

**MINUTES OF THE CITY COUNCIL MEETING
HELD ON
DECEMBER 16, 2015**

The regular meeting of the Mechanicville City Council was held at the Senior Center, North Main Street, Mechanicville, NY on Wednesday, December 16, 2015.

Roll Call:	Mayor Baker	Present
	Commissioner Seber	Present
	Commissioner Gilheany	Present
	Commissioner Higgins	Present
	Commissioner Hipwell	Present

Michelle Duell led the Pledge of Allegiance to the Flag.

Mayor Baker: Can I have a motion to accept the Minutes of the last meeting?

Commissioner Gilheany, seconded by Commissioner Hipwell, moved that the Minutes of the December 2, 2015 meeting be accepted as prepared.

Roll Call:	Mayor Baker	Yes
	Commissioner Seber	Yes
	Commissioner Gilheany	Yes
	Commissioner Higgins	Yes
	Commissioner Hipwell	Yes

Mayor Baker: Commissioner reports.

The pole for the alarm went up today and it is in place. Maybe next week, but they are not making any promises because of the holiday, that the alarm will be placed on top of the pole. It will be operational right after it is installed.

Obviously, the bridge was delayed. They had some issues with a piece of equipment breaking down. There are wooden supports and bridges even underneath that bridge that the men worked on and they want to get them all out of there before they open the road up. I am hoping by Friday. But, it will be open soon. I think that is it. Mark?

Commissioner Seber: It is my last meeting and I want to thank the people in Mechanicville for giving me the opportunity to serve for the last eight years. I think, as a group, we have accomplished an awful lot in the City, particularly in the infrastructure. I want to thank everyone and those that come to the meetings and pay attention. It is very important and I am glad that you do it.

Mayor Baker: You are welcome.

Commissioner Gilheany: I have nothing to report. Enjoy the holidays and be safe.

Commissioner Higgins: I have nothing to report. Everybody have a Merry Christmas.

Commissioner Hipwell: The same thing as said by the other two Commissioners. Merry Christmas and a Happy New Year.

Mayor Baker: Mr. Serbalik?

Attorney Serbalik: Nothing.

Mayor Baker: Supervisor Richardson, not here. Any fire chief here? No. Chief Waldron?

Chief Waldron: I will do the same thing. First, I want to say thank you, Mark. I had the pleasure of working with Mark for eight years and before this we were on the School Board together. I have known Mark for a long time. We have gone through some really tough times. I have to say that Mark has been that kind of guy that has been steering us in the right direction, and I am being serious about that. So, I appreciate it. It has been my pleasure and I enjoyed every bit of it, believe me, when I say that.

Commissioner Seber: Thank you.

Chief Waldron: I also want to say Merry Christmas to everybody else. Enjoy the holidays and be safe; I will steal that from Jodie. Thank you.

Mayor Baker: I need a motion to close the general meeting and to open three public hearings that we have.

Motion made by:	Commissioner Higgins	
Seconded by:	Commissioner Hipwell	
Roll Call:	Mayor Baker	Yes
	Commissioner Seber	Yes
	Commissioner Gilheany	Yes
	Commissioner Higgins	Yes
	Commissioner Hipwell	Yes

Commissioner Seber: We have three public hearings. We will do them in the order that we have here. The first one is a public hearing on the three budgets: General Fund, Water Fund and Sewer Fund. Anybody have any comments or questions? If so, please come to the podium and give us your name and address. Nothing? Okay.

We will move on to public hearing regarding Local Law 3-15. This deals with the taxable status date. The taxable status date is basically the date you have to get information in so that you can get exemption and things so that it is recorded for the next assessment roles.

We did this about two months ago. I submitted it to the NYS Department of Real Property as part of a whole bunch of stuff related to our revaluation. They did not like the wording. The wording has been in effect for about a hundred years. So, we had to go back and change the wording a little bit to their satisfaction. They signed off on the wording. Speaking with Val, we need to go through the process again. We are just going to vote on the local law again and make that slight change.

Anybody have any comments on the taxable status date of the public hearing?

We are going to the public hearing regarding Application to USDA for a grant loan to finance a fire truck. Like I said two weeks ago, we put a pre-application in to USDA for a grant loan for the new fire truck. We received the letter back saying that our pre-application has been approved for a \$40,000 grant and the balance being funded through a bond from USDA. They have invited us to submit a full application, as that is the way it works with them. In order to do the full application, we need a public hearing on this, so we are doing that tonight.

