



May 1, 2012

CITY OF SARATOGA SPRINGS
City Council Meeting
Agenda

6:30 P.M. – Last Call Bar Hours
6:45 P.M. – Municipal Home Rule Law
Regarding Submission of Current
City Charter Revision

7:00 PM

CALL TO ORDER

ROLL CALL

SALUTE TO FLAG

PUBLIC COMMENT PERIOD / 15 MINUTES

PRESENTATION(S):

1. 2011 Preliminary Year – End Financial Report

EXECUTIVE SESSION

CONSENT AGENDA

1. Approve Budget Amendments (Increase)
2. Approve Budget Transfers - Regular
3. Approve Payroll 4/20/12 \$393,350.57
4. Approve Payroll 4/27/12 \$387,100.42
5. Approve Warrant 2012 Mid – 12MWAPR2 \$271,266.20
6. Approve Warrant 2012 Regular – 12MAY1 \$165,261.26

MAYOR'S DEPARTMENT

1. Discussion and Vote: Adoption of Complete Streets Policy
2. Discussion and Vote: Amend the 2012 Capital Budget – Kayaderosseras Blueway Trailhead and Preserve
3. Announcement: Administrative Director – Recreation
4. Discussion and Vote: Approval for the Mayor to Sign the 2012 State of New York Department of Health Renewal application for a Permit to Operate Camp Saradac
5. Discussion and Vote: Accept Donations for Recreation Department
6. Discussion and Vote: Camp Saradac Personnel Hourly Rates
7. Discussion and Vote: 2012 Camp Saradac Trip & Program Approvals
8. Announcement: Recreation Registrations
9. Discussion and Vote: Use of the Saratoga Casino and Raceway Soccer Fields
10. Announcement: Brown Bag Lunch
11. Set Public Hearing: Amend the 2012 Capital Budget for the 6 Woodlawn Avenue Parking Garage
12. Discussion: Change in the Deadline for Council Agenda Items
13. Discussion and Vote: Permission to Pay Voucher
14. Discussion: Zoning Text Amendment to All Existing Tourist Related Business Districts, Plus Alternative Options (Previously Maple Dell Rezoning Request)

ACCOUNTS DEPARTMENT

1. Award of Bid: Printed Polyethylene Bags to All-American Poly
2. Discussion: Settlement 167.-2-63
3. Discussion: Budget Transfer to Contingency for 2008 – 2011 Tax Year #33,227.14
4. Discussion: Budget Amendment to Decrease for 2012 Tax Year \$25,369.95
5. Discussion: Budget Transfers for 2012 Tax Year \$24,630.05
6. Discussion: N.Y. MHR. LAW Section 10: NY Code – Section 10: General Powers of Local Governments to Adopt and Amend Local Laws
7. Discussion and Vote: Authorization for Mayor to Sign Contract with Audio Video Corporation
8. Award of Bid: Extension of Fire Sprinkler Inspection Services Bid to Simplex Grinnell
9. Set Public Hearing: Local Law No. 1 of 2012: New City Charter

FINANCE DEPARTMENT

1. Discussion and Vote: Budget Transfers: Benefits
2. Discussion and Vote: Budget Transfers: Payroll
3. Discussion and Vote: Accept Donation from Skidmore College – Computers
4. Discussion: Woodlawn Parking Deck Trees
5. Discussion and Vote: Budget Amendment: Capital Budget – Kayaderosseras Blueway Trailhead and Preserve
6. Discussion and Vote: Budget Transfer: Contingency \$33,227.14
7. Discussion and Vote: Budget Amendment: Decrease \$25,369.95
8. Discussion and Vote: Budget Transfer: Contingency \$9,630.05
9. Discussion and Vote: Budget Transfer: Regular AF \$15,000
10. Discussion and Vote: Saratoga Springs Housing Authority Corrective Action Plan

PUBLIC WORKS DEPARTMENT

1. Discussion and Vote: Authorization for the Mayor to Sign a Contract with LaValley Bros., Inc. DPW Garage Fuel Piping & dispensing System Upgrade
2. Discussion and Vote: Authorization for the Mayor to Sign Change Order #2 with Eastern Building – Visitor Center
3. Discussion and Vote: The City of Saratoga Springs to Accept a Partnership with Saratoga Convention & Tourism Bureau

PUBLIC SAFETY

1. Discussion: Last Call Hours
2. Discussion and Vote: Authorization to Accept Donation from Knolls Atomic Power Laboratory
3. Discussion and Vote: Public Safety Employee to Use CSEA City Hall Unit Sick Bank
4. Discussion: Motorcycle Noise Abatement

SUPERVISORS

Joanne Yepsen

1. Climate Smart Communities Task Force
2. Report of Public Health Committee Issues
3. Women Veterans' Day Out

Matt Veitch

1. Budget Committee
2. Technology Committee

ADJOURN



May 1, 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

Last Call Bar Hours

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

Commissioner Mathiesen stated they plan to bring this to the City Council at the May 15th meeting for discussion and vote.

Mayor Johnson asked the public to keep their comments to about 3 minutes in length due to the number of people that would like to speak. Additional comments can also be submitted to the Council in writing.

John Tighe of Rowland Street in Milton stated he has been discussing this issue since last fall with Commissioner Mathiesen. There hasn't been any evidence to show Caroline Street being dangerous. In the '80's we had local girls murdered that were never solved and they were directly related to Caroline Street. He would like to see the numbers from the 80's compared to now.

John Baker, owner of Gaffney's stated Commissioner Madigan asked for a position paper and he has presented it to the Council. They are against the earlier closing time as it will have an adverse affect to sales tax, loss of employees, etc. The night life is a positive aspect to our City. He asked the Council not to mess with success.

