



July 20, 2021

**CITY OF SARATOGA SPRINGS**  
**City Council Meeting**  
**474 Broadway**

**7:00 PM**

6:55 PM - P.H. – Capital Budget  
Amendment for City Security Measures for  
Streetscape and City Buildings

**7:00 PM**

**CALL TO ORDER**

**ROLL CALL**

**SALUTE TO FLAG**

**PUBLIC COMMENT PERIOD / 15 MINUTES**

**PRESENTATION**

**CONSENT AGENDA**

1. Approval of 7/6/2021 City Council Meeting Minutes
2. Approval of 7/6/2021 Pre-Agenda Meeting Minutes
3. Approve Budget Transfers – Regular
4. Approve Budget Amendments – Regular (Increases)
5. Approve Payroll 07/09/2021 \$587,446.90
6. Approve Payroll 07/16/21 \$672,385.85
7. Approve Mid-Warrant - 2021 21MWJUL1 \$763,340.13
8. Approve Warrant – 2021 21JUL2 \$326,402.31

**MAYOR'S DEPARTMENT**

1. Set Public Hearing: Amend Capital Program and Budget for the Recreation Skate Park Project Utilizing Subdivision Recreation Fees
2. Discussion and Vote: Approval to Pay Kenneth Henderson \$1,347.00
3. Appointment: Board of Plumbing Examiners
4. Discussion and vote: MOA Between City of Saratoga Springs and Unions
5. Discussion and Vote: Mayor to Sign Letter of Support for 2021 Community Planning Technical Assistance Program Application
6. Discussion and Vote: Application to the 2021 Community Planning Technical Assistance Program
7. Discussion and Vote: No-Cost Contract for Wm Keller Construction for Geyser Road Trail
8. Discussion and Vote: Approve IFB for Sale of Vacant Property: Henry/Caroline Street
9. Discussion: Advisory Opinions from Design Review Commission and County Planning Board Re: Unified Development Ordinance (UDO)
10. Discussion and Vote: Extension of Time Request – Advisory Opinion from City Planning Board Re: Unified Development Ordinance (UDO)
11. Announcement: UDO Workshops in August

12. Announcement: Assistant Building Inspector Job Opening
13. Announcement: Community Development Department Awarded \$250,000 Grant by New York State Homes & Community Renewal for Second Round of Small Business Grant Program

#### **ACCOUNTS DEPARTMENT**

1. Discussion and Vote: Capital Budget Amendment for City Security Measures for Streetscape and City Buildings
2. Announcement: Public Hearing in Town of Greenfield for Annexation of Property
3. Discussion: Stewart's Shops – Maple Dell PUD Zoning Update

#### **FINANCE DEPARTMENT**

1. Update: City Finances
2. Discussion and Vote: Bond Resolution: Capital Budget City Security Measures for Streetscape and City Facilities (Proj #1278)
3. Discussion and Vote: Capital Budget Amendment for City Security Measures for Streetscape and City Facilities (Proj #1278)
4. Discussion and Vote: Standard Workday Resolution
5. Discussion and Vote: Accept Grant Award from the Local Government Records Management Improvement Fund to Digitize the Case Files for the Design Review Commission and Authorize the Mayor to Sign All Documents in Relation to Accepting this Award
6. Discussion and Vote: Authorization for Mayor to Sign the Development Agreement – Amendment #2 with SiFi Networks for the Fiber Optics Project
7. Discussion and Vote: Budget Transfers – Payroll 1
8. Discussion and Vote: Budget Amendments – Payroll 2
9. Discussion and Vote: Budget Amendments – Benefits
10. Discussion and Vote: Budget Transfers – Payroll

#### **PUBLIC WORKS DEPARTMENT**

1. Discussion and Vote: Approval to Pay Invoice #20218378 to Hydra Tech in the Amount of \$29,441.50
2. Discussion and Vote: Accept Donation from MLK Saratoga for Memorial Bench in the Amount of \$1,500
3. Discussion and Vote: Authorization for Council Approval to Amend DPW Part-Time Laborer Hourly Wage
4. Discussion: Sign Posting in Right of Way
5. Announcement: Phase I Street Tree Inventory Commences

