

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET  
THURSDAY, FEBRUARY 28, 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, Rosemary Nichols; Deputy General Manager, Yorden C. Huban; Corporation Counsel, 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 Mr. Ron McEvilly of the Tigon Academy. Mr. McEvilly was asking permission from the City to have a martial arts demonstration. The demonstration would include performance style fights governed by rules and regulations which are noted in the packet. Tigon Academy would like to take the proceeds from the demonstration and put the money back into the community. Mayor Manning asked where the Academy would like to do the demonstration. Mr. McEvilly stated that Tigon Academy would like to use the DOME. Tigon Academy would like to see how this would work along with doing something for the community. All the proceeds would go toward the community to assist the local charitable organizations and the school system. Mayor Manning explained that the proposal which was submitted by Mr. McEvilly was given to all the applicable Department Heads for review. Upon their review no objections were raised which is why he is here tonight. Mayor Manning noted that Yorden Huban; Corporation Counsel needs to review the request. Councilman Diamond asked if Mr. McEvilly had insurance to cover an event such as this. Mr. McEvilly noted that he does have the applicable insurance to cover an event such as this. He also noted that the participants will also need to sign a waiver of release to participate. Mr. Huban stated that the issue he has is the liability of the events. Mr. Huban noted that this type of event is not sanctioned by the NYS Athletic Commission. Tigon Academy would be operating on an amateur exemption. Mr. Huban explained that when you read the law it could be classified as a combative sport. The liability aspect is that this event is not sanctioned by the NYS. This sort of activity is not actually allowable in NYS. Mr. McEvilly stated that demonstrations can be held which is how this event is sold as. This will be a charity event to raise money. Mr. Huban noted that real issue is what would happen if someone was seriously injured. Mr. Huban explained that the main point he wants to stress to the Council was in the law there is potential criminal sanctions which could be imposed on the City or the individual.

Mr. Huban asked Mr. McEvelly to provide him with any information related to this activity. Mr. McEvelly explained that there have been no reported deaths in mixed martial arts activity. The rules and regulations set forth to the participants are very strict. This event is a lot safer than other sanctioned functions. Mayor Manning concluded by asking Mr. McEvelly to provide information to the City regarding the legal aspects of holding this type of event. General Manager Mark Gleason stated that Tigon Academy was very helpful for the Halloween event at the DOME. Mr. Gleason thanked Mr. McEvelly for his assistance on Halloween Night.

**ITEM #2** – Mark Gleason; General Manager requested Rosemary Nichols; Deputy General Manager to provide the Council with a report of her activities in the Department of Planning and Community Revitalization. Ms. Nichols explained that the department is a part time staff consisting of Paul Murphy, Nick Ostapovich and herself. Ms. Nichols noted that the City has reconnected with the Albany Colonie Regional Chamber of Commerce we have renewed our membership to have better connections for economic activity and economic development ideas. The City is also a member of The Council of Economic Growth and we are now apart of the Riverspark Organization. The Community Revitalization activity has a spread sheet of all activity to be worked on. Ms. Nichols noted that she wanted to focus on just a couple of the activity being worked on. The City is pursuing funding to excavate and cerate a canal park on 7<sup>th</sup> Street just south of the Arsenal. The City is actively engaged in the CDBG Program for the Rt. 32 corridor. There was a public meeting held in February and another is scheduled for Tuesday, March 4, 2008 at 6:30 PM. Ms. Nichols hopes that with the community turnout and their ideas that LaBerge Group will be able to put together a successful grant application. The City is pursuing funding for a Watervliet -Albany Bike path that will begin at the 4<sup>th</sup> Street end of the Corning Preserve heading mile north to Hudson Shores Park. On the planning side, the City is creating a registry for historic properties. There will be policies and procedures for the Planning Board and Zoning Board of Appeals. This is being done so that the public will have a better awareness of what is expected of them and required of them.

Ms. Nichols introduced Duncan Barrett from the Omni Group to make a presentation to the Council. Mr. Barrett will be making a presentation on a proposed parcel redevelopment of VanRensselaer Village. Ms. Nichols explained that the City has no approval function. This project is zoned correctly for this use. The City cares greatly for any proposed changes to an institution in the City. Mr. Barrett is the primary consultant to the property owner and property manager The Watervliet Housing Authority. Mr. Barrett explained that the VanRensselaer Village was constructed in the early 1970's under the NYS Urban Development Corporation and HUD funding program. The VanRensselaer Village is in arrears with the UDC mortgage in the amount of nearly \$1,000,000.00. Mr. Barrett's company has proposed a standard interim agreement with all the applicable parties to acquire the VanRensselaer Village property.

The Omni Group has proposed to reduce the number of units from 100 to 81 by doing some selective demolition and shorten the length of the buildings make them more residential in scale. The Omni Group will replace the flat roofs with a pitched roof and completely insulate the entire buildings with new windows. There would also be fencing placed along the railroad tracks. Currently the property is subject to a HUD regulatory agreement and a State Regulatory Agreement under HFA Administration. Each of these programs has income restrictions for residents in the units. Under the proposal made to the State Omni Group would broaden the income band from very low to mixed income with the upper income approximately \$57,000.00 per year. This would recreate this property from low income to mixed income and reduce the energy usage. This is an adventure which Mr. Barrett has looked at for a very long time. Mr. Barrett explained that if nothing is done UDC will foreclose and HUD will be a party to the foreclosure. The outcome is that they would offer the property for sale with the same income restrictions for a new 15 years. What Omni Group is proposing is to broaden the income restrictions but impose a new 15 year timeframe. Omni Group does not have HUD or NYS approval for this it is strictly an informal proposal. Mr. Barrett explained that this is a very informal discussion with the Council to advise them of his proposal. Mr. Barrett explained other projects that Omni Group has been involved with. Mayor Manning asked if the next major milestone the approval sometime in late 2008. Mr. Barrett answered yes, there will be some engineering and architectural design work prior to NYS approval. Mayor Manning noted that a question which has been asked is why the City doesn't just let this property go into foreclosure and let another entity take over. Mr. Barrett stated that the City does have this obligation that would not necessarily lead to a different outcome. The problem with a HUD auction is HUD would put tighter restrictions. HUD would require low income tenants to live there. Councilwoman Fogarty asked if there was a percentage of low income in Mr. Barrett's proposal. Mr. Barrett stated that it is a broad range but there is a percentage in the proposal that would be affordable to people at or below 50% of the area medium income which in round number is \$24,000.00 per year. Corporation Counsel Yorden Huban asked is there a contract in place for the acquisition of the property. Mr. Barrett noted that the purchaser would be the Watervliet Housing Development Company a not for profit subsidiary of the Watervliet Housing Authority. Mr. Huban asked if this corporation was formed just specifically for this transaction. Mr. Barrett stated that this not for profit was formed in the anticipation of the Housing Authority doing projects that were not public Housing. Mr. Huban noted that the agreement that the project would be owned by the limited partnership. At what time would that be and who would be the invested limited partner. Mr. Barrett explained that he does not know who the limited investment partner would be. The typical investor would typically be a bank who is looking for a tax credit. In this market Mr. Barrett named a few banks that may have an interest.

**ITEM #3** – Mark Gleason; General Manager informed the Council that the City has requested Appropriations for the work on the Upper and Lower Dams. Formal requests went to Senator Schumer, Senator Clinton and Congressman McNulty for the amount of \$2,000,000.00.

**OLD BUSINESS**

**NONE**

**NEW BUSINESS**

**RESOLUTION NO. 8209** – The Council hereby authorizes Bruce A. Hidley; City Clerk and Clerk to the Council to advertise once in the official newspaper that the General Manager will receive bids until 10:00 AM on Wednesday, March 5, 2008 for the renovation of the Police Department Bathroom. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted

**RESOLUTION NO. 8210** – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement with CEJJ Inc., 939 Route 9, Schodack Landing, New York 12156 for the purchase of a Garbage Collection Packer Truck, Rear Loader 25 cubic yard capacity, one tandem axle truck chassis in the amount of \$162,212.00. Mayor Manning asked if this Resolution could be passed with the knowledge that Councilman Diamond is brought up to speed. General Manager Mark Gleason stated that this purchase in on a limited timeframe. The truck has a guaranteed delivery date of April 15, 2008. Councilman Diamond agreed to meet with Mr. Gleason after the meeting. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

**RESOLUTION NO. 8211** – The Council of the City of Watervliet hereby authorizes Mark R. Gleason; General Manager permission to act on behalf of the City to initiate searches and review of renewable energy generation sources. Mayor Manning explained that this Resolution allows Mr. Gleason to look into new energy resources similar to the Hydroelectric Facility in Guilderland, NY. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

**RESOLUTION NO. 8215** – The Council of the City of Watervliet hereby authorizes the appointment of Amanda Heffernan residing at 1353 7<sup>th</sup> Avenue, Watervliet, New York 12189, Registrar of Vital Statistics for a four year term commencing January 1, 2008 thru December 31, 2011. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

## **APPROPRIATIONS AND ACCOUNTING**

**RESOLUTION NO. 8212** – The Council of the City of Watervliet hereby authorizes the transfer of \$5,000.00 from the Police Promotional Account to the Police Salary Account. Mayor Manning explained that this Resolution is moving money already budgeted for promotions into the active account. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

**RESOLUTION NO. 8213** – The Council of the City of Watervliet hereby authorizes the transfer of \$10,000.00 from the General Fund Contingency to the Building/Economic Development Salary Account, \$10,000.00 from the Water Fund Contingency Account to the Water Administration Salary Account and \$10,000.00 from the Sewer Fund Contingency Account to the Sewer Administration Salary Account. Mayor Manning explained that this transfer will fund the new Community Revitalization Department as well as some of the consulting hours that go along with this department. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

**RESOLUTION NO. 8214** – The Council of the City of Watervliet hereby authorizes the transfer of \$5,500.00 from the General Fund Contingency Account to the Mayor/Council Contractual Account. Mayor Manning explained that this is a transfer to cover the Strategic Marketing Consultant for the City. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

**RESOLUTION NO. 8216** – The Council of the City of Watervliet hereby authorizes not to exceed \$200,000.00 of aggregate principal amount of Serial General Obligation Bonds to finance the Workers Compensation Settlement. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

### **PUBLIC COMMENT PERIOD**

- 1.) William Conroy - 2517 4<sup>th</sup> Avenue – Watervliet, New York – Mr. Conroy stated that he would like to know more about the garbage issue. Why the City is buying the new equipment and how it will benefit the City. Mark Gleason; General Manager stated that the City has a projected savings of \$80,000.00 this year alone by picking up our own garbage. Additionally, the City is projecting a savings of over \$700,000.00 the next five years. He also feels that the City will do a better job of picking up the garbage, cans being tipped over, better control over how our garbage is picked up. Mr. Conroy asked what would happen if the truck is broken down. Mr. Gleason laid out several scenarios of what will happen if the new truck brakes down. Mr. Conroy asked if the overtime would cut into the profits. Mr. Gleason stated that it definitely would but would make for a better quality of life for City residents. Mr. Gleason offered to sit down with Mr. Conroy about all of his garbage issues. Councilman Diamond noted that through the budget workshops it was realized that the City would have had to increase taxes very high. Garbage collection was born from these discussions. The Council was looking for ways to cut costs and increase revenues. Through much discussion that is how garbage collection became a thought. The City already has one truck and will now purchase another one. Mayor Manning stated that the garbage collection plan is a very sound plan with all avenues of collection in place. Mayor Manning also noted that there will be a series of public meetings to discuss over the next thirty days. Mayor Manning will be looking for cooperation on this issue from City residents to help this program succeed to make the City a better place to live.
- 2.) John Ebenhoch – 2319 12<sup>th</sup> Avenue – Watervliet, New York – Mr. Ebenhoch noted that his problem is with parking by his home. Directly across the street from his home is an apartment house with six apartments in it. There are six to nine cars in the building. When Mr. Ebenhoch comes home all the cars from this building are parked in front of his home. Mr. Ebenhoch has to park way up the street to park his car. Mr. Ebenhoch spoke with the owner of the building about this issue, he has room in the back of his building, and he will not allow his tenants to park in the back of the building. The owner stated to Mr. Ebenhoch that the tenants can park any where they want to. The next problem Mr. Ebenhoch has is with the snow plowing from this building. The tenants do not move until after the plow has gone by then they move into the cleaned spots. Mr. Gleason explained that the City is in the process of retooling the snow removal process when it comes to cars that are parked during snow removal. Mayor Manning requested Mark Gilchrist; Assessor/Building Inspector to discuss the Zoning aspect for parking. Mr. Gilchrist explained that this 6 unit building parking issue does not apply do to the existing Zoning Board requirements. This property owner does have a paved area in the back of this property which could hold 6 cars. The property owner chooses not to allow his tenants to park in this area.

Mayor Manning requested Corporation Counsel Yorden Huban for his legal interpretation on this issue. Mr. Huban noted that the Mr. Gilchrist was correct that this building is a preexisting non conformance use. Mayor Manning requested that the City bring this apartment owner in to discuss the parking issue with him. Mr. Gilchrist noted that the City can bring him in to talk about this issue.

- 3.) Paul Huban – 1500 12<sup>th</sup> Avenue – Watervliet, New York – Mr. Huban addressed the issue of land tipping fees. Mr. Huban stated that he assumed that the City should have a concrete contract with one of the landfills stating the cost of tipping fees. Mayor Manning explained that this issue came up in the Refuse/Recycling Workshop. Mr. Gleason explained that there is an existing contract with the Albany Landfill, the City currently pays \$51.00 per ton. Mr. Gleason further explained that the City is also negotiating with the Colonie landfill. Mr. Huban questioned how many years the contract with the landfill is for. Mr. Gleason stated that Albany is for two (2) years and Colonie is an open ended contract. Mr. Huban suggested that the City lock into a contract agreement.

There being no further business to come before the Council, a motion was made and seconded for adjournment. The meeting was adjourned at 7:45 PM.

Respectfully Submitted,

Bruce A. Hidley  
City Clerk and Clerk to the Council