

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF
WATERVLIET
THURSDAY, OCTOBER 4, 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 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 requested that Garrett E. DeGraff, Esq. who represents LAS Watervliet Redevelopment Company to discuss an issue with the Council. Mr. DeGraff has requested that the Council consider a proposal to extend the current contract with LAS regarding the Payment in Lieu of Taxes (PILOT). Mr. DeGraff stated that the City claims that the PILOT has expired. Mr. DeGraff feels that a correction needs to be made to the PILOT agreement entered into nearly 27 years ago. Mr. DeGraff explained that Hudson Shores is financed under the strength of a Housing Crisis Payments Contract with the United States Department of Housing and Urban Development (HUD). It is HUD which subsidizes the rent for low income seniors. The documentation provided by LAS indicates that the existing contract did expire. The original contract was entered into under Article V, of the Private Housing Finance Law. Language was in-correctly built into this contract 27 years ago regarding the expiration of the PILOT. Mr. DeGraff noted that he has provided Corporation Counsel Yorden Huban, Esq., with a resolution proposing on the basis of the mistake made that the contract for the PILOT be amended to the 30 year term. Mr. DeGraff further explained that the tenants of the project could be affected if HUD pulls its funding. Councilman Manning asked Mr. DeGraff what happens after the 30 year term expires. Mr. DeGraff responded by saying that LAS will have work out a new contract for affordable housing for low income seniors at that time. Councilman Diamond commended the staff at LAS for the condition for which they keep Hudson Shores Plaza and the tenants which reside there.

ITEM # 2 – Mark Gleason; General Manager explained to the Council informed the Council that Dave Wheatley and himself attended the NYCOM Conference the week of September 17 – 20, 2007. Mr. Gleason requested Mr. Wheatley to give his report of the classes he attended. Mr. Wheatley explained to the Council that he attended several very interesting classes.

- 1.) Legal Requirements and Best Practices for taking minutes at a meeting. The meeting was conducted by Wade Beltramo, NYCON General Counsel. Mr. Beltramo discussed how to take minutes, what should be included in the minutes, minutes of the executive session, public hearing minutes and when minutes of meeting should be available for the public.
- 2.) Local Legislation and Meeting procedures. The meeting was conducted by Donna Giliberto, NYCOM General Counsel. This course discussed statutes, regulations, common law, federal law and local law. What each of these items are and how they came about.
- 3.) Employee Retirement Reporting. This course was conducted by Paul LaFalace from the NYS Employees Retirement System. This course focused on how to properly report retirement information to the NYS Retirement System. Mr. Wheatley noted that when asked how many municipalities are reporting via the internet, the City of Watervliet was one of only two who were.
- 4.) Employment Practices Liability. This was a class which discussed a new law passed by Governor Pataki in June of 2006 called Workplace Violence Prevention Act. The Workplace Violence Prevention Act became a law effective March 2007. If there is a workplace with a combined total of 20 full-time permanent employees, the employer must create a Workplace Violation Prevention Program. The program must list risk factors, methods employers will handle workplace violence and how to remediate hazards of risk factors.

Mr. Gleason stated that he attended the following classes.

- 1.) Establishing Accounting Reserves. This class was conducted by Thomas Murawski from the New York State Comptrollers Office. Mr. Gleason explained that a reserve is basically a fund that is legally separated for specific future use and not available for current operations. Examples include – Capital Reserve, Contingency and Tax Stabilization Reserve and mandatory reserves.
- 2.) Controlling Cost of Health Care Benefits – This course was conducted by James Roemer a practicing health care benefits attorney for over 30 years. Mr. Roemer discussed a case in Utica, NY, where a union member retired under a union contract in 1986. He claims that this contract language follows him for the rest of his life. The ruling on this case will be handed down at the end of the year. Mr. Gleason noted that a municipality in the Long Island area discussed how they handled the cut down on the cost for health care coverage.

A one page questionnaire was sent to all enrollees during the open enrollment period. Mr. Gleason will be working with Bruce A. Hidley; City Clerk to implement a similar program for our active/retired employees. This will update our health insurance records.

- 3.) Communicating Performance to Taxpayers. This class was conducted by Eva Berry from the Association of Government Accountants. This association consists of nearly 14,000 Federal, State and Local financial officials. This class focused on the proper aspects of putting together an Annual Report for taxpayers.
- 4.) Financial Practices and Cost Savings. This class was conducted by Andrew Gayle from the New York State Comptrollers Office. Mr. Gleason explained that on the Comptrollers website there is a toolbox which can assist with tips on unemployment insurance, health insurance, water delivery system, solid waste collection and health care insurance. Another item discussed related to purchasing items on state contract. Mr. Gleason explained that the City currently does extensive purchasing from state contract for goods which are needed.

