

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, OCTOBER 3, 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, and Corporation Counsel Yorden Huban.

Fire Department Commendation Presentation

Mayor Manning introduced General Manager Jeremy Smith to perform the commendation ceremony.

General Manager Smith presented members of the Watervliet and Troy Fire Departments with commendations for their work rescuing a man from a car that was crushed underneath a tractor trailer on I-787 in a potentially tragic traffic accident that took place on September 26, 2019.

The members of the Troy Fire Department who received Commendations were: Firefighters Garrett Reardon, Dave Beaulac, Jeffery Riley, and Thomas Blake, Captains David Wheeler and Michael Bailey, Assistant Chief David Faulk, and Chief Eric McMahan.

The members from the Watervliet Fire Department who received Commendations were: Firefighters Eric Panichi and Daniel Chiera, Lieutenants Scott Rentz and James Strock, Captain James Chartrand, and Chief Thomas Garrett.

Mayor Manning then introduced members of the Albany County government, Albany County Legislature Chairman Andrew Joyce, Albany County Clerk Bruce Hidley, and Legislator Sean Ward, who were in attendance to honor these Fire Departments as well.

Chairman Joyce announced Proclamations from the County of Albany honoring the Watervliet Fire Department and the Troy Fire Department

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 Water/ Sewer Budget Presentation

General Manager Smith explained that the proposed Water and Sewer budgets will be available on the City's website or by contacting the City Clerk's office.

Mr. Smith then gave the 2020 Water Budget presentation which called for an increase of expenditures from 2019 to 2020 in the amount of roughly \$290,000.00 in general costs. He then noted that the main reason for this was the increase in the City's assessed property value in the Town of Guilderland where the City's reservoir, dam, and hydroelectric facility is located. That increase in taxes the City must pay to the Town of Guilderland based on the assessment is \$319,000.00 from previous years. Mr. Smith then explained that the increase in expenditures results in a proposed 11% increase in the tax rate for 2020. In terms of dollars, the flat water rate would increase from \$179.00 to \$200.00 per six month cycle, and the metered rate would increase from \$3.98 to \$4.42 per one thousand gallons of usage.

General Manager Smith then presented the proposed 2020 Sewer Budget. Mr. Smith stated that a six percent increase in the sewer budget was discussed during the budget workshop that was held previously. After looking into it further the City was able to lower that to a zero percent increase for the sewer rates and even decreased the overall sewer budget by over twenty thousand dollars for 2020.

General Manager Smith then announced the upcoming schedule for the Water and Sewer Budgets. He announced that the Public Hearings for both budgets will be held during the next City Council Meeting on October 17th. After that, the Local Law and Ordinance for the Water and Sewer budgets and rates could be voted on during the November 7th City Council Meeting and if approved the rates would be enacted from November 1, 2019 to October 31, 2020.

Councilman Patricelli asked if this proposed budget allocated any money from fund balance. General Manager Smith informed him that no fund balance was used in this proposed budget.

Mayor Manning then asked if it were possible to balance the water budget and have no increase in the water rate by using fund balance. General Manager Smith stated he believed the City could lower the rate increase to zero by allocating fund balance. Currently there is a fund balance of \$540,000.00 in the Water Fund. He then explained that the New York State Comptroller's Office recommends having a ten percent fund balance, which for the City of Watervliet would equal \$313,200.00. Mr. Smith then stated that in order to make the water rate increase zero percent, the City Council would need to consider appropriating \$200,000.00 of fund balance for 2020 and that even with those funds being allocated the City would still have the ten percent fund balance recommended by the State. General Manager Smith also explained that the City is currently in a legal battle with the Town of Guilderland to get the assessment

increase reduced and if successful, the money reimbursed to the City could be placed back into the fund balance. Councilman Patricelli then pointed out that getting any amount of money back from Guilderland is not guaranteed which General Manager Smith confirmed. Councilman Patricelli then asked if the City were to use the fund balance to lower the rate increase to zero in 2020 and then were unsuccessful in lowering the assessment value with Guilderland, would it then have to double the proposed eleven percent increase for 2021. Mr. Smith informed him that if unsuccessful with Guilderland, the 2021 budget would likely call for the same eleven percent increase that is proposed for 2020 but that the Water Fund balance would be significantly less at that time.

