

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, SEPTEMBER 4, 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, Yorden C. Huban; Corporation Counsel, Bruce A. Hidley City Clerk and Clerk to the Council, Rosemary Nichols; Deputy General Manager of Economic Development, Mark Gilchrist; Assessor/Bldg. Inspector, Fire Chief Don Clickner and Police Chief Ron Boisvert.

A motion was made and seconded to dispense with and 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 informed the Council that the Department of Public Works Water Department has started the Fall Flushing Program. The flushing began on Wednesday, September 3, 2008 and will run until October 3, 2008. Mr. Gleason explained that residents may experience discoloration of their water during the flushing. Mr. Gleason recommended that residents, who have discoloration of water to wait approximately five minutes, if the water continues to be discolored, then contact the Water Department.

ITEM #2 – Mark Gleason; General Manager informed the Council that he will be meeting with officials from the City of Cohoes regarding the cleaning of catch basins. Mr. Gleason explained that the proposal is that the City uses the City of Cohoes vacuum truck with our own labor. The City's MS4/CSO best practice statement commits the City to clean 1/3 of our catch basins yearly. Mr. Gleason stated that the City has over 400 catch basins to maintain. This means that nearly 130 catch basins need to be cleaned this year. Mr. Gleason noted that the City's staff took one day during the summer and cleaned twenty catch basins in an eight hour shift. Mr. Gleason further stated that working cooperatively with the City of Cohoes the City will meet its MS4/CSO requirements. Mayor Manning asked Mr. Gleason if our staff will try to go beyond the 1/3 requirement. Mr. Gleason answered by saying that the staff will clean as many of the catch basins beyond the requirement. The City will use the City of Cohoes truck and driver, with our staff acting as the laborers. The City will dedicate over a two month period two days a week in the City of Watervliet then the City of Cohoes.

ITEM #3 – Mark Gleason; General Manager informed the Council that on Thursday, August 29, 2008, he met with 19th Street Reconstruction Project Manager Joe Cimino from Clough Harbour Associates concerning the gas main on 19th Street. Mr. Gleason explained that National Grid had concerns of placing ten manhole catch basins along with their gas line locations. Mr. Gleason further explained that National Grid has a six inch natural gas line they installed in 2004. National Grid is worried about this natural gas line getting broken and that the residents in that area losing service. National Grid has come up with a plan to put in ten offset manhole covers around the gas line. This proposal will be placed in the utility agreement with National Grid. The 19th Street Reconstruction Project is on schedule for a fall letting with the General Contractor being on board by the winter. The City is still waiting for the Right of Way Agreement to be signed with Rite Aid. There are two utility agreements with National Grid and Verizon which needs to be addressed. There will be a final Public hearing on the 19th Street Reconstruction Project when the General Contractor is hired. Mr. Gleason anticipates that the Public Hearing will be sometime in January 2009.

ITEM #4 – Mark Gleason; General Manager discussed a personnel issue with the Council. Mr. Gleason thanked the Watervliet Fire Department for the quick response and service to his mother. Mr. Gleason stated that the quick response basically saved his mothers life. On behalf of the entire Gleason family, Mr. Gleason thanked the Fire Department for their professional courtesy.

OLD BUSINESS

PUBLIC HEARING - A Public Hearing regarding the Community Development Block Grant Economic Development Grant/Loan for Solid Sealing Technology, Inc. for low/moderate job creation and retention. (See Resolution No. 8290 authorizing the advertisement).

Mayor Manning requested Rosemary Nichols; Deputy General Manager of Economic Development to provide information on this Public Hearing. Ms. Nichols stated that this is a new effort the City is involved with primarily with the technical companies in the Arsenal. The City had an initial meeting with the Partnership to see if any companies were interested in expansion. It is a combination of a grant and loan through the Community Development Block Grant. Ms. Nichols explained that it is intended for economic development to create or to protect low/moderate jobs in the City. Ms. Nichols has been working with Solid Sealing Technology who has an application ready to present to the Housing Trust Fund Board. The Community Development Block Grant regulations require the City to conduct a Public Hearing concerning this issue. Ms. Nichols concluded by saying that this is a good company with a good proposal and received very good reviews from the Division of Housing and Community Renewal, Office of Small Cities. Mayor Manning stated that this is \$375,000 grant/loan ½ which is paid back to the Cities Local Development Corporation.

