

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, SEPTEMBER 26, 2019 AT 7:00 P.M.**

The meeting was called to order by Mayor Manning at 7:02 P.M.

Roll call showed that Mayor Manning, 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, Fire Chief Thomas Garrett, Police Chief Anthony Geraci, and Corporation Counsel Yorden Huban.

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

2020 Census Presentation

Doreen Dean, of the United States Census Bureau, gave a brief presentation on the upcoming 2020 Census. For information regarding the Census, please visit the 2020 Census website at www.2020census.gov.

City Clerk, Scott O'Reilly, announced that on October 5, 2019, The Watervliet Senior Center will be holding their annual craft fair from 9AM-3PM at the Watervliet Senior Citizens Center.

General Managers Report

Item #1 -General Manager Jeremy Smith gave a presentation for the "Water Filtration Plant Capital Improvement Plan." Mr. Smith explained that the City received a grant in 2017 for a Water System Study that was performed and identified roughly Seven Million Dollars of work that is needed at the Watervliet Filter Plant.

General Manager Smith explained that all of the work, if approved by the City Council, would be spread over a five-year period.

Councilman Patricelli asked if the City would go out to bid for the engineering services on these projects. Mr. Smith explained that the City will most likely put out an RFP for the engineering services and suggested moving on that soon.

Item #2 – General Manager Smith gave a brief presentation on the 2020 Preliminary Budget.

Item #3 – General Manager Smith announced that the new Fiscal Stress Report, issued by New York State, has been released and the City of Watervliet has its best score since the inception of the Report. In 2017 the City had a score of 75.8 which qualified as in “Significantly Stressed.” In 2018 the score was 69.2 which qualified as “Moderately Stressed”, and in 2019 the City received a score of 50 which qualifies as “Susceptible to Stress.” Mr. Smith pointed out that for the past three years the City has been trending in the right direction with regards to its Fiscal Stress score.

Item #4 - General Manager Smith announced that the City of Watervliet had successfully recertified as a “Climate Smart Community.” He explained that the City of Watervliet was one of the first local municipalities to receive the “Climate Smart” designation.

OLD BUSINESS

PUBLIC HEARING – A Public Hearing for the purpose of hearing those persons who wish to be heard regarding proposed Local Law No. 4 of the year 2019, “A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW §3-c FOR THE 2020 CITY OF WATERVLIET BUDGET.”

Mayor Manning opened the Public Hearing.

General Manager Jeremy Smith noted that the tax cap for the year 2020 is two percent or roughly \$102,000.00.

There were no comments from the public at this time.

Mayor Manning Closed the Public Hearing.

NEW BUSINESS

LOCAL LAW NO. 4-2019 – A Local Law to override the Tax Levy Limit established by General Municipal Law §3-c for the 2020 City of Watervliet Budget.

Mayor Manning stated, for the record, that there were no comments from the public during the Public Hearing.

Upon a motion from Councilman Patricelli and a second from Councilman McGrouty, the Local Law passed unanimously.

RESOLUTION NO. 9657 – 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 until 10:00 AM on October 18, 2019, for furnishing Zinc Phosphate, Chlorine and Polyaluminum Chloride for

the City of Watervliet Water Department.

General Manager Smith explained that these are chemicals used to treat City Water at the Filter Plant and that they go out to bid every three years. Councilman Patricelli asked if the City typically receives multiple bids for these chemicals. Mr. Smith stated that traditionally the City receives three or four bids for the chemicals.

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

RESOLUTION NO. 9658 - The Council of the City of Watervliet hereby establishes the following, as stated on the attached Standard Work Day and Reporting Resolution RS 2417-A, which is incorporated herein and made a part hereof, as a Standard Work Day for Mayor Michael P. Manning and will report to the New York State and Local Employees Retirement System based on his record of activities

General Manager Smith explained that this is a requirement by the state for any elected officials in the Retirement System.

After a motion from Councilman Patricelli and a second from Councilman McGrouty, the Resolution passed with a 2-0 vote. Mayor Manning abstained from voting.

RESOLUTION NO. 9659 - The Council of the City of Watervliet hereby approves an agreement between the City of Watervliet and Nicholas J. Marino & Co., Inc., with an address of 3 Marcus Boulevard, Suite 205, Albany, New York 12205 to provide sexual harassment prevention training videos to be utilized by all employees of the City of Watervliet.

General Manager Smith explained that this is mandatory Sexual Harassment Training for all City employees that must be completed by October 9th.

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

RESOLUTION NO. 9660 - The Council of the City of Watervliet hereby approves a Community Choice Aggregation Administration Agreement between the City of Watervliet and Municipal Electric and Gas Alliance (MEGA) to assist with efforts to explore the potential benefits to this community of creating a CCA here, and in educating the public and local officials on CCAs.

