

MINUTES OF THE CITY COUNCIL MEETING  
HELD ON  
MAY 10, 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 May 10, 2017.

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

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

Motion to accept the April 12, 2017 Minutes:

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

Commissioner reports were as follows:

Commissioner Gilheany had nothing to report.

Commissioner Higgins stated that NYSEG is just about finished with the main line on South Main Street. He stated they will begin the laterals next week and that since the laterals are the lines into the homes South Main Street will be a mess after next week. Commissioner Higgins stated they are going to begin the side streets and he is hoping that once they start he can put cement where they are digging and get ready for paving.

Commissioner Hipwell stated that on May 25<sup>th</sup> at 6:00 P.M. there will be a Memorial Day Service in Tallmadge Park and that The American Legion on South Main Street would like to invite the public to attend. Commissioner Hipwell also mentioned that the Veterans Committee met and he stated that after Family Day in July they will be selling bricks to honor Veterans. Lastly, Saturday June 10<sup>th</sup> there will be a 2 on 2 basketball tournament at the Park Avenue Playground run by Coach Rian Richardson who is the Mechanicville Boys Varsity Coach.

Commissioner Gilheany asked where you would go if you wanted to purchase a brick.

Mayor Baker stated once the sales begin you will be able to purchase a brick in the Accounts Department and we will let the public know when they go on sale.

Deputy Commissioner Foard stated that the 2014 tax foreclosure proceedings are moving along and that the property owners have until the end of the day on May 22, 2017 to make payment. There are between 46-48 properties that are still unpaid from the year 2014 and that includes City and School. She stated the start date for publication is May 30, 2017 and that is for both the Gazette and The Express which will be alternating between the two (2) papers for six (6) continuous weeks. Deputy Commissioner Foard stated they are tentatively setting the tax auction sometime in late November or December. She stated water and sewer bills were mailed out on April 28, 2017 and the warrant for both water and sewer was \$597,456.58 and the Accounts office has been collecting for eight (8) days and has collected 22% of the warrant which is a total of \$131,510.09.

Mayor Baker stated that Commissioner Hipwell and he have been fielding calls referring to the Park Avenue playground. He stated that people are throwing bottles and paper all over the place and Commissioner Hipwell has spoken to some of the people and he stated he has made sure the Police were up there on a couple of occasions because he said the City will not put up with it and if the kids continually need to be picked up after he will unfortunately have to close the playground.

Commissioner Hipwell added that they were referring to the basketball court side of the playground.

Mayor Baker also stated that on the playground side many older kids have been hanging out on the playground side which normally would not be an issue except that their language is inappropriate and they are taking equipment away from the younger children. He stated he has been notified that parents have arrived to the playground with their young children and have turned around and left because they don't want their children subjected to that behavior. He reiterated that the City will not deal with this and if need be the City will figure out a way to keep the older children out of there. He did state that they are welcome there if they are behaving but if they are interfering with the younger children then there is an issue. He also stated there have been a lot of neighborhood complaints to his office and to the Public Safety's office.

Attorney Serbalik stated that the 2014 tax sale the last day for redemption is August 30, 2017 at which time a court date would be requested to foreclose the City's interests He requested an executive session to discuss the status of a litigation matter. He stated that he spoke with Supervisor Richardson and also received a call from an Attorney that represented the Saratoga County Chamber of Commerce regarding the gazebo in Tallmadge Park. He stated that the Chamber is going to be donating funds for the construction and/or materials to replace the existing gazebo and they are looking the City's permission to accept the funds and reassurance that the funds will be used for the construction of the gazebo. He asked for a formal statement to the effect that the City has approved the replacement and the funds would be used for that purpose. The Council confirmed that agreement.

Mayor Baker stated that Peter Bardunias and the Southern Saratoga County Chamber of Commerce have agreed to rebuild the gazebo in Tallmadge Park for the City. He stated the chamber would be raising funds from merchants and business people all over the area and that they would also be doing the work, they will actually build it and Commissioner Higgins and his crew will be taking down the one presently there now. Mayor Baker stated that Commissioner Higgins is in the process of figuring out what he is going to do with all the wiring. Mayor Baker stated he met with the Southern Saratoga County Chamber of Commerce in the park and they needed to get permission from the Council.

Attorney Serbalik asked if there were any objections from the Council.

There were no objections.