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

PUBLIC HEARING - A Public Hearing regarding public testimony and comment of draft legislation establishing regulations for construction and reconstruction of streets in the City of Watervliet. (See Resolution No. 8295 authorizing the advertisement).

Mayor Manning requested Rosemary Nichols; Deputy General Manager of Economic Development to provide information on this Public Hearing. Ms. Nichols explained that the City Council set up a committee consisting of herself, Mark Gilchrist; Building Department, Jim Bulmer; Water Department, Dave Dressel; Highway Department and Yorden Huban; Corporation Counsel. This team worked together to determine as to whether the City should have street standards and what the standards should be. Ms. Nichols explained that at the recommendation of the committee the City retained advice from the street and highway engineering firm, Fraser Engineering Associates. Fraser Engineering Associates helped the committee development a set of standards. Ms. Nichols distributed this information to the Council along with the residents in attendance. Ms. Nichols explained that one of the sheets shows a graphic which the way a new street should be constructed. The roadway width would vary on the use of the street. Ms. Nichols detailed the dimensions of the design of the street. Ms. Nichols noted that the specific technical standards are attached to the handout. Ms. Nichols stated that the committee reviewed the standards in detail for specific compliance for each department. Ms. Nichols informed the Council that she was surprised to learn that there are no cities that have specific standards for streets in Albany County. There are suburban standards for streets that are not applicable to City needs. The purpose is that if there was a situation for development where a street would be needed the expectation is that the street would be dedicated to the City not privately owned. If the street was to be dedicated to the City the street would need to meet specific standards. What about existing streets? There is nothing which would require the City to upgrade existing streets, the legislation proposed would state that. Mayor Manning noted that the next time this proposal is discussed it will be in the form of legislation for action by the Council. There being no public comment, Mayor Manning closed the Public Hearing.

NEW BUSINESS

RESOLUTION NO. 8296 – The Council of the City of Watervliet hereby designates the week of October 27, 2008 as the Bulk Item Disposal Week. Before voting Mark Gleason; General Manager explained that in accordance with the Refuse Policy the City will set up one free disposal in the fall and the spring. Mr. Gleason requested City residents to place their bulk items out the same day as the garbage collection in 4'x4'x8' sections. The items which can not be picked up will be outlined for residents to understand. The Bulk Item Program will be placed on the internet and Vliet Channel 17. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8297 – The Council of the City of Watervliet hereby authorizes Bruce A. Hidley; City Clerk to advertise once in the official newspaper for an Official Notice of Intent to request a release of funds for the 2008 Community Development Block Grant Program. Before voting Rosemary Nichols; Deputy General Manager explained that this is a statutory requirement from the Community Development Block Grant. The City received the \$650,000.00 now in order to implement the actual issuing of the grants the Notice of Intent to release the funds must be advertised. Additionally, as part of this action the City will be doing an Environmental Review and bring it to the Council for action. This is a necessary first step before any money can be released. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8298 – The Council of the City of Watervliet hereby authorizes Bruce A. Hidley; City Clerk to advertise once in the official newspaper for a Public Hearing on Thursday, September 18, 2008, regarding draft legislation changing the maximum period specified in Section 272-11 (b) for abandonment and change of non-conforming use from six months from the date of cessation or discontinuance to twelve months. Before voting Rosemary Nichols; Deputy General Manager explained to the Council that at another hearing discussions were held regarding the City's period of abandonment of non-conforming uses of six months was a little short. This was brought to light due to the economic conditions and the delay in the movement of property that our environment is experiencing. It was suggested that the City consider legislation for that discontinuance for the preservation of the non-conforming use up to twelve months. Ms. Nichols would like to see a sunset provision put in place for a three year period to see if this proposal works. Mayor Manning explained that most of the property in the City is zoned residential, you need a non-conforming use to use the property as commercial. If you stop using it as a commercial property, currently after six months this property would convert back to residential. If someone wanted to put another store in they would need to go before the Zoning Board. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8299 – The Council of the City of Watervliet hereby authorizes the Director of Park and Recreation to file an application for funds from the Hudson-Fulton-Champlain Quadricentennial Grant Program in the amount of \$15,000.00 and that Mayor Michael P. Manning is authorized to enter into an agreement with the NYS Department of Environmental Conservation for such financial assistance. Before voting Councilman Diamond asked how the City came up with the \$15,000.00 figure. Mayor Manning explained that the \$15,000.00 was the maximum amount available. Mayor Manning stated that the City looked into doing a joint grant with some of the local communities, the other communities were not interested. Rosemary Nichols; Deputy General Manager noted that this is a cooperative grant with other organizations that are joining the City. This project is intended to be headquartered out of Hudson Shores Park by the Rusty Anchor. Ms. Nichols further explained that there will be a lot of boats of different sizes, all the events and celebrations will happen on Saturday, June 14, 2009. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

