

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF
WATERVLIET
THURSDAY, MARCH 1, 2007 AT 7:00 P.M.**

The meeting was called to order by Mayor Robert D. Carlson at 7:00 P.M.

Roll call showed that Mayor Robert D. Carlson, Councilman Charles J. Diamond and Councilman Michael P. Manning were present.

Also present from City Administration were: Mark Gleason; General Manager, Yorden C. Huban; Corporation Counsel, Bruce A. Hidley; City Clerk and Clerk to the Council, Robert A. Fahr; Director of Finance, Mark R. Gilchrist; Assessor/Bldg. Inspector, Police Chief Ron Boisvert and Fire Chief Brian Carroll.

A motion was made and seconded to dispense with the minutes from the previous meeting.

The following agenda was presented to the Council by, Bruce A. Hidley; City Clerk and Clerk to the Council.

RESOLUTION NO. 8095 – The Council hereby authorizes the transfer of \$9,000.00 from the Police Payroll Account (A3120.1001) to the Police Special Wages Account (A3120.1005) for the 207C wages paid for the months of January and February 2007. Before voting Councilman Manning requested Robert A. Fahr; Director of Finance to explain this transfer. Mr. Fahr explained that when the budget is put together all Police Officers are placed in the A3120.1001 account for wages. When a Police Officer is out on extended Workers Compensation leave a budgetary transfer needs to be made into A3120.1005 which is 207C wages. Mr. Fahr noted that any Police Officer who remains out on Workers Compensation that this transfer will need to be made every couple of months. Upon motion of Councilman Manning, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8096 – That the Council of the City of Watervliet hereby authorizes Mayor Robert D. Carlson to execute a contract for the combined sewer overflows long term control plan municipal cooperation agreement for Phase I, Part B. Upon motion of Councilman Diamond, seconded by Councilman Manning, this Resolution was approved and adopted.

RESOLUTION NO. 8097 – The Council of the City of Watervliet hereby authorizes Mayor Robert D. Carlson to execute a contract with D&G Enterprises of Queensbury, New York for the pickup of white goods in the City of Watervliet. Upon motion of Councilman Manning, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8098 – The Council of the City of Watervliet hereby authorizes Bruce A. Hidley; City Clerk to advertise once in the official newspaper that bids will be received until Monday, March 12, 2007 at 10:00 AM in Watervliet City Hall, Council Chambers, for the upper dam basin cleanup project. Before voting Councilman Diamond asked if the specifications included for the cleanup project will include leaving the road left after the cleanup is completed. General Manager Mark Gleason stated that the bid specifications did include a provision to keep the road intact after the cleanup is over. Upon motion of Councilman Diamond, seconded by Councilman Manning, this Resolution was approved and adopted.

There being no further business to come before the Council, the group adjourned to the floor to discuss City business.

ITEM #1- Mark E. Gleason; General Manager requested Bruce A. Hidley; City Clerk to discuss the Timewarner Senior Citizen discount program. Mr. Hidley explained that beginning this month the application will be available from the City Clerk's Office for the cable discount program. Mr. Hidley noted that in order to be eligible for the discount you must be 65 years of age or older and have an income of \$24,000.00 or less. Mr. Hidley will be working with Mark Gilchrist's office to obtain a list of eligible homeowners. The application forms for renters will be given to the Housing Authority and Hudson Shores Plaza.

ITEM #2- Mark E. Gleason; General Manager requested Yorden C. Huban; Corporation Counsel to update the Council on the legislative procedure policy. Mr. Huban explained that he submitted a draft proposal of the legislative procedure policy for the Council to review. The draft proposal included procedures to follow for placing items on the agenda along with other issues related to agenda matters. Mr. Huban requested that if the Council had any further comment to contact his office so he may review the comment.

