

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, SEPTEMBER 17, 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 accept the minutes from the previous two City Council Meetings on August 27 and September 3, 2009 meetings.

REPORT OF OFFICERS AND COMMITTEES

ITEM #1 – Mark Gleason, General Manager requested Rosemary Nichols, Deputy General Manager of Economic Development and Planning to address the Council. Ms. Nichols explained to the Council that she has a report on the Comprehensive Plan and the annual meeting of the Planning Federation. Ms. Nichols explained that the Comprehensive Plan Committee is about one third of the way completed with the process. The City is currently on track with good representation from the community along with the City staff. Ms. Nichols stated that this committee is headed by a very dynamic individual by the name of Paul Gentile. The major physical product which has been produced so far is the Community Profile. It is a lot of facts about the City such as demographics, housing conditions, status of our businesses, infrastructure, transportation, natural environment, historic preservation, community services, parks and waterfront. This material is in a draft form being reviewed. Once the committee is happy with the draft document they then intend to submit the document to the community and web page. This way they will be able to make any applicable comments.

Rosemary Nichols informed the Council that on Thursday, September 10, 2009, there was a visioning workshop at the J. Leo O'Brien Senior Facility. Ms. Nichols noted that approximately 50 residents of the City showed up to attend this meeting. The meeting focused on three questions, what do you like about the City, what don't you like about the City and if you don't like certain things how would you like to see it change. Ms. Nichols stated that Mayor Manning was also in attendance for this meeting. There were some suggestions but overall those in attendance felt that things were pretty good. Ms. Nichols further stated that the next step would be to finalize the factual information, put together the visioning information and then present a larger document for all to review. The Communication sub-committee of the Comprehensive Planning Committee will be running a web page and blog. The committee hopes that this will create a way for people to talk related to planning issues.

Ms. Nichols explained that the committee has a goal to have the Comprehensive Plan finished for Planning Board review in March or April 2010. The final adoption by the City Council should take place sometime in the early summer of 2010. Upon completion the next step will be to determine what does the City do regarding a Zoning update to take advantage of the recommendations from the Comprehensive Plan. Additionally, there may be some Charter changes made.

Rosemary Nichols explained to the Council that the two themes at the New York Planning Federation meetings is that a lot of the other communities are trying to create Watervliet. They are talking about sustainability, traditional housing on small lots with the idea of energy efficiency. These were the recommended ideas from the various professional planners. In the larger context of what planning thinking is keeping what we have and enhancing what we have. This is what the professional planners are recommending for maximum economic viability and social cohesion in the community.

Rosemary Nichols explained to the Council that the linkage study involving the Village of Menands, Town of Colonie and the City of Watervliet for Route 32 will be released in the Contract Reporter on Friday, September 18, 2009. The responses to the request are to be in by the end of October. The due date on the planning study is June 2010.

ITEM #2 – Mark Gleason, General Manager informed the Council that repairs to the Hydroelectric Facility in Guilderland, NY has run into some problems. The tailgate which holds the water out of the hydro during repairs didn't seal properly. Mr. Gleason also noted that the 4" pump that was being used to remove the water that the tailgate was not holding in burned out. These two items have set the hydro project back by approximately two weeks. Mr. Gleason stated that the repairs to the hydro will be completed sometime in early November.

ITEM #3 – Mark Gleason, General Manager informed the Council that Honeywell has started phase I of the Energy Project. Mr. Gleason noted that City Hall and the J. Leo O'Brien Senior/Library Facility had a window film installed. The film will reflect the sunlight in the summer and trap the warmer air in the winter. Mr. Gleason also noted that Honeywell has met with William Ashline, Water Supervisor and Jim Bulmer regarding the installation of water meters for businesses. Additionally, a start of the water meter pilot program for residences was discussed. Mr. Gleason concluded by explaining that the starting next week will be the replacement of the heater system in the Fire Department.

ITEM #4 – Mark Gleason, General Manager informed the Council that on Monday, September 14, 2009, he attended the Fall Conference at the Rockefeller Institute of Government in Albany. The subject dealt with the current state of the economy in New York. Currently our government is in the worst economic crisis since the depression. This crisis was brought on by the real estate collapse and regulatory failure of the previous federal administration. Mr. Gleason noted that upstate New York has not performed well as to economic indicators whereas downstate has stabilized. The financial service sector is starting to rebound. The suggestion for the City of Watervliet and other municipalities was not to over estimate revenues and to keep a tight control on expenses. Mr. Gleason thanked Robert A. Fahr, Director of Finance who for over a year now has been practicing this very policy.

