

**CITY COUNCIL MEETING
CITY OF WATERTOWN
April 2, 2012
7:00 P.M.**

Mayor Jeffrey E. Graham Presiding

Present: Council Member Roxanne M. Burns
Council Member Joseph M. Butler, Jr.
Council Member Teresa R. Macaluso
Council Member Jeffrey M. Smith
Mayor Graham

Also Present: Ken Mix, Planning Coordinator
Robert J. Slye, City Attorney

City staff present: Kurt Hauk, Elliott Nelson, Chief Herman, Chief Goss

The City Manager presented the following reports to Council:

- Resolution No. 1 - Approving Training from Trusted Providers for Meeting the New York State Municipal Planning And Zoning Officials' Training Requirement
- Resolution No. 2 - Approving the Undertakings in Connection With Permits Issued by the New York State Department of Transportation
- Resolution No. 3 - Approving Agreement for Professional Services for 16" Parallel Main, GHD Consulting Engineers LLC
- Resolution No. 4 - Authorizing Application for NYS Division of Homeland Security and Emergency Services Grant, Fire Department
- Resolution No. 5 – Readopting Fiscal Year 2011-12 General Fund Budget
- Resolution No. 6 – Public Hearing Authorizing Spending From the Duffy Fairgrounds Stadium Reserve Fund
- Ordinance No. 1 - Amending City Municipal Code § 293, Vehicles and Traffic
- 7:30 p.m. Public Hearing - 2012 Community Development Block Grant Small Cities Application
- 7:30 p.m. Public Hearing - Ordinance Changing the Approved Zoning Classification of Hydroelectric Facilities and Related Properties Along the Black River to Waterfront District in Order to Implement the Local Waterfront Revitalization Program
- Intersection of Flower Avenue West and Holcomb Street

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 March 19, 2012, and adjourned meeting of March 26, 2012 was dispensed and accepted as written by motion of Council Member Smith, seconded by Council Member Macaluso and carried with all voting in favor thereof.

COMMUNICATIONS

A letter was received from David L. Bush as notice of resignation from the Board of Assessment Review.

A letter was received from Rosalie Cavise concerning the City Manager's departure and politics.

Above communication was placed on file in the office of the City Clerk.

The following claims against the City were received.

From Mary Fults for damages sustained when she hit a pot hole on Starbuck Avenue on March 24, 2012.

From Michael and Patricia DeTraglia asking the Board of Audit to reconsider their claim regarding a sewer back-up in their basement on West Lynde Street.

Above claims have been referred to the Board of Audit.

PRIVILEGE OF THE FLOOR

Brian King, 739 Nellis Street, addressed the chair concerning the pit bull attack which occurred at his home on March 17, 2012. Mr. King read from a prepared statement, on file with the Office of the City Clerk. He thanked the Mayor for inviting him to speak to Council.

William VanOrman, Mustard Road, addressed the chair by reading from a prepared statement, on file in the Office of the City Clerk. He stated that he is a pit bull owner who lives outside the City and remarked that the stereotype in which pit bulls are commonly known is created by people, not the dogs themselves. He cited legislation in Ohio, Bill Number 14, regarding vicious dogs and ownership thereof. (Copy of that Bill is on file in the Office of the City Clerk.)

Joanne Nugent-Ward, 156 Chestnut Street, addressed the chair commenting on the dog attack of March 17. The paid dog walker said that it was the first time she had seen such a vicious dog attack. She noted that the key issue here is responsible pet ownership and left to their own devices, dogs are wild animals.

