**THE COUNCIL OF THE CITY OF WATERVLIET**

**LOCAL LAW NO. 9 OF THE YEAR 2026**

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# A LOCAL LAW TO AMEND CHAPTER 272-15 ESTABLISHMENT OF ZONING MAP; DISTRICT BOUNDARIES OF THE CODE OF THE CITY OF WATERVLIET FOR A PROPERTY LOCAED AT 25TH STREET AND BROADWAY

**WHEREAS,** the Code of the City of Watervliet establishes the areas and boundaries of such districts are hereby established to scale as shown on the map entitled "City of Watervliet **Zoning Map**," adopted by the Council of the City of Watervliet September 19, 2013, certified by the City Clerk and herein referred to as the "**Zoning Map**;" and

**WHEREAS** it is the purpose of this local law to amend Article III of the Code of the City of Watervliet Chapter 272 §15 titled "Establishment of Zoning Map; district boundaries" regarding a zoning change for the property located at 25th Street and Broadway in the City of Watervliet, and

**WHEREAS** the property located at 25th Street and Broadway is currently zoned Mixed Use 2 (MU2) District, a zoning classification intended to accommodate a broad range of commercial and other compatible non-residential uses serving residents citywide and generally located along streets with significant traffic volumes; and

**WHEREAS** the current Mixed Use 2 (MU-2) zoning classification does not permit the redevelopment of the properties business uses; and

**WHEREAS**, it has been determined that rezoning the property from Mixed Use-2 (MU-2) to Business District (B) would be a better designation as the property abuts in recognition that property abuts Interstate - 787 and is adjacent to National Grid power station; and

**WHEREAS,** the Council of the City of Watervliet held a public hearing on November 5, 2026, and copies of the minutes of the public hearing will be available for inspection at the Office of the City Clerk of the City of Watervliet.

**NOW, THEREFORE, BE IT ENACTED** by the Council of the City of Watervliet as follows: §272-15 of Article III of the City of Watervliet "Establishment of Zoning Map; district boundaries" is hereby amended to the following: a zoning change for property located at 25th Street and Broadway from MU-2 to B zoning to accommodate redevelopment that fits the NY Forward redevelopment plan while also providing opportunity for a broader variety of uses that would meet the community's need for redevelopment.

## SECTION I

### Supersession and Repeal of other laws

All ordinances, local laws and parts thereof in conflict with the provisions of this local law are hereby repealed to the extent necessary to give this local law full force and effect.

## SECTION II

### Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

Introduced by:
Moved by:
Seconded by:

Adopted by the following vote:

Ayes - - -
Nays - - -

November 5, 2026

**THE COUNCIL OF THE CITY OF WATERVLIET**

**LOCAL LAW NO. 10 FOR THE YEAR 2026**

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A LOCAL LAW AMENDING SECTIONS OF

THE CODE OF THE CITY OF WATERVLIET REGARDING ZONING

**WHEREAS,** the Council of the City of Watervliet recognizes that the hazards of battery energy storage systems require specialized reviews and approvals to protect neighboring properties; and

**WHEREAS,** it is the purpose of this proposed local law to amend sections of the Code of the City of Watervliet (the "Code") regarding zoning to establish a procedure and application requirements for battery energy storage systems; and

**WHEREAS**, the Council is authorized to adopt local laws pursuant to Article IX of the New York State Constitution, New York Statute of Local Governments §10(1) and (7), General City Law §19 and §20, and Municipal Home Rule Law §10, which authorize the City to adopt zoning provisions that advance and protect the health, safety and welfare of the community; and

**WHEREAS,** a public hearing was held by the Council of the City of Watervliet on September 17, 2026 and a copy of the minutes of the public hearing are available for inspection at the office of the City Clerk of the City of Watervliet.

