

The regular meeting of the Mechanicville City Council was held at the Senior Citizen's Center, North Main Street, Mechanicville, NY, on Wednesday, April 7, 2010. Mayor Sylvester opened the meeting at 7:04 p.m.

Roll Call: Mayor Sylvester - present  
Comm. Seber - present  
Comm. Chauvin - present  
Comm. Higgins - present  
Comm. Hipwell - present

Comm. Higgins led the Pledge of Allegiance to the Flag.

Mayor Sylvester said the first thing is a presentation for police officers and a citizen of Mechanicville who saved a man's life about 4 weeks ago. Called upon Chief Waldron.

Chief Waldron said the policy of the Mechanicville Police Department is that when someone does something so miraculous they acknowledge them in a public forum. Said this is meeting their obligation of their policy and more importantly acknowledge these three individuals for something they did that was extraordinary. Said what transpired was on March 5, 2010 a 68 year old man was leaving his daughter's house on Grand Street when he had a sudden heart attack and ended up in full cardiac arrest. E MS were dispatched at 2:50 p.m. and the first police unit arrived within 30 seconds of the call. Shortly thereafter the second police unit arrived along with a neighbor who lived across the street. Said all three individuals worked seamlessly to provide Cardio Pulmonary Resuscitation (CPR) and by using an automatic defibrillator saved this man's life. Said there's no question that the quick response of Sgt. Peter Rocco, Patrolman Juan Marrero coupled with the assistance of RN Joanne Boisvert-Fraser provided that 68 year old male with immediate life-saving care. Said were not for their efforts, a much different outcome would have been realized. Said differently, they saved a life on that day. Together the community and the police worked seamlessly to achieve the best possible outcome. Said this is the very definition of community policing. He hereby awards Sgt. Peter L. Rocco and Patrolman Juan B. Marrero the life-saving award for an act performed in the line of duty with disregard to personal safety for prompt alert action resulting in saving of a life. He hereby awards Joanne Boisvert-Fraser a citizen life-saving award which is given to a citizen for performing an extraordinary act for rendering lifesaving techniques and aid in the preservation of human life. Congratulated them.

Mayor Sylvester and Chief Waldron handed out the awards and congratulated them.

Mayor Sylvester thanked the two officers and Joanne for fantastic job. Said some people question the cost of the police department, said question the gentleman they saved and it outweighs the cost.

Mayor Sylvester, seconded by Comm. Hipwell, moved that the minutes of the regular meeting of March 17, 2010 be accepted as prepared. Roll Call: Affirmative – all. Negative – none.

Mayor Sylvester said the day before yesterday they met informally with Stillwater and their engineers on the shared services for our water plant. Said we will lose a majority of our water customers to the Saratoga County Water Plant. Said the Village of Stillwater is in the process of building a line up through Lake Street to meet the line because there are a lot of PCBs in the water and the wells are right next to the river. Said the Town of Stillwater is looking for cheaper water so they are looking to buy Saratoga's water because it will be cheaper. Said they are looking into it themselves, looking for the best way to go. Hopefully they will buy our plant as a backup plant. Said they are going to the county next week to see what the story is and how much water they have to give to us.

Comm. Seber said water and sewer bills went out the first of April; people have until May 31<sup>st</sup> to pay the bill. Said there is some confusion, the county bills their sewer bill on the regular tax bill that goes out March 1<sup>st</sup>. Said when he got here two years ago the line on the tax bill said Mechanicville sewer so people thought they were being double billed so last year he had it changed to county sewer and it seemed to be better. Said this year for some reason it was made Mechanicville sewer and people have been calling their office thinking we have been double billing, once on the tax bill and once on this bill. Said that's not the case, the one on the tax bill is the county's portion and the one they sent out on the first is the city portion. Said this is just to clarify that for the record. Said hopefully next year that change takes place. Said beginning with the approved minutes of tonight's meeting they will be publishing the minutes of the meeting on our website in the next day or two for anyone that wants to see what happens at the meeting they can look at them. Said Stillwater has begun an eminent domain procedure. Said there is a lot of construction going on up around the reservoir and it's been kind of a back and forth thing with Stillwater for the last year. Said they offered to purchase some of the property from us. Said our main concern is protecting the reservoir and not having any of the construction or anything else reach down into the reservoir. Said they asked them for some protection in terms of insurance policy, indemnification, something along those lines to protect the reservoir in case something should happen. Said he feels safe to say that they have not been receptive to that idea. Said they had several discussions with them about it. Said now they began the eminent domain procedure to take this property from us. Said all they are trying to do is protect our citizen's water supply. Said he's just about had it with this whole thing, feels they are being unreasonable. They also asked them to ask the contractors to provide such a policy. Said they have sent them policies that have environmental exclusions in them. They are just looking to protect our water source and hopefully this will resolve itself over the next several months or so. He thinks they are being unreasonable over there; it's really gotten under his skin.

