

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET  
THURSDAY, FEBRUARY 16, 2012 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 Huban, Corporation Counsel, Bruce A. Hidley, City Clerk and Clerk to the Council, Rosemary Nichols, Deputy General Manager of Economic Development and Planning, Mark Gilchrist, Assessor/Building Inspector, Fire Chief Scott Skinner 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 explained to the Council that the City has reviewed an application for a Special Use Permit submitted by Mr. Frederick L. Wagner, III for a landscaping contracting facility and excavation business on property located at Maeosta Lane in Guilderland, New York. The application was filed with the Guilderland, New York Zoning Board of Appeals. Since the property is within our reservoir watershed (southwest of the reservoir) the City of Watervliet has been given the opportunity to comment on the application. The Watervliet Reservoir provides the public water supply for both the City of Watervliet and the Town of Guilderland. Therefore, the activities conducted on this property are subject to the provisions of 10 CRR-NY 100.2, of the Rules and Regulations for the Watervliet Reservoir. These Rules and Regulations are part of the Public Health Law of the State of New York. It is the responsibility of the Town of Guilderland to enforce this section of the Public Health Law at our reservoir. It is the opinion of Jim Besha of Albany Engineering (Engineer of record for the Watervliet Reservoir) that Mr. Wagner's plan of stockpiling and processing of materials such as manure and blacktop may violate the NYS Public Health Laws. The fear is that material stored on the site (blacktop – manure) after a rain event will become pollutants. These pollutants would make its way to our reservoir thru our watershed. Mr. Gleason noted that with the assistance of Jim Besha of Albany Engineering he has prepared a letter stating the City's concerns. This letter has been forwarded with the City's concerns to the Town of Guilderland Zoning Board of Appeals. The Town of Guilderland Zoning Board of Appeals intends to decide on Mr. Wagner's request during their March meeting. Mr. Gleason will keep the Council updated as this case moves on to a decision.

**ITEM #2** – Mark Gleason, General Manager explained to the Council that City Assessor, Mark Gilchrist and John Bonanno from Municipal Assessment Services have held three Public Hearings since Monday, February 6, 2012 on the City's reassessment project. The meetings feature a Power Point program explaining the project. The meetings have averaged 50 property owners in attendance. Mr. Gleason wanted to stress that the reassessment project is revenue neutral, the City will see no additional revenue from this project.

This project seeks to treat each property owner fairly. Currently, some homeowners in Watervliet with higher valued homes are actually paying less in taxes than homeowners with lesser valued homes. The average home is assessed in Watervliet at 65% of its value. This project will make every property owners home assessed at 100% of its value. The project will also help in the City's annual challenges from large commercial properties. Once the commercial properties have full market value placed on them, the challenges will cease. By the end of February the City will mail out Assessment Disclosure Notices. The notice being sent will show the homeowners proposed new assessment and estimates the tax impact the new assessment will have. Some homeowners will see their taxes go up, some down and some will remain approximately the same. Homeowners will have the opportunity to appeal their new assessment. Homeowners who wish to appeal their assessment will find research material (cost of homes sold, photos of like properties and assessment information) on the City's website and at the library. This reassessment project will be in pace for the 2012 City School District tax bill. Mark Gilchrist, Assessor explained that the new assessments will be finalized in July. The first impact will be with the September school bill. Mr. Gilchrist noted that his office is doing the final analysis, the numbers are almost set. The impact notices are going to homeowners on February 29<sup>th</sup>. There are two Saturday's and five days during the week set aside so that anyone from the public can have an informal hearing with the City. This will be done by appointment only. The public will have the opportunity to prove the assessment numbers wrong. The public's opportunity to comment will be done from March 10 thru 24, 2012. The tentative roll will be May 1<sup>st</sup>. The Board of Assessment and Review will meet on the 4<sup>th</sup> Tuesday of May.

