

MINUTES OF THE CITY COUNCIL MEETING
HELD ON
NOVEMBER 8, 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 November 8, 2017.

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

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

Motion to accept the October 11, 2017 Minutes:

Motion:	Commissioner Hipwell	Seconded by:	Mayor Baker
Roll Call:	AYES: 3	NAYS: 0	1 Abstain (Commissioner Higgins)

Mayor Baker turned his part over to Jennifer Howard from Stewarts to give a brief update as to the direction they are heading.

Jennifer Howard stated that Stewarts is currently under contract for the three (3) parcels that are adjacent to the store on Central Avenue and they are not purchasing those pieces of property until they have received all of the approvals needed to do a new store. Jennifer handed out a map of the area she is referencing; I have included this with the minutes. She stated the parcel highlighted in blue is the parcel located behind the store on South Street and that parcel is zoned residential and in order for Stewarts to move forward with their project they would need that parcel to be changed to the commercial zone that matches the properties adjacent. Jennifer also stated there is a piece of property in front of where the proposed Stewart's Shop is. She said there is a 2500 square foot property that is a right of way to the City that Mechanicville owns that Stewarts would like to purchase in order to lay out the building and make sure there is enough traffic flow within the lot. Jennifer stated they are requesting that the two pieces of property she mentioned are entertained by the Council and that Stewart's is looking for any feedback and or questions that the Council may have.

Mayor Baker asked if the piece in the front was along the lot now.

Jennifer stated it is in front of the Witkop property. She stated the new building will be where Witkop's house is now and the right of way is in front of their parcel. She stated where the parking is, where the dumpster is located is where Patire's house is and behind the Strubel house is where the re-zoning is requested. She stated they are just looking for feedback and Stewart's

is looking to see if they can request a public hearing be set for discussion to change the zoning to be commercial. Jennifer stated the layout shown is a proposal that they just received the survey for and what works but it may be changed a little and that Stewart's has not gone before Zoning and Planning so there will be a lot of buffering.

Mayor Baker asked if the building would look like the building on the paper that was distributed.

Jennifer stated it would look like the store in the picture which is the new style and there are similar stores in Halfmoon and Clifton Park.

David Hicks asked if this has already been through Zoning and Planning.

Jennifer stated that the parcel would need to be re-zoned first then they would go before the Zoning and Planning Board.

Attorney Val Serbalik stated that the process for the zoning change is that the City would need to call a public hearing and it has to be referred out to the County Planning Board because it is within so many feet of a State Highway. Therefore, from the time a public hearing is set and the Council could actually rule on the zoning is probably three (3) months.

Jennifer Howard stated they have contracts to carry them through due to the fact they are asking people to relocate so they are trying to be very sensitive to the timing of everything. She also stated that their proposal is to start in June for construction. They would like to start as soon as they can but just having people having to move they want to go through the right process in giving the current homeowners time to relocate. Jennifer said they have until August to have everything done but obviously they would like to move sooner than that. She also stated they are up to moving things along as fast as the City will allow them to move.

Attorney Val Serbalik asked if the City owns the small parcel.

Jennifer stated the City does own it; it is a right of way because it is maintained by New York State DOT. So this started with DOT because they thought they owned it so her initial request was to DOT and when they researched it they stated they maintain it but the City of Mechanicville owns it.

Commissioner Higgins stated that the City of Mechanicville actually maintains it. He stated that New York State pays the City to maintain it.

Attorney Val Serbalik asked if Stewarts needed anything from DOT.

Jennifer Howard stated that DOT is requesting from the City something stating that they will not need to do anything with the parcel any longer. She stated DOT wants a release because in their records they show they maintain it whether they actually maintain it or make a payment to have it maintained so in the end they want it stated you don't have to look to us to have it maintained any longer.

Attorney Val Serbalik stated that according to City Code the City has to auction it as well. He did state it is not a buildable lot so what the Council can do is impose restrictions on the use of the property after the sale which would limit the buyer to Stewart's.

Chief Alonzo stated that the Fire Department would be interested in doing training prior to demolition.

Jennifer Howard stated they can do that.

Kim Dunn just clarified that they are purchasing the property behind Stewart's and want that changed to commercial.

Mayor Baker confirmed that.

Mayor Baker thanked Jennifer Howard for coming.

