

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, SEPTEMBER 6, 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 and 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, Yorden Huban, Corporation Counsel, Robert A. Fahr, Director of Finance and Mark Gilchrist, Assessor/Bldg. Inspector.

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 informed the Council that the week of October 1 thru October 4, 2012 has been designated as Fall Bulk Item Debris Disposal Week. During this week City of Watervliet residents may dispose of bulk items for free. Residents must follow the guidelines set in the Sanitation/Recycling policy (4'X4'X8' space). The City will not collect refrigerators, electronics, hazardous materials and car/truck tires. I ask that residents refer to the City of Watervliet's website for more information. Mr. Gleason stated that residents will be asked to dispose of bulk items on the same day as their regularly scheduled pickup day. Mr. Gleason also noted that the Department of Sanitation will also hold an Electronics Recycling Day on Friday, October 5, 2012 (the end of bulk week). This will allow residents to recycle any electronic items that are no longer of use.

ITEM #2 – Mark Gleason, General Manager informed the Council that the Canadian Pacific/D&H Railroads are currently upgrading and extending tracks at the old D&H Watervliet Rail Yard. The yard is located off of Lincoln Avenue in the Town of Colonie. Mr. Gleason noted that Canadian Pacific/D&H is seeking permission to tap into the City's 8 inch water line that runs thru the property for a fire hydrant. The 8 inch water line supplies water for the southern end of our City. The water line will be needed at this location for fire protection. Canadian Pacific/D&H will be running and storing cars with flammable materials at the site. Mr. Gleason wanted to stress that although the site is referred to as the "Old Watervliet Rail Yard" the site is in the Town of Colonie. The Town of Colonie Zoning and Planning Boards have jurisdiction over the site. In response to concerns the City has, the City requested a risk fire analysis for the site as well as the factory mutual rating on the equipment (hydrant) being considered at the location. The City is taking these steps to keep the residents on the southern end of the City as safe as possible. Mr. Gleason noted that if any resident has any questions they should be addressed to the Town of Colonie Planning/Zoning Boards. The City has requested information from Kevin Carr who is the Canadian Pacific/D&H Site Manager for this project. The City is also in the process of testing the pressure in the waterline to insure there is proper water pressure to supply the southern end of the City in case the proposed hydrant is being used to fight a fire. Mr. Gleason stated that he will keep the Council updated on this issue.

ITEM #3 – Mark Gleason, General Manager informed the Council that on Wednesday, September 5, 2012 was the first day of school for our children. The School District has made changes to bus stops, bus/walk routes and drop off/pick up procedures at the Elementary School. The City working with the School District our Department of Public Works re-painted the entire cross walks. Additionally, they hung up Safe Route to Schools Signs. Mr. Gleason noted that the Department of Public Safety Police Department assigned a special detail to ensure a smooth first day. Mr. Gleason was happy to report that there were no problems to report.

ITEM #4 – Bruce A. Hidley, City Clerk and Clerk to the Council announced that the Thursday, September 20, 2012 City Council meeting has been cancelled and re-scheduled for Thursday, September 27, 2012.

OLD BUSINESS

NONE

NEW BUSINESS

RESOLUTION NO. 8865 – The Council of the City of Watervliet hereby approves the 2013 – 2015 Stormwater Coalition of the Albany County Inter-Municipal Agreement and further authorizes Mayor Michael P. Manning to execute the same. Before voting Mark Gleason explained that the City has been a member of this coalition for the past 7 years. The coalition is made up of 12 municipalities within Albany County and S.U.N.Y. Albany. As a member the City is entitled to a Stormwater Coordinator. The Coordinator files all of the City’s mandatory reports and permits for the City with State and Federal agencies. Currently the coalition is working on reaching an agreement with NYSDEC as to the MS4 regulations. Additionally, the long term plan as to what will happen to stormwater in the Northeast. Mr. David Dressel is the City of Watervliet representative for this coalition. Upon motion of Councilwoman Fogarty, seconded by Councilman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8866 – The Council of the City of Watervliet hereby determines that entry into the 2013 – 2015 Inter-Municipal Agreement will not have a significant adverse impact on the environment. Mark Gleason, General Manager explained that this Resolution goes hand in hand with the last legislation stating the coalition has no negative impact on the environment. This is quite the opposite, they work to improve our environment and the stromwater run off. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

Council Meeting Minutes
September 6, 2012

RESOLUTION NO. 8867 – The Council of the City of Watervliet hereby approves the Inter-Municipal Cooperation Agreement between the City of Watervliet and the Village of Minoa and further authorizes Mayor Michael P. Manning to execute the same. Before voting Mayor Manning explained that this is an Inter-Municipal Agreement with the Village of Minoa. The City came into contact with the Village thru its contact at NYCOM. Minoa thru there solid waste treatment plant have branched out into various areas of waste waste handling/waste conversion/waste to energy products such as the City of Watervliet's WOW Program and the quest to go to a waste to energy program. The Village of Minoa is going to begin the research work to get the City up and running. This program has a fee of approximately \$11,000.00. The City has \$5,000.00 which was covered by a grant from the Royal Bank of Canada. The City has a large grant pending with NYSERDA which would cover this whole project. Mayor Manning recommends continuing to go forward to keep this project moving. Mayor Manning hopes that this project will be up and running by the beginning of next year. Upon motion of Councilwoman Fogarty, seconded by Councilman Fogarty, this Resolution was approved and adopted.

