

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, SEPTEMBER 18, 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, Rosemary Nichols; Deputy General Manager of Economic Development, Robert Fahr, Director of Finance, David Wheatley; Deputy City Clerk, 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 David Wheatley; Deputy City Clerk.

REPORT OF OFFICERS AND COMMITTEES

ITEM #1 – Mark Gleason; General Manager requested that the City Council decide upon a date regarding the re-dedication of the new sign at Hudson Shores Park. Mr. Gleason would like to pick a date so that he can arrange for the Cavanaugh family to be there. This would also give the Department of Public Works plenty of time to have the sign hung for the ceremony. The Council requested that the dedication be done at noon time so that all the City employees could attend the dedication. Mr. Gleason noted that he will arrange the date for noon time in a couple of weeks.

ITEM #2 – Mark Gleason; General Manager informed the Council that the NOVA Chip process has been completed for the 2008 paving season. Mr. Gleason explained that the NOVA Chip Program was entirely paid for through CHIPS funding. Mr. Gleason then explained for those in attendance that CHIPS stands for the Consolidated Highway Improvement Program. Mr. Gleason noted that in 2008 the City used \$110,000.00 in CHIPS funds to purchase equipment. The City was able to purchase a salt shed and a backhoe. This was in addition to doing approximately \$55,000.00 in highway improvements. The City is still waiting to hear how much CHIPS money is left in 2008. Mr. Gleason noted that the City is reviewing the possibility of purchasing a medium sized dump truck for the Department of Public Works. The purchase of this truck would allow the DPW and Recreation Department to share a vehicle. The current truck is very old and in need of a lot of repairs.

ITEM #3 – Mark Gleason; General Manager informed the Council that on Friday, September 5, 2008, Christine Heid from the Engineering Department of O'Brien & Gere met with the City Departments regarding a department environmental compliance review. Mr. Gleason explained that Christine Heid's firm will produce a report in accordance with the United States Environmental Protection Agency guidelines. Mr. Gleason stated that the Firehouse, DPW Garage and the Water Filtration Plant were the focus of this study. The report will focus on air quality, water pollution, solid/hazardous waste and toxic substances. Mr. Gleason noted that the first draft of this report will be available in approximately three weeks. At that time the City will be able to make comments and send them back to the engineering firm. Mr. Gleason further stated that once the findings are sent to O'Brien & Gere that a final report will be completed by late fall. The intention is to stay ahead of the curve of any Department of Environmental Conservation laws that the City was not aware of.

ITEM #4 – Mark Gleason; General Manager informed the Council that the City has applied with National Grid to participate in the 10,000 Trees and Growing Program. The program pays \$50.00 for every tree planted in accordance with the National Grid guidelines. Mr. Gleason explained that the City is in the process of forming a committee to decide the placement of the trees and what type of trees should be placed. Mr. Gleason requested that if anyone is interested in being a part of the Community Gardens Committee to contact his office. The Community Gardens Committee will be started during the winter months with a spring undertaking of the program. Mr. Gleason thanked Councilman Diamond who championed this cause per his support of this program. Councilman Diamond is very happy that the City is going to implement this new program. Councilman Diamond noted that beginning in 1996 the tree program was very successful for several years. This program is environmentally sound, prevents runoff and shade helps.

ITEM #5 – Mark Gleason; General Manager informed the Council that the 23rd Street Railroad Crossing will be replaced the week of September 29th thru October 3rd. Mr. Gleason wanted the public to be aware of the detours due to the work being done. Mr. Gleason stated that it should take approximately one week to complete.

Mayor Manning explained that before he begins the next portion of the meeting that the City of Watervliet in conjunction with the New York State Conference of Mayors (NYCOM) are recognizing employees active or retired with twenty five years or more of service for the City of Watervliet. The employees recognized are Joseph Bagnardi, Michael Pontore, Peter Murray, David Dressel, Battalion Chief Robert Remillard, Tim Cavanaugh, James Bulmer, Tom Murphy, Robert Fahr, Mark Gilchrist and Garry Sutton. Mayor Manning thanked all of the employees for their years of service to the citizens of the City of Watervliet.

OLD BUSINESS

PUBLIC HEARING - A Public Hearing 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. (See Resolution No. 8298 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 the purpose of this modification is to bring our Code of Ordinance more closely to customary practice for a non-conforming use. Ms. Nichols stated that in six months if any one discontinues a non-conforming use they must go before the Zoning Board of Appeals to obtain a use variance. Given the reality of financing and the constraints on businesses the City felt that it was appropriate to request the Council go to twelve months. Ms. Nichols explained that several business owners had suggested this initially. The Administration of the City considered this an appropriate modification to the Code of Ordinance. There will be a sunset provision of three years to make sure that this legislation is feasible.

