

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET  
THURSDAY, SEPTEMBER 26, 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 gave an update on the ongoing infrastructure projects. He announced that the Third Avenue project was complete. He then noted that after some delays, the Water Infrastructure project was "back on track." Most of the work in Port Schuyler was finished and the work on the north end of town was beginning.

Next, Mr. Smith commented on the recent "Fiscal Stress Report" that had been released by the state. He announced that the City's score has improved since last year's report but that the City is still working with the Financial Restructuring Board to continue to improve. General Manager Smith explained that the three areas the report focus on, fund balance, cash in hand, and operating in a deficit, all improved for the City. Fund balance and cash in hand have increased and the City is not operating in a deficit.

**OLD BUSINESS**

**PUBLIC HEARING** - For the purpose of hearing those persons who wish to be heard regarding proposed Local Law No. 5-I for the Year 2019, "A Local Law to override the tax levy limit established by General Municipal Law §3-c for the 2019 City of Watervliet Budget."

General Manager Jeremy Smith explained that the tax cap is two percent and passing this local law is necessary if the City Council wishes to vote for a 2019 budget that calls for more than a two percent increase.

Mayor Manning opened the Public Hearing.

There were no comments during this time and Mayor Manning then closed the Public Hearing.

## NEW BUSINESS

**Local Law No. 5-2018** - A Local Law to override the tax levy limit established by General Municipal Law §3-c for the 2019 City of Watervliet Budget.

Mayor Manning stated that there were no comments during the Public Hearing on this matter.

After a motion from Councilman McGrouty which was seconded by Councilman Patricelli, the Local Law passed unanimously.

**ORDINANCE NO. 1986** – An Ordinance of the City of Watervliet providing that the Code of the City of Watervliet Chapter 260 “Vehicles and Traffic” Article VIII “Schedules” Section 260-56 “Time Limit Parking or Standing” be amended.

This was the first reading of this Ordinance. Mayor Manning explained that this Ordinance would shrink the “Thirty Minute Parking” section of Nineteenth Street.

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

**RESOLUTION NO. 9532** – The Council of the City of Watervliet hereby determines that the proposed project for the former Dutch Reformed Church at 1501 1<sup>st</sup> Avenue is a Type II action and that no further action or review relative to this is required by SEQR.

General Manager Smith explained that this was the final step in the environmental review for the project. He also noted that the project is mostly grant funded. Councilman McGrouty then asked how much the grant the City received was for. General Manager Smith explained that Three Hundred Thousand dollars for the project will be grant funded and One Hundred Thousand dollars has been bonded.

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

**RESOLUTION NO. 9533** - The Council of the City of Watervliet hereby approves and adopts the City of Watervliet Anti-Harassment and Discrimination Policy and Complaint Form and The Council of the City of Watervliet hereby directs General Manager Jeremy A. Smith to distribute the City of Watervliet Anti-Harassment and Discrimination Policy and Complaint Form to all employees of the City of Watervliet.

General Manager Smith explained that the City already has such a policy but that new state mandate requires a more “robust” policy. Corporation Counsel Yorden Huban also pointed

out that after this policy was adopted, training needed to be completed by January 1, 2018 and then done annually. Councilman Patricelli then asked who would provide the training. General Manager Smith stated that City was still looking into who can provide such training.

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

**RESOLUTION NO. 9534** – The Council of the City of Watervliet hereby accepts the reduced assessment for the subject of real property for 1601 Broadway and that William R. Ryan, Esq., of Tabner, Ryan & Keniry, LLP, special counsel for the City of Watervliet, is authorized to execute the Stipulation of Settlement.

General Manager Smith stated the City made an offer that was accepted, and that the City will pay back Fifteen Hundred dollars for the past two years.

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

**RESOLUTION NO. 9535** - The Council of the City of Watervliet hereby accepts the reduced assessment for the subject of real property for 1804 2<sup>nd</sup> Avenue and that William R. Ryan, Esq., of Tabner, Ryan & Keniry, LLP, special counsel for the City of Watervliet, is authorized to execute the Stipulation of Settlement.

General Manager Smith explained that the City would pay Twenty-Six hundred dollars in this settlement.

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

**RESOLUTION NO. 9536** – The Council of the City of Watervliet finds and determines that the surplus vehicles are no longer of use for City purposes and approves, authorizes and directs Mayor Michael P. Manning to execute an agreement between the City of Watervliet and Auctions International, Inc., with an address of 1167 Big Tree Road, East Aurora, New York and The Council of the City of Watervliet hereby authorizes and directs General Manager Jeremy A. Smith to dispose of the surplus vehicles with Auctions International, Inc. for online auction of the surplus vehicles.