Chuck Ruggerio, 216 Keyes Avenue, addressed the chair recalling an attack four years ago in which his family pet was killed by a roaming dog. He noted that the dog was not leashed and had traveled approximately seven blocks to get to his home. He voiced his concern about the

possibility of a small child being attacked if leash laws are not enforced. Mr. Ruggerio is the education coordinator for public safety at Jefferson Community College, a police officer and retired police chief. He works for the Village of Cape Vincent, and noted the responsibility of officers to enforce the dog laws in the local community as there is no dog warden in the Village. Public safety is a primary mandate of government, he said, in which taxpayers are owed a form of allegiance to make sure they can enjoy their lives safely. He suggested the City take a look at the way current City ordinances are enforced and the penalty schedule after a dog has been declared dangerous. He added that it is sometimes difficult to get a County dog official to respond when needed and suggested revisiting the concept of a part time employee or place some special emphasis with local law enforcement officials to enforce laws already on the books. A more meaningful fee schedule in way of fines may be more punitive.

Michael Flynn, 29976 State Rt. 126, Rutland, addressed the chair wishing to add some 'expertise' regarding pit bulls. He stated he is a dog-lover and owns nine dogs. He advised Council to check his facts regarding the information he is giving pertaining to pit bulls. Mr. Flynn commented that the genetic history of pit bulls enables them to react very quickly instinctively. He added that pit bulls have the tendency to go from zero to one hundred and questioned if they are genetically flawed. He suggested creating a program to have pit bulls in the community evaluated.

S.G. Gates, 157 Dorsey Street, addressed the chair stressing the importance of socialization for dogs and that Council should consider looking at that aspect of dog behavior. He noted that with dogs not being allowed at social events within the City, a dog park would be a good outlet for the pets. He added that bad people raise bad dogs and a dog park may not be utilized by those individuals. But in general, he added, it would be good for other dogs.

Arnold Hollenbeck Jr., Rt. 16, Watertown, addressed the chair saying that he is a pit bull owner and said a little common sense might help no matter which breed is in question. He asked if people can tell the difference between a boxer, mixed with a pit bull, or mixed with a Springer spaniel. He added that while he has owned seven mixed breeds, he cannot necessarily tell which breed is most predominant and who is to say which type of dog it is and where it can go. Mr. Hollenbeck added that there are dogs who do not belong in public as they are trained to do certain things and suggested making a dog-only area and children-only area at public events.

Janis Drean, 233 Barben Avenue, addressed the chair commenting that she is also a pit bull owner and said she believes breed-specific legislation would force responsible pet owners out of the City and irresponsible owners may obtain a different breed of aggressive dog or hide their dogs which would make them more unsocialized.

PUBLIC HEARING

At 7:30 P.M. Mayor Graham asked the City Clerk to read the notice of Public Hearing Concerning 2012 Community Development Block Grant Small Cities Application

Mayor Graham declared the hearing open at 7:35 P. M.

Mr. Mix addressed the chair noting that this is the first of the public hearings for this year's CDBG program. He noted there is some information in Council's agenda packages regarding the history of the program and income and rent limits.

Mayor Graham declared the hearing closed at 7:37 P.M.

At 7:37 P.M. Mayor Graham asked the City Clerk to read the notice of Public Hearing Concerning Changing the Approved Zoning Classification of Hydroelectric Facilities and Related Properties Along the Black River to Waterfront District in Order to Implement the Local Waterfront Revitalization Program

Mayor Graham declared the hearing open at 7:37 P. M.

No one spoke.

Mayor Graham declared the hearing closed at 7:37 P.M.

RESOLUTIONS

Resolution No. 1 - Approving Training from Trusted Providers for Meeting the New York State Municipal Planning And Zoning Officials' Training Requirement

Introduced by Council Member Roxanne M. Burns

WHEREAS General City Law Sections 27 and 81, which took effect on January 1, 2007, require all planning board and zoning board of appeals members to complete four hours of training per year, and

WHEREAS the state law provides that the City Council must specify which activities qualify as training, and

WHEREAS certain organizations and agencies are trusted to provide training that is appropriate for meeting the state municipal planning and zoning officials' training requirement,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that the following organizations and agencies are approved to provide training to meet the New York State municipal planning and zoning officials' training requirement when the training they provide pertains to municipal planning, zoning, community design, environmental issues, economic development, and local government functions and practices:

