

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, MAY 3, 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 Hudson Shores Park will open for the season on Monday, May 7, 2012. Hudson Shores Park received an extensive amount of damage from last year's Tropical Storm Irene. Mr. Gleason noted that the Federal Emergency Management Agency (FEMA) has designated this park for federal funding. The funding was up to 75% of the cleanup costs. That funding was approved by FEMA over the winter months. The work had to be put out to bid due to this work being funded by FEMA grant. The project was awarded to Greenwood Contracting Inc. Greenwood Contracting has removed all of the silt which was left behind from the high water levels. They have re-seeded areas where the soil has washed away. They have removed a good 4 inches of debris that was scattered throughout the roadway of the park coming in and going out. The City was also fortunate enough to get an additional grant to put up two emergency contact towers. The towers will be lit up 24 hours a day, seven days a week and have an emergency phone attached. The towers are located in the pavilion area, the other is located by the solar boathouse. They will provide emergency communications for anybody in the park area. Mr. Gleason stated that the emergency tower located by the pavilion is currently working. The boathouse tower will be functional within two weeks. There is one other project ongoing in the park which is also being done by Greenwood Contracting. The City is going to rebuild the shoreline, north of the docks to the boathouse. The City will reuse all of the cobbles that the City has been pulling out for years. Now the City will put them to good use by shoring up the shoreline along with the cobbles being a nice decorative look.

ITEM #2 – Mark Gleason, General Manager explained to the Council that this week the Rusty Anchor located in Hudson Shores Park has pulled in to the park. They have put all their docks in place and are preparing to open sometime in later May.

ITEM #3 – Mark Gleason, General Manager explained to the Council that the City of Watervliet is accepting applications for the Summer/Seasonal part time work program. Watervliet youth who are interested in summer part time positions can pick up applications at the City Clerk's Office. All youth under the age of 18 years who are interested in working for the City must have current working papers at the time of hire. The Summer/Seasonal Program runs for 8 weeks and begins the first week of July. Unfortunately due to budget constraints this year the City is not hiring youth under the age 15 years. The City did hire some 14 year olds last year, the City will not this year. A possible Summer/Seasonal employee must be 15 years old by June 1st. The City will be giving preference to returning employees from last year. Mr. Gleason does encourage any 15 year old to at least fill out an application.

ITEM #4 – Mark Gleason, General Manager explained to the Council that on Wednesday, April 11, 2012, Sanitation Supervisor Chris Daus and Mr. Gleason hosted a delegation of public servants from Kosovo. Mr. Gleason noted that Kosovo is in Southeastern Europe. Kosovo is about the size of the State of Kentucky. The trip was arranged thru Caroline Leasing. She is the International Visitor Leadership Program Director for the International Center for the Capital Region. The group was very interested in the City's Organic Waste Program. The delegation included a Technical Director of a Regional Water Company, Director of Public Services for the Capitol, Director of Public Utilities and Kosovo's Director of Road Infrastructure Department who also worked for the Ministry of Transportation Communications. They were very interested in the City's Organic Waste Program. Mr. Gleason explained what the WOW Program was and its goals. They wanted to know how the City managed its solid waste and whether the City was making a profit on this program. Mr. Gleason explained that the City doesn't have to make a profit, we need to cut expenses which is what the City does with the Organic Waste program. The more we can cut expenses the lower the tax rate will be for homeowners. The delegation toured the Department of Public Works facility. Our staff demonstrated the WOW truck and how the City picks up the organic waste. They were actually very impressed. Mr. Gleason noted that he received a call from Caroline who noted that the visit to our City was rated the highest. The delegation felt that the City of Watervliet was the most like their municipalities, also noted was the fact that the delegation from Kosovo would like to come back again. Mr. Gleason stated that Caroline is setting up another delegation visit for some time in June. WOW is now a worldwide sensation. Mr. Gleason stated to all in attendance that the City will be getting new WOW buckets and if someone wishes to participate in this program to contact his office.

