

**REGULAR COUNCIL MEETING
CITY OF WATERTOWN
January 6, 2003
7:00 P.M.**

MAYOR JOSEPH M. BUTLER PRESIDING

PRESENT: **COUNCILWOMAN ROXANNE M. BURNS
COUNCILMAN PETER L. CLOUGH
COUNCILMAN PAUL A. SIMMONS
MAYOR BUTLER**

ABSENT: **COUNCILMAN JEFFREY M. SMITH**

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

City Manager Corriveau presented the following reports to the Council:

- 1 - Commissioner of Deeds
- 2 - Appointment to the Roswell P. Flower Memorial Library Board of Trustees – Peter Schmitt
- 3 - Appointing Elyse A. Frezzo as a Marriage Officer for the City of Watertown
- 4 - Appointing Mary M. Corriveau, City Manager, to the Board of the Watertown Local Development Corporation
- 5 - Approved Contract for Executive Search Services, Bennett Associates
- 6 - Approving Pay Rates for Watertown Housing Authority Management Employees
- 7 - Approving Agreement for Public Benefit Services Between the City of Watertown and the Thousand Islands Regional Tourism Development Corporation
- 8 - Approving Supplemental Agreement No. 2 to Master Federal Aid and Marchiselli Aid Project Agreement, Pearl Street Bridge Replacement, PIN 775234, Right of Way Acquisition
- 9 - Adoption of Public Participation Plan for Long Term CSO Control Plan
- 10 - Approving Deed for Property Consolidation, Newell Street, Parcel Nos. 708305, 708306, 708304 and 708307
- 11 - Authorizing License Agreement, Erie Boulevard Hydropower
- 12 - Authorizing Professional Services Agreements with Avalon Associates, Inc. and Neighbors of Watertown, Inc. for Application Preparation, Program Development, Administration and Program Delivery Services Under the Small Cities CDBG and HOME Investment Partnership Programs
- 13 - Finding that the Approval of the Zone Change Application of Christian Brunelle of Byrne Dairy to Change the Approved Zoning Classification of 925 through 1019 Coffeen Street from Residence “A” to Neighborhood Business District Will Not Have a Significant Impact on the Environment
- 14 - Adopting Standards for the Erection of Fences in the City of Watertown

- 15 - 7:30 p.m. - Resolution Finding that the Approval of the Zone Change Application of Christian Brunelle of Byrne Dairy to Change the Approved Zoning Classification of 925 through 1019 Coffeen Street from Residence "A" to Neighborhood Business District Will Not Have a Significant Impact on the Environment
- 16 - 7:30 p.m. - Ordinance Approving the Zone Change Request Submitted by Christian Brunelle of Byrne Dairy to Change the Approved Zoning Classification of 925 through 1019 Coffeen Street from Residence "A" to Neighborhood Business District
- 17 - Tabled Resolution – Introduced December 2, 2002 – Approving Pay Rates for Watertown Housing Authority Management Employees
- 18 - Held Over Under the Rules – Introduced December 16, 2002 – An Ordinance Authorizing the Issuance of \$150,000 Serial Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of the Demolition of City Owned Properties, In and For Said City
- 19 - Held Over Under the Rules – Introduced December 16, 2002 – An Ordinance Authorizing the Issuance of an Additional \$56,000 Serial Bonds of the City of Watertown, Jefferson County, New York, to Pay Costs of Street Reconstruction at the City Center Industrial Park and Related Water, Storm Sewer and Sanitary Sewer System Work, Including Related Gas and Electrical Systems, In and For Said City
- 20 - Held Over Under the Rules – Introduced December 16, 2002 – An Ordinance Authorizing the Issuance of \$93,000 Serial Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of the Replacement of the Fire Department's Self-Contained Breathing Apparatus Units and Spare Air Cylinders to Comply with OSHA Requirements, In and For Said City of Watertown
- 21 - Economic Development Zone Boundary Amendment Presentation
- 22 - Restoration of Public Square Fountain Statue

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 December 16, 2002 was dispensed with and accepted as written by motion of Councilwoman Burns, seconded by Councilman Clough and carried with all voting in favor thereof.

