

**MINUTES OF THE REGULARLY SCHEDULED MEETING OF THE
SCHENECTADY CITY COUNCIL – DECEMBER 13TH, 2010**

The meeting was called to order by Council President Gary R. McCarthy at 7:16 P.M. in Room 209, City Council Chambers at City Hall.

Mr. McCarthy called upon Rev. Bill Levering, First Reformed Church, to deliver the Invocation.

Mr. McCarthy called upon Councilmember Joseph L. Allen to lead the Pledge of Allegiance.

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

Present – Councilmembers Joseph L. Allen, Denise K. Brucker, Carl Erikson, Margaret C. King, Thomas Della Sala, Barbara J. Blanchard, and Gary R. McCarthy.

Absent – None

Also Present – Mayor Brian U. Stratton, City Clerk Eileen M. Versaci and Acting Corporation Counsel Alfred Goldberger.

At this point in the meeting, Mr. McCarthy asked if there were no objections, he would like to take Agenda Item # 13 out of order. There were no objections.

Resolution No. 2010 – 210 Adopted Unanimously

Ms. King invited Mike Conn to come inside the rail to accept a resolution honoring Ms. Conn for her invaluable service to the City of Schenectady.

PUBLIC HEARING:

For a Proposed Increase in the “Change in Tenancy” fee.

Mr. McCarthy called upon all who wished to address the City Council on Public Hearing # 1 to come forward. Seeing no speakers, Mr. McCarthy declared Public Hearing #1 closed.

For Proposed Changes in the Fee Schedule for the Water and Engineering Departments.

Mr. McCarthy called upon all who wished to address the City Council on Public Hearing # 2 to come forward. Seeing no speakers, Mr. McCarthy declared Public Hearing # 2 closed.

APPROVAL OF MINUTES:

Councilmember Brucker moved that the minutes of the City Council meeting of November 22nd, 2010, be approved as submitted by the City Clerk. It was seconded by Councilmember King. Hearing no objections, Mr. McCarthy declared the minutes approved as submitted.

COMMUNICATIONS:

Official:

From the Office of the Mayor, a list of Appointments (dist. 12/13/2010)

From the Department of Engineering one letter accepting the Bid for “Snow and Ice Control, Plowing and Hauling Snow – 2010-2011” and awarding the contract to Carver Construction, Inc.

General: None

Petitions:

A petition with 39 names protesting the cuts to the Fire and Police Department Budgets.

COMMITTEE REPORTS: None

PRIVILEGE OF THE FLOOR (LEGISLATIVE ITEMS):

Mr. McCarty called upon all who wished to address the City Council on any item of the Legislative Agenda to come forward.

Barbara Katz - Schenectady, NY - Downtown Schenectady needs an Arts and Crafts Store, I do crafts and I believe children benefit from doing crafts.

Vince Riggi - 2138 Campbell Avenue, City of Schenectady, - There is a line in the movie Moon Struck where they are all sitting around a table and the Grandfather says "I'm confused", well I am confused. You tabled #3 and passed 16B, and that was not in the packet, anyhow, anything you can get control of what is going on, any contract or sweet heart deals, I'm for it. The next thing you have to work on is the residency law, let's get that going. You can't have all the power with the Administration, you guys control the purse strings, so let's do it. There is another thing; I was watching the Committee Meeting before I came down here and there was some good questions raised by Mr. Erikson and Mr. Allen about the snow plowing contract. There was only one BID and the bid went out in December, is that when you start a snow contract in December?

Jason Planck - Schenectady, NY - Under the Public Meeting Law you are supposed have these pieces of legislation before the public seven day prior to the meeting, you have 16A and 16B that is not even here. This is in violation of the Public Hearing Law. Finally, on item #7, I want to thank the Mayor and his staff for the separate code for parking in the access aisles. This is just one of the three things we have been asking for. Thank you to the Mayor and his staff.

Rev. Phil Grisby - SICM/930 Albany Street - I want to comment briefly on items #10 and #15. On number 10, I am thanking you for having the CDBG public hearings on a City Council night. Now on item #15, I want to encourage the Council to review the contract in November so as to give time for conversation on this, it seems to come up the last meeting of the year. There has been progress in terms of the Affirmative Action activity, we commend that, but there is also some need for additional information. I do encourage you to review this contract in November to have time to review it.

