

MINUTES OF THE CITY COUNCIL MEETING  
HELD ON  
September 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 September 9, 2020.

Mayor Baker: Called the meeting to order at 6:00 P.M.

Fred Hosley led the Pledge of Allegiance to the Flag.

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

Motion to accept the August 12, 2020 Meeting Minutes:

Motion: Commissioner Gotti                      Seconded by: Mayor Baker

Roll Call:    AYES:    4    NAYS:    0

Commissioner Reports:

Mayor Baker stated they are working on black topping and working with the City Engineer to unplug a drain which they are hoping will help with the drainage issues on First Avenue.

Commissioner Seber stated water collection readings have started and bills will go out before October 1<sup>st</sup> and added they will be a little less this time because it is only being billed for a four (4) month period. He went on to say City Hall will be closed on Wednesday September 23<sup>rd</sup> from 9 a.m. to 11 a.m. for a mandated sexual harassment training and added the City Assessors hours will be changed, she will be in the office on Wednesdays from noon (12 p.m.) to 3:00 p.m. and from 9 a.m. to 3 p.m. on Fridays. Commissioner Seber stated there was a discussion in reference to personnel files and if they included drug test results and after further research he read a section from the employee handbook "The City has an Official Personnel File on every employee. These files are kept in the Department of Accounts and are controlled and maintained by the Commissioner of Accounts. All original documents, except for documents relating to an employee's medical condition or history, must be part of the employee's Official Personnel File". He stated the handbook itself informs him he is not to keep any medical records which he determines to be drug test in the files. He wanted to clarify that and is hoping it is no longer an issue. Commissioner Seber stated that since he has been in office this year his office has received about eighty (80) freedom of information request. He added he it is absolutely the right of any person to file a freedom of information request but he wanted to make it known that they

have become a bit pricey. He went on to say that some of them are easy but most of them are fairly complicated and many of them have to do with personal information which needs to be referred to the attorney. With that being said Commissioner Seber stated with that comes costs and the July bill from the attorney for FOIL requests was \$1700. He added he received one recently that was fairly complicated and a consultant that had this information needed to be contacted and that entailed a \$250 bill. Commissioner Seber reiterated that it is everyone's right to FOIL information but he wants everyone to know they are affecting the bottom line.

Commissioner Gotti informed the public that he has been out of work for the past three (3) weeks multiple pulmonary embolisms in both lungs and three nodules in which his doctor has taken him out of work as they are working to get his bloodwork straightened out. He went on to say he wants everyone to know he is not faking his illness and is saddened that he has to go public to prove it. He did report that he has been trying to micro-manage his department from home and the Mayor has helped by getting the guys started in the morning and he is in communication with them to keep them on top of the projects that are going on. He went on to say that he is planning to be back to work next week but hoping it may be sooner.

Commissioner McGuire stated that the handbook stated originals aren't kept in regards to the personnel files.

Commissioner Seber stated it says if you continue reading it says "all original documents except for documents relating to an employee's medical condition or history". He added it is very clear to him that there is nothing in there that is supposed to be related to medical.

Commissioner McGuire stated it says "no originals" but doesn't say it can't be copies.

Commissioner Seber stated he is not keeping copies and he believes she is wrong.

Commissioner McGuire asked who the \$1700 was paid to.

Commissioner Seber responded that it was paid to The Honeywell Law Firm for information that was done before the City Attorney Lyn Murphy was hired.

Commissioner McGuire stated he said previously it was July.

Commissioner Seber stated the bill was received in July and added there are areas that overlap and added there is an EEOC complaint over the City and part of the bill was for that as well.

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

Chief Matt Dunn was unable to attend but his report is attached to the minutes.

Public Comment:

Marylou Cebula – 28 Lee Street- Asked if drug testing is a requirement of employment for the City.

Commissioner Seber stated although he thinks they should be they are not. He added the Department of Transportation periodically tests employees with CDL's.

Marylou Cebula stated she was trying to differentiate if they are part of employment requirement or they are a test from the past unrelated to the City.

