

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, OCTOBER 4, 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 on Friday, September 21, 2012 the Watervliet Recreation Department hosted the 31st annual Arsenal City Run. The 5K event had 277 participants with 130 participating in the Fun Run which was held one hour prior to the 5K event. There were over 400 total participants all together. The top Watervliet resident finisher was Nick Durocher. After the race was over awards were presented at the DOME where the City hosted a family festival. Proceeds from the Arsenal City Run support the Adopt-A-Family Christmas Program. Mr. Gleason thanked Race Coordinator Christine Chartrand, Recreation Supervisor Bob Loya, Watervliet Police Department and the Watervliet Fire Department as well as the many volunteers who made the night a great success.

ITEM #2 – Mark Gleason, General Manager informed the Council that last month that the Public Works Committee resumed its bi-weekly meetings after suspending their meetings for the summer months. Mr. Gleason wants to update the City Council on the following Public Works Projects.

- 1.) The 2nd Avenue Water Main Replacement. The City is replacing an old 4” main with a new 10” main. Once the line is replaced the entire street from 16th Street to 13th Street will be paved. The project should be completed by the last week in October. By replacing the 4” line with a 10” line it will improve the water pressure on 2nd Avenue. Mr. Gleason noted that the Water and Highway Departments are working together on this project. This is a major project which in the past the City would have had to bid out to private contractors. By keeping this project in house the City has saved thousands of dollars of taxpayer money. Mr. Gleason thanked both the Water and Highway Departments for taking on this task.
- 2.) Rental/Purchase of small bucket loader. The Highway Department is in the process of evaluating the rental of a small bucket loader this spring. The loader would be used to remove snow from busy intersections (particularly 19th Street) as well as for any small earth moving projects. Mr. Gleason noted that all rental payments will be applied to the purchase. The piece of equipment that we are looking at is on state contract. The City would not need to go out for bid.

- 3.) Catch Basin Cleaning. The City is in the process of working out an agreement with the City of Cohoes to rent their vacuum truck. The vacuum truck would be used to clean out the catch basins throughout the City. This would be a part of the City's MS4/CSO best practices program to clean out 1/3 of the catch basins in the City each year. Our partnership with the City of Cohoes saves thousands of dollars in rental fees. Mr. Gleason anticipates that there will be a MOU for the City Council to consider at the next meeting.
- 4.) Nova Chip Paving. The City is nearing the end of the Nova Chip Paving Season. Nova Chip is a process that uses special asphalt. They lay a 2" asphalt over the existing asphalt. Once the Water main project is completed the 2nd Avenue corridor from 16th Street to 13th Street will be paved. Within a year the City will have completed a good portion of 2nd Avenue with new asphalt. Mr. Gleason noted that the Nova Chip street paving is paid for thru the Consolidated Highway Improvement Program (CHIPS).
- 5.) Watervliet Bicycle Master Plan. On Wednesday, September 26, 2012, City Clerk Bruce Hidley and Mr. Gleason met with Jason Purvis from the Capital District Transportation Planning Committee. The meeting centered on the City's bicycle linkage study. The study will look at connecting the bike path from 4th Street to Hudson Shores Park. Mr. Hidley and Mr. Gleason will work on putting together an RFP for a consultant to bid on. The consultant when hired will put together a plan as to building the bike trail and identify funding sources for the project. Mr. Gleason stated that any residents interested in serving on a committee to review the project to please contact his office.

OLD BUSINESS

Mr. Gleason explained that Hudson Valley Community College and Schenectady County Community College is part of SUNY associated two year college. SUNY Adirondack is not. SUNY Adirondack services a lot of Saratoga County, Warren County and Washington County.

NEW BUSINESS

ORDINANCE NO. 1886 – An Ordinance of the City of Watervliet, New York, providing that the Code of Ordinance of the City of Watervliet, Chapter 260, “Vehicle and Traffic”, Article IV, “Handicapped parking”, Section 260-30 (C) “Sign Locations” be amended. Before voting Mark Gleason, General Manager stated that Police Chief Ron Boisvert is in favor of this Ordinance. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Ordinance was approved and adopted.