Councilman Manning stated that at the last Council meeting their was one item from the legislative policy procedure mentioned, he requested Mr. Huban to inform the Council as to what the comment was. Mr. Huban explained that the comment had to do with guidelines for public comment during the Council Meeting. The proposed policy deals with general rules and procedures of the Council Meeting, public comment, transcription of the minutes, forums, special meetings and executive sessions, the framework of the entire meeting.

Councilman Manning asked there were any problems from past City Council Meetings. Mr. Huban explained that there was a procedure in place for past Council Meetings.

This proposal provides in writing what needs to be done so that there are no questions, and provides timeframes. Mr. Huban noted that this will be the Council Meeting process and Agenda process making it much easier for the Administrative Staff to follow.

Councilman Manning asked if the Council approves the legislative policy procedure if this could be placed on the March 15, 2007 agenda. Mr. Huban stated that without any further changes this may be done.

Councilman Diamond asked if the legislative policy procedure was held up due to the public comment period. Mr. Huban explained that was the main factor for the hold up. He further stated that the policy needs to have a defined time allotted for comment period. It is important to have rules related to a public comment period.

Councilman Diamond would like to see the Council adjourn into Public Comment then adjourn the complete meeting.

ITEM #3- Mark E. Gleason; General Manager informed the Council that the City was notified by United States Senator Charles Shumer's Office that the City was awarded money from the 2006 Assistance to Firefighters Grant. Mr. Gleason explained that the Fire Department will be able to purchase items such as turnout gear, thermo imaging camera, fire rescue chain saw, hand tools, portable generator and a training video library. Mr. Gleason noted that the grant award was \$230,000.00, the Federal Share is \$219,000.00, and the City share is \$11,000.00. Mr. Gleason thanked Fire Chief Brian Carroll and Captain Thomas Eagan. Captain Eagan authored the grant which was a lot of hard work and very successful.

ITEM #4- Mark E. Gleason; General Manager discussed with the Council about the 1st major snow storm which happened on February 14, 2007. Mr. Gleason explained that this storm dropped over 17" of snow, making this storm the 5th largest storm in February. Mr. Gleason stated that a snow emergency was called for Thursday, February 16th at 8:00 AM. The Department of Public Works Highway Garage had a stretch of bad luck as far as equipment failure. Truce #8 had rear spring and break failure, Truck #4 had transmission failure which was covered under a warranty, the SICAR snow blower had hydraulic failure and finally Truck #7 had transmission failure. Each of these were unforeseen problems as the equipment worked fine prior to the snowstorm. All the equipment is back on line except Trucks 4 & 7. Due to the equipment failure the DPW was not able to attack the storm uptown and downtown at the same time. Mr. Gleason provided the Council with photos of the storm from different areas of the City. One of the pictures shown to the Council was a business which piled its snow in the street and alley rather than a total removal from the lot. This is a City wide problem with private contractors which creates a snow removal problem for the DPW crews. Mr. Gleason will be sending a letter to address this problem with the City businesses. The letter will state that snow needs to be removed not just piled in the streets and alleys. Mr. Gleason noted that Waste Management was not able to make the regular pickup due to the snow. Waste Management picked up as much as they could on Friday and Saturday. The areas of the

City Waste Management couldn't pickup was done on the following weeks scheduled pickup. Finally, Mr. Gleason thanked Dave Dressel; Highway Department Supervisor and his staff and Jim Bulmer; Water Department Supervisor and his staff for the fine job they did on the snow removal process.

Councilman Diamond asked General Manager Gleason to consider a contingency plan in case this situation happens again regarding the breakdown of trucks during snow removal. Mr. Gleason stated that himself, Mayor Carlson and Dave Dressel have already met to discuss very issue. Mr. Gleason explained that Robert A. Fahr has been requested to place a separate line item in the budget for 2008 for this specific purpose.

Councilman Diamond asked about plowing designated areas first such as the Elks Parking Lot or the DOME baseball field in order to allow residents to park during snow removal time.

