

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, NOVEMBER 29, 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, Deputy Director of Finance Amanda Austin, 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

NONE

OLD BUSINESS

PUBLIC HEARING NO. 1 – A Public Hearing for the purpose of hearing those persons who wish to be heard regarding proposed Local Law No.6 for the Year 2018, a local law to amend Chapter 230. Sewers of the Code of the City of Watervliet regarding establishing and imposing Sewer Rents for the period of November 1, 2018 to October 31, 2019.

General Manager Jeremy Smith explained this proposed Local Law charges all properties and units the full rate and that it is a flat rate from the previous year.

Mayor Manning opened the Public Hearing.

Rebecca Williams – 1325 5th Avenue – Ms. Williams commented that vacant buildings and vacant units should be treated differently because a vacant unit does not contribute to City sewers. She also stated homeowners should not be penalized for choosing not to rent out an apartment they own and stated that doing so could cause those home owners to leave the City.

Kathy Crudo – 1863 9th Avenue – Ms. Crudo stated she agreed with Ms. Williams' previous comments. Ms. Crudo also stated that Thirteen Hundred Dollars for two people is an "exorbitant" amount of money.

With there being no more comments, Mayor Manning closed the Public Hearing.

PUBLIC HEARING NO. 2 – A Public Hearing for the purpose of hearing those persons who wish to be heard regarding proposed Ordinance No. 1991, an Ordinance of the City of Watervliet, New York amending Chapter 266. Water of the Code of the City of Watervliet regarding establishing and imposing Water Rates for the period of November 1, 2018 to October 31, 2019.

General Manager Jeremy Smith explained that there is no proposed increase in the water rates within City limits and that vacant buildings and units will both be charged half of the full rate.

Mayor Manning opened the Public Hearing.

Rebecca Williams – 1325 5th Avenue – Ms. Williams asked to have her same comments from the Public Hearing for Sewer Rates added to the record in this Public Hearing for Water Rates.

Kathy Crudo – 1863 9th Avenue – Ms. Crudo asked to have her same comments from the Public Hearing for Sewer Rates added to the record in this Public Hearing for Water Rates.

Mark Krugler - Mr. Krugler noted that he does not reside in the City but owns multiple properties in Watervliet. He suggested the City look into having metered water rather than flat rates, that way residents are being charged for water they use. Mr. Krugler also called his water bill “outrageous.”

Mayor Manning explained that metered water has been discussed in the past and that business in the City are metered. Councilman Patricelli then asked if there was an available report regarding the costs of having metered water throughout the City. General Manager stated that he believed a report was done in the past and that he would attempt to locate it.

Jeff Foster – 1201 8th Avenue – Mr. Foster commented that many older residents have a hard time keeping up with maintenance on rental units therefore they do not rent them out. Councilman Patricelli then asked if Mr. Foster was suggesting charging nothing for vacant units. Mr. Foster confirmed that was his belief because it hurts these older residents financially. Mr. Foster then suggested possibly having an age limit on charging for vacant units.

Paul Huban – 1500 12th Avenue – Mr. Huban stated he was not in favor of charging for vacant units. He also stated that installing water meters in homes could “open up a can of worms.”

Ralph Fera – 705 16th Street – Mr. Fera stated that there should be a difference between vacant buildings and vacant units. He stated that vacant buildings should be charged the full rate while vacant units should be charged nothing. Mr. Fera also suggested charging single family homes with more than one bathroom a higher rate if vacant units are going to be charged.

Paul Hughes – 108 15th Street – Mr. Hughes asked how much work it would take to change a two-family home into a one family if the owner does not plan on renting a unit.

General Manager Smith explained that the requirements for converting a one family into a two-family home is not “black and white,” but that removing the kitchen from the vacant unit helps. He also noted that the house needs to “flow” like a one family home and not be separate units.

Paul Labossiere, head of the Building and Code Department, also confirmed that removing the kitchen is a start but that the “flow” of the home is the deciding factor. As an example of this “flow” Mr. Labossiere stated that if you had to exit the home in order to enter the other unit, it would not be considered a one family.

Todd Smith – 902 19th Street – Mr. Smith stated that the combined water and sewer rates are lower than the local average. He then asked what the alternative would be should the water rates not be passed. General Manager Smith explained that the rate is currently proposed to be flat but that it could change if they are not passed.

