

**REGULAR COUNCIL MEETING  
CITY OF WATERTOWN  
January 22, 2002  
7:00 P.M.**

**MAYOR JOSEPH M. BUTLER PRESIDING**

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

**ALSO PRESENT:**   **CITY MANAGER JERRY C. HILLER  
ASSISTANT CITY MANAGER MARY M. CORRIVEAU  
CITY ATTORNEY ROBERT J. SLYE**

Assistant City Manager Mary M. Corriveau presented the following reports to Council:

- 1 - Authorizing Lease Agreement, City Police Department Satellite Office, Arvan Realty
- 2 - Approving Lease Agreement Between the City of Watertown and Watertown Sports Ventures
- 3 - Approving the Site Plan for an 8,968 Sq. Ft. Bank Building Located at 1000 Coffeen Street, Parcels No. 8-29-103.001 And 8-29-103.002
- 4 - Amending City Code Section A320-6: Repealing Fee for Photo Identification Cards
- 5 - Local Law No. 2 of 2002 Providing that the City of Watertown Shall Establish A Fee for the Solemnization of Marriages by the City Marriage Officer
- 6 - Local Law No. 3 of 2002 Amending Sections 93, 95, 96, 102 and 108 of the City of Watertown, Procedures for Establishing and Collecting Special Assessments for Improvements
- 7 - 7:30 p.m. – 2002 Small Cities CDBG Application Public Hearing
- 8 - Monthly Report

**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 7, 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

Minutes were received from the library's board meeting.

### ABOVE PLACED ON FILE

The following communication was received from the City's Planning Board:

1. Recommending Council approval for the site plan request submitted on behalf of Benchmark Family Services, Inc. for the construction of an 8,000 sq. ft. childcare facility in the 1600 block of Ohio Street, Parcel No. 5-17-301 contingent upon certain requirements as listed in the resolution being met.
2. Recommending Council approval for the site plan request submitted on behalf of Redwood National Bank for the construction of an 8,968 sq. ft. bank building located at 1000 Coffeen Street, Parcel No. 8-29-103 contingent upon certain requirements as listed in the resolution being met.

### ABOVE PLACED ON FILE

The following individuals sent communications relative to their opposition to making modifications to the Black River at the Route 3 wave. Daniel Weiss, Richard Mauser, Harry Marinakis, Kevin Howells, Don Cochran and Judy Wolf, while supporting the idea of hosting the Kayaking World Championships 2005, all expressed their concerns with the proposed changes and stated that it will make that particular area too difficult for all but the best paddlers, therefore decreasing the number of people who will travel to Watertown to use the river.

### ABOVE PLACED ON FILE

### PRIVILEGE OF THE FLOOR

**Donald Thompson**, 710 Morrison Street, addressed the chair concerning the salt that is still blowing from the salt pile. He advised Council that the salt is being loaded under the cloak of darkness and snow by using a shoot to drop it from a high level. He asked again about testing for the site, explaining that there is now a hole in the platform and while the fabric might prevent water from going down through it, it doesn't prevent it from seeping up through it. He stated that it seems to him that the City doesn't care if pollution occurs on an industrial site and if the property values for the homes around the area are being dropped.

**Ed Cox**, 102 Franklin Street, spoke on behalf of the community policing offices and asked Council to hold off on discussions about closing these offices until after Stream International has made a decision on whether or not to locate in Watertown.

## **PUBLIC HEARING**

### **AT 7:30 P.M. MAYOR BUTLER ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING THE CDBG FUNDING FOR FISCAL YEAR 2002.**

### **MAYOR BUTLER OPENED THE PUBLIC HEARING.**

Ken Mix, Planning & Community Development Coordinator, addressed the chair reviewing the informational sheet that outlines the CDBG program. Mr. Mix explained that the proposal for 2002 would include housing rehabilitation, home ownership and public facilities improvements in a designated target area within the Near East Side Neighborhood Improvement District. He advised that Neighbors of Watertown is in the process of putting together a redevelopment package for the 11-unit townhouse apartment building on Emerson Place and some surrounding properties. The CDBG application will use that project as leverage and as the core of the target area. However, none of the grant funds will go to the apartment project.

