

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF
WATERVLIET
THURSDAY, APRIL 5, 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, David Wheatley; Deputy City Clerk, Mark R. Gilchrist; Assessor/Bldg. Inspector, James Bulmer; Water Department Supervisor, 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. 8102 – The Council of the City of Watervliet hereby authorizes Mayor Robert D. Carlson to execute a contract with S & S Lawncare for the City of Watervliet Grass Cutting Program for the year 2007. Upon motion of Councilman Diamond, seconded by Councilman Manning, this Resolution was approved and adopted.

RESOLUTION NO. 8103 – The Council of the City of Watervliet hereby authorizes a contract extension with Waste Management for garbage/recyclable pickup for one year effective May 1, 2007 thru April 30, 2008. Before the vote was taken Councilman Diamond asked General Manager Mark Gleason if the City was still reviewing the possibility of picking up its own garbage. General Manager Gleason explained that the City is still reviewing the possibility of utilizing City personnel to pickup garbage. Mr. Gleason further explained that this is why Resolution No. 8103 was being put forth to the Council for a one year contract extension to provide time to review this option. Upon motion of Councilman Manning, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8104 – The Council of the City of Watervliet hereby authorizes Mayor Robert D. Carlson to execute a contract with James H. Maloy, 421 Albany-Shaker Road, Loudonville, New York 12211-0016 for the Upper Dam Cleanup Project. Upon motion of Councilman Diamond, seconded by Councilman Manning, this Resolution was approved and adopted.

RESOLUTION NO. 8105 – The Council of the City of Watervliet hereby authorizes Mayor Robert D. Carlson to execute a contract with the New York State Department of Transportation for the signal, cabinet, controller and software for the traffic signal located at 2nd Avenue and 19th Street for no cost to the City. Before voting General Manager Mark Gleason explained to the Council that the NYS Department of Transportation (NYSDOT) will provide the equipment for traffic control at no cost when the proposed project is equal to or greater than the cost of the actual equipment being installed. Upon motion of Councilman Manning, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8106 – The Council of the City of Watervliet hereby authorizes Mayor Robert D. Carlson to execute a contract with Meditronic Emergency Response Systems, Inc. for a Technical Support Agreement beginning February 27, 2007 and expiring February 26, 2009 in the amount of \$5,910.00. Upon motion of Councilman Diamond, seconded by Councilman Manning, this Resolution was approved and adopted.

RESOLUTION NO. 8107 – The Council of the City of Watervliet hereby authorizes the transfer of \$2,300.00 from the Police Overtime Account (A3120.1002) to the Police Training & Education Account (A3120.4080). Before voting Councilman Diamond asked Police Chief Ron Boisvert if the amount being transferred would be enough to cover the training expenses. Police Chief Ron Boisvert stated that the amount being transferred would be sufficient to cover the training expenses. Upon motion of Councilman Manning, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8108 – The Council of the City of Watervliet hereby accepts the opinion of the Corporation Counsel and hereby directs the General Manager to immediately suspend the disbursement of funds and notify the recipient of any funds dispersed prior to this date to return these funds without interest to the Director of Finance. Before voting Councilman Diamond wanted it put on record his displeasure with what occurred regarding a salary increase of the Fire Chief without Council approval in accordance with Local Law No. 5-2006. Councilman Diamond asked for an explanation regarding the sequence of events that caused the transfer. Councilman Manning stated that this Resolution takes the corrective action necessary due to the incorrect transfer of funds. Upon motion of Councilman Diamond, seconded by Councilman Manning, this Resolution was approved and adopted.

RESOLUTION NO. 8109 – The Council of the City of Watervliet hereby authorizes the Director of Finance to increase the salary of the Chief of the Fire department to \$68,000.00 and to transfer \$7,300.00 from the contingency account (A1990.4000) to payroll account (A3410.1001) in order to effectuate the increase in the base salary of the Chief of the Fire Department. Before voting Councilman Diamond once again expressed his displeasure with the Fire Chief salary transfer process. Councilman Diamond asked General Manager Mark Gleason if he was directed to give the Fire Chief a raise. General Manager Gleason stated that he was given a directive to authorize the Fire Chief's raise. Councilman Diamond again wanted to know the sequence of events that authorized the raise. Mayor Carlson stated that he authorized the raise to the Fire Chief. Mayor Carlson stated that the Fire Chief and Police Chief deserved the equal salary compensation. Another example given was that the Deputy General Manager and Finance Director always had the same salary. Councilman Manning stated that this salary raise happened four weeks after the City had a large tax increase when the budget was passed. Councilman Manning noted that it was evident during the budget process that the salaries weren't equal. This doesn't make the Council look good for the Council to raise taxes then weeks later come back with an increase in salary.

