

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET  
THURSDAY, AUGUST 1, 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 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 July 18, 2013.

**REPORT OF OFFICERS AND COMMITTEES**

**ITEM #1** – Mark Gleason, General Manager informed the City Council that work has begun on the Upper Dam. The Upper Dam is part of the Dry River Storm Water Control System that prevents the flow of storm water from Northern Colonie into Northern Watervliet when there is a serious rain event. Mr. Gleason showed a power point presentation of the actual watershed. The watershed actually encompasses most of the Town of Colonie. The Town of Colonie has put together a good plan for storm water runoff due to the entire development taking place. Years ago it was all trees absorbing the water now its developments that no longer soak up the water. The storm water passes beneath the City thru a large pipe. The storm water then ends up in the Hudson River. The Upper Dam acts like a bath tub, retaining the storm water and releasing the water slowly thru the Witches Tower. The Dam is 215 feet above sea level and can retain over 260 million gallons of storm water. The dam was built in 1912. It is a classic example of an earthen dam. The Dam is classified as a Class C Dam. Class “C” Dams are located in areas where failure may cause loss of humane life, serious damage to homes, industrial or commercial buildings, important public utilities, main highways or railroads, and/or will cause extensive economic loss. As a Class C Dam the Upper Dam has been under the NYSDEC Safety Division microscope. The contractor (Marando Construction, low bid of \$86,800.00) was finally able to gain access to the Upper Dam ( it has been very wet, the contractor informed the City that they could only work 11 of the 31 days in July due to the rain). This project should be the last issue in a series involving the Upper Dam. Past NYSDEC mandated projects have been the improvement of the Spillway, increasing the height of the Dam and improving access to the Witches Tower. This project will shore up the toe of the Dam as well as change the slope/grade. The first phase of the project reinforces the toe of the dam with stone. Phase 2 of the project will improve the slope/grade of the east side of the dam. Currently, the slop/grade on the Dam is a 1 to 2 foot grade for every 1 foot in elevation there is a 2 foot drop. NYSDEC wants the grade to be 1 foot to 3 foot grade. With the good weather Marando Construction expects to have the project completed by next week. Councilman Foglia asked how much did this actually cost for all of the mandates. Mr. Gleason noted that the cost was approximately \$500,000.00. The City did receive a grant in the amount of \$230,000.00. The other half was paid by the City.

**ITEM #2** – Mark Gleason, General Manager informed the City Council that legislation passed in April 2012 allows for owners of hydroelectric plants the opportunity to remote and net meter out the electricity that is produced. In the past it was just wind type of projects that could participate in the Remote Metering Program. Remote Net-Metering is an arrangement that allows for the kilowatt hours (KWH) generated from a power source an example is the City of Watervliet Hydroelectric Facility located at a specific site to be credited towards KWH consumption at a different location. Excess power produced at the hydro could be credited to the DOME (as an example). Mr. Gleason noted that the City received \$68,000.00 in Hydro revenue. The street light account for 2012 was \$122,000.00. The City gets paid approximately \$.03 per KW per hour. If the City remote metered and applied the money to other accounts that amount could potentially goes up to \$.10 almost doubling the revenue. The City would have its bill offset by National Grid. National Grid is not in the power business they are in the supply business Decision points that need to be reached. Does the City of Watervliet want to go forward with Remote Metering? If yes, what accounts do we want to apply that excess credit to? When does the City want to start Remote Metering? Mr. Gleason also stated that the City would need to know how long the contract would be for. There is a chance after a year this program may not work in the best interest of the City we do not want to lock into a long term arrangement. Mayor Manning stated that the City Council will take up this issue at another City Council Meeting with more definitive information to make a decision.

### **OLD BUSINESS**

**PUBLIC HEARING** – A Public Hearing regarding the City of Watervliet acting as Lead Agency in the Environmental Review of the Comprehensive Capital Grant Program for the Watervliet Housing Authority (See Resolution No. 8955 authorizing the Public Hearing). Mayor Manning opened the Public Hearing for comment. Mayor Manning noted that the City is acting as the Lead Agency for the State Environmental Quality Review Act (SEQRA). The Housing Authority does projects such as energy efficiency projects, landscaping, drainage and the replacement of appliances. There being no comments, Mayor Manning closed the Public Hearing.

## NEW BUSINESS

**RESOLUTION NO. 8961** – The Council of the City of Watervliet hereby approves and authorizes Mayor Michael P. Manning to execute the Storm Water Coalition of Albany County, Statement of Intent Form for Annual Membership and Fees for the year 2014. Before voting Mark Gleason, General Manager explained that the Coalition that works on issues with the MS4 (Multiple Separate Storm Systems). The City works with 10 other members in Albany County. They produced the Best Management Practice Guide as well as Storm Water Management program. Mr. Gleason noted that David Dressel is the City of Watervliet representative on this group. The group consists of every municipality in Albany County. Mayor Manning noted that what is not in there is any mitigation for communities like the City of Watervliet who live downhill from another community when it comes to storm water. Mayor Manning explained that he spoke with Nancy Heinzen from Albany County and Ms. Heinzen noted that it is not in the Charter to handle this type of runoff. Mayor Manning stated that the City of Watervliet will need to speak with the Town of Colonie about this type of runoff problem. Mark Gleason noted that the City also tried going thru the CSO group with no success. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

**RESOLUTION NO. 8962** – The Council of the City of Watervliet hereby approves an extension of time to the City of Watervliet Planning Board for the report under §57-8 of the City Code until August 15, 2013 and further authorizes Bruce A. Hidley, City Clerk and Clerk to the Council to advertise once in the official newspaper that on Thursday, August 15, 2013 at 7:00 P.M. at the J. Leo O' Brien Senior Citizens Center that a Public hearing will be held for the purpose of hearing those persons who wish to be heard regarding the new Zoning Ordinance for the City of Watervliet. Mayor Manning noted that this Resolution is doing two (2) things the first is grant the Planning Board a 30 day extension and two (2) authorize a Public Hearing regarding the new Zoning Ordinance. Councilman Foglia asked if that is when the report becomes a public document on August 15<sup>th</sup>. Councilman Foglia then asked if the report was not ready would the Planning Board be able to request another extension. Mayor Manning responded by saying yes. Yorden Huban, Corporation Counsel explained that this is a very large document to digest in a short period of time. Mr. Huban will begin to put together the points which have been raised by the Planning Board. Mayor Manning explained that the Albany County Planning Board issued their response which was to be sure that the City shares the report with the adjacent municipalities. Mayor Manning further explained that the consultant that redid the Code will be at the City Council Meeting for the Public Hearing on August 15<sup>th</sup>. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

**RESOLUTION NO. 8963** – The Council of the City of Watervliet hereby approves an agreement between the City of Watervliet and Richard A. Comi, D/B/A The Center for Municipal Solutions and further authorizes and directs Mayor Michael P. Manning to execute the same. Before voting Mayor Manning explained that this is a contract with Richard Comi whom the City has contracted with before. He has expertise with negotiating contracts with local telephone providers when they want to put a device on the City's water tower. Mr. Comi will represent the City during these negotiations. This Resolution authorizes the City to hire Mr. Comi and a cap rate of \$2500. Yorden Huban, Corporation Counsel noted that Mr. Comi has an extensive background when it comes to telecommunication issues and cell phone towers. Councilman Foglia asked if the City had someone interested in placing a device on the water tower. Mr. Huban explained that the City had been entertained by other cellular companies. The current proposal is from New Cingular Wireless, LLC. The City was contacted by a law firm and the negotiations have started up again. Mr. Comi will be very helpful in counseling the City and advising the City as to the monetary amount and has experience working with the Town of Colonie. This is definitely well worth hiring Mr. Comi for this issue. Before final approval Mayor Manning noted that this proposal would have to go before a Zoning Board as the applicant. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

**RESOLUTION NO. 8964** – The Council of the City of Watervliet hereby authorizes and directs Mayor Michael P. Manning to complete and sign as required the Determination of Significance, confirming the Negative Declaration for the submission of an application for Funding under the Watervliet Housing Authority Capital Fund Project for 2013. Before voting Mayor Manning noted that there were no comments during the Public Hearing the Council can go ahead and proceed with this to declare the Housing Projects this year not having a negative impact. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

## APPROPRIATIONS AND ACCOUNTING

**RESOLUTION NO. 8965** – The Council of the City of Watervliet hereby authorizes the transfer of \$40,000.00 from the Police Payroll Account to the Police Special Wages Account for the 207-C wages paid for the months of May thru July 2013. Before voting Robert A. Fahr, Director of Finance explained that these are wages paid to injured Police Officers and this allows the City to transfer the money from the Payroll Account to the Special Wages account. Resolution No. 8966 does the same thing for the Fire Department. Mr. Fahr noted that both of these Resolutions are budget neutral transfers. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

**RESOLUTION NO. 8966** – The Council of the City of Watervliet hereby authorizes the transfer of \$75,000.00 from the Fire Payroll Account to the Fire Special Wages Account for the 207-A wages paid for the months of May thru July 2013. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

Robert A. Fahr, Director of Finance explained that City received the 2<sup>nd</sup> quarter Sales Tax payment. The amount was \$795,000.00 which was down approximately \$6,000.00 from the previous year. The City is still on budget but he was hoping for a little cushion to appropriate more money. At this point Mr. Fahr does not see this happening. The City budgeted 3.2 million right now the City is at 1.6 million.

Before moving into the Public Comment Period Mayor Manning noted that the City sent out in advance the new Residential Occupancy Permit Ordinance. One of the things in there to consider is that the City has been holding back issuing the ROP if the property owner has not paid their property taxes, fees or the water bill. It was originally written that a landlord owned 6 properties the City wouldn't issue the ROP if money as owed on one of them The City has not been enforcing that part. One of the things we hold back for end up getting re-levied. The City gets the money eventually just not right away. Some of the landlords have asked the City to re-think this since we are holding back something we are going to get anyway. As you review the new Ordinance Mayor Manning wants the Council to consider this issue. Councilman Foglia explained that he e-mailed Yorden Huban about the vacant building fees that we currently enforce at \$200.00. Councilman Foglia would like the Council to consider raising those fees.

**PUBLIC COMMENT PERIOD**

Mrs. Crinigan – 401 7<sup>th</sup> Avenue – Watervliet, New York – Mrs. Crinigan stated that she wanted to say “Thank You” for your interest in Watervliet. Mrs. Crinigan also thanked the staff for their interest with their help in her situation. I settled in Watervliet because of the people, the Fire Department, Police Department, Schools and Sanitation Departments. Mrs. Crinigan hopes that she can spend the rest of her time in Watervliet. I do want to thank you so very much for your help. I know you will continue to do it. It is a pleasure to be here.

Brandon Freer, I’m a Boy Scout with Troop 269, Latham, NY. I am here to work on my Citizenship to the Community Merit Badge. Although I am a scout in Latham I live at 2318 4<sup>th</sup> Avenue in Watervliet. Mayor Manning explained to Brandon that if the City Council can assist him in any way that they would be very supportive.

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