Councilman Simmons asked about administration of the grant and the engineering work being done in-house.

Mr. Mix explained that the 20% fee for the delivery of the program is paid to Neighbors of Watertown and is not something that can be done in-house.

Mr. Hiller advised that engineering might be done in-house. However, one-way to save the funding would be to repay us from the federal funding. He also stated that if engineering were done in-house on this project, there wouldn't be time to do other projects.

Mr. Mix also explained that if the City received the funding and the Emerson project through Neighbors of Watertown didn't go, the work scheduled by the City would still be done.

### **MAYOR BUTLER CLOSED THE PUBLIC HEARING AT 7:38 P.M.**

## **RESOLUTIONS**

### **INTRODUCED BY COUNCILMAN PETER L. CLOUGH**

WHEREAS the City of Watertown Police Department, through its Community Policing Program, has opened a satellite office at 104 Franklin Street, and

WHEREAS the previous Lease Agreement between the City of Watertown and Arvan Realty for the lease of said property expires on February 28, 2002, and

WHEREAS the City of Watertown wishes to extend the term of the Agreement for a twelve (12) month period which ends February 28, 2003, and

WHEREAS the monthly lease payment is \$200, and

WHEREAS the City is responsible for the costs associated with heat and utilities, and

WHEREAS it is also the City' responsibility to remove snow and trash from the leased premises,

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

BE IT FURTHER RESOLVED that the 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 the City of Watertown owns a facility know as the Alex T. Duffy Fairgrounds and the Fairgrounds are a community recreational facility, and

WHEREAS the City desires to promote future recreational activities at the Fairgrounds for the valid public purpose of the benefit, recreation, entertainment, amusement, convenience and welfare of the people of the City, and

WHEREAS in pursuit of that public purpose, the City desires to contract for the use, operation, management and maintenance of the Fairgrounds baseball facilities and all baseball-related activities, and

WHEREAS Watertown Sports Ventures, Inc. owns and operates a summer collegiate baseball team as a member and franchise of the Northeastern Collegiate Baseball League, and

WHEREAS Watertown Sports Ventures, Inc. desires to have its team play baseball games within the confines of the Fairgrounds baseball fields and is in a unique position to contract to use, operate, manage and maintain the Fairgrounds baseball facilities, and

WHEREAS the City has undertaken a substantial capital improvement project for the Fairgrounds in furtherance of the public purpose of keeping baseball in the City for the recreation, entertainment and welfare of the people of the City, including the economic benefit such a team can bring,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Lease Agreement between the City of Watertown and Watertown Sports Ventures, Inc, 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 Lease Agreement on behalf of the City of Watertown.

**SECONDED BY COUNCILWOMAN BURNS**

Councilman Simmons excused himself from the meeting during the discussion and vote on the foregoing resolution.

Councilman Clough asked about the figures in the agreement.

Mrs. Corriveau explained that the changes are in advertising fees. Language has been added to the contract whereby the City will recoup some advertising revenues as outlined on page 4 of the contract.

Mrs. Corriveau also answered questions concerning parking fees. She explained that the City looks to see if there are enough people in attendance to warrant employing a person to collect the \$1 fee.

Ted Ford, President of the Watertown Sports Ventures, explained that attendance for last season was approximately 4,400.

Mayor Butler thanked Mr. Ford for helping to bring baseball back to Watertown and urged everyone to attend during this coming season.

**AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCILMAN SIMMONS WHO EXCUSED HIMSELF FROM THE MEETING DURING THE DISCUSSION AND VOTE**

**INTRODUCED BY COUNCILMAN JEFFREY M. SMITH**

WHEREAS Rick W. Tague of Bernier Carr & Associates, on behalf of Redwood National Bank, has made application for site plan approval for the construction of an 8,968 sq. ft. bank building located at 1000 Coffeen Street, Parcels No. 8-29-103.001 and

8-29-103.002, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on January 8, 2002, and recommended that the City Council of the City of Watertown approve the site plan, contingent upon the following:

1. That two additional parking spaces are added along the rear of the property.
2. That trees are added on each rear corner of the property and along the Coffeen Street and the Rand Drive sides of the property.
3. That the additional concerns regarding the catch basin, drainage and lighting found in the Planning Office Memorandum of January 4, 2002 are also addressed.