#### **PUBLIC SAFETY DEPARTMENT**

1. Discussion and Vote: Accept Donation for the SSPD Mounted Unit
2. Discussion and Vote: Authorization for Mayor to Sign Major Contract with Saratoga County
3. Set Public Hearing: Amend Chapter 225-77 of the City Code, Schedule XII – Stop Intersections
4. Announcement: COVID-19 Memorial Committee

#### **SUPERVISORS**

Matt Veitch

1. National Association of Counties Report
2. Meeting with Senator Jordan July 16<sup>th</sup>
3. Government Review and Efficiency Committee
4. New County Position Hired

Tara Gaston

1. COVID-19 Update
2. July Board of Supervisors Meeting
3. National Association of Counties Annual Conference

**ADJOURN**



July 20, 2021

## CITY OF SARATOGA SPRINGS

### City Council Meeting

7:00 PM

(via Zoom)

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

**STAFF PRESENT:** Lisa Shields, Deputy Mayor  
Deirdre Ladd, Deputy Commissioner of Finance  
Maire Masterson, Deputy Commissioner, Accounts  
Joe O'Neill, Deputy Commissioner, DPW  
Eileen Finneran, Deputy Commissioner, DPS

Vincent DeLeonardis

Matthew Veitch, Supervisor  
Tara Gaston, Supervisor

### **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 HEARINGS**

#### Capital Budget Amendment for City Security Measures for Streetscape and City Buildings

Mayor Kelly opened the public hearing at 6:54 p.m.

Commissioner Franck advised is to add \$214,187.85 to the 2021 Capital Budget and Program for additional security measures for streetscape and various City buildings.

Nora Brennan stated she was wondering where cameras will be installed.

Darlene McGraw of Saratoga Springs thanked the Council for getting more cameras.

Brian Hangline of Saratoga Springs asked how advanced the security cameras are.

Mayor Kelly closed the public hearing at 6:58 p.m.

## CALL TO ORDER

Mayor Kelly called the meeting to order at 6:58 p.m.

## PUBLIC COMMENT

**Mayor Kelly said the public comment period is limited to a total of 15 minutes and individuals are limited to two minutes.**

Mayor Kelly opened the public comment period at 6:59 p.m.

John Iacoponi of Saratoga Springs here to speak about Stewart's property. This has been reviewed by the Planning Board and has ruled this project as being inconsistent. There is a list of other issues. He is with the Marion Ave/Maple Dell Association and the conversion of residential to commercial matters to them. He asked the Council to reject the PUD.

Amy Totino of Saratoga Springs is a wonderful place to live. We live in a City that denies racism both past and present. An open investigation and open mediated meeting between the City and Black Lives Matters is needed. It will begin the healing process.

Kristin Dart of Saratoga Springs stated she is sadden to come before the Council to speak about racism. Their attitude is no different than white southerners. Comments by Assistant Chief Catone and Robert Jillson make it clear that equal respect is not happening. These comments continue to reinforce the idea that black people are violent or continue to be violent.

Natalia of Saratoga Springs read a quote from Martin Luther King, Jr.

Ellen Moran of Saratoga Springs stated she finds the behavior of our local law enforcement to be unconscionable in their treatment of Black Lives Matter activists. It may have been a good show for the tourists but those of us who call Saratoga Springs home; it was saddening, maddening, and sickening.

Warren Dart of Ballston Lake liked in this City for 36 years and taught in the school district for 38 years. He is the son of a Tuskegee Airman. The cops said they stopped the vehicle because of another reason not because they were black. The way this was handled was wrong and we need to look at policing in Saratoga Springs.

Darlene McGraw of Saratoga Springs said she was advised by her attorney that unless it is on public record, do not speak.

Alexis Brown of Saratoga Springs stated she and her boyfriend were stalked by two police officers as they walked to their car. These officers then followed them home. Her boyfriend allowed the officer to invade their privacy and search their vehicle to prove they didn't have anything illegal in their car.

Deahsa Harris of Saratoga Springs stated there is a great misunderstanding or great disregard of how racism is perpetrated. Each one of you are working against justice and have this City looking like 1965 Selma, Alabama.

Angela Kaufman of Saratoga Springs quoted articles from the Times Union and Schenectady Gazette regarding the young couple pulled over by the police.

