

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
October 4, 2010  
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: MARY M. CORRIVEAU, CITY MANAGER  
ROBERT J. SLYE, CITY ATTORNEY**

**City staff present: Bob Cleaver, Ken Mix, Justin Wood, Jim Mills, Gene Hayes, Gary Pilon, Todd DeMar and Russ Randall**

The City Manager presented the following reports to the Council:

- 1 - Authorizing Letter of Agreement For "Safe-At-Home" Smoke Detector Program With Angel Pie LLC – DBA Papa John's Restaurant
- 2 - Authorizing Submission of an Application for Fiscal Year 2011 Brownfields Cleanup Grant, Sewall's Island
- 3 - Approving Online Auction Contract, Auctions International, Incorporated
- 4 - Authorizing Budget Modification Request No. 1 for FY 2008 Small Cities Community Development Block Grant
- 5 - Authorizing Settlement of a Lawsuit in the New York State Supreme Court, Ryan Dorr vs. City of Watertown
- 6 - Accepting Bid for J.B. Wise Parking Lot Reconstruction, Bat-Con, Inc.
- 7 - Authorizing the Sale of Real Property Known as a Former Portion of Massey Street North Adjacent to 229 Massey Street North to Stewart's Shops Corp., Saratoga Springs, New York 12866
- 8 - Approving Settlement Agreement, National Grid, Utility Gross Receipts Tax
- 9 - Finding That Changing the Approved Zoning Classification of the Rear Portion of 420 State Street, Parcel No. 12-03-220, From Residence C to Commercial Will Not Have a Significant Impact on the Environment
- 10 - An Ordinance Amending the Ordinance Dated June 18, 2007, Authorizing the Issuance of \$1,020,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of Improvements to the J.B. Wise Parking Lot, Including the Replacement of Water Mains and Sanitary Sewers and the Construction of a Storm Water Drainage System, to Increase the Estimated Maximum Cost Thereof and the Amount of Bonds Authorized to \$2,595,000
- 11 - Public Hearing 7:30 p.m. Ordinance Approving the Zone Change Request Submitted by

Daren L. Morgan, P.L.S. of LaFave, White & McGivern, on behalf of Route 57 Development to Change the Approved Zoning Classification of the Rear Portion of 420 State Street, Parcel No. 12-03-220, From Residence C to Commercial

- 12 – Public Hearing 7:30 p.m. Exercise of Eminent Domain to Acquire Sewer Facilities and Street Access from Stateway Plaza Shopping Center, Reg.
- 13 - Tabled - Health Insurance Plan Design Changes
- 14 - 451 and 465 Martin Street Tax Sale Certificate Assignment
- 15 - Black River Watershed Management Plan – Memorandum of Understanding
- 16 - EPA Superfund Designation of Site on The Black River, Carthage, New York

**COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK**

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of September 20, 2010 was dispensed and accepted as written by motion of Council Member Smith, seconded by Council Member Butler and carried with all voting in favor thereof.

**COMMUNICATIONS**

No communications were received.

**PRIVILEGE OF THE FLOOR**

No one spoke.

**PROCLAMATIONS**

Mayor Graham proclaimed the week of October 3<sup>rd</sup> as National Fire Prevention Week in the City of Watertown. Todd Demar and Russ Randall accepted the proclamation on behalf of the Fire Department.

Mayor Graham proclaimed the month of October as Niemann Pick Disease Month in the City of Watertown. Accepting the proclamation was Kathy, Denesha, Ava, Cohen and Denny Lane.

**PUBLIC HEARINGS**

**AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING THE ZONE CHANGE REQUEST FOR THE REAR PORTION OF 420 STATE STREET FROM RESIDENCE C TO COMMERCIAL.**

