

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET  
THURSDAY, JULY 12, 2018 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, Councilman Patricelli, and Councilman McGrouty were present.

Also present from City Administration were: General Manager Jeremy Smith, City Clerk & Clerk to the Council Scott O'Reilly, Director of Finance Mike McNeff, Corporation Counsel Yorden Huban, and Police Chief Mark Spain.

Councilman Patricelli made a motion to dispense with the reading of the Minutes from the previous meeting, which Councilman McGrouty seconded. A vote was then taken to dispense with the minutes that passed unanimously.

**REPORT OF OFFICERS AND COMMITTEES**

**GENERAL MANAGER'S REPORT**

General Manager Jeremy Smith gave an update on various projects going on in the City. He reported that the Summer Paving project was completed in just over one week and that it was at no cost to City residents because the funds came from the Consolidated Highway Improvement Program.

He also announced that the Library and Senior Center Roof project was nearly complete and that the next step in the Library and Senior Center project is remodeling the entry ways and atrium between the two.

Next, Mr. Smith updated everyone on the progress of the work National Grid was doing in the City, stating that they had completed replacing the gas mains 16<sup>th</sup> Street, 6<sup>th</sup> Avenue, and 8<sup>th</sup> Avenue.

Lastly, he explained that the new water main has been placed on 3<sup>rd</sup> Avenue with the connections coming next. After that, the mains will be placed at 1<sup>st</sup> Street and Broadway and then the roads will be paved. The last part of the project will be placing the new water mains on 6<sup>th</sup> Avenue and 8<sup>th</sup> Avenue on the North end of town and those roads too will be paved.

**OLD BUSINESS**

NONE

## NEW BUSINESS

**RESOLUTION NO. 9506** - The Council of the City of Watervliet hereby approves the application of the City of Watervliet for a tree planting and tree maintenance grant under the 2018 Urban and Community Forestry Grants Program pursuant to New York State Department of Environmental Conservation guidelines and authorizes a 25% cash grant match not to exceed \$12,500.00 pursuant to the regulations.

General Manager Jeremy Smith explained that this an inventory grant that the City received in 2017 with the work being completed now. With this grant the City received Fifty Thousand dollars to plant trees throughout the City.

Councilman McGrouty asked if there were locations that had already been chosen to plant these trees. Mr. Smith explained that some places had been chosen but that the list could change and that this inventory will help generate the final list. Councilman McGrouty then asked how many trees would be planted and if homeowners would have a say as to whether a tree is planted on their property. General Manager Smith stated that homeowners do have a say in if a tree is planted or not and with this grant the City will be able to plant forty to fifty new trees.

Councilman Patricelli then noted that the trees that will be planted have to be “urban approved” trees therefore they won’t have residents’ sidewalks.

After a motion from Councilman Patricelli which was seconded by Councilman McGrouty this Resolution passed with a 3-0 vote.

**RESOLUTION NO. 9507** – The Council of the City of Watervliet hereby authorizes the implementation, and funding of a transportation federal-aid project on 3<sup>rd</sup> Avenue in Watervliet.

General Manager Smith explained that this is a “Master Agreement” for a federally funded mill and fill of Third Avenue in Port Schuyler. He also noted that this agreement will cover ninety-five percent of the total project.

Upon a motion made by Councilman McGrouty which was seconded by Councilman Patricelli, the Resolution passed unanimously.

**RESOLUTION NO. 9508** - The Council of the City of Watervliet hereby authorizes and directs Scott P. O’Reilly, City Clerk and Clerk to the Council, to advertise once in the official newspaper of the City that sealed bids will be received in the City Clerk’s Office in Watervliet City Hall, until 10 A.M. on August 3<sup>rd</sup>, 2018, for the restoration of 3<sup>rd</sup> Avenue in Watervliet.

General Manager Jeremy Smith explained this publication for the bids for the Third Avenue paving project with the Department of Transportation. Councilman McGrouty then asked when the project would be completed. Mr. Smith stated most likely by the end of August or early September but that it would be done by September 23<sup>rd</sup> at the latest, as that is the date of the Arsenal City Run.

Councilman Patricelli made a motion to move on the Resolution which was seconded by Councilman McGrouty and the Resolution passed with a 3-0 vote.

**RESOLUTION NO. 9509** - The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to file applications under the NYS Consolidated Funding Application Program and the Community Development Block Grant Program for community development purposes.

General Manager Jeremy Smith explained most of this will be for upgrades at the Water Filtration Plant. Councilman Patricelli asked how much the necessary upgrades would cost. Mr. Smith explained that the upgrades would cost roughly One Million Dollars (\$1,000,000.00), seventy-five to eighty-five percent of which could be grant funded.