And,

WHEREAS the City Council has reviewed the Short Environmental Assessment Form for the project and has determined that the project 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 by the City Council of the City of Watertown, New York, that site plan approval is hereby granted to Rick W. Tague of Bernier Carr & Associates, on behalf of Redwood National Bank, for the construction of an 8,968 sq. ft. bank building located at 1000 Coffeen Street, Parcels No. 8-29-103.001 and 8-29-103.002 as shown on plans submitted to the City Engineer on January 16, 2002, contingent upon the applicant making the revisions and meeting the requirements listed above in the City Planning Board's recommendation and the two parcels being combined by way of a new deed recorded in the County Clerk's Office.

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

## **ORDINANCES**

### **INTRODUCED BY COUNCILMAN PETER L. CLOUGH**

WHEREAS the Watertown Police Department has issued photo identification cards in the past, and charged the fee set forth at §A320-6 of the City Code of the City of Watertown, in the amount of \$6.00, for issuing the same, and

WHEREAS the City Council of the City of Watertown wants to stop providing photo identification services, and

WHEREAS the New York State Department of Motor Vehicles now provides a photo identification card service for those who do not hold a valid New York State driver's license, negating the need for the City to issue photo identification cards,

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Watertown that the fee for the issuance of a photo identification card, contained at §A320-6 of the Watertown City Code, is hereby repealed.

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

(Unanimous consent moved by Councilman Smith, seconded by Councilman Clough and carried with all voting in favor thereof.)

## **LOCAL LAWS**

### **INTRODUCED BY COUNCILMAN PAUL A. SIMMONS**

WHEREAS the New York Domestic Relations Law permits the governing body of the City of Watertown to appoint one or more marriage officers with the authority to solemnize a marriage in the City, and

Whereas the marriage officer so appointed by the City Council will not receive a salary or wage from the City for those services, and

WHEREAS §11-c (3) of the New York Domestic Relations Law would otherwise permit a marriage officer to accept and keep up to \$75.00 for each marriage at which he or she officiates, paid by or on behalf of the persons married, and

WHEREAS Cities of the First Class are permitted by §11-a of the New York Domestic Relations Law to collect a fee for the performance of a marriage ceremony to be fixed by the Council of such First Class Cities; and

WHEREAS the New York General Municipal Home Rule Law permits a City to adopt a local law not inconsistent with the general laws of the State, and

WHEREAS the City Council of the City of Watertown has determined that it will designate a marriage officer under §11-c of the New York Domestic Relations Law, but that, because such marriage officers will be salaried employees of the City whose time and effort in performing solemnization of marriages will not otherwise be compensated,

NOW, BE IT ENACTED by the City Council of the City of Watertown, New York that Section 45-11.3 of the City Code shall be adopted as follows:

**§45-11.3 City Marriage Officer**

Pursuant to §11-c(1) of the New York Domestic Relations Law, the City Council may appoint one or more marriage officers who shall have the authority to solemnize a marriage, which marriage shall be valid if performed in accordance with other provisions of law. Such marriage officers shall be appointed by resolution of the City Council. Such marriage officers will not receive a salary or wage for his or her services. However, for each marriage at which he or she officiates, the City shall be paid, by or on behalf of the persons married, a marriage solemnization fee in the amount of \$25.00, which fee shall be collected by the City Clerk.

The City's schedule of fees shall be amended to reflect this new fee.

This law shall take effect upon filing with the New York Secretary of State.

**SECONDED BY COUNCILMAN PETER L. CLOUGH**

**MOTION WAS MADE BY COUNCILWOMAN BURNS TO SCHEDULE A PUBLIC HEARING ON THE FOREGOING LOCAL LAW FOR MONDAY, FEBRUARY 4, 2002 AT 7:45 P.M.**

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

The following Local Law was introduced as amended due to a change in wording of Section 104 by Attorney Slye prior to the introduction.

