

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, November 30, 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, Corporation Counsel Yorden Huban, and Police Chief Mark Spain.

REPORT OF OFFICERS AND COMMITTEES

Citizen of the Month Presentation

Mayor Manning presented Kathy Carpenter with the "Citizen of the Month" award for December 2017.

Presentation of the 2018 General Fund Budget

General Manager Jeremy A. Smith presented the proposed City budget for 2018.

OLD BUSINESS

NONE

NEW BUSINESS

ORDINANCE NO. 1798 – The Council of the City of Watervliet hereby authorizes and directs Scott P. O'Reilly, City Clerk and Clerk to the Council, to publish once a week, for three weeks in the official newspaper of the City of Watervliet, that the City Clerk will sell at public auction on Wednesday, January 3, 2018 at 10:00 AM in the City Clerk's Office, City Hall, Watervliet, NY 12189, the following described vehicles: 2006 Ford Crown Victoria, 2001 Ford Crown Victoria, 2003 Ford Crown Victoria, 2005 Ford Ranger Pick-up, 2001 Chevrolet Tahoe Suburban, and 1992 International Boardman Fire Apparatus.

General Manager Jeremy Smith explained that these vehicles are no longer necessary or useable for City business.

Councilman Patricelli asked General Manager Smith if he had considered using a website he recommended that many municipalities use to sell vehicles. Mr. Smith stated that, according to the City Charter, we must sell public property at a public auction, and to change that, an Ordinance or Local Law would have to be passed to change the City Charter.

Councilman Patricelli then asked Mayor Manning if he planned on keeping his City issued vehicle. Mayor Manning stated that he was planning on keeping the vehicle.

With this being the first reading of this Ordinance no action was taken.

RESOLUTION NO. 9435 – The Council of the City of Watervliet hereby accepts the proposal from Weston & Sampson, PE, LS, LA, PC, 1 Winners Circle, Suite 130, Albany, New York 12205, for engineering services for the City of Watervliet Water Systems Needs Assessment Planning Project.

General Manager Jeremy Smith explained that his project was part of a CDBG grant for Forty-Seven Thousand Five Hundred Dollars (\$47,500.00) for a study of the City's water system. He pointed out that Weston & Sampson's bid came in under the budgeted amount and that Weston & Sampson has extensive knowledge of the City's water system. Mr. Smith noted that once the study is completed, the City can use the findings to apply for further grant funding to improve the City's water system.

Councilman Patricelli asked what the other bids were for this project and General Manager Smith informed him that no other bids had been submitted. Councilman Patricelli then asked if the City had solicited any other engineering companies outside of publishing the RFP in the newspaper. Mr. Smith informed him that the City only advertised in the newspaper for this RFP. Councilman Patricelli also asked if there were other engineers that could do this type of work and General Manager Smith stated there are other engineers that could do this work but was unsure why no others submitted bids.

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

RESOLUTION NO. 9436 – The Council of the City of Watervliet hereby appoints Francis G. McGrouty to the office of Councilman for the City of Watervliet to December 31, 2017.

A motion was made by Councilman Patricelli to table the Resolution, which Mayor Manning seconded; therefore the Resolution was tabled with a 2-0 vote.

RESOLUTION NO. 9437 – The Council of the City of Watervliet hereby authorizes and directs Scott P. O'Reilly, City Clerk and Clerk to the Council, to contact the Worker's Compensation Board by email on or before December 1, 2017 at PAU@wcb.ny.gov stating that the City of Watervliet will not provide Paid Family Leave to its employees.

General Manager Jeremy Smith explained that the City of Watervliet already provides family medical leave to its employees, under the federal guidelines. This Resolution refers to the new "Paid Family Leave Act," adopted by the State, which goes into effect January 1, 2018. The "Paid Family Leave Act" is mandatory for all private employers but public entities can opt out, if they so choose.

