

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
July 1, 2013  
7:00 p.m.**

**Mayor Jeffrey E. Graham Presiding**

**Present:** Council Member Roxanne M. Burns  
Council Member Joseph M. Butler, Jr.  
Council Member Teresa R. Macaluso  
Council Member Jeffrey M. Smith  
Mayor Graham

**Also Present:** Sharon Addison, City Manager  
Robert J. Slye, City Attorney

**City staff present:** Elliott Nelson, Jim Mills, Ken Mix, Barbara Wheeler, Chief Herman, Justin Wood, Brian Phelps, Amy Pastuf, Mike Sligar, Celia Cook, Gene Hayes, Captain Clark, Pete Keenan

The City Manager presented the following reports to Council:

- Resolution No. 1 - Adoption of the New York State Uniform Notice of Claim Act
- Resolution No. 2 - Authorizing Payment for Asbestos Abatement at the Watertown International Airport, County of Jefferson, NY
- Resolution No. 3 - Approving Agreement Between the City of Watertown and the Watertown City School District, School Resource Officer
- Resolution No. 4 - Approving Flat Fee for Concessions, Jefferson County Agricultural Society
- Resolution No. 5 - Approving Agreement for Flat Fee Use of Athletic Fields,  
• Pop Warner Football League
- Resolution No. 6 - Authorizing Spending From Capital Reserve Fund
- Resolution No. 7 - Accepting Bid for Police Officers' Uniforms, United Uniforms
- Resolution No. 8 - Finding that the Woolworth Building Renovation and Parking Lot Construction Will Not Have a Significant Impact on the Environment
- Resolution No. 9 - Revising the Conditions of the Sale of the Iron Block/  
• Woodruff II Site to David Gallo and Erich Seber
- Resolution No. 10 - Approving PILOT Agreement for Woolworth Building, Woolworth Watertown LLC
- Resolution No. 11 - Approving Amendment to Agreement for Professional Services for Western Outfall Trunk Sewer Upgrade, GYMO P.C.
- Ordinance No. 1 - Amending City Municipal Code § A320-4
- Ordinance No. 2 - An Ordinance Amending the Ordinance Dated February 21, 2012, as Amended January 22, 2013 and May 20, 2013, Authorizing the Issuance of \$485,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay Part of the \$775,000 Estimated Maximum Cost of the Design of a Disinfection System at the City's Wastewater Treatment Plant, to Increase the Estimated Maximum Cost to \$5,900,000 to Increase the Amount of Bonds Authorized to \$5,610,000, to Expand the Object or Purpose to Include all Costs of the New Disinfection System and to Increase the Period of Probable Usefulness to Thirty Years
- Ordinance No. 3 - An Ordinance Amending the Ordinance Dated September 6, 2011, as Amended November 21, 2011 and January 21, 2013, Authorizing the Issuance of \$700,000

Bonds of the City of Watertown, Jefferson County, New York, to Pay the Costs of the Design for the Factory Street Reconstruction, to Increase the Estimated Maximum Cost Thereof and the Amount of Bonds Authorized to \$975,000

- Tabled - Ordinance Amending the Code of the City of Watertown, §310-1, Definition of Family and §310-34, Accessory Uses in Residence Districts
- Speeding on Gotham, Holcomb, Mill and Phelps Streets
- Grant Award Letter from the North Country Regional Economic Development Council
- Properties Not Redeemed
- Letter from Tony Morgia

**Complete Reports on file in the office of the City Clerk**

Meeting opened with a moment of silence. Mayor Graham asked that it be in honor of the 19 Firefighters killed in Prescott City trying to protect their community.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of June 17, 2013 was dispensed and accepted as written by motion of Council Member Roxanne M. Burns, seconded by Council Member Jeffrey M. Smith and carried with all voting in favor thereof.

**COMMUNICATIONS**

A letter was received from Mrs. Paul J. Cavise concerning the quality of the videotaping of the City Council meeting by Steve Weed Productions.

A letter was received from Cynthia Hilts, regarding a fall that she took while crossing Washington Street near the Farmers Market. She explained that this occurred in an area that was under construction but traffic and people-on-foot were allowed. She asked that use of the area by the public be eliminated until the construction is completed.

A letter was received from Dr. Shari M. Hogan, Child and Adolescent Health Associates urging Council to continue to provide fluoridated water to the residents of Watertown. She writes on behalf of the Department of Pediatrics in which she serves as the Chairperson.

**Above communication was placed on file in the office of the City Clerk.**

**PRIVILEGE OF THE FLOOR**

**Reginald J. Schweitzer Jr.**, representing Maggies on the River, 500 Newell Street, addressed the chair concerning the City's deck that is attached to his building. He asked that an agreement be reached that will allow him to use this deck.