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

NEW BUSINESS

ORDINANCE NO. 1828 – An Ordinance of the City of Watervliet, New York, providing that the Code of Ordinance, Chapter 221, Residential Occupancy, Section 221-5, Inspection and Certification required be amended by adding Section 221-5 (c). Before voting Yorden Huban; Corporation Counsel explained that Mark Gilchrist; Building Inspector had requested that the Residential Occupancy Law be amended to compel property owners to show proof to the Code Enforcement Department that they are the lawful owners of a property in question. Mr. Huban explained that there was a default in the law that did not compel a homeowner to supply proof of any kind of identification. Councilman Diamond asked what the repercussion would be if this Ordinance was not in place. Mr. Huban responded by saying that the Code Enforcement Department has the discretion to hold a residential occupancy permit. Councilman Diamond asked what would happen if the landlord just moved a person in without notifying the City. Mr. Huban stated that there is a law which governs what the Building Department can do for this type of violation. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

ORDINANCE NO. 1829 – An Ordinance of the City of Watervliet, New York, providing that the Code of Ordinance of the City of Watervliet be amended by repealing Ordinance No. 1824, known and titled as Chapter 276 “Appearance Tickets.” Before voting Mayor Manning requested Yorden Huban; Corporation Counsel to explain why we are repealing this Ordinance. Mr. Huban explained to the Council that this Ordinance was passed to allow public servants in the City to write an appearance ticket. Mr. Huban stated that after further research there is a Municipal Home Rule Law in NYS which allows public servants the ability to issue Appearance Tickets. Mr. Huban further explained that this legislation must be done by passing a Local Law. There is also a Resolution tonight which authorizes Mr. Hidley to advertise for a Public Hearing on this issue. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8301 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute a Just Compensation letter in the amount of \$9,000.00 for the proposed acquisition of property located at 515 19th Street, Watervliet, New York 12189. Before voting Mayor Manning explained that the graphics displayed are specific to this Resolution as part of the reconstruction of 19th Street and due to loss of parking due to the bump outs, making the corners shorter for pedestrians to cross. The idea was to put some additional parking spaces in front of St. Patrick’s Church diagonally as shown in the diagrams. This required the City to obtain three feet of St. Patrick’s land to put the sidewalks in. Mayor Manning explained that the diagrams show the before and after photos of this property. There was some discussion in previous meetings as to how it would impact the foliage and green space there. Mayor Manning noted that the City will lose two trees that are right on the edge of the street. General Manager Mark Gleason stated that all the trees on 19th Street that are close will be taken down and replaced with an urban tree more suitable to the environment of an urban area. The new trees will not do any damage to the sidewalks or the power lines over head. Mayor Manning stated that there will be another public meeting on the 19th Street Re-Construction Project. General Manager Mark Gleason noted that the meeting which will be held is strictly for informational purposes only. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8302 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to appoint Mr. James Bulmer, 609 25th Street, Watervliet, New York 12189, to serve on the Storm Water Coalition of the Albany County Board of Directors. Before voting Mayor Manning requested that General Manager Mark Gleason explain what this legislation is about. Mr. Gleason noted that this is in accordance with the Albany County Intermunicipal Agreement. The City must appoint one member to the Storm Water Coalition. The Coalition works on the MS4 Regulations which the City has been working on the past four years. The Administration feels that Jim Bulmer who has over 30 years of water experience in the field of Storm Water Management will be a great representative. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8303 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute a Memorandum of Understanding by and between the City of Watervliet and the City of Cohoes for catch basin cleaning in accordance with the MS4 Best Practices Statement. Before voting Mayor Manning requested General Manager Mark Gleason to address this Resolution. Mr. Gleason stated that the City of Cohoes will be charging the City of Watervliet \$1,250.00 per day for the vacuum truck and one operator. The City of Watervliet will be utilizing two employees on the vacuum truck. Mr. Gleason noted that if the City were to rent a vacuum truck with out an operator the cost would be approximately \$2,800.00 per day. Mr. Gleason noted that the City needs to clean at least 100 catch basins this year, by renting from the City of Cohoes, the City will realize a savings of approximately \$8,000.00. Upon motion of Councilwoman Fogarty, seconded by Councilwoman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8304 – The Council of the City of Watervliet hereby authorizes Bruce A. Hidley; City Clerk to advertise once in the official newspaper that the City will accept sealed bids until 1:00 P.M. on Monday, September 29, 2008 for a new Fire Department Ladder Truck. Before voting Mayor Manning explained that the City received a \$250,000 grant through Albany County to help pay for this. Councilman Diamond commended the committee who put the specifications together for this ladder truck. Mayor Manning thanked Sheriff Campbell who championed the City to obtain some funding for the ladder truck. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8305 – The Council of the City of Watervliet hereby authorizes Bruce A. Hidley; City Clerk to advertise once in the official newspaper that the City will accept sealed bids until 1:00 P.M. on Monday, September 29, 2008 for a new Fire Apparatus Engine. Before voting Councilman Diamond asked if the specifications are on the internet web site. General Manager Mark Gleason stated that the specifications can be found on the web site. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8306 – The Council of the City of Watervliet hereby authorizes Bruce A. Hidley; City Clerk to advertise once in the official newspaper that a Public Hearing will be held on Thursday, October 2, 2008, at 7:00 PM for those persons who wish to be heard regarding the Community Development Block Grant/Loan for Extreme Molding, L.L.C. for low/moderate job creation and retention. Before voting Mayor Manning explained that this is a requirement by the Grant Authority. This is the second such grant application and public hearing. Mayor Manning further explained that Extreme Molding is another company inside the Arsenal who desires to be a part of the ½ grant ½ loan programs. The loan is paid back to the City and utilized for other Economic Development Rehabilitation Projects. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8307 – The Council of the City of Watervliet hereby authorizes Bruce A. Hidley; City Clerk to advertise once in the official newspaper that a Public Hearing will be held on Thursday, October 2, 2008 at 7:00 P.M. for those persons who wish to be heard regarding the passage of a Local Law adding a new Chapter 276 to be titled “Appearance Tickets.” Before voting Mayor Manning explained that this Resolution was previously discussed by Corporation Counsel Yorden Huban. This will give our Code Enforcement/Refuse Department the ability to issue appearance tickets rather than going through the process of giving a warning. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

