

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, JANUARY 29, 2009 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, 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.

REPORT OF OFFICERS AND COMMITTEES

ITEM #1 – Mark Gleason; General Manager explained to the Council that in order to make more recreational activities available for the children in the City that the Dome has been opened three (3) nights a week since January 5th. Mr. Gleason noted that on Tuesday and Thursday the DOME is open between 6:00 PM and 9:00 PM for basketball and other games. Additionally, on Wednesday the DOME is open for baseball clinics from 6:00 PM until 9:00 PM.

ITEM #2 – Mark Gleason; General Manager informed the Council that Bruce A. Hidley; City Clerk has distributed the yearly vehicle odometer report for the Council to review.

ITEM #3 – Mark Gleason; General Manager informed the Council that he has been working on the Stimulus Package that President Obama has presented for consideration. Mr. Gleason explained that in order to take advantage of the Stimulus Package the administration has assembled a committee to bring forward Capital Projects that could be considered for Stimulus funding. Mr. Gleason stated that serving on the committee would be Water Supervisor Bill Ashline, Water Consultant Jim Bulmer, Economic Development Director Rosemary Nichols, Department of Public Works Supervisor Dave Dressel and Recreation/Cultural Affairs Director Diane Lacivita. Mr. Gleason further stated that the committee has met once and come up with some worthwhile project candidates. One project that is already on the Stimulus list is the 19th Street Reconstruction Project. The City is hoping to get some additional funding to replace the water main from the railroad tracks east. Mr. Gleason noted that the NYS Department of Transportation has told the City that the Water Main improvements on 12th Avenue, Ball Place and Wiswall Avenue are considered betterments, NYSDOT will not consider funding them through the Stimulus package. The City will remove this from the NYSDOT Stimulus consideration but will submit this portion for water main betterment to the NYS Environmental Conservation. If the 19th Street Reconstruction Project is funded through the Stimulus package the City will not have to come up with the \$400,000 in construction matching funds. This region has over \$600 million dollars on its list.

This region has only \$100 million in funding available from the Stimulus package. There are also other projects identified for consideration. The 8th Avenue water line replacement and the repairs to the Service Reservoir on Rt. 155 are considerations for the Stimulus funding. Each of these projects will be shovel ready in a couple weeks. The painting of the Water Tower located behind Highland Club Apartments is another project which is under consideration. The City was told that the first round of Stimulus funding will involve 1,900 projects that the State already has on the Transportation Improvement Program (TIP) list. There may be two other rounds of funding at that point the City will have at least four projects to submit. Councilman Diamond asked if the NYS Department of Transportation would be allocating the money or is it the Federal Government. Mr. Gleason stated that the Federal Government would distribute the money to the State and that the State will decide which projects to fund.

OLD BUSINESS

PUBLIC HEARING – A Public Hearing on amending an Ordinance which would provide a partial tax exemption for those persons over the age of 65 with a limited income. (See Resolution No. 8368 authorizing the advertisement).

Mayor Manning opened the Public Hearing for comment. Mayor Manning requested that Mark Gilchrist Assessor/Building Inspector provide the public with information related to this Public Hearing. Mr. Gilchrist explained that there is a sliding scale senior citizen exemption currently in place. If a senior falls within a certain income level the senior citizen will receive between 5% to 50% off from the City, County and School taxes. Mr. Gilchrist noted that after every couple of years the City raises the income limits for the seniors to what the state and county offers. The City currently has 211 property owners in the City has is eligible for this exemption.

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

PUBLIC HEARING – A Public Hearing on a Local Law adopting the amended provisions of the Real Property Tax Law, Section 458B, which would provide exemptions for Cold War Veterans. (See Resolution No. 8369 authorizing the advertisement).

Mayor Manning opened the Public Hearing for comment. Mayor Manning requested Mark Gilchrist Assessor/Building Inspector to provide the public with information related to this Public Hearing. Mr. Gilchrist explained that currently in order to obtain a Veterans Exemption the owner had to serve active service during a period of war or conflict. Mr. Gilchrist noted that people that served in between the wars do not receive an exemption on their taxes. This Local Law will allow them to get a 15% exemption off their City and County taxes.

Mr. Gilchrist explained that in addition there will also be a disability exemption where the veteran would receive 50% of the disability rating, which would mean an additional 25%. This would be on top of the 15% for active service. There are approximately 325 pieces of property receiving some type of veteran's exemption. Mayor Manning asked if the City had this in place before. Mr. Gilchrist responded by saying that this is a brand new exemption adopted by New York State and Albany County.

A question was asked if you apply for the City exemption do you have to apply for the County exemption also. Mr. Gilchrist responded by saying that it is a one application process for both City and County exemptions.

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

PUBLIC HEARING – A Public Hearing on amending an Ordinance which would provide a partial tax exemption on Real Property owned by certain individuals with limited income who are disabled. (See Resolution No. 8371 authorizing the advertisement).

