

**MINUTES OF THE REGULARLY SCHEDULED MEETING OF THE
SCHENECTADY CITY COUNCIL – MAY 12, 2008**

The meeting was called to order by Council President Margaret C. King at 7:00 P.M. in Room 209, City Council Chambers at City Hall.

Ms. King called upon Rev. Steven Clunn, First United Methodist Church, to deliver the Invocation.

Ms. King then called upon Karen Zalewski-Wildzunas to lead the Pledge of Allegiance.

The City Clerk called the roll and the following members of the City Council answered to being present:

Present – Councilmembers Joseph L. Allen, Mark W. Blanchfield,
Gary R. McCarthy, Thomas A. Della Sala, Barbara Blanchard
and Margaret C. King

Absent - Councilmember Denise K. Brucker

Also Present – Mayor Brian U. Stratton, City Clerk Carolyn Friello and
Corporation Counsel L. John Van Norden, Esq.

PUBLIC HEARINGS: None.

APPROVAL OF MINUTES:

Mr. Della Sala moved that the minutes of the City Council meeting of April 28, 2008 be approved as submitted by the City Clerk. It was seconded by Ms. Blanchard. Hearing no objections, Ms. King declared the minutes approved as submitted.

COMMUNICATIONS:

Official –

From the Mayor, a list of appointments.

From the Engineering Department, four (4) letters accepting the bids of and awarding the contracts to:

Siemens Water Technologies, Inc. for the “Replacement of the Laboratory De-Ionized Water System at the Wastewater Treatment Plant” in the amount of \$4,838.89;

Stilsing Electric, Inc. for the “Rehabilitation of the Daft Facility – Contract 1E” in the amount of \$82,000.00;

Stephen Miller General Contractors for the “Rehabilitation of the Daft Facility – Contract 1G” in the amount of \$159,744.00; and

Callanan Industries, Inc. for the “2008 Paving Program” in the amount of \$3,773,467.50.

General – None.

PETITIONS: None.

COMMITTEE REPORTS:

Mr. Blanchfield stated that the Finance Committee met. He explained Agenda Items #5 and #10 which relates to the Paving Program. Also, Agenda Items #8 and #9 deal with the Wastewater Facility. Also, our Bond Rating has increased another notch. The Mayor has engaged another Bond Agency, S & P and they concur with Moody’s.

Ms. Blanchard stated that last Monday, the Governmental Operations Committee met and we discussed Code Enforcement that deals with trash. The city employs 3 staff members dealing with trash, even on weekends. If you are concerned about a situation, call 382-5144. Also, the garbage schedules are available on the website.

Mr. Allen stated that we had a Health & Recreation Committee meeting and are moving forward regarding our Disability Festival. Also, we have had some cleanup at the Golf Course and in Central Park. Also, we had a briefing this evening regarding the cleaning of the weeds and algae in Central Park.

At this point in the meeting, Karen Zalewski-Wildzunas and Colleen Merays of DSIC introduced Jim Salengo, Executive Director of Downtown Improvement Corporation.

PRIVILEGE OF THE FLOOR (LEGISLATIVE ITEMS):

Ms. King invited all who wished to address the City Council on any item of the Legislative Agenda to come forward. The following speaker rose to be heard and his remarks are summarized:

Scott Riggi, 2039 Euclid Ave., stated that he doesn't understand why the entire length of Euclid Ave. is not being paved. He said that he was told that it was a cost savings.

Seeing no other speakers to come before the City Council, Ms. King declared the Privilege of the Floor on the Legislative Agenda closed.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES & RESOLUTIONS:

Consent Agenda –

Ordinance No. 2008-05	Adopted Unanimously
Resolution No. 2008-80	Adopted Unanimously
Resolution No. 2008-81	Adopted Unanimously
Resolution No. 2008-82	Adopted Unanimously
Resolution No. 2008-83	Adopted Unanimously
Resolution No. 2008-84	Adopted Unanimously
Resolution No. 2008-CS21	Adopted Unanimously
Resolution No. 2008-CS22	Adopted Unanimously
Resolution No. 2008-CS23	Adopted Unanimously
Resolution No. 2008-CS24	Adopted Unanimously

With Unanimous Consent –

Resolution No. 2008-85	Adopted Unanimously
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PRIVILEGE OF THE FLOOR:

Ms. King invited all who wished to address the City Council on any matter of city business to come forward. The following speakers rose to be heard and their remarks are summarized:

Katherine Delain, 214 Liberty Street, asked – Isn't it time that we held Greg Kazmarek accountable for his actions? Also, I hope everyone supports the renovation of the Silver Diner.