APPROPRIATIONS AND ACCOUNTING

RESOLUTION NO. 8308 – The Council of the City of Watervliet hereby authorizes the transfer of funds in the amount of \$17,500.00 from the Albany County Sewer District Account to the Sewer Maintenance Contractual Account for services provided under the terms of the CDRPC combine sewer overflow long term control plan municipal cooperation agreement. Before voting Robert A. Fahr; Director of Finance explained to the Council that the City had to wait until the Albany County Sewer District bill came in. There was money left over to allocate into the CDRPC bill. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8309 – The Council of the City of Watervliet hereby authorizes the transfer of funds in the amount of \$6,000.00 from the Sewer Contingency Account to the Sewer Maintenance Contractual Account for the sewer main repair at 10th Avenue and 25th Street. Before voting Robert A. Fahr; Director of Finance explained that this was a \$6,000.00 bill to pay for the repair, the last resort is to pay for the expenditure from the Contingency Account. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

Before beginning the Public Comment Period Mayor Manning explained that himself, Councilman Diamond and Jim Basha of Albany Engineering traveled to Utica, New York to meet with many of the elected officials in the area of the proposed Hydroelectric Facility Project in Rome, New York. Mayor Manning noted that when the news broke of the City’s intent to put a hydro facility in that area was coming on rough times with the water level. Mayor Manning noted that all the officials in attendance thought this facility would make the water shortage worse. The City went out to lay out the facts of this case, what it is going to do and to educate them on how a hydro facility works. Mayor Manning explained that the confusion was there are two bodies of water involved with the canal system and water usage. They are very two different bodies of water, they felt that we would be using the same body of water that they were having the water shortage problem.

The City received good reviews for being potential neighbors for coming out to explain the hydro situation. Mayor Manning further stated that the City will continue to travel out to Rome, N.Y. to continually educate the area as the project pushes forward.

Mayor Manning explained that last week the kickoff of the development of the Arsenal started. The process began with an Industry forum, any interested bidders or any one else who may have an interest in this project. There were presentations by the City, the Arsenal, Benet Laboratories and the Army Corp of Engineers. Interested parties were taken for a tour of the Arsenal to show the 57 acres. The next step will be for interested parties will be to put in bids for development proposals of the acreage. The EUL allows the City through some type of tax instrument to get real estate property tax on the improvements. If for example a \$50,000,000.00 development improvement project is done the City will be able to collect the taxes. Mayor Manning concluded by saying that this is a very exciting project, something the City has been trying to do for some time. By the end of the year the Corp will have the winning proposal selected. Most of the work is being done by the Corp of Engineers, the City does not have a lot of say in what is happening.