Erin Brown of Saratoga Springs stated she is the mother of Alexis Brown stated they were pulled over in her driveway. She asked the officers multiple times what was going on and why they are there. The officers ignored her.

An economist stated she is here to talk about the economics of this town due to all the actions going on. Everyone sees the bad behavior by the police. You are damaging homeowners, small businesses, and colleges.

Arlo Zwicker of Saratoga Springs stated he was arrested at the protest last Wednesday night. He and his friend were tailed because the driver of the car was black. This occurred by the same officers that pulled Alexis over.

Elz Figuereo of Saratoga Springs read a piece from the Facebook page of Move Saratoga Forward. He said the members of the Council are a part of this page and endorsed by the owner of the page. Saratoga Springs will remain a protest town.

Anthony Davis stated he was arrested last week. He stated the officers need to be trained better.

Adam Walker provided a request for a copy of the body camera footage from the incidents on July 14<sup>th</sup>.

Molly Dunn of Saratoga Springs stated the danger in our community is not the activist but the City Council. She was in the front line of the protest but she wasn't tackled or arrested. This town is racist.

Matt Marshall of Albany stated he frequents Saratoga Springs for personal and business reasons. The response to a peaceful protest was over 40 police in riot gear, horse mounted police, and officers dressed in military fatigues couple blocks away.

Mayor Kelly closed the public comment period at 7:30 p.m.

Commissioner Dalton stated you make a show of putting your tactical gear on in Congress Park and wait until it is dark.....

Commissioner Madigan stated we clearly have a lot of work to do. She thinks they need a professional mediator.

Commissioner Dalton stated in the last 13 months she has reached out to Black Lives Matters over a dozen times and has been met with silence.

Commissioner Madigan stated the Police Reform Task Force gave an update at the last City Council meeting.

Commissioner Dalton stated they passed a 50-point police reform as a Council that they are trying to implement.

Commissioner Madigan advised she is meeting regularly with the Police Department and she will meet with the public. A lot of these things need to be backed by funding.

## **CONSENT AGENDA**

**Mayor Kelly moved and Commissioner Dalton seconded to approve the consent agenda as follows:**

1. Approval of 7/6/2021 City Council Meeting Minutes
2. Approval of 7/6/2021 Pre-Agenda Meeting Minutes
3. Approve Budget Transfers – Regular
4. Approve Budget Amendments – Regular (Increases)
5. Approve Payroll 07/09/2021 \$587,446.90
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7. Approve Mid-Warrant – 2021 21MWJUL1 \$763,340.13
8. Approve Warrant – 2021 21JUL2 \$326,402.31

**Ayes – All**

**\*\*Mayor Kelly asked for a recess at 7:31 p.m.**

**\*\*Mayor Kelly resumed the meeting at 7:43 p.m.**

## **MAYOR'S DEPARTMENT**

Set Public Hearing: Amend Capital Program and Budget for the Recreation Skate Park Project Utilizing Subdivision Recreation Fees

Mayor Kelly set a public hearing for Tuesday, August 3, 2021 at 6:55 p.m.

Discussion and Vote: Approval to Pay Kenneth Henderson \$1,347.00 (21-284)

Mayor Kelly advised this is a recreation invoice for pickleball workshops.

**Mayor Kelly moved and Commissioner Dalton seconded to approve to pay the invoice from Kenneth Henderson in the amount of \$1,347.00.**

**Ayes – All**

Appointment: Board of Plumbing Examiners

Mayor Kelly re-appointed Bill Benton to the Board of Plumbing Examiners effective 8/6/21 - 1/1/25.

Discussion and vote: MOA Between City of Saratoga Springs and Unions (21-285)

Vince DeLeonardis, city attorney, advised that as a result of the pandemic, the seven union agreed to concessions. They agreed to defer their 2% wage increase as well as steps and longevity. The economic outlook as allowed for the City to consider re-instating some of those concessions. This MOA provides for that.

**Mayor Kelly moved and Commissioner Madigan seconded to approve the MOAs between the City of Saratoga Springs and all the unions.**

**Ayes – All**

Discussion and Vote: Mayor to Sign Letter of Support for 2021 Community Planning Technical Assistance Program Application (21-286)

**Mayor Kelly moved and Commissioner Madigan seconded to authorize the mayor to sign letter of support for the 2021 Community Planning Technical Assistance Program application.**

**Ayes – All**

Discussion and Vote: Application to the 2021 Community Planning Technical Assistance Program (21-287)

Mayor Kelly advised this will assist the City and Town to access transportation routing options.

