



October 18, 2022

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

6:30 PM P.H. – 2023 Comprehensive Budget
P.H. – ADA Transition Plan
P.H. – Aggressive Panhandling
P.H. – Weibel Avenue PUD
Amendment
P.H. – Proposed Ordinance for
Henry Street and McTygue Way

7:00 PM

CALL TO ORDER

ROLL CALL

SALUTE TO FLAG

PUBLIC COMMENT PERIOD / 15 MINUTES

PRESENTATION

1. Veteran's Court
2. Shelters of Saratoga
3. Finance Department: Auditors
4. Presentation of Check from Saratoga County to Commissioner Montagnino for Recruitment in the Fire Department

CONSENT AGENDA

1. Approve Payroll 10/14/22 \$485,753.58
2. Approve Payroll 10/7/22 \$684,833.49
3. Approve Warrant 2022 22OCT2 \$813,718.54
4. Approve Warrant 22MWOCT1 \$18,223.60
5. Approve Warrant 22MWOCT2 \$6,000.00
6. Budget Amendments – Regular
7. Budget Transfers - Regular

MAYOR'S DEPARTMENT

1. Discussion and Vote: Resolution : Comprehensive Initiative to Address City's Homelessness
2. Discussion and Vote: Resolution: Support for Creation of Veteran's Court for Saratoga County
3. Discussion and Vote: Approval of NYPA 90% Design Report
4. Discussion and Vote: Authorization for Mayor to Sign Co-Sponsor Fitness Agreement
5. Discussion and Vote: Authorization for Mayor to Sign Contract with Kirby Aisner & Curley for Bankruptcy Legal Services
6. Announcement: Proposed 2023 City Council Meeting Dates
7. Announcement: Reconnecting the West Side Grant Award
8. Announcement: Mayor Joins Call to Designate Navy Vessel the "USS Saratoga"

9. Announcement: 2021 Environmental Monitoring Report for Knolls Laboratory and Kesselring Site
10. Announcement: Beaver Pond Workshop November 2 at 5:30 p.m.
11. Announcement: Halloween Skate and Winter Registration
12. Announcement: Saratoga Book Festival Literacy Day October 22
13. Announcement: Reappointing Ali Lopez to Arts Commission
14. Announcement: Reappointing Belinda Colon to Arts Commission
15. Announcement: Appointing Louise Kerr to Arts Commission
16. Announcement: Appointing Patty Morrison to Planning Board

ACCOUNTS DEPARTMENT

1. Discussion and Vote: Authorization for Mayor to Sign Contract with Cullen & Dykman, LLP for Legal Services
2. Set Public Hearing: Amend Chapter 136 of the City Code to Include Design Review Board for Review of Locations
3. Award of Bid: Orthophosphate to Chemrite, Inc.
4. Announcement: Short Term Rental Workshop #2
5. Announcement: Special Events
6. Announcement: Business Milestones

FINANCE DEPARTMENT

1. Update: City Finances
2. Set Public Hearing: 2023 Comprehensive Budget
3. Discussion and Vote: Authorization for Mayor to Sign Apple Business Manager Agreement
4. Discussion and Vote: Approve Budget Amendments – Payroll and Benefits
5. Discussion and Vote: Approve Budget Transfers - Payroll

PUBLIC WORKS DEPARTMENT

1. Discussion and Vote: Authorization for Mayor to Sign Contract with American Rock Salt Co., LLC for Road Salt
2. Discussion and Vote: Authorization for Mayor to Sign Contract with Chemrite for Orthophosphate
3. Discussion and Vote: Authorization for Mayor to Sign Addendum #3 with CT Male for Geyser Well 7
4. Discussion and Vote: Revised 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)
5. Announcement: Acceptance of Streets for Snow Plowing Only
6. Announcement: 24" Gear Reduction Valve Replacement Project
7. Announcement: Flat Rock Park Update

PUBLIC SAFETY DEPARTMENT

1. Discussion and Vote: Authorization for Mayor to Sign Change Order #1 for Fire Station 3 to Bunkoff General Contractors
2. Discussion and Vote: Authorization for Mayor to Sign Change Order #2 for Fire Station 3 to Bunkoff Contractors

SUPERVISORS

Matthew Veitch

1. Saratoga County Airport Lease Agreement
2. Heating and Energy Assistance (HEAP) Program
3. Trails & Open Space Committee Update
4. Economic Development Committee Update

5. Fire & EMS Funding from COVID-19 Relief Grant Program

Tara Gaston

1. Public Health Update
2. Saratoga County Real Property Tax Changes

ADJOURN

DRAFT



October 18, 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

Matthew Veitch, Supervisor
Tara Gaston, Supervisor

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

EXCUSED: Jason Tetu, Deputy Commissioner, DPS

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

2023 Comprehensive Budget

Mayor Kim opened the public comment period at 6:31 p.m.

No one spoke.

Mayor Kim closed the public hearing at 6:32 p.m.

ADA Transition Plan

Mayor Kim opened the public comment period at 6:32 p.m.

