

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, OCTOBER 29, 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 and Fire Chief Don Clickner.

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

REPORT OF OFFICERS AND COMMITTEES

ITEM #1 – Mark Gleason, General Manager requested Jeff Budrow of J. Kenneth Fraser Engineering Associates to address the Council related to the Upper/Lower Dam Project. Mr. Budrow explained that the Upper Dam earthen embankment construction improvements have been completed in 2009. The Soil Conservation Surface Grass Spillway has been completed and certified. Mr. Budrow explained that record drawings have been submitted to the NYS Department of Environmental Conservation (DEC). There have been no change orders to this contract at all which was completed by J & A Bayly Construction. Although the project is completed there were some additional concerns, a couple other trees need to be taken down and some erosion work. The Department of Environmental Conservation has agreed to allow this to be a part of the 2010 work. Mr. Budrow discussed the Lower Dam Project work, and then presented the Council with photographs of what the cross section looks like. Mr. Budrow then discussed in detail the purpose of this area. There are a couple of goals to achieve in the 2010 construction process on the Lower Dam. This dam will have to be brought into conformance to pass 100% of probable maximum flood, which the lower dam is 3,000 cubic feet per second. Mr. Budrow then explained the potential for water damage if this work had not been completed. The City will have to construct a roadway to get the equipment in that is needed to complete the project. The access would run across the Town of Colonie property line entering the stream. There will be a rudimentary construction road that will be able to be left in place in the stream bed. This way maintenance crews will be able to enter this area when needed to maintain this dam. Mr. Budrow noted that the City of Watervliet has an agreement in place to allow the City to access this property. In the next few months Fraser Associates will be obtaining design and permitting documents together to do the necessary work. This will all have to be approved by DEC during the winter months. Mayor Manning on behalf of the City Council thanked Mr. Budrow for his presentation tonight.

ITEM #2 – Mark Gleason, General Manager requested Joe Cimino of Clough Harbour Associates to update the Council on the 19th Street Reconstruction Project. Mr. Cimino then introduced Scott Lewendon a Landscape Architect with Clough Harbour Associates. Mr. Cimino and Mr. Lewendon then showed the City Council a power point presentation showing the objective and purpose of sidewalk extensions. The presentation showed the safety benefits, mobility benefits and aesthetic benefits of sidewalk extensions/bump outs. The power point presentation also showed several other reconstruction projects in the area that included sidewalk extensions. Mr. Cimino explained that the sidewalk extensions were presented in the 2005 and 2006 public information phase of the project. Mr. Cimino noted that one sidewalk extension has already been placed on 4th Avenue and 19th Street. Mr. Lewendon explained that sidewalk extensions are being used in areas where there is a concern about pedestrian mobility and safety. Mr. Cimino stated that the Council has given some indication of wanting to remove the sidewalk extensions. Clough Harbour Associates has taken a look at what has been designed, what has been constructed and what has already been purchased for construction. The design costs would range at approximately \$30,000, the construction costs would be approximately \$150,000.00 Change Order to actually take out what was built and to pay for what was already purchased. The funding would be very difficult to cover from the federal stand. There is a contingency set into the project of approximately \$300,000.00 for field change order work not for a change in the project scope. Mayor Manning asked if there are alternating sidewalk extensions. Mr. Lewendon answered by saying no, the sidewalk extensions are on both sides. Councilman Diamond stated that he attended all of the public hearings and that the plans made a lot of sense. There were a couple of concerned individuals who brought issues to his attention. Councilman Diamond also stated that he is not asking to change or remove anything in the project now. Councilman Diamond does not want a vast change order just look at some of the items he has already noted. Councilman Diamond visited the Remsen Street area, what he found by talking to the business people was the sidewalk extensions. No one on Remsen Street in front of the business section liked the idea due to losing parking spots. Councilman Diamond wants time to digest the proposal given to him tonight by going back to 19th Street to review the area in question. Councilman Diamond does not want this to cost the City a lot of money nor does he want a major change just some consideration for one or two spots. Councilman Diamond stated that he understands the vehicle and traffic law issue. He also realizes the importance of the vehicle accident issue and pedestrian safety issue. Councilman Diamond would like one or two spots shortened and make them true curb extensions where the City still is protecting pedestrian traffic. Councilman Diamond loves the entire project except the couple of extensions which he feels are long and vast. Mr. Cimino stated that most of the sidewalk extensions are the standard minimum of 9 meters or 27 feet. Councilman Diamond specifically mentioned 19th Street and 10th Avenue as an area he would like to see reviewed. Mayor Manning thanked Joe Cimino and Scott Lewendon for the presentation and update of the 19th Street Reconstruction Project. Attached is a copy of the power point presentation.

