

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, DECEMBER 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, Bruce A. Hidley; City Clerk and Clerk to the Council, Robert A. Fahr; Director of Finance, David Wheatley; Deputy City Clerk, Police Chief Ron Boisvert, Fire Chief Don Clickner and Mark Gilchrist; Assessor/Bldg Inspector.

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

Before beginning the legislative portion of the Council Meeting Mayor Manning announced that he has a couple of presentations to make.

Mayor Manning explained that there is a resident in the audience tonight who has just returned home from Iraq. Mayor Manning requested Commander Paul Gentile to come forward for a presentation. On behalf of the City of Watervliet Mayor Manning presented Commander Gentile with a Certificate of Appreciation. Mayor Manning extended Commander Gentile with a warm welcome home and thanked him for his service in the protection of our country. Mayor Manning then gave Commander Gentile a Norman Rockwell picture of the Homecoming GI. Commander Gentile thanked the Council and the City for this recognition.

Mayor Manning explained that members of the Watervliet High School Football Team and their coaches are in attendance tonight. Mayor Manning explained that the City Council would like to recognize the team who had a record of eight (8) wins and three (3) losses. Mayor Manning also noted that Head Coach Eric Bernard was voted Coach of the Year by two local television stations and that the team was a scholar athlete team. The team scholastic average was 90.863. Mayor Manning then presented the team with a proclamation recognizing their accomplishments.

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 that Fire Chief Don Clickner provide the Council with a report regarding the ice storm from last week. Fire Chief Clickner explained that throughout the storm there were approximately 80 calls beginning early Friday morning. The worst part of the storm was the fact that a structure fire occurred from lines falling on a house. Due to the fire the power outage went to 1,800 homes without power. Fire Chief Clickner noted that a shelter was opened at Hanratta Apartments thanks to the staff of the Watervliet Housing Authority. Chief Clickner noted that the Police Department and Highway Department did a great job throughout the night answering calls and opening the streets. Chief Clickner stated that the City will be requesting financial assistance from the Albany County Emergency Management and the State of New York. Chief Clickner explained that the Fire Department overtime alone was approximately 200 hours in extra time. There was also approximately \$4,000.00 in damage done to the vehicles from the trees falling on them. Chief Clickner reported that all the power was back on in the City. Mark Gleason; General Manager thanked Charles Patricelli; Executive Director of the Housing Authority for allowing the City to use the Hanratta Apartments lobby for a shelter.

ITEM #2 – Mark Gleason; General Manager explained that on Friday, December 19, 2008 will be the last day to get rid of the branches from the ice storm. The Sanitation Department will be around to pick the debris up.

ITEM #3 – Mark Gleason; General Manager explained that the City of Watervliet Christmas Tree Lighting was held on Saturday, December 6, 2008 in Veterans Park. Mr. Gleason noted that there was a best dressed Elf contest along with an appearance from the King of Rock and Roll Elvis Presley. Mr. Gleason thanked the numerous City employees who volunteered their time to make this event a successful one. Mr. Gleason also thanked Diane Conroy-Lacivita; Recreation Director who was responsible for making the Tree Lighting a very successful family event.

ITEM #4 – Mark Gleason; General Manager informed the Council that Governor Patterson released his budget for the fiscal year 2009 – 2010. Mr. Gleason explained that New York State faces a record \$15.4 billion dollar deficit. Mr. Gleason highlighted how this budget could affect the residents of the City. This will freeze the AIM funding at the 2008 – 2009 level of \$1.3 million dollars, this is what the City should expect to get for the next couple of years. This will cut into all municipalities CHIPS funding by 31%. It will cost the City of Watervliet approximately \$54,000.00 in CHIPS funding. Mr. Gleason noted that the City is fortunate that we caught up on a lot of road work the past couple of years, the City is in good shape. The bottom line is the City will receive less transportation funding. The budget proposal will create a new Tier 5 retirement class, members in this Tier will have to pay 3% of their retirement cost and will not be able to retire until the age of 62. Currently an employee pays 4% for ten years then may retire at age 55.

Governor Patterson's budget lays off 521 State employees and does not fill another 2500 jobs through attrition. The budget also requests state employees to give up their 3% raises for 2009 and also lag one week of salary until retirement. The last major item in the budget which will effect City residents is the middle class STAR rebate which will be cancelled. The proposed budget by Governor Patterson was released approximately a month early. The bottom line is that the State of New York is in very poor shape. The City is doing all it can to protect our interests for the residents.

ITEM #4 – Mark Gleason; General Manager informed the Council that there will be one (1) City Council Meeting in January. The date will be January 15, 2009.

OLD BUSINESS

ITEM #1 – Yorden C. Huban; Corporation Counsel reported to the Council regarding the legalities of the City of Watervliet soliciting advertisements on the web site. Mr. Huban stated that regrettably there is no specific case law but there are opinions from the NYS Attorney General's Office. The first opinion was cited in 1973, another opinion in 1992 and most recently in 1995. The opinions in 1973 and 1992 essentially state that a local government is unauthorized to permit the use of its property for private advertising. In 1992 the opinion stated that a municipality may not sell space for advertising for an informational newsletter to be distributed to its residents. The New York State Conference of Mayor also agrees that a municipality can't advertise for a private organization. Mr. Huban noted that the City can't solicit advertisements for the web site. Mr. Huban will be sending a letter to the NYS Attorney General's Office for an opinion regarding whether the City can competitively bid for advertisements on the web site. Councilman Diamond stated that if the City did not do the advertisement on the home page that the City may be able to advertise on the Farmers Market section of the web page.

