

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, JUNE 7, 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.

Before opening the business portion of the meeting Councilman Charles J. Diamond requested that the Council Meeting tonight be dedicated in honor of Patricia Strohecker. Councilman Diamond noted that Patricia Strohecker had 37 years of dedicated service to the residents of the City of Watervliet and wished her well in his retirement. Mayor Carlson then requested that this Council Meeting be dedicated in the name of Patricia Strohecker.

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. 1803 – An Ordinance of the City of Watervliet, New York, be amended by adding a new Chapter to be known as Chapter 94, Live Music Entertainment. Before voting Councilman Diamond requested that under Section 94 -1 the wording Driving While Intoxicated Laws be removed. In addition Councilman Diamond requested that Section 94-8 include language that would allow an entertainment Permit under certain circumstances after the 10 day period as required by the current language. Upon motion of Councilman Diamond, seconded by Councilman Manning, this Ordinance was approved and adopted.

ORDINANCE NO. 1804 – An Ordinance of the City of Watervliet, New York, be amended by amending Chapter 175, Housing Standards, by adding Article IX, Maintenance of Vacant Buildings and Article X, Vacant Building Registry. Upon motion of Councilman Manning, seconded by Councilman Diamond, this Ordinance was approved and adopted.

ORDINANCE NO. 1805 – An Ordinance of the City of Watervliet, New York, be amended by adding a new Chapter to be known as Chapter 128 Unsafe Buildings.

Page Two
Council Meeting Minutes
June 7, 2007

Before voting Councilman Manning requested the background as to why this Ordinance was drafted. Mark Gleason; General Manager asked Mark Gilchrist; Assessor/Bldg. Inspector to explain this issue to the Council. Mr. Gilchrist stated that on November 5, 2004 the building department received a call regarding the condition of the building located on 1412 1st Avenue. Upon inspection of 1412 1st Avenue the front façade of the 3rd floor was falling. On November 6, 2004 visited 1412 1st Avenue with Jeff Budrow from Fraser Engineering Associates. On November 8, 2004, Mr. Budrow sent a letter to the City stating that 1412 1st Avenue had severe structural distress and that the building imposed a substantial risk to public health. The recommendation from Fraser Associates was to have the property owner get a report prepared by his engineer within 15 days and that all stability issues are taken care of within 30 days. On November 22, 2004 Mr. Sula requested an extension from the Building Department. The request letter was denied, the property was condemned. From November 9 thru November 24, 2004 Mr. Sula did nothing to barricade the property or remove any of the bricks. On November 26, 2004 two days after the property was condemned the Building Department received a letter from his engineer dated November 19, 2004 that it would cost \$22,500.00 to secure the building. Mr. Sula had court date appearances on December 17, 2004 and January 10, 2005, at each of these appearances Mr. Sula was requested to return with legal counsel. After 47 days of the initial summons Mr. Sula was fined \$750.00. On November 19, 2004 the City had an asbestos survey done which was paid by the City. February 14, 2005 the City signed a contract to have the building demolished. A letter was received by Mr. Sula's engineer stating that the City Court Judge had requested blue prints of the property. Mr. Gilchrist stated that he never brought Mr. Sula in to court for demolition purposes and didn't understand why the Judge would request blue prints. A few days later the building was demolished. The Building Department followed City Code Section 175-14 Housing Standards. Mr. Gilchrist read exactly what City Code Section 175-14 read and why the City had the ability to take the necessary demolition steps. Councilman Manning asked why the City lost this case. Corporation Counsel Yorden Huban explained that the insurance company hired an outside Counsel who represented the City on this case. The outside Counsel stated that the City did not comply with General City Law Section 20, Subsection 35 which sets forth what the municipal statute must say in order to give the land owner proper notice and the opportunity to be heard.

Page Three
Council Meeting Minutes
June 7, 2007

- 1.) Requires personal service notice
- 2.) Must be filed in the County Clerk's Office
- 3.) There must be an opportunity to be heard

The Ordinance drafted now deals with proper procedures in accordance with City Law Section 20 Subdivision 35. Mr. Huban noted that there were also discrimination issues that the case had also. It was strongly recommended by our Attorney that the City settle this matter. Mr. Huban explained that the Ordinance drafted now complies with General City Law.

Mayor Carlson asked if Mr. Gilchrist's Office followed exactly what the current statute stated. Mr. Huban explained that the Building Department did follow the Section 175 but did not follow General City Law. Future notices will be filed by the Legal Dept. and Bldg. Dept. Upon motion of Councilman Diamond, seconded by Councilman Manning, this Ordinance was approved and adopted.