COMMUNICATIONS

From the City Planning Board recommending the zone change request submitted by Christian Brunelle, Real Estate Manager for Byrne Dairy, with the exception of 286-288 Wealtha Avenue.

ABOVE PLACED ON FILE

From Joseph & Rose DeFranco, 274 Wealtha Avenue and Andrey Komor, 288 Wealtha Avenue asking that their properties be included in the zone change request by Byrne Dairy for properties along Wealtha Avenue and Coffeen Street.

ABOVE PLACED ON FILE

From Climax Manufacturing Company asking the Council to support their bid to include the Paperboard Division of Climax Manufacturing Company into the expansion plans for the Watertown Empire Development Zone.

ABOVE PLACED ON FILE

Claim against the City has been received from Ray Dockstader for personal injuries he sustained when he fell on Sterling Street by City Hall.

Claim against the City has been received from John Castagno for damage to his property as a result of a water main break on Bronson Street.

ABOVE CLAIMS REFERRED TO THE BOARD OF AUDIT

PRIVILEGE OF FLOOR EXTENDED

Howard Sprague, Ives Street, addressed the chair concerning the Water Department employee who is plowing snow. He asked if the salary was being charged to the Water Department.

Mrs. Corriveau explained that when the individual is plowing snow, his salary is charged to the snow plowing account.

Danny Francis, Harris Drive, addressed the chair questioning the appointment of Mrs. Corriveau to the Watertown Local Development Corporation Board. He stated that he feels that this would be a conflict of interest.

Rose Ward, Mohawk Street, addressed the chair asking why the salt barrels are not out in her neighborhood this year.

PUBLIC HEARING

At 7:30 p.m. Mayor Butler asked the City Clerk to read the notice of public hearing concerning the request for a Zone Change Classification for 925 through 1019 Coffeen Street and 286-288 Wealtha Avenue From Residence "A" to Neighborhood Business District, Parcels No. 8-15-111, 8-15-112, 8-15-112.1, 8-15-113.1, 8-15-113.2,

8-15-115 and portions of Parcels No. 8-15-113 and 8-15-114 from Residence "A" to Neighborhood Business District.

Mayor Butler declared the hearing open

Rose DeFranco, 274 Wealtha Avenue, addressed the chair referring to her letter whereby she is requesting to be included in the zone change.

Joseph DeCarlo, 1019 Coffeen Street, addressed the chair stating that when he signed the petition in favor, the Byrne Dairy representative didn't tell him that the business was also going to have a 24-hour gas station at the location. He apologized to Mrs. Cavallario who owns property next to it. He also commented that he called the Codes Department four times this summer about the tall grass on the Davidson property, being proposed for a car wash and nothing was done.

Mayor Butler declared the hearing closed at 7:35 p.m.

RESOLUTIONS

INTRODUCED BY COUNCILMAN PAUL A. SIMMONS

RESOLVED that the following individuals are hereby appointed Commissioner of Deeds for the term expiring December 31, 2004:

City Employees

Suzanne M. Chartrand
Steven C. Wood
Jerry D. Golden
Roy E. Whitmore

Glenn Michael Brady
Michael K. VanWaldick
Richard J. Gregory
James E. Mills

Non-City Employees

June S. Hackett
Joanne M. McClusky
Fredrick H. Lanham
Kathleen L. Gee

Lori L. Kelsey
John R. Isham
Carmeline G. DeFranco

SECONDED BY COUNCILMAN PETER L. CLOUGH AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

RESOLVED by the City Council of the City of Watertown that Peter Schmitt, 301 Flower Avenue West, Watertown, New York, is hereby appointed to the Roswell P. Flower Memorial Library Board of Trustees for an eleven (11) year term commencing January 1, 2003 and expiring December 31, 2013.

SECONDED BY COUNCILWOMAN ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS §11-c (1) of the New York Domestic Relations Law permits the City Council of the City of Watertown to appoint one or more Marriage Officers who shall have the authority to solemnize marriages within the City, and

WHEREAS the City Council of the City of Watertown adopted Local Law No. 2 of 2002, establishing the position of City Marriage Officer under Section 45-11.3 of the Watertown City Code, and

WHEREAS Elyse A. Frezzo is over the age of 18, and resides within the City of Watertown, as required by §11-c (2) of the New York Domestic Relations Law,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that Elyse A. Frezzo shall be appointed as a Marriage Officer for the City of Watertown with the duties established by §45-11.3 of the City Code of the City of Watertown and by Article 3 of the New York Domestic Relations Law.

