

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET  
THURSDAY, JULY 18, 2013 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 Huban, Corporation Counsel and Mark R. Gilchrist, Assessor/Bldg. Inspector.

A motion was made and seconded to dispense with the reading of the minutes and accept the City Council Minutes as written for June 20, 2013.

**REPORT OF OFFICERS AND COMMITTEES**

**ITEM #1** – Mark Gleason, General Manager informed the City Council that the Summer Recreation Program has started. The City has a brochure which provides all the details of the summer programs. Mr. Gleason pointed out that the City is having a baseball camp, football camp and a soccer camp. The summer program includes something new a kayak clinic. The City has swimming lessons at the pool which is very productive. There are approximately 40 residents who are participating in the swim program. The summer recreational season traditionally ends with the Arsenal City Run in September. This year the run will take place on Friday, September 20, 2013. There will be a one mile fun run then the 5k race. At the end of the race all participants are invited to the DOME for a family fun evening with a bouncity bounce and DJ spinning music.

**ITEM #2** – Mark Gleason, General Manager informed the City Council that on the week of June 20<sup>th</sup> the 13 year old filter pump and motor failed. The motor burned out and the filter pump lost its bearings. The useful life of a filter pump is approximately 10 years. The City actually had to shut down the pool for two days. The weather those two days was rainy so we didn't lose much as far as the swimming activity. Mr. Gleason thanked William Ashline, Water Department Supervisor who came up with a system and run it for a week before the new motor and pump came in. Mr. Ashline put in a water pit which fed into the chlorine pump and he put a pipe which by-passed the broken area. Mr. Gleason thanked Mr. Ashline for thinking of and implementing this temporary fix on the pool pump and filter. The new pump and motor was installed the week on June 27<sup>th</sup>.

City Council Meeting Minutes  
July 18, 2013

**ITEM #3** – Mark Gleason, General Manager informed the City Council that the City is in the 4<sup>th</sup> day of a heat wave. A heat wave is defined as 3 or more days of 90 degree heat. Mr. Gleason explained to the City Council the actions the City took to help with Senior's and families with the heat. The Senior Center is open at 8:00 AM and stays open until 9:00 PM. The Senior Center is air conditioned. It has been reported that seniors are utilizing the center to assist with staying cool. The City Pool has been staying open until 7:00 PM which gives families the ability to jump in the pool after work hours. The sprinklers have been turned on in the 7<sup>th</sup> Street Park, Clinton Park and Brother Hood Park at 10:00 AM and shut them off at 7:00 PM. Mr. Gleason noted that Friday, July 19 will be the hottest day with the highest heat index. Mr. Gleason asked everyone to check in on elderly neighbors and to report any heat related problems to our Department of Public Safety. Due to the extreme heat the flowers on 19<sup>th</sup> Street and 3<sup>rd</sup> Avenue have expired. The heat of the day and the heat radiated from the street were just too much for the flowers. The Recreation Department has identified where mistakes were made on their part. The Recreation Department will make the applicable corrections for the spring/summer 2014 season. The City is currently working on getting prepared to have mums in place on 19<sup>th</sup> Street and 3<sup>rd</sup> Avenue for the fall. Mr. Gleason has been told that the heat on the streets will help the mums in the fall last longer. Mistakes were identified this year and will be corrected for next year.

**ITEM #4** – Mark Gleason, General Manager informed the City Council that on July 8, 2013 the Federal Energy Regulatory Commission (FERC) made its annual inspection of the City's Dam which is located at the Watervliet Reservoir in Guilderland, New York. The anticipated results of the inspection should be completed by the end of next month. Mr. Gleason will provide the City Council with the results of the inspection as soon as he gets the report. The City has cameras and will be mounted on the walls of the dam to see the surrounding area. Mr. Gleason anticipates that the cameras will be fully functional within a month.

Councilman Foglia commented that the flowers along Delaware Avenue in Albany and in Menands seem as if there's are still alive. Councilman Foglia noted that it may be the lack of water to the plants. Mr. Gleason noted that the summer/seasonal staff didn't do their job and let us down. The supervisor was on vacation and wasn't able to monitor the summer employees activity. It was their job to water the flowers every day. Mr. Gleason noted that action was taken against the summer staff who neglected their duties.

