

MINUTES OF THE CITY COUNCIL MEETING  
HELD ON  
November 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 November 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.  
David Hicks led the Pledge of Allegiance to the Flag.

Motion to accept the October 10, 2018 Meeting Minutes:

Motion: Commissioner Gilheany                      Seconded by: Commissioner Gotti

Roll Call:    AYES: 5                      NAYS: 0

Commissioner Reports:

Mayor Baker gave a reminder that the Canadian Pacific Holiday Train would be stopping in the City on Monday November 26, 2018 at 5:45 p.m. He went on to say that the City was awarded a performance based incentive award which is an extra \$200,000 extension on the Home Grant to help with additional properties. Mayor Baker stated the Veteran's ceremony in the park on Saturday had a great turn-out and there were a lot of good comments referring to the Veteran's Memorial in the park. He thanked Nick Rinaldi who was at the meeting for a good well done by the Veteran's group and asked him to pass the compliment on to other members.

Commissioner Dunn stated her office has been helping with military mom in action to collect Christmas cards which were used for a project at the Elks club to send care packages to deployed military personnel; she thanked everyone who dropped off cards. Commissioner Dunn went on to say they are partnering with the Saratoga County Clerk (Craig Hayner) collecting donations for Veteran's and the supplies needed are listed on the facebook page and in her office. She added the supplies can be dropped off in her office and will go to the Veteran's Community Housing Coalition. Commissioner Dunn added she commended everyone involved in doing the

Veteran's ceremony in the park and added it was a wonderful ceremony and went on to say that there are still applications in her office for the bricks which will be available year round.

Mayor Baker stated that a letter was received from the State about everyone having to have a sexual harassment policy and he stated that the library has set a program up and offered to partner with the City since there are costs involved. He added the more people being trained the lower the cost will be so he is appreciative that Michelle Duell reached out to partner with the City.

Commissioner Gilheany stated there will be a budget meeting on Wednesday December 5, 2018 at 7:00 p.m. at the Senior Citizen building North Main Street.

Commissioner Gotti stated some extremely heavy tanks will be moving through the City on the way to Global Foundries. He added paving will be done in the City within the next week and the water drainage project is moving forward.

Commissioner Dunn asked Commissioner Gotti if he is aware of Rt. 4 & 32 being closed on Thursday. She added there is a sign stating Rt. 4 & 32 will be closed at RR at Noon and the sign is located by Polyset but no one seems to know about it.

Commissioner Gotti stated he has not been notified of anything.

Commissioner McGuire stated the ceremony in the park was very nice and she added it was very nice that they took the time to put families' bricks together. Commissioner McGuire stated as far as the Senior Center renovation being out to bid she read from the New York State general municipal law section 103 article 5-A section 4 "allows an Officer of a Government entity including Commissioners or a City Council Member to forego bidding requirements when there is an accident, or unforeseen occurrence which affects a public building and requires immediate action which cannot await the bidding process and contract the work, purchase the supplies, materials, and equipment". She added that is what they had. Commissioner McGuire added they will be purchasing memorial trees which will be put along the pathways in Tallmadge Park. She went on to say they will be partnering with Country Living and they will cost \$35 per tree which includes the stakes, wire, and zip ties that will be needed to secure the trees, she added the trees will be six (6) feet high and will be balsam fir trees. Commissioner McGuire stated people can have a theme for their trees and the theme for her office is Hometown Heroes and they will put hometown heroes' names on their tree. She added if there is anyone who would like a hometown heroes name on their tree just call her office and they will get an ornament with their name on it and right now she has a list of about forty-five (45) people that she thinks are hometown heroes. Commissioner McGuire stated that she has been to several businesses and handed out flyers hoping people will participate in the painting of store windows. She added if anyone knows any artist that would like to volunteer to paint windows to contact her office. Commissioner McGuire stated the City's Christmas decorations have arrived and are quite large and very nice, she is hoping that DPW will put them up after Thanksgiving. Commissioner

