

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET  
THURSDAY, AUGUST 17, 2017 AT 7:00 P.M.**

The meeting was called to order by Mayor Manning at 7:02 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, Corporation Counsel Yorden Huban and Police Chief Spain

A motion was made and seconded to dispense with the reading of the minutes and accept the City Council minutes as written for July 27, 2017.

**REPORT OF OFFICERS AND COMMITTEES**

**GENERAL MANAGER REPORT**

**ITEM # 1** –General Manager Jeremy Smith presented the “Infrastructure Improvement Plan.” General Manager Smith cited four areas of the City’s infrastructure that needed improvement and the ways in which the City has or would attempt to acquire funding for the needed upgrades. The areas in need of improvement are; Roads and Alleys, Municipal Buildings, Parks, and Vehicles.

**ITEM # 2** – General Manager Jeremy Smith presented the upcoming schedule for Budget Workshops. General Manager Smith stated that all budget workshops will take place at 6:00, 1 hour prior to the start of City Council Meetings. The schedule is as follows:

September 21 – Water/Sewer Workshop  
October 5 – Police Department Workshop & Water/Sewer Budget Presentation  
October 19 – Fire Department Workshop  
November 2 – Public Works Workshop  
November 16 – Budget Presentation  
December 7 - Public Hearing for Budget  
December 21 – Budget Vote

**FINANCE COMMITTEE REPORT**

**ITEM #1** – Councilman Patricelli announced that the Finance Committee held their first meeting and that they were now ready to assist the City and City Council with the preparation of the upcoming budget.

Mayor Manning asked Councilman Patricelli if the Finance Committee had a recommendation on how they could help in the upcoming budget process or if they were looking

for the City to tell them how they could be of help. Councilman Patricelli stated the Finance Committee was asking how they could be included in the budget process with the City and the Finance Department.

### **PARKS COMMITTEE REPORT**

**ITEM #1** – Councilman Patricelli expressed his disappointment with the city administration not following a recommendation made by the Parks Committee with respect to the location of the new playground equipment being installed at Clinton Park.

**ITEM #2** – Councilman Patricelli announced that enough money had been raised to purchase new playground equipment for Brotherhood Park and commended all the volunteers who aided in the raising of the funds.

**ITEM #3** – Councilman Patricelli stated that all of the new plants had been placed at Pershing Green and that a new kiosk had been constructed as well. Councilman Patricelli thanks everyone who helped on this project and announced that a small dedication ceremony was being planned for November to honor General Pershing.

**ITEM #4** - Councilman Patricelli thanked Stewarts Shops for the painting of the Gazebo on Third Avenue and Sixth Street, as well as for providing labor and material for the painting and railings. Councilman Patricelli announced that a “work party” was being organized to clean up around the Gazebo and decorate it for the Fall. Councilman Patricelli also stated that the Parks Committee has requested more patrols by the Police Department in the area around the Gazebo to deter vandalism.

General Manager Jeremy Smith stated that at the request of the Parks Committee, the City would be installing benches and a picnic table at Pershing Green after the playground equipment at Clinton Park had been installed.

### **OLD BUSINESS**

**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. This was the second reading of this Ordinance. Police Chief Mark Spain recommended two locations for Handicapped Parking Signs to be placed, those being 1806 6<sup>th</sup> Avenue and 108 3<sup>rd</sup> Avenue. He also explained his reasoning for not

recommending a handicapped parking sign at a third location, at 427 5<sup>th</sup> Avenue, due to the requestor very rarely having an issue finding a parking space in front of her home. Upon a motion by Councilman Patricelli, seconded by Mayor Manning, the Ordinance passed with a 2-0 vote.

## NEW BUSINESS

**RESOLUTION NO. 9405** - The Council of the City of Watervliet hereby authorizes and approves wireless connectivity/wi-fi access at the City of Watervliet Dome located at 1300 2<sup>nd</sup> Avenue, Watervliet, New York 12189; and hereby adopts the City of Watervliet Wi-Fi Terms and Conditions. After a motion to move on the Resolution was made by Councilman Patricelli and seconded by Mayor Manning, multiple questions were posed by the audience as to who would benefit from installing wireless connectivity access at the Dome. Councilman Patricelli explained that because of the amount of use the Dome has by various groups, wi-fi access would be beneficial to many individuals. This Resolution was then put to a vote, with Councilman Patricelli in favor and Mayor Manning Opposed. With the vote being split at 1-1 the Resolution did not pass.

