

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET  
THURSDAY, JULY 27, 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: General Manager Jeremy Smith, City Clerk & Clerk to the Council Scott O'Reilly, 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 July 10, 2017.

**REPORT OF OFFICERS AND COMMITTEES**

**GENERAL MANAGER REPORT**

**ITEM # 1** –General Manager Jeremy Smith presented the “Sewer Infrastructure Improvement Plan.”

**ITEM # 2** – General Manager Jeremy Smith announced he had been in contact with multiple entities in order to acquire funding for playground equipment to be installed at Brotherhood Park. The PBA had donated \$300.00, Acme Restoration had donated \$100.00, and Jeff Foster had secured at least \$1,000.00. As a result, all necessary funds had been raised for the playground equipment.

Councilman Patricelli then announced that Jay Halayko of Schuyler Bakery would be donating five percent of the bakery's profits during the week of August 7<sup>th</sup> to help cover any additional costs that may arise during the Brotherhood Park playground project.

**OLD BUSINESS**

**PUBLIC HEARING** – A Public Hearing for the purpose of hearing those that wish to be heard regarding 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.

Corporation Council Yorden Huban gave an update on the changes that had been made to the Local law. These changes included, the City of Watervliet notifying the owner of an identified shopping cart and allowing 24 hours from the notification for the shopping cart to be retrieved from the city at no cost to the owner. If a shopping cart is not claimed within that 24 hour period the city would impound the cart for up to thirty days. During the 30 day

impoundment period the City's General Manager would send a notice, by first class mail, to the owner of the cart stating that they could pick up their shopping cart for a fee of fifty dollars. If after the 30 day impoundment period expires the city has the right to sell cart by public auction.

**Paul Huban - 1500 12<sup>th</sup> Avenue** – Mr. Huban asked whom should be contacted if a shopping cart is found, General Manager Jeremy Smith informed Mr. Huban that all calls, regarding abandoned shopping carts, should be directed to the General Manager's office.

**Jeff Foster – 1201 8<sup>th</sup> Avenue** – Mr. Foster suggested, in the future, that the City talks with people, like Ms. Golub from Price Chopper prior to using tax payer money and time drawing up legislation such as this.

**Don Whitehead – 1921 8<sup>th</sup> Avenue** – Mr. Whitehead asked Police Chief Mark Spain if the Police Department was going to enforce this law and punish those people who removed the shopping carts from properties in which they belong. Police Chief Spain stated that if the owner of the shopping cart wished to pursue action against the individual that removed the cart from the premises they would do so.

Mr. Whitehead then stated he believed a better procedure would be for the City to pick up the abandoned carts, return them to their rightful owner and charge a small delivery fee, as opposed to the City impounding the cart and waiting for the owner to retrieve it.

**Tonya Ross** – Ms. Ross asked where the City would be storing the carts that were impounded. She also stated that she agreed with Mr, Whitehead's idea to bring the abandoned carts back to the owner and charge them a fee.

**Maryanne Cecchetto – 120 3<sup>rd</sup> Street** – Ms, Cecchetto suggested encouraging companies such as Price Chopper to sell affordable shopping carts to the public. Mayor Manning informed her that Neil Golub has offered to do that at cost.

**Paul Huban – 1500 12<sup>th</sup> Avenue** – Mr. Huban asked what the previous procedure was in this situation. He stated that Price Chopper used to have an employee drive through the city and pick up abandoned shopping carts. Mayor Manning informed Mr. Huban that Price Chopper no longer does that.

**David Sylvester** – Mr. Sylvester asked how other cities handles situations like this. Corporation Counsel Yorden Huban informed Mr. Sylvester that he had researched what many other municipalities had done in the past and that this Local Law is similar to other Municipalities.

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.” Upon a motion made by Councilman Patricelli, seconded by Mayor Manning, the Local Law was approved and adopted by a 2-0 vote.

**ORDINANCE NO. 1977** – An Ordinance 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 to add a sign at 1806 6th Avenue and 108 3rd Avenue. As this was the first reading of the Ordinance no action was taken.

Mary Brown, of 427 5<sup>th</sup> Avenue, who had been denied her request for a handicapped parking sign in front of her house, voiced some concerns over the denial. Police Chief Spain explained his decision to deny the application citing that parking was at a premium in the area and that in the course of his investigation it appeared that Ms. Browns vehicle “usually” had a parking spot directly in front of her home. Ms, Brown explained that because of the probability of losing her parking spot, she does not leave the house very often. She went on to point out that two new houses were being built in the area and that events at the Elks’ club contribute to the parking problem she has. Ms, Brown also stated that her neighbors were in agreement that she should have a handicapped parking space in front of her house.

