

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET  
THURSDAY, MAY 15, 2008 AT 7:00 P.M.**

The meeting was called to order by Mayor Michael P. Manning at 7:00 P.M.

Roll call showed that Mayor Michael P. Manning, Councilman Charles J. Diamond and Councilwoman Ellen R. Fogarty were present.

Also present from City Administration were: Rosemary Nichols; Deputy General Manager, Yorden C. Huban; Corporation Counsel, Bruce A. Hidley City Clerk and Clerk to the Council, Fire Chief Don Clickner, and Mark R. Gilchrist; Assessor/Bldg. Inspector.

A motion was made and seconded to table the minutes from the previous Council Meeting.

The following agenda was presented to the Council by Bruce A. Hidley City Clerk and Clerk to the Council.

**REPORT OF OFFICERS AND COMMITTEES**

**ITEM #1** – Bruce A. Hidley; City Clerk requested Joseph Chimino, Engineer from Clough Harbour Associates to discuss the 19<sup>th</sup> Street Reconstruction Project with the Council. Mr. Chimino informed the Council that the final pieces of the project have come together. The design plans for the roadway have been completed. NYSDOT made some comments which are being addressed by C.H.A. The plans, specifications and estimates are in great shape. There are some new additions from the City which have arisen. The 19<sup>th</sup> Street project will be a one time project for approximately another 20 years. The City has decided to add some water line work on some of the side streets Grotto, Wiswall and Ball Place. Mr. Chimino stated that the Utility Work agreements are being finalized. The Railroad construction agreement needs to be put into place before NYSDOT will allow the municipality to go out to bid. The Railroad construction agreement has moved along coming to a consensus of what needs to be done with the railroad. The Right-of-Way certificate is another component which needs to be dealt with prior to the bid process. The corner of Rite Aid is one section, Mr. Chimino noted that it has taken much longer for the right-of-way at this section than anticipated. The real estate consultant has informed C.H.A. that they have accepted the offer. The City has requested to add some additional parking in front of St. Patrick's Church. The parking being proposed is diagonal parking instead of the parallel parking that currently exists. This area will gain the City approximately 8 new spaces just in the one block. What is required is right-of-way acquisition of a small strip from the church. This property must be acquired prior to the bid advertisement. The acquisition of the church property will take approximately four (4) months even if they are willing sellers. The church is under a religious corporation law and requires a judicial review. It will take until late fall before the judicial review is completed. Mr. Chimino has suggested to the City that the 19<sup>th</sup> Street Project be let during the winter then begin construction in the spring. Mr. Chimino explained that this will put this project back a year. The project could start in the fall but the corridor would be ripped up in the winter.

Mr. Chimino concluded by stating that by letting the project slip back a year it allows this project to be done completely the right way it's the best solution.

Councilman Diamond asked how the diagonal parking will affect the traffic flow. Mr. Chimino responded by saying that the traffic speed being low in that area it gives drivers a better chance to get into the parking spaces. Councilman Diamond asked if something could be done like brick setting for the aesthetics. Mr. Chimino stated yes that will be done. Councilman Diamond asked what a traditional review mean. Mr. Chimino explained that it is a legal term used which means going in front of a judge.

**ITEM #2** – Bruce A. Hidley; City Clerk introduced Nicholas Ostapkovich who will present the Council with an MS4 Report. Mr. Ostapkovich informed the Council that each year the City along with other MS4 communities must document its efforts with respect to its Storm Water Permit. The permit requires the City to maintain 6 best management practices which include education, illicit discharge, post and pre construction as well as education of good housekeeping. Mr. Ostapkovich explained that in the year 2007 the principal goals were adopted of illicit discharge detection and elimination. There was also a Local Law passed for post construction and pre construction management. This Local Law was required by statute. On the City's website is the actual 40 page annual report, there is two components, the requirement is for the City to offer the annual report to the public for public comment. This report details everything the City does, like utilizing Channel 17 to educate the public, public announcements for classes and seminars with respect to pest control, pesticide use, fertilization. Anytime the Department of Public Works Water Department has to respond to a call they distribute a door hanger which discusses the impact of water that goes into the catch basin, where it ultimately ends in the Hudson River and how it impacts water quality. The City has distributed brochures to local banks, libraries, Building Department and other prominent areas which the public traverses. The City has been very proactive in the way it addresses best management practices. The City is currently a member of the Albany County Storm Water Committee. Through this committee they have been able to obtain approximately \$400,000.00 in grant funds. The efforts of this committee have allowed the City not to expend monies from its own individual funds but rather on a group effort. The committee has been successful addressing educational items such as the bill board at the western end of the City. The committee has been very successful accomplishing a lot of goals and objectives. Mr. Ostapkovich noted that the report is on the website, if any individual has any comments or questions his e-mail address is on the report.