ITEM #3 – Mark Gleason, General Manager informed the Council that the City of Watervliet just completed its fall bulk item pickup week. There was over 100 tons of extra debris picked up. The cost was \$5,400.00 above our weekly tipping fees. Mr. Gleason stated that he thought the City would see a reduced amount of bulk item disposal but did not. The City actually had to make extra trips. The Sanitation Department reported that most of the material picked up was construction debris. Mr. Gleason along with Chris Daus, Sanitation Supervisor would like to conduct a workshop with the Council regarding the bulk item pick up. Mr. Gleason thanked Chris Daus and the entire Sanitation staff for their hard work that week.

ITEM #4 – Mark Gleason, General Manager explained to the Council that the docks in Hudson Shores Park have been removed and placed in storage. Mr. Gleason noted that the park has been closed to vehicle traffic. You still may be able to gain access by bicycle or foot at the northwest corner of the park. Mr. Gleason thanked Kevin Shufelt of the Rusty Anchor and the Department of Public Works staff for completing this project. Mr. Gleason noted that David Dressel, Highway Supervisor is in attendance for the City Council Meeting. Mr. Gleason then thanked the Dave and the entire staff for all their hard work. A project such as the dock removal is something that the City used to hire out for. It's refreshing to have a staff such as Dave and the DPW employees who have gotten the job done when called upon. A round of applause was given.

ITEM #5 – Mark Gleason, General Manager explained to the Council that the 2010 budget presentation will be held on Thursday, November 19, 2009.

OLD BUSINESS

NONE

NEW BUSINESS

ORDINANCE NO. 1852 – An Ordinance of the City of Watervliet providing that the Code of Ordinances, City of Watervliet be amended by revising Section 260-56, Schedule XX, in accordance with Section 260-24, providing for Time Limit Parking or Standing. Before voting Mark Gleason, General Manager explained that this Ordinance is for the Time Limit Parking at the Woodburning Warehouse. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Ordinance was approved and adopted.

