

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF  
WATERVLIET  
THURSDAY, OCTOBER 18, 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 Captain Thomas Eagan from the Watervliet Fire Department show the power point presentation regarding the Thermal Imaging Camera training which took place in the Town of Colonie. Captain Eagan explained that the funding for this program came from a 2006 Firefighters Grant. The funding from the grant provided our firefighters with hands on training with proper training to run a fire department. The training was conducted in the Town of Colonie Fire Training Facility. The training consisted of various evolutions with regards to the Thermal Imaging Camera (TIC). The TIC allows firefighters to detect several heat sources, different temperatures which give off different heat sources. Firefighters are also trained to utilize their own personal skills should the TIC fail while fighting a fire. Captain Eagan noted that this training was conducted in cooperation with the City of Troy Fire Department. Captain Eagan further explained that the Watervliet Fire Department has 2 TIC. They are located on Engine #1 and on Truck #1. The cost for this program was approximately \$12,000, with the funding available the cost to the City was \$1,000. Captain Eagan thanked Dave Dressel; Supervisor of the Department of Public Works and his staff for providing the Fire Department with the necessary furniture to allow the Fire Department to perform the training under actual circumstances. Captain Eagan further explained that the Watervliet Fire Department works under a Mutual Aide system. The Mutual Aide companies include Green Island, Troy, Watervliet Arsenal and Cohoes Fire Departments. Captain Eagan thanked Chief S from the Troy F.D., Town of Colonie, General Manager Mark Gleason, Bob Fahr; Director of Finance, Dave Wheatley; Deputy City Clerk, Captain Rob Conlen, Captain Scott Skinner and the Council of the City of Watervliet for all they did to contribute to the grant along with the training. Councilman Diamond asked Captain Eagan if there was some type of strobe device if a firefighter falls in trouble. Captain Eagan responded by saying yes.

The way the self contained breathing apparatus is set up when the air is turned on it activates the system. When the firefighter goes down the apparatus has an alarm which the decibal of the alarm continues to go up until someone turns the system off. Captain Eagan detailed for the Council other ways which a firefighter may be located in a fire situation. General Manager Mark Gleason explained that he went to watch the actual training session. General Manager Gleason was very impressed with the professionalism. Mr. Gleason also noted that Captain Eagan has been very successful with obtaining the grant money necessary to obtain the cameras and the training. General Manger Gleason thanked Captain Thomas Eagan for all he has done with the grant writing for the Fire Department.

**ITEM # 2** – Mark Gleason; General Manager informed the Council that the City of Watervliet was not successful in obtaining 2007 grant money from the Small Cities Community Development Block Grant Program. Mr. Gleason explained that the City applied for \$400,000. The area targeted for the \$400,000 in funding was a 4 to 5 block radius in the Port Schuyler area of the City. Mr. Gleason noted that there was \$29 million in funding available in 2007. The Small Cities Community Development Block Grant Program received over \$74 million dollars in requests and approximately 175 grant applications. Mr. Gleason will be attending a grant application workshop on October 29, 2007. Mr. Gleason hopes to get some insight on how to write a successful grant application for the 2008 program.

**ITEM # 3** – Mark Gleason; General Manager distributed pictures to the Council of the damaged water transmission main surge tower. Mr. Gleason explained that the main surge tower is located in the Pine Bush section of Albany, NY. Mr. Gleason stated to the Council that this particular tower was built in 1914 it bleeds air along the 17 mile transmission line. This tower is the highest point of the entire transmission line. The tower collapsed in the sand area it is located in. Mr. Gleason stated that the City entertained a bid from Carver Construction for work on this tower. Jim Bulmer; Water Department Supervisor and Jim Besha from Besha Engineering felt that the Carver Construction bid was too high. Mr. Gleason noted that because of the Pine Bush location that the Department of Environmental Conservation and the Federal Department of Fish and Wildlife have placed great limits on what the City can do to replace the tower. The original estimate of \$20,000 could go as high as \$100,000 for work on the tower. The City will work with Jim Besha to obtain the best estimates possible for this project. Councilman Manning asked if the tower could be moved to another location. Mr. Gleason responded by saying that this tower must remain were it is due to this location being the high point of the transmission line.

**ITEM #4** – Mark Gleason; General Manager informed the Council that the City of Watervliet will initiate a Halloween Night curfew. The Police Department will enforce the curfew on October 31, 2007 from 10:00 PM until 6:00 AM. The curfew will prohibit all children under the age of 18 years old from traversing the streets, avenues, parks or public right of ways. If the Police Department catches someone violating the curfew they will taken home or the parents will be called to pick them up. Mr. Gleason noted that this is the 6<sup>th</sup> year the City has implemented this curfew on Halloween Night.

**ITEM #5** – Mark Gleason; General Manager informed the Council that the City of Watervliet Recreation Department will sponsor the Jim Verhagen Haunted House on Halloween Night. The Haunted House will be located in the Watervliet Veterans Memorial Facility (DOME) from 5:00 PM until 9:00 PM. Mr. Gleason noted that the Haunted House will have a lot more attractions for all ages to enjoy.

