



March 4, 2014

CITY OF SARATOGA SPRINGS
City Council Meeting
Agenda

**6:35 PM – P.H. – Amend Capital Budget
Police Department and Public
Safety Infrastructure Project**

**6:40 PM – P.H. – Amend Chapter 148 –
Noise**

**6:45 PM – P.H. – Change Name of Pleasant
Street**

**6:50 PM – P.H. – 2014 Water and Sewer
Rates**

**6:55 PM – P.H. – Amend Section 34 -1 and
51-1 Zoning Board and Planning
Board Alternates**

7:00 PM

CALL TO ORDER

ROLL CALL

SALUTE TO FLAG

PUBLIC COMMENT PERIOD / 15 MINUTES

PRESENTATION(S)

1. West Avenue Special Assessment District Annual Accounting as of 12/31/13
2. Greenbelt Trail Feasibility Study – Update to the Council
3. Water & Sewer Rate Study by SAX/BST

EXECUTIVE SESSION:

CONSENT AGENDA

1. Approval of 2/18/14 City Council Pre-Agenda Meeting Minutes
2. Approval of 2/3/14 City Council Pre-Agenda Meeting Minutes
3. Approval of 2/4/14 City Council Meeting Minutes
4. Approve Budget Amendments (Increases)
5. Approve Budget Transfers - Regular
6. Approve Payroll 2/21/14 \$441,005.79
7. Approve Payroll 2/28/14 \$425,814.84
8. Approve Warrant: 2014 Mid – 14MWFEB2 \$479,775.12
9. Approve Warrant: 2014 REG – 14MAR1 \$426,759.33

MAYOR'S DEPARTMENT

1. Discussion: Community Development Citizen Advisory Committee Recommendations for 2014 CDBG Funding
2. Discussion and Vote: Mayor to Sign an Agreement with the Law Firm Girvin and Ferlazzo
3. Discussion and Vote: Resolution on Expanded Casino Gambling

ACCOUNTS DEPARTMENT

1. Discussion and Vote: Authorization for Mayor to Sign Garage Sign Agreement with Andrew B. DeLuca, Esq.
2. Award of Bid: Extension of Emergency Medical Supplies Bid to Bound Tree
3. Award of Bid: Data Center Installation to Advanced M/E Planning Services, LLC
4. Award of Bid: Ambulance to VRS
5. Award of Bid: Broom Street Sweepers to Joe Johnson Equipment

FINANCE DEPARTMENT

1. Discussion and Vote: Capital Budget Amendment – Police Department Infrastructure Project
2. Discussion and Vote: Resolution for the Use of the Insurance Reserve
3. Discussion and Vote: Resolution for the Use of the Insurance Reserve
4. Discussion and Vote: Budget Amendments – Insurance Reserve
5. Discussion and Vote: Budget Transfers – Payroll
6. Discussion and Vote: Budget Transfers – Benefits
7. Discussion and Vote: Budget Transfers - Contingency

PUBLIC WORKS DEPARTMENT

1. Approval of the 2014 Water & Sewer Rates Resolution
2. Discussion and Vote: Approve Resolution – Upstate Gaming & Economic Development Act Referendum
3. Discussion and Vote: Authorization for the Mayor to Sign Agreement Addendum II for SAX/BST
4. Discussion and Vote: Change Pleasant Street to Coach Waldron Way from Washington Street to the Westside Rec
5. Discussion and Vote: Sick Bank Request
6. Discussion and Vote: Waive Departmental Fee – Music Hall

PUBLIC SAFETY DEPARTMENT

1. Discussion and Vote: Ordinance to Amend Chapter 148 of the City Code Entitled “Noise”
2. Discussion and Vote: Amend Capital Budget
3. Discussion and Vote: Authorization for the Mayor to Sign Agreement with Empire Ambulance
4. Discussion and Vote: Appointment Dr. Timothy Brooks as City Health Officer
5. Set Public Hearing: Amend Capital Budget for Public Safety Infrastructure Project
6. Announcement: Department of Public Safety Forum on March 13, 2014 at 7 pm in the City Council Room

SUPERVISORS

Matthew Veitch

1. Update: Leadership Saratoga
2. Update: February County Board Meeting Report
3. Update: Coordination of Not-for-Profits in Saratoga County

Peter Martin

1. Veterans Affairs
2. Social Programs
3. Public Health
4. County Sewer District
5. Agricultural District

ADJOURN



March 4, 2014

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

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

STAFF PRESENT: Joe Ogden, Deputy Mayor
Lynn Bachner, Deputy Commissioner, Finance
Sharon Kellner-Byrnes, Deputy Commissioner, Accounts
Tim Cogan, Deputy Commissioner, DPW
Eileen Finneran, Deputy Commissioner, DPS

Matthew Veitch, Supervisor
Peter Martin, Supervisor
Sarah Burger, 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 Capital Budget Police Department and Public Safety Infrastructure Project

Mayor Yepsen opened the public hearing at 6:37 p.m.

Commissioner Mathiesen this is to increase the line by \$2,000.

No one spoke.

Mayor Yepsen closed the public hearing at 6:40 p.m.

Amend Chapter 148 - Noise

Mayor Yepsen opened the public hearing at 6:40 p.m.

Commissioner Mathiesen advised they looked into noise of outdoor music venues of other municipalities. They would like to add to the ordinance/code to make this enforceable.

John Baker, owner of Gaffney's, advised he has had live music for 35 years. The past 2 – 3 years they have done well self governing. He does not believe the noise is going into the neighborhoods. Gaffney's tries to keep the music at 90 decibels; their proposal of 85 would be tight.