**RESOLUTIONS**

**Resolution No. 1 - Adoption of the New York State Uniform Notice of Claim Act**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS on December 17, 2012 Governor Andrew M. Cuomo signed the Uniform Notice of Claim Act into law, which became effective on June 15, 2013, and

WHEREAS the Uniform Notice of Claim Act amends New York State General Municipal Law to allow notices of claim against cities and villages to be served upon the New York Secretary of State as an agent for New York's public corporations, and

WHEREAS pursuant to the Uniform Notice of Claim Act, the New York State Department of State will forward any notice of claim served upon it to the individual city or village designated to receive the notice of claim, and

WHEREAS pursuant to the Uniform Notice of Claim Act, each city and village within New York must designate the New York Secretary of State as the local government's agent for the service of notices of claim, must provide the name and address of an official designee to which the Secretary of State will forward any notice of claim, and provide the applicable time limit for filing a notice of claim,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby designates the New York Secretary of State as the City of Watertown's agent for the service of notices of claim, and

BE IT FURTHER RESOLVED that the City Council of the City of Watertown hereby appoints City Clerk Ann M. Saunders as the designee to which the New York Secretary of State will forward any notice of claim, located at 245 Washington Street, Watertown, NY 13601, and

BE IT FURTHER RESOLVED that any notice of claim filed with the City of Watertown must be provided within 90 days of the incident to which it refers.

**Secoded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.**

**Resolution No. 2 - Authorizing Payment for Asbestos Abatement at the Watertown International Airport, County of Jefferson, NY**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS on December 6, 2004, the City Council of the City of Watertown authorized the City Manager to execute all documents necessary to effect transfer of the Airport to the County of Jefferson, and

WHEREAS said Airport Transfer Agreement included provisions for the City of Watertown to reimburse the County of Jefferson for funds expended related to asbestos abatement within the terminal building, and

WHEREAS the County of Jefferson has provided the City of Watertown with sufficient documentation proving said asbestos abatement has been completed within the confines of the Airport Transfer Agreement, and

WHEREAS the City of Watertown Comptroller's Office has received an invoice from the County of Jefferson in the amount of \$142,914.16,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes the appropriation of \$142,914.16 to the County of Jefferson related to Asbestos Abatement as stipulated in the Airport Transfer Agreement approved by City Council on December 6, 2004, and

BE IT FURTHER RESOLVED that City Comptroller James E. Mills is authorized and directed to complete this payment of behalf of the City of Watertown.

**Seconded by Council Member Jeffrey M. Smith**

Prior to the vote on the foregoing resolution, Council Member Butler asked for an explanation on the source of the payment.

Ms. Addison indicated that money was set aside in a contingency fund because the City knew it would be asked to pay for the abatement. She said that there are enough funds to cover this cost.

Mayor Graham asked if this is the end of any other obligations that the City has regarding the airport.

Attorney Slye explained that the agreement breaks down any environmental issues into two parts: asbestos abatement and potential petroleum abatement. He further explained that under the terms of the agreement, there can be up to three separate claims for asbestos abatement for necessary work to be done in which grant money is not available. As for petroleum abatement, the City must be involved in the selection of the site for digging which allows for the relocating of the site to avoid potential liability. He is not sure of the timeframe of these obligations but mentioned that he is not aware of any other anticipated claims. He reminded Council that the County has talked about developing an industrial site there so the City needs to be mindful of this.

Council Member Macaluso asked how much money is set aside for this project.

Ms. Addison responded \$140,000.

Attorney Slye clarified that money was not set aside at the time the airport was sold but was budgeted this year because the City knew the claim was coming.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.**

**Resolution No. 3 - Approving Agreement Between the City of Watertown and the Watertown City School District, School Resource Officer**

**Introduced by Council Member Roxanne M. Burns**

WHEREAS on December 6, 2004, the City Council of the City of Watertown authorized the City Manager to execute all documents necessary to effect transfer of the Airport to the County of Jefferson, and

WHEREAS said Airport Transfer Agreement included provisions for the City of Watertown to reimburse the County of Jefferson for funds expended related to asbestos abatement within the terminal building, and

WHEREAS the County of Jefferson has provided the City of Watertown with sufficient documentation proving said asbestos abatement has been completed within the confines of the Airport Transfer Agreement, and

WHEREAS the City of Watertown Comptroller's Office has received an invoice from the County of Jefferson in the amount of \$142,914.16,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes the appropriation of \$142,914.16 to the County of Jefferson related to Asbestos Abatement as stipulated in the Airport Transfer Agreement approved by City Council on December 6, 2004, and

BE IT FURTHER RESOLVED that City Comptroller James E. Mills is authorized and directed to complete this payment of behalf of the City of Watertown.