Mr. Serbalik said they haven't initiated an eminent domain proceeding yet. Said they sent out a letter to the council in effect offering \$875.00 to the city to transfer a small portion of the property by deed to build the road, next they want a water and utility easement which is next to the road where the pipe will be laid and the third thing they want is temporary construction easement, 20 feet wide or whatever for the purpose of storing equipment or whatever. Said as he said, they sent these proposals to us over a year ago. Said for the last year there has been negotiations but the only issue, in fact the city said they would give them these properties for nothing and the only issue is as he said because of the location of where these lines are going to be run, where the construction is, is that the city is merely asking that they do one of two things; #1 they indemnify the city in the event that anything happens to the reservoir, there's a leak, an oil spillage, that doesn't require per se an insurance policy, it's just a promise by them that they will incur any damages or be responsible for any damages if there is environmental damage. Said the second alternative that the council gave them was that there wouldn't be any agreement for the indemnification, however, they would provide an insurance policy, environmental insurance policy, to the extent if there is damage, we have a source of monies to collect. Said he knows members of the council specifically asked for this. If they damage the reservoir, assume responsibility. Apparently they have totally rejected that. Said the letter as of Monday was an indication that if the city doesn't transfer these properties for \$875.00, he believes but can't speak for them, that they will proceed with eminent domain. That's where it is now and it's understanding that the council has directed him to respond to that letter by saying we will convey those properties providing that you provide the proper environmental coverage. That's where it is and they have rejected that right up until now. Said the cost of an eminent domain proceeding for this one issue could well exceed the cost of the environmental policy.

Comm. Seber said they are encouraging them with what they are doing up there but we just want to protect ourselves.

Comm. Chauvin had nothing to report at this time.

Comm. Higgins said hopefully next week after nine months of trying to get rid of the silt. With all of the cutting and everything they are doing up around the reservoir, they are getting a lot of silt. Said the lagoons at the reservoir are suppose to last a year but we're only getting 6 or 7 months out of them and they have a ton of silt that he has been trying to get rid of. Said the DEC put an ad in the paper saying to take this sludge from Saratoga County to Rensselaer County. Said the counter

period is over on the 9<sup>th</sup> of April so hopefully next they can start hauling it out of there, they have piles and piles of it, they have to get rid of it. Said a lot of it is from the construction they are doing up in Luther Forest, it giving them so much silt they can't deal with it.

Comm. Hipwell said he got a letter from the state engineer about concerns about the Price Chopper for senior citizens. Said he talked to a gentleman's name was Robert Fith and he told him what's going on and he said everything we are doing in the City of Mechanicville is legal and in compliance and the Comm. Of Public Works is doing an outstanding job. Said so that problem is done. Said he's gotten a lot of complaints about basketball on the street with the biggest complaint on 5<sup>th</sup> Street. Said he talked to all personnel and the parents got rid of the hoop so there shouldn't be any more issues on that one. Said he, Chief Waldron and all the police officers have been monitoring the Park Avenue Playground. Said there were about 20 of them up there tonight and he told them if we don't work together he will shut the playground down 3 weeks at a time the basketball court. Said he told them what he wants and they agreed that they would work with him. Said home owners and business owners in town have to have a number on the outside of their building. Said that is New York State Code. Said they had seat covers put on the trolley and the senior citizens remarked that it made a big difference.

Mr. Serbalik had nothing to report at this time.

Comm. Higgins said a lot of kids are going up the reservoir partying, starting fires and everything. They shouldn't be in there; they will be arrested for trespassing if they get caught. Said they are throwing beer bottles and everything into the reservoir. Said they don't want them up there.

Mayor Sylvester said he wants an executive session after the meeting on a personnel matter.

Chief Waldron had nothing to report at this time.

Supervisor Richardson had nothing to report at this time.

Deputy Chief Corrigan read his report for the month of March (see attached).

