

MINUTES OF THE CITY COUNCIL MEETING
HELD ON
JUNE 14, 2017
7:00 P.M.

The regular meeting of the Mechanicville City Council was held at the Senior Center, North Main Street, Mechanicville, New York on Wednesday June 14, 2017.

Roll Call:	Mayor Baker	Present
	Commissioner Gilheany	Present
	Commissioner Higgins	Present
	Commissioner Hipwell	Present
	Deputy Commissioner Foard	Present

Mayor Baker: Called the meeting to order at 7:00 P.M.
The Pledge of Allegiance to the Flag.

Motion to accept the May 10, 2017 Minutes:

Motion: Commissioner Gilheany Seconded by: Commissioner Higgins
Roll Call: AYES: 5 NAYS: 0

Motion to accept the minutes from the special meeting June 1, 2017

Motion: Deputy Commissioner Foard Seconded by: Commissioner Hipwell
Roll Call: AYES: 5 NAYS: 0

Commissioner reports were as follows:

Mayor Baker stated he received a message today from the Girl Scouts about the dog park and they are working with B&L who volunteered to give them assistance with their design. He stated they are working on that now and hoping to have something to bring to present.

Commissioner Gilheany had nothing to report.

Commissioner Higgins stated that as everyone can see South Main Street is a mess. He stated that NYSEG does not have the parts to finish the job. He stated that they have had two (2) years to figure this out and that supposedly they have some of the parts they need to start so he said he is hoping next week they start on South Main, right now they are doing the side street because they don't have all the parts for South Main Street yet. Commissioner Higgins also stated he is meeting with the pavers next week and that he is hoping in July or August they will get Main Street and some of the other streets paved.

Mayor Baker added that Commissioner Higgins has been hauling sand to the Dog Park to put a base down for the girls so they have one less thing to do. Mayor Baker thanked Commissioner Higgins.

Commissioner Hipwell: Thanked Adamec Family, the Girls Scouts, and the Boys Scouts for Memorial Day Weekend, they cleaned up Patenaude Park and the Denier area near the gazebo. He also stated the South Main Street Playground had a piece of equipment removed last year and DPW put a new piece up.

Deputy Commissioner Foard announced on July 12, 2017 there will be a public hearing to amend section 35 of the City Charter to change the taxable status date relating to assessment roll from May 1st each year to March 1st of each year.

Mayor Baker stated as of right now we are not in the same sequence with everyone else and that us in line with everyone.

Deputy Commissioner Foard stated that on July 12, 2017 there will be a public hearing regarding the City's intent to submit an application for a grant to address the drainage issue under the bridge on Central Avenue. She also stated that the water/sewer period of collection ended on May 31, 2017 and 65% of the warrant was collected which was up 2% from last year at this time.

City Attorney Val Serbalik had nothing to report.

Chief Waldron stated the Police Department participated in the Special Olympic Torch Run again this year. He stated he has been participating since 1993 and wished the athletes well in their tournaments. He stated there is an athlete from Mechanicville participating this year and is happy to see a local connection. Chief Waldron personally thanked Officer Dunn, Ian Foard, and Frank Schaeffer for supporting the event. He also stated the Police Department received State money for aggressive driving and during that period they needed to do a crackdown and held a few checkpoints. The Police Department issued 169 tickets for a variety of things. He asked for people to take a deep breath and settle down and slow down while driving. Chief Waldron stated that they have an architect for the holding cell improvement plan that has drawn up plans for the Department. He also stated there was a crash with the 2016 Ford Interceptor and on January 27, 2017 the insurance company totaled the car they have paid Toyota but forgot to pay the City it will be about a \$20,000 check that is owed to the City. He informed everyone that Mark Seber and he have been working aggressively on this and hopefully the check will be received soon. He thanked Mark for his hard work. Chief Waldron passed along good news from Senator Kathy Marchione's office. He informed the Council that the Abraham and Cooney resolution that they passed was also passed in both houses and is sitting in the Governor's office awaiting a signature. Once signed it will become a law allowing the two (2) female Officers to be able to take the Civil Service test to become Police Officers for the City of Mechanicville. He stated that both employees are excited and they wanted him to pass on their sincere gratitude to the City Council for thinking of them and supporting this bill. Chief Waldron stated the new police cars are in and are being retro-fitted to make them Police ready. He said that once the insurance money comes in they will offset some of the expense that they need to pay on their end. He also stated that there will be a new camera that was purchased by a \$5000 grant issued by Assemblywoman Carrie Woerner's office. Chief Waldron stated out of the \$5000 grant they purchased patrol rifles and put the shotgun to the back burner because the ammunition with the rifle is more conducive for a City environment and they are here and once Chief Waldron completes the class on the rifle he can certify the Mechanicville Police Officers