**INTRODUCED BY COUNCILMAN JEFFREY M. SMITH**

WHEREAS, the City Council of the City of Watertown is contemplating improvements to sidewalks, within the City, by way of special assessment; and

WHEREAS, the Charter of the City of Watertown contains procedures for approving and collecting special assessments; and

WHEREAS, the New York Court of Appeals has held that, in the case of Special Assessments, notice given solely by publication is inadequate, and that notice by first class mail, being reasonable, should be required by any municipality contemplating the imposition of special assessments; and

WHEREAS, the Charter of the City of Watertown provides only for notice by publication and, therefore, must be amended to reflect the notice requirements found to be required by the Court of Appeals; and

WHEREAS, the Charter further needs to be clarified with regard to the billing of special assessments to be in conformance with opinions of the State Comptroller,

Now Therefore Be It Enacted by the City Council of the City of Watertown that '93, '95, '96, '97, '102, 104 and '108 of the City Charter of the City of Watertown shall be amended to read as follows:

'93. The Council may at any time designate any street, highway or public place or any part thereof as one to be paved, repaved, surfaced or resurfaced, macadamized or remacadamized or otherwise improved by curbing or within which a sewer shall be built or a sewer rebuilt, and it shall thereupon cause plans and specifications to be prepared for such proposed improvement and shall determine whether such improvement to be made partly as a general city charge and partly as a charge or expense upon the abutting properties or whether the entire expense shall be made a charge upon the abutting properties. After such plans and specifications have been prepared and presented to the Council, it shall order a hearing thereon and shall cause to be published for at least three (3) times during two (2) successive weeks a notice thereof, in the official newspaper of the city. In the event that the Council shall be considering whether all or a portion of the cost of the proposed improvement shall be a charge or expense upon the abutting properties, the Council shall further require notice of the public hearing to be given to each abutting property owner which could be affected, by first-class mail, addressed to the owner at the address for mailing shown on the City's most recent assessment roll. Any person interested shall be entitled to be heard at such meeting, and after said hearing the Council may discontinue the matter of said improvement or it may determine to proceed therewith, and it shall then fix the percentage of the entire cost to be paid as a general city charge and the percentage to be paid by assessment upon the abutting properties or owner or it may determine that the entire cost be paid by the abutting properties or owner. The determination by the Council, whether the improvement to a street, highway or public place is a paving, repaving, surfacing or resurfacing, macadamizing or remacadamizing within the contemplation of this Title, shall be conclusive.

' 94. Such improvement may be done by contract or by the city under the direction of the City Manager, as the Council shall prescribe. If it is ordered done by

contract, the City Manager or the City Engineer, by direction of the City Manager, shall provide uniform terms and conditions for bidding, fix the security to be given, advertise for sealed proposals, receive, open at the time fixed and tabulate such proposals and report them to the Council, with such recommendation as he/she may have to make. The Council shall designate the kind of improvement and the material to be used and, if a satisfactory proposal is received, may direct the execution of a contract for such improvement, in substantial accord with the plans and specifications for the particular kind of improvement designated. (As amended by L.L. 1996, No. 2.)

' 95. Upon the completion of plans and specifications for said improvement, the Council shall determine, upon estimates furnished by the City Engineer, the whole cost thereof and the amount to be paid by the city, if any, and the amount to be borne by local assessment and shall thereupon by resolution direct the City Assessor to proceed to make the assessment for such local improvement and shall cause to be served upon the City Assessor a copy of such resolution certified by the Clerk, together with a statement of the portion of the expense of such improvement to be borne by local assessment upon the property benefited thereby, together with a statement of the portion of the expense thereof, if any, which any street railroad company may be liable to pay on account of paving between its tracks and on each side of them. The Assessor shall, after such local assessment is ordered, proceed as soon as practicable to make an assessment roll of said local assessment, in which they shall set down, in separate columns and according to the best information obtainable by them, the names of all the owners or occupants of the lands assessed, the Assessor's subdivision thereof, if any, a brief description of the lands to be taxed to each person, giving the approximate area thereof, whether or not it is vacant land and, when practicable, also the street and street number of any building thereon; but if the land be vacant or the building thereon not numbered, then the name of the street or streets on which it fronts, together with the number of linear feet frontage of property upon the street, if any, and the amount of the expense of such local improvements assessed on each piece of property, apportioned as equitably as may be according to the benefit received.