APPROPRIATIONS AND ACCOUNTING

RESOLUTION NO. 8870 – The Council of the City of Watervliet hereby authorizes the transfer of funds from the Police Payroll Account to the Police Special Wages Account in the amount of \$20,000.00 for the months of August and September 2012. Before voting Robert A. Fahr, Director of Finance explained that this Resolution and the next Resolution are budget neutral transfers to cover employees out on Workers Compensation. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8871 – The Council of the City of Watervliet hereby authorizes the transfer of funds from the Fire Payroll Account to the Fire Special Wages Account in the amount of \$25,000.00 for the months of August and September 2012. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

ITEM #1 – Robert A. Fahr, Director of Finance explained that hopefully by the next City Council Meeting he will be able to report on the Sales tax for the 3rd quarter. Sales Tax accounts are almost 30% of the City’s budget. Mayor Manning noted that the 3rd quarter is closed and that the City hasn’t received its payment.

ITEM #2 – Robert A. Fahr, Director of Finance explained that there will be another Budget Workshop on Thursday, October 18, 2012 at 6:00 P.M. Mr. Fahr will be going over the Revitalization Department and the Recreation Departments.

Mayor Manning explained that before heading into the Public Comment Period the City would hear from our Special Counsel Paul Goldman, Esq. and Engineering Consultant Joe Grasso. They are here today to review the status of the 19th Street Application.

Joe Grasso the City's Engineer Consultant explained that they wanted to do tonight with the City Council was to go through the Nigro Companies application for the 19th Street redevelopment Project. We will talk about where we are in the process regarding the City's review of it. Then we will discuss the next steps and then discuss specifically SEQRA review of the project. We will cover that portion in detail. What we have just passed out is a SEQRA form that will be used to assist with the Environmental Impact of the project. The City received the initial petition for the re-zoning from the applicant. Once we got that it was deemed a complete application for re-zoning. The City Council initiated the SEQRA review of the process. The City Council established itself as Lead Agency. It classified the project as an unlisted action pursuant to SEQRA. Once you go through the classification process it prescribes certain steps that we are going to have to follow to complete the environmental review of the project. Paul Goldman stated that what the law requires any time you undertake an approval of unfunded action you have to look at the environmental impacts. That is what this form does. Anytime you are looking at an approval you have to look at the environmental impacts prior to actually voting on the approval. Joe Grasso stated that ultimately before that the agency makes the final decision that names the complete to determine whether or not it believes there is going to be significant environmental impacts and whether or not additional investigation such as preparation of the environmental impact statement will be required. That's basically where we are in the process. As we began the SEQRA review we submitted the application to the Albany County Planning Board a few months back which we received comments back from. We submitted the application to the City of Watervliet Planning Board and they went thru a lengthy review of the project and the issue of what was required as a report. A final report went to the City Council which enumerated a bunch of issues that the applicant and the City Council should consider. Because it is a re-zoning application at least one Public Hearing is required to consider the application. The City Council has actually conducted two Public Hearings in addition to numerous public meetings where we have a lot of public comment on the project. We have also heard from the applicant in response to the comments and concerns they heard from the public as well as concerns expressed by the City Council and concerns concluded from the Planning Board. All of this information together now is included of the official record of the project. Now, we have to complete the Environmental Review of the project. SEQRA has a very descriptive process that we follow. That is what we will talk about tonight is the issues of the environmental impact that the City Council needs to consider as its making a decision on the project. After tonight we will work with the City Council on preparing that SEQRA documentation. That allows the City Council to make a SEQRA determination as well as them making a decision on the re-zoning application. With that I want to turn to the document that I passed out. This is a full Environmental Assessment form. This form is generally used for larger scale projects and when you look at the size of a project you determine its size based on some thresholds that the State provides it would determine if the use of this form is appropriate. Actually, with the project we are looking at it would not require the use of this form. It would require what's considered a Short Environmental form. The Lead Agent which is the City Council has the ability to use this form if they feel it going to provide additional information that will help them make an informed decision and a better evaluation of the environmental impact specifically to the project.

That's what we directed the applicant to do early on in the process is to use this form. This form is made up of three parts. Part 1 basically describes the environmental setting of the site as well as the proposed actions. Part 1 of the form is completed by the applicant. They included this months ago. Mr. Goldman and I have been reviewing it and providing comments regarding the responses to the questions included in Part 1. As you know the project has changed significantly over the past few months in response to comments received. What you have tonight is an amended Part 1 of the full EAF. This is the updated based on the current status of the project. Also, included in this form are Part 2 and Part 3. Those two parts are the responsibility of the Lead Agency which in this case is the City Council to complete. Those are the steps needed in order to help you make an informed decision regarding whether or not you believe a significant environmental impact from the project. Mr. Goldman is going to go through the questions beginning on Page 11 of the form. Part 2 – Projects Impacts and their Magnitude, Responsibility of the Lead Agency. There are 11 questions included in Part 2. As you go through each of these questions you'll see there are three columns.

