

**REGULAR COUNCIL MEETING  
CITY OF WATERTOWN  
January 18, 2005  
7:00 P.M.**

**MAYOR JEFFREY E. GRAHAM PRESIDING**

**PRESENT:**           **COUNCILMAN STEPHEN J. BRADLEY  
COUNCILWOMAN ROXANNE M. BURNS  
COUNCILMAN PETER L. CLOUGH  
COUNCILMAN TIMOTHY R. LABOUF  
MAYOR GRAHAM**

**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 - Appointment to the Empire Zone Administrative Board, Bruce E. Dempster
- 3 - Authorizing Sale of Real Property, Known as 181 Bellew Avenue to Strough Properties, LLC Watertown, New York
- 4 - Authorizing Sale of Real Property, Known as 234 Bellew Avenue, to Strough Properties, LLC, Watertown, New York 13601
- 5 - Approving the Agreement with the New York State Housing Trust Fund Corporation for a FY 2004 Small Cities Community Development Block Grant
- 6 - Authorizing the City Manager to Enter into and Execute a State of New York Agreement with the NYS Office of Parks, Recreation and Historic Preservation for the Black River Parks Development Project
- 7 - Local Law No. 1 of 2005 – Annexing Property Owned by 81 Front Street Development, LLC and the County of Jefferson Into the City of Watertown
- 8 - Laid Over Under the Rules – Ordinance Approving the Request Submitted by Jan S. Kublick on Behalf of 81 Front Street Development LLC to Change the Approved Zoning Classification of 1280 Coffeen Street, Parcel No. 8-38-102 from Neighborhood Business to Planned Development District #22 and to Designate 5.4 Acres of Recently Annexed Land (Former town of Watertown Tax Parcels No. 82.08-1-6 & 81.08-1-8) Planned Development District #22 With the Allowed Uses Being Restaurants and the Construction of Two 14' x 48' Double-Sided Billboards
- 9- Monthly Financial Reports
- 10- Meeting Dates
- 11- DVD Presentation on Blackwater Challenge 2004 U.S. Freestyle Kayak Team Trials

**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, 2005 was dispensed with and accepted as written by motion of Councilwoman Burns, seconded by Councilman Bradley and carried with all voting in favor thereof.

### **COMMUNICATIONS**

Minutes were received from the library's board meeting.

#### **ABOVE PLACED ON FILE**

Claim against the City was received from Marion Chapel regarding personal injuries she sustained at Midtown Towers on October 7, 2004.

#### **ABOVE REFERRED TO THE BOARD OF AUDIT**

Mayor Graham proclaimed February 4, 2005 as "**Wear Red For Women Day**" in the City of Watertown. Mr. William Wood accepted the proclamation on behalf of the American Heart Association.

### **PRIVILEGE OF THE FLOOR**

**Carmen Dickson**, 120 William Street, addressed the chair concerning the parking problems she is having as a result of property at 114 William Street. The City demolished a house on that site and since that time patrons of the Poor House Tavern on State Street as well as apartment renters on State Street use it for parking. They also use her driveway for their parking. Mrs. Dickson explained that Mr. McWayne has tried to stop it, but it hasn't stopped. She stated that she has phoned the bar approximately 20 times and has asked them to have their patrons move their vehicles. She has been threatened and has had her own vehicle blocked in her driveway by people using her property for parking. She commented that the City has put up sawhorses, but they have just been moved. In addition, large delivery trucks dropping off orders merely drive around the barriers. She said that the no parking signs that the City put up have been knocked down. She also explained that Officer Wood spoke with the business owners as well as one of the apartment owners who had told his tenants that he had permission from the City for them to use the area for parking.

Mayor Graham asked that the businesses be notified that a complaint has been received and to find out from Officer Wood what the outcome of his conversation with the apartment owner was.

Mrs. Corriveau remarked that she would follow through with this.

Mrs. Dickson distributed pictures of the parking problem and remarked that she appreciated all that has been done by the City in an effort to stop this problem.

## **RESOLUTIONS**

### **INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

RESOLVED that the following individuals are hereby appointed Commissioner of Deeds for the term expiring December 31, 2006:

#### **City Employees**

Jerry D. Golden  
Michael J. Mullins, Jr.

