



March 21, 2023

CITY OF SARATOGA SPRINGS
City Council Meeting
474 Broadway
Saratoga Springs, New York

7:00 PM

- P.H. – 6:20 PM – Accept Alleys in Phase 1 of Oak Ridge Subdivision (DPW’s Agenda No. 1)
- Amend Chapter 134 – Human Rights Protection (Mayor’s Agenda No. 5)
 - Amendment to 2022 CDBG Annual Action Plan
 - Independent Advisory Committee – Police Reform Task Force
 - Local Law No. 1 of 2023 – UDO No. 1 (Mayor’s Agenda No. 14)
 - Local Law No. 2 of 2023 – UDO No. 2 (Mayor’s Agenda No. 15)
 - Local Law No. 3 of 2023 – UDO No. 3 (Mayor’s Agenda No. 16)
 - Local Law No. 4 of 2023 – UDO No. 4 (Mayor’s Agenda No. 17)
 - Start Time of Regular City Council Meetings
 - 2023 CDBG Annual Plan Recommendations

7:00 PM

CALL TO ORDER

ROLL CALL

SALUTE TO FLAG

PUBLIC COMMENT PERIOD / 15 MINUTES

PRESENTATION

1. Mayor’s Non-Profit Grant Award
2. Station 3 Update by Hueber Breuer
3. Intelligent Transportation System (ITS) master Plan for the City of Saratoga Springs

CONSENT AGENDA

1. Approval of 10/14/2022 Budget Workshop Minutes

2. Approval of 10/17/2022 Budget Workshop Minutes
3. Approval of 10/17/2022 Pre-Agenda Minutes
4. Approval of 10/18/2022 City Council Meeting Minutes
5. Approval of 10/19/2022 Budget Workshop Minutes
6. Approval of 10/26/2022 Budget Workshop Minutes
7. Approval of 10/28/2022 Budget Workshop Minutes
8. Approval of 10/31/2022 Pre-Agenda Meeting Minutes
9. Approval of 11/1/2022 City council Meeting Minutes
10. Approval of 11/14/2022 Pre-Agenda Meeting Minutes
11. Approval of 11/15/2022 City Council Meeting Minutes
12. Approval of 11/2/2022 Beaver Pond Workshop Minutes
13. Approve Payroll 03/17/2023 \$506,360.85
14. Approve Payroll 03/10/2023 \$740,117.98
15. Approve Warrant 2023 – 23MAR2 \$881,589.92
16. Approve Mid Warrant 2023 – 23MWMAR2 \$5,413,415.78
17. Approve Budget Transfers - Regular
18. Approve Budget Transfers - Revenue

MAYOR'S DEPARTMENT

1. Proclamation: City Center 40th Anniversary
2. Discussion and Vote: Award of \$150,000 Mayor's Non-Profit Grant
3. Discussion and Vote: Resolution Approving Counsel Fees for Former Deputy of DPS Finneran and Former Deputy Mayor Shields
4. Discussion and Vote: Resolution on Municipal Liability
5. Discussion and Vote: Ordinance Amending Municipal Code to Add Chapter 134 "Human Rights Protection", Article 1 "Protection of Reproductive Rights"
6. Discussion and Vote: Revocable License for Use of City of Saratoga Springs Ice Rinks (Ice Rink User Agreements) Template
7. Discussion and Vote: Authorization for Mayor to sign Addendum with Kirby Aisner & Curley, LLP
8. Discussion and Vote: Authorization for Mayor to Sign Agreement with Saratoga Casino Holdings, LLC
9. Discussion and Vote: Authorization to Pay Delta Development Invoices
10. Discussion and Vote: Resolution for Terms and Conditions of Assistant City Attorney
11. Announcement: Appointment of Assistant City Attorney
12. Discussion and Vote: Resolution for Expenditure from the Insurance Reserve Fund
13. Set Public Hearing: Amend Capital Program and Budget for the Outdoor Multisport Court Project at the Scott T. Johnson Recreation Center Utilizing Subdivision Recreation Fees
14. Set Public Hearing: Amend Capital Budget for the Downtown Connector
15. Set Public Hearing: Local Law No. 1 of 2023 (UDO Amendment One)
16. Set Public Hearing: Local Law No. 2 of 2023 (UDO Amendment Two)
17. Set Public Hearing: Local Law No. 3 of 2023 (UDO Amendment Three)
18. Set Public Hearing: Local Law No. 4 of 2023 (UDO Amendment Four)
19. Proclamation: Problem Gambling Awareness Month
20. Announcement: Appointment to Zoning Board of Appeals
21. Announcement: Mayor's Task Force on Homelessness Update

ACCOUNTS DEPARTMENT

1. Award of Bid: Buff Road Storm Pipe Reconstruction and Slope Repair to James H. Maloy, Inc.
2. Discussion and Vote: Correction to Settlement of Article 7 Case for Parcel ID: 165.52-1-78
3. Discussion and Vote: Correction to Settlement of Article 7 Case for Parcel ID: 165.82-2-46
4. Announcement: Next Short Term Rental Workshop April 25, 2023
5. Announcement: Special Events

FINANCE DEPARTMENT

1. Announcement: Update on City Finances
2. Announcement: Participatory Budgeting
3. Discussion and Vote: IT Policy for Multifactor Authentication Administration
4. Discussion and Vote: Multifactor Authentication Device Agreement
5. Discussion and Vote: Budget Transfers – Payroll & Benefits
6. Discussion and Vote: Budget Amendments – Fund Balance

PUBLIC WORKS DEPARTMENT

1. Discussion and Vote: Accept the Alleys in Phase One of the Oak Ridge Subdivision
2. Discussion and Vote: Authorization for Mayor to Sign Extension of Contract with Saratoga Historic Properties for an Easement to Occupy a Parking Space
3. Discussion and Vote: Authorization for Mayor to Sign Contract with Pace Analytical for Laboratory Services
4. Discussion and Vote: Authorization for Mayor to Sign Easement with Glen A. Bradley for the Buff Road Storm Pipe Reconstruction & Slope Repair Project
5. Discussion and Vote: Authorization for Mayor to Sign Easement with Buff Road, LLC for the Buff Road Storm Pipe Reconstruction & Slope Repair Project
6. Discussion and Vote: Authorization for Mayor to Sign Easement with Scott and Vanessa Clemmensen for the Buff Road Storm Pipe Reconstruction & Slope Repair Project
7. Discussion and Vote: Authorization for Mayor to Sign Easement with the Groff Family and Trustees for the Buff Road Storm Pipe Reconstruction & Slope Repair Project
8. Discussion and Vote: Authorization for Mayor to Sign Contract with James H. Maloy, Inc. for Buff Road Storm Pipe Reconstruction & Slope Repair

PUBLIC SAFETY DEPARTMENT

1. Discussion and Vote: Proposed New Salary Schedule for Seasonal Summer Laborer Positions in Public Safety
2. Discussion and Vote: Authorization to Pay Absolute Pest Control, Inc. Invoice for 171.90
3. Discussion and Vote: Authorization for the Mayor to Sign a Contract with Gorman for the Purchase of an Ambulance for the Fire Department (rejected by City Departments)
4. Discussion and Vote: Authorization for the Mayor to Sign MOU's with Glens Falls FD and Albany Airport FD for Training
5. Set Public Hearing: Two Hour Parking on the East Side of South Franklin Street Between Congress Street and Washington Street
6. Announcement: 2022 Department of Public Safety Annual Report

SUPERVISORS

Matt Veitch

1. Saratoga County Sewer Pump Station Upgrades
2. Saratoga County Summer Youth Employment Program
3. Updating the County Seal

Tara Gaston

1. Public Health Update
2. CORE Justice Update

ADJOURN



March 21, 2023

CITY OF SARATOGA SPRINGS
City Council Meeting
474 Broadway
Saratoga Springs, New York

7:00 PM

PRESENT: Ron Kim, Mayor
Minita Sanghvi, Commissioner of Finance
Dillon Moran, Commissioner of Accounts (via Zoom)
Jim Montagnino, Commissioner of Department of Public Safety

STAFF PRESENT: Angela Rella, Deputy Mayor
Heather Crocker, Deputy Commissioner of Finance
Stacy Connors, Deputy Commissioner, Accounts
Joe O'Neill, Deputy Commissioner of Public Works

Matthew Veitch, Supervisor
Tara Gaston, Supervisor

EXCUSED: Jason Golub, Commissioner of Department of Public Works
Jason Tetu, Deputy Commissioner, Department of Public Safety

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

Accept Alleys in Phase 1 of Oak Ridge Subdivision (DPW's Agenda No. 1)

Mayor Kim opened the public hearing at 6:45 p.m.

No one spoke.

Mayor Kim closed the public hearing at 6:45 p.m.

Amend Chapter 134 – Human Rights Protection (Mayor's Agenda No. 5)

Mayor Kim opened the public hearing at 6:45 p.m.

Mayor Kim read parts of the article and summarized it as prohibiting the use of any City resources to prohibit the procuring of an abortion in this state.

Rose Tate of Saratoga Springs stated she doesn't understand why the City needs the Human Rights protection. The City shouldn't be involved with it; it's a state law.

Sue Gardner of Saratoga Springs is here on behalf of Saratoga Caucus for Reproductive Rights. This issue is very important to her. Time before abortion was legal was a horrible time for women and lived with back alley abortions. Abortions is health care and sometimes require abortions to save lives. We live in a conservative County and don't know what could happen. She is grateful the Council is doing this.

Mayor Kim stated this statute has been passed by some other cities in New York State. We want to make sure our City resources aren't used to obstruct this right.

Barb Thomas of Saratoga Springs grew up before the development of the birth control pill and before New York legalized abortions. She is also a volunteer of Planned Parenthood and supports this. It would expand protections of reproduction rights in this City. Saratoga Springs can join the state and other cities who have become abortion safe harbors. This sends a message that in New York State abortion is health care. Everyone deserves the right to access health care with dignity and respect.

Emma stated she is a student at Saratoga Springs High School and supports this ordinance. She commended the City Council for stepping up to support reproductive justice. People in this community and those traveling here should feel safe when seeking reproductive health care.

Maggie, a student of Saratoga Springs High School stated she has worked with Planned Parenthood in the past to inform and promote reproductive justice. This ordinance supports New York State as a place for safe reproductive health care. She is in support of this ordinance.

Adrian Antonloni of Saratoga Springs stated everyone should be in support of this. Steps taken to invest in programs in the community to assist with raising a child they will not be depend on places like crisis pregnancy centers. The Council needs to vote to protect the communities.

Jaime McCallion of Saratoga Springs stated his mother had the chance to abort him but didn't. People have the right to abortion and to access to health care. Voting on this is essential.

Diogenes of Stolen Land stated she is grateful for always having had access to healthcare. What would happen when a corrupt Police Department that is under investigation leaks this type of information to "Moving Saratoga Forward"? What is going to keep this information out of the hands of this corrupt Police Department? Diogenes asked if this policy will protect young trans refugees.

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

(Mayor Kim reopened this public hearing later in the agenda)

MAYOR'S DEPARTMENT (Part 1)

Proclamation: City Center 40th Anniversary

Mayor Kim moved up the proclamation of the City Center's 40th anniversary. Ryan McMahon, executive director of the City Center and Matt Jones, one of the founding members of the City Center are here. In 1965, the old convention hall burned down. The City debated for the next 15 years if it should replace the convention hall. In March 1980, former Mayor Ellsworth Jones created a task force and in July 1980, the City approved a 1% sales tax to fund the construction of the City Center. In 1984, the City Center was dedicated and has hosted millions of people for thousands of events since then.

Matt Jones advised 40 years ago the City Center Authority convened and has been gathering about every 10 years to remember the first gathering. At the time the 1% sales tax was conceived, the City's sales tax was 6% and became 7% with the tax for the City Center. Many of the downtown businesses were cautious about adding the 1% tax as the Pyramid Mall was only 4%.

Ryan McMahan thanked everyone on the Council and the County. The first year the City Center held 84 events, a couple of flea markets, and garage sale. It continue to build from there and in 2018 they held 203 events on 379 days booked; in 2019 they had 381 days booked with 4,378 events and local sales tax of \$20 million.

Commissioner Sanghvi congratulated the City Center and asked what was one of the most unique events that took place at the City Center?

Ryan advised holding a Holstein auction. He stated the City Center was not designed to house 100 cows.

The proclamation is as follows:

A PROCLAMATION
OF THE CITY OF SARATOGA SPRINGS, NEW YORK

WHEREAS, the 1980s found the City of Saratoga Springs in transition. We had been known for over a century as a city filled with large, spacious, world-famous hotels and a Convention Hall that hosted events for groups and organizations from across the country and around the world. But the big hotels were gone, and Convention Hall had been destroyed by fire in 1965. Saratogians were enthusiastic about the increasing interest in racing and tourism, but in many ways the road ahead seemed uncertain, and WHEREAS, beginning in 1980 Mayor Ellsworth J. Jones began a process to develop a plan for a new convention center for Saratoga Springs. A determined group of Saratogians, including Chamber of Commerce members John Roohan, Joe Dalton, Ed Levine and Charles Wait, joined forces in a city-wide effort to finance and build a new facility. Their efforts were not without controversy, but their eventual success produced a City Center that has become one of our city's most appreciated and most recognized landmarks, and WHEREAS, the principal reason for the City Center's success has been the dedicated and responsible efforts of the Saratoga Springs City Center Authority, a public authority created under State Law and operating independently of political trends and influences. The Authority has generated many millions of dollars in revenue for Saratoga Springs and Saratoga County, has helped to make our city and county an internationally known destination, has provided jobs to thousands of local people, and has become an integral part of our community,

NOW, THEREFORE, I, RON KIM, Mayor of the City of Saratoga Springs, am pleased to congratulate the membership and staff, past and present, of the Saratoga Springs City Center Authority on the anniversary of its first meeting 40 years ago on March 28, 1983, and to express our thanks and appreciation to them as they continue to serve our city in the many years to come.

PUBLIC HEARINGS (continued)

Amendment to 2022 CDBG Annual Action Plan

Mayor Kim opened the public hearing at 7:13 p.m.

No one spoke.

Mayor Kim concluded the public hearing at 7:14 p.m. and kept it open.

Independent Advisory Committee – Police Reform Task Force

Mayor Kim opened the public hearing at 7:14 p.m.

No one spoke.

Mayor Kim closed the public hearing at 7:15 p.m.

Local Law No. 1 of 2023 – UDO No. 1 (Mayor's Agenda No. 14)

Mayor Kim opened the public hearing at 7:15 p.m.

No one spoke.

Mayor Kim closed the public hearing at 7:15 p.m.

Local Law No. 2 of 2023 – UDO No. 2 (Mayor's Agenda No. 15)

Mayor Kim opened the public hearing at 7:15 p.m.

No one spoke.

Mayor Kim closed the public hearing at 7:16 p.m.

Local Law No. 3 of 2023 – UDO No. 3 (Mayor's Agenda No. 16)

Mayor Kim opened the public hearing at 7:16 p.m.

No one spoke.

Mayor Kim closed the public hearing at 7:16 p.m.

Local Law No. 4 of 2023 – UDO No. 4 (Mayor's Agenda No. 17)

Mayor Kim opened the public hearing at 7:16 p.m.

No one spoke.

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

Start Time of Regular City Council Meetings

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

Mayor Kim advised the City Council currently starts at 7 p.m.

Commissioner Sanghvi stated there was a conversation among the Council members to change the start time of City Council meetings to address City business.

Mayor Kim stated they are limiting the public comment period up front and then holding another public comment at the end of the meeting.

Barb Thomas of Saratoga Springs stated it is important not to start meetings before 6 p.m. to give people time to get home and then to City Hall.

Camille Daniels of Saratoga Springs stated she feels confused when hearing 'the need to do City business before public comment'. She thought public comment was City business.

Mayor Kim closed the public hearing at 7:23 p.m.

2023 CDBG Annual Plan Recommendations

Mayor Kim opened the public hearing at 7:23 p.m.

No one spoke.

Mayor Kim concluded the public hearing at 7:23 p.m. and kept it open.

CALL TO ORDER

Mayor Kim called the meeting to order at 7:23 p.m.

PUBLIC COMMENT

Mayor Kim advised there are new rules to public comment. People have 4 minutes to use or lose it. He asked all to be kind; we are a community. He also asked the speakers to be factual. The Council members may respond if they choose. He will also hold a public comment period at the end of the City Council meeting. The public must register to present their questions.

Mayor Kim opened the public comment period at 7:24 p.m.

Rose Tait of Saratoga Springs provided a handout to the City Council (attached). The handout contains recent pictures of Lincoln Avenue and Wright Street where National Grid was working. She was told that National Grid had a permit to work. Rose asked for a moment of silence for the passing of Commissioner Golub's father.

Steve Mittler of Lake Avenue thanked Mayor Kim and Commissioner Moran for paying attention to the speakers. He stated public comment is so important and there is a lot going on in the City. It is not fair for a citizen to not have the opportunity to speak because the total amount of public comment time is limited to a half hour. He feels it is comical to hear the Council say they have been here for four hours, etc. That is what the Council signed on for, as an elected official and maybe the Council should consider not packing the agenda.

Supervisor Gaston commented that she uses her computer to input notes during the meeting. She apologized if anyone feels that by her doing that, she is not paying attention, but she is.

Steve Mittler thanked Supervisor Gaston for her comments and stated she has always provided good notes.

Hannah Hurley of Saratoga Springs stated it is not right that Chandler Hickenbottom was charged by Commissioner Montagnino. Speaking during public comment is an act of non-violent protest that should be protected by law. The main issue that evening was the lack of police reform action and lack of accessibility to privately discuss the manner in an orderly fashion. Everyone on the Council is a democrat who has pledged to believe in reforming our government and to remove racial biases. It is a shame that this group is being prosecuted for their efforts and allow them to educate our community freely.

Daesha Harris of Saratoga Springs stated she is shocked by the lack of knowledge and willingness to learn as shown through the ignorant comments of the Council. She told Commissioner Montagnino he doesn't know what the definition of democracy is; it is government by the people. There is a clear cultural and historical deficiency when it comes to the history of policing and systemic racism in this Country. The majority of the 50-point plan is work that is meant to be on going. There has been no education on the subject this is the sole reason for executive order 203.

Sherri Grinter of Saratoga Springs asked if the porta potty item passed and if not what she can do to get the Council to revisit it.

Mayor Kim stated there was no action item on that as there was no contract and it was not put out for bid.

Commissioner Sanghvi added the Council is in support of finding solutions.

Diogenes of Stolen Land stated she has no problem with Council members taking notes or not looking at her when she speaks. She thanked Tara Gaston for pushing back on those comments.

Samira Sangare stated the change in public comment is ridiculous. She worked at a school where the students held mediation sessions and meetings to solve their problems. Commissioner Montagnino needs to listen to the community and if he can't, he doesn't have the backbone to do the job. Commissioner Montagnino made a statement in the paper he has done a lot of training with the Police Department; she would like proof of that. There has been consistent targeting of black people in this town. She told Commissioner Montagnino not to get mad when people don't want to vote for him due to his words and actions. The charges against Chandler Hickenbottom need to be dropped.

Owen Shorff of Saratoga Springs asked for charges against Chandler Hickenbottom be dropped. People can't be passionate in Saratoga Springs without landing in court. It is ironic how racist hecklers can yell at Saratoga BLM members as they speak during open comment and threaten to call the DEA on them and nothing comes of it. When Chandler speaks her mind, she is punished by the people who as supposed to be improving it.

Lexis Figuereo of Saratoga Springs stated Commissioner Montagnino is a pathological liar. Alexis Brown is a leader of Saratoga Black Lives Matter and she campaigned for Commissioner Montagnino. They haven't asked for handouts or anything, just commit to equitable public safety. If a person is speaking passionately about something, that affects them, their family, and community members, as an official you should sit down and speak with them to see how changes can be made. If Commissioner Montagnino doesn't want to do his job, he can step aside or sit back.

Mayor Kim closed the public comment period at 7:55 p.m.

PRESENTATION

Mayor's Non-Profit Grant Award

Richard Torkleson stated he is here to represent Pitney Meadows Community Farm. He thanked the Council for their service to the City. Pitney Meadows Community Farm is a 501C (3). One of the things they do is provide food for the community by setting up pop-ups within the community. There are 166 acres separated into three areas – infrastructure area, vegetable production area, and a wooded area. The solar project cost was prohibited because of how far back they had to go with the project. A building was built to protect their farm equipment and that is where the solar panels will be housed. Portable generators are currently used to run wells but the wells can run with the solar power. He invited the Council to go visit the farm.

Station 3 Update by Hueber Breuer

Commissioner Montagnino introduced Assistant Chief Aaron Dyer and Sean Foran of Hueber Breuer.

Sean Foran of Hueber Breuer presented. The groundbreaking ceremony was held late July 2022 with the majority of the building being closed in by January 2023. The building has a three bay drive through, training area and roofing has been installed on most of the building. The steps to completion include the fire bay floor by April 10, 2023; substantial completion of June 1, 2023; owner fixture, furnishing, and equipment by June 25, 2023; and generator installation on September 25, 2023. Other means are available to bring in a temporary generator. Most of the dollars have been committed for the project. Hueber Breuer continues to manage two budgets on behalf of the City – the contingency budget and the fixtures,

furnishings, and equipment (FFE) budget. The contingency budget started with \$345,000. They are approximately 80% complete on the project with \$78,341 of contingency being committed. The fixtures, furnishings, and equipment budget started with \$500,000 and has \$70,458 being committed for the generator.

Intelligent Transportation System (ITS) Master Plan for the City of Saratoga Springs

Andrew Krupski of the City's Traffic Division introduced members of GPI – Mike Wieszchowski and Emilio Sosa. The master plan has been created for the City Council's consideration.

Emilio Sosa advised this is the application of technology to improve traffic and safety on the roadways. The masterplan is the framework the City can use to move forward. GPI was charged with coming up with short-term, mid-term, and long-term goals. Short-term goals include establishment of a management center, establish communication to all traffic signals, and acquire software so signals can run as one system from a central point. Medium to long-term goals includes installation of a driver information system, establish a monitoring system that alerts people of congestion, and the system needs to be able to handle future enhancements. The City has 46 traffic signals with the latest controls available; there are also New York State Department of Transportation and County signals. The communication system is obsolete and out of date. The City has three portable variable message signs (VMS) that are not controllable by remote and need to be manually programmed on site. Emilio stated they learned the City plans on establishing third party fiber drops throughout the City in approximately 23 locations, which could be used to establish communication and bring it back to the servers.

Commissioner Moran asked if the system is taking advantage of the current fiber optic project in the City.

Emilio stated that is correct. They are also looking into better monitoring to allow the City to manage their roadways. They can use fiber optic cables or install their own overhead on utility poles, or wireless point-to-point communications. The controller cabinets are older and should be replaced and there will be a need for battery back-ups.

Mike advised solutions to the needs include acquiring the control software and construct the traffic management center (TMC). It is also important to be able to talk to the Police Department and the state traffic management center. Signals can be controlled remotely and broadband radios will be used where fiber or overhead cable is missing. A Wi-Fi/Bluetooth detector will be installed along the corridors in the future. Seven locations have been identified for the VMS signs and will be upgraded to be managed remotely. Short-term projects will be deployed within the next couple of years. Software licensing is one of the biggest expenses at \$200,000 - \$300,000 and estimated construction cost is \$900,000.

Commissioner Sanghvi asked how much has been done with the City's DPW and IT departments.

Emilio stated they worked hand in hand with them.

Mayor Kim asked GPI if they have had any interaction with Complete Streets.

Emilio stated they have not.

Mayor Kim stated work is going to commence on Union Avenue to install bike lanes and there is talk of changing the speed limit throughout the City to 25 m.p.h. Some traffic studies have been done in some of the areas being looked at for ITS.

Emilio stated they are actively working on the design. They will develop preliminary plans for the utility companies regarding connections and hope to have the complete design done by fall so construction can begin next year.

CONSENT AGENDA

Commissioner Moran moved and Commissioner Sanghvi seconded to approve the consent agenda as follows:

1. Approval of 10/14/2022 Budget Workshop Minutes
2. Approval of 10/17/2022 Budget Workshop Minutes
3. Approval of 10/17/2022 Pre-Agenda Minutes
4. Approval of 10/18/2022 City Council Meeting Minutes
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10. Approval of 11/14/2022 Pre-Agenda Meeting Minutes
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13. Approve Payroll 03/17/2023 \$506,360.85
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15. Approve Warrant 2023 – 23MAR2 \$881,589.92
16. Approve Mid Warrant 2023 – 23MWMAR2 \$5,413,415.78
17. Approve Budget Transfers - Regular
18. Approve Budget Transfers - Revenue

Commissioner Sanghvi advised there are a couple edits to the October 19, 2022:

- Page 4/paragraph 6 – it states “Commissioner Sanghvi stated the former budget director had **issuing** with imputing..”. That should be “**issues with imputting**”.
- Page 5/paragraph 11 – Commissioner Sanghvi asked to add the line “Commissioner Sanghvi mentions that the revenues need to match the expenses.” She also requested the word ‘only’ be added prior to \$300,000 in the next sentence along with ‘in revenues’ at the end of the sentence. The sentence will read, “Chief Dolan has requested an additional \$2.8 million in the budget and has offered an increase of **only \$300,000 in revenues.**”

Commissioner Moran moved and Mayor Kim seconded to make a friendly amendment to add the changes to the October 19, 2022 minutes suggested by Commissioner Sanghvi.

Mayor Kim stated he nor his staff have had time to review the minutes. He stated it is not possible for his staff to read or watch the video. He will abstain in future from voting on minutes that are 60 days or older; however, he will vote this time but not on a go forward.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

SUPERVISORS

Tara Gaston

Public Health Update

Supervisor Gaston reported NYS DOH and County DOH has moved to a weekly reporting system. The County has developed an opioid and overdose task force and dashboard. Narcan distribution and training will happen Saturday at 9 a.m. to noon at Geyser Road Elementary. The Good Samaritan Law is in practice.

CORE Justice Update

Supervisor Gaston reported she will be attending the CORE pre-conference the first week in May. They met last week and discussed affordable housing and how redlining has affected communities.

Matt Veitch

Supervisor Veitch announced Lieutenant Colonel Clarence Dart from Saratoga Springs was honored as the deceased veteran of the month.

Saratoga County Sewer Pump Station Upgrades

Supervisor Veitch reported they voted on the upgrades to pump station number one. There will be new piping, a new roof, build of the pumps, and well and manhole replacement for a total of \$4 million dollars.

Saratoga County Summer Youth Employment Program

Supervisor Veitch reported high school students will be able to participate again this year. He will e-mail the commissioners so that if they wish to take advantage of this program they will have the information to do so.

Updating the County Seal

Supervisor Veitch reported the County seal will be updated by upgrading the text and changing the image so the cannon appears in the back rather than the front of the image. The scene will look a little different.

** The City Council recessed at 9:01 p.m.

** The City Council returned at 9:14 p.m.

MAYOR'S DEPARTMENT

Proclamation: City Center 40th Anniversary

This item was addressed earlier in the evening.

Discussion and Vote: Award of \$150,000 Mayor's Non-Profit Grant (23-134)

Mayor Kim moved and Commissioner Moran seconded to award \$150,000 to Pitney Meadows Community Farm Investment and solar infrastructure project to support the installation of a solar panel grid that will provide a public benefit to Saratoga Springs and its residents equal to or greater than the amount of the grant.

Commissioner Moran asked if the solar will offset the energy used by the farm or will it be used to produce excess.

Pitney stated it will not be producing extra, the farm will use or store it all.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

Discussion and Vote: Resolution Approving Counsel Fees for Former Deputy of DPS Finneran and Former Deputy Mayor Shields (23-135)

Mayor Kim moved and Commissioner Moran seconded to approve the resolution as follows:

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF SARATOGA SPRINGS, NY
Public Officers Law Section 18
Saratoga Springs City Code Chapter 9**

BE IT RESOLVED by the City Council of the City of Saratoga Springs, New York, as follows:

WHEREAS, in 1987 the City Council enacted an Article in the City Code that provides for a defense and indemnification of city officers and employees in any state or federal legal action arising out of any alleged act or omission which occurred or allegedly occurred in the scope of official duty or public employment, and

WHEREAS, Section 18 of the New York State Public Officers Law contains provisions that apply to public entities who have agreed by the adoption of local law, bylaw, rule or regulation, to confer benefits of defense and indemnification upon its officers and employees, and

WHEREAS, two former Deputy Council members of this City, Eileen Finneran and Lisa Shields, have been served with subpoenas by the New York Attorney General to provide documents and information, including testimony, as part of that office's investigation into events that occurred in the City of Saratoga Springs during the two former members' terms of public service, and the two former Deputies have requested representation by private counsel of their separate choice, and said counsel having submitted to the City Council and the City Attorney estimates of legal expenses and costs for providing advice and representation to the two former Deputies, and

WHEREAS, this Council desires to provide the two former Deputies with defense and indemnification as required by City Code Chapter 9 and by Public Officers Law Section 18, and to pay for reasonable attorneys' fees and expenses in the manner indicated in Section 18,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. This Council hereby authorizes providing to former Deputies Eileen Finneran and Lisa Shields private attorneys' fees in initial amounts of not more than Nine Thousand Dollars (\$9,000) for Eileen Finneran and Eight Thousand Six Hundred and Twenty-five Dollars (\$8,625) for Lisa Shields, for legal advice and representation in responding to the subpoenas served upon them by the Attorney General's Office.
2. The private attorneys representing the two Deputies shall submit detailed statements of hours worked, services rendered, and amounts billed.
3. In accordance with Section 18 (3)(b) of the Public Officers Law, the two Deputies may request additional reasonable legal fees or expenses from time to time during the pendency of the subpoena response. The Council shall review such requests and if found reasonable shall provide such additional fees and expenses by further resolution.

Mayor Kim advised the amounts spent year to date are: for former Mayor Kelly is \$20,528; for former Commissioner Robin Dalton is \$15,755; for former Deputy Mayor Shields is \$8,625; and for former Deputy Commissioner Eileen Finneran is \$9,000; for total of \$63,625. This is for collection of data and investigation at this point.

Commissioner Sanghvi asked if there is a cap that can be placed on this.

Mayor Kim advised the City asked for estimates, which have been pretty accurate to date.

Tony Izzo, city attorney stated a local legislative body does have the power to review if reasonable.

Commissioner Montagnino confirmed the City is responsible for their defense as well as indemnification.

Tony advised that is true.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

Discussion and Vote: Resolution on Municipal Liability

Mayor Kim moved and Commissioner Moran seconded to approve the resolution on municipality liability as follows:

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF SARATOGA SPRINGS, NEW YORK
CITY ATTORNEY**

BE IT RESOLVED, by the City Council of the City of Saratoga Springs, New York as follows:

WHEREAS, on or about February 22, 2023, James Montagnino, filed a Summons for alleged violations of the Penal Law, naming as a defendant Chandler M. Hickenbottom, a person in attendance at a City Council meeting held on February 7, 2023. James Montagnino made this filing of alleged criminal information unilaterally, without City Council discussion, and without an authorization or a vote from the City Council, and;

WHEREAS, while the alleged violation occurred during a City Council meeting on or about February 7, 2023, at about 7:50 PM, the City Council never endorsed the filing of any criminal information, and;
WHEREAS, under Title 3D of the City of Saratoga Springs Charter it is expressly enumerated that “the Mayor shall be presiding officer of the Council...” and;
WHEREAS, under Title 3C of the City of Saratoga Springs Charter it is expressly enumerated that “the Mayor shall execute in the name of the City all instruments requiring the assent of the Council...” and;
WHEREAS, on or about February 7, 2023, the City Council, by unanimous majority vote of 5 to 0 agreed to adjourn its meeting and eventually rescheduled it for February 9, 2023, and;
WHEREAS, neither the Mayor, nor the City Council have authorized the filing of any criminal information or Summons for violations of the Penal Law alleged to have occurred during the City Council meeting on or about February 7, 2023;
NOW THEREFORE, BE IT RESOLVED as follows: The instrument filed by James Montagnino “doing business at 474 Broadway, Saratoga Springs NY 12866” is neither authorized by the Mayor nor the City Council and is solely filed in James Montagnino’s capacity as a private citizen of Saratoga Springs. Without a vote by the City Council, such an action is outside the legal authority of the City Council as defined in the City Charter, and is not an action of the Saratoga Springs City Council, and
BE IT FURTHER RESOLVED: As the instrument and criminal information filed by James Montagnino “doing business at 474 Broadway, Saratoga Springs NY 12866” is not an authorized instrument, declaration, or resolution of the City of Saratoga Springs, and was not executed by the Mayor upon the consent of the City Council; but filed solely in James Montagnino’s capacity as a private citizen, outside the scope of City Charter authority, accordingly, the City of Saratoga Springs shall not be liable for any civil actions, damages, or other liability that shall result from the filing of this instrument and resulting from this action by a private citizen and neither Chapter 9 of the City Code nor Section 18 of the Public Officers Law shall apply.

Commissioner Montagnino asked Tony Izzo if he drafted this resolution.

Tony Izzo stated he did not and it caused him concern to see City attorney on this document.

Mayor Kim stated he wrote this resolution; he is an attorney.

Commissioner Montagnino asked Tony Izzo if he has ever seen a resolution resembling this done in his 37 years as city attorney.

Tony Izzo stated he does not recall ever seeing a resolution of this type.

Commissioner Montagnino stated there the first clause in the resolution stating he filed a summons; this is inaccurate. He asked Tony Izzo if he agrees a summons is the process of the court.

Tony Izzo stated his understanding is a criminal complaint was filed.

Commissioner Montagnino stated a criminal complaint was filed, not a summons.

Mayor Kim stated the money spent is not the Councils; they must be conscious of that. The resolution doesn’t say Commissioner James Montagnino, it says James Montagnino. It is not something the City Council did. As presiding officer of the City Council, he did not authorize this, nor did he execute the document per authorization of the Council. He feels it is an appropriate resolution to protect the City, as they cannot have an open pocket book for every indemnification.

Commissioner Montagnino asked a series of questions of the Tony Izzo. He confirmed Tony Izzo prosecutes on petty offences.

Tony Izzo stated he prosecutes on municipal ordinances and minor offenses.

Commissioner Montagnino asked Tony Izzo if they could agree that criminal information does not require the assent of the Council for someone to file.

Tony Izzo stated it depends. It appears that the City Council does not assent to the issuing of the instrument.

Commissioner Moran stated it is disgusting that they are here talking about the use of meager power of the City Council to silence a young black woman.

Mayor Kim stated he wants a 5 – 0 or a 4 – 1 vote on this. He believes the City Council should speak on this. He will pull this item for vote at the next City Council meeting so the full Council is present.

Commissioner Montagnino stated this resolution, if passed, opens a sitting member of the Council to the potential of personal liability. It is in derogation of the City Code and derogation of the state law. What hasn't been considered by anyone involved in the drafting of the resolution is if passed, the effect this will have on anyone considering the run for office.

Mayor Kim stated the idea of indemnification is important but this resolution states the City Council should have been consulted and asked about this. The meeting happened with the entire Council present and the mayor is presiding officer of the Council.

Commissioner Montagnino suggested to the mayor that before this is brought back before the City Council at the next meeting, he might want to have it vetted by risk and safety, as there are insurance ramifications to this resolution.

Commissioner Moran stated there are definitely insurance ramifications; violating Civil Rights.

Mayor Kim stated there are definitely ramifications and putting the City at risk. He is trying to cut losses and protect the City.

Commissioner Moran stated they are mitigating the risk associated with the abuse of power and the effect it has had on peoples' Civil Rights. Speech is not a crime.

Commissioner Montagnino states Title 6 of the City Charter states the "Commissioner of Public Safety shall be responsible for the protection of City residents and their property from crime, fire, hazard, disorder, and natural disaster".

Mayor Kim stated the City Council was in favor of this when he drafted it. The City should not be held liable for a private citizen complaining at a City Council meeting. He offered to pull this item and fix the typos.

Commissioner Sanghvi stated using government power to infringe on the rights of other people who talk at a City Council meeting is not democracy and the City Council agreed to adjourn the meeting.

Commissioner Montagnino stated the reason the meeting was adjourned was because the City Council could not get their business done.

Mayor Kim stated the City got its business done two days later and there was no harm on any party's part. The item was pulled from the agenda by Mayor Kim and will bring it back on April 4, 2023.

Discussion and Vote: Ordinance Amending Municipal Code to Add Chapter 134 "Human Rights Protection", Article 1 "Protection of Reproductive Rights"

Mayor Kim moved and Commissioner Sanghvi seconded to approve the ordinance amending the municipal code to add Chapter 134 "Human Rights Protection", Article 1 "Protection of Reproductive Rights".

Commissioner Sanghvi stated she is happy to see this as something that will be passed tonight.

Commissioner Moran stated he appreciates the descriptions and explanations that have been shared. This needs to be worried about now and thanked the mayor for bringing this forward.

Commissioner Montagnino stated this is a great ordinance for the City to pass. He stated section 134-2(a)(2) could be misinterpreted regarding reimbursement for health care provision.

Tony Izzo stated he originally proposed different language but is in agreement with the language that is there now. The original language stated the City will not release any information to an out of state agency or individual. This language covers that so an individual can sign a HIPPA waiver.

Commissioner Montagnino suggested changing that section to say 'except where authorized by state or federal law'.

Commissioner Sanghvi moved and Commissioner Moran seconded to accept the friendly amendment made by Commissioner Montagnino for the section to stated 'except where authorized by state or federal law'.

Supervisor Gaston suggested using the word 'required' as the language. If someone has insurance with a company whose headquarters are not in New York State, that company could authorize under their state law the sharing of information. The word 'required' would limit that.

Mayor Kim pulled this item from his agenda and re-opened the public hearing.

Discussion and Vote: Revocable License for Use of City of Saratoga Springs Ice Rinks (Ice Rink User Agreements) Template (23-136)

Mayor Kim moved and Commissioner Sanghvi seconded to approve the ice rink user agreement template for 2023 for use at the City of Saratoga Springs ice rinks.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

Discussion and Vote: Authorization for Mayor to sign Addendum with Kirby Aisner & Curley, LLP

Mayor Kim advised this addendum adds \$10,000 to the original agreement.

Mayor Kim moved and Commissioner Sanghvi seconded to authorize the mayor to sign addendum with Kirby Aisner & Curley, LLP for \$10,000.

Mayor Kim stated this firm was retained for the bankruptcy of the Beaver Pond development.

Commissioner Moran advised the original contract terminated December 31, 2022. It appears more than an addendum is required.

Mayor Kim pulled this item to investigate and bring back.

Discussion and Vote: Authorization for Mayor to Sign Agreement with Saratoga Casino Holdings, LLC (23-137)

Mayor Kim advised this agreement is for the use of the fields for soccer.

Mayor Kim moved and Commissioner Moran seconded to authorize they mayor to sign agreement with Saratoga Casino Holdings, LLC.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

Discussion and Vote: Authorization to Pay Delta Development Invoices (23-138)

Mayor Kim moved and Commissioner Sanghvi seconded to authorize the payment of Delta Development invoices in the amount of \$10,000 for infrastructure consulting.

Commissioner Moran stated the termination date of the original agreement is December 31, 2022; therefore, 2022 funds cannot be used. A certification of funds is required.

Mayor Kim stated they are going to send an RFP (request for proposal) out on this.

Commissioner Sanghvi stated they have not signed the certification of funds.

Commissioner Sanghvi moved and Commissioner Moran seconded the friendly amendment to authorize payment of invoices pending the signing of the certification of funds.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

Discussion and Vote: Resolution for Terms and Conditions of Assistant City Attorney (23-139)

Mayor Kim moved and Commissioner Sanghvi seconded to approve the resolution as attached to the agenda.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

The resolution is as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SARATOGA SPRINGS, NEW YORK
ASSISTANT CITY ATTORNEY

BE IT RESOLVED, by the City Council of the City of Saratoga Springs, New York as follows:

It is the intent of this resolution to establish terms, compensation, and benefits for the Assistant City Attorney of the City of Saratoga Springs. This resolution shall supersede all prior resolutions, contracts, and Council actions affecting terms, compensation, and benefits for the Assistant City Attorney. Nothing in this resolution shall be construed to create an employment agreement nor alter the "at-will" status of the appointed Assistant City Attorney.

WHEREAS, Title 8 of the City Charter entitled LEGAL MATTERS, Section 8.1 City Attorney states "There shall be a City Attorney who shall report to the Council regarding all legal matters affecting the City. The Mayor shall appoint the City Attorney, and the Council shall establish his or her compensation. The City Attorney shall serve as general legal advisor and shall be responsible for providing legal services and guidance to the City and all its departments and entities. The City Attorney shall maintain regular and updated records and shall report to the Council on the progress of all legal matters conducted by or on behalf of the City, as required."; and

WHEREAS, The Assistant City Attorney provides legal services including but not limited to:

1. Legal services and advice for the benefit of the City Council, Mayor, Commissioners, and City departments;
2. Attendance at regularly scheduled City Council meetings and such other meetings, as determined by the City Council or Council members;
3. Service as the Chief Information Officer for the City for all FOIL requests;
4. Service on various committees in accordance with the City Charter, City ordinances, Council Resolution(s), or as requested by City Council or Council member(s);
5. General supervision of all legal matters conducted by or on behalf of the City in conjunction with the Mayor's office and staff;
6. Maintaining records for all legal matters; and
7. Other tasks in connection with the position Assistant City Attorney as may be requested by the Mayor or Commissioners.

NOW THEREFORE BE IT RESOLVED as follows:

1. Term: This resolution shall take effect immediately upon City Council approval.
2. Standard Workweek: The Assistant City Attorney's standard workweek shall forty (40) hours per week. The Assistant City Attorney shall not be entitled to overtime or compensatory compensation. The Assistant City Attorney shall provide legal services under the supervision of the Mayor's office.
3. Compensation: The salary for the Assistant City Attorney shall be Two Thousand Nineteen Dollars (\$2,019.00) per week.
4. The Assistant City Attorney shall be an employee of the City of Saratoga Springs, and receive benefits attended thereto, including:
 - a. Vacation: The Assistant City Attorney shall earn annual vacation as follows: fifteen (15) working days during his or her first year of service, and during each of the next nine (9) years of service; twenty (20) working days upon completion of ten (10) years of service, and thirty (30) working days upon completion of twenty (20) years of service. If the Assistant City Attorney is hired after January 1, a proration of the fifteen (15) days will be granted during the first year of service.

Vacations for the Assistant City Attorney shall be scheduled with and approved by the Mayor and Deputy Mayor.

Vacation must be taken by December 31st of the year vacation was earned, or else the time shall be forfeited. If the Assistant City Attorney retires, resigns, or is not reappointed, the Assistant City Attorney shall be entitled to payment for only those vacation days earned and unused for the period between the Assistant City Attorney's last earning date and the date of retirement, resignation, or other termination.

If the Assistant City Attorney should die during his or her employment, all vacation time earned and unused for the period between the Assistant City Attorney's last anniversary date and the date of death, shall be paid in cash or as the Assistant City Attorney's death benefit to his or her designated beneficiary or estate.

b. Sick Leave: The Assistant City Attorney shall be entitled to sick leave with pay for a maximum of twelve (12) working days per year. The Assistant City Attorney may accumulate sick leave, but may not use more than one hundred fifty (150) days in any given twelve (12) month period. The Assistant City Attorney shall use sick leave in no less than one (1) hour increments. An Assistant City Attorney hired after January 1st shall be granted a proration of the twelve (12) days allotted during the first year of service.

If the Assistant City Attorney is absent because of illness or disability for more than three (3) consecutive days, he or she may be required by the Mayor or Deputy Mayor to provide a physician's statement of sickness or disability.

Prior to any cash payments for unused sick leave, an Assistant City Attorney who terminates his or her service prior to December 31st shall be granted a proration of the twelve (12) days allotted.

Cash payments will be made for accumulated unused sick leave remaining in the Assistant City Attorney's individual account at termination of employment or upon death of the Assistant City Attorney while in the employ of the City upon the following 3 basis: Twenty-five percent (25%) of accumulated sick leave up to a maximum of two hundred (200) days (cash payment of fifty (50) days).

Cash payments upon death of the Assistant City Attorney while in the employ of the City shall be paid to Assistant City Attorney's beneficiary or estate.

c. Personal Days: An Assistant City Attorney who works forty (40) hours per week shall be granted six (6) personal days per year. The Assistant City Attorney shall use personal leave in no less than two (2) hour increments.

The six (6) personal days shall be granted for the year on January 1st. An Assistant City Attorney hired after January 1st shall be granted a proration of the six (6) days allotted. If the Assistant City Attorney does not complete the entire year, however, the pro-rated equivalent rate of pay shall be subtracted from any monies due to the Assistant City Attorney. Personal days not used in any calendar year shall be credited to accumulated sick leave.

d. Holidays: The Assistant City Attorney shall be entitled to thirteen (13) paid Holidays: New Year's Day, Martin Luther King Day, Presidents Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Day after Thanksgiving, Christmas Day, and Election Day at the November General Election.

e. Bereavement: The Assistant City Attorney shall be entitled to three (3) consecutive workdays off per death in their immediate family. Immediate family shall be defined as mother, father, sister, brother, son, daughter, mother-in-law, father-in-law, sister-in-law, brother-in-law, spouse, grandparent, grandchild, step parent, step child, aunt, uncle or any other persons living in the household of the Assistant City Attorney.

f. Retirement: The Assistant City Attorney may be covered by the New York State Employee's Retirement System known as 75i of the New York State Retirement Law.

g. Health Insurance: The Assistant City Attorney shall be entitled to participate in the MVP25 health insurance plans offered by the City to the various bargaining units, at a cost to the Assistant City Attorney of ten percent (10%) of the total cost of his or her health insurance plan, not to exceed Seven Hundred Fifty Dollars (\$750.00) per year. The City shall provide the plan to the Assistant City Attorney, and his or her dependents.

In the event that federal or state legislation, rules and/or regulations issued in relation to the Patient Protection and Affordable Care Act ("PPACA"), the Health Care and Education Reconciliation Act of 2010 ("HCERA") and/or any other legislation, rule, or regulation:

- (i) impact in any way the health insurance plans, costs, or benefits provided for in this Resolution (including but not limited to contractual benefits such as health insurance buy-outs or stipends);
- (ii) raise a question as to whether the health insurance benefits provided for herein meet certain standards contained in such legislation, rules, and/or regulations (including, but not limited to, compliance with legislation, rules, regulations, or any legislation, rules or regulations which may cause the City to be charged any penalty, or those that govern whether plan benefits meet the "minimum essential benefits" standard or a similar standard, whether the City premium contribution levels are adequate and/or meet legal requirements, or whether the individual household affordability standard is satisfied); or
- (iii) permit an individual or group of individuals to receive benefits, subsidies, or credits through a health insurance exchange program (or any other government subsidy or benefit provided pursuant to the PPACA, HCERA, or any state or federal regulations or rules implementing health insurance reform laws), the City may immediately implement changes as necessary to comply with federal and/or state laws, rules, and regulations and/or to avoid or eliminate penalties, potential penalties, or taxes. Such changes may include, among others, modifications for the Assistant City Attorney, including modification to individual or group coverage, benefits, contributions, or wages, to the extent necessary to comply with federal and/or state laws, rules, and regulations and/or to avoid or eliminate penalties, potential penalties, taxes, or cessation of payments toward the cost of benefit(s) if such benefit(s) are not compliant with the PPACA/HCERA or if such compliance would cause the City penalty or cost associated with avoidance of penalty.

The Assistant City Attorney may elect not to participate in a plan of medical and health insurance benefits provided under this resolution and such Assistant City Attorney shall be eligible to receive a payment of Twenty Two Hundred Dollars (\$2,200.00) for single coverage, Twenty Five Hundred Dollars (\$2,500.00) for two (2) person coverage, or Three Thousand Dollars (\$3,000.00) for family coverage per calendar year. The Assistant City Attorney shall not be eligible to receive such payment unless the

Assistant City Attorney shall have provided proof to the Human Resources Office that the Assistant City Attorney and such Assistant City Attorney's eligible dependents are covered by a comparable plan of medical and health insurance benefits for the entire year that the Assistant City Attorney elected not to be covered by a plan provided by the City. Payments shall be made on December 15th of each year. The parties understand that participation in a plan of medical and health insurance benefits is mandatory. An election not to be covered shall be made on or about December 15th of each year to the Human Resources Specialist in the Human Resources Office in charge of City provided benefits pursuant to the regulations of the plan in effect together with evidence of coverage of the Assistant City Attorney and the Assistant City Attorney's eligible dependents under a comparable plan of medical and health insurance benefits. The Assistant City Attorney must promptly notify the City of termination of alternative medical and health insurance benefits. In the event that the Assistant City Attorney reenrolls in a health insurance program, the Assistant City Attorney shall be permitted to a prorated portion of the payment of Twenty Two Hundred Dollars (\$2,200.00) for single coverage, Twenty Five Hundred Dollars (\$2,500.00) for two (2) person coverage, 5 or Three

- Thousand Dollars (\$3,000.00) for family coverage, but shall not be permitted to again opt-out of the insurance program during the calendar year.
- h. Vision: The City agrees to pay one hundred percent (100%) of the cost of the Employee Benefit Fund Vision Plan Platinum 12 for the Assistant City Attorney and his/her dependents.
 - i. Disability: New York State Disability Insurance shall be offered to the Assistant City Attorney.
 - j. Life Insurance: The City shall provide group term life insurance for the City in the amount of Five Thousand Dollars (\$5,000.00) while he/she is employed by the City of Saratoga Springs.
 - k. Dental: The City agrees to provide dental plan(s), within ninety (90) days of the passage of this Resolution, which the Assistant City Attorney may participate in, at the sole expense of the Assistant City Attorney.
5. Liability Insurance: The City agrees to hold the Assistant City Attorney harmless from professional liability or loss sustained by or from any causes of action, suit, debts, dues, accounts, judgments, proceedings, claims, and demands whatsoever which may be commenced against the Assistant City Attorney alleging acts or omissions by him/her while acting in his/her capacity as Assistant City Attorney on behalf of the City Council. The City shall provide the Assistant City Attorney while acting in his/her capacity as the City's Attorney all statutory workers compensation and liability coverage.
6. Conflicts of Interest: The Assistant City Attorney as appointed represents and warrants that he/she has no conflict, actual or perceived, that would prevent him/her from performing the duties and responsibilities of the office and as set forth under this Resolution in accordance with the NYS Public Officers Law and the ethical considerations and rules adopted by NYS Bar Association. The Assistant City Attorney may perform legal duties for other clients as long as there is no conflict of interest. In the event a conflict exists, the Assistant City Attorney shall notify the City Council by formal written notice within five (5) business days of the conflict being identified. The Assistant City Attorney shall recuse himself/herself from participation in any legal matter when such participation may impair the operation of City government.
7. Construction with Previous Resolutions: If any person appointed as Assistant City Attorney under this Resolution shall have previously served as Assistant City Attorney under a prior resolution of this Council, and shall have qualified for benefits as a retiree under the terms of that prior resolution, said benefits shall continue and shall not be affected or superseded by this Resolution.

Announcement: Appointment of Assistant City Attorney

Mayor Kim appointed Michael Phillips as assistant city attorney. Michael received his law degree in 1991. He has deep government and risk mitigation experience in the private and public sector. He has served as an executive assistant to Mayor Whalen in Albany, worked in procurement and contracting for GE, and most recently worked for the State Department of Health enforcing regulations.

Discussion and Vote: Resolution for Expenditure from the Insurance Reserve Fund

Mayor Kim advised this item will be moved to the end of meeting, as the Council will need to go into executive session to discuss.

Set Public Hearing: Amend Capital Program and Budget for the Outdoor Multisport Court Project at the Scott T. Johnson Recreation Center Utilizing Subdivision Recreation Fees

Mayor Kim set a public hearing for Tuesday, April 4, 2023.

Set Public Hearing: Amend Capital Budget for the Downtown Connector

Mayor Kim pulled this item from the agenda.

Set Public Hearing: Local Law No. 1 of 2023 (UDO Amendment One)

Mayor Kim set a public hearing for Tuesday, April 4, 2023.

Set Public Hearing: Local Law No. 2 of 2023 (UDO Amendment Two)

Mayor Kim set a public hearing for Tuesday, April 4, 2023.

Set Public Hearing: Local Law No. 3 of 2023 (UDO Amendment Three)

Mayor Kim set a public hearing for Tuesday, April 4, 2023.

Set Public Hearing: Local Law No. 4 of 2023 (UDO Amendment Four)

Mayor Kim set a public hearing for Tuesday, April 4, 2023.

Proclamation: Problem Gambling Awareness Month

Mayor Kim read the following proclamation into the record:

A PROCLAMATION
OF THE CITY OF SARATOGA SPRINGS, NEW YORK

WHEREAS, in Saratoga Springs, gambling has always been a part of our history and our industry. Recreational gambling is one of many activities that people come here to enjoy. We must remember, however, that studies show that over 600,000 New York residents of all ages, races, and ethnic backgrounds are affected by problem gambling, and that problem gambling causes significant societal and economic costs for families, businesses, and communities.

WHEREAS, expanding availability and accessibility of gambling activities in New York State increases the collective risk of problem gambling. Problem gambling is treatable, however, and treatment is effective in minimizing its harm to both individuals and society as a whole. Promoting public awareness provides New Yorkers an opportunity to educate the public and policy makers about the warning signs and available support for individuals and families struggling with problems related to gambling activity; and

WHEREAS, this year, the National Council on Problem Gambling and the New York Council on Problem Gambling have designated the month of March 2023 as Problem Gambling Awareness Month,

NOW THEREFORE, I, RON KIM, Mayor of the City of Saratoga Springs, am pleased to join with my fellow Saratogians in expressing our appreciation to the New York Council on Problem Gambling and in supporting its efforts to raise awareness about problem gambling and to further its prevention and treatment. I hereby proclaim the month of March 2023 as
PROBLEM GAMBLING AWARENESS MONTH

Announcement: Appointment to Zoning Board of Appeals

Mayor Kim appointed Shafer Gaston to the Zoning Board of Appeals.

Announcement: Mayor's Task Force on Homelessness Update

Mayor Kim announced the Task Force has made great progress. They have a three-part goal of determining the needs of the City, find a proper facility, and find an agency that can accomplish the needs analysis. At the last meeting, they Task Force approved the need for a year round facility.

ACCOUNTS DEPARTMENT

Award of Bid: Buff Road Storm Pipe Reconstruction and Slope Repair to James H. Maloy, Inc. (23-140)

Commissioner Moran moved and Commissioner Sanghvi seconded to award the bid for Buff Road Storm Pipe Reconstruction and Slope Repair to James H. Maloy, Inc. in the amount not to exceed \$589,000.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

Discussion and Vote: Correction to Settlement of Article 7 Case for Parcel ID: 165.52-1-78 (23-141)

Commissioner Moran advised this settlement was brought to the City Council on October 6, 2022 and was approved for a refund of \$89,764. It has since come to the attention of the Assessment Office that the refund amount is incorrect. The amount of refund should be \$56,157.52.

Commissioner Moran moved and Commissioner Sanghvi seconded to correct the amount of tax refund for parcel ID: 165.52-1-78 to be in the amount of \$56,157.52.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

Discussion and Vote: Correction to Settlement of Article 7 Case for Parcel ID: 165.82-2-46 (23-142)

Commissioner Moran advised that on September 6, 2022, the City Council approved the tax refund of \$9,730.82 for parcel ID: 165.82-1-78. It has been determined that amount was incorrect. The correct amount of the tax refund is \$1,876.54.

Commissioner Moran moved and Commissioner Sanghvi seconded to correct the amount of tax refund for parcel ID: 165.82-2-46 to be in the amount of \$1,876.54.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

Announcement: Next Short Term Rental Workshop April 25, 2023

Commissioner Moran announced that the next short term workshop is scheduled for Tuesday, April 25, 2023 at 6 p.m. at the City Center.

Announcement: Special Events

Commissioner Moran announced the following special events:

- Thursday, March 30, 2023 – The Agriculture & NYS Horse Breeding Development Fund is hosting public listening sessions to solicit feedback regarding the continued success of Standardbred harness racing in New York. The Fund is inviting Standardbred industry stakeholders and interested members of the public to attend sessions to provide input that will help guide decisions for the overall success of the program. The sessions are free and open to the public. The location session is Thursday, March 30, 2023 at the Saratoga Casino Hotel from 11 a.m. – 2 p.m. Those interested in attending are asked to RSVP within 24 hours of the session by emailing info@nysirestakes.com.
- Saturday, April 29, 2023 - Tree Toga - Sustainable Saratoga's annual tree planting event.
- Saturday, April 29, 2023 - H.O.P.E. (Homes for Orphaned Pets Exist) Spring Walk for the Animals - fundraising walk for animal rescue organization.

Commissioner Moran moved and Commissioner Sanghvi seconded move to add and item for discussion and vote for the mayor to sign an agreement with the New York State Industries the Disabled for a scanning project. (23-143)

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

Discussion and Vote: Authorization for the Mayor to Sign Contract with New York State Industries for the Disabled (23-144)

Commissioner Moran advised the current grant funded project to scan the Design Review Commission records is progressing well and the IT department assumed the responsibility to archive the scans into Laserfiche; providing unexpended grant funds. Permission was received from the State Archives to use those funds to broaden the project to include the scanning of additional land use board documents. This contract with NYSID is not to exceed \$11,575 to scan those files and is a non-matching grant.

Commissioner Moran moved and Mayor Kim seconded to authorize the mayor to sign the contract with the New York State Industries for the Disabled in the amount not to exceed \$11,575.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

Commissioner Moran moved and Commissioner Sanghvi seconded to add an item for approval of a resolution for sidewalk café installations and removals. (23-145)

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)

Nays – 0

Discussion and Vote: Adopt a Resolution for Sidewalk Café (23-146)

Commissioner Moran moved and Commissioner Sanghvi seconded the following resolution read as follows:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SARATOGA SPRINGS, NEW YORK
SIDEWALK CAFES INSTALLATION AND REMOVAL**

BE IT RESOLVED, by the City Council of the City of Saratoga Springs, New York as follows:

It is the intent of this resolution to establish the installation and removal of sidewalk café structures for 2023 to accommodate favorable seasonal weather and allow for extended outdoor dining for these establishments.

**WHEREAS § 136-29 of the City Code regulates sidewalk cafes authorized to operated pursuant to this article; and
WHEREAS § 136-29 D, establishes when sidewalk café structures can be installed/removed, as follows: Remove all sidewalk café structures by October 31 and not install prior to April 1 in any year for which a license is granted; and
WHEREAS, extending the installation and removal allows licensees to accommodate business when there is favorable seasonal weather in the spring and autumn,**

NOW THEREFORE BE IT RESOLVED as follows:

- 1. Term: This resolution shall take effect immediately upon City Council approval.**
- 2. Sidewalk cafes licensed in 2023 shall remove all sidewalk café structures by November 13, 2023 and not install prior to March 29, 2023.**

Commissioner Moran stated on a move forward basis, a change will be made to the City Code with an ordinance that would allow them to define the dates.

Tony Izzo explained this type of change has occurred in the past. If this resolution is not done tonight then a special Council meeting needs to be held prior to March 29th.

Mayor Kim stated he would rather have a special City Council meeting to change the ordinance.

Commissioner Moran stated our businesses are still recovering from COVID. If the businesses are not allowed to do this, we are cutting our own throats.

Commissioner Sanghvi stated the Council needs to be sure this is all done correctly. She would rather do it correctly rather than rushing through this at the table.

Tony Izzo stated it is the Council's decision if they wish to move forward on this. Generally, this has been done during COVID or in an emergency.

Mayor Kim asked if publication requirements could be met to hold a special City Council meeting.

Council was advised by the secretary that there is not enough time to publish the public hearing notice and hold a special City Council meeting prior to when this needs to go into effect.

Commissioner Moran stated he will work with Tony Izzo to draft the ordinance to properly notice it and vote on it for future use.

Tony Izzo stated this is a public benefit.

Commissioner Moran stated this resolution will allow the businesses on Broadway to set up on Thursday, open for business on Friday, and Saturday is the statutory date. It is just giving them an extra day or so.

Mayor Kim stated this is an ordinance being amended with a resolution.

Commissioner Montagnino stated he is ready to vote for it now. It is a modest proposal and for the good of the City.

Commissioner Sanghvi stated if the Council votes for this now then the Council will want everything Commissioner Moran promised with following up with the ordinance.

Commissioner Moran offered a suggestion to allow the permissive on the front end and by the April 4 meeting, they will properly notice and amend the code.

Commissioner Moran moved and Commissioner Sanghvi seconded to make a friendly amendment to “Sidewalk cafes licensed in 2023 shall remove all sidewalk café structures by November 13, 2023 and not install prior to March 29, 2023.” to read as “Sidewalk cafes licensed in 2023 shall remove all sidewalk café structures by October 31, 2023 and not install prior to March 29, 2023.

Commissioner Moran stated a public hearing will be set for April 4 to amend Chapter 136-29.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

Commissioner Moran moved and Commissioner Sanghvi seconded to add an item for discussion and vote to award a bid for decorative outdoor street barriers to Fort Miller Company. (23-147)

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

Award Bid: Decorative Outdoor Street Barriers to Fort Miller Company (23-148)

Commissioner Moran moved and Commissioner Sanghvi seconded to award the bid for decorative outdoor street barriers to the Fort Miller Company for unit pricing as included with the bid.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

Commissioner Moran moved and Commissioner Sanghvi seconded to add a discussion and vote to approve contract with Fort Miller Company. (23-149)

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

Discussion and Vote: Authorization for Mayor to Sign Contract with Fort Miller Company for Decorative Street Barriers (23-150)

Commissioner Moran moved and Commissioner Sanghvi seconded to authorize the mayor to sign a contract with Fort Miller Company for decorative street barriers.

Commissioner Moran stated this is a user fee driven purchases; City taxpayers are not paying for this. Additionally, the Design Review Commission has reviewed and approved the barriers.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

FINANCE DEPARTMENT

Announcement: Update on City Finances

Commissioner Sanghvi announced received \$19,821.11 in NYRA admission tax for season passes in addition to the \$431,548.72 of admission tax received in October 2022 for all other admission tax for a total amount of \$451,369.83 in NYRA admission tax. This is \$21,369 more than budgeted. Sales tax year to date is about \$1 million dollars; mortgage tax is down \$63,597 or a 49% decrease in mortgage tax.

Announcement: Participatory Budgeting

Commissioner Sanghvi announced the cycle two is in progress. The Participatory Budget Committee is holding information sessions on March 31, 2023 from 6 – 8 p.m. at the Recreation Center and on April 25, 2023 from 6 – 8 p.m. at the library.

Discussion and Vote: IT Policy for Multifactor Authentication Administration (23-151)

Commissioner Sanghvi advised this policy was updated with assistance from risk and safety, legal, and human resources. This is the first step to the City getting Outlook and the use of personal cell phones will not be required.

Commissioner Sanghvi moved and Mayor Kim seconded to approve the IT policy for multifactor authentication.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

Discussion and Vote: Multifactor Authentication Device Agreement (23-152)

Commissioner Sanghvi stated a line was added to the agreement that the FOB is to be used with City equipment only and not for personal use.

Commissioner Sanghvi moved and Commissioner Moran seconded to approve the multifactor authentication device agreement.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

Discussion and Vote: Budget Transfers – Payroll & Benefits (23-153)

Commissioner Sanghvi moved and Commissioner Moran seconded lines 1 – 4 is for the Department of Public Safety to cover wages of injured employees, lines 5 – 12 for the Department of Public Works to cover retirement payouts.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

Discussion and Vote: Budget Amendments – Fund Balance (23-154)

Commissioner Sanghvi moved and Commissioner Moran seconded that lines 1- 2 is for Accounts to cover tax refund due to assessment change; lines 3 – 4 is for Finance to cover participatory budgeting projects.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

PUBLIC WORKS DEPARTMENT

Commissioner Moran covered Commissioner Golub's agenda in his absence.

Discussion and Vote: Accept the Alleys in Phase One of the Oak Ridge Subdivision (23-155)

Commissioner Moran stated the amendment to Chapter 201 will include the follow streets: Hibiscus Lane, Miscanthus Lane, Monarda Lane, and Tiarella Lane. These alleys will be dedicated to the City upon acceptance by the Council but maintained by the homeowners' association.

Commissioner Moran moved and Commissioner Montagnino seconded to amend Chapter 201, section 201-1, Official Street List title Street Naming and Numbering to be amended to include Hibiscus Lane, Miscanthus Lane, Monarda Lane, and Tiarella Lane.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

Discussion and Vote: Authorization for Mayor to Sign Extension of Contract with Saratoga Historic Properties for an Easement to Occupy a Parking Space (23-156)

Commissioner Moran advised this is an annual contract for a parking space for the Department of Public Works behind City Hall and the Collamer Building. This is to extend the agreement under the same terms and conditions until 2024.

Commissioner Moran moved and Commissioner Sanghvi seconded to authorize the mayor to sign an extension of agreement with Saratoga Historic Properties.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

Discussion and Vote: Authorization for Mayor to Sign Contract with Pace Analytical for Laboratory Services (23-157)

Commissioner Moran advised the City is required to test its water supply on a regular basis.

Commissioner Moran moved and Commissioner Sanghvi seconded to authorize the mayor to sign contract with Pace Analytical for laboratory services.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

Discussion and Vote: Authorization for Mayor to Sign Easement with Glen A. Bradley for the Buff Road Storm Pipe Reconstruction & Slope Repair Project (23-158)

Commissioner Moran advised this easement is necessary to secure access for the Buff Road storm pipe reconstruction project.

Commissioner Moran moved and Commissioner Sanghvi seconded to authorize the mayor to sign an easement agreement with Glen A. Bradley.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

Discussion and Vote: Authorization for Mayor to Sign Easement with Buff Road, LLC for the Buff Road Storm Pipe Reconstruction & Slope Repair Project (23-159)

Commissioner Moran moved and Commissioner Montagnino seconded to authorize the mayor to sign the easement with Buff Road, LLC.

Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)

Nays – 0

Discussion and Vote: Authorization for Mayor to Sign Easement with Scott and Vanessa Clemmensen for the Buff Road Storm Pipe Reconstruction & Slope Repair Project (23-160)

Commissioner Moran moved and Commissioner Montagnino seconded to authorize the mayor to sign an easement with Scott and Vanessa Clemmensen.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

Discussion and Vote: Authorization for Mayor to Sign Easement with the Groff Family and Trustees for the Buff Road Storm Pipe Reconstruction & Slope Repair Project (23-161)

Commissioner Moran moved and Commissioner Montagnino seconded to authorize the mayor to sign an easement with the Groff Family and Trustees.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

Discussion and Vote: Authorization for Mayor to Sign Contract with James H. Maloy, Inc. for Buff Road Storm Pipe Reconstruction & Slope Repair (23-162)

Commissioner Moran advised this is for the construction portion of the project.

Commissioner Moran moved and Commissioner Montagnino seconded to authorize the mayor to sign a contract with James H. Maloy, Inc. for the Buff Road Storm Pipe Reconstruction & Slope Repair in the valid until 12/31/23 in the amount of \$589,000.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

PUBLIC SAFETY DEPARTMENT

Discussion and Vote: Proposed New Salary Schedule for Seasonal Summer Laborer Positions in Public Safety (23-163)

Commissioner Montagnino advised positions start in June and end in September and are 40 hours per week. Money is in the 2023 budget. The starting salary is currently \$15 per hour and will go to \$18 per hour.

Commissioner Montagnino moved and Commissioner Sanghvi seconded to approve the proposed salary schedule.

Commissioner Sanghvi stated this is an additional \$3,780 over the current wage structure amount but has been budgeted for.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

Discussion and Vote: Authorization to Pay Absolute Pest Control, Inc. Invoice for \$171.90 (23-164)

Commissioner Montagnino moved and Commissioner Sanghvi seconded to authorize the payment of invoice for \$171.90 to Absolute Pest Control for fire stations 1 and 2.

Commissioner Moran stated this contract terminated in August 2022.

Commissioner Sanghvi stated the certification of fund was not received.

Mayor Kim moved and Commissioner Moran seconded a friendly amendment to approve payment of invoice pending certification of funds.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

Discussion and Vote: Authorization for the Mayor to Sign a Contract with Gorman for the Purchase of an Ambulance for the Fire Department (rejected by City Departments)

Commissioner Montagnino pulled this item from the agenda.

Discussion and Vote: Authorization for the Mayor to Sign MOU's with Glens Falls FD and Albany Airport FD for Training (23-165)

Commissioner Montagnino advised the Glens Fall Fire Department and the Albany Airport Fire Department will be sending recruits for training organized and administered by the Saratoga Springs Fire Department. There is no cost to the City. The MOU attached to the agenda has a change in item 1 line 7 to add 'and instructors'.

Commissioner Montagnino moved and Commissioner Sanghvi seconded to authorize the mayor to sign MOUs with Glens Falls Fire Department and the Albany Airport Fire Department.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

Set Public Hearing: Two Hour Parking on the East Side of South Franklin Street Between Congress Street and Washington Street

Commissioner Montagnino set a public hearing for the April 4, 2023 City Council meeting.

Announcement: 2022 Department of Public Safety Annual Report

Commissioner Montagnino announced the 2022 Department of Public Safety Annual Report sections on the Police Department and Traffic Control Maintenance Department are complete and on the City's website.

Commissioner Montagnino moved and Commissioner Sanghvi seconded to add item to the agenda regarding payment of invoice to BPI for the replacement of the boiler in fire station 1 in November. (23-166)

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

Discussion and Vote: Authorization to Pay Invoice to BPI (23-167)

Commissioner Montagnino moved and Commissioner Moran seconded to authorize payment of BPI invoice in the amount of \$50,165.56 using 2022 funds.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

EXECUTIVE SESSION

Mayor Kim moved and Commissioner Sanghvi seconded to move into executive session regarding the settlement of a case with risk and safety at 11:25 p.m.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

The Council returned at 11:31 p.m.

Mayor Kim advised no decision was made in executive session.

PUBLIC COMMENT

Mayor Kim opened public comment at 11:32 p.m.

Arlo Zwicker of Saratoga Springs stated he came to tonight's meeting to advocate for a friend and speak directly to Commissioner Montagnino. Someone was arrested for speaking and advocating for themselves. It is scary Commissioner Montagnino has the power to attack a black woman. The money he is pulling out of Chandler for dragging her through court is money that she could use to live. He asked Commissioner Montagnino to change his mind and rescind the charges.

Mayor Kim closed the public comment period at 11:35 p.m.

ADJOURNMENT

Commissioner Moran moved and Commissioner Sanghvi seconded to adjourn the meeting at 11:35 p.m.

**Ayes – All (Commissioner Moran, Commissioner Sanghvi, Commissioner Montagnino, Mayor Kim)
Nays – 0**

Respectfully submitted,

Lisa Ribis
Secretary to the City Council

Approved: 4/4/2023
Vote: 5 - 0