

MINUTES OF THE CITY COUNCIL MEETING
HELD ON
July 8, 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 July 8, 2020.

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

Roll Call:	Mayor Baker	Present
	Commissioner Seber	Present
	Commissioner Gotti	Present (Arrived Late)
	Commissioner McGuire	Present

Fred Hosley led the Pledge of Allegiance to the Flag

Motion to accept the June 10, 2020 Meeting Minutes:

Motion: Commissioner Seber Seconded by: Mayor Baker

Roll Call: AYES: 2 NAYS: 1

Nay: Commissioner McGuire

Commissioner Seber asked Commissioner McGuire why this is the second meeting in a row she voted no on the minutes.

Commissioner McGuire stated there were a lot of things missing in the minutes that were said at the meeting and it is not a correct record.

Commissioner Reports:

Mayor Baker stated the water project is proceeding nicely and a lot of work has been completed.

Commissioner Seber stated the water bills are out and homeowners were given two (2) months to pay but they are coming in slowly. He added there are still over seven hundred (700) outstanding bills. He went on to say that he was asked at the last meeting about what "E" on the water bill represents and he thought he gave the correct response but when he researched the question he found there are no "E's" on any of the bills. He explained when the bills are estimated it is done manually due to the fact that if the computer does it the average of the last three (3) cycles is taken and gives you an estimated bill but if someone has a leak the City does not want to penalize them so the City manually gets an average of three (3) similar cycles to get the estimate. He apologized to the Commissioner for giving misinformation at the last meeting.

Commissioner McGuire stated that he specifically stated there are bills that were estimated and they had an "E" on them.

Commissioner Seber he understands and he made a mistake and is apologizing for that.

Mayor Baker introduced Lyn Murphy as the new City Attorney.

Commissioner Gotti stated they have been working on storm drains for the past couple of years but without enough staff it is hard to stay proactive. He added they were very successful progress at the water plant and the line coming down from Saratoga is very close and work is beginning behind the plant. Commissioner Gotti stated he recently was provided documentation which showed that the property in front of the homes in Tenendaho Lane is actually City deeded; therefore they are cleaning up and doing maintenance over there. He thanked Alex Dunn for helping with the trash on the docks and they removed the barrels and were able to get cans there and with his help and presence County Waste can go down there and the City didn't need to. Commissioner Gotti stated with more patrols at Tenendaho Lane they are having fewer problems with the picnic tables.

Commissioner McGuire asked if there were problems with the picnic tables.

Commissioner Gotti stated they had graffiti on them.

Commissioner McGuire stated she was in touch with someone involved with the campaign "518backstheirblue" which is acknowledgment of Police Officers and Police departments to let them know they are supported and people are in favor of a Police Department. She went on to say that she and others from the City put together bags and brought them to both the Mechanicville and Stillwater Police Departments to let them know they are important and appreciated. She stated along with herself the following people made up thirty (30) bags and delivered them: Carol Zeleski, Kim Dunn, Mary Lou Cebula, Kim Noonan, and Madison McGuire. She added the bags were in appreciation for all that they do and to show their support for our local Police Officers now and always. She went on to give a special thank you to those you donated generously: Zales Autobody, Weaver Petroleum, Laurenzo Construction, Quick Response, Val's Sporting Goods (wrote a personal note on each gift that was given), Lucille Laurenzo, Mary Lou Cebula, Kim Dunn, Kim Noonan, Carol Zeleski, and Madison McGuire. She added if any resident would like a blue bow/ribbon in an effort to show support for the Police Departments you could call her office or send her or her daughter Madison a message on Facebook. Commissioner McGuire went on to say the City bus has been running with no complications, they are allowing one (1) person on the bus at a time and the bus is sanitized after each passenger gets off. She added two (2) people are allowed to ride the bus at the same time if they live in the same, there is no street pickup if someone needs transportation they need to call the Public Safety Office in which at time you will be required to answer a series of questions relating to Covid-19 and the same questions are asked when the passenger is picked up. She added that if yes is answered to any of the questions that passenger is not allowed to ride the bus. Commissioner McGuire went on to say they have a detailed log for contact tracing and are only

transporting to businesses that have protocols in place and not to a friend's house and reiterated the bus is sanitized anytime someone gets in or out.

