

MINUTES OF THE CITY COUNCIL MEETING
HELD ON
December 9, 2020
6:00 P.M.

The regular meeting of the Mechanicville City Council was held at the Senior Center, North Main Street, Mechanicville, New York on Wednesday December 9, 2020.

Mayor Baker: Called the meeting to order at 6:05 P.M.

Mike Rubino led the Pledge of Allegiance to the Flag.

Roll Call:	Mayor Baker	Present
	Commissioner Seber	Present
	Commissioner Johnson	Present
	Commissioner Gotti	Present
	Commissioner McGuire	Present

Motion to accept the November 4, 2020 Meeting Minutes:

Motion: Commissioner Gotti Seconded by: Commissioner McGuire

Roll Call: AYES: 5 NAYES: 0

Mayor Baker opened the public hearing for the South Central Drainage Improvement Project; he asked if anyone had any questions.

Kim Dunn of 250 South Main Street asked for an update on the project.

Don Fletcher from Barton and Loguidice stated this is a project in which the City received a \$1,000,000 grant from CDBG, \$180,000 grant from DOT to do improvements for drainage at the railroad trestle on Central Avenue. He added that to date work has been done on the original contract to install new catch basins on Central Avenue and run it through newly acquired easements by the City to Main Street, up to Green Street, and go down Green Street and discharge it to the sewer discharge. He added that portion of the project is complete and there were remaining funds in which they are using to put four (4) catch basins are being replacing, they are replacing piping, the paving will be done in that area and there will be a catch basin installed on the corner of Green Street and Main Street, and sidewalk work on Green Street will be completed. He added this will all be completed with the grant funds.

Commissioner Seber asked the time frame.

Don Fletcher stated it will be done by the end of the year, he added they were granted a time extension and the time extension is to be completed by the end of the year and all structures are on site and contractor contacted him and they are supposed to be done by next Thursday.

Kim Dunn asked if was originally scheduled December 2019 and the extension was granted until June or July 2020 at what point was another extension asked for and what for.

Don Fletcher stated when they were originally done with the substantial project they called CDBG and they were willing and able to give the extension until the end of the year and encouraged the City to expend out the funds. He added the key is it all has to be done within the same environmental review record area, which means with money left over they could not go to the Industrial Park or some other place in the City. He added they needed to work within the corridor.

Kim Dunn asked if it includes what needs to be done on First Avenue.

Don Fletcher stated it does not. He added the work will be done by the end of the month and then they have thirty (30) days from the end of the work period to get the paperwork handed in.

Dave Hicks of First Avenue asked if anything with First Avenue is tied in with the Central Avenue.

Commissioner Gotti stated nothing was.

Dave Hicks stated there hasn't been any floods on First and asked been done.

Don Fletcher stated they went out with the DPW staff and looked at drainage and it goes South on Central off of First so they cleaned out the piping system. He added some of the flooding on First was because of the clogging and they cleaned it out.

Marylou Cebula of Lee Street stated there was a problem with flooding on South Main Street and she wanted to know what that was related to.

Don Fletcher stated the work was not completed yet which caused the flooding.

Mayor Baker closed the South Central Drainage Improvements public hearing.

Mayor Baker then opened the public hearing on the water main project on First Avenue and Mechanic Street.

Kim Dunn of 250 South Main Street asked for an update on the project.

Don Fletcher of Barton and Loguidice stated this is the replacement of the drinking water, water lines on First and Mechanic Street. He added Mechanic Street is 100% done and on First Avenue the new line has been put in and switched over to the new line and the service from the

houses to the new line is being put in. He added that the entire road is not being paved as a part of this project. He went on to say that in the spring they will be doing the seeding and grass.

Kim Dunn asked what the originally CDBG completion date was.

Mayor Baker stated it was December 17, 2020.

Commissioner Gotti stated the lines are live.

Dave Hicks of First Avenue asked if they are running into the houses with the connections.

Commissioner Gotti said the services go to the curb stop. He added that as long as they are doing the work if the line is disturbed they will repair the line.

Marylou Cebula of Lee Street stated there was low pressure and mention of a broken valve.

Commissioner Gotti stated there was not a broken valve the low pressure was caused because when they went to shut the water off the valve broke.

Marylou Cebula asked what the valves are made of.

Commissioner Gotti stated normally brass. He added these valves are 60 to 70 years old and they have been trying to put maintenance program together to exercise the valves but since it hasn't been done in years so when you do exercise them there is a high risk in breaking the valve.

Marylou Cebula asked if they were lead.

Commissioner Gotti stated no valves are lead.

Marylou Cebula asked if that would affect off of South Main Street.

Commissioner Gotti stated it should not.

Mayor Baker closed the public hearing and opened the public hearing on the budget.

Jodie Gilheany of Chestnut Street stated she sent an email to all the commissioners and added she is not sure why they are not getting them and other residents in the City may be trying to email them. She went on to state the budget sheets were changed since what went out on Monday so she asked for them to highlight the changes that were made.

Commissioner Seber stated several line items were changed.

Jodie Gilheany stated she didn't see a copy of the position master.

Commissioner Seber stated in his office they did not have an accounts clerk the rate was incorrect but the amount was correct. He added there was a slight modification done to the budget, they were off around \$2000 and it was corrected, he added they reduced the fund balance. He added there were other minor tweaks.

Jodie Gilheany asked were they expected the 2020 budget to stand.

Commissioner Seber stated they do not expect to be over budget.

Jodie Gilheany asked why the taxable assessments went down \$420,000.

Commissioner Seber stated the taxable assessed values increased on the properties the City has control over. He added they went up \$577,250, the special franchises which are controlled by the State went down \$1,023,000, and other utilities went up \$25,000.

Jodie Gilheany stated there is no prior year to dates on the budget sheets. She went on to say in 2021 the PILOT is showing \$74,000 and only \$3100 was budgeted in 2020 and she wondering what is included in the \$74,000.

Commissioner Seber stated he would get back to her on that.

Jodie Gilheany stated that franchise fees to date are showing \$0 and the new agreement signed with charter communications allowed for quarterly payments so you don't get your 2020 payments until April 2021 so it was set up to get quarterly payments and she asked if they have received anything from them.

Commissioner Seber stated he is told they have not.

Jodie Gilheany stated that \$20,000 is guaranteed annually from the County and have received more than that the past few years and she is wondering why that isn't budgeted.

Commissioner Seber stated that they spoke with the Supervisor and he is not 100% sure they are getting the money this year as a result they decided not to budget it.

Jodie Gilheany stated she assumed the Aid decrease of 20% was for 2020 and asked if it they were expecting that for 2020 also.

Commissioner Seber stated they were initially told that there will probably get a decrease this year and on the side of caution they decided this.

Jodie Gilheany asked why the Mayor's contracted services went up \$700.

Commissioner Seber stated they now pay Mike Rubino to record the meetings.

Jodie Gilheany asked why the assessors contracted services was up \$400.

Commissioner Seber stated they have \$1000 in there for software and if the budget passes they are hoping to get corresponding software that communicates with the building department.

Jodie Gilheany stated there are some pretty hefty increases for utilities.

Commissioner Seber stated that these are off the actuals for this year. He added he and the Mayor have had conversations with the Central New York State Power Authority and they stated the City rates have increased.

Jodie Gilheany asked to get a copy of 2019 actuals. She asked if real estate taxes were adjusted because \$5900 was budgeted and only \$1331 was spent. She stated the contingent account seems high.

Commissioner Seber stated CSEA negotiations have not been settled yet and that is for contingency.

Jodie Gilheany stated a new line was added to Fire Department inspections.

Commissioner Seber stated the Chief wanted to be able to track the inspections and needed additional expenses.

Jodie Gilheany stated that was a lot of money. She asked why they are increasing celebrations \$1500.

Commissioner Seber stated that was a request from Commissioner McGuire.

Commissioner McGuire stated she asked to keep the \$1500 that was in there.

Commissioner Seber stated he understood she wanted an increase of \$1500.

Commissioner McGuire stated now she has \$3000.

Jodie Gilheany asked what the actual was for garbage in 2019.

Commissioner Seber stated he does not have that, he doesn't understand what 2019 has to do with this. He added most budgets don't go back two years.

Commissioner Johnson stated that when they went through the budget they used three (3) years of history.

Jodie Gilheany stated when she did it she gave three years of history. She added the public should have been able to see that since it affects their taxes.

Commissioner Johnson stated the tax increase is \$.02.

Jodie Gilheany stated it could have been less. She asked what the rates were on New York State Retirement.

Commissioner Seber stated the \$148,570.
Jodie Gilheany asked what the rate was.

Commissioner Seber stated it depends what tier you are in. He stated at tier 6 it is close to 9.6, 16.1 in tier 3, 16.1 in tier 4, 13.4 in tier 5.

Jodie Gilheany stated there is a different number of sewer units for county and the residents.

Commissioner Seber stated because there are areas outside the city that are collected it was based on a report from the sewer district and the rates remained the same.

Jodie Gilheany asked when the City is going online with the County.

Commissioner Seber stated it would probably be in January.

Jodie Gilheany asked if Stillwater and Halfmoon are included.

Commissioner Seber stated Schaghticoke and the train yard are.

Jodie Gilheany asked if they could please get her a copy of the 2019 actuals.

Kim Dunn stated that for the Saratoga County sales tax revenue has a reduction of \$63,200 compared to the past years will the City be getting any more revenue from the County for 2020.

Commissioner Seber stated that comes in January.

Kim Dunn asked if they would be receiving it in 2021 for 2020.

Commissioner Seber stated that is how it works.

Kim Dunn asked if he asked how much they would be receiving.

Commissioner Seber stated he does not have any information on that.

Kim Dunn asked if there is a "Plan B" in case the sales tax revenue comes in lower than is actually being budgeted.

Commissioner Seber stated initially the City was told to anticipate about a 10% decrease in sales tax in which the first budget had that. He went on to say that after the budget workshop and conversations with the County Treasurer they would keep it at 5%. He added the budget is built with surpluses included within it to absorb revenue shortfalls that might be faced.

Kim Dunn asked what surpluses built in meant.

Commissioner Seber stated there are some contingencies in the contingent account that is there is needed and in the worst case scenario there is \$1,800,000 in the unappropriated fund balance going into this year in which \$404,000 to balance this budget out and he reiterated worst case the budget could be amended and use the fund balance.

Kim Dunn stated that there was \$663,392 budgeted for State Revenue in 2020 and the actual figures as of November were \$39,592 but the Governor has stated he can withhold up to 20% which is done once every quarter.

Commissioner Seber stated the City does not get paid by the quarter; they receive one payment and then the balance in December.

Kim Dunn asked if the city would be receiving the balance in December.

Commissioner Seber stated as of right now they are less the 20%.

Kim Dunn asked if he has something from the State saying that.

Commissioner Seber stated the City and 55 other cities in the state have received notification that they will be received a 20% cut in the December payment.

Kim Dunn asked for a copy of that. Asked if the City would be receiving the difference in the CHIPS money from what was budgeted and actually spent.

Commissioner Seber stated CHIPS comes later in the year as well and added he is not exactly sure when that comes in.

Commissioner Gotti stated the only thing they have outstanding is a \$34,000 check which is the last part of the work done on pavement, the rest of it should have been in.

Kim Dunn stated the document on the website shows the \$20,000 for assessment but stated that it has been mentioned that it is taken out.

Commissioner Seber stated it has been removed.

Kim Dunn stated that it is a problem that what is presented tonight it different than what is on the website.

Commissioner Seber stated it is not a problem and they could actually change things tonight since it has not yet been voted on.

Kim Dunn asked if the CSEA contract has been settled.

Commissioner Seber stated it has not.

Kim Dunn asked why there are raises on the position master for the CSEA employees if it hasn't been settled.

Commissioner Seber stated they put a number in the budget.

Commissioner Gotti stated that the number that is figured in the budget is the number that was negotiated when the negotiations started before COVID hit. He added COVID is the reason the negotiations were delayed.

Kim Dunn stated she would prefer to speak to Commissioner Seber in reference to the budget. She went on to ask if all employees are getting the same % raise.

Commissioner Seber stated everyone is getting 2.25%

Kim Dunn stated there is a Deputy Commissioner for Public Safety listed and there hasn't been one in over a year.

Commissioner Seber stated that was changed to accounts clerk.

Kim Dunn asked if there were only 11 restaurants listed on the resolution to cut the sewer units, why, did he previously say there was a difference of 51.

Commissioner Seber he corrected her and stated there were 51 units, of those 11 businesses there were 51 units.

Kim Dunn asked if he knew when the CSEA contract might be settled and what if the numbers go over what is anticipated.

Commissioner Seber stated they have negotiations in the next few days.

Marylou Cebula of Lee Street stated the position master lists the salaries for the Police Department and it is shown that the desk officers were removed but she does not see an entry for part-time officers or the secretary to the chief position.

Commissioner Seber stated the part-time officers have a line in the budget and as far as the secretary to the chief positions at this time does not exist so that is why it is not included.

Commissioner McGuire asked if it should be included.

Commissioner Seber stated the position would need to be created.

Marylou Cebula asked if all the raises included in the budget were contractual.

Commissioner Seber stated city hall employees, civil service, janitorial, and senior center employees, were not.

Marylou Cebula asked if all non-contractual employees are receiving the same raise.

Commissioner Seber stated all non-contractual employees are receiving 2.25%.

Marylou Cebula asked where that figure came about.

Commissioner Seber stated they had a conversation about it.

Commissioner McGuire stated she was not included in the conversation.

Commissioner Seber stated that was incorrect it was discussed not in public session so he would not be discussing it now but it was talked about in executive session.

Commissioner McGuire stated she did not know it included the part-time employees and added last year part-time employees did not get as much of a raise as the full-time employees.

Commissioner Seber stated he feels that if there is a part-time employee or works on a consistent basis they should get the same percentage, which isn't the same amount of money, as the full-time employees.

Marylou Cebula wanted to clarify that she is not saying anyone doesn't deserve a raise, she said everyone deserves a raise, but during this time, with this budget, under these circumstances.

Jodie Gilheany stated that in her memo it stated that the 2020 budget contained \$31,420 for PBA and CSEA so she wanted to make that clear because Commissioner Seber stated he wasn't aware of the contingent account.

Commissioner Seber stated the expenditure portion of the budget has gone down almost \$74,000, the tax rate is going to go up less than \$.02 per \$1000 and he thinks the Finance Department and this Council did a really nice job with this budget and he thanked everyone for their work.

Mayor Baker thanked Commissioner Seber, Commissioner Johnson, and Amanda for their hard work.

Commissioner Seber stated he needed to give a lot of the credit to Amanda as she worked very hard on the budget.

Commissioner Reports:

Mayor Baker had nothing to report.

Commissioner Seber stated that water collection without penalty ended October 31, 2020 and 66.69% of the water levy was collected. He went on to say there was an auction of City owned property on November 12, 2020 and the Warsaw Avenue property was sold for \$47,000 and the South Main Street property was sold for \$5000 and they were unable to sell the Saratoga Avenue property. Commissioner Seber stated that Auctions International will begin the online auction

on December 20, 2020 of: a bus, firetruck, Durango, grater, frontend loader and two (2) backhoes. He went on to say the auction will end on January 7, 2021 and the City will receive the numbers by January 8, 2021 and the Council can decide if they want to accept the bid or not and if they do accept any bids it will be voted on in the January monthly meeting.

Commissioner Johnson stated his department has been working on the budget and he thanked Amanda for all the work she has done on the budget and stated she has been very helpful getting him up to speed on the office.

Commissioner Gotti stated the water line on First Street is completed and live the connections for the line have started. He added they will be replacing some of the sidewalk down on Green Street that was disturbed, he added they replaced it on one side of the street but now will be doing the opposite side that was disturbed. He went on to say that he is going to try and get a maintenance program to replace valves.

Commissioner McGuire stated the memory trees are up in the park and sixty-one (61) trees were put up. She thanked Kim Noonan for her hard work and also thanked the Mechanicville Fire Department. She stated she would have never been able to get the trees up without their help and added the Fire Department will be receiving a donation for each tree they put up and she said it is roughly \$700. She went on to publically thank Alex, Matt and Nick Dunn, Tim Cuilla and his son Sam, Frank Schaeffer, Gerry Casertino, Mike Burgess, Amy Jones, and Austin and Madison McGuire. She added that if you have an opportunity you should go look at the trees especially at night. Commissioner McGuire thank everyone who donated through her to Wreaths Across America she received almost \$4000. She went on to say the Office of Public Safety received a \$1000 donation from Patricia Perro and Jerry Mehan of Stillwater which is to be used to help seniors out and she thanked them for their generosity.

Police Chief Rabbitt gave his monthly report which is attached to the minutes.

Fire Chief Matt Dunn was unable to attend the meeting but the monthly report is attached.

Public Comment:

Tom Mahoney from The Express asked if a person has a dog that is repeatedly taken to the pound is there any recourse for the owner of the dog.

Commissioner McGuire stated she is not sure how many times it takes before the ACO could permanently have the dog removed but she will look into it. She added he could call her office with the information.

Tom Mahoney asked if someone has a complaint who should they contact.

Commissioner McGuire stated they should call her office and she will start a paper trail, she believes they already have a paper trail for the particular dog he is speaking about.

Tom Mahoney asked if Commissioner McGuire FOILED information why it just wasn't given to her so that the lawyer fees could be avoided.

Commissioner McGuire stated she asked for text messages and then someone requested hers, she stated she does not have a work cellphone and the City Attorney at the time said you have to give them. She stated she gave hers but when asked for the same thing she was denied. She went on to say that she FOILED texts and Kim Dunn on the advice of the City Attorney denied the request in which she appealed and then Dennis Baker denied it in which she filed an article 78 and the judge stated you are entitled to the documents.

City Attorney Lyn Murphy stated that was inaccurate. She stated they reached a settlement in which they didn't have to involve the union and bring an employee into the lawsuit who wasn't joined properly in the beginning, so a settlement was reached to avoid additional attorney fees.

Commissioner McGuire asked if they avoided additional attorney fees because they assumed they would lose.

City Attorney Lyn Murphy said no but because win or lose why cost the city money. She went on to say she did not know if the employee had text and when she asked if they did they stated they did and she asked if they would be willing to turn them over because they were on a private phone in which they stated they would and they did.

Commissioner McGuire stated they had to sign an affidavit that those were all that they had had but it wasn't just that simple. She went on to say that she will show the petitions from her attorney and the decision is in there.

Tom Mahoney stated we went through this a few years ago with the former City Attorney which was another \$10,000 down the drain.

Commissioner McGuire stated that was correct and it would have been very simple and added at the time of court proceedings the reason for denial was changed, is that legal.

City Attorney Lyn Murphy stated she was not involved in the original proceedings and actually the Judge was willing to hear oral argument as it relates to it but that would have continued to increase the cost to the City and at that point they had the text so they turned them over.

Commissioner McGuire stated they should have been turned over in the beginning.

City Attorney Lyn Muphy stated they did not have them in the beginning and that Commissioner McGuire was the only one aware of them at the time.

Commissioner McGuire stated she had substantial conversations.

City Attorney Lyn Murphy asked with whom she had the conversations.

Commissioner McGuire stated with Paul Alloy in which he stated the City did not possess the cellphone so she couldn't get the text messages but the City possessed hers and she added she had extensive conversations with Kim Dunn and Paul Alloy as to how you can't have it both ways.

City Attorney Lyn Murphy stated she would not argue for another attorney and she would certainly not argue with Commissioner McGuire when she is represented by another attorney but she will say that she asked for texts from Commissioner Gotti to an employee and got them and then asked for texts from the employee to Commissioner Gotti in which she believes the council said that is a private phone and she already had them.

Commissioner McGuire stated the first set of texts messages she asked for were for any DPW staff member to Commissioner Gotti between the hours of 12 a.m. and 7 a.m. then asked for any and all voicemails and texts messages from a particular DPW employee with Commissioner Gotti and themselves any time of day inclusive of 12 to 7. She went on to say that she substantially prevailed.

Tom Mahoney asked if Commissioner McGuire has a lawsuit.

City Attorney Lyn Murphy stated Commissioner McGuire filed an article 78 against the City. She went on to say that Commissioner McGuire is represented by an attorney so she is uncomfortable discussing it and it is improper for her to.

Commissioner McGuire responded that she is not. She went on to say that she will email Mr. Mahoney the paperwork.

Tom Mahoney stated he just doesn't understand and now there is \$10,000 thrown down the drain.

Commissioner McGuire stated she does not understand either.

Marylou Cebula of Lee Street stated she wanted to clarify the article 78 situation and went on to describe how the FOIL process works. She stated that any regular citizen can ask through FOIL for information in which the process goes to the Commissioner of Accounts, if it is denied by them the person who requested the FOIL has the right to appeal it in which it goes to Mayor Baker in which he can then approve or deny the appeal.

Commissioner McGuire stated usually any FOIL is done on the advice of the City Attorney.

Marylou Cebula asked Mayor Baker if he receives an appeal does it automatically go to the City Attorney.

Mayor Baker stated he looks at it and also has the City Attorney look at it.

Marylou Cebula asked if a regular citizen gets denied for a FOIL and then also get denied on the appeal there only recourse is to do an article 78 to get the information. Therefore, they have to

come up with thousands of dollars in which to do that. She added that is a good deterrent for people to argue the point.

Commissioner McGuire stated if you are not serious you will not pursue it.

Marylou Cebula stated that does not give the City much motivation to act in good faith.

Commissioner McGuire commented that as a Commissioner she is not allowed to see any business records in the City and has to FOIL everything.

Marylou Cebula asked if that is the normal.

Commissioner Seber stated it was not and went on to say that there are personnel records she cannot see but business records she could.

City Attorney Lyn Murphy stated the only requests she has seen were FOIL's and has not seen a request not through FOIL.

Marylou Cebula went on to say that according to a Times Union article it was determined there was not sufficient grounds based on the City Attorney's investigation in the allegations between Commissioner Gotti and Mr. Mahoney. She asked if it was based just on that or was the determination based on the Council as a whole or on the individual of the Council.

Commissioner McGuire stated she is asking who made the decision there were not grounds.

Marylou Cebula asked who made the decision there were insufficient grounds to pursue anything.

City Attorney Lyn Murphy stated the City Council meet in Executive Session with their labor attorney and made a determination that there was not sufficient evidence to move forward.

Marylou Cebula asked if determination by the Council means they all got together and agreed.

City Attorney Lyn Murphy stated she does not know that everyone agreed and she would not speak as to what happened in executive session because that would be improper but that is what happened.

Marylou Cebula stated that is the problem why the residents don't understand because it is not discussed in public.

City Attorney Lyn Murphy stated they did at the end of the meeting they stated they would be going into executive session to discuss a personnel matter so they did properly state that.

Marylou Cebula stated if there were any dissention among the ranks the public would not know that.

City Attorney Lyn Murphy stated that is why they have an executive session.

Marylou Cebula asked who makes the decision, is it majority rules. She went on to say that she assumes that Commissioner Gotti wasn't included and Mr. Johnson was not a member of the Council yet so there were three (3) people.

City Attorney Lyn Murphy added there was also a labor attorney there giving advice.

Marylou Cebula stated that per the charter that any action be taken against a Council member there has to be four (4) votes and if you only have three (3) you wouldn't be able to do anything about it.

Commissioner McGuire stated that was correct, you have to have four (4) and there was only three (3).

Marylou Cebula asked how you get around something like that, do you have inaction due to not enough people.

City Attorney Lyn Murphy stated they are forming a committee to look at the charter and zoning laws so that some of these issues can be addressed.

Marylou Cebula stated that is later but what about this particular issue.

Commissioner Seber stated if you don't have enough people you can't do anything. He went on to say that executive session is for personnel matters and they are not discussed outside of that. He also stated if the Council were to take action against any Commissioner or the Mayor would have an opportunity for counsel and there is a whole process.

Marylou Cebula stated there were a few people that came in about stolen asphalt.

Commissioner Seber stated no one ever said anything was stolen.

Marylou Cebula stated the people that came to the meeting stated asphalt was conveyed to a city employee which was included in the information that was talked about in executive session.

Commissioner McGuire stated that is someone says can I have something and someone says yes you are not stealing it.

Marylou Cebula stated according to the City Charter any conveyance of anything...

Commissioner McGuire stated she has it right with her, and read from the charter "every officer of the City and every person employed by the City or by an Office of the City who shall lend or convert to his/her use or to the use of another, money or property belonging to the City shall be guilty of a larceny".

Marylou Cebula state that was right in the charter and she is curious was handled.

Commissioner Seber stated he was curious as to how Commissioner McGuire happened to have that with her.

Commissioner McGuire said she was going to bring it up.

Marylou Cebula asked how something like that was addressed.

Commissioner McGuire stated she had a conversation with City Attorney Lyn Murphy about rebar and Commissioner McGuire stated she wanted to give people rebar to people to put up their trees and City Attorney Lyn Murphy stated she could not because it is possession of the City even though it was included in the price last year.

Marylou Cebula stated two separate people came to the meeting and asked about it so she wants to know how something like that gets addressed.

Commissioner McGuire stated the City possesses the rebar now and she can't give it to anybody so she would think that would be inclusive of any property that the City owns.

City Attorney Lyn Murphy stated there is a "spoils" policy and the one in the City may not be as clear as it should be but it will be addressed through the committee.

Commissioner McGuire stated that the charter handles the "spoils" and says you can't give anything to anyone or you are guilty of a larceny.

City Attorney Lyn Murphy stated that "spoils" are completely throughout the state are legal.

Commissioner McGuire asked what the purpose of a hotbox is.

City Attorney Lyn Murphy stated that they will not re-litigate a personnel matter here.

Commissioner McGuire just stated she wants to ask Commissioner Gotti what the purpose of a hotbox is.

Commissioner Gotti stated to keep asphalt hot and re-heat asphalt.

Kim Dunn of South Main Street asked if there is a time line given to the people who bought the city owned properties at the auction to bring it up to code.

Commissioner Seber stated they need to close with the City within thirty (30) from the meeting.

City Attorney Lyn Murphy stated there is a title issue with one and have been given additional time to correct the title but that is a different question than what you are asking.

Commissioner Seber stated he is not sure of the answer but he does know that on one of the properties it was the neighbor that purchased it and are looking to clean it up.

City Attorney Lyn Murphy stated that from a building perspective once it is owned by an individual code enforcement could start citing them if the conditions are warranted in which it sounds like they are.

Kim Dunn stated the City has owned it four years and tried to get rid of it multiple times but now how do enforce the next person to fix it up. She asked if a timeline was stated in the sale.

Commissioner Seber stated it was not.

Commissioner McGuire stated she thinks they are going to demolish it quickly; they have the equipment and manpower.

Commissioner Seber stated he has been told that as well.

Kim Dunn asked if there were two (2) separate insurance claims for resolution 119-2020.

Commissioner Seber stated there were.

Kim Dunn stated the school taxes on the recently sold city properties was paid in September and she wants to know if the new owners need to reimburse the City for that.

Commissioner Seber whatever they paid is it.

Dave Hicks of First Avenue asked why the manholes were not raised on Main Street. He also asked why they didn't repair any of the potholes by the Hemstreet Park Bridge while they were paving.

Commissioner Gotti stated the apron of the bridge is not the city's responsibility and he would have to get permission from the bridge authority to do it.

Dave Hicks asked how he figures it is not our responsibility up to the bridge.

Commissioner Gotti stated he already called and the apron is not.

Dave Hicks stated people are still pulling off Central Avenue and heading down First Avenue. He went on to say the City should pay him money every month since the City pays NYSEG for streetlights that don't work and if they pay him they will get it back in taxes. He asked when the streetlights and buildings are going to be upgraded to LED lights.

