

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, MAY 25, 2017 AT 7:00 P.M.**

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

Roll call showed that Mayor Manning, and Councilman Patricelli were present.

Also present from City Administration were: Acting General Manager/Clerk to the Council Jeremy Smith, Director of Finance Michael McNeff and Corporation Counsel Yorden Huban.

A motion was made and seconded to dispense with the reading of the minutes and accept the City Council minutes as written for May 4, 2017.

REPORT OF OFFICERS AND COMMITTEES

GENERAL MANAGER REPORT

ITEM # 1 – Acting General Manager Jeremy Smith presented Part II of the Water Infrastructure Improvement Plan.

OLD BUSINESS

PUBLIC HEARING #1 – A Public Hearing for the purpose of hearing public comments on the City of Watervliet’s community development needs, and to discuss the possible submission of one or more Community Development Block Grant (CDBG) applications for the 2017 program year for housing, economic development, public facilities, public infrastructure, and planning activities, with the principal purpose of benefitting low/moderate income persons. Deputy City Clerk David Wheatley made a presentation on the CFA past present and future grant cycles.

Mayor Manning opened the Public Hearing.

There were several unrecognized comments from the public regarding possible grants.

Councilman Patricelli stated that he would like several grants looked into. Councilman Patricelli stated that he would like to look into a grant for new sidewalks at Brotherhood Park to decrease liability from the presently deteriorated sidewalks. Councilman Patricelli asked if there were grants to improve the camera systems throughout the city and to upgrade technology adding wifi hotspots.

Acting General Manager Jeremy Smith stated that the City had identified several grants to apply for. Mr. Smith stated that the City would be looking at a Public Facilities grant from the former Dutch reformed Church that will act as a community center. Mr. Smith stated that the City also identified several study grants that would applied for and be grant application ready for implementation upon their completion. Mr. Smith further stated that having study’ sand full reports previously completed allow for higher scores on implementation grants. Mr. Smith stated that the City would be looking into a Water Quality Improvement Program grant to

separate all of the City's Combined Sewers. Mr. Smith explained that combined sewers catch both sanitary and storm and send the flow to the County for processing. The unnecessary processing of the storm water increases the expense to the City. Mr. Smith stated that the potential for this grant would possibly cost the City \$300,000.00 but that the decrease of the flow to the county would cover that cost within three years.

With there being no further comment, Mayor Manning closed the Public Hearing.

PUBLIC HEARING #2 – A Public Hearing for the purpose of hearing those persons who wish to be heard regarding the City of Watervliet acting as the lead agency in the environmental review of the 2017 Comprehensive Capital Grant Program for the Watervliet Housing Authority.

Mayor Manning opened the Public Hearing.

A comment was made in regards to there being a possible conflict for Councilman Patricelli since he was the previous director of the Housing authority.

Councilman Patricelli stated that he had no personal or financial gain for any grants involving the Housing Authority and therefore feels that there is no conflict.

Corporation Counsel Yorden Huban stated that it is at the discretion of the Council Member to recuse themselves from voting if they feel there is a conflict.

With there being no further comment, Mayor Manning closed the Public Hearing.

PUBLIC HEARING #3 – A Public Hearing for the purpose of hearing those persons who wish to be heard regarding proposed Local Law No. 6-I for the Year 2017, a local law to amend the Code of the City of Watervliet by adding a new chapter to be known as “Chapter 233. Shopping Carts”.

Mayor Manning opened the Public Hearing.

Don Whitehead – 1921 8th Avenue – Mr. Whitehead stated that he is against the Local Law and that although it is well written he feels that it is an abomination because it focuses on the businesses and does nothing to the person who has stolen the cart. Mr. Whitehead continued to say that he has never seen a grocery cart that has the address displayed on it. Mr. Whitehead explained that Price Chopper themselves have spent money to place a locking device on the carts but as always if an individual is determined enough they will find a way to remove the cart. Mr. Whitehead explained that the law should focus on the individual that is removing the cart because it is theft and asked what an officer does when they see someone walking down the street with a shopping cart. Mr. Whitehead stated that if the City is going to hold businesses responsible for shopping carts than the City should also hold businesses responsible for the litter that gets spread around the City.

Peggy Germano – 1124 7th Avenue – Mrs. Germano stated that she likes the law as written and that she does not feel that the person removing the cart is stealing it. Mrs. Germano stated that she feels it is the owners responsibility.