APPROPRIATIONS AND ACCOUNTING

RESOLUTION NO. 8300 – The Council of the City of Watervliet hereby authorizes the transfer of funds in the amount of \$2,500.00 from the Fire Payroll Account to the Fire Special Wages Account for 207A wages paid for the month of August 2008. Before voting Robert A. Fahr; Director of Finance explained to the Council that this is a \$2,500.00 transfer for wages paid to a Firefighter while on Workers Compensation. This is a budgetary transfer allotting the money from the Payroll Account to the Special Wages Account. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

Before the Public Comment Period Mayor Manning explained that he met with a person the City would contract with to run the operational side of the boathouse/crew facility. The plan would be to sub-contract that work so that they are not a City employee. Discussions are continuing which will help the City decide how to finance this project based on the revenues which can be generated. The City is looking at this as a revenue generating enterprise basically to pay for itself and to expand the use the Hudson Shores Park.

Mayor Manning explained that the City has been notified by Albany County that the City will be receiving \$250,000.00 for a multi purpose vehicle which will also serve as a ladder truck. The City joined with a group of municipalities that applied for a grant with the Federal Government. The theme was Disaster Response Homeland Security. As part of the City's Mutual Aid agreement the City put in to host a multi purpose vehicle. The City did apply for the entire cost to purchase this vehicle. Mayor Manning is very happy to have received the funding the City will get. Mayor Manning stated that there was a lot of effort put into this grant. Mayor Manning thanked Sheriff Jim Campbell and his staff who championed this effort for the City.

Mayor Manning also thanked Fire Chief Don Clickner and all the surrounding communities which supported the City on this issue. Mayor Manning noted the following communities, Cohoes, Green Island, Menands, Colonie and Troy. Mayor Manning concluded by noting that this was a great thing to be a part of, communities thinking of not only themselves but the whole region in general. The vehicle will be housed in the City and will respond to other communities in conjunction with our Mutual Aid Program.

Mayor Manning informed the residents in attendance that when Rosemary Nichols was hired as a Part Time Deputy General Manager of Economic Development and Planning when he took over has really been very successful. The City has received over \$1,000,000.00 in grants awarded to the Economic Development and Planning Department. This department was started not knowing how it would go with her position being part-time. Mayor noted that the Council, Administration and Civil Service have met to go ahead with the proposal to hire Ms. Nichols on a full-time basis. Mayor Manning congratulated Rosemary Nichols for her excellent work to date and moving full-time on his staff.

