



September 20, 2022

CITY OF SARATOGA SPRINGS
City Council Meeting
474 Broadway
7:00 PM

7:00 PM

CALL TO ORDER

ROLL CALL

SALUTE TO FLAG

PUBLIC COMMENT PERIOD / 15 MINUTES

CONSENT AGENDA

1. Approval of 6/7/2022 City Council Meeting Minutes
2. Approval of 7/5/2022 City Council Meeting Minutes
3. Approval of 8/16/2022 City Council Meeting Minutes
4. Approval of 6/21/2022 Pre-Agenda Meeting Minutes
5. Approval of 6/6/2022 Pre-Agenda Meeting Minutes
6. Approval of 7/18/2022 Pre-Agenda Meeting Minutes
7. Approval of 7/5/2022 Pre-Agenda Meeting Minutes
8. Approval of 8/1/2022 Pre-Agenda Meeting Minutes
9. Approval of 8/15/2022 Pre-Agenda Meeting Minutes
10. Approval of 9/6/2022 Pre-Agenda Meeting Minutes
11. Approve Budget Transfers – Regular
12. Approve Budget Amendments – Regular (Insurance)
13. Approve Payroll 9/9/2022 \$728,054.36
14. Approve Payroll 9/16/2022 \$447,698.94
15. Approve Warrant 2022, 22MWSEP1 \$100,506.76
16. Approve Warrant 2022, 22SEP2 \$4,985,105.71

MAYOR'S DEPARTMENT

1. Announcement: Public Comment Dates for Consolidated Annual Performance and Evaluation Report September 13 – October 12
2. Announcement: Infrastructure Task Force Meeting September 21 at 4:00 p.m.
3. Announcement: UDO Workshop September 27 at 5:30 p.m.
4. Announcement: "Everyone Went to the Festa!" Free Historical Event September 27 at 7:00 p.m.
5. Announcement: Enhancing Union Avenue Public Meeting October 6 at 6:00 p.m.
6. Discussion and Vote: Authorization to Accept Smartsheet Welcome Pack in Lieu of SS Vendor/Product Agreement
7. Discussion and Vote: Grant of License Agreement – 695 North Broadway

ACCOUNTS DEPARTMENT

1. Discussion and Vote: Amend Chapter 136 of the City Code to Include Design Review Board for Review of Locations
2. Discussion and Vote: Authorization to Pay Invoice to GAR Associates

3. Discussion and Vote: Authorization for Mayor to Sign Contract with Cullen & Dykman, LLP for Legal Services
4. Announcement: Special Events
5. Announcement: Business Milestones
6. Discussion and Vote: Approval of Updated Purchasing Policy
7. Announcement: Community Workshop to Discuss Short Term Rentals on October 5, 2022

FINANCE DEPARTMENT

1. Announcement: Appointment to Cannabis Task Force
2. Announcement: County Hearing on Proposed Sewer Rates
3. Update: City Finances
4. Set Public Hearing: 2023 Comprehensive Budget
5. Discussion and Vote: Finance Policy Manual Updates
6. Discussion and Vote: Budget Amendments – Payroll
7. Discussion and Vote: Budget Transfers – Payroll
8. Discussion and Vote: Budget Transfer Payroll – Reverse Transfer 2022.09.8 Lines 18-34

PUBLIC WORKS DEPARTMENT

1. Discussion and Vote: Street Acceptance – Shaw Drive, Division Street, and Central Avenue
2. Discussion and Vote: Authorization for Termination of Contract with Surpass for Orthophosphate
3. Discussion and Vote: Authorization for Termination of Contract with National Auto Fleet
4. Discussion and Vote: Authorization for Mayor to Sign Contract with NetFore Systems, Inc. for Access E11 Platform
5. Discussion and Vote: Authorization for Mayor to Sign Addendum #2 with Kathleen Suozzo, PE, PLLC for Sanitary Wastewater Pump Station Upgrades
6. Discussion and Vote: Authorization for Mayor to Sign Change Order #2 with Carver Construction, Inc. for Water Distribution Pipe Replacement Phase 1
7. Discussion and Vote: Authorization for Mayor to Sign Addendum #4 with Niagara Mohawk Power Corp. (d/b/a National Grid) for Leasing City Property on Weibel Avenue
8. Discussion and Vote: Approval to Pay Invoice #371498 to Surpass Chemical Company, Inc. in the Amount of \$13,957.02
9. Discussion and Vote: Approval to Pay Invoice #0520462-IN to Mahoney Notify-Plus, Inc. in the Amount of \$760.00
10. Discussion and Vote: Department of Public Works Sick Bank Request
11. Discussion and Vote: Resolution for the City of Saratoga Springs to Accept Maintenance Responsibility to Maintain Median Landscaping Features Owned by New York State on Route 9P (Union Avenue)
12. Set Public Hearing: Street Acceptance – Bliven Way

PUBLIC SAFETY DEPARTMENT

1. Discussion and Vote: Authorization for Mayor to Sign Contracts for Emergency Medical Supplies Provided by bound Tree Medical, Henry Schein, Inc., Life Assist, Inc., and McKesson Medical Surgical Government Solutions, LLC
2. Set Public Hearing: Proposed Ordinance for Henry Street and McTyguy Place
3. Set Public Hearing: Revised Aggressive Panhandling Ordinance
4. Announcement: First Station 3 Progress
5. Discussion and Vote: Authorization for Mayor to Sign Contract with Pittsfield Communications Systems

ADJOURN



September 20, 2022

CITY OF SARATOGA SPRINGS
City Council Meeting
474 Broadway
7:00 PM

PRESENT: Ron Kim, Mayor
Minita Sanghvi, Commissioner of Finance
Dillon Moran, Commissioner of Accounts
Jason Golub, Commissioner of Department of Public Works
Jim Montagnino, Commissioner of Department of Public Safety

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

EXCUSED: Jason Tetu, Deputy Commissioner, DPS

Matthew Veitch, Supervisor
Tara Gaston, Supervisor

RECORDING OF PROCEEDING

The proceedings of this meeting were taped for the benefit of the secretary. Because the minutes are not a verbatim record of the proceedings, the minutes are not a word-for-word transcript.

