

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, MARCH 15, 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 requested Bob Sweeney to address the City Council. Mr. Sweeney explained that he is an attorney from the law Firm Whiteman, Osterman & Hanna in Albany, NY. Mr. Sweeney noted that he represents the Nigro Companies. Mr. Sweeney is here today because his firm filed an application with the City and to do a preliminary presentation to explain what the application is for. Mr. Sweeney introduced Greg Irshbraum an Engineer from Bergman Associates, LLP. Bergman Associates is responsible for the diagram which is in front of the City Council and the engineering Mr. Sweeney talked about, the application which was recently filed with the City is an application to rezone a 3 acre parcel on 19th Street which is currently occupied by St. Patrick's Church. The zoning on this site is residential zoning. This particular area is R-3. His firm has petitioned the City to rezone this parcel as Business-1 to accommodate a commercial/retail use. Mr. Sweeney then pointed out the conceptual use of the site from the diagram. This is a rezoning so therefore legislative action would need to be taken by the City Council. With the legislative act comes a proceeding under the State Environmental Quality Review Act. Mr. Sweeney stated that the City Council will review and evaluate the environmental impacts of the requested rezoning. The procedure is that several meetings will need to be held before the City Council. The law requires that a Public Hearing be held before voting. It also requires that this matter be referred to the Planning Board for reports. They will be visiting with the Planning Board also during the course of the process. Mr. Sweeney also has some area variances, side yard variances that will to be visited by the Zoning Board of Appeals. There are many procedural steps and Public Hearings that will be needed as this process plays out over the next couple of months. Mr. Sweeney thanked the City Council for allowing them to speak tonight. The application filed also has a site plan, there is a petition to rezone and an Environmental Assessment Form. The City Council will have the opportunity to review all of the information submitted. The plan is to come to a meeting in April to do a detailed presentation with engineering facts, site plan facts and environmental facts. Mr. Sweeney concluded by noting that his firm is not in the position to proceed with information on the details of the users.

Mayor Manning then opened the floor to only the City Council for comments and questions. The opportunity for the public to comment will come during the Public Comment Period. Mayor Manning noted that this is a preliminary, they have submitted a petition. The course will flow with Public Hearing about this particular project. Councilman Foglia requested information on truck flow. Mr. Sweeney stated that they are working very hard on this issue. Mr. Sweeney would like to bring that information to the April meeting. Mayor Manning stated that seeing many of the public may not know why in this concept the buildings are located where they are. Mr. Irshbaum stated that on the site there is a dry river storm pipe that runs thru the property. The buildings were located to avoid those dry river sewers. Mayor Manning stated that if the City entertains and moves forward with the rezoning that they will have to hire a special outside counsel and engineer to assist with this project. Mayor Manning noted that none of the existing buildings are in the sketch. Mr. Sweeney thanked the City Council for allowing them to speak tonight.

ITEM #2 – Mark Gleason, General Manager explained to the Council that he wanted to report that Robert Loya, Recreation Working Supervisor has grown flowers in the DOME over the winter. The program begins early in the winter months by using powerful lamps. This allows the City to save a lot of money on flowers by home growing them. Bob Loya has grown over 1200 flowers of 19 varieties. Planting of the flowers in our parks and boulevards will take place in late May.

ITEM #3 – Mark Gleason, General Manager explained to the Council that repairs have been made to the City's non-motorized dock in Hudson Shores Park. Streck's reinforced the connections between the docks with stainless steel. This would reinforce the aluminum connections. They plated this with stainless steel which should give the docks a permanent fix.

OLD BUSINESS

NONE

NEW BUSINESS

Before beginning with the New Business, Bruce A. Hidley, City Clerk and Clerk to the Council explained that Yorden Huban, Corporation Counsel would like to address the Council. Mr. Huban explained that he drafted and presented to the Council two (2) Local Laws. The first Local Law would amend Chapter 28 related to the Code of Ethics. Additionally, Local Law No. 2-2012 to supersede Section 30 of the Charter of the City of Watervliet relative to the transfer of certain real property and a lease of easement owned by the City. Pursuant to Municipal Home Rule Law the first step is to have these Local Laws on your desk. The second step is to have the Mayor or a City Council member introduce the Local Law. The procedural step is to have the City Clerk read a resolution authorizing the advertisement for the Public Hearing. At the next City Council Meeting the Public Hearing will be held and legislative action after. Mayor Manning then presented Local Law No. 1-2012 and Local Law No. 2-2012 to the City Council.