General Manager Smith stated that City previously held an auction for these vehicles but received no bids. Using this site will allow the City to unload vehicles and equipment it no longer needs.

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

**RESOLUTION NO. 9537** - The Council of the City of Watervliet hereby accepts the

bid from and awards Contract #1 [Storefront and Windows Replacement] to American Glass Company of Albany located at 27 North Manning Boulevard, Albany, New York in the amount of Ninety Four Thousand Ten and 00/100 Dollars (\$94,010.00) and hereby accepts the bid from and awards contract #2 [Interior Lobby Improvements] to Hoosick Valley Contractors, located at 52 Melrose Valley Falls Road, Melrose, New York in the amount of Thirty One Thousand Seven Hundred and 00/100 Dollars (\$31,700.00) for the Entryway Rehabilitation Project at the City of Watervliet J. Leo O'Brien Senior Center and Library Building, the lowest responsible bidders in conformance with the specifications.

General Manager Smith explained that these two contracts are well within the remaining budget for this project and that he recommended them to the City Council.

Councilman Patricelli asked what would be done with the remaining balance of funds for the project. Mr. Smith stated that the City was looking into potentially using the balance to purchase security cameras for the building and or sprinklers for the surrounding grounds.

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

**RESOLUTION NO. 9538** – The Council of the City of Watervliet hereby accepts the bid from and awards the contract to Seed Renewables, located at 405 Jordan Road, Troy, New York in the amount of Twenty-Three Thousand Eight Hundred Ninety-Five and 00/100 Dollars (\$23,895.00) for the purchase and installation of a roof mounted solar system at the City of Watervliet MSW Organic Digester Building.

General Manager Smith stated that the City received two bids, this being the lower of the two. He also stated that the projected will be funded through the State Dormitory Authority.

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

## APPROPRIATIONS AND ACCOUNTING

**RESOLUTION NO. 9539** – The Council of the City of Watervliet hereby authorizes the increase of funds of certain expenditure accounts and certain revenue accounts in the annual estimate that has become necessary due to unforeseen circumstances.

General Manager Smith explained that these are budget neutral moves.

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

Prior to the opening of the Public Comment period, Councilman Patricelli addressed the condition of some of the City's roads due to ongoing construction. He asked General Manager Smith who should be contacted if someone sustains damage to their vehicle. Mr. Smith stated that the General Manager or City Clerk's office should be contacted and can provide the National Grid phone number for claims. He also stated that the City is in constant contact with National Grid and the construction inspectors.

Councilman Patricelli then asked if the City had any recourse against National Grid or if the City could issue stop work orders. General Manager Smith explained that National Grid has an easement to make the modifications they are currently making.

Councilman Patricelli then asked for an update on the progress being made with the Financial Restructuring Board. General Manager Smith stated that the City has conference calls with the FRB two or three times a week and explained that it will be a lengthy process. Councilman Patricelli asked if members of the City Council will be able to speak with the board. General Manager stated he would check with them to find out.

## PUBLIC COMMENT PERIOD

**Jim Hayes – 603 16<sup>th</sup> Street** – Mr. Hayes made a comment about drivers not abiding by the new cross walks throughout the City. He stated that motorists do not allow walkers to cross the street as they are supposed to. He also stated that many drivers do not adhere to the “no turn on red” sign at the intersection of Nineteenth Street and Second Avenue or the “no left turn” sign at the Second Avenue Stewarts. He asked Police Chief Spain to speak to his officers about these issues.

**Paul Huban – 1500 12<sup>th</sup> Avenue** – Mr. Huban addressed numerous concerns including the PA system for the City Council Meetings, Pot Holes in the City, malfunctioning street lights on Nineteenth Street, National Grid tearing up City streets and the City choosing to mill the roads where the Water infrastructure project would be taking place far in advance of the water work being completed.

General Manager Jeremy Smith stated that he does not control the PA system. He also stated that pot holes in the City are constantly being worked on and any that have not been addressed should be reported to his office. He also explained that the issue with street lights is being worked on as well. Also, the City is currently working on a project that will replace all City owned street lights with LED lights. Mr. Smith then informed Mr. Huban that the decision to mill the roads first was come to by himself and the engineers on the project. He stated that the

project has taken longer than initially believed but took full responsibility for the condition of the roads.

