

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET  
THURSDAY, JANUARY 20, 2011 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, Councilwoman Ellen R. Fogarty and Councilman Nicholas W. Foglia 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, Rosemary Nichols, Deputy General Manager of Economic Development and Planning, Robert A. Fahr, Director of Finance and Captain Scott Skinner.

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 informed the Council that the City of Watervliet called their second snow emergency on Thursday, January 13, 2011. The City received 12 inches of snow from this storm. There were a total of 42 vehicles towed for blocking snow removal efforts. The City made two small modifications to the snow removal policy. The changes were a response to the plows getting bogged down once they positioned to the center of the City. The City also cut the area from 19<sup>th</sup> Street to 15<sup>th</sup> Street, then 15<sup>th</sup> Street to the Arsenal wall. This keeps all of our trucks in line. This also cut the time of snow removal. Mr. Gleason thanked Police Chief Ron Boisvert and his staff for the truck which was made available to the Department of Public Works for snow plowing. The truck was obtained thru the police asset forfeiture program. The truck came with a plow and the City was able to put in service immediately.

**ITEM #2** – Mark Gleason, General Manager informed the Council that Senator Neil Breslin is pushing forward the City of Watervliet proposal for multi-model funds to repair the intersection of 23<sup>rd</sup> Street and on Hillside Drive. The request is for \$142,000.00. The City already has the City's engineering firm J. Kenneth Fraser Associates combining both of the projects. Mr. Gleason hopes that the City will get a better price on these projects by combining them. The work on Hillside Drive consists of repaving the street and the Watervliet City School District has already committed to pay for half of the project cost. Mr. Gleason further explained that the school district had a project ongoing which did a lot of damage to the pavement. The work on 23<sup>rd</sup> Street is going to be a total reconstruction of just a two block area between 2<sup>nd</sup> Avenue and Broadway. As long as the City is doing this project we will be looking at the replacement of the infrastructure. It is important to do the water line work now rather than having to open up the road after the new construction has been completed. The City is also considering that this work take place at night due to the high traffic which traverses that intersection. This will keep traffic problems to a minimal. Chief Boisvert has requested that the intersection also be looked at for crossing signals. This job will definitely keep pedestrians in mind.

**ITEM #3** – Rosemary Nichols, Deputy General Manager of Economic Development and Planning explained to the Council that the City changed the way it handles the Economic Development application under CDBG for this year. The larger projects will remain the same such as Extreme Molding and Solid Sealing. The other two elements which is the small business and micro-enterprise the City has elected to treat as a project. The City will have a common application point for the small business, then the LDC will assist in terms of evaluating the application that all come in at the same time. The City will set up a timeframe that will allow us to make coordinated decisions. It will be fairer to the applicants, it will be more conservative in terms of the resources of the Planning Department. The Planning Department spent huge amount of time and were not successful in the application. As far as the micro- enterprise is concerned the City will make an application for micro-enterprise funding in conjunction with the planning grant the City received which is identifying those businesses we need in the City or don't have a sufficient volume of. It is intended to make more efficient, more transparent and fairer to the community. Ms. Nichols noted that this program is not just first come first serve. Every body has the same opportunity.

**ITEM #4** – Bruce A. Hidley, City Clerk explained to the Council that the Council passed a Local Law in December 2010 which was a mandate by the State of New York that all municipalities must take over the dog licensing. Mr. Hidley explained that Phyllis Carroll, Administrative Assistant to the General Manager put together a program on the computer in the City Clerk's Office that has worked very efficiently for the new licensing system. Mr. Hidley thanked Phyllis Carroll for all her hard work on this program transition for the new dog licensing system.

### **OLD BUSINESS**

**ITEM #1** – Mark Gleason, General Manager explained to the Council that he wanted to address an issue from a resident at the last City Council Meeting related to shoveling a sidewalk. The resident lives on a section of the City which is a County Highway. It was the residents contention that the State law states that if the state plows on to a sidewalk it is the municipalities responsibility to shovel it. Mr. Gleason noted that the resident brought this to the attention of the City Council a couple of years ago. Mr. Gleason wanted it clear for the minutes that he reviewed the minutes of that meeting and it shows that them Mayor Robert Carlson requested the General Manager not the Corporation Counsel to research this issue. Mr. Gleason stated that he dropped the ball on this and took full responsibility for not responding. Mr. Gleason stated that the issue has been researched and that the Corporation Counsel Yorden Huban sent the resident a letter informing him the following. It requires the resident to keep the sidewalk in front of their home clear of ice and snow. The state law that the resident was referring to gives latitude to the local municipality to transfer the responsibility of clearing the sidewalk although he does live on a state road.