RESOLUTION NO. 8815 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to file an application under the New York State Department of Agriculture and Markets Fresh Connect Program and further authorizing Mayor Michael P. Manning to accept and receive a grant for the program. Before voting Rosemary Nichols, Deputy General Manager of Economic Development and Planning explained that this is a program sponsored by Agriculture & Markets it is focused in increasing the availability of fresh food to underserved people. The City is seeking to use the existing trolley and funds from the grant we already have is a match for this program to enhance the availability of the Farmers Market to our senior's. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

RESOLUTION NO. 8816 – 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 a Public Hearing will be held in the Watervliet City Court Room at 7:00 P.M. on Thursday, April 5, 2012 for those persons who may wish to be heard with regard to the proposed local municipal Resolution entitled “Redefining the Boundaries of the Hudson-Mohawk Urban Cultural Park, known as Riverspark. Before voting Rosemary Nichols, Deputy General Manager of Economic Development and Planning explained that when Riverspark was created as the first cultural park more than 30 years ago the boundaries were set very strictly to limit the scope of this new idea. Since then it seemed appropriate that the boundaries be extended in Riverspark to reflect the actual municipal boundaries. This Resolution allows them to move the boundaries from where they are now. The boundary starts on the northern line of the City comes down the railroad track leading the entire uphill portion of the City and most of the Port Schuyler out of the district.

The City proposes that the boundaries be modified so that it takes the entirety of the City of Watervliet. This will need further action from the Riverspark Board of Directors. There are benefits which the City can take advantage of such as economic and cultural activities that can take place as a result of this. Ms. Nichols stated that it makes sense to include the entire municipality rather than just pieces of it. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8817 – The Council of the City of Watervliet hereby endorses and supports an application to New York’s Empire State Development Corporation for creation of this Regional Land Bank. Before voting Rosemary Nichols, Deputy General Manager of Economic Development and Planning explained that the various municipalities and interest groups in the Capital Region have been working with the idea of a Land Bank which is a vehicle for taking the value of properties that end up in distress and putting them into a system where it is more efficient for them to be redeveloped promptly rather than going thru a long foreclosure process and deteriorating every year while they are in limbo. Ms. Nichols noted that the legislature responded positively to the proposal that this may be a good idea to support. They limited very strictly the number of Land Banks there can be. The County of Schenectady has taken the lead and is putting together a coalition of all the Capital Region communities to allow for the Land Banking process. This is an opportunity but does not require the City to put land into it. It does give the City another economic redevelopment tool. This is basically a Resolution of support. If approved by the Empire State Development Corporation the City would have to take additional steps to formally participate. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

RESOLUTION NO. 8818 – 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 a Public Hearing will be held in the Watervliet City Court Room at 7:00 P.M. on Thursday, April 5, 2012 for those persons who wish to be heard with regard to Local Law No. 1-2012 amending Chapter 28 of the Code of the City of Watervliet relative to the Code of Ethics. Before voting Mayor Manning explained that Yorden Huban, Corporation Counsel already presented this legislation to the Council for review. This Resolution approves the Public Hearing regarding the proposed Local Law. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8819 – 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 a Public Hearing will be held in the Watervliet City Court Room at 7:00 P.M. on Thursday, April 5, 2012 for those persons who wish to be heard with regard to Local Law No. 2-2012 a Local Law to supersede Section 30 of the Charter of the City of Watervliet relative to the transfer of certain real property and release of easement owned by the City of Watervliet. Before voting Mayor Manning noted that this is for some land transfer in relation to clearing a Consent Order with NYSDEC in the area of the Upper/Lower Dam behind Fenimore Trace Apartments. It's a storm water system in order to come up to dam safety standards the City had to enlarge the spillway and the City swapped land with a developer to accomplish that chore. 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 he would like to announce that on Monday, April 2, 2012 our independent auditors will be conducting the audit for 2011. Upon conclusion the City will be submitting its annual report to the Comptroller's Office by April 30, 2012. Mayor Manning asked if the City has closed its financial records for 2011 yet. Mr. Fahr stated no that he is waiting for some State monies to come in to show as a negative expense for 2011. Mr. Fahr noted that the City is still in the neighborhood of 1 million to 1.1 million fund balance for the close of 2011.

Before moving into the Public Comment Period Mark Gleason, General Manager explained that on Saturday, March 24, 2012 that Robert Loya, Recreation Supervisor will be hosting a Chili Cook-off. The proceeds of the cook-off will go to the Upper Hudson River David Fischer Kayaking Program. The City has a program were veterans who have returned from war with some type of handicap are taught to ride kayaks. After training they then learn to kayak on the Hudson River.

PUBLIC COMMENT PERIOD

Judy Ploof – 519 23rd Street – Watervliet, New York – Ms. Ploof stated that while she was listening to the presentation the plan was to make a business district out of the parcel of St. Patrick's. The 23rd Street side in now all residential is that going to be included in that parcel. Mayor Manning stated that the south side is in the request.

