

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, NOVEMBER 1, 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, Yorden Huban, Corporation Counsel, Bruce A. Hidley, City Clerk and Clerk to the Council, Police Chief Ron Boisvert, Fire Chief Scott Skinner and Mark Gilchrist, Assessor/Bldg. Inspector.

A motion was made and seconded to dispense with the reading of the minutes and accept the City Council Minutes as written.

REPORT OF OFFICERS AND COMMITTEES

ITEM #1 – Mark Gleason, General Manager informed the Council that he would like to start tonight about Hurricane Sandy. Thanks to preparations made ahead of the storm we escaped any significant storm damage. We did see some tree limbs that were down, we did see the displacement of our kayak dock. Other than that the City did not see any damage. One thing Hurricane Sandy did do was kind of slow us down on the 2nd Avenue Water Main Replacement project. We had to take this Thursday and Friday to prepare for the storm. The wind and rain we received pushed the project back approximately one week. Our Department of Public Works is completing the street water lateral hookups. They were scheduled to do those last week between Friday and Monday, they had to put them off until this week. They will be done by tomorrow. The forecast is for the weather to warm up for next week. The City will be Nova Chipping the entire street.

ITEM #2 – Mark Gleason, General Manager informed the Council that the City has some trouble at the Hydroelectric Facility. There was some trash rack damage. Mr. Gleason explained that basically a trash rack is something that doesn't allow any debris to go into the Hydroelectric Plant. I don't want everybody to get confused this was not because of Hurricane Sandy. On October 18 and 19, 2012 we did receive over 2.5 inches of rain. What that did is it caused a buildup of debris which collapsed the steel gates. The Water Department will perform a repair of the trash grate next week. Until this repair is made the City will not be able to produce any electricity. The Water Department is also reviewing their maintenance procedures in order to prevent this from happening again.

ITEM #3 – Mark Gleason, General Manager informed the Council that he wanted to Thank Jim Verhagen and all of the volunteers that make the Haunted Dome such a huge success. The event had over 1200 people visit the Haunted Dome. Visitors were not only treated to a good scare but thanks to the Watervliet Housing Authority residents also received cookies and apple cider at the end of the tour. Again, I want to thank Jim Verhagen and his volunteers, they did a fantastic job.

ITEM #4 – Mark Gleason, General Manager informed the Council that tonight was the last night for budget workshops. The Police and Fire Departments worked with the City Council tonight on their respective budgets. Robert A. Fahr, Director of Finance and his staff along with the City's Department heads have been working hard to deliver a lean, cost effective budget that will maintain the services our residents have come to expect. Additionally, Mr. Fahr has worked hard to deliver a budget that our residents can afford. Mr. Gleason announced that he will be presenting the full budget on Thursday, November 15, 2012.

ITEM #5 – Mark Gleason, General Manager explained to the Council that later in the meeting we will be asking the City Council to vote on an agreement with the City of Cohoes for the use of their vacuum truck. The truck will also be manned with a driver from the City of Cohoes.

ITEM #6 – Mark Gleason, General Manager requested Police Chief Ron Boisvert to address the City Council with a request for legislative consideration. Police Chief Boisvert explained that on behalf of Michael Arghanian of Michael's Pizza of 229 23rd Street. Chief Boisvert is submitting for consideration a request for customer parking sign in front of his business on 23rd Street. The sign requested is for 30 minutes parking from 11:00 A.M. until 10:00 P.M. daily. I suggest upon your approval installation of the sign to include the area 30' east of the northeast corner of 23rd Avenue. This will allow Mr. Arghanian customers to park immediately in front of the business. This is completely a pick traffic kind of business. The sign does not adversely affect parking in the rest of the neighborhood. I submit this for your consideration. Thank you.

OLD BUSINESS

PUBLIC HEARING – A Public Hearing for those persons who wish to be heard regarding Local Law No. 3-2012, Sewer Rent Roll and Ordinance No. 1887, Water Rent Roll for the period November 1, 2012 thru October 31, 2013.

Mayor Manning opened the Public Hearing for comment. Mayor Manning noted that the Water Rent Roll and the Sewer Rent Roll have no increase in rates.