**NOW, THEREFORE, BE IT ENACTED** by the Council of the City of Watervliet amends sections of the Code follows:

**Section I.**

Chapter 272, Zoning of the Code of the City of Watervliet is amended to add *Article V Floating Overlay District Regulations* as follows:

Section 272-21. Statement of Purpose

The purpose of this local law, establishing a Battery Energy Storage System ("BESS") Floating Overlay District and the regulations for designing such systems, is to advance and protect the public health, safety, welfare, and quality of life of the City by creating rules for the installation and use of battery energy storage systems, with the following objectives:

A. To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems;

B. To mitigate the impacts of battery energy storage systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources; and

C. To provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of battery energy storage systems;

D. To create synergy between battery energy storage system development.

Section 272-22. Definitions

As used in this Chapter, the following terms shall have the meanings indicated:

ANSI: American National Standards Institute

BATTERY(IES): A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this local law, batteries utilized in consumer products are excluded from these requirements.

BATTERY ENERGY STORAGE MANAGEMENT SYSTEM: An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

BATTERY ENERGY STORAGE SYSTEM: One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

A. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.

B. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

CELL: The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

COMMISSIONING: A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

DEDICATED-USE BUILDING: A building that is built for the primary intention of housing battery energy storage system equipment, is classified as Group F-1 occupancy as defined in the International Building Code, and complies with the following:

1) The building's only use is battery energy storage, energy generation, and other electrical grid-related operations.

2) No other occupancy types are permitted in the building.

3) Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.

4) Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following:

a. The areas do not occupy more than 10 percent of the building area of the story in which they are located.

b. A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

ENERGY CODE: The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

FIRE CODE: The fire code section of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL): A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NEC: National Electric Code.

NFPA: National Fire Protection Association.

NON-DEDICATED-USE BUILDING: All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements.

NON-PARTICIPATING PROPERTY: Any property that is not a participating property.

NON-PARTICIPATING RESIDENCE: Any residence located on non-participating property.

OCCUPIED COMMUNITY BUILDING: Any building in Occupancy Group A, B, E, I, R, as defined in the International Building Code, including but not limited to schools, colleges, daycare facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels, and houses of worship.

PARTICIPATING PROPERTY: A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the battery energy storage system owner (or affiliate) regardless of whether any part of a battery energy storage system is constructed on the property.

UNIFORM CODE: the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

Section 272-23. Applicability

A. The requirements of this local law shall apply to all battery energy storage systems permitted, installed, or modified in City after the effective date of this local law, excluding general maintenance and repair.

B. Battery energy storage systems constructed or installed prior to the effective date of this local law shall not be required to meet the requirements of this local law.

C. Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this local law.

Section 272-24. General Requirements

A. A zoning change establishing a BESS floating zone shall be required prior to review and approval of battery energy storage systems.

B. A building permit and an electrical permit shall be required for installation of all battery energy storage systems.

C. Issuance of permits and approvals by the Council for the City of Watervliet (the “Council”) shall include review pursuant to the State Environmental Quality Review Act, ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 (“SEQRA”).

D. All battery energy storage systems, all Dedicated Use Buildings, and all other buildings or structures that (1) contain or are otherwise associated with a battery energy storage system and (2) subject to the Uniform Code and/or the Energy Code shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code, the Energy Code, and the City of Watervliet Code (the “City Code”).

E. BESS Floating Overlay zoning may only be applied to the business and light industrial districts for Tier 1 systems and the light industrial zoning district for Tier 2 systems.

Section 272-25. Permitting Requirements for Battery Energy Storage Systems

Battery Energy Storage Systems shall be subject to the Uniform Code and application requirements set forth in this Article of the code regarding battery energy storage systems.

A. Applications for the installation of Battery Energy Storage System shall be:

1) reviewed by the Code Enforcement, Zoning Enforcement Officer, Planning Board and Council for completeness. An application shall be complete when it addresses all matters listed in this Local Law including, but not necessarily limited to, (i) compliance with all applicable provisions of the Uniform Code and all applicable provisions of the Energy Code and (ii) matters relating to the proposed battery energy storage system and Floodplain, Utility Lines and Electrical Circuitry, Signage, Lighting, Vegetation and Tree-cutting, Noise, Decommissioning, Site Plan and Development, Special Use Development, Ownership Changes, Safety, and Permit Time Frame and Abandonment. Applicants shall be advised within 10 business days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.

