

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

Common Council Workshop

Cohoes City Hall

Cohoes, New York 12047

**AGENDA**

June 13, 2023, 7:00 p.m.

WORKSHOP

Public comment

1. Discussion regarding amendments to vendor application fees
2. Discussion regarding revisions to the waste disposal code
3. Discussion regarding agreement with CHA for planning and preliminary design for the Manor Avenue Storm Sewer Separation Project

Documents:

[6.13.2023 WORKSHOP BACKUP MATERIAL.PDF](#)

# Workshop

1

## **Amanda Primeau**

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**To:** Stephen Napier

**From:** Stephen Napier <SNapier@ci.cohoes.ny.us>

**Sent:** Friday, June 9, 2023 3:52 PM

**To:** Amanda Primeau <APrimeau@ci.cohoes.ny.us>

**Proposal:** Reduce the one day vendor permit application fee from \$30 to \$10

**Rationale:** The single day fee of \$30 can be cost prohibitive for small vendors. It can have the unintended effect of discouraging organic growth of events that benefit from the presence of a vendor market. Further, it is out of sync with the three month application fee of \$120, which works out to just over one dollar per day. By bringing the single day fee down to \$10 the expectation is that prospective vendors will not be priced out by the fee and vendor events will more easily grow organically.

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**§ 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.

### **§ 239-12 Duty 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

### **§ 239-13 Certain 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<sup>11</sup>]

[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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REQUEST FOR AGENDA ITEM  
Legislative Request / BOM Request

Legislative Request  BOM Request

Date 6-8-2023  
Department Engineering  
Contact Person Garry Nathan

**PURPOSE FOR REQUEST:**

Adoption of Resolution: \_\_\_\_\_  
Adoption of Local Law: \_\_\_\_\_  
Adoption of Ordinance: \_\_\_\_\_  
Budget Amendment: \_\_\_\_\_  
Bond Approval: \_\_\_\_\_  
Contract Authorization:   
Other (Briefly Explain) \_\_\_\_\_

AE services for Planning and preliminary design for MAJOR Avenue Storm Sewer  
(cost \$60,000) This is a LTCP consent order project

**Budget Amendment (State the following)**

Increase Account/Line No. \_\_\_\_\_  
Decrease Account /Line No. \_\_\_\_\_  
Source of Funds Grant and CSO Communities

**CONTRACT AUTHORIZATION**

Purchase Equipment/Supplies: \_\_\_\_\_  
Lease Equipment/Supplies: \_\_\_\_\_  
Professional Services:   
Education/Training: \_\_\_\_\_  
Settlement of Claim: \_\_\_\_\_

**Grants:**

New EFC \$50,000  
Renewal \_\_\_\_\_  
Submission Dead Line \_\_\_\_\_

Fiscal Impact in Dollars or Percentage

Federal \_\_\_\_\_

State \$50,000 \_\_\_\_\_

City of Cohoes \$274 \_\_\_\_\_ \$9726 by CSO Communities

All back -up material has been submitted x \_\_\_\_\_

Explanation: \_\_\_\_\_ The other CSO Communities will split up the \$10,000 local cost with Cohoes share being \$274 \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Use space or add typed attachment.

Submitted by: Garry Nthan

date 6/7/2023 \_\_\_\_\_



June 8, 2023

Hon. William T. Keeler, Mayor  
City of Cohoes  
City Hall  
97 Mohawk Street  
Cohoes, NY 12047

ATTN: Mr. Gary Nathan, P.E.

RE: PROPOSAL FOR PROFESSIONAL SERVICES ASSOCIATED WITH THE CITY OF COHOES  
MANOR AVENUE STORM SEPARATION ENGINEERING PLANNING GRANT REPORT  
CHA MASTER SERVICES AGREEMENT TASK ASSIGNMENT NO. 1

Dear Mayor Keeler:

CHA Consulting, Inc. (CHA) is pleased to submit this proposal to provide the City of Cohoes (City) with professional services associated with the above-mentioned project. The City will receive funding through the Clean Water State Revolving Fund (CWSRF) Engineering Planning Grants Program, as administered through the New York State Environmental Facilities Corporation (EFC). As such, it is understood that the executed engineering agreement will include the provisions required in the Mandatory State Revolving Fund Terms and Conditions, effective October 1, 2022, and will require the submittal of an approvable MWBE Workplan and EEO Utilization Plan.

The scope of this proposal shall be to provide the City with an Engineering Report that meets the requirements defined under this program. The project was determined to be a Type II category for actions required pursuant to an administrative enforcement order. The project will require SHPO and additional DEC/EFC review and approvals prior to construction. Our proposed scope of services, professional fee, and project schedule are included below.

#### PROJECT UNDERSTANDING

The Manor Avenue Sewer Separation Project will construct a new storm sewer along Manor Avenue in the City of Cohoes. The new storm sewer network will serve to abate flooding along New York Avenue and Miller Avenue; and will effectively separate flows from the City's combined sewer system. The project is required under the executed Order on Consent for the Albany Pool CSO LTCP (DEC Case # 4-20120911-01).

