

**CITY COUNCIL MEETING
CITY OF WATERTOWN
January 17, 2012
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
CITY ATTORNEY ROBERT J. SLYE**

City staff present: Jim Mills, Ken Mix, Kurt Hauk, Elliott Nelson, Gary Pilon, Amy Pastuf

The City Manager presented the following reports to Council:

- Resolution No. 1 - Approving the 23rd Annual Local Government Conference Workshop on March 29, 2012, as Valid Training for Meeting the New York State Municipal Planning and Zoning Officials Training Requirement
- Resolution No. 2 - Approving City of Watertown Benefits Policy for Management and Management Confidential Employees
- Resolution No. 3 - Approving a License Agreement For Property Located at 620 Lillian Street, Watertown, New York
- Resolution No. 4 - Approving Agreement with New York State Housing Trust Fund Corporation for a 2011 Small Cities Community Development Block Grant
- Resolution No. 5 - Approving Agreement for Professional Services for Fluoride Tank Replacement with Bernier, Carr & Associates
- Resolution No. 6 - Accepting Bid for the Purchase of HVAC Equipment for City Hall, Trane
- Resolution No. 7 - Accepting Bid for the Purchase of HVAC Equipment for the Flower Memorial Library, Modular Comfort Systems
- Resolution No. 8 - Approving the Site Plan for the Construction of a 1,720 Square Foot Addition to the Midas Automobile Repair Shop at 817 Arsenal Street, Parcel 9-10-120
- Resolution No. 9 - Approving a Special Use Permit Request Submitted by Ed Kowalsky of Empire Recycling Corporation to Operate a Metals Recycling Facility at 301 Pearl Street, Parcel 4-01-101
- Ordinance No. 1 - Amending Section 81-5 of the City Code of the City of Watertown, Prohibiting the Owner of Any Dog to Permit or Allow Such Dog to be Present at any "Special Event" in the City or to be Upon City Owned Property and Within Twenty Feet of any City Owned Swimming Pool or Playground Equipment Located Within Any City Park or Playground
- 7:30 p.m. Public Hearing Authorizing Spending From Capital Reserve Fund

- Property Offer – 100, 101 and 103 Alexandria Avenue
- Brick Buildings on Coffeen Street near Jailhouse Antiques
- LWRP Zone Change Notifications
- Amendment to New York State’s Public Officers Law, Open Meetings Law
- F. P. Flower Memorial Library Board of Trustees Meeting Minutes of December 13, 2011
- Sales Tax Revenue – December 2011
- Executive Session - Pending Litigation

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 January 3, 2012 and adjourned meeting of January 9, 2012 was dispensed and accepted as written by motion of Council Member Jeffrey M. Smith, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

A motion was made to re-adopt the amended minutes for the meeting of December 6, 2010 by motion of Council Member Jeffrey M. Smith, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

COMMUNICATIONS

A claim against the City was received from Joseph M. Cousins, 402 Stone Street stating he was mistreated by the Watertown City Police during his arrest on December 31, 2011.

Above claims have been referred to the Board of Audit.

PRIVILEGE OF THE FLOOR

Lee Horan, 1009 Hungerforth Street addressed the chair concerning the proposal for the scrap metal facility at the old Black Clawson property. She stated that she does not feel this will enhance the City and she is concerned with the traffic flow at this location which will worsen with this business.

S.G. Gates, 157 Dorsey Street addressed the chair regarding the proposed Dog Ordinance. He said it is written so that dogs cannot be on city owned property which includes Thompson Park. He noted that every bad thing that happens does not require legislation and that laws should not be based on isolated incidents when common sense should prevail.

Tina Morrison, Theresa addressed the chair stating she is a dog trainer and Treasurer for the North Country Kennel Club. She indicated that the Kennel Club rents city owned property for

the training classes and she is concerned whether this will be able to be continued. She added that more training and education is needed more than more laws.

PUBLIC HEARING

At 7:35 P.M. Mayor Graham asked the City Clerk to read the notice of Public Hearing Concerning Authorizing Spending From the Capital Reserve Fund.

Mayor Graham declared the hearing open at 7:35 P.M.

No one addressed the chair.

Mayor Graham declared the hearing closed at 7:35 P.M.

