

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, JUNE 7, 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, 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.

Before moving into the Report of Officers and Committees Bruce A. Hidley, City Clerk and Clerk to the Council announced that Mayor Manning had a very special presentation to make tonight.

Mayor Manning, Councilwoman Fogarty and Councilman Foglia requested Frank DiNuzzo and his family to come forward. Mayor Manning then read a very special proclamation highlighting all Frank DiNuzzo did serving his country in the armed services along with the medals he was awarded, his accomplishments in the community and most importantly what he has done for his family. Mayor Manning then proclaimed that Thursday, June 7, 2012, be named Frank DiNuzzo Day in the City of Watervliet. Mayor Manning then presented Frank DiNuzzo with the proclamation. Frank DiNuzzo thanked Mayor Manning and the Council for this wonderful honor.

REPORT OF OFFICERS AND COMMITTEES

ITEM #1 – Mark Gleason, General Manager requested Bruce A. Hidley, City Clerk and Clerk to the Council to address an issue with the Council. Bruce A. Hidley, City Clerk and Clerk to the Council explained that the City of Watervliet applied to the New York State Archives for a Disaster Preparedness Grant in the amount of \$16,000.00 in May of 2011. The City learned in January 2012 that the City was awarded this grant. Mr. Hidley noted that the NYS Archives stated that this grant must be completed by June 30, 2012. The City then bid out for this project and awarded the bid to Access Systems an expert in this type of work. Steve Goodfellow of Access Systems then interviewed all of the Department heads in the City regarding a draft plan for the Disaster Preparedness Plan. Mr. Hidley further explained that the draft plan has been completed and explained the components of the report. Mr. Hidley then presented the Council with a draft copy of the Disaster Recovery Preparedness Assessment Report and the Records Management Business Continuity Plan. Mr. Hidley requested that the Council review the draft plan and provide either Paul Murphy or himself with comments by Thursday, June 14, 2012. Mr. Hidley concluded by noting that this report could further advance the City's opportunity to apply for other grants from the NYS Archives grant program.

ITEM #2 – Mark Gleason, General Manager explained to the Council that 2nd Avenue from the northern end of the City line to 16th Street has been re-paved. Mr. Gleason stated that using Consolidated Highway Improvement Program (CHIPS) 2nd Avenue had 2 inches of new asphalt layered on top of the roadway (called the nova chip process). Over the period of three years the City has been able to reconstruct or resurface 3 out of 4 points of entry into the City (19th Street, 23rd Street, 2nd Avenue). The City has the reconstruction of Rt. 32 (southern point of entry for the City) on a list of State projects for future funding. The City has been petitioning the State to fund the Rt. 32 reconstruction. It is the City's hope that the Rt. 32 reconstruction project will take place in the next couple of years. Mr. Gleason further explained that the stripping will take place next week. The State will put down the center line and a contractor will do the intersections. The paving cost from CHIP's funding for this project is \$100,000.00, stripping to lay the center line is free and the intersections will cost \$2,800.00.

ITEM #3 – Mark Gleason, General Manager discussed the Watervliet Organic Waste (WOW) program with the Council. Mr. Gleason noted that the WOW pilot program ended on June 1, 2012. This program removed 5,765 pounds of organic waste from the City's waste stream. Each participant diverted an average of 113 pounds of organic waste from the landfill during the test period. That's equal to 5765 lbs. of waste that was not buried in the landfill. The pilot program has now been shifted to a citywide program. The City has ordered additional container units and the City is actively soliciting residents to participate. If the City can get 75% of the households in the City to participate in the WOW program taxpayers would realize a savings of \$30,000.00 annually in tipping fees. Mr. Gleason requested that any resident who wishes to participate in this program to contact his office. Mr. Gleason thanked all of the residents who participated in the WOW pilot program.

ITEM #4 – Mark Gleason, General Manager informed the Council that the New York State Department of Transportation (NYSDOT) has designated the 19th Street bridge into Troy for reconstruction. Mr. Gleason noted that this work will begin sometime in July. This reconstruction project will take two construction seasons to complete. The bridge will remain open during reconstruction but will be down to single lanes traveling east and west. Equipment and trucks will stage in the lot on the north side of the bridge. The reconstruction will affect Hudson Shores Park for a two week period in July and again in September. The parking lot directly under the bridge will be completely blocked off. Mr. Gleason, Bob Loya, recreations Supervisor and Mark Cady, Highway Supervisor are meeting with the Project Manager tomorrow to discuss additional details. Mr. Gleason concluded by explaining that he will report back to the City Council with any future developments that relates to the bridge reconstruction.