#1 – Small to Moderate Impact

#2 – Potential Large Impacts

#3 – Can Impact be Mitigated by Project Change

Any time you would check the second column if you think a potential large impact is going to occur. You are forced to put an answer down for column 3. You are forced to explain your reasoning in Part 3 of the EAF. We want to go through part 2 first before we start to work on anything else. The first question has to do with the impact. Mr. Goldman wants you to make sure you look at the instructions that acts as the guideline it is the reasonable man standard. You have hearing and listening to all of us. We've had an extensive discussion over this. I think these issues aren't new and we just want to highlight. Mr. Grasso wants to read a line out of the instructions. I think it is important and points to the task at hand. It says identifying an impact that would be potentially large (which is column 2) does not mean it is necessarily significant. Any large impact must be evaluated in Part 3 to determine significance. Identifying an impact in Column 2 simply asks that it be looked at further. The next one if the reviewer has any doubt about the size of the impact then considers the impact as potentially large and proceeds to Part 3. Those are some of the guidelines we are going to use. The first topic considered by the EAF is the impact on land.

- 1.) Will the proposed action result in a physical change to the project site? The answer to that question would be **YES**. As we go through the examples the first one is any construction on slopes 15% or greater, when you are dealing with split steep slopes in can result in a greater impact. There is none of those that apply to this project. Construction on land where the depth to the water table is less than 3 feet. Based on the information on record the answer is no. Construction of paved parking area for 1,000 or more vehicles. **NO**. Construction on land where bedrock is exposed or generally within 3' of existing ground surface. We don't have those conditions at the site. Construction that will continue more than one year or involve more than one phase or stage. **YES**. The project we have has 3 commercial buildings.

The update has proposed is he will build a grocery store first. He hasn't set a timetable yet for the development of the two other buildings. Based on their answers in Part 1 they said this could be a 2 or 3 phase project and they are thinking construction could last 3 to 5 years. The logical answer to this question is do we think it is going to have a small to moderate impact or a potentially large impact. If so we are going to explain what the record shows regarding this issue in the file then make a determination whether or not that this would be significant. Something that the City Council should consider is do we want to put a time period on when those other buildings on 19th Street should happen. This is something you should have thought to. There are other ways the project can mitigate impacts associated with a long duration project. I don't think we are looking at say they do the grocery store first and then the commercial buildings later. We are not going to be looking at a 5 year construction project. The grocery store may take a year to build. Each of the other buildings on 19th Street may be able to be done in 6 to 8 months and probably would be done at the same time. We can make sure that the construction staging areas are kept within the project sites. All those are things we can build into a SEQRA determination.

2.) Will there be an effect to any unique or unusual land forms found on the site? The record shows that there isn't any **NO**.

3.) Will proposed action affect any water body designated as protected? It won't, there is no protected water bodies on the site. The answer will be **NO**.

4.) Will the proposed action affect any non-protected existing new body of water? Based on the record the answer is **NO**.

5.) Will proposed action affect surface or groundwater quality or quantity? That we do believe to be the case so we would check that **YES**. The first example is the proposed action will require a discharge permit. This project will require a discharge permit. We are dealing with a 3.5 acre project site. Any time a project site involves over an acre of disturbance it requires its own storm water permit for compliance under the City's MS4 Program. For this action there would be a small to moderate impact or potential large impact. The way to mitigate those potential impacts is by having a plan that addresses all temporary impacts associated with construction as well as impacts after construction if they don't so certain things such as water quality measures or storm water retention issues. All of those are things they have proposed as part of the project that we will use to answer these questions. I'm not going to go thru all the other bulleted examples in question #5 as they do not apply to the project.

6.) Will the proposed action alter drainage flow or patterns or surface water runoff? Again This is one that the obvious answer is **YES**, we are dealing with a construction project that is going to deal with recreating the project construction site and creating new impervious surfaces. There will be a change in the drainage flows. The way that is mitigated is by having those things discussed in the last question as well as the applicant providing detailed engineering items that depict for us how they are going to control the runoff.