General Manager's Report

Item #1 – General Manager Jeremy Smith announced that the City had recently received its financial rating from Standard and Poor's. The current score is classified as A-Plus with a "stable outlook" designation which is an improvement from the last rating the City received which was A-Plus with a "negative outlook" designation.

Item #2 – General Manager Smith announced that, after hearing input from the public and looking into the matter further, the City will hold a Bulk Garbage Week this fall and that it will take place from November 18th to November 22nd. He also noted that he still recommends the City moving away from holding Bulk Week's in the future.

OLD BUSINESS

NONE

NEW BUSINESS

RESOLUTION NO. 9664 - 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 in the J. Leo O'Brien Senior Citizen Center, Watervliet, New York on Thursday, October 17, 2019 at 7:00 PM for the purpose of hearing those persons who wish to be heard regarding proposed Local Law No. 5 for the Year 2019, 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, 2019 to October 31, 2020.

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

RESOLUTION NO. 9665 - The Council of the City of Watervliet hereby authorizes and directs Scott P. 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 in the J. Leo O'Brien Senior Citizen Center, Watervliet, New York 12189 on Thursday, October 17, 2019 at 7:00 PM for the purpose of hearing those persons who wish to be heard regarding proposed Ordinance No. 2013, 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, 2019 to October 31, 2020

Mayor Manning asked if the City decided to use Fund Balance to lower the Water Rate, would a second Public Hearing need to take place? Corporation Counsel Yorden Huban informed him that if there are significant changes made to the proposed Water Budget a second Public Hearing could take place but that the rules are not as strict for Ordinances as they are for Local Laws.

Mayor Manning then suggested that the members of the City Council supply Director of Finance Mike McNeff with their thoughts on using Fund Balance to lower the proposed rate. Councilman Patricelli asked Mr. McNeff if he felt the City should use Fund Balance to lower the rate. Mike McNeff explained that the Fund Balance in the Water Fund is currently at a high level but if it were used to lower the rate the City would still have the Fund Balance recommended by the State of New York. Mr. McNeff also stated that the Fund Balance, if allocated, could potentially be refunded depending on the outcome of the legal proceeding between the City of Watervliet and Town of Guilderland but that there is no guarantee of that. Councilman Patricelli stated he would not be in favor allocating Fund Balance to lower the water rates because of the risk of not being reimbursed the funds. Councilman McGrouty then asked if the Finance Department could supply the City Council with a "sliding scale" on how different amounts of allocated Fund Balance would affect the proposed water rates. Mr. McNeff stated he would supply the information.

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

RESOLUTION NO. 9666 - The Council of the City of Watervliet hereby approves a management consulting agreement between the City of Watervliet and Jeremy A. Smith for assistance in the management and completion of budget and finance matters, capital project management, strategic planning and project development, grant administration and acquisition, infrastructure improvement plans and development, union negotiations and legal settlements.

Councilman Patricelli raised some questions regarding the proposed agreement with Mr. Smith. Councilman Patricelli pointed out that he understood the value of Mr. Smith's institutional knowledge but questioned why there was no cap in the amount of hours Mr. Smith can work per week and who will have ultimately have authority over the staff in the City.

Mayor Manning informed Councilman Patricelli that Acting General Manager Mark Spain will have the authority and that Mr. Smith would only assist him when needed. General Manager Smith then stated the agreement would be in place for him to be available to Acting

General Manager Spain. He also noted that the original draft included a cap of ten hours per week but he didn't believe that many hours would be necessary.

