

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, JUNE 20, 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, Mark R. Gilchrist, Assessor/Bldg. Inspector and Fire Chief Scott Skinner.

A motion was made and seconded to dispense with the reading of the minutes and accept the City Council Minutes as written for June 6, 2013.

REPORT OF OFFICERS AND COMMITTEES

ITEM #1 – Mark Gleason, General Manager informed the City Council that the Capital District Physicians Health Plan hosted a Wellness Program at the Watervliet Fire Department. The Wellness Program was an hour long class which was held from June 10 thru June 13, 2013. The Wellness program was led by Chris Andrews from the Capital District Physicians Health Plan. The classes taught the City of Watervliet employees how to.

- Understand and practice reading food nutrition labels
- Understand the food groups and recommend servings for achieving a balanced diet
- Identify how to get the most nutrition out of calories
- List the five essentials to eating good health
- The importance of exercise was also discussed

Daily exercise increases energy. Employees are more likely will not experience fatigue when exercising. An employee can experience a better attitude which will help you stay in a good mood. A regular exercise routine will lower your stress level. It releases the day to day tensions that life can bring on. It gives employees more confidence when you are physical fit it give you an overall sense of wellbeing. According to the American College of Sports Medicine 6 out of 10 workers said that time management skills, mental performance and ability to meet deadlines improve on days they exercised. At the end of each class each participant's blood pressure was checked as well as their body mass measurement. The City will host Phase II of the Wellness program in the near future. Mr. Gleason is researching and hoping to bring to the City Council a workplace exercise program policy that will give the City of Watervliet employees an opportunity to exercise during their lunch break. It is very clear that a fit employee is a productive employee.

ITEM #2 – Mark Gleason, General Manager explained to the City Council that on Wednesday, June 5, 2013 that himself and Fire Chief Scott Skinner attended an Albany County Department of Health Municipal Community Dispensing Plan meeting. The meeting was moderated by Albany County Commissioner of Health Dr. James Crucetti. The meeting centered on Watervliet and other Albany County municipalities being a POD (Point of Dispensing) community. The meeting also covered updated plans as to how Albany County would deal with a fatal disease threat. The Albany County Department of Health pointed out that we live in a global world. The CDC (Center for Disease Control) and the World Health Organization is tracking a new deadly virus which is called the Middle East Respiratory Syndrome virus. This virus is much like the Sars Virus from 10 years ago is very mobile and deadly. The virus is already in 8 countries and has infected 55 people resulting in 33 deaths. Although the virus has not reached the United States yet, it is only a plane ride away. Albany County Municipal Community Dispensing Plan will be the first line of defense against any County wide virus outbreak. The plan calls for the vaccination of 300,000 County residents within a 48 hour period (that equals to 6,333 residents per hour). One challenge of the plan is to vaccinate the over 60,000 senior citizen residents (who are vulnerable to any virus) within Albany County quickly. The plan calls for 78 Health Department staff with over 500 volunteers plus Albany County employees to vaccinate County residents at the POD's throughout the County. The City of Watervliet POD will be located at the Watervliet Senior Citizen Center, 1501 Broadway. Councilwoman Fogarty questioned why they can't vaccinate people in advance. Mr. Gleason explained that Albany County does not want to vaccinate someone for a disease that doesn't exist yet. Fire Chief Scott Skinner and Mr. Gleason have been discussing the fact that we may want to change our location to one that has better/more parking. Chief Skinner and Mr. Gleason need to update contact information in the plan itself. They have been asked to pass along any changes to the plan to the Albany County Health Department by August 2013. Mr. Gleason noted that at a future meeting they will be putting forward legislation asking the City Council that the City of Watervliet remain a member of the Albany County Community Dispensing Plan. Mr. Gleason concluded by explaining that another training session is to be held on June 27, 2013.