**MAYOR GRAHAM DECLARED THE HEARING OPEN.**

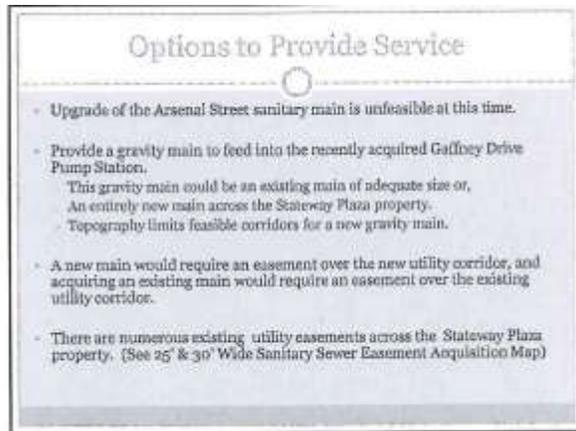
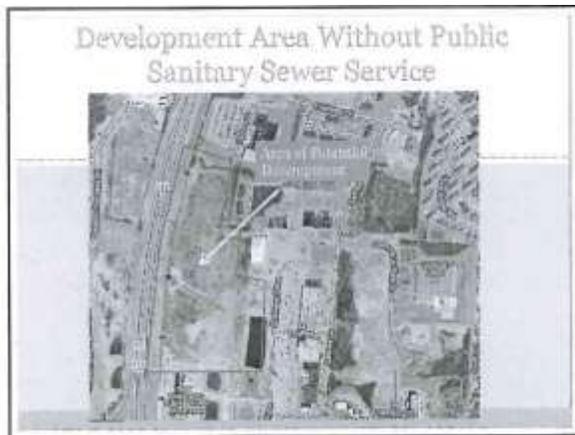
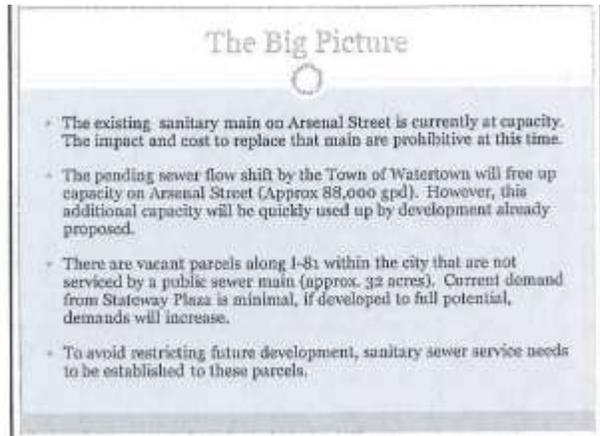
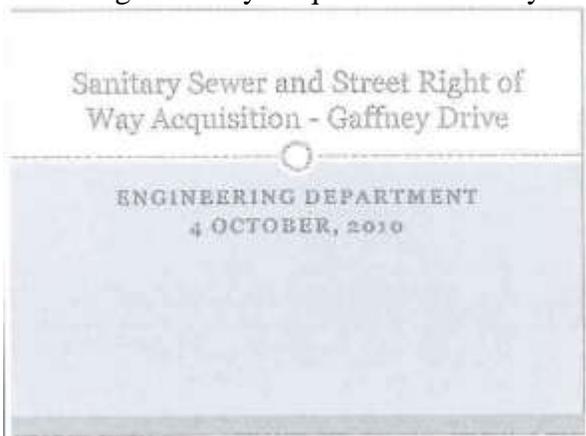
No one spoke.

**MAYOR GRAHAM DECLARED THE HEARING CLOSED.**

**AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING EMINENT DOMAIN PROCEDURES FOR 1222 ARSENAL STREET.**

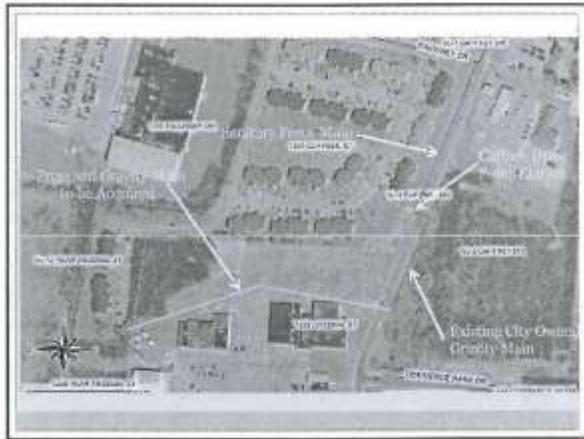
**MAYOR GRAHAM DECLARED THE HEARING OPEN.**

Justin Wood made the following presentation to the Council regarding the Sanitary Sewer and Street Right of Way Acquisition – Gaffney Drive.



### Preferred Alternative

- Acquire the existing gravity sanitary sewer main located on the northern end of the Stateway Plaza property.
- This alternative:
  - Existing 8" pipe has a calculated capacity of 599,000 gpd or .93 cfs
  - Would not add an additional utility corridor thereby limiting the available developable property.
  - Is in adequate condition, and is not in need of reconstruction in the immediate future.
  - Relieves the property owner of future maintenance and upgrade costs except as a rate payer.
  - Ultimately, provides the needed sanitary sewer service to the property in question utilizing the existing infrastructure.