Councilman McGrouty then asked if fifteen hours per week for Acting General Manager Spain and ten hours per week from Mr. Smith would be enough for a position like General Manager. Mr. Smith explained that he believed the hours would be sufficient because much of the work he did as General Manager was work that could be done by various departments and that he has delegated those tasks to the specific departments.

Councilman Patricelli then suggested having the agreement amended to include a maximum number of hours per week at ten. Mayor Manning recommended voting on the agreement with the understanding that the agreement will be amended to reflect the ten hour limit proposed by Councilman Patricelli. Councilman Patricelli and Councilman McGrouty agreed to this stipulation.

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

RESOLUTION NO. 9667 - The Council of the City of Watervliet hereby approves a management consulting agreement between the City of Watervliet and Jeremy A. Smith for assistance in the management and completion of the Federal Energy Regulatory Commission (FERC) relicensing of the Normanskill Hydroelectric Facility.

General Manager Jeremy Smith explained that passing this specific task off to a department head would not be feasible. He went on to state that the City is currently in the middle of a five year relicensing plan for the Hydroelectric Facility which will run until 2022, but the majority of work will need to be completed between now and February of 2020.

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

RESOLUTION NO. 9668 - The Council of the City of Watervliet hereby approves an agreement between the City of Watervliet and Weston & Sampson PE, LS, LA, P.C., with an address of 1 Winners Circle, Suite 130, Albany, New York 12205 for engineering services in conjunction with the City of Watervliet 9th Avenue Water System Replacement.

General Manager Smith explained that this project would replace the water main and all lead water laterals on 9th Avenue from 16th Street to 19th Street. He also stated that a grant the City received will cover a portion of the project and engineering.

Councilman Patricelli then asked if the grant money could be used for the Water Main replacement or only for the lead lateral replacements. General Manager Smith informed him that the grant money would only cover the lateral replacement, as that is what the grant is specifically for. Councilman Patricelli then asked for an estimate of how many laterals on that section of 9th Avenue have lead. Water Department Supervisor David Dressel explained that there are forty-eight properties in the area and the estimate is that roughly seventy-five percent of them have lead laterals. He also noted that the water main that will be replaced was installed in 1919.

Lastly, Councilman Patricelli asked if homeowners throughout the City would be eligible

for the grant funding to replace their lead laterals. Mr. Smith confirmed they would because only about half of the grant funding will be used for the laterals on 9th Avenue.

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

RESOLUTION NO. 9669 - The Council of the City of Watervliet hereby appoints Scott P. O'Reilly to serve as Ex Officio Member of the Dog Park Committee.

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

RESOLUTION NO. 9670 - The Council of the City of Watervliet hereby establishes an advisory committee known as the "General Manager Search Committee" to receive and review resumes and correspondence from interested candidates for the position of General Manager of the City of Watervliet and to make recommendations to the newly elected Mayor for the selection and appointment of an individual to the position of General Manager of the City of Watervliet; and further appoints the following individuals to serve as members of the General Manager Search Committee for a term of three months: Jeff Collett, Member; Steve Jamrosz, Member; and Bill Fahr, Member.

Councilman Patricelli noted that this committee would serve in an advisory role and provide recommendations on candidates for the position of General Manager.

Referencing the job posting, Councilman McGrouty asked if the salary should be included in the announcement and if the announcement should be included in the Resolution. Mayor Manning explained that the salary for the position is a line item in the City budget. He then asked if the job posting could be attached to the Resolution. Corporation Counsel Huban stated that it could be attached. Mr. Huban also pointed out that this Resolution is only for the purpose of establishing the advisory committee for the General Manager Search.

APPROPRIATIONS AND ACCOUNTING

NONE

PUBLIC COMMENT PERIOD

Jen Sawyer – 1517 Avenue A – Ms. Sawyer thanked the City for deciding to have a Fall Bulk Week. She also thanked General Manager Smith for explaining his reasons for initially deciding not to have the Fall Bulk Week, at the previous City Council Meeting, because many residents who were upset may not have considered the types of reservations Mr. Smith communicated.

