

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET  
THURSDAY, JULY 19, 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, Bruce A. Hidley, City Clerk and Clerk to the Council, Robert A. Fahr, Director of Finance and Fire Chief Scott.

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 that on Thursday, June 28, 2012 he attended the first meeting of the Capital Region Sustainability Plan. This is the solid waste technical committee. Mr. Gleason explained that sustainability living is working more efficiently while using fewer resources. In adopting sustainable practices we can meet the needs of our residents today and in the future. The City can also foster communities to have lower costs, more businesses and improve the quality of life. The CRPSP Executive Committee will develop a regional plan that will meet our regions current resource needs while protecting the ability of future generations to meet theirs. One of the goals was to reduce greenhouse emission levels to 80% below the 1990 levels by the year 2050. The technical committees consisting of (8) will advise the Executive Committee on the specific parts of the plan. Thanks to the great success of the City's organic waste recycling program in the City Mr. Gleason was asked to Chair the Solid Waste Committee. Ken Gallagher of Clough Harbour Associates is the lead planning team member. Mr. Gallagher presented a power point presentation which provided background on a cleaner greener communities program and solid waste information. Mr. Gleason has a copy of the power point presentation in his office. Mr. Gleason is also going to try and put it on his website. The first thing that happened was a brain storming session. The idea that came out of it was the committee decided it would focus on organics in food waste recycling. Basically the message if we can get the organics out of the streamline we will be able to save a lot of money. The committee will be looking at anaerobic digestion. That's where you put the organics into a digester which will produce methane gas. They also talked about pushing single stream recycling which the City of Watervliet has been doing since 2008. They will be encouraging all municipalities to get involved in that. The committee also talked about getting more assistance from New York State. The State lags behind other states when it comes to solid waste. We need further legislation to help municipalities deal with organic and solid waste. We need to educate our residents about recycling. We need to have a universal plant. The goals are to develop new facilities and the capacity to recover food waste and other organics. We want to develop anaerobic digestion facilities to generate renewable energy which is what the City of Watervliet is working on right now. We want to develop new facilities for composting food waste and organics.

We want to work on recycling, again they plan to promote single stream recycling. We need to do a better job about educating recycling. We also want to develop more local capacity to reduce and recycle construction and demolition. Basically when something gets knocked down instead of hauling the debris off to the landfill reuse the wood, bricks and whatever else is there. We have to remind our residents that in the upcoming public forums they will discuss the Capital Region Stability Plan. They will be able to answer any questions from the public. The meeting will be held on Monday, July 23<sup>rd</sup> at the Cocksackie-Athens High School and Tuesday, July 24<sup>th</sup> at the Doane Stuarts Commons and Wednesday, July 25<sup>th</sup> at the Queensbury High School. All of these meetings are scheduled from 7:00 until 9:00 P.M.

**ITEM #2** – Mark Gleason, General Manager informed the Council that on Tuesday, July 24, 2012, the main entrance to City Hall will be modified. The door will operate on a swiper card system which will replace the key lock system. City Hall will remain open from Monday thru Friday from 8:00 P.M. until 4:00 P.M. If access is needed after hours by using the swiper card.

## **OLD BUSINESS**

### **NONE**

Before proceeding to New Business Mayor Michael P. Manning requested Mr. Robert Sweeney to come forward. Mayor Manning explained that the City transmitted thru Mr. Paul Goldman our list of concerns and issues with the original proposal submitted by his staff. Mayor Manning stated that you will receive this information electronically and that hard copies are available for distribution after the meeting. Mayor Manning asked if Mr. Sweeney would like to make a comment now or say how much time would be needed to come back with the responses. Mr. Sweeney stated that he did receive the report this afternoon. Mr. Sweeney then thanked the Mayor for the report. Mr. Sweeney will need time to digest the report and may have to do some engineering or other work in order to be able respond effectively. Mr. Sweeney would like to respond by no later than Monday to put the information together the Council is looking for. Mayor Manning states that it would be fine for Mr. Sweeney to do what he needs to do in the timeframe he requested. Mr. Sweeney thanked the City Council for pulling that all together. Mayor Manning noted that the list is available in a hard copy tonight but this topic will not be discussed tonight. This was put together from all the comments by the Public, Planning Board meetings, the City Council's multiple comment periods and the one Public Hearing. This may be discussed as soon as the next meeting in August or the second meeting in August.