Councilman Diamond would like to discuss this issue with the Fire Chief and Battalion Chief before proceeding any further with his decision. Councilman Diamond asked Mayor Carlson what criterion was used to determine raise of the Fire Chief and were comparables for other cities investigated?

Mayor Carlson feels that a person in that capacity deserves that salary and should get it. Mayor Carlson noted that the Council is at a point where they can go forward with this Resolution to justify the raise. Mayor Carlson further stated that for years the salary structure shouldn't have been the way it is.

Councilman Manning asked how long the salary structure has been unequal.

Mayor Carlson explained that the former Fire Chief had put in a similar request to have his salary brought to an even level. Mayor Carlson further explained that the former Fire Chief was in the Fire Department contract and action could not be taken due to that reason. Now the Fire Chief is no longer governed by the union contract.

Councilman Diamond asked General Manager Gleason if he advised Mayor Carlson that the transfer of funds was inappropriate. General Manager Gleason stated that he could not recall and would have to check his notes.

Councilman Manning asked how long/how many budget cycles they have been unequal.

Mayor Carlson indicated that he was not sure exactly how long, that retired Fire Chief Dan Spratt brought this to his attention.

Councilman Manning noted that for at least three years the salary was unequal, now four weeks after the budget is passed we must do this and without following the rules. The Council is still getting into a rhythm with the new law and may not be use to the process.

The Council has before them tonight legislation which does follow the new rules. Councilman Manning stated that recommendations have been made to revise the Local Law, just need the correct wording. Councilman Manning feels strongly that this should have been done during the budget cycle. A part time job has already been created since the budget was passed, therefore this would be the second salary transaction for action. Councilman Diamond asked Corporation Counsel Yorden Huban if this Resolution could be tabled or if the Resolution did not pass if another Resolution could be introduced. Corporation Counsel Huban stated that the Council can place another Resolution on the agenda for consideration. Upon motion of Councilman Diamond, seconded by Mayor Carlson, this Resolution was defeated. 2 opposed, 1 in favor.

RESOLUTION NO. 8110 – The Council of the City of Watervliet hereby authorizes Mayor Robert D. Carlson to execute a contract with William S. Sheehy for the City of Watervliet’s Grass Cutting for the year 2007. Before voting Councilman Manning wanted clarification on the difference of grass cutting service from S & S Lawncare and William S. Sheehy. General Manager Gleason explained that S & S Lawncare will cut the grass along I787 and Broadway. William S. Sheehy will maintain the boulevards in the City. Upon motion of Councilman Diamond, seconded by Councilman Manning, this Resolution was approved and adopted.

RESOLUTION NO. 8111 – The Council of the City of Watervliet hereby authorizes the transfer of \$10,000.00 from the Police Salaried Account (A3120.1001) to the Police Promotional Account (A3120.1008). Before voting Councilman Manning stated that this Resolution addresses the comments discussed by the Council earlier. Councilman Manning wrote this Resolution, this is the way the Council can address promotions and raises within the boundaries of the law. This Resolution sets up an account which allows Chief Boisvert to execute the promotions needed in 2007. Councilman Manning stated that next year during the 2008 budget cycle this account will remain open. If the money is not expended, the money can be transferred into another account. Upon motion of Councilman Manning, seconded by Councilman Diamond, 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 introduced to the Council Jeffery F. Budrow; PE, Principal Engineer from J. Kenneth Fraser Associates Consulting Engineers. Mr. Gleason explained to the Council that Mr. Budrow was here tonight to give a presentation on the Upper Dam Lower Dam Dry River System. Mr. Budrow began his presentation by explaining that J. Kenneth Fraser Associates has provided engineering services to the City of Watervliet since 1960. Tonight's discussion will address the Upper dam Lower Dam Dry River System. Mr. Budrow noted that this system is owned by the City of Watervliet and is virtually invisible to the day to day activities of the residents. The dry river is a natural drainage course which carries storm water from the north end of the Town of Colonie thru the City of Watervliet. There is an infrastructure system referred to as the Dry River System.

