

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, FEBRUARY 18, 2010 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, Mark Gilchrist, Assessor/Building Inspector and Police Chief Ron Boisvert.

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 Christopher Whalen to address the Council regarding Water/Wastewater Agency Response Network (WARN). Mr. Whalen explained that is a Water/Wastewater Agency Response Network for utilities helping utilities. If the City of Watervliet needs help with pipes, mains, backhoes or trucks this will help the City get help from other municipalities not only across New York State but also across state lines. Mr. Whalen noted that there is a common mutual aid agreement which needs to be signed. There are no adjustments to the mutual aid agreement, if you sign on you sign on for exactly how it is written. WARN has a seat with the State Emergency Management Office, when an emergency happens WARN is represented immediately. Mr. Whalen further explained that there is no costs to join WARN. Mr. Whalen provided the Council with a history as to how WARN was formed. This started with the Katrina Hurricane, all the residents were pushed out due to the lack of water and wastewater. This is water and wastewater utilities became a first responder. This allows people to work in a healthy environment. Both FEMA and SEMO recognize WARN as a first responder. Mr. Whalen stated that emergencies are going to happen and each of us needs to be prepared. This will ensure continuity of operations as quickly as possible you can get trained operators to get things running fast. Water/Wastewater is vital to all municipalities you can't run without it. Mr. Whalen concluded by explaining that WARN has approximately 75 agencies that are members now.

Mark Gleason, General Manager stated that Jim Bulmer, Water Consultant is strongly in favor of this agreement. The City has many areas that we need to consider for emergency considerations. Mayor Manning requested that the appropriate legislation be drafted related to the WARN agreement for the March 4, 2010 City Council Meeting.

ITEM #2 – Mark Gleason, General Manager informed the Council that the Code Enforcement Department will once again work on sanitation violations related to quality of life within the City. This quality of life detail will run the first two weeks in March. Mr. Gleason explained that the Code Enforcement Officers will enforce violations to the sanitation policy. Violations to be addressed will be garbage not in cans and garbage putout to early. Mr. Gleason noted that this will mark the 6th detail since the fall of 2009. Mr. Gleason wants to be sure that our residents understand that the Administration sees this as very important quality of life issue. Mr. Gleason further explained that the Code Enforcement Officers will be using new computer tablets and software to issue tickets. This software package will cut back the time and paperwork of Code Enforcement Officers. The Code Enforcement Officers will then be able to print the ticket from their vehicle and serve the ticket immediately. Mr. Gleason concluded by noting that this will speed up the tracking and be much more of an efficient operation.

ITEM #3 – Mark Gleason, General Manager informed the Council that on Tuesday, February 9, 2010 he attended the Solid Waste Management Plan Steering Committee meeting. Mr. Gleason explained that the meeting was held to discuss final comments from the committee members of the Solid Waste Management Plan. The committee has been working on this plan for over a year. Mr. Gleason noted that there will be one last committee meeting on March 2, 2010. At this point the committee members will receive the final draft. The document will then be submitted to the City of Albany Common Council for review. Mr. Gleason further explained that the committee is currently made up of all municipalities that use the landfill. There were also some industry experts who comprised of the committee in addition to citizen groups. The City of Albany owns the landfill and has reserved the right to reject the plan or accept the plan. Mr. Gleason thanked Mayor Jerry Jennings along with the Albany Common Council for allowing the City to participate in the input process. Mr. Gleason stated that the plan is very thick which lays out three scenarios.

First – The partnership would remain at its current size. Once the landfill is closed all the solid waste from this area would be shipped out. The only thing which would have to be done under this scenario would be to build a transportation road to the Rapp Road Landfill. Cost would be \$81 per ton for the use of the landfill. The City currently pays \$52 per ton for the use of the landfill.

Second – The partnership would form a local authority. This would allow the partnership to raise capital to build a source separated organic waste facility (SSOW). This would remove all of the food or organic particles from the garbage. Most municipalities have about 19% of solid waste is made up of organic waste. This scenario would still require the partnership to ship the garbage out, there still is no room to build a landfill. The partnership would raise the funds build a transfer station on the current location and truck the solid waste out. The tipping fee would be \$82 per ton. The extra dollar per ton would come in to play as the partnership would build a source separated organic waste facility.

