

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, OCTOBER 15, 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, Police Chief Ron Boisvert and Fire Chief Don Clickner.

A motion was made and seconded to dispense with and accept the minutes from the previous City Council Meeting.

Before beginning the Reports of Officers and Committees Mayor Manning explained that there are two employees who will be receiving special recognition tonight. Mayor Manning noted that the City of Watervliet in conjunction with the New York State Conference of Mayors are joining together to recognize employees who reach certain milestones in their careers. This year the City has two employees. Mayor Manning requested that Christopher Daus come forward. Mayor Manning provided Mr. Daus with a certificate recognizing twenty five years of service to the City of Watervliet. On behalf of the City Council and the residents of the City Mayor Manning thanked Mr. Daus for his twenty five years of service. Mayor Manning then announced that the other certificate was for Patrolman Robert Sausville. Mayor Manning announced that Patrolman Sausville also has twenty five years of service in the Police Department. Unfortunately Patrolman Sausville had some personal business and could not be at the City Council meeting to receive his certificate. Mayor Manning then presented the certificate to Police Chief Ron Boisvert to present to Patrolman Sausville.

REPORT OF OFFICERS AND COMMITTEES

ITEM #1 – Mark Gleason, General Manager requested Police Chief Ron Boisvert to address the City Council on an issue he would like the Council to consider. Chief Boisvert reported that the Mayor's office had requested that he review a parking situation for the Nancy Koval of the Woodburning Warehouse at 901 Broadway. Ms. Koval requested to evaluate and investigate a parking problem she has. There is an issue with congestion/overflow from Broadway where her customers park. There are times of the day that she has available parking and other days she does not. Ms. Koval asked if there could be some type of restrictive parking. Chief Boisvert noted that he evaluated the area. There is approximately 72' of curb space that isn't designated. Ms. Koval requested to see if this area could be designated 30 minute parking from 9:00 AM until 5:00 PM on Monday thru Friday. Chief Boisvert concluded by saying that he has no problem with this request for 30 minute parking.

Councilman Diamond requested clarification of the location for the restricted parking. Chief Boisvert stated that the parking is located at the beginning of the west end of the parking lot then 72' west. The Council agreed to have this item placed on the agenda for the next City Council meeting.

ITEM #2 – Mark Gleason, General Manager informed the Council that the Sanitation Department and the Code Enforcement Department will work together on violations to the Sanitation Policy. Mr. Gleason noted that back in September the City conducted its first detail which issued 160 warnings. The next enforcement week of the combined departments will happen October 26 – October 29. Our Code Enforcement Officers will ride with the Sanitation Department in order to enforce violations to the Sanitation Policy. They will for items such as garbage not in cans, too much garbage put out or garbage put out too early. Mr. Gleason stated that the next detail after this one, the City will issue tickets rather than warnings.

ITEM #3 – Mark Gleason, General Manager informed the Council that the Water Department will start the City's annual Fall Flushing Program on Monday, October 19, 2009. The flushing program will run until November 23, 2009. Mr. Gleason noted that City residents may experience a discoloring of the water in their area. Mr. Gleason asked residents that if the discoloration happens more than five minutes to give the Water Department a call.

ITEM #4 – Mark Gleason, General Manager informed the Council that on Tuesday, October 6, 2009 he participated in a teleconference call. The call dealt with the H1N1 outbreak or better known as the swine flu. Mr. Gleason explained that the teleconference was run by David Agnew, Deputy Director of Intergovernmental Affairs for the White House. Mr. Gleason noted that during the teleconference call participants were updated on the current status, vaccine program and the outlook on the virus. The H1N1 virus had its first outbreak in April of 2009. The Center for Disease Control reported that outbreaks of the H1N1 reappeared in August of 2009. Mr. Gleason further explained that the H1N1 vaccine developed in April to fight the virus is still effective. The Federal Government has shipped as much of the vaccine as possible to localities. Albany County received its first shipment of the vaccine on October 5, 2009. The vaccine was first offered to all municipal paramedics and EMT's. This virus affects younger children in far greater numbers than the senior citizen population. Nationwide this virus has been responsible for the death of 60 children. It was stressed that if you have the flu to stay home. Mr. Gleason further stated that the City of Watervliet is a member of the Albany County Department of Health City Readiness Initiative. This committee developed and implemented a community distribution plan in 2007. The plan dictates the procedures during a public health emergency. Captain Scott Skinner has been designated the Medical Assets Coordinator and Mark Gleason is the Public Information Officer. The City does have a plan in place should the H1N1 virus does become a public health issue in the City.

