



August 4, 2015

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

6:55 PM – P.H. – Amend Chapter 148 of City Code - Noise

7:00 PM

CALL TO ORDER

ROLL CALL

SALUTE TO FLAG

PUBLIC COMMENT PERIOD / 15 MINUTES

CONSENT AGENDA

1. Approval of 6/16/15 City Council Minutes
2. Approval of 7/7/15 City Council Minutes
3. Approve Resolution for the Use of the Insurance Reserve – 21
4. Approve Budget Amendments – Insurance Reserve
5. Approve Budget Amendments (Increases)
6. Approve Budget Transfers – Regular
7. Approve Budget Transfers – Debt Service
8. Approve Payroll 07/24/15 \$439,538.84
9. Approve Payroll 07/31/15 \$458,307.32
10. Approve Warrant: 2015 Mid – 15MWJUL3: \$27,370.22
11. Approve Warrant: 2015 REG – 15AUG1: \$1,735,463.96

MAYOR'S DEPARTMENT

1. Set Public Hearing: 1st Public Hearing on 2016 Capital Program and Budget – August 18th
2. Set Public Hearing: 2nd Public Hearing on 2016 Capital Program and Budget – September 1st
3. Appointment: Recreation Commission
4. Discussion: Apprenticeship Language Resolution
5. Discussion and Vote: A Resolution to Approve the Settlement of a Contractual Matter
6. Discussion and Vote: A Resolution to Approve the Settlement of a Personnel Matter
7. Discussion and Vote: Authorization for the Mayor to Sign Change Order with HMA Contracting for the Waterfront Park
8. Discussion and Vote: SEQRA for Berry Purchase of City Land
9. Discussion and Vote: SEQRA for Yates Purchase of City Land
10. Announcement: Downtown Parking Task Force
11. Announcement: Selection of Unified Development Ordinance Consultant
12. Announcement: Centennial Day at Saratoga Race Course

ACCOUNTS DEPARTMENT

1. Discussion and Vote: Approve Revisions to Pedalbus Ordinance

2. Discussion and Vote: Waive Fee for NYS Recreation and Park Society Event
3. Award of Bid: Insurance Brokerage Services to Adirondack Trust Company
4. Discussion and Vote: Authorization for Mayor to Sign Contract with Adirondack Trust Company for Insurance Brokerage Services
5. Discussion and Vote: Authorization for Mayor to Sign Contract with Kodiak Construction for Replacement of Assessor's Ceiling

FINANCE DEPARTMENT

1. Discussion: 2nd Quarter Financial Report
2. Discussion: Parking – Council Committee; Draft Revenue Study
3. Discussion and Vote: Budget Transfers – Contingency
4. Discussion and Vote: Budget Transfers – Payroll
5. Discussion and Vote: Budget Transfers – Benefits
6. Discussion and Vote: Budget Transfers (Revenue) – Benefits
7. Discussion and Vote: Budget Amendments – Benefits
8. Discussion and Vote: Budget Amendments (Decreases) – Benefits
9. Discussion and Vote: Budget Amendments – Assignment for Refund of Prior Year Taxes
10. Discussion and Vote: Budget Amendment – Centennial Documentary

PUBLIC WORKS DEPARTMENT

1. Discussion and Vote: Accept Donation from the Chamber of Commerce and the Saratoga 150
2. Discussion and Vote: Authorization for the Mayor to Sign Agreement Addendum II with Crawford & Associates Engineering
3. Discussion and Vote: Authorization for the Mayor to Sign Change Order with Mid-State Industries , Ltd. – Spirit of Life

PUBLIC SAFETY DEPARTMENT

1. Discussion and Vote: Authorization for Mayor to Sign Addendum Two with Nixon Peabody

SUPERVISORS

Matthew Veitch

1. Nothing at this time.

Peter Martin

1. Racing and Gaming Committee

ADJOURN



August 4, 2015

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
Maire Masterson, Deputy Commissioner, Accounts
Tim Cogan, Deputy Commissioner, DPW
Eileen Finneran, Deputy Commissioner, DPS

Vincent DeLeonardis

Matthew Veitch, Supervisor
Peter Martin, 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 HEARINGS

Amend Chapter 148 of City Code - Noise

Mayor Yepsen opened the public hearing at 6:57 p.m.

Commissioner Mathiesen stated this deals with the limits of noise near the training facilities at the Oklahoma Training Track. The time limit is changing.

Yvonne Libonati of Saratoga Springs stated she owns property at 122 Fifth Avenue. The workers scream at the residents if they sweep their patio. At 4 am NYRA grooms the track; which is noisy to the immediate residents. What are they going to give us in return?

Michael Libonati of 122 Fifth Avenue stated the first notice he received of the text change is when it was read tonight. There are so few property owners that are affected that each property owner should have received individualized notice. He stated the language of the ordinance is subjective to the complainant. We have a pattern of encroachment by NYRA. He asked what thought this Council has given regarding NYRA's noise pollution. There is no discussion regarding decibel level.

Don Collisimo of 55 Waterview Drive stated if a horse is spooked by seeing something blinders are put on them. If a horse is spooked by a noise, earplugs can be put in their ears. He suggested specifying a noise level for all areas for daytime.

Al Turkheimer of Saratoga Springs stated this may be arbitrary and capricious. It is limited in scope

Elliot Massie of Saratoga Springs stated he owns Massie Stables and was not aware of this being an issue. It is wrong in the middle of racing season to jump into a new regulation. All parties should get together to discuss this issue.

Joseph Brady of 95 Fifth Avenue and previously lived at 118 Fifth Avenue which backs up to the Oklahoma track. He would like to have specifics of the incidents that is causing this legislation to be brought forward. NYRA is not acting neighborly and they are not acting as part of the community. They didn't come to the residents of the City to ask if it was ok to cancel the family day at the track.

Commissioner Madigan stated this is from a request from NYRA.

Commissioner Mathiesen stated he did speak with the facilities manager and he does support this. This is an attempt to deal with something that has been brought to our attention.

Phil Diamond of Railroad Place stated crisis management should not be used in development of public policy. We need a comprehensive noise study in this City and this proposal should be rejected until that is completed.

John Ellis of Saratoga Springs stated you can't ask a roofer to start a job at 11 am; that is doing harm to them. Can they mow lawns and use leaf blowers?

Tony Fischetti of Saratoga Springs stated no one is looking at the main track. Why don't they use the main track to train?

Yvonne Libonati of 122 Fifth Avenue stated the length of time in this ordinance is too long. She would like to know how many horses are stalled here before and after the track season.

Michael Libonati of 122 Fifth Avenue stated he tried to raise an issue before the City Council regarding TAPE. He would like someone on the Council provide him with a contact name and number for him.

John Ellis asked who was the trainer or horseman that brought the complaint.

Bill McTygue of York Street stated he commends the neighbors of Fifth Avenue for coming out and expressing their opinion. He believes this law or idea was hatched when Eddie Miller came in a couple weeks ago. It did not come from NYRA. It exposes a serious problem and it would be better that the commissioner go out there early in the morning and see for himself what is going on out there.

Joseph Brady of 95 Fifth Avenue stated if the Council is going to start enforcing not being able to do construction, maybe dogs can be let out in the morning and lawns can be mowed. It is time for the horsemen to show respect for the community.

Mayor Yepsen ended the public hearing at 7:41 p.m. and kept it open.

Commissioner Mathiesen stated Eddie Miller did come and do a presentation on how noises affect the horses. This is simply an extension of the hours we already have on the books. This is a matter of safety and preserving the health and safety of the horses and the horsemen.

Mayor Yepsen stated the people that spoke tonight were helpful to her. She would like to talk to more neighbors.

CALL TO ORDER

Mayor Yepsen called the meeting to order at 7:46 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.

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

Bonnie Sellers of Saratoga Springs stated if the Council pursues paid parking or a parking authority they are making a mountain out of a mole hill. If more staff is needed in DPW to take care of the parking areas then the commissioner of finance should find the money and give it to DPW. We have been stacking away the money.

Tony Fischetti of Hathorne Street stated his concern is the water bill. He shuts his water off and pulls the water meter in September until he returns in May. He provided the base fees over the past 5 years for water when he isn't drawing a drop of water. Where will the residents be in 5 years? He asked the County supervisors to look into why the County is charging the City so much.

Mark Baker of the City Center stated he recently returned from a national conference and learned about shared pathways. These pathways will accommodate pedestrians, skateboards, and bikers. These are things they are going to bring forward with the City Center project.

Ken Ivins of Saratoga Springs stated the public has always had a concern with finances being spent on outside legal fees. He hoped the commissioner of finance could put together a spreadsheet of what the fees are being spent for.

Remijia Foy of Saratoga Springs stated she is here because her name, former Commissioner Tom McTygue, and former Mayor Ray Watkins was named as the reason Commissioner Mathiesen is asking for more money for legal fees. Their lawsuit was put on hold. What is it that Nixon Peabody is doing that would necessitate an extra \$41,000?

Phil Diamond of Railroad Place stated he also would like to inquire about the increase in payment to Nixon Peabody. They have been paid \$39,000 to date and all they have done is file to dismiss. He asked the Council to take a close look at this and vote no.

Commissioner Madigan stated she raised the issue of a parking authority yesterday but never stated she supported one.

Commissioner Mathiesen stated they discussed paid parking because of 2 presentations done last winter about parking in Saratoga Springs. We need to talk about these things and need not be afraid to do this in a public forum. He feels there are parking solutions that could benefit the businesses downtown.

Mayor Yepsen closed the public comment period at 8:05 p.m.

CONSENT AGENDA

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

1. Approval of 6/16/15 City Council Minutes
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Ayes - All

MAYOR'S DEPARTMENT

Set Public Hearing: 1st Public Hearing on 2016 Capital Program and Budget – August 18, 2015

Mayor Yepsen set a public hearing for Tuesday, August 18, 2015 at 6:45 p.m.

Set Public Hearing: 2nd Public Hearing on 2016 Capital Program and Budget – September 1, 2015

Mayor Yepsen set a public hearing for Tuesday, September 1, 2015 at 6:50 p.m.

Appointment: Recreation Commission

Mayor Yepsen re- appointed Amy Smith to the Recreation Commission for another 7 year term.

Discussion: Apprenticeship Language Resolution

Mayor Yepsen asked the Council to contact the city attorney if they wish to discuss this resolution. The city attorney will do a presentation.

Commissioner Madigan stated she has concerns with the resolution as currently written.

Commissioner Scirocco stated their research shows some of the contractors with the City do not have an apprenticeship program. This could present the City with having to go with a contractor that may not be the lowest bidder. This goes against our purchasing policy. All the contractors who have an apprenticeship program are listed on the state website.

Discussion and Vote: A Resolution to Approve the Settlement of a Contractual Matter (15-262)

Mayor Yepsen stated this matter was discussed during executive session held yesterday, August 3rd.

Mayor Yepsen moved and Commissioner Mathiesen seconded to accept the resolution to approve the settlement of a contractual matter.

Ayes - All

Discussion and Vote: A Resolution to Approve the Settlement of a Personnel Matter (15-263)

Mayor Yepsen stated this issue was discussed during executive session held yesterday, August 3rd.

Mayor Yepsen moved and Commissioner Mathiesen seconded to accept the resolution to approve the settlement of a personnel matter.

Ayes - All

Discussion and Vote: Authorization for the Mayor to Sign Change Order with HMA Contracting for the Waterfront Park (15-264)

Mayor Yepsen advised the change order with HMA Contracting is for additional stone footings and under drain pipe. Funding is in line H3517022 / 52000 / 1131.

Mayor Yepsen moved and Commissioner Franck seconded to authorize the mayor to sign change order #7 in the amount of \$8,328 with HMA Contracting Corp. for work done at the Waterfront Park.

Ayes - All

Discussion and Vote: SEQRA for Berry Purchase of City Land (15-265)

Mayor Yepsen stated this is the completion of the SEQRA short form for the sale of a piece of City owned land. This is a 12 foot wide strip of Cedar Alley.

Tony Izzo read the SEQRA questions and proposed answers into the record. (A copy of the SEQRA form and proposed answers is attached.)

Mayor Yepsen moved and Commissioner Mathiesen seconded to issue a negative declaration with respect to the sale of the portion of Cedar Alley as listed in the SEQRA forms to Mr. Ryan Berry.

Ayes – All

The Council changed the answer to item #9 in the SEQRA form to be marked 'Yes'.

Mayor Yepsen moved and Commissioner Mathiesen seconded to issue a negative declaration with respect to the sale of the portion of Cedar Alley as listed in the SEQRA forms to Mr. Ryan Berry.

Ayes – All

Discussion and Vote: SEQRA for Yates Purchase of City Land (15-266)

Tony Izzo stated this is for parcel # 192.12-1-48.1; off Arrowhead Road. Tony read the SEQRA questions and proposed answers into the record. (A copy of the SEQRA form and proposed answers is attached.)

Mayor Yepsen moved and Commissioner Mathiesen seconded to issue a negative declaration with respect to the sale of a portion of land off Arrowhead Road as listed in the SEQRA forms to Mr. Timothy Yates.

Ayes - All

Announcement: Downtown Parking Task Force

Mayor Yepsen stated this task force will be looking at assessing the inventory and hopefully creating new inventory for downtown businesses. The Task Force will consist of members of the Special Assessment District, members of the Saratoga County Chamber of Commerce, members of the Saratoga Springs City Authority, and members of the Downtown Business Association. She doesn't see a meeting happening until September. She will continue to work with Commissioner Madigan on this.

Announcement: Selection of Unified Development Ordinance Consultant

Mayor Yepsen announced they have chosen Beehan Planning and Design as the selected unified development ordinance consultant. Funding will come from a \$200,000 Cleaner Greener Communities Grant the City received from NYSERDA.

Commissioner Madigan stated she would like to receive more information about what this UDO is going to do.

Announcement: Centennial Day at Saratoga Race Course

Mayor Yepsen announced tomorrow is the Centennial Day at the race track. It is free admission for all. Race 3 will be the Centennial Day race.

ACCOUNTS DEPARTMENT

Discussion and Vote: Approve Revisions to Pedalbus Ordinance (15-267)

Commissioner Franck advised a public hearing was held at the last City Council meeting to hear those who wanted to speak on the following revisions to the pedalbus ordinance: substituting City Clerk for Office of the Commissioner of Accounts; suspension or revocation process of an owner's pedalbus license; and correction to the numbering of items. No one spoke at the public hearing on this.

Commissioner Franck moved and Commissioner Mathiesen seconded to approve the revisions to the pedalbus ordinance as distributed with this agenda.

Ayes - All

Discussion and Vote: Waive Fee for NYS Recreation and Park Society Event (15-268)

Commissioner Franck advised that on August 10th and 17th, the NYS Recreation and Park Society will be showing a movie on each night in Congress Park. These events will be free to the public. He would like to ask Council approval to waive the fee of \$50 for each night since it is a free event for the public and a state agency is putting the event on.

Commissioner Franck moved and Commissioner Madigan seconded for the Council to approve waiving the \$50 fee for each movie night in Congress Park for a total of \$100 for the NYS Recreation and Park Society.

Ayes - All

Award of Bid: Insurance Brokerage Services to Adirondack Trust Company (15-269)

Commissioner Franck advised a bid was put out for insurance brokerage services. Four responses were received and each company that responded was interviewed. Funding is in budget lines 54773.

Commissioner Franck moved and Commissioner Scirocco seconded to award the bid for Insurance Brokerage Services to Adirondack Trust Insurance Agency.

Ayes - All

Discussion and Vote: Authorization for Mayor to Sign Contract with Adirondack Trust Company for Insurance Brokerage Services (15-270)

Commissioner Franck moved and Commissioner Madigan seconded to authorize the mayor to sign the contract with Adirondack Trust Insurance Agency for insurance brokerage services.

Ayes - All

Discussion and Vote: Authorization for Mayor to Sign Contract with Kodiak Construction for Replacement of Assessor's Ceiling (15-271)

Commissioner Franck advised that the Department of Assessments has experienced water damage loss to their ceiling. The money for the repairs to the ceiling will come from the self insurance line A3031934 / 54775.

Commissioner Franck moved and Commissioner Scirocco seconded to authorize the mayor to sign a contract with Kodiak Construction for the replacement of the ceiling in the Assessment Department; not to exceed \$13,280.00.

Ayes - All

FINANCE DEPARTMENT

Discussion: 2nd Quarter Financial Report

Commissioner Madigan stated this report will be available in the City Clerk's Office, on line, and in the Finance Office. The City is on target for second quarter 2015. General fund revenues collected are 49.9% and general fund expenditures are 47.3%. About 66.6% of property taxes have been collected; full VLT aid has been received; sales tax received is \$3,216,000; and occupancy tax received is slightly higher than in 2014.

Discussion: Parking – Council Committee; Draft Revenue Study

Commissioner Madigan stated the draft revenue study suggests the City could collect between \$800,000 and \$1.2 million in paid parking for downtown. The paid parking in City owned garage could bring in an additional \$500,000 to \$1.5 million.

Discussion and Vote: Budget Transfers – Contingency (15-272)

Commissioner Mathiesen stated this relates to the lawsuit filed against the City Council. The total paid to date is \$47,988.16 and still owing \$19,500. They would like to bring the cost to an even \$80,000.

Commissioner Scirocco stated this relates to Crawford Associates who is already on retainer. There is an issue related to the DEC. He couldn't budget for it as he didn't anticipate any of this happening.

Commissioner Madigan moved and Commissioner Franck seconded to approve the 2015 budget transfers – contingency – as distributed with the agenda. The current budget amount in the general fund contingency line is \$375,800 and there will remain \$320,200 after this transfer.

Ayes - All

Discussion and Vote: Budget Transfers – Payroll (15-273)

Commissioner Madigan moved and Commissioner Franck seconded to approve the 2015 budget transfers – payroll which were distributed with the agenda.

Ayes - All

Discussion and Vote: Budget Transfers – Benefits (15-274)

Commissioner Madigan moved and Commissioner Franck seconded to approve the 2015 budget transfers – benefits which were distributed with the agenda.

Ayes - All

Discussion and Vote: Budget Transfers (Revenue) – Benefits (15-275)

Commissioner Madigan moved and Commissioner Franck seconded to approve the 2015 budget transfers – revenue – benefits – which were distributed with the agenda.

Ayes - All

Discussion and Vote: Budget Amendments – Benefits (15-276)

Commissioner Madigan moved and Commissioner Franck seconded to approve the 2015 budget amendments – benefits which were distributed with the agenda.

Ayes - All

Discussion and Vote: Budget Amendments (Decreases) – Benefits (15-277)

Commissioner Madigan moved and Commissioner Franck seconded to approve the 2015 budget amendments – decreases – benefits which were distributed with the agenda.

Ayes - All

Discussion and Vote: Budget Amendments – Assignment for Refund of Prior Year Taxes (15-278)

Commissioner Madigan moved and Commissioner Franck seconded to approve the 2015 budget amendments – assignment for refund prior year taxes which were distributed with the agenda.

Ayes - All

Discussion and Vote: Budget Amendment – Centennial Documentary (15-279)

Commissioner Madigan moved and Commissioner Franck seconded to approve the 2015 budget amendment – centennial documentary which was distributed with the agenda.

Ayes - All

PUBLIC WORKS DEPARTMENT

Discussion and Vote: Accept Donation from the Chamber of Commerce and the Saratoga 150 (15-280)

Commissioner Scirocco advised the Chamber of Commerce and the Saratoga 150 donated a sign at North Broadway and Rt. 50. The value of the sign is \$22,000.

Commissioner Scirocco moved and Commissioner Franck seconded to accept the donation from the Chamber of Commerce and the Saratoga 150 Committee.

Ayes - All

Discussion and Vote: Authorization for the Mayor to Sign Agreement Addendum II with Crawford & Associates Engineering (15-281)

Commissioner Scirocco advised this is for additional engineering and consulting work on the land just north of the landfill. The additional work to be covered by this addendum includes a boundary survey, technical support with the DEC, and work on corrective action plan.

Commissioner Scirocco moved and Commissioner Madigan seconded to authorize the mayor to sign agreement addendum II with Crawford & Associates Engineering, P.C. for the landfill in the amount of \$ 25,600.

Funding is in line A3638184 / 54719.

Ayes - All

Discussion and Vote: Authorization for the Mayor to Sign Change Order with Mid-State Industries, Ltd. – Spirit of Life (15-282)

Commissioner Scirocco advised this is for \$37,370.70. Mid-State discovered bricks and foundation rubble from the Congress Hall Hotel. The debris had to be removed from the site and filled with suitable fill.

Commissioner Scirocco moved and Commissioner Franck seconded to authorize the mayor to sign change order with Mid-Stated Industries, Ltd. for the Spirit of Life restoration project in the amount of \$37,370.07.

Funding is in line H3036952 / 52000 / 1039.

Ayes - All

PUBLIC SAFETY DEPARTMENT

Discussion and Vote: Authorization for Mayor to Sign Addendum Two with Nixon Peabody (15-283)

Commissioner Mathiesen moved and Commissioner Madigan seconded to authorize the mayor to sign addendum two with Nixon Peabody for legal services relating to the McTygue, Watkins, Foy versus the City of Saratoga Springs lawsuit and for the representation and assistance relating to the Attorney General subpoena and investigation in the amount of \$80,000.

Funding is in line A3143014 / 54720.

Commissioner Franck stated he has always voted for any legal fee from any of the Council members. It is not unusual to have to come back a number of times; it's a moving target. He will be supporting this.

Commissioner Scirocco stated they need to protect the City and the integrity of the Council. He will be supporting this.

Commissioner Madigan stated this is unfortunate as she believes this is a senseless and baseless lawsuit.

Ayes – 4

Nays – 1 (Mayor Yepsen)

SUPERVISORS

Matthew Veitch

Nothing at this time.

Peter Martin

Racing and Gaming Committee

Supervisor Martin reported they will be meeting tomorrow. The main portion of the meeting is to pass a resolution to encourage the governor to change the status of NYRA back to a private not-for-profit entity.

ADJOURNMENT

There being no further business, Mayor Yepsen adjourned the meeting at 10:11 p.m.

Respectfully submitted,

Lisa Ribis
Clerk

Approved:
Vote:

DRAFT