Larry Bratton - Schenectady, NY - I am here to address the contract that is being proposed to be given to Carver Construction. I heard someone say they were the only one that bid and they offered the lowest bid. It is my understanding, a contract does not always go to the lowest bidder it goes to the lowest responsible bidder. Carver has proven itself to be an irrespirable bidder, an irrespirable contractor. I particularly reference to an article of May 10th, 2009, in the Gazette, where a Walter Hobbash, from Carver, spoke definitely against Affirmative Action. Showing that he has no intention of complying with Affirmation Action, he made statements that were derogatory against minorities, there were racist statements made that were sanative. Many people died for Affirmative Action, is the Mayor and City Council going to destroy that with a stoke of a pen, this is demeaning to us that are minorities. We are taxpayers and you take our money and give to someone who will not give any of us a job.

President McCarthy - Again the Council was quite clear on that, we are awarding the contract and they are going to comply with the Affirmative Action criteria or they are not getting paid.

Marion Porterfield - Weed and Seed Coordinator, resident of Schenectady - I would like to speak on item No.16, awarding the contract to Carver Construction. I have looked for the Procurement Process for the City and can't find one. So I went to the Federal Government's Procurement Process and they say and they state that all procurement procedures should be conducted in a manner to provide practical and open and free competition. It has a list of questions that should be asked about the bidders. My question is, do we have a bidders list, and do we look at it? If your answer is no, then your bids are restrictive. I would love to look at all the procurement processes for the City of Schenectady, to see if you are following all the guidelines so that people that are qualified can bid. The people in the City should be trying to level the playing field so that small contractor's can

bid on these jobs for the City and be qualified for money that is being spent by the City of Schenectady. Thank you.

Rev. Van Stuart - SICM/930 Albany Street - With respect to the contracts, I hear what has been said by the Council President, looking toward making sure that there is compliance on this particular contract. I don't think there is any one particular contract but it has to do with how we look at ourselves and how we deal with the City. What I have come to understand, especially when I was a teacher, people tend to move toward what is more comfortable, and I recognize that creating conflict does not always make people feel comfortable on the other hand, creating conflict is literally a way to grow. I think that now we are dealing with departments, we have to shy away from shying away because when you continue to try to find a way to sweep something under the rug or find a way to get around something, which literally what has happened when you try to just get the contract in. You will find that you will be doing what you are doing now, waiting to the last minute and people are not as silent as they used to be and it causes an uproar. Secondly, as you are looking at employment, I have said this before; our focus can not be just on seeing if we are satisfying contracts. Because if you do not put people in the position to succeed. We should start thinking about what it would take to have the pipeline to be fully stocked and say oh well. We couldn't find anybody to do this work. This is what causes people to bring up "Institutional Racism". Unless we start to think beyond where we are, we will never succeed. Thank you.

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

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

Consent Agenda –

Resolution No. 2010-210	Adopted Unanimously
Resolution No. 2010-211	Adopted Unanimously
Resolution No. 2010- 212	Adopted Unanimously
Resolution No. 2010-213	Adopted Unanimously
Resolution No. 2010-214	Adopted Unanimously
Resolution No. 2010-215	Adopted Unanimously
Resolution No. 2010-216	Adopted Unanimously
Resolution No. 2010-217	Adopted Unanimously
Resolution No. 2010-218	Adopted Unanimously
Resolution No. 2010-219	Adopted Unanimously
Resolution No. 2010-220	Adopted Unanimously
Resolution No. 2010-221	Adopted Unanimously
Resolution No. 2010-222	Adopted Unanimously
Resolution No. 2010-223	Adopted Unanimously

Resolution No. 2010-224
Resolution No. 2010-CS-17

Adopted Unanimously
Adopted Unanimously

Mrs. Blanchard stated she would like to suspend the rules and it was seconded by Councilmember Brucker. Mr. McCarthy asked if they were all in favor and it was unanimous. Councilmembers Blanchard has the floor.

Councilmember Blanchard stated that she wanted everyone to know that we will not pay Carver anything if they have not followed Affirmative Action procedures. I hope that they have been told that.

President McCarthy stated he was not aware if they have been told that, but I am sure they will be after this meeting.

Councilmember Blanchard we are really over a barrel here, it could really snow any minute, I agree that this action was taken way too late; I hope we can correct that next year and I hope that Carver Construction hires the people necessary to get paid. I just hope that some manager at Carver would change his mind and hire some minorities, that being said, thank you.