**RESOLUTION NO. 9406** - The Council of the City of Watervliet hereby adopts a Complete Streets Policy. General Manager Jeremy Smith explained that this policy would allow the City of Watervliet to vet and review and modifications made to the streets within the city to ensure safety for all modes of transportation. General Manager Smith went on to point out that this policy would work in conjunction with the New York State Department of Health, the Capital District Transportation Committee and the Department of Transportation. General Manager Smith also added that the adoption of a complete streets policy would also ensure the City of Watervliet follows all state and federal guidelines regarding safety on road ways.

Councilman Patricelli then asked who would be administering the policy. General Manager Smith explained that any requests for funding or modifications to city streets would have to be made to the City Planning Board and that any reports that were made with regards to the policy would be presented to the Mayor and City Council. With the adoption of this policy not being time sensitive, Councilman Patricelli requested more time to review the policy before moving on the Resolution.

Mayor Manning then asked if other local communities had passed a Complete Streets Policy and General Manager Smith indicated that many had, including Cohoes, Rensselaer, Troy and the Town of Colonie.

After a motion by Councilman Patricelli to table the Resolution, seconded by Mayor Manning, the Resolution was not voted on.

**RESOLUTION NO. 9407** - The Council of the City of Watervliet hereby ratifies and confirms its approval of the settlement in the matter of Kavanaugh v. Village of Green Island et al, and further authorizes the payment of Five Thousand Dollars (\$5,000.00) to HCC Public Risk Claim Services for the deductible for this settlement.

Corporation Counsel Yorden Huban explained that this was a law suit was filed, in 2014, against the City of Watervliet, as well as the Village of Green Island, City of Albany, and the New York State Police. Mr. Huban went on to explain that because the insurance policy the City of Watervliet has is a "consent based policy" the City Council has to approve the release of the funds to pay for the deductible of the settlement. Upon a motion made by Councilman Patricelli and seconded by Mayor Manning, the Resolution passed unanimously.

**RESOLUTION NO. 9408** – The Council of the City of Watervliet hereby approves a professional services agreement between the County of Albany and the City of Watervliet to distribute funds under the New York State Department of Health Local Initiatives for Multi-Sector Public Health Action Project (Local IMPACT) to develop and/or implement evidence-based strategies to promote physical activity.

General Manager Jeremy Smith explained that this is an agreement between the City of Watervliet and the Department of Health goes along with the "Complete Streets" policy referenced in the previous Resolution (No. 9407) and is designed to promote healthy recreational activities. Also included in this agreement is a "Complete Streets" demonstration that would take place in September between Thirteenth and Sixteenth streets. The demonstration would show what a "Complete Street," with parking lanes, bicycle lanes, sidewalks, and crosswalks actually looks like. General Manager Smith also announced once all requirements of this agreement are met, the City of Watervliet will be awarded six thousand dollars (\$6,000.00) in grant funding for these types of ventures in the future. Also, as part of the agreement, the Department of Health has offered to donate three benches to be placed in public right of way areas that are designed to encourage senior citizens to get out and walk and give them places to rest while doing so.

Upon a motion made by Councilman Patricelli, seconded by Mayor Manning this Resolution passed with a 2-0 vote.

**RESOLUTION NO. 9409** – The Council of the City of Watervliet hereby approves an agreement between the City of Watervliet and Frank H. Reis, Inc., with a principal place of business at 440 Third Avenue, Watervliet, New York 12189 for services as the insurance agent/broker for health, life, and dental insurance for the City of Watervliet.

General Manager Jeremy Smith explained that being a municipality we are required to have a broker for the City's health insurance coverage. He went on to point out that in the past few years there were multiple issues with the City's current health insurance broker that ended up costing the city money. As a result, the city had been looking into making a change. General Manager Smith laid out the benefits of making the switch to The Reis Group, which included having worked with them the past few years as the City's dental insurance broker, being located in the City of Watervliet, and providing services not previously offered by the current health

insurance broker, such as submitting and paying for the City's ACA (Affordable Care Act) Reporting.