General Manager Jeremy Smith explained that this is a shared services initiative by Albany County. It would allow multiple municipalities to purchase energy "in bulk" from a company other than National Grid, to lower the price of the energy. Mr. Smith explained that this agreement would allow Municipal Electric and Gas Alliance to do the research and inform City tax payers of what the savings could be. He also noted that MEGA would come to the City to present the findings of their research. Also, if the City wanted to move forward with the Community Choice Aggregation, it would need to be approved by a Local Law.

Councilman McGrouty asked who would maintain the gas and electric lines if the City moved forward with this and also asked if National Grid could charge for the maintenance. General Manager Smith stated that National Grid could potentially increase the rate they charge

for distribution, as the Community Choice Aggregation would only handle the energy supply.

Councilman Patricelli stated he was “cautiously pessimistic” about a program like this due to seeing companies offer similar services in the past that were not successful. He then asked what other communities were involved with this agreement. General Manager Smith stated that Bethlehem, New Scotland, Guilderland are involved already, and that Albany and Troy are currently looking into it.

General Manager Smith then explained that should the City Council adopt the Local Law utilize this service, all residents of the City would be included but that residents do have the option of opting out of the program, and they would still use National Grid for their supply.

Councilman Patricelli asked for a time table for this program. General Manager Smith explained that if this Resolution was approved, MEGA could start the research immediately, then potentially have a Public Hearing in December. If the program receives approval from the City Council, it could begin in January of 2020 potentially.

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

RESOLUTION NO. 9661 - The Council of the City of Watervliet hereby accepts and approves the proposal from Weston & Sampson PE, LS, LA, P.C., 1 Winners Circle, Suite 130, Albany, New York 12205 to provide engineering services for the City of Watervliet regarding the Hudson Shores Park Shoreline Stabilization & Improvements project.

General Manager Jeremy Smith explained that the City received a grant from the Department of Environmental Conservation (DEC) for a Shoreline Stabilization Study at Hudson Shores Park. He then pointed out that the study was then used to acquire a grant from the Department of State to perform the Stabilization and Improvements on the shoreline at Hudson Shores Park. Mr. Smith also noted that the DEC chose Weston & Sampson to be the engineers for the project. This agreement would make Weston & Sampson responsible for completes the bid documents and overseeing construction and inspection of the project.

After a motion from Councilman McGrouty and a second from Councilman Patricelli the Resolution passed unanimously.

RESOLUTION NO. 9662 - The Council of the City of Watervliet hereby approves a Memorandum of Understanding, Cost Reimbursement Agreement, and Vehicle Use Agreement between the Federal Bureau of Investigation and the City of Watervliet Police Department.

General Manager Smith explained that this agreement would allow the City’s Police Department to share resourced with the Federal Bureau of Investigation.

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

Councilman Patricelli then made a motion from the floor to propose Resolution Number 9663. In response to the City deciding not to have a second “Bulk Week” for bulk garbage items, this Resolution would change how City Residents were able to dispose of Bulk Garbage Items. Currently, the only avenue to dispose of these items is by acquiring a twenty-dollar Senior

Citizens Pick-up permit or a ten dollar drop off permit for the last Friday of each month. This Resolution would allow property owners to place bulk items out for pick up on their weekly scheduled collection day and would cost twenty-five dollars for one- and two-unit homes and fifty dollars for building with more than two units.

Corporation Counsel Yorden Huban explained that there is a section of the City Code that deals with Bulk Items and his recommendation would be to re work the language in that section by way of a City Ordinance in accordance with the language Councilman Patricelli had proposed. He also stated that he could have the Ordinance drafted by the next time the City Council meets on October 3rd.

Mayor Manning stated he would like to speak with the members of the Sanitation Department to get their thoughts and also look into whether or not it should be limited to property owners or include all residents.

Councilman Patricelli then withdrew his motion from the floor as it had not been acted upon yet. Mayor Manning pointed out that an Ordinance will be drawn up for the next City Council Meeting to address this issue.

APPROPRIATIONS AND ACCOUNTING

RESOLUTION NO. 9663 - 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 Jeremy Smith explained that there are several budgetary moves involved in this Resolution, one specifically would allow the City to pay its water tax bill to the Town of Guilderland. He also noted all these transfers are budget neutral.

Upon a motion from 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 Councilman Patricelli asked if the City was able to borrow the Sewer Cleaning Machine from Albany County. General Manager Smith stated that the City was not able to use the County's machine but that the City is using the City of Troy's Sewer Cleaning Machine at no cost.

Councilman Patricelli then stated that he recently visited the Fire House and noticed many issues, mostly minor, with the building that need to be addressed. He requested that Fire Chief Garrett look into some of the issues and asked how the City could move forward with addressing the rest.

Councilman Patricelli also announced that the Dog Park Committee will have a meeting on October 10th.