Denise McDonald of Phila Street state it has gotten worse. It is the combination of so many bars. She can close her windows and still hear the noise. There needs to be something in place so that they can hear themselves speak when they are on their porch.

Douglas Kline of Milton stated he thinks 85 decibels is generous.

Nancy Coleman of Madison Avenue state it is hard to make a noise complaint as you don't know which establishment it is coming from.

Bill McKennen of 129 Maple Avenue and manager at Dango's stated they have communicated with the police and he has had to address the noise issue. He feels 90 decibels is fine.

Larry St. Pierre stated he has been tending bar in Saratoga for many years. He asked for the name of the reader that will be used by the city so his establishment can purchase the same one for their use. He also asked who will be using the readers to determine the level.

Commissioner Mathiesen advised it will be the Police Department and Code Enforcement Officers that will be doing the testing.

Todd Shimkus, president of the Chamber of Commerce stated when they shared this proposal with the downtown owners, they asked for flexibility. The American Speech and Language Hearing Association groups use a range of 80 – 90. He thinks they should get everyone together like they did a couple years ago with the SLA and have a discussion.

Dave Morris of Tamarack Trail stated he is an audio technician. It is impossible to do this on a flat decibel rating. Crowd noise will spike it.

Bonnie Sellers of Fifth Avenue stated you do get spikes in noise. There needs to be some kind of standard for averaging it out.

Tim Owens of Wheatfields and vice president of the DBA stated they have a lot of community organized events that have outdoor entertainment. He asked if the other communities who have the 85 decibel rule are actually enforcing it.

Commissioner Mathiesen stated some are very strict in their enforcement.

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

Change Name of Pleasant Street

Mayor Yepsen opened the public hearing at 7:02 p.m.

Commissioner Scirocco stated people of his age remember Ray Waldron. He was a coach, in the armed forces, and raised his family here. He thought it would be appropriate to name a street after him.

Bill Waldron, son of Ray Waldron stated his dad would be honored to have a street named after him. He thanked Commissioner Scirocco for the recommendation to the City Council and recognizing his many endeavors.

Mayor Yepsen stated Ray was a good friend and is missed.

Mayor Yepsen closed the public hearing at 7:07 p.m.

2014 Water and Sewer Rates

Mayor Yepsen opened the public hearing at 7:07 p.m.

Commissioner Scirocco stated they did a presentation at the last City Council meeting. There will be a slight increase in the rates; 3, 4, and 5% based upon the meter size.

William McTygue of 15 York Street stated that after listening to the commissioner talk about how cheap the rates are for water and sewer is in Saratoga, he felt it necessary to set the record straight. The rate schedule is relatively inexpensive but the fees attached to the water bills have been increasing. He understands the money is needed for the water fund. Over the last several years, the water and sewer rates for the average City user have increased over \$200 a year. He is also surprised to read the commissioner is concerned about the 70,000 gallons per day usage that will be used by the new hotel. There are 4 other projects under construction or on the drawing boards that isn't being picked on. It appears to be an attack on one project when there are 4 other projects out there as well. He could have told him 6 years ago there was a water shortage program.

Kim Fonda of 4 Peck Avenue asked if the budget has any money for a sewer line on her street. There is building going on all around them and they still don't have sewer on her street.

Dave Morris of Tamarack Trail stated his bill has gone up \$12 in a year.

Commissioner Scirocco stated there will be a presentation tonight with recommendations. There were some projects that were mandated by the DOH.

William McTygue made an additional point; Commissioner Scirocco has made it a point to say the previous administration was going to bankrupt the City with the water development project that was going to solve the City's water source capacity issue.

Commissioner Scirocco stated it was \$25 million dollars.

William McTygue advised that number is wrong. The amount was \$17 million dollars.

Commissioner Scirocco stated they did it for under \$1 million.

William McTygue stated the commissioner has raised the water rate by over twice what that project would have cost. We would have found a new water source capacity for the City as well as do everything that is being done now.

Mayor Yepsen closed the public hearing at 7:17 p.m.

Amend Section 34-1 and 51-1 Zoning Board and Planning Board Alternates

Mayor Yepsen opened the public hearing at 7:17 p.m.

Mayor Yepsen stated she asked for this change as it was not clear enough when she asked the city attorney for information on this.

No one spoke.

Mayor Yepsen closed the public hearing at 7:19 p.m.

CALL TO ORDER

Mayor Yepsen called the meeting to order at 7:19 p.m.

PUBLIC COMMENT

Mayor Yepsen 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 Yepsen opened the public comment period at 7:20 p.m.

Frank Cappone of 119 Grand Avenue stated they are opposed to the Beekman Street Art District expansion. Unfortunately they have empty stores and commercializing a larger area won't solve the problem. Beekman Street was meant to be on Beekman Street and he would like to keep it that way.

Noreen Jones of 25 Secretariat Way asked if there have been any discussions to get herself or any of her co-workers back in to Stonequist to assist them.

Sally Nizolek of 11 Amy Lane stated she worked at the raceway for 16 years and her husband has worked there for 35 years. Every day during the summer people go to the flat track and bet millions so why is this not live gambling. The casino down the road from the flat track is trying to get live gaming too.

Douglas Klem of 724 Burgoyne Avenue, Milton stated he wants the Council to be aware of the deceptive nature they are being presented with. The white tee shirts say Destination Saratoga; Saratoga is already a destination. The casino will not make us more of a destination; it will make the casino a destination.

Rick Vallone of Saratoga Springs stated he is speaking against a Las Vegas style casino. Long term results/goals bring only negative results.