Jeff Clark of 480 Broadway is here representing the Downtown Business Association. He did visit Caroline Street at 3:30 a.m. and was surprised by what he saw. He saw people having a good time; there were no fights or threats. They have almost 60,000 visitors per year to the convention center, tens of thousands of visitors to the track and many thousands of visitors to SPAC. We do not have a dangerous downtown other than isolated incidents.

Charles Brown of Saratoga Springs stated there was a question about what the numbers are for crime in the downtown. Many of the bar owners state they make their money during these hours. What they serve at that hour is not food but alcohol. The people who walk out on the streets have to be intoxicated as they have only consumed alcohol at that point. He questions if anyone else in Saratoga is making money at that hour or are the rest of us paying for those who are. It is an illusion that we can send people out on the streets after feeding them alcohol and those people not be intoxicated. The people who are coming from the City Center and the track are not the people in the bars at 4:00 in the morning.

William Pouch of 74 Edie Road and owner of Esperanto stated they do feed people a lot of food. People do drink and over do it. What has changed is the number of visitors has increased. The SLA, bar owners, and police are working together in better ways than they have in the past. Closing early is not appropriate at this time. The real question is what makes sense for the town.

Corbin Dougherty, resident of Saratoga Springs, is here to support the local bar businesses. He owns a house on Circular Street for the past 10 years and has been able to raise a 3 year old. On only a few occasions has he and his family been disturbed by a nosing party goers. This change would negatively impact those who don't own a bar business.

Dr. Margie Wells stated she has been to each of the meetings and workshops. It is hard for her to believe 1 hour is going to make a difference. As a behavioral specialist she knows that alcohol does not serve people well. Pay people are making are going into the bar owners and employees pockets but it is coming out of her pocket. Why can't the bars keep a limited menu going during these hours? The question is – is 1 hour going to be a problem. What is the harm of trying it? The statistics being presented are the way they want them to be.

Phil Diamond of 29 Waterview Drive stated he has listened to both sides of this argument and both sides have good points. He thinks this is much to do about/nothing. The State Liquor Authority says we can't do it; we are wasting time everyone's time.

John Ruderman of State Street stated he has lived within 3 blocks of Broadway for 18 years. He has considered moving out of downtown because of the noise and traffic. He agrees 1 hour isn't much.

Jake Curothers, a physician stated these are not things he wants to see. He doesn't want his child woken up in the middle of the night from the noise. The more intoxication the more issues we have. If major league baseball can make the decision to stop selling alcohol at the 7th inning, it is something we should consider here too.

Suzanne Kwasniewski of White Street stated if a bar or restaurant is open from 11 a.m. until 3 a.m.; that is 2 eight hour shifts. She read that a bar owner stated hundreds of people would lose their jobs; that is preposterous.

Mayor Johnson closed the public hearing at 7:02 p.m.

Municipal Home Rule Law Regarding Submission of Current City Charter Revision

Mayor Johnson opened public comment period at 7:02 p.m.

Kyle York of 59 Railroad Place stated this is all about the Charter and leadership. We are here to debate if there will be a vote. He read quotes from each of the Council members that were in the papers regarding their position on this issue.

Karen Klotz of 232 Maple Avenue stated she is against this new Charter. The Charter people say they have so many signatures and people who want this on the ballot. There are 16,000 registered votes in Saratoga Springs and 13,000 of them don't want this on the ballot. One of the people who is for the Charter change ran for mayor and didn't win; what does that say. We have gotten to where we are with the commission form of government.

Phil Diamond of 29 Waterview Drive stated he believes the City needs a new type of government. If this proposal goes on the ballot, he fears the people are not going to know what they are voting for. It was an unofficial committee and people didn't pay too much attention to them because of it. If the mayor would appoint a committee, the people would pay attention.

Sally Kirouac 21 Horseshoe Drive stated Saratoga Citizen has put before us a well functional plan. It has worked in other cities. The letter of the law has been followed; the people have spoken; and the courts have ruled against the City. The issue is the right of the voters to determine the future of the City.

Rick Thompson of Frederick Drive stated there are two councilwomen from Gloversville who have been following what has been going on and back Saratoga Citizen. They received more than the number of voters required to get this on the ballot. There are 16,000 voters but you never get all those people to vote in an election. They received more than enough signatures needed to get this on the ballot.

Charlie Morrison of 88 Court Street stated what he has to say has been discussed with a municipal attorney. This expert said the City Council is empowered to adopt by local law a new Charter or a revised Charter. This is the most straight forward, legal procedure to get the Charter before the people for a vote. There is no legal reason why the rest of the Council should not go down this road with him. He thanked Commissioner Franck for the effort to go forward with this.

Barbara Trypaluk of 211 Circular Street stated she is here to urge the Council to support that the Charter reform be put on the ballot in the fall. It goes to the people for a vote.

Jane Weihe of 44 White Street stated it is important to note that if it goes on the ballot we will not be asked to vote on a theory of government but an actual document that if adopted we will be governed by.

John Tighe of Rowland Street, Milton, stated in democracy the people elect their leaders. There will always be an unhappy minority. A city manager is an unelected person to run the government like a business just like they run China where no one is elected.

Peter Martin of 101 Bryan Street stated the Council is authorized to adopt this local law. When the law is passed by the Council, it will be submitted to the Board of Elections which will be presented as a referendum in the general election this year. A new charter is one that supersedes an existing charter in its entirety.

Tom Denny of 205 East Avenue stated one of the objections raised tonight was the number of people in favor of this going on the ballot. The standards were met. There has also been objections to the substance; that is for the voters to decide.

Rick Fenton of 23 Leffert Street stated he has learned a lot about the issue and finds himself in support of this. It should be on the ballot this November.

Pat Kane of 19 Marion Place stated he is here in support of Saratoga Citizen and Commissioner Franck's efforts. This is not about if you like it or not; it is about if it should go on the ballot or not. He stated a comment was mentioned that an opinion was going to be sought from NYCOM. NYCOM is clear as to how

a city can go about doing what they are suggesting. It is exactly the path Commissioner Franck is proposing.