' 96. The City Clerk shall publish said assessment roll in the official City newspaper at least once, not less than ten (10) days before presenting the said assessment roll to the Council at its next regular meeting or at a subsequent regular meeting, at which meeting any person interested may appeal to the Council, in writing by first class mail, for the correction of such assessment. If there be no appeal or if there be an appeal and the Council shall decide to dismiss it and if the Council be satisfied as to the regularity of the proceedings upon the assessment, it shall confirm the assessment roll. If there be an appeal which the Council decides to entertain, it shall, at the next regular meeting of the Council, hear such appeal and shall cause the appellant to be duly notified by first class mail. After such hearing the Council shall have power to correct such assessment and to confirm the same as corrected or to annul and set aside the same and direct a new assessment to be made in the manner hereinbefore provided, and the proceedings upon any new assessment shall be the same as provided herein for the original assessment. When confirmed by the Council as herein provided, an assessment shall be final and conclusive on all parties interested.

'97. As soon as the Council has confirmed an assessment for local improvements, a warrant shall be annexed to the assessment roll thereof under the hand of the City Manager and Seal of the city, addressed to the City Comptroller, commanding him/her to collect from the several persons named or the property described in the same assessment roll the several sums levied in said roll, and said roll, with a warrant so annexed, shall be delivered to the City Comptroller; the City Comptroller shall thereupon proceed to collect the several sums levied and assessed in said local assessment roll in the same manner, except as to notice and with the same fees as provided herein for the collection of the city taxes, and all the provisions of this Act relative to the collection of the city taxes and the sale of lands for the nonpayment thereof shall apply to the collection of any such assessment for local improvements, except as herein otherwise provided. Due notice of such assessment shall be published once in the official newspaper of the city and a statement thereof mailed by first class mail to each abutting property owner, and the amount due shall be payable in thirty (30) days. If not so paid, it shall be considered a special assessment to be billed and paid as established under Section 100 of this Charter. (As amended by L.L. 1991, No. 6; L.L. 1996, No. 2.)

' 98. The Council may direct that a part of the cost of such improvement, which is a general city charge, shall be paid from any budget appropriation for street improvements. It may also provide that any abutting owner liable for assessment on account of such improvement be given an opportunity to pay his/her, its or their proper share of such cost after the confirmation of the assessment roll and thereby be relieved from subsequent assessment. (As amended by L. 1943, c. 710; L.L. 1996, No. 2.)

' 100. If bonds are issued to finance such improvement in whole or in part, after the issue and sale of such bonds, the Council shall ascertain the total amount of such bonds and interest until the last bond matures and the amount thereof to be paid (1) by the abutting property; excluding, however, any property which may have paid its proper part in advance and order that such amount be assessed as a local improvement upon such abutting property, according to linear foot frontage, as herein provided for local improvements and be paid in substantially equal installments corresponding to the duration of the bonds; (2) by such street railway company, proportionately to the amount chargeable against such company and order that such amount be assessed against such company in the same manner as a local improvement and be paid in similar installments; (3) by the city, in case any part of the city's share of such entire cost has been included in such bond issue and shall direct that such share be paid in the same number of substantially equal installments, by including one (1) such installment in each year's tax budget thereafter until such issue is paid. Whenever any one (1) of said installments becomes due, the owner of the property assessed may pay any or all assessments remaining unpaid, with accrued interest thereon. Additions of interest shall be made to each due and unpaid installment at the rate of one per centum (1%) per month after such installment shall become due and payable. (As amended by L. 1943, c. 710.)

' 101. Assessments for local improvements shall be made upon the real property adjoining or abutting the same or upon the property benefited as the case may be, including all real property otherwise exempt from taxation.

' 102. Installments of assessments for local improvements shall be billed with the City tax bill and shall be paid at the same time and in the same manner as the City tax. At the time each installment becomes due and payable, it shall become a lien upon the property upon or against which it is assessed, and if not paid at the time the next city tax becomes payable it, with all fees and additions, shall be added to such tax against such property and become a part thereof and its payment enforced by action in the city court or in a court of record or by sale in the same manner as unpaid city taxes.

' 104. The share of the abutting property or the assessment against such property for any local improvement shall be determined according to the linear or foot frontage, or by such other equitable method as shall be determined by the City Council, and each property owner shall pay proportionately to the frontage of his/her or its property upon the street or in accordance with the Council's alternative equitable method. In the case of a pavement or repavement, surfacing or resurfacing or macadamizing or remacadamizing, the quantity thereof chargeable to each property shall be ascertained by measurements from the curbing or curblin in front of each said property to the center line of said street.

' 105. Before paving, repaving or macadamizing any street or portion thereof in which a sewer is constructed or a water or gas main is laid, the Council shall make, after notice and failure of the owner or owners of the property adjacent thereto and not having the pipe connections hereinafter designated so to do, pipe connections with said sewer, water or gas main, or either thereof, as the case requires, therefrom to a point two (2) feet beyond the sidewalk side of the curbing at such locations and of such size and dimensions as it may determine. The expense of making any such pipe connections shall be paid to the Comptroller of the city by the property owner, and may be sued for and recovered by an action at law in any court having jurisdiction of an action involving a like amount, in the name of the City of Watertown against the owner or owners of the property on account of which it is made. The cost of such connections shall not be added to the expense of said pavement for the purpose of assessment but shall nevertheless become and be a lien upon the property benefited and may be levied and collected in like manner as city taxes. (As amended by L.L. 1991, No. 6.)

' 106. Every street surface railroad corporation, so long as it shall continue to use or maintain any of its tracks in any street, avenue or public place in the city, shall have and keep in permanent repair that portion of such street, avenue or public place between the rails of its tracks and two (2) feet in width outside of its tracks, under the supervision of the Department of Public Works, and whenever required by it to do so, and in such manner as it may prescribe. In case of the neglect of any corporation to make pavements or repairs after the expiration of twenty (20) days' notice to do so, the Council may make the same at the expense of such corporation, and it may make such reasonable regulations and ordinances as to the rate of speed, mode and use of tracks and removal of ice and snow as the interest or convenience of the public may require. A corporation whose

agents or servants willfully or negligently violate such an ordinance or regulation shall be liable to the city for a penalty not exceeding five hundred dollars (\$500.), to be specified in such ordinance or regulation.

'107. The word "expense" as used in connection with paving or macadamizing in this Title shall be construed to include the expense of curbing, grading, necessary culverts and retaining walls, engineering and other expenses pertaining to paving or macadamizing whenever such expenses arise in connection with the paving or macadamizing provided for in this Title.

'108. In case any local assessment shall prove insufficient to pay the expenses of the improvement for which it was made, the Council may direct the City Assessor to make a further assessment for the amount of the deficiency; such further assessment shall be founded on the first assessment roll and the like proceeding shall be had thereon as though it were an original assessment. If on any assessment too large an amount shall be raised, the excess shall be refunded ratably to the then owner of the abutting property so assessed.

BE IT FURTHER ORDAINED that this law shall take effect immediately upon filing with the Secretary of State, provided, however, that such local law is subject to a permissive referendum and the City Clerk shall forthwith proceed to notice such fact and conduct such referendum if required by petition.

**SECONDED BY COUNCILMAN PAUL A. SIMMONS**

Prior to scheduling a public hearing on the foregoing local law, Councilman Clough asked why this was being passed before the City has a sidewalk policy in place.

Attorney Slye explained that the changes in the Code deal solely with notice requirements and the mailing thereof. He explained that these amendments are appropriate whether or not a sidewalk policy is in place at this time and therefore are not tied to sidewalk maintenance. He also explained that the amendment to section 104 recognizes that Council may wish to have a special assessment based on special circumstances for a particular property. Attorney Slye commented that the laws are already on the books, these changes merely give more notice to the property owners.