Phil Diamond of 55 Railroad Place stated he has seen red and white shirts for 3 months. Both have said they have made up their minds without the facts.

Gordon Boyd of 99 State Street stated to say Saratoga is not about gambling is just ignorance. It was brought to his attention that on SAVE's facebook page it stated he is a lobbyist for the front group of the casino. He stated he is not; he is a volunteer. . It is good for the economy, horse racing, and Saratoga Springs. He believes SAVE has not been able to find enough things to support their position so they have been making things up. He volunteered because he considered the expansion in the best interest of Saratoga Springs.

Robert Pelletier of 27 Kirby Road stated he grew up in Connecticut near Foxwood and worked there 10 years when it was first built. That's opportunity; everyone gets a job.

John Veitch of 1 Springwood Drive stated he is in support of this. There will be one within 30 miles of Saratoga and there will be up to 4 within our periphery. We need to consider what the affects will be of those casinos on our town.

Rich Valmore of 141 Rimbrave Drive, Gansevoort, stated he is an employee of the racino for 10 years. He had a conversation with someone in Schenectady County who said he can't believe your city is not looking at the long term.

Kathleen Anderson of 2 Rolling Hills Drive, Wilton, stated we have been good partners for 10 years and no one looks at that. Holding a Phish concert July 3 – 5 will have a major impact on police force and congesting our hospital; who looks at that.

Jennie Jurkewitz of 16 Maplewood Court stated she moved here because of the casino. She came from Atlantic City and it is not Saratoga. What strangled the life out of Atlantic City was a narrow minded community that failed to embrace the changing economics and embrace new business and ideas. She begged them to embrace their business and support them in the expansion.

Carol Obloy of 268 Broadway, stated that 2 times in history of this community had live casinos and both times it did not sustain itself. Live casinos do not provide sustainable economies.

Matt Waddell of 11 Mill Road, Greenfield Center stated over the years he saw it transform from an area he never wanted to buy a house in to one he now owns a house in. He didn't expect this to be something that would be debated. As an engineer he understands knowing the facts before making a decision.

Sandra Gehring of 108 Quevic Drive stated last November the ballot included a proposal to vote for or against gambling in the state of New York. Only 3,000 voted against gambling; it is not 50% as there are 30,000 people in Saratoga Springs. One casino in Saratoga Springs is not going to have the flavor of a Las Vegas style casino.

Charles Samuels of 9 Marion Place thanked the Council for their hard work during this whole issue.

Tom Spaulding of 48 Granger Avenue state he grew up here during the time when gambling was not an awful thing. Gambling is not entirely sinful; maybe it could be. When gambling was closed down in New York State, Saratoga Springs suffered for 50 years.

Gary Chapla of 8 Bunker Hill Drive stated his family was involved in harness racing up to the early 1990's. The only thing that saved harness racing here and in New York State was the VLTs. Ten years ago people said crime, corruption, and prostitution was going to come to the City; it's still not here.

Lauren Jones of 132 Hawthorne Boulevard stated it took leaving Saratoga to realize what it was.

Will Rubadeau of 7 Wilshire Drive, Albany state the Council has been entrusted to do what is best for the entire community. Something good could be lost.

Monica Hurry of 1077 Washington Avenue, Albany stated she works hard in the city and plays hard in the city. All of Saratoga's prosperity doesn't come from Saratoga citizens. Why wouldn't we want that year round.

John Sanders of 85 Ernst Road, Gansevoort stated if he were in your shoes he wouldn't want to lose a lot of jobs on your watch.

Patrick Augustino of Elizabeth Lane, Wilton, stated he has seen in the last 10 years the downtown stabilize. Others want the casino because they see how Saratoga is prospering.

Skip Carlson of 9 Eureka Avenue stated going back 10 years ago people said crime would increase and it hasn't. People said there will be prostitution and there isn't. They have increased the number of jobs and increase the purses for the horsemen. They will need the support of the Council and hope they will have the support of the Council.

Colin Weissman of 61 Vichy Drive stated he is a small business that exists because of the casino. Saratoga was founded on gambling; keep it alive.

Mary Howard of Wilton stated she has 1 more year of college and hopes to continue to work at the raceway.

Al Turkheimer of 158 Woodlawn Avenue stated the city doesn't have any rules or regulations for the casino to abide by.

Caroline Stem of 55 Catherine Street moved here because he needed to be able to get a job. They thought this move would be temporary and have been here 12 years. They wonder if they will still love it with an expanded casino.

Joe Mesaka of 69 Hamilton Street stated saying 'no' to a casino in Saratoga is saying 'yes' to a casino in a neighboring area.

Enzo Torino of 82 Crescent Street stated the draft resolution does not enumerate all Saratoga has done and is doing for the City right now. It doesn't mention the charitable giving it does.

Charles Baskew of 24 Adirondack, Wilton stated he supports full gaming. It is highly irresponsible to pass a resolution without the RFA. Not waiting is not giving the community a fair chance.

Theresa Poirier of Queensbury stated they have all sat there and listened to SAVE statements that are full of insults. She quoted Eleanor Roosevelt: "Great minds discuss ideas, average minds discuss events, small minds discuss people." She implored the Council to leave this city with great minds. Do not fall victim to the small minds that are attempting to coerce you into making the wrong decision for the financial well being of this city.

Maryellen Gardner of Northumberland stated expanded gaming here will keep the city the way it is.

Tom Barkley of 93 Nelson Avenue stated a resolution was passed a year ago and that's the problem. That is the one which will stand if another is not passed. He is happy with the casino as is and doesn't want to see it become more than we can handle.