Mayor Johnson closed the public hearing at 7:35 p.m.

CALL TO ORDER

Mayor Johnson called the meeting to order at 7:35 p.m.

PUBLIC COMENT

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 7:36 p.m.

Todd Garafano, president of the Convention and Tourism Bureau thanked the Council for considering the partnership with the Convention and Tourism Bureaus that will appear on Commissioner Scirocco's agenda. On May 16th and 23rd, they will be welcoming 2 international semi-conductor conferences to town. He would like to see the City join them in welcoming them. They are asking the City to pro-rate the rental fee at the Casino.

Lee Goodness of Saratoga Springs stated he is 1 of more than the 2300 voters who believes the Charter change should be on the ballot. It is time for the City Council to stop trying to figure out how to keep it off the ballot and start trying to figure out how to get it on the ballot.

Kyle York of 59 Railroad Place stated he is grateful to Commissioner Mathiesen for putting the motorcycle noise on the agenda. He shared the NYS law with the Council regarding motorcycle equipment. He left a copy of the law for the Council.

Rick Fenton of 23 Leffert Street is here representing the Urban Forestry Program. They were successful with their Earth Day event and attracted 100 volunteers. He is hoping to work with the City to incorporate this into the City over time. They met with Tom Roohan, chair of the parking deck committee and learned there will be 4 trees planted with the project. There is a section of the north end where they feel there is an opportunity to plant more trees in addition to the 4 proposed. A common reason for planting trees is to screen things people would otherwise see.

Tracy Millis, president of the Maple Dell Neighborhood Association is here to address the nightmare on Maple Dell. The Planning Board gained input from all concerned. They don't want a zoning change; they want a zoning text amendment. All the resident owners of Maple Dell is against rezoning for business.

John Tighe of Rowland Street of Milton stated during the 3 day Phish concert; there were weddings at the Hall of Springs, and the opera going on at the same time. It was difficult for people to get to their events due to the traffic; poor planning. This year Phish is coming back for a longer period of time and public safety to look into an express line so people can get to the weddings, etc.

Dereck Legall of 3 Deer Leap Place thanked the commissioners for coming out Saturday for the opening of Saratoga Little League. He would also like to support the downtown businesses as they support the little league by giving them uniforms, etc. Closing the bars are not going make sure the individuals are responsible for their own actions.

Charlie Morrison of 88 Court Street stated we want to see the Waterfront property opened. Things are happening there and would like to see us get this open this summer. There are now 3 or 4 sources that

are around that we can use. Minimal improvements could be the removal of the sign at the top of the road; reconfigure the parking lot on the upper level; re-grade the road going down to the lower level; build a short loop at the bottom of the hill with a drop off area; remove the old asphalt from the old restaurant parking lot; restore part of the water's edge beach; install picnic tables; etc.

Mayor Johnson closed the public comment period at 7:55 p.m.

PRESENTATION

Commissioner Madigan introduced Christine Gillmett-Brown, director of finance. This report is unaudited at this time.

Christine Gillmett-Brown advised these numbers are preliminary and subject to audit, which will commence June 18th. We ended 2011 with a general fund balance of approximately \$10.5 million; of that \$6.2 million is unrestricted and unassigned. They had an operating surplus of \$3.5 million. Property taxes increased by 9% because of enforcement of the delinquent taxes, sales tax increased by 4%; VLT aid was received in 2011 although we did not budget for it; and health insurance costs were less than what we budgeted for. Retirement costs were \$3.5 million; an increase of \$600,000 from 2010. This was budgeted and planned for. Overtime costs were less than what we budgeted for but up overall. Unemployment costs were reduced as we were able to bring back some of the employees that were laid off. The water fund has a negative unassigned fund balance. We want to pay attention to this when we are developing the budget and setting the rates. We need to look at what we need to do to build that back to a positive. Cash balances for the City rose from \$5 million in 2010 to \$9 million in 2011. We still need to be conservative in our budgeting practices and the choices we make.

Commissioner Scirocco stated the public is aware of the decrease in sales for the water budget. We have been doing a number of major capital improvements. We also established a capital improvement fund this year which should prove to be helpful.

Mayor Johnson stated on page 4, paragraph 3, it sites how we received VLT money. We received \$1.5 million and spent about \$500,000 of it with \$1 million being used to create a tax stabilization reserve fund. Is the stabilization reserve fund part of the unrestricted/unreserved amount?

Christine advised it is not.

Commissioner Franck asked if we can put additional money into the tax stabilization fund.

Christine stated she feels we can put money into it or some other kind of reserve.

Commissioner Mathiesen stated they are aggressively billing for police services as well as fire services.

Christine advised with the implementation of having the administrative staff doing the billing, it has improved drastically.

Commissioner Madigan stated the unrestricted and unassigned fund balance should be between 10 % - 12.5% of the total adopted general fund budgeted expenditures of the ensuing year. Our current unassigned fund balance is \$6.2 million and the adopted general fund expenditures are \$37.248 million. This leaves us with an excess of \$1.55 million which we must apply to the City and its citizens. The City's fund balance policy requires this money be used for one time expenditures or expenses that do not result in recurring operating costs. It can also be used to set up reserve funds. We have an operating budget which has been scaled back and the City now finds itself in situations where it is difficult to provided essential services. She recommended to the Council to save funds for the tax payers and invest funds for the tax payer. A percentage of the reserve funds should be set aside for retirement reserves as we have large unfunded liabilities. She will work with each department to discuss capital infrastructure needs. The money belongs to the tax payers and will be used to their best interest.