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

#### **INTRODUCED BY COUNCILWOMAN ROXANNE M. BURNS**

WHEREAS New York State has designated an Empire Zone (formerly Economic Development Zone) pursuant to Article 18-b of the New York State General Municipal Law within the Town of Watertown and the City of Watertown on July 27, 1994, and

WHEREAS Article 18-b of the New York State General Municipal Law requires that an Empire Zone Board (formerly Economic Development Zone Administrative Board) be in place to oversee the operation of the Zone, and

WHEREAS there exists a vacancy on the Board for a representative from a Community Organization,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby appoints to the Empire Zone Administrative Board, as a community organization representative, to fill the unexpired term of David G. Cheney, which term expires May 31, 2006:

Bruce E. Dempster  
148 E. Hoard Street  
Watertown, New York 13601

### **SECONDED BY COUNCILMAN TIMOTHY R. LABOUF AND CARRIED WITH ALL VOTING YEA**

#### **INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as 181 Bellew Avenue, approximately 100' x 209' in size,

and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 8-06-206.002, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the New York State Fire Prevention and Building Code and all City of Watertown zoning and health codes within one (1) year of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$16,000.00 submitted by Strough Properties, LLC, for the purchase of Parcel No. 8-06-206.002 is a fair and reasonable offer therefore and the same is hereby accepted, and

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

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the State Fire Prevention and Building Code and all City of Watertown zoning and health codes within one (1) year of the City's delivery of the deed to the buyer, the City shall have the right to seek reversion of title to the City.

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

Prior to the vote on the foregoing resolution and the following resolution, Councilwoman Burns commended the staff for the work that they did on this.

**INTRODUCED BY COUNCILMAN PETER L. CLOUGH**

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as 234 Bellew Avenue, approximately 148' x 103' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 8-13-107.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the New York State Fire Prevention and Building Code and all City of Watertown zoning and health codes within one (1) year of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$13,000.00 submitted by Strough Properties, LLC, for the purchase of Parcel No. 8-13-107.000 is a fair and reasonable offer therefore and the same is hereby accepted, and

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

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the State Fire Prevention and Building Code and all City of Watertown zoning and health codes within one (1) year of the City's delivery of the deed to the buyer, the City shall have the right to seek reversion of title to the City.

**SECONDED BY COUNCILMAN TIMOTHY R. LABOUF AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

WHEREAS by resolution adopted March 1, 2004, the City Council authorized an application to the Community Development Block Grant Small Cities Program to secure funding for a City-wide Housing Rehabilitation Program, and

WHEREAS by letter dated December 14, 2004, the City was notified that its application was funded in the amount of \$400,000, and

WHEREAS it is necessary to enter into a formal agreement between the City of Watertown and the New York State Housing Trust Fund Corporation, represented by the Governor's Office for Small Cities, 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 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 Governor's Office for Small Cities, for the FY 2004 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 Grant Agreement and any other certifications or documents required to accept the Grant and administer the Program.

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

Prior to the vote on the foregoing resolution, Mr. Mix answered questioned posed by Council concerning the administering of the grant. He explained that Avalon Associates subcontracts with Neighbors of Watertown. Avalon also receives payment for preparing the grant. He also explained that the \$30,000 in private funding is merely a line item, which reflects cases in which the individuals pay their share instead of using the loan portion of the program.

**INTRODUCED BY COUNCILMAN PETER L. CLOUGH**

WHEREAS the New York State Office of Parks, Recreation and Historic Preservation has announced that the City of Watertown has been awarded a \$125,000 grant under the Land and Water Conservation Fund to fund the Black River Parks Development Project, and

WHEREAS the grant will fund park and trail development at the former Abe Cooper Site on Factory Street, the Public Works Site on Newell Street, the Bicentennial Park Site at the Fairgrounds and access improvements at the Veterans Memorial Riverwalk, and

WHEREAS the City of Watertown must enter into and execute a State of New York Agreement with the NYS Office of Parks, Recreation and Historic Preservation for the grant,

NOW THEREFORE BE IT RESOLVED that the City Manager, Mary M. Corriveau, is hereby directed and authorized to enter into and execute the State of New York Agreement with the NYS Office of Parks, Recreation and Historic Preservation on

behalf of the City Council of the City of Watertown for the Black River Parks Development Project, and

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

**SECONDED BY COUNCILMAN TIMOTHY R. LABOUF AND CARRIED WITH ALL VOTING YEA**

**LOCAL LAW**

**INTRODUCED BY COUNCILMAN COUNCILWOMAN ROXANNE M. BURNS**

WHEREAS 81 Front Street Development, LLC, by petition dated July 12, 2004, applied to the Town Board of the Town of Watertown for annexation into the City of real property north of New York State Route 12F and comprised of 5.80 acres, also known as Tax Parcel Nos.82.08-1-6 and 82.08-1-8, and