**Secoded by Council Member Jeffrey M. Smith and carried with all voting yea.**

**Resolution No. 4 - Approving Flat Fee for Concessions, Jefferson County Agricultural Society**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS the City of Watertown owns and operates the Alex T. Duffy Fairgrounds, and

WHEREAS the Jefferson County Agricultural Society has agreed to a flat fee in the amount of \$875.00 for their concessions during the 2013 Jefferson County Fair operating July 9 to July 15, and

WHEREAS City Council of the City of Watertown desires to promote recreational activities at this community recreational facility,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby approves the flat fee in the amount of \$875.00 for their concessions during the 2013 Jefferson County Fair operating July 9 to July 15.

**Secoded by Council Member Roxanne M. Burns**

Prior to the vote on the foregoing resolution, Council Member Butler asked how this would have been charged without this resolution.

Ms. Addison stated that 10% of the concession was charged in the past. She confirmed for Council Member Butler that a resolution would have to be adopted every year to adjust this fee.

Council Member Smith asked how the figure of \$850 was derived because for other events, vendors are charged \$250 per vendor per day and this amount is \$850 for numerous vendors for the week.

Celia Cook, Program Manager said that she was not in attendance at the meeting in which this agreement was done.

Ms. Addison stated that the size of the vendors was considered and it was a negotiation process with the Fair Board. She confirmed for Council Member Smith that some of the vendors are of similar size as the vendors at other events.

Council Member Smith asked if the Fair Board is charged for using the Fairgrounds.

Ms. Cook explained that the use of the Fairgrounds is free but there is a charge for the arena during that week.

James Mills, City Comptroller noted that the fee for the arena is \$3000.

Ms. Addison added that there are fees for the hookup for each of the RV sites.

Council Member Smith mentioned the wear and tear on the fairgrounds noting that there is a lot of time and money spent on repairing and maintaining this grounds. He referred to the prior resolution in which the City was asked by Jefferson County to assist in asbestos abatement and asked if anyone was offering to help with this. He pointed out that he is trying to understand how the flat fee was derived verses \$250 per vendor per day.

Ms. Cook responded that she can obtain that information from Ms. Gardner and reiterated that she was not involved in this negotiation.

Council Member Burns noted that the flat fee is \$875. She stressed that the Fair is a not-for-profit entity and is called the Jefferson County Fair, but it is not associated with Jefferson County.

Ms. Cook added that there was an agreement from years ago stating that the Fair Board would not be charged for usage of the Fairgrounds.

Attorney Slye said that he has only heard of this anecdotally and has not checked into this further.

Mayor Graham asked for a summary of the billing arrangements for the next meeting.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.**

**Resolution No. 5 - Approving Agreement for Flat Fee Use of Athletic Fields,  
Pop Warner Football League**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS the City of Watertown owns and operates numerous athletic fields throughout the City, and

WHEREAS the Pop Warner Football league has expressed their desire to enter into an Agreement for Flat Fee Use of Athletic Fields for practice events, and

WHEREAS City Council of the City of Watertown desires to promote recreational activities at this community recreational facilities,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby approves the Agreement for Flat Fee Use of various City-owned Athletic Fields at between the City of Watertown and the Pop Warner Football League, a copy of which is attached and

made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute said Agreement on behalf of the City of Watertown.

**Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.**

**Resolution No. 6 - Authorizing Spending From Capital Reserve Fund**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS on June 19, 2006, the City Council approved establishing a Capital Reserve Fund pursuant to Section 6-c of the General Municipal Law to finance future capital improvements, and

WHEREAS the Adopted 2013-14 Capital Fund Budget and General Fund Budget included the following projects and equipment purchases: DPW Newell Street facility exterior freight delivery system (\$150,000), snow dump platform rehabilitation (\$90,000), Thompson Park pavilion and restroom roof replacement (\$153,267), DPW Roads six-person single axle dump truck (\$100,000), DPW Buildings and Grounds single axle dump sander with plow (\$140,000), DPW Buildings and Grounds tractor with boom mower (\$115,000), DPW Refuse and Recycling tandem axle side load refuse packer (\$205,000), DPW Storm Sewer 4X4 backhoe (\$105,000), DPW Buildings and Grounds single axle dump truck with plow (\$135,000), Traffic Control and Lighting x2 pickup truck with service body (\$33,000), and Thompson Park pickup truck with plow and lift gate (\$13,733), and

WHEREAS the City Council desired to fund these projects and equipment purchases from the Capital Reserve Fund, and

WHEREAS on Monday, July 15, 2013 at 7:30 p.m., the City Council of the City of Watertown held a public hearing to discuss the expenditure of funds from this capital reserve fund, and