The Dry River System consists of several pieces of civil work. The first part starts at the Hudson River and passes under the City heading to the Town of Colonie, and this part is known as the dry river conduit. It is underground and takes the place of an open stream which existed at the turn of the century. Storm water which runs off the slope is transferred underground then discharges into the Hudson River. The water finds its way into the conduit in the vicinity of 23rd Street and 24th Street. Upstream of the conduit there are four other structures, three of which falls into the category of dam or spillway. There is a lower dam which is a concrete dam and is located near 23rd Street, and an upper dam that is near the end of the Eastern Avenue/Western Avenue located in the Town of Colonie. The upper dam is a very large earthen dam which impounds and retains water. A vital integral part of that dam system is a spillway which is close to Boght Road. The spillway was designed that when the dam fills too high the spillway releases the water. The fourth structure which doesn't fall under the dam or spillway category is the containment berm. The purpose of this berm is to keep water following within the dry river so that the Boght Road doesn't wash away. The dry river system works silently without any humane intervention and no moving parts. The Dry River system runs 24 hours a days for 365 days a year. Prior to the installation of this system the City of Watervliet used to experience annual flooding. The flooding was due to excessive spring rain storms and winter thaw. The Dry River system creates a water detention system. This system works similar to the Sacandaga Reservoir which protects all the local municipalities along the Hudson River. The Dry River System has been subject to many studies and inspections in its history, including a Phase I Inspection conducted by the National Dam Protection Act. In 1992 J. Kenneth Fraser Associates prepared a report on the condition of the civil works along with a description report of the function and capability of the dry river system. In 1998 F.A. Dente Engineering Firm provided the City with a Geotechnical Analysis and an Earthquake Stability Analysis. These structures do have the potential to be damaged by earthquakes. The Geotechnical Analysis was necessary for the upper dam due to it being an earthen dam structure. The Geotechnical Analysis performed showed adequate stability under the regulations which existed at that time. There have been officially five reports prepared on the condition of the system.

There is the draft engineering report prepared by Albany Engineering Corporation in 1999 and updated again in 2007. These reports have been put together in a package for official record. There is ongoing maintenance which needs to be done to the Dry River. In 2003 a contractor was hired to remove silt and debris, tonight a Resolution was authorized to have this done again. During the year 2002, Mr. Budrow did a full inspection of the underground conduit from 23rd Street to the Hudson River. Back in 1911 when the system was built there were no official regulations or agencies to oversee the construction of the dam as there is today. There was no document like what exists today, this document named Guidelines for the Design of Dams was prepared by NYS Department of Environmental Conservation (DEC).

It is a definitive document which applies to upgrade and design dams today. Recent calculations show that the system can provide protection to the City of Watervliet residents for a storm of recurrent interval every 200 years. Recently, the DEC is taking the regulations of dams to a higher standard due to the Ft. Ann dam break which happened a couple of years ago. There are developing projects in the Town of Colonie which could affect the Dry River System. Mr. Budrow explained that analytical and engineering work will need to be done on this watershed. The work which will need to be done will be so that DEC can better evaluate to make sure that the civil works meets current guidelines. The guidelines which need to be met far exceed what the system was designed for. This is due to the fact that there were no guidelines to follow when this system was built. When you put guidelines together you create guidelines to exceed what you expect will be seen during normal working conditions. DEC will require that the City demonstrate that the system can handle the Probable Maximum Flood (PMF). It would take up to 20 – 30 inches of rain to reach the PMF. This type of event has never been seen in the Northeast. DEC will require that the City make a new determination that the system is safe. Due to the required standards from DEC there will be several items which the City will be required to do this construction season, some of which have already started. An example of what has begun is the silt and debris removal which was authorized at tonight's meeting. DEC wants a topographical survey of the earthen portion of the dam. The earthen portion is the most critical element of the dry river system. This will be done so that DEC has an accurate assessment of how it looks today compared to when it was constructed. There will need to be an updated Geotechnical Analysis, the last one done was in 1998. Since that time the regulations have changed drastically. A revised analysis of the dam stability and its reaction to earthquake load will be required. The Town of Colonie owns a sanitary sewer that runs across the crest of the earthen (upper) dam. The City will be requesting the Town to due an analysis of the condition of the sewer line due to its age. It is very important to the City that no leaks occur into the dry river system. Several plans will need to be developed with City officials input regarding the inspection and maintenance plans. Mr. Budrow noted that the most important component would be the development of a coherent final engineers report on the status of the system to be provided to DEC by the Fall of 2007.