Councilman Patricelli asked if The Reis Group had been the City of Watervliet's health insurance broker in the past, to which General Manager Smith informed him they had not. Councilman Patricelli then asked what other clients the Reis Group had. General Manager Smith noted that in addition to the City of Watervliet for Dental Insurance, The Reis Group worked with many of the banks in the area. Councilman Patricelli also inquired as to whether or not The Marino Group had been considered as the City's health insurance broker and General Manager Smith informed him they had not.

Upon a motion by Councilman Patricelli, seconded by Mayor Manning, the Resolution passed unanimously.

**RESOLUTION NO. 9410** - The Council of the City of Watervliet hereby authorizes and directs Scott O'Reilly, City Clerk, to advertise in the official newspaper of the City that a Public Hearing will be held in the J. Leo O'Brien Senior Citizen Center, Watervliet, New York on September 21, 2017 at the City Council meeting that will be held at 7:00 PM 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. After a motion by Councilman Patricelli, seconded by Mayor Manning, the resolution passed with a 2-0 vote.

## APPROPRIATIONS AND ACCOUNTING

**RESOLUTION NO. 9411** - The Council of the City of Watervliet hereby approves a Bond Resolution authorizing the issuance of an amount not to exceed \$200,000 (Two Hundred Thousand) in serial bonds for the purpose of financing the acquisition of a garbage collection packer truck. Upon a motion by Councilman Patricelli, seconded by Mayor Manning, the Resolution was approved by a 2-0 vote.

**RESOLUTION NO. 9412** - The Council of the City of Watervliet hereby approves a Bond Resolution authorizing the issuance of an amount not to exceed \$620,000 (Six Hundred Twenty Thousand dollars) in serial bonds for the purpose of financing the reconstruction of various municipal buildings.

General Manager Smith explained that this \$620,000 (Six Hundred Twenty Thousand Dollars) would complete roughly \$2,000,000 (Two Million Dollars) worth of work to the City's municipal buildings with the help of grant funding and city forces.

Upon a motion by Councilman Patricelli and seconded by Mayor Manning the Resolution was approved unanimously.

Councilman Patricelli requested information in anticipation of the upcoming budget processes. The information requested included how much money was being expensed at the Municipal Pool with regards to pool staffing versus pool attendance.

Also being requested was a detailed analysis of the City's EMT services, specifically the accounts receivable portion, delinquent payments, and write offs versus the time spent on such services. Councilman Patricelli explained that it was important to look at this to see how much revenue was being brought into the city on a net basis.

Councilman Patricelli requested we reduce the number of City Vehicles in our fleet, specifically the vehicles that are not being used and were being housed at Hudson Shores Park in order to get them off the City's vehicle insurance.

Councilman Patricelli pointed out, after reviewing the City's gas and electric bills, the city was not on a fixed rate for their gas bills but rather a variable rate. Also, he noticed that the city was paying an 8% sales tax for gas and electric which the city should be exempt from. Councilman Patricelli requested that this be looked into and rectified if possible.

Also being requested is a copy of the Fire Insurance Fund Report. Councilman Patricelli stated that a report is supposed to be submitted to the city every December but has not been for many years.

In response the concerns posed regarding the City's gas and electric bills, General Manager Smith explained that the electric is at a yearly fixed rate and that the gas rate was being looked into by city staff to change it from a variable to a fixed rate. Also, the issue with the sales tax was being looked into as well.

## PUBLIC COMMENT PERIOD

**Paul Huban – 1500 12<sup>th</sup> Avenue** – Mr. Huban inquired about a lien that was put on a new home on Hillside Drive and whether or not it was ever satisfied because the home was sold. General Manager Smith informed Mr. Huban that the lien had indeed been satisfied.

Mr. Huban wanted to applaud the new shopping cart system that the city put into place. He found a shopping cart on his property, called the city garage and the cart was removed immediately.

Mr. Huban also complimented whoever took the initiative to fix the problem with the microphones as the previous City Council Meeting.