ITEM #5 – Mark Gleason, General Manager explained to the Council that he has a Statement of Policy to read. Mr. Gleason read that Halloween is an evening in which substantial problems have occurred over the years especially late at night. The residents of the City of Watervliet have experienced significant vandalism to cars and property. The earlier hours are when the younger children celebrate Halloween by visiting the neighbors. The City of Watervliet Commissioner of Public Safety is also the Commissioner of the Police Department per the City Charter and NYS Law. The Commissioner can enact pursuant to the authority vested to him in the City Charter a one night evening curfew to deal with the late evening problems that occur on Halloween. Mr. Gleason ordered and directed the Police Department to enforce a curfew on the evening of October 31, 2009 that will prohibit all persons under the age of 18 years from being on streets, avenues, parks and public rights of way in the City from 10:00 PM on October 31 until 6:00 AM on November 1. There are certain persons who may be returning home from work or have a legitimate excuse for being out beyond the curfew. The Police Department will use their discretion in these instances.

OLD BUSINESS

NONE

NEW BUSINESS

LOCAL LAW NO. 2-2009 – A Local Law of the City of Watervliet in relation to establishing and imposing a scale of charges for the use of the Watervliet Sewer System, said charges to be known as Sewer Rents for the period November 1, 2009 thru April 30, 2010. Before voting Mark Gleason, General Manager explained that this is the sewer rates for the six month period. Mr. Gleason further explained that the rates have not been increased and are the same as the previous two years. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Local Law was approved and adopted.

ORDINANCE NO. 1851 – An Ordinance of the City of Watervliet providing changes to be made to Section 266-2 of the Code of Ordinances where in rates are to be established for the use of water in the City of Watervliet for the period November 1, 2009 thru April 30, 2010. Before voting Mark Gleason, General Manager explained that this is the Water Rates for the period November 1, 2009 thru April 30, 2010. Mr. Gleason noted that these rates have not gone up in two years and will remain the same as last year. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Ordinance was approved and adopted.