Again, there are no guarantees that we will get the money; however, generally speaking, if they tell you to apply for it after they have given you pre-approval, there is some sense that we will be fairly successful in getting the financing. Anybody have anything to say on this?

Kimberly Connors Dunn, 251 South Main Street: Just to make sure I understand this. We are not guaranteed the \$40,000?

Commissioner Seber: Not yet.

Kimberly Connors Dunn: They are saying to put in an Application with the Resolutions here tonight. One is for \$1250 and one is for \$7,000 and one is for \$5,000.

Commissioner Seber: They are for different projects.

Kimberly Connors Dunn: All three say for a new fire truck.

Commissioner Seber: That is all part of the Application.

Kimberly Connors Dunn: I think it is great about the Grant money and hopefully, we will get it. But, potentially, we could spend...

Commissioner Seber: No. Only if we get the money.

Kimberly Connors Dunn: We are only going to spend this money, if we get the money?

Commissioner Seber: If we get the okay for the money and the Bond and we are able to finance it through them, this is all part of the full Application. We have to have the public hearing, any financing firm we might use or bonding firm, tell them who it is and an amount not to exceed. Those numbers are not to exceed numbers. They are not necessarily what we are going to pay. Also, your bonding counsel you have to do the same thing. It all has to be part of the Application is the reason we are doing this tonight.

Kimberly Connors Dunn: We would only pay out, if we got it with the exception of possibly the money to Barton and Loguidice that we would have to pay them and whatever we paid them before for the initial application or whatever?

Commissioner Seber: It was \$3,000 or \$4,000.

Kimberly Connors Dunn: That is why I was confused.

Commissioner Seber: It is part of the Application. Somewhere along the line you are going to have to pay it as you are going to have to pay for the fire truck.

Kimberly Connors Dunn: What is the timetable for the full Application, did they say? Does it take two months?

Commissioner Seber: Probably a couple of months. It is quicker than the pre-application which took three or four months. Much of the full application is found in the pre-application. That is the reason it is only costing us \$1,250 to get it prepared because much of that information is the same. That is the way the feds work.

Kimberly Connors Dunn: If we were to get something, we would get the \$40,000? It would not be less or more?

Commissioner Seber: It would not be less. It probably will not be more but we made an appeal for more because we met with USDA a couple of weeks ago to review this whole thing. It is out of Syracuse they make these decisions. If there is more money, there is a possibility we could get more money, but don't count on it. But, there will not be anything less than \$40,000.

Kimberly Connors Dunn: Okay. Thank you.

Mayor Baker: Any other questions? Can I have a motion that we close the public hearing and return to the regular meeting?

Motion made by: Commissioner Higgins

Seconded by: Commissioner Gilheany

Roll Call:	Mayor Baker	Yes
	Commissioner Seber	Yes
	Commissioner Gilheany	Yes
	Commissioner Higgins	Yes
	Commissioner Hipwell	Yes

Mayor Baker: Now we will open this session to the Public reminding you that you need to come to the podium, state your name, your address and you have five minutes.

Dave Hicks, 241 First Avenue: Someone said that a boiler blew in the City?

Mayor Baker: It did not blow, we had issues with it and it has been repaired.

Dave Hicks: I don't know what is your process because I just found out about it. Did you contact your insurance company?

Mayor Baker: For?

Dave Hicks: Something like that has to be monitored.

Mayor Baker: It is being monitored by NYSEG daily.

Dave Hicks: There is protocol that you have to go through with boiler inspectors and your insurance.

Mayor Baker: I understand that and everybody has been notified that needed to be notified.

Dave Hicks: Okay. Second question. Who is responsible for that boiler? You have to have some person responsible to operate that boiler.

Mayor Baker: DPW

Dave Hicks: Do you have a sheet on that for whoever was in there servicing the boiler? Because it has to be flushed down three times a day.

Commissioner Higgins: Yes.

Dave Hicks: What was the problem with the boiler?

Commissioner Higgins: Too much pressure from NYSEG when NYSEG was doing the work down there.

Dave Hicks: Gas pressure on the valve?

Commissioner Higgins: Yes.

Dave Hicks: So, they are responsible?

Commissioner Higgins: Yes.