**Peg Germano – 1124 7<sup>th</sup> Avenue**- Mrs. Germano announced that, after hearing from numerous individuals throughout the city, she had been in contact with The League of Women Voters in order to set up a debate between the three candidates in the City Council Democratic Primary. Mrs. Germano stated that The League of Women Voters were interested in organizing the debate, provided all three candidates agreed to participate.

Mrs. Germano also voiced a concern over trees that had been planted by the city along 19<sup>th</sup> street. A homeowner on 19<sup>th</sup> street reached out to Mrs. Germano to explain that the roots of the tree in front of their home was causing the side walk to raise, and she was afraid if someone were to fall, the home owner would be held responsible.

In response to the concern about the trees on 19<sup>th</sup> street, Councilman Patricelli explained he had looked into the matter and that the trees that were planted along 19<sup>th</sup> were the incorrect type of tree. Councilman Patricelli also formally requested that the trees be removed and replaced with the proper type of tree. General Manager agreed that they trees should be replaced but stated that since new trees are not a budgeted item, the city would have to find the funds to purchase them first.

**Michael Calicone – 43` 2<sup>nd</sup> Avenue** – Mr. Calicone expressed concern with Pershing Green Park. Mr. Calicone stated he believed the city has had too many “knee jerk” decisions regarding the park over the years, present time included. Mr. Calicone requested a “long term plan of action” for the park. Mr. Calicone also stated that until this plan is completed, all current work at the park should be stopped.

General Manager Smith stated that many of the most recent improvements that had been implemented at the parks were due to safety concerns and making the park look presentable. General Manager Smith also informed him that any future plans for the park would be included in the Infrastructure and Comprehensive Park plan he outlined during his General Managers Report and that any future plans for the park would have public input beforehand.

**Fire Captain Thomas Eagan** — Captain Eagan read a prepared statement expressing concerns regarding numerous factual inaccuracies that had been posted on social media in recent months. Captain Eagan respectfully asked that whoever may be the source for all or any of the false information being placed on social media pages please refrain from spreading false information about the Fire Department. One instance of false information being spread throughout social media, according to Captain Eagan, was that the Watervliet Fire Department was the third highest paid department in New York State from 2015-2016. Although true, Captain Eagan pointed out that this was an anomaly due the fact the Fire Department secured additional funding to cover the costs. Captain Eagan also expressed concerns with the amount of disrespect being shown to the Watervliet Fire Department by the members of the City Council and the public at large.

Having gone over the allotted time to speak during a Public Comment Period, Captain Eagan was asked to give the remainder of his prepared statement to someone else to finish.

**Frank McGrouty – 436 8<sup>th</sup> Avenue** – Mr. McGrouty volunteered to finish Captain Eagan’s prepared statement. Mr. McGrouty continued to explain Captain Eagan’s concerns with negativity towards the Fire Department, pointing out that some of the negativity was coming from the relative of a deceased member of the department. Capitan Eagan also wrote (read by Mr. McGrouty) that if anyone wanted to discuss matters concerning the Watervliet Fire Department, provided the information was not confidential, they could come to him directly in

order to make sure all parties had their facts in order. With regards to the current contract negotiations, Captain Eagan (read by Mr. McGrouty) explained that the Fire Department was only seeking to be in line with the other Public Safety union employed by the city. Captain Eagan also wanted to point out that regardless of the negative feelings some may have against the Fire Department, they would continue to do their job in a professional and effective manner.

**Kathy Crudo – 1863 9<sup>th</sup> Avenue** – Mrs. Crudo conveyed some frustration the Parks Committee, of which she is a part, was feeling towards City Administration. Mrs. Crudo explained that playground equipment had been donated for use at Clinton Park and that the Parks Committee worked hard to find the best place for the equipment to be set up within the park. The fact that the City decided to put the equipment in a different location at Clinton Park from the one the Parks Committee had deemed most appropriate made Mrs. Crudo wonder if they City appreciated or even wanted help or input from the Parks Committee. Mrs. Crudo went on to say that if the City did not want the input of the Parks Committee, to let it be known, and the Parks Committee would “step back.”

