

The Johnstown Common Council held a Business Meeting on October 19, 2015 at 6:00p.m., in the Council Chambers, City Hall.

PRESENT:

Michael B. Julius	: Mayor
Christopher Swatt	: Council Member-at-Large
Cynthia Lakata	: Council Member
Kathi Iannotti	: “ “
Helen Martin	: “ “
Bruce Heberer	: Fire Chief
David Gilbo	: Police Lt.
Christopher Vose	: City Engineer
Michelle Jones	: Senior Center Director
Erica Wing	: Library Director
Michael Gifford	: City Treasurer
Cathy A. VanAlstyne	: City Clerk

ABSENT:

Brett Preston	: City Attorney
Mark Gifford	: Police Chief

Mayor Julius called the meeting to order at 6:00p.m., with just the Council Members and Mayor Julius present.

Mayor Julius led in reciting the Pledge of Allegiance.

EXECUTIVE SESSION – Council Member Martin made a motion to enter into executive session for the purpose of personnel contracts and litigation. Motion was seconded by Council Member Iannotti. Motion carried.

A motion to come out of executive session was made by Council Member Martin and seconded by Council Member-at-Large Swatt. Motion carried.

The open portion of the meeting resumed at 7:00p.m., with City Officials present.

PUBLIC SPEAKER – Cinda Spraker, Clerk of the Water Board wished to answer some questions brought up at the August 17, 2015 council meeting. She stated that she was hired as the part-time clerk of the Water Board on July 1, 2003 and made a full time employee a few months later. She was entitled to health insurance and to refer to the City’s Policy & Practices Manual for additional benefit information. In 2005 she was given the City’s Employee Handbook, replacing the Policy & Procedure Manual. She made a copy of it so that Board Members could review. No Water Board Member ever questioned how her fringe benefits were determined. She was re-appointed each year in January. In 2014 her relationship with the Water Board crumbled. The Board would go

into executive session at each meeting and she knew there were Board Members that wanted to get rid of her. She requested a meeting with the Personnel Committee because she had a Board Member yell and swear at her. That Board member was aware of everything she confided to the Personnel Committee about so from that day on she kept to herself. In March of 2014, when she returned from vacation, she found a letter on her desk from the Board telling her what a great job she was doing. It was signed by every Board Member. In May of 2014 she was told her vacations were on hold at this point and she may not be entitled to vacation pay. She requested to be paid for monthly Board meetings but was denied. The auditors told her a resolution needed to be adopted in December for her re-appointment and should include her rate of pay. In November she reached out to all Board Members and co-workers concerning her appointment because she was told some of the co-workers did not want to work with her. Some Board Members spoke with her, others would not return her calls. For the December 2014 Board meeting she was asked to prepare a resolution for her appointment for 2015. At the meeting she spoke to the Board in executive session about her job but the resolution was tabled. The morning after the Board meeting she was blindsided by a resolution that was voted on after she left the meeting the night before stating that she would not be re-appointed. A resolution was also passed to contract with the City of Gloversville to use their superintendent. She went home sick that day. She reported for work the following day and sent an email to Board members asking that they continue her health insurance and to use her sick time to pay for it. She provided the Board with a payroll report showing she had 900 hours of sick time accumulated. A hard copy was put in the Water Board President's mailbox because he does not have email. She also learned that two Board members had resigned. Thursday morning the President of the Water Board called her to set up a special meeting with him, Cinda and a member of the personnel committee. They offered to re-appoint her but wanted a contract drawn. December 12, 2014, the Board held a special meeting. A resolution was passed to rescind the resolution to not re-appoint her. The vote was 4-1. A resolution was passed 4-1 to re-appoint her from January 1, 2015 to March 31, 2015. She hired an attorney to review the contract that the City was going to prepare. The Board passed a second resolution in March to re-appoint her April 1, 2015 to June 30, 2015. They passed a third resolution in June to appoint her from July 1-31, 2015. Another resolution was passed in August appointing her from August 1, 2015 to September 30, 2015. The contract was finalized and signed by Board President Nick Cannizzo and Cinda Spraker on September 14, 2015. She signed the contract under protest because she feels she is a city employee covered by the City handbook. Her attorney advised her she should sign the contract and not under protest or she would not be paid. Certain Board members come in the office and don't speak to her. She has been accused of speaking negatively about the Board at functions outside of work and making comments about her co-workers on her Facebook page. She has been accused of providing the Mayor and City Treasurer with confidential information. The City Charter states that the Water Board can contract with the City for the services of the Clerk of the Water Board. Since the Mayor of the City of Johnstown has to sign for her to be hired and her paycheck is signed by the City Treasurer and her W2 is issued by the City with the City's tax ID number on it she believes she is a City employee. The Water Board cannot borrow money or be sued because they are a department of the City. How can they possibly be her employer? She comes to work