**MOTION WAS MADE BY COUNCILWOMAN BURNS TO SCHEDULE A PUBLIC HEARING ON THE FOREGOING LOCAL LAW FOR MONDAY, FEBRUARY 4, 2002 AT 8:00 P.M.**

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

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

### **State Budget**

Mr. Hiller advised that the Governor's budget did not cut funding to the City. However, the Division of Youth funding was cut by \$5,000 and no longer will CHIPS funding be split into operations and capital. He also explained that there was some savings realized from staff checking budgets. He advised that the Police and Fire study will kickoff on Thursday.

### **YWCA**

Mr. Hiller advised that Codes has condemned the YWCA as the building needs to be stabilized. If the YWCA does not do so, then the City has to act. Then a lien would be put against the property for the monies the City incurs during the stabilization process. He explained that there is a meeting with the Trust on Friday to see how to put together a rescue plan similar to the American Hotel.

### **J.R. Miller**

Mr. Hiller advised that the Sheriff's Sale on this property would be held in February.

### **Stream Job Fair**

Mr. Hiller explained that part of the financial package for this business includes the use of the parking facility next to Woolworth's. He advised Council that the skate park would have to be moved and the paving costs could be significant.

### **Fire Department Overtime Budget/Vacant Positions**

Council reviewed material provided by Mrs. Corriveau and Chief Gaumont relative to the Fire Department overtime budget. Mrs. Corriveau explained the breakdown of the \$337,000 overtime for 2001 and the fact that it doesn't include any retroactive pay. Chief Gaumont presented a report on the overtime generated by not filling three vacant firefighters positions.

Councilman Clough asked that a report be prepared which indicates how long there were vacant positions in 2001 that impacted minimum manning manpower shortages and how many months during 2001 did the city have vacant positions and how many vacant positions there were.

Mr. Hiller discussed the vacation time picks – post '93 and pre'93 hires. Chief Gaumont indicated that as a result of the new system, there is 200 hours less in overtime as a result of vacation coverage.

Chief Gaumont explained that there is a state mandated training of 229 hours and it takes about six months from the time a person is hired before they are actually on the line.

Councilman Simmons asked about hiring volunteers.

Chief Gaumont explained that volunteers have different standards and do not have to complete the 229-hour course.

Councilman Clough asked who had the final say on overtime.

Chief Gaumont explained that it was determined by the contract.

Councilman Smith asked about the number of disabled firefighters and if they could be retired.

Mrs. Corriveau explained that there are 5 out on 207a. One will soon be returning to light duty. One has made application to the NYS Retirement System for accidental disability retirement. Two are currently working light duty and have filed for disability retirement and one is in litigation. In addition, three are on medical leave – not 207 and one is on military deployment.

Answering questions concerning hiring City residents, Chief Gaumont explained that the City list has been exhausted and none of the candidates on that list passed the interview process.

Councilman Smith, commenting on the fact that about 53% of the fire department members live outside the City limits, questioned why people that provide the fire safety for the city don't feel that it is important to live in the city.

Mayor Butler polled the Council members and they all agreed to allow staff to hire individuals for the three vacant firefighter positions.

### **Retirement Incentive Package**

Mr. Hiller indicated that NYCOM has advised that there is a bill to offer a retirement incentive package. He will keep Council apprised as more information is received.

### **Vacant Lot on Keyes/Clay Streets**

Mayor Butler asked about the sale of this.

Mr. Hiller stated that he would check with Mrs. Norfolk about the status of it.

### **Rexford Place Demolition**

Mayor Butler asked about this demolition and stated that he wanted to make sure that it isn't put on hold and that the demolition proceeds as Council has authorized it.

Mr. Hiller stated that he just wanted to make sure that Council wishes to proceed and doesn't want to just board up the building due to budget constraints.

Mayor Butler responded that he wants to make sure that the building comes down.