SECONDED BY COUNCILWOMAN ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA

Prior to the vote on the foregoing resolution, Mayor Butler commended the City Clerk's Office for the job they have been doing with this service for the public.

INTRODUCED BY COUNCILWOMAN ROXANNE M. BURNS

RESOLVED that the City Council of the City of Watertown hereby appoints the City Manager, Mary M. Corriveau, as the City's representative on the Watertown Local Development Corporation Board of Trustees.

SECONDED BY COUNCILMAN PAUL A. SIMMONS AND CARRIED WITH ALL VOTING YEA

Prior to the vote on the foregoing resolution, Councilman Simmons explained to Mr. Francis that Mrs. Corriveau is replacing Mr. Hiller in the City Manager position on the board. He also commented that appointed and elected City officials wear several different hats in carrying out their duties and it does not create a conflict of interest.

INTRODUCED BY COUNCILMAN PAUL A. SIMMONS

WHEREAS the City Council of the City of Watertown has determined that it is in the best interest of the City to hire an executive search firm to assist them with the hiring of a City Manager, and

WHEREAS Bennett Associates has a history of helping municipalities recruit, evaluate and hire qualified individuals for the position of City Manager,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves the contract for executive search services with Bennett Associates, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that Mayor Joseph M. Butler is hereby authorized and directed to execute the contract on behalf of the City Council of the City of Watertown.

SECONDED BY COUNCILWOMAN ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCILMAN CLOUGH VOTING NAY

Prior to the vote on the foregoing resolution, Councilman Simmons explained that when a business is replacing the executive officer, they use firms which deal in the search process. He commented that it would not be fair to have the search done by the City Council, as the members do not have the time or expertise. The firm will shorten the process. He stated that if it turns out that the best candidate should be promoted from within, that is what Council will do.

Councilman Clough remarked that he couldn't support spending \$20,000 to pay a consultant when Mrs. Corriveau is doing the job now. He stated that Mrs. Corriveau could be appointed to a provisional appointment for one year and then Council could make a decision.

Councilwoman Burns stated that the City of Watertown is not the only one who hires a consultant. However, the City of Watertown is the one who gets the media coverage of it. She stated that Council must hire the right person and she doesn't feel that Council has the expertise to do the search.

Mayor Butler commented that there were about 13 firms on Mr. Hiller's list. However, only one was from New York State, with one of its associates being the former City Manager of Ogdensburg.

INTRODUCED BY COUNCILMAN PAUL A. SIMMONS

WHEREAS based on comparability of salaries, practices and policies affecting the employees of the Watertown Housing Authority with the City of Watertown's salaries, practices and policies for management employees, it is the desire of the Watertown Housing Authority to authorize a one percent (1.0%) increase for all Management employees effective January 1, 2003, and

WHEREAS in conformity with the requirements of the New York State Public Housing Law and the New York State Housing Act, it is required that the City Council of the City of Watertown approve salaries, practices and policies of management employees of the Watertown Housing Authority, and

WHEREAS by resolution adopted December 9, 2002, the Watertown Housing Authority Board approved a one percent (1.0%) increase for all management employees effective January 1, 2003, a copy of said resolution is attached and made a part of this resolution,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves a one percent (1.0%) increase for all Management employees of the Watertown Housing Authority, effective January 1, 2003, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau, is hereby authorized and directed to forward certified copies of the resolution to the Watertown Housing Authority.

SECONDED BY COUNCILWOMAN ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS during the Fiscal Year 2002-03 Budget deliberations the City Council discussed the utilization of Bed Tax revenues for destination marketing, and

WHEREAS the Fiscal Year 2002-03 budget appropriated \$34,400 for destination marketing, and

WHEREAS the City Council of the City of Watertown wishes to enter into an Agreement for the provision destination marketing services with the Thousand Islands Regional Tourism Development Corporation, a copy of which is attached and made a part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it approves the Agreement for Public Benefit Services with the Thousand Islands Regional Tourism Development Corporation, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that Mayor Joseph M. Butler is hereby authorized and directed to execute the Agreement on behalf of the City of Watertown.

SECONDED BY COUNCILMAN PAUL A. SIMMONS AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS on December 20, 1999 the City Council of the City of Watertown adopted a resolution approving the Federal Aid and Marchiselli Aid Project Agreement for the replacement of the south span of the Pearl Street Bridge, and

WHEREAS on November 19, 2001 the City Council of the City of Watertown adopted a resolution approving Supplemental Agreement No. 1 to the Master Federal Aid and Marchiselli Aid Project Agreement this project, and

WHEREAS the replacement of the Pearl Street Bridge, PIN 775234, is eligible for funding under Title 23 U.S. Code, as amended, and

WHEREAS the Federal Government has obligated funding for this project under the Federal Highway Bridge Rehabilitation or Replacement Fund and Federal Surface Transportation Program, and

WHEREAS the project calls for the apportionment of cost to be borne at the ratio of 80% federal funds and 20% non-federal funds, and

WHEREAS the State has forwarded for City Council consideration Supplemental Agreement No. 2 for this project, in the amount of \$10,775, for work associated with Right-of-Way Acquisition, and

WHEREAS the State has applied for Marchiselli funding for this additional project scope in the amount of \$1,616, and

WHEREAS as provided for by agreement with the NYS Department of Transportation, Right of Way acquisition costs are approved in writing by NYSDOT as applicable to the federal aid and Marchiselli aid eligible construction work shall be credited following FHWA's construction phase closeout audit of the project to project costs that are eligible for Federal aid and Marchiselli aid, and

WHEREAS the City Council of the City of Watertown desires to advance the project by making a commitment of 100% of the non-federal share of the costs of the replacement of the Pearl Street Bridge,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the replacement of the Pearl Street Bridge, and

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Comptroller, James Mills, to pay in the first instance 100% of the federal and non-federal share of the cost of the Right of Way Acquisition for the Project, and

BE IT FURTHER RESOLVED that the total cost for the above mentioned phase of the project is now \$418,175; with Federal funding of \$334,540 and non-federal funding of \$83,635 and that the City Council authorizes the appropriation of \$35,909 from the Capital Fund to cover the City's cost of participation in the project, and

BE IT FURTHER RESOLVED that in the event that the full federal and non-federal share costs of the project exceeds the amount appropriated above, the City Council of the City of Watertown shall convene as soon as possible to appropriate said excess amount immediately upon notification by the City Manager thereof, and

BE IT FURTHER RESOLVED that the Mayor of the City of Watertown is hereby authorized and directed to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Watertown with the New York State Department of Transportation in connection with the advancement or approval of the project and providing for the administration of the project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible project costs and all project costs within appropriations therefore that are not so eligible, and

BE IT FURTHER RESOLVED that City Comptroller James Mills is hereby authorized and directed to issue a check to the NYS Comptroller in the amount of \$2,155 to cover the non-federal share of this phase of the project, and

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the project, and

BE IT FURTHER RESOLVED that this resolution will take effect immediately.

SECONDED BY COUNCILMAN PAUL A. SIMMONS AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILWOMAN ROXANNE M. BURNS

WHEREAS the City of Watertown owns and operates a wastewater treatment plant, and

WHEREAS the City operates this facility under a New York State Pollution Discharge Elimination System (SPDES) permit, that was last amended on June 1, 2002, and

WHEREAS the June 1, 2002 amendment to the City's SPDES permit mandates the City prepare a Long Term Combined Sewer Overflow (CSO) Control Plan, (LTCP), and

WHEREAS the US Environmental Protection Agency has provided guidance that the development of the LTCP should be a public process and that the formation of a program team which represent all interests and agencies that have a stake in the program outcome, and

WHEREAS on October 7, 2002 the City Council of the City of Watertown established the City of Watertown's Combined Sewer Overflow Long Term Control Plan Public Participation Committee, and

WHEREAS that Committee has met formally four times and has prepared the attached Public Participation Plan traces the steps surrounding the formation of the Public Participation Committee and outlines how the Committee will function,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the City of Watertown's Public Participation Plan for the Long Term CSO Control Plan, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City Council of the City of Watertown authorizes the submission of this Public Participation Plan to the NYS Department of Environmental Conservation for approval.