## NEW BUSINESS

**ORDINANCE NO. 1883** – An Ordinance of the City of Watervliet, New York, providing that the Code of Ordinances of the City of Watervliet, Chapter 260, “Vehicle and Traffic”, Article IV, “Handicapped Parking”, Section 260-30(c) “Sign Locations” be amended to add the following location 1834 6<sup>th</sup> Avenue, Watervliet, New York 12189. Before voting Mayor Manning explained that Police Chief Boisvert made a presentation at the last City Council Meeting regarding this Ordinance and the next Ordinance. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Ordinance was approved and adopted.

**ORDINANCE NO. 1884** – An Ordinance of the City of Watervliet, New York, providing that the Code of Ordinances of the City of Watervliet, Chapter 260, “Vehicle and Traffic”, Article VIII, “Schedules”, Section 260-50, Schedule XIV, “Parking Prohibited At All Times” be amended to add the following location, 21<sup>st</sup> Street and Broadway, North West Side, for a distance of 40 feet North. Mayor Manning explained that parking on this side is creating a blind spot on an entrance to a busy street. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Ordinance was approved and adopted.

**RESOLUTION NO. 8853** – The Council of the City of Watervliet hereby authorizes and directs Bruce A. Hidley, City Clerk and Clerk to the Council to comply with the Filing and Posting requirements of Regulation 315.4(c) for the New York State Retirement System Standard Workday. Before voting Mayor Manning explained that this is a requirement of the NYS Retirement System for elected and appointed officials. Mayor Manning noted that a work schedule must be put together by elected officials. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

**RESOLUTION NO. 8854** – The Council of the City of Watervliet hereby approves the Consulting Services Agreement between the City of Watervliet and Enviro-Test, Inc. and further authorizes Mayor Michael P. Manning to execute the same. Before voting Mayor Manning explained that this is actually a bid for lead testing. It accompanies all of the City’s CDBG and State grants that involve rehab work. This Resolution points out that Enviro-Test was the lowest responsible bidder. The other bidders may have been lower but they did not meet all of the requirements of the bids. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

**RESOLUTION NO. 8855** – 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 on Friday, July 27, 2012 at 5:30 P.M. at the J. Leo O'Brien Facility Senior Citizen Center, 1501 Broadway, Watervliet, New York 12189, that a Public Hearing will be held for the purpose of hearing those persons who wish to be heard in reference to project and proposals for submission in an application to the Office of Community Renewal 2012 Community Development Block Grant Program including but not limited to the NYS RESTORE Program and the NYS DHCR Affordable Housing Program. Before voting Mayor Manning explained that this is an interest seeking hearing that the City has to have in order to apply for this grant. The City has been very successful in the past and was awarded money in 2010, which is just finishing up now. The City got a 2011 that is just beginning that will be for single and two family homes. This is a meeting to seek interest in the 2012 grant program. 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 explained to the City Council that the 2<sup>nd</sup> quarter Sales Tax came in 60% higher than the 2<sup>nd</sup> quarter of 2011. The projections look good for the rest of the year. The City may be a plus of \$150,000.00. This will go towards the City's \$290,000.00 appropriated fund balance for 2012.

**ITEM #2** - Robert A. Fahr, Director of Finance explained to the City Council that the New York State Insurance Fund will be in on Thursday, July 26, 2012 to do an audit on the City's Workers Compensation cases.

Mayor Manning announced that the City of Watervliet received a \$50,000 grant from the NYS Department of Transportation to study connecting the bike path from Port Schuyler to Hudson Shores Park. This will be a Feasibility Study to show where the bike path may go and how much money it will cost to build.

Mayor Manning explained that the City submitted a one million dollar grant proposal to NYSCERDA. This grant will tie together our organic waste turning it into energy as well as linking the conversion of and distribution of compressed natural gas for vehicles. Mayor Manning feels the City has a strong proposal and with the WOW Program the City has already proven that it can do the collection process which may be the hardest portion of the whole process.

