

1. 7:00 P.M. Common Council Meeting

Common Council Meeting
Cohoes City Hall
Cohoes, New York 12047

AGENDA

Tuesday, June 27, 2023, 7:00 p.m.

MEETING

Public comment
Approve minutes of the May 23, 2023 meeting

1. Discussion regarding revisions to the waste disposal code
2. Ordinance No. 5 – An Ordinance amending Sub-section A of section 198-33 of the Code of the Cohoes City regarding vendor license fees
3. Resolution No. 35 – A Resolution authorizing the Mayor to execute an Agreement for Professional Services associated with the Manor Avenue Sewer Separation Project
4. Resolution No. 36 – A Resolution to confirm an appointment to the Cohoes Library Board of Trustees

Documents:

[6.27.23 COUNCIL MEETING LEGISLATION AND ADDTL BACKUP.PDF](#)

Meeting

COMMON COUNCIL PROCEEDINGS
Tuesday, May 23, 2023 - 7:00 P.M.
Common Council Regular Meeting
Common Council Chambers

Roll call was taken.

PRESENT:

Mayor Keeler
Council President McCarthy
Council Member Smith
Council Member Russell
Council Member Briggs
Council Member Biggs
Council Member Alesio

EXCUSED:

None

Mayor Keeler, "First I would like to give a few project updates on several projects. Columbia St. sidewalk replacement (Trull to Broadway) north side completed today, south side will start tomorrow, should be done by July. Design work for larger Columbia St. project will be available by July and includes trees, sidewalks with bump-outs, curbing and paving, 2024 project. White St. streetscape project starts in June (Main St. to Mohawk St.) includes paving, sidewalks, and curbing. City Hall roof project, erecting scaffolding around the building. Will take a month to complete. New slate roofing is arriving at the municipal lot behind the police station. Anticipate completion by this fall. New HVAC systems in City Hall and Music Hall are planned, funding will come largely from grants, but also include money from the bond we approved related to the LED streetlight project. Remsen St. fire site development, Office of Community and Economic Development currently have ownership of 4 of the 6 lots, the remaining 2 have been foreclosed on. Our plan is to dedicate \$2M of the \$10M DRI grant to the fire site redevelopment. 45 Johnston Ave. is back in front of the Zoning Board. The original request was for 16 – 1-bedroom apartments. The Zoning Board approved 10 – 1-to-2-bedroom units. Developer states with inflation rates have pushed costs up and they require the 16 units to make it work. Floating Solar, DEC permitting approvals are imminent, DOH permits are not far behind. Working on securing the \$3M federal funds and seeking additional federal funding the inflation reduction act. Energy production is 100% on day 1, reduced by .5% annually. 85% after 30 years (when panels are replaced, used panels typically sold to 3rd world countries). Memorial Day Ceremony is Thursday, May 25 at 6PM at Veterans Park. All are welcome.

Public Comment:

Sean VanSleet, Orchard St., "I received a notice from BOE. I have been a registered voter for 45 years and an inspector for 3 years. Why did I not receive a letter from the Chef?"

Mayor Keeler, "Company has a database. They gave us a quote; we told them to cut it in half. They sent the letters out."

Council Member Smtih, "Some wards received letters, while others did not."

Brendon LeQue, Grant St., "Attention needs to be given to the filtration plant. They have 30-40 violations. Is this being addressed?"

Mayor Keeler, "They have 10-12 violations. The buildings are old. We are doing what we can."

Brandon LeQue, "Mohawk Ambulance said they could service the city. Can you clarify?"

Mayor Keeler, "Mohawk is un-willing or un-able to service the city. Ambulanz is servicing the city."

Joe Ritchie, Saratoga Sites, "When the demolition of Saratoga Sites, can the bushes be taken and repurposed rather than them go to waste?"

Mayor Keeler, "Saratoga Sites is under Federal Control, contact the housing authority."

Karen Muscavage, "Albany declaring Emergency for asylum seekers. A State of Emergency gives the ability to seek federal funds. Cohoes should look at doing the same."

Council Member Russell made a MOTION to approve the minutes of the April 27, 2023, meetings. Council Member Biggs seconded the motion. All members voted "AYE". The motion passed.