2) subject to a deposit fee of $10,000 per MW AC by the applicant. The applicant will be required to deposit this money into an escrow account managed and maintained by the City. The City will use the deposited funds to pay third party fees, such as engineering review fees and legal fees, incurred by the City in reviewing the application. Any remaining fees would be returned to the developer upon Building permit approval.

3) subject to a public hearing to hear all comments for and against the application. The Council shall have a notice printed in a newspaper of general circulation in the City at least 5 calendar days in advance of such hearing. Applicants shall have delivered the notice by first class mail to adjoining landowners or landowners within 200 feet of the property at least 10 days prior to such a hearing. Applicant must submit proof of mailing to the Council.

4) referred to the Albany County Planning Department pursuant to General Municipal Law § 239-m if required.

5) subject to recommendation by the Planning Board, identifying the battery energy storage systems' compliance with the underlying zoning and these regulations.

6) approval of a developer's agreement outlining the public infrastructure improvements, environmental mitigation, impact fees and other public benefits to be provided by the developer, subject to review by the City's corporation counsel.

7) upon closing of the public hearing, the Council shall take action on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The 62-day period may be extended upon consent by both the Council and Applicant.

B. Utility Lines and Electrical Circuitry. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

C. Signage.

1) The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number.

2) As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

D. Lighting. Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

E. Vegetation and tree cutting. Areas within 10 feet on each side of Battery Energy Storage Systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

F. Noise. The 1-hour average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of 60 dBA as measured at the outside wall of any non-participating residence or occupied community building. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

G. Decommissioning.

1) Decommissioning Plan. The applicant shall submit a decommissioning plan, developed in accordance with the Uniform Code, to be implemented upon abandonment and/or in conjunction with removal from the facility. The City requires the owner to provide a Decommissioning Bond Account which would be subjected to an inflation percentage by the City. The Decommissioning Bond Account shall cover the costs of the Decommissioning Plan. In addition, the City requires the owner to contribute to the escrow account for the purpose of funding an engineer review to estimate and update the costs for the Decommissioning Plan every 10 years.

The decommissioning plan shall include:

a. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;

b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;

c. The anticipated life of the battery energy storage system;

d. The estimated decommissioning costs and how said estimate was determined;

e. The method of ensuring that funds will be available for decommissioning and restoration;

f. The method by which the decommissioning cost will be kept current;

g. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and

h. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

2) Decommissioning Agreement between the City and BESS Entity. This agreement establishes the decommissioning bond funding, fund release terms, and the City's site access rights. Pursuant to the agreement, the City is permitted to enter the site if the owner abandons the facility. The City will have the authority to utilize the bond funds to safely remove the storage system.

a. Decommissioning Fund. The owner and/or operator of the energy storage system, shall continuously maintain a fund or bond payable to the City, in a form approved by the City for the removal of the battery energy storage system, in an amount to be determined by the City, for the period of the life of the facility.

i) This fund may consist of a letter of credit from a State of New York licensed-financial institution.

ii) All costs of the financial security shall be borne by the applicant.

iii) Decommissioning costs are to be reviewed every 10 years by a 3rd party engineer at the owners' expense, to be paid into an escrow account established by the City for that purpose, and the decommissioning estimate shall be updated accordingly in the Decommissioning Agreement.

H. Site plan application. Battery Energy Storage Systems requiring a Special Use Permit and site plan approval. Any site plan application shall include the following information:

1) Property lines and physical features, including roads, for the project site.

2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.

3) A three-line electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.

4) A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.

5) Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of building permit.

6) Name, address, phone number, and signature of the project Applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system.

7) Zoning district designation for the parcel(s) of land comprising the project site.

8) Commissioning Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Where commissioning is required by the Uniform Code, Battery energy storage system commissioning shall be conducted by a New York State (NYS) Licensed Professional Engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to Code Enforcement prior to final inspection and approval and maintained at an approved on-site location.

9) Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code.

10) Operation and Maintenance Manual. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code.

11) Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Council.

