

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET  
THURSDAY, MAY 26, 2011 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, Councilwoman Ellen R. Fogarty and Councilman Nicholas W. Foglia were present.

Also present from City Administration were: Mark Gleason, General Manager, Yorden C. Huban; Corporation Counsel, Rosemary Nichols, Deputy General Manager of Economic Development and Planning, Robert A. Fahr, Director of Finance, Mark R. Gilchrist, Assessor/Building Inspector and Police Chief Ron Boisvert.

A motion was made and seconded to dispense with and accept the minutes from the previous City Council Meeting.

**REPORT OF OFFICERS AND COMMITTEES**

**ITEM #1** – Mark Gleason, General Manager requested Police Chief Ron Boisvert to address the Council on an issue of importance to a resident. Chief Boisvert explained that he has a request from Mr. & Mrs. Crinigan of 401 7<sup>th</sup> Avenue for a handicap signage. Mr. Crinigan is the effected person who no longer drives. Mrs. Crinigan would like to have access reserved to them on 4<sup>th</sup> Street where they have ramp for access to their residence. Chief Boisvert met with both Mr. & Mrs Crinigan they would like access so when transportation such as the STAR bus picks them up they can get out of the house. Chie Boisvert stated that he recommends to the Council that handicap access signs be placed on the 4<sup>th</sup> Street side along the curb to their residence.

**ITEM #2** – Mark Gleason, General Manager informed the Council that within the past two weeks the City of Watervliet has witnessed a near record amount of rain (5 inches this month alone). Mr. Gleason reviewed the affects that the 4<sup>th</sup> wettest spring on record has had on the City.

Grass Cutting: Mr. Gleason explained that like most residents the City is behind in its grass cutting. The City has a team of three summer/seasonal employees to help cut the grass. The rain continues to hinder our ability to catch up with the grass cutting. Mr. Gleason requested that residents have patience as the City hopes to be completely caught up by next week.

Backups: Mr. Gleason explained that the near record rainfall has created a lot of backups in the City. On Saturday, May 21<sup>st</sup>, Brotherhood Park (Home of the Watervliet Little League) had 6 inches of water pond up in center field. Additionally, the catch basin in front of the concession stand was packed (parts of a bicycle were pulled from the basin). The line on 24<sup>th</sup> Street was jettted and unclogged several times.

Hillside Drive: Mr. Gleason explained that the residents of Hillside Drive have been taking the brunt of the massive rainfall. The residents have been dealing with flooding basements and the rain cut a deep trench on both sides of Hillside Drive. Mr. Gleason noted that all water flow from the Hudson Shores Preserve Apartment Complex in the Town of Colonie. On Wednesday, May 25<sup>th</sup> Mayor Manning, Dave Dressel, Highway Department Supervisor, Paul Connell of the Water Department, John Desizlo, Town of Colonie Stormwater Engineer and himself met with Hillside Drive resident Walter Spiak to discuss the ongoing problems he has had since the Hudson Preserve Apartment Complex has been built. During large rain events Mr. Spiak's yard/driveway turns into a raging river. Mr. Dezzio informed that City and Mr. Spiak that the retaining ponds at the complex were designed to withstand a one hundred year storm. Mr. Dezzio also informed us that an inspection of the system has revealed some weaknesses that once corrected could slow down the surge (not stop it) of water that comes Hillside Drives way during a micro bust rain event. Dave Dressel also came up with an idea as to diverting the water. Mr. Dressel suggested creating a berm to divert the water. The City will now wait for Mr. Dezzio's report and plan of action. The City will also implement Dave Dressel's suggestion. It is hoped that both actions will alleviate the problem.

**ITEM #3** – Mark Gleason, General Manager informed the Council that on Tuesday, May 10<sup>th</sup>, the City of Watervliet along with Greg Wichser who is a NYSDOT paving expert performed a walk thru of the 19<sup>th</sup> Street corridor. The City was looking for an expert opinion as to what Green Island Contracting is calling a finished product. The following is a summary of the report.

Pavement Work: Mr. Gleason explained that the hot mix asphalt has a crack forming in most of the seam joints constructed in the project. There are also a couple of isolated random cracks within the project limits. Some of the cracking is occurring between the mainline and the parking lanes. The cracking is the result of the material being bucketed instead of using a paver. Also, standard detail for seam joint construction calls for some excess material being placed at the seam joints in order to achieve proper density of the joint. Given the long lasting construction joint it appears that this did not happen. Mr. Gleason stated that a smaller roller was utilized for compacting along the curb line. The same roller and number of vibratory and static passes as utilized on the mainline should have been utilized on the curb line. This was not the case. The final grade of pavement has a couple of deficiencies as well. Some of the drainage structures appear to be set a little higher in elevation than the surrounding pavement. There are several areas where ponding will occur during a rain event. Additionally, the dropped curb sections should have a 1" reveal per NYSDOT standards. Most of the dropped curb sections have little to no reveal. This feature helps prevent the ponding at driveways and ramps. Other utility covers were placed very low and not set flush with final grade. The pavement work around one of the Storm Water Separator installations was left looking like a utility repair patch. If the full width paving work was extended a short distance (approximately 20 – 30 ft.), then this installation would not look like a patch incorporated into the final work.

Other Work: Mr. Gleason explained that settlements of the brick placements around some of the tree plantings between the sidewalk and roadways. The settlements now represent possible tripping hazards and should be restored to final grade. Additionally, several of the trees which were planted did not live thru the winter. These trees should be replaced. Mr. Gleason counted approximately 11 trees which need to be replaced. Also, a gas valve cover was installed in the curb line exposing the valve cover to potential damage by snow plow operations. This valve cover was already broken as noted during the site visit.

Mr. Wichser recommends at a minimum that the pavement seams be routed and sealed within the project limits at no cost to the City. The settled brick pavers around the tree plantings should be restored to final grade to remove the tripping hazards posed.

At the June 2, 2011, City Council Meeting Mr. Gleason will report on the finding by Clough Harbour Associates Engineering. Joe Cimino of Clough Harbour Associates (CHA) performed a walk thru after Mr. Wichser. The City passed on the report from Mr. Wichser to CHA. CHA will be formulating a letter to Green Island Contracting based on all the information. The letter will demand that corrective action take place.

## **OLD BUSINESS**

## **NEW BUSINESS**

**LOCAL LAW NO. 1-2011** – A Local Law of the City of Watervliet amending various Local Laws in relation to establishing and imposing a scale of annual charges for the use of the Watervliet Sewer System charges to be known as “Sewer Rents” pursuant to Article 14-F, Sewer Rent Law of the General Municipal Law of the State of New York. Before voting Mayor Manning explained that at the May 5, 2011, City Council Meeting a Public Hearing was held and that there would be a 5% increase to the out of City accounts and no change to the City residential accounts. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Local Law was approved and adopted.

**ORDINANCE NO. 1874** – An Ordinance of the City of Watervliet providing for changes to be made to Section 266-2 of the Code of Ordinances wherein rates are to be set for the use of water supplied by the City. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Ordinance was approved and adopted.

**ORDINANCE NO. 1875** – An Ordinance of the City of Watervliet providing that the Code of Ordinances, City of Watervliet, Chapter 260, “Vehicle and Traffic”, Article IV, “Handicapped Parking”, Section 260-30(A)(C), “Sign Locations” be amended for the following location 443 3<sup>rd</sup> Avenue, Watervliet, New York. Before voting Mayor Manning explained that this Ordinance is based upon the recommendation of Police Chief Ron Boisvert at the May 5<sup>th</sup> City Council Meeting. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Ordinance was approved and adopted.

**RESOLUTION NO. 8722** – The Council of the City of Watervliet hereby approves the Professional Engineering Services Agreement between the City of Watervliet and Fraser, PE, LS, LA, A Weston and Sampson Company for the period of one year commencing on January 1, 2011 and ending on December 31, 2011 and authorizes Mayor Michael P. Manning to execute the same. Before voting Mark Gleason, General Manager explained that this is the company that handles the engineering for the City’s infrastructure. Councilman Foglia asked if the City pays by the project. Mr. Gleason explained that they send a task order agreement for a particular job. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

**RESOLUTION NO. 8723** – The Council of the City of Watervliet hereby approves a municipal cooperation agreement between the Village of Green Island and the City of Watervliet and further authorizes Mayor Michael P. Manning to execute the same. Before voting Yorden Huban explained to the Council that this is a municipal cooperation agreement. Essentially the terms of this agreement with the Village of Green Island is that the City of Watervliet will provide a combination of ambulance and emergency medical services to the Village of Green Island in accordance with General Municipal Law Section 119-O and Section 122-B. The Village of Green Island shall procure and maintain a valid municipal operating certificate pursuant to the Public Health Law to provide municipal advance life support and municipal ambulance services. Mr. Huban explained that essentially the City of Watervliet will provide advanced life support care and all necessary qualified medical and health personnel together with ambulance transport services to the Village of Green Island and the Village of Green Island personnel shall provide first responder and basic life support services as per Fire Department protocol. This would be an agreement between the City of Watervliet and the Village of Green Island. Mr. Huban would specifically recommend and ask that the City Council if they decided to approved this agreement that the condition of the approval would be that the City of Watervliet would have to bring this issue up to the City of Watervliet Firefighters union. The union would have to by mandate negotiate this so that it could become effective. Mr. Huban noted that basically this would be a change in the working conditions of the Fire Department. The City of Watervliet can’t unilaterally impose this requirement upon them. It has to be subject to negotiation in order to put this into the contract. Mr. Huban’s recommendation would be that the condition of this be approved by the U.F.F.A. pursuant to mutually accepted negotiated agreement. Acting Chief Scott Skinner explained that this agreement would increase the Fire Department calls by 250 calls per year.

Mayor Manning explained that this was a lot of work which was conducted by the City of Watervliet and the Village of Green Island. This Resolution was a last minute item added to the agenda. Mayor Manning stated that if the Council moves on this Resolution it will allow the Mayor to have permission to sign it. Mr. Huban explained that he intends to have the Resolution state that it must be ratified and confirmed by the U.F.F.A. Councilman Foglia asked if this agreement would create any additional overtime. Acting Chief Skinner responded by saying that it could create overtime. A question was raised what if a City of Watervliet Firefighter is injured while responding to a call in the Village of Green Island. Mr. Huban stated that the issue with that is that it would be a part of the scope of their duties in the course of their employment. It would be similar to the City responding to a mutual aid call in the City of Troy. Section 207-A would be applicable due to the incident being in the course of their employment of the GML. Mr. Huban further stated that the understanding would be for the Village of Green Island would that the City would be responsible due to it being in the course of employment of the City of Watervliet. Before concluding Yorden Huban, Corporation Counsel noted that in the unlikely event that if a Firefighter is injured that it is automatic. There is criteria and policy that has to be met and complied with in confines of the law. Councilman Foglia wants more information related to costs to the City of Watervliet. A motion was made by Councilman Foglia to table this motion, seconded by Councilwoman Fogarty, the motion was tabled.

## **APPROPRIATIONS AND ACCOUNTING**

**ITEM #1** – Robert A. Fahr, Director of Finance explained that due to the rainfall that has occurred it has helped out the hydroelectric facility greatly. The City budgeted \$120,000 for the year. The hydro is approximately \$100,000 already after only 5 months. The City is in good shape on this part of the budget.

Before moving into the public Comment Period Mayor Manning announced that the City of Watervliet received an award from NYCOM for a culmination of activities at the Watervliet Filtration Plant. The use of automation going from three shifts to one shift. This is the second year in a row that the City has won an award from NYCOM.

