

**REGULAR COUNCIL MEETING
CITY OF WATERTOWN
March 19, 2007
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCILMAN STEPHEN J. BRADLEY
COUNCILMAN PETER L. CLOUGH
COUNCILMAN JEFFREY M. SMITH
MAYOR GRAHAM**

ABSENT: **COUNCILMAN TIMOTHY R. LABOUF**

ALSO PRESENT: **CITY MANAGER MARY M. CORRIVEAU
ATTORNEY ROBERT J. SLYE**

City Manager Corriveau presented the following reports to the Council:

- 1 - Commissioner of Deeds
- 2 - Approving the Agreement With L & P Media for the Creation, Design and Enhancement of the City Website
- 3 - Accepting Grant Agreement Between the State of New York, Office of Real Property Services and the City of Watertown
- 4 - Approving the Site Plan for the Construction of a 5,227 Square Foot Restaurant with Drive Thru and Playplace Located at 924 Arsenal Street, Parcels No. 8-05-104.001 & 8-04-118
- 5 - Local Law No. 2 of 2007 – Amending Chapter 310 of the Watertown City Code
- 6 - Local Law No. 3 of 2007 – Amending Chapter 98 of the Watertown City Code
- 7- Local Law No. 4 of 2007 – Amending Chapter 161 of the Watertown City Code
- 8- Local Law No. 5 of 2007 – Amending Chapter 169 of the Watertown City Code
- 9 - Tabled Resolution – Approving Pay Rates for Watertown Housing Authority Management Employees

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 March 5, 2007 was dispensed with and accepted as written by motion of Councilman Smith, seconded by Councilman Clough and carried with all voting in favor thereof.

C O M M U N I C A T I O N S

From the City Planning Board recommending Council approval for the site plan submitted on behalf of McDonald's Corporation for the construction of a 5,227 square foot restaurant with drive thru and playplace at 924 Arsenal Street, Parcels No. 8-05-104.001 and 8-05-118 contingent upon certain requirements being met as outlined in the resolution.

ABOVE PLACED ON FILE

PRIVILEGE OF THE FLOOR

Mayor Graham welcomed Boy Scout Troop 26 from Fort Drum who are working on their merit badge. He welcomed any questions the Troop might have.

Patrick asked about the housing situation in Watertown for Fort Drum families.

Mayor Graham said there presently is a shortage but that there are several housing projects underway including those on Starbuck Avenue and Washington Street and new homes on Michigan Avenue. He also pointed out that there is more housing available this year than two years ago.

Brandon inquired about congestion in the area of Arsenal Street near Interstate 81.

Mayor Graham replied that the state will spend approximately \$30 million to make that section wider.

Another person voiced his concern about traffic delays on Route 26 by the Fort Drum airfield.

Mrs. Corriveau responded that since Route 26 is a state highway, those concerns are best directed to the State Department of Transportation.

RESOLUTIONS

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

RESOLVED that the following individuals are hereby appointed Commissioner of Deeds for the term expiring December 31, 2008:

City Employees

Michelle Reff
Michael B. Zicari
Scott M. McIntyre
Thomas S. Strelau

SECONDED BY COUNCILMAN JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS the New York State Department of State, Division of Coastal Resources has awarded the City of Watertown a \$50,000 grant under Title 11 of the Environmental Protection Fund to implement a Downtown Awareness Campaign, and

WHEREAS the design, creation, and enhancement of the City's website is one of the projects funded under the Downtown Awareness Campaign, and

WHEREAS upon review and committee approval, the City desires to enter into an Agreement with L & P Media for this project,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves the agreement with L & P Media, a copy of which is attached and made a part of this resolution, and

FURTHER LET IT BE RESOLVED that the City Manager, Mary M. Corriveau, is hereby directed to enter into and execute the contract with L & P Media on behalf of the City Council of the City of Watertown, and

BE IT FURTHER RESOLVED that the City Manager is authorized to act on behalf of the City in all further matters related to this project.

SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS the New York State Office of Real Property Service is authorized by Chapter 53 of the Laws of 2006 to provide financial assistance to local governments, and

WHEREAS the New York State Division of the Budget has authorized ORPS to disburse funds through the 2006-07 Real Property Tax Administration Technology Improvement Grant Program (Grant Program), and

WHEREAS a "Notice of the Availability of State and Federal Funds" was published in the New York State Register of July 26, 2006, and

WHEREAS ORPS prepared and disseminated a Request for Application (RFA) dated July 7, 2006 to solicit applications for the Grant Program, and

WHEREAS on October 3, 2006 Watertown submitted a grant application, and

WHEREAS ORPS has reviewed that application and has determined that it complies with the RFA and that the application supports payment of financial assistance,

NOW THEREFORE BE IT RESOLVED that the City Council hereby approves the Grant Agreement between the State of New York, Office of Real Property Services, and the City of Watertown, and

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

SECONDED BY COUNCILMAN JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS Owen Speulstra of Bohler Engineering, has made an application for site plan approval on behalf of McDonald's Corporation, for the construction of a 5,227 square foot restaurant with drive thru and playplace to be located at 924 Arsenal Street, Parcels No. 8-05-104.001 & 8-04-118, and

WHEREAS the Jefferson County Planning Board reviewed the site plan at its meeting held on January 30, 2007, pursuant to General Municipal Law Section 239-m, and adopted a motion stating the project did not have any significant County-wide or intermunicipal issues and is of local concern only, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on March 6, 2007, and recommended that the City Council of the City of Watertown approve the site plan dated February 23, 2007, contingent upon the following:

1. A storm sewer easement will be required to connect the 4" PVC into the closed drainage system of the McDonalds property to the south. The consultant shall provide the Engineering Department with a copy of the updated deeds and survey map that include the storm sewer easement. The easement shall also be shown and labeled on the grading and drainage plan. If the 4" pipe is removed, the easement is not required.
2. The consultant shall reduce the light spillage on all adjacent parcels to no more than 0.5 foot-candles or as approved by the City Engineer.
3. The consultant shall provide documentation from the NYSDOT that they approve the site plans for the Arsenal Street water lateral connection.

4. The consultant shall provide documentation from the NYSDOT that they approve the proposed site plan drainage.
5. The following permits must be obtained from the Engineering Department prior to start of site construction:
 - Sanitary Sewer Lateral (Commercial) - \$125
 - Sanitary Lateral Disconnect - \$10
 - City Permit – No Fee
6. All existing fencing shall be replaced with a board on board fence similar to the State Street Walgreen’s fence.

And,

WHEREAS the City Council, has reviewed the Short Environmental Assessment Form, responding to each of the questions in Part 2, and has determined that the project, as submitted, is Unlisted and will not have a significant effect on the environment, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares the proposed construction and site plan constitute an Unlisted Action for the purposes of SEQR and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown, New York that site plan approval is hereby granted to Owen Speulstra of Bohler Engineering, on behalf of McDonald’s Corporation, for the construction of a 5,227 square foot restaurant with drive thru and playplace located at 924 Arsenal Street, Parcel No. 8-05-104.001 & 8-04-118, as shown on plans submitted to the City Engineer dated February 23, 2007, contingent upon the applicant making the revisions and meeting the requirements listed above in the City Planning Board recommendation.

SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED WITH ALL VOTING YEA

MOTION WAS MADE BY COUNCILMAN CLOUGH TO TAKE FROM THE TABLE THE RESOLUTION “APPROVING PAY RATES FOR WATERTOWN HOUSING AUTHORITY MANAGEMENT EMPLOYEES” (Introduced on 2007; tabled; appears in its entirety on page 58 of the 2007 Minutes Book).

MOTION WAS SECONDED BY COUNCILMAN SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Councilman Smith stated that he felt it was difficult to approve the pay rates not knowing what the salaries are.

Councilman Bradley concurred saying that he thought they were trying to get even numbers across the board.