12) Prior to the issuance of the building permit or final approval by the Council, but not required as part of the application, engineering documents must be signed and sealed by a NYS Licensed Professional Engineer.

13) Emergency Operations Plan. A copy of the approved Emergency Operations Plan, which must be signed by the fire department and the Council, shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:

a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.

b. Procedures for inspection and testing of associated alarms, interlocks, and controls.

c. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

d. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.

e. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.

f. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.

g. Other procedures as determined necessary by the City to provide for the safety of occupants, neighboring properties, and emergency responders.

h. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

I. Special Use Permit Standards.

1) Setbacks. Battery Energy Storage Systems shall comply with the setback requirements of the underlying zoning district for principal structures.

2) Height. Battery Energy Storage Systems shall comply with the building height limitations for accessory structures of the underlying zoning district.

3) Lot Coverage. Battery Energy Storage Systems shall comply with the lot coverage restrictions of the underlying zoning district.

4) Fencing Requirements. Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a minimum of a 7-foot-high fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports.

5) Screening and Visibility. Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfering with ventilation or exhaust ports.

J. Ownership Changes. If the owner of the battery energy storage system changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the Code Enforcement Officer of such change in ownership or operator within 30 days of the ownership change. A new owner or operator must provide such notification to the Code Enforcement Officer in writing. The special use permit and all other local approvals for the battery energy storage system would be void if a new owner or operator fails to provide written notification to the Code Enforcement Officer in the required timeframe. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications under this Local Law.

8. Safety

A. System Certification. Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:

1) UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),

2) UL 1642 (Standard for Lithium Batteries),

3) UL 1741 or UL 62109 (Inverters and Power Converters),

4) Certified under the applicable electrical, building, and fire prevention codes as required.

5) Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 or an approved equivalent as determined by the Code Enforcement Officer and applicable codes, regulations and safety standards may be used to meet system certification requirements.

B. Site Access. Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.

C. Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

9. Permit Time Frame and Abandonment

A. The Special Use Permit and site plan approval for a battery energy storage system shall be valid for a period of 24 months, provided that a building permit is issued for construction and construction has commenced. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the Council, within 24 months after approval, City may extend the time to complete construction for 180 days. In the event construction is completed, but the utility interconnection is not operational, and the developer has no control over the situation, the City may grant an additional extension of up to 180 days upon the developer's written request and submission of documented proof of delay and ongoing coordination from the utility company. If the owner and/or operator fails to perform substantial construction after 36 months of the approval of the special use permit and site plan, then the approvals shall expire.

B. The battery energy storage system shall be considered abandoned when it ceases to operate consistently for more than one year. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the City may, at its discretion, enter the property and utilize the available bond and/or security for the removal of a Battery Energy Storage System and restoration of the site in accordance with the decommissioning plan.

**Section II. Enforcement**

Any violation of this local law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the Zoning Ordinance of the City.

**Section III. Severability**

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

**Section IV. Effective Date.** This Local Law shall take effect on October 1, 2026.

Approved as to form this 5th day of November 2026.

_____

Brian S. Kremer

Corporation Counsel

Attested by the Clerk of the Council this 5th day of November 2026.

_____

Clerk

I hereby approve the foregoing Local Law of the Council of the City of Watervliet.

Dated: November 5, 2026

_____

Charles V. Patricelli, Mayor

**THE COUNCIL OF THE CITY OF WATERVLIET**

**RESOLUTION NO. 80 for 2026**

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# A RESOLUTION ACCEPTING A DONATION IN THE AMOUNT OF $21,155.00 FROM WATERVLIET CHARITABLE FOUNDATION TO BE USED BY THE CITY OF WATERVLIET FOR HOLIDAY DECORATIONS TO BE DISPLYED ON 19TH STREET

**WHEREAS,** General Manager Melissa Cherubino has reported to the Council that the Watervliet Charitable Foundation offered to donate the sum of $21,155.00 to the City of Watervliet to be used for Holiday decorations to be displayed on 19th Street; and

**WHEREAS** the Council of the City of Watervliet is authorized to accept the donation in the amount of $21,155.00 to be used to purchase holiday decorations to be displayed on 19th Street.