**Mayor Kelly moved and Commissioner Madigan seconded to approve the application to the 2021 Community Planning Technical Assistance Program as described with the agenda.**

**Ayes – All**

Discussion and Vote: No-Cost Contract for Wm Keller Construction for Geysers Road Trail (21-288)

Mayor Kelly advised the Mayor's Office requested a no cost contract to be granted to Wm Keller with two outstanding items needing to be completed.

**Mayor Kelly moved and Commissioner Madigan seconded to approve the no-cost contract extension to Wm Keller to complete the Geysers Road Trail.**

**Ayes – All**

Discussion and Vote: Approve IFB for Sale of Vacant Property: Henry/Caroline Street (21-289)

Vince DeLeonardis advised the Council adopted a resolution indicating the City owned parcel on the corner of Henry Street and Caroline Street no longer has any use by the City. The property was appraised by the City at \$500,000. He proposed responses required within 3 weeks/21 days.

**Mayor Kelly moved and Commissioner Dalton seconded to approve IFB for the sale of vacant property: Henry/Caroline Street.**

**Ayes – All**

Discussion: Advisory Opinions from Design Review Commission and County Planning Board Re: Unified Development Ordinance (UDO)

Vince DeLeonardis advised draft 1 was released January 2020; draft 2 came out September 2020; and draft 3 came out April 2021. In May of this year, the Council determine the draft UDO had merit for review and sent it for advisory opinions from the City and County Planning Boards as well as the City's Design Review Commission. The City Planning Board and the DRC requested an extension of time to review the UDO. They have since received responses from the County Planning Board and DRC. They are just waiting for response from City Planning Board. The County and the DRC both identified areas they would like to have the Council look at but did issue a favorable advisory opinion.

Commissioner Franck stated he is receiving calls with questions. Where should these questions be directed?

Vince advised all questions should be directed to him. One of the items that will need to be discuss is the date of implementation.

Discussion and Vote: Extension of Time Request – Advisory Opinion from City Planning Board Re: Unified Development Ordinance (UDO) (21-290)

Mayor Kelly advised the City's Planning Board is asking for an extension of time to review the UDO.

**Mayor Kelly moved and Commissioner Franck seconded to approve the extension of time for the advisory opinion from the City Planning Board regarding the Unified Development Ordinance.**

**Ayes – All**

Announcement: UDO Workshops in August

Mayor Kelly announced the following workshops in August for the UDO:

- Tuesday, August 3, 2021 at 5 p.m.
- Tuesday, August 10, 2021 at 6 p.m.
- Tuesday, August 17, 2021 at 5 p.m.

- Tuesday, August 24, 2021 at 3 p.m.

Announcement: Assistant Building Inspector Job Opening

Mayor Kelly announced the position of assistant building inspector is open and ready to be filled. Applications are on the City's website.

Announcement: Community Development Department Awarded \$250,000 Grant by New York State Homes & Community Renewal for Second Round of Small Business Grant Program

Mayor Kelly announced the Community Development Department has been awarded an additional \$250,000 grant by New York State Homes & Community Renewal for a second round of small business grant program.

**ACCOUNTS DEPARTMENT**

Discussion and Vote: Capital Budget Amendment for City Security Measures for Streetscape and City Buildings (21-291)

**Commissioner Franck moved and Commissioner Madigan seconded to approve the capital budget amendment for City security measures for streetscape and City buildings.**

**Roll Call:**

**Commissioner Franck – Aye**  
**Commissioner Madigan – Aye**  
**Commissioner Scirocco – Aye**  
**Commissioner Dalton – Aye**  
**Mayor Kelly – Aye**

Announcement: Public Hearing in Town of Greenfield for Annexation of Property

Commissioner Franck announced there is a public hearing at the Town of Greenfield on August 12, 2021 at 7 p.m.

Tony Izzo, assistant city attorney advised this is a joint meeting where the property will be removed from Greenfield and added to the City of Saratoga Springs.

