

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET  
THURSDAY, FEBRUARY 19, 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, 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 informed the Council that National Grid has contacted the City stating that the City was over paid \$32,000.00 in the gross receipts tax. Mr. Gleason explained that the Gross Receipts Tax is a tax on utility service such as gas, electric and telecommunications. National Grid discovered between the years 2005 – 2008 they overpaid municipalities in NYS over \$13,000,000.00. The error was discovered during a NYS Tax Audit. National Grid noted that the error was entirely their fault. While they are embarrassed by the mistake, National Grid pointed out that \$13,000,000.00 is too large an amount to forget about. Mr. Gleason stated that on February 3<sup>rd</sup> he and Bob Fahr participated in a conference call where National Grid provided details as to the situation. National Grid provided information as to who this type of error would not happen again. National Grid has engaged in discussions with the Public Service Commission regarding this error. The procedure to calculate the gross receipts tax has been corrected. An informational packet with revised calculations will be sent to the City. The packets will provide the necessary information to pay back the over payment to National Grid. National Grid has offered payment plans such as the City may deduct the amount owed from future payments or interest free payments over a long period of time. All parties involved will receive the informational packets in March.

**ITEM #2** – Mark Gleason; General Manager informed the Council that on February 10<sup>th</sup> he attended the 3<sup>rd</sup> Capital Region Solid Waste Management Partnership Steering Committee. It is the committee's goal to settle on a region wide area for solid waste within the 14 participating municipalities. Mr. Gleason noted that Clough Harbour Associates made a Power Point Presentation of different technologies for disposing of solid waste and recycling. It is the Steering Committee's responsibility to pick out the best technology for this region. There are two types of recycling that are being put forward. The first is dual stream recycling which actually has the residents separating the recycling at home. The second recommendation is single stream recycling which what the City currently participates in. City residents currently use this type of recycling as it does not require a specialized truck and is more efficient. At the meeting it was noted that the City of Watervliet was the only municipality the single stream recycling. Mr. Gleason stated that this is a very good way for the City to continue recycling.

At the meeting they were informed that Allied Waste was one of the big three for waste reduction. They are in the process of building a single stream recycling plant and that the Department of Environmental Conservation is now starting to recognize that single stream recycling is the best way to go for the future. Originally ENCON was against this type of recycling because they thought that there would be too much plastic in landfills. Mr. Gleason further stated that with in the next five years all municipalities will be single stream recycling. The City of Watervliet is ahead of the recycling process.

Mark Gleason; General Manager informed the Council that the last item proposed was waste to energy (incineration). Although waste to energy produces less air pollution and greenhouse gases generated in landfills it still proves to be a hot button issue with environmentalists. The environmentalists who attended the meeting made it very clear that they are against incineration. Clough Harbour also made it very clear that this was not what they are proposing for this region, just one of the technologies which have become more efficient. Mr. Gleason noted that the committee will meeting monthly to try and resolve the solid waste situation. The Council will eventually have to decide which type of recycling technology to recommend to the committee.

**ITEM #3** – Mark Gleason; General Manager explained to the Council that Rosemary Nichols; Deputy General Manager is the City’s representative on the Capital District Transportation Planning Committee. Ms. Nichols informed the City that the 19<sup>th</sup> Street Reconstruction Project is #2 on the CDTC Stimulus Funding Transportation Improvement List. If the project is accepted for Stimulus Funding the City will save up to \$400,000.00 in matching funds. Additionally, the City has put together a list of projects eligible for Stimulus Funding. These projects have been placed on the internet for the public to view. Mr. Gleason stated that if anyone had any questions to please contact his office. Mayor Manning further explained that he will be meeting with Tim Gilchrist who has been appointed by Governor Patterson to head the Stimulus Funding Program for NYS.