**NOW, THEREFORE, BE IT RESOLVED that:**

1. The donation of $21,155.00 to the City of Watervliet to be used for the purchase of holiday decorations to be displayed on 19th Street and to pay the shipping costs for said items is hereby accepted.

2. The Council of the City of Watervliet hereby expresses its gratitude to the Watervliet Charitable Foundation for this generous donation.

3. The Council of the City of Watervliet hereby authorizes the City Clerk and Clerk of the Council to transmit to the donor a certified copy of this Resolution as an expression of its appreciation.

4. This Resolution shall take effect immediately.

Introduced by:
Moved by:
Seconded by:

Adopted by the following vote:
Ayes - - -
Nays - - -

November 5, 2026

**THE COUNCIL OF THE CITY OF WATERVLIET**

**RESOLUTION NO. 81 for 2026**
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**BOND RESOLUTION DATED NOVEMBER 5, 2026, AUTHORIZING NOT TO EXCEED $518,000 AGGREGATE PRINCIPAL AMOUNT OF SERIAL GENERAL OBLIGATIONS BONDS TO FINANCE THE CONSTRUCTION AND RECONSTRUCTION OF THE CITY OF WATERVLIET WATER DISTRIBUTION SYSTEM, AT AN ESTIMATED MAXIMUM COST NOT TO EXCEED $518,000, LEVY OF TAX IN ANNUAL INSTALLMENTS IN PAYMENT THEREOF, THE EXPENDITURE OF SUCH SUM FOR SUCH PURPOSE AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.**

WHEREAS the Council of the City of Watervliet (the "City Council" and the "City", respectively), has determined that the Purpose (as defined herein) constitutes a "Type II Action" for the purposes of the New York State Environmental Quality Review Act and the regulations thereunder; and

WHEREAS, the City Council has not taken any action or adopted any local law which would require the effectiveness of this bond resolution be subjected to a permissive or mandatory referendum;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Watervliet, New York as follows:

Section 1. The City is hereby authorized to construct and reconstruct the City's water distribution system, at an estimated maximum cost of $518,000, as more particularly described in Section 3 hereof.

Section 2. The City is hereby authorized to issue its serial general obligation bonds (the "Bonds") in the aggregate amount of not to exceed $518,000 pursuant to the Local Finance Law of New York, in order to finance the class of objects or purposes described herein.

Section 3. The classes of objects or purposes, or specific objects or purposes (the "Purpose") to be financed pursuant to this Bond Resolution is the construction and reconstruction of the City's water distribution system, consisting of the following components: (i) Administrative Structure, Equipment Project; and (ii) Residential Home Lead Line Replacement Project; such construction and reconstruction shall include, but not be limited to, buildings, land or rights in land, replacement of water mains and lead services, and acquisition and installation of fire hydrants and other equipment, machinery or apparatus. The period of probable usefulness of the Purpose is forty (40) years pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. It is hereby determined and declared that (a) the maximum cost of the Purpose,

as estimated by the City Council, is $518,000, (b) the City has not previously authorized the expenditure of the funds necessary to finance the cost of the Purpose, and (c) subject to the provisions of Section 5 hereof, the City plans to finance the cost of the Purpose entirely from funds raised by the issuance of the Bonds and bond anticipation notes hereinafter referred to.

Section 5. The City may receive certain federal and New York State grant funds for the Purpose. Any such grant funds shall be used to reduce the maximum amount of Bonds and bond anticipation notes issued in anticipation of the Bonds to be issued to finance such Purpose, or to the extent obligations shall have been issued under this Bond Resolution, be applied to pay the principal or interest on the Bonds or any bond anticipation notes issued in anticipation of the Bonds.

