



April 17, 2012

**CITY OF SARATOGA SPRINGS**  
**City Council Meeting**  
**Agenda**

- 6:05 P.M. – Amend 2012 Capital Budget/Program – Kayaderosseras Blueway Trailhead and Preserve**
- 6:10 P.M. – Amend Section 225-69 Schedule IV of City Code – Speed Limits Outside Tax District**
- 6:15 P.M. - Presentation – Complete Streets Policy**
- 6:30 P.M. – Adoption of Complete Streets Policy**
- 6:35 P.M. – Purchase of 133 Kaydeross Avenue East – Blodgett Property**
- 6:45 P.M. – Community Development Block Grant**
- 6:50 P.M. – Zoning Text Amendment for Maple Dell and All TRBD Areas**

**7:00 PM**

**CALL TO ORDER**

**ROLL CALL**

**SALUTE TO FLAG**

**PUBLIC COMMENT PERIOD / 15 MINUTES**

**PRESENTATION(S):**

**EXECUTIVE SESSION:**

**CONSENT AGENDA**

1. Approval of City Council Minutes for 3/20/12
2. Approval of City Council Minutes for 3/6/12
3. Approve Budget Amendments (Increase)
4. Approve Budget Transfers - Regular
5. Approve Payroll 4/06/12 \$402,917.17
6. Approve Payroll 4/13/12 \$416,480.01
7. Approve Warrant 2012 Mid – 12MWAPR1 \$112,082.07
8. Approve Warrant 2012 Regular – 12APR2 \$520,102.36

**MAYOR'S DEPARTMENT**

1. Discussion: Complete Streets Policy
2. Proclamation: Fair Housing Month
3. Discussion and Vote: Approval of Community Development Block Grant Recommendation
4. Discussion and Vote: Authorization for Mayor to Sign Change Order with BCI construction for Parking Garage at 6 Woodlawn Avenue
5. Discussion and Vote: Authorization for Mayor to Sign Agreement with Electric Concepts for Electrical Design and Construction – Parking Garage at 6 Woodlawn Avenue

6. Discussion and Vote: Easement Agreement for 6 Woodlawn Avenue Parking Garage – National Grid
7. Discussion: Court Decision – Saratoga Citizen vs. Franck and Saratoga Springs
8. Announcement: Brown Bag Lunch
9. Discussion: Change in the Deadline for Council Agenda Items

#### **ACCOUNTS DEPARTMENT**

1. Discussion: N.Y. MHR. LAW Section 10: NY Code – Section 10: General Powers of Local Governments to Adopt and Amend Local Laws
2. Set Public Hearing: N.Y. MHR. LAW Section 10: NY Code – Section 10: General Powers of Local Governments to Adopt and Amend Local Laws
3. Discussion: Saratoga Springs Housing Authority
4. Award of Bid: Printed Shirts to Midwest Graphics and Awards
5. Award of Bid: Extension of Port-A-John Bid to Stone Industries
6. Award of Bid: Hydraulic Dump Trailer to Versatile Trailer Sales
7. Award of Bid: Water and Sewer Pipe, Fittings, Hydrants and Valves to Ferguson Waterworks
8. Award of Bid: Electric Design and Construction – 6 Woodlawn Avenue Parking Deck to Electrical Concepts
9. Discussion and Vote: SEQRA for Zoning Text Amendment to All Existing Tourist Related Business Districts (Alternative to maple Dell Request)
10. Discussion and Vote: Zoning Text Amendment to All Existing Tourist Related Business Districts (Alternative to maple Dell Request)

#### **FINANCE DEPARTMENT**

1. Discussion and Vote: Authorization for Mayor to Sign Agreement with BST for Audit and Related Services
2. Discussion and Vote: Budget Transfers
3. Discussion and Vote: Reserve Resolution: Reserve Fund for the Purchase of Parkland and/or for Capital Improvements to Existing Parkland
4. Discussion and Vote: Approval of Quitclaim Deed-In Rem Property

#### **PUBLIC WORKS DEPARTMENT**

1. Announcement: Compost Material for Sale

#### **PUBLIC SAFETY**

1. Discussion and Vote: Amend Section 225-69 , Schedule IV of City Code – Speed Limits Outside Tax District
2. Discussion: Open Meeting Laws
3. Discussion: Ambulance Service Update
4. Discussion: WAMC Radio Interview
5. Set Public Hearing: Last Call Hours
6. Discussion: Special Event Costs

#### **SUPERVISORS**

##### Joanne Yepsen

1. Report from 4/17 County Board Meeting
2. Renegotiated PILOT with Global Foundries
3. Introduced Veterans Legislation
4. Racing Committee Report and Outlook for 2012 Meet
5. Sustainable Saratoga Update

Matt Veitch

1. Public Safety Committee
2. Public Health Committee
3. Technology Committee
4. Racing Committee
5. Budget Committee
6. GAPS Committee

**ADJOURN**



April 17, 2012

CITY OF SARATOGA SPRINGS  
City Council Meeting  
City Council Room  
7:00 PM

PRESENT: Scott Johnson, Mayor  
Michele Madigan, Commissioner of Finance  
John Franck, Commissioner of Accounts  
Anthony Scirocco, Commissioner of DPW  
Christian Mathiesen, Commissioner of DPS

Matthew Veitch, Supervisor  
Joanne Yepsen, Supervisor

STAFF PRESENT: Shauna Sutton, Deputy Mayor  
Lynn Bachner, Deputy Commissioner, Finance  
Sharon Kellner-Chille, Deputy Commissioner, Accounts  
Tim Cogan, Deputy Commissioner, DPW  
Eileen Finneran, Deputy Commissioner, DPS  
Joe Scala, City Attorney

**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 2012 Capital Budget/Program – Kayaderosseras Blueway Trailhead and Preserve**

Mayor Johnson opened public comment period at 6:05 p.m.

Commissioner Madigan advised this is a public hearing only to hear the public's comments regarding. The actual amendment to the budget program will not happen this evening.

Charlie Morrison of 88 Court Street stated he is here as a member of the City's Open Land Committee. The advisory committee approved this project in July 2009. The total project cost is \$60,000 to obtain the property. The Waterfront Property and the Ramsdill property are not on Kayaderosseras Creek. The Blodgett property is consistent with the City's 2002 Open Space Plan. It is time to complete this acquisition.

Libby Smith Holmes of 3 Collins Terrace and Friends of the Kayaderosseras stated she is here to support the proposal to establish the trailhead and reserve.

John Battenfield, president of the Friends of the Kayaderosseras encouraged the Council to move forward with the purchase of this property. This is the only take in and put out for canoes and kayaks in the City of Saratoga Springs.

Bruce Goodale of 18 Horizon Drive and president of Saratoga Lake Association stated he has canoed the Kayaderosseras Creek often. They are fully in support of this action. Land like this only becomes available periodically and he urges the Council to approve this purchase.

Maria Trabka of Saratoga PLAN stated she worked with the Blodgett family to put together a conservation plan for this property. It is a small investment for a great good and encouraged the Council to make this purchase.

Mayor Johnson ended the public hearing at 6:15 and kept it open until a vote is taken.

#### Amend Section 225-69 Schedule IV of City Code – Speed Limits Outside Tax District

Mayor Johnson opened public comment period at 6:15 p.m.

Commissioner Mathiesen stated this would change the speed limit on Cady Hill Blvd. to 30 mph, Duplainville Road to 30 mph and Grande Blvd. to 30 mph.

No one spoke.

Mayor Johnson closed the public hearing at 6:16 p.m.