### What If?

- The property owner desires to redevelop the property and the sewer main is in the way?
  - Relocation of the main and designating a new corridor would take place through the Site Plan process.
  - The relocation of the water main for the SMC project is an example of this.
- The main needs to be replaced or upgraded in the future?
  - The main would be upgraded by the City through the capital project process.
- The development does not take place?
  - Everything is still in place for development to occur at a future date.

### Street Right Of Way Acquisition

- The recent acquisition of the Gaffney Drive property did not connect to the existing ROW for Commercer Park Drive.
- This created the situation that the traveling public crosses private property to access City ROW.
- The acquisition of this ROW will allow motorists to remain on City ROW.
- The .144 acre acquisition will allow adequate room for snow removal and turning radius for large vehicles.
- Refer to 65' By 96.66' Right of Way Acquisition Map

Council Member Butler asked about the street right of way acquisition.

Mrs. Corriveau advised that this would connect two city streets. At the present time, there is a piece of private property between them.

Mayor Graham asked why this wasn't acquired from the Farquhar estate.

Mrs. Corriveau explained that they didn't own it, Stateway Plaza does.

Council Member Butler asked about the sewer line over to the Doneghan property.

Mrs. Corriveau advised that the property would have to put in a line to connect to the city line.

Attorney Slye advised that they felt that the sanitary sewer and street right of way acquisition could both be done at one time rather than going through it twice.

Council Member Butler asked how critical it was for the street acquisition when we were trying to resolve this.

Attorney Slye advised that the owners of the plaza were the ones who made the intersection piece a focal point. They proposed shutting it off to traffic. Legally, they would have to allow traffic through. There are several easements over that piece. He advised that the purpose of this public hearing is to collect the facts and then Council can discuss them at a work session.

Council Member Butler asked why we would compensate them for this piece of land, which we have been using.

Attorney Slye responded that constitutionally, we have to. He questioned why would not a court award ownership upon payment for a small amount of land as it is already being used.

Council Member Smith commented that eminent domain is a very difficult thing to get over as it is government going in and taking private property.

Council Member Butler remarked that he doesn't see how this improves the public's benefit.

Attorney Slye explained that if we owned it, the City could build that portion to City street specs. Also, we would own it rather than trespassing on someone's land.

Mayor Graham remarked that we have been using it as a City street. Therefore, we've taken it already.

Council Member Smith remarked that if the private property owner doesn't care if the public is trespassing, who are we to say they should care.

Attorney Slye responded that people are entitled to use it by deed. Therefore, one can't take the position of not selling. The City has tried for at least one year to purchase the property and has offered a combined price of \$45,000 for both pieces.

Referring to the road previously owned by the Farquhar estate, Mrs. Corriveau advised that the estate had a terrible time with repairs to the road when they owned it.

Council Member Burns remarked that this piece of property is of no value to anyone else and no use to the owner. If work needed to be done on it, the City would be making repairs to private property. It only makes sense that we should take it.

Attorney Slye explained that the City should pay for it. A court order would grant the City title. The purpose of this hearing is to take public input and Council input. The property will be appraised and the finding and acquisition map will be filed with the Supreme Court. We are obligated to make an offer of what our appraiser says it is worth and we will then own it from the moment the judge issues the order of ownership.

**MAYOR GRAHAM DECLARED THE HEARING CLOSED 8:08 P.M.**

**RESOLUTIONS**

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS October 3 through October 9, 2010 is National Fire Prevention Week, and

WHEREAS the City of Watertown has been approached by Angel Pie LLC – DBA Papa John’s Restaurant in Watertown, New York, regarding a “Safe-At-Home” Smoke Detector Program, and

WHEREAS this Program allows the City of Watertown Fire Department to deliver a pizza to a City of Watertown resident one night per week for a total of sixteen (16) weeks for the purpose of assessing the home’s smoke detectors, and

WHEREAS this delivery will offer the City resident the opportunity to receive the pizza free of charge if the home has at least one working smoke detector, or the resident will pay for the pizza but receive either free replacement batteries or one free smoke detector, and

WHEREAS the City of Watertown wishes to promote the use of smoke detectors in residences, particularly during the month of October 2010, and

WHEREAS the initial funding received for the program in the amount of \$250.00 will be used for the purchase of batteries and smoke detectors from a local vendor,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Letter of Agreement between the City of Watertown and Angel Pie LLC – DBA Papa John’s Restaurant, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the Agreement on behalf of the City.

**SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA**

Prior to the vote on the foregoing resolution, Council Member Butler asked about the number of weeks this program would be conducted and why they would use a pumper truck to deliver the pizzas.