Ordinance No. 3 for 2023

AN ORDINANCE RENAMING JOHN STREET AS ROBICH STREET

Council Member Alesio made a MOTION to approve Ordinance No. 3 for 2023. Seconded by Council Member Briggs. Council President McCarthy, and Council Members Smith, Russell, Briggs, Biggs, and Alesio voted "AYE". Ordinance No. 3 for 2023 passed.

Ordinance No. 4 for 2023

AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 244 OF THE CODE OF THE CITY OF COHOES REGARDING UTILITY EXCAVATIONS

Council Member Russell made a MOTION to approve Ordinance No. 4 for 2023. Seconded by Council Member Alesio. Council President McCarthy, and Council Members Smith, Russell, Briggs, Biggs, and Alesio voted "AYE". Ordinance No. 4 for 2023 passed.

Resolution No. 30 for 2023

A RESOLUTION APPROVING A SHARED SERVICES AGREEMENT BETWEEN THE CITY OF COHOES AND THE VILLAGE OF GREEN ISLAND

Council Member Russell made a MOTION to approve Resolution No. 30 for 2023. Seconded by Council Member Briggs. Council President McCarthy, and Council Members Smith, Russell, Briggs, Biggs, and Alesio voted "AYE". Resolution No. 30 for 2023 passed.

Resolution No. 31 for 2023

A RESOLUTION AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2023

Council President McCarthy made a MOTION to approve Resolution No. 31 for 2023. Seconded by Council Member Briggs. Council President McCarthy, and Council Members Smith, Russell, Briggs, Biggs, and Alesio voted "AYE". Resolution No. 31 for 2023 passed. A copy of the budget transfers are attached.

Resolution No. 32 for 2023

A RESOLUTION APPROVING AN ENGINEERING AGREEMENT WITH ARCADIS OF NEW YORK, INC. REGARDING THE LITTLE FLOATABLE CONTROL FACILITY PROJECT

Council Member Biggs made a MOTION to approve Resolution No. 32 for 2023. Seconded by Council Member Briggs. Council President McCarthy and Council Members Russell, Briggs, Biggs, and Alesio voted "AYE". Council Member Smith voted "NAY". Resolution No. 32 for 2023 passed.

Resolution No. 33 for 2023

A RESOLUTION APPROVING AN AGREEMENT WITH JMT OF NEW YORK, INC. FOR PREDEVELOPMENT ACTIVITIES RELATIVE TO THE SARATOGA STREET PEDESTRIAN ACCESSIBILITY AND COMMERCIAL CORRIDOR ENHANCEMENTS PROJECT

Council Member Russell made a MOTION to approve Resolution No. 33 for 2023. Seconded by Council Member Alesio. Council President McCarthy and Council Members Smith, Russell, Briggs, Biggs, and Alesio voted "AYE". Resolution No. 33 for 2023 passed.

Resolution No. 34 for 2023

A RESOLUTION RATIFYING THE TERMS OF A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF COHOES AND THE UNIFORMED FIREFIGHTERS OF COHOES

Council Member Biggs made a MOTION to approve Resolution No. 34 for 2023. Seconded by Council Member Alesio. Council President McCarthy and Council Members Smith, Russell, Biggs, and Alesio voted "AYE". Council Member Briggs abstained from voting. Resolution No. 34 for 2023 passed.

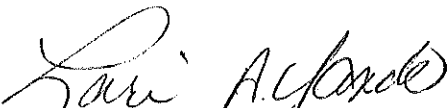
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Council Member Smith, "Before we adjourn, I would like to give a big shout out to the boys varsity and the girls lacrosse teams."

At 7:24 PM, Council President McCarthy made a MOTION to adjourn. Seconded by Council Member Alesio. All members voted "AYE".


Lori A. Yando, City Clerk

City of Cohoes 2023 BUDGET
ACCOUNT CODE TRANSFER REQUEST FORM

Funds Transferred To	Funds transferred from	Account Code	Amount	Transfer Justification
<i>The following transfers are budget Neutral</i>				
EMSS SERVICES	A3410.4270 ARPA	A3040	\$ 266,878.00	TRANSFER MONEY TO COVER EMS SERVICES FOR MAY, JUNE & JULY 2023

MG

DATE

5/19/23

1

§ 239-10 Title.

This article shall be known and may be cited as the "City of Cohoes Waste Disposal Ordinance."

§ 239-11 City-issued waste containers required for residential properties.

A.

Residential property shall be defined herein as those parcels containing a structure that comprises one, two, or three dwelling units.