#### Presentation – Complete Streets

Mayor Johnson introduced the Complete Streets draft policy. This is to accommodate all users of all abilities. This draft builds upon the vision of the City that has been embraced over the years with a direct tie between land use and transportation. They have received letters in support of the Complete Streets Policy from many organizations including Saratoga PLAN and Cool Cities.

Tobin Alexander Young of Complete Streets stated policies are being passed across the country. The State of New York passed a Complete Streets policy almost a year ago. This issue is a culture change; not a legal issue. We are now moving to an 'organized' sharing. Over the years he has noticed there are a lot of people interested in this and there are a lot of stakeholder groups. They have assembled a list of 50 issues to tackle in a limited amount of time. They identified 3 priorities: complete streets policy, safe routes to school, and mapping of hot spots. The successes were made possible through the fact that the right people were at the table to make things happen. This policy reflects the culture change and creates the framework for the change to take place. This policy looks forward and does not request any projects to be started. Action items for immediate implementation are to create an advisory board of 7 members appointed by each Council member and the mayor would have an additional 2 appointments. The appointees are intended to be professional. The board will be charged with developing a Complete Streets Checklist.

#### Adoption of Complete Streets

Mayor Johnson opened public comment period at 6:34 p.m.

Jim Letz of 91 Ludlow Street stated he enjoys walking the streets of Saratoga. He reached out to Tobin and others to understand what Complete Streets is all about. He then visited New Haven, Connecticut and was surprised to see that whole city is Complete Street compliant. He asked the Council to think about approving this project to keep this City competitive.

Molly Gagne of 22 Vichy Drive spoke as a member of the Southwest Neighborhood Association. She read a letter and submitted to the Council. They support the Complete Streets Policy and recommend this policy be adopted.

Caroline Stem at 55 Catherine Street stated she is in full support of this initiative. There is a great opportunity here.

Erin Mitchell, outreach director for AARP supports complete streets initiatives. Complete Street Policies encourages people to come here to work, live, etc. It makes cities more attractive. They submitted a letter of support and believe New Yorkers are looking for alternatives to the automobile. Safe and accessible roadways are vital.

Ken Ivins of 50 Outlook Avenue stated they worked on this for many years. He encouraged the Council to pass this.

Doug Haller of 4 St. Jude Court stated he rode his bike in tonight. He is active with the Saratoga Transportation Healthy Network and sees the future to enable and empower people to move on their own. It is interesting to see more people in the community biking to get errands done.

Dan Lynch, vice president of Saratoga Healthy Transportation Network stated they are all for this policy. They have safe streets. This is a great City in the fall when it is left for the residents.

Joanna Garrison of 48 Bryan Street stated she concurs with all the statements made so far. She is here for her students and to say the streets aren't safe enough for the kids to ride. Kids who bike or walk to school perform better due to the activity.

Carol Oblay of Saratoga Vital Aging Network stated they are fully supportive of this initiative. The percentage of seniors who live in this community reflects the necessity of this policy.

Riley Neugebauer of 17 Warren Street stated she is the sustainability coordinator of Skidmore College. There is a serious amount of interest by the students but concern about the safety. This would help in that regard.

Barbara Glaser of 110 Spring Street stated she saw 7 strollers, 11 bicycles, and 2 wheelchairs on the way over to City Hall. Early efforts of bike trails are visible by the faded green signs with bikes on them around the City. She urged the Council to consider what has been developed so far.

Nadine Lemmon stated she actively worked on the state law that was passed in August. Sometimes brighter paint on a crosswalk is all that is needed for drivers to see bicyclists on the road. The changes do not need to be expensive. She encouraged the Council to adopt this policy as soon as possible.

Charlotte Levy of 17 Congress Avenue is here to represent Cool Cities. They have been talking about bike lanes for a while would like to see them happen.

Mayor Johnson ended the public hearing at 6:55 p.m. and will keep it open until a vote is taken on this.

#### Purchase of 133 Kaydeross Avenue East – Blodgett Property

Mayor Johnson opened public comment period at 6:55 p.m.

Barbara Thomas of Milton stated it is important for the City to purchase the Blodgett property. It is important to get on and off the creek. It would be great for the City to preserve the land as green space around the City.

Karen Klotz of 232 Maple Avenue stated she is here to support the purchase of the Blodgett property. The first time the City partnered with the Open Space Project was during the purchase of the Ramsdill property; which was purchased for the purpose of green space.

Thilo Thurman of Woodlawn Avenue stated you see less country around the city. We should find the money to purchase the property.

Charlie Morrison of 88 Court Street stated he is here as a member of the City's Open Land Advisory Committee. The mayor talked about some of the things that have to be done before the property can be acquired. In July of 2009, the City Planning Board stated they would expedite the subdivision of the property.

Mayor Johnson ended the public hearing at 7:05 p.m. and left it open.

#### Community Development Block Grant

Mayor Johnson opened public comment period at 7:05 p.m.

Mayor Johnson advised there are 15 grants that have been made public.

No one spoke.

Mayor Johnson closed the public hearing at 7:06 p.m.

#### Zoning Text Amendment for Maple Dell and All TRBD Areas

Mayor Johnson opened public comment period at 7:06 p.m.

Kate Maynard of the planning department stated this was originally a map amendment in relation to Stewart's and Dr. Farrell to change the zoning from tourist related business district to highway general business district. The Planning Board initially gave a favorable advisory opinion but it was returned to the Planning Board by the Council due to public input. The text amendment includes recommendations such as a cap of an accumulative square footage at 5,200 square feet. Also those uses would be permitted upon site plan review and special use permit.

Richard Farrell of 29 Longwood and owner of building at 15 Maple Dell thanked the Council for the opportunity to speak. His building has been there for over 18 years and he is encouraged that this text amendment would allow him to continue to practice in a legal fashion.

Jennifer Howard of the Stewart's Shops stated they are looking to allow offices in their building. They want to rent the space for any kind of office use. She believes the neighbors are all happy with this.

Tracy Millis president of the Maple Dell Neighborhood Association stated they are happy that the Planning Board listened to them. They don't understand how they got 'sucked' into the other 2 business districts.

Commissioner Franck stated he does not have a problem with this neighborhood getting this change but asked if there is any way to keep it here and not affect the other areas of the City. Now this is going to affect two other areas of the City and he is not happy about that.

Kate Maynard stated that question gets to the heart of how this got to where it is today. You would have to look at if it was suitable on a parcel by parcel.

Jack Wallace, a resident of maple dell said he is in support of the text amendment. They believed when they moved in they were moving into a residential neighborhood. If it is changed to commercial, the atmosphere of the neighborhood, traffic, and values would change.

Mayor Johnson closed the public hearing at 7:18 p.m.

## **CALL TO ORDER**

Mayor Johnson called the meeting to order at 7:18 p.m.

## **PUBLIC COMMENT**

**Mayor Johnson said the public comment period is limited to a total of 15 minutes and individuals are limited to two minutes each according to the rules approved in February of 2004 by the City Council.**

Mayor Johnson opened the public comment period at 7:18 p.m.

Pastor Peter Barrios of 5-B2 Jefferson Terrace stated Jefferson Terrace is finally united with the advisory board. He is here to ask what has happened to the police presence that used to be there. When they call the police they come; but they want to know what they need to do to bring their presence back.

Phil Diamond of 29 Waterview Drive stated it is clear the SSHA should have come to the Council since the year 2000 for salary increases. He believes the salary of the executive director should be changed to reflect the salary amount of the year 2000 plus the average CPI increases since then.