Councilman Patricelli asked what benefits the federal family medical leave provides for employees. General Manager Smith explained that the federal law is rather detailed but it provides for a specific amount of time off for family medical leave and also stated that the City has disability insurance which covers employees for the time they are out of work.

Police Chief Mark Spain pointed out that under the federal guidelines; employees have the ability to keep their benefits even though they aren't being paid their salary. Also, Chief

Spain noted, employees are required to use their accrued leave time prior to using family medical leave.

General Manager Jeremy Smith also explained that the City would have to negotiate with the unions in order to abide by this new State law because there is a payroll deduction from employee paychecks associated with it.

Councilman Patricelli then asked what the opinion of NYCOM was. Corporation Counsel Yorden Huban informed him that NYCOM indicated that most municipalities were opting out of this program. Mr. Patricelli then asked when the City would be eligible to opt back in to the program to which Mr. Huban and Mayor Manning answered opting in or out could be done annually.

There was then a question posed as to whether or not there is a penalty imposed on the City if they do not notify the Worker's Compensation Board on or prior to December 1, 2017. General Manager Jeremy Smith explained that the City was not made aware of what would happen should they fail to notify the Worker's Compensation Board before December 1, 2017.

Councilman Patricelli then asked if the City could request an extension from the Worker's Compensation Board in order to allow more time to research the issue. Mayor Manning recommended passing the proposed Resolution so the City has the authority to opt out in the event an extension is not granted.

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

RESOLUTION NO. 9438 - The Council of the City of Watervliet hereby authorizes the scheduling of a special City Council Meeting, to be held on December 6, 2017 at 10am in the Watervliet Senior Citizen's Center.

Councilman Patricelli made a motion to move on the Resolution and after a split vote, with Councilman Patricelli being in favor and Mayor Manning being opposed the Resolution did not pass.

APPROPRIATIONS AND ACCOUNTING

NONE

Prior to opening the Public Comment portion of the meeting Councilman Patricelli submitted, for the record, a statement regarding the 2018 budget process. It read as follows: *"For the past two months I have asked to hold a special meeting to discuss line by line this budget. Mayor you refused and then said at our last meeting three weeks ago that you would check your schedule. I heard nothing and then sent a follow up email and again you never gave me the courtesy to respond. This budget process is a sham and worthless. This process was in place before the state designated us as moderately distressed and then the same process was used last year and now we're severely distressed. Your claim to have use reserves to lower the stress of*

our residents is a complete farce. I have had little or no input into this budget; all discussions have been directly between you and the GM, a GM with 3 years of experience in preparing budgets. I'm sure he is doing his best but by not including me, with 40 years of experience is a grave and harmful mistake.

Our recent audit by the NYS Comptroller's office main comment was the lack of oversight and involvement by the City Council. Here I offered a way to help address this issue and because of either your schedule with your new job with Finkle Steel in Chicago has either not permitted you to be available for a meeting or your plain refusal because of you not wanting anyone else's opinion other than those that are more influential in your mind again is not in the best interest of the City of Watervliet. If your new employment has curtailed your attention to city matters than maybe it is time for you to consider resigning. Having a new councilperson come on at this time without any discussion in this budget is both unproductive and irresponsible unless you're expecting another head nodder to give you what you wanted all the time, well that isn't me and never will be. A large number of residents voted for me with the confidence they have in me to make tough, sound and responsible decisions. I will not let them down

Furthermore, I was not given a full copy of the budget until a few days before this meeting. How do you expect anyone to be able to review, digest and fully understand this budget especially in light of us being designated 2nd worst financially distressed city in the State of New York? I never received any information on revenue nor the little background discussions such as eliminating bulk pick up, staffing, purchase of vehicles, department consolidations, retirement costs and more. I voting on this budget is both reckless and irresponsible. I will not be intimidated by a few individuals that are only trying to serve their own selfish interests. I'm hereby calling on the State Comptroller to come in and assist in mediating a solution to our budget. I'm available and day, night or weekend to fit into your schedule."

