

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, NOVEMBER 15, 2012 AT 7:00 P.M.**

The meeting was called to order by Mayor Michael P. Manning at 7:00 P.M.

Roll call showed that Mayor Michael P. Manning, Councilwoman Ellen R. Fogarty and Councilman Nicholas W. Foglia were present.

Also present from City Administration were: Mark Gleason; General Manager, Yorden Huban, Corporation Counsel, Bruce A. Hidley, City Clerk and Clerk to the Council, 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 take the opportunity to present the 2013 City Budget. The budget will be presented on the TV. Mr. Gleason thanked the City Council for all of their work on the budget. They are a very community orientated City Council and work very hard. As we look to the 2013 we curved by signs of economic improvement in our region. There are still certain financial uncertainties still being faced by our residents and businesses. It is with this fact in mind that I present the 2013 City of Watervliet budget. The budget is a hold the line budget it maintains the core services and levels of service our residents have come to expect. The result is that it is a budget that meets the needs of our community without compromising our financial future. The budget represents our continued commitment to prudent fiscal management. Effective service delivery and to provide our citizens with an affordable quality of life. It represents the consensus of Council direction along with staff recommendations on how to best accomplish City Council goals and respond to highest priority community needs with available resources. The 2013 budget factors in unfair State Aide, it continues to deal with out of control health, workers compensation and retirement costs. It keeps our projects in house. It continues to foster intergovernmental partnerships that reduce costs. We also have some positive signs for the future. The 2013 budget contains no layoffs of full-time personnel. It does not add any new positions. The proposed tax increase of 1.9% is below the state mandated tax cap. The 2013 budget is a bridge to what we hope is an improving economy. At this time I want to go into our expenses. As you can see Public Safety is at 5.3 million, Highway is at \$300,000, Administration is 1.8 million, Insurance is 1.8 million. This gives the total of 11.2 million dollar budget. As you can see by the pie chart the City Council is committed to Public Safety. Public Safety is by far our biggest expense. They have made a commitment to keeping the residents of Watervliet safe. I want to touch on our revenues at this point. Our Sales tax we project at 3.2 million dollars. State Aide is 1.1 million. Property tax which is our biggest revenue generator is 3.9 million. We have Transfers of 1.5 million. Giving us a total of 11.2 million dollars.

Again as you can see by the pie chart Property Taxes is our largest revenue, Sales Tax is second, Transfers is third and Per Capita Assistance which is our State Aide is fourth. Now you hope that would be our top revenue generator but it is not. This is a budget increase of ½ million dollars from 2012. That is equal to a 5% budget increase. That's a 5% budget increase even though our health insurance costs increased 6%, but Workers Compensation have gone up 42% and our Retirement costs once again went up 15%. The Watervliet City Budget in 2013 includes a 1.9% tax increase. That increase is under the State mandated tax cap. It's also less than the Consumer Price Index for all urban consumers. That's according to the United States Department of Labor. That was 2% for the year September 2011 until September 2012. The 1.9% tax increase is going to cost the average homeowner in Watervliet \$25.59. That's an extra \$2.14 per month. Here is where we want to come up with our unfair State Aide. The City of Watervliet receives less State Aide per resident than any other City in the Capital District. I want to make this clear we do not resent other cities that get more State Aide than we do. We particularly don't resent the smaller cities that get more State Aide than we do. Our argument is with the State. As you can see it is not fair. The City of Watervliet gets \$118.00 per resident compared to Rensselaer at \$121.00, Albany at \$128.00, Amsterdam at \$153.00, Schenectady at \$169.00, Cohoes is at \$169.00 and Troy is at \$251.00 per person double what we are getting. It is just not fair. Let's play the WHAT IF GAME? If the City of Watervliet received just the same amount of State Aide that Rensselaer receives, we are a higher population then they are. If we were to receive the same amount of State Aide, we would see an extra \$31,500.00 in State Aide. That additional State Aide would allow us to keep the tax increase we are proposing from 1.9% to 1% or maybe even less. Again just if we received our fair share of State Aide. In going along with that because we receive less State Aide per resident than any other City in the Capital District we have to have a lean efficient work force. This graph shows and demonstrates that we have the best ratio of residents per employee in the Capital District. We have for every 119 residents in the City one worker. Green Island has 77 residents for every one worker. I'm very proud of our workforce. They are certainly the back bone of this City. Again, unfair State Aide we do things much leaner, we are a much leaner work force. I want to get back to our budget message and talk about how it continues to be out of control health, worker compensation and retirement costs. Like everyone else health insurance is a big problem and the City is not ammuned from that, our health insurance has increased 6% from last year. This is the third year in a row where the health insurance has increased 6% or more. Our Workers Compensation rates are \$53,000.00 over in 2012. As you can see it was kind of flat from 2009 on. Next year it will cost the City \$180,000.00 for Workers Compensation. Finally, retirement since 2010 we have seen a 71% increase in retirement costs, it just keeps going up. When you factor in all these costs into the budget, how are we only getting a 1.9% tax rate increase? First, we have been keeping projects in house. A good example is the 2nd Avenue Water Main Replacement Project. This was a major project, the City replaced 3 blocks of water mains. In the past we would bid this out by having an independent contractor come in. This may have cost taxpayer nearly \$150,000.00, by doing this project in house we probably saved approximately \$70,000.00. Our Highway Department and Water Department worked together to get this project completed.