Mayor Baker stated that was talked about previously in the meeting.

Commissioner Seber stated they are talking with New York State Power Authority that has a program and he thinks at the January meeting there will be someone to make a presentation to the Council and public regarding the City purchasing their streetlights and upgrading them to LED. He went on to say he is hoping it is January but worse case February.

Dave Hicks stated there are still City buildings that need the changed over. He went on to say he still has dead grass from when the truck was parked when they were working on First Avenue and no one has gotten back to him.

Mayor Baker stated the grass will be dead until the spring.

Dave Hicks asked when the connection to the Saratoga Water Authority was going to be complete.

Commissioner Seber stated it would be completed in early January.

Resolutions:

RESOLUTION 112-2020 Attorney Fees

Moved by: Commissioner Johnson Seconded by: Commissioner Seber

Commissioner Seber stated that he is voting yes only because it is a court order and went on to say that it is his 23rd year between schoolboard member or City Council and he has never heard of an elected official even discuss suing the taxpayers in the jurisdiction for which they belong and stated he feels it is disgraceful especially over texts messages to get what appears to him a personal vendetta over a few of the Council members. He went on to say this also appears to be a pattern going back to 2018 where the City has spent between \$30,000 and \$35,000 on outside counsel with virtually no results. We went on to say Mr. Hite was hired to go after the Mayor there has not been a report that he saw and he isn't even sure what the resolution was, between the Mayor and the Police Union.

Commissioner McGuire stated an agreement was signed.

Commissioner Seber stated that was a union issue to begin with and should have been handled that way.

Commissioner McGuire stated it was not a grievance issue.

Commissioner Seber stated it was.

Commissioner McGuire stated a grievance has to do with the contract and she asked Chief Rabbitt to confirm that.

Commissioner Seber stated she should not get him involved in this discussion. He went on to say that if you feel aggrieved you can file either a grievance or an unfair labor practice or something through the union and that is how that should have been handled and the retainer

would have taken care of it. He went on to say there was a conversation at the last meeting as to what is in the retainer and one of the things is to defend us in grievances. Commissioner Seber then said they hired Sara Berger for \$5000 and he read her report and he still doesn't know what it is about, and he said it was disgraceful. He stated they then had a situation with Val Serbalik where they paid him \$3300 and another couple thousand to defend the indefensible and then this situation here. He stated there is \$30,000 to \$35,000 in outside legal fees and he doesn't know what for.

Commissioner McGuire stated the results with Sara Berger were that Gerry Castertino got paid what he was due.

Commissioner Seber stated he read the report and he still doesn't know what it is about, something about paying someone to go to the academy.

Commissioner McGuire stated this person was an employee and you were sending them to the academy, this person is an employee, you have supervision, direction and control over that employee, and you are telling them they have to go to an academy for mandated training and the City is not going to pay you.

City Attorney Lyn Murphy asked if this was a confidentiality agreement, or is there language in it that it is not to be discussed, as this is important before they proceed.

Commissioner McGuire stated it was not.

Commissioner Seber stated he has not seen an agreement that he only saw the report, read it and has no idea what it was about. He went on to say that he thinks all the taxpayer's money that...

Commissioner McGuire interrupted and stated that the Bob Hite needed outside counsel.

Commissioner Seber argued that it did not, it was a union matter and it could have been defended as a grievance.

Commissioner McGuire stated she believes the Police Department asked the Mayor to sit and talk and he did not.

Commissioner Seber went on to say that in the process of doing this the Mayor and Commissioner Gotti have spent thousands of dollars out of their own pockets to defend themselves. He added he thinks that based on the resolutions on the agenda tonight he feels they should be reimbursed and he will be looking into it.

Commissioner McGuire asked who asked them to get counsel.

Commissioner Seber stated if you bring attorneys into a situation and file some sort of charges they have to obtain counsel.

City Attorney Lyn Murphy stated that the Chief is advising her that there is a confidential clause in the agreement.

Commissioner Seber stated he never saw the agreement.

Commissioner McGuire stated the agreement was in the Times Union.

City Attorney Lyn Murphy stated she does not know who released it to the Times Union.

Commissioner McGuire stated she does not know either but it was in the Times Union.

City Attorney Lyn Murphy stated as counsel if there is a confidentiality agreement she is please advising them to not to discuss it in public, she went on to say she can get a copy of the agreement and review it and then discuss it at the next meeting. She stated she does not think this should be discussed and the Chief if advising her that the language is in there.

Commissioner Seber stated he will research whether or not the City can reimburse the Mayor and or Commissioner Gotti and if they can he will try and put in a resolution.

Commissioner McGuire said “you have got to be kidding me”.

