

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET  
THURSDAY, SEPTEMBER 5, 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 and Councilman Nicholas W. Foglia were present.

Also present from City Administration were: Mark Gleason, General Manager, Yorden Huban, Corporation Counsel, Bruce A. Hidley, City Clerk and Clerk to the Council, Fire Chief Scott Skinner and Mark R. Gilchrist.

A motion was made and seconded to dispense with the reading of the minutes and accept the City Council Minutes as written for August 15, 2013.

**REPORT OF OFFICERS AND COMMITTEES**

**ITEM #1** – Mark Gleason, General Manager explained to the Council that the week of September 30, 2013 has been designated as Fall Bulk Debris Disposal Week. During this week, City of Watervliet residents may dispose of bulk items for free. City residents must follow the guidelines set in the Sanitation/Recycling Policy. The policy specifically states the debris must be no larger than the 4'x4'x8' in space. Additionally: no refrigerators, electronics, hazardous materials or car/truck tires. Mr. Gleason informed the Council that this program has been going on for over 5 years now. Mr. Gleason then showed the City Council a power point presentation with examples of the types of debris that is not acceptable that residents have placed out and photos of acceptable debris pickups. Mark Gilchrist, Building Inspector will be ticketing homeowners/landlords who abuse this program. The schedule will be arranged so that one of the Code Enforcement Officers will be available from 6:00 A.M. until 2:00 P.M. The Code Enforcement Officer will either follow the truck or go ahead of the truck for violations related to the Bulk Item Week policy. Mr. Gleason requested that residents refer to the City's website for more information. Mr. Gleason noted that residents are being asked to dispose of the bulk items on the same day as their regularly scheduled garbage pickup date. Mr. Gleason also explained that the Sanitation Department will also hold an Electronics Recycling Day on Saturday, October 5, 2013. The Electronics Recycling Day will be from 8:00 until 12:00 noon at the end of Bulk Item week. This will allow residents to recycle any electronic items that are no longer of use. Mr. Gleason further explained that residents should bring their unwanted electronic items to the Department of Public Works located behind the Fire Department.

**ITEM #2** – Mark Gleason, General Manager explained to the Council that the 32<sup>nd</sup> annual Arsenal City Run will take place on Friday, September 20, 2013. The Fun Run/Walk starts at 5:30 P.M. The USA Track & Field Sanctioned 5K starts at 6:00 P.M. Mr. Gleason noted that the post-race festivities will be held in the DOME. There will be music, awards ceremony, food vendors, a bouncy bounce and many other family fun activities. Mr. Gleason noted that a portion of the proceeds from the race will go towards the Watervliet Holiday Adopt-A-Family Program.

**ITEM #3** – Mark Gleason, General Manager informed the City Council that the Upper Dam Project is complete. Mr. Gleason noted that this should be the last thing that will need to be done during any of our tenure with the City. NYSDEC has been after the City for over 10 years to get this work done. The project expanded the toe of the dam as well as changing the grade from a 1 foot on 1.5 foot grade to a 1 foot on 3 foot grade. Mr. Gleason showed a power point presentation of what the Upper Dam looked like.

**ITEM #4** – Mark Gleason, General Manager informed the City Council that the Refuse/Recycling Department has placed recycling containers throughout the City. Mr. Gleason showed a power point presentation as to what the containers looked like in the different locations. The locations are 19<sup>th</sup> Street & 8<sup>th</sup> Avenue bus stop, 2<sup>nd</sup> Avenue & 18<sup>th</sup> Street bus stop, Veterans Park and another located at 3<sup>rd</sup> Avenue & 4<sup>th</sup> Street. The containers will be placed next to every garbage container in the public right of way. This is yet another effort by this administration to leave a smaller carbon footprint. Mr. Gleason asks that residents take advantage of the recycling containers and discard their recycling properly. Mr. Gleason explained that just one minor problem has happened where people are reaching in the cans to pull out cans from the recyclables. Mr. Gleason explained that this is not a real big issue to deal with. Chris Daus will be trying to obtain hoods for the barrels to make that a bit more difficult to stick your hands in.

**OLD BUSINESS**

**NONE**

**NEW BUSINESS**

**ORDINANCE NO. 1904** – An Ordinance of the City of Watervliet, New York providing that Chapter 128, Buildings Unsafe of the Code of the City of Watervliet be amended. Yorden Huban, Corporation Counsel explained that this is an amendment to Chapter 128 concerning Buildings Unsafe. This changes the manner of notice from registered mail to certified mail. Also changes the amount of money that applies to a change in the GML from \$20,000 to \$35,000. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Ordinance was approved and adopted.

**ORDINANCE NO. 1905** – An Ordinance of the City of Watervliet, New York providing that the Code of the City of Watervliet, Chapter 260, “Vehicle and Traffic”, Article IV, “Handicapped Parking”, Section 260-30(c), Sign Locations, be amended. Mark Gleason, General Manager explained that this Ordinance was recommended by Police Chief Ron Boisvert. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Ordinance was approved and adopted.