Third – This would expand the size of the partnership into a Regional Solid Waste Authority. This would be much like the Onondaga County Resource Recovery Authority. Mr. Gleason explained that a Regional Authority would have the power to raise the capital to invest in technology to deal with solid waste. Mr. Gleason noted that scenario #3 would not ship out the garbage. This would be a regional authority which would reach into Albany, Saratoga and Rensselaer counties where there would be more than enough room. The committee did look into different technology to get rid of the garbage. The technology looked was waste to energy, gas encasement and anaerobic digestion. Mr. Gleason noted that the ultimate decision will come from the Albany Common Council. The tipping fees would be \$63.00 per ton. With the multiple counties the committee feels it will be able to dispose of the garbage within our region. After speaking with the committee it will more than likely not be a landfill but one of the three options above. The timeline is such that the Albany Common Council will need to make decision as to what plan to pursue by 2011. Mr. Gleason further stated that the Albany Landfill will be closing in 2016. Albany County recently received a grant to study the possibility of forming a Solid Waste Authority.

ITEM #4 – Mark Gleason, General Manager Mark Gleason introduced Viktoriia Borsuk who will be working for the City as an intern from Hudson Valley Community College. Mr. Gleason noted that Ms. Borsuk will be working with Rosemary Nichols, Deputy General Manager of Economic Development and Planning. Ms. Borsuk has already been working on the New Freedom Trolley Grant for the City.

OLD BUSINESS

ITEM #1 – Mark Gleason, General Manager informed the Council that Clough Harbour Associates provided a mid block street estimate cost for intersections. Clough Harbour will come in to do one mid block crossing in the amount of \$5,700.00. Mr. Gleason also explained that Clough Harbour will give you the criteria city wide for \$11,000.00.

PUBLIC HEARING – A Public Hearing providing that the Code of Ordinances, City of Watervliet, Chapter 253, Article I, “Senior Citizen Tax Exemptions”, Section 253-(2) “Requirements for Exemption” of said Code providing for a partial tax exemption on Real Property owned by certain persons with limited income who are 65 years of age or older be amended.

Mayor Manning opened the Public Hearing for comment.

There being no comment from the public Mayor Manning closed the Public Comment period.

PUBLIC HEARING – A Public Hearing providing that the Code of Ordinances, City of Watervliet, Chapter 253, Article IV, “Disabled Persons Tax Exemptions”, Section 253-8, “Income Requirements for Exemption” of said Code providing for a partial tax exemption on Real Property owned by certain person with limited income who are disabled in accordance with the provisions of Real Property Tax Law Section 459-C be amended. Mayor Manning opened the Public Hearing for comment. There being no comment from the public Mayor Manning closed the Public Comment period.

NEW BUSINESS

ORDINANCE NO. 1856 – An Ordinance of the City of Watervliet, New York, providing that the Code of Ordinances, City of Watervliet, Chapter 253, Article I, “Senior Citizens Tax Exemptions”, Section 253-(2), “Requirements for Exemption” of said Code providing for a partial tax exemption on Real Property owned by certain persons with limited income who are 65 years of age or older. Before voting Mayor Manning explained that this Ordinance will pass the law to increase the sliding scale. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Ordinance was approved and adopted.

ORDINANCE NO. 1857 – An Ordinance of the City of Watervliet, New York, providing that the Code of Ordinances, City of Watervliet, Chapter 253, Article IV, “Disabled Persons Tax Exemptions”, Section 253-(8), “Income Requirements for Exemption” of said Code providing for a partial tax exemption on Real Property owned by certain persons with limited income who are disabled. Before voting Mayor Manning explained that this Ordinance will pass the law to increase the sliding scale for permanently disabled. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Ordinance was approved and adopted.