Kyle York of 59 Railroad Place encouraged the City to enforce the noise laws regarding the bikers.

John Tighe of Milton stated while sitting at Uncommon Grounds on Saturday afternoon a motorcycle drove by that was so loud car alarms were set off.

Commissioner Mathiesen stated we all feel the same way about the obnoxious noise of motorcycles on Broadway. They will be looking into it.

Remijia Foy of 95 Oak Street stated there are 3 important issues on the agenda: charter issue, SSHA, and time for closing the bars. There is a thread of commonality between these issues of local control and how much energy this Council is willing to employ to ensure local control is protected. The decision of the lower court level was worthy of appeal as it sets a dangerous precedent. New York State law grants the mayor power to appoint its own Charter Committee. If the Council chooses not to appeal this decision, the mayor should appoint his own committee. A recent letter issued by a representative of HUD states the City does have oversight of this organization. We should require the authority to submit to the mayor all their minutes of meetings; contracts they have engaged in; and the same from the workforce housing group. The Council needs to exert its authority in enforcing a measure of local control in cleaning up this operation.

Rick Thompson of 26 Frederick Drive stated this group has been in operation for 4 years. New York State lays out a mandate for a citizens' group to follow. They followed it and it was held up in 2 courts. He would assume it would be given its due on the ballot to let the people decide.

Bonnie Sellers of 73 Fifth Avenue and member of Success asked the Council to think back to when there was an election for the change of government. The commission form of government won every voting district. The night of the election Pat Kane had to write up the losses. They ignored the loss and has come to this Council and badgered this Council for the past several years. Brent Wilkes stated at one of the meetings the financials depended upon which Council was in and what the city's needs were.

Al Calucci of 9 Lexington Road stated he respects the work Saratoga Citizen has done. The issue that is important in deciding to do a mayoral commission versus the commission form of government is commissioners do union contracts. The current mayor brought in specialized attorneys to negotiate the contracts. There is nothing left to give.

Pat Kane of 19 Marion Place stated he doesn't have enough time here to address all the issues that were just brought up. All they have asked is to put this out to give the people the opportunity to vote.

Karen Klotz of 232 Maple Avenue stated changing the form of government is not as easy as just voting on it. She encouraged the mayor to appoint a committee.

Bonnie Design of 3260 Route 9 stated she spoke in front of the last Council about 'we the people'. They don't want any more money spent. They are not trying to choke anything down anyone's throat. It is time for this Council to put it on the ballot and stop taking their right away to vote. You are an outdated form of government.

Mayor Johnson closed the public comment period at 7:45 p.m.

## CONSENT AGENDA

**Mayor Johnson moved and Commissioner Madigan seconded to approve the consent agenda as follows:**

1. Approval of City Council Minutes for 3/20/12
2. Approval of City Council Minutes for 3/6/12
3. Approve Budget Amendments (Increase)
4. Approve Budget Transfers - Regular
5. Approve Payroll 4/06/12 \$402,917.17
6. Approve Payroll 4/13/12 \$416,480.01
7. Approve Warrant 2012 Mid – 12MWAPR1 \$112,082.07
8. Approve Warrant 2012 Regular – 12APR2 \$520,102.36

**Ayes – All**

## MAYOR'S DEPARTMENT

### Discussion: Complete Streets Policy

Kate Maynard of the City Planning Department stated Shared Access Saratoga is an umbrella group and was formed with an idea to have a total of 8 meetings. Their goals were to determine what is possible to improve conditions.

Mayor Johnson stated the complete policy is on the web. He plans to bring this forward sometime in May.

Commissioner Franck stated with the new parking lot; a lot of traffic will be taken off the streets. This will make the streets safer for bikes. Former Commissioner Ivins started working with this over a year ago.

Commissioner Madigan thanked the mayor for bringing Complete Streets forward.

Commissioner Mathiesen stated this works with everything he has been talking about with making the City safer.

Commissioner Scirocco stated he would support this; it is a good program.

### Proclamation: Fair Housing Month

Mayor Johnson asked Bradley Birge to address the proclamation.

Brad Birge stated 44 years ago the Fair Housing Law was instituted to combat discrimination within housing practices throughout the nation. April is the month for recognition of the intent to combat discrimination. This proclamation states this City is in support of those efforts.

Mayor Johnson read the proclamation as follows:

PROCLAMATION  
City of Saratoga Springs, New York

WHEREAS, April marks the 44th anniversary of the passage of the Fair Housing Act of 1968, which sought to eliminate discrimination in housing opportunities and to affirmatively further housing choices for all Americans; and

WHEREAS, the ongoing struggle for dignity and housing opportunity for all is not the exclusive province of the Federal government; and

WHEREAS, vigorous local efforts to combat discrimination can be as effective, if not more so, than Federal efforts; and

WHEREAS, illegal barriers to equal opportunity in housing, no matter how subtle, diminish the rights of all;

NOW, THEREFORE, BE IT RESOLVED, that in the pursuit of the shared goal and responsibility of providing equal housing opportunities for all men and women, the City of Saratoga Springs, New York does hereby join in the national celebration by proclaiming April 2012 as Fair Housing Month and encourages all agencies, institutions and individuals, public and private, in Saratoga Springs to abide by the letter and the spirit of the Fair Housing law.

Discussion and Vote: Approval of Community Development Block Grant Recommendation (12-114)

Mayor Johnson stated there have been 2 public hearing to date on this. He thanked the committee again for their recommendations. The bulk of this money comes from the federal government and the City administers this plan on a local basis. The total grant amount is \$346,816. The recommendations are as follows:

- o Domestic Violence / Rape Crisis Center Emergency Shelter Counselor - \$10,000
- o Catholic Charities Mentoring Program - \$10,000
- o Saratoga County Economic Opportunity Council Multi-Cultural Services Program - \$8,000
- o Legal Aid Society Homelessness Prevention Project - \$8,000
- o Mother Susan Anderson Emergency Shelter - \$5,000
- o Literacy NY Greater Capital Region Adult Literacy Tutoring - \$4,000
- o City-Wide Housing Rehabilitation Grant Program - \$75,000
- o Department of Public Works – Senior Center Boiler and Window Replacement - \$47,418
- o Saratoga Springs Recreation Department Playground Equipment - \$36,969
- o Department of Public Works – Infrastructure Improvement - \$20,000
- o Universal Preservation hall Historic Building Preservation - \$17,599
- o Mother Susan Anderson Emergency Shelter Rehabilitation Project - \$15,000
- o Franklin Community Center Facilities Improvements - \$14,830
- o Rebuilding Together Rehabilitation Project - \$10,000
- o Community Development Program Administration - \$65,000

**Mayor Johnson moved and Commissioner Madigan seconded to accept the recommendations as made to the Council.**

**Ayes - All**

Discussion and Vote: Authorization for Mayor to Sign Change Order with BCI Construction for Parking Garage at 6 Woodlawn Avenue (12-115)

Mayor Johnson stated this is a reduction of the contract with BCI. Due to the WICKS law, they separated out certain trades to be sure they are compliant with New York State law. The decrease is in the amount of \$197,200. This is under line item H3416952 / 52000 / 1181.

**Mayor Johnson moved and Commissioner Scirocco seconded to approve this.**

**Ayes - All**

Discussion and Vote: Authorization for Mayor to Sign Agreement with Electric Concepts for Electrical Design and Construction – Parking Garage at 6 Woodlawn Avenue (12-116)

Mayor Johnson stated the amount is \$197,200 from line item H3416952 / 52000 / 1181.

