CITY OF SARASOTA SPRINGS COUNCIL MEETING

PRELIMINARY AGENDA

April 19, 2021

MEETING HELD VIA ZOOM

PRESENT:

Meg Kelly, Mayor
Michele Madigan, Commissioner
John P. Franck, Commissioner
Anthony Scirocco, Commissioner
Robin Dalton, Commissioner
Vincent DeLeonardis, City Attorney
MAYOR KELLY: Good morning, and welcome to pre-agenda, Monday, April 19th. It is now 10 a.m.

This is our -- we have four -- one, two, three -- four public hearings -- five public hearings tomorrow evening starting at 6:55.

The first public hearing is to amend Chapter 225, Alternate Side Parking on Clinton Street.

The second public hearing is to amend Chapter 225, Parking Prohibited on Adams Road.

Commissioner Dalton, would you like to say anything on those?

COMMISSIONER DALTON: Nope, not at this time.

MAYOR KELLY: Okay. Okay.

COMMISSIONER DALTON: But that's correct. Thank you.

MAYOR KELLY: The third public hearing is Saratoga Springs Community Development Citizens Advisory Committee Recommendations for 2021 Annual Block
Grant Action Plan.

The fourth public hearing is to amend Chapter 225, Section 225-81 of the City Code. And that's under public safety.

And the fifth public hearing is to amend Chapter 225, Section 225-94 of the City Code. And that's also under public safety.

And they will all start at 6:55.

The -- any -- we will have a presentation tomorrow evening with the -- about the Unified Development Ordinance, the final draft release. Kameris (ph.) will be -- will be joining us tomorrow during the meeting to present the summary of major changes that are reflected in this final draft. Kameris and the project team will also be available this week for the following presentations:

April 21, 2021 at 2 p.m., public presentation and Q and A; April 22 at 9:30 a.m., that's a public presentation and a Q and A; April 22nd at 6 p.m., City Land Use's Board presentation. And these
are all by Zoom.

Today we will upload the final draft documents to the city website. The maps will be uploaded in the next day or two. At the first meeting in May, I will ask the council to determine merit for review and request advisory opinions from the city and county planning boards and the Design Review Commission.

During the coming weeks, additional opportunities for discussion of the final draft will be scheduled for the council and the public. There will also be a public comment link on this page.

We will have an executive session and collective bargaining negotiations, Saratoga PDA, after this. Is everybody available?

COMMISSIONER FRANCK: Yes.

COMMISSIONER MADIGAN: Sure.

MAYOR KELLY: Thank you.

Any changes or edits to the consent agenda?

Okay. Then we'll move right into the Mayor's Department.
My first item is an Announcement: the 2022 Capital Program Committee Meetings. My second item is an Announcement: Geyser Road Trail Opening - Thursday April 22nd, which is also Earth Day.

My third item is Discussion and Vote: Approval to Pay Portion of Invoice #3880 to Nelcorp Electrical Contracting. This is a recreation department request to pay fifty percent, 2,460 of the invoice #3880 for Nelcorp Electrical Contracting, 35 North Kelly Avenue in Endwell, New York. The Saratoga Springs School District will pay the other 50 percent.

My fourth item is Discussion and Vote: Authorization for the Mayor to sign 2021 State of New York Department of Health Renewal Application for a Permit to Operate Camp Saradac.

My fifth item is Discussion and Vote: Authorization for the Mayor to sign the contract with All America -- American Arena Products for the Vernon Area Dasher
boards.

My sixth item is Discussion and Vote: SEQR for Missing Links Project.

My seventh item is Discussion and Vote: Approval to -- for Mayor to Sign DEC01-T00972GG-3350000 Contract for EV Vehicle Reimbursement.

My eighth item is Discussion and Vote: Zoning Amendment Request, Merit for Review and Referral for Advisory opinions - the YMCA PUD.

And I -- I didn't know if, Vince, you wanted to say anything this morning or do you want to wait?

MR. DELEONARDIS: Just -- just briefly, if you want me to, Mayor.

MAYOR KELLY: Sure.

MR. DELEONARDIS: This is the YMCA PUD. It's a merit for review referral with regard to certain proposed amendments. Some of the amendments are quite simply just -- just clarifying language, cleaning up some typographical errors that are contained in there.

But the real crux of the PUD
amendment is to add additional permitted
uses, including youth and family
services, senior programming and elder
care, sports and recreation, and
preschool and school-age educational
programs, which are in fact consistent
with the YMCA mission.

So tomorrow evening, the council
will -- will have a discussion and vote.
And if the vote is in the affirmative, it
will go to the planning board for
advisory opinions.

MAYOR KELLY: Thank you, Vince.
Any questions?
Then that does it for the Mayor's
Department, and I'll turn it over to
Commissioner Franck.
Do you have anything, sir?

COMMISSIONER FRANCK: We're just
going to add one item, a reminder that
Grievance Day 2021 will be on Tuesday,
May 25th. So it'll be a very brief item,
just one item.

MAYOR KELLY: Great, thank you.
And on to finance, Commissioner
COMMISSIONER MADIGAN: Thank you, Mayor.

The first item is an update on city finances. This is our ongoing report on city revenue, expenses, cash flow, as well as the status of federal and state funding.

My second item is a discussion about SIFI Networks Broadband – CityWide project and moving forward. So this is the CityWide SIFI Networks Broadband Project. I want to get it moving forward. As of today -- as of late last week, we're at a standstill waiting on DPW to sign off on what is known as a standard engineering design. The project will bring a substantial increase in services and competition to the city, businesses, and residents. It is a complicated project that requires interdepartmental cooperation, particularly between DPW, finance, and IT.