Commissioner Seber stated the City receives reimbursements from Federal and the County for transportation and he asked how that is being handled.

Commissioner McGuire stated the reports are still being done but there is not much to report because there weren't many expenses.

Commissioner Seber stated there was a contract and the City would receive "X" amount of money and they would pay the difference between our toll and that amount of money and he asked if that still happened.

Commissioner McGuire stated they still do that but when the bus was not running and there isn't much because it was not being used.

Commissioner Seber stated he realized we didn't receive much but wanted to know if the County had a commitment to us for a certain amount of money.

Commissioner McGuire stated they do but is not sure exactly what the figure is but she can get that to him and added they will pay it to the City but it isn't what it normally would be because it was not used.

Commissioner Seber stated he thought they made up the difference from whatever the number was.

Chief Rabbitt gave his monthly report which is attached to the minutes. He also went on to say that there has been several complaints on fireworks in the City and two arrests were made but he stated that the City Charter and Penal Law allows for arrest for fireworks but the fireworks that are purchased from the various tents set up in the area are re-categorized as sparkling devices and they are legal. He added although the City Charter prohibits fireworks it doesn't specifically prohibit sparkling devices and they are legal. Chief Rabbitt personally thanked Commissioner McGuire and her team for "518backstheirblue" and it was much appreciated by everyone.

Public Comment:

Mary Lou Cebula of 28 Lee Street read the following statement and questions.

"The last city council meeting open to the public was on March 11. A lot was going on then but with the pandemic, there has been no opportunity to address any of it. But having to wait has made it no less important or relevant. I want to start with some general information. The NYS Committee on Open Government oversees, among other things, how requests for public records should be processed. These requests are commonly referred to as FOIL's. Public Officers Law Article 6 regarding Freedom of Information, which was provided to me by Mark Seber, outlines the requirements the City needs to follow when a request for information or FOIL is submitted. Article 6 states two very interesting things. First ... "it is incumbent upon the state and its localities to extend public accountability wherever and whenever feasible".

Secondly and more importantly..."it's the people's right to know the process of governmental decision making and to review the documents leading to determinations. Access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality. The legislature therefore declares that the government is the public's business and that the public should have access to the records of government in accordance with the provisions of this article. I am taking the time out of my very brief 5 minutes to read this because I think it is important for people to understand that everything each of you do as part of this council, in regards to city matters, is subject to disclosure to us.

It is also important as taxpayers and residents of this city that we are able to easily connect the dots and understand how our local city government is functioning. And as we have all seen repeatedly via the posted council meetings on Facebook for the last few months, it is not functioning well. Why are questions about accountability cause for personal attacks, snarky responses and arguments? Why would any council member's response be "I don't know and I don't care"? The purpose of these meetings is to conduct the people's business in public, showing transparency and accountability. But what we see is a lack of communication and condescension neither of which is benefiting this council or the residents that you serve. This is just what can see openly. Through the FOIL process I have been looking into the abolishment of the title of Desk Officer and the new proposed administrative position. Both of which I do not believe were properly explored nor addressed prior to the shutdown. While this is certainly not the only or most concerning matter going on with this City, it is a very good example of the deficiencies and issues that this city government seems to be experiencing. I have an advantage since I held the title of Desk Officer for 13 years prior to it being abolished. So I understand the workings of the job itself, as well as all the parties involved around it. I know exactly what to look for. I also have the added advantage of no longer being a city employee, under any restrictions or concern for keeping my job. What I have been foiling is documentation outlining the process of this council's decision making in regards to this matter. What path did they take and why did they take it both of which should be documented. What I have discovered is that not only is the lack of communication an issue for this City Council, but apparently a lack of documentation is as well. So of the many questions that this issue raised, I am going to start with these four and I am just going to say them and you can answer them afterwards.

