

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, MAY 21, 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, 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.

REPORT OF OFFICERS AND COMMITTEES

ITEM #1 – Mark Gleason; General Manager requested Rosemary Nichols; Director of Planning and Revitalization to discuss an issue with the Council. Ms. Nichols explained that this is a report on the beginning of the Comprehensive Planning Process. The City has retained a Comprehensive Planning Consultant and has had the first meeting. Ms. Nichols explained that the meeting was on Monday, May 18, 2009 with all the Department Heads. The purpose of this meeting was to allow the consultants to inquire with the Department Heads related to the needs for the Comprehensive Planning. This meeting also allowed the consultants to explain the Comprehensive Planning Process to the Department Heads. Additionally, this was a great opportunity for each of the participants to get to know one another. Ms. Nichols stated that the first public meeting associated with the Comprehensive Planning Process will be held on Thursday, May 28, 2009, 7:00 PM at the J. Leo O'Brien Senior Facility. The participants of this meeting will include the Citizens Advisory Committee, Department Heads and the Consultants. They will guide the Comprehensive Planning Process from this point forward. The meeting will be filmed and placed on the website and Wvliet Channel 17. The consultants will explain the process to the committee including duties and timeframe of the process.

ITEM #2 – Mark Gleason; General Manager requested Jeff Budrow of J. Kenneth Fraser Associates to address the Council on the update regarding the Upper Dam Dry River System. Mr. Budrow explained that J. Kenneth Fraser Associates has been working on permitting, design, modeling and analysis on the Dry River System in excess of two years. Mr. Budrow explained that during that time J. Kenneth Fraser Associates have accomplished quite a bit. There has been a completed submitted and a accepted a final engineers report. A completed survey of all the parcels of land owned or under the control of the City. Mr. Budrow further explained that they developed submitted and had approved an inspection and maintenance plan for the Upper/Lower Dams. There was prepared submitted and tentatively approved an emergency action plan. There are a couple of changes needed to the plan when the work is completed to the Lower Dam. The City has finally received a permit from the NYS Department of Environmental Conservation (ENCON) for the dam which is approximately 100 years old.

As the process of construction goes on this summer they will have sorted out all of the sundry property issues that exist on properties regarding easements and flood easements. Mr. Budrow noted that for the Upper Dam and Spillway his office has put together plans and specifications. This work has already been bid out and construction will begin this summer. This work needs to be completed this summer to remain current under the Consent Order that the City has signed with ENCON. Mr. Budrow provided the Council with a detailed timetable related to the cost factor related to this project which started at \$3,000,000.00. Resolution #8436 which the Council will vote on tonight is in the amount of \$227,900.00 a substantial cost difference. This work is to eliminate the existing spillway which is virtually invisible due to the fact that this spillway has never been activated. J. Kenneth Fraser Associates model demonstrates that the spillway will not see water until there is a storm that exceeds the 800 year recurrent integral storm. This has never happened and Mr. Budrow does not anticipate that this will happen. The work designed and put out to bid includes reconstructing a new spillway (grass spillway) where water can overflow. It happens to be in an area in the Town of Colonie which has a development potential. A design has been created that the developer will be allowed to build a town road across the spillway with no detrimental effects. On Tuesday, May 19, the City received five bids which ranged from the low bid noted above to a high bid of \$442,000.00. J. Kenneth Fraser Associates has prepared tabulation and bid recommendation to J & A Bayly Construction Co. Inc. The City will need a grading permit from the Town of Colonie. The grading permit will require an escrow deposit of \$3,000.00 per acre of disturbance. This is an escrow only, they do not spend the escrow money. This money is held to be sure that the grading is done in accordance with the documents. The Town of Colonie can't find the revised Ordinance which did not require a municipality to file this grading permit fee. Mr. Budrow is recommending that the City file the \$9,000.00 check which will be placed in a safe which will not be cashed. Mr. Budrow had Mark Gleason; General Manager sign the applicable paper work to file the grading permit. Mr. Budrow figures that by the fall of 2010 all of the work should be completed for the Dry River. There will be permits in hand and annual inspections will be conducted which will keep ENCON up to date.