**Mayor Johnson moved and Commissioner Madigan seconded to authorize the mayor to sign an agreement with Electric Concepts in the amount of \$197,200.**

**Ayes - All**

Discussion and Vote: Easement Agreement for 6 Woodlawn Avenue Parking Garage – National Grid (12-117)

Mayor Johnson stated the agreement lists Niagara Mohawk. Easements are standard practice in the City. There is currently no easement for the transformer that exists at the parking lot location that will become the parking garage. An agreement is needed that will allow National Grid to access the new transformer for any future repairs. There is no cost to the City.

**Mayor Johnson moved and Commissioner Franck seconded to approve the easement agreement as described.**

**Ayes - All**

Discussion: Court Decision – Saratoga Citizen vs. Franck and Saratoga Springs

Mayor Johnson stated the court issued an opinion/decision on April 5, 2012 finding in favor of Saratoga Citizens, Inc. The court did not agree with the City argument that a fiscal note was required in order to certify the petitions filed. Our arguments were also supported by the NYCOM. We thought placing this on the ballot without a full fiscal note would be a dangerous precedent for the City. He believes the main focus of the entire appeal was going to be the fiscal note. He does not agree with the decision but he does respect the court's decision.

Commissioner Franck provided history on this. He stated he knew he was going to get sued either way; by Success or Saratoga Citizens. He hired the best legal firm through his own budget. Since the salaries of the incoming council people were less than the current salaries for the commissioners that was enough towards a fiscal note. We did receive a fiscal note at the end of January, 2011. He did not vote for the appeal. He will discuss under his agenda the next steps based upon the appellate court decision.

Mayor Johnson stated he was confused by the decision of the appellate court. They also said what played into their analysis was there was no salary set for the city manager.

Announcement: Brown Bag Lunch

Mayor Johnson announced there will be a brown bag lunch this Thursday from noon to 1 p.m. at the Library. This lunch will be about Chauncey Olcott.

Discussion: Change in the Deadline for Council Agenda Items

Mayor Johnson advised this came up at our last meeting regarding the City Council meetings on Monday mornings before the Tuesday evening regular City Council meeting needs to be advertised under the Open Meeting Law. The law requires a 72 hour notice to fully conduct a meeting; therefore they looked to Bob Freeman who was adamant that pre-agenda meetings are conducting City business and the deadline should be changed from Friday to Thursday.

Commissioner Franck asked if the off site meeting at the Blodgett property was a meeting.

Mayor Johnson stated yes, the standard is if you are conducting business.

Commissioner Franck confirmed the advertising is in with the City Council ad and we will do minutes for the pre-agenda meetings.

Mayor Johnson suggested changing the submission of items for the agenda to 3 p.m. on Thursdays.

Commissioner Madigan stated the new deadline will change some of their policies. She would have to bring the policies forward to the Council for approval. She will send out an e-mail to advise everyone of the change and then bring the policies to the Council at another time.

Commissioner Franck asked why can't we advertise earlier and keep everything else the same.

Mayor Johnson stated the Open Meeting Law was changed to require public bodies maintain regular websites when available.

Shauna Sutton, Deputy Mayor, defined a meeting as "an official convening of a public body for the purpose of conducting public business". Any time a quorum of a public body gathers for the purpose of conducting public business, the meeting must be open to the public. Notice is required to be given of the date and time of the meetings. If a meeting is scheduled at least 1 week in advance, which all City Council meetings are, notice must be given to the media and public not less than 72 hours prior to the meeting. Moving the creation of the agenda to Thursdays will make it more open.

Commissioner Franck asked about the weekend. Is the time applied to the weekend or business days only?

Deputy Mayor Sutton stated the impression given to her applies to the weekend. The changes that need to be made within the departments are calendar changes.

Commissioner Scirocco asked about the oversight of contracts from legal and risk and safety. A lot of contracts will be put behind.

Deputy Mayor Sutton stated any contract ready to go can be put up for review at any time for any agenda. It's all about preparation. In the near future there will be a new contract policy that will be much easier and efficient.

Commissioner Scirocco stated he is ok with what we are doing here, but if a contract is brought to the table it should be contingent upon legal and risk and safety looking at it.

Mayor Johnson stated that should be the exception and not the rule. It was an accommodation because something was time sensitive. They will look into the questions being raised this evening. Mr. Freeman is the expert.

Commissioner Mathiesen asked what information was obtained on site visits.

Deputy Mayor Sutton stated a meeting is a public body doing public business. If there is a quorum and a public body there is a meeting. If that 'formula' doesn't add up, then it is treated in different manners. If we don't have a quorum but we are going to conduct City business; the meeting should be rescheduled for a later time.

Commissioner Mathiesen confirmed if they don't have a quorum for a pre-agenda meeting, they can't have one.

Deputy Mayor Sutton advised that is correct because it was a planned meeting. If the Council is gathering formation and not asking questions; that does not constitute an open meeting regardless if there is a quorum.

Commissioner Mathiesen stated she just described the site visit. Site visits go back to a ruling by the NYS Court of Appeals; the City of New Rochelle versus the Public Service Commission. It was ruled that it was not a meeting but a site visit and does not fall under the Open Meetings Law. Site visits are recognized by Robert Freeman to be separate from something that falls under the Open Meetings Law.

\*\*\* Council took a break at 8:48 p.m.

Council returned at 8:58 p.m.

## ACCOUNTS DEPARTMENT

### Discussion: N.Y. MHR. LAW Section 10: NY Code – Section 10: General Powers of Local Governments to Adopt and Amend Local Laws

Commissioner Franck stated he is bringing this discussion forth as he has a dual role – Council member and City Clerk. It is his interpretation through the Municipal Home Rule Law 10, subdivision C; that we can move forward at the Council level to make changes to the document brought forth by Saratoga Citizen. He provided a summary of changes. This will be subject to a referendum and as such the City Council can make these changes. The mayor has the ability to do a charter review commission. The document he is bringing forth as a Council member and City Clerk is effectively the same document Saratoga Citizen brought forth. If this did go through via referendum, it would start January 1, 2014. The document has been updated in case there are other things going on.

Mayor Johnson asked if there has been any legal analysis to assist him.

Commissioner Franck stated his analysis is the reading of Municipal Home Rule Law 10, the Department of State, and Saratoga Citizen brought him their legal analysis. This is open for interpretation by the mayor and or the assistant city attorney. They can set up a charter review as a council.

Mayor Johnson stated the section 10 circulated to Council is used when a City Council wants to propose a change in charter as opposed to a petition process by private citizens. Petition by a private citizen is under section 4. All along it has been an article 4 process. He is not sure if it can all of a sudden be flipped; but legal interpretation should be done. He suggested they reach out to NYCOM to see how they view the issue. He could have Joe Scala describe how that dialog went. Concerns are being raised by NYCOM.

Commissioner Franck asked if the city attorney has had a chance to have discussions with the Department of State.

Mayor Johnson wasn't sure but offered to ask Joe Scala.

Commissioner Franck stated he will defer to the mayor's Office and the city attorney for their interpretation.

Commissioner Madigan asked what if there are other changes we want to make to the document.

Commissioner Franck stated there was a case in Troy where they changed a couple words. He is not saying he is for or against this document.

Commissioner Mathiesen asked if we can get information from the Department of State on this.

Commissioner Franck stated we can. There isn't a rush on this but it shouldn't take a lot of time to find out if he is right or not.

Mayor Johnson stated part of the difficulty is there hasn't been any citizen based initiative in New York State to see how things were handled in the past. A lot of this is new territory. He would be happy to have the city attorney get an analysis and report back to the Council.