Dave Hicks: Okay. That's a given. That took the wind out of my sails. I was wound up and ready to go. Okay. Next, the light is not working.

Commissioner Higgins: I know. I just found it today. The first time I went by tonight, it was out.

Dave Hicks: It is going on three weeks.

Commissioner Higgins: Every time I go by it was lit. Tonight I found it.

Dave Hicks: Yes, but it does not stay and then it goes out.

Commissioner Higgins: I know.

Mayor Baker: It has to be the sensor on top of it?

Commissioner Higgins: No, it cycles.

Dave Hicks: There is a malfunction with the light. It does not burn its proper luminents plus it doesn't stay on line. It is going for three weeks and we are paying monthly for that light.

Mayor Baker: Thanks, Dave. Kim?

Kimberly Connors Dunn, 250 South Main Street: I only have comments tonight and I would appreciate it not being interrupted so I can have my full five minutes.

I recently said that I mean what I say and I say what I mean. A couple of days to throw out there: Election day, Tuesday, November 5, 2013 and Friday, November 29, 2013, which is the day after Thanksgiving.

When elected to a position in any election, where the position elect, you do not take office until you are sworn in on January 1st of the New Year. Which means, you have no authority to lead or otherwise, since there is already someone in that position finishing out their term.

The only exception to this would be someone that is currently in the position and ran for re-election and won. Or, someone that ran for a position that was currently vacant and would be sworn in to take office immediately, due to the vacancy.

So, thinking that you have the authority, the power, the right to give someone a directive, which would be an order of command, would have no legal standing in any court of law. When you do this, pertaining to an election, I would think that would be a whole other set of problems. Once, going into office, all elected officials should be careful of their actions and intentions so as not to give the appearance of being unethical and unprofessional. Actions have consequences, even if they are not apparent right away.

Although I appreciate your willingness to appoint me to a committee, Commissioner Seber, I am going to have to follow in the recent footsteps of my son and withdraw my name from this appointment. I want to be very clear in my action. I am not pouting, neither was my son. I am sure there will be a few members of the coffee club that would be more than happy to be appointed. Thank you.

Mayor Baker: Any other public comments? Sir?

David Thistle, 135 North Main Street: What was that office Ma'am?

Kimberly Connors Dunn: What office?

David Thistle: What office did you just read off that the person decided not to take? So you did not take that office?

Kimberly Connors Dunn: No. I am withdrawing my name from the nomination to be on the committee tonight.

David Thistle: Oh, that's a shame. Okay. I just want to make a couple of comments and then I would like to have some feedback.

The other day my wife got a ticket out in front of Stewart's. She wasn't my wife at the time, she was my girlfriend, but I had to pay the \$75 because I let her quit her job. She looked at her cell phone while she was stopped at the red light. Now, I asked the Sheriff down in Albany, since I use to be a police officer in my past life, what the law stipulated because there were no hands free laws when I was a police officer. She was stopped at the red light, and she looked at her phone and she got a ticket for \$75 and then some.

Here is the deal. Today I am walking my dog right after my little girl got on the bus to the school. During school hours when the kids are walking to school, I am walking down by McDonald's. Here comes the back hoe, that is owned by the Town, at about 30 miles an hour at the corner. First of all, it is a little excessive in the speed and I am standing there with my dog. Secondly, I look at the guy who is driving and he is on his cell phone. It is pretty simple to confirm that because you can call his cell phone company and ask them if he was operating his cell phone while he was operating the vehicle, by subpoenaing the records. You can subpoena his personal cell phone records, if he is a Town employee and on his cell phone.

I want either one of two things to happen, which I would like to see your feedback. I would either like him ticketed for whatever the fine is for operating a Town vehicle or City vehicle, while he is supposed to be working and I would like him reprimanded for being on the phone while he is to be working. He is unsafely operating a Town vehicle. Then maybe, have a urine test done on him because he is operating a vehicle unsafely, while he is talking on his cell phone; which doesn't make sense to me. Can you explain that to me?

Mayor Baker: No.

David Thistle: When I went over to talk to him, I talked to this guy, Tom, is that his name? He is the town manager? Who is the town manager?

Mayor Baker: We do not have a town manager.

Commissioner Gilheany: Tom Richardson, Town Supervisor?