ITEM #3 – Mark Gleason; General Manager informed the Council that he wanted to update the Council on the Honeywell Energy Project. Mr. Gleason noted that the major portion of this project needs NYSERDA approval. NYSERDA is still formulating the stimulus funding plan. This stimulus funding plan may offset up to three percentage points off of the interest on the open market rate. Since NYSERDA will only fund up to \$1,000,000.00 it was decided that the City will start with the smaller portions of this project immediately. The first phase will deal with water meters. The plan calls for the replacement of 60 business water meters as well as a pilot program placing 12 meters in residential homes. This pilot program is in line with the Mayor's goal of changing homeowners from a flat rate charge to a metered charge.

ITEM #4 – Mark Gleason; General Manager informed the Council that the water main replacement on Eighth Avenue has begun. The contractor Peter Luizzi Bros. has given the City a completion date of August 31, 2009. Mr. Gleason noted that the residents along the project have been notified that they may take advantage of this by replacing their water laterals. Mr. Gleason explained that the water lateral is the pipe that runs from the curb box into your home. The City has a water lateral replacement program that Robert A. Fahr; Director of Finance will oversee.

ITEM #5 – Mark Gleason; General Manager thanked the Garden Club for planting the flowers in Veterans Park and Clinton Park. The Garden Club planted flower and trees along the boulevards on 16th Street. The Slocomb Biology Class from Shaker High School planted flowers in Veterans Park and the Watervliet High School Character Education Class cleaned up Veterans Park during Earth Day. Mr. Gleason once again thanked all of the groups for their interest in keeping Watervliet beautiful.

ITEM #6 – Mark Gleason; General Manager informed the Council that the City of Watervliet's MS4 Report is online for review and comment by the public.

ITEM #7 – Mark Gleason; General Manager requested that the Council consider moving the next City Council Meeting to the City owned Dutch Reformed Church. Mr. Gleason has held two power point presentations there. He feels that this church is absolutely beautiful. The Historical Society has done a great job of not only cleaning the church up but they have also placed historical pictures in the church. With the warmer weather Mr. Gleason would like to see more meetings over there.