Joe Kulin of Bunker Hill stated he believes the cards have been stacked against us from the beginning on this issue. A live casino is not just an expansion; it is a novice scale of operation. They keep you in there and you don't know if it is day or night. He has been getting petitions signed and it is easy to get people to sign it; it is way more than 58%.

Rob Davis of Phila Street stated the resolution offered by the Mayor's Office says it is in opposition of the gaming economic development pact as it relates to the resort casino. It is not a siting casino but in opposition to the act itself. He is much more in favor of Commissioner Scirocco's resolution.

Sara Boivin of 129 Nelson Avenue stated if the Council passes a strong 'no' resolution you would have stood up for what has been missing all along. There are too many unknowns with the casino.

Cliff Ammon of Nelson Avenue stated he voted against proposal 1 for the entire state. We shouldn't raise money on the backs of suckers.

Theresa Capozzola of 57 Gilbert Road stated it is not unusual to not want a casino in your home town. More than 58% of the people voted against expanded casino gambling. Logic tells they would also be against it in this town.

Maureen Cary of 11 Wedgewood Avenue stated she strongly encourages the Council to pass a 'no' resolution.

Michele of Scotia stated she was approached by the SAVE group when leaving the home show this weekend. The person was rude. It is easy to get a petition signed when people are not aware of what they are signing.

Andrea Hyde Rogers of PO Box 867, Saratoga Springs stated the City is a beautiful size and it is known for its history. She believes Saratoga is known for the Battle of Saratoga.

Peter Davis of George Street stated he has been here since 1971. He questions if we should wait for the facts, why has the racino planned its expansion.

Mike Taber of 73 Henry Street asked what about the players we have served over the past 10 years. He asked the Council to say yes.

Peter Elmendorf of 8 Hillcrest Lane stated he heard another many call the players suckers. The money the racino uses to hand out comes from the suckers.

Eve Mulholland of Whitney Place stated he is against the expanded casino. He doesn't know how the expansion is going to work and likes the mix we have now.

Melanie Delancy of 25 Circle Drive, Porters Corners stated the only place that gave her the opportunity for a job is the racino.

Rob Wright of 22 Patricia Lane stated he appreciates the different elements that the city has. He has been going door to door and found the majority are against the casino.

Belinda Colon of 193 Circular Street asked the Council to consider her children and grandchildren. She supports the casino as is and doesn't want it to expand.

Rita Cox of 17 Leonardo Drive, Clifton Park stated people need to understand what will happen when a casino that is coming to the region goes to another city. Will taxes be cut or will services be cut.

Theresa Hammer of Kirby Road stated it is absurd that the casino doesn't follow zoning; it does.

Jeannette Kado-Marino of 35 Jackson Street stated over 1,000 people signed the petition that have said no to casino gambling in Saratoga Springs.

Mayor Yepsen closed the public comment period at 8:53 p.m.

PRESENTATION

West Avenue Special Assessment District Annual Accounting as of 12/31/13

Matt Jones stated the Commissioner of Finance reports to the Council the state of affairs in regards to the West Avenue Special Assessment District. That report has been prepared by the director of finance. There is no action required by the Council.

Greenbelt Trail Feasibility Study

Kate Maynard of the Planning Department advised this initiative is led privately and includes private funding. They are looking to connect existing trails. The draft document is available at www.saratogagreenbelt.weebly.com.

Jeff Olsen of Alta Planning and Design stated he is proud to see this come forward. This is a key element that dates back to the original open space plan. They have built some of the trails in that plan and this is a chance to connect those trails. We are getting closer to see these things connect. This will be a year-round; four season activity. The biggest challenge was the tunnel under the Northway to connect from where the ice rinks are to the existing Spring Run Trail. He provided a rendering of what that would look like. They have developed a draft feasibility study. This work has been privately funded.

Water & Sewer Rate Study by SAX/BST

Will Reynolds and Brendan Kennedy appeared before the City Council to present their findings.

Will Reynolds advised the City wanted an independent assessment of the water and sewer rate structure and practices.

Brendan Kennedy stated OSC audit released in February, 2013, for years 2007 – 2011 covered the general fund, the water and sewer fund. The audit noted significant improvements in the water and sewer fund; however, they noted there was inter-fund borrowing going on. They recommended the following: the Council should monitor and evaluate the reoccurring revenue sources; the Council should come up with a plan to repay the inter-fund loans.

Mr. Reynolds advised there have been very regular increases in water and sewer rates.

Mr. Kennedy stated they made the following observations: the City has a strong rate structure; budgeting practices are sufficient; and the capital service fee is sufficient to meet debt service. They recommend repaying the general fund over a period of time and rate increases should be systematic.

Mr. Reynolds stated given the types of fees, the City has done a good job employing all the avenues appropriately.

Commissioner Madigan advised OSC cited us; this is why this audit was done.

Commissioner Scirocco thanked Will and Brendan, Christine Brown, Lynn Bachner, Anna Plante, and Kathy Moran for their help with this audit.

CONSENT AGENDA

Mayor Yepsen moved and Commissioner Scirocco seconded to approve the consent agenda as follows:

1. Approval of 2/18/14 City Council Pre-Agenda Meeting Minutes
2. Approval of 2/3/14 City Council Pre-Agenda Meeting Minutes
3. Approval of 2/4/14 City Council Meeting Minutes
4. Approve Budget Amendments (Increases)
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8. Approve Warrant: 2014 Mid – 14MWFEB2 \$479,775.12
9. Approve Warrant: 2014 REG – 14MAR1 \$426,759.33

Ayes – All

MAYOR'S DEPARTMENT

Discussion: Community Development Citizen Advisory Committee Recommendations for 2014 CDBG Funding

Brad Birge of the Planning and Economic Development Department advised the City receives funding from the US Department of Housing and Urban Development through its Community Development Block Grant Program. This year they received 20 applications in excess of \$760,000 of which we have \$325,000 to spend.