for the patrol rifles. Chief Waldron stated that the Department has been working aggressively on drug arrests and at least four (4) felony level indictments have come down and been arrested and there are more indictments and arrests will be coming forward and that the Department is doing everything they can and they even met with the DEA and the Saratoga County District Attorney's Office to make stronger cases against them. Chief Waldron reminded everyone about the Paul Luther Memorial Run that is taking place on July 9, 2017 and asked for everyone's support even if they just walk. He stated it was for a good cause and that Paul Luther was a City of Mechanicville Police Officer that was shot and killed in the line of duty. He informed everyone that each year a scholarship is given out to a graduating senior and they would like to increase the scholarship and can do that by increasing the funds in the scholarship memorial. Lastly, Chief Waldron stated that the Paul Luther Park on South Main Street is going to go through a significant re-vampment. The entire area will be revamped, lights will be put on the flagpole, a fence and paver stones will be placed and the public will be able to purchase paver stones. They intend to spruce up the Paul Luther Memorial Park.

Mayor Baker added that the Paul Luther Run is on the morning of Family Day. He also stated that Chief Alonzo is at the Elks Club tonight so he gave Mayor Baker his report which is attached to the meeting minutes. He mentioned that one of the drills this month was the Naval Nuclear Train Derailment Drill which he thanked both the Mechanicville Police Department and the Mechanicville Fire Department for their involvement in.

Mark Seber stated that the water meter bids to replace all the water meters in the City of Mechanicville will be opened on June 15, 2017 at 2:00 P.M. in the courtroom on the second floor of the City Hall. He also stated that on the June 28, 2017 there will be a public information meeting at the Senior Citizen Center regarding the North Central Avenue sidewalk project which will be advertised in the paper.

Deputy Commissioner Foard read the MS4 annual report notification which is attached to the minutes.

Public Comment

Colleen Springborn stated she has been a resident of Mechanicville for 31 years and that she was at the meeting tonight advocating having lines added to the tennis court at the South Main Street playground to play pickle ball which will take up $\frac{1}{4}$ of the court. She stated it is a cross between ping pong and tennis and these courts are perfect for it.

Mayor Baker stated that Commissioner Higgins would need to paint some extra lines down there and he said it sounds like a great idea because he knows it is a big sport with seniors right now, it is not just for seniors but they are using it for a great way to exercise. He stated if she could get Commissioner Higgins the size of the courts and the measurements they would support it.

David Hicks of 241 First Avenue asked where the City was with the garbage contract.

Mark Seber stated the bids just went out and will be open until sometime in the middle of August.

David Hicks stated that we have a water capacity issue that is going to be a big problem if the Hudson Riverview Apartments get going. He stated that we have an aging infrastructure and asked if anyone has thought about them running their own lines from the City Reservoir to there so it could bypass the City's system?

Mayor Baker stated we wouldn't want them to bypass our system we want them to pay for it.

David Hicks stated we could have them pay but still bypass our system.

Mayor Baker stated that they have not looked into that but it may be something they may want to look into.

David Hicks stated he was just thinking about the strain it is going to put on the aged infrastructure. He also stated it may be the same for the sewer system. Dave also asked where the energy audit stood.

Mayor Baker stated that they have physically been in the buildings.

David Hicks asked when the Cumberland Farms project is supposed to start.

Mayor Baker stated there is no confirmed date of when it is starting but he knows the businesses have been contacted and that he is guessing it will be in July or August.