Councilman Foglia noted that conversation which was held last year dealt with properties that needed lawn cutting. Councilman Foglia wanted to know if the City has taken the necessary steps to allow us to cut these lawns. Mr. Gleason noted that the City is cutting the lawns and the Recreation Department is keeping track of the lawns being cut. The Recreation Department then reports back to Mark Gilchrist of the Building Department. The City does get reimbursed for cutting these lots.

**OLD BUSINESS**

**NONE**

**NEW BUSINESS**

**ORDINANCE NO. 1902** – An Ordinance of the City of Watervliet, New York, authorizing and directing Bruce A. Hidley, City Clerk and Clerk to the Council to advertise once a week for three weeks in the official newspaper that the City of Watervliet will sell certain surplus equipment of the City of Watervliet at a Public Auction on Friday, August 9, 2013 at 10:00 A.M. in the City Clerk's Office for a 1989 International Truck, VIN #1HTGEGBR6LH244913 for an upset price of \$5,000.00. Before voting Mark Gleason, General Manager explained that this truck was replaced by the 2014 International. The Arsenal City gave the City an estimate of approximately \$40,000 to put this truck back into shape. If a bid is submitted for less than \$5,000 Mr. Gleason believes that we can scrap it for more money. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Ordinance was approved and adopted.

**ORDINANCE NO. 1903** – An Ordinance of the City of Watervliet, New York, providing that Section 260-48, Schedule XII, Trucks over certain weights excluded of the Code of the City of Watervliet is amended. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Ordinance was approved and adopted.

**RESOLUTION NO. 8953** – The Council of the City of Watervliet hereby accepts the Capital District 2010 Regional Green House Gas (GHG) Inventory and adopts its findings for the City of Watervliet. Before voting Mayor Manning explained that the Green House Gas (GHG) inventory was commissioned by the Capital District Regional Planning Commission (CDRPC) and covers all major GHG sources in the eight county Capital District Regional Economic Development Council region and was developed to support communities participating in the Climate Smart Communities Program. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

**RESOLUTION NO. 8954** – The Council of the City of Watervliet hereby approves a Memorandum of Agreement between the Albany Pool CSO Communities and further authorizes Mayor Michael P. Manning to execute the same. Mark Gleason, General Manager explained that this agreement keeps the City of Watervliet as a member of the Albany Pool Combined Sewer Overflow (CSO). The Pool is currently working on an agreement with NYSDEC as to the 90 CSO's in the Capital Region. The City of Watervliet has only 5 CSO's. This is when storm water mixes with regular sewer water, it overflows into the Hudson River. Mr. Gleason noted that other members of the Pool include the City of Cohoes, Village of Green Island, City of Rensselaer, City of Troy, City of Albany and the City of Watervliet. Councilman Foglia asked if there was a Consent Order issued. Mr. Gleason stated YES. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

**RESOLUTION NO. 8955** – The Council of the City of Watervliet hereby authorizes and directs Bruce A. Hidley, City Clerk and Clerk to the Council to advertise according to law that the Council of the City of Watervliet will hold a Public Hearing in the J. Leo O'Brien Facility Senior Citizen Center, 1501 Broadway, Watervliet, New York on Thursday, August 1, 2013 at 7:00 P.M. for the purpose of hearing those persons who wish to be heard regarding the City of Watervliet acting as Lead Agency in the Environmental Review of the Comprehensive Grant Program for the Watervliet Housing Authority. Before voting Mark Gleason, General Manager explained that the City does this every year for the Housing Authority. The City reviews the environmental impact. A project the Housing Authority is considering is landscaping project, energy improvement, drainage and replacing appliances. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

**RESOLUTION NO. 8956** – The Council of the City of Watervliet hereby approves and adopts a fee schedule for the rental/use of various facilities for 2013. Before voting Mark Gleason, General Manager explained that this Resolution sets the rates for the rental of facilities owned by the City of Watervliet. It will set the rates for the DOME, Pavilion at Hudson Shores Park and sets the rates for the entrance into the pool. The City increased the fee for non-residents into the pool by a minimal amount. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

