

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, JUNE 5, 2008 AT 7:00 P.M.**

The meeting was called to order by Mayor Michael P. Manning at 7:00 P.M.

Roll call showed that Mayor Michael P. Manning, Councilman Charles J. Diamond and Councilwoman Ellen R. Fogarty were present.

Also present from City Administration were: Mark Gleason; General Manager, Rosemary Nichols; Deputy General Manager, Yorden C. Huban; Corporation Counsel, Bruce A. Hidley City Clerk and Clerk to the Council, Fire Chief Don Clickner, and Mark R. Gilchrist; Assessor/Bldg. Inspector.

A motion was made and seconded to dispense with an approve the minutes from the previous Council Meeting.

The following agenda was presented to the Council by Bruce A. Hidley City Clerk and Clerk to the Council.

REPORT OF OFFICERS AND COMMITTEES

ITEM #1 – Mark Gleason; General Manager requested Nicholas Ostapkovich to address the Council. Mr. Ostapkovich explained that the City of Watervliet has been a member of the Storm Water Coalition with Albany County for the past four years. Mr. Ostapkovich explained that during the past four years the coalition has received over \$400,000.00 in grants for the committee to allow work to be done on a county wide basis for best management practices required to be done by the NYS Department of Environmental Conservation (DEC). Due this committee the City has saved considerable amount of funds by participating as a coalition. By the end of 2008 the funding runs out.

The proposal is for the Council to consider continuing with the coalition at a cost of \$7,200.00 in 2009. Mr. Ostapkovich noted that the benefits of continuing would be the committee promoting public education outreach. The county committee has placed billboards, brochures, informational packets, purchase of equipment and explored county wide approach to education aspect. They have also instituted Project Wet which is beneficial to the education and outreach. They are developing training for Building Inspectors, there is also an obligation to train contractors. This obligation is done on a county wide basis through this committee with the City taking credit for the training program. Mr. Ostapkovich stated that the packet provided the Council has enough information for the Council to determine whether it is beneficial to continue this program in 2009. Mr. Ostapkovich strongly recommends that the City continue to participate in the coalition. It has been worthwhile and beneficial for the taxpayers of the City. Mayor Manning asked if this committee helps position the City for possible grants.

Mr. Ostapkovich noted that DEC and the EPA are looking for intermunicipal agreements. These agreements rank higher when it comes to grant money. This will provide the City with an excellent opportunity for funding later, the City also gets credit for being part of the group.

ITEM #2 – Mark Gleason; General Manager requested Rosemary Nichols; Deputy General Manager of Economic Development to provide a report to the Council. Ms Nichols informed the Council that the Council authorized a special adhoc committee to develop standards for streets in the City. It was anticipated that the report would be prepared for the meeting tonight. Ms. Nichols noted that the committee will need technical guidance from the engineers who provide service to the City.

The engineers will provide technical specifications for the infrastructure. Ms. Nichols has requested that the Council allow the adhoc committee to report back to them on July 17, 2008. The adhoc committee is comprised of the Corporation Counsel, Planning Department, Building Department, Water Department and Highway Department heads. The committee will continue working while the engineers are developing the technical specifications. At the end of this process the committee will have a detailed Ordinance for the Council to consider. It will have an articulation of our specifications for streets.

If someone wants to re-build a street or create a new street in a subdivision or wants to relocate a street, the City will be able to hand them a specification, which will cover all infrastructure issues. Ms. Nichols requested the Council to defer the report until the July 17, 2008 meeting. The Council authorized Ms. Nichols to provide her report at the July 17, 2008 meeting.

Ms. Nichols explained that the Council reconstituted the Local Development Corporation. As part of the direction the Corporation should adopt a set of by-laws. Prior to the adoption of the by-laws the Council should review them. Ms. Nichols then provided the Council with a copy of the Local Development Corporation by-laws. Mayor Manning asked what kind of formal action would need to be taken.

Ms. Nichols stated that the Council can adopt a Resolution which the Local Development Corporation adopt the by-laws. Mayor Manning requested that Ms. Nichols work on drafting a Resolution once the Council reviews the by-laws.

ITEM #3 – Mark Gleason; General Manager requested Bruce A. Hidley; City Clerk to update the Council on the dental issue. Mr. Hidley explained that City has been reviewing proposals for employees of the City to voluntarily participate in a dental program. After a detailed Request for Proposal process the City has decided that Guardian Insurance was the best proposal. Guardian Insurance provided the City with the best In-Network and Out of Network cost proposal. Additionally, Guardian Insurance listed over 240 In-Network dental providers for employees to choose from. Mr. Hidley noted that a meeting has been scheduled for Monday, June 16, 2008 at 4:30 PM with Mr. David Lavoie, Account Representative of Guardian Insurance. Mr. Lavoie will answer all questions related to the dental program.