CONSENT AGENDA

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

1. Approve Budget Amendments (Increase)
2. Approve Budget Transfers - Regular
3. Approve Payroll 4/20/12 \$393,350.57
4. Approve Payroll 4/27/12 \$387,100.42
5. Approve Warrant 2012 Mid – 12MWAPR2 \$271,266.20
6. Approve Warrant 2012 Regular – 12MAY1 \$165,261.26

Ayes – All

MAYOR'S DEPARTMENT

Discussion and Vote: Adoption of Complete Streets Policy (12-131)

Mayor Johnson stated at the April 17th Council meeting they heard a presentation from Tobin Alexander Young. He applauded the Shared Access Saratoga for their efforts and the end product before them tonight. New York State adopted a Complete Streets Policy earlier this year.

Mayor Johnson moved and Commissioner Mathiesen seconded to adopt the Complete Streets Policy as described.

The Council agreed to waive the full reading of the resolution but will include it in the minutes as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SARATOGA SPRINGS, NEW YORK
Adoption of the City of Saratoga springs Complete Streets Program (Policy)

WHEREAS, Complete Streets are streets that provide safe, comfortable, and convenient access for users of all abilities and all modes including pedestrians, bicyclists, motorists, and transit riders; and

WHEREAS, the City of Saratoga Complete Streets vision is to encourage the development of a complete streets network throughout the City to create a more balanced transportation system; and

WHEREAS, Complete Streets is consistent with the City's Climate Smart Community efforts for reducing emissions; and

WHEREAS, New York State passed the complete streets law in 2011 that requires that complete streets design guidelines be considered for the planning, design, construction and reconstruction of roadways receiving federal or state funding; and

WHEREAS, the people of Saratoga Springs have expressed strong support for Complete Streets.

NOW, THEREFORE BE IT RESOLVED that the City of Saratoga Springs City Council hereby adopts the Saratoga Springs Complete Streets Program Policy to enhance shared access within the City and to improve quality of life for its residents; and

NOW, THEREFORE BE IT FURTHER RESOLVED that the City of Saratoga Springs city Council will strive to initiate the recommended action items in the immediate future, including the establishment of the Shared Access Advisory Board and a Complete Streets Checklist.

Ayes – All

Mayor Johnson stated the policy calls for a 7 member board. The 2 year member terms are proposed to be staggered. All 7 positions will be appointed with 3 of those positions being for a 1 year term and the other 4 positions will be for a 2 year term. He asked the commissioners to have their appointee names ready for the June 5th meeting.

Discussion and Vote: Amend the 2012 Capital Budget – Kayaderosseras Blueway Trailhead and Preserve (12-132)

Mayor Johnson stated the purchase is in the amount of \$60,000 and comes from line H3517642 / 52000 / 1194. The next step if approved tonight is to proceed to contract for the purchase and then all steps to advance this to fruition.

Mayor Johnson moved and Commissioner Scirocco seconded to amend the capital budget as described.

Roll Call:

Commissioner Franck – Aye
Commissioner Madigan - Aye
Commissioner Scirocco – Aye
Commissioner Mathiesen – Aye
Mayor Johnson - Aye

Announcement: Administrative Director – Recreation

Mayor Johnson announced they hired an administrative director for the Recreation Department. The new administrative director is John Hirliman.

Derrick Legall introduced John and stated this position has been vacant since last summer. John has big shoes to fill and was chosen from 14 candidates.

Mayor Johnson stated John has an extensive background in recreation including the YMCA.

John stated he started his career with the YMCA in Boston and moved back here to open the new YMCA in South Glens Falls.

Discussion and Vote: Approval for the Mayor to Sign the 2012 State of New York Department of Health Renewal Application for a Permit to Operate Camp Saradac (12-133)

John Hirliman, administrative director stated this is the annual permit for the Recreation Department to operate Camp Saradac.

Mayor Johnson moved and Commissioner Madigan seconded to approve the mayor to sign the renewal application for a permit to operate Camp Saradac.

Ayes - All

Discussion and Vote: Accept Donations for Recreation Department (12-134)

John Hirliman explained they received \$4,000 from the Stewarts Holiday Match and are also receiving up to 40 lacrosse helmets from Siena College valued at \$120 each.

Mayor Johnson moved and Commissioner Scirocco seconded to accept the donations as described.

Ayes - All

Discussion and Vote: Camp Saradac Personnel Hourly Rates (12-135)

John Hirliman stated this is the annual approval for their camp personnel rates. There is an additional \$1 per hour stipend for any counselor, director, or assistant director who possesses a lifeguard or water safety instructor certification.

Mayor Johnson moved and Commissioner Mathiesen seconded to accept the personnel hourly rates as described.

Ayes - All

Discussion and Vote: 2012 Camp Saradac Trip & Program Approvals (12-136)

John stated they are requesting approval of the Camp Saradac trips and programs.

Mayor Johnson moved and Commissioner Scirocco seconded to accept the Camp Saradac trips and program approvals as described.

Ayes - All

Announcement: Recreation Registrations

John Hirliman advised registration is still happening for Camp Saradac and is on a first come first serve basis until May 4th.

Discussion and Vote: Use of the Saratoga Casino and Raceway Soccer Fields (12-137)

John Hirliman advised the Saratoga Casino and Raceway, through Skip Carlson, is allowing the City to use the soccer fields. The City will not be able to use the fields on various days due to other events taking place.

Mayor Johnson advised the City does the maintenance on the fields through DPW and in turn is allowed to use the fields at no charge.

Mayor Johnson moved and Commissioner Scirocco seconded to approve the use of the fields as described.

Ayes – All

Announcement: Brown Bag Lunch

Mayor Johnson advised the next brown bag lunch is May 10th at noon at the library. It will be on President Grant.

Set Public Hearing: Amend the 2012 Capital Budget for the 6 Woodlawn Avenue Parking Garage

Mayor Johnson stated this will involve 8 different change orders. The public hearing was set for May 15th at 6:50 p.m.