Why was there was no public notification, or forum prior to the City Council vote on February 5? Given that it impacted the services to this city's residents, I think they deserve to have had a heads up and have some public transparency and accountability? At the same February 5th city council meeting Mayor Baker stated that there would be a contract with Saratoga County to handle our dispatch. All the commissioners voted on it with that understanding but there isn't one, I know, I foiled it and Mayor Baker has since revealed the same in subsequent council meetings why was there no concern in regards to that? The same February meeting Mayor Baker alluded to the cost benefit of Saratoga County taking over dispatch. Although "he didn't have the figures with him" when he was asked how much would be saved. As recent as the May 13th City Council meeting, Commissioner Seber also referenced the cost but apparently no cost analysis was done. I know, I foiled it. Mayor Baker has stated it wasn't about the money, well it may not be about the money for him, but I think a lot of fixed income taxpayer in Mechanicville it would be about the money. Also, in reference to the May 13th City Council meeting I sent an email to the entire City Council on May 15th, and with the exception of Commissioner McGuire, who acknowledged the email, it was in regards to statements made by

Mayor Baker at the May 13th meeting, no one else replied. I sent a reminder email in June and to date I still haven't gotten a reply. So I would like to know why that is? Thank you.

Commissioner McGuire commented that at the February 5th meeting she didn't know that it was going to be on the agenda until she read it and she believes other people didn't know until they read it as well.

Fred Hosley of Newman Avenue asked why the work on Underwood Avenue was taking so long.

Commissioner Gotti stated that was NYSEG doing maintenance on their own lines and he has no control over what they are doing but added it has been a long tedious process.

Fred Hosley asked if only having one (1) person on the bus at a time has been a problem.

Commissioner McGuire stated it has not been a problem and everyone is cooperating and people are happy they are able to ride the bus.

Fred Hosley asked who determined one (1) person on at a time.

Commissioner McGuire stated she called a couple of other municipalities to see how they were handling their bus operations and she went on to say they advised her to limit the passengers to go only to places that masks are worn and hand sanitizers are used. She added they stated they do not bring people to hairdressers but there are only two (2) in the City that they generally bring passengers to. Commissioner McGuire stated there have not been any complaints and everyone is very happy.

Fred Hosley stated he read that Bellamy came in with a low bid which was more than what the City engineer estimated and he would like to know what the City ends up paying.

Mayor Baker stated it is paid out of the grant.

Commissioner Seber stated the lowest bid price is what is paid.

Fred Hosley asked how they planned on replacing the missing Commissioner.

Mayor Baker stated they will have an election in November to replace her and Commissioner Seber is overseeing the office until November.

Kim Dunn of 250 South Main Street stated on January 2, 2020 she dropped off her first FOIL request at the Accounts Office and she received a response on January 6th but it was not the information she requested. She went on to say the request was very simple and a report needed to be run off of the BAS program and email it to her. She stated she informed Commissioner Seber the information she received was not what she wanted but did not receive a response. She went on to say she has dropped off several FOIL requests which were not handled the same each time, sometimes she would get a response within five (5) days and sometime she would not.

Kim Dunn added she informed the City that although they could email her the emails she was sending were not making it through. She went on to say that she has sent emails to various places using that same email which were all received and since the building was closed to the public she had no way to submit FOIL request except by mail. Kim Dunn went on to say she received an email in early May with responses to multiple FOILS including one that was submitted January 17th. She went to say that since the City has a website there is supposed to be a mechanism so that someone can submit a FOIL request via the website but the City does not have that. She went on to say she has been denied her right to FOIL and the lack of response is appalling. Kim Dunn stated that many accounts are estimated for any billing cycle and she stated that it is her legal right to know that her account was estimated so she is not clear as to why no bills have "E" on them.

Commissioner Seber stated that is the City was to do it electronically an "E" would show up but the bills are printed off the BAS program and they do it in fairness so that someone doesn't get penalized for maybe a leak they had in one of the billing cycles. He added this has been going on for years and isn't something that began in January. He went on to say there is still a list of residents that won't let the City put the reader outside.