WHEREAS the County of Jefferson has asked to join in the annexation request submitted by 81 Front Street Development, LLC in connection with a certain 8.1 acre parcel owned by the County in the Town of Watertown, also known as Tax Parcel No. 82.08-1-7, which would otherwise be stranded if the Petition for annexation is granted, and

WHEREAS a joint public hearing on the annexation requests was held by the Town Board of the Town of Watertown and the City Council of the City of Watertown on September 28, 2004, and

WHEREAS the City Council of the City of Watertown, by resolution dated November 1, 2004, found the annexation to be in the overall public interest and, on November 12, 2004, issued an Order of Annexation pursuant to §711(2)(b) of the New York General Municipal Law and properly filed the same with the office of the Town Clerk of the Town of Watertown and City Clerk of the City of Watertown, and

WHEREAS the Town Board of the Town of Watertown, by resolution dated December 7, 2004, found that the annexation was in the overall public interest and, pursuant to §711(2)(b) of the New York General Municipal Law, on December 9, 2004 issued an Order of Annexation of the properties into the City and properly filed the same with the office of the Town Clerk of the Town of Watertown and City Clerk of the City of Watertown,

BE IT ENACTED by the City Council of the City of Watertown, New York as follows:

The City of Watertown hereby annexes, pursuant to General Municipal Law §714(1), the following property into the City:

Tax Parcels 82.08-1-6; 82.08-1-8; and 82.08-1-7.

This Local Law shall take effect immediately upon filing with the Secretary of State.

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

### **ORDINANCES**

**THE ORDINANCE APPROVING THE REQUEST SUBMITTED BY JAN S. KUBLICK ON BEHALF OF 81 FRONT STREET DEVELOPMENT LLC TO CHANGE THE APPROVED ZONING CLASSIFICATION OF 1280 COFFEEN STREET, PARCEL NO. 8-38-102 FROM NEIGHBORHOOD BUSINESS TO PLANNED DEVELOPMENT DISTRICT #22 AND TO DESIGNATE 5.4 ACRES OF RECENTLY ANNEXED LAND (FORMER TOWN OF WATERTOWN TAX PARCELS NO. 82.08-1-6 & 81.08-1-8) PLANNED DEVELOPMENT DISTRICT #22 WITH THE ALLOWED USES BEING RESTAURANTS AND THE CONSTRUCTION OF TWO 14' X 48' DOUBLE-SIDED BILLBOARDS WAS PRESENTED TO COUNCIL** (Introduced on December 20, 2004; public hearing was held on January 3, 2005; appears in its entirety on page 307 of the 2004 Minutes Book).

**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:**

#### **Greater Buffalo Consolidation**

Councilwoman Burns thanked the Mayor for forwarding this information to her.

#### **Brewsters' BBQ**

Councilwoman Burns advised everyone that the grand opening for this business is tomorrow at 11:15 a.m.

#### **Northland Plaza**

Councilman LaBouf asked about the status of the letter to WiseBuys Stores requesting the possibility of the business locating in the Northland Plaza.

Mayor Graham commented that he hasn't heard back yet from the business. However, he suggested that the public contact the business in an effort to show support.

### **Airport Meeting**

Mayor Graham advised that a joint meeting would be held with the County on Thursday, January 27<sup>th</sup> at 7 p.m. at JCC to discuss the airport.

### **Crows**

Mayor Graham asked for an update on the crow situation.

Mrs. Corriveau advised that the Assistant to the City Manager Bryan White had contacted Auburn, Utica, Albany and Troy concerning this problem. They are using USDA to conduct a non-lethal hazing program, which consists of lights and sounds. This scares the crows into other areas until they get them to an area where they are not a nuisance. However, the cost ranges from \$6,000 - \$13,000 and is a continuous investment as the crows return each year.

Mrs. Corriveau also advised that Auburn has done crow shoots just outside the City limits.

Mayor Graham questioned if it is a substantial problem or a marginal annoyance.

