

MINUTES OF THE CITY COUNCIL MEETING
HELD ON
March 14, 2018
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 March 14, 2018.

Roll Call:	Mayor Baker	Present
	Commissioner Dunn	Present
	Commissioner Gilheany	Present
	Commissioner Gotti	Present
	Commissioner McGuire	Present

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

Motion to accept the February 7, 2018 Minutes:

Motion:	Commissioner Dunn	Seconded by:	Commissioner McGuire
Roll Call:	AYES: 5	NAYS:	0

Motion to accept the February 14, 2018 Minutes:

Motion:	Commissioner Dunn	Seconded by:	Commissioner Gotti
Roll Call:	AYES: 5	NAYS:	0

Motion to accept the February 25, 2018 Minutes:

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

Commissioner Reports:

Mayor Baker stated he has received a letter from Frank Scirocco in support of the appointment of John Holland as Building Inspector. Mayor Baker read the letter which is attached to the minutes. Mayor Baker stated he also received a letter from Joe Starr who is a local contractor and he also read the letter which is attached. The Mayor added that he also received several calls from contractors one being Steve Cerone in support of the appointment of John Holland.

Commissioner Dunn stated the Accounts Office has been very busy the past few weeks. Property tax bills were sent out and the last two Saturday's the office was open to collect payments. Commissioner Dunn stated that on Saturday March 3, 2018 they collected ten (10) payments and on Saturday March 10, 2018 sixteen (16) payments were collected.

Commissioner Dunn reminded everyone that March 15, 2018 is the last day to pay their tax bills without any penalties. Commissioner Dunn added that the office is open until 4:00 P.M. and if people are mailing payments they will need to be postmarked by March 15, 2018 to be accepted without penalty. Commissioner Dunn stated that to this date 75% of the taxes have been collected totaling \$3,021,827.85. Commissioner Dunn stated she received a letter from the Saratoga County Clerk, Craig Hayner stating the County is running a project called "Freedom Boxes" and he asked the Clerk's in the County to participate in which Mechanicville City Hall is participating. She added it is advertised on the City's Facebook page and the page also states what donations are being collected and she went on to say that if anyone is interested in making a donation they may drop it off to the Accounts Office. Commissioner Dunn stated that the property the City owns in the Town of Waterford has been re-assessed. She went on to say that in 2017 it was assessed for \$11,100 and the new assessment jumped to \$121,600 for 2018 and that the City Council would be discussing what their next move would be. Commissioner Dunn stated there has been an issue at Tenendaho Lane and she received an email from a resident and handed out a copy of the email to the Mayor and Commissioners. She went on to say there are concerns that there is no odd/even parking at Tenendaho Lane which causes a problem for the City's ability to plow the area, and the concerns over getting fire/police/EMS in there for an emergency. Commissioner Dunn stated it was verified that it is the City's road and she has asked if the snow emergency applied since there is no odd/even and if it does apply how it will be handled. She also asked if vehicles will be ticketed or towed if they are hindering the ability to plow the road. Commissioner Dunn went on to say she is trying to get answers for a resident who lives there.

Chief Waldron stated that if he were to give a recommendation to Commissioner Gotti it would be to put no parking signs around the entire thing. The homeowners have individual parking lots so they would just need to park elsewhere for the period the no parking signs are up. Chief Waldron stated since it is a circle that is the easiest way.

Commissioner Gotti added that it is a one way street and there is not supposed to be any parking on the interior part of the road and that is where they are parking and it is causing the confusion. He added there is not supposed to be any parking on the inner circle.

Chief Waldron stated he has been here for over 28 years and they have always parked there.

Mayor Baker stated they were talking about the center part where the berm is located not the outside part of the road.

Chief Waldron stated he misunderstood and they should not be parking on the left side. If there is a car on that left side it would be issued a ticket.

Commissioner Dunn asked that since there is no odd/even parking how does the City apply a snow emergency to a situation like that.

Chief Waldron stated it is similar to William Street and you have to move to the opposite side and it has been done to all one way streets. Chief Waldron stated he thinks they can come up with a solution for the problem.

Mayor Baker stated the issue with Tenendaho is that there is no odd/even side.

Anthony Gotti stated he thinks that is what everyone is focused on and that is not the issue. He stated that the dynamics of the geographic layout need to be looked at. He went on to say the interior lane is the only drivable road so if everybody moves over to the other side it won't be able to be plowed.