No one spoke.

Mayor Kim concluded the public hearing at 6:33 p.m. and kept it open.

Aggressive Panhandling

Mayor Kim opened the public comment period at 6:33 p.m.

Tim Cole of Saratoga Springs stated there is confusion between aggressive panhandling and passive panhandling, which is generally allowed by the Constitution. Aggressive panhandling is wrong and illegal as it is taking of someone's money against their will. People should not be allowed to curse and yell at them to get money. It is illegal in the City of Albany. Mr. Cole urged the City Council to approve this ordinance and for the Commissioner of Public Safety to enforce it. The number one function of a government is to keep their people safe because if the people are not safe they are not free.

Dan Fuentes of Saratoga Springs stated it is condescending and patronizing to pretend to have political discourse on the subjects that are to separate people who have no income or residence from the general public. There is open property at the YMCA and a parking lot along the bike path that is not used that could be used to construct a single room occupancy (SRO).

Hannah Hurley of Saratoga Springs stated the issue isn't about violent panhandling, the issue is aggressive isn't clearly defined within the law. It is important to set the people up for a bright profitable future.

Erin Leary of Saratoga Springs stated she and her family walk these streets daily. They have never encountered what she would consider aggressive panhandling. She has repeatedly seen objective laws fail because of the use of subjective words. Ms. Leary stated her family has never been followed or accosted. The recent issue of skateboards came up because of the law of not allowing play vehicles within the commercial district.

Chris Mathiesen of Saratoga Springs stated he read the new version of the aggressive solicitation ordinance. He hasn't seen a lot of aggressive panhandling downtown. If there is a situation where it does occur, it is nice to have the ordinance to back it and for the officers to enforce. The second version is so watered down that he is not sure constitutionally that would make sense as there are so many places that people cannot panhandle in that version.

Matt Oil of Schenectady stated homeless people are human beings that have feelings. Mr. Oil stated the homeless should be given housing. He implored the Council to vote against the panhandling ordinance.

Sam Brewer of Saratoga Springs stated it is nice that the senior center is going to become a full time homeless shelter. That change will negate the need for the ordinance.

Tracy Krosky of Halfmoon stated it is interesting to see what is considered an emergency and what isn't, what deserves attention and what doesn't deserve attention. People are more concerned about feeling comfortable rather than the real problem. The police are not the people who should be determining what is harassment and what isn't.

Mr. Michael stated he will not disclose his address for his safety. When he was homeless in New York City, he did anything for money. When people are desperate for money, they will do anything, which is dangerous.

Julian of Albany asked if the City Council is going to let the safety of homeless fall to private investors or is the City Council going to make it a public interest with the enormous amount of money the City has?

Adrian Hernandez stated he moved to Saratoga Springs a couple months ago and finds the ordinance is targeting a specific group of people. He asked why the City Council isn't addressing the issue by helping.

Molly Dunn of Saratoga Springs asked the City Council who is influencing them to pass this ordinance. She hopes the City Council isn't influenced by the president of the Downtown Business Association who spits on children or a motel owner who has been arrested for forcible touching and choking someone.

Diogenes (Angela Kaufmann) of the Town of Saratoga stated it is time for another history lesson. She read the following from a manifesto into the record: "I was hungry and you gave me something to eat. I was thirsty and you gave me something to drink. I was a stranger and you welcomed me. I needed clothes and you clothed me. I was sick and you looked after me. I was in prison and you fought to abolish that s**t. Truly I tell you, whatever you did to the least of my comrades you did for me."

Samira Sangare of Clifton Park asked what kind of society are we for targeting the most vulnerable people. The unhoused people need treatment and stop catering to the rich. How much more taxpayer money will be wasted on harming these people when as a society we should be helping these people.

Liz Zak of Saratoga Springs stated she spoke with Commissioner Montagnino about this ordinance for a lengthy amount of time. She was advised this ordinance was drafted after the Rochester ordinance, which had been upheld in courts. Ms. Zak was told the fines were potential to a maximum of \$250. She also spoke with someone from RISE today who stated they weren't able to find a vendor who took Medicare, which is the only barrier to get people into transitioning housing.

Adam Walker of Albany stated he is going out on a whim by saying the Council is going to vote with a heart. After the ordinance is turned down, he will reach out to each Council member to find out who has money and get something built.

Alexis Brown of Saratoga Springs asked the Council not to support the aggressive panhandling ordinance. She frequently interacts with the unhoused community in this City. It is saddening and enraging to witness how many people feel they are unworthy of receiving basic things they deserve. These people deserve dignity and respect. The resources are in this City, state, and country but are actively choosing not to use them.

Kristen Dart of Saratoga Springs stated this ordinance does nothing to address systematic poverty. Additionally, this ordinance is being proposed as one that keeps the community safe and helps downtown businesses but the downtown businesses are happy to share the great increase in business this summer. Many, if not all of the Council, ran on the Police Reform Task Force where #37 is about decriminalizing and not using police force against impoverished people. This seems to be a clear violation of a pact made with the community.