Discussion: Stewart's Shops – Maple Dell PUD Zoning Update

Vince DeLeonardis advised Stewart's has proposed a PUD along Marion Avenue. The gas station will be turned into a Stewart's and the old Stewart's will be turned into office space. The DRC responded with a positive advisory opinion, the County Planning Board highlighted an area of concern, and the City Planning Board issued an unfavorable advisory opinion. Stewart's is proposing modifications from what was originally proposed.

Commissioner Franck confirmed the options available to the Council is to set a public hearing, return to the various boards for another advisory opinion, or take no action.

Vince explained the PUD is made up of a number of parcels.

Commissioner Franck asked if things could be done concurrently.

Vince explained it can, however, if it is being sent back to the Planning Board, the Council will want that opinion before they hold a public hearing.

Commissioner Madigan stated she needs a lot more time on this one.

Chuck Marshall of Stewart's Shops advised they are trying to take the current store and the liquor store and move across the street on Marion Avenue. The traffic is about 12,000 cars per day. They would deed 40 feet of the northern section to forever wild. The Planning Board did provide an unfavorable opinion but also provided some positive comments regarding the project.

Commissioner Dalton asked Chuck if he spoke with any of the neighbors.

Chuck advised he sent 50 copies of the proposal to the neighbors. The UR-2 zone is the most intense change by taking it from a residential use and puts it in a commercial use.

Commissioner Scirocco asked what the consensus is among the neighbors.

Chuck stated the consensus is they would like Stewart's and East Side Liquors to move but they don't like the UR-2 piece becoming commercial.

John Iacoponi, neighbor, stated the proposal is not to take everything and put it where the existing gas station is. The proposal is to take residential lots that are fully wooded, clear cut 150 feet and put in a car wash. They also proposed to take another vacant lot and put the liquor store in. The neighborhood is not just the corner of Maple Dell. They object to converting any residential lots to a PUD.

Commissioner Franck asked the Council what they would like to do.

Commissioner Scirocco asked the Council to consider sending it back to the Planning Board for an amendment.

Commissioner Madigan stated she doesn't feel comfortable right now, she doesn't know what to recommend right now.

Commissioner Franck stated he will set up for the next meeting to see what the Council wants to do.

Chuck advised the version (proposal) the Planning Board made their opinion on is the version in front of the Council today.

## **FINANCE DEPARTMENT**

### Update: City Finances

Commissioner Madigan advised the economy continues to evolve. Venues are open and we are seeing improvements in revenue. Mortgage tax collected year to date is running 60% higher than 2020 and 42% higher than 2019. Occupancy tax for first two quarters remain low, but are improving. The 2021 budget has been increased to include replacement and new hires, security measures, etc. Overall, revenues are looking positive.

### Discussion and Vote: Bond Resolution: Capital Budget City Security Measures for Streetscape and City Facilities (Proj #1278) (21-292)

Commissioner Madigan advised the resolution authorizes the issuance of \$214,188 in bonds to finance the purchase and installation of cameras.

**Commissioner Madigan moved and Commissioner Franck seconded to approve the bond resolution dated July 20, 2021 as included with the agenda.**

**Roll Call:**

**Commissioner Franck – Aye**  
**Commissioner Madigan – Aye**  
**Commissioner Scirocco – Aye**  
**Commissioner Dalton – Aye**  
**Mayor Kelly – Aye**

Discussion and Vote: Capital Budget Amendment for City Security Measures for Streetscape and City Facilities (Proj #1278) (21-293)

**Commissioner Madigan moved and Commissioner Franck seconded to approve the budget amendments - capital as included with the agenda.**

**Roll Call:**

**Commissioner Franck – Aye**  
**Commissioner Madigan – Aye**  
**Commissioner Scirocco – Aye**  
**Commissioner Dalton – Aye**  
**Mayor Kelly – Aye**

Discussion and Vote: Standard Workday Resolution (21-294)

Commissioner Madigan advised this is being done to correct information provided to the state.

**Commissioner Madigan moved and Commissioner Dalton seconded to approve the standard workday resolution as included with the agenda.**

**Ayes – All**

Discussion and Vote: Accept Grant Award from the Local Government Records Management Improvement Fund to Digitize the Case Files for the Design Review Commission and Authorize the Mayor to Sign All Documents in Relation to Accepting this Award (21-295)

Commissioner Madigan advised this grant was awarded to digitize files of the Design Review Board.