Chief Waldron asked Commissioner Gotti if they plow around the circle.

Anthony Gotti stated that was correct and that the interior lane needs to stay open and not necessarily the right side.

Commissioner Dunn stated that they could come up with a clear solution and get it out to the residents.

Chief Waldron suggested she get the email over to Commissioner Gotti and they could have a traffic committee meeting and come up with a solution.

Attorney Val Serbalik stated that once they decide they will need to amend the zoning ordinance otherwise no tickets will be able to be issued.

Commissioner Gotti suggested Tenendaho Lane be exempt from the emergency parking rule because enforcing the rule creates more of a problem for DPW.

Commissioner Dunn added that any delinquent water or sewer bills for City water/sewer users were put on to the 2018 property taxes and that there are a handful of accounts that are outside water/sewer users that are delinquent and have been sent to the Attorney's office to be collected.

Commissioner Gilheany stated that her office is working on the end of the year report which is due on April 30, 2018 and a report will be provided at the May City Council meeting.

Commissioner Gotti stated in the upcoming weeks they will be preparing the east tank for cleaning and put back online.

Mayor Baker asked Commissioner Gotti if he knew how far along the meter installations were.

Commissioner Gotti stated he believes they are around 50% and they are making very good progress with it.

Commissioner McGuire stated the date for the Easter egg hunt was changed to March 24, 2018 from 1 p.m. to 3 p.m.

Mayor Baker stated there will be an executive session about a pending litigation and the Council will not take any action when they return.

Chief Waldron stated there will be a DWI crackdown on St. Patrick's Day and added that they have had six (6) DWI's in the last two (2) weeks which he stated was quite a lot and encouraged people to be responsible. Chief Waldron stated last year in November, Civil Service testing took place and a combination of that and agility testing resulted in a very small pool to choose from. The Chief went on to say that the Civil Service Commissioner, the Mayor and himself agreed that they will take the entire list and will not offer City preference. Therefore, everyone on the list will be eligible for appointment but only 3 will be selected full-time and possible two (2) part-time. Chief Waldron said an interview process will take place at the end of March and he hopes to have names for the April City Council meeting. Chief Waldron added he will be on the interview committee along with the Civil Service Commissioner and the Mayor. Finally, Chief Waldron stated the Mechanicville Police Department will be accepting a donation of two (2) automatic External Defibrillators (AED's) from the Clifton Park Halfmoon Emergency Corp that will be used in all duty cars. Chief Waldron stated that his patrol officers respond to almost every single call and the AED's they have currently are not working properly and CPHM EMS recognized that and are donating two (2) which cost roughly \$1,500 each.

Public Comment:

Tara Morelli of Girls Scout Troop 1114 asked if there was anything new from DEC for the Dog Park.

Commissioner Gotti gave her information.

Mrs. Morelli asked if there was a meeting scheduled with DEC.

Commissioner Gotti stated the complete file review consists of them re-opening the files from day one and it could be a timely issue. He went on to say a complete file review means they are going to go back from the beginning and re-look at everything because the City is asking them to release them from the super site. Commissioner Gotti stated by doing the file review they may release the City and they will issue certificates in which the City will no longer be a part of it which then they will be able to address the Dog Park and move forward but right now it is considered a super site and it is all still attached.

Mrs. Morelli asked that since they won't release the City from that area, then they can't use it.

Commissioner Gotti stated that it is not that they won't, they will, it just is a process that may take a while.

Mrs. Morelli asked if there is anything the Girl Scout Troop could do to help.

Commissioner Gotti stated there isn't even anything he could do at this point. He went on to say they are waiting for a final decision on whether or not the City could use the property. Commissioner Gotti stated that they will most likely be able to use the property but they need to be released from the entire project itself which they consider a super site.

David Hicks of 241 First Avenue stated that he read in The Express that Bubbles was sold and he asked about the USDA loan he has out.

Mayor Baker stated the business is sold but the building is still owned by the same previous owner therefore he is responsible for the loan.

David Hicks stated he was at the planning and zoning meeting the previous night and there was an applicant on Park Avenue that was allowed to do demolition on the property but continued on without permission.