Additionally, all interested employees who wish to voluntarily participate can enroll at the June 16 meeting.

ITEM #4 – Mark Gleason; General Manager informed the Council that the City has heard from residents of the 6th Avenue neighborhood between 24th Street and 25th Street regarding parking problems across from the Little League field. Mr. Gleason explained that he will listen to any suggestions the Council has related to this issue. Mr. Gleason is looking for some type of answer to this situation while the Little League is open. Mr. Gleason noted that he is considering asking the Little League to designate parking in other areas.

ITEM #4 – Mark Gleason; General Manager informed the Council that on May 17, 2008 held its first electronics recycling day on Saturday, May 17, 2008. The event was sponsored by E-Lot Electronics. This event proved to be very successful as over 100 residents participated in this free recycling day. Mr. Gleason will be meeting with a representative of E-Lot to discuss a electronics recycling program for City residents. The program will include residents paying a small fee to get rid of televisions and microwaves. Items such as these are not acceptable in landfills. The City of Cohoes has a similar program such as this currently in place. Mr. Gleason will report back at another Council Meeting regarding the parameters of this electronics recycling.

ITEM #5 – Mark Gleason; General Manager informed the Council that the Department of Public Works Water Department will complete the Spring Flush Program on Friday, June 6, 2008. Mr. Gleason noted that the flush was very successful with a minimal amount of disruption to City residents.

ITEM #6 – Mark Gleason; General Manager informed the Council that last fall as part of the railroads track replacement program they cleared from 25th Street past 19th Street. After the railroad completed the brush clearing all the brush was left on the side of the tracks. Mr. Gleason noted that the Department of Public Works Highway Department will start slowly weed out trees, stumps and brush. Mr. Dressel; Highway Department Supervisor informed Mr. Gleason that it will take all summer to complete this project.

ITEM #7 – Mark Gleason; General Manager informed the Council that Johnson Controls has contacted Mayor Manning regarding doing an energy study on City owned buildings. Mr. Gleason explained that Honeywell is currently completing an energy audit on City buildings. Mr. Gleason noted that the administration felt that the City should get a second energy audit opinion. Mr. Gleason will report back to the Council at a later date on this issue.

ITEM #8 – Mark Gleason; General Manager informed the Council that Police Chief Boisvert met with the Senior Advisory Committee regarding crosswalks in the City. Mr. Gleason stated that the report to Chief Boisvert had approximately 12 crosswalks which they would like to see get stripped. Mr. Gleason provided the report to Department of Public Works Highway Department Supervisor David Dressel who will begin stripping the noted crosswalks. The other concern the Senior Advisory Committee had dealt with the timing on the crosswalks. Mr. Gleason noted that the seniors felt that they were not able to cross as the timing is now. Mr. Gleason explained that D.O.T. informed the City that they can retrofit most of the lights to extend the time. The new lights which will be placed for the 19th Street reconstruction project will have ample enough time for seniors and small children to cross.

OLD BUSINESS

ITEM #1 – Mark Gleason; General Manager informed the Council that he has investigated the cost of the In-Street Pedestrian Crosswalk sign which was requested by Councilman Diamond. Mr. Gleason spoke with Atlantic Highway Signs who quoted a price of \$285.00 per barrier. Mr. Gleason will check to see if the signs are available on state contract and from other vendors. Mr. Gleason explained that it will take approximately 4 weeks for delivery of the In-Street Pedestrian Crosswalks.

ITEM #2 – Mark Gleason; General Manager informed the Council that he spoke with a representative of the NYS Department of Transportation Mike Johnson about the sign outside of Hudson Shores Park. Mr. Johnson explained that the sign does belong to the City of Watervliet. Mr. Gleason explained that Mayor Manning has requested that the City get a quote from Stripes to replace the sign.

PUBLIC HEARING – A Public Hearing regarding the Franchise Agreement with Time Warner Entertainment, dba, Time Warner Cable. (See Resolution No. 8246 authorizing the advertisement) Mayor Manning opened the Public Hearing for comment, then introduced John Mucha, Director of Government Relations to discuss the Franchise Agreement. Mr. Mucha explained that this is the renewal of the cable television franchise between the City and Time Warner. Mr. Mucha noted that every municipality in the state must have a franchise agreement with their cable operator which is approved by the Public Service Commission which regulates cable television. Mr. Mucha further explained that the current agreement expired in 2004. The state granted a temporary operating authority to the City, its not like the agreement was over. The new agreement includes a update of the new rules the PSC enacted, the franchise fees continue at 5% of the gross revenues, it's the maximum the government allows.

The new agreement will pay the franchise fees quarterly to the City. The term of the agreement is 15 years.

