

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, JULY 16, 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, Rosemary Nichols; Deputy General Manager of Economic Development and Planning, Bruce A. Hidley; City Clerk and Clerk to the Council, Robert A. Fahr; Director of Finance, Police Chief Ron Boisvert, Fire Chief Don Clickner and Mark R. 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, requested Mark R. Gilchrist, Assessor/Building Inspector to discuss the ticket program which is run out of the Building Department. Mr. Gilchrist discussed the Building Dept. City Court activity since November 20, 2008. Mr. Gilchrist explained that his department spent last October and November warning property owners for different property maintenance issues. In early December the Building Department started issuing tickets to property owners for items such as debris being placed out too early, garbage cans being placed out too early for pick up, high grass tickets and junk car tickets just to name a few of the violations. Also during this time period the Building Department has issued ROP and CO violations in the Court with fines being applied. Mr. Gilchrist noted that 167 tickets have been issued since December 2008. A total of \$8,600.00 in fines had been assessed. There has been \$6,000.00 in fines paid. The balance if it is not paid will be assessed to the property owner tax bill. It was explained this coming winter that the Building Department will be issuing tickets to homeowners who do not remove snow from their sidewalks.

ITEM #2 – Mark Gleason, General Manager, requested that Police Chief Ron Boisvert discuss an issue with the Council. Police Chief Boisvert explained that he provided the Council with information related to two applications for handicap access point signs for two residents in the City. The first is for Mrs. Craig at 408 3rd Avenue who is the primary care giver to her daughter who is handicapped. Police Chief Boisvert provided photos related to where the access signs would be posted. The area needed would assist Mrs. Craig with getting her daughter in and out of the car for appointments. Police Chief Boisvert noted that in accordance with the Charter the two areas are not qualified for handicap parking signs. Police Chief Boisvert does feel that the two spots are eligible for the access points. The second area is at 1611 7th Avenue owned by Mr. & Mrs. Harry Cushing. This location is more congested due to the fact it is a more residential area. Chief Boisvert feels that this location is also eligible for the access signs. Chief Boisvert offers this proposal for Council consideration. Chief Boisvert also noted that he made no commitment to either location only that he would speak with the Council.

Councilman Diamond asked Chief Boisvert if the requestors can park in the access points. Chief Boisvert responded by stating that there is nothing which says they can't park in the access spot. Chief Boisvert explained that if you allow the applicants to park in the access point, the City would have to allow other residents the ability to park in the access point. Councilman Diamond stated that the City should work on a Charter change. Councilman Diamond agrees with the access point until the change can be made. Chief Boisvert requested the Council to give this some thought for legislative action on the August 13th City Council Meeting.

ITEM #3 – Mark Gleason, General Manager, explained that the Council has a letter of agreement from Honeywell Inc. regarding the street light study. Mr. Gleason stated that he would to discuss whether legislation should be put forward to pursue the project. Mr. Gleason noted that the study would look into the feasibility of the City owning the street lights. An energy program would be undertaken to improve the efficiency of each street light. The street light pay back is estimated to be 12 years. The project cost would be approximately \$800,000.00. The energy improvements would be financed over a period of time by using the savings from the reduced energy uses. Mr. Gleason has a concern that is part of the contract which states that Honeywell does the study and that if the City does not have a pay back of 12 years or less then we don't do the project with the City paying nothing for the study. If the City opted not to do the study the City would owe Honeywell \$20,000.00. Mr. Gleason is requesting that the Council provide him with feed back related to placing this agreement on the agenda for the next meeting. Councilman Diamond stated that the City has a pretty good idea on the economic stability of the City for next year. Robert A. Fahr, Director of Finance recommends that the City wait until the 2010 census numbers come out to see what type of reduction there is in sales tax. We also don't know how much of a reduction there will be in State Aid in the 2010 period. Mr. Fahr can't advise the Council to approve this with all the outstanding questions which can't be answered. Mr. Gleason noted that the City can wait until the middle of 2010. The Council authorized Mr. Gleason to wait on this agreement until next year to see how much better our financial condition is.

ITEM #4 – Mark Gleason, General Manager, explained that tonight the City Council held its second budgetary workshop for the fiscal year 2010. Mr. Gleason stated that the City received news from the New York State Retirement System that the 2010 retirement cost will increase 40% over the 2009 cost. The increase in the retirement cost translates into a 9% tax increase for 2010. Mr. Gleason noted that to face the challenge of this increase each Department Head is being asked to save the City ½ % tax increase for the second half of 2009. Additionally, Department Heads will be asked to save 1% of a tax increase in their budgets for 2010. The savings may come in the form of either expense reduction or additional revenue. Mr. Gleason is hoping that each department can meet the challenge. There could be more serious measures if these goals are not met.