### Set Public Hearing: N.Y. MHR. LAW Section 10: NY Code – Section 10: General Powers of Local Governments to Adopt and Amend Local Laws

Commissioner Franck set a public hearing for May 15, 2012 at 6:45 p.m.

Discussion: Saratoga Springs Housing Authority

Commissioner Franck stated Commissioner Madigan also had this item on her agenda. Based upon HUD and what Tony Izzo had done, we can all agree section 33 applies. Minimally, the SSHA must do a corrective action plan. He would like to have a plan on May 1<sup>st</sup> that as a Council they can all agree on. The plan is for them to come forth for all the years (since 2000) to bring forth all the salaries.

Commissioner Madigan stated she has no problem doing it but left it for the mayor to decide if this is something he feels he should oversee. After the corrective action plan she would like to meet with the board since there is a new board.

Commissioner Scirocco asked if the audit has been completed.

Commissioner Madigan advised it is still ongoing.

Mayor Johnson stated he was informed last month that they thought they would be out of the site within 90 days.

Commissioner Franck stated he is putting forth a FOIL request to the SSHA tomorrow. He read the request into the record as follows:

"Under the provisions of the New York Freedom of Information Law, article 6 of the Public Officer's Law, I hereby request copies of records or portions thereof pertaining to or containing the following:

1. All invoices for any repair work, inspections, etc. of the Saratoga Springs Housing Authority (SSHA) vehicles from November 2006 through April 18, 2012.
2. All invoices specifically from J & M Auto that have not been included under item #1.
3. Any waivers or other documents that pertain to doing business with J & M Auto including but not exclusive of minutes of the Saratoga Springs Housing Board meetings and correspondence to HUD.
4. Any documents including invoices, request for proposals, estimates, correspondence, notes, minutes of meetings or checks that pertain to Wicks Enterprise. This would include any waivers or other documents relating to the purchase of services from Wicks Enterprise.
5. Any documents pertaining to the procedures for procurement of services or equipment for the Saratoga Housing Authority. This would include internal policies as well as copies of any relevant federal, state, or local regulations that the internal policies may be based on.
6. Any and all documentation showing Saratoga Springs Housing Authority's actual expenses incurred performing management and maintenance services for the Saratoga Affordable Housing Group, Inc. (SAHG) to show that they were properly reimbursed based on management fees received by SSHA from SAHG. Information I have attained shows the following management fees were paid by SAHG to SSHA. For the following fiscal year ended June 30, 2009 - \$1,000.00 for the fiscal year ended June 30, 2010 - \$12,000.00 and for the fiscal year ended June 30, 2011 - \$23,035.40."

Commissioner Franck stated he is asking for these payments since one of the board member's reasoning for the \$34,000 increase in Mr. Spsychalski's salary is because of the work he is doing at the Affordable Housing Group. The employees are doing work at the Affordable Housing Group. His concern is the taxpayer is paying for services done at the other location and not being reimbursed appropriately. The reasons for the recent resignations were not given. It is not illegal to set up a not-for-profit through the Housing Authority. He read the mayor's comments about what HUD said. He also looked at the Lackawanna Case. He also asked if the city attorney or the assistant city attorney has had a chance to look at the Binghamton case he brought forth at the last meeting to see if it is applicable to the 5 year contract.

Tony Izzo stated there was a corrective action plan in the Lackawanna Case. He read the letter from Secretary Kovar to Senator Grassley. He doesn't feel it conflicts with what he did for the Council last month. It says local officials have primary oversight through the boards they appoint of public housing

authorities. Secretary Kovar stated it is the federal officials that have the stewardship over the federal funds given to public housing authorities.

Commissioner Franck stated he said the Council approves the salaries. Also, in HUD regulations and in Mr. Spsychalski's contract, it states it must follow all state and local law. The other problem he has is Mr. Spsychalski did not tell the truth in December relating to the steamers. Mr. Spsychalski clearly said he could not use HUD funds on this. They also said in the letter that the audit did not talk about an affiliated group.

Tony stated there are things that should have been confirmed, not confirmed and on going. He has not had a chance to fully review the Binghamton case.

Mayor Johnson stated they were trying to get the New York State Department of Housing and Community Renewal involved. He asked Tony to get a written opinion from them on the issues. The letter requested such went out last week.

Commissioner Madigan suggested having a meeting with our state, federal, and local officials before the letter from the senator came out. The SSHA is currently undergoing a targeted oversight. She was thinking we should have a corrective action plan and meet with the board regarding the corrective action plan.

Commissioner Mathiesen applauds Commissioner Franck's continuance to look into this. He stated his old friend, Lillian Miles, contacted him last week and asked if she could talk with him about the SSHA. It appears the board may have some concerns in retrospect. We should try to get a sense of where they are coming from and open the lines of communications.

Commissioner Madigan stated Christine Brown had a meeting with the SSHA bookkeeper to go over their financial statements. Christine advised it was a positive meeting.

Commissioner Franck stated he wants to make this clear – it is not up to the board to check every invoice and various things. The target score did go up considerably. The HUD score is based upon how much cash you can put in the bank. This board is directed by the executive director. He believes the people that sat here were telling the truth based upon what they know about. What he has seen financially here is extremely troubling. He would like a council member to tell him that they would have voted for Mr. Spsychalski's salary increases. He believes Mr. Spsychalski clearly knew the law applied. He is troubled when someone goes to Vegas for 7 days for a 3 day conference. He is troubled when a bookkeeper sends an e-mail stating the City wouldn't understand. This story won't go away when most stories don't last more than a week in the press. It is ridiculous to continually defend the executive director. Mr. Brunelle and Mr. Weller didn't look like the type of people who wanted to correct anything.

Commissioner Mathiesen stated he doesn't disagree with what Commissioner Franck said, but it is important to understand their perspectives and open the lines of communications.

Commissioner Franck stated he will not let this go until we get answers. This is about people, the tenants, not the employees.

Award of Bid: Printed Shirts to Midwest Graphics and Awards (12-118)

**Commissioner Franck moved and Commissioner Madigan seconded to award the bid for Printed Shirts to Midwest Graphics and Awards for various prices, not to exceed amount appropriated.**

Commissioner Franck stated they were the lowest overall bidder.

**Ayes - All**

Award of Bid: Extension of Port-A-John Bid to Stone Industries (12-119)

**Commissioner Franck moved and Commissioner Scirocco seconded to extend the bid for Port-A-John Rentals for an additional year with Stone Industries for the same terms and conditions.**

Commissioner Franck stated the rental prices vary and the funding is in account A3567144 / 54720 / 3000.

**Ayes - All**

Award of Bid: Hydraulic Dump Trailer to Versatile Trailer Sales (12-120)

**Commissioner Franck moved and Commissioner Scirocco seconded to award the bid for the Hydraulic Dump Trailer to Versatile Trailer Sales in the amount of \$16,869.00.**

Commissioner Franck stated they were the lowest overall bidder and the funds are in account A3335012 / 52300.

**Ayes - All**

Award of Bid: Water and Sewer Pipe, Fittings, Hydrants and Valves to Ferguson Waterworks (12-121)

**Commissioner Franck moved and Commissioner Scirocco seconded to award the bid for Water & Sewer Pipe, Fittings, Hydrants and Valves to Ferguson Waterworks for various prices; the lowest bidder with a total bid amount of \$18,094.15.**

Commissioner Franck advised the funds are in account F3638354 / 54180.

