

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF
WATERVLIET
THURSDAY, APRIL 19, 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.

ORDINANCE NO. 1802 – An Ordinance providing that the Code of Ordinance be amended by revising Schedule X, Section 260-46, in accordance with Section 260-13 of said Code, providing for the erection of Stop Signs. Upon motion of Councilman Manning, seconded by Councilman Diamond, this Ordinance was approved and adopted.

RESOLUTION NO. 8112 – The Council of the City of Watervliet hereby authorizes an extension of the power purchase agreement with Niagara Mohawk for the sale of excess power generated by the Hydroelectric Facility until April 30, 2008. Before voting Councilman Diamond asked if the agreement should be made out with National Grid. General Manager Mark Gleason stated that this Resolution was an extension to a contract set up with Niagara Mohawk which is why the language didn't change to National Grid. Upon motion of Councilman Diamond, seconded by Councilman Manning, this Resolution was approved and adopted.

RESOLUTION NO. 8113 – The Council of the City of Watervliet hereby establishes a standard work week for elected officials reportable to the New York State and Local Retirement System. Mayor Carlson asked who would be in charge of keeping track of the records reportable to the Retirement System. General Manager Mark Gleason stated that the responsibility would be Dave Wheatley's who handles the Payroll for the City. Councilman Manning asked if this would require any additional work other than the normal payroll duties. Mr. Wheatley explained that this would not create any additional work but is required to be submitted by the City to the NYS Retirement System. Upon motion of Councilman Manning, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8114 – The Council of the City of Watervliet hereby authorizes Bruce A. Hidley; City Clerk to advertise once in the official newspaper regarding the Water/Sewer Rent Roll for the period November 1, 2006 thru April 30, 2007. Upon motion of Councilman Diamond, seconded by Councilman Manning, this Resolution was approved and adopted.

RESOLUTION NO. 8115 – The Council of the City of Watervliet hereby authorizes the transfer of \$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. A motion was made by Councilman Manning to Table Resolution No. 8115, Councilman Manning stated that he is requesting further justification other than the salary is lower than the Police Chief, this motion was seconded by Councilman Diamond. Upon the vote there were two in favor and one against the motion and was passed to Table.

RESOLUTION NO. 8116 – The Council of the City of Watervliet hereby approves that in accordance with General City Law Section 27 and 81 that all Planning Board and Zoning Board of Appeals members from the City of Watervliet must complete a minimum of four hours of training each year. Before voting Councilman Manning asked if there were any current Zoning/Planning Board members which had any training. Mark R. Gilchrist; Assessor/Building Inspector stated that currently the Boards have very little training. General Manager Mark Gleason stated that a training manual was put together nearly one year ago. The manual had at least 4 hours of information and was distributed to each member who had to sign for it. Mr. Gleason explained that a majority of the Panning Board and Zoning Board will be attending a training seminar at Hudson Valley Community College (HVCC). Councilman Manning asked if this Resolution identifies HVCC as an approved training facility. Mr. Gleason responded by saying yes. Mayor Carlson asked if General City Law Section 27 and 81 actually specified that there is a required 4 hours of training. Corporation Counsel Yorden C. Huban stated that that is the statutory law. Mayor Carlson wanted to know why the City Council needed to pass this legislation if it is already a state law. Councilman Manning noted that this Resolution identifies which training sources are approved and that the Council acknowledges that the state law has changed. Tracking of the training for Zoning/Planning Board members will be done by Mark R. Gilchrist Assessor/Building Inspector. 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 informed the Council that Mayor Carlson and himself will be meeting with Ron Brown of Gorman Bros. Paving Inc. on Friday, April 6, 2007. The meeting will be to discuss the timeframe of the NOVA Chip Street Paving Program. Mr. Gleason noted that he will identify what streets need to be done along with a timeframe to complete them. Mr. Gleason stated that the City has \$415,000.00 to spend on the NOVA Chip Program of which \$100,000.00 came from NYS Department of Transportation grant obtained by Assemblyman Ron Canestrari. Councilman Diamond asked what the timeframe would be to complete the NOVA Chip Street Paving Program. Mr. Gleason responded by stating that the work should be completed by mid May 2007. Gorman Bros. Blacktopping has assured the City that our roads are on the top of their list to be done.

ITEM #2- Mark E. Gleason; General Manager informed the Council that the Department of Public Works Water Department will be doing some repairs to catch basins and valves. Mr. Gleason noted that the work to the catch basins and valves will be done prior to any of the NOVA Chip Street paving work. Mr. Gleason stated that the catch basin/valve work is included in the 2007 budget.