Jeff Foster – 1201 8th Avenue – Mr. Foster stated that he is against the way the law is written because it is only going to inconvenience the customers and prevent big businesses from wanting to come to Watervliet.

Mona Golub – Price Chopper & Market 32 – Ms. Golub stated that she appreciates the process of having a Public Hearing before making the Law. Ms. Golub stated that they always work collaboratively with the municipalities that they serve and wished that before this got to the point of needing a law that they could have had an opportunity to meet and work on this together. Ms. Golub explained that the company has spent \$34,000.00 on carts for customer use and another \$26,000.00 on an electronic containment system. Ms. Golub stated that she feels that those whom are solely responsible for removing the carts are not being held responsible by this law and that the company has taken steps to stop carts from leaving but that the fine should be placed on those who take the carts from the property. Ms. Golub further stated that the company is committed to participating in the process to remedy the situation and suggested that Price Chopper can place signs that state the unlawful removal of a cart from the property will be subject to a fine. Ms. Golub also stated that the company will produce a formal written plan for maintaining the carts on their property as well as how they will respond if a cart is removed. Ms. Golub further requested that the fine be reconsidered as it is 5-50 times higher than any other municipality and requested that the City work with Price Chopper and Market 32 to fix the problem as they have done with many other communities that they serve.

Jim Plumadore – Price Chopper – Mr. Plumadore explained that he is the current manager at the store and was born and raised in Watervliet. He stated that his job is to ensure that the store is well kept and will work with the City and supports an equitable sharing of the responsibility.

Corporation Counsel Yorden Huban responded to the comments stating that he agreed with some of Mr. Whitehead's opinions of some of the wording in the law be changed. Mr. Huban further stated that redrafting and/or amending the Local Law can be accomplished if the City Council chooses to do so.

Councilman Patricelli stated that he pushed for the legislation because he feels that this has been a problem for more than 15 years. Councilman Patricelli further stated that he does not want the City to have to use its manpower to collect carts because there is enough work that needs to be done by the Public Works staff.

Mayor Manning stated that he does believe that the Law needs to address the root cause of the problem and feels that the City of Watervliet can work with Price Chopper and find what other municipalities have implemented.

With there being no further comment, Mayor Manning closed the Public Hearing.

NEW BUSINESS

LOCAL LAW NO. 6-I 2017 – The Council of the City of Watervliet Hereby Approves and Adopts Local Law No. 6-I for the Year 2017, a local law to amend the Code of the City of Watervliet by adding a new chapter to be known as “Chapter 233. Shopping Carts”

Mayor Manning stated that based on the comments during the Public Hearing he proposes a motion to table the Local Law and asked that it have changes made. Councilman Patricelli seconded the motion and the Local Law was tabled with a 2-0 vote.

ORDINANCE NO. 1976 – An Ordinance of the City of Watervliet providing that Chapter 175. HOUSING STANDARDS Article X VACANT BUILDING REGISTRY of the Code of the City of Watervliet be amended. No action was taken as this was the first reading of the Ordinance.

RESOLUTION NO. 9378 – That the Council of the City of Watervliet, in accordance with §28-20(B)(2) of Chapter 28 Code of Ethics of the Code of the City of Watervliet, hereby reappoints Kathy Deguire, Dave Capitula, and Mark Emanation to the City of Watervliet Board of Ethics. Upon a motion by Councilman Patricelli, seconded by Mayor Manning, this Resolution was approved and adopted by a 2-0 vote.

RESOLUTION NO. 9379 –The Council of the City of Watervliet hereby approves a Memorandum of Understanding between the City of Cohoes and the City of Watervliet for the purpose of supplying equipment and vehicles along with the necessary operator(s) for lawful municipal purposes. Upon a motion by Councilman Patricelli, seconded by Mayor Manning, this Resolution was approved and adopted by a 2-0 vote.

RESOLUTION NO. 9380 – The Council of the City of Watervliet hereby approves a Memorandum of Understanding between the Village of Green Island and the City of Watervliet for the purpose of supplying equipment and vehicles along with the necessary operator(s) for lawful municipal purposes. Upon a motion by Councilman Patricelli, seconded by Mayor Manning, this Resolution was approved and adopted by a 2-0 vote.