Mayor Manning announced that the annual Memorial Day Parade will be on Monday, May 30, 2011. The parade will kick off at 10:00 A.M. back at the High School now that the construction of 19<sup>th</sup> Street has concluded. The parade will conclude at Veterans Park on 16<sup>th</sup> Street and Third Avenue. There will be a service at the VFW Post #729 upon conclusion of the events at the park. Mayor Manning encourages all residents to attend this event to honor our veterans.

Mayor Manning announced that there is a final draft out on the Fire Department Feasibility Study by joining departments. The study has some conclusions which were made. Mayor Manning encouraged all to read the report. A Public Hearing will be held on Tuesday, May 31<sup>st</sup> in the City of Cohoes and on Wednesday, June 1<sup>st</sup> in the City of Watervliet at the J. Leo O'Brien Senior Center. Mayor Manning noted that there will be a consultant here to field all questions and go over the report. These are both open public forum meetings for anyone to attend.

### **PUBLIC COMMENT PERIOD**

Carla Bisio - 1859 12<sup>th</sup> Avenue – Watervliet, New York – Ms. Bisio wanted to comment on the stream which overflowed above the High School last Friday. Ms. Bisio noted that it was pouring rain and the stream was overflowing. Ms. Bisio feels that this is a very dangerous situation and something should be done. Mayor Manning noted that in the beginning of the meeting this issue was addressed. Mr. Gleason then explained again what the City was going to do to combat the problem at Hillside Drive. A detailed discussion followed on the issue of keeping the grates cleaned in order for the water to flow better into the system. Mayor Manning stated that the City is looking at this problem very seriously and will stay on top of this situation on Hillside Drive.

Don Whitehead – 1921 8<sup>th</sup> Avenue – Watervliet, New York – Mr. Whitehead stated that several new parking restriction signs were placed along the 19<sup>th</sup> Street Reconstruction area. Mr. Whitehead noted that as of this date he has not seen any Ordinance adopting them into City Code. Mr. Whitehead asked if it is required that the signs be adopted into the Code to be enforced. There is a No Parking sign between 8<sup>th</sup> Ave. & Avenue A on 19<sup>th</sup> Street where the cross walks are. Mr. Whitehead then explained that cars are parked there all night long. Then there is the diagonal parking only some time cars are pulling in these spots. Also 30 minute parking cars are there all night long. Mr. Whitehead has reviewed the Code and nothing is there. Yorden Huban, Corporation Counsel stated that it is his position that the authority of where the signs are pretty much in the Code. Mr. Huban requested Mr. Whitehead to e-mail him with the areas of concern he is speaking of. Mr. Gleason stated that the engineering plans were approved. Chief Boisvert noted that he traverses 19<sup>th</sup> Street regularly and that if someone is parking illegally his department will enforce the problem. Mr. Huban also stated that is there is a specific section of the Vehicle and Traffic Law that states that the sign is not in the Code it can still be enforced under the V&T Law. Chief Boisvert will look into this concern.

Page Seven  
Council Meeting Minutes  
May 26, 2011

Mr. Whitehead discussed the trees that were cut down on 23<sup>rd</sup> Street and the fact that the stumps were not ground down. Mark Gleason, General Manager explained that Dave Dressel, Highway Department Supervisor is in the process of getting bids to grind down the stumps. The stumps will be done all at one time. National Grid will not grind down the stumps. Mayor Manning noted that the choices were let them butcher the trees or cut them down with the stumps. Councilman Foglia asked about the possibility of replacing the trees. Mr. Gleason responded by saying that the City will replace them with an urban tree. There have been no requests to have the trees replaced as of this date. A letter will be put together and sent to homeowners on 23<sup>rd</sup> Street about tree replacement.

There being no further business to come before the Council a motion was made and seconded to adjourn. The meeting was adjourned at 7:50 P.M.

Respectfully Submitted,

Bruce A. Hidley  
City Clerk and Clerk to the Council