

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF
WATERVLIET
THURSDAY, AUGUST 2, 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

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 informed the Council that the Federal Emergency Management Agency (FEMA) has committed to a full reimbursement for the replacement of the flashboards at the Dam in Guilderland, NY. Mr. Gleason explained that the replacement of the flashboards will cost approximately \$19,000.00. FEMA has committed over \$37,000.00 to date for damage done to our infrastructure during the April 2007 storms.

ITEM #2 – Mark Gleason; General Manager informed the Council that the Department of Public Safety in conjunction with the Watervliet City School District is considering a School Resource Officer. A School Resource Officer would be stationed at the High School to provide a law enforcement presence. The Law Enforcement Resource Officer would assist teachers with questions related to Crime Prevention, Law and Safety. The School Resource Officer would also assist students with advice and mediation. Preliminary discussions held with the Superintendent and High School Principal noted that both individuals have had previous exposure to this program at other schools. The school district has preliminarily agreed to providing office space, radios and other administrative needs the officer may have. The school district has offered to pay for the extensive training as well as funding a percentage of the salary. Mr. Gleason anticipates that the officer will work approximately 3 days a week at the school. The Police Department is in the process of applying for a grant to fully fund a School Resource Officer. Mr. Gleason noted that he feels that seeing the City has a program in place that we will have a better chance of obtaining the grant funds. Mr. Gleason further explained that Sgt. Mark Spain has attended training for a School Resource Officer. Sgt. Spain will complete his training at the end of August. Mayor Carlson asked if Sgt. Spain was able to train another officer for this program. Mr. Gleason stated yes, Sgt. Spain may train any other police personnel for this position.

Councilman Diamond noted that he has spoken with Sgt. Lenny Ricchuti from the Albany Police Department regarding the possibility of starting a Police Athletic League (PAL) Program in the City. Councilman Diamond thinks this would work well in conjunction with the School Resource Officer. Councilman Diamond noted that with Police Chief Ron Boisvert's authorization the P.A.L. Program and S.R.O. Program could be a great benefit to the school children. Councilman Diamond explained that there is also grant money which is available for the P.A.L. Program also. Mr. Gleason will meet with Police Chief Ron Boisvert regarding this proposal.

ITEM #3 – Mark Gleason; General Manager informed the Council that the owners of 795 3rd Avenue, Watervliet, NY, (McIntyre's Restaurant) would like to purchase a portion of the property owned by the City next to the restaurant. Mr. Gleason explained that Mark Gilchrist, Assessor would be able to place a price on the property being requested to be sold. The Council authorized Mr. Gleason to move forward with this transaction for the next Council Meeting.

ITEM #4 – Mark Gleason; General Manager explained to the Council that he distributed a copy of the final design on the 19th Street reconstruction project. Mr. Gleason will need any comments or thoughts from the Council before the August 16, 2007 meeting.

Old Business:

None

New Business:

PUBLIC HEARING – A Public Hearing regarding those persons who wish to be heard regarding adding a new Chapter 273, Storm Water Management & Sediment Control. (See Resolution No. 8134 authorizing the advertisement).

Mayor Carlson opened the Public Hearing for comment. Mark Gleason; General Manager requested Nicholas J. Ostapovich to discuss this topic with the Council and Public.

Mr. Ostapovich explained that the Local Law being proposed to be adopted deals with two off the six best management practices for every MS4 community in the country. Mr. Ostapovich noted that the definition of MS4 is Municipal Separated Storm Water System. It is the methodology for handling storm water. This new law will address pre and post construction activity related to storm water along with designing and handling storm water. Mr. Ostapovich further stated that at the August 16, 2007 Council Meeting an Ordinance prohibiting illicit discharges, activities and connections to storm water system will be on the agenda. This Ordinance will be the third of six best management practices.

Councilman Manning asked if there was anything in this proposal to change what the City has in place. Mr. Ostapkovich stated that this proposal is moving forward for any sites that 1 one acre or more. Anything which is currently in place will be acceptable as long as there is no illicit discharge activity.

There being no further comment Mayor Carlson closed the Public Hearing.