Mr. Bruce Goewey, Executive Director of the Watertown Housing Authority, said they were trying to mirror raises given to City employees and to create the least amount of difficulty.

Councilman Clough said that if the premise is to look at following the City, maybe Council should look at the City's management plan.

Mayor Graham asked why Council should have part in something of which it has no genesis.

Attorney Slye commented that Public Housing law states that there cannot be a change in pay without approval of City Council.

Mrs. Corriveau reminded Council that they have the authority to suggest the board revisit its plan.

Councilman Clough asked to table the resolution.

MOTION WAS MADE BY COUNCILMAN CLOUGH TO TABLE THE FOREGOING RESOLUTION.

MOTION WAS SECONDED BY COUNCILMAN SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

LOCAL LAWS

INTRODUCED BY COUNCILMAN JEFFREY M. SMITH
(Local Law No. 2 of 2007)

Chapter 310 of the Watertown City Code

WHEREAS, the New York Municipal Home Rule Law permits the adoption of local laws by a city in furtherance of the health, safety and welfare of the residents of the city;

WHEREAS, the City Council of the City of Watertown believes that it is in the best interests of the residents of the City of Watertown to update and amend Chapter 310 of the City Code to amend the penalty provisions of Chapter 310 to ensure that a potential defense constitutes a violation rather than a misdemeanor and further, by eliminating the possible penalty of jail time.

NOW, THEREFORE, be it enacted by the City Council of the City of Watertown, New York as follows:

Section 310-65 shall be amended as follows:

Section 310-65. Penalties for Offenses.

Except as otherwise provided in this Chapter, any person, firm or corporation who violates, disobeys, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Chapter shall be liable for a penalty not to exceed Two Hundred Fifty and 00/100 Dollars (\$250.00). Each day that a violation is continued shall be deemed a separate offense.

This Local Law shall become effective upon filing with the office of the Department of State as required by the provisions of the Municipal Home Rule Law.

SECONDED BY COUNCILMAN PETER L. CLOUGH

INTRODUCED BY COUNCILMAN PETER L. CLOUGH
(Local Law No. 3 of 2007)

WHEREAS, the New York Municipal Home Rule Law permits the adoption of local laws by a city in furtherance of the health, safety and welfare of the residents of the city;

WHEREAS, the City Council of the City of Watertown believes that it is in the best interests of the residents of the City of Watertown to update and amend Chapter 98 of the City Code to amend the penalty provisions of Chapter 98 to ensure that a potential defense constitutes a violation rather than a misdemeanor and further, by eliminating the possible penalty of jail time.

NOW, THEREFORE, be it enacted by the City Council of the City of Watertown, New York as follows:

That Section 98-4 shall be amended as follows:

Section 98-4. Penalties for Offenses.

In addition to any of the remedies provided for herein, any person, firm or corporation violating any provision of this Chapter shall, upon conviction, be subject to a fine of not less than Fifty and 00/100 Dollars (\$50.00) nor more than Two Hundred Fifty and 00/100 Dollars

(\$250.00) for a first offense; not less than One Hundred and 00/100 Dollars (\$100.00) nor more than Two Hundred Fifty and 00/100 Dollars (\$250.00) for a second offense; and not less than Two Hundred and 00/100 Dollars (\$200.00) nor more than Two Hundred Fifty and 00/100 Dollars (\$250.00) for a third, or more, offenses, all within the same calendar year. Each day of continued violation is a separate and distinct offense.

This Local Law shall take effect upon filing with the office of the Department of State as required by the provisions of the Municipal Home Rule Law.

SECONDED BY COUNCILMAN JEFFREY M. SMITH

INTRODUCED BY COUNCILMAN PETER L. CLOUGH
(Local Law No. 4 of 2007)

WHEREAS, the New York Municipal Home Rule Law permits the adoption of local laws by a city in furtherance of the health, safety and welfare of the residents of the city;

WHEREAS, the City Council of the City of Watertown believes that it is in the best interests of the residents of the City of Watertown to update and amend Chapter 161 of the City Code to amend the penalty provisions of Chapter 161 to ensure that a potential defense constitutes a violation rather than a misdemeanor and further, by eliminating the possible penalty of jail time.