Councilman Diamond thanked Time Warner Cable for their benevolence to the many organizations in the City.

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

NEW BUSINESS

ORDINANCE NO. 1822 – An Ordinance of the City of Watervliet providing that the Code of Ordinances be amended by revising Chapter 168, “Garbage, Waste, Littering and Recycling”, Article I, “Garbage Collection”. Councilman Diamond expressed concerns from residents regarding the collection of yard waste on Friday’s. Mr. Gleason explained that the committee felt that the heaviest collection is only 5 times a year. It just didn’t seem feasible to change the entire garbage collection for this little bit of yard waste pick ups. Mr. Gleason stated that it makes more sense to begin our garbage collection beginning on Monday. Mayor Manning noted that this Ordinance includes a section that prevents non-residents from bringing garbage into the City. Mr. Gleason stated yes. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Ordinance was approved and adopted.

ORDINANCE NO. 1823 – An Ordinance of the City of Watervliet providing that the Code of Ordinances be amended by revising Chapter 209, “Parks and Recreation”. Corporation Counsel Yorden Huban explained that there is an existing Ordinance which addresses the hours and operations of the City parks. Mr. Huban stated that this is an amendment to our existing Ordinance along with other provisions. Mayor Manning stated that residents have noted concerns of specific times for parks. It was suggested dawn to dusk hours. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Ordinance was defeated.

ORDINANCE NO. 1824 – An Ordinance of the City of Watervliet providing that the Code of Ordinances be amended by adding a new Chapter to be known as Chapter 276, Appearance Tickets. Before voting Corporation Counsel Yorden Huban explained that in order to allow the Code Enforcement Officers and other designated City officials to issue Appearance Tickets that the City needs an Ordinance pursuant to GML which would allow them to do this function. It provides a more expeditious way to sight someone for a violation by personally serving them an appearance ticket. The way it is done now if there is a violation of City Code, the Building Department prepares a instrument and the court drafts a summons in accordance with Criminal Procedure Law which directs the person to appear in court. This is a faster way to process this procedure. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Ordinance was approved and adopted.

RESOLUTION NO. 8250 – The Council of the City of Watervliet hereby authorizes the sale of the 1976 Maxim Fire Apparatus to Raymond Skiba, 627 Third Avenue, Watervliet, New York, 12189, in the amount of \$1,260.00. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8251 – The Council of the City of Watervliet hereby authorizes Fire Chief Don Clickner to submit Request for Proposals regarding the purchase of a 2008 Emergency Type III Ambulance. Mayor Manning explained that this basically allow the Fire Department as part of the Cost Benefit Analysis to evaluate whether the City should launch its own ambulance service. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8252 – The Council of the City of Watervliet hereby authorizes Fire Chief Donald Clickner to submit Request for Proposals regarding an Ambulance Billing Service for a period of one (1) year. Mayor Manning explained that similar to the last Resolution this would be another expense that would occur for billing and collection. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8253 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute a Memorandum of Agreement by and between the City of Watervliet and the Civil Service Employees Association (C.S.E.A.). Mark Gleason; General Manager explained that this agreement deals with Telecommunication Specialists are now dispatching for the Police and Fire. This is a better compensation for the additional service provided. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8254 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute agreements with colleges, universities and school systems allowing their students as interns. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted. Mayor Manning requested that Corporation Counsel Yorden Huban introduce our law clerk intern. Mr. Huban then introduced Alaina Lafierre a third year Albany Law School student. Mr. Huban explained that she is a City of Watervliet resident and will be a great asset assisting the City's Law Department. Ms Lafierre was very instrumental with drafting the Appearance Ticket Ordinance.

RESOLUTION NO. 8255 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement with Clough Harbour Associates regarding Supplemental No. 3, (additional R.O.W. and Mapping) for the 19th Street Reconstruction Project. Mark Gleason; General Manager explained that this gives Clough Harbour Associates the starting process for the Right of Way acquisition of the St. Patrick's Church. Additionally, the City will be looking into fiber optics and the extension of mains on 19th Street. It is in the best interest of the City to hold off construction until the spring of 2009. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8256 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement with Time Warner Entertainment, d/b/a, Time Warner Cable. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8257 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to file an application under the Economic Development component of the Community Development Block Grant Program and to accept and receive a grant for Economic Development with the Watervliet Arsenal Partnership. Mayor Manning explained that this authorizes the City to hire a grant writer consultant maximum amount of \$750,000.00. It would be given in a form of grant and loan to three companies in the Arsenal. The loan portion would be paid back to the City into the Local Development Corporation for reinvestment of other projects in the City. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8260 – The Council of the City of Watervliet hereby authorizes the adoption of a Refuse Policy for the City of Watervliet. Mark Gleason stated that this is the policy that the refuse committee had been working on for over six months. The committee continues to work very closely on the refuse policy. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8261 – The Council of the City of Watervliet hereby authorizes Bruce A. Hidley; City Clerk to advertise once in the official newspaper for bids to be received until 10:00 AM on Wednesday, June 25, 2008 for the purchase of a 2008 or newer Type III Ambulance. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