Lastly, Ms. Sawyer thanked General Manager Jeremy Smith for his hard work during his time as General Manager of the City of Watervliet.

Lionel Budrow – 2105 4th Avenue – Mr. Budrow asked if property owners could pay a fee to the City to have a reserved parking space in front of their property. Mayor Manning informed him that was not allowed.

Next, Mr. Budrow asked he could submit an application to build a garage on his property. Mayor Manning informed him that he would need to go to the Building and Code Department for a permit and potentially the Zoning Board.

Mr. Budrow then asked who was responsible for trees located between the curb and sidewalk in front of a home because he is having an issue with one of his neighbors. Mayor Manning informed him that the property owner is responsible for trees located between the sidewalk and curb.

Lastly, Mr. Budrow asked if it was illegal to blow grass clipping and garbage into city streets. General Manager Smith stated the City would look into it but that the Building and Code enforcement department could advise on this issue as well.

Andrea Hughes – 108 15th Street – Ms. Hughes asked for an update on the lighting issue outside of the Senior Center that she brought up at the previous City Council Meeting. City Clerk Scott O'Reilly informed her that an electrician has been contacted and would be looking into the issue.

Ms. Hughes then thanked General Manager Jeremy Smith for the work he did as General Manager.

Arthur Fruscio – 538 6th Avenue – Mr. Fruscio took this time to recognize General Manager Jeremy Smith, stating he did an “excellent job” as General Manager. Mr. Fruscio also stated that the City should be proud of Mr. Smith and that he will be missed.

Don Whitehead – 1921 8th Avenue – Mr. Whitehead stated that a new water line was being installed near the corner of Twenty-Third Street and Seventh Avenue. As a result, the street is uneven and there is only a cone there to indicate caution but that there are no street lights in the area so the cone is difficult to see at night.

Mr. Whitehead also thanked General Manager Jeremy Smith for his service to the City of Watervliet.

Councilman Patricelli asked Mr. Whitehead if ever received an answer on the issue he brought up at the previous meeting pertaining to the Lukoil gas station on Second Avenue. General Manager Smith stated that he had spoken with Mr. Whitehead about the issue. He noted that the distance from the Lukoil gas station and the gas station at Stewarts had been measured and is greater than 500 feet. Mr. Whitehead then stated, regardless of the distance from Stewarts, the Lukoil station is still non-conforming to the City's zoning laws due to not having been in operation for more than one year consecutively. General Manager Smith responded by saying that Paul LaBoissiere, department head for the Building and Code Department, disagrees because the location is specifically zoned for a gas station. Mr. Smith also noted that the only issue that

made the Lukoil gas station non-conforming had to do with the canopy above the gas pumps, but it had already been addressed.

Mayor Manning closed the Public Comment Period.

Mayor Manning then took this time to publicly recognize General Manager Jeremy Smith for his work as General Manager. Mayor Manning stated that Mr. Smith went “above and beyond” in his time running the City and that although that position receives a great deal of criticism, he accomplished a lot of good on behalf of the City. The Mayor also wished Jeremy Smith luck with his new position working for CDTA.

General Manager Jeremy Smith responded by thanking Mayor Manning for giving him the opportunity to be the General Manager of the City of Watervliet. Mr. Smith also thanked the current and previous members of the City Council for their support during his tenure. Next, he thanked the City of Watervliet staff for their hard work. Next, General Manager Smith thanked the citizens of the City of Watervliet for, not only their support, but also for their criticisms and questions. He stated that it is the public’s duty to question the decision makers of the City and encouraged the citizens to continue to do so. Lastly, General Manager Smith stated that it was an “honor and privilege” for him to have worked for his hometown.

Councilman McGrouty then made a motion to adjourn the meeting, which Councilman Patricelli seconded and after a vote of 3-0 the meeting was adjourned at 8:31PM.

***Next Meeting: October 17, 2019 7:00pm**

Respectfully Submitted,

Scott P. O’Reilly

City Clerk & Clerk to the Council