**ORDINANCE NO. 1906** – An Ordinance of the City of Watervliet, New York providing that the Code of the City of Watervliet Chapter 127, Building Construction and Fire Prevention of the Code of the City of Watervliet be amended. Before voting Yorden Huban, Corporation Counsel explained that this updates the Code to be clearer. Certain sections of the code are being re-numbered and other sections are being eliminated. The penalties for offenses were not really clear. This identifies specific violations and penalties. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Ordinance was approved and adopted.

**ORDINANCE NO. 1907** – An Ordinance of the City of Watervliet, New York providing that the Code of the City of Watervliet Chapter 175, Housing Standards, Article X, Vacant Building Registry of the Code of the City of Watervliet be amended. Mayor Manning explained that this Ordinance spilled over from the budget review. The City wants to look at a better way to recoup the fee. The entire Section IV discusses the fees to be paid. Additionally, this Ordinance refers to Enforcement Officer rather than the Building Department. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Ordinance was approved and adopted.

**ORDINANCE NO. 1908** – An Ordinance of the City of Watervliet, New York providing that Chapter 176, Residential Occupancy, of the Code of the City of Watervliet be amended. Before voting Yorden Huban, Corporation Counsel explained that various Sections and certain parts were amended to change the wording. This Ordinance made basic changes such as Director of Code Enforcement to Inspector of Buildings and Code Enforcement to Building Department. There was some outdated language that needed to be changed. There is language that changes Certificate of Occupancy to Residential Occupancy. Additionally, there were some fee changes to increase fees throughout the Ordinance. The Ordinance also deals with issuing a permit when property tax or water/sewer taxes are due. Mayor Manning noted that there was one (1) request from a resident to remove the property tax and water/sewer taxes. It was noted that this is not related to safety. However the City has only heard that issue from one landlord. Mayor Manning stated that he was told a petition would be filled but was never done. Councilman Foglia noted that they have talked about having an outstanding fee for a Residential Occupancy Permit, that the City would not do another one. Mark Gilchrist explained that every once in a while the City will inspect an apartment pass the inspection, people move in the landlord calls and gives the tenants names, we will the ROP ready to go and the landlord never pays for it. Those people who have moved out want the City to inspect the same apartment but have not paid for the CO/ROP yet. Mr. Gilchrist noted that he has stated that the City will not inspect the apartment until you pay for the last inspection. Mr. Huban also stated that it would more beneficial for the City to collect the money before we actually issue the ROP for residents move in. Mr. Gilchrist does not want the inspectors collecting money at the inspection. You would be talking receipts and handling cash. I want the money to come from the property owner right to the Finance Office. Currently Mr. Gilchrist has his office collect the money then has the home owner go directly to the Finance Office to pay. Mayor Manning asked if Section X, was the only what if Section. Should it state paid to date on any Watervliet City Fees/Property Taxes and Water/Sewer Taxes to cover that scenario. A detailed discussion followed on what other applicable language could be used. The Council agreed to leave the language as it is in the Ordinance. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Ordinance was approved and adopted.

**RESOLUTION NO. 8968** – The Council of the City of Watervliet hereby approves an agreement between the City of Watervliet and Weston and Sampson, P.E., LS, LA, PC and further authorizes and directs Mayor Michael P. Manning to execute the same. Before voting Mark Gleason, General Manager, explained that this is an agreement to continue to use Weston and Sampson who are formally J. Kenneth Fraser Associates to handle the City's Engineering Infrastructure services. They have been working on the infrastructure for the City of Watervliet since the early 1960's. Weston and Sampson are now the principal owners who have retained the principles of J. Kenneth Fraser Associates. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

**RESOLUTION NO. 8969** – The Council of the City of Watervliet hereby approves a Business Associate Agreement between the City of Watervliet and Employees Network, Inc. and further authorizing Mayor Michael P. Manning to execute the same. Before voting Yorden Huban, Corporation Counsel explained that this Resolution authorizes a Business Agreement with Employee Network Inc. to provide employee assistance programs for all of the City of Watervliet. The agreement is necessary to ensure that the City is in compliance with HIPAA regulations. There is a section added that deals with protecting health information provided by the federal rules and regulations. That information has been attached for review and consideration. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

**RESOLUTION NO. 8970** – The Council of the City of Watervliet hereby adopts a Recycling/Waste Management Plan for the City of Watervliet. Before voting Mark Gleason explained that what has happened is the City wants to take its Recycling/Waste Management policies and put them together to make a Recycling/Waste Management Plan for the City. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