ITEM #5 – Mark Gleason, General Manager informed the Council that the Department of Code Enforcement issued 160 warnings this week for various violations to the City's Sanitation Policy. Mr. Gleason noted that the citations were for items such as recycling bin not out and garbage not in cans. Mr. Gleason stated that Code Enforcement will be running the same program again next month. By November the Department of Code Enforcement will han out actual tickets.

ITEM #6 – Mark Gleason, General Manager informed the Council that he met with Chief Boisvert and representatives of the Canadian Pacific Railroad regarding work on 19th Street. Mr. Gleason explained that Canadian Pacific informed them that the material for the tracks would not be in until sometime next week. Canadian Pacific was suppose to start on Tuesday, September 15th. They will need to shut down the crossing on Monday, September 28, Tuesday, September 29 and Wednesday, September 30 from 8:00 AM until 4:00 PM. to replace the tracks. Mr. Gleason feels that this portion of the project may even run into Thursday. Mr. Gleason noted that the school district and public safety officials have been made aware of this situation.

OLD BUSINESS

NONE

NEW BUSINESS

RESOLUTION NO. 8471 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute a Temporary Construction Agreement and Memorandum of Understanding with Boni and Morrell for matters relating to the Watervliet Dry River Dam and Flood Control System. Before voting Mark Gleason explained that this agreement would give the City the right to cross their land to complete the spillway. Additionally, the City will be swapping land with the developers. The swap will allow the City to better protect its watershed along with the land in the upper dam area. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8472 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute a Temporary Construction Agreement with the Town of Colonie. Before voting Mark Gleason, General Manager explained that this agreement will allow the City to start the repairs on the lower dam. Mayor Manning stated that this is basically an easement to cross the Town of Colonie property. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8473 – The Council of the City of Watervliet hereby approves the payment of \$7,098.00 as the City of Watervliet's Stormwater Coalition membership fee for the fiscal year 2010. Before voting Mark Gleason explained that this Resolution authorizes the payment for the membership into the Stormwater. The coalition is made up of communities along the Hudson River such as Troy, Cohoes, Green Island and Albany. The coalition is working on the MS4 regulations. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8474 – The Council of the City of Watervliet hereby authorizes Bruce A. Hidley, City Clerk to advertise once in the official newspaper regarding a Public Hearing on Thursday, October 1, 2009 at 7:00 PM for those persons in favor of or in opposition to the Water/Sewer Rent Roll for the period November 1, 2009 thru April 30, 2010. Before voting Before voting Robert A. Fahr, Director of Finance explained that there are no increases. This is for a six month period as the City explores the idea of other companies getting on the water system then adjusting the rates at that time. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

APPROPRIATIONS AND ACCOUNTING

RESOLUTION NO. 8475 – The Council of the City of Watervliet hereby authorizes the transfer of funds in the amount of \$10,000.00 from the Police Payroll Account to the Police Special Wages Account for the months of July and August. Robert A. Fahr, Director of Finance explained that this Resolution is a budget neutral transfer for Workers Compensation Wages for the months of July and August. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

Robert A. Fahr, Director of Finance informed the Council that the General Fund Revenue Analysis will be on the website effective Friday, September 18, 2009. This analysis will be for the first six month period. Mr. Fahr noted that at the end of October the City will post the nine month analysis for the General Fund. At the end of the October the City will have the 3rd quarter sales tax figure which will give the City a better projection.

Mayor Manning noted that at the last City Council Meeting he reported that he would be meeting with the Mayor of Rome, NY regarding the Delta Dam Hydro Project. Mayor Manning stated that he went to the dam with the Mayor of Rome, James Brown and the City's consulting engineer. At this meeting Mayor Manning informed the Mayor of Rome that the City would be seeking State Environmental Quality Review (SEQR). This would allow the City to declare lead agency status for this project. Mayor Manning further stated that the Mayor of Rome has a lot of similarities to the City of Watervliet. They have a closed Air Force base some closed manufacturing sites. Mayor Brown looks forward to supporting the City of Watervliet to have the hydro plant go through in his community.

PUBLIC COMMENT PERIOD

Djuan Blakemore – 2102 Broadway, Apt. 85 – Watervliet, NY – Mr. Blakemore stated that throughout the Port Schuyler section of the City there are intersections with no stop signs. Mr. Blakemore feels that this is very dangerous. He then proceeded to give an explanation of what happened to him. Mayor Manning requested Mr. Blakemore to be more specific and write down the areas he is talking about. Mark Gleason, General Manager noted that he could also e-mail the suggestions to him.