Mayor Manning stated that the City would look into this situation further.

Corporation Counsel Yorden Huban recommended 427 5<sup>th</sup> avenue be added to the Ordinance, in the event that further investigation yields a different response, so that it may be voted on at the next meeting.

**RESOLUTION NO. 9396** – The Council of the City of Watervliet hereby approves an agreement between the City of Watervliet and Rensselaer Polytechnic Institute, with an address of 110 Eighth Avenue, Troy, New York 12180, commencing on March 1, 2017 and ending on February 28, 2018, to allow Rensselaer Polytechnic Institute to occupy the boathouse located at Hudson Shores Park and to have access to and use the non-motorized dock that accompanies the boathouse for purposes of gaining access to the Hudson River for rowing activities conducted by Rensselaer Polytechnic Institute. General Manager Jeremy Smith explained that this was an annual agreement between the City and RPI Crew Team. Upon a motion by Councilman Patricelli, seconded by Mayor Manning, this Resolution was approved and adopted by a 2-0 vote.

**RESOLUTION NO. 9397** - The Council of the City of Watervliet hereby approves and authorizes Mayor Michael P. Manning to execute the Albany County Inter-Municipal Agreement and Memorandum of Understanding to Continue an Existing Coalition for Cooperation on Issues Related to Storm Water Management. General Manager Jeremy Smith explained that this was

the annual agreement for the City to main a part of the Albany County Stormwater Coalition. Upon a motion by Councilman Patricelli, seconded my Mayor Manning, this resolution was approved and adopted by a 2-0 vote.

**RESOLUTION NO. 9398** - The Council of the City of Watervliet hereby declares itself lead agency with respect to the environmental review of the Albany County Inter-municipal Cooperative Agreement and memorandum of understanding to continue an existing coalition for cooperation on issues related to stormwater management, finds and concludes that the proposed action is an Unlisted Action, and based upon its thorough review of the potential areas of environmental concern and its completion of the Short EAF Part II, hereby concludes that the proposed project will result in no significant adverse impacts to the environment, and therefore, an environmental impact statement need not be prepared, and makes a negative determination of environmental significance in accordance with SEQR and issues a Negative Declaration.

Mayor Manning then read aloud the negative declaration that states there were no adverse impacts to the environment.

Upon a motion made by Councilman Patricelli, seconded by Mayor Manning, the Resolution was approved and adopted by a 2-0 vote.

**RESOLUTION NO. 9399** - The Council of the City of Watervliet hereby approves an agreement between the City of Watervliet and the Albany County Soil and Water Conservation District to obtain two (2) pet waste disposals stations to be placed in Hudson Shores Park. Upon a motion by Councilman Patricelli, seconded by Mayor Manning, the resolution was approved and adopted by a 2-0 vote.

**RESOLUTION NO. 9400** – The Council of the City of Watervliet hereby authorizes the filing of an application for funds from the New York State Department of State Local Government Efficiency Grant (LGEG) Program and that Mayor Michael P. Manning be authorized to execute any grant agreements and funding approvals and to take actions necessary to implement the proposed program upon approval from the New York State Department of State. General Manager Jeremy Smith explained that this was a joint application with the Village of Green Island to provide a water in-connect between Watervliet and Green Island, Mr. Smith also stated that Green Island as attempted to receive funding for this several times and had been denied each time. Upon a motion made by Councilman Patricelli, seconded by Mayor Manning, the Resolution was approved and adopted by a 2-0 vote.

**RESOLUTION NO. 9402** – This Resolution was proposed from the floor by Councilman Charles Patricelli. The proposed resolution was to notify Gramercy Communication that the City would be terminating the contract for Public Relations assistance between the City of Watervliet and Gramercy Communication effective 30 days from July 27, 2017. Councilman Patricelli explained that he did not believe the \$1,500.00 a month charge the City has been paying was worth the services Gramercy has provided. A motion was made to vote on the

Resolution by Councilman Patricelli and seconded by Mayor Manning, The vote resulted in a 1-1 tie with Councilman Patricelli in favor and Mayor Manning opposed therefore the Resolution did not pass.

**RESOLUTION NO. 9403** – This resolution was proposed from the floor by Mayor Michael P. Manning. The proposed resolution would appoint Donnelly Whitehead to fill the vacant City Council seat until the end of the term on December 31, 2017. Councilman Patricelli made a motion to move on the resolution which was seconded by Mayor Manning, The vote resulted in a 1-1 tie with Councilman Patricelli opposed and Mayor Manning in favor and therefore the Resolution did not pass.