Mayor Baker stated he was given permission to demolish but not to do any construction. At this time there is no building inspector.

David Hicks stated that at the planning/zoning meeting they gave Mr. Hildreth a run around for a water issue that is the City's problem but then didn't follow through on the other issue.

Mayor Baker said that he wasn't sure they did any construction in the Park Avenue location but he did know they did demolition.

David Hicks asked if Cumberland Farms is exempt from cleaning their sidewalks because they have not done anything during the last two (2) storms.

Mayor Baker stated he will make sure they receive a letter when the Building/Code Enforcement Officer gets back.

David Hicks asked if resolution 28-18 would incorporate First Avenue.

Mayor Baker stated that the resolution was for the drainage under the over pass.

David Hicks stated they need to incorporate First Avenue because of the water coming down Prun Hill and the new curbing there is no relief where Palmieri's used to be.

Mayor Baker stated he would guess that the Engineers would be looking into that when they look at this project.

David Hicks asked about the hiring of Richard Allen.

Attorney Val Serbalik stated that was a personnel issue that could not be addressed by the Council.

Tim Hipwell from 307 North Fourth Street asked Commissioner McGuire if Public Safety was short a bus driver. Mr. Hipwell went on to say he is receiving calls about the bus being operated on Saturday and Sunday.

Commissioner McGuire stated the bus would only run on Sunday if there was something special going on.

Mr. Hipwell stated people are asking him and he didn't know the answer.

Commissioner McGuire stated he should direct them to her office.

Mr. Hipwell then stated he would like to know if the bus drivers are receiving overtime.

Commissioner McGuire stated he would have to FOIL that information and asked Attorney Serbalik if that was correct.

Attorney Serbalik stated if the question is about an employee receiving overtime then by law an employee is entitled to overtime after a certain amount of hours and he assumes that the City is complying with the appropriate labor laws.

Commissioner McGuire stated she was very verse in labor law.

Tim Hipwell stated that at last month's meeting it was mentioned that there were a lot of bills left over from when he was the Public Safety Commissioner.

Commissioner McGuire stated that was absolutely true.

Tim Hipwell stated he wanted to go on record by saying there were two (2) bills when he left office one was for over \$1,000 that the City would not pay but the Office of the Aging would be paying for a phone line in the Senior Citizen office.

Commissioner McGuire stated that particular bill is still being disputed.

Tim Hipwell stated the 2nd bill was for the water and he added he went to the Deputy Commissioner of Finance to try and help her because the codes were messed up but he was told not to worry about it and she would handle it. Mr. Hipwell went on to say those were the only two (2) bills that were left behind after he left office.

Commissioner McGuire stated there were more bills than that to take care.

Tim Hipwell stated that he would like to go to City Hall and look at what was left.

Commissioner McGuire stated he was welcome to do that.

Sam Carabis of 908 Elizabeth Street announced that the annual Canoe Race would be Sunday March 25, 2018 starting at 12:00 p.m. and this is the 45th year.

James Walsh from the Law Offices of James Walsh 20 Church Avenue, Ballston Spa, stated he is the Attorney representing Mayor Dennis Baker and he stated he is looking at three meetings on February 7th, February 14th, and February 25th where the Council hired special Counsel to conduct an investigation and at this point neither himself or the Mayor have had any contact and he was wondering if they were proceeding with the investigation and at what point could they expect to have contact.

Commissioner Dunn stated they have no comment on that.

James Walsh went on to say the investigator hired was listed within a resolution of this board and it is his understanding that the scope of the investigation would be limited to the complaint that was filed with Commissioner Dunn and he asked if his understanding that the investigation conducted is limited to that complaint filed in Commissioner Dunn's office.

Commissioner Dunn stated she would not be answering any questions on this. It is a personnel matter.

James Walsh asked who he should have the discussion with.

Commissioner Dunn stated she did not know.

Matt Coreno, DPW employee and President of the DPW union, stated he was there to support the hiring of Richard Allen.

Marc DeBates, DPW employee and Vice President of the DPW union; also stated he was there to support Richard Allen.

Resolutions:

RESOLUTION 22-18: John Holland Part-time Building Code Enforcement Officer

Commissioner McGuire asked if he would be getting an hour unpaid lunch.

Mayor Baker stated it does not have to be.

Commissioner McGuire stated if he works past 2:00 p.m. he has to get a lunch.