Discussion: Change in the Deadline for Council Agenda Items

Mayor Johnson pulled this item from his agenda. He advised there will be a meeting later in the week with Finance, Accounts, and the Mayor's Office regarding the contract process.

Discussion and Vote: Permission to Pay Voucher (12-138)

Mayor Johnson stated this is under line H3517022 / 52000 / 1075 in the amount of \$9,997.75. This is relating to the Waterfront Park project. The agreement was authorized by the former City Council to proceed with these studies. The first purchase order was issued but the second one was overlooked.

Mayor Johnson moved and Commissioner Scirocco seconded to authorize the payment of the voucher.

Ayes - All

Discussion: Zoning Text Amendment to All Existing Tourist Related Business Districts, Plus Alternative Options (Previously Maple Dell Rezoning Request)

Mayor Johnson stated extensive discussion occurred at the last Council meeting. Kate Maynard from the Planning Department is here to explain.

Kate Maynard explained we went through the SEQRA process at the last meeting. She pointed out the parcels in question. The history of this land includes the re-zoning from B-2 (Business 2) to C-3 (Commercial-3) in 1990 and a change from C-3 to TRBD (Tourist Related Business District) in 1999. With the change from B-2 to C-3, business and professional offices were removed as permitted uses. In regards to 11 Maple Dell, a variance was approved in 1987 to renovate and occupy the premises as real estate offices and to permit the 2 buildings on the one lot. In 1997, a variance was approved to construct a medical office building (C-3). In 1999, a use variance was approved to lease the premises to a computer repair store in the district. In regards to 15 Maple Dell (Dr. Richard Farrell's property), there was a site plan approval in 1990 for 1,900 square feet for medical professional office use. Those uses are pre-existing non-conforming. The applicant can continue those uses as stated. There is a concern of balance between what is currently there and future changes. Transect 4 and 5 are alternatives the Council can consider.

Mayor Johnson confirmed that across the street there is a transect 5 (T-5).

Kate advised that is correct. She also noted that each use is looked at specifically in the context of the site it is being provided for.

Commissioner Franck stated in his discussion with the neighbors they don't want a T-4 or a T-5. He doesn't want the text amendment because it affects the other areas. He confirmed that they either vote for this TRBD text amendment or they vote for no change.

Kate Maynard stated that is correct.

Commissioner Madigan asked if the amendments should be done in conjunction with the comprehensive plan.

Kate Maynard advised it should; that is part of the balancing act.

Commissioner Franck stated that area is heavy residential and the businesses that are there are one story. Across the street is more commercial.

Commissioner Mathiesen inquired as to the residents concerns against the transect zones. Those zones provide for residential and commercial.

Commissioner Franck stated the text amendment fits well for them but do you want to turn South Broadway into the same thing.

Commissioner Mathiesen asked if the neighbors are fully aware of what a transect zone is.

Kate Maynard stated she has talked in depth with Tracy Millis and some of the other neighbors.

Commissioner Mathiesen stated the options: they can get a use variance or they can get a text amendment. This is not a minor change otherwise they would not have had to go through the SEQRA long form.

Mayor Johnson asked the Council's opinion if they are interested in continuing the text amendment.

Commissioner Franck stated he has no interest in the text amendment or the T-4 or T-5.

Commissioner Mathiesen stated it is important for the neighbors to understand what they are opposed to.

Commissioner Madigan stated she is not in support of the text amendment.

Commissioner Mathiesen stated he is not in favor of pursuing the text amendment.

Mayor Johnson then asked the Council if there is any interest in pursuing further analysis of the T-4 option.

Commissioner Mathiesen stated he thinks the T-4 is an excellent application of zoning for this parcel.

Commissioner Scirocco confirmed if they don't do anything the applicant has to go for a use variance.

Kate Maynard advised if they formally deny or not act in any manner; the alternative would be the use variance.

Commissioner Scirocco stated he is not in favor of further analysis of the T-4.

Commissioner Madigan stated the use variance makes the most sense to her and she doesn't support the text amendment at all.

Commissioner Franck stated 'no' to everything.

Mayor Johnson suggested he bring this back for discussion and vote at the next meeting. His understanding is they do not have to go through the SEQRA process to vote against this.

The City Council recessed at 9:22 p.m.

The City Council returned at 9:31 p.m.

ACCOUNTS DEPARTMENT

Award of Bid: Printed Polyethylene Bags to All-American Poly (12-139)

Commissioner Franck moved and Commissioner Scirocco seconded to award the bid for Printed Polyethylene Bags to All-American Poly for \$33.31 per case.

Commissioner Franck stated they overall lowest bidder. The funding is in account A3638184 / 54380.

Ayes - All

Discussion: Settlement 167.-2-63

Commissioner Franck stated this involves the property at 51 Winding Brook Drive. This was a 9 year settlement for the 5 previous years and 4 years out. The first law suit was for year 2007 (see chart below). He has no idea what the equalization rates will be for years 2012 – 2015 so he went under the assumption of 82%. The settlement taxes due is based upon the assessed value and are City taxes only. All the excess money collected to date had been put aside waiting for settlement of this case. By fighting the assessment, it has worked out well.