We are doing our best to make it
work for all without burdening any one
department or agency. The benefits far
outweigh any work required. And I'm
happy with the initiative of our
departments and of IT and DPW to bring
fiber to the city.

However, SIFI requires, actually by
today, maybe tomorrow, I heard from them
last week, I hear from them regularly as
we're trying to work through the standard
details, approval on those standard
details. We have been in working in good
faith with SIFI for nearly five years.
We've had two contracts come before the
city council that were unanimously
adopted. Their business and financial
model is evolving. And they have worked
in other cold weather climates. Approval
of the standard engineering details does
not preclude SIFI from all other
approvals required going forward
especially as it pertains to permitting.
And they are now operating and will be
having further announcements in twenty
cities with more coming online in the
United States.

So I wanted to have this on the agenda today, possibly tomorrow night, because it does seem like we're at a standstill with DPW.

So Commissioner Scirocco, if you have any potential issues, I think we should start to discuss them with the council because we met with them a couple weeks ago, you were unable to attend, and from what I can tell, we have met every criteria we need to meet right now, and it's time for us to approve the standard engineering details so that we can move the project to the next step.

So I wanted this on a discussion for this morning because if there are any other issues I'm unaware of I'm -- I would like to hear from you about them.

COMMISSIONER SCIROCCO: Okay. You done?

COMMISSIONER MADIGAN: I can't hear you.

COMMISSIONER SCIROCCO: We have -- we've reached out to them a number of
times. I know you said that they've met all the criteria, but they haven't met the criteria.

Again, they're going to be ripping up all the city's -- every street in the city. We've asked them for a set of details stamped engineer plans and they haven't -- they haven't given us that yet.

And I can tell you every town, every place that they're working in, we've -- we've reached out to. The people are -- are -- are telling us don't do it. Don't do it. And I got to let -- I have back up and I'd be glad to give it to you. You know, the one -- the -- especially in Anchorage, Alaska, we -- after one year, and I'll show you the pictures, what the microtrenching has done, is just not -- it just doesn't work.

I'm not going to let anybody work in the right-of-way until we get a set of stamped detail plans. So we asked them for that. I don't know what the problem is, why they can't give us that.
So that's kind of where we're at, we're at a standstill. I need --

COMMISSIONER MADIGAN: I'm told they have submitted standard details to you --

COMMISSIONER SCIROCCO: Wait, wait, wait. I need to know, you know, where they're going to be working and -- and what they're going to be doing. They're going to be ripping up -- I can't tell you how bad they're going to be ripping up the street --

COMMISSIONER MADIGAN: We know exactly what microtrenching is. We've been working on this contract for five years. They have submitted standard details to you. You contacted a firm, a company, that did some work for them back in November, you never followed up with them to tell them about the reference that you got back in November. We've been on the phone more times than not. It is a complicated project, nobody is saying that it isn't. They will micro-trench on every single city street. They are in multiple cities.
It's time to approve this standard stamped detail engineering. We have the insurance. And this just moves us to the next step. So if you are saying today that you are not going to do that, then this project is going to go away effectively at the end of the day today.

I think it's time to approve the standard engineering details and at least move this project to the next step.

COMMISSIONER SCIROCCO: Well, engineering is saying -- and this is coming from engineering, this is not coming from me, it's coming from engineering, Bulcadian Debt (ph.), who have worked on this, I can't tell you how many hours they -- they put into this -- and I mean, if you really want to see all this information, I know I asked you to meet with me on this, and apparently, you know, I know we met with -- with SIFI, but we never met one on one. And I think we need to meet one on one because I can show you everything that we have. And I can tell you right now, it's not good,
it's not good. It's -- it's a big mistake for the city to get involved in this under the circumstances. They have not given us what engineering has asked them to give us.

We're not treating these people any different than we would treat anybody else. So I mean, you know, they keep saying well an investor needs to know, you know --

COMMISSIONER MADIGAN: You're right. It's a $50 million project, so if you're calling it quits right now, unilaterally, we need to know that. Because I'm under the impression, and I've been going to all these meetings, that they have submitted everything that is required of them to move us to the next step. Which does not preclude them from what's coming forward which is -- in regards to permitting.

COMMISSIONER SCIROCCO: They have not.

COMMISSIONER MADIGAN: And I have asked Vince to be ready to discuss
this --

COMMISSIONER SCIROCCO: They have not.

COMMISSIONER MADIGAN: -- because we've been working on this for five years.

COMMISSIONER SCIROCCO: Me too.

COMMISSIONER MADIGAN: I mean, so much time, energy, and effort negotiating these contracts with them. And you've been invited to them, but you rarely show up. I don't know if you've ever shown up to a meeting with SIFI. And when we had a meeting scheduled last time, you -- you cancelled again the day before the meeting. There's a pattern of them scheduling meetings and you just cancelling.

And so I think it behooves us -- at this point, I believe that they have indeed submitted stamped engineering drawings from a licensed New York State engineer. And this is not allowing them to rip up the street. This is allowing them to move to the next step.
COMMISSIONER SCIROCCO: What is the next step, do you know what the next step is? What is the next step?

COMMISSIONER MADIGAN: Yeah, it's approving the standard engineering drawings. That's the next -- that's -- that's what we need to do right now.

COMMISSIONER SCIROCCO: They want to --

COMMISSIONER MADIGAN: And this is an engineering project.

COMMISSIONER SCIROCCO: Right.

COMMISSIONER MADIGAN: That I -- you know, I -- I mean, you seem to control your engineers to the point where I can't get them on the phone unless you approve them being on the phone.