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

Weibel Avenue PUD Amendment

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

No one spoke.

Mayor Kim concluded the public hearing at 7:15 p.m. and kept it open.

Proposed Ordinance for Henry Street and McTygue Way

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

Barbara Trypaluk of Circular Street stated she is here because she would like to know what is going to be done with the Henry Street area. Many times, she has had to run out of the way of cars; it is not safe. She is in favor of making it a one-way street. She is counting on the Council for a unanimous vote to make Henry Street a one-way street.

Jack Benaska of Circular Street provided photos of the curve on Henry Street. There is a lot of growth that obstructs the view. It would be benefit to trim the trees and vines so the curb can be seen. It would alleviate a collision.

Ken Schooly of Henry/Circular Street stated the steep slope in on McTygue Way in the winter impossible in the winter.

Nick Palmetto of Henry Street stated McTygue Way was never a problem when it was dirt or originally paved. He asked when this became an issue.

Mayor Kim advised this issue came up because a portion of this street is on private property.

Commissioner Montagnino advised this came up when the Department of Public Works was going to pave the road. It was determined part of the road encroached upon private property.

Mr. Palmetto stated the City needs to fix the encroachment issue.

Mayor Kim closed the public hearing at 7:24 p.m.

CALL TO ORDER

Mayor Kim called the meeting to order at 7:24 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 7:27 p.m.

Liz Zak of Saratoga Springs stated the people who are marginalized in the community and most vulnerable are often the targets of violence rather than the perpetrators of violence. As a woman, she puts up from aggressive solicitation all the time and it doesn't come from the homeless population.

Joseph Ogden of Saratoga Springs is here on behalf of Saratoga Safer Streets. He stated they are continuing their movement for funding to get sidewalks up and down Grand Avenue. He is hoping to get financial support in the budget to start the process from West to Rowland.

Dan Fuentes of Saratoga Springs enforced again the need for an SRO.

Diogenes (Angela Kaufmann) of Town of Saratoga asked when speaking of aggressive she would like to know what everyone is doing about Heidi West slapping a child on video. Ms. Kaufmann stated she heard it is good to have the aggressive handling ordinance on the books just in case. While acting out of an abundance of caution, she would like to see ordinances on the books for unicorn s**t on Broadway; parking spaces for Santa Claus and his reindeer; sky rights for the tooth fairy; and make the streets wider in case bigfoot decides to visit the City.

Kristen Dart of Saratoga Springs stated the Music Hall is a better place for City Council meetings. She is also excited to hear the Shelters presentation. A comprehensive plan is getting people from temporary housing to permanent housing.

Julia of Albany publically apologized for her outburst. She does stand up for constitutional rights. Let's help the homeless and build shelters.

Mr. Michael stated at the last City Council meeting someone asked for the data for the need of panhandling ordinance. Where is it? Mr. Michael asked the Council to keep in mind if they have ever been unhoused or close to it.

Chris Mathiesen of Saratoga Springs supports the way Mayor Kim starts the public comment period asking for kindness, fairness, and accuracy. He turned this back on the Council to say a member of the Council made statements a few months ago that Commissioner Moran and his staff were doing things that were reprehensible. That wasn't true. Reprehensible is a strong word and not at all accurate. Mr. Mathiesen stated Channel 10 ran a story about the Darryl Mount remembrance that took place about a month and a half ago and one member of the Council said the investigation is what failed and the chief of police never lead an internal investigation into the incident. There was a long investigation of the entire incident. Mr. Mathiesen wants to be sure people understand that Greg Veitch does not deserve this type of treatment.

Adrian Hernandez stated the portrait behind the Council is not appropriate.

Alexis Brown of Saratoga Springs brought attention to point 38 of the NYS Police Reform, which states "terminate paramilitary training and procedures which foster violent police over reach". She stated when the man who came in to express his constitutional right to record in a public building, someone pressed the panic button and he was surrounded by police. Officer Carter was very pretentious and he should be looked into.

Lexis Figuereo asked Commissioner Montagnino why he brought up an ordinance that he knew it was going to go nowhere. Commissioner Montagnino sabotaged his political ambitions for the next election as he is doing nothing but angering the same people who voted for him, campaigned for him, canvassed for him, attended all his events, and let him attend their events. Mr. Figuereo stated Commissioner Montagnino empowered the former commissioner of public safety to come out of hiding because of Commissioner Montagnino's findings. The Saratoga Springs Police Department is the smallest City of any city the Attorney General has investigated for Civil Rights violations.

Mayor Kim closed the public comment period at 7:45 p.m.

PRESENTATION

Presentation of Check from Saratoga County to Commissioner Montagnino for Recruitment in the Fire Department

Supervisor Veitch and Supervisor Gaston presented the Saratoga Springs Fire Department with a check in the amount of \$2,272 for recruitment in the Fire Department.