ITEM #3 – Mark Gleason, General Manager informed the City Council that the near record rainfall has delayed many Department of Public Works Projects. The Capital Region has received 5.4 inches of rain so far this month (the monthly average is 3.7 inches). It has rained 11 out of 20 days so far this month. Eight of the eleven days it rained during the week making it difficult to work on any outside projects. Projects affected by the record rainfall were the following:

The 12th Avenue manhole cover project, repair 4 manhole covers on 12th Avenue for repaving
The Nova Chip Project on 12th Avenue, 4th Avenue and 16th Street (2 week delay)

The banners on Rt. 32 (2 week delay)

The preparing and painting the City Pool rained every day last week (2 week delay)

The grass cutting – all of the parks, right of ways and the 30 vacant lots (1 week delay)

Mr. Gleason explained that the 12th Avenue Nova Chip Project is scheduled to be completed tomorrow. The banners will begin being put up tomorrow. The grass cutting will be caught by tomorrow. The City has three employees who do nothing but grass cutting. The pool has now been painted and is scheduled to open on Wednesday, July 26, 2013. The pool opening was delayed a couple of days and was supposed to be open on Monday, June 24, 2013. Mr. Gleason explained that the dock got flooded also. The City labor force had to work to push logs and debris from under and around the dock area so not to lose them. That also was a responsible reason for the delay of other projects.

OLD BUSINESS

NONE

NEW BUSINESS

ORDINANCE NO. 1901 – An Ordinance of the City of Watervliet, New York, providing that Section 260-48, Schedule XII, trucks over certain weights excluded of the Code of the City of Watervliet be amended. Before voting Councilman Foglia questioned why is the City doing this now. Mayor Manning noted that the Police Chief did some research on this and there is a development happening in the area of the west side of the railroad tracks. All of these streets are where you would have truck access to get into there. This is a preventative measure so that Watervliet does not become the truck access to those areas. Councilman Foglia asked if there was a weight limit before. Mayor Manning responded by saying it was silent for these areas. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Ordinance was approved and adopted.

RESOLUTION NO. 8941 – The Council of the City of Watervliet hereby approves the Memorandum of Agreement between the City of Watervliet and the Watervliet Uniformed Firefighters Association Local 590, AFL-CIO governing salaries and other economic benefits, terms and conditions of employment for a period of 4 years beginning January 1, 2013 and ending on December 31, 2016 and further authorizes Mayor Michael P. Manning to execute said Memorandum of Agreement on behalf of the City of Watervliet. Before voting Mayor Manning noted that the Firefighters agreement expired on December 31, 2012. Mark Gleason, General Manager explained that the City has been in negotiations with the Firefighters union since the summer of 2012. Mayor Manning explained that issues such as the implementation of the ambulance were key points of these discussions. This MOA sets up the stage to re-draft the contract. Yorden Huban, Corporation Counsel noted that there is an existing collective bargaining agreement. This is essentially a new collective bargaining agreement that the new provisions will be included from the old collective bargaining agreement that will remain the same other have changed. Mayor Manning stated that between the approval of this the next step is the actual approval of the contract itself. Yorden Huban further explained that the matters we have agreed to in the MOA are incorporated into the existing collective bargaining agreement. The current provisions that haven't changed and the new provisions will be set forth before you for approval. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8942 – The Council of the City of Watervliet hereby authorizes the actions of Bruce A. Hidley, City Clerk and Clerk to the Council in advertising once in the official newspaper of the City that the City of Watervliet will hold a Public Hearing on Wednesday, June 26, 2013 at 6:00 P.M. at the J. Leo O'Brien Facility Senior Citizen Center, 1501 Broadway, Watervliet, New York for the purpose of hearing residents, stakeholders and those persons who may wish to be heard regarding Watervliet Grant programs, NYS Economic Development Consolidated Funding Program and the 2013 Community Development Block Grant Programs, Public Infrastructure, Economic Development and NYS Main Street Programs, Affordable Housing Grants and grants for "Green Vliet" sustainability Programs is hereby approved, ratified and confirmed. Mark Gleason, General Manager explained that this is the input portion for these grants, what our residents would like us to do, what direction they would like us to go in. Mayor Manning stated that this is a Public Hearing for a series of grants which mostly fall under the CDBG family. If you recall in our last meeting we set up a Public Hearing for the next City Council Meeting for the grants that are within the Consolidated Funding Application so that we have a Public Hearing outside the City Council Structure then within the City Council structure by the first meeting in August. Most of these grants are due by the middle of August 2013. This is information gathering so that the public can provide their input. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

RESOLUTION NO. 8943 – The Council of the City of Watervliet hereby authorizes and approves Mark Gleason, General Manager to be the person to which the Secretary of State shall transmit a copy of any Notice of Claim served upon the Secretary of State as the City of Watervliet's Agent and further directs Mark Gleason, General Manager to file with the New York State Secretary of State a Certificate of Designation for Service of a Notice of Claim pursuant to Section 53 of the General Municipal Law. Yorden Huban, Corporation Counsel explained that the City was notified by the New York State Conference of Mayors (NYCOM), Wade Belltramo, Esq. that Governor Cuomo signed into law a Uniformed Notice of Claim Act which amends the General Municipal Law regarding the Service of a Notice of Claim. The way it was done in the past that if there was an individual has a claim against a municipality they would file a Notice of Claim against the municipality. The GML Section 53 was added to allow individuals or any other entity that has a Notice of Claim against a Municipal Corporation or Public Corporation which is City, Towns and Villages to file with the Secretary of State a Notice of Claim. In that new GML Section 53, Cities are required to file a designation that authorizes the Secretary of State to act as our agent for the acceptance of service on behalf of our municipality. They would send for a copy of the Notice of Claim to the individual we designate to receive the Notice of Claim for the City. Basically it's a designation for the Secretary of State as the agent for the acceptance of service. Mr. Huban believes that they will be imposing a fee for this service. The City would get half of the filing fee for the Notice of Claim. In the designation there will be a spot saying who the person is responsible for the filing. Mr. Huban noted that the statute states that the directive was the City had until July 15th to do this. Mayor Manning noted that the Secretary of State will be the clearing house for our Notice of Claims against municipalities. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8944 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute any contracts and/or agreements necessary for the purchase of the one (1) 2012 CAT 259B Series 3 MTL Compact Loader. Before voting Mark Gleason, General Manager explained that this is the machine the City advertised for. Mr. Gleason showed a copy of the machine in his power point presentation. The machine is very handy to have on 19th Street for getting snow removal in small areas. Mayor Manning stated that the City was renting this, now we are buying it. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

RESOLUTION NO. 8945 – The Council of the City of Watervliet hereby declares the City of Watervliet Council as the Lead Agency for the State Environmental Quality Review Act purposes. Referring the new Zoning Ordinance of the City of Watervliet the (“Zoning Ordinance”) to the Albany County Planning Board pursuant to General Municipal Law Section 239-m and pursuant to Section 272-39 of the City Code, referring the Zoning Ordinance to the City of Watervliet Planning Board for the final report under Section 57-8 of the City Code and referring the Zoning Ordinance to the City of Watervliet Zoning Board of Appeals for their comment. Before voting Mayor Manning explained that this is the culmination of about a year long process of which we had a committee of City Officials, City Workers and City Residents. This is for a new Zoning Code following our Comprehensive Plan by which the City Council adopted in 2010. This was about a year worth of work which was led by a consultant. It was the same consultant who assisted the City with the development of the Comprehensive Plan. We are following the procedures to get this looked at outside while we continue to review it inside. The City will be posting this information on the website tomorrow along with the Executive Summary that highlights the major changes from the old Code. That will be available for the public and will be submitted to the two Planning Boards and the Zoning Board. The City will be having a Public Hearing on this subject with the public during one of the August meetings. Mayor Manning stated along with the new Code will be the Executive Summary of the new Code as well as the first part of the SEQRA document when it gets filled out as the City applies for this. The City will be acting a Lead Agency, you can comment on the Code, you can comment on the SEQRA. Comments can come during the Public Hearing or thru the City Clerk’s Office or the Mayor’s Office. 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 he has no budgetary adjustments for this meeting. Mr. Fahr may have some for the next City Council Meeting for Police and Fire Special Wages.

Mayor Manning explained that he was notified by National Grid that you can now remote the net meter. If you have electricity producing devices such as the Hydro Plant that the City owns you can now remote meter the facility. If we make more than we use the meter runs backwards and we have no bill that month. Mayor Manning noted that happens in the Fire House sometimes doesn't usually happen here. By remote that metering we have a hydro plant in Guilderland, the law in the past would not allow you to credit that electricity towards City Hall for instance. Now you can remote that meter we can instead of selling our excess power at whole sale. Let's just say \$.05 per KW we can now net meter it against our buildings that don't have photo ability to get a credit towards that bill of say \$.12. The City will be essentially doubling the value of that electricity. The City needs to go thru a process to get that approved by National Grid. Up until now the hydro was excluded from this process. It is a way to get two times our money back with Intradepartmental crediting to account for it.

PUBLIC COMMENT PERIOD

NONE

Bruce A. Hidley informed all in attendance that the July 4, 2013 City Council Meeting has been cancelled due to the July 4th holiday. The only meeting in July will be July 18, 2013. Mayor Manning noted that the July 18, 2013 City Council Meeting will be in the City Court Room.

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