Next, Councilman Patricelli asked about the City's vehicle maintenance logs and said he noticed that some vehicles had expired inspection stickers. General Manager Jeremy Smith stated that the MEO 1 employee is in charge of the Vehicle Maintenance Logs and that he would follow up with that individual.

Lastly, Councilman Patricelli asked about the new Bus Rapid Transit Route that is being installed by CDTA throughout the City. General Manager Smith explained that the work currently being done is in the public right of way and not on private property. He stated that the sidewalks, where the new bus stops will be installed, have been removed to place electrical service in the ground, and will be replaced in the next few weeks.

PUBLIC COMMENT PERIOD

Jen Sawyer – 1517 Avenue A – Ms. Sawyer commented on the City deciding not to have a second “Bulk Week” for bulk item garbage this year, as they have in the past. She stated that the City's website says that there will be two Bulk Week's this year. Citing a comment about “uncontrollable factors” being taken into consideration during the budget process that was brought up during the budget workshop that preceded the City Council Meeting, Ms. Sawyer asked why the cost of recyclables increasing this year wasn't taken into consideration so that a second Bulk Week could take place this year. She then stated that the City should reinstate the Fall Bulk Week for this year.

Stacey LaCross – 1503 4th Avenue - Ms. LaCross stated that her mothers' home was recently hit with gunfire. She also stated that the house where the gunfire came from has had many issues with the Police Department in the past. Ms. LaCross then requested that the City reinstate the “Public Nuisance Law.”

Councilman Patricelli then asked Corporation Counsel Yorden Huban if the “Public Nuisance Law” was still in effect and Mr. Huban stated that it was. Councilman Patricelli then asked about enforcement of that law. Mr. Huban stated that he and Police Chief Anthony Geraci had discussed the incident in question and are proceeding with enforcement action.

Councilman Patricelli then asked if the “Point System” was still in place to keep track of incidents that happen at a particular home. Corporation Counsel Huban stated that the “Point System” has been repealed because in his opinion it was not working.

Police Chief Geraci then explained that with the City's current “Public Nuisance Law,” the City does not have to prove an ongoing issue at the residence, it can act on isolated incidents alone, which is what is currently happening with the incident Ms. LaCross referenced. Moving forward, Chief Geraci stated that the most effective tool to deal with issues like this is open communication with the public and Police Department.

There was then a question posed from the gallery about whether or not an arrest needs to

be made for the “Public Nuisance Law” to be enforced. Chief Geraci stated that an arrest is not necessary, only a “preponderance of evidence” than an incident occurred.

Andrea Hughes – 108 15th Street – Ms. Hughes stated that many of the lights located outside of the Senior Center are not currently working.

She then asked for an update on the project at the former Dutch Reformed Church. General Manager Smith explained that the bell tower of the Church will be capped off and additional structural work, specifically on the back of the Church will begin in the next week or two.

Ms. Hughes then asked if something could be done with regards to parking, when the Senior Center has big events because the majority of parking lot spaces are taken up by City Employees. Mr. Smith explained that City Employees can park in different areas but cant be forced to.

Lastly, Ms. Hughes asked what time the City’s noise ordinance begins. General Manager Smith informed her that the noise ordinance begins at 7AM. She then stated that City Employees often start cutting the grass at 15th Street Park, located across the street from her home, at 6:15AM.

Walt Clickner – 1800 9th Avenue – Mr. Clickner stated that National Grid recently completed work on 9th Avenue but have not repaired the road. General Manager Smith explained he was aware of it and that they would be back to restore the road.

Gail Wood – 806 19th Street – Ms. Wood referenced a post on Facebook that Councilman Patricelli made stating that the City had money allocated for two “Bulk Weeks” in the 2019 budget. She then asked if the money was allocated why a second Bulk Week wasn’t being offered.

General Manager Smith informed Ms. Wood that the City did not allocate money for two Bulk Weeks in 2019. He went on to explain that during the budget process last year he recommended eliminating bulk week completely but that the City Council disagreed. Therefore, the City held the Spring Bulk Week as usual and then decided against holding one in the fall as well.

Deanna McAvoy – 1622 7th Avenue – Ms. McAvoy asked how residents can find out about decisions made by the City such as cancelling the second Bulk Week. General Manager Smith explained that there was not a second scheduled Bulk Week for this year but that residents still have the opportunity to acquire a permit for Bulk Item Disposal on the last Friday of every month. Ms. McAvoy then suggested sending out mailings to keep residents better informed.

Laura Lemons – 231 6th Avenue – Ms. Lemons requested the City reverse its decision and have a second Bulk Week this Fall. She then suggested eliminating Bulk Weeks in the future and having residents pay for permits to have those items disposed of.

Virginia Wescott – 1540 5th Avenue – Ms. Wescott stated there needs to be better communication with the public on issues like Bulk Week. She also requested not prohibiting renters from participating in services such as Bulk Week.