ORDINANCE NO. 1809 – An Ordinance of the City of Watervliet, New York, authorizing the publication for ten days in the official newspaper of the City of the notice of intention of the Council to discontinue a portion of a paper alley approximately 12 feet wide and 43 feet long, adjacent lots 6, 7 and 8, running in a north-south direction surrounded by property owned by Jon E. Romano, 24 22nd Street and MLD Motors, 32 21st Street. Upon motion of Councilman Diamond, seconded by Councilman Manning this Ordinance was approved and adopted.

RESOLUTION NO. 8139 – The Council hereby authorizes Mayor Robert D. Carlson to execute an agreement with Albany County for the use of Watervliet City Hall for election purposes in September and November. Upon motion of Councilman Manning, seconded by Councilman Diamond this Resolution was approved and adopted.

RESOLUTION NO. 8140 – The Council hereby authorizes Mayor Robert D. Carlson to execute an agreement for reimbursement of Federal Aid/Marchiselli Aid on behalf of the City with the New York State Department of Transportation in connection with the 19th Street Reconstruction Project. Before voting Mark Gleason explained to the Council that this Resolution has to do with the 19th Street Reconstruction Project. That an additional sum of \$21, 750 will need to be appropriated to cover the cost of participation in the Right of Way Acquisition of property in the 2nd Avenue corridor. This funding will be reimbursed at a 95% rate from N.Y.S.D.O.T. Upon motion of Councilman Diamond, seconded by Councilman Manning this Resolution was approved and adopted.

RESOLUTION NO. 8141 – The Council of the City of Watervliet hereby appoints a representative to act as representative to serve on the Albany County Municipal Services Board. Upon motion of Councilman Manning, seconded by Councilman Diamond this Resolution was approved and adopted.

RESOLUTION NO. 8142 – The Council hereby adopts a Professional Legal Services Contract to be entered into between the City and a designated Attorney prior to work being done by a private Attorney.

Before voting Councilman Manning asked Yorden Huban; Corporation Counsel two questions: 1.) Is this contract a template which will be used to hire an attorney for legal services. 2.) What will happen with the verbal agreements already in place. Mr. Huban stated that the verbal agreements already in place should remain as there is litigation on going. Councilman Manning explained that the way this legislation is drafted assists the City with building a financial cap for budget planning. Mr. Huban further stated that this contract will provide the City with professional accountability when hiring an attorney/law firm and provides for professional liability insurance. Councilman Manning suggested that the City try this agreement with an attorney currently working for the City. Mayor Carlson explained that the objective for this contract is to lock in an attorney's financial obligation along with the other contractual stipulations. Mayor Carlson is concerned that the Council may need to consider further legislative action before an attorney could be hired for an immediate City need. Should the City consider getting the contracts signed in advance. Mr. Huban explained that there are no checks and balances to determine how much time an attorney is spending on a case or the amount of money the City is paying. This new contract will allow the Department of Law to review the billing amount and hours to be sure the City is getting what they are paying for. Additionally, the Department of Law will know exactly who is representing the City for all legal affairs. Mr. Huban noted that if an attorney was needed right away that he could fax the agreement for execution, that way there will be no delay in obtaining services. Mr. Huban concluded that this is a good proposal for the City. Councilman Manning explained that the contracts for attorneys could be placed on the agenda each January. Upon motion of Councilman Diamond, seconded by Councilman Manning this Resolution was approved and adopted.

Appropriations and Auditing:

RESOLUTION NO. 8143 – The Council hereby authorizes the transfer of \$10,000.00 from the Contingency Account to the Sewer Maintenance Account due to a fine imposed by the Department of Environmental Conservation. Upon motion of Councilman Manning, seconded by Councilman Diamond this Resolution was approved and adopted.

RESOLUTION NO. 8144 – The Council hereby authorizes the transfer of \$5,000.00 from the Police Promotional Account to the Police Salary Account due to promotions in the Police Department. Upon motion of Councilman Diamond, seconded by Councilman Manning this Resolution was approved and adopted.