Commissioner McGuire stated that no one would know that their bill is estimated and added the residents would have no recourse and it should not be the residents responsible to notice that doesn't look right. She went on to ask if she got a bill that was estimated and not actual how she would know that something was wrong and she should go dispute it.

Commissioner Seber stated the reason they estimate 99 out of 100 times is because the City cannot gain access to the meter. He added if there is a big discrepancy between cycles they contact DPW and they do the reading again and make sure it is not a bad reader. He stated for the most part it is only estimated if they can't get readings.

Kim Dunn stated she is not questioning why they estimate what she is saying is that if an account is estimated an "E" should be shown on the bill.

Commissioner McGuire stated that if you have an estimated reading but a few months later someone actually gets to read the meter the next cycle it is corrected. She stated people need to know if there bill is estimated or actual.

Commissioner Gotti stated he thinks he should sit down with Commissioner Seber to figure a way to get an identifier on the bills from this point forward.

Commissioner Seber stated the program will insert an "E" on the bill if you allow the program to actually do the estimating but his office estimates by going over three similar billing cycles, he stated they are trying to prevent people from being over billed. She went on to say that he is going to work on being able to estimate the bills manually but get it so it is identified on the bill as an estimate.

Commissioner McGuire stated they could pull the bills out and cross of the "A" and writes in an "E" or put something with the bill stating it is estimated so there is transparency.

Commissioner Seber stated he understands the issue and starting tomorrow he would look into how it can be addressed and keep it fair for the residents.

Commissioner Gotti added there has to be a way around it to get an “E” on the bill.

Jenna Cebula of 28 Lee Street stated she wanted to use her five (5) minutes to see if she could get answers to Mary Lou Cebula’s questions that were asked previously.

Mayor Baker stated he had no comment.

Jenna Cebula asked if anyone else had a comment.

No one responded.

Resolutions:

RESOLUTION 57-2020 Zoning Board of Appeals member re-appointment

Moved by: Commissioner Seber

Seconded by: Mayor Baker

AYES: 4 NAYS: 0

RESOLUTION 58-2020 Honeywell Contract Agreement

Moved by: Mayor Baker

Seconded by: Commissioner Gotti

AYES: 4 NAYS: 0

RESOLUTION 59-2020 Denier Park adopted by Veteran’s Motorcycle Club

Moved by: Commissioner McGuire

Seconded by: Commissioner Gotti

AYES: 4 NAYS: 0

RESOLUTION 60-2020 Water Treatment Plant to DeVoe Road Contract Award
(Bellamy)

Moved by: Mayor Baker

Seconded by: Commissioner Gotti

AYES: 4 NAYS: 0

RESOLUTION 61-2020 Payroll and Vouchers

Moved by: Commissioner Seber

Seconded by: Commissioner Gotti

AYES: 4 NAYS: 0

RESOLUTION 62-2020 Budget Transfer

Moved by: Commissioner Seber

Seconded by: Commissioner Gotti

AYES: 4 NAYS: 0

NEW BUSINESS:

Commissioner McGuire stated there are a lot of sidewalks in the City that are in disrepair and she suggested the City looks into starting up the sidewalk program again for residents as many homeowners could benefit from the help. She went on to say she realizes this is a bad time economically for homeowners but possibly in the spring when people are back to work it might be something the City could do to help the homeowners. Commissioner McGuire added if she remembers correctly the program was well received the last time it was offered and was successful. She went on to say that she counted from the Post Office to the playground and there were thirteen (13) sidewalks that were really bad and that was just one street.

Commissioner Seber stated that was in 2009 and the City allocated \$100,000 and they lent the monies out to homeowners.

Commissioner McGuire asked if it was zero (0) interest.

Commissioner Seber stated he doesn't remember exactly what it was but he knows it was very low. He added he administered the program and that between repairing and replacing sidewalks they did between sixty (60) and seventy (70) sidewalks he added the City bid the jobs and they used our contractors and it went extremely well.

Commissioner McGuire stated she thinks it would be good to do it again.