COMMISSIONER SCIROCCO: That's a --

COMMISSIONER MADIGAN: So it's time for us to meet with them in good faith. We've been negotiating this project for five years. And --

COMMISSIONER SCIROCCO: Correct.

COMMISSIONER MADIGAN: -- to unilaterally just say I'm not going to
approve standard engineering details that
meet New York State stamped criteria, and
all the insurances have been submitted,
it just -- it seems like we need to move
this to the next step.

COMMISSIONER SCIROCCO: Here --

COMMISSIONER MADIGAN: And I don't
know what it is because you're the
engineer. You control the engineering.
I think that's the permitting piece that
allows them to go in the streets to do
the microtrenching.

COMMISSIONER SCIROCCO: And I think
you -- I think if you -- if you sit down
with me and you go over some of these --
some of the -- the information that we've
gotten back from some of the places that
they've done work in, and some of the
comments from other engineers that it
could be -- because we reach out to the
engineers in those specific towns, in
Anchorage and in California, and places
where these people have worked. It's not
a good -- we're not getting good feedback
is what I'm telling you.
And the fact that they're trying to push this thing down our throat, you know, with no -- with no stamped engineer plans, that's a red flag.

COMMISSIONER MADIGAN: They have submitted stamped engineering --

COMMISSIONER SCIROCCO: That is a red -- red --

COMMISSIONER MADIGAN: -- standard detailed plans.

COMMISSIONER SCIROCCO: It's not what we've asked for. It's not what we asked for.

COMMISSIONER MADIGAN: I was copied on it. I have a copy of it.

COMMISSIONER SCIROCCO: It is not --

COMMISSIONER MADIGAN: We got it on 4/8/2021.

COMMISSIONER SCIROCCO: It's not what we require. So if --

COMMISSIONER MADIGAN: Then did you get back to them and say it wasn't correct, or did you ignore it?

COMMISSIONER SCIROCCO: Well --

MAYOR KELLY: Okay, so can -- can
you guys try to meet today and try to --

COMMISSIONER SCIROCCO: We'll do it -- I'll show a set of standard plans.

COMMISSIONER MADIGAN: It's a -- it's a PE stamped document.

COMMISSIONER SCIROCCO: From the company? And that's -- that's the way it is. I haven't gotten that yet. For some reason, they don't want to give it to us. I don't know why. You know, it's -- again, I'm not treating these people any different than we would treat any contractor or anybody doing a project in the city.

We always had, you know, that's -- that's been the standard.

MAYOR KELLY: Okay.

COMMISSIONER SCIROCCO: We're -- we're still waiting for them to give us the information. It's -- we're still open for a discussion on this.

COMMISSIONER MADIGAN: So the bottom line is if we don't approve this, and I would say today, maybe tomorrow, maybe I can have them on as a presentation
tomorrow night, like, the project's over. And so you've unilaterally cancelled this project because you're saying you didn't receive stamped engineer documents. And they're telling me -- they're texting me right now -- that they sent them to you on the 8th, exactly what you requested.

So what I'm asking is if we can just move this to the next step so that we can keep this project alive?

COMMISSIONER SCIROCCO: What they're telling you and what we asked them for are two different things. We were specific --

COMMISSIONER MADIGAN: So then if they didn't give you what you asked, how come you're just not responding to them? I'm under the impression they've given you exactly what you've asked for. And I know Marilyn (ph.) has asked for the insurances, and they've given Marilyn exactly what she's asked for.

FEMALE SPEAKER: Yes.

COMMISSIONER SCIROCCO: Okay, fine. That's fine. You know, they're the ones
that control their own destiny here, not me. We asked them for --

COMMISSIONER MADIGAN: This is our destiny. This is about potentially having fiber on every single street city-wide. It is not going to be an easy project, you're absolutely right, National Grid was out microtrenching or doing something in the road the other day, and you know, it diverts tragic -- traffic. It's a big project.

And I think it behooves us to do everything we can because we're never going to get fiber any other way in the ground, to continue to move this project forward. And right now, what we're asking for is to have stamped engineering documents approved by DPW so that we can move this project on to the next step.

And I -- Vince, I don't know if you're online and can add anything to this, but, like, this is the do or die time right now.

COMMISSIONER SCIROCCO: The -- the --
COMMISSIONER MADIGAN: And we've spent a lot of time on this project.

COMMISSIONER SCIROCCO: The issue is that microtrenching does not work in this climate. And that's just the fact.

COMMISSIONER MADIGAN: And they tell me they've been microtrenching in --

COMMISSIONER SCIROCCO: That's what we know.

COMMISSIONER MADIGAN: -- Canada and all over northern Europe. So why won't it work here in Saratoga Springs.

COMMISSIONER SCIROCCO: Microtrenching in Anchorage, Alaska, and turned into open trenching -- that's not a good thing. I don't know if you understand what I just said, but they had to abandon microtrenching and move it to open trench. Whatever they are putting in there, whatever that compound is, it's not -- it's not working and it -- it just -- there's a -- a litany of things that -- that we've asked them for that they have not given us.

If they want to try to push it -- if
you want to push this project through, go ahead, but you're going to do it, you know, with -- without my approval. I can tell you right now --

COMMISSIONER MADIGAN: I am not -- I am trying to approve the stamped --

COMMISSIONER SCIROCCO: Engineering --

COMMISSIONER MADIGAN: -- standard detail engineering documents. That's the next step. I am not at the point where we're saying that they are allowed to go in to the city street and micro-trench.

Would you agree with that assessment, Vince? I'm not sure at this point.

COMMISSIONER SCIROCCO: The right-of-way -- the right-of-way is the responsibility of the Department of Public Works.

COMMISSIONER MADIGAN: Um-hum.