**Commissioner Madigan moved and Commissioner Franck seconded for the City Council to accept the grant award from the Local Government Records Management Improvement Fund to digitize the case files for the Design Review Commission as uploaded with the agenda and authorize the mayor to sign all documents in relation to accepting this award.**

**Ayes - All**

Discussion and Vote: Authorization for Mayor to Sign the Development Agreement – Amendment #2 with SiFi Networks for the Fiber Optics Project (21-296)

Commissioner Madigan advised this amendment is to conduct a smaller scale pilot that will be monitored and evaluated. This could involve up to 10,000 linear feet of micro trenching. She thanked Vince DeLeonardis, Marilyn Rivers, and Kevin Kling for all their help with this project.

Commissioner Scirocco advised he is not ready to support this tonight, as he hasn't had a chance to review the agreement.

Commissioner Madigan advised Commissioner Scirocco approved everything last Thursday and if needed she is prepared to remove the very minor changes.

Vince stated the specifics of how micro trenching was going to be incorporated in the streets requires DPW approval and permitting. SiFi is looking for approval on the standard details, micro trenching. The City

came up with their own proposed amendment to the agreement. Language was included to increase the construction of the system by 12 months from 36 months to 48 months; increase the amount in the letter of credit; and the amount of micro-trenching allowed.

Commissioner Madigan advised these were minor changes and if Commissioner Scirocco doesn't like them, they can remove them and go with the original agreement from last Thursday.

**Commissioner Madigan moved and Commissioner Dalton seconded to authorize the mayor to sign the development agreement amendment #2 with SiFi Networks for the fiber optics project as uploaded with the agenda.**

Vince DeLeonardis asked for clarification as to which version the Council is voting on; the one with the amendments or the one from last Thursday prior to the amendments.

Mayor Kelly stated if the Council wants to vote on the first draft that can be done.

Commissioner Scirocco stated he has no problem with the first draft.

Vince read the contract into the record that will be voted upon as follows:

**DEVELOPMENT AGREEMENT**  
**AMENDMENT #2**

**THIS AMENDMENT #2**, made on July \_\_\_\_, 2021 by and between the **City of Saratoga Springs, NEW YORK**, a municipal corporation with offices at 474 Broadway, Saratoga Springs, New York 12866 (the "CITY") and **SiFi Networks Saratoga Springs LLC**, a Delaware limited liability company ("SiFi Networks") (each sometimes referred to individually as a "Party" and collectively as the "Parties").

**WHEREAS**, the CITY and the SiFi Networks entered into a Development Agreement (as amended, hereinafter referred to as "Agreement") on August 28, 2018, which is incorporated herein by reference; and

**WHEREAS**, under the terms contained within the Agreement, the City has agreed to grant SiFi Networks access to and a license to use the Public Way for the purposes of installing a fiber optic network in the City; and

**WHEREAS**, Section numbered and designated "9.7. Modification" of the Agreement provides that same may be amended upon an instrument, in writing, duly executed by the City and SiFi Networks; and

**WHEREAS**, pursuant to the aforesaid Section, the Parties herein wish to further amend the Agreement as set forth below.

**NOW THEREFORE**, the Parties agree to amend the Agreement as follows:

1. Section 2.5 is hereby amended by replacing the number "\$500,000" with the number "\$1,500,000". The second and third sentences shall be replaced with the following sentences: "The Letter of Credit shall remain in the aforesaid amount for a period of forty-eight (48) months following the date at which Substantial Completion has been achieved. Thereafter, the Letter of Credit requirement shall be reduced by 50% and shall remain in such amount until such time that the City's Department of Public Works has determined that all required work within the City Public Way, Right of Way and/or City Property has been satisfactorily completed."

2. Section 2.6 is hereby amended by replacing the third, fourth, fifth, sixth and seventh sentences with the following sentences: "SiFi Networks will remit \$40,000 to the City to compensate the City for the above described costs incurred by City during the period from January 1, 2021 through July 31, 2021. Commencing on August 1, 2021, and to partially offset the costs associated with employing the SPOC, SiFi Networks shall remit payment to the City on a monthly basis, such payments to be capped at a maximum of \$120,000 per annum and shall be paid on a pro rata basis each month (\$10,000/month) until Substantial Completion. SiFi Networks shall remit payment to the City on or before the 15<sup>th</sup> of each month. Subsequent to Substantial Completion, SiFi Networks is under no obligation to continue to contribute to the employments costs associated with the SPOC. The SPOC in the City's Department of Public Works will be responsible for facilitating and expediting the permitting process and communicating with abutters, the City Council, and the general public regarding the construction process and progress.