Police Chief Spain announced that the City would be utilizing a new mass notification system effective December 1, 2017. Any residents who wish to sign up for the new system can text "12189" to 888777. Also, residents can go on the Watervliet Police Department website and click on the "Nixle" tab on the left hand side of the screen, enter their information and they will be registered as well. Chief Spain explained that the new "Nixle" system gives the City more flexibility than the old "Code Red" system by allowing the City to place community events on the notifications. Each resident who signs up is able to pick and choose what types of notifications they would like to receive. Also, included with the new system is a tip line that can be used by residents to help or inform the Police on investigations.

Corporation Counsel Yorden Huban recommended placing a Resolution on the agenda of a future City Council Meeting in order to have formal City Council approval of this agreement between the City and Nixle.

Councilman Patricelli asked if those individuals who had previously signed up for the "Code Red" notification system would be automatically transferred to the new system, to which Chief Spain informed him that they would have to register themselves for the new system as well.

Councilman Patricelli stated he had been contacted by an individual about a concern they had with an abandoned house at 2512 4th Avenue. Mr. Patricelli stated that he went to look at the property and that the back porch of the house was falling down and in a “dilapidated” condition. Councilman Patricelli recommended having a structural engineer look at the property to see what can be done about it.

Corporation Counsel Huban then explained that the City has an “Unsafe Building” ordinance in the City Code that lays out what can be done with properties in this type of condition. He also stated that the first step in the process is to get the Code Enforcement Department on site to investigate and have a structural engineer submit a report on the property. Also, if the building is deemed a danger to the public the City has the authority to have an emergency demolition take place.

General Manager Jeremy Smith announced that on December 1, 2017 there would be a special fire training held at the Dome and immediately following, at 6PM, the annual “McCormack Tree Lighting” would take place at the Watervliet Fire Station.

Mr. Smith also announced that on Saturday, December 2, 2017, the City would hold its annual tree lighting ceremony at Veterans Park at 5PM. Included at the ceremony will be horse drawn carriage rides, refreshments, give aways by Kids’ Count, and the City’s annual tree ornament will be handed out as well.

General Manager Jeremy Smith then explained that he had some issues with Councilman Patricelli’s comments regarding the 2018 budget. Mr. Smith stated that some of what Councilman Patricelli had said was not factual; such as the budget procedure being a “sham”, Councilman Patricelli not having input in the budget process, and Mr. Smith not having experience in creating a budget for the City. General Manager Smith explained that eighty percent of the proposed budget had been covered line by line during the individual departments budget workshops, which had never been done before while preparing the City’s budget. Also, any and all input from the City Council and the tax payers had been taken into consideration. Mr. Smith also stated that he expected more input and suggestions from Councilman Patricelli but did not receive it. As to his experience, Mr. Smith explained that he has a better understanding of the City’s finances than anyone in the City of Watervliet and that he had the opportunity to sit with former Director of Finance, Bob Fahr, for two years to learn the ins and out of the City’s finances. General Manager Smith when on to state that the comments Councilman Patricelli made are a “slap in the face” to himself and the staff of the City of Watervliet who worked together to prepare this budget.

Councilman Patricelli responded by saying there were parts of Mr. Smith statement that he disagreed with but that he would continue to do his best and will provide any input he can moving forward.

General Manager Smith then explained that he had offered to meet with Councilman Patricelli on multiple occasions to talk about the budget but that he had declined. Councilman Patricelli stated that was correct because he didn’t believe that type of meeting would be productive because the General Manager does not have the final say on what goes into the

budget. General Manager Smith replied by saying it is in fact the job of the General Manager to prepare the budget while it is the job of the City Council to adopt or reject the budget.

PUBLIC COMMENT PERIOD

Paul Hughes – 108 15th Street – Mr. Hughes raised a concern about a homeless man who is currently living off of a trail near Passanno Paint in Port Schuyler. Fearing for this man's safety; Mr. Hughes asked Police Chief Mark Spain could look into the matter or contact the State Police to do the same.