David Thistle: Town Supervisor. Wow, that sounds like a Town Manager from Mass. I told him what happened. He said, mind your own business.

I am a Town citizen. I am a City citizen and it is my business. That is my vehicle with my tax dollars. That is my employee driving the vehicle, talking on the cell phone, that almost hit me and my dog and I have a witness. Of course, I have my cell phone in my pocket, which has a camera. Isn't that beautiful.

Now, you have a choice. You can either do your jobs and talk to the Supervisor and get him reprimanded and I want to see the reprimand. Or, this is what is going to happen. I am going to call the Times Union and I am going to put a strangle hold on all of you because I just notified you of what happened. Understood?

Mayor Baker: You don't threaten us. Understand that?

Commissioner Higgins: He was up at the garage this morning threatening everybody up there, too.

David Thistle: I wasn't threatening anyone. I was bringing it to your attention.

Mayor Baker: We will look into it and we will take care of it. We will not be notifying you. That is a Union issue. We will take care of it.

David Thistle: It is a Union issue. I did not know you were a Union Town or City. I will not go to the Town any more to make complaints. I will just take pictures and send it to the Times Union.

Mayor Baker: Okay. Thank you.

David Thistle: Who is the Constable in the town?

Mayor Baker: We do not have a Constable. We have a police department.

David Thistle: Who is the Town's Justice of the Peace?

Mayor Baker: We do not have a Justice of the Peace.

David Thistle: The Governor has the right to appoint a Justice of the Peace, correct?

Mayor Baker: Not here.

David Thistle: Why not?

Commissioner Seber: We are a City.

Mayor Baker: Thank you.

David Thistle: Because you are a City you do not have a Justice of the Peace?

Mayor Baker: Right. Thank you.

David Thistle: That is the first thing I wanted to talk about.

Mayor Baker: No, your five minutes are up.

David Thistle: Okay. Thank you very much everyone for your patience.

Mayor Baker: Thank you. Any other comments from anybody? David?

David Hicks: Yes. The vent that is outside the duct work that you have there in front of city hall, I don't know what that is for? I am assuming that is a fresh air intake for downstairs. That needs to be somehow more secure. Run it off the building or run it up in the air. That is too easy for somebody to throw something down there to contaminate the intake.

Mayor Baker: The end will be covered. It is just not finished yet.

David Hicks: You don't understand. You can throw something down to cause a gas problem on the ground and it will be inhaled into the duct work. So, you got to get it up and out of the way so it is out of the dangerous area, you know what I am saying.

Mayor Baker: Thank you. Anybody else have anything? We will move on.

COMMISSIONER SEBER READ LOCAL LAW 3-2015: I am going to waive the whole reading of this Law. Basically, it is to make adjustments to the wording on Section 35 of the City Code relating to the assessment roll and the taxable status date.

**Introduced By: Commissioner Seber
Seconded By: Commissioner Higgins
Roll Call: Ayes: 5 Nays: 0**

COMMISSIONER SEBER READ RESOLUTION 122-15: CITY BUDGET FOR FISCAL YEAR 2016.

**Introduced By: Commissioner Gilheany
Seconded By: Commissioner Hipwell
Roll Call: Ayes: 5 Nays: 0**

I want to commend Jodie on the budget. It came in, and in really good shape. She did a lot of work and I thank her very much.

Commissioner Gilheany: It was not only me. It was everybody.

Mayor Baker: You directed and we thank you for that.

COMMISSIONER SEBER: The next three Resolutions are relating to the Route 67 bridge project. The first one is a SEQRA Resolution which is about the environmental issues on Route 67. We are a Type 2 action, so no further action is required. I will make the motion.

**Introduced By: Commissioner Seber
Seconded By: Mayor Baker
Roll Call: Ayes: 5 Nays: 0**

COMMISSIONER SEBER READ RESOLUTION 124-15: THE BONDING RESOLUTION RELATING TO THIS PROJECT:

**Introduced By: Commissioner Seber
Seconded By: Commissioner Gilheany
Roll Call: Ayes: 5 Nays: 0**

COMMISSIONER SEBER READ RESOLUTION 125-15: AUTHORIZATION TO AWARD CONSTRUCTION CONTRACT FOR ROUTE 67 BRIDGE PROJECT:

**Introduced By: Commissioner Mayor Baker
Seconded By: Commissioner Higgins
Roll Call: Ayes: 5 Nays: 0**

COMMISSIONER SEBER READ RESOLUTION 126-16: AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH BARTON & LOGUIDICE FOR USDA GRANT APPLICATION:

Introduced By: Commissioner Seber
Seconded By: Commissioner Hipwell
Roll call: Ayes: 5 Nays: 0

COMMISSIONER SEBER READ RESOLUTION 127-15: AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH BPD MUNICIPAL FINANCE FOR USDA GRANT APPLICATION:

Introduced By: Mayor Baker
Seconded By: Commissioner Hipwell
Roll Call: Ayes: 5 Nays: 0

Because we do it this way, we can file these as part of the Application. We need to do that. As a result of that, and Jodie you will have to make a decision down the line, we can include these costs in the project, if you want to. In other words, if you want to put it as part of the borrowing for the Bond Counsel or the Bernie Donegan money.

Commissioner Gilheany: They allow that?

Commissioner Seber: Yes, as long as it is part of the Application. It is an option that you have. I am letting you know that it is available as part of the Application.

COMMISSIONER SEBER READ RESOLUTION 128-15: AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH BARCLAY DAMON AS BOND COUNSEL FOR USDA GRANT APPLICATION: Barclay Damon is a firm we have used for the last several years.

Introduced By: Mayor Baker
Seconded By: Commissioner Higgins
Roll Call: Ayes: 5 Nays: 0

COMMISSIONER SEBER READ RESOLUTION 129-15: APPOINTMENT TO BOARD OF ASSESSMENT REVIEW:

Introduced By: Commissioner Hipwell
Seconded By: Commissioner Higgins
Roll Call: Ayes: 5 Nays: 0

COMMISSIONER SEBER READ RESOLUTION 130-15: APPOINTMENT TO MECHANICVILLE HOUSING AUTHORITY BOARD:

Introduced By: Mayor Baker
Seconded by: Commissioner Higgins
Roll Call: Ayes: 5 Nays: 0

COMMISSIONER SEBER READ RESOLUTION 131-15: CREATION OF A TEMPORARY BOARD OF ASSESSMENT REVIEW:

Introduced By: Commissioner Seber
Seconded By: Commissioner Higgins
Roll Call: Ayes: 5 Nays: 0

What is going to happen here is that one of the permanent members is going to have to serve on this Board. That is a requirement so that there will be somebody with experience.

COMMISSIONER SEBER READ RESOLUTION 132-15: APPOINTMENT TO TEMPORARY BOARD OF ASSESSMENT REVIEW:

Introduced By: Commissioner Hipwell
Seconded By: Commissioner Higgins
Roll Call: Ayes: 5 Nays: 0

..

COMMISSIONER GILHEANY READ RESOLUTION 133-15: PAYROLL AND VOUCHERS:

Introduced By: Commissioner Gilheany
Seconded By: Mayor Baker
Roll Call: Ayes: 5 Nays: 0

COMMISSIONER GILHEANY READ RESOLUTION 134-15: BUDGET TRANSFERS:

Introduced By: Commissioner Gilheany
Seconded By: Commissioner Higgins
Roll Call: Ayes: 5 Nays: 0

Commissioner Higgins: Did we get the CHIPS money yet?

Commissioner Gilheany: Yes.

Mayor Baker: New Business. I am following in these guys footsteps. I had already planned on doing it now, but, I personally for the City and for myself, want to thank Mark Seber for his eight years in office. I know that my first two years in office were made much easier because I had Mark here. I am sure Michelle will step in and learn it just as well but for now, I want to thank you, Mark, and I appreciate everything you did for me. Thank you.

Commissioner Seber: I want to thank everyone and as I said before, there has been no politics here and that is the important thing. Eight years ago I was the only Republican elected and I did not know what to expect. There has not been any politics over the eight years. This group here, we have the City's best interest at heart and if we disagree, we disagree, because we disagree. There has never been an ounce of politics in this and I think as long as the City moves forward in that direction, the City is going to be in great shape. We have done some wonderful things. I thank everyone for their kind words and everything.

Mayor Baker: Any other new business? How about old business? Okay, then I will move on.
We have no need to have an Executive Session tonight, correct? I will introduce a motion to adjourn.

Seconded By: Commissioner Gilheany
Roll Call: Ayes: 5 Nays: 0

Thank you everyone.