**ITEM #3** – Bruce A. Hidley; City Clerk requested Rosemary Nichols; Deputy General Manager to discuss an issue with the Council. Ms. Nichols noted that tonight she would like to discuss a Planning issue with the Council. Ms. Nichols explained that this is an issue which came about when the Planning Board was reviewing a subdivision proposal. The Planning Board confronted an issue which they were unable to resolve with in the existing statutes. The building Inspector and Ms. Nichols did a diligent investigation of the existing resources from Albany County and in the City.

These resources did not allow the City to identify any answer as to whether a particular location is in fact a City street. The location in question is the area parallel to 16<sup>th</sup> Street east of 12<sup>th</sup> Avenue. In addition, if it was a City street it was not improved as a City street. Ms. Nichols questioned what standards the City has for improvement of such a street. The Planning Board did not feel itself empowered by other statute or mandate in the City Building Ordinance to make a decision. This matter has been referred to the City Council for instructions. Ms. Nichols then made an additional investigation hoping to identify some definite answer as to whether or not this portion of land ever had been or is now a City street. Ms. Nichols asked the applicable department heads for any Ordinances or documents which may define the City streets, how they were to be constructed.

Ms. Nichols has received information that indicates except for our Consolidated Highway Improvement Program (CHIPS) map and list there are no official documents concerning this manner in the City. Therefore after consulting with the department heads, Ms. Nichols makes two recommendations to the Council. The City Council creates an adhoc committee to compose of the following representatives. The Planning Department Head as the Chairperson, Building Department Head Mark Gilchrist, Water/Sewer Head Jim Bulmer, Streets/Highway Department head Dave Dressel and the Corporation Counsel Yorden Huban.

The committee will serve as a short term committee with the following duties. To development or confirm a list of existing city streets, then to propose an Ordinance setting standards for improvements to city streets should such be required by development proposals. Ms. Nichols noted that this would seem to be an over elaborate proposal to deal with one small access for a minor 3 lot subdivision. Information has been brought to Ms Nichols attention that there are several places in the City where people are proposing to relocate a street that close one down and create another one or add a new street to an area previously not developed.

Therefore, by setting up this committee it not just to solve this one problem but to establish regulations for the City in general. Ms. Nichols propose that if the Council agrees the committee will report to the Council at the June 5, 2008 Council Meeting. Ms. Nichols does not propose for this committee to reinvent the process, there are a lot of pieces of information regarding street standards in the region. There are state standards and standards from other surrounding municipalities. Ms. Nichols proposes to bring to the committee a list and copies of the standards and regulations. The committee will then be able to collectively decide which of them would be most effective for Watervliet.

Ms. Nichols would not normally request the Council to act so fast on this issue particularly in the context of the master plan process except that Mr. Paul Huban who has been the applicant for this particular subdivision for his rightful decision on this subdivision. The matter has gone on for a couple of months and Mr. Huban deserves his rightful decision. That is the reason why Ms. Nichols would like this move promptly. Due to this being a City issue and not just a personal issue with Corporation Counsel Huban's father,

Ms. Nichols has recommended that Corporation Counsel Huban serve on this committee. The City needs our attorney as to how the law should be written. Councilman Diamond asked whether at some point if the Council will act upon the committees findings. Ms. Nichols stated that the Planning Board does not have the authority to determine streets in the City without action by the governing body. Ms. Nichols further explained that the Council will have to approve the committee to address the concerns above. Councilman Diamond made a motion to create the adhoc committee, the motion was seconded by Councilwoman Fogarty, and the committee was approved.

**ITEM #4** – Bruce A. Hidley; City Clerk requested Police Chief Ron Boisvert to address the City Council regarding the City Parks. Police Chief Boisvert provided the Council with information related to the parks such as hours and operations. Police Chief Boisvert noted that at this time of the year the Police Department reviews the condition of the parks and participants utilizing the parks. Police Chief Boisvert stated that none of the parks have the same hours of operation or the same restrictions of use at any of the parks. Chief Boisvert presented a proposal to the Council for consideration to pass legislation which would standardize the hours of operation and restrictions imposed on the use of the parks. The proposal has what Chief Boisvert considers acceptable use of signage. The parks will open from 7:00 AM until 10:00 PM is reasonable and sufficient. There is also applicable language that will state no dogs allowed in the parks and finally, a resident identification program. This will allow the Police Department to have a means of enforcement for violators of any laws. Police Chief recommends that the Council review this proposal for action at the next Council Meeting.

## **OLD BUSINESS**

**ITEM #1** – Bruce A. Hidley; City Clerk informed the Council that at the May 1, 2008 had been tabled due to the minutes not being finished at the April 24, 2008 Council Meeting. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, the minutes were approved.

**ITEM #2** – Bruce A. Hidley; City Clerk informed the Council that the E-Lot Electronic Recycling Day is set for Saturday, May 17, 2008, at Hudson Shores Park from 9:00 AM until 3:00 PM. Mr. Hidley noted that residents dropping of items will need to have proof of residency. There is a list of items which qualify for recycling on E-Lots website, the City has set up a link to their web site on the City's web site. Mr. Hidley stated that as an added bonus E-Lot will take refrigerators and air conditioners. Mr. Hidley explained that due to the large volume of televisions in the recycling stream, residents will be allowed to drop off one TV per household. There will no charge for the disposal of these items.

### **NEW BUSINESS**

**ORDINANCE NO. 1821** – An Ordinance of the City of Watervliet providing that the Code of Ordinances be amended by adding a new Chapter to be known as Chapter 275, Social Host Liability. Before voting Yorden Huban; Corporation Counsel explained that due the issues related to underage drinking this Ordinance proposes strict liability upon property owners, tenants or any other person that has a legal applicable interest in the residential property that holds underage drinking. Mr. Huban stated that the most important aspect in this legislation allows the City to recover response costs. If the Police or Fire have to respond for any reason this Ordinance allows the City to prepare legal action against the property owner. This as a two phase Ordinance, the intent to give the Police more leverage to enforce underage drinking and also allows the City to get the money back for the response to these calls. Mayor Manning asked what would happen if a fine is assessed and the property owner does not pay. Mr. Huban stated that there is a provision in the Ordinance that allows the City to impose the costs as a lien against the property. Councilman Diamond stated that he like the part of the Ordinance was the fine will go up to a possible \$1,000.00. Councilman Diamond commended Corporation Counsel Huban for the fine job drafting this Ordinance. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Ordinance was approved and adopted.

**RESOLUTION NO. 8245** – The Council of the City of Watervliet hereby authorizes members of the Civil Service Employees Association (C.S.E.A.), Police Benevolent Association (P.B.A.), Uniformed Firefighters Association (U.F.F.A.) and Non-Union Personnel to voluntarily participate in a dental plan which will be offered by the City. Before voting Mayor Manning explained that the City is added a benefit at no cost to the taxpayers, employees will pay 100% of the cost. The City is taking advantage of a group buying power. This is an effort to attract and retain good employees to work for the City. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

**RESOLUTION NO. 8246** – The Council of the City of Watervliet hereby authorizes Bruce A. Hidley; City Clerk to advertise once in the official newspaper regarding a Franchise Agreement with Time Warner Communications on Thursday, June 5, 2008 at 7:00 P.M.. Before voting Mayor Manning explained that this is a Public Hearing required by statute when renewing the Franchise Agreement with Time Warner Cable. Mayor Manning explained that Time Warner pays the City approximately \$150,000.00 per year for the franchise fee agreement. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

**RESOLUTION NO. 8247** – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement with the Watervliet Historical Society for the use of 1501 First Avenue, Watervliet, New York for the period May 1, 2008 thru April 30, 2009. Before voting Councilman Diamond asked about paragraph 1, covenants and conditions, if the Historical Society is going to use the facility outside the regular hours is the City charging them. Corporation Counsel Huban stated that the intent of the agreement was not to charge them. Mayor Manning stated that the City is excited that someone will be utilizing this facility after years of no use. Mayor Manning also stated that they will provide in kind services in lieu of rent for the first year. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

**RESOLUTION NO. 8249** – The Council of the City of Watervliet hereby authorizes Bruce A. Hidley; City Clerk and Clerk to the Council to advertise once in the official newspaper that sealed bids will be accepted on Monday, June 2, 2008 at 10:00 AM for the 1976 Maxim Fire Apparatus. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

#### **APPROPRIATIONS AND ACCOUNTING**

**RESOLUTION NO. 8248** – The Council of the City of Watervliet hereby authorizes the transfer of funds in the amount of \$30,000.00 from the Sewer Maintenance Account to the Albany County Sewer District Account. Before voting Robert A. Fahr noted that there was an increase of 9% of the Albany County Sewer District bill, there is not enough money in the budget for that line item. In the Sewer Maintenance Account the City budgeted \$50,000 for catch basin repairs. The city has an arrangement with the City of Cohoes for a lower amount than was figured. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

Mayor Manning informed all in attendance that the City authorized the signing of an agreement with the Watervliet Arsenal Partnership to do integrative planning efforts. It was going to be \$14,500.00 contract, that figure has now been increased to \$30,000.00. The Secretary of the Army Pete Geren will be in the Arsenal tomorrow. Mayor Manning noted that he and Councilman Diamond will be in attendance. Secretary Geren will be given a tour of the facility and then a presentation of the Army's proposal for further development of the site.

Mayor Manning informed all in attendance that he has been appointed to the Albany County Traffic Safety Board. Mayor Manning will provide an update as soon as he knows his responsibilities will be on this committee.

Mayor Manning explained that in conjunction with the Code Enforcement Department Program the City will be looking at ways to target abandoned properties. Mayor Manning noted that the City will be using New York States Real Property actions and Proceedings Law, Article 19a. Under certain situations the City can take ownership and turn into a viable property. Mayor Manning stated that the City has a few properties in mind. The City is open to any suggestions regarding this program.

Councilman Diamond requested that the City address a sign which is located in the Hudson Shores Park. The sign was dedicated to the memory of Mayor James F. Cavanaugh. Councilman Diamond explained that the sign is faded, not legible and is an eye sore. Councilman Diamond suggested that the sign be removed or replaced, if replaced there should be a sign which does recognize that the park was named after Mayor Cavanaugh.

Councilman Diamond requested an update on the Manor Place home which is in need of repair. There will be additional information on the condition of this home at a later Council Meeting.

Councilman Diamond discussed an issue related to accidents which occur in crosswalks.

Councilman Diamond provided an example of a crosswalk device which can be placed in a crosswalk to assist with citizens crossing in high traffic areas. Councilman Diamond noted that this issue was discussed regarding areas of concern at a previous Council Meeting.

After speaking with a traffic safety official in the City of Albany Police Department it was noted that an analysis was done and the City of Albany is very pleased with the results. Councilman Diamond explained that the crosswalk device costs approximately \$240.00 to purchase.

Councilman Diamond suggested that either General Manager Gleason or Highway Supervisor Dressel look into purchasing the crosswalk device for high traffic, critical areas.

Mayor Manning asked Corporation Counsel Yorden Huban if legislation is necessary to put up the crosswalks. Mr. Huban stated that he would need to review the law to answer that question.

Mayor Manning stated that the newly formed senior advisory committee has some input on this issue also.

Mayor Manning requested Councilman Diamond to update the Council on the Keep Vliet Neat Day. Councilman Diamond explained that nearly 60 people participated with rakes in their hands. After the work was completed hot dogs, hamburgs and soda was served at the Watervliet Senior Citizen Facility. Councilman Diamond thanked all who participated. Councilman Diamond noted that there may be a Keep Vliet Neat Day Part II in the Fall. Mayor Manning thanked the Tigon Academy and Troop 610 of the Boy Scouts, Cub Scouts and Girl Scouts.