Mayor Manning opened the Public Hearing for comment. Mayor Manning requested Mark Gilchrist Assessor/Building Inspector to provide the public with information on this Resolution. Mr. Gilchrist explained that this is a mirror image to the limited income senior citizen exemption. This has the same income limits, the property owner does not have to be 65 years of age. They have to show an award letter from Social Security with their income. Mayor Manning asked if the State and County adopted this legislation also. Mr. Gilchrist responded by saying yes.

A question was asked as to how this would affect the tax collection process. Mr. Fahr noted that it would depend on how many residents are eligible for this exemption. The City has been adopting this exemption for many years now. Mr. Gilchrist explained that the legislation is necessary due to pension or Social Security raises. The more you make the less your exemption is, the less you make the more the exemption is. This will keep up with the raises senior citizens and disabled residents get.

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

NEW BUSINESS

LOCAL LAW NO. 1-2009 – A Local Law of the City of Watervliet, New York, adopting Chapter 655 of the laws of New York providing for Tax Exemptions for Cold War Veterans. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Local Law was approved and adopted.

ORDINANCE NO. 1841 – An Ordinance of the City of Watervliet, New York, providing that the Code of Ordinances Chapter 253, Article IV, “Disabled Persons Tax Exemption”, Section 253-8, “Income Requirements” of said code be amended for certain persons with limited incomes who are disabled in accordance with the provisions of Real Property Tax Law Section 450-C. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Ordinance was approved and adopted.

ORDINANCE NO. 1842 – An Ordinance of the City of Watervliet, New York, providing that the Code of Ordinances Chapter 253, Article I., “Senior Citizen Tax Exemptions”, Section 253-(2), “Requirements for Exemption” of said Code be amended for a partial tax exemption on Real Property owned by certain persons with limited income who are 65 years of age or older. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8373 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement with the Capital District Physicians Health Plan for the year 2009. Mark Gleason; General Manager explained to the Council that this contract will authorize the rates CDPHP will charge the City for the 2009 health insurance plan year. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8374 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement with James Bulmer, LLC, 609 25th Street, Watervliet, New York 12189, for the period January 1, 2009 thru December 31, 2009. Before voting Mark Gleason; General Manager explained that this is a contract with Mr. Bulmer to serve as a consultant with our Water Department. Mr. Gleason noted that Mr. Bulmer will concentrate on special projects related to the Water Department and also will assist Bill Ashline with trouble shooting needs. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8375 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid for the City of Watervliet Alternative Fuel Retrofit. Before voting Mark Gleason; General Manager explained that this is a green project for the City. Mr. Gleason noted that five fire trucks and nine of our Department of Public Works vehicles will be retrofitted with a diesel emission reduction system. It is anticipated that the CO emission will drop nearly 70%. Mayor Manning explained that the City applied for this grant in the summer of 2008. This is a mandatory Resolution in order to participate in the Retrofit Program. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8376 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement with David Perino, Esq. for the period January 19, 2009 thru December 31, 2009. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8377 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement with Hacker & Murphy, LLP, 7 Airport Blvd., Latham, New York 12110 for the period January 1, 2009 thru December 31, 2009. Before voting Mayor Manning explained that this is the outside legal Counsel to handle Assessment problems for the City. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8378 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement with Grammercy Communications, LLC. for the period January 1, 2009 thru December 31, 2009. Before voting Mark Gleason; General Manager explained that Grammercy Communication is a professional communications company. Mr. Gleason noted that they have helped greatly in the areas of our new Sanitation Brochure, they are currently working on a snow emergency brochure and they have been instrumental in putting together the robo call for snow emergencies. Mr. Gleason concluded by stating that Grammercy has been a very good vendor for the City. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8379 – The Council of the City of Watervliet hereby approves for the development of Customized Computer Software and Programming Services between the City of Watervliet and General Code, LLC. for the period January 1, 2009 thru December 31, 2009. Before voting Mark Gleason General Manager explained that this authorizes General Code to automate and provide specialized software for the Building Department. Mr. Gleason noted that the software will greatly assist the process of doing certificate of occupancies, licenses and permits. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8380 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement with Capital Region IT, Inc. for the period January 1, 2009 thru December 31, 2009. Before voting Mark Gleason; General Manager explained that this contract will allow Capital Region IT to continue to serve the City as our professional computer contractor. Mr. Gleason noted that Capital Region IT has customized software and other computer service needs. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8381 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute a contract with Watervliet 2003, LLC. for the purchase of certain real property and improvements at the property located at 1901 2nd Avenue. Before voting Mark Gleason; General Manager explained that this is the right of way purchase for the corner of 2nd Avenue and 19th Street. This will allow for a wider turning process after the 19th Street reconstruction project is completed. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8382 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute a contract with St. Patrick’s Church of West Troy for the purchase of certain real property and improvements at the property located at 515 19th Street. Before voting Mark Gleason; General Manager explained that this will allow the City to purchase the property in front of St. Patrick’s Church. Mr. Gleason noted that upon completion of the 19th Street Reconstruction Project this location will allow nearly 17 cars to park along the 19th Street corridor. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