RESOLUTIONS

Resolution No. 1 - Approving the 23rd Annual Local Government Conference Workshop on March 29, 2012, as Valid Training for Meeting the New York State Municipal Planning and Zoning Officials Training Requirement

Introduced by Council Member Roxanne M. Burns

WHEREAS Chapter 662 of the New York State Laws of 2006, which took effect on January 1, 2007, requires all municipal planning and zoning officials to have four hours of training per year, and

WHEREAS the training must be approved by the City Council before it can be used to meet the training requirement, and

WHEREAS the New York State Tug Hill Commission is sponsoring a day of training sessions at the 23rd Annual Local Government Conference for local government officials on March 29, 2012 at Jefferson Community College,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that the 23rd Annual Local Government Conference Workshop is approved to provide up to five hours of training toward meeting the New York State municipal planning and zoning officials' training requirement.

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

Resolution No. 2 - Approving City of Watertown Benefits Policy for Management and Management Confidential Employees

Introduced by Council Member Teresa R. Macaluso

WHEREAS the City Council of the City of Watertown has established Benefit policies to provide for the health and welfare of its employees, and

WHEREAS all Management and Management Confidential employees receive benefits from the City of Watertown, and

WHEREAS some of those benefits are the same for all employees, some are accrued based on years of service, some are based on original hire date and some are based on the position held, and

WHEREAS at the January 9, 2012 City Council Work Session, the City Council of the City of Watertown reviewed and asked for amendments to be made to the Benefits Policy for Management and Management Confidential employees,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that effective January 17, 2012 the City of Watertown Benefits Policy for Management and Management Confidential Employees is hereby amended, a copy of said Policy is attached and made a part of this resolution.

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

Prior to the vote on the foregoing resolution, Mayor Graham asked if this bifurcated policy among employees is a contradiction with “Obama Care”.

Mrs. Corriveau replied that this affects nonemployees at this point.

Robert Slye, City Attorney clarified that it affects prospective employees.

Resolution No. 3 - Approving a License Agreement For Property Located at 620 Lillian Street, Watertown, New York

Introduced by Council Member Jeffrey M. Smith

WHEREAS Diane L. LaJoie resides at 620 Lillian Street, which is at the intersection of Lillian Street and St. Mary Street, and

WHEREAS there is currently a paved area and a part of a garage owned by Ms. LaJoie which encroaches on to St. Mary Street, and

WHEREAS the City has no immediate plans for development of St. Mary Street in that location, the City Council of the City of Watertown is willing to permit the continued encroachment until such time as the City determines it wishes to dedicate that portion of St. Mary Street or otherwise as long as the structures are not substantially destroyed or are removed,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that the License Agreement attached to this Resolution, granting permissive use of the City paper street under certain circumstances, is hereby approved, and

BE IT FURTHER RESOLVED that the License Agreement shall be signed on behalf of the City by the Hon. Jeffrey E. Graham and that said License Agreement shall be delivered to Ms. LaJoie for ultimate recording in the Office of the Jefferson County Clerk.

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

Resolution No. 4 - Approving Agreement with New York State Housing Trust Fund Corporation for a 2011 Small Cities Community Development Block Grant

Introduced by Council Member Jeffrey M. Smith

WHEREAS by resolution adopted March 7, 2011 the City Council authorized an application to the Community Development Block Grant Small Cities Program to secure funding for the rehabilitation of existing substandard apartments throughout the City and the creation of new apartments on the upper floors of commercial buildings in the downtown area, and

WHEREAS the City was award a grant for this application in the amount of \$400,000, and

WHEREAS it is necessary to enter into a formal agreement with the New York State Housing Trust Fund Corporation represented by the Office of Community Renewal, 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 that it hereby approves the Small Cities Community Development Block Grant Agreement between the City of Watertown and the New York State Housing Trust Fund Corporation represented by the Office of Community Renewal for the 2011 Small Cities Community Development Block Grant in the amount of \$400,000, and

BE IT FURTHER RESOLVED that the Mayor Jeffrey E. Graham is hereby authorized and directed to execute the Agreement and any other certifications or documents required to accept the grant and administer the program.

