

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, MARCH 6, 2014 AT 7:00 P.M.**

The meeting was called to order by Mayor Michael P. Manning at 7:00P.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, Jeremy A. Smith City Clerk and Clerk to the Council, Robert Fahr, Director of Finance, Mark R Gilchrist, Assessor/Bldg. Inspector, Fire Chief Skinner, Police Chief Boisvert.

A motion was made and seconded to dispense with the reading of the minutes and accept the City Council minutes as written for January 16, 2014.

REPORT OF OFFICERS AND COMMITTEES

ITEM # 1 – Mark Gleason, General Manager reported that the second Emergency Action Plan meeting for our Watervliet Watershed was held on Wednesday February 19. Representing the City was Mr. Gleason, Fire Chief Scott Skinner and the City’s reservoir/watershed consultant Jim Bessa. Other attendees included John Layton from the Albany County Sheriff’s office, Mike Bethge from CSX RR, Ben Wheeler from the State office of fire prevention, Matt Franklin from DEC, Jay Holmes Albany county fire coordinator, Eric Batchelder Guilderland PD and Frank Nary from the Albany Fire Department. Mike Bethge from CSX detailed their response in case of a train derailment. Once a train derails the train engineer contacts the CSX Public Safety Coordination Center (PSCC). CSX PSCC dispatches trained mechanical engineers (called Sentinels) to the site as well as contact local emergency services. The Sentinels (working out of the Selkirk rail yard) identify what material is on the derailed trains. CSX will respond immediately with enough heavy equipment to mediate the situation. CSX RR priority is: protection of public/protection of workers/protection of environment/restore the rail in that order. In case of a derailment the spill site would fall under a Unified Command Structure (Local emergency service Chiefs make joint decisions) unfortunately since the watershed is not in our jurisdiction we would not have input into any on site decisions. Next Steps:

- Identify/install 2 boat launches to the reservoir (in case a boom would need to be put in place to contain a spill on the water)
- Identify/map all water sources that flow into the reservoir (distribute to all the entities involved)
- Produce an EAP
- Hold training sessions

We will produce the EAP in conjunction with the Town of Guilderland.

ITEM # 2 – Mark Gleason, General Manager reported National Grid has completed their tree trimming project on 3rd Avenue in Port Schuyler. According to New York Codes, Rules and Regulations (NYCRR), Part 84, the Public Service Commission is charged with ensuring safe and reliable operation of the state’s electric grid. Under NYCRR National Grid is required to file with the Public Service Commission a long-range tree management plan to manage transmission right-of-way corridors they rent or own in order to minimize power outages due to tree limbs on utility power lines. NYCRR grants National Grid a 10 foot right of way wherever they have power lines. The trimming that took place on 3rd Ave was part of a 5 year tree trimming plan. It is an unfortunate situation; we want the power lines free and clear to prevent power outages, but the trimming that is necessary sometimes leaves an unattractive V shape cut in them. 3 trees were completely removed during the trimming process. We do not plan on replacing the removed trees at this time. We hope to reconstruct Rt. 32 within the next 5 years under our agreement with the DEC as a member of the Albany Pool CSO Community. The reconstruction would involve new urban trees (shorter wider at the top) planted in water retaining tree pits.

NEW BUSINESS

RESOLUTION NO 9043- The Council of the City of Watervliet hereby approves a Municipal Consulting Agreement between the City of Watervliet and CHA and further authorizes and directs Mayor Michael P. Manning to execute same. Prior to voting Yorden Huban, Corporation Counsel explained that this was a contract with CHA for consulting engineering services to review, assist, and advise City officials on application submitted to the City Council, Zoning Board of Appeals, Planning Board or Building Department relating to zoning, site plans, subdivision plans, and State Environmental Quality Review (SEQR). Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted

RESOLUTION NO 9044 – The Council of the City of Watervliet hereby authorizes and directs Jeremy A. Smith, City Clerk and Clerk to the Council, to advertise in the official newspaper of the City that a Public Hearing will be held in the J. Leo O’Brien Senior Citizen Center, Watervliet, New York on Thursday, March 20, 2014 at 7:00 PM for the purpose of hearing those persons who wish to be heard regarding proposed Local Law No. 1 for the Year 2014, a local law to amend the Code of the City of Watervliet by adding a new chapter to be known as “Chapter 278 Contracts” and to authorize purchasing based on best value. Prior to voting Yorden Huban, Corporation Counsel, explained that the proposed local law adds a new chapter to the City Code and authorizes purchasing based on best value pursuant to §103 of the General Municipal Law. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 9045 - The Council of the City of Watervliet hereby authorizes and directs Jeremy A. Smith, City Clerk and Clerk to the Council, to advertise in the official newspaper of the City that a Public Hearing will be held in the J. Leo O'Brien Senior Citizen Center, Watervliet, New York on Thursday, March 20, 2014 at 7:00 PM for the purpose of hearing those persons who wish to be heard regarding proposed Local Law No. 2 for the Year 2014, a local law to amend Chapter 108 of the Code of the City of Watervliet. Prior to voting Yorden Huban, Corporation Counsel, and Police Chief Boisvert explained that this was an amendment to §108-25(D) and §108-25(F) in regards to fees for impounding of dogs. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted

RESOLUTION NO 9046 - The Council of the City of Watervliet hereby authorizes and directs Jeremy A. Smith, City Clerk and Clerk to the Council, to advertise in the official newspaper of the City that a Public Hearing will be held in the J. Leo O'Brien Senior Citizen Center, Watervliet, New York on Thursday, March 20, 2014 at 7:00 PM for the purpose of hearing those persons who wish to be heard regarding a proposed Ordinance to amend Chapter 127 Building Construction and Fire Prevention of the Code of the City of Watervliet. Prior to voting Yorden Huban, Corporation Counsel, and Mark Gilchrist, Assessor/Building Inspector explained that it is not necessary for the City to hold a public hearing regarding Ordinances but felt that it was appropriate since the proposed Ordinance changes the fee schedule for building construction and other items and to give citizens an opportunity to be heard. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION 9047 - The Council of the City of Watervliet hereby authorizes and directs Jeremy A. Smith, City Clerk and Clerk to the Council, to advertise in the official newspaper of the City that a Public Hearing will be held in the J. Leo O'Brien Senior Citizen Center, Watervliet, New York on Thursday, March 20, 2014 at 7:00 PM for the purpose of hearing those persons who wish to be heard regarding a proposed Ordinance to amend the Code of the City of Watervliet by adding a new chapter to be known as "Chapter 279 Fees." Prior to voting Yorden Huban, Corporation Counsel explained that this proposed Ordinance adds a new chapter to the City Code that identifies the fees that are currently in the City Code and establishing new fees. It was further explained that a public hearing is not required regarding Ordinances, but that it was appropriate to allow citizens an opportunity to be heard. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted

APPROPRIATIONS AND ACCOUNTING

Bob Fahr, Director of Finance announced that the auditors would be in City Hall in April. He also mentioned that the Bond Rating had been raised and that there were finances due to the city from NYSIF in regards to Workers Compensation reimbursements that would fall under the 2013 budget. Mayor Manning requested a report of the aforementioned reimbursements.

PUBLIC COMMENT PERIOD

NONE

Mark Gleason, General Manager, announced that it was necessary to adjourn into executive session to further discuss a pending litigation matter.

A motion was made and seconded to adjourn the meeting into Executive Session. The meeting was adjourned into Executive Session at 7:40 P.M.

Respectfully Submitted,

Jeremy A. Smith

City Clerk and Clerk to the Council

**MINUTES OF THE MEETING OF THE EXECUTIVE SESSION
OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, MARCH 6, 2014**

The meeting of the Executive Session was called to Order by Mayor Michael P. Manning at
7:43 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, Jeremy A.
Smith, City Clerk and Clerk to the City Council, Robert A. Fahr, Director of Finance and Yorden
Huban, Corporation Counsel.

ITEM # 1 – Yorden Huban, Corporation Counsel, informed the City Council that a
settlement agreement had been reached in a litigation matter that did not involve the expenditure
of public funds and that the City Council should adopt a resolution approving the settlement
agreement and release and that the terms of the settlement agreement are confidential.

RESOLUTION NO 9048 - The Council of the City of Watervliet hereby approves the
Settlement Agreement and Release and further authorizes and directs Mayor Michael P.
Manning to execute same. Upon motion of Councilman Foglia, seconded by Councilwoman
Fogarty, this Resolution was approved and adopted.

There being no further business to come before the City Council during Executive Session, a
motion was made and seconded for adjournment from the Executive Session at 7:54 P.M.

Respectfully Submitted,

Jeremy A. Smith

City Clerk and Clerk to the City Council