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

NEW BUSINESS

LOCAL LAW NO. 3-2012 – A Local Law of the City of Watervliet amending Local Law No. 2-2011 in relation to establishing and imposing a scale of annual charges for the use of the Watervliet Sewer System, said charges to be known as “Sewer Rents” pursuant to Article 14-F Sewer Rent Law of the General Municipal Law of the State of New York. Before voting Mayor Manning explained that the Public Hearing had no comment and that there is no change of rates. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Local Law was approved and adopted.

ORDINANCE NO. 1887 – An Ordinance of the City of Watervliet, New York providing that the changes be made to Section 266-12 of the Code of the City of Watervliet where in rates are set for the use of Water supplied by the City of Watervliet. Mayor Manning explained that this is the sister legislation from the Public Hearing earlier noting no increase to the Water rates. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Ordinance was approved and adopted.

RESOLUTION NO. 8873 – The Council of the City of Watervliet hereby approves an inter-municipal Memorandum of Understanding between the City of Watervliet and the City of Cohoes. Before voting Mark Gleason, General Manager explained that this Resolution is for the use of a vacuum truck from the City of Cohoes along with a driver for the truck. The City needs to clean out 1/3 of its catch basins in accordance with the MS4 Best Practices Plan. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

RESOLUTION NO. 8874 – The Council of the City of Watervliet does hereby adopt an amended Procurement Policy for the City of Watervliet which is intended to apply to all goods and services which are not required by law to be publicly bid. Before voting Mayor Manning explained that this is updating the City’s Procurement Policy due to changes in the State Policy. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8875 – The Council of the City of Watervliet hereby approves a subordination of the lien of Helen J. Abbott to the said new mortgage of Pioneer Savings Bank and directs Mayor Michael P. Manning to execute a Subordination Agreement and any other documentation necessary to effectuate the subordination. Before voting Mayor Manning explained this is a property that has a lien on it from the Community Development Block Grant Program and the owner is refinancing. Our lien is currently subordinate to the other lien. We are agreeing to go back to a subordinate lien on the property. Upon motion of Mayor Manning, seconded by Councilman Foglia, this Resolution was approved and adopted. Councilwoman Fogarty abstained from voting on the Resolution.

APPROPRIATIONS AND ACCOUNTING

Robert A. Fahr, Director of Finance explained that he has been working on the 2013 budget with Mark Gleason, General Manager for presentation at the next City Council Meeting.

Mayor Manning stated that at this time he would like Mr. Paul Goldman to make a statement on the status of the SEQR Review Process. Mr. Goldman noted that the report is not prepared. As you can understand the viable comment all good comment. I’m hoping to have something at the next City Council Meeting.

PUBLIC COMMENT PERIOD

Angela Masten – 1816 3rd Avenue – Watervliet, New York – Ms. Masten stated that as we all know St. Patrick's is eligible for historical status thru the NYS Office of Parks, Recreation and Historical Preservation and we all know that it won't be acknowledged as such because Fr. Diemeke and Bishop Hubbard won't sign or allow it. I find this very disheartening considering the legacy of St. Patrick's since it has been built in the late 1800's. It is evident in all the publishing of St. Patrick's and in a book published in 1997. Allowing for rezoning and destruction of St. Patrick's will take away all of this history. Bishop Hubbard acknowledges in this book that includes St. Patrick's, the history and heritage of it. The historical status you the City Council can save it from demolition. Listen to the surrounding neighborhood and the petitions signed and given to you on June 14, 2012 and not approve re-zoning. The Immaculate Heart of Mary Parish is responsible for the monetary up keep. But it is Fr. Diemeke's responsibility as their leader who loves them to ask the diocese for assistance in which he has yet to do. The Bishop's Fund is there for a reason, it is to help those in need. By approving re-zoning from a historical aspect you will essentially be destroying any history or heritage that was a part of the beginning of Watervliet and not one person can effectively argue this point of view. Is a 40,000 square foot supercenter really worth where it came from? Is it really where the City wants to go? Taxes will not be affected either way. Price Chopper can't guarantee that all 40 jobs will be Watervliet citizens. How many times do they have to adjust their plans?