Mayor Baker stated he knows he has to have a lunch but he stated that it does not have to be an hour lunch.

Commissioner McGuire asked what his lunch would be.

Mayor Baker stated he would take a ½ hour lunch.

Commissioner McGuire stated it needed to be the same time each day.

Mayor Baker stated he should be there during the lunch hour because that is when the contractors tend to come in and out.

Commissioner McGuire stated he would be paid for 6 ½ hours a day and she asked how the rate of \$22 per hour was decided.

Mayor Baker stated that he was making over \$26 per hour and he and John figured \$22 was a good rate.

Commissioner McGuire stated that all field hours needed to be done in the City vehicle and he is not to use his personal vehicle.

Commissioner Dunn stated that in the code he is supposed to provide an annual report and she has asked but has not seen any for 2017.

Mayor Baker stated there have not been any reports since he has been Mayor and that none were submitted prior to that. Mayor Baker stated that John reports to him and informs him of what is going on and that he will make sure reports are submitted yearly.

Commissioner Dunn stated there is an overall City problem where letters of resignation and or retirement are not acted upon. She went on to say she has yet to see his letter of retirement come through her office.

Mayor Baker stated he has a letter and will get a copy to her.

Commissioner McGuire asked if there was a major structure fire will it be mandatory for him to come inspect that immediately.

Mayor Baker stated the fire inspector would probably go.

Commissioner Dunn stated she went to the zoning/planning meeting the night before and she thinks the building/code enforcement officer should be required to attend those meetings.

Mayor Baker stated the building/code enforcement officer has attended the meetings when he needed to be there but that the Mayor does not think he needs to be at every meeting and that it would take hours away from what he has to do in the office.

Commissioner Dunn stated she really believes he should be required to go since it will be a benefit to the City.

Moved by: Mayor Baker

Seconded by: Commissioner Gilheany

AYES: 3 NAYS: 2

NAYS: Commissioner Dunn and Commissioner McGuire

RESOLUTION 23-18: Jeffrey Alonzo Part-time Fire Safety Inspector

Commissioner McGuire asked if he would also be taking a ½ hour lunch.

Mayor Baker stated he would.

Commissioner McGuire asked if he would also be using the City vehicle.

Mayor Baker stated he would. He went on to say that the City has never been billed for mileage so he was unsure why that was being questioned.

Commissioner Dunn stated it was a liability thing.

Commissioner McGuire stated she wants to make sure he is using the City vehicle for any kind of work in Mechanicville. She went on to say that even if he has an inspection at 3:55 on South Main Street on his way home and he is only working till 4:00 he can't drive his own car, he needs to use the City car.

Commissioner Dunn stated she wants to be clear and that what Commissioner McGuire is saying is that there have been a lot of liability issues that have come up lately and that is why it keeps coming up. She went on to say that the Insurance Company is stating that if there is a City vehicle that is what they should be using.

Attorney Serbalik asked if they are saying he is definitely precluded from using his vehicle under any circumstances involving City business or if they are concerned with his reimbursement for billing the City.

Commissioner McGuire stated she is not concerned with his mileage but is concerned with liability, that if he is working for the City of Mechanicville he should be in the City's vehicle.

Attorney Serbalik stated the liability really isn't an issue and the City's coverage will provide coverage for him whether he is in an accident in his own vehicle or whatever.

Commissioner McGuire asked what would be a reason why he wouldn't use the City vehicle.

Attorney Serbalik stated the resolution provides that he will also be compelled to answer emergency situations and he proceeded to ask that since he doesn't live in the City are they saying that if there is an emergency situation he can't go directly to it in his personal vehicle and he would have to stop and pick up the City vehicle.

Commissioner McGuire stated Mechanicville is only one square mile so how long would it take to stop and get the vehicle and get to the scene.

Attorney Serbalik stated they could do what they want but he is advising them that it is not necessary for liability purposes and if they are concerned about the reimbursement you could mandate that there would be no reimbursement for personal mileage.

Moved by: Mayor Baker
Seconded by: Commissioner Gilheany
AYES: 5 NAYS: 0

RESOLUTION 24-18: Resignation of Christopher Boyark

Moved by: Mayor Baker
Seconded by: Commissioner Gotti
AYES: 5 NAYS: 0

RESOLUTION 25-18: Appointment of Saverio Carabis Zoning Board of Appeals/Planning Board

Commissioner Dunn asked if a new alternate would need to be appointed.