- 1) NYS Department of State, NYS Department of Environmental Conservation,

NYS Department of Health, NYS Department of Agriculture and Markets, NYS Office of the State Comptroller, NYS Department of Transportation, NYS Office of Parks, Recreation, and Historic Preservation, NYS Tug Hill Commission, and

- 2) American Planning Association, New York Planning Federation, New York State Association of Towns, New York Conference of Mayors, New York State Association of Counties, and
- 3) Jefferson County Department of Planning, Jefferson Community College, Jefferson County Soil and Water Conservation District, Cornell University and its cooperative extension, Fort Drum Regional Liason Organization, the City Attorney and City of Watertown staff.

Seconded by Council Member Joseph M. Butler Jr. and carried with all voting yea.

Resolution No. 2 - Approving the Undertakings in Connection With Permits Issued by the New York State Department of Transportation

Introduced by Council Member Jeffrey M. Smith

WHEREAS the undersigned City of Watertown (hereinafter referred to as “Permittee”) from time to time receives permits from the New York State Department of Transportation (hereinafter referred to as the “NYSDOT”) and otherwise conducts activities and operations upon highways and/or within right-of-way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities, and

WHEREAS Permittee’s access and operation upon state right-of-way is conditioned upon compliance with Highway Law Sections 52, 103, 203 and/or 234, including the conditions that Permittee assume al responsibility for (a) the temporary control of all modes of traffic (including motorized and non-motorized travel) affected by Permittee’s operations, (b) complete restoration of state facilities to their condition prior to permitted use or activity, and (c) all claims, damages, losses and expenses,

NOW THEREFORE BE IT RESOLVED in relation to all operations and/or actions undertaken within state right-of-way, the City of Watertown hereby agrees to the following terms and conditions:

1. Permit Applications. Excepting only activities undertaken to protect public safety because of emergency conditions or incidents, Permittee shall provide timely written notice to NYSDOT of operations or activities affecting state right-of-way. Under normal circumstances, a minimum of five business days notice shall be provided. Notification of emergency activities shall be provided to NYSDOT as soon as practicable after the activity. The Permittee shall apply for project-specific permits for activities not allowed under any existing annual permit. Such application shall identify proposed project locations, desired dates/hours, proposed work/activities, traffic control, and site restoration.

2. **Applicable Rules, Regulations & Conditions.** Permittee shall comply with all of the laws, rules and regulations applicable to construction, maintenance activities and operations and shall further comply with such terms and conditions that may be imposed by NYSDOT in connection with permitted activity or operations. Temporary Traffic Control, highway safety appurtenances, and restoration of state facilities shall be completed in accordance with NYSDOT regulations and standards.
3. **Site Restoration.** Permittee shall, at its own expense, promptly complete the work allowed under each permit and, within a reasonable time, restore State property damaged by its work/activities to substantially the same or equivalent condition as existed before such work was begun as determined by the Commission or his/her designee. In the event that the Permittee fails to so restore damaged State property within what the Commission deems to be a reasonable time, the Commissioner, after giving written notice to the Permittee, may restore the property to substantially the same or equivalent condition as existed before the Permittee's work/activities, in which case, Permittee agrees to reimburse the reasonable expenses in connection therewith.
4. **Payment & Release of Liens.** Permittee shall be responsible for the payment of all costs and materials relating to its work in the public right-of-way, and agrees to defend and save harmless NYSDOT against any and all lien claims made by persons supplying services or materials to Permittee in connection with Permittee's work.
5. **Indemnity.** In addition to the protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the Permittee, its agents, employees, or to any other person, or to any property, occurring on the site or in any way associated with Permittee's activities or operations, whether undertaken by Permittee's own forces or by contractors or other agents working on Permittee's behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to, claims for personal injuries, property damage, wrongful death, and/or environmental claims and attorney fees arising out of any such claim, that are in any way associated with the Permittee's, activities or operations under any and all permits issued using this Undertaking.

