

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, AUGUST 27, 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.

Before moving into the Reports of Officers and Committees Mayor Manning introduced the Watervliet High School Reality Check Group. The Watervliet High School students who are a part of the Reality Check group included Sierra Lynch, Amanda Carpenter, Adrian Blackman and Chelsea Compton all members of the Class of 2010. The group presented the Council with a folder which included sample a Resolution which would support the reduction, rearrangement or the elimination of tobacco advertisements in the retail setting to protect the health and wellness of the youth in the City of Watervliet and in the County of Albany. The folder also provided the Council with sample pictures of the locations in the City with the tobacco advertisements. Additionally, the folder had a sample Resolution which would support smoke free movies. Each of the students discussed the importance of why they are involved in the Reality Check tobacco advertisement and smoke free movies. The students were given a round of applause upon conclusion of their presentations by all in attendance at the Council Meeting. Mayor Manning on behalf of the City Council thanked the students of Reality Check for their fine presentations. Mayor Manning also noted that the City will place this on the agenda for the September 3, 2009 meeting for a vote. Mayor Manning explained that if this legislation is passed that he will provide them with a copy of the Resolution on the City's letterhead.

REPORT OF OFFICERS AND COMMITTEES

ITEM #1 – Mark Gleason, General Manager, informed the Council that the City's Comprehensive Plan Committee will be meeting on Thursday, September 10, 2009 from 7:00 PM until 9:00 PM at the J. Leo O'Brien Senior Citizen Center. Mr. Gleason noted that all residents are invited to attend the Comprehensive Plan Committee Meeting. Mr. Gleason stated that residents may obtain additional information from the City's website. Additionally, brochures will be available throughout City Hall.

ITEM #2 – Mark Gleason, General Manager, discussed the Upper/Lower Dam project with the Council. Mr. Gleason explained that improvements to the City owned Upper Dam and connected Spillway are complete. Mr. Gleason noted that the project came in a month ahead of schedule. Mr. Gleason further explained that the Dam and Spillway now meet the Department of Environmental Conservation's (DEC) suggested criteria for handling a 500 year storm. Jeff Budrow of Fraser Engineering and Mr. Gleason will be meeting with DEC at the Dam/Spillway for a final inspection. Mr. Gleason concluded by stating that the City's effort will now focus on improvements to the Lower Dam.

ITEM #3 – Mark Gleason, General Manager, informed the Council that the 19th Street Reconstruction Project has begun. Mr. Gleason explained that two public meetings were held for residents and business owners regarding the project to address traffic flow and street closings. Additionally, discussion focused on the replacement of the water main west of the railroad tracks. Mr. Gleason noted that it will take two construction seasons to complete the project which will be in the fall of 2010. This construction project is being 100% funded by the Federal Government. Mr. Gleason further explained that the construction schedule is on the website as well as contact information for the project.

ITEM #3 – Mark Gleason, General Manager, explained to the Council that in keeping with the City Administration's efforts to improve the quality of life in Watervliet the Sanitation Department along with the Code Enforcement Department will work together on combating violations to our refuse policy. These two departments have designated the week of September 14, 2009 as Enforcement Week. Mr. Gleason noted that Code Enforcement Officers will ride along with the Sanitation Department in order to enforce violations of the City's Sanitation Policy. Mr. Gleason stated that Code Enforcement will be looking for violations related to garbage put out too early, garbage not in cans and the 100 pound limit. Mr. Gleason further stated that this type of enforcement will take place on a quarterly basis eventually getting to the point where the sweeps will no longer be needed.

ITEM #4 – Mark Gleason, General Manager, distributed a copy of the proposed Open Burning Ordinance. Mr. Gleason requested that the Council review this Ordinance and provide Yorden C. Huban, Corporation Counsel with their comments. Mr. Huban would like this placed on the September 3, 2009 City Council Meeting agenda.

OLD BUSINESS

Mark Gleason, General Manager, explained to the Council that at the July 16, 2009, City Council meeting a question was raised regarding street repairs. Mr. Gleason explained to the Council that the City makes contractors performing street repairs including main repairs and lateral replacement to backfill an excavated hole with concrete. Mr. Gleason noted that last year a new Street Ordinance was passed (Ordinance No. 1830) which dictates construction standards. This Ordinance does allow the City to modify the minimum standards when necessary. All the City's standards were met during the 8th Avenue Water Main Replacement Project. Mr. Gleason concluded by saying that if a local contractor working on a water main or later follows Ordinance No. 1830, Article 244-19, they will not be required to backfill with concrete. A contractor must adhere to either Ordinance No. 1830 or backfill with concrete.

Mark Gleason, General Manager, addressed with the Council a comment regarding 8th Avenue homes having to pump out sewage from their cellars during the major rain storm in July. Mr. Gleason noted that the Fire Department reported that all of the cellars they pumped out contained rain water, not sewage. Mr. Gleason explained that this storm dropped over three inches of rain within two hours. Mr. Gleason noted that the City will continue to work towards improving the infrastructure within the City and in the case of the 8th Avenue project the priority was the water main.