Chris McCabe – 21 Balboa Drive, Latham, NY – Mr. McCabe asked how much of the water and sewer bills go towards the water and sewer funds. General Manager Smith explained that One Hundred Percent of each bill goes to its respective fund.

Mr. McCabe then asked why the rates are so high in Watervliet. General Manager Smith explained that Watervliet is in line with the other Cities in the area. Mr. McCabe then stated you can go to other municipalities and “use more water for less money.”

Mary Burniche – 1274 3rd Avenue – Ms. Burniche asked if residents are charged based on how many units they have in their home. Mayor Manning informed her that was correct.

Don Whitehead – 1921 8th Avenue – Mr. Whitehead asked how much his water and sewer bill would be if nothing was changed from the proposed water and sewer rents. General Manager Smith explained that his sewer bill would be increased by four percent if vacant units

and building were charged the full rate. If vacant units and buildings are not charged the full rate the increase could be as much as six percent for sewer rents. Mr. Smith went on to explain water rents could be increased by two or three percent if vacant properties and units are not charged.

Mr. Whitehead then stated he was in favor of keeping the water and sewer rents as they are proposed.

Paul Hughes – 108 15th Street – Mr. Hughes asked if other municipalities use City water and if so asked if their rates are being increased. General Manager Smith informed him that water rates for properties not within City limits are being raised in this proposal.

With there being no more comments, Mayor Manning closed the Public Hearing.

PUBLIC HEARING NO. 3 – A Public Hearing for the purpose of hearing those persons who wish to be heard regarding proposed Ordinance No. 1992 for the Estimate of Revenue and Expenditures for the fiscal year 2019.

General Manager Jeremy Smith explained that this was for the property tax levy and that the proposed increase is 5.9%.

Mayor Manning opened the Public Hearing.

Mark Krugler - Mr. Krugler stated that the property tax increases in Watervliet are “getting out of control,” and noted that the increase is roughly twenty-two percent in two years.

He then stated he believed the City is “spending irresponsibly” and asked why the City needed two Ladder Trucks in the Fire Department. Mayor Manning informed him that the second ladder truck was paid for by the state and was needed because the City’s other ladder truck was damaged during a Fire in Cohoes. He also pointed out that the City has a mutual aid agreement with other municipalities which includes that recently purchased ladder truck.

Mr. Krugler then made a comment about the City purchasing three new trucks but not equipping them with snow plows. He also stated that City General Manager does not need an F250 pickup truck and that the City’s Fire Department is the highest paid Fire Department in the area. Lastly, Mr. Krugler stated he believes the City should make cuts.

Kevin Moran – 734 8th Avenue – Mr. Moran asked where the City was “coming up short” to justify a six percent tax increase. General Manager Smith explained the rise in health insurance costs for 2019 is roughly Two-Hundred Thousand Dollars which would be equal to about 5.5%.

Mr. Moran then asked if the City has any way to project what the tax increases might be moving forward. Mr. Smith pointed out that the Finance Department uses a tool to make such

projections. That tool projected roughly a five percent increase for 2019 and a two percent increase for 2020.

Lastly, Mr. Moran suggested collectively bargaining year to year contracts as a way to potentially save money.

Kathy Crudo – 1863 9th Avenue – Ms. Crudo asked for an assurance that there would be no “fun and games” this year with respect to spending. She stated she believed the vehicle purchases in 2018 were a “slap in the face” to residents.

Sherry Turton-Cassidy – 403 4th Street – Ms. Turton-Cassidy asked how much the City spends on medical co-pay reimbursements. General Manager Smith explained that one hundred twenty thousand dollars was budgeted in 2018. Ms. Turton-Cassidy then stated she believed that was a lot of money while also asking for a five percent tax increase. General Manager Smith explained that co-pay reimbursements are contractual.

Ms. Turton-Cassidy then asked how much the City spends on overtime for the Police and Fire Departments. Mr. Smith informed her that three hundred fifty thousand dollars was budgeted for the Police Department and two hundred fifty thousand dollars was budgeted for the Fire Department. Ms. Turton-Cassidy then suggested hiring more people for those departments in order to cut down on the amount of overtime being paid.

Paul Hughes – 108 15th Street – Mr. Hughes asked if there was a “light at the end of the tunnel,” and then asked if revenue from the City’s hydroelectric plant could help lower the tax increase. General Manager Smith informed him that any revenue from the hydroelectric plant goes to the Water Fund.

With there being no more comments, Mayor Manning closed the Public Hearing.