President McCarthy stated again this firm is not engaged in every snow storm, only when a storm exceeds our capacity.

Mr. Goldberger, Corporation Counsel stated that he spoke to the owner of Carver Construction and he stated that he fully intended to follow City's Affirmative Action policy.

ROLL CALL VOTE:

Resolution No. 2010-225

Adopted by the following vote AYES: Allen, Brucker, Della Sala, Erikson, and McCarthy – Total 5. NO: Blanchard - Total 1. ABSTAIN: King – Total 1.

PRIVILEGE OF THE FLOOR: (CITY BUSINESS)

Mr. McCarthy 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:

Stephen Baker, 115 Irving Street - I have been a Schenectady resident for 22 years and a home owner for 10. Everything has been great until and up to the Friday before Thanksgiving; my house has been covered with paint balls on 11/19, 12/3, 12/9, 12/10. The officers that came to my house were quite helpful and congenial. Right now I am living in a house that has 12 windows of which 10 are

boarded up the entire downstairs are boarded because of windows being broken. I find out now there is only one petrol car that does that entire area. First of all, I live right next to Vale Cemetery. When we moved in 10 years ago there were police cars going thought there all the time, now the only time we see them is when we call them. What I am asking for is some kind of help getting more police patrol though there. I called the detective division this afternoon and asked the secretary there to have some one call me to give me the status of my cases, to see if anyone has been arrested or is the case ongoing. I did not receive a call back. I am very disappointed. When I go home tonight, am I going to be listening to another attack? I have a grandson who won't come into my house. Tell me what am to do.

President McCarthy - Sir, please talk to Commissioner Bennett, he will speak to you out in the hall.

Vince Riggi - 2138 Campbell Avenue - I'm still confused, in all the years I have been coming down here, 17 or 18 years there is always these 11th hour decisions. We have to vote on it tonight or we can't do this or we can't do that. Mrs. Blanchard brought up the perfect thing, why are we talking about snow plowing contract in December? Why are we taking bids from somebody that has not been in compliance with all the rules? These things just baffle me. I have a suggestion for the New Year, I think the Council should take a decrease in salary for whatever the amount of our tax increase is, if it is 7% deduct 7% from your pay and the Mayor could also and any one else that wants to. That's on my wish list, and a Happy Holiday to you all.

Harry Brand - 2108 Van Rensselaer Dr., - I think you should understand by now that many of the taxpayers are not happy with you. This business that started with Mr. Farstad and now a lawyer that's out without an illness, he has been out for over six months, this is not right, he should not be getting that, nor should any other City employee. You have to put a stop to this vacation banking, whatever it is, they can not be banking time. Things have to change; you are supposed to be working for the taxpayers of the City.

Pat Zollinger - Schenectady, NY - When the Stratton Administration took over in January 2004, the cost of public employee pension had sky rocketed due to the terrorist attack and subsequently crash of the stock market. At the time Mayor Stratton laid all the blame on the former Mayor Jurczynski, as that the former Mayor mismanaged the money and Mayor Stratton made the payments in installments at a cost to the taxpayers at 8% per year. Then last month we learn that back room deals were made with Fire Chief Farstad, to illegally pump up the Chief's pension. The Mayor excuses his actions in many different ways, proving that they all lied. The budget should be a year around effort and the Council should know what is in the budget and they should demand to know what is in the budget. I said two weeks ago that the Mayor should resign

and I will say it again the Mayor should resign and we should be given a Financial Control Board from the State of New York.

Jason Planck - Schenectady, NY - Going after some of the PILOT Programs, it is still a fact the City Law dictates that they have to have a 5% return on their investment and there should be an accountability every 1st of April. We need a cost benefit analyze done on all of these projects, to know what is owed on these project and exactly how many jobs they did create. Not transferring from one end of the State or the County to the other end, but actual jobs. This is the job of the City IDA which the chairperson of Denise Brucker, it is also the requirement of Dick Purga and Steve Strichman. And the City Attorney is the other person in charge of the Economic Development Board, which meets every Wednesday at 8:00 a.m. These things have to be done, what are you afraid of? Also, Merry Christmas and Happy Holiday!