Upon a motion from Councilman McGrouty with a second from Councilman Patricelli, the Resolution passed with a 3-0 vote.

**RESOLUTION NO. 9510** - The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to file applications under the NYS Consolidated Funding Application Program and the NYS Department of Environmental Conservation Water Quality Improvement Project for water quality improvement purposes.

General Manager Smith stated that this was the second time the City will file for a grant to separate the remaining Combined Sewer Overflow's (CSO's). He noted that it is a Five Million-dollar (\$5,000,000.00) project that would be seventy-five percent grant funded and that separating the CSO's would lower the City's sewer costs.

After a motion from Councilman Patricelli which was seconded by Councilman McGrouty, the Resolution passed by unanimous vote.

**RESOLUTION NO. 9511** – The Council of the City of Watervliet hereby accepts the reduced assessment for the subject of real property for 201-209 13<sup>th</sup> Street and that William R. Ryan, Esq., of Tabner, Ryan & Keniry, LLP, special counsel for the City of Watervliet, is authorized to execute the Consent Order.

General Manager Smith explained that a negotiation took place and a slightly reduced assessment had been agreed upon. Councilman Patricelli inquired about how much the reduction was and Mr. Smith explained that the City's portion was Six Hundred dollars.

Upon a motion from Councilman McGrouty, which was seconded by Councilman Patricelli, the Resolution passed with a 3-0 vote.

**RESOLUTION NO. 9512** – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to file applications under the NYS Consolidated Funding Application Program and the NYS Department of State Local Waterfront Revitalization Program

for implementation and study projects.

General Manager Smith explained this will include two applications. The first, will be for upgrades at Hudson Shores Park, including a playground and concert stage. The potential cost for this project would be around Six Hundred Thousand dollars (\$600,000.00), eighty-five percent of which would be grant funded. He went on to explain the second application, which would be for a study regarding the Congress Street bridge to make it more pedestrian friendly, would be a joint application with the City of Troy. Mr. Smith also stated that the study would look into connecting the two bike paths on each side of the Hudson River as well as a safer pedestrian route into Hudson Shores Park.

Councilman Patricelli made a motion to move on the Resolution, which was seconded by Councilman McGrouty and the Resolution passed unanimously.

**RESOLUTION NO. 9513** - The Council of the City of Watervliet hereby authorizes the implementation, and funding of a transportation federal-aid project for the Watervliet Bike Path, from Mohawk-Hudson Bike Trail Terminus to Hudson Shores Park.

General Manager Jeremy Smith stated that this was another “Master Agreement,” with the Department of Transportation. He went on to explain that Barton and Logudice is the consultant on this project and that this agreement would be to pay for their engineering services. Councilman Patricelli asked if there were renderings for the proposed bike trail that would run along Broadway. Mr. Smith stated that there are and that he would get the renderings to Councilman Patricelli.

After a motion was made by Councilman McGrouty and was seconded by Councilman Patricelli, the Resolution passed with a 3-0 vote.

**RESOLUTION NO. 9514** - The Council of the City of Watervliet hereby approves a Memorandum of Understanding between the Town of Guilderland and the City of Watervliet, for the purpose of supplying equipment and vehicles along with the necessary operator(s) for lawful municipal purposes; and the Town of Guilderland agrees to locate, install, and continue a hiking trail on City of Watervliet property and further agrees to mow and maintain the City of Watervliets’ property.

General Manager Jeremy Smith explained that this would allow the two municipalities to share man power at the City reservoir and noted that it would be a cost savings for the City because our employees would not have to drive to Guilderland once a week to maintain the grounds.

Councilman Patricelli then asked if there had been any movement on potential recreation out at the Reservoir. General Manager Smith explained that the City is currently working on the “Recreation Management Plan” as part of the FERC Relicensing. As of right now, the plan is

still in the beginning stages, however, moving forward DEC has agreed to handle anything that needs to be built for recreation purposes, and take on all the liability. In addition, the Town of Guilderland has also agreed to handle any upkeep and maintenance.

Councilman Patricelli then asked for an update on the FERC Relicensing as a whole. General Manager Smith stated that the City was in year two of the process which is the study phase. Once all the requested studies are completed they will be submitted to the DEC and FERC and then the actual licensing portion can begin.

Upon a motion made by Councilman Patricelli which was seconded by Councilman McGrouty, the Resolution passed unanimously.