Rich Ferguson, chair of the advisory committee stated they feel the proposals they provided to the Council meet the needs of the Community Development Block Grant.

Brad explained there is a 30 public comment period and a public hearing should be set for the next Council meeting.

Mayor Yepsen set the public hearing for 6:55 p.m. on March 18th.

Discussion and Vote: Mayor to Sign an Agreement with the Law Firm Girvin and Ferlazzo (14-075)

Mayor Yepsen stated this is for legal services relating to City's pending labor law matters. This is for an as needed basis with a cap of \$15,000. Funding is in line A3011424 / 54720.

Mayor Yepsen moved and Commissioner Scirocco seconded to authorize the mayor to sign an agreement with Girvin and Ferlazzo for legal representation of labor and employment matters on an as needed basis as distributed with the agenda.

Ayes - All

Discussion and Vote: Resolution on Expanded Casino Gambling (14-076)

Mayor Yepsen stated this is the issue of the decade for the City and she has been listening for months to the opinions on this issue. She met with the New York Gaming Commission this morning and learned the RFA will be released in March and will mirror the statute that was passed last June. The siting decision is being decided by the Siting Board. The perception in the community is that this Council can do something to change the law or the siting decision. She will however do everything in her power to protect the character of this community, keep the balanced package of assets, protect our downtown, and safeguard and enhance the horseracing industry, in every negotiable mechanism she can.

Mayor Yepsen asked the raceway to come before the land use board and they have agreed to do so. On a go-forward basis, comments should be sent to the State Gaming Commission.

The resolution was read as follows:

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SARATOGA SPRINGS, N.Y.**

WHEREAS, on December 18, 2012 this City Council issued a resolution concerning casino gaming. That resolution is hereby revoked in its entirety. The intent of this resolution is to address, upon thorough consideration of all available facts and information, the issue of expanded casino gaming in the City of Saratoga Springs.

WHEREAS, on June 21, 2013 the New York State Legislature passed the Upstate New York Gaming Economic Development Act of 2013 ("the Act") that proposed amending the State Constitution and other State laws to allow private casino gaming in the State of New York, and the Act was signed into law by the Governor on July 30, 2013. The Act resulted in a statewide constitutional referendum that was passed by the public on November 5, 2013; and

WHEREAS, under the Act, the State Gaming Commission (the "Commission") oversees the selection and regulation of destination resort casinos. The Commission appoints a siting board of individuals (the "Board") which is required to issue a Request for Applications ("RFA") for a gaming facility license that shall include any information that the Board determines. Additionally, the Act authorizes up to four upstate destination resort casinos in three regions of the state: the Hudson Valley-Catskill area, the Capital District-Saratoga area, and the Central-Southern Tier area; and

WHEREAS, the Act's findings state that "the need for strict State controls extends to regulation of all persons, locations, practices and associations related to the operation of licensed enterprises and all related service industries", thereby introducing the possibility that many local laws, ordinances, and policies that may otherwise apply to commercial enterprises operating within the city may not be followed; and

WHEREAS, the Board is required to evaluate gaming facility license applications based on specific criteria set forth in the Act: 70 percent based on economic activity and business development factors; 20 percent based on impact mitigation, demonstration of local support, expression of public comment, and establishing partnerships with local businesses, and 10 percent based on workforce and problem gambling factors; and

WHEREAS, the City has long been home to two historic racetracks - the Saratoga Race Course for thoroughbred horse racing and the Saratoga Harness Track for harness racing. These tracks are the local foundation for the sport of horse racing which is critical to the regional economy and supplies a significant amount of jobs, tax revenue, financial activity and tourism. Additionally, racing and gaming generates New York Racing Association (NYRA) admissions tax and Video Lottery Terminal (VLT) Aid, which together comprise approximately 5.7% of the City's operating budget. VLT Aid is the lifeblood of the horsemen, trainers, and breeders industry, to which the City is deeply committed and enjoys acres of open space through horse farms; and

WHEREAS, the City is the proud home of a diverse community of cultural and historic assets that create the character of our community and help make the City of Saratoga Springs unique and successful. These assets include, but not limited to: the Saratoga Performing Arts Center, Saratoga Spa State Park, the National Museum of Dance And Hall Of Fame, National Museum of Racing And Hall Of Fame, Saratoga Auto Museum, New York State Military Museum and Veterans Research Center, Skidmore College's Tang Museum; and

WHEREAS, the City is home to the Saratoga Springs City Center, a unique conference complex known as "the little engine" of the City and the County, which hosts conferences and events almost 300 days of the year. In 2012 the City Center held over 150 events, greeted 142,400 guests, created approximately \$30 million in sales to local businesses and brought the City approximately \$2 million in sales tax revenue; and

WHEREAS, the City is home to 1,755 rooms in its variety of hotels, motels, and various lodging options which are important employers, accommodate thousands of people drawn to City entertainment and activities, and generate occupancy tax revenue for the City and City Center which is a substantial part of their operating budgets; and

WHEREAS, the City is home to an award winning downtown lined with restaurants, clubs, movie theatres and shops providing our citizens and our guests with ample opportunities for recreation, enjoyment, entertainment and employment. Furthermore, it is acknowledged that the downtown area enjoys the success it does today because of the hard work, dedication, pride, investment, and financial support of the City's citizens, businesses, public officials and guests over many years. Recently, downtown helped generate approximately \$10.6 million in sales tax revenue, an amount which comprises about 26.5% of the City's operating budget; and