ITEM #5 – Mark Gleason, General Manager explained to the Council that the New York State Department of Environmental Conservation (ENCON) and the Federal Emergency Management Agency (FEMA) will be holding two public open house meetings. These meetings will take place on June 19 & 20, 2012. They will be discussing the Albany County digital flood insurance rate map. Basically a local map modernizing the project. This is a nationwide effort to update the counties flood hazard maps so they reflect the current flood risks. The meetings will be held in Heatly High School in Green Island on June 19, 2012 from 4:00 P.M. until 8:00 P.M. Then on Wednesday, June 20, 2012 meeting will be held in the Bethlehem Public Library from 4:00 P.M. until 8:00 P.M. Mr. Gleason stated that if any one has any additional information to see him, there is a website to go to. The website will show how the flood mapping has changed.

OLD BUSINESS

NONE

NEW BUSINESS

RESOLUTION NO. 8839 – The Council of the City of Watervliet approves a Memorandum of Understanding between the Capital District Transportation Committee and the City of Watervliet and further authorizes Mayor Michael P. Manning to execute the same. Before voting Bruce A. Hidley explained to the Council that this Resolution will allow the City to participate in the Watervliet Bicycle Master Plan in the 2012 – 2014 Unified Planning Work Program (UPWP) with the Capital District Transportation Committee (CDTC). The study will cost \$50,000.00 of which \$35,000.00 will be paid with Federal Planning Funds, the additional \$15,000.00 will be paid by the City of Watervliet. Mayor Manning explained that there has been studies done before, none like this one which will show detailed financial information along with possible recommendations of where to place the bike trail. Mayor Manning noted that the other studies were conducted by other agencies. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

RESOLUTION NO. 8840 – The Council of the City of Watervliet hereby approves the action of Mayor Michael P. Manning to appoint Ms. Janice Meyer residing at 1806 9th Avenue, Watervliet, New York 12189 as Registrar of Vital Statistics for a four year term commencing on January 1, 2012 and terminating on December 31, 2015. Before voting Mayor Manning noted that this is not a new employment, this is a continuing appointment. This is necessary for the NYS Department of Health regulations. The appointment expires periodically and needs to be reappointed. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8841 – The Council of the City of Watervliet hereby approves a Business Associate Agreement between the City of Watervliet and Employee Network, Inc. and further authorizes Mayor Michael P. Manning to execute the same. Before voting Yorden Huban, Corporation Counsel explained that this specific content of this agreement is to provide for the rights and responsibilities of both Employee Network, Inc. and the City of Watervliet regarding disclosure of protected health insurance information pursuant of HIPAA. This is not specifically authorizing a continuation of agreement. This is just an agreement within the agreement that ENI will comply with HIPAA and the City will also. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

RESOLUTION NO. 8842 – The General Manager, Director of Finance and the Fire Chief of the City of Watervliet has recommended to the Council to accept the bid from and award the Third Party Ambulance Billing to Professional Ambulance Billing, LLC, 5530 Sheridan Drive, Suite 3B, Williamsville, New York 14221. A motion was made by Councilman Foglia to table this Resolution, seconded by Councilwoman Fogarty to table this Resolution and carried.

RESOLUTION NO. 8843 – The Council of the City of Watervliet hereby approves a Business Associate Agreement between the City of Watervliet and professional Ambulance Billing, LLC, 5530 Sheridan Drive, Suite 3B, Williamsville, New York 14221 and further authorizes Mayor Michael P. Manning to execute the same. A motion was made by Councilwoman Fogarty to table this Resolution, seconded by Councilman Foglia to table this motion and carried.

RESOLUTION NO. 8844 – 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 of Watervliet is publishing a Notice of Intent for Release of Funds in connection with the Senior Citizens Rehabilitation Grant Program pursuant to the Community Development Block Grant Block Grant Housing Rehabilitation Project. The Notice will be published on June 12, 2012. The Request for Release of Grant Funds will be submitted on June 20, 2012. Before voting Mayor Manning stated that this is a release of funds with an existing grant from CDBG. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8845 – The Council of the City of Watervliet hereby accepts the report by the City of Watervliet Planning Board pursuant to §57-8 of the City Code and accepts the report of the Albany County Planning Board pursuant to General Municipal Law §239. Before voting Mayor Manning explained that the City had two reports done by the Albany County Planning Board along with the City of Watervliet Planning Board. This Resolution accepts the reports into official record. It is not making any determination on the content of the reports at this time. We are acknowledging that the reports have been received by the Council. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

APPROPRIATIONS AND ACCOUNTING

ITEM #1 – Robert A. Fahr, Director of Finance announced that at the June 21, 2012, City Council Meeting that he will have some budgetary transfers for the Council to consider.