Section 6. Subject to the provisions of the Local Finance Law, the power to further authorize the issuance of the Bonds and to authorize the issuance of bond anticipation notes issued in anticipation of the sale of the Bonds (including renewals thereof) and to prescribe the terms, form and contents of the Bonds and bond anticipation notes, including the consolidation with other issues and use of substantially level or declining annual debt service, and to sell and deliver the Bonds and bond anticipation notes, is hereby delegated to the Director of Finance of the City, the chief fiscal officer. The Director of Finance of the City is hereby authorized to sign and the City Clerk is hereby authorized to attest any Bonds and bond anticipation notes issued pursuant to this Bond Resolution, and the City Clerk is hereby authorized to affix to such Bonds and bond anticipation notes the corporate seal of the City.

Section 7. The faith and credit of the City of Watervliet, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such Bonds and bond anticipation notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall be levied annually on all taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 8. This Bond Resolution shall constitute the declaration of the City's "official intent" to reimburse expenditures authorized by Section 1 with proceeds of the Bonds and notes, as required by United States Treasury Regulation Section 1.150-2. The City shall not reimburse itself from the proceeds of the Bonds or notes for any expenditure paid more than sixty days prior to the date hereof, unless specifically authorized by Section 1.150-2 of the Treasury Regulations.

Section 9. This Bond Resolution, or a summary thereof, shall be published by the Clerk together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in the official newspapers of the City. The validity of the Bonds or of any bond anticipation notes issued in anticipation of the sale of the Bonds may be contested only if such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this Bond Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 10. In connection with the financing of the Purpose, the City is hereby authorized to participate in the New York State Lead Service Line Replacement Plan program (the "LSLRP Program") administered by the New York State Department of Health. The Director of Finance of the City is hereby authorized to execute and deliver such documents as may be necessary to effect the participation of the City in such LSLRP Program.

Section 12. This Bond Resolution shall take effect immediately.

Introduced by:
Moved by:
Seconded by:

Adopted by the following vote:
Ayes---
Nays---

November 5, 2026

STATE OF NEW YORK )
)SS.:
COUNTY OF ALBANY )

I, the undersigned Clerk of the City of Watervliet, do hereby certify as follows:

1. A Regular Meeting of the Council of the City of Watervliet, State of New York, was duly held on November 5, 2026, and Minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the Minutes of meetings of said Board. I have compared the attached Extract with said Minutes so recorded and said Extract is a true copy of said Minutes and of the whole thereof insofar as said Minutes relate to matters referred to in said Extracts.

2. Said Minutes correctly state the time when said Meeting was convened and the place where such meeting was held and the members of said Board who attended said Meeting.

3. Public Notice of the time and place of said Meeting was duly given to the general public in accordance with Article 7 of the Public Officers Law (the "Open Meetings Law"), and that the members of said Board had due notice of said Meeting and that the Meeting was in all respects duly held and a quorum was present and acted throughout.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the City of Watervliet this _____ day of November, 2026.

_____
Dave Wheatley
City Clerk

[Seal]

## LEGAL NOTICE

The bond resolution, a summary of which is published herewith, has been adopted on the 5th day of November, 2026, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the City of Watervliet is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

A complete copy of the bond resolution summarized herewith is available for public inspection during regular business hours at the Office of the City Clerk of the City of Watervliet for a period of twenty days from the date of publication of this Notice.

David Wheatley
City Clerk

**BOND RESOLUTION DATED NOVEMBER 5, 2026 AUTHORIZING NOT TO EXCEED $518,000 AGGREGATE PRINCIPAL AMOUNT OF SERIAL GENERAL OBLIGATIONS BONDS TO FINANCE THE CONSTRUCTION AND RECONSTRUCTION THE CITY OF WATERVLIET WATER DISTRIBUTION SYSTEM, AT AN ESTIMATED MAXIMUM COST NOT TO EXCEED $518,000, LEVY OF TAX IN ANNUAL INSTALLMENTS IN PAYMENT THEREOF, THE EXPENDITURE OF SUCH SUM FOR SUCH PURPOSE AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.**

| | |
|---|---|
| Class of objects or purposes: | Construction and reconstruction of the City's water distribution system consisting of the following components: (i) Administrative Structure, Equipment Project; and (ii) Residential Home Lead Line Replacement Project; such construction and reconstruction shall include, but not be limited to, buildings, land or rights in land, replacement of water mains and lead services, and acquisition and installation of fire hydrants and other equipment, machinery or apparatus. |
| Maximum Estimated Cost: | $518,000 |
| Period of probable usefulness: | Forty (40) years |
| Amount of obligations to be issued: | $518,000 |

