

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, DECEMBER 13, 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 the 2nd Avenue Water Main Replacement Project has been completed. The City used the Nova Chip Paving Process. It occurred to me over the past seven years I think I have mentioned this process several times trying to explain it to you. I thought it would be better to show with the new technology the actual process. This is 2nd Avenue which we completed about a month ago. The Nova Chip process is a paving process that places a thin aggregate hot mix over a special asphalt membrane. The special nova chip membrane prevents water leakage and provides a superior bond to the old asphalt or concrete surface. Nova Chip combines a surface seal with a hot mix level surface and the flexibility of maintenance. As you can see basically what happens is that hot mix gets thrown down on the asphalt and creates a glue. It fills in all of the low spots. Behind it comes a fine mix of asphalt. The advantage to this we don't have to rip up the roadway, which you normally have to do to get a tight system of asphalt on your streets. The other advantage is that it is only about an inch high. You can do this on top of other layers once or twice. The asphalt coming by is the finished product coming by then they roll the asphalt. Again the hot part is shot down filling in the gaps. The denser asphalt is placed over the top of it. Mr. Gleason then showed before and after pictures of what 2nd Avenue looked like. The Nova Chip Process is good for ten years. The City should expect this portion of 2nd Avenue to last at least 10 years. We have done the east and west side of 19th Street.

ITEM #2 – Mark Gleason, General Manager explained to the Council that about a month ago he mentioned the trash rack at the Hydroelectric Facility at the Watervliet Reservoir in Guilderland, NY. It was damaged by the 2.5 inch rain event on October 18 & 19, 2012. It has been repaired. The trash rack function is to prevent debris from entering the Hydroelectric Plant. Mr. Gleason then showed pictures of the entire Hydroelectric Facility. The Hydroelectric Facility has been running since last week.

ITEM #3 – Mark Gleason, General Manager explained to the Council that Andrew Lynch is currently an intern working in City Hall, he is sitting in the front row. Mr. Lynch is currently working on marketing the City's WOW Program to our City residents. Mr. Luck is a senior at the Watervliet Jr. /Sr. High School. He is graduating in June of 2013. Mr. Luck already has 13 credits which is equivalent to over a semester at Hudson Valley Community College in the Advanced Placement Program. He has a very keen interest in Government. He is President of the Student Council. Mr. Luck plans on pursuing a Bachelor's degree in Political Science. He has already reorganized the WOW Program. The City now has a Face Book Page for WOW. He is putting together a Power Point Presentation that we are going to the Board of Education to make a presentation to see if the School District will actively participate.

OLD BUSINESS

PUBLIC HEARING – A Public Hearing for those persons who wish to be heard regarding the Estimate of Revenue and Expenditures for the period commencing January 1, 2013.

Mayor Manning opened the Public Hearing. Mayor Manning explained that the Budget was presented at the November 15, 2012 City Council Meeting. Mayor Manning also explained that this is a 1.95% tax increase which we think is very good especially in light of the increases in the Retirement Contributions and Workers Compensations costs. The City is still holding the line down below 2% and that's without taking the exemptions the new tax cap law allows. You are allowed to exempt some expenses from that calculation. The City of Watervliet is a true less than 2%. It is a 11.2 million dollar General Fund. Mayor Manning noted that the chart that Mark Gleason, General Manager is showing is the blue is the all other expenses. The red, green and cap on each chimney are expenses that have gone up at a higher rate than any of the others. Workers Compensation is the top cap, the green is the Health Insurance and the red is the retirement. The blue lines are pretty much the same height over the last four years. We are holding the line on everything we can have control over. The ones on top we have no control over they are handed to us each year. Our retirement contribution is told to us what we owe, health insurance rate increases are told to us and workers compensation rates are done by the accidents or people put out of work during the year. It shows the City Administration has done a good job of holding what the City can flat in the face of the costs rising. Is there a line by line as far as the 11.9 million dollars? Mayor Manning noted that the budget is on the website for any resident to see. Robert A. Fahr, Director of Finance noted that the biggest change was the increase in the retirement contribution. In comparing 2012 to 2013 it increased by \$230,000.00 which is outrageous. Total amount is around 2.3 million dollars budgeted for next year. That \$230,000 is a huge increase. Health Insurance for the Capital District Physicians Health Plan went up nearly 10%, Empire Plan costs increased went up 9%, Worker Compensation premiums a few years ago were \$120,000.00 it is now up to \$360,000.00. Each year the City tries to appropriate some fund balance as a little nest egg to keep the taxes as low as possible. In the 2013 budget the City will be appropriating \$300,000.00.