Commissioner Gotti stated the employee handbook states we are a drug-free workplace which means anyone operating equipment....

Marylou Cebula cut Commissioner Gotti off because she had other questions. She asked the difference between the old retention schedule and the new one.

Attorney Lyn Murphy stated that since she asked for the resolution to be presented she could answer that question. She went on to say the New York State Government is requiring that everyone use the new schedule. She stated the schedule is compiled of many things and is very extensive but is available online if someone would like to view it.

Marylou Cebula stated that her question was answered as she wanted to make sure the resolution was a referral from the Attorney.

Attorney Lyn Murphy verified it was a referral from her and mandated by the State.

Marylou Cebula stated that back in March Commissioner Seber brought up changing the form of government and she asked Commissioner Gotti if that has been pushed for anymore.

Commissioner Gotti stated he has heard bits and pieces but has not had an actual discussion in reference to it.

Marylou Cebula asked if there was anything new in reference to it.

Mayor Baker stated due to Covid they didn't want to get a group of people together and they are hoping to do it soon.

Marylou Cebula asked if they were forming a committee to review the charter in regards to it.

Commissioner Seber stated once the board approves it that is personally how he would like to see it go, review the charter, and suggest any changes.

Marylou Cebula asked if the Council will have to approve having a committee.

Commissioner Seber stated he does not know if it has to be done by resolution or if the Mayor could just do it.

Marylou Cebula asked if they were looking to put it on the November ballot.

Commissioner Seber stated it would not be.

Marylou Cebula asked what inspired this.

Commissioner Seber stated he has been wanting to do this since 2008. He went on to say he feels it is more efficient, and it would encourage more participation for the younger population. He also stated at this point there are five (5) governments running simultaneous right now which he does not feel is very efficient.

Marylou Cebula asked how many boards, committees and commissions are there in the City right now.

Mayor Baker stated he does is not sure off hand.

Marylou Cebula asked if there is an ethic board.

Mayor Baker stated there is not.

Marylou Cebula asked why the City Council Meeting and the Zoning and Planning Board Meetings are the only ones that are recorded.

Mayor Baker stated they don't have to be.

Commissioner McGuire stated she doesn't know why the others wouldn't want to be recorded.

Marylou Cebula suggested it would be a good idea as a general practice.

Commissioner Seber stated they tend to leave it up to the Chairperson and the Council tries not to get involved in each committee.

Marylou Cebula asked if the Chairperson of each committee are advised or directed by the Council, and what if there is someone who doesn't know how to run the meetings.

Mayor Baker stated if a question is asked they would provide advice.

Commissioner Seber stated if there was an obvious problem they would address it.

Marylou Cebula asked if they have keep track of the FOIL's over the past five (5) years.

Commissioner Seber stated he has received more FOIL's in the first six (6) months this year than he did in the eight (8) years he previously served. He added he is not condemning the FOIL's, it is more of an economic issue he needed to talk about.

Marylou Cebula asked if it would eliminate some of the Attorney's fees if they had a different record system or elaborating on the current record system.

Commissioner Seber stated that having our own City Attorney will help, he added that unless it is an obvious request he sends everything to the Attorney for direction.

Fred Hosley stated there are a lot of people being re-appointed to committees and wanted to know how they became appointed to these committees.

Mayor Baker stated most of them have been on the committees for a while.

Fred Hosley asked if there are opening can anyone in town be appointed.

Mayor Baker stated he has been looking for people for a few committees and basically is someone has been on the board and wants to be re-appointed they will approach the subject with them.

Commissioner McGuire asked if they are advertised.

Mayor Baker stated they are not.

Fred Hosley asked if the City has a Human Resources person.

Commissioner Seber stated the Accounts Department has historically handled all HR business in the City. He went on to say the way the City is structured is that each department is independent so they deal with their own employees. He stated that is a problem which goes back to the question on our form of government. He added the Accounts Department deals with health insurance and pensions, those types of HR functions.

Fred Hosley asked if there is a dispute on the Council wouldn't it be good to have someone be an arbitrator.