Another way we were able to keep our budget down is by intergovernmental partnerships. They definitely reduced costs. Last week the City Council entered into an agreement with the City of Cohoes to get work done in the City cleaning out catch basins. This is saving taxpayers thousands of dollars by doing this. This spring we worked with the City of Cohoes and we paved six streets using their equipment. Their manpower working with our manpower again we saved thousands of dollars by working with the City of Cohoes. The City has been partnering with the Albany County Sewer District, Spectrum Bio Energy and NYSERDA on many energy issues again saving the taxpayers money. The City had its dispatch services combine with Albany County. Now Albany County does the City's dispatch service saving the City a great deal of money. Finally, we have a partnership with the Village of Mineola in New York regarding our WOW Program. The City signed an agreement over the summer to build an anaerobic digester. We will take our organic waste, turn it into compressed natural gas and then fuel our trucks with it. Those are just a few ways of how we have been able to keep our budget in line and stay within a manageable number. The budget also has positive sides to the future. One of them is our fund balance. Since 2006 we have had a steady increase in the fund balance. In 2010 the fund balance leveled off at what the state recommended fund balance be which is 10% of the entire budget. The City has been able the last three fiscal years to keep at that level. The City has a very strong fund balance. The City's reserve account is in very good shape. The Water/Sewer Reserve is very strong. Mr. Gleason then provided an example on how the City purchased a piece of equipment with the reserves and didn't have to bond or finance somewhere else. The ambulance revenue continues to grow each year. The City's WOW Program has brought the City a lot of awards and recognition. The City actually had a group from India who wanted to see the WOW Program. What is the greatest way I can have an effect on my taxes (recycle, recycle, recycle) and join our WOW Program. The more you recycle the less our tipping fees are. The more organic waste we produce the more we have can start making compressed natural gas. I just want to take a minute to touch on the City Water Budget. It is a 2.8 million dollar budget with no increases in the residential water rates. The highlight this year was the 2nd Avenue water main replacement project using all City employees. The City Sewer budget is 1.1 million dollars. There was no increase in sewer rates. The largest portion of this goes to the Albany County Sewer District. The City pays them approximately ½ million dollars for sewage costs. Mr. Gleason noted that the next step in this process will be a Public Hearing. At that point City residents can ask questions related to the 2013 Estimate of Revenue and Expenditures. Mr. Fahr, Director of Finance will be here for the Public Hearing to address any questions related to the budget. The City Council will vote on the budget on Thursday, December 20, 2012. Mr. Gleason stated that on Friday, November 16, 2012 the full budget will be on the website. Mr. Gleason now asks the City Council to consider this budget and pass it on the 20th of December. Mr. Gleason thanked the Director of Finance, Robert A. Fahr, Deputy Director of Finance, Pam DiNuzzo and Administrative Assistant to the General Manager Phyllis Carroll for all their hard work and dedication putting this whole presentation together for tonight.