APPROPRIATIONS AND ACCOUNTING

ITEM #1 - Robert A. Fahr, Director of Finance explained to the City Council that the budgetary workshops will begin in September for the 2013 budget cycle. The first budget workshop will take place at 6:00 P.M. on September 27, 2012. The Water Department Budget and the Highway Department Budget will be discussed on September 27, 2012.

Before moving into the Public Comment Period Mayor Manning announced that the Arsenal City Run will take place on Friday, September 21, 2012. The race will take place right here at Watervliet City Hall, then after the race the rest of the evening activity will take place at the DOME. The Fun Run will begin at 5:30 PM and at 6:00 PM will be the actual race.

PUBLIC COMMENT PERIOD

Patrick Snyder – 1415 1st Avenue – Watervliet, New York – Just cut the arm off right here because this assessment you are killing me. What am I going to do? All I do is fix my house and the taxes keep going up. I got my school taxes last week, last year it was \$1612 this year it is \$1814. I've got nothing left your killing me. I wanted to come up here to voice my opinion that this is awful. Thank you

Pat Falaro – 1921 6th Avenue – Watervliet, New York – Mr. Falaro stated first I'm still opposed to the re-zoning of the former St. Patrick's Church and School. Mr. Falaro stated that being a former smoker I like to propose to the City Council that if the re-zoning does take place that the development proposed by NIGRO follow suit with Crossgates Mall by being a smoke free environment. Let me tell you there is nothing worse than a non-smoker who used to smoke. Also in accordance with that I would like to see an extended as you mentioned the safe zone for children when you are passing and walking. I think we should extend it to include that also so that the children are not included in second hand smoke in those areas.

Spiros Kirtoglou – Owner of 2313 2nd Avenue – Watervliet, New York – Mr. Kirtoglou stated that as far as the assessment I never have seen a place where you hire professional appraiser to appraise your property. The Assessment Review Board denies your re-assessment. My tax only went up another \$700. I know that our assessment would be fair but we don't even look at what we get. Apparently Mr. Gilchrist seems to with his expertise feel as though my assessment is not the assessment they gave me is not. I've been a resident in this City all of my life, I've been here although I haven't lived here in 40 years, I still own property in the City. I've never seen where something like this comes to fruition. You don't sit down and talk with someone you just deny it. I get a letter from somebody, I don't even know who is on the Assessment Review Board. I had to go down and ask Mr. Gilchrist who is on the Assessment Review Board. Now, I had to hire an attorney to sue the City. This just doesn't make any sense to me, this is ridiculous as far as being in the City of Watervliet who has a proven record of taking care of his properties and dressing them up, keeping them clean. If you go past the car lot the grass is cut, the place is clean. The place is for sale, Mr. Gilchrist said I'm asking too much. We have to go to court and we will find out.

Marion Fotache – 1554 3rd Avenue – Watervliet, New York – Ms. Fotache stated that when I was young my father was a very quiet man, a man of few words. So I learned to read his expressions there were expressions of disapproval or comfortable. One thing that I did observe and really impressed me was when we would go by a construction site for a beautiful building such as the State Library in Albany. He was just awestruck so impressed with it and I think that is where my love for good architecture started. That and of course attending St. Patrick's Church. I'm wondering if any of you had anyone like that in your life. I think that many of you were born after that Federal Program called Urban Renewal which I like to call Urban Removal. Because so many beautiful buildings were demolished. Fortunately in Troy, New York has such a wealth of architecture that we still can see the possibilities. The Atrium did kind of rip out the heart of Troy in the Business District. If you didn't have such a person in your life you did have several experts address you at the last City Council Meeting. People with all kinds of credentials, credentials which I do not have, Architects and Historic Preservation people. I hoped they moved your hearts and minds so that you will really consider not approving the proposal to demolish such a magnificent edifice such as the Church of St. Patrick's. Thank you

Lori Sylvester – 1804 8th Avenue – Watervliet, New York – Ms. Sylvester stated that she was aware of an article in the Times Union about the Albany Historic Society. How they have embraced St. Joseph's Church have a possible buyer someone who may want to develop a business brew pub in that structure and how they are struggling after all the money they put into saving it with neighbors who do not want that particular type of business. That concerns me with this church that something may come along that is not the right type of business. The re-zoning still might not go thru. I think that with no other viable business has offered a viable plan, I'm in favor of making the re-zoning so that something productive can go into that spot and benefit the City. Thank you

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

A motion was made and seconded to adjourn into Executive Session to discuss litigation that was threatened litigation and personnel matters. The meeting was adjourned into Executive Session at 7:20 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, SEPTEMBER 6, 2012**

The meeting of the Executive Session was called to Order by Mayor Michael P. Manning at 7:35 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, Robert A. Fahr, Director of Finance, Paul Goldman, Esq. and Joseph Grasso.

ITEM #1 – Mayor Michael P. Manning updated the Council on a legal and personnel matter pending against the City of Watervliet. A detailed discussion followed related to this pending legal and personnel issue and the threatened claims and potential litigation concerning certain alleged procedural violations of the State Environmental Quality review Act (The “SEQR Act”) under 6 NYCRR §617.7 resulting from the alleged failure of the City Council to make its determination of significant impact under the SEQR Act within twenty (20) days and other alleged substantive and procedural violations of the SEQR Act.

There was no action taken by the City Council during the Executive Session.

There being no further business to come before the City Council during Executive Session, a motion was made and seconded to adjourn from Executive Session at 8:20 P.M.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council