Mrs. Corriveau advised that it will be one night a week for 16 weeks. The reason for using the pumper truck is to help promote the program as the idea is to remind people to check their fire alarms.

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

WHEREAS Federal funding is available through the Environmental Protection Agency to support cleanup of brownfield sites that are owned by eligible municipalities, and

WHEREAS the City of Watertown is eligible to apply for funding in the 2011 competition under a Brownfields Cleanup Grants Program, and

WHEREAS it has been determined that funding should be used to complete the remedial cleanup of Sewall's Island, and

WHEREAS a public meeting was held on September 30, 2010 for the public to review and make comments on the draft proposal of the Brownfields Cleanup Grant,

NOW THEREFORE BE IT RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized to sign and submit an application for Brownfields Cleanup Grant funding for consideration by the Environmental Protection Agency, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is authorized to sign all agreements, certifications and other documents required to complete the application, accept the grant and administer the program proposed in the grant application.

**SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCIL MEMBER TERESA R. MACALUSO**

WHEREAS the City of Watertown has determined that three (3) Police Department vehicles, one (1) Water Department vehicle and one (1) Department of Public Works vehicle are excess to the City's needs, and

WHEREAS it is the City's desire to get the best price possible for these vehicles, and

WHEREAS the Purchasing Agent, Robert J. Cleaver, has contacted Auctions International, Inc., which conducts online auctions of vehicles and equipment, and

WHEREAS there is no cost to the City, as the fee charged by Auctions International is a 10% buyer's premium,

NOW THEREFORE BE IT RESOLVED by the City Council that it hereby approves the Online Auction Contract with Auctions International, Incorporated, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that if the highest bid does not meet the City's estimated trade-in values, no sale will take place, without prior approval of the City Council, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the Contract and accept the highest offer at the time of sale above the City's estimated trade-in values, on behalf of the City.

**SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA**

Prior to the vote on the foregoing resolution, Council Member Butler asked what source was used for the trade-in value.

Mr. Cleaver advised that the value is obtained from Warneck, the dealership that is used by the City to purchase vehicles from.

Council Member Butler referred to the mileage on the dump truck and questioned if we should keep it instead of sending it to the auction.

Mr. Cleaver advised that the cab was in pretty good condition. However, the box was badly rusted.

Mr. Hayes advised that Mr. Monaco was adamant about selling this vehicle or taking it off the road. He stated that he had red tagged it.

Council Member Burns asked if it was a safety issue.

Mr. Hayes responded that the vehicle would be good for a landscaping business or something where it got much less rough use than it would get being used for City projects. He also commented that the mileage doesn't really come in on the decision to send it to the auction.

Mrs. Corriveau advised that keeping the vehicle would also incur additional expenses.

Council Member Smith asked if we disclose the problems when vehicles are sent to the auction.

Mr. Cleaver explained that the City does provide a vehicle condition report and the vehicle is sold "as is". He also advised that by using the online auction, we are able to reach a national customer base.

**INTRODUCED BY COUNCIL MEMBER TERESA R. MACALUSO**

WHEREAS the Grant Agreement with the New York State Housing Trust Fund Corporation represented by the Office of Community Renewal for the City of Watertown's FY 2008 Small Cities Community Development Block Grant contains budget amounts for each activity, and

WHEREAS a budget modification must be approved by the Office of Community Renewal if the budget amounts are to be altered, and

WHEREAS to allow the shifting of funds from Housing Rehabilitation and Administration to Program Delivery as shown on Form 7-1, 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 it hereby authorizes the proposed Budget Modification No. 1 for the FY 2008 Small Cities Community Development Block Grant, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and directed to sign the budget modification form on behalf of the City.

**SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCIL MEMBER TERESA R. MACALUSO**

WHEREAS, the City of Watertown was named as a Defendant in a lawsuit commenced by Ryan Dorr in the New York State Supreme Court in and for the County of Jefferson; and

WHEREAS the parties have conducted disclosure proceedings in accordance with the New York Civil Practice Law and Rules; and

WHEREAS the disclosure proceedings are now complete, and the matter has been set down for trial by jury; and

WHEREAS in lieu of trial, the parties have proceeded to negotiate a monetary settlement of the Plaintiff's claims, which would result in a discontinuance of the action, with prejudice, and obtaining of a complete release by the Plaintiff for the benefit of the City; and

WHEREAS the City Council of the City of Watertown believes it to be in the best interests of the citizens of the City to settle the pending action short of trial, and that the proposed settlement amount is reasonable to that end,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes settlement of the case entitled Ryan Dorr v. City of Watertown, Index No. 2005-1648, RJI No. 22-05-007 by the payment from City funds in the total amount of \$600,000.00, payable to Ryan Dorr and his attorneys, Smith, Sovik, Kendrick & Sugnet, P.C., upon the express condition that the City shall receive in return a stipulation of discontinuance, with prejudice, of the action and shall further receive a complete general release from Ryan Dorr for the benefit of the City.

**SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

WHEREAS the City Purchasing Department has advertised and received sealed bids for the reconstruction of J.B. Wise Parking Lot, and

WHEREAS plan sets were issued to twenty-seven (27) prospective bidders, with eight (8) bids being received and publicly opened and read in the City Purchasing Department on Tuesday, September 28, 2010 at 11:00 a.m., and

WHEREAS City Purchasing Agent Robert J. Cleaver reviewed the bids received with City Engineer Kurt W. Hauk and Water Superintendent Gary E. Pilon, and it is their recommendation to accept of the bid submitted by Bat-Con, Inc. 4277 Slate Hill Road, Marcellus, New York, in the total amount of \$2,316,240 as the lowest qualifying bid meeting the City's specifications,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York hereby accepts the bid in the amount of \$2,316,240 submitted by Bat-Con, Inc. 4277 Slate Hill Road, Marcellus, New York, for the reconstruction of J.B. Wise Parking Lot per the City's specifications, and

BE IT FURTHER RESOLVED that acceptance of this bid is subject to City Council approval of a bond ordinance to fund this project, and

BE IT FURTHER RESOLVED that Mayor Jeffrey E. Graham is hereby authorized and directed to execute any documents necessary to accept this bid.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBER SMITH VOTING NAY**

Prior to the vote on the foregoing resolution, Council Member Smith asked questions concerning the City's costs for cleanup and land acquisition.

Mrs. Corriveau advised that the \$210,000 paid by the City will be reimbursed by National Grid. She advised that this was for cleanup. The land acquisition and contingency costs are in the bond ordinance, not in this resolution.

Council Member Butler questioned if National Grid would pay.

Mrs. Corriveau responded that NYS DEC has said that National Grid will pay clean up costs. The City will be assessing costs incurred to National Grid in addition to the \$210,000. She explained that this agreement is similar to the one when National Grid did mitigation at the DPW when the new bus garage and facility was built.

Attorney Slye remarked that the agreement is titled "Cost Reimbursement Agreement".

Council Member Smith asked about the error made on the bid sheets.

Mrs. Corriveau advised that the right quantities were on the front sheet. However, the backup sheets had the wrong quantities. A clarification letter was sent out to all bidders and they resubmitted their bids.

Mrs. Corriveau answered questions posed by Council Member Butler concerning the project sources and uses report. She explained that the City's match is still 8.4%.

Council Member Butler asked about the use of flexi pave in lieu of asphalt.

Mrs. Corriveau advised that this is different from the synthetic asphalt used in Public Square.

Mr. Mix explained that it is an aggregate of stone and ground up rubber. It is porous and is touted as a green material. A small area will be done, allowing us a chance to test it out.

Council Member Smith asked what happened to the flexi pave when it loads up with water and freezes and suggested that someone should take the sample home, put it in water and then put it in the freezer to see what the results would be.

Mr. Mix remarked that we won't know until we try it. It won't be used in the traffic lanes, just in about 8,150 sq. ft. of parking area.

Council Member Burns asked where this had been used in other places.

Mr. Mix advised that it has been used in the Syracuse area, at Onondaga Community College.

Council Member Burns recommended doing outreach to O.C.C. to see what they think of it before we experiment with it.

Mr. Mix advised that the resolution could still be voted on and staff will make contacts to see how the product worked. If the results are not what they should be, an amendment can always be made.

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS the City of Watertown owns a certain lot of land known as Massey Street North, and

WHEREAS the City Council abandoned a 0.123 acre portion of said street adjacent to 229 Massey Street North on September 20, 2010 as described as Exhibit A, which is attached to and made part of this resolution, and therefore the described parcel is no longer assigned a public purpose by the City Council, and

WHEREAS the Stewart's Shops Corp. has made an offer of \$2,500 to purchase said property,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1 of 1985, adopted December 3, 1984, effective January 17, 1985, and the Ordinance, Municipal Code, Chapter 16 adopted by the City Council on June 6, 1977 that the offer of \$2,500 submitted by Stewart's Shops Corp. for the purchase of the former portion of Massey Street North adjacent to 229 Massey Street North as described by Exhibit A is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the deed issued by the City shall contain a provision that if the buyer does not combine the property sold with all other adjacent parcels owned by the buyer by filing a new deed in the County Clerk's office, the City shall have the right to seek reversion of the title to the City, and