OLD BUSINESS

NONE

NEW BUSINESS

RESOLUTION NO. 8829 – A Resolution declaring the City of Watervliet hereby approves an Inter-Municipal Memorandum of Understanding between the City of Watervliet and the City of Cohoes and further authorizes Mayor Michael P. Manning to execute the same. Before voting Mark Gleason, General Manager explained that this is an agreement with the City of Cohoes who has a blacktop spreader that they rented to the City for one day. The City cut the expense of blacktopping some streets and roads in half. The City plans on working with the City of Cohoes again on a project such as this. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

RESOLUTION NO. 8830 – The Council of the City of Watervliet hereby approves in accordance with Local Law No. 1 -2012, the appointment of three members to the Board of Ethics. Before voting Mayor Manning explained that the City Council revised its Code of Ethics Law. Now the City Council is filling the three person Board to act as the Ethics Board for the City. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

RESOLUTION NO. 8831 – The Council of the City of Watervliet hereby approves an extension of time to the City of Watervliet Planning Board for the report under §57-8 of the City Code until June 7, 2012 and (2) schedule a Public Hearing pursuant to General City Law §83 on the rezoning petition filed by Nigro Companies Inc. at 7:00 P.M. on May 30, 2012 at the J. Leo O'Brien Senior Citizens Facility Building, 1501 Broadway, Watervliet, New York. Before voting Mayor Manning explained that the Planning Board requested approximately 30 day extension to file the report. This Resolution grants the Planning Board a 16 day extension. The Planning Board still has time to request an additional extension if needed. Mayor Manning feels that the 16 day extension is reasonable and that it times it up with the first meeting in June rather than the second meeting in June. As the Planning Board does there business if they need more time they can come back to the City Council. The second part of this Resolution is the Public Hearing that the City Council needs to conduct rather than the Public Comment Period at the regular City Council Meetings which is scheduled for May 30, 2012. The Public Hearing will be held in the J. Leo O'Brien Senior Facility. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

RESOLUTION NO. 8832 – The Council of the City of Watervliet hereby approves an agreement between the City of Watervliet and Gramercy Communications, LLC for a period of one (1) year commencing on January 1, 2012 and ending on December 31, 2012 and further authorizes Mayor Michael P. Manning to execute the same. Before voting Mayor Manning explained that this is a contract for outside services for communications related duties. Gramercy Communications has worked for the City for over 4 years. Mayor Manning noted that there is no change of rate from last year's contract. 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 to the Council that the Water Bills will be mailed out on Friday, May 4, 2012.

Before moving into the Public Comment Period Mayor Manning announced that the City has been notified by the Federal Energy Regulatory Commission (FERC) about the proposal to build a 5 megawatt power plant in Rome, New York. This has been rerouted into the traditional licensing program. At the last meeting the City found out that FERC would allow us to do that and NYSDEC would allow the City to do it. Recently the City heard from FERC that a lot of the work the City did as part of the exemption process in particular a joint agency meeting held on site last May. The City will have to repeat or recount for the traditional license. The City does not have to repeat the cycle. This is good news as the City continues to build the power plant in Rome, New York.

PUBLIC COMMENT PERIOD

Pat Falaro – 1921 6th Avenue – Watervliet, New York – Mr. Falaro stated the following to the City Council.

1. Regarding the possible opening of the new **PRICE CHOPPER** I would request that parking on 6th Avenue, 5th Avenue and 23rd Street is restricted to **RESIDENTIAL PARKING BY PERMIT ONLY**.
2. Let us assume that the former St. Patrick's Church, because of its age contains certain **TOXIC MATERIALS**. There has been much activity at the building since it's closing with things being removed from with the walls of the building (stained glass w/lead, possible lead painted items, possible asbestos, etc.) I would like to know what if any precautions have been taken to protect those working in the building and the public from toxic materials they and we are being exposed to.
3. Also, has NYSDEC been notified to oversee this operation due to possible **TOXIC MATERIALS** contained within these walls?
4. I would hope that during these removal operations that proper **OSHA** safety standards have been observed.
5. I noticed that the members of the IHM have been doing yard work at the old St. Patrick's School, too little too late though it's greatly appreciated. They have collected many bags and piles of lawn debris, I hope that this is not the responsibility of the City to collect this debris? Do you remember as it was mentioned **HOLY THURSDAY "SEPARATION OF CHURCH AND STATE"**.
6. How much of a radius of the project area is written notification of meetings sent (Planning Board, Zoning Board, City Council and any other group that meets regarding this proposal)? Also is this only by property owner or are the residents who may be renters and who could also be adversely affected being notified.
7. Last but not least, if and when a permit for demolishing is requested will the proper agencies be notified, OSHA, NYSDEC, neighboring properties etc.? Thank you