Public Comments:

Kim Dunn of 250 South Main Street started by following up with Mayor Baker's comment in reference to the Park Avenue Playground. She stated she bikes and walks almost every day and there is a huge juvenile problem at the Playground. She stated when she passed the Playground there were 10-15 teenagers all over the equipment and they are way too big to be on the equipment. She also stated if she was bringing her child there to play and saw that, she would also turn around and go home.

Mayor Baker stated that he appreciates hearing someone else saying something about it and that he and Commissioner Hipwell are working on it. He also expressed his concerns that not only are they on the little children's equipment they are also on the equipment that is designed for the handicapped children.

Kim Dunn stated she thinks the parents should be called by the Police and have to come pick them up, issue a ticket or whatever needs to be done. She also stated she ran into an incident on Central Avenue where a group of teenagers were fooling around in the middle of the road and she was thankful she was paying attention or she could have hurt someone. Kim asked about doing the quit claim deed, and wondered how we would know if it is not happening anywhere else or if it is going to happen again.

Mayor Baker stated that they probably don't know.

Kim Dunn wondered for the Adirondack Aquatic Center, not that she objected to it, but she was wondering why the City Council needed to do this since it is not in Mechanicville.

Commissioner Hipwell stated that according to Supervisor Richardson that it is for the City of Mechanicville to back this in the Town of Malta and it will cost the City nothing.

Mayor Baker added that it is a project that is open to the public not just to residents of the Town of Malta, for example our children that live in Mechanicville can go there for swim lessons.

Kim Dunn asked if someone would explain resolution 35-17.

Mayor Baker explained that the City received an email from the State saying that this particular language needs to be in all contracts.

Deputy Commissioner Foard read that “the new resolution is a technical change that is required by EFC for those projects that they are funding, we currently have four (4) such contracts with B&L for various phases of the water improvements project. All the resolution does is amend the four (4) contracts adding the documentation required by EFC. There is no additional cost to the City.”

Mayor Baker stated that the State required it.

Tom Mahoney from The Express asked if no money would be coming forth from the Chamber for the new gazebo. What does the City have to do?

Mayor Baker stated they are providing the labor and they are raising the money with their members and that some businesses have been contacted already. Mayor Baker stated the City needs to take down the present gazebo and get the property ready for the Chamber.

Tom Mahoney asked when this process will take place.

Mayor Baker stated he met with Commissioner Higgins and the Chamber a few weeks ago and they are shooting to begin by June 1, 2017 and have it completed by Family Day but if it is not going to be complete by Family Day then it won't begin before that.

Tom Mahoney asked if a possible solution to the kids in the playground would be Police patrol.

Mayor Baker stated they are patrolling the playground but they can't be there all the time. He stated he is almost thinking there may have to be an age limit on the equipment side of the playground. He stated it is unfortunate that it may happen.

Tom Mahoney asked in reference to the Brownfield property near DPW, he knows someone bought the property and in the agreement it was pointed out that within a year they needed to do some improvements and he wanted to know if any have been done.

Mayor Baker stated that none have been done but does know that the owner met with ENCON not too long ago.

Attorney Serbalik stated that there was a meeting with DEC officials, Commissioner Higgins, Mayor Baker, the property owner and each party's lawyer in March. DEC directed the owner to complete a detailed plan for remediation as there were violations of the original DEC consent order. Attorney Serbalik stated that he was copied on an email from DEC about two weeks ago stating that what the owner submitted was not compliant and it was now up to DEC and the owner to agree upon a remediation plan.

Mayor Baker added that there is a clause in there that if things aren't headed in the right direction we can take ownership back. He also stated that the City would rather not do that but he does have someone else interested in developing that area.

Tom Mahoney asked if that would be DEC's call or the City's decision.

Mayor Baker stated it would be a combination of both.

Attorney Serbalik state that when the City sold the property there was a right of reverted in the deed which means if they did not comply with all DEC mandates and the DEC issued an order of violation the City has the right to begin action to take the property back. It would involve a lawsuit but would be an action whereby they would lose the property and the City would acquire title again.

Tom Mahoney asked how long ago the purchase took place.

Mayor Baker stated it was right around two (2) years ago.

Attorney Serbalik stated that DEC had not to date taken action against the owner concerning violations as of yet. According to DEC consent order there was supposed to be remediation within one (1) year. He stated further that it was to be a phased action.

Tom Mahoney asked about the flooding on Central Avenue by the bridge.

Mayor Baker stated that the City put in for grant money that is supposed to be available to the City. He also stated that the State is looking to re-surface Central Avenue and that he would not like them to do that until the drainage problem is taken care of.

