

The regular meeting of the Mechanicville City Council was held at the Senior Citizen's Center, 178 North Main Street, Mechanicville, NY on November 19, 2014. Mayor Baker opened the meeting at 7:00 p.m.

Roll Call:	Mayor Baker	- present
	Comm. Seber	- present
	Comm. Gilheany	- present
	Comm. Higgins	- present
	Comm. Hipwell	- present

Bill Teneyck led the Pledge of Allegiance to the Flag.

Comm. Higgins, seconded by Comm. Hipwell, moved that the minutes of the previous meeting of November 5, 2014 be accepted as prepared. Roll Call: Affirmative - all. Negative - none.

Mayor Baker had nothing to report at this time. Said Mark is going to vary a little bit from the agenda.

Commissioner Seber said we have resolution number 102-14 and it has to do with the easement acquisition of some property regarding the Francis Street bridge project and it tends to be a little confusing and I have asked Jeremy Bourdeau from Barton and Loguidice who is here to not only explain what this is about to the public but also to the Council. Called upon Jeremy to explain it.

Mr. Bourdeau said as Mark said the resolution on the Agenda for tonight is actually for the Francis Street project. It has to do with the property acquisitions between both cases that are acquisitions of property. Essentially what we are doing is a few months back there was a similar resolution and the issue at that time was the actual ownership of the creek bed. We had established it but as they went back through the 40's and 50's with deed research they determined some ambiguities with the deeds, the little creek bed, how it was fragmented, etc. and we now have certified title for those properties. So we have to go back and revise the valuation of the Jessica's Journey parcel which is on the southeast corner the one that fronts Main Street and then the southwest corner which is on the opposite side of North Main but the creek bed is actually fragmented. That parcel that runs along the creek to the retaining wall is actually owned by Theresa Timpanaro who was the previous owner of that property. Said it got kind of convoluted through the title researching process. I can't fully explain all that because he tried to read through deeds but he guess that what Val will do. Anyway, the resolution essentially is establishing just compensation is the term for it for those two properties based on the appraisals that were provided to Mark. Said the previous resolution gives the Mayor authorization to take action to actually purchase the property once the property owners agree to the offer so the Mayor can sign the actual transfer instruments and acquire the property so they can move forward with the bridge.

Commissioner Seber said what he is actually confused about is what they talked about at the last meeting, on Jessica's Journey his understanding is it's an acquisition, there is a tax ID number on here, and this is a small parcel. Said this \$6,800 is not for the entire SBL, right?

Mr. Bourdeau said correct.

Comm. Seber said it is for a portion of that?

Mr. Bourdeau said yes, he has the approximate dimensions on this map. He highlighted it on that map. Yellow is the entire parcel and the blue is what piece they are acquiring. The question that was asked to me is why wouldn't they acquire the whole parcel because it is relatively small? Unfortunately, you really can't because you are taking Federal money to do the project you can't acquire more than what you need so that is the limit of what would be disturbed by the bridge work so that is all that you can. Let me back up. The City could purchase the whole property but not be reimbursed for it.

Comm. Seber asked when the sale takes place will the document give a description of the property that we are taking or do we have to go and get another SBL assigned to the property.

Mr. Bourdeau said essentially this map that would be filed and there is a legal description as to what you are acquiring. He is not exactly sure how that affects the remaining parcel from a tax standpoint. He assumes that basically gets attached to the overall parcel deducted in the County Clerk's books somehow.

Mr. Serbalik said usually what happens if a portion of the property is sold then the new portion is given a new SBL number eventually and the old one gets a new one.

Mr. Bourdeau said in general he can give a quick update. Five of the nine property owners have signed, these two have sort of been approached but they had to hold off getting this to the attorney and then there are two on the other bridge. They are expecting within the next month they can get everything signed off and they are still scheduled to be out to bid in the December/January time frame to start construction in the spring. I think we are on course for that.

Commissioner Seber: Thank you Jeremy.

Mayor Baker said the only thing he had is that Mark and I, Tim and Dave somewhat and he needs to talk with Jodi, they have been looking at the request from the fire department for a new fire truck. They know that it is needed and we are trying and believe me we have figured out a way to possibly order it next year and we would not have to pay for it until 2016. It will be a year. We know we are going to get some decrease in the LOSAP programs so that will give us some

money to go to that payment. But I just wanted to ensure Jim as I know that is why he is here that we are working on it and we do believe we need it.

Jim Corrigan said the fire department does appreciate it and it's a much needed replacement.

Commissioner Seber said they got a notice in the paper that the county sewer rates are going up another \$10; it will be on your March bill. When he got here in 2008 it was \$110 per unit and it is up to \$177 per unit so it's up to a 60 percentage increase in the last 7 or 8 years. The reason he brings this up for people to know that they are going to be talking in the next several months about water and one of the options is that the city has is to go to county water. I am afraid of you that you will see the same thing for the county water as you see for the county sewer. They get you involved and then they jack up the price all the time. To him this is the way they operate over there. Again, it's going to \$177 unit, we are still at \$80 a unit. For whatever it is worth, he wanted to get that out there.

Mayor Baker said Tim just reminded me that we did get an email from the County about the Bridge project on Central Avenue. I even hesitate saying this; he believes that the bridge will be done and open by the 12th of December. I am not taking that as concrete. I do think they are working hard and will try and get it done. They were taken back by the rain and the cold of last week but they are proceeding ahead. Right now they are looking at the 12th just so you know.

Comm. Gilheany said she just wanted to say thank you for coming out for the budget workshop and we appreciate your comments. Other than that I do not have anything.

Commissioner Higgins - We did bring the grader and the fire truck up to the auction, they need to find a little paperwork on the fire truck before that can be auctioned. The grader went to the auction and we had a high bid of \$14,500. That is all I have.

Mayor Baker said so they are not looking at taking it.

Attorney Serbalik said he wanted to bring the Council up-to-date on the Industrial Park sale. As you know we had that contract with the buyer that was contingent upon a couple of different things. Number one that an acceptable order for remediation be entered into between the City, DEC and the buyer which essentially would be that if the buyer buys the property he will have to complete the remediation that was set forth and mandated by DEC. That order hasn't been finalized yet. He spoke with the attorney for the buyer; it does look like it is on track and then the Council can look at it to see whether it is acceptable. One of the other contingencies in the contract was that if the City so chose that we would only sell the property if DEC would release the City from any remediation costs which means that legally if the property is sold and if the buyer goes belly up,

corporation or whatever goes belly up and does not remediate the property then we ask that DEC still exonerate the City. They won't do that, they will never do it so there is always going to be that exposure if the buyer does not complete the remediation according to the agreement. So what we talked about and what the Council asked me to do was to ensure that if the remediation was not completed, now they own the property they do not complete the remediation according to the DEC order, now DEC comes in and cleans up the property or mandates that the City cleans up the property the City would have that responsibility. The alternative would be that if that occurs the City would have the Right of Reversion to take the property back. So, if the City is hung up for the cost of the remediation of the property or any portion of the property, say two acres isn't done then despite what is on the property or what he has built on it, the City would have the right to take property back and sell it or do whatever they want with it and put that proposal to the lawyer for the buyer and that was acceptable to him. So, that is where that is. If that is acceptable to the City then we have to work out the details with the DEC. That is the best the City is going to do in terms of liability. Again, the DEC is not going to let the City walk but the City would not be in any worse position then it is now.

Mayor Baker said we are already liable.

Attorney Serbalik said we are already liable and sitting there. Since that record of decision came in there's not much that has been done so this appears to be the only alternative. That's where it is.

Mayor Baker: Thanked him. Told Mr. Hipwell he was sorry he skipped him.

Commissioner Hipwell said first thing, I and the Council want to wish everyone a Happy Thanksgiving and let's make sure it is safe. Said next year the City is going to be celebrating 100 years. Family Day in the Park will be celebrating 40 years. I do have a Committee going on, he's doing a program book, I have a Committee for that and he might be asking other people to help out who want to do things for our 100th anniversary and the 40th anniversary of Family Day. So I do have things going on. One of the big things they have going on, from the play school, next Tuesday we are going to have a contest, in front of the program book for the 100th anniversary the kids are going to draw something up for the Committee for the back page or the front page for the 40th anniversary. They are going to give the kids, the two winners, \$50 gift certificates to any place they want to go to. That is all I got.

Chief Joe Waldron thanked the Mayor and said he was going to give them some stats for the police department through October (see report). Said they have sent some officers to Skidmore for trauma training. Trauma training is something where what you see the deaths of police officers while tragic in the line of duty we are actually losing police officers at an alarming rate to suicides. So I

have sent 4 police officers to Skidmore to go through training so they can recognize signs of police officers who under stress because unfortunately, they see the toughest things and they don't know how to deal with them because they are all macho, they're big and they are police officers. Said they are trying to break down that barrier and say this is what we are going to do. I want to thank my officers that did that to come up with a policy and plan so that we can identify any officer that needs that kind of assistance. They also went to a Meth lab training up at Hillcrest Fire House which was good, they talked about all the drugs out there, it was a public session. He sent six of his officers up there to make sure they can identify the latest and greatest things as far as what is going on with Meth.

Mayor Baker asked who did this.

Chief Waldron said DEA, Drug Enforcement Agency. Also they have a parking ticket amnesty as we do every holiday season going through until December 31st. You can come in and pay your parking tickets, pay your fine and we will waive the late fee. We did this last year and we raised a couple of thousand dollars doing so. We hope to do it again. We have a large amount of parking tickets left out there so again a parking ticket amnesty through December 31st. You have to pay your fine we just waive the late fee. Also, with the holiday season coming and Thanksgiving coming we are going to be doing extra DWI patrols so that everybody is aware especially that Wednesday before Thanksgiving which we find to be alarmingly the largest drinking time. As I said before, we are going to try to stagger the DWI patrols even during the day time, there are a lot more people driving drunk during the day time. Have a nice holiday season.

Chief Corrigan said I will keep this very brief. As of November 1st 526 calls were answered compared 260 calls the same time last year. We all know most of it is because of EMS. The program is going very well they get a lot of good positive feedback on the Clifton Park Halfmoon as well as all of the citizens and he wants to thank all the citizens that participated by donating to our annual fund drive which sponsors our fire prevention program, they see 2,000 kids every year and thanks to the generosity of the citizens we are over budgeted for these expenses.

Thank you fellow citizens of Mechanicville.

Mayor Baker thanked him and said they were going to public comment. Remember five minutes, come to the Microphone, identify yourself. Make sure you speak up tonight because Eileen is new at this and we are going to require the recording to be clear for Judy to work with Eileen to get this set.

Mr. Hicks said just for sideline information he went by that sign up there for Clifton Park/Halfmoon ambulance and they said they had been out more than 53,000 times so that is a \$1,000 a pop just for your information. What is the issue with the water that the Department of Health has. Is that still filled with silt so that

we cannot get the water out of there?

Mayor Baker said that is part of it, it has to be dredged. A drag line will get the bulky stuff out but will not necessarily take out the sediment.

Kim Dunn, 250 South Main Street, said when the two bridge projects are done in the spring, there won't be any vehicular traffic in that section, right?

Commissioner Seber said North Main Street will be closed from Terminal Street to Hill Street and it will be closed on Frances Street to North Main and he's not exactly sure, Hudson Avenue but the entire section of South and North Main will not be closed.

Mayor Baker said they will be able to access it from the North and from the South but right where the bridge is you won't be able to get through.

Mary Sullivan, 909 Broadway, said the City has been cited by the DOH, is there any dollar amount?

Comm. Seber said he was going to explain this before the resolution is read.

Ms. Sullivan asked Joe if all police officers are going on EMT calls now.

Chief Waldron said yes they do, they are first responders. They have to take police related calls first. Any other time they are sent.

Mary Lou Anatriello 19 Gilbert Street said she would like to thank Comm. Gilheany for all the work she has done this past year. Our city was in dire straits. She knows the amount of time that she has spent to get everything on line, it has been quite voluminous the number of hours that you put in. I appreciate your efforts about having a Certified Public Accountant in the Finance Department. Please keep up the good work. Said last week our budget workshop was held in the back room because the Junior Dante Club was holding a party here and that room at the end of the hall was a place where people were smoking. She is very sensitive to cigarette smoke and it's against NYS law. Said after talking to them her concern over Mechanicville's appearance and the trees that they worked hard to plant and put in, the thought came to her that I really don't care if I ever attend another Mechanicville City Council meeting and I am sure in the hearts of some of you who are in front of me you will find that to be quite a nice thing. I am one person in Mechanicville who has cared about this city and I have brought many things to light that have resulted in our city getting back on line. I care so much about Mechanicville having lived here 68 years in the same house up the street that I guess I just keep trying to make it better but when you are treated the way you are treated and I don't like the way I was treated here this evening, it really creates in your mind a lot of thoughts regarding why do I care. I feel badly that I had to end with that statement. Many of you don't even give a darn about a

resident who has put in a lot of time, effort, energy, money and sharing my husband who is a jack of all trades in this community.

Mayor Baker asked if anybody else had anything to say.

Kim Dunn asked if the appointment of the mechanic is replacing somebody.

Comm. Seber said it was.

Mrs. Dunn asked about the resolution to purchase property to replace the Frances Street Bridge, what if they don't.

Mayor Baker said they can use eminent domain to take the properties but they are trying not to do that.

Commissioner Seber said all those resolutions they passed months ago set them up to use eminent domain if they need to.

Mayor Baker asked if anybody else had anything to say. No one did.

Commissioner Seber said he wanted to talk about Resolution No. 100-14. The Mayor received a letter from the Department of Health back on November 4th indicating that back in 2007 the Department of Health did a study or evaluation of the city water source and the treatment facility and the reservoir. The city and the Town and Village of Stillwater back in 2009-2010 had a shared service agreement that was funded by the state that they put a plan together to get different options to allow the city to choose what kind of water source they want to go to, whether they want to maintain their own, whether they want to go to the county, there are several different options. Back in October 2010 they had a public meeting here, very well attended. What came out of it was the citizens of the city want to maintain their own water source if at all possible. Again, it's a very expensive proposition, there were numbers from \$2 million to \$16 million dollars to do various work up there. Back in 2013 our engineer; Barton & Loguidice, sent DOH a letter saying that the City is investigating funding for possibly work at the water source. Well apparently they have not heard back from us since and again Mayor Baker received this letter. They sent them a letter within a few weeks to schedule a meeting to discuss options to plan on moving forward. That was November 6th. November 6th they received a communication from the DOH called administrative tribunal telling them to come to a hearing up in Glens Falls to talk about the plan that the city has to fix the water situation. Said most of it is capacity but there are other issues as well, if we did not move forward with this we could be fined \$25,000. One of the options is to sign the stipulation that the resolution is about authorizing the Mayor to do it, telling the DOH that we would be putting together a plan; we have to the end of April to do this plan and laying out the timeline of what we would be doing. There are things like dredging the upper reservoir, dredging the lower reservoir. We had an

engineering study done on the dam a couple of years ago which said the dam is in good shape but there are maintenance things to be done. We need to put together a plan by the end of April on how they are going to move forward with this and the meters as well. They have a plan to replace all the meters in the city they are losing lots of water through faulty meters, old meters, bad meters. Part of this plan is also to replace all the meters in the city with high tech type of meters. This resolution allows the Mayor to sign the stipulation which gets them off the hook in terms of the \$25,000 at least temporarily and then they will have to put together a plan with their engineer that satisfies DOH. It will take a lot of thought to put this thing together. We are still searching for funding; they are applying to the United States Department of Agriculture for funds, perhaps as much as \$3 million dollars to work on the water source. There are things they are moving forward with so that is what this Resolution is about. So sign this stipulation, agree to the time line allows them to at least postpone and hopefully permanently eliminate the need to be fined for this water source.

Comm. Seber read RES. NO. 100-14 AUTHORIZING AND DIRECTING
THE
THE MAYOR TO ENTER INTO THE ATTACHED
STIPULATION PROVIDING THAT THE CITY SUBMIT
A
A CAPITAL IMPROVEMENT PLAN AND PROPOSED
TIMETABLE OF COMPLIANCE TO ADDRESS
FUTURE
FUTURE WATER CAPACITY PROBLEMS

Introduced by Comm. Seber, seconded by Mayor Baker. Roll Call:
Affirmative - all. Negative - none.

Comm. Seber read RES. NO. 101-14 APPOINTING JOHN
VANDENBURG AS A
MECHANIC IN THE DEPARTMENT OF PUBLIC
WORKS
AT A RATE OF \$20.43 PER HOUR EFFECTIVE
NOVEMBER
NOVEMBER 20, 2014

Introduced by Comm. Higgins, seconded by Mayor Baker. Roll Call:
Affirmative - all. Negative - none.

Comm. Seber read RES. NO. 102-14 AUTHORIZING AND DIRECTIN
THE
MAYOR TO PRESENT OFFERS OF PURCHASE TO
THE
RESPECTIVE PROPERTY OWNERS TO REPLACE
THE
FRANCES STREET BRIDGE

Introduced by Mayor Baker, seconded by Comm. Higgins. Roll Call:
Affirmative - all. Negative - none.

Comm. Gilheany read RES. NO. 103-14 PAYROLL AND VOUCHERS

Introduced by Comm. Gilheany, seconded by Comm. Seber. Roll Call:
Affirmative - all. Negative - none.

No new or old business.

Comm. Higgins made a motion to close the regular meeting at 7: 39 p.m.
to go into executive session for personnel and litigation matters, seconded by
Comm. Gilheany. Roll Call: Affirmative - all. Negative - none.

Comm. Hipwell, seconded by Comm. Higgins, moved that the executive
session be closed at 8:10 p.m. to re-open the regular meeting. Roll Call:
Affirmative - all. Negative -none.

Mayor Baker, seconded by Comm. Higgins, moved that the regular
meeting be adjourned at 8:12 p.m. Roll Call: Affirmative - all. Negative - none.