Pat Falaro – 1921 6th Avenue – Watervliet, New York – Mr. Falaro stated that first and foremost he wanted to state his objections to the re-zoning of the Sr. Patrick's Church school, rectory, and row of houses on the Southside of 23rd Street to build a Price Chopper. Having said that I would like to continue with a short hopefully brief statement. My wife and I purchased our home at 1921 6th Avenue on November of 2000. One of the main reasons for our purchase was the location adjacent to St. Patrick's Church. There were many reasons but the location was primary. Once we took possession of the property we made the church a common part of our life. Each of us holds St. Patrick's Church close in our hearts for our own personal reasons. In the year 2000 we were informed by Fr. Schweigard that the roof had to be replaced. People dug deep into their pockets to donate what they afford to assist with the roof replacement. Similar to how St. Patrick's was built brick by brick. The project was approved and work began. \$800,000 later we had a new roof over the church. Prior to this the clock had already started with consolidation and closing the churches in Watervliet. I remember having a conversation with Fr. Schweigard addressing the possibility of St. Patrick's. Fr. Schweigard assured me that the Bishop would not close St. Patrick's as long as the roof was in place. Do you get that in writing? Unfortunately I did not. We wert ole that the Church of St. Patrick's would be the church of Watervliet due to its size, central location and history. We were told the money was needed to make necessary affairs of St. Patrick's. The amount of 2 million was mentioned to cover structural affairs.

Christine Bulmer – 609 25th Street – Watervliet, New York – Ms. Bulmer stated that the St. Patrick's property was aggressively marketed from a different perspective we would not be having conversation to build a Price Chopper. In a letter dated April 12th of 2012, Noel Oldman, Director of Real Property for the diocese said. "The closure of St. Patrick's was widely reported in the Capital Region media and the candidate potential was sufficiently well known" The Nigro Company and four other private sector entities approached the parish and our diocese to express interest in purchasing the site. If this company marketed the center of our community do local media get that information or by word of mouth. A property of this significance deserves a diligent and aggressive marketing effort. So does this community. As Lead Agency you still have the power to ask the following questions. Was the property advertised outside the Capital District, New York, Northeast the Country? How long was the property listed before Nigro Companies stepped forward with the current proposal? Who were the other private sector entities who expressed interest in the site? Less than aggressive marketing, inside imaginations and debilitation of this highly sensitive proposal have created what I consider the negative situation for our community. I'm not suggesting nor do I want to think that this City Administration has done anything to facilitate this transaction. As residents and taxpayers are we supposed to expect that this is the one and only potential development option for 515 19th Street. The Albany Catholic Diocese should not dictate or control our urban development. We know this property is extraordinary in many ways. It lends character to the streetscape that can be mitigated or resurrected once it is gone. You have received twenty one petitions from the surrounding property owners protesting the re-zoning. The Council has the power to have a positive impact on its urban development and our history. Please use your knowledge and power to pursue a more positive and mutually beneficial use of this valuable property.

Eileen Anderson – 5 Ball Place – Watervliet, New York – Ms. Anderson stated that she would like to get to Item #17 of the SEQR report, being checked by a NO. The objectionable noise, odors or vibration as a result of the proposed action. #1 – Odor will occur routinely. This has to be a YES. In the heat of the summer this is a given, plus however you try to max an odor it still permeates the air around you to a great extent. Also there will be noticeable vibrations from the heavy truck traffic. #2 Proposed actions will produce operating noise exceeding the local ambient noise levels for noise outside structures. This also is a YES. How can they propose to do all this demolition and construction for approximately five years without producing the projection of noise? #3 Proposed actions will remove natural barriers that would act as a noise screen. This is also a YES. The many large trees now on the property act as a natural barrier to noise and pollution. The trees which are proposed to replace them are small ornamental type. But even when fully grown are small in comparison and will not have the same capability to stop the noise and pollution.

Also, for #18 – Will proposed action affect public health and safety? YES, the amount of pollution coming from the dust and noise etc. during the demolition will be hazardous to the health of the immediate neighborhood. This suffering from asthma and other similar health issues will be severely affected. If and when the proposed action is completed the noise and exhaust from the many cars and trucks will cause in this site will cause an unhealthy environment. It has been studied that major exhaust emissions cause unhealthy carcinogens and carbon dioxide along with other major pollutants without some kind of barrier. The amount of grass in the proposal is negligible and the small ornamental trees will not be of much help. The environmental impact alone will be detrimental to the health of the immediate neighbors and community as a whole. Recreational green space is a part of the infrastructure of the community. They are multi-purpose provide a public service preserve the earths biosphere improve individual physical and mental wellbeing and prolong the current systems of people and nature in urbanized settings. Thank you for your consideration.