NEW BUSINESS

LOCAL LAW NO. 6-2018 – A local law to amend Chapter 230. Sewers of the Code of the City of Watervliet regarding establishing and imposing Sewer Rents for the period of November 1, 2018 to October 31, 2019.

General Manager Smith explained that all comments from the Public Hearing would be included in the meeting minutes.

Councilman Patricelli made a motion to move on the Local Law and Councilman McGrouty seconded the motion.

Councilman Patricelli then asked for the rationale behind vacant properties and units being charged the full sewer rate while only being charged half the water rate. He then stated he believed the sewer rate should be half of the rate as well.

Councilman McGrouty then explained that he is concerned with the issue of Senior Citizens being charged a full rate that was brought up during the Public Hearings.

Mayor Manning then asked Corporation Counsel Yorden Huban if the City could legally have a discount for Senior Citizens. Counsel Huban stated that he was unsure but could look into it. He also stated that if the Council wished to make changes to this Local Law, the process, which includes advertising for a Public Hearing and holding that Public Hearing, would have to start over again.

Councilman McGrouty then suggested giving people on the STAR Program a discount.

Councilman Patricelli then stated the STAR discount could be a good alternative and that he would consider it.

Councilman Patricelli then withdrew his motion to move on the Local Law and the City Council agree to have the Local Law redrafted. No action was taken on the legislation.

ORDINANCE NO. 1991 - An Ordinance of the City of Watervliet, New York amending Chapter 266. Water of the Code of the City of Watervliet regarding establishing and imposing Water Rates for the period of November 1, 2018 to October 31, 2019.

General Manager Smith explained that all comments from the Public Hearing would be included in the meeting minutes.

For clarification, Councilman Patricelli asked if this Ordinance included vacant units being charged half of the full rate. General Manager Smith confirmed this.

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

RESOLUTION NO. 9549 - The Council of the City of Watervliet hereby approves the settlement outlined in the Settlement Memorandum between Gallo Construction Corporation and the City of Watervliet in full and final settlement of all claims with respect to the contract identified as the Water Distribution System Improvement Phase I, 2017, Contract No. 78D1, DWSRF Project No. 1823.

General Manager Smith explained that Gallo Construction asked for mediation and that a settlement had been reached. He also noted that this agreement would close out Phase I of the Water Infrastructure Improvement Plan.

Councilman Patricelli asked if the settlement was an increase or decrease in total cost. General Manager Smith informed him that the settlement would be a reduction from the original

cost.

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

RESOLUTION NO. 9550 - The Council of the City of Watervliet hereby ratifies and confirms Mayor Michael P. Manning's execution of Task Order No. 30 and Task Order No. 40 between the City of Watervliet and Gomez and Sullivan Engineers and further approves Amendment 1 to Task Order No. 40 between the City of Watervliet and Gomez and Sullivan Engineers.

General Manager Jeremy Smith explained that the Task Orders are for studies to be performed as part of the hydroelectric plant relicensing. He noted that the amendment is for a study on the depths of the reservoir.

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

RESOLUTION NO. 9551 - The Council of the City of Watervliet hereby authorizes and directs Scott O'Reilly, City Clerk and Clerk to the Council, to advertise in the official newspaper of the City that the City of Watervliet is publishing a Notice of Intent to Request Release of Funds in connection with the NYS Office of Community Renewal for the release of CDBG funds for the Watervliet Housing Rehabilitation Program.

General Manager Smith explained that the State of New York made additional "Program Income" available and that this money would allow the City to continue its Housing Rehabilitation Program.

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

RESOLUTION NO. 9552 - The Council of the City of Watervliet hereby authorizes and directs Scott O'Reilly, City Clerk and Clerk to the Council, to advertise in the official newspaper of the City that the City of Watervliet is seeking proposals from firms qualified in conducting Lead Paint Assessments in homes and businesses as part of the CDBG Watervliet Housing Rehabilitation Program. Proposals should be received no later than 11AM on December 27, 2018.

General Manager Jeremy Smith explained that each home participating in the Housing Rehabilitation Program will receive a lead paint assessment.

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

RESOLUTION NO. 9553 - The Council of the City of Watervliet hereby authorizes and directs Scott O'Reilly, City Clerk and Clerk to the Council, to advertise in the official newspaper

of the City that a public hearing will be held on January 3, 2019 at the City Council meeting at 7:00 PM at the J. Leo O'Brien Facility Senior Citizen Center for the purpose of hearing such persons as which to be heard in reference to Watervliet's proposed Housing Rehabilitation Program.