**RESOLUTION NO. 8957** – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to submit an application to the New York State Energy Research & Development Authority (NYSERDA) through the New York State Consolidated Funding Application (CFA) for the Regional Economic Development and Greenhouse Gas Reduction Program. Before voting Mayor Manning explained that this is the route the City will take to seek funding for the WOW Program. The City has banded together with Schenectady County, Troy Compost and a private entity Empire Zero along with the City of Watervliet. This was put together as a more regional group that will be addressing organic waste. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

**RESOLUTION NO. 8958** – The Council of the City of Watervliet hereby approves an agreement between the City of Watervliet and Christina Chiappeta, 57 Pinewood Avenue, 2<sup>nd</sup> Floor, Albany, New York 12208 to consult on CSO/MS4 and infrastructure mapping matters and further authorizes and directs Mayor Michael P. Manning to execute the same. Before voting Mark Gleason, General Manager explained that Ms. Chiappeta will work with David R. Dressel who is the CSO/MS4 representative. Mr. Gleason noted that Ms. Chiappeta has worked with the City in the past particularly on when the City purchased the item that locates all of the catch basins. Ms. Chiappeta used to work with the Albany County CSO as an intern which is where Ms. Chiappeta gained all of her knowledge on the City's infrastructure. Dave Dressel is a very valuable employee who can work with computers and rebuild sewage catch basins. Ms. Chiappeta will help with the Administration and the Mapping of the City's infrastructure. Ms. Chiappeta will be paid on an hourly basis. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

**RESOLUTION NO. 8959** – The Council of the City of Watervliet hereby adopts the amended Procurement Policy for the City of Watervliet which is intended to apply to all goods and services which are not required by law to be publicly bid. Before voting Mayor Manning noted that this amendment covers provisions to accept a higher bid if the bid contains use of energy efficient and recycled materials that are locally made. Yorden Huban, Corporation Counsel explained that this is below the state or standard thresholds. Anything that is under \$20,000 for Public Works Projects and under \$35,000 for emergency purchases. This is a situation where you don't have to competitively bid. You have a procurement policy, which the City has that deals with estimated amounts of money and how many quotes you need to have. There is documentation that is required and this is documentation that includes an explanation as to how an award is given. What the Council has been given are factors regarding energy efficiency, locally produced organic material and how it would be in the best interest of the City of Watervliet if the bid is not made to the lowest price person. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

**RESOLUTION NO. 8960** – The Council of the City of Watervliet hereby approves the execution and delivery of the Certain Declaration of Sewer Easement agreement by and between the City of Watervliet and PCP Watervliet, LLC. Before voting Paul Goldman, Esq. explained to the City Council that there are no easements thru the St. Patrick's site. The Gas House Creek and the Dry River run right thru that site. There are no sewer easements for the conduit that runs thru there. To have an easement because the City maintains it and is responsible for it to make sure the water goes into the Hudson River. Mr. Goldman negotiated this agreement specifically for certain carve outs and protections for the City. If those conduits were to fail the City would have to fix them. Specifically if you look at paragraph three (3) PCP, LLC has to provide an insurance binder during the construction that protects the City during construction. This will indemnify and hold the City harmless for any damage to either of the facilities. The City is not specifically holding them harmless or indemnifying them for anything that happens to the conduit to their property. If anything happens it is their problem. The easement allows the City to go on the property. The City will not indemnify PCP for any personal injury, death, damage arising out of the rights under the easement or the operation of the sewers. The City shall not be liable for consequential damage as a result of the exercise of rights under the declaration. Anything happens we are not responsible for their damage. Our obligation is under Paragraph (5) are limited to if the City digs up anything in there, put the dirt back, repave and that is it. If it effects the pavement, curbing, lighting they are on their own. The City does not have to fix any of it. They choose the sight this is their issue. Mr. Goldman stated specifically that he recommends this easement agreement to the City Council. Yorden Huban, Corporation Counsel stated that this Resolution approves this and authorizes the Mayor to execute the agreement. Mr. Goldman explained that PCP Watervliet, LLC already has agreed to and signed this document you are going to approve. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