Mayor Sylvester made a motion to close the regular meeting at 7:25 to go into a Public Hearing to Receive Public Comment on a Possible Grant Application to the New York State Office of Community Renewal Under the 2010 Annual Competitive Round Grant Program for Community Development Activities, seconded by Comm. Seber. Roll Call: Affirmative – all. Negative – none.

Comm. Seber said the notice was duly published in the newspaper according to law.

Mayor Sylvester read the document for Public Hearing #2 NYS Community Development Block Grant Program, Office of Community Renewal (OCR) 2010 Competitive Round Application (see attached). Asked if anyone had any questions of this grants. Said if anyone knows of anyone that meets these income levels, have them apply to the CDA Office on the 3<sup>rd</sup> floor at City Hall. Said they will have a professional do the work for them.

Mayor Sylvester made a motion to the close the public hearing to re-open the regular meeting at 7:30 p.m., seconded by Comm. Hipwell. Roll Call: Affirmative – all. Negative – none.

Mayor Sylvester opened the meeting to public comment.

Howard Newman, Grand Street, said he understood what Comm. Hipwell said about possibly shutting down the playground if the kids don't cooperate. Said back in the fall they said something about possibly relocating the basketball courts.

Mayor Sylvester said he and Tim talked about it and they looked behind Tenandaho and they could possibly put them in back there but no one can drive down there.

Comm. Higgins said it would probably be worse there with no one around.

Mr. Newman asked why they couldn't put them on the city garage property.

Mayor Sylvester said they can't be on the property because there are tanks in the ground and they can't even have the 15<sup>th</sup> of August there this year.

More discussion was held on the playground and what will be done to keep the kids from hanging around there and they have officers patrolling it and Comm. Hipwell checking on it.

Mayor Sylvester read TABLED RES. NO. 34-10 CITY WILL LEASE THE XO TOWER TO THE HERITAGE SOCIETY AND THE MECHANICVILLE CHAMBER OF COMMERCE FOR A PERIOD OF 5 YEARS AT A NOMINAL FEE OF \$1.00 PER YEAR AND THEY WILL BE RESPONSIBLE FOR REPAIR AND MAINTENANCE OF THE BUILDING

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

Mayor Sylvester read RES. NO. 37-10 CITY COUNCIL APPOINTING

SALVADORE IZZO TO THE BOARD OF ASSESSMENT REVIEW

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

Mayor Sylvester read RES. NO. 38-10 CITY OF MECHANICVILLE AWARDS ALBANY COMMUNICATIONS THE BID FOR THE FIRE DEPARTMENT'S NEW RADIO AT A COST OF \$17,298.95

Introduced by Mayor Sylvester, seconded by Comm. Higgins.

Roll Call: Mayor Sylvester – yes  
Comm. Seber – yes  
Comm. Chauvin – abstained  
Comm. Higgins – yes  
Comm. Hipwell – yes

Mayor Sylvester read RES. NO. 39-10 AWARDING CAMOIN ASSOCIATES OF SARATOGA SPRINGS THE RFP TO DO GRANT ADMINISTRATION FOR THE CITY AT RATES INCLUDED IN THE ATTACHED PROPOSAL OF SERVICES

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

Mayor Sylvester read RES. NO. 40-10 ADDING WILLIAM GREY TO THE LIST OF FIREFIGHTERS ELIGIBLE TO COLLECT A MONTHLY PENSION PAYMENT AT THE APPROPRIATE TIME

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

Comm. Chauvin read RES. NO. 41-10 PAYROLL AND VOUCHERS

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

Mayor Sylvester asked if anyone had any old or new business.

Mr. Serbalik asked when he wants the lease on the XO Tower to start.

Supervisor Richardson said with any luck they should be able to move in there the 1<sup>st</sup> of next month.

Mayor Sylvester said put the 1<sup>st</sup> of May.

Mayor Sylvester, seconded by Comm. Seber, moved that the meeting be closed to go into executive session on a personnel issue at 7:46 p.m. Roll Call: Affirmative – all. Negative – none.

Mayor Sylvester, seconded by Comm. Seber, moved that the executive session be closed at 8:15 to re-open the regular meeting. Roll Call: Affirmative – all. Negative – none.

Comm. Higgins, seconded by Comm. Hipwell, moved that the regular meeting be adjourned at 8:16 p.m. Roll Call: Affirmative – all. Negative – none.