SECONDED BY COUNCILMAN PAUL A. SIMMONS AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS as part of the new bus maintenance facility project, the City of Watertown needs to consolidate four parcels of land located on Newell Street, and

WHEREAS the City of Watertown owns said parcels, and

WHEREAS a deed that combines parcels 708305, 708306, 708304 and 708307 into a new parcel known as 708305 has been prepared,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the deed to combine parcels 708305, 708306, 708304 and 708307 into a new parcel known as 708305, a copy of said deed is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that Mayor Joseph M. Butler is hereby authorized

and directed to execute said deed on behalf of the City of Watertown, and

BE IT FURTHER RESOLVED that City Attorney Robert J. Slye is authorized and directed to take whatever steps are necessary to record said deed on behalf of the City of Watertown.

SECONDED BY COUNCILMAN PAUL A. SIMMONS AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS the City of Watertown owns and maintains a certain bridge spanning the Black River on Mill Street in the City of Watertown, and

WHEREAS the City of Watertown, by Agreement dated February 19, 1919, owned 3.1% of Beebee Island Corporation, and

WHEREAS as a part owner in Beebee Island Corporation the City of Watertown allowed for the installation and maintenance of a power line on the Mill Street Bridge, and

WHEREAS in 1998, the City of Watertown sold its interest in Beebee Island Corporation, and

WHEREAS Niagara Mohawk Power Corporation also owned interest in Beebee Island Corporation, and

WHEREAS as part of Power Choice, Niagara Mohawk was required to divest all generating assets and as part of that divestiture Niagara Mohawk sold its interest in Beebee Island Corporation, and

WHEREAS Erie Boulevard Hydropower as successor in interest to Niagara Power Corporation currently owns and maintains the power line attached to the Mill Street bridge, and

WHEREAS Erie Boulevard has asked and the City of Watertown is willing to provide an irrevocable and perpetual license to Erie Boulevard to locate and maintain a power line on the Mill Street Bridge,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the License Agreement between the City of Watertown and Erie Boulevard Hydropower, L.P., a copy of which is attached and made a part of said resolution, and

BE IT FURTHER RESOLVED that Mayor Joseph M. Butler is hereby authorized and directed to execute the License Agreement on behalf of the City of Watertown.

SECONDED BY COUNCILMAN PAUL A. SIMMONS AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN PAUL A. SIMMONS

WHEREAS it is anticipated that funds will be made available during 2003 from the Small Cities Community Development Block Grant Program through the Governor's Office for Small Cities and the HOME Investment Partnership Program through the New York State Department of Housing and Urban Renewal and the North Country HOME Consortium, and

WHEREAS the City Council wishes to apply to these programs when the funds become available, and

WHEREAS a partnership between the City, Neighbors of Watertown, Inc., and Avalon Associates, Inc. has been successful in obtaining funds from these programs in the recent past, and

WHEREAS contracts for professional services by and between the City of Watertown, Neighbors of Watertown, Inc. and Avalon Associates, Inc. have been drafted for three grant applications, which are attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it approves the three contracts with Neighbors of Watertown, Inc. and Avalon Associates, Inc. for the preparation of applications for funding and administrative services required to complete all activities under the New York State Small Cities Community Development Block Grant and HOME Investment Partnership Programs, and

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

SECONDED BY COUNCILWOMAN ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN PAUL A. SIMMONS

WHEREAS the City Council of the City of Watertown, New York has before it an ordinance for the zone change application of Christian Brunelle, Real Estate Manager for Byrne Dairy, as modified by the Planning Board, to change the approved zoning classification of 925 through 1019 Coffeen Street, Parcels No. 8-15-111, 8-15-112, 8-15-112.1, 8-15-113.1, 8-15-113.2, 8-15-115 and a portion of Parcels No. 8-15-113 and 8-15-114 from Residence "A" to Neighborhood Business District, 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 in 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 1 of a Short Environmental Assessment Form has been prepared by Christian Brunelle, 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 the criteria set forth in 6NYCRR Section 617.7, no significant impact on the environment is known and the adoption of the zone change will not have a significant effect on the environment.
2. The Mayor of the City of Watertown is authorized to execute Part 3 of the Environmental Assessment form to the effect the City Council is issuing a “Negative Declaration” under SEQRA.
3. This resolution shall take effect immediately.