ITEM #5 – Mark Gleason, General Manager, informed the Council that the recently installed dock for canoes and kayaks at Hudson Shores Park has become a fishing point for people. Mr. Gleason wants to open this subject for dialogue to get some direction or policy on this subject. Mr. Gleason feels that this definitely will become a problem when both are trying to use the dock area. Yorden Huban, Corporation Counsel, stated that the Council needs to make a determination as to what type of recreational use the dock should be used for. A discussion followed on the type of language should be placed on the signs stipulating what can and can't be done around the dock area. Councilman Diamond does not feel that it would be a conflict to have fishing and boating on the same dock. Councilman Diamond asked about safety items on the dock. A discussion followed regarding safety items which may be needed on the dock. Mayor Manning noted that until organized boating is established the City will need to craft some type of safety policy for the Council to consider.

ITEM #6 – Mark Gleason, General Manager, informed the Council that work has begun on the Upper Dam by Bayly Construction Co. Mr. Gleason explained that Bayly Construction has been working on the Upper Dam for the past two weeks. The City is waiting for an easement conflict on the spillway to be resolved. Once work is completed on the Upper Dam and the easement issue is resolved construction will move on to the spillway. Mr. Gleason noted that the City has a deadline of October 1, 2009 by the Department of Environmental Conservation (DEC). The City is currently on schedule to meet the applied deadline. The schedule could be jeopardized if an easement agreement is not reached with the developers. Mr. Gleason noted that DEC has been updated on the status of the easement situation. Yorden Huban, Corporation Counsel, is working with the property owner's attorney to work out a temporary agreement to begin the work. James Bulmer, Water Consultant is the person over seeing the project for the City.

ITEM #7 – Mark Gleason, General Manager, reviewed the summer programs which are ongoing. Mr. Gleason stated that all the programs from last year are back with the following being added, basketball, golf, hip hop for seniors and teenagers, cheerleading, football, street hockey and a theatre camp.

ITEM #8 – Mark Gleason, General Manager, informed all in attendance that Mayor Michael P. Manning will be throwing out the first pitch on Tuesday, August 11, 2009, at the Joseph Bruno Stadium for the City of Watervliet Valley Cats Night. Watervliet children who register and buy tickets that night will be allowed on the field during the opening ceremonies.

ITEM #9 – Mark Gleason, General Manager, requested Bruce A. Hidley; City Clerk to announce a proposed change of schedule for the August City Council Meetings. Mr. Hidley stated that there are a couple of conflicts with the currently scheduled Council Meeting. Mr. Hidley requested that the Council consider changing the dates to August 13 and August 27. After a discussion the Council agreed to the change of dates.

OLD BUSINESS

NONE

NEW BUSINESS

ORDINANCE NO. 1848 – An Ordinance of the City of Watervliet providing that the Code of Ordinances, Chapter 212, “Peddling and Soliciting” be amended. Yorden Huban, Corporation Counsel, stated that this Ordinance will update the antiquated Peddlers and Solicitation requirements currently being enforced. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Ordinance was approved and adopted.

RESOLUTION NO. 8452 – The Council of the City of Watervliet hereby authorizes Bruce A. Hidley, City Clerk, to advertise once in the official newspaper for a Public Hearing on Thursday, August 13, 2009 at 7:00 PM regarding the City of Watervliet acting as the Lead Agency in the Environmental Review of the Comprehensive Capital Grant Program for the Watervliet Housing Authority. Mark Gleason, General Manager explained that this Resolution is a housekeeping issue which will allow the public to comment on projects which may effect the environment that the Housing Authority is working on. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8453 – 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 bids on Tuesday, August 4, 2009 at 11:00 AM for the purchase and installation of a heating system at 1501 1st Avenue, Watervliet, New York currently occupied by the Watervliet Historical Society. Mark Gleason, General Manager, explained that currently there is no heating system for the museum. The City wants to explore the possibility of putting heat in the museum so they may be open year round. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8456 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement with Clough Harbor Associates LLP regarding Supplemental Agreement No. 4 (Additional Construction Inspection) for the 19th Street Reconstruction Project. Mark Gleason, General Manager, explained that when the budget was put together the rates were based on the 2007 – 2008 rates. The inspection rates have gone up and this will be funded through the Stimulus Funding. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8457 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement with Green Island Contracting LLC in the amount of \$5,794,193.91 for the 19th Street Reconstruction Project. Mark Gleason, General Manager, explained that this project came in 1.5 million dollars less than what the estimate was for. The Department of Transportation sent a letter stating their approval of this project. Mayor Manning asked if there is a public hearing of any kind for the next phase of this project. Mr. Gleason responded by saying that now that a contractor has been hired the City will conduct public meetings. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8458 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute the Fire Department Ladder Truck Cost Sharing Memorandum of Agreement between the City of Watervliet and the Village of Green Island. Before voting Mark Gleason, General Manager explained that both municipalities are in need of a ladder truck and we will be able to share the cost of the purchase. Mayor Manning explained that the Village of Green Island will be reviewing the proposal for approval. The cost will be a $\frac{3}{4}$ to $\frac{1}{4}$ cost share. There will be more formal information about this transaction at a later date. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

APPROPRIATIONS AND ACCOUNTING

RESOLUTION NO. 8454 – The Council of the City of Watervliet hereby authorizes the transfer of funds from the Police Payroll Account to the Police Special Wages Account in the amount of \$9,000.00. Before voting Robert A. Fahr, Director of Finance explained that this is the May and June Workers Compensation wages paid. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8455 – The Council of the City of Watervliet hereby authorizes the transfer of funds from the Water Fund Contingency Account to the Water Engineering Projects Account in the amount of \$16,000.00. Before voting Robert A. Fahr, Director of Finance explained that this transaction has to do with the 8th Avenue Water Line Project. Mr. Fahr noted that the engineering costs budgeted were not enough. Mayor Manning asked the status of this project. Mr. Gleason responded by saying that the project is on schedule as planned. Mayor Manning expressed his concern about the depth of the section which were cut out in the roadway area. Police Chief Boisvert stated that this area should be marked so that a driver traversing the area will be aware of the construction in the street. Mr. Gleason stated that he will address that issue with the contractor tomorrow. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

Robert A. Fahr, Director of Finance explained that the City of Watervliet received its 2nd quarter sales tax in the amount of \$765,000.00. Mr. Fahr noted that the City is currently 49% of the 2009 budget. The City needs to average approximately \$793,000.00 for the next two payments to make the budget. The budgeted amount for 2009 Sales Tax is \$3,125,000.00. Mayor Manning asked if historically the final two quarters came in higher. Mr. Fahr stated that the City is pretty much on target for the 2009 budget.

PUBLIC COMMENT PERIOD

Jeff Foster – 1201 8th Avenue – Watervliet, New York – discussed the 8th Avenue Water Project with the Council. Mr. Foster explained that he has done a lot of water lines in the City. Mr. Foster noted that when his projects were done that he had to place concrete in the street. Mr. Foster noted that the contractor on 8th Avenue has not done that and wanted to know if the regulations had changed. Mr. Foster also stated that the contractor is doing work every 15' in the street, wouldn't it be best to repave the whole street. Mark Gleason, General Manager explained that the City will be doing a complete reconstruction of 8th Avenue in the future to place sewer lines in. Mr. Gleason stated that all the parties involved with the project didn't feel that it would be cost effective to place the concrete at this time. Mayor Manning stated that in this case the City looked to the future work to be done in that area. Mr. Foster noted that his concern deals with snow plowing in the winter, he feels that the entire street should have been paved due to the amount of the street openings. Mr. Gleason also stated that Fraser Engineering Associates reviewed the plans prior to the beginning of this project. Mr. Foster noted that he spoke with the person in charge of the project who explained to him that the City did not have enough money to pave the entire street. Mayor Manning concluded by saying that the City will review this issue with Fraser Engineering Associates.

Mark Harbour – 1530 Avenue A, Watervliet, New York – Mr. Harbour questioned why the City was replacing the waterlines on 8th Avenue. Mr. Harbour stated that the neighborhood has more of a problem with the sewer lines than the water lines when it rains. Mark Gleason, General Manager explained that five new fire hydrants were added to the project area. The City went from a four inch line to a six inch line making the water pressure even better for public safety purposes. Mayor Manning explained that there were water pressure issues on the southern part of the water line project area. Once again, Mr. Harbour stated that the residents in this area still have a strong concern about sewage in their cellars and that the City should consider sewer line replacements while the water line project was ongoing. Mr. Gleason stated that the City can not afford two projects such as this at one time. Mr. Gleason acknowledged the need for new storm lines and that the City is applying for combined storm sewer grant money. Mayor Manning concluded by stating that this item will be placed into the category of Old Business category. This issue will be addressed at a later date with Mr. Harbour.

Page Seven
Council Meeting Minutes
July 16, 2009

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 the meeting into Executive Session, the meeting was adjourned into Executive Session at 7:55 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
JULY 16, 2009**

The Executive Session was called to order by Mayor Michael P. Manning at 8:00 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, Rosemary Nichols, Deputy General Manager of Planning and Economic Development and Fire Chief Don Clickner.

ITEM #1 – Rosemary Nichols, Deputy General Manager of Planning and Economic Development discussed the development of a policy and the direction of the combined storm water/sewer overflow. After a detailed discussion the Council decided that the City needs to develop a policy regarding the future combined water/sewer overflow.

ITEM #2 – Mark Gleason, General Manager discussed in detail with the Council the ongoing contract negotiations with the Civil Service Employees Association and the Police Benevolent Association.

ITEM #3 – Mark Gleason, General Manager discussed in detail a Department of Public Works Water Department issue with the Council.

ITEM #4 – Robert A. Fahr, Director of Finance explained to the Council that the NYS Retirement System has contacted him regarding the contribution increases coming in the future for the City.

There being no further business to come before the Executive Session a motion was made and seconded for adjournment. The meeting was adjourned at 8:35 PM.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council