OLD BUSINESS

NONE

NEW BUSINESS

RESOLUTION NO. 8427 – The Council of the City of Watervliet is hereby authorized to act as the Lead Agency for the 18th Street Combined Sewer Overflow Project. Before voting Mark Gleason; General Manager explained that this Resolution will note that the City is taking the Lead Agency status for this project. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8428 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to complete and sign a Negative Declaration in reference to the 18th Street Combined Sewer Overflow Project. Before voting Mark Gleason; General Manager explained that this is a declaration that the 18th Street Combined Sewer Overflow Project will have no negative impact on the environment. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8429 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to file an application under the NYS Environmental Facilities Corporation Green Innovation Grant Program and to accept and receive a grant for the 18th Street Combined Sewer Overflow (CSO) Elimination Project. Before voting Mark Gleason; General Manager explained that the City is applying for a Green Innovation Grant Program that will eliminate one WEIR on 18th Street. This project will eliminate the WEIR and it will also be a part of the larger project which the MS4 would have had to deal with anyway. Mayor Manning requested the definition of a WEIR. Jeff Budrow of J. Kenneth Fraser Engineering explained that a WEIR is a little dam. These particular CSO's have WEIR's where during low flow it hits the WEIR and goes to the treatment plant. When it rains the WEIR sends the overflow to the Hudson River. This particular project is a good project as it will take approximately 37 acres of surface drainage that presently all flows to the treatment plant. This will allow the clean storm water to the Hudson River prior to it combining with the waste water. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8430 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute the Professional Services contract between the City and Mead & Hunt, Inc. for the FERC Consultant's Safety Inspection for the City's Hydroelectric Project at the Watervliet Reservoir. Before voting Mark Gleason; General Manager explained that this is entering into a contract with Mead & Hunt to perform a Part 12 Safety Inspection of the City of Watervliet Hydroelectric Facility Dam. Only licensed engineering firms are allowed to perform these inspections according to FERC regulations. The inspection has been done in the past by Jim Basha of Albany Engineering. The same engineer is not allowed to perform the inspection five years in a row according to FERC. This is a specialty service and Mr. Gleason recommends Mead & Hunt to provide the service. Mr. Gleason noted that Mead & Hunt was involved with the hydro project when it was built. This will save the City taxpayers funding as Mead & Hunt will not have to do a lot of background research. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8431 – The Council of the City of Watervliet hereby renews adoption of the Procurement Policy for the City of Watervliet. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8432 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement with ENI to perform Employee Assistance Program services for the period July 1, 2009 thru June 30, 2010. Before voting Bruce A. Hidley; City Clerk explained to the Council that the City is currently paying \$8,000.00 for EAP services. Upon reviewing other EAP service companies the City found ENI who works directly with Security Mutual Life Insurance our life insurance carrier. The quote submitted from ENI was \$1,200.00 per year for EAP services. Mr. Hidley noted that after meeting with representatives of ENI that they will be able to provide the same services as our current EAP representative at a savings of \$6,800.00 per year to City taxpayers. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8433 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to file an application under the New Freedom Transportation Funding Program and to accept and receive a grant for transportation purposes. Before voting Mark Gleason requested Rosemary Nichols; Deputy General Manager of Community Development and Planning to provide the Council with an update on the Resolution. Ms. Nichols stated that the seniors in the City for years have suggested that it would be advisable to have a smaller internal bus system that would allow them to move from various concentrated centers and shopping. Ms. Nichols went to a meeting with representatives of the Capital District Transportation Authority that identified a possible source of funds to purchase a vehicle along with an arrangement for three years of operating service. Ms. Nichols noted that this is another grant opportunity which is not guaranteed but the prospects are good for this funding. This will allow Ms. Nichols to put forth the application for funding. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8434 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to approve and execute a Construction Services Contract with Gallo Construction Corporation for Contract No. 65-2009, 3rd Avenue and 7th Street Project in the amount of \$14,830.00. Before voting Rosemary Nichols explained to the Council that the City has been focusing its redevelopment and business encouragement efforts in the Route 32 corridor from the Arsenal Gate to the South City Line. This is a reconstruction of a curb that is missing or removed on the southeast corner of 7th Street and Third Avenue. With the assistance of Fraser Engineering the City received proposals of which the low bidder was Gallo Construction in the amount of \$14,830.00. Ms. Nichols feels that this was a very competitive bid and she would like the Council's authorization for this project tonight. Mayor Manning explained that this project was in conjunction with a new business on that corner. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8435 – The Council of the City of Watervliet hereby approves a revision to the use of City owned Vehicle Policy. Before voting Mark Gleason; General Manager explained that this was the new vehicle policy allowing the driving age change from 21 years of age to 18 years of age. This will allow the City to utilize summer help to drive our vehicles. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8436 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement with J & A Bayly Construction Co., Inc. for Contract No.62-2009, Dry River Improvements Upper Dam and Spillway in the amount of \$227,900.00. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8437 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement with Harbor Masters LLC., for the purchase and installation of low profile docking and gangway at Hudson Shores Park in the amount of \$80,219.50. Before voting Mark Gleason; General Manager explained that this is the docking and gangway which will allow small craft/boats in the Hudson River from Hudson Shores Park. Mayor Manning explained that the City has the funds to do this through a grant received from the Greenway. This docking and gangway is completely paid for. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

APPROPRIATIONS AND ACCOUNTING

Mayor Manning reported that a new contract has been drafted with the Town of Guilderland for the sale of water. Mayor Manning would like this contract on the agenda for June 4th Council Meeting.