Before moving into the Public Comment Period, Bruce A. Hidley, City Clerk and Clerk to the Council announced that the period of June 8 thru June 10, 2012 the City will be hosting a City wide garage sale event. There will be cost to the residents to host their Garage Sales. There is a list of residents who will be participating at the City Clerk's Office and the General Manager's Office.

PUBLIC COMMENT PERIOD

Richard Collins – 609 23rd Street – Watervliet, New York – Mr. Collins wanted to bring out a couple of items from the Planning Board Report.

#1 – The overall statement, it states that it is respectfully requested that the City Council address one of the proposed project and zoning change of the parcel from R-3 to B-1 is it an appropriate use and benefit for the neighborhood and the entirety of the City of Watervliet. Needless to say it is not a benefit for the neighborhood, never will be a benefit for the neighborhood. It will be a ruination of the neighborhood.

#2 – The statement of the Comprehensive which states the following: In the coming decades the City of Watervliet will be a destination of choice. The vision of our future will include the following relevant points. People will be attracted to Watervliet due to its ideal location easily accessible shops, restaurants, affordable and inviting housing, and beautiful parks. The parks in this City are in deplorable condition, they really are, Brotherhood Park is a mess, swings are broken, roots all over the place coming up, garbage and Clinton Park is the same way. You touted last year that you improved the one park by McIntyre's Restaurant.

Get some stuff for the kids, the parks need to be updated. They really do. Watervliet well be maintained, safe and clean streets will easily be navigable by pedestrians while efficiently accommodating cars, buses and bicycles. You have planned revitalization of neighborhoods and commercial areas the City will foster a City Urban Community encouraging economic development while preserving its historic past.

Paul Huban – 1500 12th Avenue – Watervliet, New York – Mr. Huban stated that he is sorry to hear that the Planning Board did not request more time to do a more thorough analysis. In reading the newspaper it sounded like they did not have enough time. I can't understand why a request wasn't made. On another note Mr. Huban wanted to thank the people that were involved in securing the church. That was very important that a fence be put up there and a tribute to whoever did it. Also I'd like to know where our political representatives are. For an example, our Albany County Legislator Bob Beston, who possibly could secure some funds for the church? I guess he is not available he is too busy cooking spaghetti dinners. Also, our Congressman Paul Tonko, where is he? I never see either one of these two people at any of these meetings. I guess they are just typical politicians. I would also like to mention that the General Manager speaks that we are saving money here, saving money there, which is great. I don't see water and sewer rents going down, taxes going down. I just don't understand.

Eileen Anderson – 5 Ball Place – Watervliet, New York – Ms. Anderson would like the City Council, Mayor Manning, Councilwoman Fogarty and Councilman Foglia to make the decision based on the quality of life. Not only for the immediate neighbors but for the City as a whole. Think of the people, the history, the culture, in fact our heritage. The soul of our community is in the value of historical preservation. The Planning Board's Report had many excellent points to consider, the rooms, storm drains, traffic, pollution, damage to the infrastructure. I trust that all that hard work was not in vain. Where does the history interact, a sense of community is put there by design. There was a time a few years ago during our Memorial Day Parade when Senator Moynihan was walking he stopped the parade at St. Patrick's, he couldn't believe such a magnificent building was in Watervliet. He had to go inside and see it for himself. Another time Robert Kennedy did the same thing, he had to take pictures. Maybe he had a tip from Senator Moynihan. Don't be like Marlon Brando in On the Waterfront, when he said I could have been a contender. You have that chance to be a contender in planning the future of Watervliet in a positive way.

Jeff Foster – 1201 8th Avenue – Watervliet, New York – Mr. Foster stated you said you would answer a question if you could. I will start on down the line with Nick then Ellen. Would you like to see St. Patrick's church stay or be rebuilt into something else? That is the only question I have. Thank you.

Donna Wellsworth – 1812 4th Avenue – Watervliet, New York – Ms. Wellsworth stated Mayor when you running to be the Mayor, I came to you and asked you why and you stated that you would ask the question twice. I am asking you, look at St. Patrick's twice.