David Hicks asked about the land at DPW that was supposedly sold.

Mayor Baker stated that ENCON has given an extension to do what he needs to do so therefore the City is in the hands of ENCON.

David Hicks stated that resolution 36-17 is missing.

Mayor Baker stated that was from the special meeting.

David Hicks asked about meter consolidation and he asked when and why not?

Mayor Baker stated he has not had a chance to look at it.

David Hicks said it is something to be looked at because it is an increasing fund. Also, he asked about the left over poles that are left after NYSEG puts their new poles up.

Mayor Baker stated we need to get after them to move them. He also stated the tax on them is set by the State so we couldn't tax them.

David Hicks asked about the railroad rehab for the station.

Mayor Baker stated they are working on it and have been in there 2 days in a row working on it.

David Hicks asked about the storm drain that is supposed to be worked on underneath the overpass.

Mayor Baker reiterated that that was just discussed previously and that it was stated there would be a public hearing on this.

David Hicks asked about the material on the gazebo.

Commissioner Higgins stated it is all donated.

David Hicks stated he spoke with someone that works in the State Police and they are no longer buying V8 engines they are buying V6's.

Kim Dunn of 250 South Main Street stated that she does a lot of biking and asked what the process of adding stop signs is.

Mayor Baker stated that Commissioner Higgins has a Public Safety Committee and she should talk to him to see when they meet. He added that the only thing that he would caution is that there cannot be a stop sign at every intersection.

Tom Mahoney asked how many of the AR-15's are going to be used.

Chief Waldron stated there will be three (3) patrol rifles.

Tom Mahoney asked if the issue that was brought up at the last meeting in reference to the kids in the Park Avenue Playground has calmed down at all.

Commissioner Hipwell stated it has been a lot better and the kids are working with him and Police Department and they are doing a lot better.

Tom Mahoney stated he knows the Brownfield is out of the City's hands.

Mayor Baker stated he assumes he is probably on his last warning.

Attorney Val Serbalik stated that DEC had a meeting with the property owner in April and requested more information. He also stated DEC doesn't want to actively hold them in violation and they are working with them. In order for the City to go after them if they ever wanted to re-acquire the property, DEC has to hold them in violation of the order and they have not done that at this time. He stated that he is not stating the City should do that because then the City would be in a situation where they assume responsibility. He also stated there is no indication of any time barrier or deadline. He stated the City is out of the picture and not liable for anything.

Ray Martin thanked Chief Waldron and the Police Department for their effort in keeping the City streets clearer of drugs. He also stated that this City Council has taken some courageous steps since their term has begun. He stated the re-assessment, the bridges, the NYSEG project, and the reservoir have all been courageous steps and that they should be congratulated by the City for

doing that. He added that at the last meeting he spoke about a courageous step they took by writing a letter to HCR stating that something wasn't right about the project. He reminded the Council that the night before the last meeting Frontline had an expo on low income tax credits and how they are scams around the country. He added that the Times Union had an article stating that Schoharie is having a problem right now with low income tax credit. He commended the Council for turning around and changing their minds on a very difficult situation. Ray thanked the Council for appointing him to the Zoning Council and stated they had a meeting the previous night and before that meeting he spent a lot of time reading the City Zoning Code and the City Plan. He stated the City Plan is almost 20 years old and the Zoning Code is probably 50 or 60 years old and there are so many different segments that have been added over the years and it does not blend together, things in one section contradict things in another section and it doesn't work. Ray stated that it is his understanding that five (5) or six (6) years ago Barton and Loguidice recommended that the Zoning Code be re-done and updated. He added that the State of New York updated their laws and zoning codes in 2015. Ray suggested that the City Council think about expending funds and either hiring experts, (which he feels would be better than) asking for volunteers to re-write and make our city zoning plan, city code, and the zoning code all harmonious and up to date because he said it makes it very difficult for those people that need to administer that code and make decisions based on it. Ray stated that he wanted to personally apologize to John Holland for a situation that occurred at the previous night's meeting. He stated that he had extensive conversations about the zoning recommendations but he didn't find out until the day before the meeting that he had already written a letter to the Zoning Board Chairman stating that the zoning for that project met code. He stated that John was put between a rock and a hard place and was given an application that was barely 50% complete. He said that John is in a tough place and because of that the Zoning Board Chairman recommended to the audience that because that zoning decision he made is on such shaky ground that he recommended that people have suit against the City if they don't agree with that zoning decision concerning the density of the project. Ray gave a warning to the City that we are on shaky ground and may be involved with a lawsuit because of that decision. Ray asked Attorney Serbalik if it was alright if the Code Enforcement Officer changes his mind if he was given new information.