WHEREAS it has been determined that the expenditure of these funds is in keeping with the purpose for the capital reserve fund,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes the appropriating of Capital Reserve funds in an amount not to exceed \$1,240,000 to pay for the cost of the DPW Newell Street facility exterior freight delivery system (\$150,000), snow dump platform rehabilitation (\$90,000), Thompson Park pavilion and restroom roof replacement (\$153,267), DPW Roads six-person single axle dump truck (\$100,000), DPW Buildings and Grounds single axle dump sander with plow (\$140,000), DPW Buildings and Grounds tractor with boom mower (\$115,000), DPW Refuse and Recycling tandem axle side load refuse packer (\$205,000), DPW Storm Sewer 4X4 backhoe (\$105,000), DPW Buildings and Grounds single axle dump truck with plow (\$135,000), Traffic Control and Lighting x2 pickup truck with service body (\$33,000), and Thompson Park pickup truck with plow and lift gate (\$13,733).

**Seconded by Council Member Jeffrey M. Smith**

**Motion was made by Council Member Jeffrey M. Smith to schedule a Public Hearing on the foregoing resolution for Monday, July 15, 2013 at 7:30 p.m. Motion was seconded by Council Member Jeffrey M. Smith and carried with all voting in favor thereof.**

**Resolution No. 7 - Accepting Bid for Police Officers' Uniforms, United Uniforms**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS the City Purchasing Agent has advertised and received sealed bids for the purchase of new and unused police uniform apparel, on an as needed basis, as specified by the Police Department for the period July 1, 2013 – June 30, 2015, and

WHEREAS invitations to bid were issued to seven (7) prospective bidders with two (2) bids submitted to the Purchasing Department, and

WHEREAS on Tuesday, June 25, 2013, at 11:00 a.m., the bids received were publicly opened and read, and

WHEREAS City Purchasing Agent Amy M. Pastuf reviewed the bids received and is recommending that the City Council accept the bid submitted by United Uniform of Buffalo, New York,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid of United Uniform of Buffalo, New York, in the amount of \$1,373.50 for Police Officers' uniforms, on an as needed basis.

**Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.**

**Resolution No. 8 - Finding that the Woolworth Building Renovation and Parking Lot Construction Will Not Have a Significant Impact on the Environment**

**Introduced by Council Member Roxanne M. Burns**

WHEREAS the City Council must evaluate all proposed actions submitted for its consideration in light of the State Environmental Review Act (SEQRA), and the regulations promulgated pursuant thereto, and

WHEREAS it is anticipated that the City Council will have to make a decision on a Site Plan application for the Woolworth Building Renovation and Parking Lot Construction, thereby making the City Council an Involved Agency, and

WHEREAS the City Council has determined that this project will constitute a Type I Action as that term is defined by 6NYCRR Section 617.2, and

WHEREAS a Coordinated Review was initiated, with all other Involved Agencies responding that they concur with the City Council acting as the Lead Agency for the environmental review of this project, and

WHEREAS to aid the City Council in its determination as to whether the proposed project will have a significant impact on the environment, Part I of a Full Environmental Assessment Form has been prepared, a copy of which is attached and made part of this Resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that:

1. Based upon its examination of the Full Environmental Assessment Form and comparing the proposed actions with the criteria set forth in 6NYCRR Section 617.7, no significant impact is known, and the construction of this project will not have a significant impact on the environment.
2. The Mayor of the City of Watertown is authorized to execute the Environmental Assessment Form to the effect that the City Council is issuing a Negative Declaration under SEQRA.
3. This Resolution shall take effect immediately.

**Seconded by Council Member Teresa R. Macaluso**

Prior to the vote on the foregoing resolution, Council reviewed the SEQRA form noting that there would be a small impact resulting in a physical change to the site because of the parking lot and a small effect to the existing transportation system due to increased traffic. In regard to public health and safety, Council Member Smith mentioned that National Grid did some remediation in that area due to coal and wondered if there was a potential of this being uncovered.

Kenneth Mix, Planning Coordinator said the remediation that was done is closer to J.B. Wise parking lot and said it is unlikely that this project would impact that.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.**

**Resolution No. 9 - Revising the Conditions of the Sale of the Iron Block/  
Woodruff II Site to David Gallo and Erich Seber**

**Introduced by Council Member Joseph M. Butler, Jr.**

WHEREAS the City Council authorized the sale of real property known as the Iron Block/ Woodruff II Site, including 29 Public Square, 31 Public Square, 35-39 Public Square, and a portion of 41 Public Square, to David Gallo and Erich Seber, or their designee, on December 17, 2012, and

WHEREAS the buyers have requested that the sale not be conditioned on the deed containing provisions: (i) that the property must be re-transferred to the City if the redevelopment of the Woolworth Building is not completed within three years of the date of the deed and (ii) a restriction that the property may not be re-sold to any entity other than the City of Watertown, unless the City Council approves the sale as stated in said resolution, because of concerns raised by investors, and