51704480

**THE COUNCIL OF THE CITY OF WATERVLIET**

**RESOLUTION NO. 82 for 2026**
*********************

**BOND RESOLUTION DATED NOVEMBER 5, 2026, AUTHORIZING NOT TO EXCEED $170,000 AGGREGATE PRINCIPAL AMOUNT OF SERIAL GENERAL OBLIGATIONS BONDS TO FINANCE THE CONSTRUCTION AND RECONSTRUCTION OF THE CITY OF WATERVLIET CLINTON PARK, AT AN ESTIMATED MAXIMUM COST NOT TO EXCEED $688,000, LEVY OF TAX IN ANNUAL INSTALLMENTS IN PAYMENT THEREOF, THE EXPENDITURE OF SUCH SUM FOR SUCH PURPOSE AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.**

WHEREAS the Council of the City of Watervliet (the "City Council" and the "City", respectively), has determined that the Purpose (as defined herein) constitutes a "Type II Action" for the purposes of the New York State Environmental Quality Review Act and the regulations thereunder; and

WHEREAS, the City Council has not taken any action or adopted any local law which would require the effectiveness of this bond resolution be subjected to a permissive or mandatory referendum;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Watervliet, New York as follows:

Section 1. The City is hereby authorized to spend $170,000 as match funding as part of the New York Places for Learning, Activity, and Youth Socialization (NY PLAYS grant initiative to rehabilitate Clinton Park at an estimated maximum cost of $518,000, as more particularly described in Section 3 hereof.

Section 2. The City is hereby authorized to issue its serial general obligation bonds (the "Bonds") in the aggregate amount of not to exceed 7% of average full valuation pursuant to section 104(b)(5) of the Local Finance Law of New York, in order to finance the class of objects or purposes described herein.

Section 3. The classes of objects or purposes, or specific objects or purposes (the "Purpose") to be financed pursuant to this Bond Resolution is the construction and reconstruction of Clifton Park located at 1861 8th Avenue in the City of Watervliet consisting of the following components: (i) installation of new pickleball courts, playground equipment, new rubber barriers and mulch around the barriers, new pavilion with a patio and new picnic tables throughout the park. The period of probable usefulness of the Purpose is fifteen (15) years pursuant to subdivision (c) of paragraph 19 of Section 11.00 of the Local Finance Law.

Section 4. It is hereby determined and declared that (a) the maximum cost of the Purpose, as estimated by the City Council, is $170,000, (b) the City has not previously authorized the expenditure of the funds necessary to finance the cost of the Purpose, and (c) subject to the provisions of Section 5 hereof, the City plans to finance the cost of the Purpose entirely from funds raised by the issuance of the Bonds and bond anticipation notes hereinafter referred to.

Section 5. The City may receive certain federal and New York State grant funds for the Purpose. Any such grant funds shall be used to reduce the maximum amount of Bonds and bond anticipation notes issued in anticipation of the Bonds to be issued to finance such Purpose, or to the extent obligations shall have been issued under this Bond Resolution, be applied to pay the principal or interest on the Bonds or any bond anticipation notes issued in anticipation of the Bonds.

Section 6. Subject to the provisions of the Local Finance Law, the power to further authorize the issuance of the Bonds and to authorize the issuance of bond anticipation notes issued in anticipation of the sale of the Bonds (including renewals thereof) and to prescribe the terms, form and contents of the Bonds and bond anticipation notes, including the consolidation with other issues and use of substantially level or declining annual debt service, and to sell and deliver the Bonds and bond anticipation notes, is hereby delegated to the Director of Finance of the City, the chief fiscal officer. The Director of Finance of the City is hereby authorized to sign and the City Clerk is hereby authorized to attest any Bonds and bond anticipation notes issued pursuant to this Bond Resolution, and the City Clerk is hereby authorized to affix to such Bonds and bond anticipation notes the corporate seal of the City.