McGuire stated she does not believe we need a full-time Code Enforcement Officer and she thinks if they hired someone for three (3) days that would suffice and benefits would not have to be paid out. She added that there is no new construction going on in the City and even if buildings are sold in the community they have to go through zoning first and she doesn't see the need for a full-time Building/Code Enforcement Officer. Commissioner McGuire stated there is nowhere to expand in the City and even if it does pass and a full-time Code Enforcement Officer is hired she wants to know why he has to start at \$53,000. She went on to say she doesn't know if the City has that much money to spend on someone that is going to take care of one (1) square mile. Commissioner McGuire stated she is assuming there was a background check done on this individual since he will be entering residents homes, she went on to say that after looking at what he has supplied to them he only has one and a half (1 ½) years as a Code Enforcement Technician and thirty three point five (33.5) hours of training and the City will be paying this person top dollar. Commissioner McGuire stated she thinks it is reckless spending and not necessary. She reminded everyone that if he is hired full-time he will get full-time benefits and she thinks that appointment should be reconsidered and thought again. Commissioner McGuire went on to say that she does not know this person and they are not personal feelings.

Mayor Baker asked if the list of people for the hometown hero tree is listed somewhere.

Commissioner McGuire stated that she will post the list and went on to say that if anyone can think of someone that she has not thought of she would appreciate it if they would let her know.

Mayor Baker stated the way he understood the law she read about the Senior Center renovations is that the emergency portion of it was 100% correct but, then when it went further than that it had to go out to bid and he stated he does not think it covers that.

Commissioner McGuire stated it says "to contract the work, purchase the supplies, materials, and equipment".

Mayor Baker stated that was for the emergency.

Commissioner McGuire stated it was for the whole thing.

Attorney Val Serbalik stated that in certain instances you can avoid the bidding process if there is an emergency situation. He went on to say that even if The City of Mechanicville avoids the bidding process no Commissioner has the authority to execute contracts to that degree without Council approval. Attorney Serbalik stated he has given his opinion at least five (5) times on propriety of what has happened with the contract involving the Senior Citizen building and went on to say it was absolutely incorrect the way it was handled.

Mayor Baker added he does not think any Council person had a problem with the work being done; the problem was it was not put out for bid. He added it should have gone before the Council for approval and put out for bid.

Attorney Val Serbalik had nothing to report.

Acting Chief of Police Bill Rabbitt stated his philosophy is they need to be able to help the citizens in Mechanicville and be a more proactive department and part of the giving back this year is some of the Officers are growing out their beards and joining in the movement of “movember” in which the Officers donated their personal money and raised over \$1000 to help six (6) families through the Community Center for Christmas. Acting Chief Rabbitt stated that when the holiday train arrives he will have an empty car available for people to fill with food to bring to the Community Center to help the Food Bank. He went on to say that the train splits the City in two (2) so on one side the Community Center will have a van available collecting food and on the other side the Police Department will have a car available collecting food. He added they will be more prepared this year for the large crowd. Acting Chief of Police Rabbitt mentioned that the Mechanicville Police Department does have a sexual harassment policy already in place and they also have a training program that gets the training out to the Officers.

Mayor Baker asked if it was on computer.

Acting Chief of Police Rabbitt stated it was. He went on to give the monthly police report which is attached to the meeting minutes. Acting Chief Rabbitt added Patrol Officer Marie Abraham gave her resignation and has moved onto another department and with that being said he has submitted a resolution to have Kimberly Cooney transition into a temporary full-time spot. He added she cannot be permanent full-time because she has aged out and no longer can take the test but can work a ninety (90) day temporary full-time bid which would help the department greatly. Acting Chief of Police Rabbitt stated there is also a resolution to hire Corey Wagner as a part-time Officer and he added he worked in the City previously and would like to help out part-time. He stated there are two (2) Officers coming out of the academy within the next few weeks which will help out tremendously. Acting Chief of Police Rabbitt stated they are in possession of the tasers that he mentioned at a previous meeting and there will be training next week so everyone can be outfitted with them.

Deputy Chief Matt Dunn read the October Fire Department report which is attached to the meeting minutes. He mentioned he has been receiving calls in reference to an ongoing parking situation on Fitchburg Avenue and stated he is not worried about getting down the street he said the truck has a strong bumper and added there are a lot more streets in the City than just Fitchburg Avenue to worry about. Deputy Chief Dunn mentioned he heard of another issue of a Chief not attending the Wednesday night council meetings and added that Wednesday nights are the Fire Department’s training night so if they wanted to change the meetings to another night he could be here but if not he needs to be at training and miss some of the meetings.

Public Comment:

David Hicks of 241 First Avenue stated he agrees with Commissioner McGuire on the Building Inspector and asked if he has passed a civil service test.

Mayor Baker stated he has.

David Hicks asked for whom.

Mayor Baker stated it was for the City of Saratoga Springs and he will be laterally transferred through our civil service.

David Hicks added he still agrees with Commissioner McGuire about part-time. He stated a contingency plan needs to be in place for when the railroad underpass is closed because First Avenue then becomes Central Avenue. Mr. Hicks stated that he looked at Fourth Street and feels it could have been repaired and did not need to be re-paved.

Commissioner Gotti stated that it depends on how you look at, he went on to say two (2) blocks of the center of the street were already dug up twice and repaired and it still wasn't holding up.

David Hicks asked if it was going to be milled before it was paved.

Commissioner Gotti stated it has already been milled and will be done correctly.

Tom Mahoney from The Express asked if we have a final bill for the special investigator that was hired.

Commissioner Gilheany stated he has submitted a bill but his work is not complete at this time so it is not a final bill. She added they are still waiting for a final report.

Tom Mahoney asked how much he has submitted so far.

Commissioner Gilheany stated that with the last bill submitted she believes he went over the \$10,000 but she will not pay more than \$10,000 because that is what was agreed upon in the contract.

Tom Mahoney stated that for a number of year's foreclosure notices were printed in the fall and the last few years they have not been printed and he asked if the policy has changed or do we not have property owners who owe back taxes.

Commissioner Dunn stated they are still working on that and that she can't speak for last year but they have not stopped doing it.

Tom Mahoney stated it seems to be a little late in the year to print them for 2018.

Commissioner Dunn stated that as soon as they are ready they will print them and that she did not have the information with her.

Tom Mahoney stated they did not do one at all last year.

Attorney Val Serbalik stated that was incorrect and there indeed was a tax foreclosure in 2017.

Tom Mahoney asked if they need to be in by the end of the year.

Attorney Serbalik stated that is up to the discretion of the Commissioner.

Tom Mahoney asked how many full-time and part-time Police Officers will we have will the new hires and the people graduating from the academy.

Acting Chief Rabbitt stated they are down four (4) full-time Police Officers right now and including himself they have seven (7). He went on to say one (1) of the officers in the academy is full-time and the other part-time. The Acting Chief stated they are restructuring and hoping to add a desk officer in place of a full-time officer so there are still some vacancies that will not be filled until they can determine what will happen with the desk officers. He added there is not an active civil service list right now for a desk officer so a test is being offered in January or February and once they get that list back they will have a better idea of what they will be doing. He went on to say he is not 100% sure but he thinks they have somewhere around seven (7) part-time officers at this time.

Tom Mahoney asked if the construction projects on Central Avenue and the one on Main Street will be starting imminently.

Mayor Baker stated he believes the Central Avenue project is going to be put off to March due to a delay with the State getting all the information to the City which they just received and at this point it will be too cold to pour cement. He added Commissioner Gotti has already started the Main Street project.

Commissioner Gotti stated they already cut up a lot of the concrete preparing it to be removed.

Mayor Baker added the only reason they are doing Main Street now is that if they do not do it by the end of the end of the year they will lose the funding.

Nick Rinaldi of 113 Viall Avenue stated he appreciated everyone attending the Veteran's Day service in the park. He asked for clarification on the bill submitted by the private investigator being over the \$10,000 limit.

Commissioner Gilheany stated he will not receive more than \$10,000.

Nick Rinaldi asked what will happen if he demands more money could it result in another lawsuit against the City.

Commissioner Gilheany stated they have a contract with him for a maximum of \$10,000.

Nick Rinaldi asked if the Building Inspector inspects every building or just new construction.

Mayor Baker stated there are different criteria in the codes and he goes in during renovations such as roofs, new driveways, etc. so he can be very busy. Mayor Baker added he is used for code violations also so he covers many things.

Nick Rinaldi stated earlier in the meeting they City received \$200,000 for renovations for homes so it seems if he wasn't here the City could run into some issues.

Mayor Baker stated we are having trouble with John being part-time right now, there are people always coming in looking for him and he is not there and we are holding them up. He went on to say someone came in to the office today about building two (2) new houses in the City.

Nick Rinaldi stated he has all due respect for the Police Department but we seem to have a big turnover rate of people and asked if there is a policy in effect if they leave before a certain time they need to pay back what was paid into the academy. He went on to say he feels the City is a springboard, we are training them and then they take off.

Mayor Baker stated the academy piece is no extra it is a yearly fee that covers everything.

Acting Chief Rabbitt added the City pays stiffen to the academy every year which guarantees' training for as many Officers as the City wants to send.

Commissioner Gilheany stated we can get reimbursed, the contract says they have to stay three (3) years and if they don't the City can be reimbursed for the salary we paid them and their uniforms.

Commissioner McGuire stated she wanted to make a comment with respect to the comment of the \$200,000, she said the City doesn't even know if people are going to apply for it or take it.

Mayor Baker stated there is already a list compiled.

Nick Rinaldi stated that when the homeowners find out there is \$200,000 free money he is sure there will be a number of people applying for it.

Commissioner McGuire added the City does not know if what they are doing will be that labor intensive for the Code Enforcement Officer.

Nick Rinaldi stated if the State is giving this money the City would be awfully foolish if it is not utilized.

Commissioner McGuire stated the City is not getting the money to pay for him from the State.

Nick Rinaldi stated everyone keeps complaining about the way the properties in the City look and someone needs to enforce the codes and he is sure the money taken in for permits helps.

Commissioner McGuire stated he is not saying there isn't a need she is saying there isn't a need for a full-time Inspector and he certainly does not need to be paid \$53,000 since John Holland just made that leaving.

Mayor Baker corrected her by saying he made \$57,000.

Commissioner McGuire stated it was originally \$55,000 which is only \$2,000 less than John Holland who has been with the City for seven (7) years.

Nick Rinaldi stated he thought the resolution stated \$53,000.

Commissioner McGuire stated that was changed earlier in the day and she asked if it seems reasonable to pay someone \$4,000 less than someone that has been here for seven (7) years. Nick Rinaldi stated he is not sure about the person coming in but if he is qualified to do the job and he does it right it is worth it. He went on to say there were recently a few projects being done in the City that if it were any other City they would have been shut down.

Commissioner McGuire stated he is not worth full-time; someone three (3) days a week would be fine.

Nick Rinaldi stated he is confident there is a qualified person that will be working.

Commissioner McGuire asked how many people were interviewed.

Mayor Baker stated he worked with the Town of Malta who was in the process of hiring their own Building Inspector at the time and they gave him six (6) or eight (8) applications and none of them had the qualifications, they were contractors and builders but none of them had the training. He went on to say it is more than worth it to get it and he added there aren't many out there who want to do this job anymore because of what happened in Schenectady.

Commissioner McGuire stated to her knowledge the City did not advertise it. She went on to say as far as she can see this guy was a builder and as far as she can see he has only been a code enforcement technician for a year and a half (1 ½).