### **PUBLIC COMMENT PERIOD**

Christine Bulmer – 609 25<sup>th</sup> Street – Watervliet, New York – Ms. Bulmer stated that on June 22, 2012 the record reported that you Mayor Manning said you hadn't received any written Public Comment about the subject of St. Patrick's from City residents. But you have received comments from people in places in Albany and throughout New York. The same article also indicated that you did a door to door poll of a dozen or so residents of which many were not against tearing down the building. I'd like to comment: A dozen or so residents outside the neighborhood doesn't represent a reliable amount of people for public opinion. An informed public should know that preservation and economic development will result in a vital neighborhood and a positive reputation for Watervliet and the Capital District community and in New York State. Public opinion should be based upon research, data, experience and not misinformation. The statements in my opinion of the church should come down argument should be qualified by sound judgment, reliable research and intelligent exploration of all options. On what reliable data do you base your comments a vast majority of residents are for the project or was that just another poke. I disagree with the notion that opinions outside the City of Watervliet don't count. You live and work in a local community as a professional I'm sure you rely on the knowledge and expertise and the opinion of your immediate business. Knowledge is power, Watervliet should welcome, utilize and support the expertise and knowledge that those who have made preservation a successful economic alternative to demolition. Maybe we have become complacent and it takes outsiders to see our great effort. The Citizens for St. Patrick's represents the sentiments and opinions of many in this community and many throughout the Capital District and throughout New York State. Our petitions, letters and public statement have shown we are much more than a small group.

Mildred Kreig – 408 3<sup>rd</sup> Avenue – Watervliet, New York – Ms. Kreig asked the City Council when you are going to get a grant to replace and repair Pershing Green which the City of Watervliet in the late 60's ripped up. We have been fighting for years and we get the same answers all the time. "We'll get to it" We are still waiting there is very few of us old timers left. A lot of families work hard to honor veterans of WWII. They named Pershing Green after Black Jack Pershing in honor to all of the veterans. You have done nothing, you dug a hole on 8<sup>th</sup> Street and 3<sup>rd</sup> Avenue but you won't help bring this park in the condition it was originally. I'd like to know when you are going to do something about it.

Pat Falaro – 1921 6<sup>th</sup> Avenue – Watervliet, New York – Mr. Falaro requested that the City Council address the current speed limits within the City of Watervliet. It is my understanding that the speed limit throughout the City is 30 MPH. I feel that this is too high in the residential areas. I think that the 30 MPH can be maintained on 19<sup>th</sup> Street and 2<sup>nd</sup> Avenue as these are main arteries. However, I think that all other streets throughout the City speed limits should be lowered to 25 MPH. Also, regarding speed I think that there should be a 5 MPH limit placed on all alleys throughout the City. Again, with regards to alleys they should be posted as a NOT THROUGH STREET. I ask this after watching cars travel at what I feel as an unsafe speed in the alleys. Also, utilizing the alleys as a short cut to avoid the main roads in an effort to get to their destination regardless of the danger they put others in. I witnessed the other day what could have been a very serious accident. A vehicle was traveling the alley at the rear of our property and came to a hard stop when he noticed a woman there in the alley walking her dogs. Not only was he traveling too fast, he was not someone I recognized as being from our neighborhood, he was only trying to avoid traffic on 19<sup>th</sup> Street. Not only do I think this is necessary considering the current conditions, but considering the possible relocation of Price Chopper, I see this as a MUST DO!

Eileen Anderson – 5 Ball Place – Watervliet, New York – Ms. Anderson stated that the Citizens of St. Patrick's understood and agree that the Immaculate Heart of Mary Parish handles the upkeep of the property. But instead of demolition we feel the building can be saved and be put to good use. Homes and businesses have existed side by side for years. That is the nature of a small City. But to have the impact and inconvenience of a 40,000 square foot Price Chopper and 160 spaces of parking right next to a residential area losing one of our biggest green spaces. We realize that corporate America prioritize profits instead of people. That is their job! The job of the City Council and concerned citizens is to prioritize the people not the profit. Small growth suggests that growth has (unsure of comment)? I agree that this is true, at the same time we can't save your smart growth regardless of how well the City can plan. If at the same time we are abandoning existing assets. We encourage reinvestment in the existing structures. In and of itself revitalizes and revalues the existing investment for both the public and private sectors. Historic buildings themselves are not liabilities. As often seen by public and private sector demolition advocates. But they are assets not yet returned to public use. Citizens of St. Patrick's are not trying to save memories as some people have suggested. They will always have memories. But we are trying to save history, magnificent architecture and the pattern of the City. The City's most prominent landmark a loss of which would have a huge negative impact for not only the citizens of Watervliet but also surrounding areas.

Fr. Edward Deimeke – 625 5<sup>th</sup> Avenue – Watervliet, New York – Fr. Deimeke explained that he is the Pastor of Immaculate Heart of Mary Parish. Fr. Deimeke wanted to state again what has been stated several times that namely Price Chopper and Nigro Companies have both said they open to other offers. If those other offers come in they will be happy to back off. This I now July 19<sup>th</sup> and no other offers have come in as of yet.