ORDINANCE NO. 1806 – An Ordinance of the City of Watervliet, New York, revising Schedule IV, Section 260-40 for a change to One Way traffic on Railroad Avenue, Southbound from 25th Street to 24th Street. Upon motion of Councilman Manning, seconded by Councilman Diamond, this Ordinance was approved and adopted.

RESOLUTION NO. 8121 – The Council authorizes the City the transfer of \$3,600.00 from the Court Awards and Settlements Account (A1930.4000) to the Fire Special Wages Account (A3410.1005) for Workers Compensation Wages paid thru May 31, 2007. Before voting Councilman Manning asked if transaction was done periodically. Robert A. Fahr; Director of Finance stated that this transaction is wages paid to a Firefighter who is retired under disability, The General Fund has the amount of the Workers Compensation award for the year. Then the City transfers the money periodically when the amount goes over the \$2,000.00. Upon motion of Councilman Diamond, seconded by Councilman Manning, this Resolution was approved and adopted.

RESOLUTION NO. 8122 – The Council of the City of Watervliet hereby authorizes the transfer of \$15,000.00 from the Fire Salaried Account (A3410.1001) to the Fire Operations/Supplies Account (A3410.4090) for Turnout Gear and Miscellaneous Supplies. Before voting Councilman Manning requested clarification on this Resolution. Robert A. Fahr; Director of Finance explained that the City did not know whether the retirees in the Fire Department would actually retire at the end of the year. Since they did retire the City hired three new Firefighters at the end of January. The City had to purchase turnout gear and other items for the new firefighters. All new turnout gear must be fitted to the firefighter, can't use old turnout gear. In the payroll account the City paid the vacation and sick time for the retirees. The amount was lower than the base salary so there was enough money for the transfer. The turnout gear costs approximately \$3,000.00 per Firefighter.

Page Four
Council Meeting Minutes
June 7, 2007

Councilman Diamond asked if the City purchases the best turnout gear. General Manager Gleason stated that Captain Eagan personally tests the turnout gear which is purchased. Captain Eagan does a fine job with this equipment purchase. Mr. Fahr noted that before he did this transfer he checked with Chief Carroll to be sure that there was no way to be reimbursed for turnout gear from the grant. The answer was definitely NO. Upon motion of Councilman Manning, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8123 – The Council of the City of Watervliet hereby authorizes the transfer of \$10,000.00 from the Fire Salaried Account (A3410.1001) to the Fire Training/Education Account (A3410.4080) for the 14 week Basic Training Course and Paramedic Classes. Upon motion of Councilman Diamond, seconded by Councilman Manning, this Resolution was approved and adopted.

RESOLUTION NO. 8124 – The Council of the City of Watervliet hereby authorizes the transfer of \$14,000.00 from the Police Payroll Account (A3120.1001) to the Police Special Wages Account (A3120.1005) for the 207C wages paid for the months of March, April and May. Before voting Councilman Diamond requested that Robert A. Fahr; Director of Finance explain what special wages means. Mr. Fahr noted that when someone is out on Workers Compensation the City needs to separate their wages. A similar transfer was made in March for January and February. The current Resolution is for March, April and May. Upon motion of Councilman Manning, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8125 – The Council of the City of Watervliet hereby authorizes Mayor Robert D. Carlson to sign an easement agreement between the City of Watervliet and the owners of Highland Club Apartments to confirm City access to the City Water Tower. Upon motion of Councilman Diamond, seconded by Councilman Manning, this Resolution was approved and adopted.

RESOLUTION NO. 8126 – The Council of the City of Watervliet hereby authorizes Bruce A. Hidley; City Clerk to advertise once in the Times Union that the City will accept sealed bids on Tuesday, June 19, 2007 until 10:00 AM for a 1996 Ford F350, 1 Ton Dump, VIN # 2FDKF38FXTCA03062 of no longer use for City purposes. Before voting Bruce A. Hidley City Clerk explained that at the last Council Meeting the Council authorized the advertisement in the Troy Record. There were no bids submitted. Mr. Hidley requested the General Manager to place the ad in the Times Union this time, the circulation is a lot broader. Upon motion of Councilman Manning, seconded by Councilman Diamond, this Resolution was approved and adopted.

Page Five
Council Meeting Minutes
June 7, 2007

RESOLUTION NO. 8127 – The Council of the City of Watervliet hereby amends Resolution No. 8078, passed by the City Council on January 4, 2007, regarding the Policies, Procedures and Order of Business for City Council Meetings. Before voting Councilman Diamond wanted to be sure that the Public Comments would become official record in the minutes. Mayor Carlson stated YES. Upon motion of Councilman Diamond, seconded by Councilman Manning, this Resolution was approved and adopted.

