

Draft Minutes  
Saratoga Springs City Council  
Meeting of Saturday, August 6, 2022

Present: Mayor Ron Kim, Commissioners Minita Sanghvi, Jason Golub, James Montagnino, and Dillon Moran; City Attorney Anthony Izzo (also taking these draft minutes).

Meeting called to order at 10:02 AM

Public Comment Period:

Mayor Kim opened the meeting to public comment. Chris Mathiesen, 28 [address?] stated that he attended the last Council meeting and heard comments on the proposed aggressive solicitation ordinance. He was surprised that there were so many audience comments against the proposed ordinance. He doesn't feel that police become more aggressive just because a wealthy white woman, as described by someone at the last meeting, made a complaint. He described a recent incident in Birch Run where a person of color was a guest at a home and police were called by a neighbor. No incident occurred.

Commissioner Golub clarified his comments from the last meeting. He explained his concerns generally that persons in power have advantages over poorer and less advantaged people.

Commissioner Sanghvi stated that she was concerned about criminalizing some ordinary kinds of behavior that many people do.

Mayor's Agenda

The only item on the agenda is a discussion on a proposed resolution involving a warrant. Mayor Kim read a proposed resolution stating that a warrant from the last council meeting had been presented and then revised. It was then approved by a 5-0 vote of the Council. Some of the items on that warrant were approved later by the Accounts Department, but others were not. The Commissioner of Accounts has not yet signed the warrant as approved and many vendors are yet unpaid. The proposed resolution states that the Council will direct the Commissioner of Accounts to sign the warrant and return it by 8:00 AM, Monday, August 8. If he does not, the Mayor is authorized to sign the revised warrant and all documents necessary to pay the vendors.

Commissioner Montagnino seconded the motion.

Discussion.

Commissioner Moran stated that this situation should not be considered an emergency. There was once a similar court case that involved a commissioner. Commissioner Moran stated that he thinks everybody understands the obligation to track our insurance coverage. The insurance company takes on the burden of expenses in our cases. We get sued a lot. Our insurance program functions well. The Risk and Safety Director appears in this case to have misapplied a number from one case to another. There was no attempt to cover it up or hide any amount in a warrant. I recognized that and I brought it up. It seems that some council members are trying to set up an Accounts Department employee. The Mayor doesn't understand how our insurance program works.

Commissioner Moran read from the city's insurance contract. He stated that we are obligated to pay the deductible. There is nothing wrong in our doing that. He stated that He was elected to do the right thing. Do the warrant over instead of amending the first one. We have found other inconsistencies in the warrant. Correct them all and I will sign it.

Commissioner Sanghvi stated that all city employees deserve to be treated with respect. This warrant caused complications in the Finance Department. What happened to the original warrant?

Commissioner Moran stated that he tore the warrant up. It was not a lawful document.

Commissioner Sanghvi stated that Finance Department employees were not treated with respect.

Commissioner Moran stated that Accounts Department employees were not treated with respect either.

Commissioner Sanghvi asked if the Accounts Department closed its offices one day this week.

Commissioner Moran stated that the offices were closed one afternoon for a previously scheduled meeting.

Commissioner Sanghvi stated that a person came from Utica to file documents and was told the office was closed. Finance Department employees were yelled at.

[Comm. Moran commented on the previous statement]

Commissioner Sanghvi asked City Attorney Izzo whether it is appropriate to pay some items on a warrant and not others

[City Attorney Izzo responded that he could cite no prior examples]

Mayor Kim offered an example from City Council minutes dated April 6, 2010 in which a revised warrant did get paid out. The Council reviewed it at the table and it was paid as revised. Ken Ivins was Commissioner of Finance at the time. John Franck was Commissioner of Accounts.

Mayor Kim asked for other comments.

Commissioner Montagnino stated that his hat was off to Commissioner Moran, who has created a scenario designed to divert attention from other matters. He stated that Commissioner Moran has pointed out that both Mayor Kim and Commissioner Montagnino both had a page of a document with them, the same page that Commissioner Moran has, as though they had come prepared for this discussion. He stated that they were prepared because they had asked Commissioner Moran questions about the litigation in the Wales matter. Commissioner Montagnino stated he had asked Commissioner Moran about the status of that case and Commissioner Moran replied that he had no idea. Commissioner Montagnino stated that he found out the status by looking through Federal court records. He asked wouldn't there be a deductible, did Commissioner Moran have any idea that the case was settled, and had Commissioner Moran signed any warrant showing a \$25,000 deductible? Commissioner Montagnino stated Commissioner Moran said it was on the council agenda for the next meeting.

[Commissioner Moran disagreed with the previous comment]

Commissioner Montagnino stated that the Director of Risk and Safety apologized in an email and said the \$25,000 on the warrant was drawn on another account. It seems to me that the previous council thought the Wales case was so frivolous that they didn't set aside money for a deductible.

Mayor Kim stated that there is a letter where Wales' counsel asked Commissioner Moran to be in court. It also shows that Commissioner Moran was there as a witness for the city. However, what we have to do now is make sure our bills are paid. People who do business with the city need to know that they will be paid.

Commissioner Golub stated that this should not be a trial of Commissioner Moran. We should move to a discussion of the resolution.

Commissioner Moran cited section 23 of the Municipal Home Rule Law, which requires a mandatory referendum to abolish, transfer or convey a power of an elected official.

City Attorney Izzo was asked to give an opinion. He stated that he has discussed section 23 of the Municipal Home Rule Law numerous times with the Council over the years. The section lists a number of actions that, if they are the subject of a Local Law, must be submitted to voters as a referendum. People vote for certain officials to exercise stated powers and those powers should not be exchanged between officials unless they are authorized by public vote. He stated that the power to approve warrants is held by the Council, and the Council unanimously voted to approve the revised warrant at its last meeting. He stated there are many court cases that determine whether a given action is a transfer of power. He is unaware of any that deal with the action of signing a warrant. He stated he would research that question if the Council desired.

Mayor Kim stated that the proposed resolution only authorizes him to sign if Commissioner Moran fails to sign as he is required to do.

Commissioner Moran and Commissioner Sangvi discussed procedures to remove other items from a previous warrant.

Mayor Kim called the question and asked for a vote on the proposed resolution. The resolution passed by a vote of 4 Ayes (Mayor Kim, Commissioners Sangvi, Golub, and Montagnino) to 1 Nay (Commissioner Moran).

The meeting was adjourned at 10:46 AM

These draft minutes respectfully submitted.

Anthony J. Izzo