Mayor Manning noted that before he moves into the legislative portion of the agenda that he would be turning the meeting over to Paul Goldman, Esq. for an update on the 19th Street rezoning project. Mr. Goldman explained that he is Special Counsel to the City of Watervliet. Mr. Goldman noted that they have been revising the EAF Form for the presentation to the City Council. We will continue to revise the form as your comments come in and your approval. Mr. Goldman then requested Joe Grasso, Engineer from Clough Harbour Associates to continue with the presentation. Mr. Grasso just as a reminder to the EAF Form that the City needs to evaluate the Environmental Impacts of the project. The form is comprised of three basic parts: Part 1 describes the proposed project and the characteristics of the setting of the site. That part of the form is the responsibility of the applicant to fill out. Part 2 of the form includes a series of questions that helps the City Council qualify the magnitude of the environmental impacts of the project could create. It also helps identify those items of potential significance that require additional discussion about the project and those potential impacts. It asks questions such as: The likelihood of those impacts are likely to occur. It talks about the size of the impact. The duration of the potential impacts. Whether or not those impacts could be mitigated by changes to the project. The working draft you have for review and comment includes the Part 2 all completed with responses to your series of questions. Thru that Part 2 process review process there are a few items that have been considered having a potential large impact that warranted additional evaluation in what we call the Part 3 of the EAF form. Those identify areas of potential concern. There are two that have potential large impacts. These are impacts on aesthetic resources and the second being the impact on historic and archeological resources. There was a third item identified as having potential small to moderate impacts and that is in the growth and character of the community or the neighborhood. The Part 2 goes thru a reasonable elaboration of these issues in quite detail. Based on the information which has been provide on the record, based on the comments heard from the public, responses to those concerns made by the applicant to the changes of the project along with comments from the City Council. Those are basically the things you have in front of you for review and comment. Mr. Goldman noted that's where we are. I guess the issue is do you the City Council have any questions or anything you wanted to bring up. Councilman Foglia stated that a couple of things after reading the draft that I would see in a revised version. It is some elaboration on the historical significance to the site and a little bit more of a description on what exactly style architecture things like which were pointed to in the letter from NYS. Another elaboration I would like to see is on the scenic views, not much was talked about. Where it can be seen from, what people can see, visual impact, removal of the facility would have. One thing we could discuss is the completion date that was included and reported was 2017. To me that seems like a very long time for this project to be occurring. I would hope that it wouldn't take five years. If you could talk about this a little bit and where that date came from. Mr. Goldman responded by saying that the five year period was an outside scape. Again remember we have three buildings being built. With the obvious being the grocery store for Price Chopper. Then since we are trying to get a feel for the 19th Street commercial corridor we want two buildings up front. They don't actually have a tenant or lease at that time. They asked for a period of time above the five years. That's going to be dependent upon the leasing and finding a tenant for those buildings.

We think it is important to have the buildings up in the front to keep in the spirit of the 19th Street commercial corridor which is a nice community feature. We want to give them a little bit of time for leeway on the development of those buildings. The point being the bulk of those impacts would be from the initial grocery store development. Councilman Foglia asked what the timeframe for the grocery store is. Mr. Goldman responded by saying 12 months from whenever they get started. Again, any other questions we can work on these questions. This document has been before us for quite some time. This community has been great in terms of its input. I feel very privileged to have gotten to know the people in this community when talking about this project. The applicant has revised the project based on some comments some people may not agree with it but they have revised the project. We have had two Public Hearings, 15 Public Comment Periods and 6 Planning Board Meetings. At this point the record is relatively ready it's complete in its form. It's time for the consideration, I think the record is complete and it's time for consideration by the Board whenever I can get you the finalized completion for your review and approval. I guess there may be others who want to discuss the protest petition. Mr. Goldman noted that there has been a dispute around the Protest Petition requiring a super majority vote. We acknowledge that we received that petition. It took a substantial amount of time for someone to prepare and someone obviously took the time and effort to prepare that. That petition has not been dismissed, it has not been acted upon, and it's my position as Counsel to the Board that the time for consideration of the petition will be after the vote. My point being is if the vote is zero to three against it's not right. If the vote is three to zero in favor it's not right. The only issue if it is two to one against not right. The only time it would be right would be at the time the vote would be two to one by example. So if we have a split vote that would be the time we would deal with the petition and put it up for further scrutiny by the Board. But we do acknowledge receipt of the petition someone put a lot of effort into preparing that petition. It has not been dismissed, it has not been ignored, but it will be dealt with after the vote if it's right for consideration. Mayor Manning noted that he agrees that the record is complete or as complete as it can be right now. I think we should treat this as a separate issue and perhaps have a meeting shortly to vote on it. Preferably in the month of November which could allow the City Council to have the month of December to complete the budget. Is there any discussion on this if we were to hold this next week, any limitation on days. Is Tuesday convenient for the rest of the City Council? Next Tuesday, November 20, 2012 at 6:30 P.M. The Council will handle that during the legislative period to set that meeting.