**Kelly Rogalo – 1315 2<sup>nd</sup> Avenue** – Ms. Rogalo stated she received a home improvement grant from the City but is unhappy with the Contractor that was awarded the project. She gave multiple examples of ways she believed the Contractor was in breach of his contract. Ms. Rogalo asked for help in remedying the situation. General Manager Smith stated that the City is aware of the issues and is looking into it. He also stated that the City will do everything it can to fix the problems.

**Paul Hughes – 108 15<sup>th</sup> Street** – Mr. Hughes commented that he noticed there is less time in City Council meetings for the residents to discuss the proposed legislation.

He also suggested have contractors complete close off roads when they are working on them so that drivers do not get stuck behind the work.

Mr. Hughes then stated he liked the changes to Second Avenue that include the bicycle lane and parking lanes. He would like to see these types of changes made to more City streets. General Manager Smith explained that a project to connect the Mohawk Hudson bike trail to the Fourth Street Tunnel with a dedicated bicycle lane is currently in process.

**Kathy Crudo – 1863 9<sup>th</sup> Avenue** – Kathy Crudo expressed her gratitude for the City continuing bulk garbage week. She then suggested coming up with a way to deter people from outside of the City from bringing their bulk items in during the Bulk weeks.

**Andrea Hughes – 108 15<sup>th</sup> Street** – Ms. Hughes expressed numerous concerns including the status of the Senior Center bus, the handicapped swing in Fifteenth Street park, replacing the damaged ceiling tiles in the Senior Center, damaged pots and pans in the Senior Center, a craft fair that was supposed to be held at the Senior Center during the Arsenal City Run, the handicapped entry of the Senior Center, and the Senior Center having access to the Calendar of events that takes place in the Center.

General Manager Smith stated that the Mayor was currently working on resolving the bus issue. He stated that the handicapped swing will be moved in Fifteenth Street park, and that the new ceiling tiles are in and will be installed soon. He also explained that the handicapped entry will be included in the upcoming project at the Senior Center and Library. City Clerk Scott O'Reilly stated that the City is working on giving the center access to the events calendar but that someone will have to be issued a City email address in order to view the calendar.

**Jose Rivera – 1315 2<sup>nd</sup> Avenue** – Mr. Rivera stated that the Dome is being used more lately and that the kids coming and going are somewhat out of control. He also informed the City Council that the amount of litter on the grounds has increased with the facility being utilized more.

**Don Whitehead – 1921 8<sup>th</sup> Avenue** – Mr. Whitehead stated he liked the new look of Second Avenue.

He also asked for clarification on the issue of signs being placed on the fence along 787. Councilman McGrouty informed him that the City Council decided to wait to address the issue after the First of the year.

**John McCumber – 1314 3<sup>rd</sup> Avenue** – Mr. McCumber stated the proposed legislation that would restrict trailers and commercial vehicles from parking on City Streets hurts small business owners, like himself, particularly the three paving companies that operate in the City.

Police Chief Spain explained that the City has become a “dumping ground” for these types of vehicles and that it isn’t just paving vehicles. He went on to state that these types of vehicles damage City streets and hurt the esthetic look of the City.

**Peg Germano – 1124 7<sup>th</sup> Avenue** – Ms. Germano asked if the grant the City received for remodeling the Senior Center building included upgrades to the bathrooms.

General Manager Smith informed her that bathroom upgrades were not part of the grant.

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

General Manager Smith then requested the Council adjourn into Executive Session to discuss personnel issues. He asked that the members of the City Council, Corporation Counsel Huban, and City Clerk O’Reilly be present.

Mayor Manning then made a motion to adjourn into Executive Session which Councilman Patricelli seconded. The Council adjourned into Executive Session at 8:15PM.

At 8:59PM Executive Session was adjourned, and a motion was made by Councilman Patricelli to adjourn the City Council Meeting. Councilman McGrouty seconded the motion and the meeting was adjourned at 8:59PM.

**\*Next Meeting: October 11, 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  
WEDNESDAY, SEPTEMBER 26, 2018**

The meeting of the Executive Session was called to Order by Mayor Michael P. Manning at 8:23pm.

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

Also present from City Administration were: Jeremy Smith, General Manager, Scott O'Reilly, City Clerk & Clerk to the Council, and Corporation Counsel Yorden Huban.

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

A motion was made to adjourn the executive session at 8:59m.

Respectfully Submitted,

Scott P. O'Reilly  
City Clerk & Clerk to the Council