Attorney Val Serbalik stated that he cannot speak for John Holland but he could say that at the meeting last night John Holland rendered his opinion on whether this project complied with the code. Attorney Serbalik said he rendered his opinion that the project was only subject to site plan approval and it was within all zoning codes. He stated that that opinion was based upon a review of the code and supported by the City Engineer and himself. Attorney Serbalik stated that in terms of the application that anything is on shaky ground he is unsure of where that came from. He stated that was established according to all City Representatives yesterday.

Ray Martin stated that his questions is could he change his mind if he was given new information?

Attorney Val Serbalik stated anyone can change their mind as to anything but, the fact is that the project as submitted, based upon a review by anybody who has reviewed the code and has any knowledge of the code, complies with it. He stated that he doesn't understand that Ray is representing that what John is saying is on shaky ground and that he is in between a rock and a

hard place. Attorney Serbalik said John Holland could respond to it and maybe he should but that was an issue that was definitively established last night.

Ray Martin asked Attorney Val Serbalik if it is alright for him (Val) to change his mind to change it from an unclassified to a type 1 SEQRA because since the last one, one of the abutting properties came into a type 1 classification and Ray stated he has the documentation to share if he would like to see it.

Attorney Val Serbalik stated that he would not render any legal opinions to anyone but the whole Board. He stated that in terms of the type of project that the Board determined was based upon the engineering and legal analysis.

Joe Micklas said he was at the meeting last night and just for clarification for anyone that may or not be aware of what is being said about the zoning, in the City Zoning Code there is only one place in the whole code that addresses density and it defines it in a residential building, which these buildings fall under that description. Mr. Micklas stated that it is the contention of the Zoning Officer and the Attorney and everyone else that there is no restriction in the zoning on this particular zoning because it is called mixed use. Mr. Micklas stated that he supports Mr. Martin's argument because there is a clear definition of what the types of buildings there are but there is no density, so the question then would be what density would any of you want to assign that is greater than what is in the code for an apartment building which is basically what these buildings are going to be. Mr. Micklas added that one of the answers he heard at the meeting last night that they couldn't put more density on there because there would not be enough parking, he feels they are basing the density on the number of cars that can be parked. He added that his contention is does a car take a bath, does a car go in and out, all those things are impacting on zoning and he thinks there is an argument to be made by the zoning people that there is no density specified so the determination now is arbitrary to the planning/zoning board to say how much zoning can go on there and he stated he does not believe that is possible. Mr. Micklas also stated that as long as the Attorneys are going to give opinions they should give opinions on Roberts Rules of Order and what is proper at a zoning meeting when the zoning board has a motion, a second, and he said he has never been to a meeting where there is not discussion. He stated that at the meeting the previous night a zoning board member was not allowed discussion but the board works under Roberts Rules of Order.

RESOLUTION 37-17 Dormitory Authority of the State of New York (DASNY)
to partially fund the Streetscape Improvement project

Moved by: Mayor Baker Seconded by: Commissioner Higgins

AYES: 5 NAYS: 0

RESOLUTION 38-17: Payroll and Vouchers.

Moved by: Commissioner Gilheany Seconded by: Deputy Commissioner Foard

AYES: 5 NAYS: 0

New Business:

Commissioner Hipwell stated there was a garage fire the previous night on Fifth Street and the Fire Department and the Police Department did an outstanding job. He stated he received a lot of complaints about a train that blocked the Viall Avenue crossing for over 45 minutes and he informed the people that they will work on the problem.

Mayor Baker stated the information he received (not from the Officials) was that it was a broken airline and they had to repair the lines before they could move the train.