Don Whitehead – 1921 8th Avenue – Watervliet, NY – Mr. Whitehead discussed with the Council the current condition of the streets, alleys, sidewalks, parking lots and parks related to litter. Mr. Whitehead feels that items addressed above are over run with litter. Mr. Whitehead is concerned with the condition of the City especially in light of the fact that the Arsenal City Run is taking place very shortly and that several visitors will be here to take place in this event. Mr. Whitehead feels that the street sweeper does nothing more than redistribute the debris in its wake. Mr. Whitehead feels that something needs to be done with this growing problem. Mr. Whitehead also discussed the condition of the Hudson Shores Park area. Mr. Whitehead stated that in order to see the river you need to go on the Rusty Anchor Restaurant. There certain cleared areas but the majority are blocked by dense vegetation along the shore. Mr. Whitehead apologized to Mr. Gleason who responded to his issues related to the water leak in the 700 block of Broadway. Mr. Whitehead explained that for three weeks now the water has been running down the drain from an under ground drain.

Mr. Whitehead feels that the water is bubbling up through the road surface which would mean the integrity of the ground beneath the road is questionable which will eventually lead for the need to excavate any how. How long is the City Administration going to allow this fresh water to flow before some type of action is taken to fix the water problem.

Mayor Manning and the Council thanked Mr. Whitehead for his comments further stating that that this an excellent checklist for the City to follow. Councilman Diamond noted that the City has a Council meeting on October 1st this can be used as a barometer for the City.

Erin Franco – 1915 8th Avenue – Watervliet, NY – Ms. Franco wanted to make an observation that the storm drains have not been cleaned out this year. Ms. Franco stated that normally throughout the summer you see the drains being cleaned out. Mark Gleason, General Manager stated that the City has over 300 storm drains in the City. During 2008 the City cleaned 150 storm drains. Mr. Gleason further explained that the City is in negotiation with another municipality to repeat the same process as last year. Mr. Gleason stated that the storm drains will be cleaned out by the end of October early November.

Ms. Franco discussed the home on the N/E corner of 19th Street and 8th Avenue. Ms. Franco noted that the home still has a for sale sign on it. The more important part though is the condition of the home. The foundation is falling apart which creates a hazard. There is also a problem with overgrowth and other health issues for the neighborhood. Ms. Franco wants to know what the City can do with this home. Mark Gleason, General Manager stated that he will speak with Mark Gilchrist, Assessor/Building Inspector about this issue tomorrow.

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

Before closing the meeting Mayor Manning welcomed Mr. Scott Burke along with his High School students attending the City Council Meeting this academic year.

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There being no further business to come before the Council, Mark Gleason, General Manager requested that the Council adjourn for Executive Session for the discussion of contract legal matters. Mr. Gleason requested that Corporation Counsel, Yorden Huban, City Clerk, Bruce A. Hidley, Director of Finance, Robert A. Fahr, Chief of Police Ron Boisvert and Fire Chief Don Clickner to attend this meeting. Mr. Gleason further explained that the Council may have to return for consideration of one piece of legislation. A motion was made and seconded to adjourn into Executive Session. The meeting was adjourned at 7:30 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, SEPTEMBER 17, 2009**

The meeting of the Executive session was called to Order by Mayor Manning at 7:45 P.M.

Roll call showed the following: Mayor Manning, Councilman Diamond and Councilwoman 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 Fire Chief Don Clickner.

ITEM #1 – Mark Gleason, General Manager requested Yorden C. Huban, Corporation Counsel to discuss a legal issue with the Counsel. Mr. Huban noted that the City needed to hire outside Counsel to handle special litigation. The Counsel approved this expenditure. Additionally, the Council requested that the Council meeting reconvene to pass a Resolution authorizing the Letter of Engagement.

ITEM #2 – Mark Gleason, General Manager updated the Council on the latest negotiations with the Police Benevolent Association. Mr. Gleason will continue to update the Council as the negotiations progress.

ITEM #3 – Mark Gleason, General Manager requested Fire Chief Don Clickner to update the Council regarding a personnel issue. Fire Chief Clickner provided the Council with a detailed report related to a personnel issue regarding one of his employees.

ITEM #4 – Mark Gleason, General Manager discussed with the Council an issue related to Red's Field.

ITEM #5 – Mayor Manning discussed an issue related to the Price Chopper and Post Office lot in the City.

There being no further business to come before the Council in Executive Session, the meeting was adjourned at 8:05 PM.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, SEPTEMBER 17, 2009 AT 8:10 P.M.**

The Council reconvened the City Council Meeting at 8:10 P.M.

RESOLUTION NO. 8476 – The Council hereby approves the action of Mayor Michael P. Manning in executing a Letter of Engagement on behalf of the City of Watervliet with Carter, Conboy, Case, Blackmore, Maloney & Laird, P.C. to represent the City as a special legal counsel. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

There being no further business to come before the Council 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