RESOLUTION NO. 9381 - The Council of the City of Watervliet hereby approves a Memorandum of Understanding between the City of Troy and the City of Watervliet for the purpose of supplying equipment and vehicles along with the necessary operator(s) for lawful municipal purposes. Upon a motion by Councilman Patricelli, seconded by Mayor Manning, this Resolution was approved and adopted by a 2-0 vote.

RESOLUTION NO. 9382 – The Council of the City of Watervliet hereby accepts the proposal from Murphy Foundation Consulting Services (MFCS), PO Box 343 Watervliet, NY 12189 for consulting services and management support to the City of Watervliet Planning and Community Revitalization Department for consulting service associated with CDBG grant administration, program design and program delivery as required by the Community Development Block Grant, NY Main Street and other federal and state grant programs. Upon a motion by Councilman Patricelli, seconded by Mayor Manning, this Resolution was approved and adopted by a 2-0 vote.

RESOLUTION NO. 9383 – The Council of the City of Watervliet hereby accepts the bid from CEJJ, INC., Rts. 9 & 90, B-1 Exit, Schodack Landing, NY 12156 in the amount of One Hundred Ninety One Thousand Nine Hundred Ninety Eight and 0/100 Dollars (\$191,998.00) for one (1) Rearloading Refuse Collection Truck & Body for use by the City of Watervliet Department of Public Works, Sanitation Department, the lowest responsible bidder in conformance with the specifications. Prior to voting, Councilman Patricelli stated that in the future he would not vote in favor of purchasing new city vehicles until a “Vehicle Maintenance Policy, was adopted and approved. Upon a motion by Councilman Patricelli, seconded by Mayor Manning, this Resolution was approved and adopted by a 2-0 vote.

RESOLUTION NO. 9384 - The Council of the City of Watervliet hereby accepts the bid from Gallo Construction Corp., 50 Lincoln Avenue, Watervliet, NY 12189 in the amount of Two Hundred Twenty Two Thousand Seven Hundred Eighty Nine 15/100 Dollars (\$222,789.15) for Roadway Resurfacing through the Consolidated Highway Improvement Program (CHIPS), the lowest responsible bidder in conformance with the specifications. Upon a motion by Councilman Patricelli, seconded by Mayor Manning, this Resolution was approved and adopted by a 2-0 vote.

RESOLUTION NO. 9385 - The Council of the City of Watervliet hereby agrees to be the lead agency in the environmental review of the 2017 Comprehensive Capital Grant Program for the Watervliet Housing Authority. The Council of the City of Watervliet hereby authorizes and directs Mayor Michael P. Manning to complete and sign as required the determination of significance, confirming the foregoing Negative Declaration, and sign the Request for Release of Funds and Certification. Prior to voting, Mayor Manning explained and read through the criteria in the short form showing that there was little to no environmental impact. Upon a motion by

Councilman Patricelli, seconded by Mayor Manning, this Resolution was approved and adopted by a 2-0 vote.

RESOLUTION NO. 9386 - The Council of the City of Watervliet hereby approves a Municipal Consulting Agreement between the City of Watervliet and CHA, with a principal place of business at III Winners Circle, Albany, New York 12205, to provide professional consulting engineering services to the City of Watervliet Planning Board in its review and consideration of the site plan review application of PCP Watervliet, LLC. Upon a motion by Councilman Patricelli, seconded by Mayor Manning, this Resolution was approved and adopted by a 2-0 vote.

RESOLUTION NO. 9387 - The Council of the City of Watervliet hereby approves a Task Order No. 224 between the City of Watervliet and Weston & Sampson, PE, LS, LA, PC, with a principal place of business at 1 Winners Circle, Suite 130, Albany, New York 12205, to provide professional consulting engineering services to the City of Watervliet Planning Board in its review and consideration of the site plan review application of PCP Watervliet, LLC as it relates to the City of Watervliet Gas House Creek Conduit. Upon a motion by Councilman Patricelli, seconded by Mayor Manning, this Resolution was approved and adopted by a 2-0 vote.

APPROPRIATIONS AND ACCOUNTING

RESOLUTION NO.9388 - The Council of the City of Watervliet hereby authorizes the increase of \$37,583.00 for the Federal Aid revenue Account (A4389) and the increase of \$37,583.00 for the Fire Equipment Expense Account (A3410.2000). Upon a motion by Councilman Patricelli, seconded by Mayor Manning, this Resolution was approved and adopted by a 2-0 vote.

