

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, MARCH 1, 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 Michael McNeff, Corporation Counsel Yorden Huban, Police Chief Mark Spain, and Fire Chief Rob Conlen.

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.

In honor of his forty plus years of public service, a moment of silence was observed for the passing of Mr. Charles Jeseo.

REPORT OF OFFICERS AND COMMITTEES

Sanitation Department Report

Head of the Sanitation Department Chris Daus, reported on the departments work load for 2017. Mr. Daus made a note that the City had been collecting its own garbage for nine years after starting in 2008. In 2017 the Sanitation Department collected three thousand three hundred (3,300) tons of garbage and six hundred tons of recycling. Also, during the two "electronic recycling days" the City held, the Sanitation Department took in roughly five thousand eight hundred (5,800) pounds of electronic recyclables. The department also had yard waste pick up for approximately thirty-eight weeks in 2017 and collected nearly one thousand one hundred (1,100) yards of yard waste.

Mr. Daus also gave an update on the status of the City's Watervliet Organic Waste (WOW) program. In 2017 the City's Anaerobic Digester was completed which is a part of the "WOW" program. The digester takes organic waste that is produced by City residents and turns it into methane gas. To date, there are around one hundred homes signed up for the program with roughly seventy regularly participating and once the machine was turned on in October, around nine hundred fifty pounds of organic waste were processed.

Mr. Daus announced that the week of April 30th will be the first bulk garbage week for the City of Watervliet. Also, March 24th will be the first electronic recycling day for 2018 and will take place from 8am to 1pm at the City Garage. Finally, Friday April 20th will be the day the organic digester is turned on again. On that day, the Sanitation Department will welcome any residents who wish to see the machine and get a demo of how it operates.

General Managers Report

General Manager Jeremy Smith gave a report on staffing changes in the City. As of February 10th, five individuals were appointed to positions within the Department of Public Works. Three of those appointments were to the Department of General Services (formerly the Highway Department), one was to the Sanitation Department and one was to the Water Department. All of the appointees were already working for the City either in a full time or seasonal capacity. Mr. Smith pointed out that there is one position yet to be filled in the Water Department and that it will be posted sometime in the spring and once the position is filled the Department of Public Works will be fully staffed.

General Manager Smith also announced that Paul LaBoissiere has been promoted to Head of the Building Department. For the past year, Police Chief Mark Spain had been overseeing the department and Mr. Smith thanked him for his help with the department. Also in the Building department, Code Enforcement Officer Steve Hoffman is set to retire on March 2nd but will return to the department on a part time basis.

Mr. Smith also announced that the City received nine resumes for the open position of Grant Administrator. Interviews for that position will be held the following week.

OLD BUSINESS

RESOLUTION NO. 9443 - The Council of the City of Watervliet hereby appoints Steve Jamrosz, residing at 1213 4th Avenue, Watervliet, New York 12189, as a member of the City of Watervliet Board of Ethics for the unexpired term to April 30, 2019.

General Manager Jeremy Smith, at the request of Councilman McGrouty, announced he had recently spoken with the two current members of the Board of Ethics. Those two members confirmed to Mr. Smith that they were still interested in being board members and were looking forward to expanding their roles in any way they could.

Councilman Patricelli then made a motion to move on the Resolution, which Councilman McGrouty seconded. The Resolution passed with a 2-1 vote, with Councilman Patricelli and Mayor Manning being in favor and Councilman McGrouty being opposed.

PUBLIC HEARING - A Public Hearing for the purpose of hearing those persons who wish to be heard regarding proposed Local Law No. 2 for the year 2018, a local law to amend the Code of the City of Watervliet by adding a new chapter to be known as "Chapter 245. Trees.

Corporation Council Yorden Huban noted that this is the second public hearing for this proposed Local Law.

Mayor Manning officially opened the Public Hearing.

Mike Calicone – 401 2nd Avenue – Mr. Calicone asked why the City felt the need to add this new Chapter to the City Code.

Corporation Counsel Huban informed him that the City Council felt this addition to the City Code was in the best interest of the City to have a Local Law that would regulate the manner in which trees in the City are taken down. Also, this Local Law would establish a Tree Advisory Committee that would develop a written plan for the care and preservation of trees within the City. Mr. Huban also explained that the majority of the regulations included in the law refer to trees that on in the public right of way and that any tree located on ones private property could be disposed of as the owner sees fit.

General Manager Smith noted that there were comments from the public at the previous Public Hearing and that they are included in the Minutes from February 15, 2018.

Mayor Manning

With no one else wishing to be heard, Mayor Manning closed the Public Hearing.

NEW BUSINESS

ORDINANCE NO. 1801 – An Ordinance of the City of Watervliet, New York providing that the code of the City of Watervliet Chapter 260 “Vehicle and Traffic” Article IV “Handicapped Parking” Section 260-30(C) “Sign Locations” be amended.