FURTHERMORE Permittee hereby warrants that the obligations of this Undertaking are backed by the full faith and credit of Permittee. Permittee may insure or bond any of the obligations set forth herein, or may rely upon self-insurance, budgeted funds, or funds for general operations.

This Undertaking shall be applicable to all permitted activities and operations undertaken after the date of execution and work initiated while this Undertaking is in effect. This

Undertaking may be revoked by the Permittee or rejected by NYSDOT upon thirty days written notice but will continue to apply to all permitted activities/operations that were permitted by virtue of this Undertaking. Unless terminated for the purpose of future activities/operations, this Undertaking shall have a term of twenty (20) years and shall be kept on file to facilitate the issuance of future permits to which it will apply.

INWITNESS WHEREOF the City of Watertown has caused its execution by the City Manager.

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.

Resolution No. 3 - Approving Agreement for Professional Services for 16" Parallel Main, GHD Consulting Engineers LLC

Introduced by Council Member Teresa R. Macaluso

WHEREAS the City of Watertown has issued a Request for Proposals for engineering design and bidding of the construction of a 16" parallel water main and evaluation of the existing 16" water main that directly connects the Thompson Park Reservoirs to the City's water treatment system, and

WHEREAS the City of Watertown has reviewed the proposal submitted and wishes to enter into an Agreement for engineering services in connection with engineering design and bidding service,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement for Professional Services between the City of Watertown and GHD Consulting Engineers LLC for engineering design and bidding services for the construction of a 16" parallel water main and evaluation of the existing 16" water main, a copy of which is attached and made a part of said resolution,

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

Seconded by Council Member Joseph M. Butler Jr.

Prior to the vote on the foregoing resolution, Council Member Butler inquired if this is for the engineering design and if the bids will be sent out in 2013.

Mr. Hauk replied that the work is scheduled to begin around this time next year. He added that the scope of the work includes adding a parallel main as all the existing mains are original. He noted that the added redundancy gives the City flexibility should anything happen to the original lines. He said that once the new system is up and running, the current system will shift to that and the original one will be shut down for examination.

At the call of the chair, vote was taken on the foregoing resolution with all voting in favor thereof.

Resolution No. 4 - Authorizing Application for NYS Division of Homeland Security and Emergency Services Grant, Fire Department

Introduced by Council Member Roxanne M. Burns

WHEREAS the New York State Division of Homeland Security and Emergency Services (DHSES), through its Office of Counterterrorism, is accepting applications for funding through April 26, 2012, and

WHEREAS the City of Watertown Fire Department has prepared an application that meets the intended purpose of this grant, which will allow the department to purchase technical rescue and urban search and rescue equipment, obtain the necessary training, and to cover the personnel costs related to said training, and

WHEREAS the application, in the amount of \$134,638, does not require any matching funds from the City,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes the Fire Department to submit a grant application in the amount of \$134,638 to the New York State Division of Homeland Security and Emergency Services, and

BE IT FURTHER RESOLVED that Fire Chief Dale C. Herman is hereby authorized and directed to execute the grant application on behalf of the City of Watertown.

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.

Resolution No. 5 – Readopting Fiscal Year 2011-12 General Fund Budget

Introduced by Council Member Jeffrey M. Smith

WHEREAS on June 1, 2011 the City Council passed a resolution adopting the Budget for Fiscal Year 2011-12, of which \$38,023,157 was appropriated for the General Fund, and

WHEREAS on July 5, 2011 the City Council re-adopted the General Fund Budget to increase appropriations by \$25,240 to pay the costs of the Symphony Syracuse concert, and

WHEREAS on August 1, 2011 the City Council re-adopted the General Fund Budget to increase appropriations by \$45,150 to pay the costs of the change order to the contract with Bat-Con to reconstruct the J. B. Wise parking lot, and