PUBLIC COMMENT PERIOD

Steve Hoffman – 1013 8th Avenue – Mr. Hoffman suggested that each meeting begin with the Pledge of Allegiance.

Amanda Austin – 4 Grotto Court – Ms. Austin stated that the Relay for Life is Saturday June 3 at noon and that a “Survivor Dinner” would take place at 5:00pm. Ms. Austin further stated that on Monday May 29, 2017, Mac’s Drive In would be donating portions of proceeds from 11:00am – 10:00pm and that on Wednesday May 31 from 5:00pm-7:00pm would

be bank night where people could drop off donations. Ms. Austin thanked the citizens of Watervliet for donating on their tag day which lead to raising nearly \$1,500.00.

Jeff Foster – 1201 8th Avenue – Mr. Foster stated that it has been long enough and that a General Manager should be appointed. Mr. Foster also stated that a Director of the Building and Code department should be named as well. Mr. Foster further stated that he applauded Chief Spain for stepping up to lead the department but felt that the head of the department should be someone with a better knowledge and experience of building and code enforcement.

Frank McGrouty – 436 8th Avenue – Mr. McGrouty stated that he was a fireman for 27 years and that he was very upset that the fire contract did not pass. Mr. McGrouty stated that within public safety there is no parity between the Police and Fire departments and that by approving the e-plan retirement plan would put the Police and Fire on the same level.

Councilman Patricelli stated that he is encouraging technology within the City and is looking to provide wifi hot spots throughout the City. Councilman Patricelli stated that months ago he asked for a wifi hotspot to be added to the DOME and it has not happened. He requested that the Acting General Manager move forward with this.

Acting General Manager Jeremy Smith stated that once asked to add a wifi hotspot to the DOME the matter was looked into. It was found that there was wifi in the DOME but that it was secured and he then asked the City's IT consultant to provide a report of what was necessary to open a wifi hotspot and the costs of doing so. Mr. Smith stated that he was later given the feedback that the wifi covered the entire facility and to have it as an open hotspot and to provide the needed infrastructure would cost \$1,500.00. Mr. Smith added that the recommendation from the IT consultant was to have continued monitoring to make sure that there was little to no inappropriate actions being taken on the City's wifi. Mr. Smith stated that he then forwarded the information to the Corporation Counsel for an opinion on the subject. Mr. Smith stated that the recommendation from the Corporation Counsel was to not add the wifi due to the increased liability that would fall on the City. Mr. Smith stated that he felt that following the recommendation from the Corporation Counsel was in the best interest of the City but that if he was directed by the City Council to move forward he would work with the Department of Law to determine the safest way to provide the service to limit the liability on the City.

Mayor Manning stated that it should be looked into with the department of law as to what would need to be done to decrease the liability.

With there being no further comment Mayor Manning made a Motion to adjourn into executive session to discuss a pending legal matter. Mayor Manning asked that Corporation Counsel Yorden Huban, Director of Finance Mike McNeff, Acting general Manager, Clerk to the Council Jeremy Smith and Special Counsel Jonathan Bernstein be present for the session. Councilman Patricelli seconded the motion and the meeting was adjourned into executive session at 8:38pm.

EXECUTIVE SESSION

*Next Meeting: June 15, 2017 7:00pm

Respectfully Submitted,

Jeremy A. Smith

Clerk to the Council

**MINUTES OF THE MEETING OF THE EXECUTIVE SESSION
OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, MAY 25, 2017**

The meeting of the Executive Session was called to Order by Mayor Michael P. Manning at 8:43 P.M.

Roll call showed that Mayor Michael P. Manning, and Councilman Patricelli were present.

Also present from City Administration were: Jeremy Smith, Acting General Manager & Clerk to the Council, Michael McNeff, Director of Finance, Special Counsel Jonathan Bernstein and Yorden Huban, Corporation Counsel.

The Council and administration discussed a pending legal matter. Legislation was discussed and determined to be placed on the agenda for the June 15, 2017 meeting. No legislation was voted on.

A motion was made to adjourn the executive session at 8:52.p.m.

Respectfully Submitted,

Jeremy A. Smith

City Clerk and Clerk to the Council