Police Chief Spain explained that he had received a request from a resident to have a handicapped parking space designated at their home. Upon reviewing the matter, Chief Spain deemed the request necessary and therefore recommended approval of this Ordinance to the City Council.

Upon a motion by Councilman McGrouty, seconded by Councilman Patricelli, the Ordinance passed unanimously.

RESOLUTION NO. 9472 - The Council of the City of Watervliet hereby ratifies and confirms the Memorandum of Agreement executed by the City of Watervliet and the Watervliet Uniformed Firefighters Association, Local 590, AFL-CIO and that Mayor P. Manning is authorized and empowered to execute an Agreement between the City of Watervliet and the Watervliet Uniformed Firefighters Association, Local 590, IAFF, AFL-CIO governing salaries and other economic benefits, terms and conditions of employment for a period of two (2) years, beginning January 1, 2017 and ending December 31, 2018.

General Manager Smith explained that accepting this agreement with the Fire Department would allow both parties to avoid costly arbitration hearings. Mr. Smith thanked the fire union for returning to the negotiating table in order to reach this agreement. General Manager Smith also thanked Corporation Counsel Huban and Director of Finance Mike McNeff for their roles in the negotiations. Mr. Smith then formally recommended this agreement to the City Council.

Councilman Patricelli stated that he was please the Union and the City were able to come together to reach this agreement. He then asked Corporation Counsel Huban to address the potential conflict of interest Councilman McGrouty may have with regards to voting on this

agreement. Mr. Huban stated that Article 18 of General Municipal Law as well as the City's code of ethics both deal with the issue of conflict of interest. Mr. Huban went on to state that because Councilman McGrouty is a retired member of the Fire Department, this contract does not affect him financially therefore there is no conflict of interest. Mr. Huban then pointed out that Councilman McGrouty's son, Patrick, is a current member of the Fire Department and that this contract would affect him financially. However, one of the exceptions in the Code of Ethics for abstaining or recusing oneself from voting pertains to "lawful classes or groups" which, in Mr. Huban's opinion, the Uniformed Fire Fighters Association would fall under. Therefore, Corporation Counsel Huban stated, he sees no conflict of interest for Councilman McGrouty casting a vote on this agreement but that the final decision was up to the Councilman himself.

Councilman Patricelli then inquired about a specific item in the proposed Memorandum of Agreement because it could potentially have a direct effect on Councilman McGrouty's son, Patrick. General Manager Smith clarified that no aspects of the proposed agreement pertain to any one individual but to the fire union as a whole.

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

RESOLUTION NO. 9473 - The Council of the City of Watervliet hereby approves an agreement for the removal/storage and disposal of motor vehicles between the City of Watervliet and Capital District Towing and Transport, Inc., with an office located at 90 Watervliet Avenue, Albany, New York 12206, for professional motor vehicle towing services for the City of Watervliet and the Watervliet Police Department.

Chief Spain stated that this agreement was the same as the one the City currently has with Dawson's Towing. Chief Spain also pointed out that the City contracts two companies so that there is a backup in the case that one company is unable to provide service.

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

RESOLUTION NO. 9474 - The Council of the City of Watervliet hereby approves an agreement, attached hereto and made a part hereof, with Tabner, Ryan and Keniry, LLP, 18 Corporate Woods Boulevard, Suite 8, Albany, New York 1221, commencing on March 1, 2018 and ending on December 31, 2018.

Corporation Counsel Huban explained that Tabner, Ryan and Keniry are a law firm that specializes in tax assessment proceedings and would represent the City of Watervliet in any tax assessment matters. Mr. Bill Ryan, who works at the firm, is currently representing the City in these types of proceedings. Mr. Huban then recommended this Resolution be passed by the City Council.

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

RESOLUTION NO. 9475 - The Council of the City of Watervliet hereby acknowledges receipt of, accepts and agrees with the Albany County Planning Board Notification and Recommendation dated February 15, 2018 regarding the installation and placement of a digital monument sign on the Broadway side of the Watervliet Public Library.

General Manager Jeremy Smith explained that the City Council previously approved this digital sign but that it also required approval from the Albany County Planning Board.

Councilman McGrouty then alluded to an advisory from the Albany County Planning Board that was included in their approval of the sign being placed at the Watervliet Public Library. Corporation Counsel Huban explained that the advisory was for the City of Watervliet to consider the precedent that is being set for similar signage exemption requests. Mr. Huban went on to explain that the distinction in this case as opposed to other business requesting larger signs is that the land where the sign is being placed is owned by the City of Watervliet.

After a motion was made to accept the Resolution by Councilman Patricelli and seconded by Councilman McGrouty, the Resolution passed unanimously.