Councilman Diamond also requested that the Zoning Board state that snow must be removed not just plowed. Mark R. Gilchrist Assessor/Bldg. Inspector explained that the Zoning Board already does mandate what needs to be done for snow removal.

ITEM #5- Mark E. Gleason; General Manager discussed the City of Watervliet's PILOT Program with the Council. Mr. Gleason explained that the City has five (5) entities who participate in the PILOT Programs.

- 1.) R.P.I. – They pay a combined total for County, City and School tax of \$5,000.00. Of that amount the City of Watervliet's share is \$2,700.00. The PILOT agreement with R.P.I. will expire in December 2007. R.P.I. was able to obtain this PILOT due to the business incubator program. The R.P.I. building may turn to strictly educational purposes which may result in R.P.I. getting out of the PILOT. The City will meet with the attorney's from R.P.I. in the near future.
- 2.) Watervliet Housing Authority – The PILOT payments are based upon the rent received by the Watervliet Housing Authority. This PILOT is set and can't be renegotiated as long as they are a Federal Housing Authority. There is absolutely nothing which can be done with this PILOT.
- 3.) McDonalds – Their PILOT is directly related to the assessment. The PILOT payment tax amount is the correct amount. The land is privately owned and leased by McDonalds Corporation. McDonalds PILOT payment is the same as if they were on the tax roll. The City can't put McDonalds on the tax roll until the PILOT expires.
- 4.) Van Rensselaer Village – Their PILOT revolves around mortgage loans and the NYS Private Housing Finance Law. As long as there is a mortgage on the property the PILOT must stay in place. The last time VRV was remortgaged was in 2001. The City can't do anything with this PILOT. Corporation Counsel Yorden Huban will be meeting with their attorney to see if the City can negotiate a higher PILOT. The City is unable to place VRV on the tax rolls as long as a mortgage exists.

- 5.) LA Swyer – The PILOT will expire during 2007. Yorden Huban; Corporation Counsel and Mark Gilchrist; Assessor met with their representatives on February 14, 2007. The City is exploring all possibilities by either increasing the PILOT payment or placing LA Swyer back on the tax rolls.

Mr. Gleason concluded by stating that of the five (5) PILOT Programs the City has only one (1) which can be acted upon now and one (1) in 2008.

Councilman Diamond asked why the City would be contacting a PILOT participant to inform them the PILOT was expiring. Mark Gilchrist explained that it is important to contact the PILOT participant so that the City may continue to collect the tax money from them. If the PILOT expires you can't collect payment from them.

ITEM #6 – Councilman Michael P. Manning requested an update on the Arsenal Partnership from Mayor Carlson. Mayor Carlson stated that since his last report their hasn't been any Arsenal Partnership meetings. Councilman Manning stated that Mayor Carlson was quoted in the newspaper as formally attempting a PILOT Program and pursuing payment for Police and Fire services.

Mayor Carlson responded by stating that this is the basis for a potential PILOT from the Partnership. Mayor Carlson noted that the talks have been with the Partnership not the Command. The City will need to prove the basis for PILOT; the City at times does provide Police and Fire services to the Arsenal.

Councilman Diamond asked if proposal could be incorporated into a master plan. Councilman Diamond proposes that a public meeting be conducted with Federal, State and Local Officials. The meeting would discuss the plans and collaborative efforts between the Arsenal and the City along with allowing public input.

Mayor Carlson stated that the City needs to place some additional pressure on the federal elected officials regarding conveyance of land. The Colonel is not in favor of any type of land conveyance. Mayor Carlson feels that it is premature to conduct any type of public meeting at this point.

Councilman Diamond provided those in the audience with the definition of what a conveyance was.

ITEM #7 – Councilman Michael P. Manning stated that in December 2006 a Local Law was passed to control spending post budget approval. Councilman Manning explained that it came to his attention that an increase to a budget line item was made without Council approval.