#### SCOPE OF SERVICES

##### **Task 1 – Project Coordination/Meetings**

The project will be started with an official kick-off meeting. The purpose of this meeting is to review the project parameters, grant requirements, the Consultant's technical scope, and any concerns or issues the

City needs addressed. In addition, CHA will request any supporting documentation or data required to complete the study. Over the course of this project, CHA shall maintain close coordination and communication with the City.

### **Task 2 – Subsurface Investigations**

In order to estimate groundwater levels and potential rock quantities that could impact construction costs, CHA proposes to coordinate with a drilling company and subcontract for up to two (2) days of soil drilling. CHA will propose boring locations for the City's review and approval prior to the investigation. It is estimated there will be 8-10 shallow borings advanced to depths of approximately 10 feet, or until bedrock is verified. If bedrock is encountered, confirmation cores shall be obtained to verify the nature of the underlying bedrock. As part of these efforts, CHA will work with the Drilling Subcontractor and/or City staff to quantify infiltration rates for the existing soils along the project corridor(s). CHA will conduct field supervision of the boring and infiltration investigations and coordinate the work with any necessary utility companies. The deliverable for this task will be the preparation of boring logs and infiltration testing results for the Engineering Report.

#### *General Assumptions:*

We offer the following assumptions relative to the geotechnical investigation. The assumptions are not intended to limit our proposal but are provided to clarify our understanding of the work required.

- CHA and our subcontractor will be granted free and easy access to the project site and all properties contained therein.
- Borings will be installed with a truck mounted rig. The borings will be backfilled with drill cuttings; no grouting will be performed.
- Drilling subcontractor will be required to pay New York State prevailing wage rates.
- CHA will mark the boring locations by pulling ties from existing site features to the extent possible.
- Excess soil cuttings from the borings will be disposed of on the City's property at a designated site.

### **Task 3 – SHPO Review and Coordination**

As part of this work, CHA will perform cultural resource investigations adhering to the guidelines recommended by the Historic Preservation Field Services Bureau; OPRHP/SHPO (recommendation in director's letter of September 20, 1995) for cultural resource management projects and the revised guidelines issued on May 5, 2005 (John Bonafide, Historic Preservation Field Services Bureau). It shall also comply with the New York State Historic Preservation Act (including associated guidance) and the requirements of the New York State Historic Preservation Office.

### **Task 3 – Engineering Report**

The proposed mitigation alternatives will focus primarily on providing separated conveyance for stormwater runoff and/or the promotion of green infrastructure components to reduce runoff. The report will consider storm and flood resiliency (e.g., potential for flooding impacts, or other extreme weather events), consider impacts on environmental justice (EJ) areas, and include a comprehensive analysis of the following alternatives:



- No-action alternative.
- Green infrastructure, in combination with gray infrastructure or individually, is required for projects involving stormwater, including stormwater inflow to sewer systems. A justification will be provided if a green infrastructure component is not part of the recommended alternative.
- Repair or replacement versus new construction.
- Regional consolidation opportunities or considerations.

Any alternatives considered technically infeasible will be identified as such and the rationale briefly discussed and Smart Growth alternative(s) will be considered and documented in the engineering report. The Engineering Report will satisfy the requirements of the components defined in the DEC/EFC Engineering Report Outline, including:

- Definition of the Problem
- Flow and Organic Load
- Impact on Existing Wastewater Facilities
- Project Description
- Conceptual Drawing/Site Plan
- Site Information
- Engineering Criteria
- Alternatives Considered and Alternative Selection
- Environmental Review Requirements
- Conclusion and Recommendations
- Smart Growth Certification Form

#### PROFESSIONAL FEE & EXPENSES

CHA proposes to be compensated for the scope of services defined above on a lump sum basis in an amount of Sixty Thousand Dollars (\$60,000.00), including expenses and drilling costs. CHA will not exceed this estimated amount without prior written authorization from the City of Cohoes.

#### PROJECT SCHEDULE

CHA is prepared to begin work on this project immediately upon receipt of a notice to proceed, with field investigations scheduled based on the availability of the drilling services. We anticipate completion of the Engineering Report within 6 to 9 months, prior to the 2024 Consolidated Funding Application filing deadline.

We trust this proposal meets with your satisfaction. If you have any questions, please do not hesitate to contact me directly at (518) 369-8991. Thank you for considering CHA for your engineering services, and we look forward to working with you and your staff on this project.

Very truly yours,



Michael F. Miller, P.E.  
Vice President

The terms and conditions for this Work Order are accepted in accordance with the City of Cohoes's Master Service Agreement with CHA Consulting, Inc., executed in 2023:

ACCEPTED BY: CITY OF COHOES

SIGNATURE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_