everyday and does her job even though most members of the Water Board treat her like she is useless. The past year has been very stressful on herself and her family, not knowing if she would have a job or health insurance. She urged the Council to protect its city workers. No one should have to go through what she has for almost two years because of an elected water board that feels they can do whatever they want to an employee that isn't protected by a union.

City Engineer Christopher Vose wished to make a statement in respect to the proposed Charter revisions. He doesn't live in the City or get a vote but feels it's his job to protect the City and do what is best for its residents. If this Charter changes goes through, as City Engineer he doesn't benefit from the change but would have added responsibilities. We don't have a personnel issue with the water department, we have a management issue. The people that work in the water department and DPW are extremely talented. We are constructing a bridge on N. East Ave. totaling done in house, saving city taxpayers thousands of dollars. The purpose of the Charter change was not to abolish the Water Board but to create a more efficient and transparent government. There are other issues on the referendum that he urges the public to keep in mind when they cast their vote. Whether it's about Ethics or anything else, educate yourself on what the entire referendum includes. Don't make a decision solely on how you feel about the Water Board. Having an elected board is an old practice and there are only two elected water boards in the State; Gloversville and Johnstown. Anyone can run for a seat on the Water Board; no technical background is needed. Our water is our most valuable commodity and important infrastructure. There is no one more qualified that sits on the Board now than his office. Mr. Vose is a mechanical engineer. The educational paths between a civil and mechanical engineer do not vary greatly and it isn't uncommon for mechanical engineers to work in civil engineering. He has worked his entire engineering career in civil engineering and worked in the field in a construction management setting before coming to work for the City of Johnstown. Deputy Engineer Joel Wilson spent more than thirty years in this type of setting with the highway department and solid waste. We have more than qualified people working for the city. The only licensed personnel needed in the Water Department is the running of the water treatment plant, not in the management structure. The management needs to have a background in engineering or facility management. He called the Dept. of Health and had this verified. There is no one on the Water Board with a water license. We have the people in place with the licenses that they need to run the water treatment plant. The water department is not going anywhere. The same people getting paid to do the work today are the same people that will continue under the new Charter. The Charter change is just to abolish the elected Water Board. The public is being led to believe otherwise. Right now there is no crossing over in the departments. With the Charter change he can use workers from either department. At times it can be very difficult to cover all of the services we provide. The water system would never be neglected; it is too important. Mr. Vose has worked very hard to get where he is now. He is not a licensed engineer but a mechanical engineer which just means he can't stamp design plans but the City doesn't do any of its own designs anyway. He takes pride in his job and the work he does and the product of work the guys do.

All of this has caused a lot of tension in his department. He cannot let his men work under these conditions and it has all been brought on by the Water Board.

APPROVE MINUTES – minutes of the September 21, 2015 Business Meeting and the October 5, 2015 Committee Meeting were approved with a motion from Council Member-at-Large Swatt and seconded by Council Member Martin. Motion carried.

CLAIMS AND ACCOUNTS – Council Member Iannotti made a motion to pay the bills and place them on file in the City Treasurer’s Office for the general and housing audits. Motion was seconded by Council Member Lakata. Motion carried.

PUBLIC HEARING – Mayor Julius opened the public hearing to amend the ordinance for No Parking on the south side of E. Third Ave.

#### LIAISON’S REPORTS

FIRE DEPT. – Council Member Lakata reported the department received 68 calls for service that included 4 structure fires, 1 mutual aid fire in Gloversville, 8 motor vehicle accidents, 22 hazardous calls, 20 medical assistance, 3 confined space entry stand by calls and 10 calls for service. The Code Office issued 67 permits with an estimated cost of construction of \$401,132. Permit fees totaled \$2,652.50. Inspections and complaints totaled 804.

POLICE DEPT. – no report at this time.

DPW – Council Member Iannotti reported potholes are being repaired. The brush drop off is still open and will be until after the city wide pick up is complete. Curb side pick up will begin the first week in November. Residents are asked to bag there leaves and/or rake onto the terrace. DPW crews have begun the process of replacing the N. East Ave. culvert. The new Christmas tree has been planted in the park.