BE IT FURTHER RESOLVED that the deed issued by the City shall contain easements for the existing sewer mains across the property and the fire hydrant located on the property, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, be and he hereby is authorized, empowered and directed to execute a Quit Claim Deed of said real property to Stewart's Shops Corp. upon the receipt of the above mentioned sum of money in cash only by the City Comptroller.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS the City of Watertown has enacted legislation that authorizes the collection of Utility Gross Receipts Taxes pursuant to General Municipal Law §20-b on the purchase of certain commodities, and

WHEREAS National Grid provides businesses and residences within the City of Watertown with electric transmission and distribution service and gas transportation services, and

WHEREAS in December 2008 National Grid notified the City that it had included revenues from electric transmission and distribution service and gas transportation service which did not "originate within the geographic boundaries of the City of Watertown" in payments to the City, and

WHEREAS National Grid claimed that the City of Watertown owed National Grid \$184,430.99 for amounts they believe were erroneously paid to the City, and

WHEREAS since that time Watertown, along with the other impacted villages and cities across New York State have with the help of the New York State Conference of Mayors reached a Settlement Agreement with National Grid on the collection of gross receipts taxes on the delivery portion of energy supply company (ESCO) transactions,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Settlement Agreement between the City of Watertown and National Grid, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager, Mary M. Corriveau, is hereby authorized and directed to execute said Settlement Agreement on behalf of the City of Watertown.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBER BUTLER VOTING NAY**

Prior to the vote on the foregoing resolution, Council Member Butler asked about the settlement agreement and the dates that the payments incurred as compared to when payment was received.

Mr. Mills explained that the payments are staggered 3 months from the start.

Mayor Graham remarked that this is a standard agreement through NYCOM.

Mrs. Corriveau responded that it is. Some municipalities signed it, some have not. Others are using it to get other things from National Grid.

Council Member Butler commented that if we don't agree with this, we will still get paid.

Mrs. Corriveau responded that National Grid could come back to us for the \$184,000.

**INTRODUCED BY COUNCIL MEMBER TERESA R. MACALUSO**

WHEREAS the City Council of the City of Watertown, New York, has before it an Ordinance for changing the zoning for the rear portion of 420 State Street from Residence C to Commercial, and

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

WHEREAS the adoption of the proposed Ordinance would constitute such an "Action," and

WHEREAS the City Council has determined that the proposed Ordinance is an "Unlisted Action" as that term is defined by 6NYCRR Section 617.2(ak), and

WHEREAS there are no other involved agencies for SEQRA review as that term is defined in 6NYCRR Section 617.2(s), and

WHEREAS to aid the City Council in its determination as to whether the proposed Zone Change will have a significant effect on the environment, Part I of a Short Environmental Assessment Form has been prepared by the applicant, 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 Short Environmental Assessment Form and comparison of the proposed action with the criteria set forth in 6NYCRR Section 617.7, no significant impact is known and the adoption of the zone change will not have a significant impact on the environment.
2. The Mayor of the City of Watertown is authorized to execute Part III of 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 JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA**

**NO MOTION WAS MADE TO TAKE FROM THE TABLE THE RESOLUTION “APPROVING AMENDMENTS TO THE CITY OF WATERTOWN HEALTH INSURANCE PLAN DESIGN”** (Introduced to Council on September 7, 2010; tabled; appears in its entirety on page 179 of the 2010 Minutes Book)

## **ORDINANCES**

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

WHEREAS, by ordinance dated June 18, 2007, the Council of the City of Watertown, Jefferson County, New York, authorized the issuance of \$1,020,000 bonds of said City to pay the cost of the (a) improvements to the J.B. Wise Parking Lot, at an estimated maximum cost of \$620,000, a specific object or purpose, and (b) the replacement of water mains and sanitary sewers and the construction of a storm water drainage system in connection with the making of improvements to the J.B. Wise Parking Lot, a specific object or purpose, at an estimated maximum cost of \$400,000, in and for the City of Watertown, Jefferson County, New York, including, in each instance, incidental expenses in connection therewith, at an estimated maximum cost of \$1,020,000; and