RESOLUTION NO. 8551 – The Council of the City of Watervliet hereby authorizes the City of Watervliet to join the NYS Department of Environmental Conservation Climate Smart Community Program. Before voting Mayor Manning explained that this is a program run by the NYS Department of Environmental Conservation where the City will agree to decreasing certain emissions. It is also favorable to be part of these plans to take part in grants offered by this agency. Anti idling is an example of this program. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8552 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to file an application under the project implementation funding pursuant to the American Recovery and Reinvestment Act (ARRA) and further authorizing the Mayor to accept and receive a grant for a Geothermal Renewal Energy Improvement Project for the City Cultural Center. Before voting Mark Gleason, General Manager explained to the Council that this is a grant to place a geothermal heating system in the Cultural Center. This will allow the City to use the Cultural Center year round. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8553 – The Council of the City of Watervliet hereby approves the Buyer/Purchaser Agreement between the City of Watervliet and CM Fox Real Estate, Troy C. Miller (Broker) for a period commencing on February 18, 2010 and ending on January 19, 2011 and further authorizes Mayor Michael P. Manning to execute the same. Before voting Mayor Manning explained that this part of a watershed protection plan being developed. The City is engaging CM Fox Real Estate to search and approach the land owners in the Town of Guilderland who surround our reservoir. The broker will be paid by the seller. Councilman Diamond asked how the City found CM Fox as a real estate broker. Mayor Manning responded by stating that CM Fox was recommended by Jim Besha of Albany Engineering as a broker who has a familiarity with the larger parcels. Mr. Besha felt that CM Fox would be very instrumental in getting the homeowners to the table to discuss this issue. Mayor Manning further explained that the City did hire a broker thru 2009 whom did not work out. There is no cost to the City residents the payment is strictly done by commission. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8554 – The Council of the City of Watervliet hereby ratifies the Memorandum of Agreement signed by Mayor Michael P. Manning on February 11, 2010. Mayor Manning explained that this is a Memorandum of Agreement which would be the first step in ratifying the new contract with the PBA. Their contract expired at the end of 2008. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8555 – The Council of the City of Watervliet hereby adopts the Albany County Multi-Jurisdictional, All Hazard Mitigation Plan. Before voting Mark Gleason explained that this is Section 322 of the Federal Disaster Mitigation Act. This mandates that municipalities approve all hazard mitigation plans in order to be eligible for hazard mitigation grant program funding. The plan under consideration tonight by the Council was produced by Albany County. The plan will allow the County to apply for grants on behalf of all municipalities within the specific counties for disasters such as ice storms, winter storms, floods and other natural or man made disasters. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8556 – The Council of the City of Watervliet hereby authorizes and directs Mayor Michael P. Manning to execute a Letter of Engagement with Marc S. Gertsman, Esq., to represent the City as a special legal counsel pertaining to the Delta Dam Project. Before voting Mayor Manning explained that Jim Besha from Albany Engineering recommended Mr. Gertsman for this project. Mr. Gertsman has already been retained by Albany Engineering to help assist the City close out the EIS to raise the reservoir. Mayor Manning noted that Mr. Gertsman also ran the meeting for the recent Public Hearing for the Delta Dam Project. Originally, Mr. Gertsman was going to take his lead from Albany Engineering. Mayor Manning explained that it was more proper to have legal counsel reporting directly to the City. Mr. Gertsman is a formal General Counsel to the NYSDEC so he is very familiar with the legal process. Councilman Diamond asked how Mr. Gertsman was going to be paid. Mayor Manning stated that Mr. Gertsman will be paid on an hourly basis. All of the City legal services for payment must be run through the Corporation Counsel's Office for payment. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8557 – The Council of the City of Watervliet hereby authorizes and directs Mayor Michael P. Manning to execute a Letter of Engagement with Warren P. Reis, Esq., to represent the City as a special legal counsel pertaining to the City of Watervliet's Reservoir Land Protection Project. Before voting Mayor Manning explained that this is similar to the discussion for hiring Fox Real Estate. The City has a contract with Mr. Reis to represent the City in approaching the Open Space Institute. This is an organization with funding to purchase large amounts of land then hold the land in trust until funding comes from the Environmental Protection Bond Act. The Open Space Institute would purchase the land hold it in trust until the EPA Bond Act which would allow the City to purchase the land back from the Open Space Institute. Mayor Manning further explained that the City's goal with the Watershed Protection Plan is to make sure the parcels are not developed, septic systems not put in and anything to do with the property in and around the City's watershed. The hourly rate for this contract is capped which means Mr. Reis can only do so much work. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

APPROPRIATIONS AND ACCOUNTING

RESOLUTION NO. 8558 – The Council of the City of Watervliet hereby authorizes the transfer of funds from certain under spent accounts to other overspent accounts due to unforeseen circumstances for the fiscal year 2009. Before voting Mark Gleason, General Manager explained that this is routine financial housekeeping. The transactions are year end financial necessities which are budget neutral. Mayor Manning noted that the Council has done this type of financial transaction in the past with numerous numbers of transactions as part of the efforts to close the books for 2009. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

Before moving into the Public Comment Period Mayor Manning announced that the City received a grant in the amount of \$45,000.00. The grant will be utilized to make improvements to the newly installed dock area. The City will be bringing power and utilities to that area to make it more functional. This project will dovetail with the City's overall energy project that Honeywell is working on for the City.

PUBLIC COMMENT PERIOD

There being no comments, 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, the meeting was adjourned at 7:40 P.M.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council