Veteran's Court

Colonel David Cummings served in several Soviet countries and finds it refreshing to hear people speak their mind. He served in 38 countries and there is nowhere that's better than America. He also spent time on the Saratoga County Chamber of Commerce. Colonel Cummings asked the City Council to consider an endorsement of a veteran's treatment court. This court does not exist in this area and the closest is about 80 miles away. The court lets a veteran who commits a felony to plead guilty and go through a four-part growth program to manage their lives with a support system. If the program is completed, the veteran has the charge dismissed or reduced to a misdemeanor. The charges that are not eligible for this include a murder or a sexual offense.

Mayor Kim asked which courts this affects.

Colonel Cummings advised it can be a city, county or regional court and is done on a volunteer basis of the defendant.

Shelters of Saratoga

Duane Vaughn, executive director of Shelters of Saratoga stated he has seen nothing but cooperation from the City and County. Navigation of Code Blue has been a conversation for a couple of years. Code Blue is a state mandate where if the temperature drops below 32 degrees for two hours it becomes a Code Blue night is reimbursed for expenses only. Mr. Vaughn stated when Code Blue closes in the morning, people head out into the cold. Trust and relationships have to be built with the homeless on the streets. There are 60 beds on Adelphi Street and with the addition of Williams Street, other agencies will be able to participate and join the fight against homelessness. Steve Sullivan of Longfellows has offered to help match people up with hospitality training. Mr. Vaughn stated Saratoga Springs is not unique in its homeless issues. Mr. Vaughn has had discussion with a doctor from Saratoga Hospital who would like to perform medical services to help avoid emergency room visits.

Mr. Vaughn advised people can get more sleep with 24-hour navigation. Funding will determine when the 24 hr. coverage will start; it is hard to keep staff when the work schedule and hours are unknown.

Mayor Kim asked how much time is needed for Shelters of Saratoga to convert the location once the Senior Center vacates the space.

Mr. Vaughn stated they can move quickly. All shelters must be certified as of January 1, 2023.

Finance Department: Auditors

Johnathan Gibbs, partner at BST & Co. presented. The audit began in May 2022 and was completed in September with the final financial statement being filed with the federal government by September 30. An unmodified opinion was issued within the City's financial statements, which is the highest level of assurance that can be provided and an unqualified opinion was issued on all reporting units. There was a restatement from a prior year but no other accounting standards were implemented nor other changes needed to be brought to the City's attention. The Finance Department prepared the management discussion analysis. In the financial statements, BST & Co. reported the total fund balance for 2021 increased \$14.4 million, which includes a \$9.6 million dollar increase within the general fund. A federal single audit was also performed as required for any governmental entity that receives over \$750,000. This year the ARPA funding was audited. One finding in the single audit was related to the disclosure of the total funding received under federal programs in prior years – a DOT program that received funding in 2020 was not reported within the federal funding. BST & Co. will be required do more procedures and refile the financial statements of the City for 2020 to the federal government. A state DOT audit was performed of the DOT funding the City receives of which there were no findings or reportable items.

Mr. Gibbs advised during their testing procedures of payroll they found the City Center timecards were not matching what was reported on the payroll register. Investigation showed certain salaried employees are not required to fill out timesheets. There is no formal policy in the City Center to state that is appropriate. It would be beneficial to have that policy created.

Commissioner Sanghvi advised the City does not manage the City Center payroll.

**City Council took a break at 8:25 p.m.

**City Council resumed meeting at 8:34 p.m.

SUPERVISORS

Matthew Veitch

Saratoga County Airport Lease Agreement

Supervisor Veitch reported a lease was approved with Prime Companies for a new hanger. The lease is for 20 years and in addition to the new terminal being built.

Heating and Energy Assistance (HEAP) Program

Supervisor Veitch reported the program will run November 1, 2022 through March 15, 2023. In addition to financial assistance, the program will also provide some furnace repair. There are three ways to apply – in person at the Department of Social Services, or call 518-884-4146, or on line at www.mybenefits.ny.gov.

Trails & Open Space Committee Update

Supervisor Veitch reported the County put \$100,000 in the budget for trail grants and received \$118,000 in applications. The City of Saratoga Springs was awarded \$10,000.

Economic Development Committee Update

Supervisor Veitch reported only the Economic Development Committee needs to approve these grants. There was \$150,000 in the budget for the grants and they were fully approved. The City's application for \$14,200 for the outdoor dining program was approved.

Fire & EMS Funding from COVID-19 Relief Grant Program

Supervisor Veitch congratulated the City on funding for the Fire Department.

Tara Gaston

Public Health Update

Supervisor Gaston reported the County still remains at a 10% rolling positivity rate for PCR tests and are a medium risk level. The world rates are increasing specifically in Europe. The County did receive a shipment of COVID tests.

Saratoga County Real Property Tax Changes

Supervisor Gaston reported a public hearing was held to possibly reduce the tax for people over the age of 65 according to income level.

Supervisor Gaston stated she and Supervisor Veitch will be happy to discuss and bring the Veterans Court to the County.

CONSENT AGENDA

Commissioner Montagnino moved and Commissioner Sanghvi seconded to approve the Consent Agenda.