7.) Will proposed action affect air quality? **NO**. We don't meet any of those thresholds. To go thru some of the examples of there. Will the proposed action induce 1,000 or more vehicle trips in any given hour? **NO**. Will the proposed action result in the incineration of more than 1 ton of refuse per hour? **NO**. Will the emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour? **NO**.

Will the proposed action result allow an increase in the amount of land committed to industrial use? **NO**. Will the proposed action allow an increase in the density of industrial development within existing industrial areas?

8.) Impact on Air. **NO**.

9.) Impact on Plants and Animals? Will the proposed action affect any threatened or endangered species? **None of those within the site.**

Will proposed action substantially affect non-threatened or non-endangered species? **NO**.

Impact on Agricultural Land Resources? **NO**.

Impact on Aesthetic Resources? Will the proposed action affect aesthetic resources? **YES**.

Proposed land uses or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural? We do think that is the case. Let the record show that there could be a small to moderate or a potential large impact. This is going to be one of the more significant items of concern that we have heard about. The impact on aesthetic resources. So it is likely that the answer to this is column 2, a potential large impact. It forces us to take a deeper look as to what the record shows and to form an opinion on whether or not those impacts are going to be significant. Mitigation measures that we have heard from the applicant speaks of the architectural design of the buildings, trying to make it more compatible with the existing context of the site. We have seen them modify the architectural style of the existing row houses that are going to be removed. Being a more of a residential scale style architecture. When we look at the aesthetic resources we have got to look at it has been widely known that the church is seen as an important aesthetic resource to the community. It is important for us to acknowledge this. Then we have to ask, which is why column 3 is there, can the impact be mitigated by project change. When you are looking at the loss of the church as an aesthetic resource. I don't think that is something that can be mitigated. Mr. Goldman stated that there is nothing you can do if the church is approved and removed. That site will not be visible at all. Mr. Grasso noted that this is the first question where it really speaks of the church being an important resource. This is where we need to understand that the application that is being considered by the City Council is a re-zoning application. That's an application that would allow the applicant to construct a Price Chopper and two other commercial building along 19th Street. Although in order to build the project and obviously the church would have to be removed. The removal of the church is not what is being asked of the City Council. There is nothing that would prevent the owner of the property for moving forward with the demolition of the church tomorrow. That's an action that they can handle by applying for a demolition permit with the Building Department. That review would not come before any discretionary body by the City. None the less I think it is important for us to make sure we evaluate the importance of the resources on the site during the review of this project. In response to the aesthetic resources the applicant based on public comment has provided some supplemental information regarding trying to identify where the church tower is visible from and all of that stuff is included in the record now and we can refer to that in a SEQRA determination. Mr. Goldman the issue can it be mitigated, **NO**, that's the issue. Under #11 it says if necessary use the visual EAF addendum. This is a separate form that the State provides and it is included in the packet.

You will see when you look at this form and you look under visibility #1, would the project be visible from. This form is really intended when your proposed project is going to result in significant impacts. We are really looking at the converse. The proposed project is looking at the elimination of a significant aesthetic resource. This could occur even without the proposed action. You would think that the form is not applicable but the form does provide a bunch of examples and it makes you ask yourself where the components of the project would be visible from. Different views from different types of locations and different distances. All of those things can help us understand just how significant of a visual impact the loss of the church is going to be to the community. We think the form is a beneficial tool to help us make an informed decision regarding aesthetic impacts associated with this project.

Impact on Historic and Archaeological Resources. Will the proposed action impact any site or structure of historic, prehistoric or paleontological importance. **YES.** Even though the church and property is not on an official register. We know that there is documentation in the file from SHIPO saying it could be considered. But none the less there has been a lot of public testimony that says yes, the church and property is an important historic resource to the community. It is important for us to consider all that testimony and whether or not those impacts can be reasonably mitigated by the process. Under #12 there are 3 bulleted examples that could point to a potential large impact. The first one is the proposed action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places. That currently does not apply to the project site. The second any impact to an archaeological site or fossil bed located within the project site. That does not apply. The third one is the proposed action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory. That does not apply either. Other impacts. That is where we have the ability to identify our own potential impact. The project is obviously going to result in the removal of the church. This church is over 100 years old and has been deemed by the public as an important historic resource. We have the opportunity to look into this with a little more depth.