**Ayes - All**

Award of Bid: Electric Design and Construction – 6 Woodlawn Avenue Parking Deck to Electrical Concepts (12-122)

**Commissioner Franck moved and Commissioner Madigan seconded to award the bid for Electric Design & Construction for 6 Woodlawn Avenue Parking Deck to Electrical Concepts in the amount of \$197,200.00.**

Commissioner Franck stated they were the lowest overall bidder.

Mayor Johnson explained this from the reduction of the BCI contract.

**Ayes - All**

Discussion and Vote: SEQRA for Zoning Text Amendment to All Existing Tourist Related Business Districts (Alternative to Maple Dell Request) (12-123)

Kate Maynard explained the recommendation from the Planning Board. The intent of the district is to accommodate commercial uses that are designed to service the tourists.

Commissioner Franck confirmed the amendment is allowing to what they can do in a Tourist Related District.

Kate advised that is correct. There are additional uses to be considered such as a movie theater, a bus depot, a gas station, and senior assisted care facilities.

Mayor Johnson stated he doesn't see how real estate offices fall under tourist related business.

Commissioner Franck read the full SEQRA Part 1 Long Form into the record as follows:

- A. Site Description: a physical setting of overall project, both developed and undeveloped areas.
1. Present Land Use: **urban, forest, and commercial is checked**
  2. Total acreage of project area: **55.9 acres**
    - a. Approximate acreage forested: **18 acres presently; 18 acres after completion**
    - b. Approximate acreage wetland (freshwater of tidal as per Articles 24, 25 of ECL): **22.9 acres presently; 22.9 acres after completion**
    - c. Roads, buildings and other paved surfaces: **7.5 acres presently; 7.5 acres after completion**
    - d. Other - Maintained lawn/vegetation: **7.5 acres presently; 7.5 acres after completion**
  3. What is predominant soil type(s) on project site: **Btb, PwA, MvA – Varies with location**
    - a. Soil drainage: **varies**
    - b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? **N/A**
  4. Are there bedrock outcroppings on project site? **N/A**
    - a. What is depth to bedrock? **Varies**
  5. Approximate percentage of proposed project site with slopes: **Varies with location**
  6. Is project substantially contiguous to or contain a building, site, or district, listed on the State or National Registers of Historic Places? **Yes (Nelson/Gridley area)**
  7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks?  
**No**
  8. What is the depth of the water table? **Varies**
  9. Is site located over a primary, principal, or sole source aquifer? **No**
  10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? **No**
  11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? **N/A – would be analyzed on site by site basis with any proposed action.**
  12. Are there any unique or unusual land forms on the project site? **No**
  13. Is project site presently used by the community or neighborhood as an open space or recreation area? **No**
  14. Does the present site include scenic views known to be important to the community? **Yes – Rt. 9 and Marion Avenue portions of TRBD are City established gateway areas with additional requirements and review by DRC required for relevant proposed projects**
  15. Streams within or contiguous to project area: **None**

Commissioner Franck stated he is troubled with this area as the Kayaderosseras is there.

Kate Maynard stated the creek is down low enough in the district; they are talking strictly about streams.

16. Lakes, ponds, wetland areas within or contiguous to project area: **None**

Commissioner Mathiesen asked how there can't be wetlands on Rt. 9.

Kate Maynard stated that can definitely be identified.

17. Is the site served by existing public utilities? **Availability varies with location**

Commissioner Mathiesen stated on South Broadway there are areas that have water but no sewer.

Kate Maynard advised other TRBD areas have both present so to cover the entire district they put varies with location.

18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? **No**
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? **No**
20. Has the site ever been used for the disposal of solid or hazardous wastes? **N/A**

**B. Project Description**

1. Physical dimensions and scale of project (fill in dimensions as appropriate)
  - a. Total contiguous acreage owned or controlled by project sponsor: **N/A**
  - b. Project acreage to be developed: **N/A**
  - c. Project acreage to remain undeveloped: **N/A**
  - d. Length of project, in miles: **N/A**
  - e. If the project is an expansion, indicate percent of expansion proposed. **Left blank**
  - f. Number of off-street parking spaces existing - **N/A**; proposed - **N/A**
  - g. Maximum vehicular trips generated per hour: **N/A**
  - h. If residential: Number and type of housing units – **left blank**
  - i. Dimensions (in feet) of largest proposed structure: **left blank**
  - j. Linear feet of frontage along a public thoroughfare project will occupy is? **N/A**
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? **N/A**
3. Will disturbed areas be reclaimed? **N/A**
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? **0 acres**
5. Will any mature forest (over 100 years old) or other locally important vegetation be removed by this project? **No**
6. If single phase project: Anticipated period of construction: **N/A**
7. If multi-phased:
  - a. Total number of phases anticipated – **N/A**
  - b. Anticipated date of commencement phase 1: **left blank**
  - c. Approximate completion date of final phase: **left blank**
  - d. Is phase 1 functionally dependent on subsequent phases? **Left blank**
8. Will blasting occur during construction? **Left blank**
9. Number of jobs generated: during construction – **N/A**; after project is complete – **left blank**
10. Number of jobs eliminated by this project – **N/A**
11. Will project require relocation of any projects or facilities? **No**
12. Is surface liquid waste disposal involved? **No**
13. Is subsurface liquid waste disposal involved? **No**
14. Will surface area of existing water body increase or decrease by proposal? **No**
15. Is project or any portion located in a 100 year flood plain? **No**

Commissioner Mathiesen commented that Rt. 9 would definitely be in a 100 year flood plain.

Kate Maynard stated they could put yes to be careful and they will double check that.

16. Will the project generate solid waste? **No**
17. Will the project involve the disposal of solid waste? **No**
18. Will project use herbicides or pesticides? **No**
19. Will project routinely produce odors (more than one hour per day)? **No**
20. Will project produce operating noise exceeding the local ambient noise levels? **No**
21. Will project result in an increase in energy use? **No**
22. If water supply is from wells, indicate pumping capacity – **left blank**
23. Total anticipated water usage per day – **left blank**
24. Does project involve Local, State or Federal funding? **No**
25. Approvals Required: city, town, village board – **Yes (Zoning Text Amendment – submitted 3/6/12)**

**C. Zoning and Planning Information**

1. Does proposed action involve a planning or zoning decision? **Yes**  
If yes, indicate decision required: **zoning amendment**
2. What is the zoning classification(s) of the site? **Tourist Related Business District (TRBD)**
3. What is the maximum potential development of the site if developed as permitted by the present zoning? **Per existing TRBD requirements, permitted uses are varied and include permitted uses upon site plan, and special use and site plan: movie theaters, animal clinic, hotel/motel, bus depot, motor vehicle repair facility, gasoline service stations.**

4. What is the proposed zoning of the site? **Proposed amendment would provide for additional permitted uses of professional, business, and medical office to existing permitted uses within the TRBD. A 5,200 sq. ft. maximum for uses per parcel and special use permit and site plan review are recommendations of Planning Board.**
5. What is the maximum potential development of the site if developed as permitted by the proposed zoning? **Maximum potential development would remain the same as current TRBD allows.**

Commissioner Mathiesen asked why this would be. They are adding a different use which could result in a more dense use of that land.

Kate Maynard stated this followed the sequence as in question 3. For example, higher intensity uses could be considered higher intensity such as hotel/motel, motor vehicle repair, gas service stations; so maximum potential development would remain the same.

Commissioner Mathiesen stated in the case of medical office, one parking space is required for every 200 square feet of office space versus the others uses which would require one parking space for every 300 square feet. It is a more dense use and less permeable land.

Kate Maynard stated this is a draft for you to consider but ultimately this is the Council's document.