RESOLUTION NO. 8145 – The Council hereby authorizes the transfer of \$6,000.00 from the Contingency Account to the Street Light Account due to higher than expected street light costs. Before voting Councilman Manning asked why the costs of street lights were higher than what was budgeted for 2007. Robert A. Fahr; Director of Finance explained that he completed a six month analysis of what the City paid for street lights. The analysis showed that the cost of street lights was approximately 7% higher than the budget year 2006. The budgeted amount for 2007 is \$165,000.00, the actual amount will be \$171,000.00. Mr. Fahr concluded by explaining that he will adjust the budget for 2008 to reflect the increase. Upon motion of Councilman Manning, seconded by Councilman Diamond this Resolution was approved and adopted.

Public Comment

- 1.) Erin Franco – 1915 8th Avenue – Watervliet, NY – Mrs. Franco discussed a dog problem issue with the Council. Specifically there are dogs that are not licensed or leashed traversing the City. Mrs. Franco asked what could be done or what she could do to help with this issue. Mark Gleason; General Manager explained that the Animal Control Officer keeps a watchful eye for dogs not leashed or not licensed. Mr. Gleason noted that during the summer months the Animal Control Officer will change his schedule during the summer months. Mrs. Franco stated that she walks her dogs at 5:30 AM which is when the stray dog problems occur. Additionally, Mrs. Franco gave the approximate location of the problem areas. Mr. Gleason requested Mrs. Franco to contact his office on Monday, August 13 to further discuss this issue. Mayor Carlson stated that he will have Mr. Gleason place a notice in the water billing mailing and on Channel 17 to remind residents of the dog information.
- 2.) Councilman Manning requested that the Council adjourn into Executive Session to discuss the 2008 budget. Yorden Huban; Corporation Counsel explained to Councilman Manning that the Council doesn't have to break for Executive Session to discuss a budget matter unless it has to do with a specific employee. Robert A. Fahr; Director of Finance explained that he already been working on the 2008 budget. Mr. Fahr has provided Mark Gleason; General Manager with a draft copy of the 2008 budget. This draft has only the expenditures. Mr. Fahr is awaiting the sales tax figures for the Revenue side of the budget. Mr. Fahr explained that the City is receiving over \$100,000.00 in additional State Aid. Due to this additional State Aid the State has required that the City come up with a plan of action to reduce costs. If the City does not come up with a plan to reduce costs the State will withhold the City's State Aid payment. Mr. Fahr discussed the new garbage collection plan and collecting taxes once a year as possible cost reductions.

If the Council approves the tax collection proposal to once a year the City will notify the residents of this change immediately. Additionally, the once a year tax collection will increase the City's interest earnings substantially. Mr. Fahr noted that the State of New York is monitoring the management of its funds. The City needs to work on ways to reduce its costs for 2008. Mark Gleason; General Manager stated that the Council can have a budget workshop. Councilman Diamond then requested that the Council have the budget workshop. Mayor Carlson recommended to the Council that a budget workshop be conducted on Thursday, September 6, 2007, at 5:30 PM. All members of the Council agreed to meet that day for the budget workshop. Mr. Fahr wanted the Council to understand that changing the tax collection to once a year is the best proposal for the City. The cost of borrowing against sales tax will be eliminated. Additionally, the City will increase its interest from investments by over \$80,000.00. The City will then be able to put that money in short term Certificate of Deposits. Councilman Diamond asked if there were any other municipalities which collected taxes once a year. Mr. Fahr responded by saying that nearly all municipalities collect once a year, the exception is the City of Cohoes. Mr. Fahr would like to begin the once a year tax collection if approved by the Council beginning January 2008. Additionally, Mr. Fahr explained that penalty collections would be higher with this collection proposal. Councilman Diamond is concerned about residents on fixed incomes. Mr. Fahr further explained that the City would need to contact the City's software vendor to make this kind of change. Mr. Fahr concluded by explaining that the change to the once a year tax collection needs to be done no later than the first Council Meeting in October. Mark Gleason; General Manager noted that Mr. Fahr works with the Department Heads on the status of their budgets at Staff Meetings. Mr. Fahr has already begun to work with Department Heads on the 2008 budget.

There being no further business to come before the Council a motion was made and seconded for adjournment, the meeting was adjourned at 7:55 PM

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council