SECONDED BY COUNCILWOMAN ROXANNE M. BURNS 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”.

MOTION WAS SECONDED BY COUNCILWOMAN BURNS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND CARRIED WITH ALL VOTING YEA

ORDINANCES

INTRODUCED BY COUNCILMAN PAUL A. SIMMONS

WHEREAS the placement of fences in the City of Watertown by individuals and/or businesses can have an impact on the surrounding neighborhood; and

WHEREAS certain fences are of a type that can injure persons or property if not appropriately placed; and

WHEREAS certain fences, if not restricted in height or in materials, can limit or impede visibility at intersections or inhibit an individual's ability to observe pedestrian traffic on City sidewalks; and

WHEREAS the City Council of the City of Watertown deems it to be in the best interest of the City to adopt new regulations for the placement of fences to promote the general health, safety and welfare of the residents of the City,

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Watertown that Section 310-26 of the City Code of the City of Watertown shall be repealed and replaced with the following:

§310-26. Terraces, steps, and decks.

The provisions of this Chapter shall not apply to terraces, steps, unroofed decks or other similar features at or below the level of the floor of the first story.

§310-26.1. Fences

- A. No fence shall be more than six (6) feet in height, except in Light and Heavy Industrial Districts where no fence shall be more than eight (8) feet in height
- B. Fences located in the front yard shall not be more than three (3) feet in height, And shall be at least fifty (50) percent transparent, except in Light and Heavy Industrial Districts. Examples include, but are not limited to, wrought iron, split rail or picket fences.
- C. Chain link fences are prohibited in the front yard, except in Light and Heavy Industrial Districts.
- D. On corner lots, fences located in the side yard on the street side or in the rear yard within 20 feet of the street/side lot line shall have the same restrictions as fences located in the front yard.
- E. The side of the fence facing away from the fence owner's property shall have a finished quality.

F. Electric fences shall not be allowed in any District.

G. Barbed wire fences shall not be allowed except on top of chain link fences at least six (6) feet in height in Light and Heavy Industrial Districts.

SECONDED BY COUNCILWOMAN ROXANNE M. BURNS

Laid over under the Rules

THE ORDINANCE “AUTHORIZING THE ZONE CHANGE REQUEST SUBMITTED BY CHRISTIAN BRUNELLE OF BYRNE DAIRY TO CHANGE THE APPROVED ZONING CLASSIFICATION OF 925 THROUGH 1019 COFFEEN STREET AND 286-288 WEALTHA AVENUE FROM RESIDENCE “A” TO NEIGHBORHOOD BUSINESS DISTRICT WAS PRESENTED TO COUNCIL.(Introduced on December 16, 2002; public hearing held this evening; appears in its entirety on page 286 of the 2002 Minutes Book).

Mr. Mix explained the zoning map of the area and why the Planning Board made the decision to not include the other properties in question. He stated that the Planning Board decided they would like to keep the frontage on Coffeen Street as Neighborhood Business District In addition, the Bellew neighbors didn't want their property to abut the Neighborhood Business District and Byrne Dairy didn't need the full depth of the lot.

Councilman Clough commented that both he and Councilman Simmons had asked that Mrs. DeFranco's property be included.

Attorney Slye explained that, legally, this couldn't be done this evening. The public notice was published according to the ordinance that is before Council this evening and the SEQRA form was based on the properties included in the ordinance as well. He explained that Mrs. DeFranco may petition the Planning Board to have her property's zone changed as well.

Councilman Clough remarked that Mr. DeCarlo's comments this evening was the first opposition he had heard to the project. He asked Mr. DeCarlo if he hadn't been notified of the Planning Board meeting before.

Mr. DeCarlo explained that he had been notified, but had been ill that day.

Mrs. DeFranco explained that the zoning map doesn't tell the story. Council needs to visit the area to see the location of the parcels.

Council members responded that they had visited the site.

Councilwoman Burns commented that while she agrees with Mrs. DeFranco, she respects Attorney Slye's opinion and there needs to be a petition to the Planning Board and a public hearing in order to include the DeFranco property.