RESOLUTION NO. 8492 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to file an application under the Greenway Communities Grant Program for a study to determine which, if any, portions of the City could be eligible for inclusion in one or more National and or State Historic Districts and authorizing the Mayor to accept and receive a grant for such study purposes. Before voting Rosemary Nichols, Deputy General Manager of Economic Development and Planning explained that the City had discussions with the Historic Preservation consultants, Troy Architectural Project and with the Greenway Communities Program who indicated that they would be in favor of a study to determine if their any eligible portions of the City which may be designated as a historic district along with where the boundaries are located. Ms. Nichols also explained that there is a new tax credit available in the State. The only properties eligible would be contributing buildings in a district or individually listed. The City wants to maximize the opportunity to take advantage of the tax credits which are very generous. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8493 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to file an application under the Capital District Transportation Committee Linkage Planning Program for 2009 – 2010 and, if the application is successful, authorizing the expenditure of \$2,750.00 as a partial match for a grant totaling \$50,000.00 and authorizing the Mayor to accept and receive a grant for purposes of the Linkage Planning Program and to enter into all necessary contracts to effectuate the planning grant. Before voting Rosemary Nichols, Deputy General Manager of Economic Development and Planning explained that the City received expressions on interest from the consultant for the Linkage Study from Rt. 378 in the Village of Menands to the south gates of the Watervliet Arsenal. The discussion going on now is between the City and the Town of Colonie and the City of Cohoes for a possible extension of the study. This would allow an extension to reflect the north end of the City up to some portion of the City of Cohoes. The City needs the authority to do this due to the fact that the deadline will happen before the City can make another decision. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8494 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to file applications under the anticipatory Transportation Improvement Program (TIP) of the Capital District Transportation Committee and authorizing the Mayor to accept and receive a grant or grants for transportation purposes. Before voting Rosemary Nichols, Deputy General Manager of Economic Development and Planning explained to the Council that this is setting up projects for the next five years. The idea is to include the bikeway and to include resurfacing Rt. 32 from the north end of the City to the south end. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8496 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute a Letter of Engagement with Segal, Goldman, Mazzotta & Siegel, P.C. to represent the interests of the City as a special legal counsel for legal matters concerning a Payment in Lieu of Taxes Agreement between the City and Van Rensselaer Village Housing Company, Inc. Before voting Mark Gleason, General Manager explained that this is an agreement with attorney Paul Goldman who will work for the City to negotiate a P.I.L.O.T. agreement with Van Rensselaer Village Housing Company. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8497 – The Council of the City of Watervliet hereby approves Change Order No. 2 as a modification to the Honeywell Agreement for the installation of Phase 2 of the Energy Project and authorizing Mayor Michael P. Manning to execute the same and approving the financing of Phase 2 of the Energy Project. Before voting Mark Gleason, General Manager explained that this is phase 2 of the energy performance contract with Honeywell Inc. Phase 2 will include retrofitting all the lights in our municipal buildings as well as building the solar powered pavilion/boathouse in Hudson Shore Park. This project will also include the repair to the boiler at the Watervliet Civic Center. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8498 – The Council of the City of Watervliet hereby expresses support to the Town of Colonie Board revising the Town's Wireless Communications Special Permit Regulations. Before voting Rosemary Nichols, Deputy General Manager of Economic Development and Planning explained that the several years ago the City modified its telecommunication requirements. The Town of Colonie regulations are quite different than the City of Watervliet's. The Town obtained the same consultant the City used to who recommended that the Town update their wireless communication regulations. Ms. Nichols attended a Public Hearing in the Town of Colonie where she spoke in favor of the new regulations. The visual impacts associated with towers would have a great visual impact on our residents. Therefore Ms. Nichols recommends that the Council give serious consideration to this Resolution in support of the Town's Wireless Communications Special Permit Regulations. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8499 – The Council of the City of Watervliet hereby authorizes an agreement with the City of Watervliet and the City of Cohoes for the supply of one vacuum truck for the purpose of cleaning out catch basins in the City of Watervliet. Before voting Mark Gleason, General Manager explained that this is for the rental of the City of Cohoes vacuum truck. The City did the same last year and was very successful program. There are over 300 catch basins in the City of Watervliet. With the help of the City of Cohoes the City was able to clean out 150. Mr. Gleason anticipates the cleaning of another 150 this year. This will far exceed the City's obligation with respect to the MS4 CSO best practices statement. This arrangement will also save the City tax payers \$6,375.00. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8500 – 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 will receive bids on Tuesday, December 1, 2009 at 10:00 A.M. for furnishing Zinc Phosphate, Chlorine and Polyaluminum Hydroxychlorosulfate for the City of Watervliet, Water Department. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

APPROPRIATIONS AND ACCOUNTING

Robert A. Fahr, Director of Finance informed the Council that the City completed the annual New York State Insurance Fund for Workers Compensation audit today. Mr. Fahr noted that this was a four hour audit.

Robert A. Fahr, Director of Finance informed the Council that the New York State Comptrollers Office is still conducting their audit in City Hall. Mr. Fahr stated that he feels that the auditors will be here until the middle of December.

Robert A. Fahr, Director of Finance explained to the Council that the Water/Sewer bills will be mailed on Friday, November 6, 2009. Mr. Fahr explained that there will be no increase to the billing amount. The due date will be on December 5, 2009.

Robert A. Fahr, Director of Finance explained to the Council that the 3rd quarter sales tax came in at \$745,000.00. This figure is down from the same quarter in 2008 by \$117,000.00. Mr. Fahr noted that this has to with the gas prices which were being charged in 2008. The City is \$834,000.00 short of the budgeted amount. Mr. Fahr will have to adjust our figures down for the revenue in the 2010 budget.