Target schedules will be done within the next month for these things to happen for presentation to DEC for affirmation. Mr. Budrow then explained that this concludes his portion of the presentation and opened the floor for Council questions.

Mayor Carlson also explained that this would be open to the floor for questions and comments also.

Councilman Manning asked if the existence of the Dry River System figure into the agencies that do flood plain mapping. Mr. Budrow explained that Fraser Associates has asked DEC the same question. The answer is maybe, there are some new flood plain initiatives when not traditionally considered a flood plain area. Down the road DEC will make a determination whether this area could be considered a flood plain area.

Councilman Diamond asked if the Federal Emergency Management Agency (FEMA) in concert with the Army Corp of Engineers oversees the flood plain maps. Yes, it's a FEMA activity that ties in with emergency management. The City of Watervliet has in house the FEMA maps applicable to flood plain which is basically in the Hudson River corridor.

What recourse does the City have on these dams located in the Dry River area with regards to the construction going on located at the top of the hill. The land is being cleared and it doesn't seem anyone is being told to replant or forest to eliminate run off into the Dry River. Is the Town of Colonie responsible for any of this activity. Mr. Budrow noted that you have raised a very good concern, question and gripe which the City has had for many years. When it rains nature intends that the water run thru the City. Over 90 years ago the City built civil works to protect the City from flooding. There is very little the City can do to get the Town to participate with the civil work that benefits the City. The City has been successful in taking up their rate of storm water detention in the critical areas that affect the City. The City has already taken initiatives in some areas where it can reduce the amount of storm water coming down impacting the City.

The next question raised was whether the current silt buildup is bad enough to create a similar flooding problem which happened in the 1950's. No, the City has a regular cleanup schedule of the silt. This silt cleaning was last done in 2003 and will be done this spring. General Manager Gleason stated that the City will place this silt maintenance project on a two year schedule. In doing the cleanup every two years it should also cost the taxpayers less money for the cleanup.

A question was asked about the status of the wear and tear of the concrete dam. The concrete dam has rebar on the bottom which assists with the trees and other miscellaneous debris from going any further. There are two major dams, 1.) The Upper Dam 2.) The Lower Dam and finally the Spillway. The area in question is the Lower Dam. This portion of the Dam will be part of the Comprehensive Engineers Report which will analyze the dam and have recommendations to maintain it.

Since the Dry River System was originally designed to stop flooding on a yearly basis in that part of the City and seeing that the system doesn't meet current regulations. The question was why this area isn't considered a flood plain area. Mr. Budrow stated that when he said that the system didn't meet regulations DEC set in the 1960's when DEC promulgated their regulations for Probable Maximum Flood (PMF). Mr. Budrow doesn't know why FEMA doesn't consider this a flood plain area. FEMA may not even know that this area is a flood control structure. The recent numerical analysis is that this system is very sound up to a 200 year recurrent storm.

Mayor Carlson requested Mr. Budrow to detail for all in attendance as to what a spillway is. Mr. Budrow explained that when an earthen dam is built you don't want the water going over the top of the dam. Every earthen dam has a spillway. The spillway for the City's system is located in the Boght Road area. If the impoundment fills within 5' of the crest the water has an alternate way to get out. The spillway is relieving the water from the dam itself to preserve the dam's integrity.

Councilman Manning asked if it is typical to have a sewer line running thru a dam. Mr. Budrow answered NO.