Mayor Johnson stated that was why there was a limit in the size of what could be built. The Planning Board thought there would be less development than under the current uses allowed.

Commissioner Mathiesen agreed to leave it as is.

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? **Yes – comprehensive plan classifies TRBD land use areas as Commercial 3, Commercial 6, and MDR-2. Current diversity of commercial uses permitted.**
7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action? **Land uses include residential, commercial, recreation, open space. Zoning classifications: RR-1, UR-2, INST-HTR, INST-PR, T-5**
8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? **Yes**
9. If the proposed action is the subdivision of land, how many lots are proposed? **N/A**
10. Will proposed action require any authorization(s) for the formation of sewer or water districts? **No**
11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)? **No**

Commissioner Mathiesen stated if these lands were developed there is potential for increase in police, ambulance and fire.

12. Will the proposed action result in the generation of traffic significantly above present levels? **No**

Commissioner Mathiesen noted that if buildings were built on South Broadway, there would be an increase in traffic.

Kate Maynard stated this was filled out for the proposed action (text amendment). So it is really considering the addition of those uses. She obtained advise from DEC Environmental Permits as well as legal counsel because it was tricky as to how to fill it out.

Commissioner Franck went back to A. 15 to ask the Council what they prefer as the answer.

Kate Maynard pointed out the location of the Kayaderoseras Creek.

Commissioner Franck confirmed with Commissioner Mathiesen that he is 'ok' with 'none' as an answer for #15.

Commissioner Mathiesen advised he is 'ok' with that answer.

Commissioner Franck confirmed A. 16 should be changed to Rt. 9 south.

Commissioner Mathiesen and Kate Maynard were in agreement with that.

Commissioner Franck confirmed B. 16 should be changed to 'yes'.

Commissioner Mathiesen stated he agreed.

Commissioner Frank revisited the answer for C. 11 and confirmed it should be changed to 'yes'.

Commissioner Mathiesen agreed this should be changed.

## **Part 2**

1. Will the proposed action result in a physical change to the project site? **No**
2. Will there be an effect to any unique or unusual land forms found on the site? **No**
3. Will proposed action affect any water body designated as protected? **No**
4. Will proposed action affect any non-protected existing or new body of water? **No**
5. Will proposed action affect surface or groundwater quality or quantity? **No**
6. Will proposed action alter drainage flow or patterns, or surface water runoff? **No**
7. Will proposed action affect air quality? **No**
8. Will proposed action affect any threatened or endangered species? **No**
9. Will proposed action substantially affect non-threatened or non-endangered species? **No**
10. Will proposed action affect agricultural land resources? **No**
11. Will proposed action affect aesthetic resources? **No**
12. Will proposed action impact any site or structure of historic, prehistoric or paleontological importance? **No**

Commissioner Mathiesen stated the race track is there, so why would the answer be 'no'.

Kate Maynard stated it is an existing commercial district. The question to the Council is if adding these additional uses would have an impact as such noted.

Commissioner Franck confirmed all are 'ok' with 'no'.

Council agreed.

13. Will proposed action affect the quantity or quality of existing or future open spaces or recreational opportunities? **No**
14. Will proposed action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)? **No**
15. Will there be an effect to existing transportation systems? **No**
16. Will proposed action affect the community's sources of fuel or energy supply? **No**
17. Will there be objectionable odors, noise, or vibration as a result of the proposed action? **No**
18. Will proposed action affect public health and safety? **No**
19. Will proposed action affect the character of the existing community? **No**

Commissioner Mathiesen stated the proposed action will conflict with officially adopted plans or goals; it conflicts with the comprehensive plan.

Kate Maynard stated they should look at their Part 1 answer to C. 6.

Commissioner Mathiesen stated this would have to be 'yes'.

Mayor Johnson stated he would disagree. The Planning Board stated this amendment is consistent with the comprehensive plan.

Commissioner Franck confirmed the answer to question C. 6 of Part 1 should be 'no'.

Commissioner Mathiesen stated this is correct and #19 in this section should be 'yes'.

Commissioner Franck changed the answer to #19 to 'yes' and continued with reviewing what would apply:

- o The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%. **N/A**
- o The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project. **N/A**
- o Proposed action will conflict with officially adopted plans or goals. **Potential Large Impact; NO**
- o Proposed action will cause a change in the density of land use. **N/A**
- o Proposed action will replace or eliminate existing facilities, structures or areas of historic importance to the community. **N/A**
- o Development will create a demand for additional community services (e.g. schools, police and fire, etc.) **Small to Moderate Impact; Yes**

20. Is there, or is there likely to be public controversy related to potential adverse environment impacts? **Yes**

Kate Maynard advised if they have identified a potentially large impact they will have to go to Part 3. You will need to describe the impact and how the impacted could be mitigated to reduce it to a small to moderate impact.

Commissioner Madigan asked if they do this now.

Kate Maynard advised they could or they could ask their technical staff (herself) to prepare a proposed answer based upon what they have identified here.

Commissioner Mathiesen suggested tabling it for an answer to be prepared.

Commissioner Franck asked if he would be required to read all this again.

Mayor Johnson suggested voting that they accept the process gone through to this point and then each member can look at this to determine they agree with the answers/changes made.

Kate Maynard confirmed she is being asked to fill out Part 3 for the potential large impact identified.

**Mayor Johnson moved and Commissioner Franck seconded that the Council completed the process of Part 1 and Part 2 and do not need to repeat this part of the process**

**Ayes - All**

Discussion and Vote: Zoning Text Amendment to All Existing Tourist Related Business Districts (Alternative to maple Dell Request)

Commissioner Franck pulled this item from his agenda.

## **FINANCE DEPARTMENT**

**Commissioner Madigan moved and Commissioner Franck seconded to add an item to the agenda to correct a motion made at the April 3, 2012 City Council meeting. (12-124)**

**Ayes – All**

**Franck recused himself at this time.**

**Commissioner Madigan moved and Commissioner Scirocco seconded to approve the 2012 budget amendments, capital Ballston, previously distributed with the April 3, 2012 agenda. (12-125)**

**Roll Call:**

**Commissioner Madigan – Aye**

**Commissioner Scirocco – Aye**

**Commissioner Mathiesen – Aye**

**Mayor Johnson - Aye**

Discussion and Vote: Authorization for Mayor to Sign Agreement with BST for Audit and Related Services (12-126)

Commissioner Madigan stated the amount of this contract is \$31,000 for year 1 to cover fiscal year audit 2011; \$34,000 for year 2 to cover fiscal year audit 2012 and; \$34,000 for year 3 to cover fiscal year audit 2013. Years 2 and 3 have been reduced by \$3,000 each. The appropriation is in budget line A3021314 / 54720.

**Commissioner Madigan moved and Scirocco seconded to authorize the mayor to sign the BST contract for audit and related services as distributed with the agenda.**

**Ayes – All**

Discussion and Vote: Budget Transfers (12-127)

**Commissioner Madigan moved and Commissioner Franck seconded to approve the 2012 budget transfer payroll as distributed with the agenda.**

**Ayes – All**

**Commissioner Madigan moved and Commissioner Mathiesen seconded to authorize the 2012 budget transfers benefits as distributed with the agenda.**

**Ayes – All**

Discussion and Vote: Reserve Resolution: Reserve Fund for the Purchase of Parkland and/or for Capital Improvements to Existing Parkland (12-128)

Commissioner Madigan stated this is to ask the council's approval to use the Parkland Reserve as a funding source for the City's match for this project. She believes the Parkland Trust is the best source of funding for this project as it will not increase the tax rate; the recreation trust is being drawn down annually for ice rink debt; and the amount is too small to go to bonding. The vote is limited to the approval of the funding source for the project only.