Richard Collins – 609 23<sup>rd</sup> Street – Watervliet, New York – Mr. Collins wanted to state again that I agree with Pat Falaro. Mr. Collins lives on an alley on the corner of 23<sup>rd</sup> Street between 6<sup>th</sup> and 7<sup>th</sup> Avenues. I will tell you this people that traverse the alley go at least 40 MPH. I remember when I first moved here I went thru the alley with someone screaming SLOW DOWN. I then took respect for the alley, we have a lot of people who don't. A lot of people who aren't from the area are using these alleys. I have to the point where I am screaming at them now. I have a lot of little kids (10 grandchildren) all of whom are at my home nearly every Sunday. I fear that one of them will dart out into the alley. I agree with Pat Falaro that something needs to be done with the speed limit here in the City of Watervliet. Mayor Manning explained that this issue has come up before. The City's Corporation Counsel and Police Chief are not here tonight. Mayor Manning thinks that he is not sure if you can put traffic controls in the alleys. This has come up before. Mayor Manning will look into this issue further.

Marion Fotache – 1554 3<sup>rd</sup> Avenue – Watervliet, New York – Ms. Fotache stated that Mayor Manning said that a vast majority of people were in favor of this. I wonder how many of these people were homeowners and had a vested interest/investment in this community. I also would like to say how many out of Towner's were in on the decision to close the church. How many Council members live near the site of the proposed site to the Price Chopper? I don't think any of you do. When you are just surrounded by brick, asphalt, concrete, dirt and noise that's called a hard scape. It is really rather deafening to the spirit of things. You took down the church tree when 19<sup>th</sup> Street was reconstructed and even went into 3<sup>rd</sup> Avenue & 4<sup>th</sup> Avenue taking down beautiful shaped trees and now we have a bunch of small trees on 19<sup>th</sup> Street that they look like they are being strangled by concrete. The last time I spoke I asked if you would consider having an expert to have access to the church. We have an expert who is only too willing to go in who is an expert. We would feel much better if we knew we could get in there and assess the situation. We want to get the facts that we can be satisfied with. Do you have an answer to that? Mayor Manning responded by saying that the City doesn't have access to the Church. The City does not own the building. Ms. Fotache rebutted by saying you would think that Fr. Deimeke could tell us. Mayor Manning said you are guessing the Council who has nothing to do with the dioceses. Ms. Fotache explained that we are not going away. Mayor Manning then noted that Fr. Deimeke is here speak to him after the meeting and ask him. You keep addressing comments about the church and the diocese to the Council. We don't have the answers. Ms. Fotache also said the City is losing a beautiful edifice. Mayor Manning said you are addressing your questions to the wrong group.

Carol Mahar Jesep – Latham, New York – Ms. Jesep grew up in Watervliet all her life, her sisters and other relatives also live in Watervliet. Ms. Jesep stated that to consider the idea that no one cares but Watervliet and that it only matters to Watervliet is just not true. In the Times Union a couple weeks ago there was a poll done better than the one done by a few residents in Watervliet that live in the neighborhood. Ms. Jesep explained that 78% of the people stated that the people said not to raze the church building. It is an architectural structure of great value. When you take down that building it sets a precedent. Most progressive communities are into repurposing structures such as this. Albany has this is their vision and as I read Watervliet's Vision Statement it also includes the repurposing or restoring of buildings. I can't think of any other building in Watervliet that could become a very profitable center. Somehow the Citizens for St. Patrick's think that the citizens should pay for this. That is not the story at all. The people we are looking for have a very viable means that will bring a great profit to Watervliet and would bring other people from surrounding communities into the City. This would make it a place that people would want to come. I believe you take down St. Patrick's and it's Greenland around that the last vestige of beauty in Watervliet.

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

**MINUTES OF THE MEETING OF THE EXECUTIVE SESSION  
OF THE COUNCIL OF THE CITY OF WATERVLIET  
THURSDAY, JULY 19, 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 R. Fogarty and Councilman Nicholas W. Foglia were present.

Also present from City Administration were: Mark Gleason, General Manager, Bruce A. Hidley, City Clerk and Clerk to the Council, Robert A. Fahr, Director of Finance, Paul Goldman, Esq. and Joseph Grasso.

**Item #1** – Mayor Michael P. Manning discussed a personnel matter related to pending litigation.

**ITEM # 2** – Mayor Manning updated the Council on another legal matter pending before the Council. A detailed discussion followed related to all matters which would affect this pending legal matter.

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 9:30 P.M.

Respectfully Submitted,

Bruce A. Hidley  
City Clerk and Clerk to the Council