Impact on Open Space and Recreation. The one question is will the proposed action affect the quantity or quality of existing or future open spaces or recreational opportunities. Although it has been debated whether there are any recreational opportunities on the site. I think we do see the site as an important open space within the City. Obviously green space is extensive. It really separates it from the context of the other areas along 19th Street and 23rd Street and 5th Avenue and 6th Avenue because of the open space around the church site. The answer there would be **YES.** The examples that would apply to column 2 are the permanent foreclosure of a future recreational opportunity. I don't think that would apply. A major reduction of an open space important to the community. We do think that would apply. That could be mitigated by the project change. The answer to that could be no because really the open space quality of the site was created by it being a church property. Understanding that the church use is no longer there and the church could be demolished with or without this project. The mitigation can't be built into the project.

Impact on Critical Environmental Areas. The questions are will the proposed action impact the exceptional or unique characteristics of a critical environmental area established by the state. The answer to that is **NO.**

Impact on Transportation. Where there be an effect to existing transportation system. Obviously **YES**. We are dealing with a development project. It's going to result in a change to the traffic patterns. It is going to involve a lot of additional trips being brought to the project site. We know there is extensive documentation in the file. There has been multiple traffic studies performed on the project. We've been reviewing those studies all along and providing comments back to the City Council as well as the applicant regarding additional things that need to be looked at. There have been a lot of public comments regarding traffic impacts and there have been a lot of changes to the project regarding how traffic was going to be angled. Where truck traffic was going to be coming from. Whether or not we were going to allow the truck traffic up 23rd Street or force it to use 19th Street. We heard from Acme Radiator regarding concerns truck access and traffic congestion at the corner of 19th Street and 5th Avenue. We know that the applicant has built in a lot of features into the project to try and mitigate traffic impact. We have had a lot of information on record to help us answer the questions there. The one being the operation of the present patterns of movement of people and their goods. There could be a potential large impact and yes mitigation could have some impact with regard to the project.

The proposed action will result in major traffic problems. Based on the information we have in the file we were fairly confident that the project would not directly result in any major traffic problems.

Impact on Energy. The question is will the proposed action affect the community's sources of fuel or energy supply. Because we are looking at new buildings obviously yes, they will be using additional electricity or natural gas. Probably less than what the current buildings use. But none the less it will still affect the energy supply.

Noise and Odor Impacts. Will there be objectionable odors, noise or vibration as a result of the proposed action? When you go back a few months and look at the public record there has been a lot of public comment of the potential impact of noise and odor as a result of the project. The applicant has responded to those by doing significant noise studies regarding the types of equipment. Where those noise generators are going to be located and some of the other features such as the screen walls being built, gates remaining closed. That will all factor in on the impacts as to whether or not there will be impacts on noises. Regarding odors we have heard the applicant propose that are willing to place a trash protector behind the building even though it is between the screen wall and the building. The applicant has been willing to offer up an odorizing system than can help with odor control.

Impact on Public Health. Will the proposed action affect public health and safety? You would think that would be **YES**. But as you look at the thresholds there it's some things not covered by other questions asked on the EAF Form. Is there risk of explosion or release of hazardous substances? Action may result in the burial of hazardous waste. Storage facilities for one million or more of liquefied natural gas or other flammable liquids. The excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste. The answers to all of the sub-questions are **NO**.