**OLD BUSINESS**

**NONE**

## NEW BUSINESS

**RESOLUTION NO. 8384** – The Council of the City of Watervliet hereby authorizes and approves the draft Solis Waste Management Plan modification for the Capital Region Solid Waste Management Partnership Planning Unit. Before voting Mark Gleason; General Manager stated that this is a draft plan as to how recyclables and solid waste should be treated within the Capital District. The Partnership is working toward the final report, the City is currently within the guidelines laid out by the Plan. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

**RESOLUTION NO. 8385** – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement with Murphy Consulting Services for a period of one year commencing on January 1, 2009 thru December 31, 2009. Before voting Mark Gleason; General Manager stated that Paul Murphy is working with the Rosemary Nichols on grants in the Community Revitalization Department as well as consulting advice to the General Manager. Mr. Murphy's years of expertise are a great benefit to the taxpayers of the City. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

**RESOLUTION NO. 8386** – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement with Nicholas J. Ostapkovich for a period of one year commencing on January 1, 2009 thru December 31, 2009. Before voting Mark Gleason; General Manager stated that Mr. Ostapkovich is a valuable member of the staff who handles all of the MS4 issues and combined sewer overflow issues. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

**RESOLUTION NO. 8387** – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement with the My Cafeteria Plan. The My Cafeteria Plan adoption agreement is for the Health Insurance Reimbursement Program the agreement is for the period January 1, 2009 thru December 31, 2009. Before voting Bruce A. Hidley; City Clerk explained that the My Cafeteria Plan is a Third Party Administrator who was recommended to assist the City with the Co-Payment Reimbursement Program. My Cafeteria Plan has put together a legal binding agreement with all the specifics of the co-payment reimbursement program. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

**RESOLUTION NO. 8388** – The Council of the City of Watervliet hereby recognizing the support of consolidated and shared services of the Watervliet Filtration Plant and Supply System with the Town of Guilderland and the Commission on Local Government Efficiency and Competitiveness recommendations and further authorizes Mayor Michael P. Manning to seek funding from the New York State Department of State Local Government Efficiency Grant Program. Mayor Manning stated that this is a requirement for the grant that the City is applying for with the Town of Guilderland. This will allow the City to do a study of building and operating jointly a new Filtration Plant at the Reservoir. Currently the treatment is done in Latham, NY then distributed from there. This plan would be to build the Filtration Plant jointly treat the water from there. This falls in line with the City's plan to raise the level of the reservoir and accumulate more water. This would make the capacity of the reservoir and the capacity of the new plant larger to service more communities other than Watervliet and Guilderland. Mayor Manning noted that the Town of Guilderland will pass a similar Resolution at their Town Board Meeting on March 3, 2009. This will be a \$50,000.00 grant to study the legal aspects of a joint municipal entity to run this facility. This will look at how the City of Watervliet and the Town of Guilderland would have to change their Charters to allow this to happen. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

#### **APPROPRIATIONS AND ACCOUNTING**

**RESOLUTION NO. 8389** – The Council of the City of Watervliet hereby authorizes the transfer of funds in the amount of \$8,500.00 from the Transfer To Other Funds Account to the Sewer Maintenance Account for the Sewer Vacuum Services from the City of Cohoes. Mark Gleason explained that this transfer is to pay for the sewer jet truck and driver from the City of Cohoes. Mr. Gleason noted that this transaction saved the taxpayers \$7,500.00. This transaction assisted the City with meeting and exceeding its MS4 requirements. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

Mayor Manning explained that he received a letter from Albany County Executive Michael Breslin regarding the additional 1% Sales tax passed in 1992. This will expire this year in 2009. Albany County Executive Breslin is seeking input from the municipalities as to whether we would like to see that renewed or expire. Mayor Manning stated that this would mean for the City the extra 1% would amount to approximately \$800,000.00. Yorden Huban; Corporation Counsel noted that a Resolution could be drafted stating the Council's support of extending the 1% to the City of Watervliet.

Mayor Manning informed those in attendance that after 6 weeks the ambulance has had 126 transports. This amounts to approximately 3 transports per day. The City is on track to meet the budgeted revenue goals for 2009. There have been approximately 313 of overtime to be sure that the ambulance is staffed appropriately. This overtime proves to be approximately 6 hours per day. The Mayor concluded by stating that the City is ahead for this program in 2009.

Bruce A. Hidley; City Clerk and Clerk to the Council announced that the City Council Meeting scheduled for March 5, 2009 will be changed to February 26, 2009.