**RESOLUTION NO. 8971** – The Council of the City of Watervliet hereby (1) Accepting the report by the City of Watervliet Planning Board pursuant to §57-8 of the City Code; and (2) Accepting the recommendation of the Albany County Planning Board pursuant to General Municipal Law §239. Before voting Mayor Manning explained that the City Council was going to accept the recommendations in the Resolution as written. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

Before moving on to the next Resolution Mayor Manning read the following:  
Preliminary assessment of whether the City is going to be concerned of ones we need to focus on to accept and put into the Code. #1 - The overall statement whether the Code has been adopted and developed in accordance with the City of Watervliet Comprehensive Plan and Local Waterfront Revitalization Program. #2 – The Albany County Planning Board recommendation. The Albany County Planning Board recommends that the City share the draft Code with our neighboring communities. Mayor Manning noted that this recommendation has been done. The City did not receive any feedback from the local neighboring communities. #3 – Tables of Contents. It was suggested for readability purposes that this be moved to the front of the document rather than in the back. There is a lot of linking and references that would make it cost prohibitive. It has also been advised that the new format for most Codes. #4 – Traffic. There are a couple of properties on 25<sup>th</sup> Street that we have been asked to move from Light Industrial (LI) to Residential. There is only one parcel named it is currently zoned residential. The Council needs to consider whether it wants place a property into residential that the proposal has in LI. In a related item that the Planning Board suggested to add special permit requirements if you want to place a truck terminal anywhere in the City. That was the major concern about this property. We need to consider whether the truck terminal permit addresses the truck traffic.

#5 – Light Industrial Districts: The Planning Board listed (5) properties. The 25<sup>th</sup> Street address changing from LI to Residential 2 (R2). The land between said property of 907 25<sup>th</sup> Street and 913 25<sup>th</sup> Street from LI to R2. Highland Club Apartments and Fenimore Trace Apartments from 2 family residential to multi-family. The property owned by the Watervliet High School west of the railroad tracks east of 12<sup>th</sup> Avenue commonly known as the practice field is currently zoned LI. The recommendation is to change this location to Single Family which is R1-A. Watervliet High School property between 802 12<sup>th</sup> Avenue and 1624 12<sup>th</sup> Avenue that lead to the practice field be changed from LI to R1-A. #6 – Schedule A: The Planning Board is recommending we amend Schedule A permitted principle uses in the LI District with the principle use of truck terminals. A permitted use to the requirement of Special Use Permit. #7 – The Planning Board recommends that registered mail be changed to regular mail. #8 – Procedures for Appeals and Variances: This is regarding the consideration for the cost of mailing. Item B under #8 - The Planning Board has determined that §272-87 is not necessary in that it can be removed from this draft. #9 – The Planning Board Site Plan Training: The Planning Board has recommended that we provide training for the Planning Board members for Site Plan Review. This is a new item to the Code and a significant item to the Code. That is the recommendation outside of the actual document. Mayor Manning wants to be sure that we have accepted that and had it read on the record. Which ones look like they would be accepted and which ones will need more discussion.

**RESOLUTION NO. 8972** – The Council of the City of Watervliet does hereby support the Watervliet Public Library’s grant application and any financial assistance with the New York State Education Department’s Library Construction Program for Phase 1 of the Solarium and Reading Annex addition to the J. Leo O’Brien Municipal Center and further authorizes Mayor Michael P. Manning to execute the agreement with the Board of Directors of the Watervliet Public Library. Robert A. Fahr, Director of Finance explained that the grant application is due tomorrow to apply for this 75% grant from the State. The City would have to support this application for the solarium addition. There has been a sizeable match for the other 25%. They wanted to put it in here that if it was certain amount above that the City would assist financially. The Period of Probable Usefulness (PPU) for any construction project is 15 years. Let’s say the City has to commit to \$15,000 you would divide that by 15 and that would be the amount due. The Board needed something from the City to support the grant application in order to be accepted by the State. The Board will not know until April of 2014 whether or not the State will give them the grant money. Councilwoman Fogarty asked if this was asking the City Council to commit to money right now. The answer was NO. Mayor Manning noted that we may be able a 100 K project for free. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted. Councilman Foglia abstained from voting on this Resolution.

### **APPROPRIATIONS AND ACCOUNTING**

Robert A. Fahr, Director of Finance explained that the next City Council Meeting on September 19, 2013 at 6:00 PM the Water Department and Highway Department will be doing the Budget Workshop in the J. Leo O'Brien Senior Citizens Center.

Before moving into the Public Comment Period, Mayor Manning explained that he has a conflict with the October 17, 2013 City Council Meeting. Mayor Manning requested Bruce A. Hidley, City Clerk and Clerk to the Council to check with the City Council and Department Heads about the possible change of meeting date.

### **PUBLIC COMMENT PERIOD**

A motion was made and seconded to adjourn the meeting, the meeting was adjourned at 7:45 P.M.

Respectfully Submitted,

Bruce A. Hidley  
City Clerk and Clerk to the Council