WHEREAS, all the aforementioned venues are valuable City assets which are critical to the financial and economic health, safety, and welfare of the City and its people; and

WHEREAS, it is the duty and obligation of the City Council, as steward of those assets, to protect and ensure their continued viability; and

WHEREAS, the City Council will continue to monitor and evaluate this important issue by listening to the concerns and comments of its citizens, businesses, and key organizations, and by conducting a thorough review of the State's Request for Application (RFA) upon its release, and working with a collective voice diligently toward a solution that is in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED, that the City Council expresses its opposition to the Upstate New York Gaming Economic Development Act as it relates to a destination resort casino being placed in the City of Saratoga Springs, due to the following concerns:

- That the City's vibrant downtown, the Saratoga Springs City Center as the current exclusive convention center in the City, and City's diverse package of cultural and economic assets could be adversely impacted without explicit, concrete details and required agreements and partnerships built with city businesses and city government;
 - That the Act does not require conformance with the City's Comprehensive Plan;
- That the Act does not provide for "home rule" and introduces the possibility that local laws, ordinances, and policies regarding land use could effectively be overridden, thereby diminishing the ability of the City's citizens to duly and democratically shape the future of their own city;
- That insufficient protection and regulation exists with respect to the sale or transfer of a casino gaming license; and that furthermore absent significant modifications an unlimited and undesirable expansion of casino operations could supplant the economic activity which sustains our City's thriving downtown core; and
- That the horse racing industry, including but not limited to: trainers, breeders, horsemen, and fans are not given adequate protection to ensure that the sport of harness racing and the businesses that support it, can continue to operate successfully in our City; and
- That projected revenues provided to the City by the State would not be received at a sustained or guaranteed rate thereby resulting in considerable disruption to the City's budget, operations, and services on which our citizens rely.

RESOLVED, that the Clerk of the City of Saratoga Springs forward a certified copy of this Resolution to Governor Andrew M. Cuomo and the City's representatives in the New York State Senate and New York State Assembly.

Mayor Yepsen asked for a copy of this resolution to also be sent to the New York State Gaming Commission.

Mayor Yepsen moved and Commissioner Scirocco seconded the resolution read.

Commissioner Scirocco stated it is clear to him that the citizens of Saratoga Springs are against a full casino. He believes the resolution to be a firm opposition to siting a casino in Saratoga Springs.

Commissioner Madigan stated she is concerned with not siting a casino here. It will be a financial impact. She would also want to see some form of local control which the 'Act' doesn't provide for. We have been cut out of the process so there is no other option but to support the resolution.

Commissioner Mathiesen stated it is a difficult issue. When they took the vote in December 2012, there was a totally different concept. There are no good choices here. He will support the resolution.

Commissioner Franck stated it was made clear to him last summer when campaigning that people didn't want a full casino. His biggest concern is they don't have the RFA in hand. The Council is in a position to act even though it is a fluid situation. He is worried about the harness track and the state getting mad at the City and pulling what we have. He will vote for the resolution.

Roll Call:

Commissioner Franck – Aye
Commissioner Madigan – Aye
Commissioner Scirocco – Aye
Commissioner Mathiesen – Aye
Mayor Yepsen – Aye

** The City Council took a break at 10:02 p.m.

** The City Council returned and resumed the meeting at 10:11 p.m.

ACCOUNTS DEPARTMENT

Discussion and Vote: Authorization for Mayor to Sign Garage Sign Agreement with Andrew B. DeLuca, Esq. (14-078)

Commissioner Franck advised this is a new garage sign agreement to be effective March 15th. The sign will be hung in the Putnam Street garage.

Commissioner Franck moved and Commissioner Madigan seconded to authorize the mayor to sign the garage sign agreement with Andrew B. DeLuca, Esq. as described and distributed with the agenda.

Ayes - All

Award of Bid: Extension of Emergency Medical Supplies Bid to Bound Tree (14-079)

Commissioner Franck moved and Commissioner Mathiesen seconded to award the extension of the bid for Emergency Medical Supplies to Bound Tree for an additional year under the same terms and conditions.

Funding is in line A3143414 / 54150.

Ayes - All

Award of Bid: Data Center Installation to Advanced M/E Planning Services, LLC (14-080)

Commissioner Franck moved and Commissioner Madigan seconded to award the bid for Data Center Installation to Advance M/E Planning Services, LLC.

Funding is in line H3021692 / 52000 / 1211.

Ayes - All

Award of Bid: Ambulance to VRS (14-081)

Commissioner Franck moved and Commissioner Mathiesen seconded to award the bid for Ambulance to VRS.

Funding is in line H3143122 / 52000 / 1218.

Ayes - All

Award of Bid: Broom Street Sweepers to Joe Johnson Equipment (14-082)

Commissioner Franck moved and Commissioner Scirocco seconded to award the bid for Broom Street Sweeper to Joe Johnson Equipment.

Funding is in lines H3933952 / 52000 / 1212; H3933952 / 52000 / 1213; H3638192 / 52000 / 1205; H3335012 / 52400 / 1117.

Ayes - All

FINANCE DEPARTMENT

Discussion and Vote: Capital Budget Amendment – Police Department Infrastructure Project (14-083)

Commissioner Madigan advised the performance bond company has provided funds to cover the difference between the initial contractor awarded the bid and the current contractor, Hoosick Valley Contractors.

Commissioner Madigan moved and Commissioner Franck seconded to approve the 2014 capital budget for the DPS Infrastructure Project which was distributed with the agenda.