Mr. Mix informed Mrs. DeFranco to contact Mr. Solar in the Engineering Department to start the process.

Councilman Simmons commented that Mr. Sovie didn't realize that his property was going to have split zoning.

Councilman Clough remarked that if Mr. Puccia is opposed to abutting a Neighborhood Business District, then he could not say automatically that the City would rezone the whole thing.

Debby Cavallario, owner of 1003 Coffeen Street, asked how there could be a neutral party deciding how another property should be zoned.

Mr. Mix explained that there is no such thing as a neutral party in this type of situation. That is what the public hearings are for.

Mr. Puccia commented that Kinney's located on the corner of Bellew and Coffeen was spot zoning and tractor trailers are delivering there and left running for long periods of time. He stated that he wants the zone behind his property to protect his home.

Virginia Burdick, Bellew Avenue, commented that properties on Bellew also need to be protected.

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

THE ORDINANCE "AUTHORIZING THE ISSUANCE OF \$150,000 SERIAL BONDS OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK, TO PAY THE COST OF THE DEMOLITION OF CITY OWNED PROPERTIES, IN AND FOR SAID CITY" WAS PRESENTED TO COUNCIL

(Introduced on December 16, 2002; laid over under the rules; appears in its entirety on page 282 of the 2002 Minutes Book).

Commenting on the foregoing ordinance, Councilman Clough remarked that this is just another attempt by Council to get rid of blight in the City. He asked about the Ogilvie property status.

Attorney Slye commented that he hasn't been instructed to move forward with it.

Mayor Butler remarked that it was unanimously agreed by Council to move forward with this demolition.

Mrs. Corriveau explained that the City doesn't have title to the building. However, she will research the minutes and see what needs to be done at this point.

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

THE ORDINANCE "AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$56,000 SERIAL BONDS OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK, TO PAY COSTS OF STREET RECONSTRUCTION AT THE CITY CENTER INDUSTRIAL PARK AND RELATED WATER, STORM SEWER AND SANITARY SEWER SYSTEM WORK, INCLUDING RELATED GAS AND ELECTRICAL SYSTEMS, IN AND FOR SAID CITY WAS PRESENTED TO COUNCIL.(Introduced on December 16, 2002; laid over under the rules; appears in its entirety on page 283 of the 2002 Minutes Book).

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

THE ORDINANCE "AUTHORIZING THE ISSUANCE OF \$93,000 SERIAL BONDS OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK, TO PAY THE COST OF THE REPLACEMENT OF THE FIRE DEPARTMENT'S SELF-CONTAINED BREATHING APPARATUS UNITS AND SPARE AIR CYLINDERS TO COMPLY WITH OSHA REQUIREMENTS, IN AND FOR SAID CITY WAS PRESENTED TO COUNCIL.(Introduced on December 16, 2002; laid over under the rules; appears in its entirety on page 284 of the 2002 Minutes Book).

Councilman Simmons asked Chief Gaumont if the grant had been officially announced.

Chief Gaumont explained that FEMA told him that they wouldn't fund the exhaust system but would fund the other for between \$150,000 to \$180,000, which would be for more than just the breathing apparatus but also for the river rescue equipment.

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

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COUNCIL DISCUSSED THE FOLLOWING TOPICS:

Public Square Fountain

Mayor Butler asked Mr. Mix about the report on this.

Mr. Mix explained that they are looking for some direction from the Council on how they wish to proceed.

This will be discussed at a work session.

Empire Zone Discussion

Councilman Simmons explained the map, which outlines the boundaries and the properties already in the zone and those areas being proposed within the City limits. He explained that the process had been held up for a period of time due to the fact that Jefferson County had applied for their own zone but have been told that they would not be receiving it. Councilman Simmons supplied to Council, the City Manager and the City Attorney the list of businesses that have applied for inclusion into the zone. He also explained that the rules and regulations for the EDZ board indicate that the chairman of the board will be the City Council representative, which he is. He also explained that the people making the decisions as to where the land should go are economic developers. In addition, they are using only the building footprints, which allow for more area to be utilized by others. He commented that Orion Power is not included. He explained that the boundary amendment would go into Albany on January 15th and then back for Council approval.