Section 7. The faith and credit of the City of Watervliet, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such Bonds and bond anticipation notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest in such obligations becoming due and payable in such year. There shall be levied annually on all taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 8. This Bond Resolution shall constitute the declaration of the City's "official intent" to reimburse expenditures authorized by Section 1 with proceeds of the Bonds and notes, as required by United States Treasury Regulation Section 1.150-2. The City shall not reimburse itself from the proceeds of the Bonds or notes for any expenditure paid more than sixty days prior to the date hereof, unless specifically authorized by Section 1.150-2 of the Treasury Regulations.

Section 9. This Bond Resolution, or a summary thereof, shall be published by the Clerk together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in the official newspapers of the City. The validity of the Bonds or of any bond anticipation notes issued in anticipation of the sale of the Bonds may be contested only if such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this Bond Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 10. In connection with the financing of the Purpose, the City is hereby authorized to participate in the New York Places for Learning, Activity, and Youth Socialization (NY PLAYS) Initiative administered by the Dormitory Authority of the State of New York (DASNY). The Director of Finance of the City is hereby authorized to execute and deliver such documents as may be necessary to effect the participation of the City in the NY PLAYS grant initiative.

Section 12. This Bond Resolution shall take effect immediately.

Introduced by:
Moved by:
Seconded by:

Adopted by the following vote:
Ayes---
Nays---

November 5, 2026

STATE OF NEW YORK )
)SS.:
COUNTY OF ALBANY )

I, the undersigned Clerk of the City of Watervliet, do hereby certify as follows:

1. A Regular Meeting of the Council of the City of Watervliet, State of New York, was duly held on November 5, 2026, and Minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the Minutes of meetings of said Board. I have compared the attached Extract with said Minutes so recorded and said Extract is a true copy of said Minutes and of the whole thereof insofar as said Minutes relate to matters referred to in said Extracts.

2. Said Minutes correctly state the time when said Meeting was convened and the place where such meeting was held and the members of said Board who attended said Meeting.

3. Public Notice of the time and place of said Meeting was duly given to the general public in accordance with Article 7 of the Public Officers Law (the "Open Meetings Law"), and that the members of said Board had due notice of said Meeting and that the Meeting was in all respects duly held and a quorum was present and acted throughout.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the City of Watervliet this _____ day of November, 2026.

_____
Dave Wheatley
City Clerk

[Seal]

## LEGAL NOTICE

The bond resolution, a summary of which is published herewith, has been adopted on the 5th day of November, 2026, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the City of Watervliet is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

A complete copy of the bond resolution summarized herewith is available for public inspection during regular business hours at the Office of the City Clerk of the City of Watervliet for a period of twenty days from the date of publication of this Notice.

David Wheatley
City Clerk

**BOND RESOLUTION DATED NOVEMBER 5, 2026 AUTHORIZING NOT TO EXCEED $170,000 AGGREGATE PRINCIPAL AMOUNT OF SERIAL GENERAL OBLIGATIONS BONDS TO FINANCE THE CONSTRUCTION AND RECONSTRUCTION THE CITY OF WATERVLIET WATER DISTRIBUTION SYSTEM, AT AN ESTIMATED MAXIMUM COST NOT TO EXCEED $518,000, LEVY OF TAX IN ANNUAL INSTALLMENTS IN PAYMENT THEREOF, THE EXPENDITURE OF SUCH SUM FOR SUCH PURPOSE AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.**

| | |
|---|---|
| Class of objects or purposes: | Construction and reconstruction of the City's water distribution system consisting of the following components: (i) Administrative Structure, Equipment Project; and (ii) Residential Home Lead Line Replacement Project; such construction and reconstruction shall include, but not be limited to, buildings, land or rights in land, replacement of water mains and lead services, and acquisition and installation of fire hydrants and other equipment, machinery or apparatus. |
| Maximum Estimated Cost: | $170,000 |
| Period of probable usefulness: | Forty (40) years |
| Amount of obligations to be issued: | $170,000 |

51704480