RESOLUTION NO. 9476 - 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 the City of Watervliet will issue Requests For Proposals (RFPs) for professional consulting services for the video inspection and documentation of sanitary sewers in the City of Watervliet and that proposals must be received in the City Clerk's Office of the City of Watervliet, City Hall, Watervliet, New York 12189 no later than 2:00 PM on March 21, 2018. Requests for Proposals (RFPs) will be on file and publicly exhibited at the Office of the City Clerk, City Hall, Watervliet, New York 12189. The Council of the City of Watervliet reserves the right to waive any informalities in or to reject any or all proposals submitted.

General Manager Smith explained that this project is to camera roughly twenty-five thousand (25,000) linear feet of the City's sanitary sewer lines.

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. 9477 - The Council of the City of Waterlviet hereby declares itself lead agency with respect to the environmental review of the proposed action, finds and concludes that the proposed action is an Unlisted Action, and based upon its thorough review of the potential areas of environmental concern and its completion of the Short EAF Part II, hereby concludes that the proposed action will not result in any significant adverse impacts to the environment and makes a negative determination of environmental significance (Negative Declaration) in accordance with SEQR.

Mayor Manning explained this environmental impact report was for the proposed Local Law known as “Trees.”

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

LOCAL LAW #2 - 2018 – A local law to amend the Code of the City of Watervliet by adding a new chapter to be known as “Chapter 245. Trees.

Mayor Manning stated that the Council had held two public hearings regarding this Local Law. He also pointed out that “grandfathering” was not mentioned in this proposed law but could be amended at a later date if it was deemed necessary.

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

APPROPRIATIONS AND ACCOUNTING

NONE

Prior to the opening of the Public Comment Period, Councilman Patricelli asked what activities the City had planned for Arbor Day so that they could be used in future grant applications. General Manager Smith explained that no activities had been planned yet but that once the Tree Advisory Committee was established the City would work with them to come up with a plan for Arbor Day. Mr. Smith also pointed out that the City had reached out to the school district and that one of the science teachers, Mr. Walter Bowden, was also interested in participating.

Councilman Patricelli then asked about a recent LDC Report. Mayor Manning explained that the report is an annual filing that the LDC needs to complete.

Councilman Patricelli then asked for an update on his request for office space at City Hall. General Manager Smith explained that there have been multiple complications in renovating the Corporation Counsel’s office which have caused the project to take longer than expected. Once that project is completed City staff can begin preparing an office for City Council Members.

Councilman McGrouty then asked Corporation Counsel Huban if City Council members are allowed to “chair” a local fundraiser. The fundraiser in question would be a fundraiser for the Senior Center. Mr. Huban stated that he would look into it.

PUBLIC COMMENT PERIOD

Kevin Moran – 734 8th Avenue – Mr. Moran applauded City staff for the snow removal that has taken place so far this year.

Mr. Moran then announced that the Watervliet Public Library did not receive the grant for the digital monument sign therefore it will not be going up this year. Mr. Moran stated that the Library would re-apply for the grant next year.

Kathy Crudo – 1863 9th Avenue – Mrs. Crudo thanked the City for installing the new cross walk signs on Nineteenth Street. She then asked that there be more enforcement for vehicle operators who do not slow down while people are using the cross walks.

General Manager Smith explained that the New York State Department of Transportation paid for the new signs. He went on to explain that the State would be striping the crosswalks and that anything they do not stripe will be done by the City.

Councilman Patricelli then commended Mrs. Crudo and other members of the Parks Committee for their work decorating the gazebo for Valentine's Day.

Walt Clickner – 1800 9th Avenue – Mr. Clickner pointed out that there are no sidewalks or road striping on Avenue A from 16th Street to Clinton Park. Mr. Clickner also stated that due to the upgrades made at Clinton Park, foot traffic has increased in the area and it could potentially be dangerous. He suggested striping the road with the word "Slow" because the speed limit in the area is only fifteen miles per hour but few people abide by that while driving.

General Manager Smith stated that the City would look into placing striping and signage in the area.

Patty Delsignore – 716 24th Street – Ms. Delsignore posed a question regarding water and sewer bills for vacant apartments and asked if it was true that the City no longer offered a reduced bill for those apartments. General Manager Smith informed her that as of January 1st land lords were required to pay the full water and sewer rate regardless of the an apartment is occupied or not. He went on to explain that the City charges water and sewer tax based not only on the use of water but also the water and sewer infrastructure that is in place. The only time the City will not bill for water and sewer is if the water is turned off at a specific location. In that case, the property would be billed the lower rate.

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

A motion was made by Councilman Patricelli to adjourn the City Council meeting, which was seconded by Councilman McGrouty. The meeting was adjourned at 8:19PM.

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***Next Meeting: March 15, 2018 7:00pm**

Respectfully Submitted,

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