## APPROPRIATIONS AND ACCOUNTING

**RESOLUTION NO. 9401** - The Council of the City of Watervliet hereby approves a 1% increase in salary, effective May 6, 2017, for certain administrative employees for the City of Watervliet; and the Council of the City of Watervliet hereby approves the transfer of \$2,157.86 from Account A1230.1001. General Manager Jeremy Smith explained that historically the rate of increase for administrative employees follows directly with the CSEA contract. Mr. Smith went on to explain that this is a budget neutral transfer due to the money being saved in the General Managers Payroll account. Upon a motion by Councilman Patricelli, seconded by Mayor Manning, the Resolution was adopted and approved by a 2-0 vote.

## PUBLIC COMMENT PERIOD

**Kathy Crudo – 1863 9<sup>th</sup> Avenue** – Ms. Crudo stated the \$1,500.00 a month the City pays to Gramercy Communication is too much money and asked what the City gets in exchange for the payment.

Mayor Manning explained that Gramercy essentially adds to his staff in the Mayor's Office due to the fact that he only has one employee in his office.

General Manager Jeremy Smith explained that since taking over as General Manager he has used Gramercy regularly. Projects they have recently been utilized for are presentations for City Council Meetings and securing sponsorships for the "We are Watervliet" initiative (Arsenal City Run and Arsenal City Weekend).

**Peg Germano – 1124 7<sup>th</sup> Avenue-** Ms. Germano stated that it had been brought to her attention the eagle that sits atop the flag pole at Veterans Park was missing and should be replaced. She also pointed out that weeds are growing between the pavers at Veterans Park as well and should be taken care of.

Ms. Germano commended the City for cleaning the overgrown grass and weeds that sit between the northern fence and Clinton Park and a residents personal fence in her back yard, after having been neglected for years. Ms. Germano recommended moving the Clinton Park fence back to eliminate the space between the two fences. She also pointed out a separate section of fence that appears to have been damaged and could pose a risk to occupants of the park.

Ms. Germano also asked if it was possible for the City to utilize the inmates from Albany County Jail to help with various work around the city as the City has in the past. General Manager Smith informed her that we are able to do so but that the inmates have not been available from the Sherrifs Department as of late.

**Christine Kresloff – 1624 7<sup>th</sup> Avenue-** Ms. Kresloff asked why Don Whitehead could not be allowed to join the City Council citing his extensive knowledge of the inner workings of the City. Councilman Patricelli explained that he did not feel he was given sufficient enough time to make the decision to add another member to the City Council. Ms. Kresloff also stated that she believes the City needs to have a third member of the City Council with which Councilman Patricelli agreed.

**Kristen Smeltzer – 2322 12<sup>th</sup> Avenue-** Ms. Smeltzer asked if crosswalks throughout the city were going to be repainted. General Manager Smith explained that many cross walks have been identified that need to be re done, including the cross walks at the schools and that they would be done before the school began.

Ms. Smeltzer also asked who should be responsible for the paper alley behind her house on Twelfth Avenue. General Manager Smith explained that the plan was to roll that alley to pack down the mud and then put shale in the alley once the mud dries.

**Lois Gundrum – 600 3<sup>rd</sup> Avenue-** Ms. Gundrum expressed concerns over a notice she received from the city about maintaining the green space in front of her property. Due to the Storm Water Management Project that was performed on Third Avenue in Port Schuyler she now has maintenance she has to keep up with on a patch of green space that she never had before. General Manager Smith explained that the project was a DEC project that had to take place. He went on to explain that the Bio Retention Units that are fenced in are maintained by the city but that the additional green space that was required by DEC was placed between the sidewalk and the curd, must be maintained by the home owner according to the City Code. Mr. Smith also explained that in lieu of sending out violations to home owners who were not maintaining this new green space, the City sent out notices, to ensure the home owner was aware

that they were responsible for the space. Ms. Gundrum also stated that she was not consulted prior to the project being performed. Mr. Smith stated that there were public meetings that were held before the work began.

**Nancy Sheridan – 604 3<sup>rd</sup> Avenue** – Ms. Sheridan also commented on the letters the City sent out regarding the new green space created by the Storm Water Project. Ms. Sheridan asked why the City could clean out the grates in those areas that were filled with debris and garbage but could not take care of the grass. Ms. Sheridan stated she did not think it was too much to ask to have the City come and cut the new grass areas that were created as a result of the Storm Water Project because they were not there before. General Manager again, citing the Code of the City of Watervliet stated that the area between the sidewalk and curb was the responsibility of the home owner, regardless of if the home owner asked for the green space or not.