NEW BUSINESS

PUBLIC HEARING – A Public Hearing 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.

Mayor Manning opened the Public Hearing for comment. Mayor Manning explained that the City of Watervliet acts as the Lead Agency if needed regarding any environmental issues related to the Capital Projects at the Watervliet Housing Authority.

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

RESOLUTION NO. 8459 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to complete and sign as required the determination of significance of an application for funding under the 2009 Watervliet Housing Authority Capital Grant Program. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8460 – The Council of the City of Watervliet hereby ratifies the Memorandum of Agreement with the Civil Service Employees Association for the period January 1, 2009 thru December 31, 2012. Before voting Mark Gleason, General Manager, explained that this agreement is a four year agreement with CSEA ending in 2012. The agreement calls for a 3% increase in salary each year, language regarding departmental seniority, overtime concern and seasonal/part time help. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8461 – The Council of the City of Watervliet hereby authorizes Bruce A. Hidley, City Clerk, to advertise once in the official newspaper that the City of Watervliet is seeking proposals from a Regional Planning Council to provide assistance regarding a regional planning study connected with a review of consolidation of water services for the City of Watervliet and other communities. Before voting Mark Gleason, General Manager explained that this is a study of the water issues with the City and the Town of Guilderland. Mayor Manning explained that the City received a grant in the amount of \$50,000.00, this is to find the consultant to conduct the study. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8462 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement with Metro Plumbing and Heating, LLC in the amount of \$12,340.00 for the HVAC and Cooling Component at 1501 1st Avenue, Watervliet, New York formerly known as the Dutch Reformed Church. Before voting Mark Gleason, General Manager explained that this is for the heating system and cooling component for the historic museum and keep it open year round. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8463 – The Council of the City of Watervliet hereby authorizes Police Chief Ron Boisvert to cause Handicapped Access signs to be erected in front of 408 3rd Avenue and 1611 7th Avenue in the City of Watervliet. Before voting Police Chief Ron Boisvert explained that this is for access only not a permanent parking space. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

APPROPRIATIONS AND ACCOUNTING

Robert A. Fahr, Director of Finance, informed the Council that he will have budgetary transfers for the September 3, 2009 City Council Meeting.

Mayor Manning explained that the NYS Comptroller Office Audit has been postponed until sometime in September due to our employee vacation schedules. Robert A. Fahr, Director of Finance noted that he has transferred the payroll records to the Comptrollers Office. Mr. Fahr noted that the City has not heard back from the Comptrollers Office with a date the audit will be conducted.

Mayor Manning announced that the City of Watervliet had a bond rating increase from BBB- to A-. Mayor Manning explained that this is the highest rating the City has had for a very long time. Mayor Manning noted that the City has a stable financial platform to work from. Mayor Manning thanked the City Council and his City Administrative staff for their hard work. This is the team who worked hard to get this fine bond rating.

Mayor Manning announced that the Capital District Transportation Authority (CDTA) informed the City that they will be eliminating the #84 Belt run. The only remaining routes in the City will be the #22 and a route 7 bus that goes into Schenectady.

PUBLIC COMMENT PERIOD

Bob Gusberti – 1212 Hillside Drive – Watervliet, New York – Mr. Gusberti explained to the Council that for the past couple of years he has been disgusted with the landscaping across from his residence. Mr. Gusberti noted that there are all kinds of foliage growing which include sumac, maple, cherry elm, grapevines, ragweed, cattails, poison ivy and bushes. There are other items such as branches, wood, bottles and cans that have been just thrown into the ditch area. Mr. Gusberti further explained that half of the area in question belongs to the City and that the other half belongs to the School District. Mr. Gusberti wants to know why the City can't come to some type of agreement to clean the area up. Many years ago summer employees cleaned this area. Mr. Gusberti also noted that workers from the Albany County Correctional Facility cleaned this area. Mr. Gusberti feels that this area is terrible to view in the condition it is in.

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

Councilman Diamond discussed the boarded up buildings issue with all in attendance. Councilman Diamond explained that it bothers him that there are boarded up buildings in the City of Watervliet. Councilman Diamond feels it is unsafe for the residents and neighbors. Councilman Diamond feels it is especially unsafe for the Firefighters and Police. Councilman Diamond hopes that at some point the Council can address legislation that will make it illegal to board any building or home within the City. Councilman Diamond also stated that it distracts from the good looks of neighborhoods within our community. Mayor Manning noted that there is legislation on the books which requires homeowners/businesses to board their property when vacant. Mayor Manning suggested that the Council conduct a workshop on this issue for consideration. Police Chief Boisvert feels that from a safety standpoint that the vacant building should be boarded up due to vandalism and other issues. Corporation Counsel Yorden C. Huban explained to the Council that he will review the Vacant Building Registry Ordinance and get back to them on this issue.

Councilman Diamond wanted to thank Clough Harbour Associates for the fine job they did during the recent presentation at Watervliet High School related to the construction work for the 19th Street Reconstruction Project.

There being no further business to come before the Council, a motion was made and seconded to adjourn. The meeting was adjourned at 7:45 PM.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council