NEW BUSINESS

ORDINANCE NO. 1839 – An Ordinance of the City of Watervliet, New York, adopting the annual estimate and fixing the rate to be employed in computing the amount to be collected for the City taxes for the year beginning January 1, 2009. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Ordinance was approved and adopted.

ORDINANCE NO. 1840 – An Ordinance of the City of Watervliet, New York, adopting the amount to be assessed upon the City for State and County Tax for the year 2009. Mayor Manning explained that this Ordinance approves the County Levy. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Ordinance was approved and adopted.

RESOLUTION NO. 8349 – 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 on Monday, January 12, 2009, at 10:00 A.M. for the roof replacement/repair at the Watervliet Filtration Plant, 222 Watervliet Shaker Road, Watervliet, New York. Before voting General Manager Mark Gleason explained that this is the replacement of the back part of the roof. The City had a licensed roofer inspect the roof who recommended that the City rebuild the roof. The inspector estimated that it would cost approximately \$29,000.00. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8350 – The Council of the City of Watervliet hereby authorizes General Manager Mark Gleason to purchase a John Deere Gator Utility Vehicle to Clifton Park Lawn and Leisure, 1917 Rt. 9, Clifton Park, New York 12065 in the amount of \$15,911.40. Before voting Before voting General Manager Mark Gleason explained that this utility vehicle will do the bulk of the work in the Recreations Department. The vehicle will also be available for use in the Sanitation Department. The truck in the Recreation Department is very old with high mileage. Councilman Diamond asked if this truck is available for purchase on State Contract. Mr. Gleason stated that the Gator Utility Vehicle is not available on State Contract. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8351 – The Council of the City of Watervliet hereby authorizes Bruce A. Hidley; City Clerk to advertise once in the official newspaper that the City is soliciting proposals of qualification from Urban Planning and Design Consultants. Proposals should be received no later than Wednesday, January 29, 2009, at 11:00 A.M. at the Watervliet City Clerk's Office. Before voting Rosemary Nichols; Deputy General Manager for Economic Development and Planning stated that the purpose of this Resolution is that the City anticipates that the estimate may be more than the statutory limit of \$20,000.00. This is the first major step in the comprehensive planning process. Ms. Nichols stated that the City is still soliciting for members of the Citizens Advisory Committee for the Comprehensive Plan. If there are any potential candidates for this position, Ms. Nichols has requested that a resume be sent to her. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8352 – The Council of the City of Watervliet hereby authorizes General Manager Mark Gleason to execute an agreement with Cummings Northeast, Inc., for the generator contract located in Watervliet City Hall. Before voting General Manager Mark Gleason explained that this is a yearly maintenance contract for the generator in City Hall. This provides power to the Police Station in the Communications area when there is a power outage. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty this Resolution was approved and adopted.

RESOLUTION NO. 8353 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement with a NYS Certified Basic Life Support and or advanced Life Support commercial ambulance service as a secondary transporting agency for the City of Watervliet. Mayor Manning explained that this Resolution will allow him to execute an agreement with a secondary ambulance service if the City chooses to do so. This also needed to be done seeing that the City Council does not meet again until January 15, 2009. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

APPROPRIATIONS AND ACCOUNTING

Robert A. Fahr; Director of Finance requested that the City Council allow him to extend the due date of the property tax bills to February 15, 2009. Mr. Fahr explained that this is similar to what the City did in the 2008 tax year collection cycle. Mr. Fahr stated that this will assist our residents with the once a year tax collection and to keep the penalties to ½% on late fees. Mr. Fahr noted that there are over 200 eligible low income seniors who are able to make the two installments for tax payments in 2009. Mr. Fahr explained that the senior tax collection is based on Albany County legislation which allows the City to do this collection for seniors. The tax bills for 2009 will be sent out very shortly and there must be a due date on the tax bill.

PUBLIC COMMENT PERIOD

Don Whitehead – 1921 8th Avenue – Watervliet, New York – Mr. Whitehead explained that currently adjacent to the parking lot in the Post Office there are new signs which state parking for bank members/bank customers only. No parking for Post Office customers. Mr. Whitehead noted that 16th Street is designated No Parking/No Standing. Mayor Manning stated that the parcel that the Post Office is on has no parking for its customers. The alley behind the Post Office is not owned by them. The property to the east is owned by the owners of the mall. Mayor Manning further explained that there is a disagreement between the owners of the Post Office property and the owners of the mall. The intent is to not allow the Post Office employees to park there to make it harder on the Post Office. The owners of the mall would like the owners of the Post Office property to sell to them, move the Post Office so the mall owners can do some redevelopment on that property. Mr. Whitehead asked if the Watervliet Police Department will be called to ticket if notified. Police Chief Boisvert stated that the answer is no it is private property. Police Chief Boisvert suggested to the Council that the cut outs could be used for parking in front of Veterans Park. Mayor Manning concluded by stating that he is working with both parties to resolve this issue. Mayor Manning will try to place something on the website regarding this issue.

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Before closing the meeting Mayor Manning noted that this is the last meeting of his first year. Mayor Manning then thanked his entire staff and the residents for all they did to make 2008 a successful year. Mayor Manning noted that things are looking good for 2009 and to stick with the staff with the new snow emergency implementation policy. Mayor Manning then wished all in attendance a Merry Christmas and a very Happy New Year.

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

There being no further business to come before the Council, a motion was made and seconded for adjournment, the meeting was adjourned at 7:30 PM.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council