

**REGULAR COUNCIL MEETING
CITY OF WATERTOWN
February 4, 2008
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCIL MEMBER ROXANNE M. BURNS
COUNCIL MEMBER JOSEPH M. BUTLER, JR.
COUNCIL MEMBER PETER L. CLOUGH
COUNCIL MEMBER JEFFREY M. SMITH
MAYOR GRAHAM**

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

City Manager Corriveau presented the following reports to the Council:

- No. 1 – Commissioner of Deeds
- No.2- Approving the “Fort Drum Story: The Scope and Potential Impact of Base-related Growth” Workshop on February 20, 2008 as Valid Training for Meeting the New York State Municipal Planning and Zoning Officials Training Requirement.
- No.3- Authorizing Public Sale of City Owned Tax Sale Certificates
- No.4- Authorizing Public Sale of City Owned Property
- No. 5- Approving Bid for Variable Frequency Drives

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 was dispensed with and accepted as written by motion of Council Member Clough, seconded by Council Member Smith and carried with all voting in favor thereof.

COMMUNICATIONS

From Tom VanHorn concerning the condition of property located at 330 Coffeen Street.

ABOVE PLACED ON FILE

Claim against the City was received from Judy Brass for damage to her car when she struck a pothole on Gaffney Drive.

ABOVE REFERRED TO THE BOARD OF AUDIT

PRIVILEGE OF THE FLOOR

Don Rickett, Association of Home Owners at Fairway West, addressed the Council concerning their meeting with the City Assessor. Mr. Rickett expressed their displeasure with the assessments and asked why Council had instructed the City Assessor not to change any assessments.

Mayor Graham explained that Council can't take any action in dictating assessments.

Mrs. Corriveau advised that changes had been made in the City Charter relative to assessments.

Council Member Burns explained that another member of the association had spoken with her about the assessments. She stated that she encouraged him to talk with the City Assessor and to have an internal inspection of the property done.

Attorney Slye reviewed the Charter and explained that Council did adopt Local Law No. 8 of 2007 which states "The Assessor shall make no changes to a filed tentative roll except by the direction of the Board of Assessment Review."

Council Member Burns remarked that while this is true, the City Assessor can make recommendations to the Board and it would preclude the property owner having to do all of the work.

Scott Gates, Dorsey Street, addressed the chair urging Council to support a dog park.

Mayor Graham explained that Mr. Gates needs to have a wider array of people speaking on behalf of this project.

Wayne Zimmer, Katherine Street, addressed the chair suggested that the land going up for auction that is heavy industry be used for the dog park. He also remarked that if anyone wants trees, they should come to his house and help rake leaves in the fall. He also remarked that he has taken quite a bit of metal out to the County transfer site in the past.

Mark Bonner addressed the chair in regards to the property at 804 State Street. He stated that he had spoken with Council Members and with Mr. Mills and he wanted to purchase the tax sale certificate through private sale.

Council Members asked Attorney Slye to explain why this could or could not be done.

Attorney Slye explained that the City is entitled to give ourselves a tax deed on this property. However, the City does not want to be in the chain of title. Therefore, the City wants to sell the tax sale certificate and at the last meeting, it was Council's desire to do

so through public auction. In selling the certificate, the City can not take anything less than what is owed on it for taxes, interest and penalties. The sole purpose of auctioning the certificate is to get the taxes paid and then to sell it to the highest bidder. Once the individual has the tax sale certificate, the City would issue a tax sale deed. However, the buyer should consult their attorney to make sure they can get clean title.

Mr. Bonner stated that he has been working on this for months.

Council Member Clough asked about Mr. Bonner's plans for the property.

Mr. Bonner responded that he has several ideas.

Attorney Slye asked Mr. Bonner why he doesn't attend the auction and bid on it then.

Mr. Bonner responded that he wanted to buy it now.

It was agreed that the matter would be discussed when the resolution came up for a vote.

Paula Bender, 278 Bay Street, Cape Vincent, addressed the chair concerning the Caring for Cats Foundation and Animal Charities of Northern NY and their need for funding. Reading from a prepared statement, Ms. Bender explained that since 2004, these organizations have spayed and neutered 1,335 stray cats and 388 of them were from the City. She also explained that there are "hot spots" in the City, such as Public Square, VanDuzee, Portage, Union and Mill Streets. These are areas where strays are trapped, transported to a clinic, spayed/neutered and vaccinated. She asked that Council give serious consideration to their request for funding.