David Hicks of 241 First Avenue stated that there were supposedly three (3) cameras at the Playground and is wondering why the City isn't focusing on the cameras to see what the kids are doing wrong.

Mayor Baker stated that the Police Department have been very busy this week with drug arrests and they just can't watch it 24/7.

David Hicks asked about the meter consolidation.

Mayor Baker stated he has nothing on that.

David Hicks asked about the energy audit.

Mayor Baker stated we talked about it at a meeting recently that Mr. Hicks was not at.

Commissioner Higgins stated he spoke with someone about the LED streetlights and he is doing an analysis and getting back to the City. He stated he is hoping they could come to a Council meeting to discuss it.

David Hicks said he was also talking about the inside lighting also.

Mayor Baker stated that we are starting piece by piece and will not be doing it all at once.

David Hicks stated there are grants available and private businesses are doing it and paying like 10% so he stated if private businesses are doing it the City should be able to.

Mayor Baker stated he will look into that.

David Hicks said he hasn't heard anything about the garbage contract.

Mayor Baker stated nothing has happened with the garbage contract.

Commissioner Higgins stated he spoke with Mark Seber and that the bids need to go out in May or June.

David Hicks asked about resolution 3-17 from a previous meeting. Mr. Hicks wants to know how the City will adequately notify the public of a special meeting within 24 hours. He stated that if the public isn't adequately notified within 24 hours any action taken at that meeting will be illegal.

Commissioner Gilheany added that if the Council is notified in less than 48 hours and agrees to it than it can be added.

David Hicks said that you have to be able to notify the public within a certain timeframe.

Mayor Baker stated it would be on the website but it may not be any more than 24 hour notice due to the fact of how fast it needs to be acted upon.

David Hicks stated that not everyone has internet.

Mayor Baker asked Mr. Hicks if he had any suggestions as to how else they would notify people. Mayor Baker also stated that if it is an important matter it would also be on the City sign.

Chris White and his wife did Sasha's run in the City and he thanked all the Commissioners for helping them to make the Run a great success. He stated there were over 300 runners and local business people help support the race. He also stated it was nice that some of the community came out to cheer on the runners. Chris wanted to thank everyone for letting them honor their son in this way; he thanked the Police Department, Fire Department and the Ambulance Service. He wanted everyone to know they raised over \$10,000 for the Ronald McDonald House. He stated their son only lived for three weeks but he was a true Mechanicvillian and he and his wife are just transplants. He thanked everyone again for their support and stated they plan on doing another race again next year. Chris stated it was such a good vibe and is hoping it was a positive for Mechanicville as well.

Ray Martin of Tallmadge Place wanted to start by thanking on behalf of himself and many of his neighbors the Mechanicville Police Department for the recent arrest in his neighborhood. Ray stated that while thinking about the problem with the teenagers he thought about what a wonderful job they did finding the perfect location for the Dog Park, and he thinks about the fact the teenagers in the City don't have many options of places to go. He feels as though not providing a place for the teenagers to go we are asking for trouble. Ray stated he would like to challenge the Council to think about places and talk to other towns to see what they offer. He also stated that one of the things that came to mind that maybe while re-building the gazebo we could think about putting restrooms in the park like the City has down by the docks and the restrooms would be handy for all the Community functions that take place in the Park.

Mayor Baker stated that it was actually discussed and it would not be an easy thing to do, because of the grading and wetness of the Park, but that it was going to be looked into.

Ray Martin asked how you go about changing zoning.

Mayor Baker informed him you go in front of the Zoning Board of Appeals. The first call is to go the Building Department to make sure what you are looking for isn't already in place and then he will steer you to the Zoning Board if you need to go there.

Ray Martin stated that there is a piece of property that had the zoning changed not too long ago from Commercial to Residential and Commercial, and just like the Brownfield situation eight (8) years or so no one has been able to take advantage of that situation. Mr. Martin stated that recent studies out of the University of Albany show that people that live near vitalized Hudson River water have a higher incidence of health issues. Ray stated the professor at University of Albany has a map that shows where the increased incidents are and how it is affected by being close to waterfalls and dams. He stated noting these things it may not be a place where we want people to live but it is probably fine as a commercial property and that he thinks it would be a perfect location for a solar farm.

Joseph Micklas stated he has seen that there has been an application submitted to the Building Department and was wondering if the Council could elaborate on that.