3. Section 4.1, as amended in Amendment #1, is hereby further amended by replacing the words "thirty-six (36) with the words "forty-eight (48)".

4. The attached Exhibit "1" is hereby added as an Exhibit "B" to the Agreement.

5. Section 4.1.1 is hereby amended by adding the following at the end of the section: "SiFi Networks shall annually initiate crack sealing needed in accordance with NYSDOT guidance on all areas affected by System Construction, from Construction Commencement and continuing for a for a period which of five (5) years following the date of Substantial Completion. Crack sealing shall utilize Safetrack RMP 100 or better.

6. Section 4.1.2 is hereby amended by adding the following paragraphs at the end of the section: "The Standard Details depicted and described in Exhibit "B" are approved as construction techniques to be utilized by SiFi Networks only with respect to "Phase 1". Phase 1 shall include two (2) separate portions of City Public Way measuring up to 2,500 linear feet each, as determined and identified by the Department of Public Works. SiFi Networks shall be permitted to utilize the construction techniques depicted and described in Exhibit "B" for the System Construction on each side of the portions of Public Way determined and identified by the Department of Public Works for a maximum total of 10,000 combined linear feet

of micro-trenching. Micro-trenching shall only occur during times coordinated with the Department of Public Works, but shall not occur later than October 15, 2021.

The Department of Public Works shall conduct an inspection of the micro-trenching in the area identified as Phase 1 and shall determine, on or before April 30, 2022, whether the Standard Details and construction techniques depicted and described in Exhibit "B" have sufficiently withstood winter weather conditions and evidenced cold climate viability, and shall further determine whether such Standard Details and construction techniques are appropriate for System Construction.

In the event the Department of Public Works determines that the micro-trenching has not proven cold climate viability, the Standard Details and construction techniques depicted and described in Exhibit "B" shall not be approved for any further phases or permitted for use within the Public Way, and SiFi Networks shall be solely responsible for all costs associated with repairing the affected areas and re-paving the entire portions of Public Way as included in Phase 1.

7. The attached Exhibit "2", Insurance Requirements, shall be incorporated into Section 5.4 of the Agreement. Any provision contained within Exhibit "2" which is not consistent with Section 5.4 shall control and govern SiFi Network's responsibilities and obligations relative to the insurance requirements contained therein.

Unless amended herein, all other terms and conditions of the Agreement shall continue and remain the same as fully set forth in the Agreement.

**Commissioner Madigan moved and Commissioner Dalton seconded to amend the motion to reflect the original contract that Vince just read into the record.**

Commissioner Scirocco stated he believes this Council is in violation of the Charter and will hold everyone accountable.

**Ayes – 4**

**Nays – 1 (Commissioner Scirocco)**

Discussion and Vote: Budget Transfers – Payroll 1 (21-297)

Commissioner Madigan advised the title should read: Discussion and Vote: Budget Amendment – Payroll 1.

**Commissioner Madigan moved and Commissioner Dalton seconded to approve budget amendments – payroll 1 as included with the agenda.**

**Ayes – All**

Discussion and Vote: Budget Amendments – Payroll 2

Commissioner Madigan pulled this item from her agenda.

Discussion and Vote: Budget Amendments – Benefits

Commissioner Madigan pulled this item from her agenda.

Discussion and Vote: Budget Transfers – Payroll (21-298)

**Commissioner Madigan moved and Commissioner Dalton seconded to approve budget transfers – payroll as included with the agenda.**

**Ayes - All**

\*\*Council took a recess at 9:36 p.m.

\*\*Council returned at 9:37 p.m.

## **PUBLIC WORKS DEPARTMENT**

Discussion and Vote: Approval to Pay Invoice #20218378 to Hydra Tech in the Amount of \$29,441.50 (21-299)

Commissioner Scirocco advised the invoice is for the valve installation service during the water main break.