Mr. Huban noted that there is a state law which requires the City to maintain the sidewalks. Mr. Huban explained that relevant case law, state law, City Charter and City Code that it is clear that what Mr. Gleason explained it is the responsibility of every landowner to maintain and remove snow, ice or other obstructions on the sidewalk abutting their property. Additionally, they shall be liable for any injury as a result if the breach of that duty. This is basically consistent with the Municipal Home Rule law which allows the City to transfer the responsibility and liability to the landowner. Mr. Huban researched in length the law alluded to by the resident to determine if there is a state law that imposes a specific responsibility on the municipality. Mr. Huban clarified that the only thing he could come up with was the Highway Law which primarily deals with construction, design and improvements. There is some language that states it is the responsibility of the City to maintain roads and sidewalks. Mr. Huban further stated that it is clear from his perspective that the City is complying with specific case law and statute that our Ordinance and Charter is correct in imposing the responsibility on the landowner. Mr. Huban responded to Mr. Anderson in writing on January 13, 2011 and January 19, 2011 and Mr. Huban is happy to receive any comments if Mr. Anderson chooses to do so.

#### **NEW BUSINESS**

**RESOLUTION NO. 8681** – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement with Wm. H. Clark Municipal Equipment, 589 Third Avenue, Rensselaer, New York 12144 for a Sewer Jet in the amount of \$39,690.00. Before voting Mark Gleason, General Manager explained that this will be replacing an over 30 year old sewer jet the City currently has. Once ordered the City should expect delivery in the spring. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

**RESOLUTION NO. 8682** – The Council of the City of Watervliet hereby appoints Commissioner of Deeds in the City of Watervliet for the period January 1, 2011 and ending on December 31, 2012. Before voting Mayor Manning asked City Clerk Bruce A. Hidley if there were any changes from two years ago. Mr. Hidley answered by noting that Councilman Foglia was added, one Fire Department Shift Supervisor and one Police Officer. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

**RESOLUTION NO. 8683** – The Council of the City of Watervliet hereby establishes a standard work day for Councilman Nicholas W. Foglia for the purpose of determining days worked reportable to the NYS and Local Retirement System. Upon motion of Mayor Manning, seconded by Councilwoman Fogarty, this Resolution was approved and adopted. Councilman Foglia abstained from voting.

**RESOLUTION NO. 8684** – The Council of the City of Watervliet hereby authorizes Bruce A. Hidley, City Clerk and Clerk to the Council to advertise once in the official newspaper that the Council will meet on Thursday, February 3, 2011 at 7:00 P.M. in the Watervliet City Court Room for the purpose of hearing those persons who wish to be heard with reference to the proposed adoption of the City of Watervliet Comprehensive Plan. Mayor Manning stated that the City has had a Public Hearing on the version which went before the Planning Board. This has been passed by the Planning Board and sent to the City Council for review. There has some small changes which were made and the Comprehensive Plan is ready for the City Council Public Hearing. The Plan will be available at the Watervliet Public Library, the City's web site and the City Clerk's Office. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

**RESOLUTION NO. 8685** – The Council of the City of Watervliet hereby authorizes the City of Watervliet 2011 Community Development Block Grant Program Economic Development Program and that a Public Meeting will be held on Monday, January 31, 2011 to provide information to the public. Before voting Rosemary Nichols, Deputy General Manager of Economic Development and Planning explained that the Public Meeting will be held in the J. Leo O'Brien Senior Citizens Center at 6:00 P.M. A press release will be sent tomorrow and the information will be placed on Vliet Channel 17 along with the City's website. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

**RESOLUTION NO. 8686** – The Council of the City of Watervliet hereby authorizes Bruce A. Hidley, City Clerk and Clerk to the Council to advertise once in the official newspaper that the City will receive sealed bids until 10:00 A.M. on Wednesday, February 2, 2011 for a 12 foot chain link fence to be erected around the Solar Boathouse located in Hudson Shores Park. Mark Gleason, General Manager explained that this is a security fence for the solar boathouse. The City received a grant from NYS in the amount of \$45,000.00 to pay for the fence and improvements to the site. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

**RESOLUTION NO. 8687** – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement with Fraser & Associates, 22 High Street, Rensselaer, New York 12144 for engineering services in connection with a public facility project in an amount consistent with the terms and budget of the 2010 CDBG Public Facilities grant. Before voting Mark Gleason, General Manager explained that this is an improvements grant through the Economic Development Office to make improvements to the Upper and Lower Dam. Rosemary Nichols, Deputy General Manager of Economic Development and Planning noted that according to the CDBG regulations this had to be competitively bid for professional services. There were two bids and the public Infrastructure Committee made a recommendation which was also agreed to by the General Manager and Corporation Counsel. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

**RESOLUTION NO. 8688** – The Council of the City of Watervliet authorizes Mayor Michael P. Manning to execute an agreement with the Watervliet Civic Center an agency of the Watervliet Civic Chest, Inc. for the period January 1, 2011 and ending on December 31, 2011. Mayor Manning explained that the next three Resolutions are the standard contracts signed by the City with the non-profit agencies that use the City's buildings. Mayor Manning explained that there would be no change in stipends but the Council requested that the agencies add a member of the Board who would be appointed by the City. This would be a way for the City to watch over the money which is being spent. The City also asked the Senior Citizen Center to funnel the scheduling of the after hours functions thru City Hall and the City is developing a fee schedule for the protection of our grounds. The fee schedule hasn't been added to the contract yet. The renting of the hall will run through the City Clerk's Office similar to the pavilion rental. Mayor Manning noted that the organizations have not seen the contracts yet so there may be chance that they may need to come back to the Council again. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

**RESOLUTION NO. 8689** – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement with the Watervliet Senior Citizens Center in the premises known as the J. Leo O'Brien Municipal Center for the period January 1, 2011 and ending on December 31, 2011. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

**RESOLUTION NO. 8690** – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement with the Watervliet Public Library in the premises known as the J. Leo O'Brien Municipal Center for the period January 1, 2011 and ending on December 31, 2011. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

## **APPROPRIATIONS AND ACCOUNTING**

Robert A. Fahr, Director of Finance explained that the Sales tax collection for the 4<sup>th</sup> quarter came in at \$784,000.00. The City received \$65,000.00 more than budget for 2010. Mr. Fahr hopes for a good 2011 year in accordance with the new census numbers coming out.

Robert A. Fahr, Director of Finance explained that he wanted to report on the two bond issues. First the tax exempt issue of 2.9 million went to Roosevelt & Cross. At a net effective interest rate of 4.76%. The early year repayment from 2012 until 2018 came in at 4%. The later years will be substantially higher up to 5% from 2023 to 2028. The \$800,000.00 Retirement System cost is federally taxable. The taxable issues are usually higher than the tax free. This issue was awarded to Sage Ruttly Co. Inc. from Rochester, New York. The interest rate that Sage Ruttly came in at was 4.53% which is a great rate for the City. If the City went through the Retirement System they would be paying nearly 5%. The initial couple of years from 2013 thru 2014 the interest rate will be 3.63%. The City received two bids on this issue the second being Roosevelt & Cross who came in at 5.2%. The next six years will be fine the later years a higher interest rate. Mayor Manning noted that going out to bond Moody's increased our bond rating two notches over our last rating. Mr. Fahr explained that if the City did not receive the increase in bond rating the City would have paid over 5% in interest costs.

Mayor Manning discussed the property issues with the Roman Catholic Diocese. Mayor Manning noted that he will have more information related to this issue in February 2011. The City is trying very hard to get some taxable entities in the building that have been vacated.

**PUBLIC COMMENT PERIOD**

Joanne Winasoski – 536 6<sup>th</sup> Avenue – Watervliet, New York – Ms. Winasoski explained to the Council that she had moved her car several times as the Police Department had directed her to. Ms. Winasoski stated that later that day she was parked on 19<sup>th</sup> Street by Alphonse Beauty Parlor. Ms. Winasoski noted that the beauty parlor was never informed that plowing was going to take place. The car Ms. Winasoski was driving was on 7<sup>th</sup> Avenue. The car was towed at a cost of \$125.00 for towing and \$100.00 for the ticket. It cost her over \$30.00 in taxi fees to get from place to place after the car was towed. She does not think it is right that she got ticketed and towed she would have moved if notified as earlier at her residence. Ms. Winasoski asked the Council to take care of the ticket fee of \$100.00. Mayor Manning stated that he would take this issue under advisement and requested that Ms. Winasoski stop in tomorrow to speak with the operations staff at City Hall. Mark Gleason, General Manager requested Ms. Winasoski to schedule a meeting with him that he will work around her schedule.

There being no further business to come before the Council a motion was made and seconded to adjourn the meeting into Executive Session The meeting was adjourned into Executive Session at 7:30 P.M.

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, JANUARY 20, 2011**

The Meeting was called to Order by Mayor Michael P. Manning at 7:40 P.M.

Roll call showed that Mayor Michael P. Manning, Councilwoman Fogarty and Councilman Foglia 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 and Robert A. Fahr, Director of Finance.

**ITEM #1** – Yorden C. Huban, Corporation Counsel discussed in detail a Workers Compensation issue with the Council.

**ITEM #2** – Mayor Michael P. Manning discussed in detail a personnel issue with the Council.

There being no further business to come before the Executive Session, a motion was made and seconded to adjourn the Executive Session. The Executive Session was adjourned at 8:00 P.M.

Respectfully Submitted,

Bruce A. Hidley  
City Clerk and Clerk to the Council

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET  
RECONVENED AFTER EXECUTIVE SESSION AT 8:05 P.M.**

Roll call showed that Mayor Michael P. Manning, Councilwoman Ellen R. Fogarty and Councilman Nicholas W. Foglia 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 and Robert A. Fahr, Director of Finance.

**NEW BUSINESS**

**RESOLUTION NO. 8691** – The Council of the City of Watervliet hereby approves the Forbearance Agreement between the City of Watervliet and Michael J. Decker, Jr. and further authorizes Mayor Michael P. Manning to execute the same. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

**RESOLUTION NO. 8692** – The Council of the City of Watervliet hereby approves the professional services agreement between the City of Watervliet and Gregory A. Guba, P.O. Box 642, Newtonville, New York 12128 and further authorizes Mayor Michael P. Manning to execute the same. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

There being no further business to come before the reconvened meeting, a motion was made and seconded to adjourn at 8:15 PM.

Respectfully Submitted

Bruce A. Hidley  
City Clerk and Clerk to the Council