### **OLD BUSINESS**

**PUBLIC HEARING** – A Public Hearing regarding the City of Watervliet to act as the Lead Agency for the Comprehensive Grant Program for the Watervliet Housing Authority. (See Resolution No. 8159 authorizing the advertisement).

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

### **NEW BUSINESS**

**LOCAL LAW NO. 2 -2007** – A Local Law authorizing the sewer billing period from November 1, 2007 thru October 31, 2008. Upon motion of Councilman Manning, seconded by Councilman Diamond this Local Law was approved and adopted.

**ORDINANCE NO. 1815** – An Ordinance of the City of Watervliet where in rates are set for the use of water supplied by the City for the period November 1, 2007 thru October 31, 2008. Before voting Councilman Manning requested that Robert A. Fahr; Director of Finance explain this Ordinance. Mr. Fahr noted that this Ordinance allows the Finance Department to charge the same rates for water as last year. The metered rate will be \$3.58 per 1,000 gallons, minimum rates for in City service will be \$179.00 and the billing amount for dwelling outside the City will be \$196.50. Upon motion of Councilman Diamond, seconded by Councilman Manning this Ordinance was approved and adopted.

**RESOLUTION NO. 8162** – The Council of the City of Watervliet hereby authorizes Mayor Robert D. Carlson to execute the Environmental Certification which is part of the Watervliet Housing Authority request to Release Funds for the 2007 Comprehensive Grant Program. Upon motion of Councilman Diamond, seconded by Councilman Manning, this Resolution was approved and adopted.

**RESOLUTION NO. 8163** – The Council of the City of Watervliet hereby authorizes Mayor Robert D. Carlson to make application, execute the State Assistance Contract, and submit Project Documentation for water quality improvement projects with the New York State Department of Environmental Conservation. Before voting Mark Gleason; General Manager explained to the Council that this Resolution demonstrates the City's support of a potential MS4 grant application. The City of Watervliet demonstrates its willingness to support and apply for grant funding from the Department of Environmental Conservation with the other MS4 communities for water quality improvement. Upon motion of Councilman Manning, seconded by Councilman Diamond, this Resolution was approved and adopted.

**RESOLUTION NO. 8166** – The Council of the City of Watervliet hereby ratifies the Memorandum of Agreement with the Police Benevolent Association for the period January 1, 2007 thru December 31, 2008. Upon motion of Councilman Diamond, seconded by Councilman Manning, this Resolution was approved and adopted.

#### **APPROPRIATIONS AND AUDITING**

**RESOLUTION NO. 8164** – The Council of the City of Watervliet hereby authorizes the transfer of \$15,000 from the Water Contingency Account to the Water Overtime Account. Before voting Robert A. Fahr; Director of Finance stated that due to manpower shortage the Water Department Overtime Account has been overspent. Mr. Fahr explained that he met with Jim Bulmer; Water Department Supervisor to review his budget, there is \$30,000 in the Water Department Contingency Account. Mr. Fahr has suggested to the Council that \$15,000 be taken out of this account into the Overtime Account. Upon motion of Councilman Diamond, seconded by Councilman Manning, this Resolution was approved and adopted.

**RESOLUTION NO. 8165** – The Council of the City of Watervliet hereby authorizes the transfer of \$9,000 from the Contingency Account to the Data Processing Miscellaneous Account. Before voting Robert A. Fahr; Director of Finance explained that a new server was needed in the Computer Department. Mr. Fahr noted that there was \$42,000 in the General Fund Contingency Account, with the transfer of the \$9,000 there will still be \$33,000 left in the account until the end of the year. Upon motion of Councilman Manning, seconded by Councilman Diamond, this Resolution was approved and adopted.

**RESOLUTION NO. 8167** – The Council of the City of Watervliet hereby authorizes the transfer of \$5,000 from the Police Promotional Account to the Police Overtime Account. Before voting Mayor Carlson requested Robert A. Fahr; Director of Finance to explain this transaction. Mr. Fahr explained that he met with Police Chief Ron Boisvert who has concerns related to his Overtime Account. Chief Boisvert is looking into accounts which may have money left at the end of the year to transfer into the Overtime Account. Mr. Fahr noted that there was \$5,000 left in the Promotional Account which could be utilized in the Police Overtime Account to offset costs for the rest of the year. Mayor Carlson asked if this information was the entire Resolution. City Clerk Bruce Hidley stated that there was some additional information in the Resolution which read the following. That there are no remaining funds in the promotional account and no further promotions can be made in 2007 and any planned promotions that have not been sworn in are postponed until 2008. Mayor Carlson asked why this language was in the Resolution when this was a transfer of funds. Councilman Manning stated that this language is drawing attention that there are no funds left in the promotional account. Mayor Carlson stated that there is a letter of appointment which is going out for a promotion next week in the Police Department. Councilman Manning stated that the Resolution does not talk about funds being transferred into the account. Mayor Carlson does not understand how the Council has the decision to transfer money. Robert A. Fahr; Director of Finance explained that this transfer of funds into the Overtime Account was recommended by Police Chief Ron Boisvert. Mayor Carlson noted that he has a problem with that specific paragraph of the Resolution. Mayor Carlson requested Corporation Counsel Yorden Huban to address his concern. Corporation Counsel Yorden Huban stated that he has had the opportunity to review the Resolution in question. Mr. Huban explained that there is no issue with respect to the legality of the transfer of funds. Mr. Huban does have a problem with the promotion language in the last paragraph. Mr. Huban in his legal opinion the last paragraph is not authorized in the City Charter. Mr. Huban recommends that the motion go forward with the last paragraph regulating promotions to be deleted. Mayor Carlson asked Mr. Huban if the last paragraph was to be deleted. Mr. Huban said that the last portion regarding no further promotions in 2007 and no further promotion until 2008 should be deleted. Councilman Diamond asked how can a promotion be made without any money in the account, didn't the Finance Director agree with the Chief of Police.