Matt Rich - Schenectady, NY - I'm also confused, Affirmative Action is fine but I think you guys should bring back some manufacturing to this community. All these fancy restaurant they only pay \$5.00 to \$6.00 an hour plus tips. Let's face it not everyone can be doctors and lawyers; we need manufacturing and ditch diggers. I'm a ditch digger and I'm proud of it, I drive a truck. Every day I have to undo what my kids are being taught in schools, because of the lies, our school sucks, quite frankly I can't believe it. I got a letter the other day about how bad the school is, is there way of fixing it, they want to build new models. Let's get rid of our School Board, them and the Unions they are what is ruining this community not us the taxpayers. The Unions is destroying this community. Merry Christmas!

Mary McClaine – Throughout the year, I attend the various neighborhood meetings. Sometimes, I'm invited, other times I go on my own. In recent months, I have noticed that Chief Farstad was one of the speakers at many of the meetings. I though it was overkill, so in October, I asked someone in government where the chief lived. The answer was he lives in Glenville. I had no reason to question the person's veracity. If anyone was mislead by my comments at the last meeting I apologize. I too was mislead. In the future, I will seek more than one source for information. In any event, regardless of the outcome of the Farstad debacle the chief will ride off into the sunset and live a comfortable life at the expense of those who have much less. How did we ever get to this point? The answer is obvious, most current council members have either been there or will receive the same pork that Chief Farstad will get upon his retirement and that is accrued sick time, vacation time, paid life-time medical coverage and a lucrative pension. All at the expense of others who will never see such perks for themselves. People in the public sector receive more from the system than they ever put into it. At the time that the Farstad scandal hit the headlines the comments made by council members gave the chief the benefit of a doubt. There is no way that council will take from others what they will eventually receive themselves. The bottom line is council members are in conflict. Furthermore, on one whose father was a City fireman should be ethically voting on firemen's contracts. The biases are very

obvious. This body represents approximately 50 years of elective office in the community and no one knew about the pension abuses or tired to stop them. Does anyone here have moral or ethical conscience?

William Levering - 923 Northumberland - I am pastor of the First Reformed Church in Schenectady. I believe in the right to petition government for the address of grievances. I believe in the right of Free Speech, however, I believe in civility and I also believe in appropriate venues for the expression of opinions. I have sat in the chair on several occasions over the last three years. I believe that this Council has been in an abusive relationship. I have heard repercussion, I have heard slander, I have heard overbearing sarcasm, I have heard complete illreliance. I have heard political attack, I have heard abuse, I have heard innuendo I do not know how you do it. I believe the current system on receiving statement from the citizen's needs consideration and that it is counter productive to good government, and is destructive to the relationships that make up our community life. Thank you.

Wayne Harper - Schenectady, NY - I read the paper and it gets my blood pressure up and that's not good for a disabled Vet. How do you put up with this nonsense? First, in the Times Union, details scarce on the City Attorney pay status, the City Official has been receiving his \$96,000 salary for the past six months, even though he has been absent from work and a replacement has been hired to do his job. The Mayor refused to discuss the situation with Mr. Van Norden. Mr. Van Norden did not want to comment, but he said he was appointed to a two year term in January 2010 and I am ready to discharge my duties and as of now for the rest of my term. Council President McCarthy said he does not know the terms of Mr. Van Norden employment, but once again I guess Council has been kept in the dark about annual payments to senior officials. Tune in Schenectady, you should be lined up here shoulder to shoulder out in the hall way. Thank you.

Raishon Artis - 9 Marshall Avenue, Schenectady, NY - I want to talk about participation with City Contracts, since last year things have improved, but everything is not quite right yet. Cassell Construction did a pipe job up Union Street and I called Marion to ask who was doing their minority participation and she said you. Well that was news to me, it did not happen. Their are paper work issues letting things get though. I called them and they said send us your number and now Marion says that the number I sent is now a contract. Well I have not signed a contract with them, so how can that be a contract. They tell me on the phone, we are not going to use you, we have our own trucks, yet they are telling Marion that I'm their minority participation contractor. As far as the Carver snow removal, I went down to get the bid packet; truthfully I don't think there are a lot of people that can apply. The way I read the contract you had to bid on all eight areas and to provide equipment for all eight areas. That is major and for a small contractor to try to get into that we can't handle that. The contract needs to be broken down. If they say they are going to comply, if they are going to do it, you

better watch them. When you say they are not going to get paid, that is when they will do the right thing.