. To offset that the City increased the Sales Tax revenue by \$150,000.00. In 2012 the City did a bond refinancing that will save us nearly \$27,000.00 in debt payments for 2013. There are a lot of factors that happen during this year. Mr. Fahr stated that he thinks that the 1.95% tax increase is tremendous budget under these circumstances. Mr. Gleason stated that Public Safety came in at \$1.2 million dollars which is 65% of the total 11.2 million dollar budget. This amount includes Health Insurance, Retirement Contributions along with other factors. The Highway Department came in at \$374,000.00, Recreation came in at \$200,000.00, Debt Service is at \$685,000.00, Administrative costs are 1.8 million dollars, Insurance came in at 1.8 million dollars and General Government came in at \$500,000.00 as well as Sanitation at \$500,000.00. Mr. Gleason stated those are the City's expenses. A copy of the budget and power point presentation is available to the public.

Mayor Manning closed the Public hearing.

NEW BUSINESS

ORDINANCE NO. 1890 – 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, Time Limit Parking or Standing. Before voting Yorden Huban, Corporation Counsel explained that this is an Ordinance revising a specific Section of the Code. At the last meeting it was Ordinance No. 1888, it will revise the same specific section. What we are proposing for your consideration is changing from 30 minute to read customer parking. In order to make this change we had to do another Ordinance. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Ordinance was approved and adopted.

RESOLUTION NO. 8882 – The Council of the City of Watervliet hereby approves an agreement between the City of Watervliet and Goldberger and Kremer, 39 North Pearl Street, Albany, New York 12207 and further authorizes Mayor Michael P. Manning to execute the same. Before voting Yorden Huban, Corporation Counsel explained that this is a Resolution authorizing the Mayor to enter into an agreement Goldberger and Kremer to assist the Department of Law on a needed basis for legal matters. Certain Code Enforcement violations, other civil matters as far as legal representation is concerned. Councilman Foglia asked if there was an additional need for this in the Law Department? Mr. Huban responded by saying that there are times when the need would arise. The Law Department only has one lawyer then the City has David Perino, Esq. who does only traffic prosecutions. In the event if there is a conflict with respect to Code violations. Then it would be prudent and appropriate to have another attorney to do that for the City. This will allow this law firm to go to court for Code violations. There are other matters which the City is an interested party. An example is individuals who have Community Development Block Grant loans that the City has extended money to that they have a mortgage on and they foreclose there is the possibility of the City of Watervliet being second in line could potentially lose out on the money due to the foreclosure.

Mr. Huban thinks it is prudent to have a law firm experienced in Civil Litigation to assist us and navigate the City in the best way to go about that process. The agreement is \$195.00 per hour based upon the amount of work they do. Mayor Manning noted that Mr. Huban would review all invoices related to outside Counsel service. The primary reason is when Mr., Huban has a conflict of interest in the case. We have one part time lawyer and there are times when his needs exceed the ability to handle all of the work. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8883 – The Council of the City of Watervliet hereby approves the fourth amendment to the license and use agreement between the Arsenal Business and Technology Partnership, LTD and the City of Watervliet for a period of one (1) year commencing on December 1, 2012 and ending on November 30, 2013 and further authorizes Mayor Michael P. Manning to execute the same. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