WATER DEPT. – Council Member Iannotti reported the Board approved the purchase of two new mixers for the filtration at the Christman plant. The current mixers are over 20 years old. C.T. Male is preparing a fact sheet which will show the usage, how many miles of pipe and what it equates to. It will also show leaks and water main breaks in the system and all other usage. The report will help to explain the water loss to the public.

PLANNING BOARD – Council Member Martin reported public hearings were held for Robison & Smith, Ruby & Quiri, Planet Fitness and Ted Leto’s used car lot. All projects were approved.

SENIOR CENTER – Council Member Martin reported the 50+ Club will celebrate their 49<sup>th</sup> Anniversary at a luncheon to be held this Thursday. New club officers will be sworn in and awards will be presented. They are also hosting a pancake breakfast on Sunday October 25<sup>th</sup>. Officers will hold an Election Day bake sale on Election Day.

ASSESSOR – Council Member-at-Large Swatt reported the enhanced STAR renewal forms will be mailed in November for the 2016-2017 school years.

LIBRARY – Council Member-at-Large Swatt reported the upcoming programs include information on social security program on October 29<sup>th</sup>. A talk on Dolly Madison will be presented on October 30<sup>th</sup>. A craft workshop will be held on Saturday November 14<sup>th</sup>. Meet and greet with local author Jan Prestopnik will take place on November 18<sup>th</sup>.

CRG – Council Member-at-Large Swatt reported President Ron Peters participated in five new conference calls with New York State and is always pitching Fulton County. He also met with Global Foundries to market Fulton County as the ideal location for ancillary support service providers.

SEWER – Council Member-at-Large Swatt reported the wastewater facility was unofficially reopened following a \$7.2 million dollar upgrade that tripled its capacity to one million gallons per day. National Grid provided the facility with a \$500,000 renewable energy and economic development grant as part of the \$7.2 million dollar upgrade. This will help to provide better service to FAGE and Euphrates.

Mayor Julius closed the public hearing on the no parking on south side of E. Third Ave. at 7:26p.m. No one wished to comment.

RESOLUTION No. 64, 2015 was presented by Council Member-at-Large Swatt to appoint Marietta Raneri to the Johnstown Board of Assessment Review. Seconded by Council Member Iannotti.

Ayes: 4

Noes: 0

RESOLUTION No. 65, 2015 was presented by Council Member Lakata to award the bid for the police departments 3M Peltor CONTACT/SWAT-TAC back band headsets to Atlantic Signal. Seconded by Council Member Martin.

Ayes: 4

Noes: 0

RESOLUTION No. 66, 2015 was presented by Council Member Martin to contract with James A. Brennan Memorial Humane Society, Inc. Seconded by Council Member Iannotti.

Discission: Mr. Gifford said the amount is less than it had been.

Ayes: 4

Noes: 0

RESOLUTION No. 67, 2015 was presented by Council Member Iannotti to contract with Fulton County for snow and ice removal on Maple Ave. from North Perry St. to the Johnstown City line. In exchange Johnstown will provide snow and ice removal on County Road 148 from the Johnstown City line to the Montgomery County line. Seconded by Council Member Martin.

Ayes: 4  
Noes: 0

GRANT – Mayor Julius announced he has received a letter from Senator Hugh Farley stating he has obtained a \$6,000 grant for the police department and a \$150,000 capital grant for our bridges.

#### ANNOUNCEMENTS

Harvest Festival – October 24<sup>th</sup> Chili Cook Off was canceled – not enough interest

Trick-or-Treat – October 31<sup>st</sup> from 6-8pm

Election Day – November 3<sup>rd</sup> – polls open 6am-9pm

At 7:36p.m., Council Member Lakata suggested the Council go into a Republican Caucus to discuss the Ward 4 Council position. The Council returned at 7:40p.m. Council Member Lakata said the Council decided not to announce their choice for the council seat at this time but would inform the Mayor and City Clerk the following day. Mayor Julius will inform the candidates.

City Treasurer Michael Gifford wished to clarify the concern some have about the use of excess water revenue. In terms of what can be done with excess water revenue, only the excess can be used for general purposes. This is bound by State Law.

At 7:45p.m., Council Member-at-Large Swatt made the motion to adjourn, seconded by Council Member Iannotti. Motion carried.

Respectfully submitted,

Cathy A. VanAlstyne  
City Clerk