ASSESSMENT YEAR	SETTLEMENT FV	EQ RATE	SETTLEMENT AV	(RP-525) PETITIONER'S LAWSUIT AV	SETTLEMENT TAXES DUE	(RP-525) PETITIONER'S LAWSUIT PROPOSED TAXES	ADDITIONAL TAXES RECEIVED IN EXCESS OF PETITIONER'S LAWSUIT REQUEST
2007	14,000,000	83.00%	11,620,000	4,288,000	259,801	95,871	163,930
2008	13,000,000	78.38%	10,189,400	3,135,200	232,014	71,389	160,625
2009	11,000,000	81.00%	8,910,000	3,762,240	210,250	88,778	121,472
2010	10,000,000	82.00%	8,200,000	3,600,000	191,944	84,268	107,676
2011	10,000,000	82.00%	8,200,000	4,920,000	194,748	116,849	77,899
2012	10,000,000	82.00%	8,200,000	4,920,000	194,748	116,849	77,899
2013	10,000,000	82.00%	8,200,000	4,920,000	194,748	116,849	77,899
2014	10,000,000	82.00%	8,200,000	4,920,000	194,748	116,849	77,899
2015	10,000,000	82.00%	8,200,000	4,920,000	194,748	116,849	77,899
Additional taxes received in excess of petitioner's lawsuits							\$943,199

Commissioner Franck advised the petitioner had originally paid us \$443,775 for 4 years. The final taxes for the City, based upon the settlement, was \$217,002; therefore we need to refund \$226,773. He budgeted \$310,000 for this reason leaving a balance of \$83,227. This amount can either be left in his budget; he can redistribute it; or he can move it to the contingency. He decided to move this amount out of his budget. The next few items on his agenda will address that. When we paid this money back, there was no interest or penalties.

Property Tax Type	Original Taxes	Final Taxes	Refund	Refund Reserve	Surplus/Redistributed	Type
Saratoga Springs City Taxes	443,775	217,002	226,773	310,000	83,227	Surplus
Saratoga County Taxes *	231,904	100,806	131,098	?	?	?
Consolidated School District Taxes*	1,341,872	679,046	662,826	864,506	201,680	Redistributed

Discussion: Budget Transfer to Contingency for 2008 – 2011 Tax Year \$33,227.14

Commissioner Franck advised item numbers 3, 4, and 5 on his agenda correspond with Commissioner Madigan's agenda items 6, 7, 8, and 9. These items all correspond with monies that have been set aside for the settlement of 167.-2-63 (51 Winding Brook Dr.). A tax refund amount of \$226,772.86 was paid as settlement for this parcel for tax years 2008 – 2011. He had budgeted for those four years, \$260,000.00; therefore he has a surplus of \$33,227.14, which he will be transferring to the General Fund Contingency line. He has the choice of keeping these monies in his budget or transferring them; he has chosen to transfer them.

Commissioner Scirocco asked if that money may be needed for another case down the road.

Commissioner Franck explained that they look at the cases each year and create a reserve for each case. Through analysis within in the department, we are able to estimate the need.

Discussion: Budget Amendment to Decrease for 2012 Tax Year \$25,369.95

Commissioner Franck stated he will be reducing his budget by amendment for 2012 in the amount of \$25,369.95 to help subsidize the Real Property Tax Revenue Line for 2012 for any shortages that may occur in that line due to this lawsuit. This has to be done as a budget amendment.

Discussion: Budget Transfers for 2012 Tax Year \$24,630.05

Commissioner Franck stated he will also be transferring \$24,630.05 from his Refund of Prior Year Taxes for 2012. This will be made up of two transfers; \$9,630.05 which will be transferred to the General Fund Contingency and \$15,000.00 will be transferred to the City's IT Department to establish an online property tax payment system. This will allow City taxpayers the ability to pay their taxes online.

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 would like to move forward at the May 15th meeting to take Saratoga Citizens' Charter and move it through via a local law. He provided the history again.

Mayor Johnson stated since their last Council meeting, he asked the city attorney to follow up with the Department of State regarding proper procedure to follow. The Department of State stated they will provide a written opinion. He believes if this is adopted by the City Council to be placed on the ballot, there will be some legal challenge from those in the community against the change in the form of government.

Discussion and Vote: Authorization for Mayor to Sign Contract with Audio Video Corporation (12-140)

Commissioner Franck moved and Commissioner Madigan seconded to authorize the mayor to sign a contract with Audio Video Corporation for the purchase and installation of a new recording system in the City Council Room in the amount of \$14,400.

The funding has been certified and in account H3051622 / 52000 / 1192.

Ayes - All

Award of Bid: Extension of Fire Sprinkler Inspection Services Bid to Simplex Grinnell (12-141)

Commissioner Franck moved and Commissioner Scirocco seconded to extend the bid for Fire Sprinkler Inspection Services to Simplex Grinnell for an additional year under the same terms and conditions.

Commissioner Franck stated the funding is in accounts A3567184 / 54720 / 3000; A3031624 / 54720; A3567194 / 54720 / 3000; A3537114 / 54610; and A3567174 / 54740 / 3000.

Ayes - All

Set Public Hearing: Local Law No. 1 of 2012: New City Charter

Commissioner Franck set a public hearing for May 15th at 6:30 p.m.

FINANCE DEPARTMENT

Discussion and Vote: Budget Transfers: Benefits (12-142)

Commissioner Madigan moved and Commissioner Scirocco seconded to approve the 2012 budget transfers – benefits, which were distributed with the agenda.

Ayes - All

Discussion and Vote: Budget Transfers: Payroll (121-143)

Commissioner Madigan moved and Commissioner Franck seconded to approve the 2012 budget transfers – payroll, which were distributed with the agenda.

Ayes - All

Discussion and Vote: Accept Donation from Skidmore College – Computers (12-144)

Commissioner Madigan stated this is a donation of 20 computers (towers). She thanked Skidmore College for the donation.

Commissioner Madigan moved and Commissioner Franck seconded to accept the donation of computer equipment from Skidmore College as described.

Ayes – All

Discussion: Woodlawn Parking Deck Trees

Commissioner Madigan stated the Council received a request for adding trees to the Woodlawn Parking Deck. Most, if not all of the trees can be accommodated. The Parking Deck Committee assured her the cost could be absorbed.

Mayor Johnson stated the Parking Committee is waiting evaluation from the architect and landscape architect.