APPROPRIATIONS AND ACCOUNTING

RESOLUTION NO. 8258 – The Council of the City of Watervliet hereby authorizes the transfer of funds in the amount of \$11,000.00 from the Fire Payroll Account to the Fire Special Wages Account. Robert A. Fahr; Director of Finance explained that these are April and May wages paid to Firemen while on Workers Compensation. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8259 – The Council of the City of Watervliet hereby authorizes the transfer of funds in the amount of \$12,000.00 from the Police Payroll Account to the Police Special Wages Account. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

Robert A. Fahr; Director of Finance explained that at the next Council Meeting there will be Resolutions on upcoming borrowings for Council consideration.

Mayor Manning asked Mr. Fahr if he knew anything about the upcoming financial audit from the Comptrollers Office. Mr. Fahr noted that the auditors are scheduled to be here within the next couple of weeks.

PUBLIC COMMENT PERIOD

- 1.) Erin Franco – 1815 8th Avenue – Watervliet, New York – Ms. Franco would like to update the Council on the Neighborhood Watch Program. Ms Franco stated that the committee has their second meeting on May 21, 2008. Ms. Franco thanked Councilwoman Fogarty and Chief Boisvert for attending the meeting. The program is going very well at this point. The committee established meeting nights as the third Wednesday of the month at the J. Leo O'Brien Senior Center. Ms. Franco has assigned block captains for this program. The committee handed out log books which basically shows what information should be kept. Ms. Franco announced the first picnic at Clinton Park on Sunday, June 22, 2008 from 11:00 AM until 3:00 PM. This is an effort to get everyone in the park area together before the summer season. Ms. Franco found out that there is no funding available for this picnic, donations will be welcomed. Fliers will be distributed to homes around the park area about the picnic. Ms. Franco submitted the logo to the District Attorney's Office for the shirts and hats for this program.

Ms. Franco discussed the benches in Clinton Park. The benches are overgrown and in a very bad area, not user friendly for families. Additionally, Ms. Franco would like to see more trash receptacles placed in the park by the entrances. There is only one sign and this sign is in the park not visible as you get close to the park area.

Councilman Diamond requested an update on the Manor Place home. Mark Gilchrist; Building Inspector stated that Albany County has foreclosed on the property and will be selling the property in September.

Councilman Diamond mentioned that any seniors in High School that scholarship money is available from Kids Count. The application process for Kids Count will end on June 6, 2008.

2.) Don Whitehead – 1921 8th Avenue – Watervliet, New York – Mr. Whitehead complemented the City on the electronic recycling program the Memorial Day Parade and Memorial Day Service at the Veterans Park. Mr. Whitehead asked if the City was going to consider a hazardous waste pick up day. Mr. Gleason noted that this is a very expensive program. The City is looking into option regarding this program.

Mr. Whitehead suggested that in order to raise the funds for the In-Street Pedestrian crosswalk signs to hire a meter maid/part time clerk and ticket vehicles. Mayor Manning stated that the cost is not the problem with getting the crosswalk signs, it's the placement of them. Additionally, the Corporation Counsel will be researching to see if an Ordinance needs to be passed to place these signs on City streets.

There being no further business to come before the Council, Mark Gleason requested that the Council adjourn into Executive Session with the following personnel, Yorden Huban; Corporation Counsel, Bruce A. Hidley; City Clerk and Clerk to the Council, Robert A. Fahr; Director of Finance and Matt Mead, Esq.. A motion was made and seconded to adjourn 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, JUNE 5, 2008 AT 8:10 P.M.**

The meeting was called to order by Mayor Michael P. Manning at 8:10 P.M.

Roll call showed that Mayor Michael P. Manning, Councilman Charles J. Diamond and Councilwoman Ellen R. Fogarty were present.

Also present from City Administration were: Yorden C. Huban; Corporation Counsel, Bruce A. Hidley; City Clerk and Clerk to the Council, Robert A. Fahr; Director of Finance and Matt Mead, Esq.

ITEM #1 – Yorden C. Huban; Corporation Counsel requested Matt Mead, Esq. to discuss an issue related to Workers Compensation with the Council. After a lengthy discussion the Council requested that no further action be taken related to this Workers Compensation case.

There being no further business to come before the Council, a motion was made and seconded for adjournment of the Executive Session. The Executive Session meeting was adjourned at 8:45 P.M.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council