

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, FEBRUARY 14, 2013 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 for February 7, 2013.

REPORT OF OFFICERS AND COMMITTEES

ITEM #1 – Mark Gleason, General Manager requested Mark Gilchrist, Building Inspector/Assessor to give a report to the City Council regarding Zoning and Code changes he has been working on. Mr. Gilchrist explained that you know we have been working on a new Zoning Code for the City. The committee began to meet in very early January of 2012. The committee has almost come to a conclusion, they are meeting again next week with a couple items to iron out. Riverstreet Planning the consultant will supply the City Council and the committee members with a draft of the new zoning code. They will also supply the Council with a summary of the differences between the old code and the new code. The Council will have an opportunity to digest the new code which is 12 or 14 Chapters. The committee will be available for the Council to speak with as to how they arrived at some of the decisions they came up with and explain some items to you. At that time the City Council can make any changes to the Code or tell the committee to back and redo another Chapter. Once the changes are done they will have a final draft report. A public meeting will be scheduled also. Riverstreet Planning will handle the public meeting. Once the Public Hearing is held any other changes that need to be made Riverstreet will make them. The final product will need some additional legal things done such as the Public Hearing and SEQR. This document will also need to be sent to the Albany County Planning Board.

Mr. Gilchrist would also like to address the STAR Exemption issue with the City Council. The State of New York has made some changes which will impact the public. If a property owner owes the State of New York \$4,500 or more in taxes. The State will tell the Assessor to remove the STAR Exemption. Letters will be going out to everyone in the State of New York that owes them money, they will have until the middle of June to pay that debt. If they don't pay that debt the Assessor will get a letter to remove STAR Exemptions from certain properties. Once the STAR Exemption is removed in June if someone pays the debt after June, Mr. Gilchrist will not be able to grant that exemption. This program is all new this year. Mayor Manning asked if he knew how many people this would effect. Mr. Gilchrist has no idea. Councilwoman Fogarty asked if they can earn this back.

Mr. Gilchrist stated that only if the debt is paid. They would have to re-apply the following year. Mr. Gilchrist noted that this is quite a savings for the STAR Exemption. The Watervliet City School District will be made whole from the State. The money you would have saved in your STAR Exemption will be taken and be put towards your debt.

ITEM #2 – Mark Gleason, General Manager requested Yorden Huban, Corporation Counsel to give a report on the Charter changes. Mr. Huban explained that on January 17, 2013 the Council approved a Memorandum of Agreement between the City of Watervliet and Albany Law School to retain Robert Batson an attorney from the Government Law Center. This was for the purpose of assisting the City of Watervliet in developing a revised Charter in the City of Watervliet. On January 28, 2013, Mr. Huban scheduled a meeting and met with himself, Councilwoman Fogarty and Bruce A. Hidley, City Clerk. The meeting was scheduled to discuss the course of action with respect to revising the Charter. The Memorandum of Agreement sets forth a timeframe and deadlines which we will try to meet. Mr. Batson is in the review and research stage. He is reviewing the City Charter to identify provisions that are obsolete or have been superseded by State Law. Mr. Batson will be researching the State law in conjunction with that. Mr. Batson has had a little setback as he had a medical procedure, but he is working on this from home. Mr. Huban also spoke with the law student who is working on this also. Mr. Huban will be communicating with him also. The current status of this project is the review and research phase. Mr. Huban will continue to thru the Charter to identify certain issues he would like him to look at. Mr. Huban noted that if there are any questions related to this project to call or e-mail him with the concerns. Mr. Huban thinks that the Council should organize a Charter Review Committee to discuss the issues and report back to the City Council.

ITEM #3 – Mark Gleason, General Manager reported to the City Council that the City of Watervliet called for the first Snow Emergency in two years. The City of Watervliet received six inches of snow from the winter storm Nemo. The snow emergency was announced on Saturday, February 9th at 9:00 A.M. The announcement was on the City's website, local access channel 17, local news media and the robo call system the City uses informing people of the emergency. During the emergency the City towed 63 vehicles for obstructing the snow removal detail. Roughly over 7,000 vehicles did move. Mr. Gleason came up with that number as there are basically over 4,000 households in Watervliet. You take that and multiply it by the national average that every household has 1.92 cars. You come up with over 7,000 vehicles. At this point Mr. Gleason reviewed what the City does to avoid towing cars during a snow emergency because the City does not want to do it. The first thing the City does is hire college students who go around and help residents shovel out cars and they also push cars that are stuck. They also go door to door where cars haven't moved. We knock on doors to locate an owner of a vehicle sitting there. Finally, the City will drive or push a car to get it off the street for plowing. Mr. Gleason drove three vehicles for seniors and handicapped people.

