



December 16, 2014

CITY OF SARATOGA SPRINGS
City Council Meeting
Agenda

6:50 PM P.H. – Local Law No. 3 of 2014

7:00 PM

CALL TO ORDER

ROLL CALL

SALUTE TO FLAG

PUBLIC COMMENT PERIOD / 15 MINUTES

PRESENTATION(S)

1. Saratoga Casino and Raceway Design Update

EXECUTIVE SESSION: Discuss Article 7 cases/potential litigation/collective bargaining

CONSENT AGENDA

1. Approval of 10/30/14 Budget Workshop Meeting Minutes
2. Approval of 12/1/14 Pre-Agenda Meeting Minutes
3. Approve resolution for the Use of the Insurance Reserve
4. Approve Budget Amendments – Insurance Reserve
5. Approve Budget Amendments (Decreases)
6. Approve Budget Amendments (Increases)
7. Approve Budget Transfers – Regular
8. Approve Payroll 12/5/14 \$481,800.96
9. Approve Payroll 12/12/14 \$476,688.07
10. Approve Warrant: 2014 Mid – 14MWDEC1 \$157,237.18 \$29,355.13
11. Approve Warrant: 2014 REG – 14DEC2 \$4,094,184.61

MAYOR'S DEPARTMENT

1. Discussion and Vote: Approve Addendum to Agreement Between the City of Saratoga Springs and Girvin and Ferlazzo, P.C.
2. Discussion and Vote: Authorization for Mayor to Sign DPW Contract Previously Approved by City Council with Revisions Made Thereto
3. Discussion and Vote: Authorization for Mayor to Sign Amended Contract with Miller, Mannix, Schachner & Hafner, LLC
4. Discussion and Vote: Authorization for the Mayor to Sign Agreement with Evergreen Vending Services
5. Discussion and Vote: Recreation Department Part Time / Seasonal Hourly Rate Personnel
6. Announcement: Recreation Program and Event Announcements
7. Discussion and Vote: Accept Donation of \$250 from Callanan Industries for Vietnam Commemorative Committee
8. Discussion and Vote: Amend Contract with MJ Engineering

9. Discussion and Vote: City Council to Accept Concert Donation for Visitor's Center from Wesley Health Care in the Amount of \$200
10. Discussion and Vote: Appointment to the City Center Authority Board
11. Announcement: VC Volunteer Recognition Hosted by DZ Restaurants at Boca Bistro
12. Announcement: 2015 Community Development Block Grant Applications
13. Announcement: Award of USA Track and Field Events

ACCOUNTS DEPARTMENT

1. Discussion and Vote: Authorization for Mayor to Sign Contract with Fitzgerald, Morris, Baker, Firth for Article 7 Cases
2. Discussion and Vote: Authorization for the Mayor to Sign a Contract with Towne Ryan & Partners for Legal Services
3. Appointment: Commissioner of Deeds
4. Award of Bid: Extension of Bid for Bond Counsel Legal Services to Walsh and Walsh
5. Discussion and Vote: Pets in the Workplace Safety Committee 120814 Draft
6. Award of Bid: Ballston Avenue Traffic Improvements to Bast Hatfield Construction, LLC

FINANCE DEPARTMENT

1. Discussion and Vote: 2015 City Fees
2. Discussion and Vote: Solar Power Purchase Agreement Between the City of Saratoga Springs and Sun Edison
3. Discussion and Vote: Solar Interconnection Agreement (Form K) for National Grid
4. Discussion and Vote: Intermunicipal Agreement Between the City of Saratoga Springs and NYS Office of Parks, Recreation and Historic Preservation for Dog Park Improvements
5. Discussion and Vote: Addendum to Agreement Between the City of Saratoga Springs and FitzGerald Morris Baker Firth PC
6. Discussion and Vote: Budget Transfers – Payroll
7. Discussion and Vote: Budget Transfers – Benefits
8. Discussion and Vote: Budget Transfers – Legal
9. Discussion and Vote: Budget Amendments – Benefits
10. Discussion and Vote: Budget Amendments – 2013 Fund Balance Excess
11. Discussion and Vote: Agreement Between the City of Saratoga Springs and OpenGov Inc.

PUBLIC WORKS DEPARTMENT

1. Discussion and Vote: Resolution Local Law No. 3 of 2014
2. Discussion and Vote: Authorization for the Council to Approve Water Leak Adjustment
3. Discussion and Vote: Authorization for the Mayor to Sign Agreement Addendum #4 with Barton & Loguidice, DPC – Water Treatment Plant Filter Rehabilitation Project
4. Discussion and Vote: Authorization for the Mayor to Sign Agreement with Saratoga Co. for the Intermunicipal Recycling
5. Discussion and Vote: Authorization for the Mayor to Sign Agreement with the NYS Environmental Facilities Corporation for the Pump Stations Study
6. Discussion and Vote: Authorization for the Mayor to Sign Change Order for the time Extension – Casino Vertical Lift
7. Discussion and Vote: Authorization for the Mayor to Sign Lease Agreement with Senior Citizen's Center of Saratoga Springs
8. Discussion and Vote: Authorization to Establish Step Salary – Data Collector
9. Discussion and Vote: Resolution – DOT Ballston Avenue
10. Discussion and Vote: Authorization for the Mayor to Sign Supplemental Agreement #3 with DOT – Ballston Avenue
11. Discussion and Vote: Authorization for the Mayor to Sign Agreement with Bast Hatfield Inc. Ballston Avenue Traffic Improvement Project

PUBLIC SAFETY DEPARTMENT

1. Discussion and Vote: Authorization for Mayor to Sign Agreement with Art Breault, NYS Certified Instructor Coordinator for the Fire Department Training
2. Discussion and Vote: Authorization for Mayor to Sign Agreement with Nixon Peabody
3. Discussion: Saratoga Casino Revised Expansion Plans

SUPERVISORS

Matthew Veitch

1. Saratoga County 2015 Budget
2. Saratoga County Prosperity Partnership
3. Board Committee Assignments
4. Public Safety Committee
5. Organizational Meeting – January 2, 2015

Peter Martin

1. Framework for Success
2. County Recycling Program
3. Maplewood Manor

ADJOURN

DRAFT



December 16, 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.

PUBLIC HEARING

Local Law No. 3 of 2014

Mayor Yepsen opened the public hearing at 6:51 p.m.

Commissioner Scirocco stated this hearing is to repeal Chapter 231 of the Code of the City of Saratoga Springs. Both sections are relative to both of those sections. This revision will eliminate the \$3,000 water connection fee.

Doug Winters, president of the Saratoga Builders Association. He read a letter into the record (Attachment A). They urge the Council to abolish this fee.

Mary Carr of Saratoga stated in her prior life she ran the budget for the Department of Environmental Protection and the Department of Buildings. One of the revenue streams was connections for all sorts of water supply areas. For it to be thrown away in Saratoga Springs, it would be a good idea to put this aside and continue getting the revenue.

Mark Lawton of Nelson Avenue stated he is here to talk about this matter from the fiscal point of view. He has a concern with eliminating a fee schedule without having something to replace with it. It does not show

fiscal responsibility. Without an adequate fee schedule you will pass the burden on to the taxpayers. It is important to talk to the public about this. He suggested tabling this matter.

Darlene McGraw of 1 South Federal Street stated we are responsible for whatever decisions we make.

Bill McTygue of 15 York Street stated he is here to express his total opposition to this. He corrected a couple statements made in today's paper. One statement made by Commissioner Scirocco was the connection fee program that was established was to expire after 6 years; once enough money was collected to develop a backup water source. That is a wrong interpretation of that program. The question is why are we discussing dropping the water connection fee at a time when there is an investigation underway. If the City Council moves ahead, it will be viewed as a means to justify the mismanagement of a program that has been in place for 22 years.

Tom McTygue, former Commissioner of Public Works, stated the Council should step back and give this some time. As stated, the general public didn't have the opportunity to read this as the public hearing was placed on the agenda after coming out of executive session late at night.

Jen Langlen asked to not have a vote on the same night as a public hearing. Give the public a chance to digest the information.

Marcie Taylor of 49 Doten Avenue suggested holding off on this until the report comes out from the Comptroller's Office. It just doesn't look good. She is confused why this is happening so quickly.

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.

Darlene McGraw of 1 South Federal Street asked why speakers have to give their exact address. Some people need to keep their addresses confidential. Body language speaks loudly. She asked the Council to please listen to the speakers when they are talking.

Nicholas of Gansevoort stated he is here regarding Maplewood Manor. His salary of \$42,000 per year has been cut to \$20,000 per year. People deserve better and hope the supervisors will take this back to the board.

Tom McTygue, former commissioner of public works, stated the public should also have ability to ask additional questions regarding the water after the attorney speaks.

Mark Lawton of Nelson Avenue stated he hopes the vote on the water is going to be tabled. There is something that doesn't smell right regarding the water issue in the City. They have no answers or explanation as to the long term impact of our water systems. There have been 8 violations by the state that haven't been talked about by the Council. We have wells that are not connected.

Mary Carr reminded the Council they were voted by us to do for us and not to us. Tabling this and having some kind of investigation would not be a bad idea.

Mayor Yepsen closed the public comment period at 7:30 p.m.

PRESENTATIONS

Saratoga Casino and Raceway Design Update

Brian Davis of the Saratoga Casino and Raceway presented an update on the design. They are a good member of the community and employ over 600 people. Their primary objective is to build a casino hotel; a 108 room hotel. A large part of their rooms are comped rooms to those who build up their points. Their application included planning for a potential future events center. The proposal they are here to discuss tonight is to eliminate any aspects of an event center from planning, design, and application. He provided a reminder of the layout of the hotel. The outside of the building hasn't changed and the character still fits within the community of which they are a part of.

Mr. Davis stated they need a "Will Serve" letter from the Department of Public Works and the Department of Public Safety; and some form of record from the City stating the City is in sync with the Racino.

Commissioner Mathiesen stated he did receive a request for a "Will Serve" letter. He checked with police and fire for feedback and the department will be providing this letter. He complimented the Racino for listening to the people of the City.

Commissioner Scirocco stated he agrees with Commissioner Mathiesen. He is on board with this.

Mayor Yepsen asked Tony Izzo if it would be appropriate to put a letter together from the Council to state they support this proposal.

Tony Izzo, assistant city attorney, advised the City Council could create a resolution.

EXECUTIVE SESSION

Mayor Yepsen moved and Commissioner Franck seconded to adjourn to executive session regarding potential litigation at 8:50 p.m.

Ayes - All

The Council returned at 9:15 p.m. Mayor Yepsen advised an item will be added to Commissioner Franck's agenda and they will vote on an item on Commissioner Mathiesen's agenda.

CONSENT AGENDA

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

1. Approval of 10/30/14 Budget Workshop Meeting Minutes
2. Approval of 12/1/14 Pre-Agenda Meeting Minutes
3. Approve resolution for the Use of the Insurance Reserve
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Ayes – All

MAYOR'S DEPARTMENT

Discussion and Vote: Approve Addendum to Agreement Between the City of Saratoga Springs and Girvin and Ferlazzo, P.C. (14-457)

Mayor Yepsen stated this addendum will increase the contract 'not to exceed amount' by \$14,000 for 2014 bringing the total amount to \$29,000.

Mayor Yepsen moved and Commissioner Franck seconded to authorize the mayor to sign the addendum contract with Girvin and Ferlazzo, P.C. increasing the not to exceed amount to \$29,000 for additional legal service associated with collective bargaining negotiations as distributed with the agenda.

Funding is in line A3011424 / 54720.

Ayes - All

Discussion and Vote: Authorization for Mayor to Sign DPW Contract Previously Approved by City Council with Revisions Made Thereto (14-458)

Mayor Yepsen pulled this item from her agenda as they are still waiting for numbers from CSEA.

Discussion and Vote: Authorization for Mayor to Sign Amended Contract with Miller, Mannix, Schachner & Hafner, LLC (14-459)

Mayor Yepsen stated this will allow the 'not to exceed' amount to be increased by \$10,000 bringing the maximum to \$30,000 for 2014.

Mayor Yepsen moved and Commissioner Franck seconded to authorize the mayor to sign the amended contract with Miller, Mannix, Schachner & Hafner, LLC to increase the 'not to exceed amount' to \$30,000 for additional legal services as distributed with the agenda.

Funding is in line A3618684 / 54720 and A3011424 / 54720.

Ayes – All

Discussion and Vote: Authorization for the Mayor to Sign Agreement with Evergreen Vending Services (14-460)

Mayor Yepsen introduced John Hirliman from the Recreation Department for bringing this forward.

Mayor Yepsen moved and Commissioner Mathiesen seconded to authorize the mayor to sign an agreement with Evergreen Vending Services as distributed with the agenda.

Ayes – All

Discussion and Vote: Recreation Department Part Time / Seasonal Hourly Rate Personnel (14-461)

John Hirliman stated their goal is have a 5 year scale for these employees. They are trying to accommodate the increase in the minimum wage amount. Any new part time / seasonal hourly employee will be paid the approved 2015 starting hourly wage; if any current employee's rate exceeds the proposed year 3 rate the employee will receive the 2014 rate. There will be salary increases up to \$1.25/hour on some employees to accommodate for the minimum wage increase.

Mayor Yepsen moved and Commissioner Mathiesen seconded to approve the Recreation Department 2015 part time / seasonal hourly rates as distributed with the agenda.

Ayes - All

Announcement: Recreation Program and Event Announcements

John Hirliman announced this Saturday at 10:30 they will be honoring George Parker and Landon Moore. Also, they are registering for introduction to ice program, zumba, and box lacrosse. Check the departments web page for additional information – www.saratogarec.com.

Discussion and Vote: Accept Donation of \$250 from Callanan Industries for Vietnam Commemorative Committee (14-462)

Mayor Yepsen stated this donation is to help support the Vietnam Commemorative Committee activities.

Mayor Yepsen moved and Commissioner Madigan seconded to accept the donation of \$250 from Callanan Industries in the amount of \$250 to support the activities of the Vietnam Commemorative Committee.

Ayes - All

Discussion and Vote: Amend Contract with MJ Engineering (14-463)

Mayor Yepsen stated our Comprehensive Plan update has taken longer than thought. MJ has been working without requesting additional funds. Funds will come from lines A3618684 / 54720.

Mayor Yepsen moved and Commissioner Franck seconded to authorize the mayor to sign an addendum to our existing contract with MJ Engineering in the amount of \$800 for additional services for the last meeting and to present the draft to the City Council of the Comprehensive Plan update.

Ayes - All

Discussion and Vote: City Council to Accept Concert Donation for Visitor's Center from Wesley Health Care in the Amount of \$200 (14-464)

Mayor Yepsen stated this is the final donation for the 2014 series.

Mayor Yepsen moved and Commissioner Mathiesen seconded to accept the concert donation for the Visitor's Center from Wesley Health Care in the amount of \$200 for the 2014 concert series.

Ayes - All

Discussion and Vote: Appointment to the City Center Authority Board (14-465)

Mayor Yepsen moved and Commissioner Scirocco seconded to appoint Roger Goldsmith to the Saratoga Springs City Center Authority Board for a term beginning today, December 16, 2014 through March 20, 2019.

Ayes - All

Announcement: VC Volunteer Recognition Hosted by DZ Restaurants at Boca Bistro

Mayor Yepsen announced that each year the Visitor Center partners with a local restaurant to host an event to recognize volunteers. That luncheon happened on November 24th.

Announcement: 2015 Community Development Block Grant Applications

Mayor Yepsen announced the 2015 Community Development Block Grant applications are available in the Community Development Office and on the website. Applications are due by January 30, 2015.

Announcement: Award of USA Track and Field Events

Mayor Yepsen announced the USA Track and Field events will be held in Saratoga Springs in 2015.

Peter Goutos introduced the members who helped to get this event here. The event will be October 18, 2015.

ACCOUNTS DEPARTMENT

Discussion and Vote: Authorization for Mayor to Sign Contract with Fitzgerald, Morris, Baker, Firth for Article 7 Cases (14-466)

Commissioner Franck advised this firm has been handling Article 7 matters relating to assessments. This is an annual renewal to have a new agreement in effect for 2015.

Commissioner Franck moved and Commissioner Mathiesen seconded to authorize the mayor to sign the agreement with Fitzgerald, Morris, Baker, and Firth for article 7 matters with fees billed at an hourly rate not to exceed \$170/hr. and not to exceed the amount appropriated in line A3051354 / 54720.

Ayes - All

Discussion and Vote: Authorization for the Mayor to Sign a Contract with Towne Ryan & Partners for Legal Services (14-467)

Commissioner Franck advised this firm has been handling some article 7 matters. This is an annual renewal to have a new agreement in effect for 2015.

Commissioner Franck moved and Commissioner Mathiesen seconded to authorize the mayor to sign the agreement with Towne, Ryan and Partners for article 7 matters with fees billed at an hourly rate not to exceed \$170/hr. and not to exceed the amount appropriated in line A3051354 / 54720.

Ayes - All

Appointment: Commissioner of Deeds

Commissioner Franck announced he is appointing the list of police officers that were submitted with the agenda and Marilyn Rivers of the Accounts Office as Commissioner of Deeds.

Award of Bid: Extension of Bid for Bond Counsel Legal Services to Walsh and Walsh (14-468)

Commissioner Franck moved and Commissioner Madigan seconded to extend the bid for legal services for bonding to Walsh and Walsh, LLP for an additional year under the same terms and conditions.

Funding is in line V3719714 / 54720.

Ayes - All

Discussion and Vote: Pets in the Workplace Safety Committee 120814 Draft (14-469)

Commissioner Franck moved and Commissioner Scirocco seconded to adopt the Pets in the Workplace Policy as distributed with the agenda.

Marilyn Rivers stated this policy was developed per request of the Department of Public Works. They found there were spiders, snakes, fish, and frogs that were poisonous. It has the human resource administrator as responsible party.

Ayes – All

** Commissioner Franck recused himself from the next item and left the room.

Award of Bid: Ballston Avenue Traffic Improvements to Bast Hatfield Construction, LLC (14-470)

Commissioner Madigan moved and Commissioner Scirocco seconded to award the bid for the Ballston Avenue Traffic Improvements Project to Bast Hatfield Construction, LLC. They were the lowest qualified bidder.

Funding is in line H3133312 / 52021 / 75660.

Ayes – All

** Commissioner Franck re-joined the meeting.

Commissioner Franck moved and Commissioner Madigan seconded to add an item to his agenda to authorize the settlement of 2 article 7 cases. (14-471)

Ayes – All

Commissioner Franck moved and Commissioner Madigan seconded to settle the Article 7 cases for parcel #s 177.-1-47, 177.-1-41.-1, 177.-1-41.-2, 177.-1-41.-3, 177.-1-41.-4, 177.-1-41.-5, 177.-1-41.-6, 177.-1-41.-7, 177.-1-41.-8, 177.-1-41.-9, 177.-1-41.-10, 177.-1-53, and 178.-1-51 for years 2011, 2012, and 2013 as follows:

Parcel #	Negotiated Assessed Value 2011	Negotiated Assessed Value 2012	Negotiated Assessed Value 2013
177.-1-47	\$1,698,401.00	\$1,698,401.00	\$1,698,401.00
177.-1-41.-1	\$1,585,527.00	\$1,585,527.00	\$1,585,527.00
177.-1-41.-2	\$1,268,069.00	\$1,268,069.00	\$1,268,069.00
177.-1-41.-3	\$1,426,798.00	\$1,426,798.00	\$1,426,798.00
177.-1-41.-4	\$1,268,069.00	\$1,268,069.00	\$1,268,069.00
177.-1-41.-5	\$1,744,256.00	\$1,744,256.00	\$1,744,256.00
177.-1-41.-6	\$2,694,866.00	\$2,694,866.00	\$2,694,866.00

177.-1-41.-7	\$2,377,408.00	\$2,377,408.00	\$2,377,408.00
177.-1-41.-8	\$1,426,798.00	\$1,426,798.00	\$1,426,798.00
177.-1-41.-9	\$1,902,985.00	\$1,902,985.00	\$1,902,985.00
177.-1-41.-10	\$158,729.00	\$158,729.00	\$158,729.00
177.-1-53	\$84,655.00	\$84,655.00	\$84,655.00
178.-1-51	N/A	\$8,473,880	\$8,473,880

The total refund for Quad for years 2011 – 2013 is \$112,947 and the total refund for Ball for years 2012 & 2013 is \$18,589. The grand total of refunds being made is \$131,536. (14-472)

Ayes - All

FINANCE DEPARTMENT

Discussion and Vote: 2015 City Fees (14-473)

Commissioner Madigan stated the fees have been uploaded with the agenda.

Commissioner Madigan moved and Commissioner Scirocco seconded to adopt the 2015 City Fees as distributed with the agenda.

Ayes - All

Discussion and Vote: Solar Power Purchase Agreement Between the City of Saratoga Springs and Sun Edison (14-474)

Commissioner Madigan stated SunEdison will build, own, and maintain a solar array for an estimated 20 years. Funding has been received from NYSERDA. The electricity produced from the solar panels will be directed to National Grid and the City will be credited for amounts generated. The City will pay SunEdison for electricity that is directed to National Grid. The term of the contract is for 20 years.

Commissioner Madigan moved and Commissioner Mathiesen seconded to authorize the mayor to sign the power purchase agreement between the City of Saratoga Springs and Sun Edison as distributed with the agenda.

Ayes - All

Discussion and Vote: Solar Interconnection Agreement (Form K) for National Grid (14-475)

Commissioner Madigan this is part of the interconnection application.

Commissioner Madigan moved and Commissioner Mathiesen seconded to authorize the mayor to sign the interconnection agreement Form K for National Grid as distributed with the agenda.

Ayes - All

Discussion and Vote: Intermunicipal Agreement Between the City of Saratoga Springs and NYS Office of Parks, Recreation and Historic Preservation for Dog Park Improvements (14-476)

Commissioner Madigan stated the Council approved the use of up to \$33,000 from the Recreation Trust to be used toward a joint project with NYS Office of Parks, Recreation and Historic Preservation for dog park improvements. The State Park owns the property and will own the fence. They will have the sole responsibility for construction and maintenance of the fence.

Funds are in line A3527144 / 54720.

Commissioner Madigan moved and Commissioner Mathiesen seconded to authorize the mayor to sign an intermunicipal agreement between the City of Saratoga Springs and NYS Office of Parks, Recreation and Historic Preservation for dog park improvements as distributed with the agenda.

Ayes - All

Discussion and Vote: Addendum to Agreement Between the City of Saratoga Springs and FitzGerald Morris Baker Firth PC (14-477)

Commissioner Madigan stated this is to increase the up to amount to \$19,999 and to extend the end date to December 31, 2015. Funds are in line A3021314 / 54720. There have been 3 meetings on the City Center lease.

Commissioner Madigan moved and Commissioner Scirocco seconded to authorize the mayor to sign the agreement with Fitzgerald Morris Baker Firth PC as distributed with the agenda.

Mayor Yepsen stated the 'not to exceed' amount is being increased by 400%. She wondered how they came to that amount.

Commissioner Madigan advised this agreement is also being used for the investigation of our water connection fees.

Mayor Yepsen asked if there is any reason why we can't do the lease negotiation in-house.

Commissioner Madigan stated they cannot as they have contracted with FitzGerald Morris Baker and Firth for this.

Mayor Yepsen stated she can't support this. She feels the City would be better served if this lease was negotiated by our city attorney.

Commissioner Madigan stated to feel free not to support it, it really doesn't matter.

Commissioner Scirocco stated he doesn't feel they would want to burden the city attorney with this.

Commissioner Madigan stated they started this because we did not have a city attorney on staff at the time. This is a reasonable amount of money and this firm has served us well.

Commissioner Mathiesen stated he supports having the outside attorneys on this matter; otherwise there could be a conflict of interest.

Ayes – 4

Nays – 1 (Mayor Yepsen)

Discussion and Vote: Budget Transfers – Payroll (14-478)

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 (14-479)

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

Ayes - All

Discussion and Vote: Budget Transfers – Legal (14-480)

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

Ayes - All

Discussion and Vote: Budget Amendments – Benefits (14-481)

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

Ayes - All

Discussion and Vote: Budget Amendments – 2013 Fund Balance Excess (14-482)

Commissioner Madigan moved and Commissioner Franck seconded to approve the 2014 budget amendments – fund balance excess which were distributed with the agenda.

Ayes – All

Discussion and Vote: Agreement Between the City of Saratoga Springs and OpenGov Inc. (14-483)

Commissioner Madigan stated OpenGov Inc. states they are a sole source provider. The contract is in the amount of \$6,500 for each of the next 3 years. Funds are available in line A3021694 / 54720.

Commissioner Madigan moved and Commissioner Scirocco seconded to authorize the mayor to sign an agreement between the City of Saratoga Springs and OpenGov Inc. as distributed with the agenda.

Ayes - All

PUBLIC WORKS DEPARTMENT

Discussion and Vote: Resolution Local Law No. 3 of 2014 (14-484)

Commissioner Scirocco stated Kara Lais from the law firm of FitzGerald, Morris, Baker, and Firth is here tonight to answer questions regarding this resolution. The City has a capital improvement fee in place and didn't want the residents to pay fees that could be duplicate. They have gathered historical documents on the water connection fees; the purposes behind them; and the limited uses for the fees. Water connection fees being charged are limited in the purpose for which they could be used. Legal counsel determined that the original legislation for the charging of water connection fees was no longer needed and should have expired 6 years after the original law was enacted in 1999. The water source capacity issue has been resolved with the drilling of 4 wells in the Bog Meadow area. The connection fee may once have been relevant; now the removal of these fees are legally and physically prudent.

Commissioner Scirocco moved and Commissioner Mathiesen seconded to adopt Local Law No. 3 of 2014 as presented to the Council.

Commissioner Madigan advised there is over \$1 million dollars in this reserve. A small amount of this used each year. She is not seeing the benefit of supporting the \$3,000 connection fee.

Commissioner Scirocco stated his department does a presentation every year to show what is happening in the water budget. Last year Bollan, Sheedy, and Torani did an audit and stated our fees were too low.

Our water budget is in good shape. Eventually this fee goes away as it is based on building. No one puts 12 inch pipe in.

Commissioner Madigan stated a full audit was done with SAX/BST so to say an audit has not been done is not accurate.

Commissioner Mathiesen stated he doesn't have any justification for the connection fee.

Mayor Yepsen stated she was very clear yesterday that she is not in favor of public hearings and a vote on the same night. This is also bad timing as an active forensic audit is going on. The Comptroller's Office was not aware of the vote taken at the last Council meeting until after the fact. Settling a claim is one thing but changing a local law is another.

Kara Lais advised she spoke with the Comptroller's Office yesterday and there is no reason that City business should be held up in any manner. It is within the Council's legal rights to move forward should they choose.

Mayor Yepsen stated the practical side is they should wait for the finding so they know what they are dealing with here and what is the best direction for the City. If we are forming committees to generate revenue, why would we let revenue go? She is voting no and hopes the rest of the Council will do the same.

Commissioner Scirocco stated it is not going to get any better by the City sitting on it and waiting for something to happen.

Commissioner Franck stated John Aspland was explicit that he felt it would be proactive to try to clean this up at this point versus waiting to get the report back.

Ayes – 4

Nays – 1 (Mayor Yepsen)

Discussion and Vote: Authorization for the Council to Approve Water Leak Adjustment (14-485)

Commissioner Scirocco stated the meter at Pine Grove Camp was broken resulting in a utility bill of \$4,669.83. The average utility bill is \$110.

Commissioner Scirocco moved and Commissioner Franck seconded to authorize the adjustment of a utility bill to show \$110.

Ayes – All

Discussion and Vote: Authorization for the Mayor to Sign Agreement Addendum #4 with Barton & Loguidice, DPC – Water Treatment Plant Filter Rehabilitation Project (14-486)

Commissioner Scirocco stated this payment will close out the Water Treatment Plant Project.

Commissioner Scirocco moved and Commissioner Franck seconded to authorize the mayor to sign agreement addendum #4 with Barton & Loguidice for the Water Treatment Plant Filter Upgrade in the amount of \$5,129.49.

Funding is in line H3638332 / 52000 / 1184.

Ayes - All

Discussion and Vote: Authorization for the Mayor to Sign Agreement with Saratoga Co. for the Intermunicipal Recycling (14-487)

Commissioner Scirocco this agreement is for the City to take over the recycling. The City will do all but haul the recyclables. The County will hire a private firm to haul the recyclable materials. The contract is to begin 2/1/15 through 12/31/16. The contract will need to be renewed every 2 years. The County will pay the City \$35,000 for each year with an exception of 2015 – the City will receive \$32,027.

Commissioner Scirocco moved and Commissioner Madigan seconded to authorize the mayor to sign the intermunicipal recycling agreement between the County of Saratoga and the City of Saratoga Springs.

Ayes - All

Discussion and Vote: Authorization for the Mayor to Sign Agreement with the NYS Environmental Facilities Corporation for the Pump Stations Study (14-488)

Commissioner Scirocco stated this is an agreement for the City to accept the grant funds.

Commissioner Scirocco moved and Commissioner Franck seconded to authorize the mayor to sign an agreement with the NYS Environmental Facilities Corporation for the pump stations study.

Ayes - All

Discussion and Vote: Authorization for the Mayor to Sign Change Order for the time Extension – Casino Vertical Lift (14-489)

Commissioner Scirocco stated this change order is for a time extension.

Commissioner Scirocco moved and Commissioner Mathiesen seconded to authorize the mayor to sign a time extension change order with Machnick Builders, Ltd. for the vertical platform lift for an additional 24 days which brings the project completion date to January 30, 2015.

Ayes - All

Discussion and Vote: Authorization for the Mayor to Sign Lease Agreement with Senior Citizen's Center of Saratoga Springs (14-490)

Commissioner Scirocco stated this is a 5 year lease agreement for the property at 5 Williams Street. The lease is in the amount of \$1 per year.

Commissioner Scirocco moved and Commissioner Mathiesen seconded to authorize the mayor to sign a lease agreement with the Senior Citizen's Center of Saratoga Springs.

Ayes - All

Discussion and Vote: Authorization to Establish Step Salary – Data Collector (14-491)

Commissioner Scirocco stated he filled a position in his department provisionally. At this time the Mayor's Office does not have anyone to do the letters of credit. This duty is being added to this position effective December 8, 2014. This request is to keep the position at a grade 6 and a step 4 based upon previous years of experience. The difference in salary would be \$130 for 2014 and \$2,121 for 2015. Funding is in the DPW budget.

Commissioner Scirocco moved and Commissioner Franck seconded to approve a salary schedule step 4 for the data collector to be effective December 8, 2014. This was approved by the CSEA Union and the next step increase will be December 8, 2015.

Ayes - All

** Commissioner Franck recused himself and left the room for the remaining items on Commissioner Scirocco's agenda.

Discussion and Vote: Resolution – DOT Ballston Avenue (14-492)

Commissioner Scirocco stated this resolution is required by NYS DOT to accompany supplemental agreement #3 to increase the grant funding to include actual construction of improvements and construction administration and inspection.

Commissioner Scirocco moved and Commissioner Mathiesen seconded to approve the DOT resolution as presented to the Council for the Ballston Avenue Traffic Improvement Project.

Ayes - All

Discussion and Vote: Authorization for the Mayor to Sign Supplemental Agreement #3 with DOT – Ballston Avenue (14-493)

Commissioner Scirocco stated this is a supplemental agreement that accompanies the aforementioned resolution.

Commissioner Scirocco moved and Commissioner Mathiesen seconded to authorize the mayor to sign agreement addendum #3 with DOT for the Ballston Avenue Traffic Improvement Project.

Ayes - All

Discussion and Vote: Authorization for the Mayor to Sign Agreement with Bast Hatfield Inc. Ballston Avenue Traffic Improvement Project (14-494)

Commissioner Scirocco stated this is a construction agreement.

Commissioner Scirocco moved and Commissioner Madigan seconded to authorize the mayor to sign an agreement with Bast Hatfield, Inc. for the Ballston Avenue Traffic Improvement Project in the amount of \$1,803,652.

Funding is in line H3133312 / 52021 / 75660.

Ayes – All

** Commissioner Franck re-joined the meeting.

PUBLIC SAFETY DEPARTMENT

Discussion and Vote: Authorization for Mayor to Sign Agreement with Art Breault, NYS Certified Instructor Coordinator for the Fire Department Training (14-495)

Commissioner Mathiesen advised Art Breault is a certified instructor coordinator to provide medical and emergency management education for the Fire Department.

Commissioner Mathiesen moved and Commissioner Scirocco seconded to authorize the mayor to sign an agreement with Art Breault in the amount of \$26,750; payable in 2 equal installments.

Funding is in line A3143414 / 54471.

Ayes – All

Discussion and Vote: Authorization for Mayor to Sign Agreement with Nixon Peabody (14-496)

Commissioner Mathiesen stated the City and City Council members are being served with a notice of petition of complaint by Thomas McTygue, Remijia Foy, and Ray Watkin regarding the Council's vote on the Collamer lot and Union Avenue land transaction. This contract is for up to \$50,000. The representation by Nixon Peabody will cover a phase that commences with the City of Saratoga Springs response the petition complaint including a motion to dismiss and concludes with a ruling by the court on petition for motion to dismiss – the fee phase. Nixon Peabody will charge a flat fee of \$39,000 for activities during the fee phase.

Commissioner Mathiesen moved and Commissioner Madigan seconded to authorize the mayor to sign an agreement with Nixon Peabody for up to \$50,000.

Funding is in line A31443014 / 54720.

Mayor Yepsen stated she is concerned about the flat fee. What happens if the amount of work is considerably less; do we pay the flat fee.

Commissioner Mathiesen advised the agreement states the parties will discuss a reduction in fee that fairly reflects the work done if withdrawn or settled early.

Ayes – 4

Nays – 1 (Mayor Yepsen)

Discussion: Saratoga Casino Revised Expansion Plans

Commissioner Mathiesen stated they did receive a letter from CHA asking for a "Will Serve" letter. They will be providing that. The change in plans should not present any difficulty in providing services with one caveat that our fire chief continues to be concerned with the increase level of services required to serve the City as the City continues to grow and expand. This goes back to having 3 engine crews in the City.

SUPERVISORS

Matthew Veitch

Saratoga County 2015 Budget

Supervisor Veitch reported the Saratoga County budget was passed last week.

Saratoga County Prosperity Partnership

Supervisor Veitch reported they met last week and discussed their 2015 budget. This is the new LDC created by the County. The Partnership is still looking for a CEO and to establish an office in the county.

Board Committee Assignments

Supervisor Veitch reported his next task is to appoint people to the various boards. He may ask for some suggestions if there are vacancies.

Public Safety Committee

Supervisor Veitch reported they are looking to put body cameras on their deputies.

Organizational Meeting – January 2, 2015

Supervisor Veitch reported the County's Organizational Meeting is January 2, 2015.

Peter Martin

Framework for Success

Supervisor Martin reported this is a public/private partnership that is focused on finding solutions towards bringing businesses in to Malta and Stillwater. Some problems they are finding solutions for are traffic, utilities and local laws.

County Recycling Program

Supervisor Martin reported a vote was taken today in the positive regarding the intermunicipal agreement and the agreement with County Waste. There may be a couple things that may slow this down but they are working towards the February 1 start date.

Maplewood Manor

Supervisor Martin reported Zenith Health Systems had proposed a wage and benefit program for the workers. It would provide for significant cuts in their wages and workforce. The administrator for the County has assured the Board of Supervisors that he is working on the transition to make it more palatable for the employees. If the transaction does not go through, it would be very costly for the County.

ADJOURNMENT

There being no further business, Mayor Yepsen adjourned the meeting at 10:53 p.m.

Respectfully submitted,

Lisa Ribis
Clerk
Approved:
Vote: