

AGENDA
REGULAR MEETING OF THE
MECHANICVILLE CITY COUNCIL
SENIOR CITIZEN'S CENTER
178 NORTH MAIN STREET

MAY 6, 2015

1. OPEN MEETING: _____ P.M.

2. ROLL CALL: MAYOR BAKER _____
COMM. SEBER _____
COMM. GILHEANY _____
COMM. HIGGINS _____
COMM. HIPWELL _____

3. PLEDGE OF ALLEGIANCE

4. ACCEPTANCE OF THE MINUTES OF THE PREVIOUS MEETING:
APRIL 15, 2015

MOVED BY: _____ SECONDED BY: _____
ROLL CALL: AYES: _____ NAYS: _____

5. COMMISSIONERS REPORTS:
MAYOR'S REPORT & CORRESPONDENCE
COMM. SEBER CITY ATTY. SERBALIK
COMM. GILHEANY SUPERVISOR RICHARDSON
COMM. HIGGINS MPD CHIEF WALDRON
COMM. HIPWELL MFD CHIEF CORRIGAN

6. OPEN FOR PUBLIC COMMENT:

7. RESOLUTIONS: RES. NO. 47-15 AUTHORIZING THE COMMISSIONER OF
ACCOUNTS TO ISSUE CHECKS FROM THE HOUSING
TRUST LOAN FUND CORPORATION

MOVED BY: _____ SECONDED BY: _____ ROLL
CALL: AYES: _____ NAYS: _____

RES. NO. 48-15 APPROVING BUDGET AMENDMENTS

MOVED BY: _____ SECONDED BY: _____
ROLL CALL: AYES: _____ NAYS: _____

RES. NO. 49-15 AMENDED AUTHORIZATION TO
COMMENCE PROCEEDINGS PURSUANT TO ARTICLE
4 OF THE EMINENT DOMAIN PROCEDURE LAW
TIMPANARO PARCEL

MOVED BY: _____ SECONDED BY: _____
ROLL CALL: AYES: _____ NAYS: _____

RES. NO. 50-15 PAYROLL AND VOUCHERS

MOVED BY: _____ SECONDED BY: _____
ROLL CALL: AYES: _____ NAYS: _____

8. NEW BUSINESS

9. OLD BUSINESS:

10. ADJOURNMENT: INTRODUCED BY: _____
SECONDED BY: _____
ROLL CALL: AYES: _____ NAYS: _____

RESOLUTION NO. 47-15

WHEREAS, THE HOUSING TRUST LOAN FUND CORPORATION has awarded the City a \$400,000 grant providing for loans to City residents to fund residential home improvements; and

WHEREAS, THE HOMEOWNERS HAVE APPLIED for loans for improvements to real property owned by him/her within the City; and

WHEREAS, THE APPLICANT AND LOAN HAS been approved by an independent committee, which loan is properly secured with a mortgage upon the real property subject to the improvements; and

WHEREAS, THERE IS NO COST to the City;

IT IS HEREBY RESOLVED THAT the above loan is hereby approved and the Commissioner of Accounts is hereby authorized to issue the following checks from the loan proceeds:

\$19,107.00 to S&G Contracting (Wiley construction)

\$ 2,666.66 to the City of Mechanicville (Administration fees)

Introduced By: _____

Seconded By: _____

ROLL CALL: Mayor Baker _____
Comm. Seber _____
Comm. Gilheany _____
Comm. Higgins _____
Comm. Hipwell _____

Dated: May 6, 2015

RESOLUTION No. 48-15

WHEREAS, the Mechanicville City Council adopted their 2015 Annual Budget on December 17, 2014; and

WHEREAS, the City Council now wishes to amend said Ordinance with the following transfer of budget balance

THEREFORE BE IT RESOLVED, that for the 2015 budget we wish to approve the following budget amendment:

AMOUNT	FROM BUDGET CODE	TO BUDGET CODE	FROM	TO
3,594.30	A0-5010-407	A0-5142-402	Highway - Repairs & Maintenance	Snow Removal - Materials & Supplies
To cover Snow Removal Materials & Supplies.				
874.38	A0-1315-410	A0-9050-800	Accounts - Contracted Services	Unemployment Insurance
To cover NYS Unemployment Insurance.				
2,800.00	A0-3411-410	A0-3411-100	Fire Bldgs - Contracted Services	Fire Bldgs - Personal Services
To cover Fire Bldgs Personal Services.				
13.76	A0-5010-412	A0-5142-412	Highways - Fuel	Snow Removal - Fuel
To cover Snow Removal Fuel.				
146.00	A0-1990-400	A0-3120-404	Contingency Account	Police Department - Insurance
To cover Police Department Insurance for impound of cars.				
200.00	A0-1355-410	A0-1355-401	Assessor - Contracted Services	Assessor - Office Expense
To cover Assessor Office Expense				
237.25	A0-3510-402	A0-3510-410	ACO - Materials & Supplies	ACO - Contracted Services
To cover Shelter Services Contract amount.				
212.18	A0-5010-407	A0-5142-407	Highway - Repairs & Maintenance	Snow Removal - Repairs & Maintenance
To cover Snow Removal Repairs & Maintenance.				

Introduced by: _____

Seconded by: _____

Roll Call:

- Mayor Baker _____
- Comm. Seber _____
- Comm. Gilheany _____
- Comm. Higgins _____
- Comm. Hipwell _____

RESOLUTION NO. 49-15

AMENDED AUTHORIZATION TO COMMENCE PROCEEDINGS PURSUANT TO
ARTICLE 4 OF THE EMINENT DOMAIN PROCEDURE LAW

PIN 1758.94

FRANCES STREET OVER ANTHONY KILL BRIDGE (BIN 220295) REPLACEMENT
PROJECT

CITY OF MECHANICVILLE, SARATOGA COUNTY, NEW YORK

WHEREAS, the City of Mechanicville (“City”) has established proposed public project PIN 1758.94 (“Project”) to replace the Frances Street bridge over the Anthony Kill (“Bridge”) located in the City of Mechanicville, Saratoga County, New York, due to deterioration and safety concerns; and

WHEREAS this resolution is to amend the previous resolution passed by the City Council pertaining to this project on April 15,2015

WHEREAS, in order to accomplish the Project, it is necessary to acquire real property interests in properties adjacent to the Bridge; and

WHEREAS, the City, through the engineering firm of Barton and Loguidice, (B&L) retained the firm of R.K. Hite, & Co., Inc. to acquire the real property interests necessary to accomplish the Project; and

WHEREAS, in accordance with the relevant provisions of the New York Eminent Domain Procedure Law (“EDPL”), the City conducted a public hearing regarding the Project, and by Resolution No. 77-14, adopted its Determination and Findings relative to the Project; and

WHEREAS, following the adoption of its Determination and Findings relative to the Project, in further accord with relevant provisions of the EDPL, the City caused to be published and mailed to the then identified affected landowners a copy of a synopsis of such Determination and Findings; and

WHEREAS, subsequent to the date when the City adopted, published and mailed a synopsis of its Determination and Findings on the Project, a title search revealed that Theresa Timpanaro, now deceased, held title to a parcel of real property located on the south side of Frances Street and in the bed of the Anthony Kill (“Timpanaro Parcel”); and

WHEREAS, it is necessary for the City to acquire a fee interest in and to an approximately 833 square foot area of the Timpanaro Parcel in order to accomplish the Project; and

WHEREAS, the approximately 833 square foot area of the Timpanaro Parcel is situated within the bed of the Anthony Kill and is depicted and described in Map , Parcel 5 of the Project; and

WHEREAS, the City caused the real property interest in the Timpanaro Parcel, as depicted in Map 5, Parcel 5 of the Project, to be appraised in accordance with federal and state requirements and thereafter conveyed a written offer to Theresa Timpanaro in the amount of one hundred per centum of such appraised amount; and

WHEREAS, due to incapacity and subsequent recent death of Theresa Timpanaro, the City's offer to purchase the aforementioned fee interest in the Timpanaro Parcel was not accepted, and Theresa Timpanaro did not convey the real property interest necessary to accomplish the Project; and

WHEREAS, there has been no fiduciary appointed to administer the estate of Theresa Timpanaro, as a consequence of which the City is not able to acquire by conveyance the real property interest in the Timpanaro Parcel which is depicted and described in Map 5, Parcel 5 of the Project; and

WHEREAS, in order to acquire the interest in the Timpanaro Parcel that is depicted and described in Map 5, Parcel 5 of the Project, it is necessary for the City to acquire such interest in accordance with the provisions of EDPL Article 4; and

WHEREAS, the City, notwithstanding the adoption of its Determination and Findings relative to the Project and the subsequent publication and mailing of a synopsis thereof, and based upon the opinion of the City's retained legal counsel, Hite and Beaumont PC, is exempt from compliance with the EDPL Article 2 hearing requirement in relation to the acquisition of real property interest depicted and described in Map 5, Parcel 5 of the Project on the basis of grounds set forth in EDPL §206(A) and (C), because the subject Project is a Federal-aid highway project that is subject to the provisions of 23 U.S.C.A. §128, which requires, among other things, that prior to the acquisition, a public hearing be held, or the opportunity for such be afforded, at which public hearing there is considered factors similar to those enumerated in EDPL §204(B); and

WHEREAS, in accordance with the provisions of Title 23, U.S. Code, Section 128, and Title 40, U.S. Code of Federal Regulations, Parts 1500 to 1508, after notice thereof was provided and Project documents made available for public inspection, a public information meeting and EDPL Article 2 hearing were conducted concerning the Project, which meeting and hearing were part of a larger design process during which the City described the alternatives and preferred alternative, discussed right-of-way needs, construction impacts and project schedule and specifically considered and addressed the social, historic, economic and environmental consequences of the Project; and

WHEREAS, the City notwithstanding the adoption of its Determination and Findings relative to the Project and the subsequent publication and mailing of a synopsis thereof, and based upon the opinion of the city's retained legal counsel, Hite and Beaumont PC, is exempt from compliance with the EDPL Article 2 hearing requirement in relation to the acquisition of real property interests depicted and described in Map 5, Parcel 5 of the Project on the basis of grounds set

forth in EDPL §206 (D) because the acquisition of the such real property interest is de Minimis in nature so that the public interest will not be prejudiced by the construction of the Project; and

WHEREAS, the law firm of Hite & Beaumont, P.C., of Albany, New York, acting as a subcontractor to R.K. Hite & Co., Inc., has extensive experience with acquisitions made in accordance with the provisions of EDPL Article 4; and

WHEREAS, the City desires to utilize the services of Hite & Beaumont, P.C., acting as a subcontractor to R.K. Hite & Co., Inc., to acquire for the City the real property interest depicted and described in Map 5, Parcel 5 of the Project, pursuant to a retainer agreement.

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that the firm of R.K. Hite & Co., Inc. is authorized to retain the services of the law firm of Hite & Beaumont, P.C., as a subcontractor, to acquire, on behalf of the City and in accordance with the provisions of EDPL Article 4, a fee interest in and to an approximately 833 square feet portion of the Timpanaro Parcel, all of which area to be acquired is under water and is depicted and described in Map 5, Parcel 5 of the Project.

Introduced By: _____

Seconded By: _____

Roll Call: Mayor Baker _____
Comm. Seber _____
Comm. Gilheany _____
Comm. Higgins _____
Comm. Hipwell _____

Dated: May 6, 2015

Whereas: Payroll, General, Water, Sewer and Capital Project
Fund Vouchers Contained Within

ABSTRACT		
PAYROLL #	17-15 4/23/15	\$ 91,632.64
PAYROLL #		\$ -
		<hr/> \$ 91,632.64

With an expenditure breakdown by fund as follows:

GENERAL A0 FUND	\$143,102.17
WATER FX FUND	\$22,408.01
SEWER G0 FUND	\$3,571.09
CAPITAL PROJECTS H0 FUND	\$33,422.36
PAYROLL FUND	\$91,632.64
	<hr/>
TOTAL	\$294,136.27

Now, therefore be it resolved that said payroll and vouchers are
Hereby allowed in order to be paid.

Introduced by: _____

Seconded by: _____

Roll Call:

Mayor Baker	_____
Comm. Seber	_____
Comm. Gilheany	_____
Comm. Higgins	_____
Comm. Hipwell	_____

Dated: April 15, 2015