Roll Call:

Commissioner Franck – Aye
Commissioner Madigan – Aye
Commissioner Scirocco – Aye
Commissioner Mathiesen – Aye
Mayor Yepsen – Aye

Discussion and Vote: Resolution for the Use of the Insurance Reserve (14-084)

Commissioner Madigan stated this is a new reserve that was put into place with the 2014 budget. It ensures that funds are available for certain liability costs. The next 2 items are also related to the use of the insurance reserve funds. The resolution requests the use of \$4,391 for a collision claim and \$5,000 for a contractual matter.

The reading of the following resolution was waived:

WHEREAS, the City council of the City of Saratoga springs established the INSURANCE Reserve Fund on October 15, 2013 pursuant to New York State General Municipal Law §6-n “to make expenditures for any loss, claim action or judgment for which the City of Saratoga Springs is authorized or required to purchase or maintain insurance to said statute”, and, WHEREAS, certain property and casualty claims have been filed against the City, and said claims are below the City’s property and casualty insurance deductible. Expenditures for said claims remain due and owing, and said claims are of a kind or type that may be lawfully paid from the City’s INSURANCE Reserve Fund. There are currently two such claims for A3031934 – 54775 that totals \$9,391.00, as follows:

- Fitzgerald Morris Baker and Firth LG White Claim: \$5,000
- Travelers Claim EYM0918 Coles Collision Payment: \$4,391

NOW, THEREFORE, BE IT RESOLVED, that payment of the above-mentioned expenditures in the amount of \$9,391 is hereby approved as authorized as in accordance with the INSURANCE Reserve Fund to be placed in A3031934 – 54775.

Commissioner Madigan moved and Commissioner Mathiesen seconded to approve the resolution to use the insurance reserve in the amount of \$9,391 as distributed with the agenda.

Ayes - All

Discussion and Vote: Resolution for the Use of the Insurance Reserve (14-085)

Commissioner Madigan stated this resolution requests the use of \$2,439.25 for a clean-up matter.

The reading of the following resolution was waived:

WHEREAS, the City council of the City of Saratoga springs established the INSURANCE Reserve Fund on October 15, 2013 pursuant to New York State General Municipal Law §6-n "to make expenditures for any loss, claim action or judgment for which the City of Saratoga Springs is authorized or required to purchase or maintain insurance to said statute", and, WHEREAS, certain property and casualty claims have been filed against the City, and said claims are below the City's property and casualty insurance deductible. Expenditures for said claims remain due and owing, and said claims are of a kind or type that may be lawfully paid from the City's INSURANCE Reserve Fund. There is currently one such claim for A3031934 – 54775 that totals \$2,439.25, as follows:

- National Vacuum Corp: \$2,439.25

NOW, THEREFORE, BE IT RESOLVED, that payment of the above-mentioned expenditures in the amount of \$9,391 is hereby approved as authorized as in accordance with the INSURANCE Reserve Fund to be placed in A3031934 – 54775.

Commissioner Madigan moved and Commissioner Scirocco seconded to approve the resolution to use the insurance reserve in the amount of \$2,439.25 as distributed with the agenda.

Ayes - All

Discussion and Vote: Budget Amendments – Insurance Reserve (14-086)

Commissioner Madigan advised the budget amendments – insurance reserve total \$11,827.25.

Commissioner Madigan moved and Commissioner Mathiesen seconded to approve the 2014 budget amendments – insurance reserves which were distributed with the agenda.

Ayes - All

Discussion and Vote: Budget Transfers – Payroll (14-087)

Commissioner Madigan moved and Commissioner Mathiesen seconded to approve the 2014 budget transfers – payroll which were distributed with the agenda.

Ayes - All

Discussion and Vote: Budget Transfers – Benefits (14-088)

Commissioner Madigan moved and Commissioner Mathiesen seconded to approve the 2014 budget transfers – benefits which were distributed with the agenda.

Ayes - All

Discussion and Vote: Budget Transfers – Contingency (14-089)

Commissioner Madigan advised this request is to transfer \$97,573.46 to the general fund expense line from contingency to cover retro pay and 2014 payroll adjustments for the police admin contracts.

Commissioner Madigan moved and Commissioner Mathiesen seconded to approve the 2014 budget transfers – contingency as distributed with the agenda.

Commissioner Madigan advised the current contingency balance is \$190,729 and \$93,155.54 will remain after this transfer.

Ayes - All

PUBLIC WORKS DEPARTMENT

Approval of the 2014 Water & Sewer Rates Resolution (14-090)

Commissioner Scirocco stated residents will see an increase of 3, 4, and 5% based upon usage.

Commissioner Scirocco moved and Commissioner Mathiesen seconded to approve the 2014 water and sewer rates as presented.

Ayes - All

Discussion and Vote: Approve Resolution – Upstate Gaming & Economic Development Act Referendum

Commissioner Scirocco pulled this item from his agenda.

Discussion and Vote: Authorization for the Mayor to Sign Agreement Addendum II for SAX/BST (14-091)

Commissioner Scirocco stated this agreement addendum is supplemental to the original agreement and addendum 1. The consultants will continue to assist and advise the City with the goal of eliminating the deficit of the City's water and sewer funds within a few years.

Commissioner Scirocco moved and Commissioner Madigan to authorize the mayor to sign agreement addendum II with SAX/BST, LLC in the amount of \$3,000.

Funding is in line F3638314 / 54720.

Ayes - All

Discussion and Vote: Change Pleasant Street to Coach Waldron Way from Washington Street to the Westside Rec (14-092)

Commissioner Scirocco stated Mr. Waldron was the athletic director and coached football, wrestling, track and field, and bowling. He was the founder of the Saratoga Springs Pop Warner Football and a Korean War Veteran.