Nick Rinaldi asked if he meets the qualifications that are needed.



Mayor Baker stated he does.

Commissioner McGuire stated they don't really know if he does, she state he (meaning he Mayor) knows but they don't really know.

Nick Rinaldi stated they should probably get together and talk so they all know the same information.

Resolutions:

RESOLUTION 99-18: Train Station/ City to execute agreement with DASNY

Moved by: Commissioner Dunn

Seconded by: Commissioner Gotti

AYES: 5      NAYS: 0

RESOLUTION 100-18: James Herkel Building Inspector/Code Enforcement Officer

Commissioner Dunn asked if there was an effective date for this.

Mayor Baker stated it would be January 2, 2019

Moved by: Mayor Baker

Seconded by: Commissioner Gotti

AYES: 3      NAYS: 2

RESOLUTION 101-18: Trustco Bank Corp Settlement

Moved by: Commissioner Dunn

Seconded by: Commissioner Gilheany

AYES: 5      NAYS: 0

RESOLUTION 102-18: Marie Abraham Resignation

Moved by: Mayor Baker

Seconded by: Commissioner Gotti

AYES: 5                      NAYS: 0

RESOLUTION 103-18: Kimberly Cooney temporary Full-time Police Officer

Moved by: Mayor Baker

Seconded by: Commissioner Dunn

AYES: 5                      NAYS: 0

RESOLUTION 104-18: Cory Wagner Part-time Police Officer

Moved by: Mayor Baker

Seconded by: Commissioner Dunn

AYES: 5                      NAYS: 0

RESOLUTION 105-18: Train Station/DASNY Barton and Loguidice services for the project

Moved by: Mayor Baker

Seconded by: Commissioner Gotti

AYES: 5                      NAYS: 0

RESOLUTION 106-18: SEQRA for the South Central Avenue drainage project

Moved by: Commissioner Gotti

Seconded by: Mayor Baker

AYES: 5                      NAYS: 0

RESOLUTION 107-18: North Main Street and Frances Street Bridge Replacements

Moved by: Mayor Baker

Seconded by: Commissioner Gotti

AYES: 3

NAYS: 0

2 Abstain: Commissioner Dunn & Commissioner McGuire

RESOLUTION 108-18: Water Improvements contract- Change Order for Utility Services Co.

Moved by: Commissioner Gotti

Seconded by: Mayor Baker

AYES: 5

NAYS: 0

RESOLUTION 109-18: Change Order 1B-1 East National

\*\*\* Removed for Executive Session discussion will vote on next meeting

Moved by:

Seconded by:

AYES:

NAYS:

RESOLUTION 110-18: City Engineer Request

Moved by: Mayor Baker

Seconded by: Commissioner Gilheany

AYES: 5

NAYS: 0

RESOLUTION 111-18: North Main Street Supplement

Moved by: Anthony Gotti

Seconded by: Mayor Baker

AYES: 5

NAYS: 0

RESOLUTION 112-18: Payroll and Vouchers

Moved by: Commissioner Gilheany

Seconded by: Mayor Baker

AYES: 5                      NAYS: 0

RESOLUTION 113-18: Budget Transfer

Moved by: Commissioner Gilheany

Seconded by: Mayor Baker

AYES: 5                      NAYS: 0

RESOLUTION 114-18: Budget Amendment

Moved by: Commissioner Gilheany

Seconded by: Commissioner Gotti

AYES: 5                      NAYS: 0

NEW BUSINESS: None

OLD BUSINESS: None

Close Meeting: 7:48

Moved by: Commissioner Gilheany

Seconded by: Commissioner Dunn

Executive Session End: 8:47

Moved by: Commissioner Gilheany

Seconded by: Commissioner Gotti

AYES: 5                      NAYS: 0

Meeting Adjournment: 8:48

Moved by: Mayor Baker

Seconded by: Commissioner Dunn

AYES: 5                      NAYS: 0