WHEREAS, the Council now wishes to increase the estimated maximum cost of the aforesaid specific object or purpose from \$1,020,000 to \$2,595,000, an increase of \$1,575,000 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 June 18, 2007, authorizing the issuance of \$1,020,000 bonds to pay the cost of the (a) improvements to the J.B. Wise Parking Lot, at an estimated maximum cost of \$620,000, a specific object or purpose, and (b) the replacement of water mains and sanitary sewers and the construction of a storm water drainage system in connection with the making of improvements to the J.B. Wise Parking Lot, a specific object or purpose, at an estimated maximum cost of \$400,000, in and for the City of Watertown, Jefferson County, New York, including, in each instance, incidental expenses in connection therewith, is hereby amended, in part, to read as follows:

“AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$2,595,000 BONDS OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK, TO PAY THE COST OF IMPROVEMENTS TO THE J.B. WISE PARKING LOT, INCLUDING THE REPLACEMENT OF WATER MAINS AND SANITARY SEWERS AND THE CONSTRUCTION OF A STORM WATER DRAINAGE SYSTEM, IN AND FOR SAID CITY.

“ . . . .

“Section 1. To pay the cost of (a) improvements to the J.B. Wise Parking Lot, at an estimated maximum cost of \$2,150,000, a specific object or purpose, and (b) the replacement of water mains and sanitary sewers and the construction of a storm water drainage system in connection with the making of improvements to the J.B. Wise Parking Lot, a specific object or purpose, at an estimated maximum cost of \$445,000, in and for the City of Watertown, Jefferson County, New York, and incidental expenses in connection therewith, a specific object or purpose, there are hereby authorized to be issued \$2,595,000 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 objects or purposes is \$2,595,000 and that the plan for the financing thereof is by the issuance of the \$2,595,000 bonds of said City authorized to be issued pursuant to this bond ordinance.”

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 JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBER SMITH VOTING NAY**

**UNANIMOUS CONSENT MOVED BY COUNCIL MEMBER BURNS, SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

**THE ORDINANCE “APPROVING THE ZONE CHANGE REQUEST SUBMITTED BY DAREN L. MORGAN, P.L.S. OF LAFAVE, WHITE & MCGIVERN ON BEHALF OF ROUTE 57 DEVELOPMENT TO CHANGE THE APPROVED ZONING CLASSIFICATION OF THE REAR PORTION OF 420 STATE STREET, PARCEL NO. 12-03-220 FROM RESIDENCE C TO COMMERCIAL”**(Introduced to Council on September 20, 2010; public hearing held this evening; appears in its entirety on page 202 of the 2010 Minutes Book)

**AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING ORDINANCE AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

**\*\* \*\* \***

## **COUNCIL DISCUSSED THE FOLLOWING TOPICS:**

### **451 and 465 Martin St. Tax Sale Certificate Assignment**

Mayor Graham asked what we should do with these certificates.

Council Member Butler remarked that Ms. Khatoon indicated that it couldn't be zoned residential.

Mr. Mills remarked that she had mentioned that the cost seemed prohibitive.

### **Black River Watershed Management Plan – MOU**

Mayor Graham asked if this was just another group therapy thing where people go to meetings.

Mrs. Corriveau explained that this plan allows municipalities to say that they are part of it, as we have been in the past.

Mayor Graham asked to have a resolution on this prepared for the next meeting.

### **EPA Superfund Designation of Site**

Mrs. Corriveau advised that she wanted to make Council aware that this site had been designated in Carthage and West Carthage.

### **Destination Marketing**

Mayor Graham referred to the pamphlets and tabloids given out this evening.

Mrs. Corriveau explained that the Shop, Stay and Save tabloid is a result of the funding through the City's marketing program with the 1000 Islands Council. The tabloid was produced by the Watertown Daily Times and inserted in the Ottawa Citizen, Brockville Records and Times and the Kingston Whig. Smaller ads also ran in these papers.

### **Update on Exterior of Library**

Council Member Burns asked for an update on this.

Mrs. Corriveau advised that staff has looked at it. Mr. Mix has found information on line about the first steps in cleaning it. There has been a tremendous amount of dirt and growth on the marble this year. The grout needs to have work done on it. Staff is also looking for some funding assistance for the project. Mrs. Corriveau remarked that the problem became really prominent this summer. The marble fence has become discolored this year as well.

### **Parking in the Margins**

Council Member Burns commented that she had asked about an ordinance concerning this at the April 19<sup>th</sup> meeting. She asked about the status of the legislation.

Mrs. Corriveau explained that a group of staff members have been looking at what is done in other communities and have just recently reached out to Attorney Slye to schedule a meeting with him. While work has been moving forward on this, unfortunately, there were other things with higher priority. She also questioned how the City would deal with exceptions.

Council Member Burns responded that the City doesn't allow exceptions for front yard parking, so she doesn't know why there would be exceptions for parking in the margins. She asked when a report would be ready.