RESOLUTION NO. 8128 – The Council hereby authorizes Mayor Robert D. Carlson to execute an agreement with the Albany County Board of Elections for the use of the Watervliet Veterans Memorial Facility (DOME) for Primary Day and Election Day 2007. Before voting Councilman Diamond stated that the contract with Albany County should read Veterans Memorial Facility not the Veterans Memorial Firehouse. That will be clarified with the Albany County Board of Elections. There was no contract submitted by Albany County for City Hall as of yet. 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 Gleason; General Manager discussed the status the Upper Dam/Lower Dam Dry River System. Mr. Gleason stated that Jeff Budrow of Fraser Associates has a pencil copy ready of the grant application which will be applied for with the Department of Environmental Conservation. Mr. Budrow still needs to check on the calculations from Jim Besha's draft report for the grant application. Mr. Gleason explained that he has sent a letter to the Town of Colonie asking for proof that the sewer line which runs through the top of the dam is not leaking. Additionally, Mr. Gleason requested that the Town provide a video copy to the City as proof there is no leak. Mr. Gleason noted that Paul S. Murphy is working on the Emergency Action Plan which will be completed by the end of the summer of 2007. Corporation Counsel Yorden Huban and General Manger Gleason have had preliminary discussions with DEC as to a timeframe which the work must be completed on the dams. Dave Dressel; Highway Department Supervisor and his crew have completed the tree clearing project on the eastern slope. The silt removal process will begin within the next two weeks. Councilman Manning asked what the probable cost would be for this project. Mr. Gleason stated approximately 2 million dollars, 1 million dollars for each dam. Councilman Manning asked Mr. Gleason regarding the timeframe to complete this project. Mr. Gleason stated that the City is still in the negotiation phase but the fall of 2008 for the upper dam and sometime in 2009 for the lower dam. Mr. Huban noted that the City has submitted proposed changes to the timeline from DEC and they authorized the changes to the spring of 2009. Dam safety has become a priority for DEC.

Page Six
Council Meeting Minutes
June 7, 2007

ITEM #2 – Mark Gleason; General Manager requested Robert A. Fahr; Director of Finance to discuss the Audit Report. Mr. Fahr explained to the Council that the General, Water and Sewer Funds were submitted the first week of May 2007. The General Fund deficit at the end of 2005 was \$47,000.00. After accounting for the Revenues & Expenditures at the end of 2006 was \$218,000.00. Mr. Fahr noted that when interviewed by Standards & Poors on the 2006 bond issue he assured them that the surplus in 2006 would be at least \$180,000.00. Mr. Fahr also stated that the majority of the surplus was from the State Aid received by the City. The bond rating company Standard & Poors is looking for approximately 5% of the General Fund balance or \$500,000.00. Hopefully this will push up the borrowing costs for the City's bond rating which is currently BBB-. After the audit was completed Mr. Fahr submitted the Revenue & Expenditures for the General Fund to the Council thru May 2007.

- 1.) The Sales tax figure was \$767,000.00, \$25,000.00 less than the same period from last year. A call has been made to the Albany County Finance Office to find out why there was a decrease in Sales Tax.
- 2.) Police Chief Ron Boisvert has done a tremendous job on his Overtime Budget. To date \$63,000.00 has been expended. The budgeted amount for the Police Department is \$192,000.00.

ITEM #3 – Mark Gleason; General Manager informed the Council that the City has taken an early option out of the contract with Sage Quest for the GPS Tracking System. The GPS System does not track real time. The GPS was always three to five minutes behind the actual time where a vehicle was located. Sage Quest the vendor who services the GPS Tracking System does not provide software for actual tracking time. The City will save \$800.00 by opting out now.

ITEM #4 – Mark Gleason; General Manager informed the Council that Police Chief Ron Boisvert has initiated a new two man bicycle patrol for the summer months. The bicycle patrol will give the Police Department an even greater visibility in the resident's eyes. The bicycle patrol will patrol the city parks, special events, parades and park concerts. Officer John Connors and Officer Drew Rentz have been assigned to the bicycle patrol. They have been fully trained in bicycle safety/patrol. Mr. Gleason noted that Chief Boisvert was able to get donations to cover the entire start up costs. Mr. Gleason thanked the Watervliet Housing Authority, Ancient Order of Hibernians and the Veterans of Foreign Wars post for their donations.