Commissioner reports were as follows:

Commissioner Gilheany stated that she is still working on the budget and everyone will receive their sheets early next week and she has already met with the Fire Department and Chief Waldron has stated his is also completed. Commissioner Gilheany stated she will plan a budget workshop on December 6, 2017 at the Senior Center at 7:00 p.m. and hopefully vote on it the following week.

Commissioner Higgins stated that South Main Street is complete, the ramp on the gazebo is complete, and the pad out front and the stairs are there. He also stated Albany's Carpenter's Union is coming next week to finish the railings.

Commissioner Hipwell stated he needs help in the month of December on Friday's and Saturday's to ring the bell. He also stated he will be helping roughly five or six (5 or 6) families for Christmas this year.

Commissioner Gilheany reminded everyone that Post 91 on South Main Street is having a Memorial Service on Saturday November 11, 2017 in Tallmadge Park @ 11:00 and will be having refreshments after.

Attorney Val Serbalik stated the 2014 tax sale court appearance is on for tomorrow. He stated that what should happen is Judge Murphy should sign the order of foreclosure and from there Deputy Commissioner Foard will sign the deed over to the City for the two (2) properties. He stated the two (2) properties are Ariel Pagan's property on North Main Street and the property on Burke Street owned by Joanna Boucher. Attorney Serbalik stated he wasn't sure if the Council wanted to do the sale before the end of the year.

Commissioner Gilheany stated she would like the tax sale well-advertised and would like more than just Mechanicville/Stillwater residents notified. Commissioner Gilheany suggested the sale be held early next year.

Attorney Serbalik stated it is required the sale be posted in the newspaper at least three (3) weeks. He also stated that the City is redoing the water meters and there was a proposed contract with a group from Delaware and they sent a contract over in which they are going to provide the software and the monitoring which allows the City not have to enter the homes to read the meters but the contract that was sent is at a standstill right now and he asked the Council how they would like to handle it. Attorney Serbalik stated they included a provision in the contract that stated even if the company is negligent, even if the system fails, even if the company messes up entirely, there is no liability action on their part. Attorney Serbalik stated that Mark Seber is directly working with the company and around ten (10) days ago the City stated they wanted that provision removed and at this point they have not responded.

Mayor Baker stated they would not be signing the contract with that provision.

Chief Waldron stated that he has been in contact with Commissioner Gilheany and the budget is completed and he feels it is a good budget. Chief Waldron stated the budget has a slight increase but nothing huge and shouldn't have an impact on the overall budget. We have exceeded our revenue year to date by at least \$5000 which is from traffic enforcement. Chief Waldron stated there was a major power outage which screwed up the computer systems. He also stated the generator in the back of the Police Station not only didn't function but when it eventually came on it pushed fumes into the Police Station causing NYSEG to red tag the generator. Chief Waldron stated they are pushing a lot of money out to repair and replace all the computers that fried on that day. He stated that at this time the generator is still not repaired and there was another power outage that occurred recently that had an impact on the server and we had no generator. Chief Waldron stated that NYSEG has spoken with Commissioner Higgins and they are just waiting for parts but every day the generator is not functioning it has a significant impact. Chief Waldron stated they have been relying on the Fire Department and getting more servers at the Fire Station and it is an issue that needs to get resolved as soon as possible. He stated for all intents and purposes it is a new generator and should be working properly.

Mayor Baker asked Chief Waldron if he has spoken with the Accounts Department about the possibility of insurance coverage on generator and loss of equipment.

Chief Waldron stated he has not because they usually do not cover weather related things for insurance purposes. Chief Waldron stated he would talk to them. Chief Waldron added that all the Ford Explorers have had a recall for exhaust fumes going into the vehicle and he stated that his Police cars have not had fumes entering the cabins he stated they have had carbon monoxide detectors inside there and the mechanics that work on the cars assured him that they have done everything correctly but just to stay within the compliance Chief Waldron sent all the vehicles to Ford and had the cars looked at, repaired and had any modifications that needed to be repaired done. Chief Waldron stated there was an arrest for the stealing of political signs. He also stated there were weapons stolen from a gun store in Mechanicville and the Police Department has made an arrest and has retrieved one of the weapons from the theft. He stated the Police Department has been working with the ATF and there are still two (2) outstanding weapons and a search warrant was executed but nothing was found.

Attorney Val Serbalik stated the City pays over \$90,000 in real property taxes on properties located in the Town of Stillwater and it was raised that with revenues down from the water sales the value of the properties may be diminished and the tax assessment may be incorrect. He stated he was asked to look into this issue and he contacted Cathy Drobny who is familiar with experts to hire with contesting real property tax assessments. Attorney Serbalik stated she informed him it was a real specialized field. If the City wishes to look into contesting the assessment on the Stillwater properties then the City would have to retain an expert to determine the value of it and he was informed that the approximate cost would be between \$20,000 and \$25,000.

Mayor Baker stated the Council would discuss this matter.

Chief Alonzo congratulated the incumbents and new comers on the recent election. He also thanked the entire Council for their help working with the Fire Department and keeping them equipped and he stated it was a pleasure working with them and wished them luck in the future. He gave his monthly report which is attached to the minutes. Chief Alonzo stated there were two (2) structure fires with one (1) of them being overly significant. He added there was a structure fire on Halloween morning and his Department did a fantastic job. He stated it was a labor intensive fire and they called a second alarm and were able to save $\frac{3}{4}$ of the building. Chief Alonzo stated he was very pleased with the outcome and that the training they receive prepares them for fires like this. Chief Alonzo stated the Fire Department recently did their city wide door to door collection and they appreciate the support they receive from the residents. The Chief stated that October is Fire Prevention Month and the Department has a fire prevention committee and not only do they go to the Elementary School they do the local Preschools and the residents at the mid-rise. He stated that most of the monies from the door to door collections go towards the fire prevention. Chief Alonzo stated there is a fundraiser dinner organized at the South Main Street American Legion for Sunday November 12th from 1 P.M. to 5 P.M. to help the fire victims from the recent fire on Saratoga Avenue. He added the Legion graciously donated there facility, money and other items.

Tom Mahoney from The Express asked how they were able to keep the fire confined.

Chief Alonzo stated that the training tactics were very helpful and they hit it hard with water and went in and pulled the ceiling down to keep it from traveling to the front of the building. He said the fire started on the outside enclosed wooden back porch and it started to get into the house but the Fire Department was able to put a lot of water on it in the back and controlled it from spreading. Chief Alonzo wanted to let the public know that there are rumors around that the building did not have a fire alarm system and that they are false. He added the fire started on the outside of the building which would not trigger the automatic fire alarm system until it actually broke into the 3rd floor apartment which it did and the fire alarm system activated. He also stated that an Arvin Hart Firefighter was dropping his children off on Round Lake Avenue and saw the fire and started knocking on doors and there were also bystanders helping with the initial setup, he said it was a huge team effort. Chief Alonzo said he was very concerned when he pulled up and saw the flames 30 feet in the air. He wasn't sure how much of the building they could save but he said they had the best water pressure they would ever want in that part of town with the worst radio reception. Chief Alonzo stated that he and the Mayor were going to be

contacting Saratoga County because it is a Saratoga County problem and it is a very frustrating problem that both the Fire Department and the Police Department experience. Chief Alonzo stated he was very pleased with the Departments efforts.

Tom Mahoney asked if the source of the fire has been determined.

Chief Alonzo stated they ruled it accidental and the Saratoga County Fire Investigation Team came down and did a thorough investigation and the cause is determined accidental.

Chief Waldron stated he spoke with the County Arson Team and they gave Mechanicville kudos. They stated that the Mechanicville Police Department and the Mechanicville Fire Department have really gone above and beyond and have attacked fires. Chief Waldron complemented the Fire Department stating they did a fantastic job saving the building.

Chief Alonzo stated that his term as Chief expires at the end of the year but wanted everyone to know he presented the budget request next year to Commissioner Gilheany.

Mayor Baker thanked Chief Alonzo for his service and a job well done with the Department. He also stated there are a lot of great members in the Department and they all work well together.

Chief Alonzo added it is a true team effort and he also stated he isn't going anywhere and will be here to support the next group of Officers coming in and help in any way he can.

Mayor Baker announced the Public Hearing about changes to the City Code.

Attorney Val Serbalik stated the Code was amended in 2013 and since then numerous changes have been enacted that weren't reflected online or on the written code. He stated a lot were resulting from the abolition of the Zoning Board of Appeals and the Planning Board and the formation of the Zoning/Planning Commission. He added the Council hired him to update the code for the amendments and he stated that he suggested that as they were updating the books it is the time to include any other changes that different Council Members and Board Members wanted. He then briefly summarized the changes that are attached to the minutes.