**RESOLUTION NO. 9515** - The Council of the City of Watervliet hereby authorizes and directs Scott P. O'Reilly, City Clerk and Clerk to the Council, to renumber the five City Ordinances that were mis numbered do to a clerical error and present new original Ordinances to the Mayor and Corporation Counsel for signature.

Upon a motion by Councilman McGrouty, which was seconded by Councilman Patricelli, the Resolution passed with a 3-0 vote.

At this time Councilman McGrouty proposed Resolution 9516 from the floor. Councilman McGrouty read the proposed Resolution as follows, "To appoint a successor to fill the vacant seat held my Charles Patricelli." He went on to explain that the seat became vacant based on a decision by the Albany County Board of Elections in a letter to General Manager Jeremy Smith dated April 30, 2018. Councilman McGrouty stated that there was no name for the successor but that this was for a discussion on the issue. By proposing the Resolution, Councilman McGrouty made the motion to move on the Resolution, which was then seconded by Mayor Manning.

Mayor Manning then asked for discussion and clarification on the proposed Resolution. Councilman McGrouty then stated that Councilman Patricelli should step down. He stated that Councilman Patricelli had "raised the standard in political fairness," when he voted against appointing Frank McGrouty to the vacant seat on the City Council in September of 2017. Councilman McGrouty went on to state that Councilman Patricelli voted against his appointment because it would have given Mr. McGrouty an "unfair advantage" over his Republican and Independent counterparts in the City Council Election that was to take place in November of 2017. Councilman McGrouty also pointed out that Councilman Patricelli stated he believed the new City Council Member should be left up to the residents of the City to decide on in the upcoming election. Councilman McGrouty then explained that he was a candidate at that time and asked Councilman Patricelli if he was currently a candidate in the upcoming City Council

election.

Councilman Patricelli then stated that he was not going to have this type of discussion at this time and said that it was “childish, immature, and absolutely disgraceful” for Councilman McGrouty to propose this Resolution. Councilman Patricelli went on to point out that Councilman McGrouty was appointed to his current position after he won the general election in 2017 and that the current situation has nothing to do with that situation.

Councilman McGrouty then stated that Councilman Patricelli was currently holding a “vacant seat” on the City Council, which Councilman Patricelli responded to by saying that was his opinion and the decision came down from an “incompetent person and it was carried through by incompetent people over the course of years.”

Councilman McGrouty then asked Councilman Patricelli again if he was a candidate in the upcoming election. Councilman Patricelli stated that he was not going to answer Councilman McGrouty’s “inquisition” and then said Councilman McGrouty was trying to “carry out a vendetta.”

There were then several unrecognized outbursts from the gallery.

General Manager Jeremy Smith then stepped in to remind the Council that because there was a Resolution proposed, a motion made and a second that there would need to be a vote. He asked Councilman McGrouty for clarification on what the Resolution was. Councilman McGrouty stated “To appoint a successor to fill the vacant seat held by Charles Patricelli.” Mayor Manning then asked if the intent of this Resolution was to look into filling the seat deemed as vacant because there is no name stated in the Resolution to take the seat. Councilman McGrouty then stated the intent was to direct someone to look into this.

Councilman Patricelli then claimed that the situation was “embarrassing” and noted that in 2016 over two thousand people voted for him to become a member of the City Council. He then stated that he has chosen to run for his seat again, because of the mistakes made by the Albany County Board of Elections, because it is in the best interest of the City. Councilman Patricelli then stated Councilman McGrouty trying to remove him from office may be illegal but that it also is a message to the people who voted for him that their votes do not matter. He then stated that attempting to remove him from office “is a breach of trust with the residents” and that it shows “how playground bullies can be at their best.” Councilman Patricelli then reiterated how disappointed he was in the actions of Councilman McGrouty but that he was not surprised. In his time on the City Council, Councilman Patricelli noted, he has saved the City more money on contracts and by cutting wasteful spending by having the “guts” to say no. He also stated that he has been “cast aside” by the other members of the Council because he is “not a team player.” He

went on to say that he will continue to answer, “only to the residents of this great city” and will continue to look after their best interests.

Mayor Manning then asked Corporation Counsel Yorden Huban if he felt there was enough in this Resolution to be able to vote on it. Mr. Huban then stated that he didn't not believe there was because the Resolution is unclear. He then stated that the Council could either vote on the Resolution as is or the motion to move on the Resolution could be withdrawn. Councilman McGrouty then withdrew his motion to move on the Resolution.

General Manager Smith then asked for some clarification on the Resolution numbering moving forward. Corporation Counsel Huban stated that the number 9516 can be used for the next proposed Resolution because it was never voted on.

