

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, APRIL 3, 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, 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 accept and dispense with the minutes from the previous Council Meeting.

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

Mayor Michael P. Manning requested that the Watervliet High School Girls Basketball Team come forward for the purpose of presenting the team with an official proclamation. Mayor Manning read the proclamation to all in attendance proclaiming April 4, 2008 as the Watervliet Girls Varsity Basketball Team Day in the City of Watervliet.

Mayor Michael P. Manning requested that the Watervliet High School Girls Bowling Team come forward for the purpose of presenting them with an official proclamation. Mayor Manning read the proclamation to all in attendance proclaiming April 3, 2008 as the Watervliet Girls Varsity Bowling Team Day in the City of Watervliet.

REPORT OF OFFICERS AND COMMITTEES

ITEM #1 – Mark Gleason; General Manager requested Nicholas J. Ostapovich to report to the Council on the Combined Sewer Overflow (CSO) which he has been working on for the City of Watervliet. Mr. Ostapovich explained that the City has been involved in a CSO Program since 2003. The City is now moving on to a new Sampling and Monitoring Phase of the CSO Project. This will create a long term control plan. This plan will assess the impact of the combined sewers on the Hudson River. Predicated on the results of the sampling and monitoring recommendations can be made on this CSO issue. Over the course of the summer there will be wet weather and dry weather sampling. There will be 15 events for dry weather and 4 events for wet weather. Mr. Ostapovich detailed for the Council the exact locations for sampling in Albany County. This project will cost 5.3 million dollars and will be completed by the end of 2009. Predicated on the recommendations from the Department of Environmental Conservation, the City may be forced to do projects. First the City must assess what the potential problems are then recommendations will be made from the consulting team.

The other members of the CSO Project are Albany, Troy Rensselaer, Cohoes and Green Island. Each municipality has been working together to come up with a plan of action to address potential impacts to the Hudson River. Mr. Ostapkovich explained to the Council that on the City Website there is a brochure with specific information about the CSO Project. Additionally, the Capital District Regional Planning Commission also has detailed information related to the CSO Project. The CDRPC website has the minutes of the 50 meetings and documentation which has been created.

Mr. Ostapkovich noted another CSO subject, the City of Watervliet was advised by DEC last Friday that as part of the City's SPEDES Permit anytime you discharge sewage into the river that in order for the City to proceed with any sewer extension the City will need a system characterization. This is being accomplished under the City's long term control plan. The system will need to be modeled to make sure the system will be able to handle any additional flows. This project will be an extremely expensive mandate which DEC is putting upon the municipalities. The City has conducted one sewer extension project on Avenue B that didn't fall under this new requirement. Any time a new sewer line is placed into service it will fall under the new DEC mandate. The City Council will have to act accordingly.

Mr. Ostapkovich updated the Council on Storm Water (MS4). Mr. Ostapkovich will be presenting the Council with the Annual Report on MS4 information. Mr. Ostapkovich noted that there is a June 1, 2008 submission date. Prior to the June 1, 2008 date the Annual Report must be offered to the public for public comment. The public comment period will be done at a Council Meeting in June.

ITEM #2 – Mark Gleason; General Manager requested Police Chief Ron Boisvert to come forward to the Council with news of a special honor. Police Chief Boisvert noted that before he reads the special honor he would like to discuss a snow emergency action item with the Council. In order to enhance the snow emergency plan, the Police Chief interviewed a company to help with the snow emergency plan in a towing capacity. Additionally, this company will assist the City on a rotational basis with the daily routine towing requirements. Chief Boisvert feels that this company seems to be reliable through his interviews.

Chief Boisvert read a special honor to be read into the official minutes regarding that Patrolman Donald L. Kimmey would be included to the State of New York Police Officers Memorial. On April 20, 1973, Patrolman Kimmey responded to a call for a disturbance in the City. While responding to effect an arrest Officer Kimmey was struck in the head and chest area. Ultimately Officer Kimmey died while under surgical procedure for the chest injury on September 13, 1973. Officer Kimmey served the Watervliet from 1963 until his death in 1973. The date for the State of New York Officers Memorial Ceremony will be Wednesday, May 21, 2008. The ceremony will commence at 1:00 PM at the Memorial area. Chief Boisvert would like as much support as possible for this special event.

ITEM #3 – Mark Gleason; General Manager requested Fire Chief Clickner to address the Council. Fire Chief Clickner informed the Council that the Water Fire Department had the privilege of assisting with a rescue of a couple of kids who were lost in Grafton, NY. The Police, Fire and Department of Public Works from the City of Watervliet assisted with this rescue effort. On behalf of Police Chief Boisvert, Department of Public Works Supervisor David Dressel and himself he thanked the Council for allowing each department to assist with this rescue effort.

ITEM #4 – Mark Gleason; General Manager informed the Council that last week the NYS Comptrollers Office issued a report criticizing the Department of Environmental Conservation for their lack of enforcement for dams in NYS. This resulted in Channel 10, to do a story of the City's Dry River System. Mayor Manning and Jeff Budrow of J. Kenneth Fraser Engineering were interviewed. The bottom line was that there was no story, the dry river is dry 90% of the time. The City put both the Comptrollers Report and the Channel 10 story on the City's website, along with the question and answer information from Jeff Budrow.

ITEM #5 – Mark Gleason; General Manager informed the Council that Mark Gilchrist; Assessor/Building Inspector has been in contact with Mike Urban a DEC Forrester regarding the possibility of planting different types of trees and shrubs. Mr. Gleason would like to begin at the entrance of Hudson Shores Park along Interstate 787. Mr. Gleason also explained that he has met with Sharon DeLorenzo, a community gardens member. It is Mr. Gleason's hope that homeowners will plant trees and shrubs in high traffic areas. A committee will be set up with volunteers to assist with this project in conjunction with Councilman Diamond's Keep Vliet Neat Day.

ITEM #6 – Mark Gleason; General Manager informed the Council that his office has received a request that the City Council consider some changes to the Live Entertainment Law. Mr. Gleason would like to see to the City Council consider cutting back on the weekday hours for entertainment. The current policy states that all Live Entertainment is authorized until 1:00 AM. The proposed change would from Sunday thru Thursday until 11:00 PM. Mr. Gleason would like the Council to give this idea some thought for future consideration.

ITEM #7 – Mark Gleason; General Manager informed the Council that the Watervliet Arsenal has contacted residents along the south wall of 9th Street regarding testing for chlorinated solvents around their homes. The Department of Health has mandated that the Arsenal to change the way they test for chlorinated solvents. The new test will allow the Arsenal to decide upon a course of action. The City has already been assured that there is no danger to our residents. This is just a way for the City to inform the residents of that area of what the Arsenal is doing.

ITEM #8 – Mark Gleason; General Manager informed the Council that there will be a Resolution on the agenda which would authorize the City to sell the 1992 International Garbage Truck. Mr. Gleason stated that the City had the Arsenal City Truck Repairs look over the truck. The City was informed that it would cost over \$50,000.00 to repair the truck. Mr. Gleason noted that the original thought was to repair the truck for use in the Sanitation Department. This thought was reconsidered upon realization of the cost to repair the 1992 International.

ITEM #9 – Mark Gleason; General Manager explained that the Council will hold a workshop for the consolidation of services for the Assessor's Office. The workshop will take place on May 1, 2008 at 5:00 PM in the Council Chambers.

OLD BUSINESS

None

NEW BUSINESS

Mayor Manning requested Councilman Diamond to discuss his Keep Vliet Neat Day. Councilman Diamond stated that on Sunday, May 4, 2008 from 1:00 PM until 3:00 PM he is seeking volunteers to help cleanup the Rt. 32 area along I 787 and other City parks. The volunteers will meet at the J. Leo O'Brien Senior Citizen Center, 1500 Broadway. Councilman Diamond requested that any individual interested in assisting bring rakes and shovels with them. After the Keep Vliet Neat Day has been completed there will be hot dogs, hamburgers and soda.

Mayor Manning informed all in attendance that himself, Councilman Diamond, Senator Charles Schumer and Congressman Michael McNulty met with Pete Garrins, Secretary to the Army regarding the land use proposals in the Watervliet Arsenal. Mayor Manning explained that the Arsenal Partnership is attempting to expand its use with private businesses. The upside to the City would be an expanded tax related revenue if the land was turned over to the City. Mayor Manning stated that he felt the meeting was very positive and that he was happy that the Secretary of the Army would meet with them on this issue. Mayor Manning further explained that the Secretary to the Army would come to the Watervliet Arsenal in May 2008. His visit would allow him to get first hand information from both sides the Army the Partnership and how it would effect the City.

Mayor Manning stated that the City of Watervliet has applied to the Federal Energy Regulatory Commission (FERC) to potentially allow the City to license another hydroelectric facility. Mayor Manning noted that by purchasing this hydroelectric facility it would be an effort to stabilize our revenues against items such as State Aid and Sales Tax.

RESOLUTION NO. 8227 – The Council of the City of Watervliet hereby authorizes the transfer of collectible recyclables to Waste Management of Eastern, New York for the period May 1, 2008 thru April 31, 2009. Before voting Mark Gleason; General Manager explained that the City of Watervliet will be bringing our recyclables to the Port of Albany where Waste management will collect them. The advantage to this is that Waste Management has a single stream recycling which allows the City to meet the State mandates set on us. This will save the City time and labor. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8228 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement with S & S Lawncare for grass cutting services for the year 2008. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8229 – The Council of the City of Watervliet hereby authorizes Bruce A. Hidley; City Clerk and Clerk to the Council to advertise once in the official newspaper for sealed bids that will be received until 10:00 AM on Monday, April 21, 2008 for the 1992 International Packer Truck. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8230 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute the Memorandum of Agreement between the City of Watervliet and the Civil Service Employees Association. Mark Gleason; General Manager stated that this agreement allows the City to set up a Sanitation Department, hire four sanitation workers and how the City picks the drivers. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8231 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute the Memorandum of Agreement between the City of Watervliet and the Town of Bethlehem for the supply of raw and finished water. Before voting Councilman Diamond stated that he would like to acknowledge Mayor Manning and his Administration along with Town of Bethlehem Supervisor Jack Cunningham for the work put forth in this endeavor. Councilman Diamond noted that this project is a long time coming. This is a great way to offset our expenditures and increase our revenues. Mayor Manning noted that this Memorandum of Agreement does not sign as a contract for sale. This puts some structure around the discussion we are having trying to link them to long time projects such as building a Filtration Plant at the reservoir. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8232 – The Council of the City of Watervliet hereby authorizes the City of Watervliet Local Development Corporation. Before voting Rosemary Nichols; Deputy General Manager explained that there were never any proper legal follow ups to the filing of the original Local Development Corporation. This Resolution modifies the structure which complies with the non for profit corporation law and identifies new members. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

APPROPRIATIONS AND ACCOUNTING

RESOLUTION NO. 8233 – The Council of the City of Watervliet hereby authorizes the transfer of funds in the amount of \$26,000.00 from the Police Payroll Account to the Police Special Wages Account. Before voting Robert A. Fahr; Director of Finance explained that these are wages paid for Police Officers that are out injured during the months of January, February and March 2008. This money must be transferred so that the City does not overspend at the end of the year. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8234 – The Council of the City of Watervliet hereby authorizes the transfer of funds in the amount of \$12,000.00 from the Fire Payroll Account to the Fire Special Wages Account. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8235 – The Council of the City of Watervliet hereby authorizes the transfer of funds in the amount of \$3,000.00 from the Court Awards and Settlements Account to the Fire Special Wages Account. Robert A. Fahr; Director of Finance explained that this is a court award on Workers Compensation benefits to an individual. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

RESOLUTION NO. 8236 – The Council of the City of Watervliet hereby authorizes a Bond Anticipation Note in the amount of \$165,000.00. Before voting General Manager Mark Gleason explained that this money would be utilized to purchase the new refuse collection truck. Mayor Manning noted that the Council had authorized the purchase of this new refuse truck at the last Council Meeting, this legislation is to allow the City to borrow the money. Robert A. Fahr; Director of Finance explained that the City received two bids, one from Pioneer Savings Bank at 2.84% interest and the second bid by First Niagara Bank at 3.50%. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted. Councilwoman Fogarty abstained from voting on this Resolution.

Mayor Manning informed all in attendance that the City received a notification of how much State Aid would be available for the City's budget. Mayor Manning explained that the announcement of how much aid would be available will be announced at a later City Council Meeting.

PUBLIC COMMENT PERIOD

1.) Herb Krug – Mr. Krug explained that he is the founder of the Farmers Market in the City of Watervliet. Mr. Krug noted that he is a lifetime farmer and is an expert in the Farmers market field. Mr. Krug felt he provided the City with criteria which would not fail for the City, which it didn't. Mr. Krug explained that a covered facility is needed for a Farmers Market. Mr. Krug was un happy that the City was changing the day and location of the Farmers Market in the City. Mr. Krug feels the City is making a big mistake by moving the location of the Farmers Market. Mayor Manning explained that the Farmers Market is being moved to the Court Yard next to the Senior Citizens from the Hudson Shores Park. Mayor Manning noted that a lot of the residents would rather walk to the Farmers Market rather than cross two high vehicle traveled areas to Hudson Shores Park. The City does have a full compliment of farmers that will be returning for this year. Moving the location will cater to the residents of the City, there was a lot of thought that went into the decision of moving the location by the City Administration.

There being no further business to come before the Council, a motion was made and seconded to adjourn into Executive Session to discuss some legal matters. Mark Gleason; General Manning requested that Yorden Huban; Corporation Counsel, Bruce A. Hidley; City Clerk and Clerk to the Council, Robert A. Fahr; Director of Finance and Police Chief Ron Boisvert to attend the Executive Session. The meeting was adjourned into Executive Session at 7:50 PM.

Mayor Manning reminded all in attendance that the next City Council Meeting would be April 24, 2008.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
EXECUTIVE SESSION
THURSDAY, APRIL 3, 2008 AT 8:00 P.M.**

The meeting was called to order by Mayor Michael P. Manning at 8:00 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, Robert A. Fahr; Director of Finance and Police Chief Ron Boisvert.

ITEM #1 – Mark Gleason requested Police Chief Ron Boisvert to discuss an issue with the City Council. Chief Boisvert discussed residency requirements and lateral transfers for being a Police Officer in the City with the Council. Police Chief Boisvert explained the importance of this issue was due to the need to fill Zone Five Police Academy slots. A detailed discussion followed by the Council as to what would best benefit the taxpayers of the City of Watervliet for residency requirements and lateral transfers.

ITEM #2 – Mark Gleason; General Manager requested Police Chief Ron Boisvert to discuss another issue with the Council. Chief Boisvert discussed the consolidation of dispatcher service with the Council. A detailed discussion followed with the Council related to the potential consolidated dispatch service for the Police and Fire Departments in the City.

There being nor further business to come before the Executive Session, a motion was made and seconded for adjournment. The meeting was adjourned at 8:35 PM.

Respectfully submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council