Commissioner Madigan stated the meeting was positive and they were going to try to accommodate as best they could.

Commissioner Franck stated there could be expansion of the garage in the future; so they may need to consider that with plantings.

Commissioner Scirocco stated his concern is the shade the trees produce. In the winter the shade can create ice but is nice for shade in the summer.

Commissioner Madigan advised they are talking about 11 trees.

Discussion and Vote: Budget Amendment: Capital Budget – Kayaderosseras Blueway Trailhead and Preserve (12-145)

Commissioner Madigan advised this capital fund amendment adds the Kayaderosseras Blueway Trailhead and Preserve Project to the 2012 Capital Budget. The amendment of \$60,000 reflects a \$30,000 grant from the County and a \$30,000 match from the City to be funded from the Parkland Reserve.

Commissioner Madigan moved and Commissioner Mathiesen seconded to approve the 2012 Capital Budget amendment which was distributed with the agenda.

Roll Call:

**Commissioner Franck – Aye
Commissioner Madigan – Aye
Commissioner Scirocco – Aye
Commissioner Mathiesen – Aye
Mayor Johnson - Aye**

Discussion and Vote: Budget Transfer: Contingency \$33,227.14 (12-146)

Commissioner Madigan advised this budget transfer relates to item #3 of the Accounts Agenda.

Commissioner Madigan moved and Commissioner Franck seconded to approve the 2012 budget transfer – contingency made available with the agenda materials.

Commissioner Madigan advised the current budget amount in the contingency line is \$200,000 and there will be \$233,227.14 after this transfer.

Ayes - All

Discussion and Vote: Budget Amendment: Decrease \$25,369.95 (12-147)

Commissioner Madigan advised this item goes with item #4 of the Accounts agenda.

Commissioner Madigan moved and Commissioner Franck seconded to approve of the 2012 budget amendment – decrease that was distributed with the agenda.

Ayes - All

Discussion and Vote: Budget Transfer: Contingency \$9,630.05 (12-148)

Commissioner Madigan advised this item goes with item #5 of the Accounts agenda.

Commissioner Madigan moved and Commissioner Mathiesen seconded to approve the 2012 budget transfer - contingency that has been made available with the agenda materials.

Commissioner Madigan advised the current budget amount in the contingency line is \$233,227.14. There will be \$242,857.19 after this transfer.

Ayes – All

Discussion and Vote: Budget Transfer: Regular AF \$15,000 (12-149)

Commissioner Madigan advised this item goes with item #5 of the Accounts agenda.

Commissioner Madigan moved and Commissioner Franck seconded to approve the 2012 budget transfer - regular AF which was distributed with the agenda.

Ayes – All

Discussion and Vote: Saratoga Springs Housing Authority Corrective Action Plan

Commissioner Madigan stated she changed the name of the document to Compliance and Communications Plan in order not to confuse it with a HUD legal term. It is designed to help direct us into the future. She works forward to working with the Saratoga Springs Housing Authority. She asked the mayor and commissioners to review this. If they agree on this document of some modified version of it; she will sent it to the Saratoga Springs Housing Authority on behalf of the City Council.

Commissioner Scirocco asked if the documents being requested are the same documents Commissioner Franck asked for. Aren't these documents able to be obtained through a FOIL request?

Commissioner Madigan stated she asked for their board meeting schedule; a bi-annual or annual report; and a copy of the annual audit.

Commissioner Scirocco asked what happens if they refuse to do this.

Commissioner Madigan stated they don't have to do this. She drafted this in a good-faith effort.

Commissioner Franck stated historically the SSHA used bring an annual report to the Council. Mr. Spsychalski brought in an annual report in his first year and then it stopped. He also received a call from former Commissioner Ivins who is now on the SSHA board and stated they are trying to work with the City

Council. It is clear they have to bring the first part back for vote. He personally won't have a problem going back and approving salaries. He will have a problem with approving 3 employee salaries when a bookkeeper's salary goes from \$47,000 to \$85,000 in 4 years and nothing has changed. He would like to have the choice to go through it.

Mayor Johnson suggested this be moved to May 15th for vote to give the Council time to review since changes came late today.

Commissioner Madigan stated she has no problem waiting until May 15th. She would like to be able to give it to SSHA in time for their next board meeting.

PUBLIC WORKS DEPARTMENT

Discussion and Vote: Authorization for the Mayor to Sign a Contract with LaValley Bros., Inc. DPW Garage Fuel Piping & Dispensing System Upgrade (12-150)

Commissioner Scirocco stated LaValley Brothers was the low bidder and awarded the bid on April 2, 2012 for \$194,837. The project includes the removal and replacement of underground diesel fuel and gasoline piping, dispensing pumps, fuel management equipment, and software. A temporary fuel storage and dispensing system will be set up at the garage so there will be no interruption to provide fuel for municipal vehicles.

Commissioner Scirocco moved and Commissioner Mathiesen seconded to authorize the mayor to sign an agreement with LaValley Brothers, Inc. for the DPW garage fuel piping and dispensing system upgrade in the amount of \$194,837. The funding is in the capital budget line H3031652 / 52000 / 1134.

Ayes - All

Discussion and Vote: Authorization for the Mayor to Sign Change Order #2 with Eastern Building – Visitor Center (12-151)

Commissioner Scirocco stated this was slated for repairs in 1991. Due to the unforeseen asbestos of the building interior during that project, the grant funds were used to remediate the interior in lieu of the roof restoration. The roof restoration was bid in the fall of 2010, however asbestos was identified in the roof and had to be removed. This further delayed repairs. During 2011, additional funds have been allocated to pay for the additional scope of work and the additional funds are included in change order #2 in the amount of \$130,701.92. This brings the total contract amount with Eastern Building to \$258,581.88.