RESOLUTIONS

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

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

Matthew Dawley

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

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the New York State Chapter 662 of the 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 new training requirement, and

WHEREAS the Fort Drum Regional Liaison Organization, in collaboration with the Jefferson, Lewis and St Lawrence County Planning Departments, the NYS Tug Hill Commission, and the Center for Community Studies at JCC is sponsoring a workshop to explain the significance, size and scope of Fort Drum's transformation and its implications for decision makers at the community level. The "Fort Drum Story: The Scope and Potential Impact of Base-related Growth" workshop will be held on February 20, 2008 from 6:30 p.m. to 8:30 p.m. at Jefferson Community College,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that the "Fort Drum Story: The Scope and Potential Impact of Base-related Growth" workshop is approved to provide two hours of training toward meeting the New York State Municipal Planning and Zoning Officials training requirement.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the City of Watertown is the owner of certain tax sale certificates on various lots of land as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as follows:

<u>Parcel Number</u>	<u>Address</u>	<u>Original Tax Sale Certificate Amount</u>	<u>Total Amount Outstanding(floor)</u>
07-10-104.000	VL Cedar Street	\$ 197.55	\$ 2,413.16
07-10-103.001	VL-R Cedar Street	\$ 338.50	\$ 4,341.10
07-07-203.000	430 Court Street	\$ 3,312.92	\$ 136,183.35
12-06-322.000	804 State Street	\$ 3,629.37	\$ 14,699.94
4-13-228.000	1200 Washington St.	\$ 5,247.11	\$ 21,708.82

and,

WHEREAS the City Council does not wish to take title to these properties,

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 13 adopted by the Council, on June 6, 1977, the Comptroller of the City of Watertown be and he hereby is authorized to publish a Notice of Sale of the tax sale certificates for the land above mentioned once a week for three (3) consecutive weeks in the official newspaper of the City of Watertown to the effect that said parcels of land will, at 10:00 a.m. on the 26th day of February, 2008, in the 3rd Floor City Council Chambers in the Municipal Building, 245 Washington Street, be

offered individually for sale to the highest bidder above the minimum cost as set by the City Comptroller and there present, and

BE IT FURTHER RESOLVED that the City Comptroller be and he hereby is authorized to offer for sale said tax sale certificates with the minimum bid starting at the tax sale certificate amount, together with all accrued taxes, penalties and interest, subject to the rights of the said City Council to reject any and all bids, and

BE IT FURTHER RESOLVED that the highest bidder deposit at least 10 percent (10%) of the bid price at the same time of each said bid with the City Comptroller, and

BE IT FURTHER RESOLVED that said tax sale certificates shall be offered for sale for cash only, and

BE IT FURTHER RESOLVED that the said bids shall be submitted to the Mayor and City Council for their approval or rejection, and

BE IT FURTHER RESOLVED that the City reserves the right to withdraw any tax sale certificate prior to the public sale of said certificate.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH

Prior to the vote on the foregoing resolution, Attorney Slye advised that the City Charter permits private sale of real estate and private sale of franchises.

Attorney Slye explained that the City is obligated to make the school and county taxes whole. He also remarked that he doesn't have a legal objection to the "private sale" of the certificate.

Mr. Mills advised Council that he has received numerous calls on this property. He stated that since more people are interested, the City would get a fairer price at an auction.

Council Member Smith responded that if Mr. Bonner is willing to assume the potential liability and to pay the back taxes, he would like to see it sold to him through private sale.

Attorney Slye explained that this would be through "free assignment" not private sale.

Mr. Bonner stated that he is willing to take the property and will put it into use.

Mr. Mill has the assignment forms and will meet with Mr. Bonner.

MOTION WAS MADE BY COUNCIL MEMBER SMITH TO EXCLUDE 804 STATE STREET FROM THE ABOVE LIST AND INSTEAD, SELL THE TAX SALE CERTIFICATE THROUGH FREE ASSIGNMENT.

MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED

WITH ALL VOTING IN FAVOR EXCEPT COUNCIL MEMBER CLOUGH AND MAYOR GRAHAM VOTING NAY.