1. Approve Payroll 10/14/22 \$485,753.58
2. Approve Payroll 10/7/22 \$684,833.49

3. Approve Warrant 2022 22OCT2 \$813,718.54
4. Approve Warrant 22MWOCT1 \$18,223.60
5. Approve Warrant 22MWOCT2 \$6,000.00
6. Budget Amendments – Regular
7. Budget Transfers - Regular

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

Nays – 0

MAYOR’S DEPARTMENT

Discussion and Vote: Resolution: Comprehensive Initiative to Address City’s Homelessness (22-455)

Mayor Kim moved and Commissioner Montagnino seconded the following resolution:

**A RESOLUTION
OF THE CITY COUNCIL
OF THE CITY OF SARATOGA SPRINGS, NY**

WHEREAS, the Mayor and City Council believe homelessness should be addressed with both compassion and constructive engagement; and

WHEREAS, the Mayor and City Council wish to assist individuals experiencing homelessness in Saratoga Springs with the ultimate goal of eliminating it; and

WHEREAS, the Mayor and City Council want to ensure the public health and safety of individuals experiencing homelessness, as well as those around them; and

WHEREAS, the City of Saratoga Springs owns certain premises identified as 5 Williams Street, Saratoga Springs, NY 12866, Tax Map ID 165.5-1-28.2 (the “Property”); and

WHEREAS, the Senior Citizen’s Center of Saratoga Springs, the current occupants of the Property, with the help of generous benefactors, plan to vacate the Property and move to the Saratoga Springs YMCA sometime in the first quarter of 2023; and WHEREAS, the City Council believes that the public benefit of using the Property to address homelessness outweighs the cost to the City;

NOW THEREFORE, BE IT RESOLVED: The City of Saratoga Springs intends to enter into a lease agreement with Shelters of Saratoga for the Property. The lease agreement will be conditioned on Shelters of Saratoga using the Property to run a full-time facility that provides a state-mandated Code Blue Shelter, a navigation center, and a full-time low-threshold shelter on the Property. BE IT FURTHER RESOLVED: For the winter of 2022-23, Shelters of Saratoga will operate an interim Code Blue Shelter at 4 Adelphi Street until the Property is available for use. During this period, the Mayor and City Council pledge to seek additional funding either from Saratoga County, outside sources, or its own resources to enable Shelters of Saratoga to operate a full-time twenty-four hour shelter from on or about November 1, 2022 to on or about March 30, 2023. BE IT FURTHER RESOLVED: The Mayor, in collaboration with members of the City Council, will seek Federal, State, and private assistance to support the construction of transitional and/or low-income housing for the City.

Commissioner Moran asked if the City has an understanding of the budget for the shelter to operate.

Commissioner Sanghvi stated it would be about \$65,000 for the season.

Commissioner Moran stated that is an amount that is within reach for the Council. Commissioner Moran asked in regards to the statement of construction of transitional or low income housing, are there plans still to come.

Mayor Kim stated there are conceptual plans for that property. There is no way to build an additional floor above the existing facility. The next step after looking at licensing is to look for the funding. The site allows for a number of things to be done.

Supervisor Gaston stated the Code Blue season runs through April 15th and is not sure if this resolution was intended to align with that date.

Commissioner Sanghvi made a friendly amendment seconded by Commissioner Montagnino to change the date to on or about April 15, 2023.

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

Discussion and Vote: Resolution: Support for Creation of Veteran's Court for Saratoga County (22-456)

Mayor Kim moved and Commissioner Montagnino seconded that the City Council recommend to Saratoga County that it create a Veteran's Court that will address the particular needs and necessities of United States Veterans and provide specific resources and services to such veterans.

Commissioner Moran clarified this resolution would be for City court.

Commissioner Montagnino stated it would encompass the Supreme Court.

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

Discussion and Vote: Approval of NYPA 90% Design Report (22-457)

Mayor Kim advised the City is working with New York Power Authority (NYPA) to guide the City through the purchase of utility owned lights design and engineering. NYPA provides a turnkey service to cities who want to upgrade their streetlights. The design milestone is the 90% submission and defines the opinion of probable cost for implementation and projected annual savings relating to the LED upgrade of street lighting system.

Mayor Kim moved and Commissioner Golub seconded to approve the NYPA 90% design report.

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

Discussion and Vote: Authorization for Mayor to Sign Co-Sponsor Fitness Agreement (22-458)

Mayor Kim moved and Commissioner Sanghvi seconded to authorize the mayor to sign a co-sponsor agreement.

Mayor Kim advised the City will receive registration revenue and will split fees 50/50. The program is scheduled for six weeks.

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 Kirby Aisner & Curley for Bankruptcy Legal Services (22-459)

Mayor Kim moved and Commissioner Moran seconded to authorize the mayor to sign a contract with Kirby Aisner & Curley, a women owned business, to provide bankruptcy services to the City in the US Bankruptcy Court.

Mayor Kim advised the developer of Beaver Pond has gone bankrupt and the City Council needs to assess the City's responsibilities and options in the Bankruptcy Court in the southern district of New York.