OLD BUSINESS

NEW BUSINESS

ORDINANCE NO. 1888 – An Ordinance of the City of Watervliet, New York providing that the Code of Ordinances of the City of Watervliet be amended by revising Section 260-56, Schedule XX, in accordance with Section 260-24, providing for time limit parking or standing. Before voting Mr. Hidley explained that this Ordinance is for 23rd Street on the northeast corner 30 feet east for 30 minute parking from 11:00 A.M. until 10:00 P.M. in front of Michaels Pizza. Mayor Manning noted that this proposal was endorsed by the Police Chief. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Ordinance was approved and adopted.

RESOLUTION NO. 8876 – The Council of the City of Watervliet hereby approves an agreement between the City of Watervliet and Broadblast, Inc. and further authorizes Mayor Michael P. Manning to execute the same. Mayor Manning explained that this will allow the City to renew its contract with Broadblast which turned out to be a very efficient way to get ahold as many people as you can. This company works on our snow emergency system which we want to continue again this year. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8877 – 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 a Public Hearing will be held on Thursday, December 6, 2012 at the J. Leo O'Brien Senior Citizen Center, 1501 Broadway, Watervliet, New York, for the purpose of hearing those persons who wish to be heard regarding the Estimate of Revenue and Expenditures for the fiscal year 2013. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

RESOLUTION NO. 8878 – 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 a Special City Council Meeting will be held on Tuesday, November 20, 2012 at the J. Leo O'Brien Senior Citizen Center, 1501 Broadway, Watervliet, New York at 6:30 P.M. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted. Councilwoman Fogarty abstained from voting on the Resolution.

APPROPRIATIONS AND ACCOUNTING

NONE

PUBLIC COMMENT PERIOD

Angela Masten – 1816 3rd Avenue – Watervliet, New York – Ms. Masten stated that it is unfortunate that St. Patrick's will never be acknowledged for its proper historical status due to the fact the Albany Diocese will not approve the application. But you as our City Council can prevent the destruction of St. Patrick's and preserve our neighborhood by not re-zoning. If you do vote and approve re-zoning I respectfully request that you coordinate it with an effective logical and truthful justification verbally and in writing. If you can't accommodate this request with facts, the truth and the benefits of both present and future of the tearing down of the beginning of Watervliet's history that not only is it your job but is your morale obligation as part of the Watervliet family not to approve re-zoning. Five years of construction after many planned adjustments. Nigro and Golub Companies along with the Albany Diocese trying to control the direction of our City and not theirs. New Price Chopper jobs not guaranteed to our City residents. Traffic reports that were not concise, structural reports that are not correct, taxes not being affected by the way. A city of friends and families now divided. I honestly don't understand how people can lie to benefit themselves their companies, their political status. We all have our crosses to bear. But in the end it is about our Watervliet family. You all have grown up together over the years, our friends, our brothers, our sisters and our parents have all grown up together. I ask that you not re-zone and do what is best for our City and preserve our neighborhood and save our history. Thank you.

Christine Bulmer – 609 25th Street – Watervliet, New York – Ms. Bulmer stated we listened with care regarding the City’s consultants on October 4, 2012. To our ears they seemed to be trying to justify a Negative Declaration for the Nigro proposal to destroy St. Patrick’s. They also seemed to be putting forth the idea that giving the St. Patrick’s bell to the Watervliet Historical Society would be mitigation for the loss of the St. Patrick’s complex. The appearance of such a goal by the City’s consultants trouble us completely. We have therefore done some research on whether reports find it appropriate to issue a negative declaration without further environmental review with the destruction of a property that is on the National Register of Historic Places or is determined to be eligible for listing on the National and or State registers. There have more than 1600 cases decided on SEQRA in NYS. Sixty Three of these cases were decided in the NYS Court of Appeals. The Appellate Division has decided 717 cases and the Supreme Court decided 303 cases. Relatively few of these cases involved property that was either National Register listed or National Register eligible. No instance did we find did a court decide if a municipality or State Agency made a correct decision when the Agency issues a Negative Declaration of Environmental Significance for destruction or significant negative impact upon structurally sound historic property without full environmental impact statements. Nor did any New York Court find it was legally environmental mitigation to preserve some small part of the historic property and destroy the rest. As representatives for Citizens for St. Patrick’s said in an earlier communication to the City Council. At this point the City Council has two appropriate choices to either terminate the SEQRA Review or deny the Nigro proposed re-zoning application without further environmental consideration or you may issue a positive declaration of environmental significance and schedule a scoping session to determine what would be in the draft environmental impact statement that the applicant would submit.