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

Resolution No. 5 - Approving Agreement for Professional Services for Fluoride Tank Replacement with Bernier, Carr & Associates

Introduced by Council Member Roxanne M. Burns

WHEREAS the City Water Treatment Plant fluoride tank is scheduled to be replaced in the 2012-2013 fiscal year, and

WHEREAS the City of Watertown wishes to contract for engineering services in connection with the tank replacement, and

WHEREAS the Agreement for Professional Services with Bernier, Carr & Associates, a copy of which is attached and made part of this resolution, is scheduled to provide these services by June 29, 2012, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement for Professional Services between the City of Watertown and Bernier, Carr & Associates for engineering services for the replacement of the Water Treatment Plant fluoride tank for a cost of \$12,500, a copy of which is attached and made a part of said resolution,

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute the Agreement on behalf of the City of Watertown.
Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.

Prior to the vote on the foregoing resolution, Council Member Butler noted that the City Manager's memo states the construction will be done in the Fiscal Year 2012-2013 but the attached letter from Mickey Lehman, Executive Vice President from The Bernier Carr Group states the construction will be in the City's Fiscal Year 2011-2012.

Kurt Hauk, City Engineer clarified that the letter was written on July 6, 2011 and it was a misunderstanding of the City's budget process by The Bernier Carr Group.

Mrs. Corriveau added that the bidding documents are going to be completed so that it can be started in 2012-2013

Council Member Butler asked if any other engineering companies were considered for this.

Mr. Hauk answered the Plant Chief Operator called them in and described the project to them and then they formulated the numbers for the design and construction.

Resolution No. 8 - Approving the Site Plan for the Construction of a 1,720 Square Foot Addition to the Midas Automobile Repair Shop at 817 Arsenal Street, Parcel 9-10-120

Introduced by Council Member Roxanne M. Burns

WHEREAS Steven Olmstead, PE has submitted a request for Site Plan Approval on behalf of Goldfinger Enterprises, LLC for the construction of a 1,720 square foot addition to the Midas automobile repair shop at 817 Arsenal Street, parcel 9-10-120, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on January 3, 2012, and recommended that the City Council of the City of Watertown approve the site plan with the following conditions, and

- 1) The applicant shall provide one handicap parking space with an 8' striped aisle.
- 2) The applicant shall submit a photometric plan demonstrating that lighting levels do not exceed 0.5 foot candles across property lines.
- 3) The applicant shall provide a drainage plan design and calculations for a storm sewer system capable of handling a 10-year storm, to be approved by the Engineering Department.

- 4) The applicant shall submit Pre- and Post-Construction drainage calculations and maps, to be approved by the Engineering Department.
- 5) The applicant shall plant an additional street tree along Arsenal Street and 3 additional street trees in the grass area located to the south of the shed.
- 6) The applicant shall install two concrete planters spaced evenly along the western edge of the parking lot, to remain in place for 7 to 9 months per year.
- 7) The applicant shall provide at least two copies of boundary and topographic survey map of the property with an original seal and signature of a licensed Professional Land Surveyor.

And,

WHEREAS the Jefferson County Planning Board reviewed the request at its December 27, 2011 meeting, and adopted a motion stating that the project has no significant county-wide or inter-municipal impacts and is of local concern only, and

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

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

BE IT FURTHER RESOLVED that it is an express condition of this site plan approval that the applicant provide the City Engineer with a copy of any change in stamped plans forming the basis for this approval at the same time such plans are provided to the contractor. If plans are not provided as required by this condition of site plan approval, the City Codes Enforcement Officer shall direct that work on the project site shall immediately cease until such time as the City Engineer is provided with the revised stamped plans. Additionally, any change in the approved plan which, in the opinion of the City Engineer, would require Amended Site Plan approval, will result in immediate cessation of the affected portion of the project work until such time as the amended site plan is approved. The City Codes Enforcement Officer is requested to periodically review on-site plans to determine whether the City Engineer has been provided with plans as required by this approval, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that site plan approval is hereby granted to Steven Olmstead, PE on behalf of Goldfinger Enterprises, LLC for the construction of a 1,720 square foot addition to the Midas automobile repair shop at 817 Arsenal Street, parcel 9-10-120, as submitted to the City Engineer on December 19, 2011, contingent on the applicant making the revisions and meeting the conditions recommended by the Planning Board as listed above.

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

Prior to the vote on the foregoing resolution, Council Member Butler referred to the Parking section of the memo dated December 23, 2011 and asked if paving the current gravel section is a condition for the site plan approval.

Kenneth Mix, Planning and Community Development Coordinator responded that the Planning Board did not require that even though it was a suggestion from staff. He mentioned that it is the Council's determination of whether that requirement is added.