**Jeff Foster – 1201 8<sup>th</sup> Avenue** – Mr. Foster also stated that he was not in favor of the new green spaces that were created as a result of the Storm Water Project.

Mr. Foster also asked Fire Chief Conlen if the Fire Department had a boat which they could use to respond to calls on the Hudson River now that people are able to rent Kayaks out of Hudson Shores Park. Chief Conlen stated that the City themselves does not have a boat but that the City has access to one through Mutual Aid. Mr. Foster asked what the response time would be to get down to the water if the Fire Department was called. Chief Conlen stated that the Fire Departments response time to anywhere in the City is approximately three minutes and that the Troy Fire Department's boat can get in the water relatively quickly.

**Frank McGrouty – 436 8<sup>th</sup> Avenue** – Mr. McGrouty asked if the home owners on Third Avenue, who are unhappy with the new green space, could cement in the area to illuminate the problem.

**Peg Germano - 1124 7<sup>th</sup> Avenue** – Ms. Germano asked who would be liable if someone were to fall and get hurt in this new green space on Third Avenue in Port Schuyler. General Manager Smith explained that the new Bio Retention Units are the responsibility of the City therefore liability in those areas would fall to the city but the new green space in between the curb and sidewalk are the public right of way and therefore are the responsibility of the home owner. Mr. Smith then stated that this project was not the City's idea but that it was forced to make these changes by the DEC to reduce the amount of storm water in the City.

**Don Whitehead – 1921 8<sup>th</sup> Avenue** – Mr. Whitehead stated that, per city code, green space requirements on private property only for new construction. Mr. Whitehead went on to explain that if there was an existing structure on the property that was not being expanded with

new construction then the green space requirements do not apply.

Mr. Whitehead then thanked Police Chief Mark Spain for his informational posts on Facebook regarding a rash of vehicle break-ins throughout the City but stated that not everyone has Facebook and wondered if there was any other way the information could be relayed to the public. Chief Spain stated that the only other mode of mass communication he knew of was the City's Code Red Notification system. Chief Spain explained that he does not want to use that notification system for these types of instances but for emergencies only but that he is open to suggestions for other means of communication.

Councilman Patricelli gave an update on recent Opioid Meeting that took place and stated the minutes would be available soon. The Councilman also stated that there was a Parks Committee meeting that would take place following the City Council Meeting. Councilman Patricelli then explained some of the work that the committee was doing at Pershing Green and Seventh Street Parks and thanked the City for their help in those Parks. Also, the Parks Committee is hoping to have a ceremony at Pershing Green Park on Veterans Day to place a wreath at the flag pole in honor of General Pershing.

Councilman Patricelli also announced that the first meeting of the newly formed Finance Committee would take place on Wednesday August 2<sup>nd</sup>.

Councilman Patricelli then asked for an update on the Wireless Internet at the Dome. Corporation Counsel Yorden Huban stated that he had sent out a terms and conditions email that could be used in the event that the City moved forward with installing WiFi at the dome but also had sent out his recommendation that the City not do this. Mr. Huban then explained that the next step was for someone only the City Council to propose a resolution in order to move forward and vote on the issue. General Manager Smith stated that the City had received an estimate as to the cost of installing Wireless Internet in the Dome and that cost would be \$500.00 per year with a one-time \$325.00 installation charge.

With there being no further comment Mayor Manning made a motion to adjourn into executive session to discuss pending legal and personnel matters. Mayor Manning asked that Corporation Counsel Yorden Huban, General Manager Jeremy Smith, City Clerk & Clerk to the Council Scott O'Reilly, Police Chief Mark Spain and Fire Chief Rob Conlen 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: August 17, 2017 7:00pm

Respectfully Submitted,

Scott P. O'Reilly

City Clerk & Clerk to the Council

**MINUTES OF THE MEETING OF THE EXECUTIVE SESSION  
OF THE COUNCIL OF THE CITY OF WATERVLIET  
THURSDAY, JUNE 15, 2017**

The meeting of the Executive Session was called to Order by Mayor Michael P. Manning at 8:42 P.M.

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

Also present from City Administration were: Jeremy Smith, General Manager, Scott O'Reilly City Clerk & Clerk to the Council, Police Chief Mark Spain, Fire Chief Rob Conlen and Yorden Huban, Corporation Counsel.

The Council and administration discussed pending personnel matters. There was no legislation voted on or discussed during the executive session.

A motion was made to adjourn the executive session at 9:07 pm.

Respectfully Submitted,

Scott P. O'Reilly

City Clerk and Clerk to the Council