Commissioner Scirocco moved and Commissioner Franck seconded to approve the changing of Pleasant Street to Coach Waldron Way from Washington Street to the Westside Rec.

Ayes - All

Discussion and Vote: Sick Bank Request (14-093)

Commissioner Scirocco moved and Commissioner Franck seconded to request 13.25 days from the City Hall sick bank for an employee. This has been approved by the City Hall CSEA union.

Ayes - All

Discussion and Vote: Waive Departmental Fee – Music Hall (14-094)

Commissioner Scirocco stated during the week of February 24, 2014, Code Blue/Shelters of Saratoga used the Music Hall as a Code Blue location. The rental fee for the Music Hall Monday – Friday (not-for-profit) is \$75; Saturday and Sunday for not-for-profit is \$350.

Commissioner Scirocco moved and Commissioner Franck seconded to waive the departmental fee for the Music Hall in the amount of \$1,075.

Ayes – All

PUBLIC SAFETY DEPARTMENT

Discussion and Vote: Ordinance to Amend Chapter 148 of the City Code Entitled “Noise” (14-095)

Commissioner Mathiesen moved and Commissioner Scirocco seconded to amend Chapter 148 of the City Code entitled "Noise".

Commissioner Mathiesen stated he would like to change the decibels from 85 to 90 in paragraphs 1a and 2a. This is a less restrictive level.

Ayes - All

Discussion and Vote: Amend Capital Budget (14-096)

Commissioner Mathiesen stated this capital budget amendment is needed to make sure that the Police Department Infrastructure Project line has enough money in it to allow Hoosick Valley Contractors to continue with this project.

Commissioner Mathiesen moved and Commissioner Madigan seconded to amend the capital budget in the amount of \$2,000 for the Police Department Infrastructure Project.

Funding is in line H3146952 / 52000 / 1188.

Ayes - All

Discussion and Vote: Authorization for the Mayor to Sign Agreement with Empire Ambulance (14-097)

Commissioner Mathiesen stated this agreement is to provide back-up ambulance service to the City. They will continue to lease the facility owned by the City at 166 West Avenue for \$30,000.

Commissioner Mathiesen moved and Commissioner Madigan seconded to authorize the mayor to sign an agreement with Empire Ambulance.

Ayes - All

Discussion and Vote: Appointment of Dr. Timothy Brooks as City Health Officer (14-098)

Commissioner Mathiesen stated that on February 28, 2014, Dr. Paul Okosky retired as the City's Health Officer.

Commissioner Mathiesen read the following resolution into the record:

Whereas, the City of Saratoga Springs is desirous of hiring a physician to serve as the Health Officer of the City of Saratoga Springs,
and
Whereas, Dr. Timothy Brooks is a physician duly licensed to practice medicine in New York; and
Whereas, the Commissioner of Public Safety has the authority to appoint a City Health Officer;
Now, Therefore, Be It Resolved, that the City of Saratoga Springs does and hereby hires Dr. Timothy Brooks to serve in the position of City Health Officer. The hours of the City Health Officer shall be 20 hours per month per year for the calendar year 2014. A copy of this resolution will be filed with the City Clerk of Saratoga Springs and forwarded to the New York State and Local Employees Retirement System.

Commissioner Mathiesen moved and Commissioner Madigan seconded to approve the appointment of Dr. Timothy Brooks.

Ayes - All

Set Public Hearing: Amend Capital Budget for Public Safety Infrastructure Project

Commissioner Mathiesen set a public hearing for Tuesday, March 18, 2014 at 6:55 p.m.

Announcement: Department of Public Safety Forum on March 13, 2014 at 7 pm in the City Council Room

Commissioner Mathiesen announced that the next Public Safety Forum will be held on Thursday, March 13th at 7 pm in the City Council Room.

SUPERVISORS

Matthew Veitch

Leadership Saratoga

Supervisor Veitch reported one of the classes of Leadership Saratoga is an overview of how the County operates.

February County Board Meeting Report

Supervisor Veitch reported the made 3 appointments: a member to the Ethics Advisory Council; a member to the County Planning Board; and the Director of the Saratoga County Capital Resource Corporation. They also passed the County Legislative Program and authorized the contracts of their Sheriff's Department with the Towns of Clifton Park and Halfmoon.

Coordination of Not-for-Profits in Saratoga County

Supervisor Veitch reported they attended a meeting where non-profit organizations were brought together. He is looking into a way of better coordination of not-for-profits within the County.

Peter Martin

Veterans Affairs

Supervisor Martin reported there will be a hiring conference held on March 12th at Empire State College on West Avenue. Every vet signed up for the conference is guaranteed at least an interview.

Social Programs

Supervisor Martin reported the Board approved funeral rates for indigents.

Public Health

Supervisor Martin reported revised fees for coroner services were approved by the Board.

County Sewer District

Supervisor Martin reported they carried over \$3.8 million dollars from the 2013 budget to the 2014 budget for capital improvements. This is for infrastructure and capital equipment and for the purchase of a parcel and easement by eminent domain for a pumping station on the west side of the 9P bridge on Saratoga Lake.

Agricultural District

Supervisor Martin reported the Board approved the petition of Dr. Burke to classify the Top Rail Farms as part of the Agricultural District.

ADJOURNMENT

There being no further business, Mayor Yepsen adjourned the meeting at 10:52 p.m.

Respectfully submitted,

Lisa Ribis
Clerk

Approved:
Vote:

DRAFT