Councilwoman Burns remarked that if you live in the neighborhood, it is a large annoyance. The crows make a mess in the yards and on the houses. They are noisy and it is hard to sleep at night. She also remarked that the problem does exist in the summer. Referring to the fact that the birds have been in her neighborhood, Councilwoman Burns commented that when one of the large trees was cut down, it did make a difference. However, she doesn't want to see the trees taken down to solve this problem. She also commented that she has received complaints from the Black River Valley Club as well as the Historical Society. She asked if NYS DEC could help move them into Thompson Park.

Mr. White explained that the USDA does work with the DEC on the hazing program.

Mrs. Corriveau remarked that this should be discussed with the Zoo's Executive Director before they move the crows up there.

Councilman Bradley commented that it would also involve the golf course and they should be contacted for input as well. He also mentioned that there is a crow problem in his neighborhood.

Mayor Graham asked if the problem was worth getting an estimate from the USDA.

Council agreed that it was.

Mrs. Corriveau will contact them.

### **Landfill Presentation**

Mrs. Corriveau explained that as a signatory to the Solid Waste Management Agreement dated October 1986, the City has a say in how things are done.

Robert Juravich, Executive Director of the Development Authority of the North County, made a presentation on the proposed commodity waste program agreement to the Council. He explained that the landfill has been a success story over the past 10 years. He explained that DANC has been working with the City and the County and the result is that the CWP agreement will continue to drive down tipping fees. He also explained that the volume would not exceed the permit limit. Mr. Juravich explained that the landfill has allowed DANC to finance certain environmental measures and to assist in municipal improvements in the Town of Rodman. Mr. Juravich advised Council that the Town of Rodman has approved the changes; Jefferson County has discussed it and will meet on Jan. 25<sup>th</sup>; Lewis County is meeting tomorrow and St. Lawrence County is meeting on Jan. 24<sup>th</sup>. He also commented that DANC is not a government unit and revenues from projects are strictly limited to the projects.

Mayor Graham asked about tipping fees and questioned the amount that the City pays versus what outside users were negotiating for. He remarked that it is costing the City residents \$52.00 a ton, but big corporation would only pay \$20.00 a ton. He stated that it is hard for people to grasp the fact that they should pay a higher rate. He also remarked that people are concerned that the life of the landfill will be shortened due to bringing in waste from other places.

Mr. Juravich remarked that this is a valid concern. He stated that not one cent of taxpayer money went into this facility, only ratepayer money.

Mayor Graham asked what the Seneca facility receives for tipping fees.

Mr. Juravich remarked that while he wasn't sure what the exact amount is, he believes that it is under \$30.00 and is volume-driven. He also explained that DANC has a host community agreement with the Town of Rodman.

Mayor Graham asked if the tipping fee for the City is negotiable.

Mr. Juravich stated that the negotiations would have to be with the County, not with DANC.

Attorney Slye asked if Hamilton County was also going to be a signatory.

Mr. Juravich stated that it would be.

Attorney Slye asked if other municipalities pay the same tipping fee.

Mr. Juravich stated that they do.

Attorney Slye commented that the City is the only entity that is a signatory and picks up trash. None of the counties do that. Therefore, he stated, the City deserves a deeper discount and he asked that DANC consider it as the City has the majority of the demolition projects.

Mayor Graham commented that Attorney Slye is correct. The City does have a different status and referred to the Cloverdale demolition costs.

Mr. Juravich responded that each of the counties have also participated in the program to some extent.

Attorney Slye responded that counties don't normally tear down buildings and the number that have been, can be counted on one hand. He stated that he thinks there is a way that DANC can justify a lower tipping fee for the City.

Mr. Jurvaich stated that DANC's ability to offer incentives depends on the success of the landfill. He also stated that the agreement would be amended to reflect the fact that while Hamilton County will be a signatory on the agreement, they will not be a signatory for the establishment of fees.

Councilwoman Burns remarked that she supports Attorney Slye's comments. She remarked that she has toured the landfill and it is a clean landfill site. She remarked that Council's loyalty is to the City residents and driving down the tipping fee is important to us.

Mayor Graham remarked that Council is not looking to pick apart how DANC does things. However, Council does consider the City somewhat different. He remarked that just as the Town of Rodman expects special consideration, so does the City in exchange for its robust support over all of these years.

**ADJOURNMENT**

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 8:25 P.M. UNTIL MONDAY, JANUARY 24, 2005 AT 5:30 P.M. BY MOTION OF COUNCILMAN CLOUGH, SECONDED BY COUNCILMAN LABOUF AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

***Donna M. Dutton***  
City Clerk