Jason Dunn, Goldfinger Enterprises LLC explained that this area is a very small grassy area and the Planning Board and he have agreed to plant trees there. He added that it would not be used for parking and would be kept mowed and landscaped. He stated that he is not sure what the Planning Board was referring to because it is currently grass and a portion of this will be covered by the addition.

Council Member Butler asked who owns the abutting property affected by this.

Mr. Dunn stated that on the right side is the old Pizza Hut which is being turned into a restaurant and on the left side is an abandoned home owned by an individual from Rochester.

Resolution No. 9 - Approving a Special Use Permit Request Submitted by Ed Kowalsky of Empire Recycling Corporation to Operate a Metals Recycling Facility at 301 Pearl Street, Parcel 4-01-101

Introduced by Council Member Jeffrey M. Smith

WHEREAS Ed Kowalsky of Empire Recycling Corporation has made an application for a Special Use Permit allowing the operation of a metals recycling facility at 301 Pearl Street, parcel 4-01-101, and

WHEREAS the applicant intends to subdivide parcel 4-01-101 and use only the northeastern portion, as described below,

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Watertown, County of Jefferson, State of New York, and being further described as follows:

COMMENCING at the intersection of the southerly street margin of East Main Street and the northwesterly street margin of Pearl Street;

THENCE S. 51°-21'-51" W., along the northwesterly street margin of Pearl Street, a distance of 146.21 feet to an angle point in said street margin;

THENCE S. 35°-46'-51" W., along the northwesterly street margin of Pearl Street, a distance of 362.45 feet to an iron pipe set, said iron pipe being the POINT OF BEGINNING;

THENCE S. 35°-46'-51" W., along the northerly margin of Pearl Street, a distance of 163.37 feet to a railroad spike set (1989);

THENCE N. 86°-29'-04" W., a distance of 490.91 feet to a railroad spike set (1989);

THENCE N. 03°-32'-05" E., a distance of 501.05 feet to an iron pipe set (1989) in the southerly margin of east main street;

THENCE N. 86°-46'-36" E., along the southerly margin of East Main Street, a distance of 569.42 feet to an iron pipe set (1989);

THENCE S. 81°-54'-57" E., along the southerly margin of East Main Street, a distance of 47.38 feet to an iron pipe set (1989);

THENCE S. 35°-46'-51" W., a distance of 306.93 feet to an iron pipe set (1989);

THENCE S. 54°-13'-09" E., a distance of 29.26 feet to an iron pipe set (1989);

THENCE S. 35°-46'-51" W., a distance of 31.20 feet to an iron pipe set (1989);

THENCE S. 03°-23'-56" W., a distance of 48.08 feet to an iron pipe set (1989);

THENCE S. 54°-13'-09" E., a distance of 142.99 feet to the POINT OF BEGINNING;

CONTAINING 6.334 acres of land more or less.

And,

WHEREAS the Planning Board of the City of Watertown reviewed the Special Use Permit request at its meeting held on January 3, 2012, and recommended that the City Council of the City of Watertown approve the site plan with the following conditions,

- 1) The property owner or their representative shall apply for and obtain Subdivision Approval from the Planning Board prior to conveying any divided portion of the parcel.
- 2) The applicant shall apply for and obtain Site Plan Approval from the City prior to the construction of any new parking area in excess of 400 square feet.
- 3) The applicant shall not store refuse, scrap metal, or similar material outdoors.
- 4) The applicant shall remove and dispose of all scrap and debris in the existing parking area at the eastern end of the site. This specifically includes, but is not limited to, the abandoned electric substation.
- 5) All activities associated with this permitted use shall take place indoors.

And,

WHEREAS a public hearing was held on the Special Use Permit request on February 6, 2012, after due public notice, and

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

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed Special Use Permit to operate a metals recycling facility constitutes an Unlisted Action for the purposes of SEQRA 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 that a Special Use Permit is hereby granted to Empire Recycling Corporation to operate a metals recycling facility on the above described portion of parcel 4-01-101 at 301 Pearl Street, subject to the boundaries and conditions listed above.

Seconded by Council Member Joseph M. Butler, Jr.