Mayor Baker informed him that an application has been submitted to the Building Department and it will be moved on to the Zoning/Planning Department to go through the proper procedures.

Mr. Micklas asked who is they?

Mayor Baker informed him it was Mr. MacNeary, who owns the property.

Mr. Micklas asked if NRP is involved.

Mayor Baker stated the only information he has is that MacNeary has put in for the project.

Mr. Micklas said his understanding is there was a name change from Hudson Riverview Apartments and went back to Empire Warehouse.

Mayor Baker stated that may be but he does not know that answer.

Mr. Micklas reiterated to be clear that it is in front of the building department?

Mayor Baker stated it has to go through all the procedures it normally has to go through.

Attorney Serbalik stated the application was filed by Empire Warehouse and he believes that there will be an initial meeting sometime in June on the application and that will be the first step.

Mr. Micklas asked if it had to go through SEQRA.

Mayor Baker stated it has to go through all the procedures.

Mr. Micklas wanted to state that he has been coming to meetings for several months and the initial approval that was given in 2013 was by Empire Warehouse and he said he is stating that because he feels that has significance to it.

Kim Dunn asked Commissioner Higgins that if NYSEG has to go to the houses next how will she be impacted on South Main Street.

Commissioner Higgins stated he is not sure what line Mrs. Dunn has going into her house but they are upgrading the plastic so they are running the laterals from the main line into the houses.

Kim Dunn asked if they would be digging up to the house.

Commissioner Higgins wasn't sure if it was to the house or the curb.



Kim Dunn asked if Commissioner Higgins would talk to NYSEG and make sure they let the residents know what is going on.

Kim Dunn also stated that she has a Police scanner and that on Saturday the Police were at the Playground three (3) times that she heard of and just wants everyone to know that it is not that the Police aren't monitoring it, it is just they are also busy with other things.

Mayor Baker agreed with her and knows they are acting on the things that are taking place at the Playground.

David Hicks asked about NYSEG and is wondering what it is going to do to our water and sewer infrastructure that is in there and aging.

Mayor Baker stated that it should not affect it, and if they break anything they will fix it.

David Hicks doubted that.

Commissioner Higgins stated the other night they hit a water line and they fixed it themselves.

David Hicks asked if the Council was aware of the CVS parking lot is hazardous to people walking.

Mayor Baker informed him that they are in the process of renovating and that is part of the renovation.

David Hicks stated that putting bathrooms in Tallmadge Park is not a good idea because of the water freezing and providing heat.

Mayor Baker stated if we do it that will all be figured out first.

Ray Martin stated that on the news last night Frontline was highlighting companies like NRP and how they scam the financing and the fact they put in projects that have very high price tags and most of the money is skimmed off. He stated that anyone who does the math they are talking about \$200,000 or \$250,000 per apartment and it is difficult to buy a house in Mechanicville for that money. Mr. Martin stated that the money is going somewhere and Frontline highlighted what happens to Cities and Towns that allow those things is that five (5) or six (6) years down the road the companies go bankrupt and the Town is stuck with a property that is not paying taxes and is contributed to social ills.

Mayor Baker thanked Mr. Martin

Resolutions:

RESOLUTION 32-17: Quit Claim deed to Timothy and Susan Lesar

Moved by: Mayor Baker

Seconded by: Commissioner Higgins

AYES: 5                      NAYS: 0

RESOLUTION 33-17: Support of the Adirondack Aquatic Center

Moved by: Commissioner Hipwell

Seconded by: Commissioner Higgins

AYES: 5                      NAYS: 0

RESOLUTION 34-17: Payroll and Vouchers

Moved by: Commissioner Gilheany

Seconded by: Deputy Commissioner Foard

AYES: 5                      NAYS: 0

RESOLUTION 35-17: Barton and Loguidice EFC Non-Construction Bid Packet

Moved by: Mayor Baker

Seconded by: Commissioner Higgins

AYES: 5                      NAYS: 0

NEW BUSINESS:

Mayor Baker stated on the Tallmadge Park gazebo that the City was going to attempt to do it through possible money coming from Assemblywoman Carrie Woerner's office but the Southern Saratoga County Chamber stepped up and stated they would like to do it. Mayor Baker stated now the City has that money to do something else that the City would like to do.

OLD BUSINESS: None

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

Executive Session: 7:47

INTRODUCED BY: Commissioner Higgins

SECONDED BY: Commissioner Hipwell

AYES: 5      NAYS: 0