

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF  
WATERVLIET  
THURSDAY, JULY 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, Bruce A. Hidley; City Clerk and Clerk to the Council, Robert A. Fahr; Director of Finance, Christopher S. Daus; Recreation Supervisor; Fire Chief Brian Carroll and Police Chief Ron Boisvert.

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

**Report of Officers and Committees:**

**ITEM #1** – Mark Gleason; General Manager provided the Council with a copy of the 1<sup>st</sup> draft proposal regarding refuse pickup for 2008. Mr. Gleason explained that the draft proposal for refuse pickup is designed to be done by City employees. This proposal is designed to save taxpayers money along with providing the highest level of service to City residents. The 2008 tentative budget is proposed to be \$367,000.00 for refuse/recyclable removal. Mr. Gleason explained that it has been over 30 years since the City has picked up its own refuse. Mr. Gleason noted that for the past five years Waste Management Inc. has been collecting the refuse/recyclables for the City. The current contract with Waste Management will expire April 2008. The proposed plan for refuse/recyclable pickup will be done by City forces. This plan would provide a substantial savings to taxpayers along with better control for better service to residents. Additionally, there would be a savings in the landfill costs. If the proposed refuse pickup plan is approved the plan would need to be in place by May 2008. Mr. Gleason requested the Council to review the proposed plan as this idea would need to be finalized by October 2007. If this plan is accepted there would need to be some internal action which would need to be done. 1.) The purchase of a new garbage truck. The truck would be funded through Capital Bonding over a ten year period at \$14,000.00 per year. 2.) The City would need to hire four new employees that would be classified as Laborers. They would be the employee's responsible for the refuse collection. 3.) The City would need to have a plan in case either of the garbage trucks needed any repairs. This would include the rental of a garbage truck. 4.) Devise and develop a refuse pickup schedule, possibly rotating refuse and recyclables on different weeks. 5.) Contact the City residents about the pickup schedule.

Mr. Gleason discussed the following cost analysis for the refuse/recyclable proposal.

- 1.) Laborers - \$157,000.00
- 2.) Garbage Truck - \$14,000.00 per year amortized over 10 years
- 3.) Fuel - \$50,000.00
- 4.) Maintenance - \$10,000.00

The total preliminary cost for the City to pickup its own refuse/recyclables will be \$206,000.00 for a potential savings to taxpayers of \$161,000.00. This cost analysis is based upon a one year pickup schedule.

Councilman Manning requested information related to the cost for the purchase of the garbage cans to be used for this proposal. Mr. Gleason stated that it would cost approximately \$114.00 per can. The positive perspective for the purchase of the cans is that City residents will not be able to place individual bags out for pickup. All refuse will have to be placed in the cans. If the Council authorizes the refuse/recyclable proposal the City will need to purchase a refuse truck in October 2007. Attached is a copy of the refuse/recyclable proposal.

**Old Business:**

**ITEM # 1** – Mark Gleason; General Manager noted that at the July 5, 2007 Council Meeting an issue was discussed regarding pitbulls in the City. Mr. Gleason distributed a package with information related to pitbulls. The package included legislation from other States and Municipalities related to pitbull enforcement. The package also included a City wide listing of where pitbulls are domiciled. Councilman Diamond stated that there were residents who owned several pitbulls in one home. Councilman Diamond asked Yorden Huban; Corporation Counsel if there was any legislation in the Code of Ordinance Book that dealt with the amount of pets in a household. Mr. Huban stated that he would research this issue for the next Council Meeting.

**ITEM #2** – Yorden Huban; Corporation provided the Council with a copy of the State of New York Fire District Code of Ethics Law. This law was passed by the State Legislature and took effect on June 1, 2007. Mr. Huban noted that after researching the Code of Ethics Law with NYCOM that it does not apply to City Firefighters, therefore can't be adopted by the City Council. Mr. Huban discussed in detail the union/non-union issues with the Council related to the Code of Ethics Law. Mr. Huban stated that a Code of Ethics policy must be negotiated with the union personnel. Mr. Huban is working on a non-union Code of Ethics policy for the Council to review at a future Council Meeting.