NOW, THEREFORE, be it enacted by the City Council of the City of Watertown, New York as follows:

Chapter 161 – Garbage, Rubbish and Refuse. Shall be amended as follows:

Section 161-4. Penalties for Offenses.

Any person, firm or corporation violating any provision of this article shall, upon conviction, be subject to a fine of not less than Fifty and 00/100 Dollars (\$50.00) nor more than Two Hundred Fifty and 00/100 Dollars (\$250.00) for a first offense; not less than One Hundred and 00/100 Dollars (\$100.00) nor more than Two Hundred Fifty and 00/100 Dollars (\$250.00) for a second offense; and not less than Two Hundred and 00/100 Dollars (\$200.00) nor more than Two Hundred Fifty and 00/100 Dollars (\$250.00) for a third, or more, offenses, all within the same calendar year. Each day of a continued

violation is a separate and distinct offense. In addition to the aforementioned fines, the City of Watertown shall be entitled to seek reimbursement for any costs it may incur in the removal of such rubbish, pursuant to Section 161-2 of this Chapter and Section 172-4 of the Code of the City of Watertown, and such reimbursement may be ordered by the Court in the assessment of fines, penalties and restitution of costs incurred by the City of Watertown.

Section 161-21 shall be amended as follows:

Section 161-21. Penalties for Offenses.

Any person, firm or corporation violating any provision of this article shall, upon conviction, be subject to a fine of not less than Fifty and 00/100 Dollars (\$50.00) nor more than Two Hundred Fifty and 00/100 Dollars (\$250.00) for a first offense; not less than One Hundred and 00/100 Dollars (\$100.00) nor more than Two Hundred Fifty and 00/100 Dollars (\$250.00) for a second offense; and not less than Two Hundred and 00/100 Dollars (\$200.00) nor more than Two Hundred Fifty and 00/100 Dollars (\$250.00) for a third, or more, offenses, all within the same calendar year. Each day of a continued violation is a separate and distinct offense.

This Local Law shall become effective upon filing with the Department of State as required by the provisions of the Municipal Home Rule Law.

SECONDED BY JEFFREY M. SMITH

INTRODUCED BY JEFFREY M. SMITH

(Local Law No. 5 of 2007)

WHEREAS, the New York Municipal Home Rule Law permits the adoption of local laws by a city in furtherance of the health, safety and welfare of the residents of the city;

WHEREAS, the City Council of the City of Watertown believes that it is in the best interests of the residents of the City of Watertown to update and amend Chapter 169 of the City Code to amend the penalty provisions of Chapter 169 to ensure that a potential defense constitutes a violation rather than a misdemeanor and further, by eliminating the possible penalty of jail time.

NOW, THEREFORE, be it enacted by the City Council of the City of Watertown, New York as follows:

Section 169-13 and 22 shall be amended as follows:

Section 169-13. Penalties for Offenses.

B. Any person, firm or corporation violating any provision of this article shall, upon conviction, be subject to a fine of not less than Fifty and 00/100 Dollars (\$50.00) nor more than Two Hundred Fifty and 00/100 Dollars (\$250.00) for a first offense; not less than One Hundred and 00/100 Dollars (\$100.00) nor more than Two Hundred Fifty and 00/100 Dollars (\$250.00) for a second offense; and not less than Two Hundred and 00/100 Dollars(\$200.00) nor more than Two Hundred Fifty and 00/100 Dollars (\$250.00) for a third, or more, offenses, all within the same calendar year.

Section 169-22. Penalties for Offenses.