Commissioner Gilheany stated that she does not agree with 50-1 (Proving that Mayor' appoints his secretary rather than Council appointment), and 50-4 (Omit this section whereby Council can remove Mayor's Secretary). She stated the Mayor's Secretary is not a Deputy and the Commissioners are allowed to hire and fire their Deputy because that is someone who can go in and sit in for them at a meeting and make decisions for them whereas the Mayor's Secretary is not someone that can stand in for the Mayor and make decisions. Commissioner Gilheany added she does not look at it as a comparison as the same thing; a Deputy verses a Secretary.

Mayor Baker opened up the floor for public questions.

David Hicks stated that he is against Resolution 34-1 (Allowing the minutes of Council meetings to consist of summarization of Council Members comments rather than verbatim transcripts).

He stated if you cultivate or summarize the minutes you are creating propaganda and he said the verbatim should stay. He added that if you want to back off on the tapes and the minutes are in black and white then that is fine if not then the tapes have to stay.

Mayor Baker informed Mr. Hicks that NYCOM (New York State Conference of Mayors) and the attorneys for NYCOM recommend that you do not do verbatim.

David Hicks stated that when you start summarizing you are creating propaganda. Dave also stated that the Mayor wants to be able to hire and fire whoever he wants for the Secretary but the City Council is the one that hires the Secretary now.

Mayor Baker stated the Commissioners hire their Deputies due to confidentiality and he wants to be able to do the same thing with his Secretary.

David Hicks asked if there is a Deputy Mayor.

Commissioner Gilheany stated that the Deputy to the Mayor is the Commissioner of Accounts. She also stated that the bottom line is that no matter whom the Mayor or Commissioner's hire the salary has to be approved by the Council.

David Hicks asked if the Council will still oversee everything.

Commissioner Gilheany stated they will oversee the salary. She stated that it is her personal feeling that since the Secretary is not a Deputy the hiring/firing should go before the Council.

David Hicks asked with the changes of rates for the water if there is some sort of action that should be taken to credit the people for the water problem. He stated the people should be compensated for the water. David asked if the water rates have to be done through a resolution or an actual code change.

Commissioner Gilheany stated it used to be a change to the code book, to change the rate and the Council wants to make it so it can be done through a resolution so you don't have to change the code book every time you change the rate.

Kim Dunn asked why the taped minutes are deleted and why isn't there a way to digitally store them on a server or on computer storage. She said if something comes up and you go back into the minutes if it isn't there you would have the recordings to rely on. She reiterated that everyone gets to decide their Secretary and/or Deputy and the Council basically has the final approval through the salaries.

David Hicks asked if stores that have been vacant can be changed to residential without going to site plan. He explained that if it can't be a store can it be changed to apartments so they can at least get an income from the property. He asked if it needs to be re-zoned.

Mayor Baker stated they go back to the Zoning Commission to see if they can make it residential from a store.

Attorney Val Serbalik stated he isn't familiar as to what the zoning is on that but if the property is in a residential district and they are running business according to code and the property remains vacant over one (1) year then it loses its non-conforming use and becomes a residential property again and the right to operate a commercial establishment terminates.

Be it resolved that the following Code sections are hereby amended and adopted:

§ 34-1. Documents to be provided. (Allowing the minutes of Council meetings to consist of summarization of Council members comments rather than verbatim transcripts.)

Introduced By: **Mayor Baker**

Seconded By: **Commissioner Higgins**

Mayor Baker	Yes
Comm. Gilheany	Yes
Comm. Higgins	Yes
Comm. Hipwell	Yes
Deputy Comm. Foard	Absent

§ 34-2. Tape recordings. (Providing for recording to be retained for four months rather than one year.)

Introduced By: **Commissioner Higgins**

Seconded By: **Commissioner Hipwell**

Mayor Baker	Yes
Comm. Gilheany	No
Comm. Higgins	Yes
Comm. Hipwell	Yes
Deputy Comm. Foard	Absent

§ 50-1. Position created; appointment. (Providing that Mayor' appoints his secretary rather than Council appointment)

Introduced By: **Mayor Baker**

Seconded By: **Commissioner Higgins**

Mayor Baker	Yes
Comm. Gilheany	No
Comm. Higgins	Yes
Comm. Hipwell	Yes
Deputy Comm. Foard	Absent

§ 50-4. Removal. (Omit this section whereby Council can remove Mayor's Secretary)

Introduced By: **Mayor Baker**
Seconded By: **Commissioner Higgins**

Mayor Baker	Yes
Comm. Gilheany	No
Comm. Higgins	Yes
Comm. Hipwell	Yes
Deputy Comm. Foard	Absent

§169-7 through 169-10. ARTICLE III Exemption for Certain Residential Construction
(Repeal sections providing for tax exemption for Certain Residential Construction.)