Motion was made by Council Member Jeffrey M. Smith to schedule a Public Hearing on the foregoing resolution for Monday, February 6, 2012 at 7:30 P.M. Motion was seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

The following resolutions could not be voted upon until after the Public Hearing:

The Resolution “Public Hearing Authorizing Spending From Capital Reserve Fund”
(Introduced on January 3, 2012; public hearing held this evening; appears in its entirety on Page 3 of the 2012 Minutes Book).

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

Resolution No. 6 - Accepting Bid for the Purchase of HVAC Equipment for City Hall, Trane

Introduced by Council Member Joseph M. Butler, Jr.

WHEREAS City Council reviewed a feasibility presentation by Sack & Associates on the installation of a geothermal system at the April 4, 2011 City Council Meeting, and

WHEREAS City Council subsequently approved Amendment No. 1 to the Geothermal Professional Services Agreement for the development of specifications for the bidding and installation of high efficiency HVAC equipment at City Hall and the Flower Memorial Library on May 16, 2011, and

WHEREAS the City Purchasing Department has advertised and received proposals for the purchase HVAC Equipment for City Hall, and

WHEREAS proposals were issued to fifteen (15) prospective vendors, with three (3) proposals being received, and

WHEREAS City Purchasing Manager Amy M. Pastuf reviewed the proposals received with staff members, and Sack & Associates Consulting Engineers, and it is their recommendation that the City Council accept the bid received from Trane in the amount of \$85,824.00 as the lowest qualifying proposal meeting the specifications,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby accepts the received from Trane in the amount of \$85,824.00 as the lowest qualifying bid meeting the City's specifications, for the purchase of HVAC Equipment for City Hall.

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

Prior to the vote on the foregoing resolution, Council Member Butler asked for clarification on the budgeted amount of \$250,000 verses the estimated cost of \$135,000.

Mrs. Corriveau explained that the \$135,000 is the estimated cost for the equipment which the bid came in as \$85,824. She further explained that the difference is the cost associated with the installation which still needs to be bid out. She noted that there is a lead time to get the equipment so the equipment was bid out separate from the installation.

Council Member Butler asked if the two air conditioner chillers are being replaced with one.

Mr. Hauk responded that they are bidding a quantity of one but it is the same volume for the chiller.

Resolution No. 7 - Accepting Bid for the Purchase of HVAC Equipment for the Flower Memorial Library, Modular Comfort Systems

Introduced by Council Member Roxanne M. Burns

WHEREAS City Council reviewed a feasibility presentation by Sack & Associates on the installation of a geothermal system at the April 4, 2011 City Council Meeting, and

WHEREAS City Council subsequently approved Amendment No. 1 to the Geothermal Professional Services Agreement for the development of specifications for the bidding and installation of high efficiency HVAC equipment at City Hall and the Flower Memorial Library on May 16, 2011, and

WHEREAS the City Purchasing Department has advertised and received proposals for the purchase HVAC Equipment for the Flower Memorial Library, and

WHEREAS proposals were issued to fifteen (15) prospective vendors, with three (3) proposals being received, and

WHEREAS City Purchasing Manager Amy M. Pastuf reviewed the proposals received with the staff members, and Sack & Associates Consulting Engineers, and it is their recommendation that the City Council accept the bid received from Modular Comfort Systems in the amount of \$166,370.00, including the additional control panel costing \$755.00, as the lowest

qualifying proposal meeting the specifications,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby accepts the received from Modular Comfort Systems in the amount of \$166,370.00, including the additional control panel costing \$755.00, as the lowest qualifying bid meeting the City's specifications, for the purchase of HVAC Equipment for Flower Memorial Library.

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

Prior to the vote on the foregoing resolution, Council Member Butler asked for clarification on the budgeted amount of \$200,000 verses the estimated cost of \$263,003.

Mrs. Corriveau stated that the \$263,003 also included the purchase of heat pumps for the system.

Mr. Hauk explained that heat pumps were purchased but also some heat pumps are on-hand that needed to be fitted. In response to Council Member Butler's inquiry, Mr. Hauk explained that the installation costs still need to be bid out.