Peg Germano – 1124 7th Avenue – Ms. Germano stated the City should hold the Fall Bulk Week this year. She explained that many residents expect this service so it should continue this year and then the City can look at Bulk Week moving forward. She also stated that Bulk Item disposal should be offered to all residents, not just property owners. Lastly, she asked what the reasons were for deciding not to have the Fall Bulk Week this year

General Manager Jeremy Smith that one reason is financial, with the increase in tipping fees at landfills. Next, he stated that he took the staff into consideration as well. Bulk Weeks are physically taxing on the employees of the Sanitation Department, and with the size of many of the items that are picked up, injuries are not uncommon. Also, Mr. Smith pointed out Public Safety concerns. Sidewalks often get obstructed by the Bulk Items and can be dangerous if they have sharp edges or things such as nails sticking out of them. Mr. Smith went on to say that Bulk Week attracts many “pickers” to the City to go through residents’ items which can be dangerous as well. Lastly, General Manager Smith stated that the City of Watervliet is a “Climate Smart Community,” and Bulk Weeks are not environmentally friendly.

General Manager Smith then took responsibility for the lack of communication on this issue with the public. He also stated, without making any promises, that the City will reconsider its position on having the Fall Bulk Week.

Sally Rushford – 126 21st Street – Ms. Rushford thanked General Manager Smith for outlining the reasons behind deciding not to have the Fall Bulk Week. She stated that many residents most likely don’t take those types of concerns into consideration. Ms. Rushford also stated that the City’s communication with the public needs to be better.

Joseph Passonno – 1545 Broadway – Mr. Passonno stated that he frequently walks throughout the City but that it is becoming more dangerous to do so because crossing certain streets has become much more difficult. He explained that many motorists do not follow the pedestrian cross walk signs or the traffic signals. Mr. Passonno then asked if the City has received similar complaints on this issue in the past.

General Manager Smith stated that there have been other complaints and that the Police Department has increased patrols in the areas where the complaints originated.

Mr. Passonno then asked if it was legal for him to use a video camera while walking and if he could share any videos of issues with the Police Department. Police Chief Geraci informed him that it was legal for him to use a video camera in a public place and the Police can act if he has video of a crime being committed.

Carla Visio – 1859 12th Avenue – Ms. Visio explained that the stream that is located behind the High School had been cleaned by City workers but now the weeds that were removed

are blocking sewer grates in the area. She requested having someone from the City address the issue. General Manager Smith stated he would send someone up to clean up the area.

Next, Ms. Visio expressed concern for the student who have to cross 19th Street at 12th Avenue while walking to school. She stated that it is a dangerous intersection and suggested having a police car stationed on the corner to deter motorists from speeding. She also mentioned a large tree that is located on Hillside Drive that students have to walk by that looks to be dangerous as well.

General Manager Smith explained that a safety audit was done by the Federal Highway Administration for the area of 19th Street and 12th Avenue but that the finding from the audit have not been given to the City yet. He also stated that the City is looking at some “delayed” traffic signals to make the intersection safer.

Don Whitehead – 1921 8th Avenue – Mr. Whitehead started by saying he is happy when new businesses enter the City but then asked who allowed the Lukoil Gas Station on 2nd Avenue to open. He stated that they are in violation the zoning code because they were closed for more than one year and now must open as a “new business.” He went on to state that there are zoning codes that need to be met for new gas stations in the City and that this particular one does not meet them.

General Manager Smith stated that the Zoning Enforcement Officer, who heads up the Building Department, has a difference of opinion from Mr. Whitehead due to the fact that the property did not have a change of ownership. Mr. Whitehead again stated that the statute says if the business does not operate for a full calendar year it no longer holds its status as that business. Mr. Whitehead gave an example of the Presbyterian Church that was closed for longer than one year and was no longer classified as a Church. He also stated that change of ownership does not matter if the business was closed for one year.

With there being no further comments Mayor Manning closed the Public Comment Period. He then requested adjourning into Executive Session to discuss a personnel matter. Councilman Patricelli then mad a motion to adjourn into Executive Session. After a second from Councilman McGrouty, the Council adjourned into Executive Session at 9:17PM.

***Next Meeting: October 3, 2019 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, SEPTEMBER 26, 2019**

The meeting of the Executive Session was called to Order by Mayor Michael P. Manning at 9:23PM.

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, Corporation Counsel Yorden Huban, and City Clerk & Clerk to the Council Scott O'Reilly.

The Council and administration discussed a personnel issue.

A motion was made by Councilman Patricelli to adjourn the executive session which Councilman McGrouty seconded and after a 3-0 vote, Executive Session was adjourned at 9:37pm.

Respectfully Submitted,



Scott P. O'Reilly

City Clerk & Clerk to the Council