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

Announcement: Proposed 2023 City Council Meeting Dates

Mayor Kim pulled this item from his agenda.

Announcement: Reconnecting the West Side Grant Award

Mayor Kim announced the City of Saratoga Springs was awarded by the Capital District Transportation Committee and the Capital District Regional Planning Commission funding to complete reconnecting west side technical assistance program. The total value of the grant is \$13,512 and will assist the City with identifying the safest pedestrian bicycling options in a residential area along sections of Grand Avenue, Church Street, Washington Avenue, West Circular, Pine Road, and Kirby Road. The City hopes to apply for state and federal funding opportunities with this data.

Announcement: Mayor Joins Call to Designate Navy Vessel the “USS Saratoga”

Mayor Kim announced the City is joining the call to designate a Navy vessel the USS Saratoga. This will be in honor of the 250th anniversary of the Battle of Saratoga is in 2027. The City of Saratoga Springs has asked the Secretary of the Navy to consider naming a Naval vessel the USS Saratoga. Six Naval vessels have been named the USS Saratoga with the last one being decommissioned in 1994.

Announcement: 2021 Environmental Monitoring Report for Knolls Laboratory and Kesselring Site

Mayor Kim announced the site functions in the research and development of Navy propulsion plants. They have produced a report for the City that states operations continue to not have an adverse effect on health and the quality of the environment. The report will be on the City’s website.

Announcement: Beaver Pond Workshop November 2 at 5:30 p.m.

Mayor Kim announced a Beaver Pond Workshop for November 2 at 5:30 p.m. in the Music Hall.

Announcement: Halloween Skate and Winter Registration

Mayor Kim announced the Recreation Department is presenting a Halloween skate party on October 30th. Admission is \$4 for City residents and all others is \$5. The first 50 paid admissions will receive one admission ticket to an upcoming family skate or open public session.

Announcement: Saratoga Book Festival Literacy Day October 22

Mayor Kim announced this is an annual event promoting greater literacy for all. The event will run from October 21 to October 23.

Announcement: Reappointing Ali Lopez to Arts Commission

Mayor Kim announced the reappointment of Ali Lopez to the Arts Commission.

Announcement: Reappointing Belinda Colon to Arts Commission

Mayor Kim announced the reappointment of Belinda Colon to the Arts Commission.

Announcement: Appointing Louise Kerr to Arts Commission

Mayor Kim announced the appointment of Louise Kerr to the Arts Commission.

Announcement: Appointing Patty Morrison to Planning Board

Mayor Kim announced the appointment of Patty Morrison to the Planning Board.

Mayor Kim moved and Commissioner Moran seconded to add an item to his agenda of a memoriam for Gregory J. Benton. (22-460)

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

Nays – 0

Announcement: Memoriam of Greg Benton

Mayor Kim read the following memoriam into the record:

Gregory J. Benton, 71, passed away on October 12, 2022 surrounded by his family. Gregory was a long time City employee who retired in 2006. He started his career in the Department of Public Works as the City's first arborist and later became the director of beautification where he designed, planted, and maintained the beautiful flowerbeds along Broadway, Union Avenue, and Congress Park. He was a graduate of Saratoga High School, served in the U.S. Marine Corp., and also was the past president of the DPW CSEA union. Mayor Kim, along with the other City Council members extend condolences to the Benton family on their loss.

ACCOUNTS DEPARTMENT

Discussion and Vote: Authorization for Mayor to Sign Contract with Cullen & Dykman, LLP for Legal Services (22-461)

Commissioner Moran advised the funds are in the appropriate line – A3051414 / 54720.

Commissioner Moran moved and Commissioner Golub seconded to authorize the mayor to sign a contract with Cullen & Dykman, LLP for legal services for the Accounts Department.

Commissioner Sanghvi stated she philosophically believes everyone should be heard but has a few concerns. The City should be the client and not the Accounts Department. When looking at the firm's website, they specialize in commercial litigation not in municipal law. It seems the City is setting itself up on a path to litigation. Commissioner Sanghvi also looked at the website of Goldberger and Kremmer, which states they practice general municipal law among other areas. The Accounts Department has received over \$6,000 worth of legal services this year. Commissioner Moran didn't want to deal with Goldberger and Kremmer because he felt he was not getting unbiased advised specifically on the transfer of risk and safety from the Accounts Department to the Mayor's Office. Commissioner Moran spoke with the city attorney and Goldberger and Kremmer.

Commissioner Moran stated he did not speak to Goldberger and Kremmer. He confirmed they were inadequate in terms of providing him representation. Commissioner Moran stated Chris Buckey just transferred to Cullen Dykman. What their website says and what he wants to use Chris Buckey for is not relevant. Commissioner Moran reached out to multiple attorneys and Chris Buckey's name came up repeatedly within the profession and was recommended as someone to seek out. He bid out multiple law firms and Chris Buckey is the one he settled on.

Commissioner Sanghvi stated her issue is the City and the City Council should be the client not the Accounts Department and the Commissioner of Accounts. The Finance Department hires bond counsel and the work product is for the entire City. The City is the client not the Finance Department.