ORDINANCES

Ordinance No. 1 - Amending Section 81-5 of the City Code of the City of Watertown, Prohibiting the Owner of Any Dog to Permit or Allow Such Dog to be Present at any "Special Event" in the City or to be Upon City Owned Property and Within Twenty Feet of any City Owned Swimming Pool or Playground Equipment Located Within Any City Park or Playground

Introduced by Council Member Roxanne M. Burns

WHEREAS Section 20(13) and 20(22) of the New York General City Law authorize a City to regulate conduct by ordinance, and to provide penalties to punish violations thereof, when deemed advisable to maintain order and to preserve and care for the safety, health, comfort, and general welfare of the inhabitants of the City and visitors thereto, and

WHEREAS such powers of the City are to be exercised in the City of Watertown by the City Council of the City of Watertown, and

WHEREAS the City Council of the City of Watertown finds that the presence of dogs at certain special events which are known to, or could, involve crowds of people within a limited physical area presents a hazard to the safety, health, comfort, and general welfare of the persons attending those events, and

WHEREAS the City Council of the City of Watertown finds that the presence of dogs upon City owned property within twenty feet of any City owned swimming pool or playground equipment located within any City park or playground further presents a hazard to the safety, health, comfort, and general welfare of children utilizing those facilities, and

WHEREAS the City Council of the City of Watertown deems it to be in the best interests of the citizens of the City, and visitors thereto, to prohibit dogs to be present under those

circumstances:

BE IT ORDAINED by the City Council of the City of Watertown as follows:

Chapter 81 of the Code of the City of Watertown shall be amended to add a new Section 81-5 (C) to read as follows:

Section 81-5 (C)

It shall be unlawful for the owner of any dog to permit or allow such dog to be present at any “Special Event” in the City or to be upon City owned property and within 20 feet of any City owned swimming pool or playground equipment located within any City park or playground. For purposes of this section, a “Special Event” shall mean the following activities upon City owned property: The Farm & Craft Market; The 4th of July Concert at Thompson Park; or The Jefferson County Fair. A “Special Event” shall also include any other specifically approved event conducted, at least in part, upon City owned property and which will or may involve significant public assembly.

The posting of signage by the host of a Special Event, to the effect that dogs are not permitted at the Special Event, shall be presumptive evidence that said event will or may involve significant public assembly and will be conducted, at least in part, on City property.

The prohibition herein shall not apply to an owner whose dog is confined within an automobile, crate, cage or similar structure that prevents a dog from causing personal injury or damage to personal property.

The prohibition of this Section 81-5 (C) may be waived by special approval of the City Manager or his or her designee.

There shall be excluded from this section any owner of a dog which is defined under Section 108 of the New York Agriculture and Markets Law, as the same may be amended from time to time, as a guide dog, hearing dog, service dog, working search dog, therapy dog, detection dog, war dog, or any other dog which may be utilized by law enforcement agencies within the jurisdiction of the City, or which are professionally trained service animals utilized by persons with disabilities.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon its publication in the official newspaper of the City.

Seconded by Council Member Joseph M. Butler, Jr.

Motion for unanimous consent moved by Council Member Roxanne M. Burns, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof

Prior to the vote on the foregoing resolution, Council Member Smith stated that even though this was a terrible accident, it seems that government wants to act upon every bad event that happens

and it is difficult to legislate common sense. He added that in order to be proactive, officers would have to enforce this at the events. He has concerns with this ordinance.

Council Member Burns addressed Mr. Gates' concern of trying to legislate every bad incident that happens in the City and stated that her record shows that she is not known for this. She added that she is of the opinion that less government is better government but this is not a knee-jerk reaction and there exists a need for this legislation. She explained that she did not rush this because she did not want it to be too restrictive. She clarified that this legislation only covers "special events" such as the 4th of July Concert and does not ban dogs from Thompson Park. She applauded Mr. Burrows and Mr. Slye for working with the Council and said that this accomplished her goals without being too restrictive. She advised that this legislation gives the organizers of these events the opportunity to say the event is not a good environment for dogs

Council Member Butler reiterated that this is not a complete ban of dogs on city owned property and referred to the section that allows for the City Manager to waive the prohibition for events that are centered around dogs.

Council Member Smith agreed with Council Member Burns in that this was not a knee-jerk reaction but questioned how the ban at the fairgrounds affects the people who work the fair and have dogs in their trailers.

Mrs. Corriveau stated the legislation provides for that and read that the prohibition shall not apply to an owner whose dog is confined within an automobile, crate, cage or similar structure that prevents a dog from causing personal injury or damage to personal property.

Bob Simpson, President of Jefferson County Fair said that he is confident that he can work with the City Manager and thinks this can work.

