commissioner Moran stated he received a request from Gurtler Brothers VFW Post 420 requesting the application fee associated with the use of the Veterans Memorial in Congress Park be waived.

The Veterans Memorial will be used to commemorate Memorial Day to remember our fallen veterans who gave the ultimate sacrifice for their country. The memorial was constructed and funded by veteran organizations in the community.

Commissioner Moran moved and Commissioner Montagnino seconded to waive the application fee in the amount of \$50, for Gurtler Brothers VFW Post 420 for the use of the Veterans Memorial in Congress Park.

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)

Nays – 0

Commissioner Sanghvi reminded Commissioner Moran he stated he will bring forward a guideline for how the decision is made to waive fees.

Discussion and Vote: Outdoor Dining Fees for 2023 (23-285)

Commissioner Moran stated through the Chamber of Commerce, Adirondack Trust, and the restaurants, a project has been put in place to install colored concrete barriers for outdoor dining. The Department of Public Works will be installing the barriers at the beginning of the season and removing the barriers at the end of the season. With the Department of Public Works, a fee of \$12 per linear foot will be paid by the restaurants for these barriers and eventually the barriers will be sold to the City of Saratoga Springs for \$1.

Commissioner Moran moved and Commissioner Golub seconded the following resolution as read into the record:

**A RESOLUTION
OF THE CITY COUNCIL
OF THE CITY OF SARATOGA SPRINGS, NY**

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

WHEREAS, Section 136.33.10 in Article IVA of Chapter 136 of the Code of the City of Saratoga Springs, entitled “Temporary Outdoor Seating Areas Permits” provides that a schedule of fees for temporary outdoor seating area permits shall be developed and adopted by resolution of the City Council; and

WHEREAS, the Council has given due consideration to the fees to be charged,

NOW, THEREFORE, BE IT RESOLVED, that the City council hereby establishes the following schedule of fees for temporary outdoor seating area permits:

| <u>TYPE OF PROPERTY</u> | <u>FEE TYPE</u> | <u>FEE AMOUNT</u> |
|---|--|----------------------|
| Private Property | Application for seating area | \$100.00 |
| Public Property - Sidewalks | Application for seating area and occupation of public property | \$500.00 |
| Public Property - Sidewalks and Barriers/Blocks | Application for seating area and occupation of public property and installation/removal of barriers/blocks | \$12 per linear foot |

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)

Nays – 0

Announcement: Welcome to New Assistant City Assessor

Commissioner Moran welcomed David Eaton to the Accounts Department as the new assistant city assessor. David started yesterday. David grew up in Stillwater and attended ACC as well as SUNY Utica; worked in restaurant and bank management; and has been a licensed real estate appraiser for the past 20 plus years.

Announcement: Grievance Day is May 23, 2023

Commissioner Moran announced residents do not need to be present to grieve their assessment. If a resident wishes to appear before the Board of Assessment Review, the resident's completed application and documentation must be submitted to the Assessment Office prior to the start of a hearing session. At that time, the resident can receive a time to appear before the board. There are three sessions – 9 a.m. – noon, 1 p.m. – 4:30 p.m., and 7 p.m. – 9 p.m.

Announcement: Downtown Advisory Committee Workshop May 17, 2023

Commissioner Moran advised tomorrow evening, May 17th, is the next Downtown Advisory Committee Workshop. This will be held at the City Center from 10 a.m. – noon. This is a closed session.

Attendees include:

- owners of all Chapter 136 establishments in the City;
- leaders from the City's Police and Fire Departments will talk about:
 - their commitment to enhance communications with local establishments to improve security,
 - plans for inspections;
 - best practices establishments should adopt to enhance security and screening protocols;
 - how to use a Trespass Letter to preclude unauthorized people from re-entering your property; and
 - any other tips, suggestions, or recommendations either department has to keep our City and your establishments safe.