The City goes above and beyond to avoid towing vehicles during a snow emergency. Mr. Gleason thanked Mark Cady, Highway Department Supervisor and the Department of Public Works staff for removing the snow from the streets. Mr. Gleason also thanked Police Chief Ron Boisvert who oversaw the operation throughout the entire day.

ITEM #4 – Mark Gleason, General Manager reported to the City Council that on Thursday, January 24, 2013, he attended a briefing of Governor Cuomo's 2013 – 2014 budget. The briefing was held at the Crossing's in the Town of Colonie. The presenter for this session was Kenneth Adams who is President/CEO of The Empire State Development. The good news is that the City of Watervliet's State Aide will remain the same as its current level. The bad news is that the State Aide remained the same and didn't go up. Mr. Gleason explained that the Governor's budget eliminates 1.3 million dollar budget gap with no new taxes or fees. It holds spending increases below 2% for the 3rd consecutive year. It increases education aide by \$889 million dollars. It reforms the Workers Compensation System to save employees, local governments and school districts more than \$900 million dollars. It provides a stable rate pension contribution option which will allow local governments and school districts to immediately realize Tier 6 savings, if they wish to take advantage of that. It raises the minimum wage from \$7.25 per hour to \$8.75 per hour. There are some effects from this budget on the City of Watervliet. Again, it continues the City's unfair AIM funding (Aid Incentive for Municipalities). Mayor Manning has worked real hard this past year trying to increase the City's share of AIM funding. The City of Watervliet receives the lowest Aim funding in the Capital District. The Governor's budget does not change anything at all. Watervliet receives \$118 per resident in State funding. Rensselaer which is a smaller City than us receives \$121 per resident. Troy receives \$251 per resident. The City of Watervliet is on the very bottom of the list. Mr. Gleason also discussed the Pension re-contribution proposal. The Administration has discussed this and feels the City should just bite the bullet on pension costs. The Administration hopes with the economy recovering that the rates will go down. The State offered a flat 12% ERS and 18% P&F rate for 25 years. That will give a municipality more of a way to budget for the future. If rates go lower then you are stuck paying the same amount. The Administration feels that this is a prudent gamble at this point. The City is awaiting the clarification from the New State Conference of Mayors (NYCOM) on the proposal to increase the minimum wage. While the City feels the increase is necessary, the new proposed rate of \$8.75 would force the City to re-consider the City youth program. The City pays minimum wage which is \$7.25. If the new proposal is put into place the City would not be able to hire ½ of the amount we hire currently. NYCOM responded back to the City by explaining that we can pay the Federal wage rate of \$7.25. President Obama has proposed to increase that federal wage to \$9.00 per hour. This will truly affect our Summer/Seasonal Youth Program. The legislature is currently working on this issue. Mr. Gleason will update the City Council as to any changes to the Governor's budget especially for positive or negative impacts.

OLD BUSINESS

NONE

NEW BUSINESS

ORDINANCE NO. 1895 – An Ordinance of the City of Watervliet, New York providing that the Code of the City of Watervliet, Chapter 260, Vehicles and Traffic, Section 260-33.7 be amended. Before voting Mark Gleason, General Manager explained that this Ordinance and the next Ordinance are housekeeping issues for the City’s snow removal program. Councilman Foglia noted that we need to address the \$25 overcharge already issued by the City. Yorden Huban, Corporation Counsel clarified that this will strike from the Ordinance or delete removal charges will not exceed \$125. That is what it was in the Code and apparently there was an increase by the towing company. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Ordinance was approved and adopted.

ORDINANCE NO. 1896 – An Ordinance of the City of Watervliet, New York providing that the Code of the City of Watervliet, Chapter 260, Vehicles and Traffic, Section 260-32 (e) be amended. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Ordinance was approved and adopted.

RESOLUTION NO. 8914 – The Council of the City of Watervliet hereby approves an agreement between the City of Watervliet and Fraser, PE, LS, LA, a Weston & Sampson Company and further authorizes and directs Mayor Michael P. Manning to execute the same. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was **tabled**.