Marion Fotache – 1554 3rd Avenue – Watervliet, New York – `Today is All Saints Day. In the earliest years of the church it was the custom to call all Christians Saints. Although I dare say they were a mixed lot. Now a days we don't do that if someone sent a letter addressed to Saint Marion Fotache the postman would write return to sender, not known here. To be a Saint with a capital S if first of all need to be dead and have a consuming love of god. Ordinarily you should do miracles Saints suffered but endured joyfully. The church chooses November 1st when the weather encourages us to stay indoors snug as a bug in a rug. We can picture the Saints snug in heaven free of pain and struggles. The Saints were happy on earth but happier in heaven. Jesus talks about them sitting down at the table with Abraham, Isaac and Jacob. We are to think of heaven as a great family meal, where there is no starvation. Our Irish ancestors must rejoice to be free of famine, want and persecution. To be home at last. Saints help us by their example and with their prayers which are strong and wise. St. Patrick is there he who brought light to a pagan people is a fine patron saint for these neo-pagan times. What must we think of people who no longer want to fill the biggest most magnificent church in this City on our Main Street? Where the Good Shepard should be in the midst of his flock.

Lori Sylvester – 1904 8th Avenue – Watervliet, New York – Ms. Sylvester stated that she just finished reading the article in the Troy Record about the new businesses going in on 19th Street and I'm excited. I think that Price Chopper would really help resurrect the City and 19th Street and raise the value of the property around here. I would hope that you would vote in favor of the re-zoning of that property.

Antoinette Delduce – 1806 6th Avenue – Watervliet, New York – Ms. Delduce stated I know you have a very hard thing this been going on for a long time and everything seems repetitious . The young lady here thinks it will enhance and help the businesses on 19th Street. There are several new businesses according to the paper that are vital to 19th Street. Are they going to be able to weather the construction that will be going on and the interruption the traffic the noise and everything? Will the businesses be able to survive be able to survive five years. Are we again going to see empty edifices along buildings on 19th Street which now that proceeds to be happening. Will this improve the value of the property? On 19th Street and 18th Street on 5th Avenue are now on the market also. People are exiting for other reasons do to other reasons. They are either moving due to fear of what may happen and how much of their life will be interrupted. These are the things that the City Council needs to consider. We don't need more people to come from Albany whether they are absentee landlords who do their best to keep the property up half way decently and meet the inspection codes by the City of Watervliet occupancy. People will not be able to keep them occupied if people are constantly transient moving in and out due to interruptions to traffic and everything else. On the corner of 19th Street and 5th Avenue whoever is pulling up to go left on 19th Street it took me 15 minutes to get off of 5th Avenue.

David Abate – 2129 4th Avenue – Watervliet, New York – Mr. Abate stated my first point is related to my comment at the last public comment period regarding a report from the City Council regarding the numbers for this project. As Lead Agency it would fall upon the City Council to provide the community with a report concerning what effect this project would have on the taxes. What will they have on the property values and the real estate sales attractiveness for owner occupied properties? Also what are the potential monetary benefits for local businesses? It's fine to believe that this will benefit the property values and local businesses. There should be some numbers available some projections of what can be expected it's based on similar scenarios. I would like to really to see this report from the City Council. Isn't about time that Nigro and or Golub to revise its plan. In a local suburb Latham, they are expanding the Price Chopper there. It's going to be a real shopping magnet. We heard from the Watervliet Store Manager about not be able to provide a wide variety of products. What they are going to be able to offer in Latham is going to be far compensable. Are we going to build a store there shouldn't it be smaller. I think it should be something else not a Price Chopper. Nigro may want to find another client.

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Pat Fruscio – 2433 Broadway – Watervliet, New York – A number of years ago hours of operation was limited for convenience store gas station located on 8th Avenue and 19th Street. I believe it was due to noise in a residential area. I would ask you to give the same consideration to the residents surrounding the proposed 24 hour Price Chopper project. The same limits should apply.

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 7:40 P.M.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council