Paul Huban – 1500 12th Avenue – Watervliet, New York – Mr. Huban stated that in regards to St. Patrick's Church he suggest that the City do a referendum and let the residents of the City of Watervliet determine if they in favor of or not in favor of this proposal.

Richard Collins – 609 23rd Street – Watervliet, New York – Mr. Collins stated that what is being proposed which is the building of a Price Chopper, it is bad for our neighborhood. Looking over the traffic report they keep only saying a ½ % build up. I can't understand that I don't know how you got that. One thing I do know is a four lane street a left hand turn off of Second Avenue to Price Chopper, people who are behind them. What's going to happen when they go to a two lane road on 19th Street? Are they going to automatically make four lanes out of it? I don't think so. All this will add is a lot of congestion. Also, Mr. Collins does not believe in their study (it is difficult to read). The traffic which comes on Broadway entering the shopping center from Broadway in either direction. Mr. Collins does not believe they took the 2nd Avenue traffic into consideration. All they took into consideration was from a one day study COME ON. It takes weeks to do any kind of a really good study. The 10' extension on 23rd Street in the back of the proposed store, you can't let them do that. I'll be back again to say the same thing until you get it right.

Christine Bulmer – 609 25th Street – Watervliet, New York – Ms. Bulmer has a few remarks regarding the Nigro proposal for 515 19th Street. Ms. Bulmer has a great resource Heritage Study that should play a role in commercial ventures in Watervliet. St. Patrick's Church reflects the character and the strength of our ancestors. The hands that built that church worked the factories during our 19th century industrial growth. One of the ways it participates in the Hudson Mohawk Industrial Gateway and Riverspark enthusiastically I'm told. The City should profit from our historic industrial legacy. Hopefully you will not unnable the proposal that calls for demolition of the site so relevant to the birth of 19th century Watervliet. Why doesn't the City Council ask if this complex is eligible for historic recognition? This should be the case before any demolition of any building in the community to be perfectly honest with you. Wouldn't this open the door for grant opportunities and potential investors who might not be in favor of the demolition? How could you answer this question which shows you are willing to explore business options that would capitalize on a great resource on 19th Street? The City would have a tourist attraction not a big box distraction. The decision to tear down a relevant building for a Price Chopper is bad business and bad politics. The residents of this community will pay the price long after their Advantage Card has expired. We deserve a better proposal, we deserve one that shows respect for our neighborhoods and more important one that shows respect for our community. We deserve a proposal that uplifts the quality of life in Watervliet. You have a mandate, you have the responsibility to seek that better proposal and your hands are not tied.

Angela Mastan – 1816 3rd Avenue – Watervliet, New York – Ms. Mastan asked about the survey that Price Chopper did regarding the citizens and what the citizens wanted. Is that survey on the website? Ms. Mastan is asking Nigro & Price Chopper about that survey. Mayor Manning noted that this is there survey. The City would have nothing to do with this survey? Mayor Manning stated No. Ms. Mastan noted that since 2010 Fr. Deimeke has been encouraging any of his parishioners from Immaculate Heart of Mary Parish to go to Hannaford and buy gift cards and certificates because a portion of the proceeds would go back to the parish. I don't know what citizens will be shopping at the new Price Chopper if they all will be at Hannaford so they can support the parish monetarily. He has been reminding them for over a year to shop at Hannaford, who will be at the new Price Chopper, they will all be at Hannaford. Why would the Immaculate Heart of Mary Parish utilize this program at Price Chopper and not Hannaford? I am asking you to think who will be shopping at this store when all the loyal parishioners will be listening to their priest.