APPROPRIATIONS AND ACCOUNTING

RESOLUTION NO. 8915 – The Council of the City of Watervliet hereby authorizes the transfer of funds from under spent accounts to other overspent accounts in the annual estimate due to unforeseen circumstances. Before voting Robert A. Fahr, Director of Finance explained that these are annual transfers that are over the \$2,000 limit given to the General Manager and himself to make them during the year. There were 15 General Fund transfers and 8 Water Funds transfers which will be budget neutral for the 2012 budget. Mayor Manning asked if it was necessary to do this. Mr. Fahr noted that this is a good practice to have with the budget. An example was the dispatchers went from a City Account to the County Account. The City had left over money in the salaried account so it was transferred into the account with Albany County. Mayor Manning asked if this would close out 2012. Mr. Fahr responded that the City will still have over spent accounts because the City hasn't received all reimbursements from the New York State Insurance Fund for Workers Compensation claims. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8916 – The Council of the City of Watervliet hereby authorizes the payment of certain judgments or compromised or settled claims against the City in an amount not to exceed \$400,000 and authorizing the issuance of Serial Bonds in an aggregate principal amount not to exceed \$400,000 pursuant to the Local Finance Law to finance said purpose, and delegating the power to issue Bond Anticipation Notes in anticipation of the sale of such Serial Bonds to the Director of Finance. Before voting Robert A. Fahr, Director of Finance explained that this is a settlement against the City prior to when the City went to the NYS Insurance Fund. The City is liable for this payment. Mr. Fahr noted that it never good to borrow money but it is great right now. The City is switching from the NYSIF to PERMA and we are hoping the savings from this switch will offset the debt payment on this issue. The rate is under 1% borrowing for one year BAN. It is a great time to do this transaction. 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 he has a conference call with Moody's Investment Service on updating our bond rating on Thursday, February 21, 2013 between 10:00 and 11:00 A.M. Mr. Fahr hopes to have an answer for the City Council by the first City Council Meeting in April. Councilman Foglia asked what our current Moody's rating was. Mr. Fahr will have the answer for Councilman Foglia at a later Council Meeting. Mayor Manning after researching explained that the City has an A1 Bond Rating.

Bruce A. Hidley, City Clerk and Clerk to the Council announced that the next City Council Meeting will be Thursday, March 7, 2013. The meeting will be held at the J. Leo O'Brien Senior Citizens Facility.

PUBLIC COMMENT PERIOD

Charlene Akullian – 813 24th Street – Watervliet, New York – Ms. Akullian wanted to follow up about the School 9 issue. Ms. Akullian saw Mark Gilchrist, Assessor, and Building Inspector on her block about other business and wanted to know if he took a look at the school. Her neighbor has seen the owner at the facility recently taking things out of the building. Mr. Gilchrist noted that his department has taken a look at the school a violation letter has gone out to the owner requesting he remedy the situation. Mr. Gilchrist noted that if the property owner does not remedy this the City will and bill him for our services. Ms. Akullian asked who is responsible for shoveling the sidewalks in front of St. Patrick's Church. An individual she knows took a nasty fall approximately last Tuesday. Ms. Akullian stated she is concerned about other people as that is the walkway to the pharmacy and other shops. Mark Gleason, General Manager explained that Nigro is the owner and is responsible for the property. He will follow up from this point on.

Marion Fotache – 1554 3rd Avenue – Watervliet, New York – Ms. Fotache stated that with the loss of St. Patrick's Church we have lost a sense of the sacred we have such beauty there. I still hope we can save the building. That someday it can be a church again. It has contributed so much to this community. That's my Valentine's message and I speak it with love. I hope we do not have any animosity. There has been a lot of tension these last few months. I have a lot of memories here. I couldn't help but think the mass was interrupted because people had to go out and move their cars. In all the years we had blizzards in this City and I can remember several feet of snow. They used to hire bulldozers to remove the snow at least I was told that. They used to look for yards to place the snow in. There were some pretty bad snow storms and all my years going to St. Patrick's I never had a mass interrupted for someone to move a car. For 25 years we had a wonderful priest and organizer he had those lots cleaned. I leave you with that. Thank you. Mark Gleason, General Manager noted that mass has not started yet.

A motion was made and seconded to adjourn the meeting. The meeting was adjourned at 7:35 P.M.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council