Commissioner Seber stated the only thing he worries about it he thinks the City is going to take a big hit with sales tax, state aid, and the revenues are down. He added he has not seen the 2019 figures yet but in 2018 there was well over one million dollars (\$1,000,000) in fund balance and he realizes you don't want to use up all your fund balance but he guesses that is what it is there

for and they will have some decisions to make financially over the next few months but he supports the program.

Commissioner McGuire added the City is going to have to pay unemployment for several people and added municipalities pay the full ride.

Commissioner Seber stated the next few months will be interesting.

OLD BUSINESS: None

Meeting Adjourned: 6:46 P. M.

Moved by: Commissioner Gotti

Seconded by: Mayor Baker

AYES: 4

NAYS: 0

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

MECHANICVILLE POLICE DEPARTMENT



Alex Dunn
Detective Sergeant
alex.dunn@mechanicvilleny.gov

36 N MAIN STREET
MECHANICVILLE, NY 12118

May 4, 2020.

Mayor and Council Members,

For May, we:

- Responded to 387 calls for service,
- Made 58 arrests that include 3 (V), 46 (M) and 9 (F),
- Issued 100 traffic tickets.
- We are at full staff with 10 full-time personnel. We have an additional 8 part-time officers who can fill in when needed.

We switched over dispatch on May 29, 2020, and things have been working smoothly thus far. The new radios are performing well, and officers are getting used to the new protocols with regards to answering and transmitting on the county system. Phone calls to 518-664-7383 are automatically forwarded to the Sheriff's Office for dispatch. If it is a call for service, the calls are dispatched. Any other type call or question or request for service (car seat/request for a report...) is transferred to the station line, or a message is taken by Saratoga County and relayed to patrol. There is a phone in our lobby with a direct link to dispatch, pick up the receiver, and it dials automatically.

All full-time officers have been assigned additional duties as needed to make sure the paperwork is still handled efficiently. For example, Sgt M Dunn is approving and filing domestic incident reports, Sgt A Dunn is handling accident reports and so on. It is working well.

We were shocked at the tactics used by several officers of the Minneapolis Police Department against George Floyd and condemn those actions in the strongest possible terms. The Mechanicville Police Department is committed to unbiased policing and strives to treat all persons in a fair, impartial, and equitable way. In furtherance of that, we conduct several trainings each year, which include topics such as implicit bias, the proper application of force, and the importance of de-escalating potentially violent confrontations. We acknowledge the anguish, anger, and fear that has resulted from this tragedy. The

Non-Emergency: (518) 664-7383
Fax: (518) 664-7867
Emergency: 9-1-1
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MECHANICVILLE POLICE DEPARTMENT



Alex Dunn
Detective Sergeant
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36 N MAIN STREET
MECHANICVILLE, NY 12118

members of the Mechanicville Police Department stand in unity with those who peacefully protest about injustices within the system and pledge to be allies. Proving that point, we actively participated in two separate protests in Mechanicville. On Sunday, June 7th and again on Tuesday, June 9th, we stood and walked with community members and engaged in open, honest dialogue about policing in our City.

I want to take a moment to acknowledge the service of the men and women of the Mechanicville Police Department and express how proud I am of how they are handling themselves during this time of national unrest. Coming to work every day with a perceived target on your back is not easy, but day in and day out, they answer the call professionally and justly. I am also inspired by the numerous positive interactions and feedback that we have received from the people of Mechanicville concerning the two protests. Although there will always be room for improvement, it confirms that we are on the right path.

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**

July 14, 2020

June 2020 Chief's Report

INCIDENT TYPE	INCIDENTS
113 - Cooking fire, confined to container	2
311 - Medical assist, assist EMS crew	37
424 - Carbon monoxide incident	1
521 - Water evacuation	1
571 - Cover assignment, standby, moveup	1
651 - Smoke scare, odor of smoke	1
700 - False alarm or false call, other	1
714 - Central station, malicious false alarm	1
736 - CO detector activation due to malfunction	1
743 - Smoke detector activation, no fire - unintentional	4
745 - Alarm system activation, no fire - unintentional	1

Incident Total: 51