



December 2, 2014

CITY OF SARATOGA SPRINGS
City Council Meeting
Agenda

7:00 PM

CALL TO ORDER

ROLL CALL

SALUTE TO FLAG

PUBLIC COMMENT PERIOD / 15 MINUTES

PRESENTATION(S)

1. Bring Your Own Bag – Sustainable Saratoga

EXECUTIVE SESSION: Pending and Potential Litigation

CONSENT AGENDA

1. Approval of 11/17/14 Pre-Agenda Meeting Minutes
2. Approval of 11/18/14 City Council Meeting Minutes
3. Approval of 11/3/14 City Council Meeting Minutes
4. Approve Budget Amendments (Increases)
5. Approve Budget Transfers – Regular
6. Approve Payroll 11/21/14 \$437,493.82
7. Approve Payroll 11/26/14 \$453,057.46
8. Approve Warrant: 2014 Mid – 14MWNOV2 \$29,355.13
9. Approve Warrant: 2014 REG – 14DEC1 \$5,476,989.72

MAYOR'S DEPARTMENT

1. Appointment: Saratoga Springs Commission on the Arts
2. Appointment: Saratoga Springs Housing Authority
3. Discussion and Vote: 2015 Salary for Executive Director of Saratoga Springs Housing Authority
4. Discussion and Vote: Authorization for Mayor to Sign Agreement with Saratoga County for Youth Development Program
5. Discussion and Vote: Authorization for the Mayor to Sign Agreement with ESI Group for 2015 City Employee Assistance Program
6. Discussion and Vote: Accept the Basketball Sponsors
7. Announcement: Landon Moore and George Parker Dedication

ACCOUNTS DEPARTMENT

1. Appointment: Commissioner of Deeds

FINANCE DEPARTMENT

1. Discussion and Vote: Budget Transfers – Payroll
2. Discussion and Vote: Budget Transfers - Benefits

PUBLIC WORKS DEPARTMENT

1. Discussion and Vote: Authorization for the Mayor to Sign Agreement Addendum Two with Environmental Design Partnership LLP – Bog Meadow Source Development Project

PUBLIC SAFETY DEPARTMENT

1. Discussion and Vote: Resolution on Planned Unit Development (PUD's) in the Conservation Development District
2. Discussion: Vacant Structure Registry and Inspections
3. Announcement: Prescription Drug Drop Box in the Lobby of Police Station
4. Discussion: Handicap Parking Access on Broadway
5. Discussion: Ferguson, Missouri

SUPERVISORS

Matthew Veitch

1. Saratoga County Budget Public Hearing, December 3, 2014

Peter Martin

1. Veteran's Affairs
2. County Recycling Operations

ADJOURN

DRAFT



December 2, 2014

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

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

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

Vincent DeLeonardis

Peter Martin, Supervisor
Matthew Veitch, Supervisor

RECORDING OF PROCEEDING

The proceedings of this meeting were taped for the benefit of the secretary. Because the minutes are not a verbatim record of the proceedings, the minutes are not a word-for-word transcript.

CALL TO ORDER

Mayor Yepsen called the meeting to order at 7:03 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 7:04 p.m.

Jane Weihe of 44 White Street shared a piece of campaign literature from 1987 which says "Ask the question; suburban sprawl or small city in the country?" The pledge by the candidate was to preserve the conservancy zones and direct new high density residential and commercial projects in areas already zoned for those projects. That has become embedded in our master plan and now we are here asking that same question. She thanked Commissioner Mathiesen for introducing the resolution on his agenda.

Barbara Thomas of 82 Circular Street stated she moved here last year because it is a small city in the country. She hopes the Council will act so that we preserve the greenbelt around the city and don't allow the planned use developments.

Cliff Ammon of Nelson Avenue stated he speaks in favor of Commissioner Mathiesen's resolution. The thing that makes this city valuable is the trees and zoning we have. He doesn't want developers messing around with our beautiful city.

Tim of Bryan Street reminded everyone of the value of the green spaces. He recommends supporting the resolution.

Colin Klepetar of Waterbury Street stated he hopes all these comments can be directed towards the Comprehensive Plan Committee. He read a letter into the record (Attachment A).

Nancy Goldberg of 66 Sarazen Street stated this is getting old. They have been fighting for city in the country. The citizens don't want it. The last time the Council went into our greenbelt, it was a \$40 million dollar lawsuit. People like to see green, please don't destroy it.

Darlene McGraw of 1 South Federal Street stated she didn't see anything in the paper regarding the car accident from 2 years ago. She is going to take a moment of silence for those victims.

Pastor Peter Barrios of Jefferson Terrace stated the last time he was here he said the Council will be accountable to the citizens on their decisions. He told the Council they have an opportunity to rethink their decisions and ask the people what they really want before they make a decision.

Bea of Dyer Circle asked the Council to help protect the city in the country by preventing development in our green space. It's time to stand strong against this development and represent the majority of Saratoga's residents.

Tom of Maple Avenue stated he decided to move back to Saratoga Springs due to many reasons. If we rob our own city of its DNA, we become just another town in America. Why would we open the door to engager our green space? He urged the Council to think about it before making a decision.

James Stegmen of Cromlin Drive stated we have the opportunity to lead by example. We need to work towards preserving our greenbelt. Let's not allow the PUDs to surround us.

Susan Bokan of Lincoln Avenue stated she moved back here because we are so careful with development in this town.

Denise McDonald of 61 Phila Street stated she appreciates the work the Comprehensive Plan Committee has put into the plan. She understands Comprehensive Plan Committee members have to make a public acknowledgment if they possibly have a conflict of interest. In the court of public opinion, it looks bad and undermines the confidence in the Committee when a majority of the people who voted for the PUDs look like they will financially benefit from the PUDs. A member also started a Facebook page in support of this.

Harry Moran, chair of Sustainable Saratoga thanked Commissioner Mathiesen for cutting to the chase regarding the PUDs. They have heard support of the greenbelt at all the comprehensive plan meetings. Passing the resolution will send a message as to where the Council stands on this issue. He urged the Council to vote for the resolution.

John Kaufmann of 44 White Street stated he is optimistic this resolution is going to pass. The appointments to these boards over the years tend not to be fully reflective of the community. In the future, let's choose people who represent me and the City.

Sam Brewton of 206 Lake Avenue stated he is not against development as a rule. A PUD has a lot of hurdles to leap, which is a comfort. If PUDs are allowed in the greenbelt, the burden will be put back on the citizens. He urged the Council to pass the resolution.

Amy Durland of Lakewood Drive thanked Commissioner Mathiesen for bringing the resolution forward. When given latitude, developers will go for the maximum. The Comprehensive Plan process is supposed to be about what the community wants and needs. The City's current standards already prohibit PUDs in the greenbelt. They rely on our elected officials to do what they are here doing tonight.

Nurcan Atalan of 16 Cleveland Avenue stated a current EPA report cautions us that a PUD tends to be reactive rather than implementing a broad vision. The report also cautions that once a PUD becomes the primary method of site plan review and permitting, municipalities are less able to connect the results of PUDs to the local comprehensive plan objectives. Opening the greenbelt for PUD development would threaten the economic well being of Saratoga Springs. She asked the Council to support Commissioner Mathiesen's resolution.

Alan Turkheimer of 158 Woodlawn Avenue stated he watched Yonkers die as it did not stick to its plan for its downtown. Any desirable cities today have a viable downtown. A PUD is no different than spot zoning; which will open the city to legal implications. He is with Commissioner Mathiesen.

Laura Rappaport of 22 Excelsior Spring Avenue thanked the Comprehensive Committee for their time and efforts. She supports the resolution.

Charlie Samuels of Saratoga Springs stated he has been trying to find out as much as he can regarding PUDs in the greenbelt and hasn't been able to. This forum would be the perfect opportunity to explain how they voted for it.

Mayor Yepsen closed the public comment period at 7:47 p.m.

Mayor Yepsen stated today is Giving Tuesday. She was able to present a proclamation to many not-for-profits this morning.

PRESENTATIONS

Bring Your Own Bag – Sustainable Saratoga

Mayor Yepsen introduced Ann Samuelson and Margie Shepard from Sustainable Saratoga.

Margie and Ann presented points on why we should reduce our reliance on single use shopping bags in Saratoga Springs. They plan to continue educating the community and gathering support for the issue. Cities with bans have had smooth transitions and no negative impacts. Green communities attract younger people. (presentation attached – Attachment B)

Commissioner Mathiesen asked what the next step is. Will they come back to the Council with a local law or ordinance?

Mayor Yepsen stated they have been talking to the large grocery chains. They have been through this with other cities and towns so they can help us through this. They can craft a proposed resolution for proposal to the Council.

Commissioner Mathiesen asked if there is a time frame on this.

Ann and Margie advised they don't have one but would like to get moving on this as soon as possible.

CONSENT AGENDA

Mayor Yepsen moved and Commissioner Franck seconded to accept the consent agenda as follows:

1. Approval of 11/17/14 Pre-Agenda Meeting Minutes
2. Approval of 11/18/14 City Council Meeting Minutes
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4. Approve Budget Amendments (Increases)
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Commissioner Madigan advised item #9 is large due to the retirement payment for 2014/2015.

Ayes - All

MAYOR'S DEPARTMENT

Appointment: Saratoga Springs Commission on the Arts

Mayor Yepsen appointed William Finley, Susan Rivers, Meg Kelly, and Artie Russell.

Susan Rivers stated their primary goal is to support local artists and art organizations through advocacy, promotion and collaboration. The purpose of the group is to help with grant applications; enhance the arts and local economy; participate in the regional creative economy; and to assist the mayor and the Council with setting policy and programs when dealing with City art related issues.

Appointment: Saratoga Springs Housing Authority

Vince DeLeonardis, city attorney, stated it has been the intention of the mayor to clean up the appointment process and make it more professional. The law firm retained to review this process advised there are 3 vacancies on the Housing Authority Board. This was a global review of the entire appointment process.

Commissioner Madigan asked since this is a global process, will they be seeing other people removed from their positions as volunteers.

Vince advised the review is all encompassing and looks at the entire process. The attorneys advised that due to the invalidity of the appointments, there are vacancies.

Commissioner Mathiesen asked in what way are those appointments invalid.

Vince advised the oaths of office need to be filed within 30 days of the appointment or re-appointment. According to Public Officer's Law, if the oaths are not filed in the manner prescribed, appointments are to be considered invalid and therefore vacant.

Mayor Yepsen advised she inherited some unlawful/vacant positions that need to be addressed. This is not the only board which had 'midnight' appointments by the former administration. If there are vacancies on these boards, board actions by board members who were not officially/appropriately appointed could be challenged. She interviewed all applicants before making a decision of who she would be appointing.

Commissioner Madigan stated this sounds like a technicality.

Commissioner Mathiesen stated he feels there was a lack of transparency with not having the knowledge of the appointments.

Mayor Yepsen appointed Ken Ivins, Joy King, and Ann Bullock. She thanked Al Collucci and Lou Schneider for their time and service.

Commissioner Mathiesen asked for a listing of terms for the appointees.

Mayor Yepsen will provide the Council with that information.

Commissioner Franck stated there have been disagreements between attorneys regarding who is required to complete oaths of office; therefore doing this exercise is very important.

Discussion and Vote: 2015 Salary for Executive Director of Saratoga Springs Housing Authority (14-449)

Mayor Yepsen advised the City has been attempting to build a better relationship with the Housing Authority and are making progress. Earlier this year some of the salaries were approved. The executive director was not approved as the Council asked for a proposed salary for the incoming director. The proposed salary is \$108,914.

Mr. Paul Feldman, executive director of the Saratoga Housing Authority was present and provided a short bio on himself.

Mayor Yepsen moved and Commissioner Mathiesen seconded to approve the salary of the executive director of the Saratoga Springs Housing Authority in the amount of \$108,914 for the period of January 1, 2015 to December 31, 2015 and further move to approve the executive director's receipt health, vision, and dental benefits in the same manner by which they are currently provided other employees of the Authority.

Commissioner Madigan stated she is concerned that the contract is a 2 year contract even with their vote of salary for one year. Also, the contract allows for the executive director to terminate with 90 day notice to the employer. It reads to her that the full reimbursement of the 2 year contract would still have to be paid.

Paul Feldman advised he has not problem with adding anything to the contract.

Scott Peterson, attorney for the Housing Authority, stated the contract has not been approved by the board. That discussion will happen tomorrow. If the employee were to resign and walk away, that would be the end of the contract. It is standard language.

Ayes - All

Discussion and Vote: Authorization for Mayor to Sign Agreement with Saratoga County for Youth Development Program (14-450)

Deputy Mayor Joe Ogden advised there was a small change on this agreement today. The director of risk and safety worked with the County to put more agreement insurance language into the agreement. This is for \$6,500 of reimbursement to the City.

Mayor Yepsen moved and Commissioner Mathiesen seconded to authorize the mayor to sign an agreement with Saratoga County for reimbursement of \$6,500 for costs which support youth development recreation programs as distributed this evening.

Ayes - All

Discussion and Vote: Authorization for the Mayor to Sign Agreement with ESI Group for 2015 City Employee Assistance Program (14-451)

Mayor Yepsen advised this is an annual agreement for the employee's Employee Assistance Program. The cost is \$3,409.02 for uniformed employees and \$4,418.82 for all other city employees. Funding for the total amount is in line A3011434/54572.

Mayor Yepsen moved and Commissioner Madigan seconded to authorize the mayor to sign two agreements with the ESI Group for the 2015 renewal of the Employee Assistance Program as distributed with the agenda.

Ayes - All

Discussion and Vote: Accept the Basketball Sponsors (14-452)

John Hirliman of the Recreation Department read the following list of basketball sponsors: Adirondack Trust Company for \$275; Adirondack Trust Insurance for \$275; AFSCO Fence Supply for \$275; Allerdice Building & Supply for \$275; Boxley Services for \$275; Cudney's Launderers for \$275; Foley Chiropractic for \$275; Gaffneys for \$275; Harris Beach for \$275; Knights of Columbus for \$275; Krackeler Scientific for \$275; Leon's Mexican Restaurant for \$275; Munter Enterprises for \$275; Saratoga Springs PBA for \$275; Pennell's for \$275, Saratoga Springs Firefighters for \$275; Saratoga Rotary Club for \$275; Saratoga Guitar for \$275; Saratoga Learning Center for \$275; Saratoga Lions Club for \$275; Saratoga – Wilton Elks #161 for \$275; Taft Furniture for \$275; Turbine Services, LTD for \$275; Zanetti Milwork for \$275; Zieker Eye for \$275; and TCBR for \$500.00. The total amount is \$7,375.

Mayor Yepsen moved and Commissioner Mathiesen seconded to accept the donations from each of the fore-mentioned donors for our basketball sponsors as described.

Ayes - All

Announcement: Landon Moore and George Parker Dedication

John Hirliman of the Recreation Department announced the dedication ceremony for Landon Moore and George Parker will be held on December 20, 2014 at 10:30 a.m. at the Recreation Center.

ACCOUNTS DEPARTMENT

Appointment: Commissioner of Deeds

Commissioner Franck announced the appointment of the following commissioner of deeds:

- Public Safety Department: Dan Cogan, Lisa Nolan, Kevin Veitch, and Danielle Willard
- Accounts Department: Lisa Ribis, Stefanie Richards, and Tara Cosgrove
- Civil Service: Patsy Berrigan

FINANCE DEPARTMENT

Discussion and Vote: Budget Transfers – Payroll (14-453)

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

Ayes – All

Discussion and Vote: Budget Transfers – Benefits (14-454)

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

Ayes - All

PUBLIC WORKS DEPARTMENT

Discussion and Vote: Authorization for the Mayor to Sign Agreement Addendum Two with Environmental Design Partnership LLP – Bog Meadow Source Development Project (14-455)

Commissioner Scirocco advised this is for the continual construction administration and inspection. They need to authorize Environmental Design Partnership to perform additional construction phase services to ensure the contractor is completing the project correctly.

Commissioner Scirocco moved and Commissioner Madigan seconded to authorize the mayor to sign agreement addendum 2 with Environmental Design Partnership, LLP in the amount of \$25,425 for the Bog Meadow Source Development Project.

Funding is in line H3638332 / 52000 / 1227.

Ayes - All

PUBLIC SAFETY DEPARTMENT

Discussion and Vote: Resolution on Planned Unit Development (PUD's) in the Conservation Development District (14-456)

Commissioner Mathiesen read the following resolution into the record:

Resolution on PUDs

Whereas, the City of Saratoga Springs is a world renowned destination which has won awards both for its vibrant downtown and for its desirable lifestyle for its residents, and

Whereas, the concept of City in the Country was established decades ago as a means of preserving open space in the rural districts of the City, presently defined as the Conservation Development District and of encouraging the re-development of the City's urban core, and

Whereas, the City in the Country standards have been incorporated into previous Comprehensive Plans and codified into the Zoning Ordinance and have effectively discouraged inappropriate development in the Conservation Development District, and

Whereas, by preserving the unique nature of our City, these guidelines continue to protect the economic viability of the local community and have a positive impact on the regional economy, and

Whereas, our citizens value the preservation of open space through the City in the Country concept, and

Whereas, a means of continuing to protect the concept of City in the Country has included a zoning ordinance prohibition of Planned Unit Developments (PUDs) in the Conservation Development District, and

Whereas, to be effective, the protection of the Conservation Development District must be a long term community commitment,

Now, therefore be it resolved that, in order to protect the unique character of our City, the City Council supports the prohibition of Planned Unit Developments (PUDs) in the Conservation Development District.

Commissioner Mathiesen moved and Commissioner Madigan seconded to adopt the resolution as presented and attached to the agenda.

Commissioner Madigan stated the public has been consistent. She supports this.

Commissioner Franck provided history of how the committee was formed. This change is substantial; it is not a tweaking of the plan.

Mayor Yepsen stated she was the only one at the table with no appointment to this committee. It was troubling how the committee was chosen. The Committee was diverse and with that comes some difficulty. The most important goal is to update the Comprehensive Plan. The Comprehensive Plan Committee is an advisory only board.

Brad Birge, of the Planning Department, advised this project began approximately 22 months ago. Over that time period multiple open houses were held, 18 public meetings, workshops, and focus groups. Their task to date has been to provide a document to the public as an advisory committee. The next task is to have a public hearing; which is scheduled for December 9th at 6 p.m. Once the Council receives this document, they must schedule another public hearing and also send it to the County Planning Board for their review. The Council has total authority of what remains in the document and what doesn't.

Ayes – All

Discussion: Vacant Structure Registry and Inspections

Commissioner Mathiesen advised 71 letters were sent out March 29, 2013 to vacant structure and vacant lot property owners. Of those letters, 17 owners have responded and registered their property. As of November 19, 2014 all of those properties have been inspected. They need to send out additional registration letters with an appearance date for court.

Announcement: Prescription Drug Drop Box in the Lobby of Police Station

Commissioner Mathiesen advised a prescription drug box was placed in the lobby of the Police Station. Formerly residents were able to bring prescription drugs to the Police Department for disposal twice a year.

Discussion: Handicap Parking Access on Broadway

Commissioner Mathiesen advised all the handicap parking spaces on Broadway are on the west side of Broadway. A plan has been created to redistribute the handicap spaces. In addition to looking at handicap parking spaces, they worked with Department of Public Works to look at sidewalks.

Discussion: Ferguson, Missouri

Commissioner Mathiesen advised a local radio program was trying to make a point that nothing has changed between the Rodney King incident in 1991 and the Ferguson, Missouri incident this past summer. He disagrees with this observation. Police officers are smarter and more professional in their careers. They are much less apt to be racially prejudice or tolerant of brutality. Our officers are carefully screened and we have invested in video surveillance systems in our night club district and wear body recording systems.

SUPERVISORS

Matthew Veitch

Saratoga County Budget Public Hearing, December 3, 2014

Supervisor Veitch reported the public hearing for the County budget will be held on December 3rd at 5:30 p.m.

Peter Martin

Veteran's Affairs

Supervisor Martin pulled this item from his agenda.

County Recycling Operations

Supervisor Martin reported their efforts to turn recycling over to a private firm continues. They received 3 viable bids. The County is still proposing to pay the City \$35,000 to staff the recycling center on Weibel Avenue.

EXECUTIVE SESSION

Mayor Yepsen moved and Commissioner Mathiesen seconded to adjourn to executive session regarding potential litigation at 9:54 p.m.

Ayes - All

The Council returned at 11:12 p.m.

Commissioner Scirocco moved and Commissioner Franck seconded to add an item to his agenda. (14-497)

Ayes – All

Commissioner Scirocco moved and Commissioner Madigan seconded to settle and outstanding claim by Bonacio Construction, Inc. Bonacio Construction's attorney, Keith Ferrara has asserted a potential claim from Bonacio Construction in the amount of \$1,029,359.03 for improvements made by Bonacio to the City's infrastructure. Bonacio has provided documentation of this amount and City personnel has confirmed work has been done. Bonacio's attorney and our attorney, John Aspland, have discussed the matter. It appears that Bonacio currently owes a total of \$810,000 to the City for water connection fees. Bonacio's attorney proposes that the claim be settled in its entirety for the outstanding fee balance of \$810,000. Bonacio will make no claim for the remaining \$219,359.03 in improvements to the City infrastructure. The \$219,359.03 is being considered as a gift to the City. Upon confirmation of the outstanding fee balance, he moved to settle the claim asserted by Bonacio Construction for the amount of \$810,000. (14-498)

Ayes – All

Commissioner Scirocco moved and Commissioner Franck seconded to add another item to his agenda. (12-499)

Ayes – All

Commissioner Scirocco set a public hearing for Local Law #3 of 2014 for December 16, 2014 at 6:50 p.m. This local law will amend sections of City Code Chapter 231 for water and sewer.

ADJOURNMENT

There being no further business, Mayor Yepsen adjourned the meeting at 11:16 p.m.

Respectfully submitted,

Lisa Ribis
Clerk
Approved:
Vote:

DRAFT