Commissioner Moran stated it is always the citizen's money. External legal advice is sought out because the City doesn't have the adequate resources within the City.

Commissioner Sanghvi stated all of those contracts have the City as the client not a specific department.

Commissioner Moran stated the scenario he found himself in was it was he who was in need of coverage. Commissioner Sanghvi stated Commissioner Moran has a different perspective from what Tony Izzo, city attorney, or Brian Kremmer of Goldberger and Kremmer provided him. Commissioner Moran stated Brian Kremmer told him he could not help him as he was already working for the mayor.

Commissioner Montagnino asked the city attorney for a guess of how many times the City Council has engaged in outside counsel.

Commissioner Moran stated it was 12 times in the last 10 years.

Tony Izzo stated there has been a number of outside counsel come in since he has been with the City.

Commissioner Montagnino asked if the City ever retained counsel when that counsel was not retained to represent the City.

Tony Izzo advised he can recall an example where the Department of Public Works paid for specialist attorneys out of the water budget regarding infrastructure.

Mayor Kim asked Tony Izzo if he can recall a time where the City or a Council member retained an attorney who sued the City.

Tony Izzo stated he cannot think of any situation. He respects Commissioner Moran's right to disagree with an opinion he has given to him and respects the power of the Council to hire attorneys as they may see fit.

Commissioner Golub asked if it is permissible for a Council member to use their budget to hire counsel. He has asked if that instance has happened in the past.

Tony Izzo stated he can only state the one case.

Commissioner Montagnino stated they are talking about using taxpayer funds to authorize the retention of counsel by one Council member for litigating against the City.

Tony Izzo states the Charter states the Council may hire other legal counsel as it sees fit.

Commissioner Montagnino asked if there were a friendly amendment that stated the City would be the client and the agreement would be signed by the mayor, would that be an acceptable friendly amendment.

Commissioner Moran stated he would have to speak to an attorney to see what they would lose him as far as availability to an attorney. The current situation is whomever gets to the attorney first gets the attorney.

Ayes – Commissioner Moran

Nays – 4 (Commissioner Sanghvi, Commissioner Golub, Commissioner Montagnino, and Mayor Kim)

Set Public Hearing: Amend Chapter 136 of the City Code to Include Design Review Board for Review of Locations

Commissioner Moran set a public hearing for the next City Council meeting on November 1, 2022.

Award of Bid: Orthophosphate to Chemrite, Inc. (22-462)

Commissioner Moran moved and Commissioner Golub seconded to award the bid for orthophosphate to Chemrite, Inc. in the amount not to exceed appropriations.

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

Nays – 0

Announcement: Short Term Rental Workshop #2

Commissioner Moran announced that the next short term rental workshop is scheduled for Thursday, November 17, 2022 at the City Center at 6 p.m. The first workshop was attended by over 100 people.

Commissioner Sanghvi asked if the City is looking at registration of short-term rentals at some point.

Commissioner Moran stated they are not being prescriptive at this time. Right now, they are looking at safety and who the local contacts are. There is no direction from the state at this time.

Announcement: Special Events

Commissioner Moran announced the following special events:

- Fall Festival - 10/22/22 - hosted by Saratoga Downtown Business Association - various fall/Halloween themed activities including the Pumpkin Roll, trick-or-treating downtown and a costume contest.
- Saratoga New Year's Fest – 12/31/22. The Cowboy Junkies, The Samples, Jeffrey Gaynes, Dead Grass and Friends, Dublin Mark Trio, and Jenny Grace will perform.

Announcement: Business Milestones

Commissioner Moran announced and congratulated Henry Street Taproom on 10 years in business.

FINANCE DEPARTMENT

Update: City Finances

Commissioner Sanghvi advised the year to date sales tax is \$11,687,120.96 up 16.8% from 2021; occupancy tax year to date is \$572,240, which is more than the \$425,000 budgeted. That is an increase of 26.09% from 2021. The County advised the NYRA admission tax should be received in the next few weeks for \$431,548.72.

Set Public Hearing: 2023 Comprehensive Budget

Commissioner Sanghvi set the next 2023 Comprehensive Budget public hearing for Tuesday, November 1, 2022.

Discussion and Vote: Authorization for Mayor to Sign Apple Business Manager Agreement (22-463)

Commissioner Sanghvi advised this is an on-line agreement that does not require an actual signature. This agreement allows the IT Department to manage multiple devices through a single account.

Commissioner Sanghvi moved and Commissioner Montagnino seconded to authorize the mayor to sign the Apple Business Manager Agreement.

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

Discussion and Vote: Approve Budget Amendments – Payroll and Benefits (22-464)

Commissioner Sanghvi moved and Commissioner Montagnino seconded lines 1-2 to cover increases in insurance for new hires.