**ITEM #3** – Mark Gleason, General Manager explained to the Council the pine tree located in Veterans Park was removed last week. The tree was found to be infected with diplodia blight and commandra blister rust. These two infections were killing the tree and it had to be removed. Mr. Gleason noted that a new tree will be planted as soon as the frost is out of the ground. The new tree will be approximately 14' high.

## **OLD BUSINESS**

**NONE**

## NEW BUSINESS

**RESOLUTION NO. 8805** – 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 is publishing a Notice of Intent for Release of Funds in connection with the Housing Rehabilitation Grant Program pursuant to the Community Development Block Grant recently awarded to the City. Before voting Rosemary Nichols, Deputy General Manager of Economic Development and Planning explained that this the normal first step that the City takes in implementing a Community Development Block Grant Housing Rehabilitation. The City must under Federal Law give environmental notice so that people can criticize or suggest if the project will have an adverse environmental effect. Once the review process is over if no comments are received the City is at liberty to move the project forward. Ms. Nichols stated that this should happen in March. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

**RESOLUTION NO. 8806** – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement with Casale Landscaping, 22 Meadow Drive, Troy, New York in the amount of \$2,300.00 for minor lead abatement as part of the Community Development Block Grant Rehabilitation Program. Before voting Rosemary Nichols, Deputy General Manager of Economic Development and Planning explained that this is the implementation of the last piece of the lead abatement process for the senior project the City is just finishing up with. There are certain places in resident's yards that have some contamination. This can be abated by placing top soil over the area then seeding. This Resolution requests the City Council to select the lowest responsible bidder. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

**RESOLUTION NO. 8807** – The Council of the City of Watervliet hereby authorizes a Memorandum of Understanding between the City of Watervliet and Greenlight Energy Group, LLC and further authorizes Mayor Michael P. Manning to execute the same. Before voting Mayor Manning explained that Greenlight is a company that is involved with renewable energy. Specifically, the brokering of the sales of renewable energy credits. The City got involved with Greenlight thru a NYSCERDA grant that the City is trying to roll out. Greenlight will be a broker to sell renewable energy credits to the residents of Watervliet. The City intends on packaging this with our plan to roll out energy efficiency program to our residents. In each of these cases it does not cost the city anything. It will be an optional program for residents and business owners to be involved with. If the City achieves a certain number of renewable energy credits sold the community can be granted green partner community status with the EPA. This is totally optional. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

**RESOLUTION NO. 8808** – The Council of the City of Watervliet hereby designates the week of April 23<sup>rd</sup> thru April 26, 2012 as Bulk Item Disposal week. Before voting Mark Gleason, General Manager explained that residents can check the City’s website to see what can be disposed of. The other thing is the 4’x4’x8” mythical size of the bulk items which will be picked up. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

**RESOLUTION NO. 8809** – The Council of the City of Watervliet hereby approves that Professional Services Agreement between the City of Watervliet and Gregory A. Guba and further authorizes Mayor Michael P. Manning to execute the same. Before voting Mayor Manning explained that this agreement is with Gregory Guba for Human Resource Services. The City has used his company in the past for a harassment problem. This also deals with the next Resolution on the agenda. His company can assist the City with any needs with the transfer of employees. Mr. Guba is a retired Human Resource expert. The City will pay him on an hourly basis (task specific). There are some other Human Resource issues we have pending that he will assist with. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

**RESOLUTION NO. 8810** – The Council of the City of Watervliet hereby approves an agreement between the City of Watervliet and the County of Albany Sheriff’s Office and further authorizes Mayor Michael P. Manning to execute the same. Before voting Mark Gleason, General Manager explained that this legislation authorizes the transfer of the duties of Public Safety Dispatching to the Albany County Sheriff’s Department. The Sheriff’s Department has been handling the midnight until 8:00 A.M. duties since October 2011. The Sheriff’s Office has also done some test cases with the 4:00 P.M. until midnight shift. The transfer of dispatching duties will allow more Patrolmen on the street. The Albany County Dispatchers also have EMT training. An Albany County dispatcher will be able to assist a resident through a medical emergency over the phone. This transfer will also be a cost effective way of delivering the service. Mayor Manning stated that the City will pay a fee for the service over a 5 year period. Even with the fee it is still a cost savings for taxpayers. Mayor Manning noted that the County Executive still needs to sign off on this proposal. The timing of the actual switch is based upon Civil Service Law. Mayor Manning further stated that the soonest this could happen would be March 19<sup>th</sup>. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

**RESOLUTION NO. 8811** – The Council of the City of Watervliet hereby approves a Settlement Agreement and Liability Release between the City of Watervliet and Frontier Chemical Site PRP Group and further authorizes Mayor Michael P. Manning to execute the same. Before voting Yorden Huban, Corporation Counsel explained that this Resolution approves a Settlement Agreement and Liability Release between the City of Watervliet and Frontier Chemical Site PRP Group. This is a group of private entities that formed together to avoid the cost of lengthy litigation to remediate a contaminated site that has hazardous

substances.

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Mr. Huban has been in contact with the attorney for the PRP Group. Mr. Huban has negotiated a settlement that releases the City from Third Party Liability with respect to the Frontier Site. Back in 1989 what happened was a removal of an underground tank. This was all done with the knowledge of the NYSDEC. A total of 275 gallons of contaminated soil was deposited at the Frontier Site. Essentially this Resolution will resolve this matter. The NYSDEC issued a Record of Decision which basically states that you need to clean up the site and pay for the investigation and remediation to the main private entity PRP Group. The City of Watervliet is on a very low scale with this suit. Mr. Huban felt it would be appropriate to resolve this matter. This Resolution authorizes a \$2,000.00 cash settlement. The PRP Group will then send the City of Watervliet a Release and contacts the NYSDEC advising them of the City's cooperation with this issue. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

**RESOLUTION NO. 8813** – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning and/or his designee, Police Chief Ron Boisvert is authorized and directed to execute any contract, agreement and or document to effectuate the sale and transfer of the Police Vehicle to the Village of Chittenango in the amount of \$6,000.00. Before voting Police Chief Ron Boisvert explained that this is two surplus vehicles that his department has replaced. Chittenango is a small Police Department out in the western part of the State. Chief Boisvert negotiated a price that he feels is fair especially due to the condition of the second vehicle. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

## **APPROPRIATIONS AND ACCOUNTING**

**RESOLUTION NO. 8812** – The Council of the City of Watervliet hereby authorizes the transfer of funds from certain underspent accounts to other overspent accounts in the General, Water and Sewer Funds for the fiscal year 2011. Before voting Robert A. Fahr, Director of Finance explained that these are transfers in excess of \$2,000.00 which must go thru the City Council. Mr. Fahr provided an example to the City Council a Sewer Fund Transfer where the City purchased a Sewer jet for approximately \$40,000.00. There wasn't enough money in that account. The City's payment to the Albany County Sewer District came in low which allowed the City to transfer that amount. The City usually transfers the needed funds by the end of February. These transfers will allow Mr. Fahr to prepare the Annual Report for 2011. Councilman Foglia asked how the City finished financially for 2011. Mr. Fahr noted that the General Fund will be close to the City original estimate of 1.1 million fund balance. The City is still waiting for reimbursements before he has an exact amount. Mr. Fahr gave the Council some examples of reimbursements he is awaiting for such as Workers Compensation, FEMA, payments from the School District and Park Grant money. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

**PUBLIC COMMENT PERIOD**

**NONE**

Before closing the meeting Mayor Manning announced that the State of the City Address will be on Friday, February 17<sup>th</sup> at 10:00 A.M. in the Watervliet High School Gym.

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 7:40 P.M.

Respectfully Submitted,

Bruce A. Hidley  
City Clerk and Clerk to the Council