

**REGULAR COUNCIL MEETING  
CITY OF WATERTOWN  
March 6, 2006  
7:00 P.M.**

**MAYOR JEFFREY E. GRAHAM PRESIDING**

**PRESENT:**           **COUNCILMAN STEPHEN J. BRADLEY  
COUNCILMAN PETER L. CLOUGH  
COUNCILMAN TIMOTHY R. LABOUF  
COUNCILMAN 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:

- 1 - Authorizing Abate of 2005-06 Real Property Taxes For Property at 152 Court Street
- 2 - Authorizing Submission of an Application for Fiscal Year 2006 Small Cities Community Development Block Grant Funding
- 3 - Finding that the Amendment of the Code of the City of Watertown, Chapter 310, Zoning, to Require a Fence Permit Will Not Have a Significant Effect on the Environment
- 4 - Reappointment to the Transportation Commission – Jennie Adsit
- 5 - Reappointment to the Transportation Commission – Elsie Gressler
- 6 - Reappointment to the Transportation Commission – Kelly Lamoree
- 7 - Public Hearing -7:30 p.m. Authorizing Submission of an Application for Fiscal Year 2006 Small Cities Community Development Block Grant Funding
- 8 - Public Hearing - 7:45 p.m. Amending the Code of the City of Watertown, Chapter 310, Zoning to Require a Fence Permit
- 9 - Tabled Resolution – Authorizing Public Sale of City Owned Property
- 10 - Monthly Financial Report
- 11 - United States Postal Service Area Mail Processing (AMP) Study
- 12 - Analysis of Fiscal Stress in New York State’s Cities

**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 February 21, 2006 was dispensed with and accepted as written by motion of Councilman LaBouf, seconded by Councilman Smith and carried with all voting in favor thereof.

## COMMUNICATIONS

Communication in opposition to a Walgreen's being allowed in the area of Washington Street between Green Street and Thompson Boulevard was received from the following individuals:

Kathryn G. Stone	Bruce & Grace Beattie,	Peter & Shirley Salmon
William Bamann	Kenneth & Lynne Maitland	Chris Quirk
Stephen & Mollie Brand	Donald & Joyce Furst	The Katzman Family

### ABOVE PLACED ON FILE

Claim against the City was received from Sandra Oshier for personal injuries she sustained when she fell outside the Flower Memorial Library.

### ABOVE REFERRED TO THE BOARD OF AUDIT

Mayor Graham interrupted the regular course of business to allow Captain Reff to introduce Father Shane Lynch, the new Chaplain for the Police Department. Father Lynch is the Associate Pastor at Holy Family Church.

### PRIVILEGE OF THE FLOOR

**Jim Fraser**, 914 Boyd Street, addressed the chair concerning rummage sale legislation. He explained that he had obtained a copy of the legislation for the City of Oswego. The legislation is handled through zoning law in conjunction with the City Engineer's Office. If there is a violation, an appearance ticket is issued for City Court.

Mayor Graham asked Mrs. Corriveau to provide Council with a copy of Oswego's legislation.

**Wayne Zimmer**, Katherine Street, addressed the chair concerning the difficulty pedestrians have crossing from Stone Street to the YMCA. Mr. Zimmer also asked if there would be another assessment in two years after the new homes have been built.

Mrs. Corriveau explained that as part of the streetscape project, the island would be extended with a safe harbor area for pedestrians. Concerning the assessments, Mrs. Corriveau explained that the City would go through the same process each year as long as the City is in the 6-year program.

**Jason Trainor**, no address given, addressed the chair remarking that he doesn't feel that there is enough development going on in the downtown area.

Mayor Graham commented on the streetscape program.

Mrs. Corriveau explained that bids will be in on Wednesday and they hope to have them reviewed and on the agenda for April.

## **PUBLIC HEARINGS**

### **AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING THE SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

#### **MAYOR GRAHAM DECLARED THE HEARING OPEN**

Mr. Mix addressed the chair explaining that the proposal is for a housing improvement program to promote housing rehab City-wide and with an over-riding benefit for low to moderate income individuals.

#### **MAYOR GRAHAM DECLARED THE HEARING CLOSED AT 7:37 P.M.**

### **AT 7:45 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING AMENDING THE CODE OF THE CITY OF WATERTOWN CHAPTER 310, ZONING, TO REQUIRE A FENCE PERMIT.**

#### **MAYOR GRAHAM DECLARED THE HEARING OPEN**

**Michael O'Donnell**, Butler Fence, addressed the chair remarking that no input was asked for from either of the two fence companies in the City. He questioned why the fence company had to come in for the permit when the property owner has to come in for a building permit, and not the contractor. He also explained that the 3' fence requirement is totally useless since the standard is 4'. He also explained that the standard is 2" space between the boards and has been for many years. He remarked that no study was done whatsoever. He explained that the examples of fences in the report were not even fences built by fence companies. He also advised that the fence companies do tell the homeowners what the City code requires and they don't want to hear it. Consequently, the homeowners put the fences up themselves. Mr. O'Donnell stated that he was all for permits. However, the fence issue should be studied before anything else is done.

#### **MAYOR GRAHAM DECLARED THE HEARING CLOSED AT 7:54 P.M.**

## **RESOLUTIONS**

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

WHEREAS Section 120 of the City Charter authorizes the City Council to correct any error made in the levying or extending of any tax, and

WHEREAS Real Property Tax Law Section 554 authorizes the appropriate tax levying body to make corrections to the tax roll before the expiration of the warrant, and

WHEREAS Real Property Tax Law Section 556 authorizes the appropriate tax levying body to refund any overpayment of taxes attributable to a clerical error, and

WHEREAS a clerical error was made in the transcription of the final assessment for 152 Court Street, tax parcel 7-01-129.000 from the 2005 Board of Assessment Review's verified statement of changes to the 2005 final roll, and

WHEREAS this error resulted in the issuing of the 2005 City Tax and the 2006 County Tax based upon a taxable value of \$250,000 instead of the correct taxable value of \$161,500, and

WHEREAS an application was made for the correction to the 2006 Jefferson County tax roll, and

WHEREAS the 2005 City tax on 152 Court Street was paid on July 18, 2005 and application was made for the refund of \$1,272.81,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that an abate real property tax in the amount of \$1,272.81 be made to the owners of 152 Court Street, Tax Parcel No. 7-01-129.000, and

BE IT FURTHER RESOLVED that the City Comptroller is hereby authorized to issue such abate and adjust the tax commitment and records accordingly, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that the 2006 County Tax Roll be amended to show the taxable value to be \$161,500, and that the 2006 County tax amount due for 152 Court Street, parcel 7-01-129.00 be \$1,602.05, and

BE IT FURTHER RESOLVED by the City Council that the 2006 County taxes of \$877.90 be deemed uncollectible and added to the 2007 County tax levy.

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

**INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

WHEREAS Federal grant funding is available through New York State Governor's Office for Small Cities to support local community development activities that are undertaken by eligible municipalities, and

WHEREAS the City of Watertown is eligible to apply for funding in the 2006 competition under the Small Cities Community Development Block Grant Program, and

WHEREAS it has been determined that such funding should be used for a Single Purpose proposal to support housing rehabilitation to be administered City-wide, and

WHEREAS two public hearings on the CDBG Program have been conducted by the City Council on February 6, and March 6, 2006,

NOW THEREFORE BE IT RESOLVED that the Mayor, Jeffrey E. Graham, is authorized to sign and submit an application for Community Development Block Grant funding for consideration in the 2006 Small Cities competition, through the New York State Governor's Office for Small Cities, and

BE IT FURTHER RESOLVED that the Mayor is authorized to sign all agreements, certifications and other documents required to complete the applications and to accept grants and administer the programs that are proposed for CDBG fund.

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

**INTRODUCED BY COUNCILMAN STEPHEN J. BRADLEY**

WHEREAS the City Council of the City of Watertown has before it an ordinance to amend the Code of the City of Watertown, Chapter 310, Zoning to require a fence permit for the erection, construction, or alteration of any fence, and

WHEREAS the City Council must evaluate all proposed actions in light of the State Environmental Quality Review Act (SEQRA) and the regulations promulgated pursuant thereto, and

WHEREAS the adoption of the proposed ordinance would constitute such an "Action", and

WHEREAS the City Council has determined that the proposed ordinance is an "Unlisted Action" as that term is defined in 6NYCRR Section 617.2(ak), and

WHEREAS there are no other involved agencies for SEQRA review as that term is defined in 6NYCRR Section 617.2(s), and

WHEREAS to aid the City Council in its determination as to whether the proposed zone change will have a significant effect on the environment, Part 1 of a Short Environmental Assessment Form has been prepared, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that:

1. Based upon its examination of the Short Environmental Assessment Form and comparison of the proposed action with the criteria set forth in 6NYCRR Section 617.7, no significant impact on the environment is known and the adoption of the zoning designation will not have a significant effect on the environment.

2. The Mayor of the City of Watertown is authorized to execute the Environmental Assessment Form to the effect that the City Council is issuing a Negative Declaration under SEQRA.

3. This resolution shall take effect immediately.

**SECONDED BY COUNCILMAN JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

RESOLVED that the following individual is reappointed to the Transportation Commission for a three-year term, such term expiring on April 1, 2009:

Jennie Adsit  
421 Tilden Street  
Watertown, New York 13601

**SECONDED BY COUNCILMAN JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCILMAN PETER L. CLOUGH**

RESOLVED that the following individual is reappointed to the Transportation Commission for a three-year term, such term expiring on April 1, 2009:

Elsie Gressler  
114 TenEyck Street  
Watertown, New York 13601

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

**INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

RESOLVED that the following individual is reappointed to the Transportation Commission for a three-year term, such term expiring on April 1, 2009:

Kelly Lamoree  
Northern New York Cerebral Palsy Assoc.  
714 Washington Street  
Watertown, New York 13601

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

Prior to the votes on the three foregoing resolutions, Mayor Graham commented that he had been asked how people could be appointed to this committee.

The discussion then was expanded to include all City committees.

Mrs. Corriveau commented that individuals could send a letter of interest to her.

Councilman Clough referred to the advertisement that the City ran in the paper a few years ago when they were looking for individuals to fill board positions. He suggested that this be done again.

Councilman Smith suggested that along with the brief description of the various board positions that are on the City's website, perhaps the time commitment and an online application could also be listed.

Councilman Bradley commented that it seems to be the same people every year that serve on these boards and committees. He remarked that change is sometimes a good thing.

Mayor Graham also remarked that news coverage helps as well. He also explained that the Board of Assessment Review is meeting this evening. He commented that this has been quite a lengthy process this year and we need to find a way of showing appreciation for the job that they are doing.

Councilman Clough responded that years ago they received a stipend.

Mrs. Corriveau explained that the Board of Assessment Review met for three full days and all day Saturday. They are now finishing up with evening meetings.

**MOTION WAS MADE BY COUNCILMAN CLOUGH TO TAKE FROM THE TABLE THE RESOLUTION "AUTHORIZING PUBLIC SALE OF CITY OWNED PROPERTY"** Introduced on February 21, 2006; tabled; appears in its entirety on page 48 of the 2006 Minutes Book).

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

Councilman Clough remarked that he thought the Academy Street property was a separate issue that needed more discussion in regards to selling it to Mr. Pistolese.

It was explained that the vote on that motion failed at the last meeting.

Councilman Clough asked if he could amend the resolution to delete the 318 Academy Street address.

Mrs. Corriveau responded that if this property were going to be removed from the resolution, she would ask that the resolution be voted down as there is no need to hold an auction for one parcel of land and that is why the property on Hazelhurst had been added to the resolution.

Mayor Graham asked the City Attorney about what would be needed now.

Attorney Slye explained that Council could vote to reconsider the earlier resolution or they could vote on a new one with a waiver.

Mrs. Corriveau advised that the deposit has been returned to the unsuccessful bidder.

Mayor Graham questioned if this was a valid purchase offer to be considered without a deposit.

Councilman Clough remarked that the City could do a private sale.

**AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND DEFEATED WITH ALL VOTING NAY**

Mr. Pistolese, Jr., 28913 State Rt. 126, Black River, presented the City Clerk with the deposit check for the property at 318 Academy Street, stating that the check is for \$1,000 and the previously agreed price was \$10,000.

The following resolution was introduced:

**INTRODUCED BY COUNCILMAN PETER L. CLOUGH**

RESOLVED that the City Council of the City of Watertown authorizes the private sale of 318 Academy Street, Parcel No. 11-04-121.000 to Michael Pistolese, Jr., 28913 State Rt. 126, Black River, per all the terms and conditions of any other sale that may have been previously considered.

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

**Rules waived by motion of Councilman LaBouf, seconded by Councilman Bradley and carried with all voting in favor thereof.**

Prior to the vote on the foregoing resolution, Councilman Bradley commented that he had discussions with Mr. Pistolese and had spoken with three of his tenants. All of the tenants were very pleased with their housing and remarked that any of their complaints were taken care of immediately. He commented that his original vote was based on past information and now he would support the sale to Mr. Pistolese.

Councilman Smith responded the past information is based on the past track records with the Codes Department. He also commented that the problems on Arsenal Street were not easily resolved. He commented that while his tenants may be happy, there were problems in the past. Councilman Smith questioned how we know the track record isn't going to continue.

Councilman Bradley commented that he feels that the original information was good but not as complete as the information he has received over the past two weeks.

Councilman Clough remarked that Mr. Pistolese would have one year to get the property up to code. He also commented that his other properties are all up to code.

Discussion centered on whether or not the City would be able to enter the property to inspect it for code compliancy.

Attorney Slye explained that he believes the Property Maintenance Code would allow the City to enter the property to make sure it was in compliance.

Councilman Bradley commented that he is sure Mr. Pistolese would welcome an inspection in a year's time and he has nothing to hide.

## ORDINANCES

**THE ORDINANCE "AMENDING THE CODE OF THE CITY OF WATERTOWN CHAPTER 310, ZONING, TO REQUIRE A FENCE PERMIT" WAS PRESENTED TO COUNCIL** (Introduced on February 21, 2006; public hearing held this evening; appears in its entirety on page 49 of the 2006 Minutes Book).

Councilman LaBouf commented that Mr. O'Donnell had raised valid points concerning not communicating with the fence companies. He said that he also just learned this evening that the requirements are not standard sizes. He asked that more research be done on this and that outreach be done to the fence companies for their input.

Mayor Graham remarked that he wasn't on Council when the fence laws were drafted. However, if the standards are different than what the City requires, Council needs to get some more information on this. He asked that the information from the meetings when this was discussed should be made available to Council. He also asked that Mr. McWayne be present when Council takes another look at this issue.

Councilman Smith responded that this discussion was done at multiple work sessions and there was much debate and detail work done. He remarked that Council discussed this for several weeks. He also explained that the 3' height and open space for front yard fences was a safety issue for children.

Councilman Clough wanted it made clear that this motion only tables the issuance of permits, not the fence ordinance.

Councilman LaBouf responded that he understands that it tables the permit. However, he feels that Council needs to check into this.

Councilman Smith advised that people are still held to the standard that is in the Code, but without the permit. However, they may not know what the standards are.

Councilman Clough questioned if Council were asking to look at the entire fence issue again. He commented that this would mean the private contractors would probably want input on the sidewalk issue when it is addressed again in the future.

Councilman Bradley commented that there are only two fence companies as opposed to about 15 contractors.

Councilman Smith responded that the number of businesses involved should not be the reason to look into the issue, but because it is the right thing to do.

Councilman Bradley remarked that he was suggesting that there are two fence companies who do this kind of work every day and if the issue was decided without input from them, it was wrong.

Councilman LaBouf commented that he doesn't want Councilman Clough or Councilman Smith to think he is not appreciative of all the work they had previously put into this issue.

**MOTION WAS MADE BY COUNCILMAN LABOUF TO TABLE THE FOREGOING ORDINANCE. MOTION WAS SECONDED BY COUNCILMAN BRADLEY AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCILMAN CLOUGH AND COUNCILMAN SMITH VOTING NAY**

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**COUNCIL DISCUSSED THE FOLLOWING TOPICS:**

**United States Postal Service Area Mail Processing (AMP) Study**

Mayor Graham referred to this explaining that some people have expressed concern that the mail-sorting hub will be moved away from this area.

Mrs. Corriveau explained that she had given this to Council in an effort to keep them informed that this type of survey was being conducted.

### **Analysis of Fiscal Stress in New York State's Cities**

Mayor Graham referred to this report and the fact that the City has improved as a result of the debt cap and the fact that the City is paying for certain items instead of bonding for them. He questioned if this is being aggressive enough.

Councilman Clough commented that we need to continue paying as we go and the Council needs to make sure that Mrs. Corriveau is directed to tell department heads to hold the line on spending.

Councilman LaBouf remarked that Mrs. Corriveau should be commended as the attitude of making purchases as we go will have a long-term effect.

Mayor Graham commented that if it had not been for Fort Drum expansion, Watertown would be like the other cities on this list. He remarked that sales tax revenues are up, sale of surplus power is down and the utility gross income tax is down.

Councilman Bradley commented that this report is based on a five-year average and therefore that could have an effect on the results.

Mrs. Corriveau referred to a conversation that she and Mr. Mills had with Moody's relative to the City's debt load. She explained that Moody's was encouraged with the City buying down the debt each year. She also explained that each community is dependent upon sales tax, state aid and real property tax. All three should be in a balance. She commented that the City is seeing costs go up for fuel oil and natural gas, as well as gas and diesel.

Councilman LaBouf commented that he views paying down the debt as a long-term priority. However, short term is also vital for the City to do as well. He remarked that we should do all we can to minimize the impact on the City taxpayers.

Mrs. Corriveau referred to page 5 of the report showing that Watertown was 4<sup>th</sup> best in the State for growth of revenues.

### **Standard of Cover Status**

Councilman LaBouf asked about the Fire Department's accreditation.

Mrs. Corriveau explained that she and Attorney Slye have to look at it to see any implications between adopting the Standard of Cover and the agreement with the Fire Union.

### **Rummage Sale**

Councilman Smith asked to be supplied with a copy of the information concerning the rummage/garage sale legislation that had been presented to the prior Council. He commented that while past comments indicate that it doesn't affect many people, he recalls when legislation was passed concerning outdoor furnaces because of one person.

### **Open House**

Councilman Smith invited everyone to the open house for Quick Med, 727 Washington Street on Friday, March 10 from 6 – 8 p.m.

### **Goals & Objectives**

Mayor Graham asked for the goals and objectives of the Council members to be turned in to the City Manager.

### **City Manager Evaluation**

Mayor Graham will meet with Mrs. Corriveau on Monday to review this. It will be before the Council on March 13<sup>th</sup>.

### **ADJOURNMENT**

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 8:17 P.M. UNTIL MONDAY, MARCH 13, 2006 AT 7:00 P.M. BY MOTION OF COUNCILMAN CLOUGH, SECONDED BY COUNCILMAN SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

***Donna M. Dutton***

City Clerk