Mr. Huban responded by saying that there is nothing in the Charter that has check and balances with respect to the Chief of Police making a promotion. The issue of checks and balances comes regarding the money portion of the promotion. If the amount is under \$2,000 the General Manager and the Director of Finance has the authority to transfer the money any transfer over \$2,000 must be done legislatively by the Council. Councilman Manning asked what if the wording was changed to Further Resolved, that there is no further money remaining in this fund. Mr. Huban indicated that the language proposed by Councilman Manning would be accurate. Mr. Fahr agreed with the language also. Councilman Manning asked about the point Councilman Diamond made regarding the issue of if there is no money in the fund. Mr. Fahr stated that it would depend on the amount of the transfer. If under \$2,000 the authorization for a transfer would come from the General Manager and himself, if the transfer was over \$2,000 the Council would need to approve the transfer. The Council agreed to the wording of the last paragraph as Further Resolved, that there is no money remaining in the fund. Upon motion of Councilman Manning, seconded by Councilman Diamond, this Resolution was approved with the language change that there is no money remaining in the fund.

**RESOLUTION NO. 8168** – The Council of the City of Watervliet hereby authorizes the transfer of \$10,000 from the Fire Salary Account to the Fire Overtime Account. Before voting Mayor Carlson stated that he does not believe that when a transfer of funds is made that wording in the Resolution should not include the statement that the City can't put on any more manpower. Corporation Counsel Yorden Huban stated that the same situation applies from the discussion in Resolution No. 8167. The last paragraph with the wording no additional headcount to the Fire Department is not legal within the provisions of the Charter. Mr. Huban stated that the transfer of funds by the Council is legal in accordance with the provisions of the Charter. The specific statement that no manpower can be added provides problems related to issues of appointment. Mr. Huban stated that he does not believe that this paragraph of the Resolution is legal in accordance with the City Charter. It is the exact same issue as Resolution No. 8167 what ever the process is for promotion/hiring you can't prevent that as long as there is money in the account. The provision of the transferring of money applies the same here for hiring/promotions any transaction under \$2,000 requires authorization from the General Manager and the Director of Finance, any transaction over \$2,000 requires Council approval. Councilman Manning asked what if the language were changed to, Further Resolved that there is no further money left in the Fire Salary Account after this transfer. Mr. Huban stated that the language proposed would be accurate. Mr. Fahr also agreed with the language change to the last paragraph of Resolution No. 8168. Upon motion of Councilman Diamond, seconded by Councilman Manning, this Resolution was approved with the wording that there is no further money left in the Fire Salary Account after this transfer.

Robert A. Fahr provided the Council with a report on the 3<sup>rd</sup> quarter Sales Tax. Mr. Fahr noted that the City received ½ of the 1% increase in Sales tax for the 3<sup>rd</sup> quarter of 2007. Mr. Fahr noted that during the 2008 budget workshop meetings that he has informed the attendees that there will not be any increase for Sales Tax revenue in 2008.

Councilman Manning requested Robert A. Fahr; Director of Finance to update the Council on the 2008 budget workshops.

- 1.) Mr. Fahr discussed the proposal of the City picking up its own garbage/recyclables beginning May 2008. The savings to taxpayers could be from a decrease in the Revenue Anticipation Note interest and increase in the interest income.
- 2.) Mr. Fahr discussed a proposal for a once a year tax collection. This proposal could also have a potential savings of approximately \$100,000.
- 3.) Mr. Fahr has been meeting with Department Heads on their specific 2008 budget cost savings and consolidation of services.
- 4.) Councilman Diamond noted that the City is working on a bi-weekly payroll process. The potential cost savings to taxpayers would be approximately \$9,000

Mark Gleason; General Manager informed all in attendance that the next Budget Workshop would held on Thursday, November 1, 2007 at 5:30 PM

### **PUBLIC COMMENT PERIOD**

There was no comment from the public

There being no further business to come before the Council, a motion was made and seconded to adjourn, the meeting was adjourned at 8:00 PM

Respectfully Submitted,

Bruce A. Hidley  
City Clerk and Clerk to the Council