Donna Wellsworth – 1812 4th Avenue – Watervliet, New York – Ms. Wellsworth stated that St. Patrick’s is a replica of our Lady of Lourdes Church in France. St. Patrick’s is one of the most impressive structures in the Capital District with a 150’ bell tower that can be seen for miles. The McNeely Bell Company built one of largest church bells in the world and it is inserted in St. Patrick’s bell tower in January of 1907. The bell itself weighs over 750 pounds when hung. With all the connections it weighs over 11,000 lbs. St. Patrick’s is calling out to you it still wants to be heard. Thank you.

Kathleen Judd – 1620 8th Avenue – Watervliet, New York – Ms. Judd stated that she opposes the re-zoning of the former St. Patrick's property. It should remain residential. Residential zoning is the spirit in the surrounding neighborhood. Historically residentially zoned neighborhoods provided a safer and healthier environment. You have been elected to act on the people's behalf with regards to environment, health, safety, property and over all wellbeing. Re-zoning the former St. Patrick's complex would not be good government planning and will be putting residents in harm's way. Additionally, the separation of church and state must be adhered to thru stewardship as it relates to your parish and stewardship as it relates to the City of two totally separate issues. As I understand it politics with the activities associated with governing in an area. In this case the area is the City of Watervliet. The budget for this City is a major part of the Watervliet politics. If the public parish has breached the separation of church and state by discussing politics they should be reported to the IRS. An Investigation be done if they are eligible to lose their tax exemption. Using the pulpit in bulletins to request parishioners for the City Council meetings regarding re-zoning meetings to accommodate seems like politics and not church doctrine.

David Abate – Mr. Abate stated again for the third time in a row that this project before the City completely removes any economic development plan. Any large expensive should be done within the complex. There still are a lot of questions without any results. Will there be any tax change? If so, how much? Will there be an effect on property values? What effect will this have on the property values in the City? What will the effects be for neighboring businesses? Will there be lost business? Will there be a gain in business? As the Lead Agency it is the duty of the City Council to address these questions and provide answers to business owners and residents. Preferably this should be done before the decision as mentioned. Once again I will call for an amendment and re-issue of the plans submitted by Nigro. There will be an impact on the neighborhood due to the size of the store. New plans should be submitted to the City.

Pat Sybinich – 172 Sterling Avenue – Troy, New York – I am a communicant of Immaculate Heart of Mary Parish Church. Everyone wants to say separation of church and state. We are here for re-zoning only. You either want to re-zone it or you don't want to re-zone it. This will take care of itself afterwards.

Richard Collins – 609 23rd Street – Watervliet, New York – Just so you know I basically agree with that woman and my wife and I are for no re-zoning. That's the way it is. You know I'm big on traffic, you know I was big on bringing out the fact we didn't want tractor trailers coming up 23rd Street, you know I'm big on the fact there is going to be even more increased traffic on 23rd Street, 5th Avenue, 6th Avenue, 21st & 24th Street. Any way these people can get to this market if it's built if you allow it there going to get there. But, something I noticed the other day was tractor trailer traffic coming up 2nd Avenue have you any of you Council people you the one voting on this. Have any of you watched a tractor trailer turn from 2nd Avenue on to 19th Street. You know how tight it is. You know what the challenges are for these tractor trailers. You have a four lane road going onto basically a three lane road. You have one lane going west onto 19th Street. You have two lanes coming down going over the bridge and make a left hand turn. Where are the tractor trailers sit when it coming down 2nd Avenue to make the turn. It's in the middle lane. You have a lane for tractor trailers coming here and you have some poor person coming up on the inside who thinks he is going to go straight. Then you have this big tractor trailer coming around the corner. Bang what do you have? An accident. It's tight just as bad as it is going up 23rd Street in advisable. The three of you go out there and stand someday and watch, watch them drive. Then you'll have the idea. Like I said I'm not against Price Chopper. Price Chopper is a good market but not there. Do something with the store you have now. OK, please.

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

A motion was made and seconded to adjourn the meeting into Executive Session. The meeting was adjourned into Executive Session at 7:50 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, NOVEMBER 15, 2012**

The meeting of the Executive Session was called to Order by Mayor Michael P. Manning at 8:10 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 Yorden Huban, Corporation Counsel.

ITEM #1 – Mark Gleason, General Manager updated the City Council on the ongoing negotiations with C.S.E.A. and the Uniformed Firefighters Association. A detailed discussion followed on the contractual issues

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 the Executive Session at 8:40 P.M.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council