**Commissioner Madigan moved and Commissioner Mathiesen seconded to request approval of the reserve resolution for expenditure of reserve fund and for the purchase of parkland and/or capital improvements to existing parkland as distributed with the agenda.**

The Council waived the reading of the following resolution:

**RESOLUTION**

(For Expenditure of Reserve Fund for the Purchase of Parkland and/or for Capital Improvements to Existing Parkland)

WHEREAS, the City Council of the City of Saratoga Springs established the Reserve Fund for the purchase of parkland and/or for capital improvements to existing parkland ("Parkland Reserve") on September 16, 2003 for the purpose of the purchase of replacement parkland and/or for capital improvements to existing parkland; and

WHEREAS, in accordance with its resolution of July 21, 2009 the City Council now authorizes that an amount not to exceed \$30,000 be set aside from the Parkland Reserve as matching funds for the County Kayaderosseras Blueway Open Space Grant, applied for under the Saratoga county Land Preservation grant program. This grant provides for the purchase of approximately five acres along the Kayaderosseras which will be suitable for recreational purposes, as well as additional access to the Kayaderosseras. This authorization is in accordance with the purposes of the Reserve Fund for the purchase of parkland and/or for capital improvements to existing parkland;

NOW, THEREFORE, BE IT RESOLVED, that the above described authorization is hereby approved in accordance with the Reserve Fund for the purchase of parkland and/or for capital improvements to existing parkland.

**Ayes - All**

Discussion and Vote: Approval of Quitclaim Deed In-Rem Property (12-129)

Commissioner Madigan advised the property owner of a property that went through the in-rem process has paid taxes, fines, penalties and costs in full. The City will deed the property back to the owner by way of a quitclaim deed.

Tony Izzo suggested if the Council chooses to approve the quitclaim deed, they also authorize the mayor to sign all necessary documents for the transfer.

**Commissioner Madigan moved and Commissioner Franck seconded to approve the quitclaim deed as distributed thereby authorizing the mayor to sign.**

**Ayes - All**

Commissioner Madigan advised the Planning Department circulated the requested draft proposal regarding the certain properties that contain certain buildings and houses. The Council has been asked to review this for vote at the May 1<sup>st</sup> meeting.

**PUBLIC WORKS DEPARTMENT**

Announcement: Compost Material for Sale

Commissioner Scirocco announced that compost material is available for sale through the Department of Public Works.

**PUBLIC SAFETY DEPARTMENT**

Discussion and Vote: Amend Section 225-69, Schedule IV of City Code – Speed Limits Outside Tax District (12-130)

**Commissioner Mathiesen moved and Commissioner Madigan seconded to amend section 225-69, schedule IV of the City Code regarding speed limits of the outside district to add Cady Hill Boulevard as 30 mph, Duplainville Road will be 30 mph, and Grande Boulevard will be 30 mph.**

Commissioner Scirocco asked what communication has been made with the businesses out there and the County.

Commissioner Mathiesen stated there has been communication with the County and they approve of it.

**Ayes - All**

Discussion: Open Meeting Laws

Commissioner Mathiesen pulled this item as it was previously addressed.

Discussion: Ambulance Service Update

Commissioner Mathiesen advised over the past 73 days there were 641 calls; 478 transports; 22 ALS services coordinated with Empire Ambulance, and 44 mutual aid calls. The Fire Department is doing 89.7% of the ambulance calls and their response time has been 4.67 minutes. The response time from dispatch to arrival has been 3.74 minutes. He has received a lot of compliments for the service provided by the Fire Department for ambulance calls.

Discussion: WAMC Radio Interview

Commissioner Mathiesen pulled this item from his agenda. He stated he will provide the Council with a copy of the interview. He feels the interview was balanced.

Set Public Hearing: Last Call Hours

Commissioner Mathiesen stated one part of the approach in addressing the late night problems in Saratoga Springs in the last call hours. They are working on getting a final definition from the State Liquor Authority regarding if the City can have a last call hour that is different from the rest of the county. They may need to go to the county at some time and ask them to change their last call hour. He would like to set a public hearing regarding changing last call from 4 a.m. to 3 a.m.

Commissioner Madigan asked if it is worth sending a resolution to the county or is it a City issue first.

Commissioner Mathiesen stated he feels the City needs to take a stand and tell the county which way they want to go as a City.

Commissioner Franck asked if the liquor authority has provided the section of the law yet.

Commissioner Mathiesen stated the liquor authority told them it is an advisory opinion and not a final determination.

Commissioner Franck stated there is nothing in the law. We should get a final determination from the State Liquor Authority (SLA) before they move forward.

Commissioner Mathiesen stated we have to get approval from the county and then go to the SLA. There is no reason for the City not to make their determination.

Commissioner Mathiesen set a public hearing for May 1, 2012 at 6:30 p.m.

Discussion: Special Event Costs

Commissioner Mathiesen stated it is common in other municipalities to charge for special events. In Saratoga Springs we try to calculate what the cost for overtime is going to be to be fair. It is fair to get reimbursement when events require so many man hours.

**SUPERVISORS**

Joanne Yepsen

Report from 4/17 County Board Meeting

Supervisor Yepsen reported the personnel committee has been looking at policies and procedures to establish a revised evaluation system for their department heads. April 22<sup>nd</sup> – 28<sup>th</sup> has been proclaimed as national crime victims' week. They also approved issuing an RFP to privatize the County landfill.

#### Renegotiated PILOT with Global Foundries

Supervisor Yepsen reported they renegotiated the PILOT agreement with Global Foundries to bring in an additional \$544,835 in revenue for 2012. It was originally assessed at \$160 million in 2011, assessed again in 2012 at \$400 million, and at \$540 million for 2013 and \$635 million for 2014.

#### Introduced Veterans Legislation

Supervisor Yepsen reported the state has a bill in the assembly and senate to prevent military deployment as a factor to award child custody.

#### Racing Committee Report and Outlook for 2012 Meet

Supervisor Yepsen reported a subcommittee has been created to look at the gaming and its potential.

#### Sustainable Saratoga Update

Supervisor Yepsen reported that Sustainable Saratoga is sponsoring the Complete Streets and the tree inventory.

#### Matt Veitch

##### Public Safety Committee

Supervisor Veitch reported they accepted the homeland security grant; declared crime victims' week; and the animal shelter had its heaviest month due to the issues in Halfmoon.

##### Public Health Committee

Supervisor Veitch reported the county is having problems with allowing Empire Ambulance use of their radio system. Empire is being paid by the town and the town is not realizing any service from Empire.

##### Technology Committee

Supervisor Veitch reported they are sending out an RFP for an e-mail system and start updating their website. Skidmore College is donating laptops to the County.

##### Racing Committee

Supervisor Veitch reported things are going well for the breeding fund.

##### Budget Committee

Supervisor Veitch reported the newly formed committee is meeting tomorrow.

##### GAPS Committee

Supervisor Veitch reported the Committee met last week. The proposal which will come to the City Council is underway. They will focus mostly on the northern part of S. Broadway.

**ADJOURNMENT**

**Mayor Johnson moved and Commissioner Madigan seconded to adjourn the meeting.**

**Ayes – All**

There being no further business, Mayor Johnson adjourned the meeting at 11:44 p.m.

Respectfully submitted,

Lisa Ribis  
Clerk

Approved:  
Vote:

DRAFT