Impact on the Growth and Character of Community or Neighborhood. The question there is will the proposed action affect the character of the existing community? We think the logical answer to that question is going to be **YES**. Let's go thru the examples that would make this or apply responses to any of the columns 1, 2 or 3. The first one is the permanent population of the City, Town or Village in which the project is located is likely to grow by more than 5% That one does not apply to the project. That would be **NO**. The second is the municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project. That would be **NO**. The proposed action will conflict with an officially adopted plans or goals. This one is going to require a lot of thought and documentation. We are obviously looking at a re-zoning application. We know that the proposed action is not consistent with the current zoning of the site. What we need to look at is whether or not this project fits into any other plans that the City has (The Comp Plan). Mr. Goldman explained that we will look into what is the nature of the City's zoning. There is a map in the record showing use, what is prevented what is not. Again it's an evaluation of the Department evaluating the Comp Plan. We have comments on that. It is also looking at a lot of the City is a non-conforming use. There is a map that shows that. It's again you have to take a look and take into consider the Comp Plan. The Comp Plan is a guide, you still have to implement zoning in the future for that. Mr. Grasso noted that in the Comp Plan speaks to a lot of different things. Some of which you would think the project is going to be very compatible with but then there is also going to be statements in the Com Plan where you think the project in not compatible with. You have to weigh the pros and cons of each of those. The last one on page twenty. Is there or is there likely to be public controversy related to potential adverse environmental impacts. We think the logical answer to that is **YES**. Obviously when you look at the public record there have been a lot of concerns regarding impacts associated with the project so the City Council should take that under consideration. Mr. Goldman stated that the controversy is one thing but you have to look at the form and basically it comes down to questions 11, 12, 15 and 19, they are the tough questions. Looking at the project and trying to balance the interest of the community. Again you have to look at the environmental impacts first before you get some results. That's what this form is. Then part 3, Evaluation of the Importance of Impacts. As we go thru this questionnaire now we have to prepare Part 3 which is review of the overall project and the overall environmental impact. Mayor Manning asked the following question – What is next? Mr. Goldman responded by saying we will come back at your pleasure give a response of some kind to see if you agree or disagree. Give you a proposed discussion where you want to go with this site as far as a Negative Declaration and we will talk about conformance. Mr. Grasso noted that we can go through and actually draft this form for consideration by the City Council based on the information we see on the record. All based on concerns which have been raised and responses. As well as things that the applicant has proposed to build into the project. As mitigation for their various issues and then it will be up to the City Council to make that determination that the mitigation is appropriate. The Negative Declaration is appropriate saying we don't think the project is going to result in a significant environmental impact and the project is allowed to move forward. Mr. Goldman stated that the general rule is that the Type 1 project they have a presumption of significant impact.

What that means is you have to do more investigative research in terms of what is called the Environmental Impact statement. This is considered an unlisted action because the project is considered small, but there are a number of impacts that are significant considering the extraordinary nature of the church. A three acre site in this community is very unique to treat it with some respect. Mr. Grasso also noted that we can see by going thru the full EAF that it asks a lot of good questions. It makes us think about all those various impacts that this project could have on the community. I think over the past few months we have been bringing those issues up. The applicant has been responsive to them and trying to do what they feel they can do to try and mitigate those to the best of their ability. Obviously, there are some impacts that like you will see in column 3 there are some things this project will just not be able to mitigate in any way shape of form. A lot those deal with the loss of the church and the conversion of this from a church site to a commercial site (a grocery store and two other buildings). Mr. Goldman will work on drafting some responses for your consideration. Then what you will do is do you agree with this or do you disagree. You are the bosses. So you have to tell us if you agree or disagree.

PUBLIC COMMENT PERIOD

Pat Falaro – 1921 6th Avenue – Watervliet, New York – Mr. Falaro stated that provided the City Council with research he has been doing on alley ways. Mr. Falaro wanted the City Council to know that he is against the re-zoning proposal of St. Patrick’s property from Nigro Companies. Last meeting I brought forward the proposed “TOBACCO FREE ZONE” to be posted in conjunction with the “SAFE SCHOOL ZONE” that has been created throughout the City. I would like to know if there has been any discussion regarding that proposal. The alleys, I would like to know if any further research has been done regarding restricting traffic in the alley’s, posting speed limits and the possibility of making alleys ONE WAY TRAFFIC. The last of course would require coordination with the Sanitation Department as to not have any effect on their work. It was made mention of creating a turn lane at the intersection of 5th Avenue and 19th Street. Who will be burdening the cost of that reconstruction? I made mention to Mr. Sweeney after the last meeting proposing that if this project does move forward the exits onto 6th Avenue be constructed in such a manner as to avoid travel in the wrong direction on 6th Avenue. Similar to Rite Aid’s exit onto 19th Street. How much involvement will City Code Enforcement have in the process if construction does happen? If re-zoning does happen will there be any affect on the zoning o the residences surrounding the property. Are they going to re-zoned commercial also? Are they going to remain residential? I have some additional questions, some may have already been addressed. I will ask when and if construction and demolition does occur. I would like to know if the underground fuel tanks located at the closed Convenience Mart on the corner of 8th Avenue and 19th Street have been emptied and made safe. Also, I ask the same question of the Convenience Mart that had the recent fire. I noticed the pumps are still attached to the pumps at that location.