Introduced By: **Commissioner Gilheany**
Seconded By: **Commissioner Higgins**

Mayor Baker	Yes
Comm. Gilheany	Yes
Comm. Higgins	Yes
Comm. Hipwell	Yes
Deputy Comm. Foard	Absent

§ 194-28. Meter rates. (Providing for water rates to be set by the City Council after public hearing.)

Introduced By: **Commissioner Higgins**
Seconded By: **Commissioner Hipwell**

Mayor Baker	Yes
Comm. Gilheany	Yes
Comm. Higgins	Yes
Comm. Hipwell	Yes
Deputy Comm. Foard	Absent

§ 200-51. Projects requiring site plan review; exceptions

(Providing for necessity of site plan approval for free standing solar panel systems, windmills, and wood furnaces.) (Eliminating the necessity of site plan approval for allowable uses less than 1500 sq. ft. in commercial districts.)

Introduced By: **Mayor Baker**
Seconded By: **Commissioner Higgins**

Mayor Baker	Yes
Comm. Gilheany	Yes

Comm. Higgins	Yes
Comm. Hipwell	Yes
Deputy Comm. Foard	Absent

Public Comment:

Tara Morelli of Greenwood Avenue and Mechanicville Girl Scout Troop 1114 updated the Council on the Dog Park. She stated they are still fundraising and things are going good. Mrs. Morelli stated she emailed Commissioner Higgins earlier this month and told him he may see some traffic coming and going around the Park because some of the people they are working with for the fencing and the grass want to see the property.

Commissioner Higgins stated people have been bringing their dogs over.

Tara Morelli stated that on November 19, 2017 there will be a ziti dinner fundraiser at St. Luke's On the Hill on McBride Road. Mrs. Morelli stated they will be doing both eat-in and take-out and asked if the Council could please spread the word it would be appreciated.

David Hicks of 241 First Avenue stated that Cumberland Farms has cut back into the road during their construction and Mr. Hicks wanted to know if the part of the road that has been cut back will be replaced and asked if they would be setting stone or pouring.

Commissioner Higgins stated they will probably use what they are putting in there now.

David Hicks asked if it was stated that the exhaust on the generator was creeping back into the building and wasn't piped up over the building.

Commissioner Higgins stated the window was open and the air conditioner was on so the exhaust pulled it right in.

David Hicks asked if in the past we paid \$40,000 to have a set of back-up computers put in the fire station for the Police Department.

Mayor Baker stated that was the back-up server.

David Hicks asked if the computers were insured.

Mayor Baker stated he already asked that and that they were going to check on that.

David Hicks stated they finally got the fire hydrant back off the road and they closed the road down again today and he wasn't sure who closed it down.

Commissioner Higgins stated it was NYSEG.

Kim Dunn stated that in the past few years there have been two (2) budget workshops and asked if there would only be one (1) this year.

Commissioner Gilheany stated that last year there was only one and it will be a good budget.

Kim Dunn stated she thought the water and sewer was done separate.

Commissioner Gilheany stated they did them all in one (1) last year and will do them that way again this year because the general fund is going to have to fund the water fund because of the loss of revenue from Stillwater and Halfmoon.

Kim Dunn clarified that we have a couple of properties that Attorney Serbalik was talking about and three (3) other properties for the tax auction and she asked if they were all being done at the same time after the first of the year.

Commissioner Gilheany stated that was correct

Kim Dunn asked what properties we own in Stillwater that we pay \$90,000 in taxes.

Commissioner Higgins stated it was the water plant.

Resolutions:

RESOLUTION 65-17: Payroll and Vouchers

Moved by: Commissioner Gilheany

Seconded by: Commissioner Higgins

AYES: 4

NAYS: 0

RESOLUTION 66-17: Budget Transfers

Moved by: Commissioner Gilheany

Seconded by: Commissioner Higgins

AYES: 4

NAYS: 0

NEW BUSINESS:

Mayor Baker stated there is a notification and he read it in the paper that the County is raising the sewer tax by \$20 per unit. He added there is a Public Hearing at the County this week and if anyone is interested the date is on the County website.

OLD BUSINESS: None

Adjournment: 8:03

Moved by:	Commissioner Higgins
Seconded by:	Commissioner Hipwell