

The regular meeting of the Mechanicville City Council was held at the Senior Citizen's Center, 178 North Main Street, Mechanicville, NY, on Wednesday, September 4, 2013. Mayor Sylvester opened the meeting at 7:03 p.m.

Roll Call:	Mayor Sylvester	- present
	Comm. Seber	- present
	Deputy Comm. Proper	- present (Comm. Chauvin was absent)
	Comm. Higgins	- present
	Comm. Hipwell	- present

Supervisor Richardson led the Pledge of Allegiance to the Flag.

Mayor Sylvester, seconded by Comm. Hipwell, moved that the minutes of the regular meeting of August 7, 2013 and the special meeting of August 12, 2013 be accepted as prepared. Roll Call: Affirmative – all. Negative – none.

Mayor Sylvester said he had no correspondence.

Comm. Seber said water meters will be read next week. Said there is a public hearing tonight on some of the code, has copies of the code here tonight if anyone wants it and that the entire Charter and Code is on the website if anyone wants to review it. Said on October 7<sup>th</sup> they will hold a public hearing on it and the plan is to vote on it that night.

Deputy Comm. Proper had nothing to report at this time.

Comm. Hipwell congratulated hometown boy Chad Brown who came in second for Trainers for Horses at Saratoga Race Course.

Comm. Higgins came in at this time and had nothing to report at this time.

Chief Waldron said the police car was totaled and they will be getting a 2014 replacement car from Jack Byrnes.

Comm. Seber asked if they will be able to transfer computer and everything from the totaled car to the new car.

Chief Waldron said yes. Said they actually paid \$22,900 for the totaled car and this one is \$23,500.

Supervisor Richardson said The Esplanade Project went to the Town of Stillwater Planning Board last night and was approved.

Fire Chief Alonzo said he is glad that daytime meetings are back because he can make more of them because Wednesday nights are training nights but between the Chiefs they try to get to them. Said it's been a very busy summer, they sent 4 of the firemen to a Fire Fighter #1 Boot Camp which is a 96 hour course that they are able to

do up in Saratoga County at the Training Center, there is no cost for it, they like to require that all their new members take it, they had 3 take Pump Operation Classes which is required if they drive an apparatus which is 16 hours in Malta. Said one of their fire fighters took an advance Fire Fighter 2 Class which is 48 hours. Said they have done really well with training getting the basic training. Said tonight they have two fire fighters that Chief Cuilla is with starting their orientation at the Halfmoon Fire Department and tonight 5 members are starting an EMT class up at the Saratoga County Training Center in Ballston Spa which is a 116 hour class. Said summer calls have been busy, they are up to 250 calls on the year and 7 so far this month and it's only a 1/4 of the month. Said a notable call that he was not present for is they had a trash compactor fire over here in the Mid Rise on Saturday morning, Travers Day. Said Chiefs Corrigan and Cuilla did a tremendous job in commanding the fire, they had to have an evacuation because of the smoke, the fire was put out quickly but smoke is the killer but no one was injured. Said they were assisted by the Arvin Hart, Hillcrest and Clifton Park Departments. Said the other day they assisted with Arvin Hart and the Town of Stillwater on 67, they had a large garage fire that was basically lost at 5:00 in the afternoon. Said manpower has been great since they consolidated all of their manpower to the one firehouse. Said unfortunately they haven't received a federal grant that they have been applying for for the last couple of years for fire apparatus, for a new fire engine. Said they have an aging fleet, the oldest engine is 30 years old, the second oldest is 25 and their current front line will be 13 years old. Said they have been investigating a new truck throughout the summer and they are at the point where they are down to two manufacturers, they found the type of apparatus that they need. Said they are willing to give up two of their vehicles for the one because this will be a combination of pump and rescue where they can fit all of their rescue tools and equipment on and still have the capability of having a tank of water and firefighting capability. Talked more on this. Said they've had conversations with the council on this.

Mayor Sylvester said Tim is talking with Pete about the State money that nobody wants to use, at a real low interest rate but there is only \$300,000 that they will give you.

Chief Alonzo said at this point there is a 2 1/2%, through New York State it's a revolving loan that you can borrow it at 2 1/2% but you can only borrow up to \$250,000. Said there is legislation in place to increase that up to \$375,000 but it's not currently in place but they told them to apply for it because it takes a couple of months so if you apply for it you will get it so that's one of the options. Said for years they could get a truck for \$450,000, they are higher than that now but they are still working to get that 450 number but now they are dealing with emissions, with NFPA, monitoring systems which are driving the prices through the roof. Said they are not looking for all the bells and whistles that some of these richer departments have. Said there are options out there, good financing rates are available.

Mayor Sylvester said they will have to discuss with Val about the bidding process.

Fire Chief Corrigan said some people don't think \$450,000 is a crazy amount; Wilton just bid two trucks with less water for \$700,000 a piece so they are really trying to keep the cost down for the taxpayers.

Chief Alonzo said he can't believe some of the vendors are still talking to him because he beat them up so bad, saying we don't have the money.

Mayor Sylvester made a motion to close the regular meeting at 7:16 p.m. to go into a Public Hearing for Informational Purposes only to Discuss the Proposed Changes to the City Code Sections 39-9 Thru 200-96 as Part of the 2013 Code Update Project, seconded by Comm. Hipwell. Roll Call: Affirmative – all. Negative – none.

Comm. Seber said the notice was duly published in the Gazette Newspaper. Said there were copies on the table of the changes if anyone wanted one. Said the changes are in blue. Said this hasn't been in since 2002 so a lot of things the council has done since then, changing the ordinance, changing local laws, things like that over time have just been incorporated in this so its things that have already taken place just incorporating it into the code. Said much of this section has to do with Code Enforcement and the plan was to have our Code Enforcement Officer here tonight to discuss and go over some of these changes, however, John had surgery last week and is on the shelf for a couple of weeks. Said Val is the expert on this so he can deal with this. Said they will try to make a point to have John Holland here on the 7<sup>th</sup> of October.

City Attorney Serbalik said John can certainly better address the code changes. Said one of the problems that John had with the code and it didn't only apply to building codes, the penalties for most of the offenses were really minimal, the building code violations were a flat fine of \$250.00 with nothing in the code saying that a continuing violation was subject to additional penalties so they were tightened up. Said a few other things that came up involving John and the Planning Board were on portable buildings and complaints about them going up, talked about the new code on those buildings. Said regarding the Planning Board there was no requirement that a single family house or a two family house had to go before the Planning Board for site plan approval, they were specifically exempt. Said a couple of situations came up that thought houses were improperly placed. Said now the Planning Board will have site plan approval on one and two family homes.

Comm. Seber said don't they have to be in compliance with Zoning to get a permit.

Attorney Serbalik said yes so they could put a house up but because of problems they now have to go to the Planning Board. Said there is also a proposal to amend the fence ordinance which in effect eliminates jersey barriers. Said the council has the same issue, do they want to make that ordinance retroactive to remove what's there within a year or whatever period of time and put everything in compliance. There was discussion on jersey barriers.

Mayor Sylvester made a motion to close the public hearing at 7:26 p.m. to reopen the regular meeting, seconded by Comm. Hipwell. Roll Call: Affirmative – all. Negative – none.

Mayor Sylvester opened up the meeting to public comment.

Sam Carabis, 908 Elizabeth Street, asked Supervisor Richardson what the status was of the Zim Smith Trail.

Supervisor Richardson said there is only about 3 pieces of property from Coons Crossing down to Mechanicville that they don't have right ways on yet but should within 6 months to a year. Said the county has applied for a grant application to take the Zim Smith Trail from Elizabeth Street Ext. up through Bruce Tanski's development. Said the county still has \$500,000 left in the Zim Smith Trail account. Said next year they should actually see some surveying and that section completed. Said in the next 5 years it should all be completed. Said they will give us signage to bring the Zim Smith Trail down Elizabeth Street Ext. right down to the dock. Said Dave is building a new building for the showers and toilets so people on the walking trail will be able to stop there which is important for our merchants because it will be bringing people down into there. Said they have been dealing with NYS Electric and Gas who have been putting in lines and pools. Said they have been dealing with a lot of different people to make this happen.

Dennis Baker, Broadway, said he saw they patched the hill, is everything fixed.

Comm. Higgins said everything underneath is fixed but now they are dealing with the wall. Said he's been talking with the engineer.

Comm. Seber said he is not happy with this thing.

Jim Peluso said the resolution on hiring someone to prepare the corrective action plan, said he assumes the contract will include a timeline acceptable to the Comptroller's Office and the person won't get paid unless he meets the timeline.

Comm. Seber said they will be in contact with the Comptroller's Office regarding this and determine the timeline with them.

Mayor Sylvester said the guy they have doing the budgets doesn't have time to do this, that's why they are hiring someone else to do this.

Deputy Comm. Proper said the Finance Office doesn't agree with hiring someone else for this. Said this course of action plan is essentially just a letter to the State's Comptroller's Office, it's the second letter after an audit, you get your audit and the State presents you with the results. Said your first letter is your response. Said unfortunately their response was extremely detailed after it went through three different people who kept adding stuff so what they sent was kind of their corrective action plan. Said a corrective action plan should be what they are actually doing.

Said the State Comptroller's Office is not after them to do this at all. Said they and all the Commissioners get a letter from the State Comptroller's Office once a month. Said their focus is now finishing off the 2011 AUD, 2010 was filed, they were past due on 2010, 2011 and now 2012. Said essentially you have to do one to get to the next, 2010 has been done, 2011 she can't say went quick or slow because she wasn't there when 2010 was done. Said to her it seemed slow but what they are doing is completely recreating the year 2011 so the person doing it is an outside accounting firm so come March or April he really didn't work on it because he was doing his own taxing as a CPA for an accounting firm. Said he did present them with whatever it is, she doesn't think he actually filed even though one of his emails said he's about to file so 2011 will be done and she's hoping by September but doesn't know how long it takes to be approved. Said once 2011 is done thanks to Jim DeVito they are completely ready to file 2012 which really should have been done by May 1<sup>st</sup> but as she said you have to go in order. Said once 2012 is done that is all that has to be written in their corrective action plan to the State Comptroller's Office so the Finance Office sees it as a waste of money to hire someone to write a letter that they have already written one and add one more sentence that they have filed all their AUDs because nothing else would be different from the things that they have changed. Said all it is is a letter.

Jim Peluso said with all due respect was the corrective action plan accepted.

Comm. Seber said they don't have a corrective action plan, that's the point.

Deputy Comm. Proper said it was written in their response. Said if he goes on the State Comptroller's website he can look up Mechanicville and actually see a copy of the whole letter and shows line after line of what they planned on doing which is your plan. Said the only thing that would change is that the 2011 AUD be filed and then the 2012.

Comm. Seber said where he disagrees is the fact that they had 90 days, which was May 1<sup>st</sup>, to file the corrective action plan. Said they received the audit February 1<sup>st</sup>, clearly it was not a favorable audit, there are many items in there that need to be addressed. Said he agrees with Stephanie they had to send them a letter within 30 days responding to it but they wanted a more detailed corrective action plan by May 1<sup>st</sup>. Said to say they are not after us, no they are not knocking on our doors but we received correspondence from them on the 1<sup>st</sup> of June that we have not filed our corrective action plan. Said there are two different issues here, one is following the AUDs which is basically the audit with the State, we're working on 2011 right now and Stephanie wasn't around but in any case we are recreating 2011 and hopefully it will be done relatively soon although there are significant numbers that are at issue right now. Said that's separate from the corrective action plan which is a detailed report to the Comptroller's Office of how we're going to fix the findings of the audit and that has not been done to date so what they are asking in the resolution is that hasn't been done so we want to hire someone to do it. Said they took a bid enough hit in the city with the audit, that was bad enough and to turn around and say we haven't done what we were supposed to do puts the entire city in a bad light. Said the council will vote on it tonight and see where they want to go with this.

Mayor Sylvester read a Proclamation on Bullying.

Comm. Seber said he forgot to mention one thing, at the last meeting they had representatives from John Ahearn Rescue Squad and from Clifton Park Emergency Services. Said representatives of both organizations have met recently to discuss two issues; one is the city's commitment in terms of a service contract with the Clifton Park organization as well as the rental of more than likely the old Station 2. Said they have done an analysis of both buildings and their preference is Station 2 so they are trying to work out some of the details just to keep people up to date on what's going on. Val and their attorney will be sharing documents very soon and hopefully we will be able to get this deal done. Said we have two dealings with the Clifton Park organization, one is lease of the building and second what our financial commitment in terms of a service agreement with them and beyond that we are out of it. Said the city has no interest in getting involved with the internal negotiations of the John Ahearn Rescue Squad and the Clifton Park Rescue Squad. Said hopefully in the next few weeks this will be resolved and they will move forward.

Mayor Sylvester said a lot of rumors have been running back and forth. Said at the Planning Board Meeting it was said that an ambulance was going to be parked on the Waterford Road that has nothing to do with Mechanicville. Said all of their ambulances now are next to Home Depot in Clifton Park. Said they are looking to spread their manpower to the areas that are getting most of the calls. Said rather than losing 15 minutes running from Halfmoon down to the Waterford Road, they will have an ambulance and a substation to begin with. Said will it ever come to Mechanicville, the same as Waterford, if both of our ambulances are out, the next closest one is Stillwater or they will come up here. Said our ambulances will be stationed here in Mechanicville, they won't be stationed elsewhere, that was just a rumor.

Attorney Serbalik said he just wants to make sure everyone is on board with the authorization for this Esplanade Project with the liabilities and what we are getting on this. Said when Esplanade went through the final approval process for the 2010 deal, we had an agreement with them to take control of the maintenance of the water main on the project.

Comm. Higgins said he never heard back on that.

Attorney Serbalik said with that project being withdrawn and this new project having been amended, the Planning Board said Esplanade had to do certain things. Said when the first Building Permit is issued, Esplanade has to pay the city \$50,000 for improvements around the project; they have to make certain improvements to the roadways coming in. Said he doesn't know what they are at this point or whether the engineer is going to revise them with the change to DeCrescente's entrance way. Asked Comm. Higgins if he is set with that and has no problems with it.

Comm. Higgins said he is set with it.

Attorney Serbalik said they will assume all the trash collection within their project, the city is not going to have any liability for any kind of collection. Said that's essentially the agreement and he doesn't think it's a big change. Said if he's set with the water lines and sewer lines, asked if that was the only issue we had.

Comm. Higgins said as long as we're not responsible for the flowing in of laterals.

Attorney Serbalik said that's the contract and Bill McNearly already signed it.

Comm. Seber read RES. NO. 64-13 THE CITY COUNCIL OF THE CITY OF MECHANICVILLE HEREBY APPOINTS RACHAEL HOLBROOK TO A FULL SIX (6) YEARS AS CITY ASSESSOR FOR A TERM OF OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2019

Introduced by Comm. Seber, seconded by Mayor Sylvester. Roll Call:  
Affirmative – all. Negative – none.

Comm. Seber read RES. NO. 65-13 THE MAYOR SHALL, BY QUIT CLAIM DEED TRANSFER THE CITY'S INTEREST IN THE PARCEL OF PROPERTY LOCATED BETWEEN FIRST AND SECOND STREET TO PATRICIA CHURCH FOR THE SUM OF \$500.00

Introduced by Comm. Seber, seconded by Mayor Sylvester. Roll Call:  
Affirmative – all. Negative – none.

Comm. Seber read RES. NO. 66-13 AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AMENDED AGREEMENT WITH EMPIRE WAREHOUSING CORP FOR SITE PLAN

Introduced by Comm. Seber, seconded by Mayor Sylvester. Roll Call:  
Affirmative – all. Negative – none.

Comm. Seber read RES. NO. 67-13 AUTHORIZING THE MAYOR TO HIRE AN OUTSIDE ACCOUNTANT TO PREPARE AND FILE THE CORRECTIVE ACTION PLAN THAT IS REQUIRED BY NEW YORK STATE

Introduced by Mayor Sylvester, seconded by Comm. Seber.

Roll Call:	Mayor Sylvester	- yes
	Comm. Seber	- yes
	Comm. Higgins	- yes
	Comm. Hipwell	- yes
	Deputy Comm. Proper	- no

Jim Peluso said he doesn't think a Deputy can vote at the council table because his understanding of the Civil Service Law you are classified as an elected official and this is the first time he has been aware of a Deputy casting a vote. Said all the years he served on the council the Deputy had all the duties of a Commissioner but could not vote. Said some of them don't have a Deputy so therefore think about the effect on open policy if the Commissioner isn't present. Said he's just telling them that the Deputies are governed by NYS Civil Service Law, they are not elected by the people, therefore the question is is it legal for a Deputy to vote.

Comm. Seber said according to the Charter it says a Deputy can do basically, quoting it directly, can do anything that a Commissioner can do and a Commissioner votes.

Mr. Peluso said that's different than the day to day duties.

Comm. Seber said they will research it; they want to do the right thing. Said his Deputy voted for him a couple of years ago.

Deputy Comm. Proper said when he says governed under Civil Service rules; she doesn't understand what that means.

Mr. Peluso said he and the Commission get to determine what your position is competitive or noncompetitive. Said they have classified the Deputies as exempt positions based on the current interpretation of the Charter.

Deputy Comm. Proper read RESOLUTION NO. 68-13 PAYROLL AND  
VOUCHERS

Introduced by Deputy Comm. Proper, seconded by Mayor Sylvester. Roll Call: Affirmative – all. Negative – none.

No new or old business.

Mayor Sylvester, seconded by Comm. Higgins, made a motion to adjourn the meeting at 7:51 p.m. Roll Call: Affirmative – all. Negative – none.