WHEREAS the City Council agrees that said conditions are no longer necessary and wishes to take reasonable actions to accommodate the Woolworth project,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that sale of the Iron Block/ Woodruff II Site is authorized as stipulated in the resolution dated December 17, 2012 with the exceptions that the sale is not conditioned on the deed containing provisions: (i) that the property must be re-transferred to the City if the redevelopment of the Woolworth Building is not completed within three years of the date of the deed and (ii) a restriction that the property may not be re-sold to any entity other than the City of Watertown, unless the City Council approves the sale, as stated in said resolution.

**Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.**

**Resolution No. 10 - Approving PILOT Agreement for Woolworth Building, Woolworth Watertown LLC**

**Introduced by Council Member Roxanne M. Burns**

WHEREAS The JEFFERSON COUNTY INDUSTRIAL DEVELOPMENT AGENCY (the “Agency”) was created by Chapter 369 of the Laws of 1971 of the State of New York pursuant to Title 1 of Article 18-A of the General Municipal Law of the State of New York (collectively, the “Act”), and

WHEREAS The Agency has agreed to acquire from WOOLWORTH WATERTOWN, LLC (the “Company”), an interest in certain property located in the County of Jefferson, New York (Tax Map Parcel No. 10-01-107.000), with an address of 11 Public Square, and additional parcels of vacant land for parking located at 29, 31, 35-39 and a portion of 41 Public Square (Tax Map Parcel Nos. 7-01-116, 7-01-114, 7-01-113 and a portion of 7-01-112.001) in the City of Watertown more particularly described in the PILOT Agreement, and

WHEREAS The Agency has agreed to lease the property to the Company pursuant to a lease agreement by and between the Agency and the Company, and the Company intends to renovate, construct and equip 50 low income rental units in the historic Woolworth Building (the Project”), and

WHEREAS Pursuant to Section 874(1) of the Act, and Section 412(A) of the Real Property Tax Law of the State of New York, the Agency is exempt from the payment of taxes and assessments imposed upon real property and improvements owned by it other than special ad valorem levies, special assessments and services charges against real property located in Jefferson County which are or may be imposed for special improvements or special district improvements, and

WHEREAS, the Agency is seeking consent from the Taxing Jurisdictions in accordance with it's uniform tax exemption policy to enter into a Payment in Lieu of Taxes Agreement for other than a manufacturing facility, and

WHEREAS, the City of Watertown has determined that the Project is in the best interest of the City and deems it appropriate for the Agency to enter into a Payment in Lieu of Taxes Agreement making provision for payments in lieu of taxes by the Company to the Agency for the benefit of the respective Taxing Jurisdictions within which the property is located in substantially the same form as presented at this meeting.

NOW THEREFORE BE IT RESOLVED that the City of Watertown hereby consents to the Agency entering into a Payment in Lieu of Taxes Agreement with Woolworth Watertown, LLC in substantially the same form as presented at this meeting and which is attached and made part of this resolution.

**Seconded by Council Member Jeffrey M. Smith and carried with all voting yea.**

**Resolution No. 11 - Approving Amendment to Agreement for Professional Services for Western Outfall Trunk Sewer Upgrade, GYMO P.C.**

**Introduced by Council Member Jeffrey M. Smith**

WHEREAS the City of Watertown approved an Agreement for Professional Services with

GYMO P.C. for engineering services to design and evaluate the Western Outfall Trunk Sewer Upgrade on April 16, 2012, and

WHEREAS an Amendment to the Scope of Services to the Agreement for Professional Services with GYMO P.C., is necessary at this time, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Amendment to the Scope of Services to the Agreement for Professional Services between the City of Watertown and GYMO P.C. for engineering services to design and evaluate the Western Outfall Trunk Sewer Upgrade for a cost not to exceed \$114,850, a copy of which is attached and made a part of this resolution.

**Seconded by Council Member Teresa R. Macaluso**

Prior to the vote on the foregoing resolution, Council Member Smith asked where the backup is and if the engineers had a suspected area to focus on.

Justin Wood, City Civil Engineer II explained the suspected area for the cause of the surcharging upstream was Ives Street to the Butterfield-Sherman Street area. Since the video of Ives Street to Chestnut Street showed that this area was not the source of the problem, he said that they would like to expand the scope to look further upstream at the entire Western Outfall network so that the different areas of the system can be broken down. He further explained some of the anticipated findings noting that there is probably a lot of infiltration from older pipes within that network. He said this will provide further evaluation in determining the best steps to take in resolving the problem.