Eileen Anderson – 5 Ball Place – Watervliet, New York – Ms. Anderson stated what makes our City so special to residents and potential investors. I think the guidelines for growth and redevelopment within the Comprehensive Plan in Watervliet they address the issue before the Council this evening. We were an integral part of the Erie Canal the historical gateway. What have we done to capitalize on the historical Erie Canal connection? From past years politicians, developers and roadways have taken much of the property and buildings that the City was famous for. We as a community have enjoyed the closing of our beloved worship sites. The relocation of families and friends and as a community we are survivors. People come to live in Watervliet for a variety of reasons. What tops the list is quality of life. I was not born in this City but I choose to live, raise my family and volunteer in this City for over 50 years. Yes, I am very sad at losing St. Patrick's as my worship site. I'm here tonight along with Citizens of St. Patrick's because we love this City a place we call home and we want to revitalize, preserve and beautify our natural and historic resources. We do not want to see St. Patrick's demolished. Supermarkets are not bringing people to Watervliet, they are only stops on their journey elsewhere. The sales tax revenues are not shared by our City only the Real Estate Tax revenue. The block of homes to be demolished will be a loss, how much is their real estate tax revenue worth. If the Comprehensive Plan is not followed then what hope do we have for the future. Too much is at stake, pedestrian and vehicular fate, character and integrity of the City. Adverse effects on surrounding property and property values, environmental issues and loss of confidence not only with residents but with future investors. We are trying to encourage our business corridor on 19th Street. Please consider all the adverse effects before rubber stamping this. Ask for more don't settle for less.

Antoinette Delduce – 1806 6th Avenue – Watervliet, New York – Ms. Delduce explained that she also owns 1808 6th Avenue. The house was built in 1904. Her family has lived in that 2 ½ block radius for all of her life. It is terrible that they think St. Patrick's needs to down. However that building does not need to come down. It is important to keep the integrity of the neighborhood. I am concerned of the safety of the people in the neighborhood. I am especially concerned about the handicapped and the elderly. We lost a person to a serious accident. As trucks come over from 787, the City needs to think about the safety of the pedestrians/citizens. Along with everything else when they are successful putting in a Price Chopper we are going to see an additional exodus in the City of Watervliet. We can't even afford to go elsewhere, there will be no privacy or security. We will be concerned 24/7 because Price Chopper will be open 24/7. To have that shoebox next to us will be a deterrent to everybody. You need to think about the people of the City of Watervliet because we are the taxpayers paying your salary.

John Broderick – 1881 9th Avenue – Watervliet, New York – Mr. Broderick stated that the St. Patrick's Church is eligible for the National and Historic Registers. Mr. Broderick wants to know how this affects the 19th Street Reconstruction Project as it exists. Will this restart the process because now they will have to resubmit the paperwork as he understands it with the proper boxes checked regarding the SEQR process? It is his understanding that this may change the paper work already submitted. What does the City intend to do to protect the resources as called for in the Comprehensive Plan. The Citizens for St. Patrick's would like to request a position to let citizens have a greater participation in the define and scope of the draft of the environmental impact statement which is part of the whole SEQR process. The idea is to get the public involved in every opportunity they can. As Mr. Huban stated we want to be a part of this and we need to be a part of this process. I need to say that this is a big responsibility in the plans and he challenges you to think long term. The Comprehensive Plan was put together with the people everyone involved came together and worked at this a long time. It was intended to be long term, he doesn't believe this is a long term solution but a short term solution to the St. Patrick's Church property. Mr. Broderick understands that the City does not want vacant property, loss of tax rolls, there are other options we just need to push for them.

John Kenney – 1900 12th Avenue – Watervliet, New York – Mr. Kenney stated that NYSDEC and OSHA have been included in the church cleanup now and in the future. The two lanes on 19th Street will not be a problem, they have done studies on this and is still on going and will not cease until the project is completed.