### **PUBLIC COMMENT PERIOD**

- 1.) Don Whitehead – 1921 8<sup>th</sup> Avenue – Watervliet, New York – Mr. Whitehead commented on the hours of City Parks operation. Mr. Whitehead noted that other communities hours are 8:00 AM until dusk. Mr. Whitehead feels that 10:00 PM seems quite late for park operations. Mr. Whitehead spoke about the trees on the property of St. Patrick's Church. Mayor Manning noted that Clough Harbour has had engineers to review the area in question. If any trees need to be removed the City will place new trees in their place.
- 2.) James Chartrand – 625 5<sup>th</sup> Avenue – Watervliet, New York – Mr. Chartrand discussed the Yield to Pedestrians signage. Mr. Chartrand feels that the first location should be at 19<sup>th</sup> Street and 2<sup>nd</sup> Avenue by Price Chopper. Mr. Chartrand explained that he has worked in the Watervliet Fire Department and that numerous pedestrian accidents have happened. Mr. Chartrand noted that on the 19<sup>th</sup> Street Reconstruction Project he feels the City is putting a band aid on an arterial bleed. Mr. Chartrand stated that both sides of 19<sup>th</sup> Street should be bulldozed and started over again. This is a gateway to our community and the only way that anyone will look at this community with a little respect it needs to be started over. Mr. Chartrand is happy the City is getting money but the look of the street will never change.
- 3.) Erin Franco – 1915 8<sup>th</sup> Avenue – Watervliet, New York – Mrs. Franco wants to discuss the house on 19<sup>th</sup> Street and 8<sup>th</sup> Avenue. If you look at the foundation of the house the bricks are deteriorating. There is another home across the street that has the door open with containers of unknown substance. Additionally, trash is piling up in the yard. Mrs. Franco stated that if she thinks these locations are an eye sore, what does the general public think that traverses through our City. This should become a priority.

- 4.) Rosemary Nichols – 19<sup>th</sup> Street – Watervliet, New York – Ms. Nichols has to respectfully disagree with Mr. Chartrand as she lives on 19<sup>th</sup> Street. Ms. Nichols noted that the City has received a grant for preliminary planning and technical assistance. The City has been in communication with the Small Cities Program for the Division of Housing and Community Renewal. Ms. Nichols is fairly confident that the City will be able to repackage the grant so that the City can actively begin our master planning process within the next couple of months.

There being no further business to come before the Council, Bruce A. Hidley requested that the Council adjourn into Executive Session with the following personnel, Yorden Huban; Corporation Counsel, Bruce A. Hidley; City Clerk and Clerk to the Council, Robert A. Fahr; Director of Finance, Police Chief Ron Boisvert and Fire Chief Don Clickner. A motion was made and seconded to adjourn into Executive Session at 7:50 PM

Respectfully Submitted,

Bruce A. Hidley  
City Clerk and Clerk to the Council

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET  
EXECUTIVE SESSION  
THURSDAY, MAY 15, 2008 AT 8:10 P.M.**

The meeting was called to order by Mayor Michael P. Manning at 8:10 P.M.

Roll call showed that Mayor Michael P. Manning, Councilman Charles J. Diamond and Councilwoman Ellen R. Fogarty were preset.

Also present from City Administration were: Yorden C. Huban; Corporation Counsel, Bruce A. Hidley; City Clerk and Clerk to the Council, Robert A. Fahr; Director of Finance, Police Chief Ron Boisvert and Fire Chief Don Clickner.

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**ITEM #1** – Police Chief Ron Boisvert presented the Council with an issue related to the negotiation process with the Civil Service Employees Association and the Police Benevolent Association.

**ITEM #2** – Fire Chief Don Clickner discussed with the Council about the ongoing negotiations related to the contract with the Uniformed Firefighters Association.

**ITEM #3** – Yorden C. Huban; Corporation Counsel discussed an issue related to Workers Compensation with the Council.

There being no further business to come before the Council, a motion was made and seconded for adjournment of the Executive Session. The Executive Session meeting was adjourned at 8:45 P.M.

Respectfully Submitted,

Bruce A. Hidley  
City Clerk and Clerk to the Council