Old Business: None

Mayor Baker stated that the meeting will be adjourned to go into Executive Session and at the end of Executive Session they will come back into normal session but will not be taking any action.

Executive Session:

INTRODUCED BY: Commissioner Higgins

SECONDED BY: Commissioner Gilheany

AYES: 5 NAYS: 0

Meeting Adjourned:

Introduced by: Commissioner Higgins

Seconded by: Commissioner Gilheany

AYES: 5 NAYS: 0

RESOLUTION #: 37-17

WHEREAS, the City has undertaken a Central Avenue Street Streetscape Improvement Project, funded in part by a \$400,000.00 New York State grant and

WHEREAS, The City has been awarded an additional \$100,000.00 grant from the Dormitory Authority of the State of New York (DASNY) to complement the \$400,00.00 grant previously received by the City and

WHEREAS, the funds are to be used exclusively for the Streetscape Improvement project and

WHEREAS DASNY has submitted to the City a grant disbursement agreement regulating the use and monitoring of the Grant funds

IT IS HEREBY RESOLVED that the Mayor is authorized and directed to enter into the contract with the Dormitory Authority of the State of New York (DASNY) to partially fund the Streetscape Improvement project

INTRODUCED BY: _____

SECONDED BY: _____

ROLL CALL:

Mayor Dennis Baker	_____
Acting Commissioner Emilia Foard	_____
Commissioner Jodie Gilheany	_____
Commissioner Dave Higgins	_____
Commissioner Timothy Hipwell	_____

Dated: June 14, 2017

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

ABSTRACT		
PAYROLL #	20-17 5/18/17	\$ 84,162.92
PAYROLL #	22-17 6/01/17	\$ 76,017.57
		\$ 160,180.49

With an expenditure breakdown by fund as follows:

GENERAL A0 FUND	\$ 251,405.26
WATER FX FUND	\$ 23,911.87
SEWER G0 FUND	\$ 2,711.57
CAPITAL PROJECTS H0 FUND	\$ 33,608.63
PAYROLL TA FUND	\$ 160,180.49
TOTAL	\$ 471,817.82

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 _____
 Deputy Comm. Foard _____
 Comm. Gilheany _____
 Comm. Higgins _____
 Comm. Hipwell _____

Dated: June 14, 2017 _____

Fire Dept.

Mechanicville Fire Department

36 North Main Street
Mechanicville, New York 12118
Tel: (518) 664-6121 Fax: (518) 664-6123

Chief
Jeffrey Alonzo

Deputy Chief
Matthew Dunn

Assistant Chief
David Zecca

June 14, 2017

May 2017 Chief's Report

Alarms YTD - 286 total (331 - 2016)

City Alarms - 71	Mutual Aid - 2
Culinary mishap - 1	
Fire Alarm activations - 6	
Motor vehicle accidents - 4	
EMS Assist - 50	
Natural gas odor - 1	
Carbon monoxide alarms - 5	
Wires down - 4	
Roadway flooding - 2	
Month Total - 73	66 in 2016

Training

Drills: 4

Details: 3

Drills: (3) - Engine Co Ops, Naval Nuclear train derailment, Continuing medical education & High Rise Tactics and Operations.

Details: (3) Apparatus Equip check, Tower Ladder set up operations and Ham dinner.

UPCOMING EVENTS.

Upcoming Events:

Elks Flag Day Service June 11th or 14th.

Duck Derby on Friday, June 16th.

Family Day on July 9th.

CITY OF MECHANICVILLE
PUBLIC ANNOUNCEMENT

The City of Mechanicville's 2016/2017 MS4 Annual Report, pursuant to NYSDEC SPDES Permit GP-0-015-003, is available for public view and comment. The document can be reviewed online at: <http://www.mechanicvilleny.gov/index.sapex?NID=519> and comments can be submitted via email at dave.higgins@mechanicvilleny.gov or emtff3@aol.com. The document may be reviewed in person at the following locations: Department of Public Works office 4 Industrial Park Rd. Mechanicville or Commissioner of Accounts office 36 North Main St. Mechanicville.