Council Member Smith asked if the surcharging is the same as it was prior to the improvements around Chestnut Street and Coffeen Streets.

Mr. Wood said that the work between Coffeen Street and the river was independent of each other but the work done on Chestnut, Barben and Marra Drive has helped reduce the frequency and severity in the backups. He confirmed that the backup begins in the vicinity of Ives and Massey Streets and that pulling manholes reveals that surcharging occurs upstream to Butterfield. He noted that the exact point contributing to the surcharging is not known at this time.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.**

## **ORDINANCES**

### **Ordinance No. 1 - Amending City Municipal Code § A320-4**

**Introduced by Council Member Roxanne M. Burns**

BE IT ORDAINED that Section A320-4, Schedule of Fees, of the City Code of the City of Watertown is hereby amended for only sections B.(9) and B.(10) below to read as follows:

§ A320-4. Schedule of fees.

- B. Municipal Fairgrounds facility fees shall be established and enforced as follows. Reserving the use of the Municipal Fairgrounds facilities by any group may be obtained by scheduling in advance with the City's Parks and Recreation Department and in payment of the appropriate fee as described below to the City Comptroller in advance of the reserve time use unless otherwise stipulated in an agreement between the user and the City. Nothing in this section shall prohibit the City from entering into an agreement for the use of the Municipal Arena, at rates other than the rates described below. However, any such agreement shall require the approval of the City Council.
- (9) Food Concessions: The concert/performance promoter shall be charged a fee of \$250, per vendor, per day for the right to allow concessions at their event. All other user groups shall be charged \$50 per vendor, per day for the right to allow concessions at their event.
- (10) Parking: A \$3,000 fee will be charged to the concert/performance promoter when parking requires City staff assistance.

and,

BE IT FURTHER ORDAINED that this amendment shall take effect as soon as it is printed as directed by the City Manager.

**Seconded by Council Member Teresa R. Macaluso**

**Motion for unanimous consent moved by Council Member Teresa R. Macaluso, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof**

Elliott Nelson, Assistant to the City Manager explained why this ordinance was in front of Council noting that when the whole section on Parks and Recreation fees was reorganized, this section was left out.

**At the call of the chair, a vote was taken on the foregoing ordinance and carried with all voting yea.**

**Ordinance No. 2 - An Ordinance Amending the Ordinance Dated February 21, 2012, as Amended January 22, 2013 and May 20, 2013, Authorizing the Issuance of \$485,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay Part of the \$775,000 Estimated Maximum Cost of the Design of a Disinfection System at the City's Wastewater Treatment Plant, to Increase the Estimated Maximum Cost to \$5,900,000 to Increase the Amount of Bonds Authorized to \$5,610,000, to Expand the Object or Purpose to Include all Costs of the New Disinfection System and to Increase the Period of Probable Usefulness to Thirty Years**

**Introduced by Council Member Roxanne M. Burns**

WHEREAS, by ordinance dated February 21, 2012, the Council of the City of Watertown, Jefferson County, New York, authorized the issuance of \$460,000 bonds of said City to pay part of the \$710,000 estimated maximum cost of the design of a disinfection system for the City's wastewater treatment plant, in and for the City of Watertown, Jefferson County, New York, including incidental

expenses in connection therewith, a specific object or purpose, in and for the City of Watertown, Jefferson County, New York; and

WHEREAS, by ordinance dated January 22, 2013, said Council amended the February 21, 2012 ordinance, to authorize the issuance of \$460,000 bonds of said City to pay part of the \$775,000 estimated maximum cost of the design of a disinfection system for the City's wastewater treatment plant, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, a specific object or purpose, in and for the City of Watertown, Jefferson County, New York; and

WHEREAS, by ordinance dated May 20, 2013, said Council amended the February 21, 2012 ordinance, to authorize the issuance of \$485,000 bonds of said City to pay part of the \$775,000 estimated maximum cost of the design and disinfection system for the City's wastewater treatment plant, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, a specific object or purpose, in and for the City of Watertown, Jefferson County, New York; and

WHEREAS, the Council now wishes to increase the estimated maximum cost from \$775,000 to \$5,900,000, an increase of \$5,125,000 over that previously authorized, to increase the amount of bonds authorized from \$485,000 to \$5,610,000, to expand the specific object or purpose to include all costs of a new disinfection system at the City's wastewater treatment plant and to increase the period of probable usefulness of the specific object or purpose to thirty years;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section A. The title and Sections 1, 2 and 3 of the ordinance of this Council dated and duly adopted February 21, 2012, as amended on January 22, 2013 and May 20, 2013, authorizing the issuance of \$485,000 bonds to pay part of the \$775,000 estimated maximum cost of the design of a disinfection system for the City's wastewater treatment plant, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, a specific object or purpose, in and for the City of Watertown, Jefferson County, New York, are hereby amended, in part, to read as follows:

**“AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$5,610,000 BONDS OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK, TO PAY PART OF THE \$5,900,000 ESTIMATED MAXIMUM COST OF A NEW DISINFECTION SYSTEM AT THE CITY'S WASTEWATER TREATMENT PLANT.**

“ . . . .