Angela Mastan – 1816 3rd Avenue – Watervliet, New York – Ms. Mastan asked Mr. Grasso and Mr. Goldman do you both work for Nigro and Price Chopper. The answer is no – we work for the City. No disrespect but it doesn't seem that your SEQRA Report was very objective. It just seemed to lean more toward Nigro Company. It really wasn't objective. Without certain people objecting to this project you had to make changes upon changes. How many more times do you have to come up here questioning this project before you guys are happy with what you are presenting. No disrespect to any of you from Nigro or Price Chopper companies. Is it because you have done your job to go ahead to do your job and earn your paycheck. At the end of the day and sit at the supper table and have a good self-conscience about themselves. I don't know how it going to happen at the end of the day. Also Price Chopper has two building they want to put out front, who is going to monitor those two buildings on upkeep and maintenance. If you look at the gas station on 2nd Avenue. It's not really nice and presentable. I want to know who will be maintaining those buildings. Mayor Manning stated that Nigro will maintain the building. Nigro will own the entire site. Ms. Mastan wanted to let the City Council know that she is against this and we do ask that you do not re-zone this parcel. Taxes will not go down in Watervliet if this proposal does go thru.

Christine Bulmer – 609 25th Street – Watervliet, New York – It is still my opinion that a Price Chopper does not belong on 19th Street in the middle of a residential neighborhood. I also believe that no matter how many times the design is modified the project is not in the best interest of Watervliet. Even if I was not advocating for the preservation of St. Patrick's, I would still oppose this kind of Main Street development. Two weeks ago I attended a Neighborhood Revitalization Conference at Russell Sage College in Troy, NY where Mayors John McDonald, Lou Rosamilla and Gary McCarthy spoke of successful preservation, restoration and neighborhood development initiatives in Cohoes, Troy and Schenectady. Initiatives that have contributed to neighborhood renaissance and economic growth. These cities were partners in the process that resulted in positive growth, while respecting the character, history and integrity of their communities. Congressman Paul Tonko spoke of self-esteem as an important factor in creating a sense of purpose and lending value to our quality of life. He also defined the term PLACE ESTEEM as a dynamic that sustains a community and affects our quality of life. High self-esteem and place esteem deliver hope to neighborhood and neighborhoods showcase who we are. If we want to advance a positive neighborhood ethic and promote quality of life issues that empower we want to encourage owner occupied neighborhoods. We want to create public space worth caring about. We want to honor the streetscape and embellish it in a meaningful way, and then we should all step back from this proposal and re-evaluate our principles, motives and priorities. There is no question that a viable proposal hasn't come forward yet. That would require cooperation, vision and aggressive marketing of this property from a preservation development perspective. This was not done. This can be done. This should be done and I think it is worth the challenge.

Eileen Anderson – 5 Ball Place – Watervliet, New York – Members of the City Council. We are aware that the sale of St. Patrick's is between Mr. Nigro and the Diocese, but since you are the Lead Agency in this process and it involves the demolition of a historic structure, we would like to pose these questions for your consideration. We have been told that there were other offers to develop that site, all calling for demolition. However, we still haven't heard what those proposals were or who made them. Were they all prospective projects proposed by the Nigro Companies for other clients (in which case Mr. Nigro would be the sole bidder), or were they made by other developers with different visions for the site? If so, why weren't these proposals entertained by the diocese or at least presented to the City for consideration? Or were they presented to the City and the public has not been made aware of them? What process of elimination was used by the Diocese and the City to determine that the site would be most suitable for a Price Chopper? These questions are asked in the best interest of full disclosure of the process as it transpired. They are also asked in the interest of and respect for our historical and architectural assets. There are other uses for this site. The historic significance is worthy of restoration as a catalyst for the continued revitalization of Watervliet, the association with the Erie Canal and the cradle of our City's origins. The significance of the building is well documented. The process of repair and renovation can be one that enriches the historical interpretation of site, while simultaneously building local capacity for special restoration construction. It has a great potential for mixed-use development, as well as providing neighborhood employment opportunities. Recently, Pope Benedict stated that all Christians are called to guard and protect life, the quality of life and the common good for all the peoples. With that in mind, are we all thinking about the dignity and quality of life for the immediate neighbors of the proposed site? We can do that by providing a healthy and vibrant community if these buildings are not demolished. We understand the Immaculate Heart of Mary Parish wishes to sell this property and move on as they say. But what a catastrophe would that leave behind if their suggestion for the site is followed. The environmental impact alone would be detrimental to the health of the immediate neighbors and the community as a whole. Isn't that worth the wait for a different viable offer? We urge the Council to take all of this into consideration when making their decision.