Councilman Diamond stated that Mayor Manning did an exceptional job speaking at this event. The County Executive, State Senator, Assembly person, Mayors along with people involved with Economic Development all listened to what Mayor Manning had to say about the project. Councilman Diamond noted that Mayor Manning provided a more detailed explanation of the misinformation of the facts of this project. Councilman Diamond thanked the Mayor for his work on this project.

Councilman Diamond also discussed the Arsenal Project, he explained that the City will gain from the benefits of the transfer of the property.

PUBLIC COMMENT PERIOD

- 1.) Bob Gusberti – 1212 Hillside Drive – Watervliet, New York – Mr. Gusberti asked a question about a two way traffic road that has to be at least 24' wide. Mr. Gusberti noted that he lives on Hillside Drive and that the road is only 16' wide, possibly under code. Mr. Gusberti noted that several years ago he petitioned to have No Parking signs placed on Hillside Drive. Mr. Gusberti explained that when a Fire Apparatus comes up Hillside Drive that a car nearly has to pull up onto the lawn area for the apparatus to go by. Mayor Manning stated that the City will look into this and report back to him. Mr. Gusberti noted that if the City can't widen the road, is there a chance that signs can be placed in that area for No Parking, Stopping or Standing. Mr. Gusberti would appreciate if the City could make that change. Mayor Manning stated that he will refer this situation to Police Chief Ron Boisvert and get back to Mr. Gusberti.

- 2.) Marion Fotache – 1554 3rd Avenue – Watervliet, New York – Ms. Fotache stated that she thinks it should be placed on record that the Pastoral Council of the Immaculate Heart of Mary was not consulted about the acquisition of the church property. Ms. Fotache stated that it was announced to them that the Pastor had been approached and that the Pastor has to make a decision. The Pastor had nothing to say about the acquisition. Mayor Manning stated that when Fr. Diemeke announced the property acquisition that no one was against the idea except Ms. Fotache. Ms. Fotache feels that you can't bring in heavy equipment without effecting the roots and trees that are currently in place. Councilman Diamond explained that the engineers from Clough Harbour Associates are fully aware of the roots and trees along with how to remove and not to remove. Ms. Fotache noted that she was told by Fr. Diemeke that the City would be taking 3' of lawn. Mayor Manning responded by saying that it is 3' of property. The exact picture of the property after reconstruction is on the illustrations presented tonight. Ms. Fotache requested that someone meet with her to measure the area in question. General Manager Mark Gleason stated that he would be happy to meet at the project location in question. Ms. Fotache still questions the ability to be able to parallel park on 19th Street, she feels that this is a hazard. Ms. Fotache discussed the bump outs, other communities are trying to get rid of them due to problems in winter weather. Ms. Fotache wanted to know if this was a done deal and if she was just wasting her time attending these meetings. Mayor Manning explained that this project is moving along and that no one else has said anything against this proposal. Yorden Huban; Corporation Counsel explained that an appraisal has been completed by a licensed engineer. The legislation passed tonight essentially puts a value on the property in order for their to be transfer from the church to the City of Watervliet. As of now there is no contract in place, it is Mr. Huban's understanding that the process is moving forward for the transfer. Ms. Fotache further stated that she can't figure out where trees will be planted in that area. Ms. Fotache feels that this is a landmark which other people recognize outside the City.

There being no further comment Mayor Manning closed the Public Comment Period.

Councilwoman Fogarty addressed the issue which was addressed earlier related to the 19th Street Reconstruction Project. Councilwoman Fogarty stated that in the beginning when the discussion began about the parking area in front of St. Patrick's Church she also had some concerns about doing this portion of the project. Councilwoman Fogarty stated that now that she has seen the photographs displayed tonight that the three feet will not make any impact on the St. Patrick's Church property. Councilwoman Fogarty noted that she is also a third generation parishioner of St. Patrick's Church. Councilwoman Fogarty explained that the fatality which happened on that corner is much more important than two trees on St. Patrick's property. Another issue of concern is the amount of children who cross in that area to go to school rather than what the project will do aesthetically. Councilwoman Fogarty further stated that the property without any question is beautiful. Councilwoman Fogarty stated that the 19th Street Reconstruction proposal is a tremendous improvement to that property. Councilwoman Fogarty provided an example of why the additional parking will help the church itself. Councilwoman concluded by saying that this is an improvement that all residents and church parishioners can live with. Councilwoman Fogarty is not hearing the comments as is being presented and that in her capacity as Councilwoman she is not hearing any comments against this proposal.

There being no further business to come before the Council, a motion was made and seconded for adjournment, the meeting was adjourned at 7:50 PM.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council