Attorney Lyn Murphy stated the issue is they are all elected independent officials and the community chose to elect them and they each have control over their own areas.

Mayor Baker stated that is why they are looking to change the form of government.

Commissioner Seber stated there are five (5) governments running simultaneously, and you have to hope they all work together for the same goal but it doesn't have to be that way. He added that is why it needs to be changed.

Fred Hosley asked Commissioner Seber if he needs to answer to anyone.

Commissioner Seber stated he does not, but if the Council passes a resolution directing him to do something then I would have to do it but other than that we can't tell any of the other Commissioners what to do.

Fred Hosley asked if we became a Village as opposed to a City would the government be set up differently.

Mayor Baker stated the basic difference between a Village and a City is that City's have to maintain Police Departments but Villages don't necessarily have to.

Fred Hosley asked if someone could be in charge of the Council.

Attorney Lyn Murphy stated the charter would have to be changed to change the form of government.

Dave Hicks 241 First Avenue stated the gas company needs to check their past jobs as there are many potholes. He went on to say the white paint for the crosswalk is not completed across the entire road.

Mayor Baker stated it is completed now.

Dave Hicks stated the streetlight at the end of First Avenue has not worked in six (6) months. He went on to ask if the Council ever found out who owns the overpass.

Mayor Baker stated it is the City.

Commissioner Seber stated when the work was done on the overpass it was determined by DOT and others we owned it.

Dave Hicks asked where the City was with the garbage contract.

Commissioner Seber stated it ends at the end of 2021.

Dave Hicks asked when the upgrades on First Avenue were to begin.

Commissioner Gotti stated when they are done with gas lines and when they are done policing the rest of the pipes and compiling a list of what they need for structures, and reviewing it all.

Dave Hicks stated there is a yellow line painted on his sidewalk and goes into his grass on the south end and he was looking to see what that was for.

Commissioner Gotti stated it was NYSEG marking them.

Dave Hicks stated there is not a gas line there.

Commissioner Gotti stated he does not see NYSEG's records so he is not sure but knows that is what NYSEG is doing.

Commissioner Seber stated they are doing the same on other streets and he asked if it was being done for the work on water that is being done.

Commissioner Gotti stated they are marking them so as they are digging they can replace where the lines are. He went on to say they are basically location lines.

Dave Hicks asked why the trucks from the transfer station don't take the bypass instead of coming through Mechanicville.

Mayor Baker stated there was an unofficial agreement made that they would go the other way but if they didn't want to they didn't have to.

Tom Mahoney of The Express asked for clarification as to when City Hall was going to be closed.

Commissioner Seber stated it would be closed on Wednesday September 23, 2020 from 9 a.m. - 11 a.m. and only for the two (2) hours.

Tom Mahoney stated sales tax was about \$1.2 million in the budget and is expected that number is going to drop by \$300,000.

Commissioner Seber stated they received a projection that at this point they are projecting a loss of under \$100,000. He added it is just a projection and it could change. He stated he is hoping to get something more accurate in the next month.

Tom Mahoney asked if it could be safe to assume it would drop between 15% and 20%.

Commissioner Seber stated that would be devastating if that were the case.

Tom Mahoney asked if the City has to make up \$100,000 or more are there any plans as to how that will be done.

Commissioner Seber stated they are beginning to do the budget analysis and he does think there is some money due to the lack of overtime and such needed during the coronavirus and although he would hate to use it at the end of 2018 there was a surplus in the unappropriated fund balance of about \$1,500,000. He added if that is still there and there is a few hundred thousand the Council would need to decide if they wanted to use the surplus. He went on to say that is what it is there for, to use so there would not be any impact on the budget. Commissioner Seber stated he is hoping to have better numbers by the next meeting, and added they are starting the budget process for next year because the projection for revenue on sales tax for next year is down as well. He went on to say the numbers he saw the other day were not good but were not as bad as he thought.

Kim Dunn of 250 South Main Street asked, when the water bills go out at the end of the month how will the estimated readings be indicated on the invoices.