**New Business:**

**ORDINANCE NO. 1807** – An Ordinance of the City of Watervliet, New York, providing that the Code of Ordinances be amended by revising Section 260-46, providing for the erection of Stop Signs. Before voting Councilman Manning requested a background on the proposal of this Ordinance. Police Chief Boisvert explained that these Stop Signs were requested by the retired Police Chief Beston. Chief Boisvert noted that after reviewing this area that the Stop Signs were needed. Upon motion of Councilman Diamond, seconded by Councilman Manning this Ordinance was approved and adopted.

**ORDINANCE NO. 1808** – An Ordinance of the City of Watervliet, New York, providing that the Code of Ordinances be amended by revising Section 260-50, Schedule XIV, Parking Prohibited At All Times, in accordance with Section 260-18. Upon motion of Councilman Manning, seconded by Councilman Diamond this Ordinance was approved and adopted.

**RESOLUTION NO. 8134** – The Council hereby authorizes Bruce A. Hidley; City Clerk to advertise once in the official newspaper that a Public Hearing will be held on Thursday, August 2, 2007, for persons wishing to be heard regarding adding a new Chapter 273, Storm Water Management & Sediment Control. Before voting Mark Gleason; General Manager that the Public Hearing is a part of the MS4 requirements. The City needs to adopt the MS4 requirements into its Code Book. Mr. Gleason explained that this new law will dictate new construction and new renovations on homes for Storm water runoff. The MS4 requirement is being adopted in accordance with NYS Law. Councilman Manning asked if there were any other communities adopting this type of legislation. Mr. Gleason responded by noting that all MS4 communities must adopt this law. Mr. Gleason informed the Council that consultant Nicholas J. Ostapovich will be at the Council Meeting on August 2, 2007 to answer any questions related to the Public Hearing. Upon motion of Councilman Diamond, seconded by Councilman Manning this Resolution was approved and adopted.

**RESOLUTION NO. 8135** – The Council hereby authorizes Mayor Robert D. Carlson to execute an agreement with the Mohawk and Hudson River Humane Society for January 1 thru December 31, 2007. Before voting Councilman Manning asked if this contract would any change effect to the 2007 Budget. Robert A. Fahr; Director of Finance stated that there would be no change to the 2007 Budget by passing this contract. Councilman Diamond discussed the section of the contract that listed the expenses the City would have to pay in accordance with this agreement. Councilman Diamond stated that the amounts that the Humane Society is charging seemed very high. Bruce A. Hidley; City Clerk explained to Councilman Diamond that Yorden Huban; Corporation Counsel and Garry Sutton met and that the figures quoted were actually lower

than the previous years contracts were. Mr. Gleason noted that Animal Control Officer Garry Sutton will make an even greater effort to find the stray dog owner. Upon motion of Councilman Manning, seconded by Councilman Diamond this Resolution was approved and adopted.

**Appropriations and Auditing:**

**RESOLUTION NO. 8136** – The Council hereby authorizes the transfer of \$6,000.00 from the Refuse Removal Account to the Road Salt and Removal Account. Before voting Councilman Manning asked why the Council needed to make this transfer. Mark Gleason; General Manager explained that the City experienced two very large snow falls early in the 2007 budget cycle. The first storm happened on a Friday which extended into Saturday. In order to appropriately remove the snow outside contractor services were needed. Robert A. Fahr; Director of Finance explained to the Council that when the City extended the Waste Management refuse contract an analysis was done. The analysis was conducted for the period of May thru December 2007. The analysis proved that there was a \$17,000.00 savings. Mr. Fahr also noted that this analysis also pertains to Resolution No. 8137. The financial transfers are \$6,000.00 into the Road Salt and Removal and \$11,000.00 into the Contingency Account. Upon motion of Councilman Diamond, seconded by Councilman Manning this Resolution was approved and adopted.

**RESOLUTION NO. 8137** – The Council hereby authorizes the transfer of \$11,000.00 from the Refuse Removal Account to the Contingency Account. Upon motion of Councilman Manning, seconded by Councilman Diamond this Resolution was approved and adopted.