PUBLIC COMMENT PERIOD

Michael Calacone – 401 2nd Avenue – Watervliet, New York – Mr. Calacone wanted to thank the City Council for changing the dog law in Pershing Green Park. Mr. Calacone asked how many people will be using the new docking and gangway. Mr. Calacone noted that the river area in Albany already has this along with a shed. Mayor Manning responded by saying that the Albany docking is overcrowded and older. The City also hopes to construct some type of storage area for support of an operation. Mayor Manning has received several calls already regarding this docking, gangway and storage. The goal is to have a crew team from Watervliet High School. This will hopefully generate some scholarship money for our students.

Erin Franco – 1915 8th Avenue – Watervliet, New York – Ms. Franco wanted to thank Police Chief Ron Boisvert for the traffic detail on 23rd Street. Ms. Franco also wanted to let the Council know that the Neighborhood Watch has two benches donated for Clinton Park. There is a possibility that two more benches will be coming if someone could install them. Additionally, Ms. Franco wanted to remind the Council about the picnic on Saturday, June 6, 2009. Ms. Franco wanted to know who was responsible for the grass area along Rite Aid. Mark Gleason; General Manager stated that Rite Aid is responsible and that he will contact Rite Aid. Mr. Gleason noted that Rite Aid is a problem every year. Ms. Franco stated that people are starting to recognize how clean the City is looking along with appealing. Ms. Franco discussed the vacant buildings, she specifically noted certain addresses. Mr. Gleason explained that as far as grass cutting the City can't just go on private property. Mr. Gleason noted that there is a ticket process and that once all these steps are takes the City can then cut the grass and places the bill on their taxes. As far as vacant buildings the City does have Ordinances that will assist the issue of vacant buildings.

Mayor Manning noted that the Memorial Day Parade will be on Monday, May 25, 2009 at 10:00 AM. Mayor Manning explained that the Arsenal will join us this year with floats and military vehicles.

Mayor Manning noted that the Farmers Market will begin on Tuesday, May 26, 2009 from 2:30 until 5:30 PM. The Farmers Market this week will include the Governor's Chef who will prepare food from the local farmers at the market. Mayor Manning encouraged all to attend the Farmers Market which will be located at the DOME.

Mayor Manning explained that the aviation group the Watervliet Wing Warriors had a donation from one of their deceased members to start a group. The aviation group consisted of 5th and 6th graders to teach them the principals of flight using radio controlled planes and helicopters. The group made a trip to the airport where they were able to view the control tower and radar room. The last class ends this week their will be a show of what they learned during their six week session. The show will be at 12:00 noon at the DOME immediately following their last class. Mayor Manning invited all to attend. The children of this class have come a long way in their studies.

Councilman Diamond wished Mayor Michael P. Manning a very Happy Birthday.

Mayor Manning noted that today was Youth Day. Mayor Manning explained that the elected Youth Officials attended an arraignment, mock Council Meeting and they followed their City Official for the day. The Youth City Council had a mock Council Meeting regarding texting while driving. The mock City Council passed an Ordinance banning texting along with the applicable fines associated with it.

There 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, MAY 21, 2009**

The Executive Session was called to order by Mayor 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 and Clerk to the Council, Robert A. Fahr; Director of Finance, Police Chief Ron Boisvert and Diane Conroy-Lacivita; Director of Recreation and Cultural Affairs.

ITEM #1 – Mayor Michael P. Manning requested Diane Conroy-Lacivita to discuss a proposed financial issue related to the Hudson Shores Park docking area. After a lengthy discussion the Council decided not to act upon this financial issue.

There being no further business to come before the Council in Executive Session, a motion was made and seconded for adjournment of the Executive Session. The Executive Session was adjourned at 8:10 PM.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council