Mr. Hughes also commented on the work the New York State Department of Transportation has been doing along the fence line of 787. After calls from Councilman Patricelli and General Manager Smith to the Department of Transportation to request cleaning up the fence line on the 787 side, Mr. Hughes being a Department of Transportation employee, was able to put a crew together to work on the issue. Mr. Hughes stated that the sections of the fence that have been cleared look beautiful and that they would continue to work on the remaining sections.

Todd Smith – 902 19th Street – Mr. Smith asked what would happen should the Council not vote to approve the 2018 budget. General Manager Smith explained that the City would not be able to expend any funds in 2018, whether they be payroll, or purchasing of equipment and services, but that he was still looking into the issue.

Mr. Smith also made a comment about Councilman Patricelli voting to table Resolution No. 9436. Mr. Smith stated that he agreed with Councilman Patricelli's previous votes against appointing a third member to the City Council but asked him why he was against the appointment this time, considering Frank McGrouty had won the City Council election.

Councilman Patricelli explained that he had certain concerns regarding the budget, including the double digit increase, how the City used its cash reserves, and how some services had been up for discussion to potentially cut. Mr. Patricelli then explained that his proposal was to have the special City Council meeting and go over the budget in greater detail, line by line. When that meeting took place, Councilman Patricelli noted that Councilman-Elect McGrouty would be involved in it. Once the more in depth discussion on the budget was completed, Mr. Patricelli stated he would have entertained a motion to appoint Frank McGrouty to the City Council. However, with Mr. McGrouty not having been involved in the budget process or discussions pertaining to the budget, appointing him and having him eligible to vote on the proposed budget did not seem like the right course of action.

Andrea Hughes – 108 15th Street – Mrs. Hughes announced that the Seniors Center was selling Poinsettias for three dollars and if anyone wanted to purchase one, they could see her.

Mrs. Hughes also inquired about the City allowing people to rent out the Senior Center for parties or events, similar to how the Hudson Shores Pavilion and Dome are rented. Mrs. Hughes also asked that if Senior Center property was to be used by anyone who rented the space, would the Senior Center be compensated for that.

General Manager Smith stated that the City has been discussing the potential for renting the building but that it is a little more complicated than the Dome or Pavilion due to the fact that much of the equipment in the Senior Center is not the City's property. Mr. Smith stated that City Clerk, Scott O'Reilly would be in contact with the Senior Center to set up a meeting to discuss the potential issues and iron out the details.

Amanda Austin – 4 Grotto Court – Mrs. Austin announced that Relay for Life was having their annual "Kick Off" meeting at the Arsenal City Tavern on January 22, 2018 at Six PM and that people could keep up with their events by following them on Facebook at "Hudson River Communities Relay for Life."

With there being no further comments, Mayor Manning closed the Public Comment period.

General Manager Jeremy Smith requested adjourning into executive session to discuss union matters and an ongoing investigation. He asked that Mayor Manning, Councilman Patricelli, City Clerk Scott O'Reilly, Director of Finance Mike McNeff, Corporation Counsel Yorden Huban, and Police Chief Mark Spain be present. Mayor Manning made a motion to adjourn into executive session, which Councilman Patricelli seconded and the meeting was adjourned into executive session at 8:30PM.

EXECUTIVE SESSION

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Regular session was called back to order at 9:24pm. With no legislation having been discussed in the executive session, a motion was made and seconded to adjourn the meeting. The meeting was adjourned at 9:24pm.

***Next Meeting: December 7, 2017 7:00pm**

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Scott P. O'Reilly".

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, NOVEMBER 30, 2017**

The meeting of the Executive Session was called to Order by Mayor Michael P. Manning at
8:41 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, Michael McNeff, Director of Finance, Yorden Huban,
Corporation Counsel, Chief of Police Mark Spain, and Fire Chief Rob Conlen

The Council and administration discussed a Union matter as well as 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 9:24pm.

Respectfully Submitted,



Scott P. O'Reilly

City Clerk & Clerk to the Council