RESOLUTION NO. 8485 – 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 sealed bids until Tuesday, October 27, 2009 for the purchase of one medium sized dump truck cab and chassis with snow plow. Before voting Mark Gleason, General Manager explained that this truck will be purchased using NYS Consolidated Highway Improvement Program funds. The truck will replace an older aging truck in the Department of Public Works Highway Department. It is hoped that the new truck will be available for use prior to the first snow fall. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8486 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement with the Capital District Regional Planning Commission, One Park Place, Albany, New York in the amount of \$55,000.00 for the regional water consolidation project. Before voting Mark Gleason, General Manager requested Rosemary Nichols, Deputy General Manager of Economic Development and Planning, to explain this legislation. Ms. Nichols informed the Council that the purpose of this agreement is to allow the City of Watervliet in cooperation with the Town of Guilderland to enter into a contract with the Capital District Regional Planning Commission to study whether the legal issues associated with a regional water consolidation venture. Mayor Manning explained that the City received a Local Government Efficiency Grant in the amount of \$50,000.00 from New York State. The balance will be \$5,000.00 which will be split with the Town of Guilderland. Mayor Manning concluded by stating that the actual cost for City taxpayers would be \$2,500.00. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8487 – The Council of the City of Watervliet hereby authorizes and approves the City of Watervliet Investment and Deposit Policy. Before voting Mark Gleason, General Manager explained that this legislation updates the City's policy of how to handle investments and cash deposits. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8488 – The Council of the City of Watervliet hereby authorizes and approves the City of Watervliet Computer Access and Internet Policy. Before voting Mark Gleason, General Manager explained that this policy will regulate the employee use of the internet and personal computers. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8489 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute any contract and or agreement with the New York State Department of State/New York State Environmental Protection Fund's Local Waterfront Revitalization Program. Before voting Rosemary Nichols, Deputy General Manager of Economic Development and Planning explained that this is an application being made by the City to allow the City to install protective fencing and infrastructure in conjunction with the creation of a boat protection facility. The application is for \$45,000.00 and there is no match. Mayor Manning further explained that this is called the eco docks program providing funds for installing docks or existing docks along the Hudson River which the City has. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8490 – The Council of the City of Watervliet hereby authorizes Bruce A. Hidley, City Clerk to advertise once in the official newspaper for sealed bids to be received on Tuesday, October 27, 2009 at 11:00 AM for the sale of the Ladder truck in the Department of Public Safety Fire Department of no longer use for City purposes. Before voting Mark Gleason, General Manager explained that is the disposal of the ladder truck which was recently replaced. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8491 – The Council of the City of Watervliet hereby supports and concurs with the Albany County Empire Zone revision application to expand the boundaries of the Empire Zone. Before voting Rosemary Nichols, Deputy General Manager of Economic Development and Planning, explained that some months ago she presented to the Council a proposed revision to the Empire Zone in the City. This would allow an adjustment of the Empire Zone line in its present designation up to along the railroad track including two parcels in the manufacturing zone. The process had to go through the Empire Zone Board at the State level, which was approved. Then it came back to the Albany County Empire Zone Advisory Board which approved the changes. Ms. Nichols noted that the City Council needs to adopt a concurring Resolution which will confirm what the Albany County Legislature approved changing the Empire Zone designation. Councilman Diamond stated that he has always wanted to get Passonno Paints on Broadway into the Empire Zone due to them being a manufacturing firm for so many years. Councilman Diamond asked a question regarding what the NYS Legislature is doing regarding the elimination of Empire Zones. Ms. Nichols explained that if businesses get into the Empire Zone prior to the sunset provision in June of 2010 they would remain in the Empire Zone. Ms. Nichols further explained that it made sense for the City to modify the Empire Zone for the protection it provides for existing businesses. The purpose of the Empire Zone when it was originally created was to benefit communities like the inner cities where the manufacturing base was deteriorating and a boost was needed to allow us to compete with the more suburban areas. Ms Nichols feels that our Empire Zone focuses on the core mission and will continue to survive. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

APPROPRIATIONS AND ACCOUNTING

NONE

Before opening the Public Comment Period Mayor Manning had a couple of announcements.

Mayor Manning announced that his office found out late today the Governor has announced that one of his proposed budget cuts is to cut aid to cities by 10%. Preliminary it looks as if the City will be OK for now as our fiscal cycle is done on a calendar year. The State runs on a fiscal calendar which means this year the City should receive this funding. Mayor Manning further stated that for next year 10% for the City would come up to \$130,000.00 which is approximately a 4% tax increase. Mayor Manning urged all in attendance and those who read the minutes online to call their local legislators to oppose the cut in aid to municipalities. This a direct pass through which is very hard for taxpayers to absorb.

Mayor Manning announced that the City did not receive a grant which the City applied for. The City applied for a grant from the NYS Department of State. The grant was put in to upgrade the GIS System. The City followed all the rules by obtaining a study grant first. The City was urged to apply due to this project being such a good candidate. The grant team cited the fact that there were huge cuts to the grant funding that was to be administered.

PUBLIC COMMENT PERIOD

Erin Franco – 1915 8th Avenue – Watervliet, New York – Ms. Franco thanked the Council very much for the progress of the work in Clinton Park. Ms. Franco feels that the park looks great with the trees coming down and the fence being replaced. Ms. Franco stated that she understands that discussions have been held regarding the playground area.

Mr. Gleason noted that there needs to be a plan put in place for the park. The purpose of the work plan is so that all the work events for Clinton Park don't overlap other work which will be done in the park. Ms. Franco also has park furniture donated for Clinton Park. Mr. Gleason also explained that Diane Conroy-Lacivita, Recreation Director has reconfigured the labor schedule which will allow the City to respond better to our park needs. Ms. Franco feels that it is a good thing to have the community and City work together.