Commissioner Seber stated the estimated bills are less than 4% of the water bills and even with all the conversations at the meetings on the water bills not one question was brought to the Accounts Department. He added he is not letting the computer do it because it is not fair to the public.

Kim Dunn stated she has checked with other municipalities and added if her bill was estimated she would not know.

Commissioner McGuire asked if legally you have to be told if your bill is estimated.

Commissioner Seber stated he checked that out and you do not.

Kim Dunn asked if appointed members of the boards have to live within the City limits, and actually living in the City of Mechanicville as opposed to having a Mechanicville mailing address.

Mayor Baker stated he does not know.

Attorney Lyn Murphy stated that as long as you have a residence that you say you have intent to return, regardless of how long you haven't been there, you are an electorate of that municipality.

Kim Dunn asked if anyone has checked this out when appointing or re-appointing them to boards or commissions.

Mayor Baker stated he usually appoints people that live in the City.

Kim Dunn stated it will be necessary to replace a current member of the zoning/planning board and she would like to know how someone would apply to be on the board.

Mayor Baker stated they could call his office and he has already received a call from someone interested in that committee.

Kim Dunn stated the Town of Halfmoon post it on their website and there is an application to fill out. She went on to say a few concerning legal issues came up at the last meeting regarding, city asphalt being utilized on a property not owned by the City, and well as an email sent to the Council from a former DPW employee in reference of misconduct by a Commissioner and she asked is the City is going to have to hire additional outside Attorneys to handle either or both of those cases, and the EEOC issue.

Commissioner Seber stated he personally would prefer to hire a specialist to hire whatever matter it might be, but if Lyn can handle it he is fine with that.

Attorney Lyn Murphy stated that a resolution was approved a contract at the last meeting for Honeywell to handle labor issues.

Kim Dunn asked if any labor issues would be handled by Honeywell.

Attorney Lyn Murphy stated it depends on what it is, she added she doesn't want to give a blanket statement but obviously the City has a long standing relationship with the Honeywell Law Firm.

Commissioner Seber stated his first contact would be Lyn and discuss the issue and if it is determined they need someone of more of a specialty or handle it in house.



Kim Dunn stated the Governor cut the aid to the school district and said over the past several months it will hit both municipalities and school districts, she asked if they have been notified that it was going to happen you if anyone has reached out letting you know it was going to be an impact.

Commissioner Seber stated they have not been notified but he is anticipating a 20% cut like everyone else. He added the general state aid is about \$650,000 which would have the City looking at about \$130,000 hit plus the sales tax hit. He added it will be significant.

Kim Dunn asked if there are any cost saving measures being implemented.

Commissioner Seber stated that Commissioner Gotti has had some retirements and people leave his department, he is not saying between now and the end of the year they won't be hiring but at this point they have not been hiring because they are not sure what is going on. He added there is not a lot of turnover in the City and most offices are at one (1) or one and a half (1 ½) people so it is not like the City of overstaffed.

Kim Dunn stated that for the past several years she has asked former Commissioner Gilheany about the water fund because it is always in the red but she stated she takes a big chunk of the fund balance every year in there to keep it in the black. She added you can only use that so many times.

Commissioner Seber stated he thinks this year's budget had around \$170,000 to supplement the water fund and he added that could get worse because we are going to be pumping water at the end of the year from Saratoga and we are going to have to pay them. He added there are going to be some issues and they are thinking about them.

Sandy Gaudette of Railroad Street stated she watched last month's meeting on facebook and noticed when people are talking there are others interrupting. She added the Mayor's answer for opening the playground that he is not comfortable is not an answer and wants to know the real answer as to why the Senior Center is still closed if they follow CDC guidelines there should not be a problem. She went on to say that if people want to bring their kids to the playground they should be able to and if they don't want to they don't have to. She added Commissioner McGuire had a plan in place but no one else remarked on it. She went on to ask where the Mayor found the statistics of 90% infection rate in children. She said that she personally feels that the four (4) Commissioners do not have much pride in Mechanicville and it is more of I am going to do what I want to do and not take the residents into consideration. Sandy Gaudette stated she does not feel the City sign is used to its full potential. She asked if there was going to be a remembrance ceremony for 9/11.