Marion Fotache – 1554 3rd Avenue – Watervliet, New York – Ms. Fotache stated member of the Council this is the Feast Day of St. Francis of Assisi who was called every ones Saint. He gave up a luxurious life style that he enjoyed as the son of a rich merchant. For this he was called a fool. We picture him as a benign character who loves animals in fact he loved all creatures. Joyfully and cheerfully he sang of the sun and moon and shade of the trees as gifts from god. When he finished creating the world god rested and said it is good. Francis is the Patron Saint of Animals and Environmentalists. A rebel of sort his weapon was love. Upon his conversion he heard god say repair my church. Many in the church have grown cold. Francis inspired us with these words start by doing what is necessary, then do what is possible and suddenly you are doing the impossible. It reminds me of the song Dream the Impossible Dream.

Fr. Sheehan the Builder dared to do that. A man of great faith and vision his dream was fulfilled. The church of St. Patrick is evidence of that and of the Irish immigrant story. They depended on divine providence as Francis did. St. Francis was neither a fool nor a mad man, however we would be both mad and foolish to destroy this unique landmark and park. All too common asphalt parking lot and utilitarian supermarket. In the spirit of Francis and our predecessors I ask you let's value the church and park as reflections of gods goodness and fidelity.

Antoinette Delduce – 1806 6th Avenue – Watervliet, New York – I really have to commend you on your presentation and your points are well taken. We have to remember one thing if you take down St. Patrick's with this project, that park, that property will ever be the same. If the property is kept in the manner which it is now and put towards revitalization, there are other possibilities for the City of Watervliet. They will have a building to show off what the City of Watervliet has meant. They could that church into a wonderful museum. Every room could have pictures from the history of Watervliet. The pottery antiques that have come out of various homes in Watervliet. If you take this building down there is no way to do that. The Watervliet Community Center could be St. Patrick's School. The outer shell of the building is very good. The inside is not but as Mr. Olsen stated everything can be fixed. That would be a marvelous wonderful community and civic center for the City of Watervliet. The center part of the City that people have access and they would have a playground on 23rd Street. They would have a wonderful facility. Furthermore in years to come the City of Watervliet or the School System would have some other athletic property. They would have land in front of them on 19th Street to have wonderful opportunities for events. Thank you and god bless everyone.

Lori Sylvester – 1903 8th Avenue – Watervliet, New York – As far as the museum the City has already repurposed a church as a museum. I don't think we need another museum quite that size when we have a church already. As far as the aesthetic impact that you are talking about. It seems to me that has come and gone it is deteriorating and not everybody in the City feels that this is an aesthetic beautiful building. I don't know if the aesthetics are beauty is in the eye of the beholder. As far as the taxes I am not concerned about the taxes going down due to the building of this site by putting it in the tax rolls. I am concerned that eventually this church will be torn down and is going to be the City that will have to take it down. It will be a danger to the neighborhood for next 10 years or for as long as it stays vacant and decayed. Then the City would have to spend money that it could utilize for other projects. Taxes may go up do to financing this project to tear down the church eventually. I hope the Council voted in favor of redeveloping. Something new something vibrant can be put in its place.

John Broderick – 1881 9th Avenue – Watervliet, New York – I’m going to add a few more questions to the list from other people tonight. You brought up that there was a supplemental code in the record now about the views from other areas. Where is that? Is that for public record? Mr. Grasso stated that it is in the appendixes. Does it cost more to tear down a church or does it cost more to build something of value that is their right now. If it takes some time to figure out where the value is. Take the time. Once you tear it down putting it back up again is not as easy as tearing it down later. Procedurally, so the next Council Meeting we can expect the Council will receive the proposal. Mr. Goldman we will have a draft of the document for consideration as we spoke about what we thought. Again, they have to review the responses. The requirement for the City Council is that they take a good hard look at this. We may not agree but they will review the responses and do whatever they want. That’s their obligation. So at the following meeting we can expect possibly at their discretion a decision on the SEQRA process. Mr. Goldman stated that would be the Mayor and Council’s pleasure. That’s all I have Thank you.

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

A motion was made and seconded to adjourn the meeting. The meeting was adjourned at 8:20 P.M.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council