Ms. Franco requested further information on the home located on 19th Street and 8th Avenue which she has spoke on in the past. Mark Gleason, General Manager explained that the Building Department has inspected this location. The inspection found the building to be structurally sound.

Ms. Franco is thrilled to hear about all the positive things happening in the City. Ms. Franco noted that it is good to hear all of the positive press articles regarding business and other related areas of the City.

Don Whitehead – 1921 8th Avenue – Watervliet, New York – Mr. Whitehead noted that he just recently noticed that speed limit signs have been posted from 14th Street to 19th Street on Avenue A. Mr. Whitehead noted that on the east side there are 15 mile per hour speed limit signs. On the reverse side going south there is one sign on the corner of 16th Street and Avenue A. Mr. Whitehead stated that there are no more signs so where do the 15 miles per hour stop and the 30 miles per hours begin again. Mark Gleason, General Manager explained that the City will have to check on this issue.

There being no further comments, Mayor Manning closed the Public Comment Period.

Councilman Diamond wanted to thank Mark Gleason, General Manager and the Department of Public Works staff for the work performed at Pershing Green. Councilman Diamond would like to sit down over the winter months to put a plan together to reconstruct the park.

Councilman Diamond explained that he received a letter from a business owner regarding a problem he has with the 19th Reconstruction Project bump outs. The business owner illustrates other communities that have them. Councilman Diamond stated that he visited one of the communities with the bump outs in place. Councilman Diamond asked if there was some way the City could re-visit this issue. Mark Gleason, General Manager responded by saying that he has met with the business owners and that some modifications have been made to a couple of the bump outs. Mr. Gleason explained that it is very late in the process to make changes to the whole procedure. Mr. Gleason noted that he met with Chief Boisvert regarding parking issues on 19th Street. The areas in question where the bump outs are being placed are areas where it is designated No Parking. This No Parking is something which has not been enforced in the past. This is basically the NYS Department of Transportation's way of enforcing the law that you can't park within 20' of a crosswalk. The bump outs are situated so that it does not allow you to park within the 20'. Mr. Gleason further explained that one business where the bump out will be placed will be gaining 17 parking spots. The City could also put legislation together which would allow 30 minute parking along the side of their business. This would alleviate the complaint that neighbors park in spots next to the business all day leaving them with no spots. Mr. Gleason further stated that the City has addressed a lot of the comments which were raised regarding bump outs. Councilman Diamond asked if the business owner who wrote this letter ever attended any of the public meetings held regarding the 19th Street Reconstruction Project. Mr. Gleason answered no. Mark Gleason reminded the Council that this process began in 2005. Additionally, the City faced a fatality on 19th Street last year. There are approximately 800 children which cross this area. The bump outs will make the crossing a lot safer for the children when they need to cross the street. Councilwoman Fogarty wanted to know if there was some way to assist the business owner due to the fact that what ever happened in the meeting he is still not satisfied with. Mayor Manning responded by saying that technically if the City removes the bump outs that the City would have to place the No Parking signs.

Mark Gleason further stated that he personally visited the businesses along the project route many of them have no problem with the bump outs. Councilwoman Fogarty is not looking the project to change just somehow to reach the individual to make him realize that this is the best that can happen. Councilman Diamond suggested that someone from the NYSDOT go in and speak with the business owner who wrote this letter. Mayor Manning explained that he has photos in his office taken of another bump out project in another municipality. The whole bump out concept is to shorten the distance you actually have to cross. It also makes it more visible for pedestrians when they prepare to cross. Mayor Manning is willing to discuss this issue but the project has come to a point where the City will no longer be able to make any changes.

Councilwoman Fogarty stated that during the 19th Street Reconstruction Project that there have been a lot of vehicles going in the wrong direction on one way streets. Councilwoman Fogarty did note that this may have to do with the fact that the 19th Street area was completely closed. The area in question is around 12th Avenue and 23rd Street along with all the streets heading into 23rd Street. Councilwoman Fogarty has requested that the Department of Public Safety Police Department keep an eye on this situation.

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

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council