“Section 1. To pay part of the cost of a new disinfection system for the City's wastewater treatment plant, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$5,610,000 bonds of said City pursuant to the provisions of the Local Finance Law.

“Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific

object or purpose is \$5,900,000 and that the plan for the financing thereof is by the issuance of the \$5,610,000 bonds of said City authorized to be issued pursuant to this bond ordinance, together with the use of \$290,000 current funds of the City.”

“Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law.”

Section B. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section C. Upon this ordinance taking effect, the same shall be published in summary in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section D. This resolution is effective immediately.

**Seconded by Council Member Jeffrey M. Smith**

**Motion for unanimous consent moved by Council Member Roxanne M. Burns, seconded by Council Member Jeffrey M. Smith and carried with all voting in favor thereof**

Ms. Addison confirmed for Council Member Butler that the \$500,000 grant money will lower this amount.

**At the call of the chair, a vote was taken on the foregoing ordinance and carried with all voting yea.**

**Ordinance No. 3 - An Ordinance Amending the Ordinance Dated September 6, 2011, as Amended November 21, 2011 and January 21, 2013, Authorizing the Issuance of \$700,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Costs of the Design for the Factory Street Reconstruction, to Increase the Estimated Maximum Cost Thereof and the Amount of Bonds Authorized to \$975,000**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS, by ordinance dated September 6, 2011, as amended November 21, 2011 and January 21, 2013, the Council of the City of Watertown, Jefferson County, New York, authorized the issuance of \$700,000 bonds of said City to pay the costs of the design for the Factory Street reconstruction, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, a class of objects or purposes, at an estimated maximum cost of \$700,000, in and for the City of Watertown, Jefferson County, New York; and

WHEREAS, the Council now wishes to increase the estimated maximum cost of the aforesaid class of objects or purposes from \$700,000 to \$975,000, an increase of \$275,000 over that previously authorized;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section A. The title and Sections 1 and 2 of the ordinance of this Council dated and duly adopted September 6, 2011, as amended November 21, 2011 and January 21, 2013, authorizing the issuance of \$700,000 bonds to pay the costs of the design for the Factory Street reconstruction, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, a class of objects or purposes, at an estimated maximum cost of \$700,000, in and for the City of Watertown, Jefferson County, New York, is hereby amended, in part, to read as follows:

“AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$975,000 BONDS OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK, TO PAY THE COSTS OF THE DESIGN FOR THE FACTORY STREET RECONSTRUCTION, IN AND FOR SAID CITY.

“ . . . .

“Section 1. For the class of objects or purposes of paying the costs of the design for the Factory Street reconstruction, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$975,000 bonds of said City pursuant to the provisions of the Local Finance Law.

“Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$975,000 and that the plan for the financing thereof is by the issuance of the \$975,000 bonds of said City authorized to be issued pursuant to this bond ordinance; provided, however, that the amount of bonds ultimately to be issued will be reduced by the amount of any State or Federal aid or any other revenue received by the City from other sources for such class of objects or purposes.”

Section B. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section C. Upon this ordinance taking effect, the same shall be published in summary in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section D. This resolution is effective immediately.

**Seconded by Council Member Jeffrey M. Smith**

**Motion for unanimous consent moved by Council Member Teresa R. Macaluso, seconded by Council Member Jeffrey M. Smith and carried with all voting in favor thereof**

**At the call of the chair, a vote was taken on the foregoing ordinance and carried with all voting yea.**

## **OLD BUSINESS**

**The “Ordinance Amending the Code of the City of Watertown, §310-1, Definition of Family and §310-34, Accessory Uses in Residence Districts”.** *(Introduced on 4/1/2013; tabled on 4/15/2013; appears in its entirety in the 2013 Minutes Book on page5 of the 4/1/2013 minutes).*

**No motion was made to remove this ordinance from the table.**

## **STAFF REPORTS**

### **Properties Not Redeemed**

Council Member Smith asked what the next step would be with these properties.

Mr. Mills stated that he will circulate the list of properties to the Department Heads to see if there are any parcels needed for storm drainage issues or any other reasons. After that is done, he will proceed with recommendations for auction.

Mayor Graham asked about the building attached to the Empsall’s Plaza.

Mr. Mix explained that from the outside it is obvious that they are separate buildings but said from the inside, it is connected in a way that makes it hard to tell when you are leaving one building and entering into the other building. He added that the part that the taxes were not paid on is the center section.