## APPROPRIATIONS AND ACCOUNTING

**RESOLUTION NO. 9516** - The Council of the City of Watervliet hereby approves a Bond Resolution authorizing the issuance of an amount not to exceed Five Million dollars (\$5,000,000.00) in serial bonds for the purpose of financing the construction and reconstruction of the City of Watervliet sewer system.

General Manager Smith explained that the amount of the proposed bond is this high because it is for the full amount of the potential CSO separation project. He then explained that the City will apply for two separate grants to help fund this. If both grants are awarded, they would cover three and a half million dollars (\$3,500,000.00) but the City must bond for the full amount as a condition of one of the grants. He went on to state that if the grants are not awarded to the City he would not recommend moving forward with the project. Mr. Smith then reiterated that one of the grants forces the City to approve a bond for the full amount of the project but assured the Council that the City will not close on the full Five Million Dollars.

Councilman Patricelli stated that he did not understand the requirement of bonding this much money and asked why the City was responsible for committing the full amount of the project if it is going to be grant funded. General Manager Smith explained that EFC wants municipalities to show their commitment to the project by bonding out for the entire amount. He went on to state, for the record, that the City will no close on a bond amount that is not approved by the City Council, and that it will not close on this entire Five Million Dollar amount.

After a motion by Councilman Patricelli which was seconded by Councilman McGrouty the Resolution passed with a 3-0 vote.

Prior to the opening of the Public Comment Period, General Manager Jeremy Smith announced that the budget schedule would be presented at the next City Council meeting. Also, for the first time ever, he will be presenting a preliminary budget in September. He also announced that the next phase of the Senior Center/Library Project will begin in the coming months. At the next meeting, Mr. Smith stated that the Council will likely be able to vote on awarding the Third Avenue project bid and possibly an update on any grant applications that are due in September.

Councilman Patricelli then asked for an update on the City's broken fire hydrants. General Manager Smith informed him that the broken hydrant on 8<sup>th</sup> Avenue and 8<sup>th</sup> Street is scheduled to be replaced in early September.

Councilman Patricelli also asked for an update on the paving of basketball courts in City parks. Mr. Smith stated the City was waiting for a quote to pave the court at 7<sup>th</sup> Street park.

Councilman Patricelli then stated he was in favor of the City attempting to have free Wi-fi in City buildings, as was discussed at the previous City Council Meeting.

Councilman then asked Police Chief Spain if there was a large issue with calls to the Police Department regarding fireworks around the Fourth of July. Chief Spain stated there weren't any more calls than is usual for that time of year. Chief Spain then said he tends to get more reports, not just about fireworks but in general, about issues from the Council Members than he does from residents. He explained that it is much harder to address issues when they don't come the actual complainant but from a third party, in this case a member of the City Council. He also stated the amount of complaints about fireworks he saw on Facebook was far greater than the amount of calls the Police Department received. General Manager Smith then asked Chief Spain for a clarification on what are currently considered legal fireworks. Chief Spain explained that legal fireworks consist of sparklers and units that sit on the ground and spray eight to twelve feet in the air. Anything that is a projectile is an illegal firework.

Councilman Patricelli then inquired about openings on various boards the City currently has. General Manager Smith suggested starting an email chain to get nominations for the positions and then interviews could be held if need be.

Regarding the outbursts that took place earlier in the meeting, Corporation Counsel asked respectfully that nothing like that ever happen again between members of the public. He stated he understood people are passionate about issues, but personal attacks are not conducive to open government. He stated that this is not directed at anyone and that he is not trying to curtail the public from voicing their opinions but there is a time and manner in which it should be done.

## PUBLIC COMMENT PERIOD

**Paul Huban – 1500 12<sup>th</sup> Avenue** – Mr. Huban made a comment about the recently completed paving project. He stated there were two plies of unused black top on the new sidewalk on Sixth Avenue near Price Chopper that need to be removed.

He then informed the Council that two of the street lights located on Nineteenth Street are on twenty-four hours a day. Lastly, Mr. Huban commended the City on having two vacant business properties landscaping cleaned up.

**Kathy Dean – 1868 9<sup>th</sup> Avenue** – Ms. Dean stated that what took place earlier in the City Council meeting was “appalling” and reminded everyone that they were all neighbors. She also said the issue that led to the uproar was “embarrassing” and that the City Council term limits issue was not the fault of the citizens.

**Peg Germano – 1124 7<sup>th</sup> Avenue** – Ms. Germano apologized for her role in the uproar that took place earlier in the meeting.