Page Seven
Council Meeting Minutes
June 7, 2007

ITEM #5 – Mark Gleason; General Manager informed the Council that he will be seeking permission to place a Legal Notice for Request for proposals for the City's insurance coverage. The City will bid on the open market for a new carrier. The RFP bid process will allow the City to get a better price quote for the 2008 insurance program.

ITEM #6 – Mark Gleason; General Manager informed the Council that he attended a meeting with Rick Lyons; Albany County Sewer District, Sean Ward; Village of Green Island and Mayor John McDonald; City of Cohoes. The meeting was to discuss the feasibility of putting forth a grant request to the newly created Commission on Local Government Efficiency and Competitiveness. The group decided to place a request to fund a new sewer vacuum sewer truck along with a three person crew to run the vacuum truck. Currently, Albany County does approximately 20 catch basins in the City per year. The City has over 500 catch basins which need maintenance to them. In Watervliet, Cohoes and Green Island there are over 1,800 catch basins. It would take the one truck and three person crew approximately one year to do all the 1,800 catch basins. It was agreed that the sewer vacuum truck would be collectively asked for in the best interests of all our communities. A proposal has been drafted and is being reviewed by the communities involved.

ITEM #7 – Mark Gleason; General Manager informed the Council that on June 7, 2007 he attended a meeting on how cities can save themselves. In attendance for this meeting were Councilman Manning and retired General Manager Paul S. Murphy. Mr. Gleason explained that he will prepare a paper for the Council to review about this program at a future Council Meeting.

ITEM #8 – Mark Gleason; General Manager informed the Council that Christopher S. Daus; Recreation Supervisor will begin a series of concerts in the City parks. On Wednesday, June 13, 2007 will be the first concert in Hudson Shores Park from 6:00 – 8:00 PM. The other concerts will be held on the second Tuesday on the month for July, August and September. The concert series will be in Clinton Park, Pershing Green and Hudson Shores Parks.

Page Eight
Council Meeting Minutes
June 7, 2007

ITEM #9 – Mark Gleason; General Manager requested Bruce A. Hidley; City Clerk to discuss an equipment item with the Council. Mr. Hidley explained that the current recording system for Council Meeting is not functioning properly. The company that services the recording system indicated that due to the recorders age parts are no longer available. Mr. Hidley noted that Voice Technologies, Inc. of 1023 Route 146, Suite 4, Clifton Park, NY 12065 provided the lowest quote for a new recorder. The cost would be approximately \$1,800.00 for the new recorder. Mr. Hidley stated that the Village Clerk of Green Island has the same recording system which was demonstrated for him to see. The recorder is very user friendly and is usable on your computer terminal. It is a much smaller version of what is being used. In addition to the Council Meeting, the Planning Board and Zoning Board will use the recorder. After discussion the Council authorized Mr. Hidley to purchase the new recorder.

ITEM #10 – Councilman Manning requested General Manager Mark Gleason to post the information from the meeting regarding How Cities Can Save Themselves on the City website. Mr. Gleason stated that as soon as the paper is put together he will post the meeting information on the website. Mr. Gleason commended David Wheatley on the job he is doing with the City's website. Information from the City programs is being placed on the website immediately.

ITEM #11 – Councilman Manning stated that there have been a lot of questions related to the recent increase of the Water/Sewer Rent Roll. Councilman Manning noted that with the assistance of Mark Gleason and Phyllis Carroll put a comparison sheet of how the City's water costs compared to the surrounding communities. Councilman Manning informed the audience that copies of the water rate comparison are on the table in front of the Council. Councilman Manning concluded by saying that the City still has lower water rates compared to the other communities.

Councilman Diamond requested that the Council break for Executive Session to discuss the Firefighters contract. Councilman Diamond stated that he would like the Council, Mark Gleason, Yorden Huban, Bruce Hidley and Robert Fahr to attend the Executive Session. Upon motion of Councilman Diamond, seconded by Councilman Manning, the Council broke for Executive Session at 7:55 PM.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
EXECUTIVE SESSION
THURSDAY, JUNE 7, 2007 AT 8:00 P.M.**

The Executive Session meeting was called to order by Mayor Robert D. Carlson at 8:00 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, Bruce A. Hidley; City Clerk and Clerk to the Council and Robert A. Fahr; Director of Finance.

ITEM #1 – Councilman Diamond requested an update on the status of the U.F.F.A. Local 590 contract negotiations. Mark Gleason; General Manager discussed in detail with the Council the Health Insurance issues effecting a contract settlement. A detailed discussion with the Council followed related to possible solutions to the Health Insurance contract issues.

There being no further business to come before the Executive Session, a motion was made and seconded for adjournment. The Executive Session was adjourned at 9:00 PM

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council