**RESOLUTION NO. 8138** – The Council of the City of Watervliet authorizes the General Manager and Director of Finance to amend the 2007 General Fund Budget and remove two (2) Firefighters from account A3410.1001 to prevent overspending. Before voting Councilman Manning stated that he wrote this legislation and would like to address this topic. Councilman Manning explained that he met with Robert A. Fahr; Director of Finance at the meeting discussed were shortages in both the Revenue and Expense Accounts. One of the areas to cut expenses was the head count in the Fire Department. There was two open slots budgeted that have not been filled yet. Councilman Manning noted that the Fire Department accounts were over spent by nearly \$86,000.00. Councilman Manning wrote this legislation to hopefully trigger a hard look at the budget to date. Councilman Manning feels that since this Resolution transpired Mr. Fahr has come up with other ways to account for the expenses needed. Robert A. Fahr; Director of Finance estimates that it will cost for August thru December 2007 approximately \$40,000.00 in salary. Mr. Fahr stated that there is \$40,000.00 in the Salary Account for the two new Firefighter positions.

Mr. Fahr explained that the problem was in the Fire Department Overtime Account. The 2007 budget for overtime was \$150,000.00, the year to date amount spent was \$104,000.00, approximately \$46,000.00 left in the account for the year. Councilman Manning requested Robert A. Fahr; Director of Finance to explain where the Council can come up with the funding for the overtime account.

Mr. Fahr had three prospective proposals that could be considered.

The Contingency Account has been increased by \$11,000.00, transfer \$40,000.00 from Contingency Account into the Fire Department Overtime Account.

The Mortgage Tax Account was budgeted for \$150,000.00, the first payment came in at \$132,000.00. The next mortgage tax payment will be the end of December 2007. At the year end 2006 the City received \$92,000.00. If the City receives the same amount the Council would have the opportunity to transfer nearly \$50,000 to \$60,000 in extra revenue to the Fire Department Account.

With the retirement of Fire Chief Brian Carroll and the retirement of the five (5) Firefighters in January a transfer from the Accrued Liability Reserve could happen with Council approval. The Accrued Liability Reserve which is budgeted at \$60,000.00 General Fund into the Reserve Fund by the end of the year. Mr. Fahr does not recommend this transfer. The Reserve Fund is for future expenditures.

Mayor Carlson asked Mr. Fahr if there was money in the Salary Account for the two Firefighters. Mr. Fahr responded by saying yes. Mayor Carlson asked if there was any transfer necessary to hire the Firefighters. Mr. Fahr responded by saying No. By not having the two new Firefighters hired the overtime problem would continue. With the two Firefighters being hired that would bring both the Fire Department and Police Department up to full staff and will assist with the control of overtime costs. Upon motion of Councilman Diamond, seconded by Councilman Manning this Resolution was defeated. 3 opposed 0 in favor.

### **Public Comment**

- 1.) Art Fruscio – 568 6<sup>th</sup> Avenue – Watervliet, NY - Mr. Fruscio stated that the Fire Department Overtime is getting close exceeding the budgeted amount for 2007. The Council needs to take a close look at controlling overtime costs. It seems that the senior employees are getting all of the overtime creating the budget shortfall. Whatever money is budgeted for overtime the Council needs to consider rotating its personnel to make this account a lesser shortfall.
- 2.) Art Fruscio – 568 6<sup>th</sup> Avenue – Watervliet, NY – stated that an Ethics Law already exists in the City. Why wouldn't the Council want to add language to the current Ethics Law to be sure employees have guidelines to do the right things in the workplace. The Ethics Law should be placed in all union contracts. Yorden Huban; Corporation Counsel is working on language for a Code of Ethics Law for non-union employees.