### **PUBLIC COMMENT PERIOD**

Carla Bizzio – 1859 12<sup>th</sup> Avenue – Watervliet, New York – Ms. Bizzio requested information regarding the new mains that are going to be constructed on Wiswall Avenue. Ms. Bizzio wanted to know if this had anything to do with the spillway that goes into the sewer. Mr. Gleason stated that this is a storm water system and the City is replacing the water main to create better pressure. Ms. Bizzio asked if there were any future plans to do something with that area as it flooded during the December 2008 storm. Mayor Manning stated that the City has its own backhoe which will allow the City to clean that spillway. Mayor Manning noted that there is nothing that can be done to grade that area to redirect the water. Mr. Gleason stated that the City would have to completely dig out that channel and rip rap the whole system. This would prove to be a very expensive project. Mr. Gleason will give this project to the committee for Stimulus Funding consideration. Mayor Manning concluded by saying that the City will continue working hard on preventative maintenance.

Lillian Julian – 1424 1<sup>st</sup> Avenue – Watervliet, New York – Ms. Julian commended the City on the current snow removal program that is now in place. Ms. Julian noted that she has been trying to get the City to do this type of removal for the 40 years she has lived in the City. Ms. Julian does have one problem with the last snow storm regarding vehicle that never moved. This storm turned into pure ice which has created problems with walking. Ms. Julian discussed people who have disabilities walking during winter storm months. Ms. Julian noted that there were several sidewalks not shoveled for walking purposes. Mayor Manning noted that this same issue was discussed at the January 15<sup>th</sup> City Council Meeting. Mayor Manning noted that the City focused mainly on the roads and not enough on the sidewalks. Mayor Manning further explained that the Code Enforcement Department has been deployed to further enforce this sidewalk problem. Mayor Manning further stated that by bringing this issue to our attention the City will address this more aggressively. The homeowner is the responsible party to remove snow from a sidewalk. Councilman Diamond recommended that General Manager Mark Gleason contact the Watervliet Post Office to see if we could jointly work on the problem sidewalks in the City.

Erin Franco – 1915 8<sup>th</sup> Avenue – Watervliet, New York – Ms. Franco discussed the issue of dogs running loose in the City. Ms. Franco noted that it is scary to have dogs coming at you who are running loose on City streets. Ms. Franco requested that issue be looked for further action. Ms. Franco noted that the Neighborhood Watch Meeting have started up again. Ms. Franco is interested in expanding the Neighborhood Watch Program to make the program larger. Ms. Franco noted that she has contacted Diane Lacivita regarding cleaning up Clinton Park. This would include doing some revitalization and painting the basketball courts. Ms Franco noted that this activity would begin in May 2009. Councilman Diamond stated that he would contact Ms. Franco when the Keep Vliet Neat day is planned and that her crew could so Clinton Park. Ms. Franco would like to distribute flyers to residents seeking their assistance with the Clinton Park revitalization project. Ms. Franco strongly feels that this would be worth the effort to make this park a better park to enjoy.

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

**MINUTES OF THE MEETING OF THE EXECUTIVE SESSION  
OF THE COUNCIL OF THE CITY OF WATERVLIET  
THURSDAY, FEBRUARY 19, 2009**

The Executive Session was called to order by Mayor Michael P. Manning at 7:45 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 Huban; Corporation Counsel, Bruce A. Hidley; City Clerk and Clerk to the Council, Fire Chief Don Clickner and Alaina LaFerriere; Law Clerk.

**ITEM #1** – Mark Gleason discussed in detail with the Council regarding the status of the contract negotiations with the Civil Service Employees Association Local 1000. Mr. Gleason will continue to update the Council as the negotiations progress.

**ITEM #2** – Mark Gleason discussed in detail with the Council regarding the status of the contract negotiations with the Police Benevolent Association. Mr. Gleason will continue to update the Council as the negotiations progress.

**ITEM #3** – Mayor Michael P. Manning discussed in detail financial information related to the new ambulance service. Mayor Manning will continue to monitor the activity of the new ambulance service.

There being no further business to come before the Council in Executive Session, a motion was made and seconded for adjournment. The meeting was adjourned at 8:15 PM.

Respectfully Submitted,

Bruce A. Hidley  
City Clerk and Clerk to the Council