[Added 3-22-2005 by Ord. No. 6-2005; amended 5-25-2005 by Ord. No. 10-2005; 5-27-2008 by Ord. No. 5-2008]

Included in the definition of "residential property" shall be those properties falling under the New York State Office of Real Property Services Classification Codes: 471, "Funeral Homes" and 483, "Converted Residences or Residential with Partial Office Space."

B.

Residential properties that are occupied shall have one ninety-five-gallon waste container issued to it and delivered by the City or its agent at no charge. City issued waste containers shall be inscribed with a serial number and matched with the owner of the property.

C.

Residential property owners may purchase an additional, or replacement, waste container(s) for an amount to be approved by the Board of Managers, based on cost to the City. Only two containers are authorized to be put out for collection from each residential property.

D.

All solid waste, trash, and garbage for collection by the City must be placed in the City-issued waste containers. It shall be unlawful to put out for collection any solid waste, trash, rubbish, offal, or garbage in any container not issued by the City of Cohoes. A violation of this subsection shall be deemed a violation by both the property owner, even if not the person actually depositing unauthorized trash for collection, and the person actually depositing unauthorized trash for collection, even if not the owner of the property.

E.

It shall be unlawful for a person to deposit any solid waste, trash, rubbish, offal, or garbage in any City-issued waste container issued to a residential or commercial property at which that person is not a resident, owner, or manager, without consent of the owner of the City-issued waste container.

F.

During the week immediately following the holidays of Thanksgiving, Christmas, New Year's Day, and Easter, the City shall collect overflow trash in containers or bags that would otherwise be a violation of this article.

§ 239-12Duty to provide sufficient containers.

[Amended 6-22-2004 by Ord. No. 4-2004]

A.

It shall be the duty of every person, firm, partnership or corporation owning, or having the management or control of, any residential property to provide sufficient City-issued waste containers, to a maximum of two ninety-five-gallon containers, to hold all accumulations of garbage, trash, waste, offal, ashes and any other offensive waste substances ordinarily ac

§ 239-13Certain materials not authorized for deposit in City-issued waste containers.

No person, firm or corporation shall place waste material as defined below in any City-issued waste container:

A.

Explosives or munitions.

B.

Combustible liquid or gas containers, bottles, cylinders or cans.

C.

Caustic acids, corrosives, chemical or other hazardous materials.

D.

Liquid wastes or slurry wastes.

E.

Recyclable materials pursuant to Article **IV** of this chapter.

F.

Paint.

G.

Tree trunks, stumps, branches, lumber or limbs over four inches in diameter or over five feet in length, and the same shall be tied in bundles not over 75 pounds.

H.

Slag, rock, sand, brick or concrete.

I.

Thick-walled or solid metallic objects, such as castings, forgings, gas cylinders or large motors.

J.

Steel or nylon rope, cables or slings more than four feet long.

K.

Case-hardened or alloy steel chains over 3/8 inch in diameter or more than four feet long.

L.

Rolls of carpet or fencing over 12 inches in diameter.

M.

Animal wastes, unless in sealed plastic containers, or parts of animals.

N.

Automotive or larger size tires.

O.

Solid blocks or rubber or plastic in excess of two cubic feet.

§ 239-14 Collection areas.

[Amended 5-24-2005 by Ord. No. 10-2005]

All City-issued waste containers shall be placed at the curb for collection or in other areas as designated by the City of Cohoes. No City employee shall enter upon private property for trash collection and shall not collect unauthorized materials placed in City-issued waste containers.

§ 239-15 Times for placement.

No person, firm or corporation shall place City-issued waste containers at any designated area for collection prior to 5:00 p.m. of the day immediately preceding the scheduled collection time for such designated area. City-issued waste containers must be removed from the front of the property or any designated area for collection prior to 9:00 p.m. of the day of collection and may not be stored in front of the property.

§ 239-16 **Commercial properties to provide private trash removal.**

A.

Commercial property shall be defined herein as those parcels containing a structure that comprises four or more dwelling units or houses a business or nonresidential entity.

[Amended 5-27-2008 by Ord. No. 5-2008]

B.

Except as otherwise set forth herein, commercial properties must provide for private collection of any waste material, trash, rubbish, or garbage. Any dumpsters must be covered and may require a barricade permit pursuant to § **244-1C** of this Code.

C.