Antoinette Delduce – 1806 6th Avenue – Watervliet, New York – Ms. Delduce stated thank she wanted to commend the members of the Planning Board who worked so hard to give a report to the City Council. I know this is a very hard decision on your parts. A lot has to deal with the community of Watervliet. It doesn't really have to do with the Roman Catholic Church, it hasn't got to do with the fact that St. Patrick's is an architectural edifice. It has to do with what is going to happen to us in the future. We need to keep this intact for everyone to look at and to be proud of as I have said in the past. Let's hope that god will look over all of us and make the right decision. We don't need a 40,000 square foot market. This really is a neighborhood.

Kathleen Judd – 1620 8th Avenue – Watervliet, New York – Ms. Judd stated that it is her understanding that a Price Chopper opened a Delaware Avenue store. Delaware Avenue at the time was just two travel lanes. It was later that it had to be changed to include a third lane, a turn lane. Currently there is no parking on either side of Delaware Avenue in front of Price Chopper. If the traffic survey given to the Planning Board winds up to somehow be inaccurate then 19th Street will need to be reconstructed to include a turn lane which would most likely eliminate parking on both sides of 19th Street. I believe a reconstruction would have to be done and paid for by NYSDOT. As a New York State taxpayer I feel it is imperative to have traffic studies done by independent and impartial sources. Separation of church and state needs to be adhered to. The religious worship in Watervliet is multi-denominational. It is important not to give the appearance of preferential treatment to any one religion. The Price Chopper should not be given preferential treatment if an individual buys property in a residentially zoned area it is important that either he or she be reasonably confident that it will be maintained a residential area. Sometimes when money is involved opinions and decisions may be swayed. When making your decision I am asking that you use caution. I ask that you keep the surrounding areas safe, clean and healthful living environment.

Marion Fotache – 1554 3rd Avenue – Watervliet, New York – Ms. Fotache thinks the spin has been in as a part of the diocese and Price Chopper. Are we going to be duped, snookered, and hoodwinked again? Here are the pictures taken at one of their supposed residential Price Choppers. Is the ornamental fence we've heard so much about going to have cracks in the mortar like these. Is the wall behind it going to have all kinds of litter? Ms. Fotache then showed all in attendance the pictures with the litter and debris at another Price Chopper. You can see all kinds of trash and garbage that can attract roaches and rats. I don't think we need that here, included was a picture with graffiti in it. I really wonder how as someone else stated you can ask people who invested in residential property to live near such a site. I think it is unbelievable, I thought when you bought property that the Zoning Board would protect you if people objected to something coming in. I hope that you will truly object to this proposal.

Angela Mastan – 1816 3rd Avenue – Watervliet, New York – Ms. Mastan explained that she is going to be repetitious. After all the years and all the parishioners giving to the Bishops Appeal Fund. I think it is very sad Fr. Daimeke is putting the burden of raising all of the money to maintain St. Patrick's onto the parishioners of Immaculate Heart of Mary Parish. Yes it is true that the parish is responsible for St. Patrick's. Fr. reminds the parishioners every Sunday when he requests money and wants the petitions signed. You give what you can and move on. Then it is up to the Albany Diocese to pay for St. Patrick's and have your Bishop Hubbard give back to Watervliet. You've got to take the burden on. That is unfair of Fr. Daimeke to place that burden on you. Fr. Emery never would make any of feel that we should do something we couldn't or pin us against each other. He never would you give what you can and move on. Isn't that a part of mature faith and all the money from the sale of St. Patrick's does not go back to the Immaculate Heart of Mary Parish? Ask Fr. Daimeke about the debt from St. Brigid's that needs to be paid back to the diocese. The taxes in Watervliet would not go up if the sales would not go thru. How is telling the truth and who isn't?

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 7:45 P.M.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council

The City Council Meeting was reconvened at 8:50 P.M. by Mayor Michael P. Manning

RESOLUTION NO. 8846 – A Resolution approving a Memorandum of Agreement between the City of Watervliet and the Watervliet Police Benevolent Association 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.

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 8:55 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, JUNE 7, 2012**

The meeting of the Executive Session was called to Order by Mayor Michael P. Manning at 8:00 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, Police Chief Ron Boisvert and Robert A. Fahr, Director of Finance.

ITEM #1 – Mayor Michael P. Manning explained that there is a Police Department contractual issue which needs to be addressed with the Council. Mayor Manning then turned the issue over to Police Chief Ron Boisvert who in detail explained the contractual issue with the Council. After a very lengthy discussion the Council requested that the necessary legislation be put on the agenda for consideration.

ITEM #2 – Mayor Michael P. Manning explained to the Council in detail the issue related to a recent bid which was received by the City. After a lengthy discussion it was decided to place this item on the next City Council agenda on June 21, 2012.

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 8:40 P.M.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council