She then asked General Manager Smith for an update on the work being done at the Watervliet Reservoir.

Ms. Germano stated she likes having one City Council Meeting per month as opposed to two.

She also informed the Council that there is no street sign at the corner of 15<sup>th</sup> Street and 8<sup>th</sup> Avenue. General Manager Smith informed her that the highway department is currently replacing the various street signs that were damaged or missing.

**Kathy Crudo – 1863 9<sup>th</sup> Avenue** – Ms. Crudo admonished Councilman McGrouty for his role in the argument that took place earlier in the meeting and stated that he was upset at Councilman Patricelli for doing his job.

**Holly Collett – 1812 9<sup>th</sup> Avenue** – Ms. Collett thanked Corporation Counsel Yorden Huban for his thoughts on what took place earlier in the meeting. She then reminded everyone that we were all neighbors who live in a Democracy. She stated that it is alright to have differing opinions so long as we aren't trying to impose those opinion on one another.

Ms. Collett then asked everyone in attendance to take a minute to think about the names on the memorial wall at Veterans Park. She stated that the names on that wall sacrificed themselves so that we could hold public meetings like this City Council meeting.

**Kevin Moran – 734 8<sup>th</sup> Avenue** – Mr. Moran asked what kind of rate the City would receive on the Bond that was just approved by the City Council. General Manager Smith stated that in the past the City has received anywhere from 2.5 to 4.

Mr. Moran then stated that he believed all three members of the City Council should remain in their seats until they are voted out.

Mr. Moran also thanked the General Manager and City Clerk for their help with various issues at the Watervliet Public Library.

**Jeff Foster – 1201 8<sup>th</sup> Avenue** – Mr. Foster stated that he voted for Councilman Patricelli in his last election but that the only reason the length of term issue came up was because Councilman Patricelli brought it up initially. Mr. Foster said that Matthew Clyne found the mistakes and Councilman Patricelli did not like the result.

Mr. Foster then asked a question about the car accident that took place on July 3<sup>rd</sup> on Nineteenth Street. He claimed he had heard that one of the Fire Trucks water pumps was not working and asked if it had been tested. With Fire Chief Conlen not in attendance, General Manager Smith stated that the Chief could give a full report at the next City Council meeting.

**Loraine Alesso – 409 3<sup>rd</sup> Avenue** – Ms. Alesso asked Police Chief Mark Spain to reconsider his decision to deny her request for a handicapped parking sign being placed outside of her home. Chief Spain stated that his recommendation to the Council will stand but that he will give all his findings to the City Council and they can approve it regardless of his recommendation.

**Don Whitehead – 1921 8<sup>th</sup> Avenue** – Mr. Whitehead stated that although he is in favor of any project to improve the City but that the new home being built at 203 21<sup>st</sup> Street has no visible building permits for the demolition that took place, or the work currently being done. Being a member of the zoning board, he then stated that the structure is too tall, and the rear set back is not at the required fifteen feet. He asked who was overseeing this project. General Manager Smith stated that permits had been issued but he will look into the issue further.

**Kris Kresloff – 1624 7<sup>th</sup> Avenue** – Ms. Kresloff stated that she was at the City Council meeting in which Councilman Patricelli first brought up the issue of length of term and that it was recorded in the Minutes for that meeting. She then said she appreciated everything Councilman Patricelli has done while on the Council and that we need more people like him involved. However, she stated that he pushes City employees too hard.

Finally, she stated that she wanted everyone to get along so that the City can move past this issue and start moving in the right direction.

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

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Police Chief Mark Spain then requested adjourning into executive session to discuss a personnel matter. He requested the City Council, City Clerk Scott O'Reilly and General Manager Jeremy Smith be present for the executive session. A motion was made by Councilman Patricelli to adjourn the into Executive Session, which was seconded by Councilman McGrouty. The Council adjourned into Executive Session at 8:39PM.

At 9:00PM Executive Session was adjourned and a motion was made by Councilman Patricelli to adjourn the meeting, which was seconded by Councilman McGrouty. The Council adjourned the meeting at 9:40pm.

**\*Next Meeting: August 9, 2018 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 7, 2018**

The meeting of the Executive Session was called to Order by Mayor Michael P. Manning at 8:47pm.

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

Also present from City Administration were: Jeremy Smith, General Manager, Scott O'Reilly, City Clerk & Clerk to the Council and Police Chief Mark Spain.

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

A motion was made to adjourn the executive session at 9:00pm.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Scott P. O'Reilly". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Scott P. O'Reilly

City Clerk & Clerk to the Council