APPROPRIATIONS AND ACCOUNTING

RESOLUTION NO. 8383 – The Council of the City of Watervliet hereby authorizes the transfer of funds from under spent accounts to overspent accounts in the annual estimate for the fiscal year 2008. Before voting Robert A. Fahr; Director of Finance explained that these are transfers from the General, Water and Sewer Funds. The transfers are all budget neutral, it is more of a house keeping issue for the end of the year 2008. Mayor Manning explained that there are 22 transactions which are part of this Resolution. Mayor Manning noted that the highest transaction is \$28,100.00. Mr. Fahr informed the Council that this was the down payment purchase of the ambulance, there was money left in the overtime account so rather than borrowing the money a transfer was made. Mr. Fahr concluded by saying that there may be other transfers in February depending upon whether the City receives the State reimbursements. If the reimbursements do not come in February Mr. Fahr will have additional transfers. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

Mayor Manning asked if the City received the final mortgage tax. Mr. Fahr explained that the City received the final mortgage tax and sales tax. The mortgage tax was budgeted at \$150,000.00, the City received \$160,000.00. This proves to be \$10,000.00 over budget. The Sales Tax was budgeted at \$3,125,000.00, the City received \$3,291,000.00. This proves to be \$166,000.00 over budget. Mr. Fahr noted that there was a very poor fourth quarter for Sales Tax Revenue.

PUBLIC COMMENT PERIOD

Kathleen Judd – 1620 8th Avenue – Watervliet, New York – Ms. Judd noted that she received mailings regarding changes for the residential occupancy permits for one and two family residences and mailings for the changes to the refuse pickup plan. Ms. Judd feels that it would have been a reasonable expectation to receive a mailing regarding Ordinance No. 1836, the revised Snow Removal Policy. Ms. Judd noted that she wants to know what parameters need to be met in a policy change for residents to be notified by a mailing. Mayor Manning noted that the City does not have set of parameters. The City does try to get the word out as best as possible such as the six public hearings regarding the new snow removal policy in various location throughout the City. Ms. Judd stated that she knew about the meeting but anticipated that information would be sent in the mail. Mayor Manning further explained that it also depends when the City has billings go out, it is very expensive to do an extra mailing. The City utilizes water bills to distribute informational flyers. The water bills are done in a general mailing and the City does take advantage of this for cost efficiency. Councilman Diamond stated that this would be an insert to the water bills. Mayor Manning noted that the only change to the policy was the fact that the City would be towing vehicles. Ms. Judd noted that she has an issue with the towing of vehicles and the retrieval of the vehicles. Mayor Manning explained that the first emergency was on a Saturday and that the City did not plan for that. New steps have been initiated if this happens again. Mayor Manning stated that the City hit all the papers and that a feature article was in the newspaper. Ms. Judd stated that she thinks that it was a great idea to do the relay call for snow emergencies. Ms. Judd wants to know how to be placed on the relay call system. Mayor Manning explained that the only resource the City had the first time for the relay call was the Albany County Board of Elections. Since then there are forms in all of the service windows and on the web site. Mark Gleason; General Manager noted that it costs approximately \$2,000.00 to send out a mailing. Mayor Manning further noted that our mailing are based on the tax rolls, we can send mailings to taxpayers. The City does not have an address for all residents who live here. Mayor Manning will put something together internally which may result in future mailings for certain policies not all of them. Also, the City can name six ways that residents were informed of the snow emergency policy which was passed in October. Mayor Manning stated that the City will soon be establishing a hotline very soon also. Mark Gleason noted that each time a snow emergency is declared he notifies the local news outlets then o place the information on Vliet Channel 17. A discussion followed by Ms. Judd as to when the snow emergency is on Vliet Channel 17.

Don Whitehead – 1921 8th Avenue – Watervliet, New York - Mr. Whitehead stated that At the last Council Meeting Resolution No. 8370 was passed to execute an agreement with Mohawk & Hudson River Humane Society to take the dogs picked up by the Animal Control Officer.

Mr. Whitehead feels that the \$300.00 fee charged by the shelter should be paid by the dog owner not the City. Mr. Whitehead feels that this fee should be re-addressed. Yorden Huban; Corporation Counsel explained that the Mohawk & Hudson River Humane Society is the only shelter and that the fees have been the only change from previous years. Mr. Huban noted that last year only one dog was sent to the shelter. Mayor Manning concluded that this will be re-addressed in the near future.

Mr. Whitehead discussed the snow removal from City sidewalks. As a resident who runs/walks along City sidewalks he feels this needs to be looked at more seriously, sidewalks are not being cleared/removed after a storm. Mr. Whitehead would like to see a change regarding the plow trucks swerving in and out around cars. Mark Gleason; General Manager stated that it all depends on whether the snow emergency is declared. If the emergency is not declared the City is forced to go in and out to clear as many spots open as possible, that way residents do have a place to park when they return home on smaller storms. A discussion followed focusing on one way streets. Mayor Manning thanked Mr. Whitehead for his comments.

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 to adjourn into Executive Session, the meeting was adjourned at 7:40 PM.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council