Each violation of this article shall be deemed an offense and shall be punishable by a fine not less than Fifty and 00/100 Dollars (\$50.00) nor more than Two Hundred Fifty and 00/100 Dollars (\$250.00) for a first offense; not less than One Hundred and 00/100 Dollars (\$100.00) nor more than Two Hundred Fifty and 00/100 Dollars (\$250.00) for a second offense; and not less than Two Hundred and 00/100 Dollars (\$200.00) nor more than Two Hundred Fifty and 00/100Dollars (\$250.00) for a third, or more, offenses, all within the same calendar year; or by a civil penalty of not less than Fifty and 00/100 Dollars (\$50.00) nor more than Five Hundred and 00/100 Dollars (\$500.00) to be recovered by the City in a civil action.

This Local Law shall become effective upon filing with the Department of State as authorized by the Municipal Home Rule Law.

SECONDED BY COUNCILMAN STEPHEN J. BRADLEY

MOTION WAS MADE BY COUNCILMAN CLOUGH TO SCHEDULE A PUBLIC HEARING ON THE FOREGOING LOCAL LAWS FOR MONDAY, APRIL 2, 2007 AT 7:30 P.M.

MOTION WAS SECONDED BY COUNCILMAN SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

City Manager Assessment

MOTION WAS MADE BY COUNCILMAN CLOUGH TO ACCEPT THE CITY MANAGER'S ASSESSMENT, SECONDED BY COUNCILMAN SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Sports Recognition Signs

Councilman Smith said he was made aware that there are some City sports teams which have won state championships who are not recognized on the signs coming into the City.

Mrs. Corriveau asked how far back Council would like her to recognize the absent teams.

Councilman Smith said he thought a couple of years would be sufficient.

Mobile Signs

Councilman Clough mentioned that he hasn't seen any mobile signs around the City and asked if it's because of the season.

Mrs. Corriveau replied that DPW and City Police will be working together on the placement of signs.

Construction

Mayor Graham asked about construction throughout the City.

Mrs. Corriveau stated that Verizon and Niagara Mohawk are already working in Public Square and Villager will start work in early April. She added that State DOT work has been awarded for Arsenal Street as well.

Eminent Domain – Gaffney Drive

Mayor Graham inquired on the status of Gaffney Drive.

Attorney Slye replied that they had received an offer and in response will get a qualified appraiser to look at the roadway.

Councilman Bradley asked if work on Arsenal Street will be done at night.

Mrs. Corriveau said that any work on Interstate 81 must be done during the day.

Mayor Graham asked if the Gaffney Driver offer should be tendered to Council.

Attorney Slye stated that it would be appropriate discussion for executive session as public discussion may affect the value.

Mayor Graham mentioned that the City is the only one who would be interested in that property.

Attorney Slye reminded Council that negotiations are still in progress and did not know if the City wanted to go public with those figures and suggested getting the appraisal first. He also stated that eminent domain law requires negotiations if the seller wants negotiations.

Councilman Bradley asked if the offer is where it should be.

Attorney Slye told Council that the seller is offering their portion of Gaffney Drive for \$100,000 and the pump station for \$150,000.

Councilman Bradley inquired if these were two separate offers.

Attorney Slye said they were mutually exclusive.

Councilman Clough asked if the City knows the condition of the pump station.

Attorney Slye replied that they do not.

Councilman Clough asked if this would be a drawn out process.

Attorney Slye stated that the statute does require negotiations and that the timeline will shift according to when the appraisal is completed. He mentioned that there is no set closure date.

School District Boundaries

Mayor Graham briefly mentioned, in reference to the Seaway Plaza area housing, that some school districts do allow children outside district lines to attend their schools without paying a fee.

New Chairs

Councilman Clough pointed out the new chairs in Council Chambers. He asked how long it had been since new chairs had been purchased.

Mrs. Corriveau said approximately 40 years.

Councilman Bradley expressed his delight at the new addition.

ADJOURNMENT

AT THE CALL OF THE CHAIR THE MEETING WAS DULY ADJOURNED AT 7:45 P.M. BY MOTION OF COUNCILMAN CLOUGH, SECONDED BY COUNCILMAN BRADLEY AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Amanda C. Lewis
Deputy City Clerk