RESOLUTION NO. 8884 – The Council of the City of Watervliet hereby approves an agreement with the Capital District Physicians Health Plan for the year 2013 and further authorizes General Manager Mark Gleason to execute the same. Mark Gleason, General Manager stated that this is the health insurance plan for the employees of the City and that the agreement has a 10% increase from 2012. Councilman Foglia asked if the City could find a less expensive health insurance plan. Mr. Gleason responded by noting the CDPHP is in each of the unions contracts. In order to make any plan changes the unions would have to be negotiated with. The Empire Plan is the standard NYS plan offered to City employees. Bob Fahr, Director of Finance explained that a majority of the City employees are on the CDPHP plan. When they turn 65 years old they go into the CDPHP Medicare Choice PPO Program which saves the City a lot of money. The good news for the medicare retirees is the plan rate went from \$235.00 per month down to \$171.00. This is a federally subsidized program. The 10% rate affected the City but we did see savings in the medicare program. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

APPROPRIATIONS AND ACCOUNTING

Robert A. Fahr, Director of Finance explained that the City received its State Aide check of 1.1 million the other day. By getting this check at the end of the year it doesn't help our finances during the year.

PUBLIC COMMENT PERIOD

Christine Bulmer – 609 25th Street – Watervliet, New York – Ms. Bulmer stated that for several months you have heard arguments for and against the Nigro proposal and the potential for demolition of a most important historical landmark in this community. When the Citizens for St. Patrick's began this process, many said that it was a done deal and on some levels I guess it was. I didn't want to believe that, I had faith in the good judgment and objectivity of my elected officials. I believed that there was a commitment to creating positive owner occupied neighborhoods that would reflect a positive quality of life. I was wrong, maybe even a bit naïve. Your vote to re-zone was ultimately not a surprise and it certainly added another element to an already complex question. The message that your vote sent to many was that all of our neighborhoods are expendable and collateral damage. How do you mitigate that? The precedent has been set. If the conditions are ripe and enough money comes along my neighborhood could be next. On a recent television discussion, Mayor, you said that the project spills into the residential neighborhood. That was an interesting choice of words and certainly an understatement. The public record reflects those who advocated and enabled the demolition proposal as well as those who spoke for preservation and neighborhood quality of life. Letters, signed comment cards, media reports and thanks to u-tube video are all accessible and will tell this story to future generations. This Chapter in our history will be told whether St. Patrick's stands or whether it falls. The story is your legacy. It is our shared legacy. On behalf of the historic St. Patrick's and the surrounding neighborhood, on behalf of sound long term, positive community development, The Citizens for St. Patrick's and friend will due our diligence which we are proud of that. I am proud that recorded history will reflect our continued best efforts. Thank you

Pat Falaro – 1921 6th Avenue – Watervliet, New York 12189 – Mr. Falaro wanted to thank the Police Department and all the other Departments that assisted with the handicapped signs. First St. Patrick's, it's done, it's over with for the most part. I do have a couple of questions related to hours of operations of the store. It is my understanding on 19th Street the stores that are in the residential zone are only allowed to operate between 7:00 AM until 9:00 PM. I think that is kind of uncanny. When they want to increase their hours they have to approach the City Council. I don't think that was done. That is one question I have. Who are we going to be able to turn to during demolition and construction? Will we be turning to you folks or will we be turning to the General Manager, Code? Mark Gleason, General Manager stated that you can bring any concerns to my office. Mr. Falaro said that he appreciated that. Mayor Manning responded by saying your other question is a zoning matter not a City Council matter. They may or may not have individual hours of operation. There is not one blanket for the street. You would have to address them one by one. Mr. Falaro said OK very good.