Delores Inzero, 1266 Frantzke Ave., stated that the family at 1245 Libby Ave., in back of my house applied for a permit to install an in-ground pool in their backyard and build a new garage. At the time, there was a very sturdy 6 ft. stockade fence at the rear of the property which tilted slightly as it sloped with the land the way all fences do. According to Debbie who applied for the permit, the individual granting the permit told her that the fence she had there was not up to code and she would have to replace it with another one that is "level" on this hillside; the new level fence is not up to code as it goes up to 9' high. Debbie told me that she told the City Hall employee that, with a new fence installed level, there would be a substantial space under the fence for a considerable distance and she was concerned that her dog would get out. The City Hall employee then told her she could put a retaining wall under the fence, cement the blocks in place, and put fill in so that it would be a six foot fence on her side. She has built a fence/wall with gray blocks, but when they ran short, they substituted one (or two) red bricks at the bottom of the pile (with space on either side of it) and a bunch of rocks elsewhere to fill in, in an effort to shore up the 9' end. On May 12th, they backfilled with dirt that spilled over a gap between the wall and the fence onto my property and it looks like manure sticking out and also clumped onto my property. I also do not believe that anyone cemented the blocks which are visible to me (not that I want them cemented in either). I object very strongly to the 9' fence and I called the City of Schenectady Law Department. I spoke with an "Alecia" who informed me that Code Enforcement could use their discretion when evaluating a fence for legal compliance just like the police use their discretion on whether to give or not give a ticket. I questioned her on what she meant by that; she told me that when our police stop an individual who is not wearing a seat belt, they can use their discretion on whether they will or will not write a ticket, and that's the same way with Code Enforcement. She then said she would check on this permit and "call you back before 5:00 P.M.". When she didn't call me back at all, I called her the next day. She referred me to "Carrie" who handles fences. Carrie told me she knew what I was talking about, but couldn't get out to look the situation over yesterday (Thursday) or today (Friday) as there "aren't any cars available". My next door neighbor then called his friend at City Hall and was assured that "when the bricks are cemented in, this fence becomes legal. Don't worry about it". How can a fence that is 9 feet tall be legal when the ordinance calls for a 6 ft. maximum. Do they think the taxpayers are stupid? The people I talked to at City Hall seem to have joined forces to cover the rear of the employee who overstepped his/her

authority to require a fence to be installed that doesn't meet code. The assumption is that if they procrastinate on doing anything about it, the bricks will be cemented in place and the Zoning Commission will be reluctant to do anything but give them a variance. I expect they will just go through the motions of a hearing to appease the complainer (me). By the way, the 6' stockade fence that remains on the other half of this property is no better or worse than the one they were forced to take down. The two different heights side-by-side make it look even worse. A safety aspect is involved in this gray block issue also as I have two granddaughters, 4 and 10, who play in my back yard much of the time – even bringing friends over. As the dirt has already been backfilled without cement holding this whole thing together, I am afraid it has become a safety issue as well as an ordinance violation. If anyone gets hurt because of the way that it's built, I am going to sue the City of Schenectady, as well as the homeowner(s). If this is how the employees of our City are allowed to make decisions and operate, we might just as well throw all the ordinances in the garbage and let everyone do what they want. I gave a copy of my original written complaint to the City Council; I am disappointed that not one of you called me to offer your assistance or suggestions.

Jim Cusack, City of Schenectady's Auditor, stated that this year, there was very good operating results, good systems in place, accounting and controls which is why we can complete the audit in good fashion. This year's revenues raised over \$7,000,000.00 in the General Fund, the expenditures were \$68,000,000.00. The expenditures came in less than the budget. Overall, we added \$2.3 Million Dollars to our unrestricted fund balance. Overall – from where you were 4 years ago, facing a \$10.2 Million Dollar deficit – now, you are at almost \$10.4 Million Dollars. You also have significant reserves established so your overall, financial condition is improved. In the General Fund, you have \$5.8 Million Dollars in unrestricted, designated fund balance. We would like to see you closer to 10% of your budget in that area. We would like to see you continue the good work.

Jason Planck, Schenectady resident, stated that in 2006, we did not reaffirm the Affirmative Action position. The position wasn't filled until 1/2007. The contract did not come before the City Council nor did any discussion on that contract. Tracy was told that she wasn't going to appear before the City Council with quarterly reports. This is a dereliction of the \$50,000.00 we sent them. Also, we have had two cleanups at Central Park. Also, we are moving along on the Disability Festival.

Vince Riggi, 2138 Campbell Ave., stated that all of Euclid Ave. is less than 3/10th of a mile long. I don't understand why one end is getting everything and a little portion is getting nothing. I hope this isn't because a "Riggi" lives there. There's a lot of elderly people on that street. If it's going to be done next year – I want to see that in writing. Personally, I think that there's something wrong with the whole paving program. If we have this big surplus that we are "crowing" about, then, let's give the people back something.

Seeing no other speakers to come before the City Council, Ms. King declared the Privilege of the Floor closed.

MISCELLANEOUS:

Ms. Blanchard stated that the City Hall Farmer's Market has opened. The Farmer's Market allows us to buy in season and eating local food. You can reduce your carbon footprint by half a ton by buying locally grown foods. Also, I am trying to get a Farmer's Market here on Sunday which would be a year around market. If you are interested in this, please call me.

The Mayor said – "Thanks" to Councilmember Blanchfield for having Jim Cusack come in tonight and lay out the impact of the results of the 2007 Audit. I don't think the public got the full financial impact in the Gazette story. The story didn't explain the overall financial news. This was the 3rd consecutive fund balance that we have achieved. The accumulative, unreserved fund balance is nearly \$10.4 Million Dollars – that's more than a \$20,000,000.00 swing from where we were in 2004. Over 3 years, we have built this up. Moody's has upgraded us to BAA-1, it's the sixth consecutive time that they have upgraded us. We have not been at BAA-1 stable since 1999. That's where the "free fall" started. S & P who have never rated us, gave us a rating of A – one notch below of Metroplex's A. "Thank You" to the Council for your partnership, the private sector, our outstanding staff and all citizens of this City of Schenectady who stood with us and helped get us where we are.

City Council Mtg.

5/12/08

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RECESS:

Seeing no further business to come before the City Council, Ms. King recessed the meeting at 8:00 P.M. when a "Special City Council Meeting" will be held on Monday, May 19, 2008 at 5:30 P.M.

A TRUE RECORD

**BY CAROLYN FRIELLO
CITY CLERK**