Attorney Slye added that this legislation was drafted with Mr. Simpson's concerns in mind and agrees that this can work.

Council Member Burns noted that if a dog is on a leash that is short enough then it follows the legislation.

At the call of the chair, a vote was taken on the foregoing ordinance and carried with all voting yea except for Council Member Jeffrey M. Smith voting nay.

After the vote, **Julianna Monaghan**, addressed the chair asking them to consider other measures such as a muzzle, four foot leash or choke collar to protect the public. She added that she is involved in the 4-H dog training program and thinks this will hinder this program if it is passed.

DISCUSSIONS

Property Offer – 100, 101 and 103 Alexandria Avenue

Mayor Graham told Council that the offer to purchase this property has been withdrawn.

Brick Buildings on Coffeen Street near Jailhouse Antiques

Council reviewed the memo on the Brick Buildings on Coffeen Street near the Jailhouse Antiques.

LWRP Zone Change Notifications

Mrs. Corriveau stated that staff was looking for input from Council on this matter and the majority of the property in this area is city owned property.

Council Member Butler stated that the Special Use Permit on tonight's agenda is zoned for heavy industry but it is part of the LWRP and wondered if it is conflicting.

Mr. Mix replied that it is currently zoned for heavy industry by law.

Council concurred that they agreed with the notification procedures outlined by staff.

Amendment to New York State's Public Officers Law, Open Meetings Law

Mayor Graham commented that the City already complies with this law.

Governor's Budget

Mrs. Corriveau stated that Mr. Mills and her reviewed the Governor's Budget and said state aid, CHIP funding and state transportation aid will be stable. She explained that a Tier 6 for NYS Retirement system was proposed which will require increasing employee contributions, rising the retirement age, decreasing the pension multiplier, and excluding overtime in the formula for the final average salary. She advised that she is still reviewing it for additional impacts on the City.

F. P. Flower Memorial Library Board of Trustees Meeting Minutes of December 13, 2011

F. P. Flower Memorial Library Board of Trustees Meeting Minutes of December 13, 2011 was available for Council's review.

Sales Tax Revenue – December 2011

The Sales Tax Revenue for December 2011 report was available for Council's review.

Flower Memorial Library Fence

Council Member Burns updated Council on the damage to the marble fence in front of the library and stated the integrity of the fence was been compromised.

Mrs. Corriveau mentioned that the damage occurred during the Christmas timeframe and it is in the area that was repaired in the past. She stated all of the pieces have been collected and temporary repair will be done when the weather breaks until the 2013 Capital Project can be completed.

Flower Memorial Library Wedding

Council Member Burns commented that there have been requests for weddings and the library can accommodate weddings in the rotunda.

Flower Memorial Library Hours of Operation

Council Member Burns told Council that the board is negotiating with the union to implement Council's request to have the library open seven days per week. She also mentioned that if Council is interested in receiving the director's report to let her know.

Thompson Park Sledding Hill

Council Member Smith expressed concerns over the safety of the hay bails at the bottom of the hill and stated that they are as hard as concrete after getting wet and refreezing. He suggested looking into a safer alternative.

Engineering Bids

Council Member Smith asked for a report of the engineering projects done in the last five years listing the engineering firms that performed the work.

Fox Lawson Study

Council Member Smith asked for an update on the implementation of the Fox Lawson Study.

Mrs. Corriveau responded that the Civil Service Commission has finished their reviews of the job descriptions and will start holding hearing with employees that have been asked to be heard by the Civil Service Commission. She indicated that these hearing will be open hearings.

Naming of Street

Mayor Graham stated he has concerns with the naming of streets in private developments with no adoption or review at this level. He commented that thoroughfares as private streets still should go through approval to avoid duplication or confusion.

Mr. Mix commented that the Fire and Police Department need to know where they are going in case of an emergency. He mentioned that there is nothing in the State Law or City Charter that designates who names private streets. He stressed that the names should be distinct names with consistent numbering and the City should be notified.

Mayor Graham noted that for continuity the private streets should have signage consistent with the City and DOT regulations.

Mr. Mix mentioned that in some situations there are several parcels or buildings with the same street address.

Mayor Graham said there needs to be a process in the code stating that the naming of private streets need to be approved by the Council.