Commissioner Seber stated it is hard enough to get people to run for the Council and if you have people “ganging” up on one of them you could put that person in bankrupt. He added not everyone has the means to defend themselves. He went on to say Commissioner McGuire spent \$10,000 on texts messages.

Commissioner McGuire stated it said that is what she had to do to make the City be compliant.

Commissioner Seber stated it was sad she did it.

Commissioner McGuire stated it was sad they didn’t do it.

AYES: 3 NAYS: 0

1 Abstain: Commissioner Gotti

Commissioner McGuire Abstained

City Attorney Lyn Murphy stated she does not know why she is abstaining, and that she needs to recuse.

Commissioner McGuire asked if Commissioner Gotti needs to have a legal reason if he is abstaining.

City Attorney Lyn Murphy stated after they spoke she researched the information and abstaining is different than recusing, recusing you need a legal reason and when you abstain you just are saying you are not voting.

Commissioner McGuire stated City Attorney Lyn Murphy had told her that and she is not making it up.

City Attorney Lyn Murphy responded by saying that she told Commissioner McGuire she would research it and she did.

Commissioner McGuire disagreed and stated she told her she shouldn't abstain because you have to have a legal reason.

City Attorney Lyn Murphy stated and like she told her she would she researched it.

Commissioner McGuire that she was never told.

City Attorney Lyn Murphy stated it never came up.

RESOLUTION 113-2020 Timothy Cuilla LOSAP for 2020

Moved by: Mayor Baker
Seconded by: Commissioner Gotti

AYES: 5 NAYS: 0

RESOLUTION 114-2020 Tax Sale Approval 237 South Main Street

Moved by: Commissioner Seber
Seconded by: Commissioner Johnson

AYES: 5 NAYS: 0

RESOLUTION 115-2020 Tax Sale Approval 14 Warsaw Avenue

Moved by: Commissioner Seber
Seconded by: Mayor Baker

AYES: 5 NAYS: 0

RESOLUTION 116-2020 Police Reform and Reinvention Collaborative

Moved by: Mayor Baker
Seconded by: Commissioner McGuire

AYES: 5 NAYS: 0

RESOLUTION 117-2020 Central Avenue Improvement & Barton & Loguidice
Amendment

Moved by: Mayor Baker
Seconded by: Commissioner Gotti

AYES: 5 NAYS: 0

RESOLUTION 118-2020 Budget 2021

Moved by: Commissioner Seber
Seconded by: Commissioner Johnson

AYES: 5 NAYS: 0

RESOLUTION 119-2020 Budget Amendment

Moved by: Commissioner McGuire
Seconded by: Mayor Baker

AYES: 5 NAYS: 0

RESOLUTION 120-2020 Budget Transfer

Moved by: Mayor Baker
Seconded by: Commissioner Gotti

AYES: 5 NAYS: 0

RESOLUTION 121-2020 Payroll and Vouchers

Moved by: Commissioner Johnson
Seconded by: Mayor Baker

AYES: 5 NAYS: 0

NEW BUSINESS: None

OLD BUSINESS: None

Closed the Meeting: 7:53 P.M.

Moved by: Commissioner McGuire

Seconded by: Commissioner Gotti

Executive Session Began: 7:54 P. M.

Moved by: Commissioner McGuire

Seconded by: Commissioner Gotti

AYES: 5 NAYS: 0

Meeting Adjourned: 8:33 P.M.

Moved by: Commissioner McGuire

Seconded by: Mayor Baker

AYES: 5 NAYS: 0

William J Rabbitt
Chief of Police
chief.rabbitt@mechanicvilleny.gov

Alex Dunn
Detective Sergeant
alex.dunn@mechanicvilleny.gov

MECHANICVILLE POLICE DEPARTMENT

36 N MAIN STREET
MECHANICVILLE, NY 12118



December 9, 2020.

Mayor and Council Members,

For November we:

- Responded to 347 calls for service,
- Made 32 arrests,
- Issued 100 traffic tickets.

Mechanicville Fire Department

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

**Chief
Matthew Dunn**

**Deputy Chief
Alexander Dunn**

**Assistant Chief
John Dunn Jr.**

December 23, 2020

November Chief's Report

INCIDENT TYPE	INCIDENTS
111 - Building fire	3
113 - Cooking fire, confined to container	1
311 - Medical assist, assist EMS crew	35
322 - Motor vehicle accident with injuries	2
324 - Motor vehicle accident with no injuries.	1
412 - Gas leak (natural gas or LPG)	1
531 - Smoke or odor removal	1
551 - Assist police or other governmental agency	1
600 - Good intent call, other	4
735 - Alarm system sounded due to malfunction	2
745 - Alarm system activation, no fire - unintentional	1
Total Incidents:	52

- Two member completed NYS EMT-B training
- Two Members completed Firefighter Survival training