Mayor Baker stated that was correct and he would be looking to find someone as an alternate.

Moved by: Mayor Baker
Seconded by: Commissioner McGuire
AYES: 5 NAYS: 0

RESOLUTION 26-18: Appointment Richard Allen Heavy Equipment Operator

Moved by: Commissioner Gotti
Seconded by: Commissioner Gilheany
AYES: 5 NAYS: 0

RESOLUTION 27-18: Authorize Commissioner of Finance to issue checks from load proceeds for the Home Grant

Moved by: Commissioner Gilheany
Seconded by: Commissioner Dunn
AYES: 5 NAYS: 0

RESOLUTION 28-18: Request for Qualifications (RFQ) for the Central Avenue Drainage Improvements Project

Moved by: Mayor Baker
Seconded by: Commissioner Dunn
AYES: 5 NAYS: 0

- RESOLUTION 29-18: Payroll and Vouchers

Moved by: Commissioner Gilheany
Seconded by: Commissioner Dunn
AYES: 5 NAYS: 0

RESOLUTION 30-18: USDA Loan to the Ugly Rooster Café LLC

Moved by: Commissioner Dunn
Seconded by: Commissioner McGuire
AYES: 5 NAYS: 0

NEW BUSINESS:

Commissioner Dunn stated she wanted to bring up a resolution that was pulled from the agenda for Public Works to obtain their own general legal services. She went on to say that people have had a lot to say about it and she just wanted to say for the record that it should of never of been put on the agenda because a Commissioner should not be allowed to hire a legal firm for their department since the City has their own general counsel and personnel attorney and it would never be necessary.

OLD BUSINESS: None

Close Meeting: 7:46
Moved by: Commissioner Gilheany
Seconded by: Commissioner Dunn
AYES: 5 NAYS: 0

Executive Session: 7:51

Moved by: Commissioner Gilheany
Seconded by: Commissioner Dunn

Executive Session Adjournment: 9:04

Moved by: Commissioner Gilheany
Seconded by: Commissioner Dunn

Adjournment: 9:05

Moved by: Commissioner Gilheany
Seconded by: Commissioner Dunn

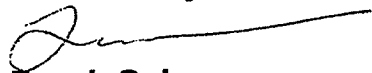
03/14/2018

**Frank Scirocco
317 Broadway
Mechanicville**

Dear Council,

I was hoping to be present at the meeting tonight, in support of the reappointment of John Holland as building inspector. I have spent the last 28 years in Zoning for the city of Mechanicville and currently I chair the Zoning & Planning commission, I have worked with several building inspectors throughout that time. Let me say this, and be clear I am speaking for myself not on behalf of the board, John has shown he has a great understanding of our codes and how to apply them, he has always been co-operative, and readily available to assist our citizens. He has never been reluctant to reach out to me when an interpretation of a code was needed to get my opinion.. We have worked as a team and have accomplished a great deal this past year in the city, so I strongly urge this council to re-appoint him.

Yours Truly



Frank Scirocco

STARRBUILT
CUSTOM HOMES, LLC

March 1st, 2018

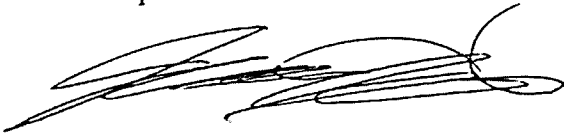
City Council,

I have recently heard of John Holland's retirement from his fulltime position as City Code enforcer; I've also heard he is being considered for a part-time position, which prompted me to write this letter.

As a contractor I deal with many building departments, however I yet to come across one that compares to the one we have right here; in large part it's due to John. Since John took the position 10 years ago we've had a ongoing relationship by nature of my business dealings in the city; John is *the most* sensible building inspector I've come across in ALL of my dealings; In using that word "sensible" I mean he exercises common sense, a sense that most in his field have, but do not use. While protecting the city's best interest, he see to it that construction moves forward, which we all know stimulates growth. He is responsive and he takes personal responsibility over his job; an imperative element in growing our city.

Thank you for hearing my concern.

Joseph Starr



Starrbuilt, llc