Marion Fotache – 1554 3rd Avenue – Watervliet, New York – Ms. Fotache stated that there is that magnificent edifice on 19th St. the Church of St. Patrick which is not only an old but also a goody and well worth preserving. We have been told by the catholic diocese that the catholic population has diminished in the City of Watervliet. I'd like to know where all the practicing Catholics have gone. I understand a lot of them have gone to Troy, Latham and elsewhere. Why? What has driven them away? You would expect a certain amount of fallout thru consolidation that might be natural. I think everyone in this community knows this goes a little deeper than that. This has been a very painful consolidation. Why have all the other churches remained standing? Why was the seating in St. Patrick's removed? Why didn't they take St. Brigid's seating, isn't that a factory now? It's terrible what they have done to our legacy. Our heritage and legacy has been stolen from us. Ms. Fotache thanked the City Council and requested that they please preserve this beautiful church. Many people have expressed how much they would miss this structure and the devastating affect it would have on the City.

David Abate – 2129 4th Avenue – Watervliet, New York – The question about how different this project may be compared to other shopping centers in this area. Being sited in an area that is completely surrounded by houses. With that in mind that the following be formally placed into the record for the City Council and the Planning Board. I request that in order to prove the normalcy of the planned project, and the lack of negative impact on the neighborhood and its quality of life, at the very least, five examples of similar shopping centers in our local area that meet the following criteria:

- 1.) Surrounded on all four sides by residential housing to the degree that this site is.
- 2.) Located in a similar small City urban area.
- 3.) Located within the immediate Capital District
- 4.) Involving a shopping center of comparable size and scope, including the building size, expected traffic flow to and from, within and around it, including delivery vehicles on streets leading to the site, expected number of customers and associated foot traffic.

Finally, the parties involved must also present a report on the full impact that these centers have had on the surrounding areas. This includes the areas of quality of life, homeowner flight, property values, crime, noise, traffic, general public safety, public health and the environment. I call upon the City Council and the Planning Board to require this information from those proposing this project, until we have this information in hand, all of their words, responses and assurances are to be considered nothing but theoretical speculation. Without this information, the City Council, Planning Board and the citizens of the City of Watervliet must know and be fully cognizant going forward that this is more than a so called development project. It is a test case. It is an experiment in what will happen, if a potentially unprecedented step such as contained in the project proposal is taken. A remember if their data are flawed, it is we who will suffer the consequences if their experiment fails.

Patricia Fruscio – 2433 Broadway – Watervliet, New York – Ms. Fruscio stated that she is a lifelong resident of the City of Watervliet. This is a very beautiful church and people have contacted her to say they can't believe that this is happening, that it shouldn't be demolished.

Jeff Foster – 1201 8th Avenue – Watervliet, New York – Mr. Foster stated that if he wanted to make a two family into a three family you would have to go before the Zoning Board. He does not understand that if someone wants to put up a six foot fence why do you have to go before the Zoning Board. You want to tear down a City block and you don't have to go before the Zoning Board. If I want to hang a sign which I own a pizza shop in the City of Watervliet and it was too big. Mr. Foster is assuming that Price Chopper has a sign that is this big. Unless the City is going to make special arrangements just for Price Chopper. I can't wait to see the sign. What needs to be done, this is more than a three person community. There's a lot more people that this will affect. Really this needs to come to a vote. How can three people speak for the City of Watervliet? Mr. Foster thanked the City Council.

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

A motion was made and seconded to adjourn into Executive Session. The meeting was adjourned into Executive Session at 8:00 P.M.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council

The City Council Meeting was reconvened at 9:05 P.M. by Mayor Michael P. Manning

RESOLUTION NO. 8833 – A Resolution approving an agreement between the City of Watervliet and Carter, Conboy, Case, Blackmore, Maloney & Laird, P.C. 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 City Council Meeting a motion was made and seconded for adjournment. The City Council Meeting was adjourned at 9:10 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, MAY 3, 2012**

The meeting of the Executive Session was called to Order by Mayor Michael P. Manning at 8:15 P.M.

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

ITEM #1 – Mayor Michael P. Manning discussed in detail a personnel issue with the City Council. The City Council authorized the passing of a Resolution related to this personnel issue.

ITEM #2 – Bruce A. Hidley explained to the City Council that there is a Workers Compensation issue which will need the Council's consideration.

There being no further business to come before the City Council during Executive Session, a motion was made and seconded to adjourn from the Executive Session at 9:00 P.M.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council