**Bob Palero – 1921 6<sup>th</sup> Avenue** – Mr. Palero wished to address an ongoing issue at Sixth Avenue next to Price Chopper. Mr. Palero stated that on the north end of the Price Chopper property there is no “One Way” Sign on the Sixth Avenue side and that he has witnessed many cars traveling in the wrong direction down that street. Mayor Manning asked Mr. Palero if there had been a sign there originally and Mr. Palero informed him that there indeed had been a “One Way” sign at the location but that it has been knocked down on multiple occasions. Mr. Palero asked that the sign be replaced.

Mr. Palero asked what the surveillance cameras located on intersections were for because they could be used to find the people who drive the wrong way down one way streets.

Mr. Palero also pointed out the “great job” done by the City to fill in the holes in city alleys but noted that now that the holes are filled, people are driving too fast down the alleys causing rocks to get kicked up into people’s yards.

Lastly, Mr. Palero wanted to make it known that since Price Chopper was built in its present location he has noticed his basement has started to get damn due to water coming in.

**Jeff Foster – 1201 8<sup>th</sup> Avenue** – Mr. Foster mentioned a zoning board meeting from the previous week in which Mark Gilchrist stated that a Church on 23<sup>rd</sup> street had been vacant for more than two years. Mr. Foster asked why no tax dollars were being collected from the property if it has been vacant for so long. Also, now that the zoning board approved a Mosque to go in that location, Mr. Foster pointed out that the City would not be able to collect tax dollars from that property. Mr. Foster went on to explain that if the property had been rezoned as residential, after having been vacant for so long, the City would be able to collect taxes on the property and the Mosque would never have been approved. Mr. Foster then asked what was going to be done about Mr. Gilchrist not following through on this situation. Mr. Foster also explained that Mr.

Gilchrist had come in to work, while on vacation, to look into a trailer parked on the corner of 19<sup>th</sup> Street and 2<sup>nd</sup> Avenue, because he believed it to be parked there illegally. As a result of these occurrences, Mr. Foster asked if Mr. Gilchrist was going to be reprimanded for not doing his job properly.

Mr. Foster also inquired about City Employees who have city vehicles for personal use and whether or not they are allowed to have civilians in those vehicles. General Manager Jeremy Smith explained to Mr. Foster that after speaking with the City's insurance carrier, that City Employees who have access to city vehicles are allowed to have civilians in the vehicles.

**Paul Huban – 1500 12<sup>th</sup> Avenue** – Mr. Huban expressed his opinion that Pershing Green Park should be broken up into twelve lots and sold so that homes could be built on those lots. Mr. Huban explained that this could be a source of much needed revenue for the City. General Manager Jeremy Smith responded by stating that a similar idea had been brought up during a previous public comment period and that it was being looked into.

**Don Whitehead – 1921 8<sup>th</sup> Avenue** – Mr. Whitehead stated that seven months had passed since the City Council had interviewed potential candidates for the vacant City Council seat. At the previous meeting, Mayor Manning had presented a Resolution to name Mr. Whitehead as the interim City Council member until the end of the year. Mr. Whitehead then explained that Councilman Patricelli had voted down the Resolution because, as he stated, did not have enough time to make an informed decision. Since Mr. Whitehead was one of the individuals interviewed seven months prior, he asked what exactly was holding up the appointment of the vacant City Council seat.

Mr. Whitehead also pointed out that the City Council has fewer members on the City Council than on the Zoning Board or Planning Board, which in his opinion does not make sense.

With there being no further comment Mayor Manning made a motion to adjourn into executive session to discuss a pending legal. Mayor Manning asked that Corporation Counsel Yorden Huban, General Manager Jeremy Smith, Director of Finance Mike McNeff, City Clerk & Clerk to the Council Scott O'Reilly, and Police Chief Mark Spain 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: September 7, 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 8:45 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, Finance Director Mike McNeff Police Chief Mark Spain, and Yorden Huban, Corporation Counsel.

The Council and administration discussed a pending legal matter. There was no legislation voted on or discussed during the executive session.

A motion was made to adjourn the executive session at 9:03 pm.

Respectfully Submitted,

Scott P. O'Reilly

City Clerk and Clerk to the Council