Commercial properties may opt-in to the residential City waste collection program; a commercial property owner or manager may contact the Commissioner of Public Works and apply for a commercial waste collection opt-in permit and, upon approval, receive up to two ninety-five-gallon City-issued waste containers.

D.

Upon receipt of a commercial waste collection opt-in permit, said commercial property is subject to all applicable laws, fees, rules and regulations set forth in this article regarding City-issued waste containers and City waste collection.

E.

An annual fee of \$235 shall be payable to the City upon the receipt or renewal of a commercial waste collection opt-in permit. Said permit shall be issued effective July 1 of each year and shall expire on June 30 of the following year. Should an opt-in permit be purchased after July, the amount of the fee for said permit shall be prorated based on number of months until the June 30 expiration date.

[Amended 6-27-2006 by Ord. No. 8-2006; 5-27-2008 by Ord. No. 5-2008; 5-26-2009 by Ord. No. 3-2009]

F.

Owner-occupied parcels containing a structure that is comprised of four dwelling units may receive a reduced annual fee of \$165 that is payable to the City upon receipt or renewal of a commercial waste collection opt-in permit and proof of owner occupancy under the requirements of New York State's School Tax Relief (STAR) Program. Said permit shall be issued effective July 1 of each year and shall expire on June 30 of the following year. Should an opt-in permit be purchased after July, the amount of the fee for said permit shall be prorated based on number of months until the June 30 expiration date.

[Added 5-27-2008 by Ord. No. 5-2008^u]

[1]

Editor's Note: This ordinance also redesignated former Subsection F as Subsection G.

G.

Commercial properties that opt-in to the residential City waste collection program shall have their recyclable materials collected by the City pursuant to Article **IV** of this chapter.

§ 239-17 Actions at law.

The City may institute an action at law against the owner of said property to recover any such costs and fines as are outlined under this article.

§ 239-18 Material not complying to be removed at personal expense.

Any accumulation of waste material resulting from failure of any person to comply with any provision of this article shall be removed by such person at his own expense. Such failure to comply shall be a violation of this article and, if materials are removed by the City, additional costs will be charged as set forth in § 239-21.

§ 239-19(Reserved)

§ 239-20 Mulch piles and clean fill permitted.

Nothing in this article shall be construed as denying any person the right to maintain a mulch pile or accumulation of grass cuttings, leaves or other inoffensive materials on his own or leased property, as long as dust, odors or other nuisances are not permitted to develop from the resulting compost. Nothing in this article shall be construed as denying any person the right to use ashes or other clean material as fill on his own property, so long as dust or any other nuisance is not permitted to develop.

§ 239-21 Penalties for offenses.

[Amended 5-24-2005 by Ord. No. 10-2005; 5-24-2016 by Ord. No. 2-2016]

A.

Any person, firm or corporation found in violation of any section of this Article **III** shall be subject to a fine of \$100.00 for the first offense, \$200.00 for the second offense and \$300.00 for the third and all subsequent offenses. Each day that the violation continues shall be a separate offense.

B.

In addition to the fines set forth above, the City of Cohoes may remove any material improperly or unlawfully placed and charge the property owner or any violator under this article. For a first offense, a fee of \$175 or the actual cost of removal of garbage, junk, or other waste materials placed in violation of this article, whichever is greater, shall be charged to the property owner or other violator. For a second offense, a fee of \$275 or the actual cost of removal of garbage, junk, or other waste materials placed in violation of this article, whichever is greater, shall be charged to the property owner or other violator. For a third offense, a fee of \$375 or the actual cost of removal of garbage, junk, or other waste materials placed in violation of this article, whichever is greater, shall be charged to the property owner or other violator. This civil charge shall be in addition to any fines levied under this article and may be assessed as a lien against the property concerned and collected by the City, like other taxes and assessments. Before the assessment of any lien against the land, the owner, as indicated by the latest records of the City Assessor, shall be provided with notice and an opportunity to be heard. Said notice shall be served by regular mail to the last known address of the property owner or other violator.

§ 239-22 Enforcement.

A.

The Director of Code Enforcement of the City of Cohoes is hereby authorized and empowered to appoint no more than five garbage enforcement officers who shall assist the Department of Public Works in the enforcement of this article. The Director of Code Enforcement and such appointed garbage enforcement officers as provided herein shall have the power to issue appearance tickets or summonses to any person for apparent violation of any of the provisions of this article.