### **Downtown Development Board**

Councilwoman Burns advised Council members that the search committee has been advertising for the position and JCJDC is paying the advertising cost. She also explained that a buildings committee and a strategic development committee have been set up. She asked if Council would like to have the board come back with potential re-uses of the American Hotel property. Council agreed. She will be providing Council with copies of the minutes of the board meeting.

### **Library Board**

Councilwoman Burns explained that the board realizes their need to look into options. However, these options cannot happen overnight as some of them would require a public vote on the budget. They are currently gathering information on all the options.

### **Eagles on Flower Statue**

Councilman Clough commented that Rande Richardson had contacted all Council members looking for approval from the City so he could proceed with an application for a grant for this project.

Mayor Butler explained that Council has been told that they should have a historic preservation commission and suggested that perhaps this is something Mr. Richardson should be involved in.

Mrs. Dutton explained that when she had her evaluation with Mr. Hiller and Mayor Butler, it was decided that one of her professional goals for 2002 would be to see if there was any interest in the community in establishing such a committee and following through with getting it organized. Mrs. Dutton would not serve on the committee due to the fact that she is City Clerk. The committee would be advisory only. She indicated that the first meeting of "Friends of Historic Preservation" would be held on January 29<sup>th</sup> at 1 pm at the Jefferson Co. Historical Society. This is an informational meeting only and

there will be representatives from the Albany office of NYS Historic Preservation. She also indicated that Mr. Richardson has been invited to attend the meeting.

Councilwoman Burns cautioned against polarizing the community with a committee such as this.

Mrs. Corriveau explained that the historic preservation committee would look at all of the City not just downtown.

Councilman Clough asked if the statue wouldn't fall under the downtown development committee.

Councilwoman Burns will present the proposal to the board at its next meeting.

### **Health Committee**

Councilman Clough asked what the status was.

Councilman Smith explained that the unions stopped coming to the meetings and the committee hasn't been able to move forward.

Mayor Butler commented that we need to appeal to the unions to get moving on the health insurance committee.

### **Salt Pile**

Councilman Simmons asked if codes or DEC should check out the cracks in the base.

Mr. Hiller stated that it falls under DEC and he will see that they are contacted.

Councilman Simmons asked that the neighbors also be contacted.

### **Insurance Review**

Councilman Smith asked about the status of this.

Mr. Hiller explained that he would have a consultant evaluate and review the current insurance plan and get quotes on what coverage is appropriate.

Councilman Smith questioned using a consultant when insurance companies offer these reviews and evaluations for free.

Mr. Hiller remarked that while he respects Councilman Smith's opinion, he would want to use a professional consultant and not a business that sells insurance.

Councilman Smith suggested that the City utilize all agencies and then compare. He stated that when he was on the county board, they didn't hire consultants.

Mr. Hiller explained that this is a specialized service and is under \$10,000.

Mayor Butler remarked that the issue of a consultant doesn't have to be settled at this time.

Mr. Hiller responded that a consultant would be brought in.

Councilman Clough asked if Council wouldn't have a say on hiring a consultant.

Mr. Hiller explained that for small routine purchase orders, Council action is not required. He explained that consultants for the hydroplant are quite often called in and Council is not consulted.

Councilman Smith commented that when spending public funds, Council should have a say. He stated that a consultant is an unneeded expense.

### **Phone System Report**

Councilman Clough commented that the insurance report has taken over a year. However, the phone report has taken three years and still Council has received nothing.

Mr. Hiller commented that given the financial crunch, it probably still wouldn't happen.

### **EXECUTIVE SESSION**

**MOTION WAS MADE BY COUNCILWOMAN BURNS TO MOVE INTO EXECUTIVE SESSION TO DISCUSS CONTRACT NEGOTIATIONS AS IT RELATES TO THE POLICE DEPARTMENT. MOTION WAS SECONDED BY COUNCILMAN SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

Council moved into Executive Session at 9:13 p.m.

Council reconvened at 10:25 p.m.

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 10:25 P.M. BY MOTION OF COUNCILMAN CLOUGH, SECONDED BY COUNCILWOMAN BURNS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

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Donna M. Dutton, City Clerk