OLD BUSINESS

PUBLIC HEARING – A Public Hearing regarding the Water/Sewer Rent Roll for the period November 1, 2007 thru October 31, 2008. (See Resolution No. 8156 authorizing the advertisement).

Mayor Carlson opened the Public Hearing for comment. There being no comment Mayor Carlson closed the Public Hearing.

NEW BUSINESS

RESOLUTION NO. 8157 – The Council of the City of Watervliet hereby authorizes Mayor Robert D. Carlson to execute a Stipulation of Release, prepared by Special Counsel, John W. Tabner, Esq., regarding the Watervliet Filtration Plant. Before voting Mark Gleason; General Manager stated that this is a settlement agreement from the slope failure which occurred at the Watervliet Filtration Plant. The slope failure was created by a private contractor doing work behind the Filtration Plant. Upon motion of Councilman Manning, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8158 – The Council of the City of Watervliet hereby authorizes Mayor Robert D. Carlson to execute a Consulting Services Agreement with Lawrence B. Felix for garbage/recycling services. Upon motion of Councilman Diamond, seconded by Councilman Manning, this Resolution was approved and adopted.

RESOLUTION NO. 8159 – The Council of the City of Watervliet hereby authorizes Bruce A. Hidley; City Clerk to advertise once in the official newspaper regarding a Public Hearing on Thursday, October 18, 2007, for those persons who wish to be heard regarding the City of Watervliet acting as Lead Agency for the Comprehensive Grant Program for the Watervliet Housing Authority. Before voting mark Gleason; General Manager explained that the Watervliet Housing Authority obtains federal grants from HUD. With the money obtained from HUD Grants the Housing Authority is able to purchase new refrigerators, landscape and sidewalk replacement, just to name a few. It is the City's responsibility to be sure the Housing Authority follows all environmental laws. Upon motion of Councilman Manning, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8160 – The Council of the City of Watervliet hereby appoints Mark Gleason; General Manager as the representative for the City to coordinate the implementation of the Light Detection and Ranging (LiDAR) technology in the regulation of Storm Water. Before voting Councilman Manning asked if the City would have to spend any money on this program. Mark Gleason; General Manager responded by saying that it would cost taxpayers approximately \$3,200 to \$4,800. Mr. Gleason noted that there has not been a good response for the other municipalities. It is likely at this point that this program will not take place. Councilman Manning asked if this money would be part of the 2008 budget cycle. Mr. Gleason stated that the flight would take place in November 2007, while the payment for the flight would be due in the 2008 budget year. Upon motion of Councilman Diamond, seconded by Councilman Manning, this Resolution was approved and adopted.

RESOLUTION NO. 8161 – The Council of the City of Watervliet hereby authorizes Mayor Robert D. Carlson to execute all necessary agreements, certifications or reimbursement requests for Federal Aide with the New York State Department of Transportation. Before voting Mark Gleason; General Manager explained that this document pertains to the \$100,000 of extra State Aide received to assist with the City's Consolidated Highway Improvement Program. Mr. Gleason stated that the City was able to do an additional \$100,000 in paving work in the City. Upon motion of Councilman Manning, seconded by Councilman Diamond, this Resolution was approved and adopted.

APPROPRIATIONS AND AUDITING

None

PUBLIC COMMENT PERIOD

There was no comment from the public

Mark Gleason; General Manager reminded the Council that there will be a Special City Council Budget Workshop Meeting on Thursday, October 18, 2007, at 5:30 PM.

Before adjourning Mark Gleason; General Manager requested the Council adjourn into Executive Session with the following Administrative Staff, Yorden C. Huban, Esq., Corporation Counsel, Bruce A. Hidley; City Clerk and Clerk to the Council and Robert A. Fahr; Director of Finance, to discuss union negotiations.

There being no further business to come before the Council, a motion was made and seconded to adjourn in to Executive Session, the meeting was adjourned at 7:45 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
TUESDAY, OCTOBER 4, 2007**

The Executive Session was called to order by Councilman Charles J. Diamond 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 C. Huban; Corporation Counsel and Bruce A. Hidley; City Clerk and Clerk to the Council and Robert A. Fahr; Director of Finance

ITEM #1 – Mark Gleason; General Manager and Yorden Huban; Corporation Counsel discussed the Police Benevolent Association contract negotiations with the Council. After a detailed discussion the Council provided Mr. Gleason with specific items which were to be presented to the P.B.A. for consideration.

There being no further business to come before the Council a motion was made and seconded for adjournment. The Meeting was adjourned from Executive Session at 8:30 PM.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council