

**REGULAR COUNCIL MEETING  
CITY OF WATERTOWN  
March 7, 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 JAMES BURROWS**

City Manager Corriveau presented the following reports to the Council:

- 1 - Appointing Nickolas Darling as the City's Representative on the Watertown Industrial Center Local Development Corporation
- 2 - Extension of Sick Leave at Half Pay, Robert A. Piche
- 3 - Approving the Shift of Operation into the Watertown Empire Zone, Regional Practice Management, LLC
- 4 - Authorizing Submission of an Application for Fiscal Year 2005 Small Cities Community Development Block Grant Funding
- 5 - Approving Change Order No. 9 to Contract for Construction of DPW/Bus Maintenance and Storage Facility, Plumbing and Fire Protection, Burns Brothers Contractors, Inc.
- 6 - Approving Change Orders No. 2 and 3 to Contract for Construction of DPW/Bus Maintenance and Storage Facility, HVAC, Falso Service Experts, LLC
- 7 - Local Law No. 4 of 2005 – Amending Chapter 102 Article IV – Notices and Orders, Sub-Section 25 of the Code of the City of Watertown
- 8 - Miss New York State Pageant
- 9- Monthly Financial Report
- 10 - Litigation as it relates to Arsenal Street Associates, L.P. v. City of Watertown

**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 22, 2005 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**

From the Greater Watertown Association of Churches advising that they will be holding a “Carry the Cross for Christ” event through the City on March 25<sup>th</sup> beginning at 9:00 a.m.

### **ABOVE PLACED ON FILE**

Claim against the City was received from Delbert Hargis, Jr. concerning previous claims filed relative to an arrest issue.

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

Mayor Graham proclaimed the month of March 2005 as **Mental Retardation and Developmental Disabilities Awareness Month** in the City of Watertown. Representatives from JRC were present to accept the proclamation.

### **PRIVILEGE OF THE FLOOR**

**Daryl Johnston**, 210 Butterfield Avenue, presented petitions to the Council in support of saving the Iron Block.

**Tania G. Werbizky**, Director of Technical and Grant Programs for the Preservation League of New York State, addressed the chair also urging Council to change their plans for the demolition of the Iron Block. She explained the need for preserving these types of structures. She also stressed the availability of grant programs that would help with the preservation.

**Brian Gorman**, Preservation Watertown, addressed the chair remarking that since the Iron Block is still standing, there may be time to save it. He discussed the fact that there are grants, tax credits and agencies to help downtown revitalization. He asked Council to rethink the demolition decision. He also remarked that if it were demolished, he would hope the City would try to market the site for something other than a parking lot.

**Lonnie Simpson**, City resident, addressed the chair concerning the new bus transfer site and the fact that the restroom facilities are only for the drivers. She remarked that when the plans were made, the newspaper stated that the restrooms would be for the public.

Mayor Graham stated that the restrooms were never intended to be for the public.

Mrs. Corriveau explained that in the early stages there had been discussions about public restrooms in that facility. However, it was quickly determined that there was not enough room in the facility to accommodate public restrooms, nor was there enough land area to increase the size of the building to allow for them.

Ms. Simpson also asked why the bus routes do not go to WalMart and Sam’s Club.

Mrs. Corriveau explained that there had been a number of inquiries about this in the past. At that time, the City was having repair problems with the buses and could not accommodate the extra route. Now, the City has new buses. However, the State will be doing construction work on Arsenal Street, which would make it difficult for the bus route to extend out that far. In addition, Mrs. Corriveau advised that a change in the city route also has an affect on the paratransit routes. This is due to the fact that the paratransit routes have to extend beyond the regular city routes.

### **PUBLIC HEARINGS**

**AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING THE APPLICATION FOR SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FROM THE 2005 COMPETITION THROUGH THE NYS GOVERNOR'S OFFICE FOR SMALL CITIES.**

**MAYOR GRAHAM DECLARED THE PUBLIC HEARING OPEN.**

Mr. Mix explained the application process. He distributed informational sheets with the new income limits. He explained that the grant will be used to support a new city-wide home ownership program that will combine CDBG and HOME funding to allow Neighbors of Watertown to purchase existing homes that are for sale in the city and rehab those properties before transferring them to qualified low or moderate income buyers who have completed a home ownership counseling program that is also administered by Neighbors of Watertown and secured appropriate bank mortgage financing.

**MAYOR GRAHAM DECLARED THE PUBLIC HEARING CLOSED AT 7:33 P.M.**

### **R E S O L U T I O N S**

**INTRODUCED BY COUNCILMAN PETER L. CLOUGH**

WHEREAS by resolution adopted October 18, 1993, the City Council approved participation in developing a Master Plan of the New York Air Brake's facilities and property, and

WHEREAS by resolution adopted May 7, 1994, the City Council approved the formation of a Local Development Corporation, in order to develop and market the New York Air Brake's facilities and property, and

WHEREAS Section 6 of Article III of the Local Development Corporation's By-laws provided for the composition of the Board to include a member appointed by the City of Watertown, New York,

NOW THEREFORE BE IT RESOLVED by the City Council that it hereby appoints Nickolas Darling, 1358 Loomus Drive, Watertown, New York as the City's representative to the Watertown Industrial Center Local Development Corporation.

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

**INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

WHEREAS Police Chief Robert A. Piche is undergoing treatment for cancer and has exhausted his sick leave and vacation time, and

WHEREAS the City of Watertown Benefits Policy for Management and Management Confidential Employees contains a provision for granting sick leave at half pay for a period not to exceed 180 days, after approval by the City Council,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown deems it in the best interest of the City to approve an extension of sick leave at half pay for Police Chief Robert A. Piche for a period of up to sixty (60) days as needed in accordance with the City of Watertown Benefits Policy for Management and Management Confidential Employees, and

BE IT FURTHER RESOLVED that this extension of sick leave at half pay is effective February 22, 2005.

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

**INTRODUCED BY COUNCILMAN PETER L. CLOUGH**

WHEREAS Regional Practice Management, LLC d.b.a. Regional Medical Management, provides billing and practice consulting services to medical providers in the tri-county, and

WHEREAS Regional Medical Management employs six full time and three part time positions, and

WHEREAS Regional Medical Management has faced a lack of opportunity to grow and expand at their current location of 531 Washington Street,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown consents to the relocation of Regional Medical Management from 531 Washington Street to 445 Factory Street, which is located in the Watertown Empire Zone.

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

**INTRODUCED BY COUNCILMAN PETER L. CLOUGH**

WHEREAS federal grant funding is available through the New York State Governor's Office for Small Cities (GOSC) 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 2005 competition under the Small Cities Community Development Block Grant (CDBG) Program, and

WHEREAS it has been determined that such funding should be used for a single purpose proposal to support a new home ownership program to be administered city-wide, and

WHEREAS this proposal has been considered at two public hearings conducted by the City Council on February 22 and March 7, 2005,

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 2005 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 to be proposed for CDBG funding.

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

**INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

WHEREAS on August 18, 2003, the City Council of the City of Watertown approved a bid submitted by Burns Bros. Contractors, Inc., 7504 US Hwy. 11, Potsdam, New York 13676, in the amount of \$349,000 for Plumbing & Fire Protection associated with the construction of a new DPW/Bus Maintenance and Storage Facility, and Transit Facility, and

WHEREAS in connection with that project, City Engineer Gary Pilon has submitted the attached Change Order No. 9 for consideration by the City Council, and

WHEREAS the total cost associated with this Change Orders is \$3,228.85,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 9 to the Plumbing & Fire Protection contract with Burns Brothers Contractors, Inc., associated with the construction of a new DPW/Bus Maintenance and Storage Facility, and Transit Facility, copies of which are attached and made of part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute the Change Order documents on behalf of the City of Watertown.

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

**INTRODUCED BY COUNCILMAN PETER L. CLOUGH**

WHEREAS on August 18, 2003, the City Council of the City of Watertown approved the bid submitted by Falso Service Experts, LLC, 5089 Whirlybird Lane, E. Syracuse, New York, in the amount of \$375,954 for HVAC associated with the construction of a new DPW/Bus Maintenance and Storage Facility, and Transit Facility, and

WHEREAS Interim City Engineer Gary Pilon has submitted for City Council consideration Change Order No. 2 to the contract, which is a \$0 change order associated with relocation of a vehicle lift in the Washbay Facility and Change Order No. 3 in the amount of \$2,732, which represents a revision to Change Order No. 1 adopted on August 2, 2004, as it relates to the exhaust system fans, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Change Orders No. 2 and 3 to the HVAC contract with Falso Service Experts, LLC, copies of which are attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute the Change Order documents on behalf of the City of Watertown.

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

**LOCAL LAW**

**INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

WHEREAS the New York Municipal Home Rule Law permits the adoption of Local Laws by a City in furtherance of the health, safety and welfare of the residents of the City; and

WHEREAS Chapter 102 of the Watertown City Code was adopted on February 22, 2005, and

WHEREAS the City Council has determined that tenants, as well as property owners, should be notified whenever the Code Enforcement Supervisor determines that there has been a violation of any of the Codes or has grounds to believe that a violation has occurred, and

WHEREAS the City Council of the City of Watertown believes that it is in the best interests of the residents of the City of Watertown to adopt such legislation to promote and protect the health, safety, and welfare of residents of the City of Watertown.

NOW THEREFORE BE IT ENACTED by the City Council of the City of Watertown, that Chapter 102, Article IV, §25 is amended as follows:

§25. Notice to owner or to person or persons responsible.

Whenever the Code Enforcement Supervisor determines that there has been a violation of any of the Codes or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed in §26 and §27. In addition, a copy of each notice shall also be posted at readily accessible, and readily identifiable, entrances and exits within a reasonable time after such notice is otherwise served in the manner prescribed herein.

**SECONDED BY COUNCILMAN STEPHEN J. BRADLEY**

**MOTION WAS MADE BY COUNCILMAN CLOUGH TO SCHEDULE A PUBLIC HEARING ON THE FOREGOING LOCAL LAW FOR MONDAY, MARCH 21, 2005 AT 7:30 P.M.**

**MOTION WAS SECONDED BY COUNCILMAN LABOUF AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCILWOMAN BURNS WHO ABSTAINED.**

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**COUNCIL DISCUSSED THE FOLLOWING TOPICS:**

**Miss New York State Pageant**

Council concurred to authorize Mrs. Corriveau to prepare the necessary resolution and Public Benefits Service Agreement for this request.

**Arsenal Street Concerns**

Councilman LaBouf thanked those who were responsible for helping to fix the concerns he had at the last meeting regarding the streetlight and guardrails on Arsenal Street.

Mrs. Corriveau explained that Mr. Hayes was responsible for that. He contacted Ni Mo about the streetlight. He has had traffic cones placed near the guardrails and has spoken with NYS DOT concerning its condition.

**Code Revisions**

Mayor Graham expressed accolades to Mrs. Corriveau for the proposed code revisions on the agenda this evening. He commended Mrs. Burns for seeking a solution and he also commended Donald Coon for his assistance. He remarked that this situation was resolved with the help of many volunteers and he thanked them.

Councilman LaBouf also commended the City Manager for the action she took in preparing the code changes to reflect notifications to tenants.

**Masonic Temple**

Mayor Graham mentioned that people should give some consideration to the solutions for the use of this building.

**Advantage Watertown**

Mayor Graham advised that there would be a meeting of this group Tuesday morning at 8:30 to discuss housing issues.

**Annual Review of City Manager**

**MOTION WAS MADE BY COUNCILMAN CLOUGH TO ACCEPT THE EVALUATIONS OF THE CITY MANAGER AS PREPARED BY EACH COUNCIL MEMBER AND TO FILE SAME IN THE OFFICE OF THE CITY CLERK.**

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

**Council's Goals and Objectives for Budget**

Mrs. Corriveau reminded Council members that she still needs their goals and objectives for the budget. Mayor Graham and Councilman LaBouf are the only ones who have submitted theirs.

**Thrift Store**

Mayor Graham mentioned that there would be a ribbon cutting at the new Thrift Store on Thursday at 10:00 a.m.

**Empire Zone Board**

Councilman Clough advised that the Zone Board had approved an application form to be used by the businesses when applying for inclusion into the zone. The application forms will be accepted from March 18<sup>th</sup> through May 20<sup>th</sup>. Legal notices and advertisements will be placed in the newspaper. Other media will be contacted as well.

**EXECUTIVE SESSION**

**MOTION WAS MADE BY COUNCILMAN BRADLEY TO MOVE INTO EXECUTIVE SESSION TO DISCUSS LITIGATION AS IT RELATES TO ARSENAL STREET ASSOCIATES, L.P. V. CITY OF WATERTOWN AND TO DISCUSS COLLECTIVE BARGAINING NEGOTIATIONS.**

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

Council moved into Executive Session at 7:34 p.m.

Council reconvened at 8:05 p.m.

Council considered the following resolution

**INTRODUCED BY COUNCILMAN PETER L. CLOUGH**

WHEREAS certain premises owned by Arsenal Street Associates L.P. in the City of Watertown at 1283 Arsenal Street and also known as Parcel Nos. 9-22-101; 9-20-201 on the Assessment Roll and Map of the city, are assessed upon the Assessment Roll and Map of the City, are assessed upon the Assessment Roll of the City for the payment of taxes starting with the year 2001:

1283 Arsenal Street – Parcel No. 9-22-101 \$9,219,6000 (the “Plaza”)

Parcel No. 9-20-201

\$12,000 (the "vacant land")

And

WHEREAS Arsenal Street Associates has heretofore duly instituted in the Supreme Court proceedings to review the assessment and the determination of the Board of Review of the City for the years 2001,2002,2003 and 2004 and such hearings for 2001 and 2002 are now pending trial, and

WHEREAS the parties have agreed that said assessment for tax roll year 2001 has been determined and fixed in the amount of \$8,719,6000.00 on the plaza and \$12,000.00 on the vacant land, and

WHEREAS the parties have agreed that said assessment for tax roll year 2002 has been determined and fixed in the amount of \$8,719,600.00 on the plaza and \$12,000.00 on the vacant land, and

WHEREAS the parties have agreed that said assessment for tax roll year 2003 has been determined and fixed in the amount of \$8,819,600.00 on the plaza and \$12,000.00 on the vacant land, and

WHEREAS the parties have agreed that said assessment for tax roll year 2004 has been determined and fixed in the amount of \$8,819,600.00 on the plaza and \$12,000.00 on the vacant land, and

WHEREAS Petitioner has heretofore paid under protest to the City Comptroller, in a timely manner, excess taxes during tax years 2001-2004 on the Plaza and is entitled to a refund of those excess taxes based on that portion of said assessment which exceeds the agreed upon assessment for each referenced tax year, and

WHEREAS IN CONSIDERATION OF THE City setting the assessment as set forth above the Petitioner agrees not to commence any further tax assessment review proceedings in respect to the Plaza and/or land pursuant to Article 7 of the Real Property Tax Law of the State of New York or under any other applicable provisions of law for tax year 2005-2007 as specified in RPTL §727, and

WHEREAS the City reserves the right to adjust the assessment to new additions or improvements upon the subject property which warrant a change in assessment, and similarly, the Petitioner shall not be barred from challenging and commencing proceedings to review the assessment on the new additions or improvements in the event there are new additions or improvements on the subject premises, all as specified at RPTL §727, and

WHEREAS the compromise and settlement of the aforesaid proceedings upon the above basis is deemed in the best interest of the Respondents;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that the City Attorneys of the City of Watertown be and are hereby authorized, empowered and directed to enter into a formal Stipulation of Settlement and Discontinuance of the aforesaid proceedings commenced by Arsenal Street Associates, L.P. on the subject premises for tax years 2001-2004, to review the tax assessment with the Counsel of Arsenal Street Associates, L.P. on the following terms and conditions:

1. That the total assessment for the aforesaid premises owned by Arsenal Street Associates, L.P. and known as 1283 Arsenal Street, Watertown, New York and designated as Tax Parcel 9-22-101; be reduced from \$9,219,600.00 to \$8,719,600.00 for tax roll year 2001 and as so reduced be finally fixed and determined and that the Assessment roll for the year 2001 be corrected accordingly as required.
2. That the total assessment for the aforesaid premises owned by Arsenal Street Associates, L.P. and known as 1283 Arsenal Street, Watertown, New York and designated as Tax Parcel 9-22-101; be reduced from \$9,219,600.00 to \$8,719,600.00 for tax roll year 2002 and as so reduced be finally fixed and determined and that the Assessment roll for the year 2002 be corrected accordingly as required.
3. That the total assessment for the aforesaid premises owned by Arsenal Street Associates, L.P. and known as 1283 Arsenal Street, Watertown, New York and designated as Tax Parcel 9-22-101; be reduced from \$9,219,600.00 to \$8,819,600.00 for tax roll year 2003 and as so reduced be finally fixed and determined and that the Assessment roll for the year 2003 be corrected accordingly as required.
4. That the total assessment for the aforesaid premises owned by Arsenal Street Associates, L.P. and known as 1283 Arsenal Street, Watertown, New York and designated as Tax Parcel 9-22-101; be reduced from \$9,219,600.00 to \$8,819,600.00 for tax roll year 2004 and as so reduced be finally fixed and determined and that the Assessment roll for the year 2004 be corrected accordingly as required.
5. That the Petitioner is entitled to a refund for excess taxes heretofore paid by it under protest in respect to Tax Parcel No. 9-22-101 for tax years 2001-2004.
6. That the taxing jurisdictions shall pay no interest on the refund(s) made to Petitioner so long as these payments are made within ninety (90) days of service of a certified copy of an Order.
7. That the above adjustments are made in consideration of the Petitioner's agreement not to commence or continue tax assessment review proceedings pursuant to Article 7 of the Real Property Tax Laws of the State of New York or under any other applicable provision of laws for tax years 2005,2006 or 2007 as governed by RPTL§ 727.
8. That an Order of the Supreme Court shall be made and entered settling the aforesaid proceedings to review said assessment without costs to

either party as against the other and upon the terms and conditions set forth above, and

BE IT FURTHER RESOLVED that the City Assessor and all other municipal officers, agents, or employees be and they hereby are directed to do such acts and things as may be necessary to give full force and effect to the aforesaid settlement.

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

(Rules waived by motion of Councilman Clough, seconded by Councilman LaBouf and carried with all voting in favor thereof.)

**ADJOURNMENT**

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 8:07 P.M. BY MOTION OF COUNCILMAN CLOUGH, SECONDED BY COUNCILMAN LABOUF AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

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