ITEM #3- Mark E. Gleason; General Manager informed the Council that the asphalt plants have been opened for the 2007 pothole paving season. On April 6, 2007, the Department of Public Works Highway Department will begin the street maintenance hot asphalt pothole repairs. Mr. Gleason requested that any City resident who has a pothole or knows of a pothole that exists to contact Mayor Robert D. Carlson on his e-mail. Mayor Carlson's e-mail is rcarlson@watervliet.com. The information about the pothole repair program has been posted on the Wvliet Channel 17. A list will be gathered by Mayor Carlson which will be given to the Highway Garage for asphalt repair.

ITEM #4- Mark E. Gleason; General Manager informed the Council that the Department of Public Safety Police Department has re-qualified in firearm training. The firearm training was completed during a three week three day period. Mr. Gleason explained that the Police Department used the Town of Colonie Police Department range to conduct the training. The training was done jointly with the Village of Green Island Police Department. Mr. Gleason stated that each Police Officer had to qualify with their department issued firearm along with qualifying with a shotgun. Mr. Gleason proudly reported that all of the City's officers qualified.

ITEM #5- Mark E. Gleason; General Manager informed the Council that David Wheatley; Deputy City Clerk is currently working on updating the City's website. The newly revamped website should be ready by approximately May 1, 2007. Mr. Gleason explained that the new website is currently in a testing period to work out any problems and add the necessary City information. Mr. Gleason noted that once online the City will have more flexibility as to content along with a quicker posting time.

ITEM #6- Mark E. Gleason; General Manager stated that he would like to once again discuss the Live Entertainment Permit issue with the Council. Mayor Carlson explained that one of the issues related to the Live Entertainment permit had to do with charging for a permit. Councilman Diamond explained that he has been against charging for a Live Entertainment Permit right from its original policy inception. Mr. Gleason noted that the original intent was not to raise revenue but rather to use the entertainment policy as a way the City could monitor the quality of life issues for businesses. Mayor Carlson asked how many permits the businesses would be allowed to have. Mr. Gleason stated that the Entertainment Permit Policy allows 26 events. The Entertainment Permit also states that the activity may take place between the hours of 12:00 noon until 1:00 AM. Mr. Gleason would like the Council's permission to be the Entertainment Permit Policy on June 1, 2007. Mayor Carlson would like to monitor these permits on a case by case basis for any problems. The Police Department would have to be the enforcement agency who would inform the City Clerk's Office about any problems. Councilman Diamond expressed his concern about limiting a business who would like live entertainment to 26 times during a year. Councilman Diamond stated that our City businesses are competing with neighboring communities who do not have permits in place for live entertainment. Councilman Diamond would like to see no fees or a moratorium on the amount of permits which may be issued by the City. The City still has the opportunity to monitor what happens without hurting a business with fees or number of occasions. Mr. Gleason will take all of these suggestions into consideration when drafting a new policy. Councilman Manning asked if there was enough language in the permit policy that is a business violates any part of the permit that the Police Department could shut them down. Police Chief Ron Boisvert stated that typically the Police will issue a courtesy warning the first time. Chief Boisvert further stated that if a second call is warranted then the Police Department will exercise its right to remove the permit. Currently the City has eleven establishments which could host live entertainment. Councilman Manning asked if this would be a policy which would regulate businesses in a residential district. Mark Gilchrist explained that the Zoning Code already states that you can't have live entertainment permits in a residential zoned area. Councilman Manning asked if this policy would override any existing Zoning laws.

Yorden Huban; Corporation Counsel explained that there is a Noise Ordinance in effect which could effect this policy. The City would need to take a look at the possibility of amending the Zoning Law to add more enforcement by putting in a statute which would strengthen any penalty provisions. Mr. Gilchrist informed the Council of what businesses are pre-existing non-conforming to the current law, the Elks, A.O.H. and V.F.W. Mayor Carlson requested that General Manager Gleason, Yorden Huban; Corporation Counsel, Police Chief Boisvert and Mark R. Gilchrist; Assessor/Building Inspector work out the details together regarding all the issues discussed.

ITEM #7- Mayor Carlson stated that at the April 5, 2007 a presentation was made for the Council regarding the effects of the Upper/Lower Dam Dry River System. Mayor Carlson noted that the recent weather has been quite rainy and wanted to know how the dry river system made out. Mark Gleason; General Manager noted that there was over five inches of rain in a four day period. Mr. Jeff Budrow, P.E. of Fraser Engineering walked the entire dry river system and found it to be in perfect working condition. The system was approximately 60% used and still had a lot of capacity.

ITEM #8 - 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 Norway Spruce 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 7:30 PM.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council