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

APPROPRIATIONS AND ACCOUNTING

NONE

Prior to the opening of the Public Comment Period Councilman Patricelli asked for an update on the Department of Environmental Conservation's work at the old Admiral Cleaners site located on Nineteenth Street. General Manager Smith stated that the City would be meeting with the DEC the following day regarding Admiral Cleaners and that he would provide an update at the next City Council meeting.

Councilman Patricelli then announced that the Watervliet Historical Society would be holding a fundraising dinner on Friday, December 7, 2018 at the Watervliet Senior Center. He also announced that the Gold Star Mothers benefit will take place on Sunday, December 9, 2018 at the Watervliet Elks Lodge. Lastly, he announced that Saturday, December 1, 2018 the gazebo located across from Stewarts in Port Schuyler would be decorated and encouraged anyone who wished to help to do so.

Councilman Patricelli then explained that he was trying to set up a trip for Senior Citizens to see the Holiday Lights in the Park in Albany. To do so, he had coordinated with the School District to use one of their busses and bus drivers but that the School District requested a certificate of liability insurance. Since there was no objection from the other members of the City Council, Councilman Patricelli stated he would move forward with the event.

Councilman Patricelli also commented on the recently completed paving that was done on Sixth, Seventh and Eighth Avenues and how it was done during less than ideal conditions due to weather. General Manager Smith explained that the paving work came with a one-year warranty so any of the work that becomes unsatisfactory because of the conditions will be rectified at no cost to the City.

PUBLIC COMMENT PERIOD

General Manager Jeremy Smith responded to several of the questions and comments made by Don Whitehead during the November 15 Public Comment Period. He explained that the City has identified eleven flashing signs in the City and that all those businesses had been notified that those signs were in violation of the City Code.

Mr. Smith also confirmed Mr. Whitehead's claim that all billboards located in the City should be removed according to the City Code.

General Manager Smith also stated that the owners of Poppa's Restaurant and Admiral Cleaners have been sent letters explaining that their business' signs need to be removed per City Code.

Mr. Smith then stated that according to the City Code, all signs on fences are not permissible.

Lastly, General Manager Smith informed Mr. Whitehead that hold down clips on gas pumps are, in fact, allowed based on International Code.

Paul Hughes – 108 15th Street – Mr. Hughes asked for an update on various drains in the City that need to be repaired. General Manager Smith informed him that some have been repaired but that other need to be completely rebuilt.

Mr. Hughes then suggested the City Council wait to vote on matters that have Public Hearings until the following meeting so that they have time to consider the comments from the public.

Jen Sawyer – 1517 Avenue A – Ms. Sawyer asked if the trench on Avenue A was going to be repaired. General Manager Smith explained that the trench was a result of a National Grid project and that National Grid informed him they would be filling the trench with concrete over the weekend and then paving it the following week.

Ms. Sawyer then asked if there were any potential grants the City could apply for to do water research on Avenue A. She stated that her home is connected to a combined sewer and that storm water sometimes pushes sanitary water into her home. General Manager Smith explained that the City has already applied for a grant to separate all the combined sewers in the City and should hear if it will be awarded sometime in December.

Sherry Turton-Cassidy – 403 4th Street – Noting the amount of overtime paid to the Police Department, Ms. Turton-Cassidy asked Police Chief Spain why there are so many property thefts in her neighborhood. Chief Spain informed her that he has not seen a larceny complaint in some time. Ms. Turton-Cassidy then asked if there was any policing of Schuyler Flats. Chief Spain informed her that Schuyler Flats is the Town of Colonie.

Ms. Turton-Cassidy then asked what the official newspaper of the City was and why the City had one. Mayor Manning explained that the City designates a newspaper each year as the

“official” newspaper and that it is the Troy Record.

Lastly, she expressed her belief that the City Council should have five members.

Paul Huban – 1500 12th Avenue – Mr. Huban informed the Council that many of the street lights on Nineteenth Street do not work properly. He then stated that the pot holes that were filled on Twelfth Avenue need to be repaired again. Mr. Huban then asked if the black top on Sixth Avenue was tac-coated. He also commented on the air temperature during the recent paving in the City as well as the areas around man hole covers being milled before the paving took place.

Kevin Moran – 734 8th Avenue – Mr. Moran stated that he doesn’t “mind paying my fair share,” but that asking for a twenty-two percent raise in taxes in two years is a lot. He stated the City needs to be more “stingy.”