Mrs. Corriveau said that it would be ready sometime within the next couple of months.

Council Member Burns asked who chooses who can pave certain areas of their lawns.

Council Member Butler remarked that in some cases, it has to be done to accommodate the property owner.

Council Member Smith questioned how the City decides this.

Mayor Graham remarked that people don't have a lot of options in some instances.

Council Member Burns mentioned some locations that have paved areas even when they had plenty of parking space already.

### **Mr. Freeman's Concerns**

Council Member Butler asked if Mr. Freeman had been contacted and if his concerns had been addressed.

Mrs. Corriveau advised that Mr. St. Croix had spoken with Mr. Freeman.

### **Aviary Committee**

Council Member Butler asked about this committee and the status of the project.

Mrs. Corriveau explained that the committee is composed of the Council, Mr. Hayes, Mr. Hawk and Mr. Mix. The Conservancy had said that they would get their architect to get plans to us. It has not happened as of yet.

Mayor Graham commented that when Council was at the zoo, it was the consensus to retain the building. The City committed to funding it. He remarked that he suspects the Conservancy wants to elongate the process.

Council Member Butler commented that it has been a while since the meeting.

Mrs. Corriveau remarked that she feels the ball is in the Conservancy's court and she has heard nothing from Mr. Foster.

### **Breen Avenue**

Council Member Butler referred to a complaint he received concerning overgrown vegetation on a Breen Avenue property.

Mrs. Corriveau advised that Code Enforcement has been there. Nothing is wrong with the structure and nothing is wrong with the growth. They are plants in a garden.

### **Concession Stand and Roof Repairs**

Council Member Smith asked about the status of these projects.

Mr. Hayes advised that they are in the process of getting the state license. The tile work inside should be underway now. Appliances have been ordered and contact has been made with vendors who we buy supplies from. The concession stand is currently selling items such as candy bars and sodas which can be sold without a permit.

The roof area has been washed and scrubbed. They have been applying a protective coat and then the vinyl coat. In the process of pressure washing, they found more areas that needed priming. They will come back in the spring to finish.

### **Zoo Administration Building**

Council Member Smith asked why there was a delay with this roof.

Mr. Hayes explained that the delay was in getting the design from Bernier Carr as it requires extensive replacement.

Council Member Smith questioned why the City hired an engineering firm when it is just a roof.

Mr. Hayes advised that if something doesn't go right, it is nice to have an engineer's stamp when we are spending public funds.

### **Advertising at the Arena**

Council Member Smith asked about going out to bid for advertising.

Mrs. Corriveau responded that this was not her recollection. She remarked that she thought this would be done in-house.

Council Member Smith remarked that even if we were going to do it in-house, we haven't done a good job with it. The signs were taken down and no one was called to see if they wanted to advertise again this season.

Mr. Hayes commented that we were remiss in contacting the businesses who had logos up before.

### **Mercy Issue**

Mayor Graham remarked that Council is pleased that the scenario has come about with the SMC deal for Mercy. He remarked that we will have to continue to stay on the state legislature to update the current campus.

Council Member Smith remarked that the City needs to be much more proactive. He commented that if Mercy closes, the taxpayers of the City will be stuck with a huge bill.

Mrs. Corriveau stated that she had brief conversations with involved parties, but it was before the award was made. The City's concerns related to the facility. However, there is a big unknown and that is G.E. Capital, the mortgage holder.

Council Member Smith suggested scheduling a work session with all the players.

Mayor Graham commented that there are a variety of agendas, the County's desire to extract itself from Whispering Pines as well as our concerns for jobs, patients, employees and the physical plant. This will continue to be a situation that we will be interested in as it has been for the last several years.

Mrs. Corriveau reminded Council that the City was at the table during the bankruptcy proceedings, not the county.

### **Training Session**

A session on building energy efficiency will be held on Oct. 7<sup>th</sup>.

### **Ribbon Cutting**

Millenium Development will have a ribbon cutting at 11:30 on Oct. 5<sup>th</sup>.

### **Local Government Conference**

This will be held at SUNY Potsdam on October 12<sup>th</sup>.

**Annual Drop Off**

The City will hold this annual drop off at the fairgrounds on Oct. 23<sup>rd</sup>.

**ADJOURNMENT**

**AT THE CALL OF THE CHAIR MEETING WAS ADJOURNED AT 9:05 P.M. BY  
MOTION OF COUNCIL MEMBER BUTLER, SECONDED BY COUNCIL MEMBER  
MACALUSO AND CARRIED WITH ALL VOTING YEA**

*Donna M. Dutton*

City Clerk