Mayor Graham remarked that this will create an odd situation because in order to pass through the buildings you have to go through a City-owned building.

**The following reports were available for Council to review:**

**Speeding on Gotham, Holcomb, Mill and Phelps Streets**

**Grant Award Letter from the North Country Regional Economic Development Council**

**Letter from Tony Morgia**

## **NEW BUSINESS**

### **Deck attached to Maggies on the River**

Mayor Graham stated that everyone knows the circumstances that led to the deck’s construction and the differing views of its appropriateness, but the fact is that it is there and it should be used for what it is which is a deck attached to a commercial structure. Because it was built with public money, he said there should be a compensation arrangement to reimburse the taxpayers.

Council Member Burns said she has always been disappointed in the way that the deck came about and that someone dropped the ball with City property, City tax dollars and grant money being used to attach a deck to a privately owned property. She noted that the City needs to move forward because this business is trying to make a go of the restaurant and that Council should do whatever it can to develop the riverfront. She agreed with the Mayor in that the deck is not useful to everyone except for the owner of that restaurant.

Council Member Macaluso commented that this is going to come up ever year so Council needs to do something to resolve this long-term.

Council Member Smith remarked that he is open to any options that the City Manager has that is consistent with the Department of State requirements.

Council Member Butler said that he wants to see it used for what it was intended to be used for and that is for people to enjoy the view of the river from outside of that building. He asked if a license agreement is still an option.

Ms. Addison stated that she is reviewing the license agreement that was written up in 2009 and her goal is to meet the spirit of intent from the Department of State. She would like to move forward with this and present something before Council for the July 15<sup>th</sup> meeting.

Attorney Slye reviewed the history of the license agreement written in 2009 noting that the difficulty was with the Department of State.

#### **St. Mary Street Hill and Children at Play Sign**

Council Member Butler reported that he received a request for a “Children at Play” sign to be placed at the top of this hill.

Council Member Burns advised that it was her understanding that these signs could only be placed in areas where children are not expected to be at playing.

Gene Hayes, Superintendent of Department of Works told Council that there are warnings about putting these signs up because children are expected to play in residential areas and signs get ignored. In addition, he said the signs give parents a false sense of security.

Council Member Butler asked if Council were to approve a resolution to put up a sign, would it be done.

Mr. Hayes confirmed that it would be. In regards to “Stop” signs, he stated a professional report from a traffic engineer needs to be done.

#### **Mill Street and Hoard Street Intersection**

Council Member Macaluso said that there was a discussion last year about putting a “Stop” light at this intersection and wondered why it was not done in the past.

Mr. Hayes indicated that he did not recall this.

Ms. Addison said that she will review this further.

**Steve Weed Productions and videotaping of City Council Meetings**

Mayor Graham asked the City Manager to respond to Mrs. Cavise regarding her complaint about the videotaping of the Council Meetings.

Peter Keenan, IT Manager stated that the issue with Time Warner is an equipment issue because they want the video delivered on VHS tapes instead of DVD. He explained that is the only way Time Warner can broadcast the video and that they have no capacity to accept the DVD version. He said that he is continuing to work with Time Warner on this.

**City Court Judge**

Mayor Graham explained that New York State Legislature approved a change in their funding for municipal courts and if the Governor signs the bill it will expand the Watertown City Court to two full-time judges. He said there will be an impact on the first floor of this building and his longtime complaint has been the scene in the lobby in which lawyers consult with clients in the hallway and defendants are brought in with chains. He noted that it is a very unbecoming atmosphere for the City Hall lobby and could also be dangerous.

**Watertown Golf Club**

Council Member Butler left Council Chambers for this discussion.

Mayor Graham updated Council on a meeting that he had with former Mayor Butler and other members of the Watertown Golf Club. He discussed the pitfalls of the golf club purchasing additional land from the City as well as the club's reasons for doing so. He assured Council that a dollar amount has not been discussed and advised the golf club members to contact individual Council Members directly to further the discussion.

Council Member Butler returned to Council Chambers.

**Berow and Monroe Building at 138 Court Street**

Council Member Smith reminded Council that when this building was sold, the owner had one year to bring it up to code and he asked for a status update.

Council Member Butler asked who the current owner is and that the status of the taxes be included in the report as well.

**Motion was made by Council Member Joseph M. Butler, Jr. to move into Executive Session to discuss to discuss the employment history of a particular individual and collective bargaining.**

**Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.**

Council moved into Executive Session at 8:00 p.m.

Council reconvened at 8:57 p.m.

## **ADJOURNMENT**

**At the call of the chair, meeting was duly adjourned at 8:57 p.m. by motion of Council Member Roxanne M. Burns, seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.**

*Ann M. Saunders*  
City Clerk