B.

Employees of the Department of Public Works assigned to sanitation will work in cooperation with the Director of Code Enforcement to implement enforcement of this article.

C.

The Board of Managers may promulgate rules and regulations with respect to the establishment of this program set forth in this article, not in conflict with the provisions of this article, that shall have the same force and effect as if they were specifically set forth herein.

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ORDINANCE NO. 5 FOR THE YEAR 2023

**AN ORDINANCE AMENDING SUB-SECTION A OF SECTION 198-33
OF THE CODE OF THE COHOES CITY REGARDING VENDOR LICENSE FEES**

WHEREAS, it has become necessary to make modifications to Sub-Section A of Section 198-33 of the Code of the City of Cohoes, addressing Vendor License Fees, in order to address certain concerns brought to the attention of the Common Council; and

WHEREAS, a majority of the Common Council believes that amending Section 198-33 of the Code of the City of Cohoes is in the best interest of the City and its inhabitants.

NOW THEREFORE, the City of Cohoes in Common Council convened, ordains as follows:

Section 1. Sub-Section A of Section 198-33, known as “§ 198-33 License Fees” and contained in Article II of Chapter 198, of the Code of the City of Cohoes, is hereby amended to read in its entirety as follows:

“§ 298-3 LICENSE FEES.

A.

Any vendor granted a vending license under this article shall pay an annual license fee of Five Hundred Dollars (\$500) or One Hundred Twenty-Five Dollars (\$125) for a three (3) month period. Any vendor granted a temporary vending permit for special events shall pay a fee of Ten Dollars (\$10.00) for each day of vending permitted.

Section 2. This ordinance shall take effect immediately.

Approved as to form this 27th day of June, 2023.

Brian S. Kremer
Corporation Counsel

Engrossed and signed by the President of the Common Council and attested by the Clerk of the Common Council this _____ day of June, 2023.

Clerk

President

I hereby approve the foregoing Ordinance of the Common Council.

Date: _____

William T. Keeler
Mayor of the City of Cohoes, New York

3

RESOLUTION NO. 35 FOR THE YEAR 2023

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
AN AGREEMENT FOR PROFESSIONAL SERVICES
ASSOCIATED WITH THE MANOR AVENUE SEWER
SEPARATION PROJECT**

WHEREAS, an engineering report and related services are needed for the Manor Avenue Sewer Separation Project (“the Project”) and CHA Consulting has submitted a proposal to prepare same; and

WHEREAS, the Board of Managers has awarded a contract to prepare an engineering report and perform related services for the Project to CHA Consulting, Inc. at a cost of \$60,000.00, subject to Common Council approval,

NOW, THEREFORE, BE IT

RESOLVED, that the proposal of CHA Consulting, Inc. at a cost of \$60,000.00 is hereby approved and the Mayor is hereby authorized to sign an agreement for same upon approval as to form by the Corporation Counsel; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Approved as to form this 27th day of June, 2023

Brian S. Kremer
Corporation Counsel

Resolution No. 35 for the Year 2023
June 27, 2023
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Engrossed and signed by the President of the Common Council and attested by the Clerk of the Common Council this _____ day of June, 2023.

Clerk

President

I hereby approve the foregoing Resolution of the Common Council.

Date

William T. Keeler
Mayor of the City of Cohoes, New York

4

RESOLUTION NO. 36 FOR THE YEAR 2023

**A RESOLUTION TO CONFIRM AN APPOINTMENT
TO THE COHOES LIBRARY BOARD OF TRUSTEES**

WHEREAS, Section 45-3 of the Cohoes city code grants the Mayor the authority to appoint members to the Cohoes Library Board of Trustees; and

WHEREAS, the Mayor desires to appoint Matthew LaBombard of Cohoes to the Cohoes Library Board of Trustees; and

NOW, THEREFORE, BE IT

RESOLVED, that the Common Council hereby confirms the appointment of Matthew LaBombard of Cohoes to the Cohoes Library Board of Trustees for terms to expire December 31, 2027; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Approved as to form this 27th day of June, 2023.

Brian S. Kremer
Corporation Counsel

Engrossed and signed by the President of the Common Council and attested by the Clerk of the Common Council this _____ day June, 2023.

Clerk

President

I hereby approve the foregoing Resolution of the Common Council.

Date

William T. Keeler
Mayor of the City of Cohoes, New York