Councilman Manning asked that when the analysis is done can the City be penalized. Mr. Budrow explained that the most important thing is that the City of Watervliet does not own the sewer line. The City doesn't maintain the sewer line either. The City will ask the owner of the sewer line to confirm its integrity to be sure there are no leaks.

General Manager Gleason noted that the City will be seeking DEC assistance to address the sewer line in the earthen dam. Mr. Gleason stated several different scenarios as to what can be done to repair, replace or move the sewer line. DEC will oversee that if there is a probability of something happening that all grounds are covered.

Robert A. Fahr; Director of Finance asked Mr. Budrow that with all the additional work that is going to need to be done are there any grants available that the City may be able to apply for to reduce the cost of the potential projects to the taxpayers. Mr. Budrow stated that in light of the Ft. Ann dam break DEC has rewritten dam regulations to a higher standard. DEC also took their grant money availability to a higher level recognizing that municipalities will need greater access to grant funds. Dam safety grants used to cap out at \$300,000.00, DEC has raised that cap to \$1,000,000.00. The City will still need to put a good grant application together then DEC will distribute the funding on a first come first serve basis.

General Manager Gleason stated that Fraser Associates and his office will work together on the application process. The grant will ask for the 1 million dollars and will be submitted to DEC by June 2007. Mr. Gleason explained that one of the reasons for having Mr. Budrow tonight was to explain to the Council that DEC is expecting the City to meet their higher dam standards for a 500 PMF storm event.

General Manager Gleason wanted to be sure that the Council fully understands that sometime soon that the updated dam regulations may cost the City taxpayers a large Capital Project expense.

Mr. Budrow further explained to the Council that the grant money is 1 million dollars per dam and that the City owns two dams. There is a potential for the City to seek two applications at 1 million dollars each.

General Manager Gleason noted that DEC will tell the City that a Capital Project will have to be done. It then will be the City's responsibility to set a timeframe to do the Capital Project. Mr. Budrow explained that Fraser Associates is in the Engineers Report phase. The Engineering Report includes the Geotechnical Analysis, elements of work, survey and hydrology information. All engineering tasks need to be rolled into the Comprehensive Plan. It will take DEC months to fully review the Comprehensive Plan. It should be during the winter months when DEC will sit down with the City to sort out what Capital Project will be required. The design phase may begin with a bid in the spring and construction during 2008 or 2009.

Councilman Diamond stated that seeing that the ongoing construction has been detrimental to our system has anyone discussed some kind of financial compensation with the Town of Colonie.

Mayor Carlson stated that the Town of Colonie has not been receptive to meeting regarding financial assistance or any other issue related to the Dry River System.

Mayor Carlson on behalf of the City Council thanked Mr. Budrow on his fine presentation tonight regarding the Upper Dam Lower Dam Dry River System.

ITEM #2- Mark E. Gleason; General Manager informed the Council that at one of the May 2007 Council Meetings a Public Hearing will need to be held regarding the Annual MS4 Report.

ITEM #3- Mark E. Gleason; General Manager requested Police Chief Ron Boisvert to discuss a traffic issue with the Council. Chief Boisvert explained to the Council that he would like them to consider placing two (2) Stop Signs at the intersection of 1st Avenue and Second Street. Chief Boisvert requested that one Stop Sign for Southbound traffic be placed on the Northwest corner of 1st Avenue and 2nd Street. The second Stop Sign for Northbound traffic on the Southeast corner of 1st Avenue and 2nd Street. Chief Boisvert stated that the City is very lucky that there hasn't been any major accident in that corridor. The Council authorized Chief Boisvert to place the applicable legislation for the next meeting.

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ITEM #4- Councilman Diamond informed the Council that the **“KEEP VLIET NEAT DAY “** day has been scheduled for Saturday, April 21, 2007 from 3:00 PM until 5:00 PM. Anyone interested in helping that day is to meet at the DOME on 13th Street and 2nd Avenue. Councilman Diamond requested people to bring rakes or other cleaning items which may need to be used. Additionally, Councilman Diamond announced that the NYS Department of Conservation donated 200 saplings to give to City residents.

There being no further business to come before the Council a motion was made and seconded to adjourn, the meeting was adjourned at 8:50 PM.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council