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

Mayor Manning explained that the Jim Verhagen Haunted House will be on Saturday, October 31 at the DOME. Mayor Manning stated that if you have never seen this it would be worth your while to stop. The Verhagen committee put a lot of work into this haunted house. Mayor Manning also noted that there will be a curfew on Halloween Night.

Mayor Manning explained that the 2010 budget will be presented on Thursday, November 19, 2009 at 7:00 P.M.

PUBLIC COMMENT PERIOD

William Bissell – 901 19th Street – Watervliet, New York – Mr. Bissell stated that he found it very interesting that during the power point presentation that there was only one picture with pedestrian traffic shown in the illustrations. Mr. Bissell stated that like the illustrations shown 19th Street does not have a lot of pedestrian traffic. Mr. Bissell noted that there is obviously concern regarding the safety of the children from the High School who traverse this area. Mr. Bissell does not feel the children would use the crosswalks like an adult would. Mr. Bissell further stated that none of the illustrations showed what it would be like during the winter weather. Mr. Bissell would like to have seen what these pictures looked like after a snow storm in the winter when the snow is pushed into the bump outs. Mr. Bissell feels that the City plows will be hitting these bump outs and he was wondering if the City would be putting money aside to stock pile parts to fix the plows. How much money will be set aside for overtime after the plows need to be repaired? Mr. Bissell discussed insurance, he wanted to know if he was going to need additional insurance should someone get hurt in the bump out as they walk into his business. Mr. Bissell asked if the City was going to need additional insurance for its employees if they get injured after hitting the bump outs while plowing at 30 miles per hour. Mr. Bissell asked if the City can sell the pre-bought curbing to another entity so that the City does not have to front the expense. Mr. Bissell stated that he did want to apologize that he thought the bump outs would be placed on every corner.

Marilyn Morris – 205 7th Avenue – Watervliet, New York – Ms. Morris stated that she has lived in Watervliet for 47 years. Ms. Morris stated that she represents a different majority of age group. Ms. Morris has developed a good relationship with the merchants along 19th Street. Ms. Morris feels that the bump outs will eliminate a lot of parking on 19th Street. Ms. Morris feels that if the parking spots are eliminated that seniors and handicapped individuals will have problems. If Ms. Morris is unable to park close to the 19th Street businesses she will have to take her business else where. Ms. Morris stated that the bump outs look beautiful. Ms Morris further stated that she does not want to see the parking taken away from 19th Street.

John Avakian – 528 19th Street – Watervliet, New York – Mr. Avakian wanted to discuss 30 minute parking that was promised to him in September. Police Chief Ron Boisvert stated that it didn't seem prudent to erect signs now then have to remove them due to the construction. Chief Boisvert stated that Mr. Avakian should wait until the intersection is completed then get the 30 minute parking he is requesting. Chief Boisvert has no reason to deny this request to have 30 minute parking for his business. It doesn't make sense to do it now with the construction disruption upcoming. Mr. Avakian stated that his store will be celebrating its 24th anniversary and with that Maggie's Gift Shop will be sending out flyers with specials to raise funds with his revenue being down. Mr. Avakian told the City Council that he has no parking for his customers and that he didn't know that the bump outs were under consideration to be taken out.

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

Councilman Charles J. Diamond stated once again that by no means he is suggesting that the City remove all of the bump outs. His suggestion is specifically 19th Street and 10th Avenue an extension of approximately 35 feet. Councilman Diamond has a strong concern about this area.

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 into Executive Session at 8:45 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, OCTOBER 29, 2009**

The meeting of the Executive Session was called to Order by Mayor Michael P. Manning at 8:55 P.M.

Roll call showed the following: 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 and Police Chief Ron Boisvert.

ITEM #1 – Mayor Michael P. Manning and Yorden C. Huban gave a detailed analysis of the ongoing negotiations with the Police Benevolent Association. Mr. Huban and Mr. Gleason were then instructed by the Council to bring an offer to the P.B.A. for consideration.

There being no further business to come before the Executive Session, the meeting was adjourned at 9:15 P.M.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council