**Commissioner Scirocco moved and Commissioner Franck seconded to approve payment of invoice #20218378 to Hydra Tech in the amount of \$29,441.50.**

**Ayes – 4**

**Nays – 1 (Commissioner Madigan)**

Discussion and Vote: Accept Donation from MLK Saratoga for Memorial Bench in the Amount of \$1,500 (21-300)

Commissioner Scirocco advised MLK Saratoga is donating \$1,500 to purchase a bench to be placed near the war memorial.

**Commissioner Scirocco moved and Commissioner Franck seconded to accept the MLK Saratoga donation in the amount of \$1,500 for the bench.**

**Ayes – All**

Discussion and Vote: Authorization for Council Approval to Amend DPW Part-Time Laborer Hourly Wage (21-301)

Commissioner Scirocco advised they would like to increase the part-time laborer hourly wage to \$15 per hour.

**Commissioner Scirocco moved and Commissioner Franck seconded to approve to amend the DPW part-time laborer hourly wage from to \$15 per hour.**

**Ayes – 4**

**Nays – Madigan**

Discussion: Sign Posting in Right of Way

Commissioner Scirocco advised there have been many signs planted in the flowerbeds on Broadway. These signs need to be removed as they are in violation of the City Code.

Announcement: Phase I Street Tree Inventory Commences

Commissioner Scirocco advised this project has begun. GIS technology is being used to collect data including species, size, location, and type of tree.

## **PUBLIC SAFETY DEPARTMENT**

Discussion and Vote: Accept Donation for the SSPD Mounted Unit (21-302)

Commissioner Dalton advised Protect Invest donated to the Saratoga Springs Police Department for the mounted unit.

**Commissioner Dalton moved and Commissioner Franck seconded to accept the donation in the amount of \$840 to the SSPD Mounted Unit.**

## **Ayes – All**

### Discussion and Vote: Authorization for Mayor to Sign Major Contract with Saratoga County (21-303)

Commissioner Dalton advised this contract is to continue to allow ambulance service providers to vaccinate homebound seniors.

**Commissioner Dalton moved and Commissioner Franck seconded to authorize the mayor to sign this contract with Saratoga County.**

## **Ayes – All**

### Set Public Hearing: Amend Chapter 225-77 of the City Code, Schedule XII – Stop Intersections

Commissioner Dalton set a public hearing for Tuesday, August 3, 2021 at 6:55 p.m.

### Announcement: COVID-19 Memorial Committee

Commissioner Dalton sent an e-mail to the Council to select a person to serve on this Committee.

## **SUPERVISORS**

### Matt Veitch

#### National Association of Counties Report

Supervisor Veitch reported he serves on the Community Economic Workforce Development Committee. They had 15 policy resolutions to get through. Most dealt with continuing to fund the CDBG Program. They elected Larry Johnson from Georgia as the president of NACO.

#### Meeting with Senator Jordan July 16<sup>th</sup>

Supervisor Veitch reported he met with Senator Jordan. They discussed occupancy tax for Airbnb.

#### Government Review and Efficiency Committee

Supervisor Veitch reported they had two resolutions for their board meeting. They revamped their budget process to include more supervisor and committee involvement in the process and how to post information about their budget and process. They set a public hearing to repeal local law 3 of 1979.

#### New County Position Hired

Supervisor Veitch reported there are two new positions were filled at the County, the director of public relations and the director of finance.

### Tara Gaston

#### COVID-19 Update

Supervisor Gaston reported the numbers are increasing. This week there were 54 cases in 7 days.

#### July Board of Supervisors Meeting

Supervisor Gaston reported Albany County has pulled out of the bio-solids digester facility agreement. Saratoga County is continuing to move forward. There is a public hearing on August 17, 2021 at 3:30 p.m. on this topic. The chairman announced he has removed her from the following committees: Health & Human Services Committee, the Law & Finance Committee, and the Saratoga County Public Task Force.

National Association of Counties Annual Conference

Supervisor Gaston reported a resolution was presented to have the federal government to assist county/local governments in meeting refrigerant standards.

**ADJOURNMENT**

There being no further business, Mayor Kelly adjourned the meeting at 10:00 p.m.

Respectfully submitted,

Lisa Ribis  
Clerk

Approved: 8/3/2021  
Vote: 5 - 0