Commissioner Scirocco moved and Mayor Johnson seconded to authorize the mayor to sign a contract with Eastern Building in the amount of \$130,701.92. The funding is in the capital budget line H3031492 / 52000 / 1141.

Ayes - All

Discussion and Vote: The City of Saratoga Springs to Accept a Partnership with Saratoga Convention & Tourism Bureau (12-152)

Commissioner Scirocco stated on May 16th the Saratoga Economic Development Corporation and Saratoga Convention and Tourism Bureau will be hosting a welcome tour and reception at the Canfield Casino. The rental rate of the Casino for non-profits during the week in \$1,500 based upon 5 hours. A fee of \$500 has been secured to defer the cost for a 1 hour reception.

Commissioner Scirocco moved and Commissioner Franck seconded for the City of Saratoga Springs to accept a fee of \$500 and partner with Saratoga Economic Development Corporation and Saratoga Convention & Tourism Bureau to be held on May 16, 2012 at the Canfield Casino.

Ayes – All

****Commissioner Scirocco stated they will open the Carousel and the public restrooms this Friday.

PUBLIC SAFETY DEPARTMENT

Commissioner Mathiesen requested approval to add an item to his agenda regarding agenda meeting deadlines.

Mayor Johnson advised unless Commissioner Mathiesen can demonstrate a need for it; it doesn't qualify to make the change at the table.

Commissioner Franck asked if the submission deadline for the next meeting is still the Friday before.

Mayor Johnson advised it is.

Discussion: Last Call Hours

Mayor Johnson stated he will recuse himself from this discussion as he has ownership interest in 2 establishments downtown that are restaurants/bars. It could be perceived that he could benefit from this decision.

Commissioner Mathiesen stated a lot of comments were made and plans to bring this for a vote at the May 15th meeting. There is confusion regarding if the last call hour change would need to be county wide rather than City wide. The State Liquor Authority (SLA) was asked to issue a declaratory ruling if the City is prohibited from having a different last call hour from the County. If County approval is needed, and if approved by the City Council, they would go to the County for approval. He will provide the Council with information about this issue over the next couple of weeks. They are trying to preserve the night life in Saratoga Springs, not kill it. The problems tend to occur in the warm weather months. Bartenders need to be trained and held responsible for who they serve. He believes a 3 a.m. last call is a good compromise. This is part of the way to address the problems that occur.

Commissioner Madigan confirmed that there was one ruling already received from the State Liquor Authority that the City could change their last call hour.

Commissioner Mathiesen stated there an advisory opinion from the County attorney in 2010 and an advisory opinion earlier this year from one of the attorneys at the SLA. The SLA attorney later contacted us and stated he was in error.

Commissioner Madigan stated she feels the opinion responses Commissioner Mathiesen receives makes a difference to the kind of resolution that he puts forwards at the next meeting.

Commissioner Mathiesen stated their first resolution should be what the City Council feels the last call hours should be for the City of Saratoga Springs. The resolution they bring to the County will be based upon what they get back from the State Liquor Authority.

Commissioner Franck stated the County is not going to go for going to 3 a.m. The resolution will be different if the City is asking to change the City versus the City asking to change the whole County. The first step should be getting the opinion from the SLA.

Supervisor Yepsen stated this is the table where you vote on City resolutions and the County will vote on County resolutions. The City Council shouldn't worry about the County.

Commissioner Franck stated he will worry about the County. It is two different things.

Commissioner Scirocco commended Commissioner Mathiesen on the progress he has made with the bar owners. He too feels they should wait until they hear a response from the SLA unless the bar owners all agree to close earlier.

Discussion and Vote: Authorization to Accept Donation from Knolls Atomic Power Laboratory (12-153)

Commissioner Mathiesen moved and Commissioner Madigan seconded to accept the donation of 25 used AR15 rifle magazines, total value of \$875 from Knolls Atomic Power Laboratory.

Ayes - All

Discussion and Vote: Public Safety Employee to Use CSEA City Hall Unit Sick Bank (12-154)

Commissioner Mathiesen moved and Commissioner Franck seconded to approve a Public Safety employee to use the CSEA City Hall Unit sick bank for up to 16 days.

Commissioner Mathiesen stated this has been approved by CSEA.

Ayes – All

Discussion: Motorcycle Noise Abatement

Commissioner Mathiesen stated several people spoke at our last City Council meeting regarding motorcycle noise. He advised the department has issued traffic tickets for motorcycle violations and will continue to monitor the downtown area.

SUPERVISORS

Joanne Yepsen

Climate Smart Communities Task Force

Supervisor Yepsen stated they met for the second time last Friday. This committee was put together as a comprehensive committee to look at a lot of sustainable issues throughout the City.

Report of Public Health Committee Issues

Supervisor Yepsen stated they discussed ways to bring in additional revenues to Maplewood Manor. They are also looking into getting upfront advanced payments to secure revenue from a collection standpoint.

Women Veterans' Day Out

Supervisor Yepsen stated the NYS Coalition for Women Veterans will be hosting a Women's Day Out. This will be free of charge for our veterans.

Matt Veitch

Budget Committee

Supervisor Veitch stated the committee learned the sales tax revenue for the County is up for the quarter. They are looking to project an \$8.1 million surplus at the end of the year. They need to get better with their revenue projections at the County.

Technology Committee

Supervisor Veitch stated the County received 23 laptops to use at the Supervisor Board meetings. He thanked Skidmore College for those. They are also doing an RFP on their e-mail service and they have a proposal from their youth bureau to make their operation more efficient.

ADJOURNMENT

Mayor Johnson moved and Commissioner Franck seconded to adjourn the meeting.

Ayes – All

There being no further business, Mayor Johnson adjourned the meeting at 11:23 p.m.

Respectfully submitted,

Lisa Ribis
Clerk

Approved:
Vote: