



October 20, 2015

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

**6:45 PM – P.H. – 2016 Proposed
Comprehensive Budget**

7:00 PM

CALL TO ORDER

ROLL CALL

SALUTE TO FLAG

PUBLIC COMMENT PERIOD / 15 MINUTES

PRESENTATION

EXECUTIVE SESSION: Collective Bargaining – Police Benevolent Association

CONSENT AGENDA

1. Approval of 10/01/15 City Council Meeting Minutes
2. Approval of 10/05/15 Pre-Agenda Meeting Minutes
3. Approval of 10/06/15 City Council Meeting Minutes
4. Approval of 10/08/15 Budget Workshop
5. Approval of 10/14/15 Budget Workshop Meeting Minutes
6. Approve Budget Amendments (Increases)
7. Approve Budget Amendments _ Insurance Reserve
8. Approve Budget Transfers - Regular
9. Approve Payroll 10/09/15 \$446,991.49
10. Approve Payroll 10/16/15 \$442,922.69
11. Approve Resolution for the Use of the Insurance Reserve - 22
12. Approve Warrant: 2015 Mid – 15MWOCT1: \$127,382.12
13. Approve Warrant: 2015 REG – 15OCT2: \$2,127,136.94

MAYOR'S DEPARTMENT

1. Appointment: Community Development Citizen Advisory Committee
2. Discussion and Vote: Authorization for the Mayor to Sign Collective Bargaining Agreement with Police Benevolent Association
3. Discussion and Vote: Authorization for Mayor to Sign Agreement with Alta Planning and Design for Excelsior Cross Section Plan
4. Discussion and Vote: Authorization for Mayor to Sign Agreement with Saratoga Springs City Center for 50th Anniversary of Vietnam Commemoration Event
5. Discussion and Vote: Authorization for Mayor to Sign Co-Sponsorship Agreement with US Department of Housing and Urban Development for 2016 Regional Conference

6. Discussion and Vote: Authorization for Mayor to Sign Agreement with the Saratoga Hilton for 2016 HUD Regional Conference Room Block
7. Discussion and Vote: Resolution Requiring Contractors to Have Approved Apprenticeship Programs for City Projects
8. Discussion: High Rock Lot RFP Review Update
9. Announcement: Unified Development Ordinance Community Forum - Thursday, October 22nd

ACCOUNTS DEPARTMENT

1. Appointment: Commissioner of Deeds for Police Department

FINANCE DEPARTMENT

1. Announcement: Government Efficiencies Plan
2. Set Public Hearing: Second Public Hearing for the 2016 Budget
3. Discussion: City Budget
4. Discussion: 3rd Quarter 2015 Financial Report
5. Discussion and Vote: Budget Transfers – Payroll
6. Discussion and Vote: Budget Amendments - Benefits
7. Discussion: Mouzon House vs. City of Saratoga Springs, et. al

PUBLIC WORKS DEPARTMENT

1. Discussion and Vote: Authorization for the Mayor to Sign Change Order with DeBrino Caulking Associates, Inc. – Parking Deck Stair Replacement
2. Discussion: Update from Crawford Associates – Illegal Dumping at the Weibel Avenue Landfill Site

PUBLIC SAFETY DEPARTMENT

1. Discussion: Fire Department Open House
2. Discussion: RFP – Pedestrian Safety Design & Engineering

SUPERVISORS

Matthew Veitch

1. Saratoga County Trails and Open Space Grants
2. Saratoga County Takeover of Luther Forest Tech Park Roads
3. November Monthly Resolutions

Peter Martin

1. Trails
2. Veterans
3. Luther Forest Technology Campus
4. Seniors Advisory Committee

ADJOURN



October 20, 2015

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
Lynn Bachner, Deputy Commissioner, Finance
Tim Cogan, Deputy Commissioner, DPW
Eileen Finneran, Deputy Commissioner, DPS

Vincent DeLeonardis

Matthew Veitch, Supervisor (arrived at 7:07 p.m.)
Peter Martin, Supervisor

Excused: Maire Masterson, Deputy Commissioner, Accounts

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

2016 Proposed Comprehensive Budget

Mayor Yepsen opened the public hearing at 6:50 p.m.

Commissioner Madigan stated this is the first public hearing on the 2016 budget. The tax rate under this budget is \$6.06 for the inside district and \$5.98 for the outside district; for a 0.14% decrease from the 2015 tax rate. She is working on integrating the new PBA contract into the 2016 budget. The second public hearing will be set for the next regularly scheduled City Council meeting in November. The third budget workshop is tomorrow at 1 p.m. to review the Mayor's Office and the Department of Public Works.

Darlene McGraw of Saratoga Springs stated part of the budget should be caring about the low and middle income people and not the super rich.

Dave Bronner of Saratoga Springs stated it is unfortunate that we have at the 11th hour the PBA contract. What concerns him is we are supposed to have a transparent open government and 3 members of the City Council have already signed on before it was brought to the table.

Ken Ivins of Saratoga Springs stated last week the Commissioner of Finance stated multiple times that the contract was not figured into the budget and now she just stated it is and she has been planning for it since 2012. She should have had the cost-outs for tonight ready.

Commissioner Mathiesen stated this is part of the remediation process and didn't happen suddenly. The mayor has been negotiating this contract. The mediator was able to establish an MOA. In the end the City benefited and we followed the instructions of the mediator.

Mayor Yepsen closed the public hearing at 7:00 p.m.

CALL TO ORDER

Mayor Yepsen called the meeting to order at 7:00 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.

Mayor Yepsen opened the public comment period at 7:01 p.m.

Ken Ivins of Saratoga Springs stated the Commissioner of Finance stated last week she said she would not have cost-outs for the meeting tonight. The only reasons this could be is if she doesn't want to or if she isn't competent. Crunch time for budget season is September right before the budget is presented.

Dave Bronner of Saratoga Springs stated there has been discussion regarding shorter response times on the ridge. If a high speed vehicle was put at the fire house, it would be used for the whole community and only if there was a heart attack or something like that. The Chief determined it would not be safe to run a high speed vehicle in the City. Also, there are other options for land out there such as the land on Henning between Fifth Avenue and Union Avenue owned by NYRA. If you placed a fire house there you wouldn't have any major impact on the greenbelt.

Mark Baker, president of the City Center Authority, stated they are again a topic of interest. He wanted to thank the City Council for what they have been able to do for the Authority on this topic. The City Center's project has been in the process for 3 years and shown to be financially feasible. It comes at no cost to the tax payer, pays the City in excess of \$50,000 annually per the lease agreement, and the City Center Authority will maintain the structure.

Darlene McGraw of Saratoga Springs thanked Commissioner Franck for taking a walk with her. If things don't change soon we are going to have more problems than a person giving the police the middle finger.

Mayor Yepsen closed the public comment period at 7:12 p.m.

Commissioner Mathiesen stated they do appreciate Mr. Bronner coming forward with different ideas. A safe speed for a vehicle to proceed within the City is 5 – 10 miles per hour above the speed limit. They have tried many different things to make sure they are able to meet the fire and police needs. The NYRA property is too far away from the optimal location and too close to the other stations.

EXECUTIVE SESSION

Mayor Yepsen moved and Commissioner Mathiesen seconded to go into executive session for the discussion of collective bargaining in regards to the Police Benevolent Association.

Commissioner Scirocco stated this should be discussed as this contract was already negotiated and he doesn't know if there are any changes. Why can't they discuss this in public?

Mayor Yepsen advised this is an opportunity for the Council to ask our attorney questions about the contract.

Commissioner Madigan advised she is comfortable with not having an executive session.

Commissioner Franck asked if there are any changes from the MOA he signed.

Mr. Honeywell, labor attorney for the City, advised there has been no change in the MOA. The collective bargaining agreement reflects the MOA changes. The Finance Department expressed retro payment be pegged to an approved agreement not an MOA; therefore the Council has both in front of them.

Commissioner Madigan advised her questions have been addressed and finance is fine.

Commissioner Scirocco asked if there are any legal issues they should be concerned about.

Mr. Honeywell does not believe there are any legal concerns.

Commissioner Scirocco stated he is not concerned about the contract; it's the process.

Mr. Honeywell stated he aware it is a process issue and not a content issue.

Commissioner Mathiesen asked if there was anything done during their mediation meeting that was different from others?

Mr. Honeywell stated what happened here is a process he has been party to a number of times.

Ayes – 2

Nays - 3 (Commissioner Franck, Commissioner Madigan, and Commissioner Scirocco)

CONSENT AGENDA

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

1. Approval of 10/01/15 City Council Meeting Minutes
2. Approval of 10/05/15 Pre-Agenda Meeting Minutes
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Commissioner Madigan advised item #13 is large because it includes the school district tax collected by the City and remitted to the district in the amount of \$589,520, and health insurance payment of \$587,894.

Ayes - All

MAYOR'S DEPARTMENT

Appointment: Community Development Citizen Advisory Committee

Mayor Yepsen appointed Tamara Tepper to replace Remijia Foy and re-appointed Andrew Jarosh to the Community Development Citizen Advisory Committee.

Mayor Yepsen thanked Remijia Foy for all her work.

Discussion and Vote: Authorization for the Mayor to Sign Collective Bargaining Agreement with Police Benevolent Association (15-363)

Mayor Yepsen advised the contract brought before the Council in April was voted down and this contract is more favorable for the City.

Mr. Honeywell highlighted the wages, the length of the agreement being 5 years, and this contract mirrors the lieutenant's contract. The PBA made a concession by eliminating one of the health insurance plan options. Once the MOA is approved there will be a drug and alcohol testing policy.

Commissioner Madigan having this contract settled will put us on more solid ground. Retroactive pay owed from 2013 through 2015 is \$875,000. She is prepared to make the adjustment to the 2016 budget while retaining the stable tax rate presented. The MOA does present a health insurance cost savings. The PBA is giving up an expensive health plan – Empire. This creates a savings of \$92,356 and some revenue due to an increase in the cap on their health insurance contribution of \$25,000. They will be able to smoothly transition amounts necessary while retaining the tax rate already presented. Amounts required are estimated from \$490,000 - \$580,000 before passing the budget. The range is due to still calculating back compensation time. She is going to approve this MOA and it may be the last one she approves until they start looking at changes towards sustainable salary improvements.

Commissioner Scirocco stated a majority of the concerns they had have been addressed. He will support this contract.

Mayor Yepsen stated she feels this contract is fair. What was done was legal and to get the tax payers the best possible deal. She thanked the PBA for their time at the table, reasonable response, and concessions.

Commissioner Madigan stated the total compensation is \$1.45 million.

Commissioner Mathiesen thanked the mayor for bringing him into the process, the PBA, Jeff Honeywell, Danielle Willard, and Eileen Finneran.

Commissioner Franck thanked the PBA. They have been working hard trying to get something down.

Mayor Yepsen stated by settling this tonight they will avoid spending a lot of money on binding arbitration.

Mayor Yepsen moved to approve the MOA as signed on October 18th between the City and Police Benevolent Association.

Mayor Yepsen restated the motion as follows:

Mayor Yepsen moved to approve the MOA that was signed on October 8, 2015 between the City of Saratoga Springs and the Police Benevolent Association.

Mayor Yepsen agreed to have Mr. Honeywell rephrase the motion for the mayor as follows:

Mayor Yepsen moved and Commissioner Mathiesen seconded to approve the Memorandum of Agreement, dated October 8, 2015, between the Police Benevolent Association and the City of Saratoga Springs; and the collective bargaining agreement between the same two parties covering the period 2013 – 2017.

Ayes - All

Discussion and Vote: Authorization for Mayor to Sign Agreement with Alta Planning and Design for Excelsior Cross Section Plan (15-364)

Mayor Yepsen stated this is for the completion of the Excelsior Avenue Cross Section Plan for \$15,000. Funds for this have been provided by Bonacio Construction and Beechwood Prime; no cost to the City for this work.

Kate Maynard of the Planning Department stated this is a joint partnership with the Department of Public Safety. They received 3 quotes and Alta was the lowest bidder.

Mayor Yepsen moved and Commissioner Madigan seconded to authorize the mayor to sign an agreement with Alta Planning and Design firm for the Excelsior Avenue Cross Section Plan as distributed with the agenda.

Ayes - All

Discussion and Vote: Authorization for Mayor to Sign Agreement with Saratoga Springs City Center for 50th Anniversary of Vietnam Commemoration Event (15-365)

Mayor Yepsen stated the City has been an official partner for the past 2 years. The event will be on Saturday, November 21st at the City Center. The cost for the additional insurance coverage is \$750 and funds are in line A3011914 / 54773.

Mayor Yepsen moved and Commissioner Madigan seconded to authorize the mayor to sign an agreement with Saratoga Springs City Center for the 50th Anniversary of the Vietnam War Commemoration Event to be held on Saturday, November 21st and to purchase a special insurance policy for this event.

Ayes - All

Discussion and Vote: Authorization for Mayor to Sign Co-Sponsorship Agreement with US Department of Housing and Urban Development for 2016 Regional Conference (15-366)

Mayor Yepsen stated she has been working with HUD to bring this conference to the City. This event will be held at the City Center on April 11, 2016.

Mayor Yepsen moved and Commissioner Scirocco seconded to authorize the mayor to sign a co-sponsorship agreement with US Department of Housing and Urban Development in regards to the 2016 HUD Regional Conference as distributed with the agenda.

Ayes – All

Discussion and Vote: Authorization for Mayor to Sign Agreement with the Saratoga Hilton for 2016 HUD Regional Conference Room Block

Mayor Yepsen pulled this item from the agenda.

Discussion and Vote: Resolution Requiring Contractors to Have Approved Apprenticeship Programs for City Projects (15-367)

Mayor Yepsen stated this is a revised version of what was reviewed a few weeks ago. The threshold in the original resolution was too high and ended up excluding most City projects. The thresholds now apply to contractors doing projects in excess of \$225,000 or subcontractors in excess of \$25,000.

Mayor Yepsen moved and Commissioner Scirocco seconded to approve the resolution requiring contractors and subcontractors to have an approved apprenticeship programs for certain City projects subject to certain thresholds as distributed with the agenda.

Commissioner Madigan asked that we continue to look at what other municipalities and counties are doing. Someday we should relook at the subcontractor limit.

Mayor Yepsen reminded everyone this revision takes out the sunset clause.

Ayes - All

Discussion: High Rock Lot RFP Review Update

Mayor Yepsen stated they are obtaining quotes for the cost of appraising the lot. She also asked the Council to continue to think about who they would like to appoint from internal staff to the technical review team.

Commissioner Madigan advised she will be appointing someone from the outside to represent her department.

Kate Maynard of the Planning Department reminded the Council the RFP that was put out was very broad.

Commissioner Madigan asked how the review starts when there is no financials.

Kate advised there will be a series of questions; what information is needed to evaluate each proposal.

Commissioner Scirocco asked if the City Center proposal will be included in this review.

Kate Maynard advised that it is up to the Council and how they want to move forward.

Commissioner Franck advised the responses in 2005 did not have a lot of numbers to it either.

Commissioner Madigan stated there has to be a plan for the economics or how do you move forward.

Mayor Yepsen advised the responses came in this way based upon how we put out the RFP. Now we have to put a list of questions together to get details.

Commissioner Madigan feels the Council should be able to ask for some financials now because if they don't have the ability to get the finances done then they are spinning their wheels.

Mayor Yepsen stated it is her understanding they would not have responded if they were not able to pull the financing together.

Kate advised it would be helpful to get into the process and start asking the questions to get more information.

Commissioner Franck advised there was a matrix in 2005 to analyze everything. One of the basic questions is where the financing is coming from.

Announcement: Unified Development Ordinance Community Forum - Thursday, October 22nd

Mayor Yepsen announced the launch is this Thursday at 6:30 p.m. in the City Council Room.

ACCOUNTS DEPARTMENT

Appointment: Commissioner of Deeds for Police Department

Commissioner Franck appointed Spencer Macy, David Nash, Caitlin Freshwater, and Brittney Jaeger of the Police Department as Commissioners of Deeds.

FINANCE DEPARTMENT

Announcement: Government Efficiencies Plan

Commissioner Madigan announced the 2016 marks the second year of the property tax freeze credit. The City has two requirements in order for its taxpayers to receive the credit; it must stay within the tax levy cap and receive state approval of a Government Efficiencies Plan. Qualified homeowners will receive a Freeze Credit rebate.

Set Public Hearing: Second Public Hearing for the 2016 Budget

Commissioner Madigan set a public hearing for November 2, 2015 at 6:50 p.m.

Discussion: City Budget

Commissioner Madigan stated this has been covered earlier in the agenda. She did request if there are any changes to the budget that they be submitted as soon as possible.

Discussion: 3rd Quarter 2015 Financial Report

Commissioner Madigan stated the 3rd quarter financial report is due November 15th. It is available on the City website and was attached to the agenda. All figures reflect amounts posted as of September 30, 2015. The City is on target for the third quarter 2015 with 69.9% of General Fund Revenues collected; 67.0% of General Fund Expenditures; and all revenues collected are 70.8%. All funds collectively for expenditures are at 67.0%. As of September 30, 2015, about 83% of property tax has been collected; last year at this time about 84% was collected. VLT aid was received on June 23rd and represents the full payment for the year; \$2,325,592. The amount of sales tax received as of September 30, 2015 is \$6,749,647. This is an increase from September 30, 2014 of \$393,599. Hotel occupancy tax collections are 21% higher than in 2014 and are expected to exceed the 2015 budget. Mortgage tax receipts have increased in 2015 and are expected to exceed the budget. As of September 30, 2015, \$854,319 was received and as of September 30, 2014 \$571,432 was received. Approximately 50% of water revenues have been recorded. On the expense side, as of the close of the third quarter 2015, departments were expended by an average of 68%. This is slightly higher than the third quarter 2014.

Discussion and Vote: Budget Transfers – Payroll (15-368)

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

Ayes - All

Discussion and Vote: Budget Amendments – Benefits (15-369)

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

Ayes - All

Discussion: Mouzon House vs. City of Saratoga Springs, et. al

Commissioner Madigan stated the owners of the Mouzon House have filed an action against the City to overturn a number of actions taken by the Council, the Planning Board, and others. Our legal advisors, the City Attorneys, have reviewed the papers and believe that the allegations do not have legal merit. We will proceed to respond to that lawsuit at the proper time. This lawsuit appears only intended to delay and circumvent a number of City projects. . Legally they have every right to do this, but she felt a need to respond to their criticism of the solar collector zoning amendment that she brought to the table a few months ago, as well as respond to a few items pertaining to claims made by the owners of the Mouzon House and their legal counsel.

The solar zoning amendment was only a small part of her interest in exploring new options and programs for renewable energy and solar energy in Saratoga Springs. The 2MW solar array will help stabilize and reduce the City's energy costs. A second phase of the project includes community solar.

The lawsuit also criticizes the content of a number of emails provided to the owners of the Mouzon House attorney earlier this year as part of a response under the Freedom of Information Law. As per the city attorney's direction, emails were provided complete and unedited to the City Attorney's office. The city attorney reviewed them and released them after editing parts of them according to guidelines established by state law. The lawsuit now asks that the emails be reviewed again by a judge. She believes the court will find that our response was appropriate in every respect.

When taking office, they are aware there will be comment and criticism; that is part of the democratic process. When the criticism becomes so repetitive by the same individuals over and over again, and by the same law firm over and over again, it is their responsibility to bring this to the public's attention as well. She has been committed to serving the citizens of Saratoga Springs to the best of her ability and in a law abiding manner, and will continue to do so.

PUBLIC WORKS DEPARTMENT

Discussion and Vote: Authorization for the Mayor to Sign Change Order with DeBrino Caulking Associates, Inc. – Parking Deck Stair Replacement (15-370)

Commissioner Scirocco advised this change order is for \$4,595. While preparing to demo the stairs at the Woodlawn Parking Deck they identified severe rust at the #8 column connections. The lower sections need to be replaced.

Commissioner Scirocco moved and Commissioner Franck seconded to authorize the mayor to sign change order #2 with DeBrino Caulking Associates in the amount of \$4,595 for the Woodlawn Parking Deck stairs.

Funding is in line: H3031492 / 52000 / 1141.

Ayes - All

Discussion: Update from Crawford Associates – Illegal Dumping at the Weibel Avenue Landfill Site

Commissioner Scirocco introduced Brandy Nelson from Crawford Associates to discuss this issue. The order of consent has not been signed by Tara Stone.

Brandy Nelson advised in 1989 a small piece of property on the north end was acquired by the City by foreclosure. Saratoga Springs entered into a consent order to close the landfill and put a plan in place to implement the closure. The closure was completed in 1994/1995. Wells were drilled around the parameter of the property. In 2002 the .34 acre of property was sold by the City to a private owner and sold again in 2012 to Tara Stone. Throughout that time period the monitoring of the landfill continued. A

continuous layer of garbage was found from the edge of the landfill to this property and the landfill cap extends on to this property. The state would like to see that area capped or remediated. They are trying to come to some terms with the current owner so remediation can occur.

PUBLIC SAFETY DEPARTMENT

Discussion: Fire Department Open House

Commissioner Mathiesen advised the open house was held October 10th. The best exhibit is when they take the cars apart.

Discussion: RFP – Pedestrian Safety Design & Engineering

Commissioner Mathiesen advised an RFP went out today. This RFP is going to look at various intersections in the City as they relate to pedestrian safety.

SUPERVISORS

Matthew Veitch

Saratoga County Trails and Open Space Grants

Supervisor Veitch reported they put \$100,000 into their budgets for trails. There were 8 qualifying applications with each receiving \$12,500. This included the City of Saratoga Springs. Open space grants should be awarded next month. They also put \$250,000 into the budget for open space. They are looking to create an Open Space and Trails Reserve.

Saratoga County Takeover of Luther Forest Tech Park Roads

Supervisor Veitch reported the Town of Malta owns the roads at this time. Saratoga County has been going through a lot of discussions to take over 4 roads within the industrial park which they will now do.

November Monthly Resolutions

Supervisor Veitch reported they proclaimed November as Manufacturing Month. They also supported the 20/20 Revitalization Plan, and proclaimed October as Cyber Security Month.

Supervisor Veitch announced they honored Herbert D. Gott Jr. as the deceased veteran of the month. They will be honoring Gene Corsale in November.

Peter Martin

Trails

Supervisor Martin thanked Kate Maynard and Brad Birge for putting together the City's application for the trail grant. This month they will discuss the County forest land in regards to hunting and target practice.

Veterans

Supervisor Martin reported they authorized a resolution asking the state to designate Route 9 throughout the County as United States Submarine Veteran's Highway. The Vietnam Veteran's event is November 21st at the City Center.

Luther Forest Technology Campus

Supervisor Martin reported this has already been covered by Supervisor Veitch.

Seniors Advisory Committee

Supervisor Martin reported Barbara Thomas was appointed as the Committee chair.

ADJOURNMENT

There being no further business, Mayor Yepsen adjourned the meeting at 10:02 p.m.

Respectfully submitted,

Lisa Ribis
Clerk

Approved:
Vote:

DRAFT