Local leaders will also share information about a new app now being tested to allow for real-time sharing of information and to show the identification-scanning equipment which may be of benefit to everyone. There will be a facilitated dialogue to allow for questions and to discuss opportunities to improve collaboration and communication between the City, public safety officials, and your establishments. We want to encourage you to bring your managers and key employees with security responsibilities so they can meet the key police and fire personnel who they will be working with this summer.

Announcement: Early Voting

Commissioner Moran announced Tuesday, June 27th is the primary election voting date. Saturday, June 17 – Sunday, June 25 are the days for early voting for the primary election.

Announcement: Special Events

Commissioner Moran announced the following special events:

- Sunday, May 21, 2023 - Team Billy Ride & Walk for Research - 10, 25 & 50-mile bike rides and a 3-mile walk. Promote awareness & support to find a cure for brain tumors. Proceeds are directed through the National Brain Tumor Society.
- Sunday, May 21, 2023 - Café Lena's Sing in the Streets for their Lena's 63rd anniversary - Live music at six different locations around the Café Lena neighborhood.
- Sunday, May 28, 2023 – Saratoga Springs Lions Club Memorial Duathlon & 5K annual fundraising event. This is a 5K run followed by a 30K bike ride and then another 5K run. The memorial 5K is a separate race that starts 20 minutes after the duathlon begins. Runners of all abilities are welcome.
- Saturday, June 3, 2023 – TUFF eNUFF Mud Run – Prevention Council fundraiser obstacle courses (kids course and teen/adult course) at the BOCES facility on Henning Road.

- Saturday, June 3, 2023 – Whitman Brewfest fundraiser for Saratoga Pride. This is a ticketed event with samples from local area breweries, food, music, and vendors.
- Sunday, June 4, 2023 – Cantina Kids Fun Run fundraiser for Saratoga Hospital Pediatric Emergency Services to be held at Congress Park.
- Saturday, June 10, 2023 – Annual Flag Day Parade hosted by the Saratoga – Wilton Elks Lodge
- Saturday, June 10, 2023 – Grace Fellowship Outreach event for Grace Fellowship Church.
- Sunday, June 11, 2023 – Beekman Street Art Fair with fine art, craft show, street performers, live music, and food trucks.
- Saturday, June 17, 2023 – 2nd Annual Cars on Union car show hosted by the Saratoga Auto Museum.
- Monday, June 19, 2023 – Symbolic two and a half block walk concluding at the Frederick Allen Lodge.
- Sunday, June 25, 2023 – Saratoga Pride Festival celebrating LGBTQ+ Pride at High Rock Park.

Announcement: Business Milestones

Commissioner Moran announced he helped with ribbon cuttings for Spoken Boutique, Country Corner Café, and Peripeteia Salon.

Commissioner Moran moved and Commissioner Golub seconded to add an item to the agenda regarding payment of invoices to GAR Associates. (23-286)

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)

Nays – 0

Discussion and Vote: Authorization for Payment of Invoice #8419G to GAR Associates in the Amount of \$20,000 (23-287)

Commissioner Moran moved and Commissioner Golub seconded to authorize payment of invoice #8419G to GAR Associates in the amount of \$20,000.

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)

Nays – 0

FINANCE DEPARTMENT (part 1)

Announcement: Update on City Finances

Commissioner Sanghvi announced collected \$3.6 million dollars year to date with a dip in sales tax in March. The City has seen a dip in mortgage tax collection this year and is now seeing a dip in sales tax. The City's 2022 annual financial report and the first quarter 2023 report has been filed. ARPA funds are not expected in 2023.

IT has started rolling out the cyber security tools with the issuance of FOBs to the Finance Department and the Accounts Department for the multifactor authentication.

Announcement: Participatory Budgeting Accepting Project Proposals Through July 1, 2023

Commissioner Sanghvi announced they have received 11 applications/suggestions for participatory budgeting projects. Applications/suggestions are being accepted through July 1, 2023.

Discussion: First Quarter Financial Report

Commissioner Sanghvi advised the fourth quarter report was shared at the last City Council meeting. The first quarter ended March 31, 2023.

General fund revenues:

- Property tax collected is \$10,397,595 or 60%.
- Sales tax figures include only one month.
- Most of the larger revenue streams start coming in beginning in April.
- Parking ticket revenue was not posted due to an issue with the ticket vendor. That issue has now been resolved.
- Approximately 33% of revenues were received as of March 31, 2023.

Expenses:

- All liability insurance has been paid for the year.
- Most departments' expenses are running at about 25%, which is on target.

Discussion and Vote: 2023 City Fees Update – Recreation Department (23-288)

Commissioner Sanghvi advised the Finance Department has received requests to update the Recreation Department and the Accounts Department outdoor dining fees.

Commissioner Sanghvi moved and Commissioner Golub seconded to approve the 2022/2023 City fees Recreation Department and outdoor dining fees.

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)

Nays – 0

Discussion and Vote: Budget Transfer – Payroll (23-289)

Commissioner Sanghvi moved and Commissioner Golub seconded approve budget transfers – payroll.

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)

Nays – 0

PUBLIC WORKS DEPARTMENT (part 1)

Discussion and Vote: Amend the Capital Budget to Include a Caroline Street Pedestrian Improvements Multi-Modal #4 Project, Funded at \$150,000 (23-290)

Commissioner Golub advised this project will be reimbursed by the NYSDOT.

Commissioner Golub moved and Commissioner Sanghvi seconded to amend the capital budget to include Caroline Street pedestrian improvements in the amount of \$150,000.

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)

Nays – 0

FINANCE DEPARTMENT (part 2)

Discussion and Vote: Budget Amendment – Capital (23-291)

Commissioner Sanghvi moved and Commissioner Golub seconded to approve the budget amendment – capital.

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)

Nays – 0

Commissioner Sanghvi moved and Mayor Kim seconded to add the mayor’s agenda item # 5 (Discussion and Vote: Resolution for the Expenditure from the Assignment for the Non-Profit Grant) to her agenda. (23-292)

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)

Nays – 0

Discussion and Vote: Resolution for the Expenditure from the Assignment for the Non-Profit Grant (23-293)

The resolution is as follows:

RESOLUTION

(For Expenditure from the ASSIGNMENT FOR NON-PROFIT GRANTS)

WHEREAS, the City Council of the City of Saratoga Springs established the Assignment for a non-profit grant program on 10/19/21 “to fund a City grant program for nonprofits as adopted by City Council; and,

WHEREAS, An Assignment of Grant under this program includes the following requirements:

1. All grants under this program shall require a finding by the Council that the amount of the individual grant provides a public benefit equal to or greater than the amount of the grant; and
 2. The Assignment will be funded using unassigned fund balance in amounts as follows:
 - a. Initial funding for the Non-Profit Grant Program Assignment will be provided by adding two-hundred thousand dollars (\$200,000) from the general fund unassigned fund balance to the Assignment.
 - b. The Non-Profit Grant Program Assignment will be replenished each year if/when the City’s audited financial statements, indicate that the City has an unassigned fund balance of not less than 10.00% of the total adopted budget expenditures of the General Fund as determined via section E(2)b of the City’s Fund Balance Policy.
 - c. Upon meeting the requirements of 1(b) above, funding may total zero-three hundred thousand dollars (\$0 - \$300,000) annually, with the final amount to be approved by Council.
 - d. The funding of this program shall not cause the City’s general fund unassigned fund balance to be in a deficit, as defined by the fund balance policy.
 - e. At no time shall the total amount in this Non-Profit Grant Program Assignment exceed five-hundred thousand dollars (\$500,000).
 - f. Subject to the items b-d above, other funding resources may be used as the Council deems appropriate.

WHEREAS, in accordance with the process laid out in this Resolution, the Council is actively considering grants to non-profits; and WHEREAS, on 03/21/2023 the Council added an item to its agenda to approve a grant to Pitney Meadows Community Farm in the amount of \$150,000 for investment in solar infrastructure. Funding will be used to install a 34.56kW off-grid solar array. The City finds that the benefit to the public will be equal to or greater than the amount of the grant. The Council approved unanimously approved the grant at its 03/21/2023 City Council meeting.