Margaret Macri – 2325 4th Avenue – Watervliet, New York – Ms. Macri explained that she is a licensed realtor with Realty USA. Ms. Macri makes that comment because living in that neighborhood this business proposal will drastically affect the property values. Ms. Macri noted that the City is going thru a revaluation program then you want to build this. Ms. Macri feels that this is a quality of life issue. Ms. Macri stated that if you put in a grocery store she can hear the carts going down her street, she can already see the classifieds in her bushes. The only way a truck will be able to back is right on 5th Avenue on the back of her property. Ms. Macri has two children and a tenant upstairs who has children. The intersection of 5th Avenue and 23rd Street it is a blind corner and now you want to increase this intersection with increased truck traffic. Someone was just recently hit at this intersection. Looking at the way the building is situated Ms. Macri noted that there is no barrier. What about sound and what about lighting from the parking lot. Ms. Macri explained that this is a very quiet neighborhood. Now you want to put a business such as this in the neighborhood is not good. The economy today is terrible and now you want to do this. Ms. Macri suggested placing the building further up and putting apartments on 23rd Street. Ms. Macri would like to leave this area a residential neighborhood.

Donnelly Whitehead – 1921 8th Avenue – Watervliet, New York – Mr. Whitehead stated that after listening to three Resolutions authorizing Public Hearings plus the presentations tonight he feels that the location of the City Council Meeting be moved to another location. Mayor Manning noted that we would have moved the meeting tonight but the Senior Facility already had an event scheduled.

Ralph Bell – 705 16th Street – Watervliet, New York – Mr. Bell wanted to know if the City Council had numbers or criteria as to how the assessment was lowered from 4.8 million to 1.7 million. How did the City come up with that figure on the St. Patrick's property? Mayor Manning stated that suggests he stop by the Assessor's Office as that information is public knowledge. Mayor Manning does not have that kind of information in front of him.

Ruth Clemens – 1217 Spring Avenue – Wynantskill, New York – Ms. Clemens was concerned about the way development was done in Rensselaer County. The Nigro Companies were involved with the development of the Target store on Rt. 4 in East Greenbush. Ms. Clemens wants people to be warned or vigilant. Ms. Clemens blames the church diocese for what has happened. Ms. Clemens discussed a church which was taken down and trees removed for development. These are things you need to be concerned and worried about. Ms. Clemens has a global concern for the history of churches.

Eileen Anderson – 5 Ball Place – Watervliet New York – Ms. Anderson stated that she has been a resident of Watervliet for over 50 years. Ms. Anderson was amazed about the low assessment for the St. Patrick's property from last year. The idea that the sale of the property is only \$500,000.00 seemed a bit crazy. The parish house alone should be worth \$200,000. Is it really necessary to tear down and demolish a beautiful historic structure such as St. Patrick's? Couldn't this property be rehabbed into something unique? Ms. Anderson stated a couple of locations that were preserved. Ms. Anderson feels that the idea that it is such a special structure, architecturally impressive. The most impressive building in Watervliet. The St. Patrick's facility should not be demolished.

Mayor Manning noted that the sale price is between the owner (the diocese) and Nigro. The City is not privy to that financial information regarding any numbers you hear. The sale price is not what is being put before the City Council. Any questions on the assessment you are free to come down to the Assessor's Office to look at the comparable properties that were used to make that assessment. Mayor Manning further stated that the last assessment was done in 1996 and there have been some changes to the real estate market.

Marion Fotache – 1554 3rd Avenue – Watervliet, New York – Ms. Fotache stated that the diocese has been having a fire sale with property being sold so cheap. Ms. Fotache noted that the very first pastor of this parish had tremendous vision. Her family has worshiped in St. Patrick's for over 100 years. What a pity for the City to lose this church. Ms. Fotache explained that the Vatican has just ordered the diocese of Cleveland to reopen approximately 13 churches. Ms. Fotache wants all in attendance how this came about. Ms. Fotache was on the Parish Council along with other people. When they weren't getting the decision they wanted they established a building committee, hand selected, they were not allowed to be a part of it, several that volunteered to be a part of the committee. They were all people who agreed with the current Pastor or would go along. About 12 people made the decision of what would be done. Ms. Fotache thinks that the City should try and save this landmark. The organ along is very valuable, why should Clifton Park get an organ. The altar is magnificent with its architectural structure. Ms. Fotache then thanked the City Council for allowing her to speak.

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Joshua Spratt – 1247 7th Avenue – Watervliet, New York – Mr. Spratt explained that he feels that the short sightedness of this project is overwhelming. Mr. Spratt feels that putting up a grocery store in the middle of the City is not a good idea. The City has a grocery store and to throw up another one five blocks away just makes no sense. There is a lot more to do as this is the largest construction project in nearly 50 years. Mr. Spratt feels the City should do more than just a grocery store. Mr. Spratt sees a lot of problems with the rendering, traffic, foot traffic coming from the City of Troy and carts littering the City. Mr. Spratt wants to know what is going to happen to the current store on 2nd Avenue. Mr. Spratt feels that there is not a lot of creativity with this project. Mr. Spratt feels that this property can do a lot more for the citizens than what is being done. Mr. Spratt thanked the City Council.

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

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council