Yorden Huban; Corporation Counsel stated that this subject matter should be discussed during Executive Session. Mr. Huban explained that this subject matter could lead to a personnel issue dealing with a particular employee of the City.

Councilman Manning asked again if there was an increase of a budget line item without Council approval.

Mark Gleason; General Manager explained that there was a line item change to the budget.

Councilman Manning asked what process was followed to make this line item change.

Mark Gleason; General Manager noted that the line item change was done in January under the old process.

Robert A. Fahr; Director of Finance explained that if there is a transfer under the amount of \$2,500.00 it can be made by the Director of Finance and the General Manager then notify the Council. If the transfer is over \$2,500.00 the transfer must be made with Council approval.

Mark Gleason; General Manager explained that he can't speak about how the old process worked for a line item transfer.

Yorden C. Huban; Corporation Counsel explained that there is a Local Law which amended Article X of the Charter entitled Contracts and Expenditures. The revision made a complete change to the way the City makes appropriations to the budget. The real issue is whether that the Local Law specifically states that it's a violation of law (Penal Law). There is nothing which states anything about the violation.

Councilman Manning read Section 111 which covers information regarding the violation for not doing what this Section of the Charter states.

Corporation Counsel Yorden C. Huban noted that if someone is guilty of a misdemeanor then a prosecuting agency must make that decision.

Councilman Manning noted that there is a subject matter which can't be talked about, that the Council needs to break for Executive Session.

Council Manning made a motion that the Council hear remarks from the floor, seconded by Councilman Diamond, the vote found 2 Ayes, 1 Nay and was approved.

Michael Decker; President of the Unified Firefighters Association requested an opportunity to speak. Mr. Decker on behalf of all the union members thanked Mayor Carlson, Councilman Diamond, Councilman Manning, General Manager Gleason and Fire Chief Carroll for allowing his fellow Firefighters to help out the City of Albany in their time of need. Mr. Decker noted how helpful the City of Albany was when Chief McCormack passed away in the line of duty.

Page Seven
Council Meeting Minutes
March 1, 2007

David Testo asked General Manager Mark Gleason how much Van Rensselaer Village paid on its PILOT. General Manager Gleason explained that the PILOT is based upon 10% of its rents collected. The dollar value is approximately \$44,000.00.

David Testo asked if the repairs to Van Rensselaer Village were paid by the owner or does someone else pay the bill. General Manager Gleason stated that Van Rensselaer can apply for loans to pay for work to be done. The majority of the maintenance done is completed with funding from the rents collected. Mr. Testo noted that the owner Sal Beltrone should have the applicable resources to make the needed repairs.

Christine Chartrand asked if Van Rensselaer Village is inspected by the City. General Manager Mark Gleason explained that Van Rensselaer Village is actually inspected twice. Once by the City of Watervliet, the second by the Watervliet Housing Authority.

Christine Chartrand talked about the contingency budget. Mrs. Chartrand stated that she feels the City should be using this contingency for snow emergencies rather than for personnel transfers.

A motion was made by Councilman Manning to adjourn to Executive Session with Robert A. Fahr; Director of Finance and Police Chief Ron Boisvert, seconded by Councilman Diamond and carried.

The meeting was adjourned into Executive Session at 7:50 PM

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council

**MINUTES OF THE EXECUTIVE SESSION
OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, MARCH 1, 2007**

The Executive Session was called to Order by Mayor Robert D. Carlson at 8:00 PM

Roll call showed the following: Mayor Robert D. Carlson, Councilman Charles J. Diamond and Councilman Michael P. Manning were present.

Also present from City Administration were: Mark E. Gleason; General Manager, Yorden C. Huban; Corporation Counsel, Robert A. Fahr; Director of Finance and Police Chief Ron Boisvert.

ITEM #1 – The Council discussed a personnel issue related to a salary increase in the Fire Department.

A detailed discussion was held by the Council on this personnel issue.

There being no further business to come before the Executive Session, the Executive Session was adjourned at 8:20 PM

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council