WHEREAS, on 05/04/2023 the Council added an item to its agenda to approve a grant to Unitarian Universalist Congregation of Saratoga Springs in the amount of \$10,000 for Saratoga Safe Space for LGBTQ Youth, Families, and Allies. Funding will be used to provide and support programs and services for LGBTQ youth, families, and allies. The City finds that the benefit to the public will be equal to or greater than the amount of the grant. The Council approved unanimously approved the grant at its 05/04/2023 City Council meeting.

WHEREAS, on 05/04/2023 the Council added an item to its agenda to approve a grant to The Wesley Healthcare Center, Inc. in the amount of \$10,000 for a CNA Training Program. Funding will be used to purchase materials for CAN trainees. The City finds that the benefit to the public will be equal to or greater than the amount of the grant. The Council approved unanimously approved the grant at its 05/04/2023 City Council meeting.

WHEREAS, on 05/04/2023 the Council added an item to its agenda to approve a grant to Race Track Chaplaincy of America, Metro NY Division in the amount of \$10,000 for the NY Race Track Chaplaincy Summer Enrichment Program. Funding will be used to send the children of backstretch workers to camps in Saratoga, and for transportation to and from the camps. The City finds that the benefit to the public will be equal to or greater than the amount of the grant. The Council approved unanimously approved the grant at its 05/04/2023 City Council meeting.

WHEREAS, on 05/04/2023 the Council added an item to its agenda to approve a grant to the Saratoga Springs Art District, Inc. in the amount of \$10,000 for Makers Markets on Beekman. Funding will be used to planning and material support of public events hosted by the Saratoga Springs Art District. The City finds that the benefit to the public will be equal to or greater than the amount of the grant.

The Council approved unanimously approved the grant at its 05/04/2023 City Council meeting.

NOW, THEREFORE, BE IT RESOLVED, that a total amount of \$190,000 is hereby authorized for use, in accordance with the ASSIGNMENT FOR NON-PROFIT GRANTS.

Commissioner Sanghvi moved and Mayor Kim seconded to approve the resolution for expenditure from assignment for non-profit grants.

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)

Nays – 0

Discussion and Vote: Budget Amendments – Fund Balance (23-294)

Commissioner Sanghvi advised lines 1 – 2 is for participatory budgeting for pollinator garden, lines 3 – 6 is for the Mayor's Department for non-profit grant awards.

Commissioner Sanghvi moved and Commissioner Moran seconded to approve the budget amendments – fund balance.

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)

Nays – 0

PUBLIC WORKS DEPARTMENT (part 2)

Discussion and Vote: Authorization for Mayor to Sign Resolution with NYSDOT for Reimbursement of Caroline Street Pedestrian Improvements Capital Project (23-274)

Commissioner Golub advised this is required to seek reimbursement from New York State Department of Transportation for the Caroline Street sidewalk project.

Commissioner Golub moved and Commissioner Montagnino seconded to adopt the resolution for the multi-modal project for the Caroline Street School.

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)

Nays – 0

Discussion and Vote: Authorization for Mayor to Sign Eight Designated Engineering Service Contracts (23-295)

Commissioner Golub advised this is a master agreement between the City and eight designated engineering firms. The firms are the LA Group, Barton & Loguidice, MJ Engineering, Creighton Manning, CHA Consulting, LaBella Associates, Laberge Contracting, and Ryan Biggs not to exceed \$24,999 per contract.

Commissioner Golub moved and Commissioner Moran seconded to authorize the mayor to sign the eight designated engineering service contracts for plan review and engineering services on a task order basis valid until February 17, 2025, not to exceed \$24,999.

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)

Nays – 0

Discussion and Vote: Approval to Pay Invoice #40342 to the LA Group in the Amount of \$4,324.50 (23-296)

Commissioner Golub advised the Department of Public Works was not able to follow the purchasing policy with the work done by the LA Group relating to preliminary work with the Caroline Street project.

Commissioner Golub moved and Commissioner Moran seconded to approve payment of invoice #40342 to the LA Group in the amount of \$4,324.50.

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)

Nays – 0

Discussion and Vote: Authorization for Mayor to Sign Sidewalk Installation Agreement for 29 York Avenue (23-297)

Commissioner Golub advised this agreement is for installation of 282 square feet of sidewalk at 29 York Avenue for a total of \$6,714.

Commissioner Golub moved and Commissioner Montagnino seconded to authorize the mayor to sign a sidewalk installation agreement for 29 York Avenue in the amount of \$6,714.

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)

Nays – 0

Discussion and Vote: Authorization for Mayor to Sign Change Order with James H. Maloy, Inc. for the Buff Road Storm Pipe Project (23-298)

Commissioner Golub advised this change order will result in a net credit to the City and allow James H. Maloy to replace existing pipe and reconnect to the manhole at the site.

Commissioner Golub moved and Commissioner Moran seconded to authorize the mayor to sign change order #1 with James H. Maloy, Inc. in the amount of \$22,431.40.

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)

Nays – 0

Commissioner Golub moved and Commissioner Moran seconded to add an item to the agenda regarding the acceptance of a donation of rose bushes. (23-299)

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)

Nays – 0

Commissioner Golub moved and Commissioner Sanghvi seconded to accept the donation of 20 rose bushes from Cady Hill with the estimate value of \$250. (23-300)

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)

Nays – 0

PUBLIC SAFETY DEPARTMENT

Discussion: Ordinance to Prohibit Possession of a Firearm in a Public Place While Intoxicated or Impaired by Alcohol and/or Drugs

Commissioner Montagnino the impotence for this ordinance was November 20, 2022. The people on that night knew they were going drinking and used ride share apps to get to the bar area and planned on using

ride share apps to take them home. The purpose of the ordinance would create a violation under the City Code, which is a petty offense; and raise people's awareness to the reality that a firearm is more dangerous when possessed by a person whose judgement is impaired. Chief Crooks mentioned the definition of a firearm in the proposed ordinance is "any weapon which will propel a projectile through the action of an explosive", which is the definition used throughout the City Code. Article 265 of the Penal Law does have a different definition of a firearm. Commissioner Montagnino added 'vessel' to the definition of a public place and modified section D from "...when a person has been convicted of a violation of this Section, the City Attorney shall provide written notice of such conviction to any licensing authority" to "when a person has been charged with a violation of this section".

Tony Izzo stated the original ordinance prohibited the discharge of firearms in a designated geographical area. A couple of provisions were added several years back relating to the carrying of firearms in the downtown business district and a safe storage amendment. Tony stated he read this proposal and doesn't know if it would be problematic if anyone tries to enforce it. The farther a municipality moves from the framework set up by the State of New York, the more likely the municipality ordinance will be invalid as it pre-empts state law.

Commissioner Golub asked both city attorneys for their input regarding enforceability of the proposed ordinance before the Council votes on this ordinance. Commissioner Golub also asked if the enforcement of prohibiting a firearm in a public place raise the concern about stop and frisk.

Tony Izzo stated this raises the issue of reasonable cause. This is the first time the City of Saratoga Springs has proposed an ordinance dealing with the actual possession of a firearm.

Commissioner Moran stated he is concerned the City is setting itself up for a lawsuit and they won't get the end result they are looking for.

Discussion and Vote: Authorization for the Mayor to Sign Contract with Dr. Jason Bernad as Medical Director (23-301)

Commissioner Montagnino advised this is for the Fire Department. The cost is \$10,000.

Commissioner Montagnino moved and Commissioner Sanghvi seconded to authorize the mayor to sign a contract with Dr. Jason Bernad as medical director.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)
Nays – 0**

Discussion and Vote: Authorization for the Mayor to Sign a Contract with Tuff Kote Flooring, LLC (23-302)

Commissioner Montagnino advised this is for the epoxy flooring at station 3.

Commissioner Montagnino moved and Commissioner Moran seconded to authorize the mayor to sign a contract with Tuff Kote Floorings, LLC.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)
Nays – 0**

Discussion and Vote: Authorization for the Mayor to Sign Change Order #10 to Hueber Breuer for Fire Station 3 (23-303)

Commissioner Montagnino moved and Commissioner Moran seconded to consolidate the vote on items 4 – 15.

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)
Nays – 0

Commissioner Montagnino moved and Commissioner Sanghvi seconded to approve change orders 10 – 21 as described. (23-304)

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)
Nays – 0

Discussion and Vote: Authorization for the Mayor to Sign Change Order #11 to Hueber Breuer for Fire Station 3

This item was consolidated with all the change orders on the agenda for station 3. See item #4 above.

Discussion and Vote: Authorization for the Mayor to Sign Change Order #12 to Hueber Breuer for Fire Station 3

This item was consolidated with all the change orders on the agenda for station 3. See item #4 above.

Discussion and Vote: Authorization for the Mayor to Sign Change Order #13 to Hueber Breuer for Fire Station 3

This item was consolidated with all the change orders on the agenda for station 3. See item #4 above.

Discussion and Vote: Authorization for the Mayor to Sign Change Order #14 to Hueber Breuer for Fire Station 3

This item was consolidated with all the change orders on the agenda for station 3. See item #4 above.

Discussion and Vote: Authorization for the Mayor to Sign Change Order #15 to Hueber Breuer for Fire Station 3

This item was consolidated with all the change orders on the agenda for station 3. See item #4 above.

Discussion and Vote: Authorization for the Mayor to Sign Change Order #16 to Hueber Breuer for Fire Station 3

This item was consolidated with all the change orders on the agenda for station 3. See item #4 above.

Discussion and Vote: Authorization for the Mayor to Sign Change Order #17 to Hueber Breuer for Fire Station 3

This item was consolidated with all the change orders on the agenda for station 3. See item #4 above.

Discussion and Vote: Authorization for the Mayor to Sign Change Order #18 to Hueber Breuer for Fire Station 3

This item was consolidated with all the change orders on the agenda for station 3. See item #4 above.

Discussion and Vote: Authorization for the Mayor to Sign Change Order #19 to Hueber Breuer for Fire Station 3

This item was consolidated with all the change orders on the agenda for station 3. See item #4 above.

Discussion and Vote: Authorization for the Mayor to Sign Change Order #20 to Hueber Breuer for Fire Station 3

This item was consolidated with all the change orders on the agenda for station 3. See item #4 above.

Discussion and Vote: Authorization for the Mayor to Sign Change Order #21 to Hueber Breuer for Fire Station 3

This item was consolidated with all the change orders on the agenda for station 3. See item #4 above.

PUBLIC COMMENT

Mayor Kim opened the public comment period at 9:20 p.m.

Rose Tait of Saratoga Springs stated Lincoln Avenue became a one way when a lot of people were not around. Since then the limousines now have their own entrance.

Commissioner Golub advised Rose Tait that it is the Department of Public Safety that can address this concern.

Commissioner Moran stated he thinks there is potential for a revision.

Chris Mathiesen of Saratoga Springs stated the change for Lincoln Avenue was brought to public comment and then voted on by the Council. A lot of thought went into the change.

Diogenes of Stolen Land stated she appreciates the thought going into the gun ordinance. She was brought up with the message that until you learn to take care of your things you don't get more things. Until people learn how to fairly apply the laws in place, be careful about making new laws. If this law were in place, what would it look like?

Sam Brewer of Saratoga Springs stated he appeared before the Council at the last two Council meetings regarding security and safety. The mayor had a meltdown in City Hall and made false accusations. The mayor has done some things that really require his resignation. The mayor did not intervene to keep order and public safety at the Council meeting. The mayor is neglecting his duty and he has to do his duty.

Mayor Kim closed the public comment period at 9:28 p.m.

ADJOURNMENT

Commissioner Moran moved and Commissioner Golub seconded to adjourn the meeting at 9:29 p.m.

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)

Nays – 0

Respectfully submitted,

Lisa Ribis
Secretary to the City Council
Approved: 6/6/2023
Vote: 5 - 0