Eileen Anderson – 5 Ball Place – Watervliet, New York – Ms. Anderson stated that first, let me Thank you on behalf of Citizens for St. Patrick’s for listening to our many two minute suggestions for the last nine months against the proposed re-zoning. We realized that you were for the proposal from the beginning and had hoped naively of changing your minds with our many comments. We should have realized how futile that was when you dismissed Rosemary Nichols because she disagreed with your desire to demolish this historic site and again you dismissed the Zoning Board and made yourselves Lead Agency, guaranteeing to get your wish. You are not alone in this travesty of justice and democracy. We have Bishop Hubbard, who years ago promised that St. Patrick’s Church would never be closed if the parishioners came up with a million dollars for a new copper roof. Then we have Mr. Olsen from the Diocese, who, first failed to market this property correctly. Quietly making a sales agreement before the church was officially closed, to one of four offers, who all supposedly said they would demolish the property. We never did hear who the other three offers were. Nigro, Nigro and Nigro? No other church in the diocese has been demolished. Second, Mr. Olsen then refused Mr. Jack Waite a renowned preservationist access to the church building to give us an unbiased assessment of the conditions, with an eye to preserving the structure instead of demolition. That action spoke volumes to anyone with any common sense. What were they trying to hide? If they had nothing to hide why not let Mr. Waite in? After all, were we not all trying to expedite the sale of the church not the demolition? Then we have Mr. Nigro and Mr. Golub who stated that if we had another viable offer they would step down, knowing full well that we couldn’t have another viable offer without and unbiased assessment. It sounded good, but they knew it didn’t carry any weight. Then Fr. Diameke, he was preaching to the parishioners of Immaculate Heart of Mary Church, causing them to have a strong animosity toward what the Citizen’s for St. Patrick’s were trying to do. Preserve one of the most beautiful historic buildings in Watervliet, (also eligible for the National Historic Register). We had no animosity toward Immaculate Heart of Mary. We were willing to work with them toward a sale of the property that would preserve the site, something we thought would be the ultimate solution. They would still have the money for IHM Church and it wouldn’t be ripping the heart out of Watervliet. You should all be ashamed of yourselves. All the underhanded back door dealings associated with this proposal. I can find it hard to believe that you can sleep nights with a clear conscience. Thank you

Marion Fotache – 1554 3rd Avenue – Watervliet, New York – Ms. Fotache stated that when you reminisce about the glory days of Watervliet championship teams you are celebrating excellent friendship and civic pride. Yes, your roots in Watervliet. For many of us our roots have to do with the church, roots and memories of the church, I believe there has been a conspiracy of the will to shut down the Church of St. Patrick's beginning with diocesan agents, compounded by people claiming to love this City. People who have an open hostility toward this magnificent House of God. Many profess to be catholic, they have I believe been deceived by that same slithering serpent. Yes, the one who deceived Eve in the Garden. This will be the second Christmas that this church is in the dark. For over one hundred years it drew people from far and wide to Christmas liturgy. It was a magnet for the faithful because of its beauty, art and architecture. St. Luke tells us that there was no room for him in the Inn, well it seems Watervliet has no room for him on 19th Street, our Main Street. You say we must make way for a commercial corridor. How sad that Christ should pay the price for peoples greed. Will you enjoy your thirty pieces of silver – oh modern da Judas. The choice is clear beauty for ugliness. Excellence or mediocrity. Roots or rootlessness. A City that is rootless becomes a baron place. As Pope Benedict XVI had said, push God away and darkness comes in. God is light we should be welcoming him. Some Christmas present you have given us.

835 14th Street – Watervliet, New York – A statement was made that he was in support of the City Council's decision. Not everyone is in opposition to this decision. I appreciated what the City Council did.

Kathleen Judd – 1620 8th Avenue – Watervliet, New York – Ms. Judd stated that this was wrong, the Zoning Board should have made this decision, it's their job. They hear these things all the time. They are the ones who should have made the decision not you.

Mayor Manning explained that this is a theme that has occurred at many of our meetings. This was not a matter for the Zoning Board. The Zoning Board addresses variances to the existing Code. This was a request to change the Code. The Zoning Board was not dismissed as a matter of fact they met last night. To keep saying things that are not true or to say things about people who have a different opinion is not the right way to approach things. It comes down to an opinion. Some people have an opinion others have a different opinion. The Council spent a great deal of time on this as we said. You can think what you want but by saying things doesn't make them true. You can keep saying the Zoning Board was dismissed but it wasn't. Keep saying we didn't listen, but we did. People I guess handle things different ways. You tried to talk yourself into something that wasn't there.

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 7:45 P.M.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council

**MINUTES OF THE MEETING OF THE EXECUTIVE SESSION
OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, DECEMBER 13, 2012**

The meeting of the Executive Session was called to Order by Mayor Michael P. Manning at 8:00 P.M.

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

Also present from City Administration were: Mark Gleason, General Manager, Bruce A. Hidley, City Clerk and Clerk to the Council, Robert A. Fahr, Director of Finance 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 8:35 P.M.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council