Councilwoman Burns remarked that while she understands the benefits of the zone, she questions the fact that 4,900 jobs would be created.

Councilman Simmons explained that this was based on the Pyramid expansion plans.

Councilwoman Burns commented that there are a lot of numbers being mentioned, however we need to put them into prospective. She questioned what would happen if they were put in the zone and then the jobs were not created.

Councilman Simmons explained that there was a 12-month window to create the jobs and if it were not done, the land would go back into the land bank.

Mayor Butler commented that he believes Council needs to have all the details. He asked what would happen if the EDZ recommends and the Council doesn't approve.

Councilman Simmons stated that the plan goes to Albany and then comes back. Council can then modify and it and it goes back to the EDZ board for final approval, but not back to the State.

Councilman Simmons stated that the EDZ board rules state that they have the final say.

Mayor Butler responded that he hasn't found anything in the rules to indicate that. He stated that he has a call into the State to confirm this.

Mrs. Corriveau commented that City Council would have to approve a local law that contains the final boundaries of the zone. The City Council is the only body that can adopt the local law.

Councilman Clough questioned the fact that none of the names can be released until it goes before the EDZ board on Wednesday.

Councilman Simmons explained that three committee members did these recommendations. The rest of the board will see the applications on Wednesday.

Councilman Clough questioned the \$281,840,000 figure and asked if that included businesses that were already there.

Councilman Simmons explained that any business started up in the last four years is considered a new business by the state for these zones.

Mayor Butler commented that he would support the yellow zones as outlined on the map, except that on Coffeen Street, he would support from Massey Street to VanDuzee Street.

Councilman Simmons explained that they had met with town supervisors concerning areas outside of the City.

Councilwoman Burns asked if anyone had looked at the impact that this expansion of the zone would have on existing businesses in the zone.

Councilman Simmons explained that they had looked at it and they felt that Coffeen Street would expand in 10 to 15 years anyway and including them in the zone would make it happen faster.

Councilman Clough asked what effect this zone would have on other businesses that have been around for many years and continue to struggle to be successful.

Councilwoman Burns asked if the recommendations were based on applications or on targeted areas.

Councilman Simmons explained that the recommendations in the City are based on targeted areas. The recommendations for outside the City are application driven.

Councilman Clough asked if all the businesses did their own paperwork or did members of the board approach them.

Councilman Simmons responded that they did their own paperwork.

Discussion centered on the Bellew Avenue property that is owned by Mr. Simao. He has requested to be included in the zone.

Mayor Butler reiterated his recommendation to allow inclusion in the zone to encompass Coffeen from Massey to VanDuzee.

Councilman Clough asked about the PILOT with Ultimate Goal and what would happen if it were sold.

Attorney Slye explained that it is JCIDA PILOT and he could research to see what would happen if it was sold.

Councilwoman Burns commented that she believes Mr. Fayle could answer that question.

Mayor Butler asked for Council direction.

Councilman Simmons explained that the people involved in the zone decisions are from planning departments and economic development. He invited everyone to attend the EDZ board meeting on Wednesday at 4 p.m.

Councilman Clough remarked that the perception is that it is being done behind the scenes.

Councilman Simmons commented that he had just asked that each Council member take the time to sit down with the group for the informational meeting and then give back input.

Councilman Clough commented that he and Mayor Butler had done so.

Airport Recommendation Report

Councilwoman Burns referred to this report and the steps to move forward at the staff level.

Mrs. Corriveau explained that she has talked with Mr. Hagemann and they will put together a plan for working through the process.

Ribbon Cutting at Hydro Facility

Mrs. Corriveau reminded everyone of the ribbon cutting ceremony tomorrow at 11:30 a.m.

Mr. Hiller's Retirement Party

Mrs. Corriveau advised that Mr. Hiller's party would be 6:00 p.m. on Thursday, Jan. 9th.

Information Distribution

Mrs. Corriveau advised Council that when an individual Council member requests information, it would be provided to all Council members.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 9:17 P.M. BY MOTION OF COUNCILMAN SIMMONS, SECONDED BY COUNCILMAN CLOUGH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Donna M. Dutton, City Clerk