PUBLIC COMMENT PERIOD

- 1.) Charlene Akullian – 813 24th Street – Watervliet, New York – Ms. Akullian provided photographs of the old School 9 on the corner of 9th Avenue and 24th Street. Ms. Akullian stated that this property is privately owned and makes the neighborhood look absolutely terrible. Ms. Akullian stated this building should not be allowed to look this way without some type of upkeep or repair. Ms. Akullian requested that the Council contact the building owner to do something about how the building looks. Ms. Akullian explained that she has seen an increase presence of the Police Department in her neighborhood, she did ask if there could be more night time police presence. Ms. Akullian is having a problem with the alleyway running from 24th Street and 25th Street between 8th Avenue and 9th Avenue. Ms. Akullian stated that people are using this alley as a regular roadway. The speed of people driving in the alley is also an issue. Ms. Akullian also discussed a parking problem in her area. Ms. Akullian asked the Council if they could find some way to allow homeowners to park in front of their own homes. Ms. Akullian suggested stickers or legislation that allows two cars per family. There are some neighbors who are not cooperative when it comes to parking. Ms. Akullian feels the homeowner should have more responsibility to find a parking place for a tenant. Ms. Akullian also discussed the fact that she has a tenant who could use a handicap parking space in front of her home. Ms. Akullian has made several attempts to contact someone about a handicap parking spot. Mayor Manning noted that there are very specific guidelines when it comes to handicap parking in front of your home. Yorden Huban; Corporation Counsel explained to Ms. Akullian that he will meet with her after the meeting to go over the specifics of handicap parking.

- 2.) Marion Fotache – 1554 3rd Avenue – Watervliet, New York – Ms. Fotache thanked the Council for placing the minutes and agenda on the website and Vliet Channel 17. Ms. Fotache requested that a correction be made to the minutes with the spelling of her name. Ms Fotache then provided Bruce A. Hidley with the correct spelling. Ms. Fotache discussed the danger of particulate matter in the air with wood burning stoves. Ms. Fotache stated that houses that are very close to each other even with proper venting can still be quite sickening. Ms. Fotache discussed the St. Patrick's Church property especially maintaining the property as it is. Ms Fotache noted that this property is an asset to the Watervliet community. Ms. Fotache explained that the City is already void of so many trees. Ms. Fotache provided a detailed explanation as to the importance to having trees and why trees are important environmentally to a community.

Councilman Diamond stated to all those in attendance that there will be no trees removed from the St. Patrick's area during the 19th Street Reconstruction Project. Councilman Diamond agrees with the concerns related to trees. Councilman Diamond noted that in 1996 he started a tree planting program in Watervliet. Councilman Diamond hopes that there will be money available again in 2009 to start this program again. Councilman Diamond further stated that none of the Council will disagree that the landscape is very hard and that the City needs to retain what it has, possibly softening it even more. Councilman Diamond noted that he is 100% behind the tree issue that Ms. Fotache has discussed. Councilman Diamond discussed possible legislation prohibiting residents and businesses from boarding up windows and doors. Councilman Diamond noted that boarding up windows takes away from the neighborhood along with it being a safety issue for the Police and Fire Departments. Councilman Diamond explained that other communities that have adopted this legislation have been very happy with the adoption. Councilman Diamond requested that the City Administration look into this issue. Mayor Manning explained that the City has adopted such legislation which requires a homeowner to board up a residence with aesthetics and security. The boarded up facility must be painted and they can't use plywood. Broken windows must be fixed or replaced. Mayor Manning stated that there is no reason why something can't be done to this building.

There being no further business to come before the Council, General Manager Mark Gleason requested that Council break for Executive Session. There being no further business to come before the Council a motion was made and seconded to adjourn into Executive Session at 7:40 PM

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council

**MINUTES OF THE MEETING EXECUTIVE SESSION
OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, SEPTEMBER 4, 2008**

The Executive Session was called to Order by Mayor Michael P. Manning at 7:50 PM

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, Yorden C. Huban; Corporation Counsel, Bruce A. Hidley; City Clerk, Robert A. Fahr; Director of Finance and Mark R. Gilchrist; Assessor/Building Inspector.

ITEM #1 – Mayor Manning requested Mark R. Gilchrist; Assessor/Building Inspector to update the Council on a Payment In Lieu Of Taxes (PILOT) issue. Mr. Gilchrist detailed for the Council on all the issues related to the problems with this PILOT payment. Discussion focused the amount of years that this PILOT was in existence, when this PILOT expired, financial details along with other legal ramifications the City may face, especially the cost of attorney fees for representation on this PILOT. The Council authorized Yorden Huban and Mark Gilchrist to make an offer to possibly settle this PILOT issue.

There being no further business to come before the Executive Session, the Executive Session was adjourned at 8:15 PM.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council