Mayor Baker stated it is usually done by the Elks and he has not received any notification from them.

Sandy Gaudette added the Town of Halfmoon is doing one outside at their monument and she suggested Tallmadge Park would be the perfect outdoor space.

Resolutions:

RESOLUTION 76-2020 Mary Timpanaro Board of Assessment Review (BAR) re-  
appointment

Moved by: Commissioner Seber  
Seconded by: Mayor Baker

AYES: 4      NAYS: 0

RESOLUTION 77-2020 Bernard P. Donegan Municipal Advisor

Commissioner McGuire asked if Lyn has looked at the contract.

Attorney Lyn Murphy stated not for the hiring of them but that she will look at it before it is signed. She added they don't sign anything until she looks at it.

Commissioner Seber stated it is standard and have been using them for years.

Moved by: Commissioner Seber  
Seconded by: Mayor Baker

AYES: 4      NAYS: 0

RESOLUTION 78-2020 New Retention Schedule

Moved by: Mayor Baker  
Seconded by: Commissioner McGuire

AYES: 4      NAYS: 0

RESOLUTION 79-2020 Paul Mickalonis re-appointment Mechanicville Housing  
Authority Board

Moved by: Mayor Baker  
Seconded by: Commissioner Gotti

AYES: 4      NAYS: 0

RESOLUTION 80-2020 Rescind Resolution 28-20

Commissioner Seber stated the City has three (3) properties located on Warsaw Avenue, Saratoga Avenue, and South Main Street that were foreclosed on in 2006 and were up for sale a few times. He went on to say the Warsaw Avenue property was sold in March of 2019 however it was found there were title issues. He added the plan is to go back out to auction on these properties before the end of the year with the hopes of selling them, he did say the price may need to be reduced. Commissioner Seber stated the Warsaw Avenue will need some legal work needs to be done on the Warsaw Avenue property and the South Main Street and Saratoga Avenue properties are not in the best shape and have not had much interest in them in the past. He stated the Council will need to decide but the prices may need to be reduced dramatically since there is an expense to the City to have them.

Moved by: Commissioner Seber  
Seconded by: Commissioner McGuire

AYES: 4      NAYS: 0

RESOLUTION 81-2020 Re-appointment of Frank Scirocco Chairperson of  
Zoning/Planning Board of Appeals

Moved by: Mayor Baker  
Seconded by: Commissioner Gotti

AYES: 4      NAYS: 0

RESOLUTION 82-2020 Re-appointment of Saverio Carabis Zoning/Planning Board of  
Appeals

Moved by: Commissioner Seber  
Seconded by: Commissioner McGuire

AYES: 4      NAYS: 0

RESOLUTION 83-2020 Supplemental Agreement with Barton and Loguidice Final  
Water System Improvement

Moved by: Mayor Baker  
Seconded by: Commissioner Gotti

AYES: 4      NAYS: 0

RESOLUTION 84-2020 Payroll and Vouchers

Moved by: Commissioner Seber  
Seconded by: Mayor Baker

AYES: 4      NAYS: 0

RESOLUTION 85-2020 Budget Transfer

Commissioner McGuire asked if this money was earmarked for something else and being moved.

Chief Rabbitt stated it is earmarked under personal services and it is just covering personal services in other areas.

Commissioner McGuire asked if all the lines were lacking this money.

Chief Rabbitt stated that was correct.

Moved by: Commissioner Seber  
Seconded by: Commissioner Gotti

AYES: 4      NAYS: 0

NEW BUSINESS: None

OLD BUSINESS: None

Closed Meeting: 6:47 P. M.

Moved by: Commissioner Seber  
Seconded by: Commissioner McGuire

AYES: 4      NAYS: 0

Executive Session Began: 6:49 P. M.

Meeting Adjourned: 7:10 P.M.

Moved by: Mayor Baker  
Seconded by: Commissioner McGuire

AYES: 3      NAYS: 0