Council Member Burns remarked that the issue is the 911 addressing and noted that in the County, there needs to be a valid 911 address before the utilities are hooked up. She stated that with these situations, it is difficult for the Fire Department to respond.

Mr. Mix responded to Mayor Graham that the numbering at the Summit Wood development is not consistent with the City numbering.

Attorney Slye stated that he needs to look at the subdivision law and the site plan approval law to see if it can be required that the developer list the proposed street name. He then stated the approval process would be through the site plan approval process.

Mr. Mix clarified that City Engineering is responsible for assigning the 911 numbering but this might be changed to include the City Assessor.

Utilities Manager

Council Member Macaluso stated that she thinks there should be a head of the Water Department.

Mayor Graham asked for thoughts on keeping the Water Superintendent and adding the other two functions under this.

Council Member Smith stated that the sewage, hydro and water belong together as a unit and there needs to be a distinct department head that reports directly to the City Manager.

Mrs. Corriveau indicated that if Council is headed in this direction then she will need an opportunity to review the administrative challenges of that option. She mentioned that the proposal that was presented had some benefits because there was economy of scale from the administrative side.

Council concurred that this position could be named Water Superintendent or Utilities Manager but it should remain a department head.

Charter Required Appraisals

Mayor Graham stated that there are Charter required appraisals that are due by the end of February and suggested that it be discussed at the February work session. He recommended that they look at the resolution that was passed last year for a template.

Flower Memorial Library Fountain and Facade

In regards to the editorial that was in today's Watertown Daily Times, Mrs. Corriveau mentioned that the stones were pulled off by the contractor to determine if there were pins holding them to the concrete wall. She said that when the fountains were put in there was mortar put on the bottom and in between the stones to hold it together. She told Council that the City Engineer is working on estimates of the cost for the repairs and should be presented at the second meeting in February. In regards to the library façade and fence work, she said that this project is contained in the Capital Budget for Fiscal Year 2013 and outlook for outside funding is limited.

Tug Hill Commission Training

Mrs. Corriveau stated that this will meet the Council's annual four hour training requirement and if anyone is interesting in attending, they need to let her secretary know.

Motion was made by Council Member Jeffrey M. Smith to move into Executive Session to discuss pending litigation and the employment history of a particular individual.

Motion was seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof except Mayor Jeffrey E. Graham voting nay.

Council moved into Executive Session at 8:17 P.M.

Council reconvened at 8:56 P.M and offered the following resolution.

Resolution – Ms. Corriveau shall be informed that her Employment Agreement shall not be renewed, in a writing delivered to her before February 1, 2012

Introduced by Council Member Jeffrey M. Smith

Whereas the City of Watertown, New York, by the City Council, or “Employer”, has entered into an Employment Agreement with Mary M. Corriveau as City Manager, or “Employee,” which agreement is for the term from May 1, 2010 through April 30, 2012; and

Whereas Section 3B of the Employment Agreement obligates the City Council to inform the City Manager before February 1, 2012 that the Employment Agreement shall not be renewed such that provisions of the Employment Agreement which would otherwise entitle the City Manager to severance pay as set forth at Section 3A of the Agreement; and

Whereas the City Council of the City of Watertown does not intend to renew the Employment Agreement with Ms. Corriveau for any period of time beyond April 30, 2012:

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATERTOWN that Ms. Corriveau’s Employment Agreement as City Manager shall not be renewed beyond April 30, 2012; and be it further

RESOLVED that Ms. Corriveau shall be informed that her Employment Agreement shall not be renewed, in a writing delivered to her before February 1, 2012; and be it further

RESOLVED that the City Mayor, the Hon. Jeffrey E. Graham, shall compose, sign, and deliver such writing to Ms. Corriveau on behalf of the City Council on or before February 1, 2012.

Seconded by Council Member Joseph M. Butler, Jr.

Rules waived by Motion of Council Member Jeffrey M. Smith, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea except Council Member Teresa R. Macaluso and Mayor Jeffrey E. Graham voting nay.

Mayor Graham stated he had hoped this would have been resolved differently after last week’s meetings.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea except for Council Member Teresa R. Macaluso and Mayor Jeffrey E. Graham voting nay.

A D J O U R N M E N T

At the call of the chair, meeting was duly adjourned at 8:59 P.M. by motion of Council Member Jeffrey M. Smith, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

Ann M. Saunders
City Clerk