## **APPROPRIATIONS AND ACCOUNTING**

Mayor Manning explained that he was notified by National Grid that you can now remote the net meter. If you have electricity producing devices such as the Hydro Plant that the City owns you can now remote meter the facility. If we make more than we use the meter runs backwards and we have no bill that month. Mayor Manning noted that happens in the Fire House sometimes doesn't usually happen here. By remote that metering we have a hydro plant in Guilderland, the law in the past would not allow you to credit that electricity towards City Hall for instance. Now you can remote that meter we can instead of selling our excess power at whole sale. Let's just say \$.05 per KW we can now net meter it against our buildings that don't have photo ability to get a credit towards that bill of say \$.12. The City will be essentially doubling the value of that electricity. The City needs to go thru a process to get that approved by National Grid. Up until now the hydro was excluded from this process. It is a way to get two times our money back with Intradepartmental crediting to account for it.

### **PUBLIC COMMENT PERIOD**

Pat Falaro – 1921 6<sup>th</sup> Avenue – Watervliet, New York – Mr. Falaro explained that he wanted to thank all who responded to a letter he recently submitted. This evening Mr. Falaro wanted to discuss the ongoing demolition at of course St. Patrick's property. We now have passed the three month mark on a project that as stated by Mr. Powers of Nigro Corporation would take approximately two weeks. I understand the construction industry and there are unexpected delays. After all the hoopla on how the church was falling down, I think we have far surpassed the expected dates. Now, that the residents directly affected by this joke of a project have been inconvenienced enough and it is time the City got involved. I do apologize for my letter to the Mayor, City Council Members, City Manager and Building Inspector where I made an incorrect reference to demolition codes that I referenced as NYS when they were as was reported in the Times Union were in fact NYC Codes. I have done further research and did find the NYS Department of Labor Safety Rules for demolition. These do in fact reference glass and door removal prior to demolition and dust control. Which I may say has been done poorly to say the least. Another item that is addressed is the power to the building that it must be disconnected prior to the start of demolition. As usual demolition of the school was started while the underground electric service was still connected to the overhead power. Also, I would like to address the way the fire hydrant that is located on Sixth Avenue is not only behind a fence, temporary or not, and has a water meter on it for the demolition crew 24/7. This is a potential hazard and can cause a time delay for the Fire Department. No matter the amount of time delay it matters when lives and property are involved.

I also do not understand why it has taken till recently for the City to step up and restrict the over 5,000 lb. trucks from traveling on 6<sup>th</sup> Avenue and putting them on a street that is rated for their weight. We on 6<sup>th</sup> Avenue have had enough with restricted parking, road closures and the constant parade of spectators that adorn our neighborhood. The trucks entering and leaving via 6<sup>th</sup> Avenue have caused damage to the bump outs on the north side of 19<sup>th</sup> Street on both the east and west corners. I would like to know who is going to be responsible for the repairs. Let's address the issue of the snapped cable. Not only did the demolition company snap one cable but also they continued on and performed this unsafe operation 2 more times. Does anyone realize the potential hazard that was created by the unsafe operation? If you looked at the diameter of the cables and the potential of loss of life, not only to the members of the demolition crew but also to the property and people surrounding the demolition site. No, there is no explanation you or anyone can give us as to the reason that the City did not step in to put a halt to this unsafe operation. I understood that the City Inspectors would be on site to monitor this project. My question is where were they? They couldn't be on site all the time is not an answer especially with all the publicity this operation was getting. The bottom line is when is this going to stop. It was asked about the work hours as they relate to the Noise Ordinance. It was reported in the Times Union that the City has granted extended hours on other projects. Please name those projects and how long did they last. I bet it wasn't every Saturday for a 2 to 3 month period. Mark Gleason, General Manager will contact Fire Chief Scott Skinner about the fire hydrant issue and will review the site himself. Mayor Manning explained that the demolition is moving slowly due to the pending litigation. Mark Gilchrist, Assessor/Building Inspector noted that the cable snapping issue is an OSHA safety issue not the City of Watervliet Building Department.

A motion was made and seconded to adjourn the meeting, the meeting was adjourned at 7:40 P.M.

Respectfully Submitted,

Bruce A. Hidley  
City Clerk and Clerk to the Council