PUBLIC HEARINGS

ADA Transition Plan

Mayor Kim opened the public comment period at 6:47 p.m.

No one spoke.

Mayor Kim concluded the public hearing at 6:48 p.m. and kept it open.

Amend Chapter 136 – Outdoor Dining

Mayor Kim opened the public comment period at 6:48 p.m.

No one spoke.

Mayor Kim closed the public hearing at 6:49 p.m.

UDO amendments

Mayor Kim opened the public comment period at 6:49 p.m.

Mayor Kim advised this is a series of four amendments proposed by the Design Review Board.

No one spoke.

Mayor Kim closed the public hearing at 6:50 p.m.

Local Law No. 3 of 2022 for Non-Union Employees

Mayor Kim opened the public comment period at 6:50 p.m.

No one spoke.

Mayor Kim closed the public hearing at 6:51 p.m.

Street Acceptance – Shaw, Central, and Division

Mayor Kim opened the public comment period at 6:51 p.m.

No one spoke.

Mayor Kim closed the public hearing at 6:53 p.m.

Weibel Avenue PUD Amendment

Mayor Kim opened the public comment period at 6:53 p.m.

Eric with Hinman Straub, P.C. for Saratoga Retail Properties LLC stated Saratoga Retail Properties owns two parcels within Zone A of the PUD. They object to the amendment to permit warehouses, distribution plants, wholesale establishments, marijuana dispensaries and marijuana growing/processing in Zone A or Zone B. They also object to and changes to Section 6 of the PUD or any other section of PUD, which will impact Zone A as the current PUD has been effective. These uses are complementary to the surrounding properties. The PUD already has 40 uses for the Zone B property and doesn't feel it is necessary or appropriate to add warehouses, distribution plants, and marijuana business to the list. Eric urged City Council not to amend the PUD. The plaza is the wrong place for this use.

Mayor Kim concluded the public hearing at 6:57 p.m. and kept it open.

CALL TO ORDER

Mayor Kim called the meeting to order at 7:01 p.m.

PUBLIC COMMENT

Mayor Kim advised there are rules to public comment. People have two minutes to use or lose it. He asked all to be kind as we all are part of the same community. He also asked the speakers to be factual. The Council members may respond if they choose.

Mayor Kim opened the public comment period at 7:02 p.m.

Mayor Kim advised the City Council will not be voting on aggressive panhandling tonight. The vote will be taken on October 4, 2022.

Joe Ogden of Saratoga Springs advised he is here on behalf of Saratoga Streets. He would like to remind the Council Saratoga Streets would like to see funding in the 2023 budget for that project.

Commissioner Sanghvi stated she has been in communication with the Council in attempt to accommodate in the 2022 budget. The City is actively working on this.

Andrew Beatty of Saratoga Springs stated he opposes the aggressive panhandling as it is being put forward. It will not hold up in court and is a bad idea. Fines are not going to help anyone. Signs that ask for contribution of material items of value is expressly forbidden. The Council set up signs asking for votes last year.

Sheri Grinter of Saratoga Strong stated they should not punish the innocent, punish the drunk and disorderly. Most of the homeless with signs are not verbal and signs are not aggressive in any way. Two months ago a group of teenagers beat up the homeless. The homeless know everything on the 'red cards' plus more. (copy of statement attached)

Commissioner Moran clarified with Ms. Grinter that she is part of Saratoga Stronger, a group that provides food for the homeless.

Sheri Grinter stated there is a soup kitchen on Saturdays put on by the Presbyterian Church and there is no food on Sundays unless you attend church. Her group provided a full course meal a lunch for the next day.

Commissioner Moran stated Ms. Grinter's group is providing food for the homeless when there is no other food available.

Hannah Hurley of Saratoga Springs stated the homeless are also residents of the City. They are in a public place because they don't have a public place of their own to go to. For some people, this is their only option. The homeless is part of our community and that needs to be addressed. Code red was promised all summer but never saw it come to fruition. Housing is needed that people can afford. Investments need to be made in the homeless.

Kristen Dart of Saratoga Springs stated Saratoga Springs has always had homeless people. The City has done nothing to deal with poverty as a systemic issue. Even with a college degree, she cannot afford to buy a house in Saratoga Springs. These people are criminalized simply because they are poor but they want to be a part of a community. She has never felt unsafe around the homeless.

Zoe of Skidmore College stated the panhandling ordinance is criminalizing the solicitation. People will get marks on their criminal records for soliciting. Zoe asked who is being protected with this ordinance and who is being harmed with it?

Adam Walker of Albany stated the Council can tell this ordinance upsets people. The two- minute ruling doesn't work in the real world and the Council needs to be adaptive. No one wants to be on the street asking for money, why would any human being choose that. The solution is in the room; there are two organizations here willfully give money and feed the homeless. Infuse these organizations with money and you will solve your problem.

Rachel Dwyer of Franklin Street stated her question is how many calls are coming in per day/week regarding aggressive panhandling. This topic is on the agenda again this month in a different manner.

Patty Riggi of Saratoga Springs stated other states have tried the laws the City is attempting to do and have been overturned, as it is a violation of their first amendment right. Is the City ready to be sued? Certain people don't want the homeless because of the way they look and that isn't right.

Mr. Michael stated if the City Council passes this bill, a can of worms will be opened. He urged the Council to watch *Paris is Burning* to see what will happen in the City.

Angela Kaufman of the Town of Saratoga Stated it looks like the City is looking for new ways to criminalize behavior vital to organizing and sustaining systems of mutual aid. A place with the wealth disparity of Saratoga Springs has a lot more to worry about than panhandling. It is the labor of the people spoken condescendingly about that created this City's wealth. Mutual aid is survival, organizing is survival.

Mr. Catell of Malta stated the law would seek to further marginalize an already disadvantaged group. If you don't want people living on the streets, the solution is not jail; it is to remedy the factors as to why people are living on the streets. The issue is not simple but removing people who live on the street is inhumane; they are there because they have no other option.

Chandler Hickenbottom spoke regarding the panhandling ordinance. It is disheartening because the people sitting here have influential jobs, have money, and live comfortably. She assumes the Council was never on the poverty level and if they were, they should re-evaluate why they treat the people on or below poverty level, the way they do. If the funding was provided, they could do more. The City could fund the free frig and have more of them all over town.

Molly Dunn of downtown Saratoga Springs stated she has been affected by this as people have been knocking on her door. She receives phone calls, e-mails, and has pamphlets left for her. It's the people of the Council that is guilty of that aggressiveness.

Bud Bacon of Saratoga Springs stated he doesn't know about the ordinance but asked people to picture themselves in the situation he was in – when walking down the alley next to Putnam Market he was approached by a homeless person. It was clear the person wasn't going to let him pass. The gentleman came at him, swung a stick at him, and wasn't going to let him pass. Mr. Bacon called the cops, who knew the gentleman by name. The gentleman was arrested and Mr. Bacon sees him the next night sitting on the curb near Uncommon Grounds. What would happen if this happened to someone who couldn't defend themselves?

Camille Daniels of Saratoga Springs stated human response to trauma – is this a human response to trauma. Do we want to criminalize human response to trauma?

Elz Figuereo of Saratoga Springs stated the Public Safety Commissioner came in saying he was coming in to keep people safe. Mr. Figuereo wants to see the data that supports an ordinance for panhandling. Taxpayer money is being used to go to court for things they can't afford. They fight for equity, equality, and the so called 'have nots'. The Council acted like that is what they supported. Don't forget they fought along with them for the seats they are in and they can fight against them if they need to. The new Saratoga Springs will be the Saratoga Springs when all people have housing, all people have food, all people have equitable justice, and all people have a chance at life and the American dream.

Mayor Kim closed the public comment period at 7:38 p.m.

CONSENT AGENDA

Mayor Kim asked that items #1 – 10 be removed from the Consent Agenda, as he has not been able to review them; he cannot vote on them.

Commissioner Sanghvi moved and Commissioner Golub seconded to approve items 11 – 16 of the Consent Agenda.

1. Approval of 6/7/2022 City Council Meeting Minutes
2. Approval of 7/5/2022 City Council Meeting Minutes
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Commissioner Moran pointed out there was an invoice in the amount of \$3.3 million dollars to the City's insurer in item number 16. It is not a ton of mops, it is insurance.

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

Nays – 0

MAYOR'S DEPARTMENT

Announcement: Public Comment Dates for Consolidated Annual Performance and Evaluation Report September 13 – October 12

Mayor Kim announced the Office of Community Development has issued their annual draft report for the 2021 program year. The public is encouraged to review and provide comments no later than October 12, 2022. The report details issues with affordable housing needs and homeless housing facility needs.

Announcement: Infrastructure Task Force Meeting September 21 at 4:00 p.m.

Mayor Kim announced the next Infrastructure Task Force meeting is September 21, 2022 at 4:00 p.m. in the City Council Room. The consultants hired from Delta Development will be reviewing funding possibilities for affordable housing.

Announcement: UDO Workshop September 27 at 5:30 p.m.

Mayor Kim announced the UDO Workshop is September 27, 2022 at 5:30 p.m. in the City Council Room. There are four amendments to consider - remove uses from the greenbelt; establish land use board criteria for the greenbelt; enhance stream and wetland protection; and amendment to regulate land disturbance activity permits. The City Council will be asked to vote on these at the next City Council meeting. They will also be dealing with the design review committee's recommendations.

Announcement: "Everyone Went to the Festa!" Free Historical Event September 27 at 7:00 p.m.

Mayor Kim announced the event "Everyone Went to the Festa!" regarding the Feast of St. Michael. This event is free to all and is hosted by MaryAnn Fitzgerald, the City Historian on September 27, 2022 at 7:00 p.m. at the History Museum.

Announcement: Enhancing Union Avenue Public Meeting October 6 at 6:00 p.m.

Mayor Kim announced a public meeting to discuss the enhancement of Union Avenue between East Avenue and Henning Street for October 6, 2022 at 6:00 p.m.

Discussion and Vote: Authorization to Accept Smartsheet Welcome Pack in Lieu of SS Vendor/Product Agreement (22-405)

Mayor Kim advised this is a software program used by the Planning Department and the Engineering Department. Smartsheet will not sign our vendor/product agreement but instead offered their Welcome Pack. The director of risk and safety stated there is no insurance required for this.

Mayor Kim moved and Commissioner Sanghvi seconded to authorize to accept the Smartsheet Welcome Pack in lieu of the vendor/product agreement.

Commissioner Moran asked if users will be limited to the departments listed or will other users be able to use it.

Mayor Kim stated there will be 10 licenses under this motion. If there is more demand, they will look into how to add to the number of licenses.

Commissioner Moran stated this software provided the ability for people to work on a document together. Given it is a shared resource he hopes there will be ambition from the rest of them to use this.

Commissioner Sanghvi stated they are trying to transition to Microsoft Outlook. Once the transition is completed that will be an option.

Commissioner Moran asked to amend the motion to add two more licenses.

Mayor Kim suggested adding licenses at a later point.

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

Discussion and Vote: Grant of License Agreement – 695 North Broadway (22-406)

Mayor Kim advised the Real Estate Committee reviewed the license agreement recommended the City Council allow the encroachment of a fence and shrubbery on to City property at 695 North Broadway.

Mayor Kim moved and Commissioner Sanghvi seconded to grant the license agreement for 695 North Broadway.

Tony Izzo stated this is a residential property and the Real Estate Committee recommends to the Council to approve.

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

Mayor Kim moved and Commissioner Montagnino seconded to add an item to his agenda regarding discussion and vote to for payment of an invoice to 225 Excelsior Holdings, LLC in the amount of \$95,000. (22-407)

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

Discussion and Vote: Payment of Invoice to 225 Excelsior Holdings, LLC in the Amount of \$95,000 (22-408)

Mayor Kim stated the settlement of this case was on his agenda at the last City Council meeting where it was agreed to pay \$95,000 for and easement an improvements. They are now looking to pay this amount. They missed the deadline of September 12, 2022 for the warrant of September 20, 2022. They would like to put on the mid-warrant if possible.

Tony Izzo stated the council made a partial payment on this; this is the final payment.

Mayor Kim moved and Commissioner Sanghvi seconded to authorize payment of invoice to 225 Excelsior Holdings, LLC in the amount of \$95,000.

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

ACCOUNTS DEPARTMENT

Discussion and Vote: Amend Chapter 136 of the City Code to Include Design Review Board for Review of Locations

Commissioner Moran stated the ordinance has been posted for some time. Starting January 1, 2023, applicants must obtain approval of the Design Review Board if:

- the outdoor dining location is located in the public right-of-way within any area designated within the Architectural Review District or;
- the outdoor dining location is in the public right-of-way within any area designated in the City Landmark or Historic Review Districts

Commissioner Moran advised the Design Review Board shall only review applications, which have the written approval from the Department of Public Works, Department of Public Safety, and the Building Department. Once approval is granted by the Design Review Board, the approved plans are valid and do not require annual approval unless changes are made.

Commissioner Moran moved and Commissioner Montagnino seconded to adopt the amendment to Chapter 136 of the City Code to include review of outdoor dining by the Design Review Board as described and included with the agenda.

Mayor Kim advised he sent an e-mail to the Accounts Department asking his item be pulled. The Building and Planning Departments found several places where there are problems. It looks like the architectural review and historic review paragraphs are duplicative. There are two new paragraphs in section 136-33.5 that contain references to the UDO and none of the references are actually correct.

Commissioner Moran stated he misread an e-mail, which he thought was referring to another item. Mr. Izzo reviewed this and didn't see any issues. Commissioner Moran stated he would like to make sure the references in the ordinance are accurate so he is willing to pull this to be sure those references are correct.

Mayor Kim stated this was reviewed by Patrick Cogan, Amanda Tucker, and Susan Barden.

Commissioner Moran pulled this item from his agenda.

Discussion and Vote: Authorization to Pay Invoice to GAR Associates (22-409)

Commissioner Moran advised while working with GAR to finalize an agreement, GAR inadvertently neglected to forward an invoice for services and is bringing this invoice forward for approval of payment.

Commissioner Moran moved and Commissioner Sanghvi seconded for the City Council to approve payment of invoice #8204G to GAR Associates in the amount of \$10,000.

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

Nays – 0

Discussion and Vote: Authorization for Mayor to Sign Contract with Cullen & Dykman, LLP for Legal Services

Commissioner Moran advised this contract is to provide legal services to the Accounts Department. There is precedent for this action from various departments seeking legal representation for a variety of issues. The capacity of the City Legal Department is not what it was when they entered office.

Commissioner Moran moved and Commissioner Golub seconded to authorize the mayor to sign the contract with Cullen & Dykman, LLP for an amount not to exceed \$29,999.99 as funded in line A3051414 / 54720.

Commissioner Sanghvi stated she understands and respects Commissioner Moran's request and her issue is not with wanting a lawyer but the process. The funds for this are part of the transfer the Finance Department is looking to reverse. Should the transfer be reversed, the line will have insufficient funds for the contract.

Mayor Kim stated the procedural issue is important for the public to understand.

Commissioner Sanghvi stated a budget transfer to move the director of risk and safety's salary and related funds to the Mayor's Office had been previously submitted and provided to the Accounts Department ahead of the past three City Council meetings but the Accounts Department refused the sign the transfers each time. The funds for the transfer should not have been included, as the funds for risk and safety payroll are needed to pay for the risk and safety director and need to be transferred to the Mayor's Office.

Mayor Kim reviewed what happened so the public is clear. Mayor Kim stated there was \$50,000 in the Accounts Department for the director of risk and safety and that money was specifically budgeted for that salary. Civil Service ratified the vote of the City Council to move the position to the Mayor's Office. The money was moved around without any approvals and now the Commissioner of Accounts wants to use the money that was budgeted for an employee who is now in the Mayor's Department to pay for legal services when the City has a City Attorney and a labor attorney. Both attorneys have given the Commissioner of Accounts that same opinion regarding moving the director of risk and safety from the Accounts Department to the Mayor's Department. The Commissioner of Accounts wants to take money that is no longer in his budget and use it to pay for an attorney when he has complete access to the City Attorney and outside labor counsel.

Commissioner Moran stated the City Council votes to approve and comprehensive budget and it is in each commissioner's/mayor's purview on how to manage their budget and do not spend other people's budgets. The previous administration made their best guestimate of what was needed to run the department and money was moved from a line that was no longer being used to other lines where money was necessary. The Mayor's Department identified the need for a new line and created one but should also have identified the need to fund that line. The first rule in adding a new employee is determining how to fund it. Commissioner Moran stated the departments of Finance, Public Safety, and the Mayor, who voted to move the employee could chip in to fund the position. The resolution did not include the transfer

of money to fund the position. All departments should look within their own departments to find funds. Commissioner Moran advised there is money in a payroll line in the Mayor's Department for a position that was not filled this year that could cover the salary of the director of risk and safety. Each department has the right to spend their money within their own budgets. If an employee is going to be taken by a department, they better have a plan to pay for that employee.

Commissioner Montagnino stated it seems clear that a yes vote is the Council's approval to spend taxpayer money to sue the City Council to seek to reverse a decision the City Council made a short time ago. He will vote no.

Commissioner Golub asked for this item to be pulled from the agenda to address the budget line and bring back with new line. He does not have problem with having outside counsel.

Commissioner Moran pulled this item from his agenda.

Announcement: Special Events

Commissioner Moran announced the following special events:

- Wellspring Pooch Parade - [9/24/22](#) - Congress Park - fundraising event for Wellspring's Safe Pet Partnership (provides a network of safe, temporary placement for pets of families who are fleeing abuse).
- Bug's Boston Terrier Parade - [9/25/22](#) - 10:30 a.m. - 11:45 a.m. - Boston terrier walk/fundraiser for the Northeast Boston Terrier Rescue. This is the tenth year.
- Saratoga Peace Week drum concert - [9/25/22](#) - Congress Park - free community drum concert from 12:30 p.m. - 3:30 p.m.
- Display of Public Art - art will be displayed throughout downtown from September 21 – October 5.
- Strides 4CJD Walk - [10/1/2022](#) - Geyser Park - Fundraising charity walk for Creutzfeldt Jakob's Disease Foundation.
- Saratoga International Flavorfeast - [10/8/22](#) - International food festival featuring various downtown/local restaurants offering tastings of different international dishes.
- Fall Festival - [10/22/22](#) - Hosted by Saratoga DBA - various fall/Halloween themed activities including the pumpkin roll, trick-or-treating downtown and costume contest.

Announcement: Business Milestones

Commissioner Moran announced and congratulated Cudney's Cleaners for being business for 70 years.

Discussion and Vote: Approval of Updated Purchasing Policy (22-410)

Commissioner Moran advised the changes made to the Purchasing Policy include the updating of authorize signatories and a couple of typos.

Commissioner Moran moved and Commissioner Sanghvi seconded to approve the updated Purchasing Policy as included with the agenda.

Commissioner Montagnino offered a friendly amendment and Commissioner Golub seconded to remove the title of Assistant Chief from the document as there is no Assistant Chief.

Commissioner Moran accepted the friendly amendment.

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

Nays – 0

Announcement: Community Workshop to Discuss Short Term Rentals on October 5, 2022

Commissioner Moran announced he is holding a community workshop to discuss short-term rentals. The workshop will be held on October 5, 2022 at the City Center at 6:00 p.m.

FINANCE DEPARTMENT

Announcement: Appointment to Cannabis Task Force

Commissioner Sanghvi appointed Sarah Whittle to the Cannabis Task Force. Sarah is the current owner of Saratoga CBD Wellness. Ms. Whittle has worked in the hemp/cannabis industry since 2019.

Announcement: County Hearing on Proposed Sewer Rates

Commissioner Sanghvi announced a public hearing on the County's proposed 2023 sewer rates - October 6, 2022 at 9 a.m. at the Board of Supervisors chambers.

Update: City Finances

Commissioner Sanghvi sales tax collection year to date is \$9,109,048.16 for the year, up \$936,549.73 from 2021. Mortgage tax collected is \$2,012,069.07 marginally up from 2021.

Set Public Hearing: 2023 Comprehensive Budget

Commissioner Sanghvi pulled this item stating a presentation will be made on October 4, 2022 and then they will set public hearings and budget workshops.

Discussion and Vote: Finance Policy Manual Updates (22-411)

Commissioner Sanghvi advised the manual is reviewed for updates each year.

Commissioner Sanghvi moved and Commissioner Golub seconded to approve the Finance Policy Manual updates as attached to the agenda.

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

Nays – 0

Discussion and Vote: Budget Amendments – Payroll (22-412)

Commissioner Sanghvi moved and Commissioner Montagnino seconded to approve lines 1 – 4 for the Department of Public Works court facilities maintenance.

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

Nays – 0

Discussion and Vote: Budget Transfers – Payroll (22-413)

Commissioner Sanghvi advised lines 1 – 10 are for Department of Public Safety conference registration, Caroline Street overtime traffic control, Fire Department education, and expenses related to the Axon contract; and lines 11 – 12 are for overtime for storm water laborers.

Commissioner Sanghvi moved and Commissioner Montagnino seconded to approve the budget transfers – payroll as identified.

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

Discussion and Vote: Budget Transfer Payroll – Reverse Transfer 2022.09.8 Lines 18-34 (22-414)

Commissioner Sanghvi moved and Commissioner Montagnino seconded to reverse transfers 2022.09.8 lines 18 – 24. These funds were taken from the Accounts Department to 16 other Accounts Department lines from the risk and safety payroll line. These transfers need to be reversed.

Mayor Kim confirmed the money is being put back in the line for payroll - risk and safety and asked if there is any way to assure it is not going to be moved again.

Commissioner Sanghvi stated it would have to go to City Council for vote if it has to be moved.

Mayor Kim confirmed the money can't be moved until the next City Council meeting. He is concerned as he has to pay a salary to the risk and safety manager and this is the money that was allocated for that.

Commissioner Sanghvi stated their first job was to undo what had been done. She is going to obtain clarification in writing from the Civil Service Commission, hopefully present it at the next City Council meeting, and then move the funds to the new line.

Mayor Kim asked how it can be assured that the money stays in the line between now and October 4 and not moved again.

Commissioner Sanghvi advised the money cannot be moved unless City Council votes on it.

Commissioner Montagnino asked how the money was moved in the first place if the City Council didn't vote on it.

Commissioner Sanghvi stated that at this time of the year it is normal to receive a lot of transfer requests to cover the need of funding in lines. The budget director looks over all the lines and processes them; she processed this one and did not flag it for their oversight. It was passed by the City Council at the last meeting. Commissioner Sanghvi stated they were processing a lot of requests from all departments. The budget director understands this is something that should have been flagged and takes full responsibility. Commissioner Sanghvi stated they are trying to reverse it to set the wrong right.

Mayor Kim stated per the Charter, the mayor is allowed to ask for a report regarding any issues that occur in City Hall. He stated he is going to ask for a report on this and may want to look at a forensic accountant to explore exactly what happened. Mayor Kim stated he has looked at some of the documents and it is not completely clear how this actually happened and the Council owes it to the taxpayers to make sure they know exactly how that happened because it was taking monies from a payroll line and distributing it into other areas of a budget.

Commissioner Moran asked Mayor Kim if he has never transferred money from a payroll line to another line.

Mayor Kim advised not like this.

Commissioner Moran stated there is one mechanism for transferring of funds.

Mayor Kim stated the Commissioner of Finance has never had to reverse a transfer his department has made.

Commissioner Moran stated the City has never had someone steal an employee out of a department under hostile circumstances.

Mayor Kim stated there was a discussion and vote by this City Council to move the risk and safety manager from the Accounts Department to the Mayor's Department. The Civil Service Commission ratified that decision and then the money was mysteriously moved.

Commissioner Moran stated the employee was moved; the money is in his budget and he can move the money within his budget as he sees fit. The money in the line for Brad Birge was \$169,000 and is now \$59,000, where did the \$110,000 go?

Mayor Kim advised Brad Birge is no longer employed by the City and the money was used to fund the grant consultant, which was approved by this City Council.

Commissioner Moran stated Mayor Kim took an employee and did not make accommodations for taking their salary. The money remains in the Accounts Department budget and can be spent, as the Accounts Department needs to spend it.

Mayor Kim stated Commissioner Moran would have to sign a budget transfer to make the accommodations for the salary to be transferred. They asked Commissioner Moran to do that and he refused.

Commissioner Moran stated the Accounts Department was provided a budget transfer signed by Deputy Rella.

Mayor Kim stated a forensic accountant is in order to fully understand what is going on.

Commissioner Moran asked Mayor Kim how he plans to pay for the forensic accountant.

Commissioner Sanghvi stated per the Charter, if an internal investigation needs to be done it falls under the purview of the Finance Commissioner.

Commissioner Moran stated the transfers were approved by the City Council; so to suggest he did anything wrong, he blames the Council members for not having read the agenda and documents attached. Each Council member needs to be responsible for themselves and if they are not going to understand what they are voting for shame on them.

Commissioner Golub confirmed the transfer was approved by Finance and is now being reversed.

Commissioner Sanghvi stated the transfer was approved by Council 5 – 0.

Commissioner Golub stated he has no problem with and understands the need to reverse this, but he does have a problem with a procedural step missed by many people and then say Commissioner Moran did this on purpose. That doesn't lead him to believe someone did something wrong other than the budget director who didn't catch it.

Commissioner Sanghvi is not saying Commissioner Moran did something wrong.

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

Nays – 0

PUBLIC WORKS DEPARTMENT

Discussion and Vote: Street Acceptance – Shaw Drive, Division Street, and Central Avenue (22-415)

Commissioner Golub moved and Commissioner Montagnino seconded that Chapter 201, Section 201-1, official street list, entitled Street Naming and Numbering, be amended to add a portion of Division, a portion of Central Avenue, and Shaw Drive.

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

Nays – 0

Discussion and Vote: Authorization for Termination of Contract with Surpass for Orthophosphate (22-416)

Commissioner Golub advised the original contract was approved on December 21, 2021 and was set to expire December 31, 2022. Surpass contacted the Department of Public Works to advise they are having sourcing issues and can no longer honor the contracted price and requested the termination of the contract for orthophosphate.

Commissioner Golub moved and Commissioner Moran seconded to authorize the termination of contract with Surpass Chemical Company for orthophosphate.

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

Nays – 0

Discussion and Vote: Authorization for Termination of Contract with National Auto Fleet (22-417)

Commissioner Golub advised a quote was provided on August 9th for a 2022 Ford Escape and the contract was approved by Council on August 16, 2022. On August 18, 2022, National Auto Fleet notified the Department of Public Works that the vehicle had been sold to another customer and no other vehicles in stock.

Commissioner Golub moved and Commissioner Montagnino seconded to authorize the termination of contract with National Auto Fleet for a 2022 Ford Escape.

Commissioner Sanghvi stated the City is attempting to move toward hybrids for the Department of Public Works and the Department of Public Safety.

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

Nays – 0

Discussion and Vote: Authorization for Mayor to Sign Contract with NetFore Systems, Inc. for Access E11 Platform

Commissioner Golub advised this effort is to improve the communication platform within the community and allows the department to communicate in real time. The insurance has not been obtained.

Commissioner Golub pulled this item from his agenda.

Discussion and Vote: Authorization for Mayor to Sign Addendum #2 with Kathleen Suozzo, PE, PLLC for Sanitary Wastewater Pump Station Upgrades (22-418)

Commissioner Golub advised KS, P.E. Engineering of Bolton Landing was awarded the contract for professional services for the sanitary sewer pump station upgrades as quad 1 (Hawthorne & Excelsior Springs Avenue). Due to unforeseen conditions, extra work was done by KS, P.E. such as redesign, additional administration and inspection in the amount of \$19,080. There is \$47,546.92 left in the capital fund to cover this additional work.

Commissioner Golub moved and Commissioner Montagnino seconded to authorize the mayor to sign addendum #2 with Kathleen Suozzo, for sanitary wastewater pump station upgrades in the amount of \$19,080.

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

Nays – 0

Discussion and Vote: Authorization for Mayor to Sign Change Order #2 with Carver Construction, Inc. for Water Distribution Pipe Replacement Phase 1 (22-419)

Commissioner Golub advised Carver Construction was awarded the bid to work on Clement Street, State Street, Greenfield Avenue, First Street, and Alger Street. The Department of Public Works has received multiple calls from residents on the remaining section of State Street regarding low water pressure. The Department of Public Works is raising the priority of this area to the current project in the amount of \$1,264,145. Change order #2 includes the cost for materials for replacement of the old sanitary sewer line on Clement Avenue in the amount of \$74,586.63; addition of insulation for frost protection in the amount of \$72,656; and paving a section of First Street in the amount of \$85,000 to be paid for with CHIPS funding. Commissioner Golub advised total amount of change order number two for Carver Construction is \$1,496,387.63.

Commissioner Golub moved and Commissioner Sanghvi seconded to authorize the mayor to sign change order #2 with Carver Construction for RFP 2021-16, Water Distribution Pipe Replace Project Phase 1, with substantial completion date of October 13, 2022 in the amount of \$1,496,387.63.

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

Nays – 0

Discussion and Vote: Authorization for Mayor to Sign Addendum #4 with Niagara Mohawk Power Corp. (d/b/a National Grid) for Leasing City Property on Weibel Avenue (22-420)

Commissioner Golub advised the City leases property on Weibel Avenue to National Grid for conducting their business as a utility provider. The original agreement was entered into in 1997 with this being the fourth amendment. In January 2022, National Grid's broker reached out to the Department of Public Works with an offer of a specific monthly rental amounts for the first five years, the second five years, the City was to pay their brokerage fees, and National Grid would pay \$500,000 for site improvements. The Department of Public Works business manager and office supervisor researched and compared other industrial properties in Saratoga County for their current market-asking rate. The asking range was \$6 - \$7 per square foot. The offer was for \$18,029 per month for 2022 – 2027 and then increase to \$19,416 per month from 2027 – 2032. The City also proposed the broker fee would be included as an abatement total; the City would make a roof repair for \$6,475, five months of rent abatement for improvements. In total, this agreement represents \$2,246,805 in lease payments over the 10-year agreement, netting the City \$2,037,840.15 in consideration of rent abatements and the roof repair. Additionally, National Grid will make \$500,000 in site improvements to benefit this city owned parcel.

Commissioner Golub moved and Commissioner Sanghvi seconded to authorize the mayor to sign addendum #4 with Niagara Mohawk Power Corp., d/b/a National Grid, for leasing City property at 40 Weibel Avenue.

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

Nays – 0

Discussion and Vote: Approval to Pay Invoice #371498 to Surpass Chemical Company, Inc. in the Amount of \$13,957.02 (22-421)

Commissioner Golub advised the product was needed at the Water Treatment Plant. The Department of Public Works made the decision to purchase orthophosphate at the going price, as Surpass could no longer honor the contract rate and until the City could rebid and obtain a new contract. The Purchasing Policy was not follows, therefore requires Council approval to pay.

Commissioner Golub moved and Commissioner Montagnino seconded to approve payment of invoice #371498 to Surpass Chemical Company, Inc, in the amount of \$13,957.02.

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

Nays – 0

Discussion and Vote: Approval to Pay Invoice #0520462-IN to Mahoney Notify-Plus, Inc. in the Amount of \$760.00 (22-422)

Commissioner Golub advised this invoice is for work done as part of the wastewater pump station upgrade. The alarm only registered when the fluid level exceeded the maximum level but now has been upgrade to provide an alert by phone prior to the pump exceeding the high-level mark. This invoice reflects the work done by Mahoney on this upgrade.

Commissioner Golub moved and Commissioner Montagnino seconded to approve payment of invoice #0520462-IN to Mahoney Notify-Plus in the amount of \$760.00.

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

Nays – 0

Discussion and Vote: Department of Public Works Sick Bank Request (22-423)

Commissioner Golub advised a request was made by an employee that has exhausted their own sick accruals and has requested to draw 83 hours from the CSEA City Hall Unit sick bank. The current balance in the sick bank is 375 days and the employee is requesting 10.375 days. After the requested transfer, 364.625 days will remain. This has been approved by CSEA.

Commissioner Golub moved and Commissioner Sanghvi seconded to approve the request for 83 hours from the CSEA City Hall Unit sick bank for employee #911.

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

Nays – 0

Discussion and Vote: Resolution for the City of Saratoga Springs to Accept Maintenance Responsibility to Maintain Median Landscaping Features Owned by New York State on Route 9P (Union Avenue) (22-424)

Commissioner Golub advised the Department of Public Works has agreed to take over the maintenance of the medians on Union Avenue from East Avenue to Henning Road, as it is a main gateway into the City.

The New Your State DOT is in the planning stages of a streetscape improvement project in that area which includes paving, granite curbs, medians, trees, sidewalks, bike lanes, and storm water infrastructure. Commissioner Golub advised the resolution is the first step NYSDOT requires to proceed into the planning stages and begin to develop a maintenance agreement.

Reading of the resolution was waived and is as follows:

A RESOLUTION BY THE CITY OF SARATOGA SPRINGS
ACCEPTING RESPONSIBILITY TO MAINTAIN
MEDIAN LANDSCAPING FEATURES OWNED BY
THE STATE OF NEW YORK ON ROUTE 9P (UNION AVENUE)
Resolution # _____

WHEREAS, the New York State Department of Transportation proposes the construction, reconstruction, or improvement of Route 9P Pavement Maintenance and Shoulder Widening, between East Avenue and Henning Road in the City of Saratoga Springs located in Saratoga County, PIN 1247.09, and

WHEREAS, the City of Saratoga Springs supports such proposal and desires to have median landscaping features incorporated/included on the project, upon final approval of a landscape maintenance agreement between the City and the State of New York, and

WHEREAS, the State of New York will include as part of the construction, reconstruction, or improvement of the above mentioned project, to provide at no cost to the City median landscaping feature items including, but not limited to: median and island planting bed(s), plant materials, grass and turf areas, pursuant to Article II, Section 10, Subdivision 35 of the State Highway Law, as shown on the contract plans relating to the project which are incorporated into this resolution by reference, and meeting the requirements of the owner, and

WHEREAS, the City of Saratoga Springs, at its own expense, would maintain such median landscaping features constructed as a part of this project, for a period of 25 years,
NOW, THEREFORE,

BE IT RESOLVED, that the City of Saratoga Springs approves of the addition of the above median landscaping features to the project; and the State of New York will include median landscape features within this construction project in forthcoming landscape maintenance agreement; and

BE IT FURTHER RESOLVED, that the City of Saratoga Springs would maintain or cause to be maintained at its own expense, such median landscaping features for a period of 25 years; and

BE IT FURTHER RESOLVED, that Mr. Jason Golub, Commissioner of Public Works is hereby authorized by the City Council to develop a Landscape Maintenance Agreement with the State of New York, through the Commissioner of Transportation, to include these landscaping features on the above identified project as it relates to the City of Saratoga Springs, and said agreement shall be thereafter presented to the City Council for final approval and the signature of the Mayor, and

BE IT FURTHER RESOLVED: That the Clerk of the City of Saratoga Springs is hereby directed to transmit electronically signed, stamped, sealed, and certified copy of the foregoing resolution to the New York State Department of Transportation.
RESOLVED, that this Resolution shall take effect immediately.

Commissioner Golub moved and Commissioner Moran seconded to approve the adoption of the resolution for the City of Saratoga Springs accepting responsibility to maintain median landscaping feature owned by the State of New York on Route 9P (Union Avenue).

Mayor Kim confirmed the Department of Public Works will maintain the medians with no compensation.

Commissioner Golub advised the City will not be compensated for the work but the trade-off is Union Avenue will be significantly upgraded. Agreement is for 25 years.

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

Nays – 0

Set Public Hearing: Street Acceptance – Bliven Way

Commissioner Golub set a public hearing for October 4, 2022.

PUBLIC SAFETY DEPARTMENT

Discussion and Vote: Authorization for Mayor to Sign Contracts for Emergency Medical Supplies Provided by bound Tree Medical, Henry Schein, Inc., Life Assist, Inc., and McKesson Medical Surgical Government Solutions, LLC (22-425)

Commissioner Montagnino advised this is an extension of current contracts of bid 2021-04 and the extension of the bid was awarded at the September 6, 2022 City Council meeting.

Commissioner Montagnino moved and Commissioner Sanghvi seconded to extend the current contracts of bid 2021-04.

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

Nays – 0

Set Public Hearing: Proposed Ordinance for Henry Street and McTygue Place

Commissioner Montagnino set a public hearing for October 4, 2022. This is to establish one-way streets where there are currently two-way streets.

Set Public Hearing: Revised Aggressive Panhandling Ordinance

Commissioner Montagnino set a public hearing for the October 18, 2022.

Announcement: First Station 3 Progress

Commissioner Montagnino announced the foundation for Station #3 and the outside storage building has been poured and backfilled. The contractors will begin laying blocks next week. The estimated completion is May 2023.

Commissioner Montagnino also stated it appears the Safer Grant may be coming through.

Discussion and Vote: Authorization for Mayor to Sign Contract with Pittsfield Communications Systems (22-426)

Commissioner Montagnino advised this agreement is for radio system maintenance and repair. The cost is \$665 per month.

Commissioner Montagnino moved and Commissioner Sanghvi seconded to authorize the mayor to sign a contract with Pittsfield Communications Systems.

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

Nays – 0

ADJOURN

Commissioner Sanghvi moved and Commissioner Montagnino seconded to adjourn the meeting at 9:10 p.m.

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

Nays – 0

Respectfully submitted,

Lisa Ribis
Secretary to the City Council

Approved: 11/2/2022

Vote: 5 - 0