Rev. Van Stuart - 930 Albany Street - Again, I do not want to come across that I'm just beating a dead horse; sometimes the Reverend and I come close to making our point and being very personal. What I do want to talk about is that government being personal, but not literally personal. I think in this arena where we are, we have just gotten to the point where we are attacking each other and spending too much time on how bad this person or that person is, instead of sticking with the issue, instead of trying to find our way home or how to make the issue better. Right now I think the lives of the people of Schenectady are too important that we turn red. I can't turn red. I don't show color like that. I do feel a little upset about things, we really have to start dealing with the issues and thinking outside the box. We have to come here with solutions, not how bad someone is talking about you in the audience. You have to learn to get beyond that the City is at stake. It is not just black folks that are not working but white folks are not working either. We have to get away from personal attacks. We have to start sitting down and doing something.

Joy Hall - Schenectady, NY - When you talk about Civil Rights, where is a cop when you try to walk across a street, and the cars are speeding and nobody stops them. A senior citizen needs to cross the street. Hope you all have a Merry Christmas

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

MISCELLANEOUS:

Mr. Della Sala - stated that in an attempt to alleviate some of Mr. Riggi's confusion. The contract with the schools and the one with Carver, the one with the Schools, when there is a snow fall the City will plow the parking lots of the schools that are zoned that we have the agreement for. The one with Carver is different, as Mr. McCarthy alluded to; Carver will only be called in on a major, major snow event to a point where our equipment and personal can not handle it and the aftermath of major events. With the Carver contract were specifics of the bid, they will bring dump trucks to help move the snow out of the City. Anyway, the school contract and Carver are different except maybe they will overlap on a major event. I hope that will clear things up a bit. Before this Council has its next public meeting we will be celebrating Christmas, Quanza and Festivas, so I want to wish everyone joyful celebrations and I look forward to seeing all of you after the Christmas Holiday. Thank you

Mr. Erikson stated that quite a few people came up to talk about the contract for snow plowing. Mr. Della Sala said it exactly right it will come up only if we have a major, major snow storm. There is no guarantee of that and we may never use it,

hopefully we won't. This does give us an opportunity to look at how we do it, my concerns were purely fiscal. I don't understand why we weren't getting more bids. I work in the field, if we had five bidders that would be better than one or two bidders, whether we are discussing Affirmative Action or whether it is fiscal. It is an opportunity to learn, I think we can make some changes in the way we do things that might put us in a more strategic position next time when we go up for bid and look at it differently next time.

Mr. Allen stated that his concern for Schenectady is residency. We skirt around it and we have a lot of people here that live outside the City of Schenectady and we have people in the City who can't get jobs, until we deal with the residency clause. We are going to have problems pertaining to Affirmative Action and making sure that everyone has an equal opportunity at employment. We just ignore the residency clause, for whatever reason, I haven't the slightest idea. We are going to have to determine, one of these days that we have in our charter a Residency Clause. If you work here, you live here. Affirmative Action is a problem which we do have to address, I never have cared for the idea that that we joined with the County for Affirmative Action. Merry Christmas everyone!

Councilmember King, I just want to take this opportunity to commend our Fire Fighters. I happened to be up in the Eastern Avenue area when a fire broke out. I decided to watch for a little bit and it was really very scary and I watched the Fire Fighters just do what they had to do very calmly and saving the building next door was pretty amazing. So I just want to commend them and I want to wish everyone a very Happy Holiday.

Mayor Stratton, I just wanted to thank everyone who came down to speak tonight and the reforms that we have been talking about. And will continue to talk about and that was passed tonight under 16B to establish parameters for contract for non-union staff member that are consistent with the reform plan that I outlined last week and also consistent with the measures we put in place since 2008 since our more senior administrative staff leave service. New rules and new compensation guidelines for those who are coming on board now. I too would like to take an opportunity to wish each of you and everyone at home a very Merry Christmas and a very Happy Holiday. Thank you

President McCarthy, I would like to extend my thanks to those of you that come down to this meeting. Sometimes the comments are interesting and we do appreciate it and it is part of the job here. We do want to make the community better. Rev. Van Stuart talks about how you do some of these things and how to have input with the City Council, on the things that we do and how to improve upon it. And I want to take good ideas and try to make them work, so we are all part of a community that we can feel proud of. I wish all a very happy holiday season.

ADJOURNMENT:

Seeing no further business to come before the City Council, Mr. McCarthy declared the meeting adjourned at 8:45 P.M.

A TRUE RECORD

**EILEEN M. VERSACI
CITY CLERK**