- 3.) Paul Huban – 1500 12<sup>th</sup> Avenue – Watervliet, NY – commented on the garbage collection proposal from Mr. Gleason. Mr. Huban stated that the Council should consider putting snow plows on the new garbage trucks. It will allow the City to have a two fold service with the new vehicles.
- 4.) David Sylvester – 1904 8<sup>th</sup> Avenue – Watervliet, NY – Mr. Sylvester stated that the Hudson Shore Park pedestrian gate was locked. He wanted to know why the gate was not opened. Christopher Daus; Recreation Supervisor explained that the pedestrian gate was closed for the 4<sup>th</sup> of July celebration. The gate will be re-opened tomorrow.
- 5.) Jim Hayes – 603 16<sup>th</sup> Street – Watervliet, NY – Mr. Hayes requested the Council to consider constructing a community bulletin board at 16<sup>th</sup> Street and Broadway and 3<sup>rd</sup> Avenue and Broadway. He explained that there are signs on the fence that are over grown with bushes and have been there for a year. Mr. Hayes thinks the signs make the City look awful.
- 6.) Jim Hayes – 603 16<sup>th</sup> Street – Watervliet, NY - Mr. Hayes asked the Council if DOT could place a left turn signal on 19<sup>th</sup> Street and 2<sup>nd</sup> Avenue. Mark Gleason; General Manager that this issue will be addressed when the 19<sup>th</sup> Street reconstruction is done next year.
- 7.) Peter Stellato – 2522 8<sup>th</sup> Avenue – Mr. Stellato asked if the Council can do anything regarding the nuisance law in front of his house regarding Tech Valley Printing. Mayor Carlson explained that he has spoken with John Smith owner of Tech Valley Printing about moving the employee's entrance door. Mr. Stellato is asking for the Council's help with some type control with the nuisance law. Councilman Manning asked if the stepped up Police presence helped at all. Mr. Stellato stated that the employees go back into the building when the police arrive, a few minutes after the police leave the employees are back out. Mayor Carlson will contact John Smith regarding this issue again tomorrow. Mark Gleason; General Manager requested Mark R. Gilchrist; Assessor/Bldg. Inspector to step up his enforcement of this issue. This is a Zoning issue which Mr. Gilchrist is the complaining officer. To support this case Mr. Stellato must file an official complaint with the City. Mark Gleason; General Manager requested that Mr. Stellato come to his office on Monday morning. Councilman Diamond requested that Mark Gilchrist provide the Council with an update on this issue at the next Council Meeting.
- 8.) Michael Moffre – 1555 4<sup>th</sup> Avenue – Watervliet, NY – Mr. Moffre publicly thanked the Council for opposing Resolution No. 8138.

- 9.) Captain John Mazzariello – U.F.F.A. – Capt. Mazzariello explained that overtime is done by the senior person on the shift going off. The officer or paramedic overtime slots are filled by the seniority basis. This procedure follows the overtime practice utilized by the Police Department. Capt. Mazzariello noted that the hiring of two new Firefighters will curb the overtime expense.
- 10.) Don Whitehead – 1921 8<sup>th</sup> Avenue – Watervliet, NY – Mr. Whitehead requested the status of the 19<sup>th</sup> Street reconstruction project. Mark Gleason; General Manager stated that the 19<sup>th</sup> Street reconstruction project is in its final design phase, which will be completed in the fall of 2007. The construction phase will begin in the summer of 2008 with completion in spring of 2009. Mr. Whitehead wanted to know if the final design will placed out for public comment. Mr. Gleason stated yes.

There being no further business to come before the Council Mark Gleason requested that the Council adjourn into Executive Session. Mr. Gleason requested the following staff members for Executive Session, Yorden Huban; Corporation Counsel, Bruce A. Hidley; City Clerk and Robert A. Fahr; Director Finance. A motion was made by Councilman Manning to adjourn into Executive Session, 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 MEETING OF THE COUNCIL OF THE CITY OF  
WATERVLIET EXECUTIVE SESSION  
THURSDAY, JULY 19, 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.

The following Administrative Staff were in attendance: Mark Gleason; General Manager, Yorden Huban; Corporation Counsel, Bruce A. Hidley; City Clerk and Clerk to the Council and Robert A. Fahr; Director of Finance.

**ITEM #1** – Mark Gleason provided the Council with the Health Insurance update related to the negotiation of the Police, Fire and C.S.E.A. union contracts. After a lengthy discussion the Council agreed upon a proposal for Mr. Gleason to present to the unions for consideration related to Health Insurance. Robert A. Fahr; Director of Finance provided the Council with information from Standard and Poors who handles the status of the City's bonds.

There being no further business to come before the Council a motion was made and seconded for adjournment. The meeting was adjourned at 8:45 PM.

Respectfully Submitted,

Bruce A. Hidley  
City Clerk ands Clerk to the Council