COMMISSIONER SCIROCCO: Engineering has looked into this. They have not complied with our request. It's that simple. When they do, then I can move
the project forward. I'm not opposed to the project. And that's -- that's the bottom line.

MR. DELEONARDIS: Yeah --

COMMISSIONER MADIGAN: So when do you think engineering might actually respond to one of their emails because I never see a response. I never see response from you. I just see you cancelling all the appointments with them. And I'm under the impression they have submitted -- we had a meeting two weeks ago, Vince was on the call, and I'm of the impression they've submitted everything that we agreed to in that meeting two weeks ago to at least approve the standard details.

COMMISSIONER SCIROCCO: Yeah, no, they have not.

MAYOR KELLY: Okay, Vince, do you want to say anything?

MR. DELEONARDIS: Only that I -- I am available all day today if it would benefit a meeting with the commissioners to discuss this. But at the end of the
day, the engineers do have to be satisfied with the standard details that have been provided by SIFI. There was an issue with regard to whether or not they were stamped by a certified engineer. So we can -- we can confirm that -- that status. There was a number of issues that were raised at that last meeting --

COMMISSIONER MADIGAN: Yep.

MR. DELEONARDIS: -- including insurance and other issues. But DPW, Skip is correct, at the end of the day has purview over all right-of-way and they have to be satisfied that they project can be completed in a manner that's not disruptive to our roadways on a permanent basis.

So any -- any time today, I'm -- I'm available to meet with the commissioners if you prefer.

MAYOR KELLY: Thank you, Vince.

COMMISSIONER MADIGAN: Yeah, I'm asking just we meet. Otherwise, I know that they're ready to pull the project effective today. And so that will be the
end of it. Because they do have investors lined up, this is a very expensive project for them. I mean, we're not getting fiber in our ground, you know, at -- at no cost. They have investors lined up. And that's important.

And I think we've been negotiating in good faith. And if they have submitted the proper engineering documents, and I'm told that they have met the criteria of the meeting we had two weeks ago, then it's time to move the project to the next step. And not ignore them. Like, respond to them, and talk to them. And if there's something they didn't submit that you're unhappy with, I -- you know, I wouldn't know what it is because there's no communication coming out of the DPW office.

But we need to resolve it today or I'll have an announcement tomorrow night that the project is done because you are unwilling to allow this project to go forward for all your myriad of reasons
that you may have. And that's fine. But that's it, there's no fiber in the ground in this city coming any time soon.

COMMISSIONER SCIROCCO: Believe me, they're -- they're all legitimate reasons. They're all legitimate. I supported this project from day one, and I would still support it. But I need to get the information that we need to get. Engineering is not comfortable with the way these people are -- are just, you know, continuously blowing us off. And the fact that they have --

COMMISSIONER MADIGAN: Oh, no, no. They have not blown you off. I see communications from them almost every day.

COMMISSIONER SCIROCCO: I don't care about the investors. I don't care about any of that. I care about the city and I care about them coming to --

COMMISSIONER MADIGAN: So do I.

COMMISSIONER SCIROCCO: -- ripping up the city streets, compromising our our roadways. I mean, it -- you know,
like I said, microtrenching doesn't work,
you know -- you get water in the
electronic besides that trench and it --
it busts up the city -- it busts up the
roadway. It's not a good -- it's not a
good process.

COMMISSIONER MADIGAN: So are you
saying you're opposed to the project then
entirely? Because it's always going to
be a microtrenching project. Like, let
them off the hook. I mean, they're
already spending a ton of money waiting
on you to turn around the standard
details. This is a microtrenching
project.

COMMISSIONER SCIROCCO: It is not a
microtrenching -- I'm tell you --

COMMISSIONER MADIGAN: Yes, it is.
That's the only way they're getting the
fiber ground.

COMMISSIONER SCIROCCO: They
abandoned microtrenching in Anchorage,
Alaska, is what I'm trying to tell you.
They started with it. The engineers
there said this is not working, it's not
good. If you want to do it, you need to open cut. So now they're on -- on -- on private property, open cutting on private property. I don't think that's going to float with the residents either.

I think we need to be straightforward with, you know, with the residents in the city. I need to see where all the cabinets are going, where all -- everything -- I need to see what -- exactly what they're doing throughout the city and every street in the city. That's what I asked them for. I think they owe us that.

COMMISSIONER MADIGAN: Yeah, but I think we -- right now, you're getting ahead of yourself. There are plenty of things we can still ask them for. But if they have submitted proper standard detail engineering documents, with proper insurances, we are asking you to approve them.

And then all of your other issues -- this doesn't mean it's going to happen necessarily, the project, but it moves it
to the next step where maybe you could
actually be on a call with them and
express your concerns. Because I've yet
to be on a call with SIFI that's actually
included you, one. But then you
cancelled on the next one. I am of the
impression they have met every single
criteria we set out two weeks ago.

COMMISSIONER SCIROCCO: They
haven't --

COMMISSIONER MADIGAN: So are you
saying that we shouldn't even approve the
standard details if they've met the
criteria? This isn't going about to
going into the street and microtrenching.

COMMISSIONER SCIROCCO: Both Deb
(ph.) and Katie (ph.) have been on the
phone and been talking with the people
from SIFI, their subcontractor. And
they've been working with them, I can't
tell you how many hours we've put into
this already.

That was another complaint that we
got from some of the -- some of the
places that we contacted. They pretty
much dump everything on, you know, on the engineering people in -- in the city.

COMMISSIONER MADIGAN: Yeah, that's why they're actually paying to help us hire an engineer.

COMMISSIONER SCIROCCO: They were supposed to pay us some money for --

COMMISSIONER MADIGAN: Yep.

COMMISSIONER SCIROCCO: -- for you know -- for like -- they haven't given us ten cents. I can't tell you how many hours that our people have put into this --

COMMISSIONER MADIGAN: You haven't asked for the ten cents. They have committed contractually to hire an engineer. I mean, like --

COMMISSIONER SCIROCCO: Listen, again, all I'm asking for is what I would ask for with any other contractor in the city, anybody else working in the city. Give me a set of stamped detailed plans and, you know, then we can move forward.

COMMISSIONER MADIGAN: They have given you stamped detailed plans. They
have.

COMMISSIONER SCIROCCO: Once we're satisfied with what we have, we can let them move forward. If they don't want to give us that, then that's a red flag. It's -- to me, it's a red flag because we're not getting any good feedback from any work place that these people are working at. And that's -- that's all I'm telling you. And if you don't believe me, I'll give you a list of places. You can call and get the records --

COMMISSIONER MADIGAN: I've called all of them. I've talked to them too. I've called references. And what I've heard from -- I mean, I've called every single one of these places that they've worked in. And it is a difficult project. And it -- you know, but it's the only way all of these other places agree that they're going to get fiber in the ground. And they've been willing to work through some of the issues with SIFI. And it's become a better process as a result, which is why we've moved so
slowly --

COMMISSIONER SCIROCCO: Well --

COMMISSIONER MADIGAN: -- we've been working with them for five years.

COMMISSIONER SCIROCCO: No, I --

COMMISSIONER MADIGAN: So I am ready to end this conversation, but I would strongly suggest that the three of us, Vince, Marilyn maybe, Skip, myself, have a meeting. I'm going to have Scott (ph.) on the phone. I don't know what else they can do. You keep telling me they haven't done what they've said that they're supposed to do. And they've done it.

So if your concern is the references, that's --

COMMISSIONER SCIROCCO: That's not --

COMMISSIONER MADIGAN: -- not the next step. The next step is the standard engineering details that needs to be approved. And if you're not going to approve them, say so, and I will make sure that the rest of the city realizes
we're not moving forward with the project. Like, I'm done. I don't care anymore. Like, are we moving this project forward or are we not?

And that -- and we're ready to go to the next step. They have submitted everything they need to submit, okay? We're holding the city back here on everything, whether it's street lights, whether it's fiber. I mean, come on, like, we can do this. And I know you want to do this, I know you're not opposed to the project. But let's at least get it to the next step.

MAYOR KELLY: So let -- let's set -- let's end that conversation there. I hope that you three, Vince, Commissioners Madigan, Scirocco, can sit down today and see if you could have a conversation about this.

So can you continue on, Commissioner Madigan, on your agenda, please?

COMMISSIONER MADIGAN: Yes. And maybe I'll ask Scott to, you know, present tomorrow while I'm speaking about
this item because he's as baffled as I am as to what's holding this all up. And yes, we do have money from SIFI to hire an engineer as a point person on this project.

Item number 3 -- I mean, they've spent so much money, it's not funny. And they're even willing to help us hire an engineer.

Item number 3 is a -- am I on number -- item number 3?

MAYOR KELLY: Yes.

COMMISSIONER MADIGAN: Yes. Item number 3 is a discussion about a temporary hiring freeze. I think that there is substantial confusion and miscommunication regarding a temporary hiring freeze that was subjected to no fewer than seven communications among finance, HR, departments, and counsel, beginning last spring. The first one I sent was in April. Tomorrow night, I'm going to review all of those communications. Or I may upload them with the final agenda. I know some --
one got uploaded with the pre-agenda that I didn't want to have out there right now.

But I would like to hear the council's understanding and opinions about where we stand and provide a budget and cashflow context for this. And review Charter authority to require or call for a hiring freeze. My reading of the Charter clearly says that the Commissioner of Finance shall put out a plan to remediate expenses if revenues are falling below what potential expenses are. And then the following sentence after that, and I'll have more detail, says and the -- if the council would like to provide further input, that they're welcome to. Like, take a vote and offer other fiduciary things that we might look at.

I want to say that a hiring freeze does not mean that there will be zero hiring or zero replacement hires. But I do think it's time for us to work more together by prioritizing our needs going
forward. We have several high priority
needs. We also need to be communicating
hiring and replacement hiring with the
unions. I'm hearing great concern from
the unions that we're just -- somebody
retires and replace them, but meanwhile
they've all gone without their two
percent salary increases, steps,
longevities, and for some people, there
will other gives, as well, within -- in
the contracts.

But what I am seeing now -- and I've
asked the -- Lynn Bochner, the budget
director, to meet with each department to
get an idea of your priorities and what's
happening in your departments and what
kind of retirements are coming up. And
then I want to be able to work together
with the council to outline these
priorities. Because some of them we need
to take into account right now. Others
are going to have to wait, they just are.
We don't have unlimited funds. But it's
a useful meeting to have because it will
help me plan for the 2022 final budget
that I will present to the city council.

What I do see happening right now is departments replacing regularly. As soon as someone leaves or retires, particularly in the two larger departments, DPW and DPS, particularly DPW, although DPS has some coming forward, you're just going out and you're replacing. We're like not doing without at all right now. And this is starting to bubble up to the unions. They are coming to me. I've asked them to forward all issues to the Mayor at this point because the Mayor is the negotiator.

Meanwhile other departments have cut back so significantly that they can't even replace. The --

COMMISSIONER DALTON: Yep. Can you -- can you -- can you be specific about that? What departments in particular have cut back too far?

COMMISSIONER MADIGAN: Well, your fire department is in the process of hiring four new firefighters because of four retirements that they just had.
COMMISSIONER DALTON: No, no, I was just asking you about what -- what departments cut too much, you mentioned?

COMMISSIONER MADIGAN: The police department has.

COMMISSIONER DALTON: So we -- we cut too much of our budget in -- in response to your request to trim our budget, you're saying we cut too much?

COMMISSIONER MADIGAN: You -- you did. Because --

COMMISSIONER DALTON: Okay, I just wanted to make that clear. Thank you.

COMMISSIONER MADIGAN: Yeah, I want to -- all right, so I want to finish my though too.

So I want to be able to look across all of the departments. The police department has cut themselves back so significantly, they don't have any funds, and including their overtime, to put anyone in the police academy right now.

But meanwhile because the fire department maybe had four retirements, like, this year, they're moving forward
with, you know, putting four people
through their academy and getting people
hired.

Like, we've got to start to balance
and have some fiscal fairness here right
now. The other thing the police
department did, and I noticed, was cut
way too far back on their overtime
cost --

COMMISSIONER DALTON: You want to
know why we cut back? Because we were
told to cut back to bare bones last year.
I feel like --

COMMISSIONER MADIGAN: I understand
that. Commissioner, I understand that.
And actually --

COMMISSIONER DALTON: Okay, well --

COMMISSIONER MADIGAN: -- you're not
on, so I can't tell when you're going to
talk. I am trying to help you manage the
priorities of the public safety
department, including the police
department. Because to have no one go
through the academy right now with all
the people that have left, and it takes
eighteen months to get on -- get someone
through the police department, is a big
haul.

COMMISSIONER DALTON: Okay, you
don't have to explain my own department
to me. That's what I'm saying, okay?
You -- you don't need to explain my -- my
own department. I know how it works --

COMMISSIONER MADIGAN: You know
what, Commissioner --

COMMISSIONER DALTON: -- I know what
the priority --

COMMISSIONER MADIGAN: -- it would
be better if you were actually on video
so we could read your face instead of,
like, whatever, you know, I'm having a
hard time having this discussion.

COMMISSIONER DALTON: Sorry.

COMMISSIONER MADIGAN: I will
explain any department I care to explain
to anybody because I am the person trying
to make sure when your department comes
to me and tells me they need all this
money, I can find a place to give you the
money, okay? So I will explain whatever
I need to explain here on the record in what's basically a council meeting.

So I would say put a halt on your four replacement hires in the fire department right now until we can figure out what's going on as a whole for the whole city.

If we have somebody leaving that has to have somebody shadowing them, and that's an assessor. It's required in the City Charter. And we have IT, we have a big retirement coming up in IT, and that's going to require some significant funds.

So just going out and doing business as usual with our budgets is not going to be the way to go forward. And I'm not saying that this means no hiring. I'm saying I've asked the budget director to meet with each department, so we can get an idea of what the priorities are. This is the same message that I gave at the end of the year last year. I'm not saying there will be no hiring and no replacement hiring, but we need to
prioritize the hiring. And that's what
I'm trying to get to with this item on my
agenda where I will talk about any
department I care to talk about in any
way that I want to talk about it, because
everybody's spending money. And just
because you have a budget doesn't mean
that that's real money, all right?
There's still a lot of things I'm -- I'm
trying to balance here.

So we'll have a discussion about
that tomorrow night. I personally don't
think we need to have a vote for a hiring
freeze. I think that is a power of the
Commissioner of Finance. But if we want
to take a vote, we can. And if the two
larger departments and other departments
want to vote no, have at it, go ahead,
keep spending money, and we'll see if
we --

COMMISSIONER DALTON: Hey Vince?

COMMISSIONER MADIGAN: -- have it to
get through the end of the year.

COMMISSIONER DALTON: Is Vince still
on the call?
COMMISSIONER MADIGAN: I don't know, ask him.

MAYOR KELLY: Yes.

COMMISSIONER DALTON: Vince, can you clarify whether or not the Commissioner of Finance has the authority to put up a hiring freeze in place. Because I actually am curious about that, I just don't know.

COMMISSIONER MADIGAN: I don't think it's up to Vince to tell us that. I read the Charter a certain way and I will argue it --

COMMISSIONER DALTON: I'm just asking for the attorney to give us his --

COMMISSIONER MADIGAN: -- I have that right.

COMMISSIONER DALTON: I'm just asking for the attorney to give us his interpretation of the Charter which is usually who we refer to.

COMMISSIONER MADIGAN: What else is he going to do -- if everybody's just going to have a free-for-all when there's no money, of course the Commissioner of
Finance does this.

MR. DELEONARDIS: The Charter doesn't speak specifically to this issue, but the overall budget of the city is something that's adopted by the entire city council. Hiring and firing during a normal process is up to the individual department heads. But the Commissioner of Finance is correct that there is language in the Charter that calls for the Commissioner to present a plan when there is anticipated to be budget deficiencies or deficits going toward the fiscal year.

That's something that would normally then be presented to the council to ultimately act upon.

COMMISSIONER MADIGAN: That's not -- I'm sorry, Vince. I would completely disagree with you, and maybe we'll have to, you know -- I read section 4.3.8 -- 4.4.8 of the City Charter, and feel free to read this, maintain a balanced budget, which is what I am charged with doing, "if at any time during the fiscal year it
appears probable to the Commissioner of Finance that revenues available will be insufficient to meet the amount of appropriated, the Commissioner shall report it to the council without delay. This does not require a vote. The Commissioner and -- shall indicate the indicated shortfall, remedial action taken by the Commissioner, and the Commissioner's recommendations for steps to be taken to eliminate or reduce the shortfall."

MR. DELEONARDIS: Yep.

COMMISSIONER MADIGAN: That is the power in the Charter.

MR. DELEONARDIS: Yeah, but --

COMMISSIONER MADIGAN: It further goes on to say, "the council shall take further council action if it deems necessary."

MR. DELEONARDIS: That's correct.

COMMISSIONER MADIGAN: "To prevent or minimize any deficit and for that purpose may be a resolution to reduce one or more appropriation as allowed by law."
MR. DELEONARDIS: That's correct.

COMMISSIONER MADIGAN: So I see that as the Commissioner of Finance shall --

MR. DELEONARDIS: Yes.

COMMISSIONER MADIGAN: -- put out a remedial action plan and that can be a hiring freeze.

MR. DELEONARDIS: The Commissioner of Finance shall report to the council --

COMMISSIONER MADIGAN: Um-hum.

MR. DELEONARDIS: -- hundred percent correct on that. And shall take action pending the action that will ultimately be taken by the council as a body.

COMMISSIONER MADIGAN: No, I see that -- you know, not everything requires a vote. You know, but if you guys want to vote and not have a hiring freeze, go for it. And work within your budgets and not -- I mean, you're setting a very dangerous precedent. We are in difficult times fiscally. And so, you know, decide what you want to do, but we have a hiring freeze in place.

COMMISSIONER DALTON: Maybe we can
move on --

COMMISSIONER MADIGAN: And you can go ahead and replace your four firefighters, you're not going to have any money then for your police --

COMMISSIONER DALTON: Stop talking about my fire department, please. Thank you.

COMMISSIONER MADIGAN: It's not yours, it's the city's. You don't own anything.

And that -- that's -- that's it for that agenda item. But nothing is anybody's individual -- you know, you don't own the fire department. And I would strongly suggest that you balance the needs of both your police and your fire department. If you do not want the help of the finance department, that's fine with me.

But I am calling for a hiring freeze, and I think I have the legal authority to do that. I'm also saying that I'm trying to work with each department to look at your priorities so
that we have some money to make sure that
we are meeting certain needs that we need
to meet. One would be the city assessor,
one would be IT. If you guys don't agree
with me, that's fine with me. You know,
we won't do anything about IT then, it's
fine with me.

Item number 4 is a Discussion and
Vote: Authorization for the Mayor to Sign
a Memorandum of Understanding which is a
grant with the City of Saratoga Springs
and the New York State Economic
Development Corporation to administer --
to be administered by New York State
Technology Enterprise Corporation,
NYSTEC, for a PILOT program for the
construction and implementation of LED
street lights incorporating public Wi-Fi
and video analytics.

We've been working with Tina Carton,
the administrator of parks, open space
sustainability, and historic
preservation. We've received a grant
from New York State Empire State
Development to establish pilot programs
for the construction and implementation
of LED street lights, which save funds
and incorporate public Wi-Fi and video
analytics.

The two places that we've identified
for these projects are the Saratoga
Springs Housing Authority. We think it
would be a good idea to bring public Wi-
Fi to those in public housing. And the
City Public Library on the parking lot
that the city actually owns.

It does involve multiple partners.
Our most critical one at this time is
NYSTEC, an organization that's serviced
the city for several years, with numerous
sustainability and smart city measures at
a substantial discount.

They need the I -- MOU to provide
ESD confirming the city is committed to
this project, and then finance will bring
an actual contract to council within the
next month. But an MOU will satisfy
current requirements.

The agreement requires little from
any other department with the exception
of DPW electrician. It is a benefit for the city to have ESD grants for which we rarely apply and receive awards. These awards were designed by the Governor to help communities with special smart city pilot projects during COVID. Unfortunately, they didn't know how they were going to fund them. This has been ongoing for a year, and we only just received words that they're actually going to fund the project.

Item number 5 is a Discussion and Vote: Authorization for the Mayor to Sign Agreement with Crow Castel Fiber for Ethernet Services. This is an update to an IT agreement for ethernet services to the recreation department.

Discussion and Vote: Budget Contingencies -- Budget Transfers -- Contingency. This is a budget transfer to support civil service secretary. Several years ago, we decided against transferring these duties. We were going to look at doing something with HR and civil service. That didn't work out.
And we -- basically we all met during the budget meetings and civil service made a presentation to us. They're responsible for the city civil service, Saratoga Springs City School District, and the public library. The subdepartment operates with a single employee, the secretary to the civil service. They're looking for about 3.8 thousand -- 3.8 -- $3,800, which seems a little low to me because I know we used to fund that part-time position at $35,000, but maybe it's the time of year.

But I think it's time we bring on a part-time person to help out the civil service department. And certainly having funds to do some part-time hires is something that I'm -- I'm very supportive of because we're not bringing on a full-time employee with benefits. So if the council is in agreement, I think it's time. And this is also partially reimbursable by the school district that we do indeed go forward and hire a -- a -- somebody part time in the -- for
civil service.

Does anybody have any concerns with that?

MAYOR KELLY: No, I'm in agreement with civil service.

COMMISSIONER MADIGAN: Thank you.

COMMISSIONER DALTON: I've always been in agreement for civil service, as well.

COMMISSIONER MADIGAN: Oh, that's great.

COMMISSIONER DALTON: It is.

COMMISSIONER MADIGAN: Yeah. Item number 7 is a Discussion and Vote: Budget Transfers - Payroll. And that -- oh I will be adding --

MAYOR KELLY: So -- so Commissioner, on -- on the payroll, you -- you have a transfer for a part-time clerk. So can we put in for our part-time clerk that we had in the 2020 budget?

COMMISSIONER MADIGAN: Would you need a clerk?

MAYOR KELLY: Yeah. For -- we had -- we had it in the budget, and we
pulled it because it was approved and
then we -- we pulled it when we made
other cuts.

COMMISSIONER MADIGAN: Yeah, I'm
very supportive of part-time hires right
now. Again, I still want to look across
the board. I know finance needs one. We
are down an employee in the front office.
I am not replacing that employee at this
point in time. So part of my budget
transfers - payroll is a part-time clerk
up there for when they're on vacation.
If we got a $46 million budget, $46
million is flowing though the front
office, we have to have at least two
people on staff up front.

So go ahead and talk to Lynn about
the budget transfer. We have found
monies in our -- in our budget to cover
our part-time clerk, so that's what we're
doing with that.

MAYOR KELLY: Okay.

COMMISSIONER MADIGAN: Yeah, I mean,
go ahead, submit.

MAYOR KELLY: Thank you.
COMMISSIONER MADIGAN: The other items under the budget transfers will cover sick leave in the water funds, sewer funds, and police department.

And I might be adding an item to my agenda which is sale of metal shelving owned by the city to Wilton Fire District #1, Greenfield Fire District.

Thank you.

MAYOR KELLY: Thank you, Commissioner.

On to public works.

COMMISSIONER SCIROCCO: Thank you, Mayor.

First item on my agenda is just an update on -- it's just an update on the tree. I just wanted to let the public know that one of the old Elms on North Broadway by Witt Construction up there it's seen better days. So we're going to be removing that tree. I'll have more information on that tomorrow night. But it's unfortunate that it's succumb to the -- that -- that disease. So we'll have more information on that tomorrow
Second -- second item on my agenda is Discussion and Vote: this is Approval to Reimburse Employee #2675 in the Amount of $230.

Item number 3 is Discussion and Vote: Approval to Reimburse Employee #278 in the Amount of $324.50.

Number 4 is Discussion and Vote: Authorization for the Mayor to Sign Contract with Environmental Soil Management of New York, LLC for $264.25.

Number 5 Discussion and Vote: Authorization for the Mayor to Sign Change Order #15 with DL -- DLC Electric, LLC.

Change order -- item number 6, Approval to Pay Invoice #12467 to MLB in the Amount of $4,208.31.

And just an announcement. We're looking at a Public Works Facebook page to get -- get some information out to the public. But I'll have more information on that tomorrow night too.

Again, I want to announce our
Milling -- number 8 is to announce our Milling and Paving Schedule. The blacktop plan is -- is about to open and we're going to actually start milling and paving, you know, some issues -- street issues that we have in the city.

Number 9 is a Proclamation for the City of Saratoga Springs Arbor Day.

Number 10 is Discussion and Vote: to Accept a Donation from Sustainable Saratoga for Trees that are going to be planted in the -- in the right-of-way.

Number 11 is an Update on Phase I Street Inventory Management Plan. That is a grant that we -- that we got. And I'll have more information on that tomorrow night. I believe that the business is supposed to open tomorrow, so we may have a -- a vendor by -- by tomorrow night. But we'll see.

And let's see. And that's -- that concludes my agenda.

MAYOR KELLY: Okay.

COMMISSIONER SCIROCCH: That's it.

MAYOR KELLY: Okay, great. Thank
you, Commissioner.

And on to public safety,

Commissioner Dalton?

COMMISSIONER DALTON: Hi. Thank you, Mayor.

The first item on my -- on my agenda is Discussion and Vote: Amend Chapter 225, Section 225-81 of the City Code. This is to pave the parking on both sides of Adams Road between Cady Hill Boulevard and Marcel Drive.

Item 2 is a Discussion and Vote: Amend Chapter -- Section 225-94 -- oops, excuse me. Sorry, my phone just started ringing. 225-94 of the City Code. This is to add alternate side of the street parking to Clinton Street from Vermont Street to Church Street.

Number 3 is the appointment of a city health officer.

Number 4 is Discussion and Vote: Authorization for Mayor to Sign Contract with Empire Ambulance. This is the annual contract for back-up ambulance service for the city.
And number 5 is Discussion and Vote:

Accept Donations for the SSPD K9 Unit.

This is to accept donations from various individuals -- individuals and organizations for the K9 Unit.

And that concludes my agenda.

MAYOR KELLY: Thank you,

Commissioner.

And the supervisors have a few items.

Supervisor Veitch has County DPW Geyser Road Paving Project. And his second item is STOP-DWI 2021 amounts. And the third item is Deer Hunting Pilot Program.

Supervisor Gaston has three items, COVID-19 Update. Second item is Public Health Expansion. Third item is Saratoga County Women in Government Leadership Program.

So at this time, I move the city council enter into executive session to discuss collective bargaining negotiations Saratoga Springs PDA.

This is a motion; is there a second?
COMMISSIONER FRANCK: Second.

MAYOR KELLY: Any discussion?

All those in favor, say aye.

IN UNISON: Aye.

MAYOR KELLY: Any opposed?

The matter passes.

Please wait for the live stream to stop and go into the breakout room.

(Discussion off the record)

MAYOR KELLY: We are back from executive session. We have discussed the outstanding matter. And we have taken no action at this time.

So with -- any other business from the council at this time?

COMMISSIONER DALTON: No, thank you.

MAYOR KELLY: Then we are adjourned. Thank you and have a great day. See you tomorrow night.

(Meeting adjourned.)
CERTIFICATION

I, Amanda M. Oliver, certify that the foregoing transcript is a true and accurate record of the proceedings.

________________________________________
Amanda M. Oliver

Amanda M. Oliver

eScribers
352 Seventh Avenue, Suite #604
New York, NY 10001

Date: April 29, 2021