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

Discussion and Vote: Approve Budget Transfers – Payroll (22-465)

Commissioner Sanghvi moved and Commissioner Montagnino seconded lines 1-23 are City Center various client expenses, retirement, dues, legal; lines 23-26 are off street parking, insurance, service contracts, and repairs, lines 27-28 are streets, retirement incentives and laborers; lines 29-60 are creation to support indoor recreation facility staffing, ice rink operations, soccer program, and basketball program; lines 61-63 are the Mayor’s Department for professional services.

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

PUBLIC WORKS DEPARTMENT

Discussion and Vote: Authorization for Mayor to Sign Contract with American Rock Salt Co., LLC for Road Salt (22-466)

Commissioner Golub advised this contract is a piggyback contract from Saratoga County for rock salt.

Commissioner Golub moved and Commissioner Montagnino seconded to authorize the mayor to sign a contract with American Rock Salt in the amount not to exceed unit bid prices, valid until 7/1/2023.

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 Chemrite for Orthophosphate (22-467)

Commissioner Golub advised original vendor could no longer honor the price and was having difficulty obtaining the product.

Commissioner Golub moved and Commissioner Montagnino seconded to authorize the mayor to sign a contract with Chemrite for orthophosphate for the Water Treatment Plant in the amount not to exceed unit bid price, valid until 10/4/2023.

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

Discussion and Vote: Authorization for Mayor to Sign Addendum #3 with CT Male for Geyser Well 7 (22-468)

Commissioner Golub advised the original contract was to drill a new well (7a) to supplement well 7, which has been underperforming. The work must be completed in phases. This addendum incorporates the civil and electrical design to modify well 7 to remove the existing turbine pump, abandon the vault structure, install a new submersible pump and plumbing, and connect the electric and plumbing. Addendum three is in the amount of \$29,490.

Commissioner Golub moved and Commissioner Sanghvi seconded to authorize the mayor to sign addendum #3 with CT Male Associates in the amount not to exceed \$29490 with an extended completion date of 12/31/23.

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

Nays – 0

Discussion and Vote: Revised 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) (22-454)

Commissioner Golub advised the resolution was originally approved on 9/20/22. The Department of Transportation contacted the Department of Public Works advising one section of the resolution required revision. The council agreed to waive the reading of the revised following resolution:

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 DOT will develop a Landscape Maintenance Agreement in coordination with the City and in consultation with Mr. Jason Golub, Commissioner of Public Works, and will include all landscaping features identified and agreed to in the construction documents for the above identified project, and Mr. Ron Kim, City Mayor, is hereby authorized by the City Council to sign, upon final approval by the City Council, said Landscape Maintenance Agreement with the State of New York, as it relates to the City of Saratoga Springs, 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 the approval of the revised resolution as included with the agenda for the City of Saratoga Springs to accept responsibility to maintain the median landscaping features on Route 9P.

Commissioner Sanghvi asked if this require significant money to maintain and for labor.

Commissioner Golub stated it will require additional money but don't know the full scope yet.

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

Nays – 0

Announcement: Acceptance of Streets for Snow Plowing Only

Commissioner Golub announced that Pamela Lane, Jane Street, and Annie Drive are being accepted for snowplowing and winter maintenance only.

Announcement: 24" Gear Reduction Valve Replacement Project

Commissioner Golub announced the Department of Public Works has commenced the work of the replacement of two 24" gear reduction valve on North Broadway and First Street.

Announcement: Flat Rock Park Update

Commissioner Golub advised the expected completion date is before Halloween. The Department of Public Works is doing all the work in-house for under \$50,000.

PUBLIC SAFETY DEPARTMENT

Discussion and Vote: Authorization for Mayor to Sign Change Order #1 for Fire Station 3 to Bunkoff General Contractors (22-469)

Commissioner Montagnino advised change order #1 is in the amount of \$9,164.06 for the installation of a chain link fence.

Commissioner Montagnino moved and Commissioner Sanghvi seconded to authorize the mayor to sign change order #1 with Bunkoff General Contractors.

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 for Fire Station 3 to Bunkoff Contractors (22-470)

Commissioner Montagnino advised change order #2 is a savings of \$3,787. The plans called for a foundation drain but the perk tests disclosed the natural drainage is more than sufficient and therefore no need for a foundation drain.

Commissioner Montagnino moved and Commissioner Sanghvi seconded to authorize the mayor to sign change order #2 with Bunkoff General Contractors.

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

Nays – 0

Commissioner Montagnino moved and Commissioner Moran seconded to add an item to the agenda for the acceptance of the check from the County in the amount of \$2,272 toward the recruitment of fire fighters. (22-471)

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

Discussion and Vote: Accept Donation for Saratoga County in the Amount of \$2,272 Towards the Recruitment of Fire Fighters (22-472)

Commissioner Montagnino moved and Commissioner Sanghvi seconded to accept the donation of \$2,272 from the County.

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

Commissioner Moran asked what is considered the status of the ordinance for Henry Street and McTygue Way at this point. Will this appear on someone's agenda for a vote?

Commissioner Montagnino advised this ordinance is considered tabled at this point. More work is required.

ADJOURN

Commissioner Moran moved to adjourn the meeting at 10:23 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:
Vote: