

The regular meeting of the Mechanicville City Council was held at the Senior Citizen's, 178 North Main Street, Mechanicville, NY, on Wednesday, March 18, 2015. Mayor Baker opened the meeting at 7:00 p.m.

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

Renate Gerstenberger led the Pledge of Allegiance to the Flag.

Comm. Gilheany, seconded by Comm. Hipwell, moved that the minutes of the regular meeting of March 4, 2015 be accepted as prepared. Roll Call: Affirmative – all. Negative – none.

Mayor Baker said Comm. Seber will speak now.

Comm. Seber said they are supposed to be having a gentleman from Saratoga County come to talk about Saratoga County Intermunicipal Stormwater Management Program. Said it's not going to cost us any money or anything.

Comm. Higgins said they want something done by April. They want everybody educated about it.

Comm. Seber said if he shows up we will put him on. Said tax collection is complete, Monday was the last day to pay without penalty. The tax warrant was for \$3,661,698.42. They actually collected \$3,013,009.36. The percentage of the tax warrant collected was 82.28, last year it was 80.64 so collections were up a bit which is a good thing. Said there is an organization in Saratoga County "Rebuilding Together Saratoga County". A couple of years ago they came to the city and they put a very extensive handicapped ramp on a residence over on 5<sup>th</sup> and they also did a lot of work on the playground on South Main Street. Said they have money again and they are looking to do another program here in the city. It is income based, there are certain criteria in order to qualify so if anyone is interested and think they qualify contact Comm. Hipwell's office, he can provide information or certainly put somebody in touch with the organization. The organization is strictly volunteer; there are people from colleges, engineering companies, contractors, a bunch of people who gave you lunch and that type of thing. It's really a terrific organization and they are looking to do some work here in the city. They make the determination of who will get service and who won't get service. One other quick thing and this isn't from the council it's from me, there was an article on the front page of the Gazette about the 10 highest tax rate communities in the area. We're talking about the Empire Center for Public Policy which is a tax watchdog type of group out of Albany. Said #20 is Duanesburg. Said he doesn't know what their situations are but he knows during tax collection they had a lot of conversations in his office from tax payers about taxes and that type of thing. Anyway the 20<sup>th</sup> is \$32.82 a thousand, the worst was \$43.58 a thousand. The 20<sup>th</sup> lowest one was \$14.85 a

thousand. Said ours is \$16.95 a thousand. Said none of us like to pay taxes and none like to raise taxes, he doesn't think we are out of whack particularly since we give fire protection, police protection, garbage pickup and all those things. He just wanted to point that out. Said we are much closer to the bottom than the top. At this point Mr. Neils, Chair of the Saratoga County Water & Quality Coordinating Committee, walked into the meeting. Said there is a resolution on tonight that they will vote on but he would like to have him say a few things before they go to the resolution. Said to let them finish here and then you can do what you have to do.

Comm. Gilheany said she left the year-end report for everyone. Said she has a couple of more accounts to look at, basically this is the final, there might be some minimal changes. We had an excellent year; we're ending up in the positive with \$728,000. Said it's very impressive for us and a lot of it was due to the revenue. From the original budget we were over \$600,000 in revenues. Basically that was due from the interest and penalties on the real state tax we were \$86,800 over there. The sale of real estate helped us a lot that was \$221,000. We also had NYSEG who spent a lot of money here, they had \$148,000 just for the paving and they paid a fee every time they were digging so we were \$148,000+ on them. Street opening permits, part of that was them, that was \$20,800. Said those were the major items. Said on the expenditure side we came in under the original amount budgeted. Said we had a budget amendment which increased it but we actually came in under budget on the expenditure side by \$311,586. Said she left her card on everyone's report so if you want a little more detail on anything or have questions, you can email me. She also left the water and sewer funds, the water fund came in a little under by \$3,000 and the sewer fund was over \$9,100. So overall exceptional, congratulations council, police chief, fire chief, everybody did an excellent job in keeping their budgets under. Said the fund balance they are 1/2 million in the positive. They started the year almost \$300,000 under.

Mayor Baker said he will echo it; everyone did a great job watching their budgets. Mark's office brought in revenues with fines and penalties and being on top of that. Joe's people did a great job. He doesn't see the fire chief here but they did a great job too. Thank you.

Comm. Higgins had nothing to report at this time.

Comm. Hipwell said May 8<sup>th</sup> is the 100<sup>th</sup> Anniversary at the Ugly Rooster. Tickets are on sale, if you buy them at the door they are \$25.00, if you buy them ahead they are \$20.00, they're in his office, the Library, the Ugly Rooster, the Community Center and the Ballston Spa Bank up here in Stillwater. Said his biggest thing is he's getting a lot of phone calls, dog owners if you take your dog out and he poops on somebody else's property, it's your responsibility to pick up the dog poop. Said his office and Chief Waldron's have been buried with phone calls for the last two or three weeks about this. Please clean up after your own dogs.

Attorney Serbalik asked for an executive session on a litigation matter.

Supervisor Richardson said as everyone knows, Maplewood Manor was sold recently. Said all the patients are being well taken care of. All the spots that were left by employees that decided not to show up have been filled and everyone is being taken care of.

Chief Waldron said they will see a resolution on the agenda where one of his police officers is resigning. He has been carrying two full time jobs and it has not been easy for him so he is resigning from his full time slot here so he can maintain his full time job elsewhere. Said he wanted to wish him well. He came in 2012 and has done his job well and they appreciate his service. Said the Mayor has directed him to come up with a plan to get some aggressive driving patrols for speeding, going through traffic lights right on red so he's giving the public warning that within the next month you will see some aggressive driving patrols out there pulling you over taking that right on red, going through a yellow light that has turned. Said they have been talking about the Dodge Charger and they probably will until the end of his life, they have been working with the city mechanic, the car is making a rattling noise and has for some time, it needs a whole new engine and we got an estimate for \$3,500 for another engine for the car. Needless to say he would not be putting one dime into that car, it's been a nightmare since they purchased it, it's got 70 to 75,000 miles on it so they are going to run it until they can't run it anymore. He's just letting the council know. Said he and the Mayor have been reviewing some options that they will meet with Jodie on down the road. Said he had an electrical fire with the police dispatcher meter and during that power outage it wiped out the reader for the police station, it's radio and snow emergency. They have an estimate when they opened the box up of \$10,000 and it will be shipped to California where they will diagnose it and try to repair it. Said at this point in time they have opted to the EMS frequency which is what the police have been driven to because communication is their normal and nobody is using it because EMS has gone to a different area. Said he and the Mayor have been working with Sheriff Zurlo and Carl Zeilman for the Office of Emergency Services to secure radios on a county wide frequency so they can have interoperability amongst their departments. For example, their police cars are involved in a pursuit and they go out of town, they have no way of communicating with the Sheriff's Department because they switched over to an 800 radio system which we do not have and it is very costly. So Sheriff Zurlo instructed Mr. Zeilman to work collaborately with them and what ultimately occurred is we now will be getting 4 brand new base radios that will go in each police car and 6 portables at a value of over \$25,000 for free and we utilize several new frequencies. Said the downfall is when they do make a total switch over, the people that listen to their scanners would have to buy some very expensive equipment in order to hear their discussions now. Wanted to again thank Sheriff Zurlo, Mayor Baker and Carl Zeilman from the Office of Emergency Services for all the work that went into this. He's going to the Sheriff's Office on Friday to sign all the paperwork. Said they responded to call on March 4<sup>th</sup> for a person that overdosed on heroin, they brought the person back to life by administering anoxilin to the person by 6:00 that night they re-arrested him for selling heroin. Said it's just an ironic thing, you try to save a person's life but by 6:00 that night they arrested him for having 6 packages of heroin on him. Wanted to tell them they try to do the right thing and sometimes it turns out that the person's life who was saved should have been dead is back out doing the same stuff.

Comm. Seber said he wanted to introduce Mr. Blue Neils, Chairman of the Saratoga County Water Quality Coordinating will try to give us an overview of the InterMunicipal Storm Water Management Program as well as the resolution that we have on the agenda tonight.

Mr. Neils passed out booklets with fundamental information for the council with flash drives with a whole host of information about storm water management permits and their duties and responsibilities. Said he believes he met with Dave and Anthony Sylvester. Said the city

had filed its notice of intent for coverage under the MS4 work permit. Said the MS4 stands for Municipal Separation Storm Sewer System. Said the permits are unique and they were created under the clean water act. Said basically the rules were for small MS4s which Mechanicville and 18 other communities in Saratoga County are. Their program has been running since 2004. What made him contact the city is that their annual reports are coming due which is the first bench mark. Said what he has done for the last 4 years is filed a combined report on behalf of all the municipalities. Said the permits are fairly complex which involves 6 minimum control measures, public education, public participation, illicit discharge, protection and elimination, basic construction regulation, post construction, controls and regulations, Mr. Higgins operation. Said the package that they have describes each of the 6 control measures in reasonable detail and its 52 pages long, front and back. It's not a simple straight forward thing. Said their program has been up and running for 10 years now. They are hoping to get them up to speed fairly quickly. Said if they decide they want to join the program they cover certain things for them. They provide county wide outreach and educational services through his office at Cornell Cooperative Extension. Said they can feel free to reach out anytime they want to. Said based on the permits and the way they were issued your first year you have a bi-annual reporting because it was a short year. Said the cycle starts on March 10<sup>th</sup> of each year and ends March 9<sup>th</sup> of the following year. You have until June 1 to get your reports published and everything else like that. Said it covers your basic public education efforts. They developed a simple 2 sided 8 1/2 x 11 piece of print paper that has information on it. When a resident comes in to renew or get a license for their dog they get that as well. This is pollution prevention. Said they do a lot of things and it's on their extensive website. Said they locally have to develop a draft report which has to be up for 30 days for public comment. Said they are not geared for this, they never had this type of responsibility. Talked about public participation. The way they generally solve this problem is to form a storm water advisory committee locally and generally they would want to pick one or two private residents that have a staked interest in water or river front, get them involved in it because generally they are networked into other groups, Rotarians, Elks, what have you and they become the multiplier all the way around the program and general. So you've actually built public participation into your program. Said he knows from the meeting they had last year that you guys have a very extensive paper map so what they are going to do is digitize that for them and put it in a GIS format because they are mapping the storm sewer system so all the entry points, the conveyances, the pipes, the culverts and everything like that. Said this is a grant program that began being funded in 2014, the first grade is wrapping up, the next one will begin on May 1 and your systems are included in that grant application, they've got to iron out a few kinks for accounting at the County level but by and large that is going to fly. Said once we have our system mapped and know where your outfalls are you have to be dry weather inspected which means no rain for the previous 48 hours, once every 5 years so that's a pretty light workload.

Sam Carabis said basically they did a study awhile back and as far as the river is concerned there are 8 points along the river where there are outlets going into the river and then they took into account the Tenandeho Creek and on that creek he believes there are 22 points. So there are about 30 points, 22 on the stream and 8 along the river. Said he got together with their employees and he spoke to a number of people and they created a large map showing all these pinpoints, locating them so he thinks they are in pretty good shape there.

Mr. Neils said they are way ahead of many communities. Said along with the inspections and stuff you have to pass a local law which is included in that flash drive. Said DEC wrote a boiler plate version so basically you can just modify it to your own nomenclature, plug your own name in and put it out for public comment just like you do with any other local law and then you would have to pass this law. Talked about exemptions to it. Anything that is not storm water cannot go into the storm sewer system. Said you can't dump oil from your car into it.

Comm. Higgins asked about swimming pools.

Mr. Neils said you cannot unless they have been de-chlorinated, said it de-chlorinates on its own after 72 to 96 hours. You don't want to put algacide into it because it goes into the rivers and streams. Talked about the materials he gave them that have to be put out for public comment. Talked more about permits. Said if they have an engineering staff in house, they generally do the reviews and they train them in his office on how to do those. Talked about facilities and operation and how everything has to be maintained to prevent pollution. Said no matter what we do we will always have some water pollution. Said they do have a storm water management plan, they update it periodically. Said DEC is being sued by the Natural Resources Defense Council which has gone to the State Board of Appeals next week on March 24<sup>th</sup>. Said DEC has simply rolled over the previous MS work permit and put out a statement saying no changes. Said until that lawsuit is settled they don't know if the courts are going to mandate any significant changes. He and a lot of people have worked hard to keep the permit the way it is because whatever DEC is proposing is a much different permit than what we currently have. Said if DEC wins the suit it will have a ripple affect all the way across the state and it will cost MS4s across the state millions of dollars. Needless to say they are not very happy about the law suit.

Mayor Baker said Mark said this is something they have to get in place before April.

Mr. Neils said not necessarily but if you want to become a member of the program then they absolutely need that resolution. In that resolution they agree to certain things and you agree to participate with the program. More discussion was held on this.

Comm. Seber said there seems to be a lot of things they will be required to do. Said we don't have a house engineer, they would have to hire one. Asked if they had anyone that could help them.

Mr. Neils said yes they help them to the extent that they can, they tell them if they can't help them with it. You want to put those things in the hands of a licensed engineer.

Attorney Serbalik said he said there has to be city local laws and probably ordinances when do they have to be passed, what's the time period on that.

Mr. Neils said they have a 3 year grace period before they have to be in full compliance. In day 1 of year 4 you have to have the local laws in place and you have to have a fully developed storm water program. Said they should be able to do this within the next 12 months.

Attorney Serbalik asked where most of the towns are that are enforcing the violations.

Mr. Neils said within the local laws you designate a storm water management officer who will be responsible for enforcement. Said they don't recommend elected officials. Discussion was held on this and more. Said they are mandated by the State to do this program.

Supervisor Richardson said unlike other state mandates, at least this gives us an opportunity to apply for grant money to offset the cost.

Mr. Neils said they don't have to outlay a lot of money.

Supervisor Richardson said Mr. Neils is a great resource right here that is available.

Mr. Neils said he does his best and if they need anything else call his office or email him.

Mayor Baker opened up the meeting to the public.

Dave Hicks, 1<sup>st</sup> Avenue, said somebody said the bridge at the end of Round Lake Avenue will have to be worked on. So we will have all bridges worked on at the same time.

Mayor Baker said they will be worked on but the overpass won't be.

Mr. Hicks said the new things he is talking about the Esplanade will come under that umbrella. Said the Mechanicville Rag across the bridge is coming down, it's coming apart, he hopes it won't be replaced.

Kim Dunn said the police officer resignation, will that position be replaced.

Mayor Baker said eventually.

Mrs. Dunn asked if the car the chief was talking about was the same one that has been having all those problems.

Chief Waldron said right now it has ticking noises.

Mrs. Dunn asked about the North Main Street Bridge.

Comm. Seber said it has taken them long to get easements straightened out. Said everything on the Frances Street part will be taken care of and they are working on eminent domain proceedings to take care of the last parcel. They were hoping to start in April but it looks like in May.

Mrs. Dunn said Mark said they collected about 80% of taxes so we collected about \$650,000 more or less. Asked about plans to collect the rest of it.

Comm. Gilheany said taxes are not the only revenue. Said this is just the end of the tax due date, people pay after the fact. Said this is not unusual so we should be okay.

Mrs. Dunn asked if we will be able to get a fire truck this year.

Mayor Baker said they are in the process of talking about bonding and all that with the companies.

Mrs. Dunn asked if a vote has taken place on it.

Mayor Baker said no.

Comm. Gilheany said it will take a year to get it after they order it.

Renate Gerstenberger asked if they knew more accurately when the bid for Frances Street and Main Street would go out.

Comm. Seber said all he can tell her is sometime in April. He doesn't have a date, he wished he did.

Miss Gerstenberger asked what the expected length of time is.

Comm. Seber said about 6 months. It will go from Hill Street to Terminal Street and then Francis Street to Hudson Avenue.

Miss Gerstenberger asked if the Central Avenue sidewalks would get paved this year under the grant.

Comm. Seber said they are not planning on it right now but they will see how this all works out.

Miss Gerstenberger asked if Mechanicville will issue a bond for the cost of the bridges.

Comm. Gilheany said yes, their cost is 5%, so they will probably issue a bond eventually.

Mrs. Dunn said we are responsible for 5% but we have to pay for the bills first and then get reimbursed right?

Comm. Gilheany said correct and they also have to pay for the interest. Said we have had great interest rates.

Comm. Seber read RES. NO. 33-15 AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO FILE SUIT TO ENFORCE THE TERMS OF A LOAN AGREEMENT

Comm. Seber said they have about 15 USDA loans with 0 interest for 5 years. Said in this particular case it has been several months since a payment has been made so they are pursuing that.

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

Comm. Seber read RES. NO. 34-15 SARATOGA COUNTY INTERMUNICIPAL  
STORMWATER MANAGEMENT PROGRAM AGREEMENT

Introduced by Comm. Higgins, seconded by Comm. Gilheany. Roll Call: Affirmative – all. Negative – none.

Comm. Seber read RES. NO. 35-15 RESIGNATION OF POLICE OFFICER  
ROBERT J. MURPHY

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

Comm. Gilheany read RES. NO. 36-15 PAYROLL AND VOUCHERS

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

Comm. Hipwell said on the resolution for the Police Officer, he did an outstanding job for the city.

Mayor Baker said he had a call today from Assemblywoman Werner's office and she will possibly have some funds available to help us with some police department stuff. Said they don't know what yet, they had to give her a list of things that they are looking at like body cameras, maybe helping out with weapons and Tasers. He just wanted to give them a heads up that she is reaching out to us and saying she is going to try to get us some stuff.

No old business.

Comm. Higgins, seconded by Comm. Gilheany, made a motion to close the regular meeting at 8:00 to go into executive session. Roll Call: Affirmative – all. Negative – none.

Comm. Hipwell, seconded by Comm. Higgins, moved that the executive session be closed at 8:30 to re-open the regular meeting. Roll Call: Affirmative – all. Negative – none.

Comm. Gilheany, seconded by Comm. Seber, made a motion to adjourn the regular meeting at 8:33. Roll Call: Affirmative – all. Negative – none.