

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, JANUARY 17, 2008 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, Councilman Charles J. Diamond and Councilwoman Ellen R. Fogarty were present.

Also present from City Administration were: Mark E. Gleason; General Manager, Yorden C. Huban; Corporation Counsel Bruce A. Hidley; City Clerk and Clerk to the Council, Police Chief Ron Boisvert, Fire Chief Don Clickner and Mark R. Gilchrist; Assessor/Bldg. Inspector.

A motion was made and seconded to dispense with and approve the minutes from the previous meeting.

The following agenda was presented to the Council by Bruce A. Hidley; City Clerk and Clerk to the Council.

REPORT OF OFFICERS AND COMMITTEES

ITEM #1 – Mark Gleason; General Manager introduced Jeff Budrow; President of J. Kenneth Fraser Associates Consulting/Engineering Firm to provide the Council with a presentation regarding the upper and lower dam area. Mr. Budrow explained that in his last presentation on April 5, 2007 he told the Council that there was a pending project which the City would have to undertake. At the time he outlined a series of tasks as a result of the communication with the New York State Department of Environmental Conservation (DEC). There has been a lot of progress since the April 2007 meeting. Mr. Budrow showed a large scale aerial photo to the Council that shows the northern end of the City and the eastern portion of the Town of Colonie. The dry river system was constructed in 1913 as a flood control project. This system was constructed to stop the annual flooding of the dry river. The eastern slope of the Town of Colonie is a 2.95 square mile drainage basin, the focal point which is the end of 24th Street. As a flood control system the upper dam forms a large detention basin. The upper dam is located in the Town of Colonie and is accessible off the end of Eastern/Western Avenue. It's a large earthen dam approximately 85 feet tall. During extremely heavy water fall water will back up behind the dam and released through the witches tower until it reaches an underground conduit beneath the streets of Watervliet. This dam requires a spillway, an earthen dam which is a safe way for the water to flow.

There is another small dam, which is accessible from private property on Bought Road. It's the lower dam that was intended to be an earthen dam, it's a concrete structure and its only known function rather than impounding storm water is to break up ice so that jam into the head boards before the water goes underground. The conduit runs underground which generally consists of concrete about 6 feet in diameter and 6 feet tall. This is where the storm water goes when it rains. There is another part of the system known as the Gas House Creek Sewer the Gas House joins the Dry River in the vicinity of St. Patrick's Church. The sewer which runs to the river is approximately 8 feet wide and 8 feet tall. In 1911 when this system was designed there were no guidelines for construction for a system such as this. The system has worked very well as there has been no flooding in nearly 100 years. Even with increased development in the Town of Colonie the rate of run off has not affected the system. DEC has a document which regulates dams, according to this document these dams are considered high hazard large dams. It is classified a high hazard due to the fact that if down stream if there were a failure of the dam a lot of homes and lives could be severely impacted due to the urban environment there. Now there are rules which have guidelines to construct dams. DEC has engaged the City of Watervliet in a consent order to bring these facilities into conformance with the new guidelines. The stricter guidelines are due to recent dam failures in the area such as Ft. Ann and Gilboa. Mr. Budrow provided the Council with photo copies of the original drawings when the civil works was constructed. Mr. Budrow explained to the Council that DEC has engaged the City of Watervliet into this consent order to make changes that this system is in conformance with regulations. In order to do this J. Kenneth Fraser had to analyze old time civil works for which there were no design elements/guidelines to see how they conform to today's guidelines. A probable maximum flood is a statistical event that is so huge that it will hopefully never happen. The probable maximum flood is a storm which will drop 36 inches of rain in this water shed for a period of three days. A storm of this type has never happened in this area, it would be two hurricanes such as Katrina in two days. According to the regulations this system needs to be designed to withstand ½ of the probable maximum flood. DEC is promulgating regulations to ensure that a system handles 100% of the probable maximum flood. J. Kenneth Fraser Associates as the City engineers are preparing a substantial and comprehensive engineers report on all the aspects of the design of these facilities including hydrology and hydraulics. J. Kenneth Fraser's has a comprehensive model of this system. There will be some type of civil work which will need to be done to bring them into conformance. The first thing which needed to be done to conform to the consent order was to prepare topographic and property line surveys of all the homes in the City relative to the dams. Mr. Budrow showed maps with this information related to the topographic and property lines. Mr. Budrow provided General Manager Mark Gleason with sealed copies of the survey. Mr. Budrow explained that there are other plans which need to be included in the engineers report. An emergency action plan needs to be drafted which is currently being worked on. An Inspection and Maintenance (I&M) plan which has been drafted and is currently being reviewed for the report. A Dam Failure Plan must be put in place as where will the water go should the dam break, how you notify people, what is the chain of command. There are other studies which need to be done related to the Town of Colonie sewer which runs across the crest of the dam.

This sewer has had a camera which went through the sewer line, the findings of this report will be available next week. A stability analysis must be done to ensure that when the upper dam is full the weight of the water will not move it or fail. The most important thing which must be done is assessing these facilities to today's guidelines. The results have determined that the detailed survey which was done is that the structure meets 50% PMF with virtually no changes. There are some maintenance items which need to be done to the structure itself such as clearing, maintaining and a slight amount of grading. The water surface will get to an elevation of 210.57 only about 6/10 of a foot above the spillway well below the crest of the dam. J. Kenneth Fraser Engineers feels that DEC will make the City go to the higher standard. In order to make this 100% will require some changes, there will need to be a civil works project to bring the crest up. The spillway will need to be better defined a channel will need to be created to the spillway. This is not the grand civil works project which was anticipated in April 2007. There is a developer in the Town of Colonie along the spillway who would like to cross the floodway to develop additional homes. Depending upon the solution that is put in place the City will end up in negotiations with the property owner for piping and infrastructure work. On the lower dam there will need to be some property lines redrawn. This means that this system does meet today's standards. The system with enhancements modest civil work will meet the 100% DEC regulations. The cost will not cost anywhere the amount which was anticipated in April 2007. The City had until January 31, 2008 to complete the report. Councilman Diamond asked when DEC wants the dams civil work to be completed. Mr. Budrow feels that there may be quite a bit of flexibility DEC will need to meet with the engineer and the City to discuss what standards will need to be met. Mr. Budrow does not feel the City is in violation of the standards DEC wants for today related to the consent order. This will give the City some bargaining power. Timeframes for the completions of DEC projects is in the year 2009. Mayor Manning thanked Jeff Budrow for a fine presentation tonight.

ITEM #2 – Mark Gleason; General Manager informed the Council that the first sanitation workshop conducted tonight prior to the Council Meeting. The City is still on target to pick up its own garbage on May 1, 2008. The formation of a committee has been made to help with the transition from Waste Management to the City. On January 8, 2008, Mr. Gleason attended a meeting in Albany City Hall concerning the Albany Rapp Road Landfill. The City of Albany is looking to extend/expand the landfill. The landfill as it exists is good for another two years. The City is applying to the NYS Department of Environmental Conservation (DEC) to have the landfill open for an additional 7 years. DEC is taking this opportunity to force the City to update some garbage /recycling policies which need to be updated. The City of Albany has been invited to serve on this committee due to the City using their landfill. The Director from DEC was there noted that every municipality will have to update their garbage/recycling plan. This would be a great way for other cities to piggyback on what the City of Albany does. Mr. Gleason noted that another meeting will take place in a couple of weeks and that he will report to the Council what happened.

ITEM #3 – Mark Gleason; General Manager informed the Council that himself and Nicholas Ostapkovich will be meeting with Dan Ross from Upstate Utilities to discuss the City of Watervliet energy purposes. General Manager Gleason explained that in October of 2006 the City met with Hess Corporation on the energy issue. At that time the City was paying a very good price for its energy purposes. Mr. Gleason feels that this is an issue which should be addressed each year. Mr. Gleason will report back to the Council after he has met with Upstate Utilities.

General manager Gleason informed the Council that he has been in contact with Steve Harrington from the New York State Power Authority with regards to an energy audit. The NYS Power Authority has a program where they will perform an energy audit of our buildings then make recommendations as to improvements. They will provide you with a report as to how you are losing energy and if you are using it efficiently. The advantage the NYS Power Authority has is they will loan you the funds to make the corrections then pay them back using the savings that the City will anticipate from the changes. Mr. Gleason noted that the City was in the beginning phase of this process. The needs of City Hall would be great due to the age of the building, this program would be a great way for assistance to meet energy needs.

ITEM #4 – Mark Gleason; General Manager requested Bruce A. Hidley; City Clerk to discuss his vehicle odometer reading report to the Council. Mr. Hidley provided the Council with a copy of the vehicle odometer report which detailed the mileage for each city vehicle.

ITEM #5 – Mark Gleason; General Manager requested Police Chief Ron Boisvert discuss a Crossing Guard issue with the Council. Chief Boisvert explained to the Council he wasn't sure when Police Crossing Guards came under the Police Department authority. Police Chief noted that Crossing guards provide an important community service and may have been over looked. Chief Boisvert explained that the salary rate in comparison to a community such as the City of Cohoes is about \$2.00 less short of that hourly rate. Chief Boisvert brings the issue to the Council's attention to increase the hourly rate from \$7.50 per hour to \$9.00 per hour. Chief Boisvert has already discussed this issue with the Director of Finance Robert a. Fahr. Chief Boisvert noted that this is a small hit to his budget and requests the Council's consideration. The Council authorized Chief Boisvert to place this item on the agenda for the next Council Meeting.

OLD BUSINESS

NONE

Mayor Michael P. Manning requested Fire Chief Don Clickner to update the Council on the recent fire which occurred in the City. Chief Clickner explained that on Monday, January 14, 2008 the Fire Department was notified by the Watervliet Police at approximately 7:00 PM of a smoke condition at the corner of 18th Street and 5th Avenue. Chief Clickner noted that the exact address was 1801 5th Avenue. Upon arrival the officer in charge placed a signal 30 which bring in the off duty firefighters and officers. Chief Clickner noted that also responding were the City of Troy and the Watervliet Arsenal. Chief Clickner stated that it took about an hour to control the fire followed by about two hours of finding hot spots. An investigation was done by the City of Watervliet, Watervliet Police and the Office of Fire Prevention and Control. Chief Clickner feels that the fire prevention went well with no injuries.

Councilman Diamond asked what the timeframe is for the cleanup, repair or demolition of property after a fire. Mr. Gleason noted that that issue is addressed in the legislation recently passed regarding abandoned buildings. Yorden Huban; Corporation Counsel does not recall the exact timeframe he can review the legislation which was passed. With respect to demolition there is also legislation which was passed last year. Corporation Counsel Huban will have that information for the next Council Meeting.

NEW BUSINESS

RESOLUTION NO. 8193 – The Council hereby authorizes Mayor Michael P. Manning to execute an agreement with the Mohawk and Hudson River Humane Society for the period January 1 thru December 31, 2008. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted

RESOLUTION NO. 8194 – The Council hereby authorizes Mayor Michael P. Manning to execute an agreement with the Unified Court System to commence April 1, 2007 and terminate on March 31, 2008. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8195 – The Council hereby authorizes Mayor Michael P. Manning to execute a just compensation letter for the acquisition of 1,069 square feet currently owned by Watervliet 2003 LLC, in the amount of \$58,000.00. Before voting Councilman Diamond requested that General Manager Gleason explain the language of the agreement. General Manager Gleason explained that this Resolution has to with the 19th Street Reconstruction Project. Trucks going west on 19th Street were going up over the curb one time literally taking out the fire hydrant in that corridor. During the engineering phase it was decided for this project to take back that corner owned by Rite Aid Pharmacy. The City will put up the money to purchase the property then will get reimbursed at the 95% rate to the City. The overall cost to the taxpayers will be \$2,900.00. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8196 – The Council hereby authorizes the adoption of the Procurement Policy for the year 2008 in accordance with General Municipal Law, Section 104. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8197 – The Council hereby authorizes the Mayor Michael P. Manning to execute a contract with the Watervliet Public Library for the year 2008. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8198 – The Council hereby authorizes Mayor Michael P. Manning to execute a contract with the Watervliet Senior Citizens for the year 2008. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8199 – The Council of the City of Watervliet hereby authorizes a change of date for the City Council meeting during the months of February and April from the third Thursday to the fourth Thursday. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8200 – The Council of the City of Watervliet hereby extends the submission date for proposals from engineering/consulting firms in conducting a Geographic Information System Needs Assessment previously authorized by Resolution No. 8192. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8201 – The Council hereby authorizes Mayor Michael P. Manning to execute an agreement with Grammercy Communication, LLC, for strategic marketing and public relations services for the period January 1, 2008 thru December 31, 2008. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8202 – The Council hereby authorizes Bruce A. Hidley; City Clerk to advertise once in the official newspaper that the City of Watervliet will be submitting an application to the Office for Small Cities 2008 Community Development Block Grant Program and the Public Hearing will be held on February 5 and March 4, 2008 at 6:30 PM in the J. Leo O'Brien Senior Citizens Facility. Before voting Mayor Manning explained that the City will be putting in a grant application to look at the Route 32 corridor as we did in the Route 2 corridor in 2003. This time the cycle includes a Public Hearing and those interested in taking part in the grant to sign up for it in the actual grant application. It will be very important that all everyone participates along the Route 32 corridor to help maximize the grant money available. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

APPROPRIATIONS AND ACCOUNTING

PUBLIC COMMENT PERIOD

NONE

There being no further business to come before the Council, a motion was made and seconded for adjournment, and the meeting was adjourned at 7:50 PM

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council