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

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the City of Watertown owns certain lots of land acquired at Tax Sale and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as follows:

<u>Parcel Number</u>	<u>Address</u>
06-06-119.000	609 Bronson Street
03-06-404.000	M30 Charles Street
03-06-403.000	M32 Charles Street
03-06-405.000	M31 Cleveland Street
04-06-411.000	66 Clover Street
06-15-215.000	1023 Ferguson Avenue
06-07-219.000	244 High Street
04-03-102.000	525 Main Street East
04-03-101.000	531 Main Street East
14-17-307.000	VL-3 Marra Drive
01-10-105.000	44 Merline Avenue
01-10-103.000	568 Merline Avenue
01-10-104.000	VL-2 Merline Avenue
01-10-101.000	VL-4 Merline Avenue
03-06-406.000	33 BK 11 Stuart Street
03-06-407.000	35 Stuart Street
03-09-101.000	36 Stuart Street
01-15-221.001	R733 Superior Street
12-03-102.000	114 William Street

And,

WHEREAS title said land has been retained by the City of Watertown, and

WHEREAS the City Council deems the properties to be excess and not required for any City purposes, and

WHEREAS the City Council desires to ensure that properties such as those listed above 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 13 adopted by the Council, on June 6, 1977, the Comptroller of the City of Watertown be and he hereby is authorized to publish a Notice of Sale of the parcels of land above mentioned once a week for three (3) consecutive weeks in the official newspaper of the City of Watertown to the effect that said parcels of land will, at 7:00 p.m. on the 26th day of February, 2008, in the 3rd Floor City Council Chambers in the Municipal Building, 245 Washington Street, be offered individually for sale to the highest bidder and there present, under the conditions herein set forth:

The aforesaid parcels are conveyed, together with all rights and privileges affecting the same, and also together with all buildings, improvements and appurtenances located upon said described parcels, and

BE IT FURTHER RESOLVED that the City Comptroller be and he hereby is authorized to offer for said parcels subject to the rights of the said City Council to reject any and all bids, and

BE IT FURTHER RESOLVED that the highest bidder deposit at least 10 per cent (10%) of the bid price at the same time of each said bid with the City Comptroller, and

BE IT FURTHER RESOLVED that said parcels of land shall be offered for sale for cash only, and

BE IT FURTHER RESOLVED that the Notice of Sale, any offer to purchase, and any 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, and

BE IT FURTHER RESOLVED that the said bids shall be submitted to the Mayor and City Council for their approval or rejection, and

BE IT FURTHER RESOLVED that the City reserves the right to withdraw any parcel prior to the public sale of said parcels.

SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS

Prior to the vote on the foregoing resolution, Mrs. Corriveau advised that Mr. Mills would like 1023 Ferguson Ave. removed from the list.

Mr. Mills explained that the two abutting property owners have been contacted. Mr. Walling has submitted an offer. Mrs. Wheeler has not responded yet.

MOTION WAS MADE BY COUNCIL MEMBER CLOUGH TO REMOVE 1023 FERGUSON AVENUE FROM THIS LIST.

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

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

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the City Purchasing Department has advertised and received sealed bids for the purchase of Variable Frequency Drives, for use by the City Water Department, and

WHEREAS invitations to bid were issued to twelve (12) prospective bidders, with four (4) bids being received and publicly opened and read in the City Purchasing Department on Wednesday, January 16, 2008, at 11:00 a.m., and

WHEREAS City Purchasing Agent Robert J. Cleaver reviewed the bids received and discussed the bids with Gary Pilon, Water Superintendent, and they are both recommending that the City Council accept the recommendation of Stearns & Wheler, consulting engineers, that the award for this project be issued to Patricia Electric, Inc., Syracuse, New York, in the amount of \$218,700; which represents a base bid of \$163,700, plus Alternate No. 1 in the amount of \$55,000.,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York hereby accepts the bid submitted by Patricia Electric, Inc., 407 Brown Avenue, Syracuse, New York 13208, for the purchase of variable frequency drives for use by the Water Department, in the amount of \$218,700, being the lowest qualifying bidder meeting our specifications, and

BE IT FURTHER RESOLVED that the City Manager of the City of Watertown is hereby authorized and directed to execute the attached Agreement with Patricia Electric, Inc. on behalf of the City of Watertown.

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

Prior to the vote on the foregoing resolution, Council Member Butler asked about the disparity in the bid price and the funding contained in the 2007-08 Capital Budget.

Mrs. Corriveau explained that prices have come down. And since this is a capital item, the borrowing will only be for the bid amount.

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COUNCIL DISCUSSED THE FOLLOWING TOPICS

American LaFrance

Mrs. Corriveau advised Council that American LaFrance filed for Chapter 11 bankruptcy last week. The new rescue truck is almost completed. Attorney Burrow has spoken with a bankruptcy attorney to look at this and to determine the City's rights to the equipment.

Attorney Slye advised that the City is in a better position now than if we had sued American LaFrance before.

Volunteer Recognition

Council concurred with the suggestions presented by the Volunteer Recognition Committee to honor the City volunteers on April 28th.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 8:00 P.M. BY MOTION OF COUNCIL MEMBER SMITH, SECONDED BY COUNCIL MEMBER CLOUGH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Donna M. Dutton
City Clerk