Rebecca Williams – 1325 5th Avenue – Ms. Williams asked if the newly purchased vehicles were for City use only. General Manager Smith explained that the vehicles were assigned to specific employees who are on call twenty-four hours a day.

Jeff Foster – 1201 8th Avenue – Mr. Foster asked if it was now illegal to park a commercial van on the street within the City. Police Chief Spain informed him that was not the case. Police Chief Spain then explained that certain vehicles are now prohibited from being parks on City streets but not all commercial vehicles. Mr. Foster then stated that if he owned a boat he planned on using the following day, he would not be allowed to park it outside of his home the night before. Police Chief Spain explained that was not true because he would be able to inform the Police Department ahead of time he would not be penalized. Chief Spain also noted that Police Officers can use discretion when it comes to enforcing laws.

Mr. Foster then suggested repealing the law so that there could be more input from the public because he doesn’t think it is fair the way it is currently written. Councilman Patricelli then clarified that the City Ordinance Mr. Foster is referring to was discussed at multiple City Council Meetings and was re worked after input from residents.

Chris McCabe – 21 Balboa Drive Latham, NY – Citing the rise in health insurance costs contributing to the proposed increase in property taxes, Mr. McCabe asked what the cost for a family plan was on the City’s current Health Insurance. General Manager Smith informed him that a family plan costs roughly twenty-three thousand dollars for 2019.

Mr. McCabe then asked what a current employee or retiree would receive for the health insurance buyout if they elected not to use the health insurance offered by the City. General Manager Smith explained that it would depend on which contract the employee or retiree fell under because health insurance buyouts are collectively bargained. Mr. Smith stated that CSEA employees and retirees as well as administrative employees and retirees receive a flat rate of four thousand dollars per year for the health insurance buyout. He then stated that the Police

Department recently renegotiated their health insurance buyout to be thirty percent of the applicable plan for the year. Mr. McCabe then asked if this was for current employees of the Police Department or retired members as well and stated that he recently received a health insurance buyout check for ten percent less than he received the previous year. General Manager Smith stated that the contract was for current employees.

Mr. McCabe then stated that if all retired members of the Police Department who receive the health insurance buyout, chose to use the City's health insurance it would cost the City around one hundred thousand dollars. He then asked if this would cause the proposed tax increase to increase even more. Mr. Smith stated that the proposed budget is based on what is reported to the City and if those members chose to enroll in the City's health insurance it would cost the City more money. Mr. McCabe then asked if it would cause the taxes to increase more should the members not currently on the City's health insurance choose to take the health insurance. General Manager Smith explained that it would not cause taxes to increase but that it would cut into the City's fund balance. Mr. Smith then informed Mr. McCabe that the current buyout for the Police Department is thirty percent of the applicable plan, which for someone who would be on the family plan, is six thousand nine hundred dollars. Currently, the Fire Department, which is in the middle of contract negotiations, receives forty percent of the family plan across the board, as the Police Department did until the number was renegotiated. Also, the CSEA and administrative employees were recently negotiated from four thousand seven hundred dollars to four thousand dollars. To give some perspective, Mr. Smith pointed out that the City of Cohoes offers three thousand three hundred dollars for the family plan to current employees and one thousand five hundred dollars to all retirees, the Watervliet School District offers two thousand two hundred dollars for their health insurance buyout and Albany County offers two thousand dollars.

Mr. McCabe then asked for confirmation on when the City's open enrollment period ended, and City Clerk Scott O'Reilly informed him that Open Enrollment ends on December 21st.

Andrea Hughes – 108 15th Street – Ms. Hughes asked for clarification on whether the Senior Citizens would be able to take their trip to see the Holiday Lights in the Park in Albany. Councilman Patricelli confirmed it would happen and he would let her know the date when it is finalized.

General Manager Jeremy Smith announced Fire Department Tree Lighting would take place on Saturday, December 1, 2018 at 6:00PM and the City Tree Lighting at Veterans Park would take place on Saturday, December 8, 2018 at 5:00PM.

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

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Councilman Patricelli then made a motion to adjourn the meeting which was seconded by Councilman McGrouty. After a 3-0 vote the meeting was adjourned at 8:58 PM.

***Next Meeting: December 13, 2018 7:00pm**

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Scott P. O'Reilly".

Scott P. O'Reilly

City Clerk & Clerk to the Council