WHEREAS on September 19, 2011 the City Council re-adopted the General Fund Budget to increase appropriations by \$38,000 to pay for the purchase of a pick-up for the Department of Public Works' roads maintenance department, and

WHEREAS on October 24, 2011 the City Council re-adopted the General Fund Budget to increase appropriations by \$56,073 to reflect the modified organizational structure of the Parks and Recreation Department and the related appropriations for certain departmental expenditures, and

WHEREAS on March 11, 2012 a police vehicle was totaled in an accident and

WHEREAS the Police Department requests permission to purchase a replacement vehicle and,

WHEREAS the insurance settlement is expected to be \$23,856 and,

WHEREAS the Police Department FY 2011-12 budget for roll call pay will have sufficient unspent appropriations to cover the unreimbursed portion the vehicle replacement cost, and

WHEREAS the FY 2011-12 General Fund Budget needs to be re-adopted to reflect the purchase of the replacement vehicle,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby re-adopts the General Fund Budget for Fiscal Year 2011-12 in the total amount of \$ 38,211,476 and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that the following adjustments be included in the re-adopted General Fund Budget:

Revenues

A.0000.2680	Insurance Recoveries	\$ 23,856
Total		<u>\$ 23,856</u>

Expenditures

A 3120.0180	Roll Call Pay	(\$ 6,344)
A 3120.0230	Vehicles	<u>30,200</u>
Total		<u>\$ 23,856</u>

Seconded by Council Member Joseph M. Butler Jr.

Prior to the vote on the foregoing resolution, Council Member Butler inquired about the unmarked patrol vehicle to be purchased.

Chief Goss replied that the department currently has a 2006 Crown Victoria with nearly 100,000 miles. He said he hopes to obtain an unmarked car at a less expensive price because it was not budgeted for a replacement. He added that the car will be used for travel as it has no screen and no striping with a regular back seat. Chief Goss said that the 2006 car they will be replacing will go to the parking attendant.

Council Member Butler asked which vehicle was the total loss.

Chief Goss answered that it was a marked car but that this is a fall-back system and the unmarked car is being replaced a bit sooner than what had been planned.

Council Member Butler asked what will be replacing the marked vehicle.

Chief Goss said there will be a normal bid process of three cars from which to choose.

Council Member Butler commented that the insurance proceeds from the marked car will go toward buying the unmarked vehicle.

Chief Goss noted the unmarked vehicle can be obtained cheaper because insurance did not pay the full amount.

Council Member Butler asked from where the unmarked car is being purchased.

Chief Goss responded that the three-bid system will be utilized and that the New York State bid has not yet been set for cars. Chief Goss discussed the bid process.

Council Member Butler inquired how much retrofitting is necessary for the unmarked vehicle and commented that the price is quite high.

Chief Goss answered that the car to be purchased is a patrol vehicle with no lights but still has a heavy duty suspension and wiring. He added that the Crown Victoria is not made anymore so the car to be purchased is a Ford Taurus.

Council Member Butler noted that he saw a 2011 Crown Victoria on the Internet with 14,000 miles for \$19,000.

Chief Goss commented that the price through Ontario County bidding is a very good price and he has not known the City to purchase used vehicles, as the one found online.

Council Member Butler inquired why the car cannot be purchased locally, which could save \$8,000 or more.

Chief Goss said using the Ontario County bid is the most expeditious way to make the purchase.

Attorney Slye commented that the reason the City uses the state bid is so that the City does not have to follow the bid process, making it much cheaper and easier for the City.

Mr. Mix noted that the purchasing policy is to get at least three quotes.

Chief Goss said that the car he found would be a different style car than what a police package requires. He added it is not a pursuit car but still has lights and sirens and can pull people over.

Council Member Burns inquired about the car being traded to the parking enforcement officer.

Chief Goss said the unmarked car that is currently in use, which is being replaced a year early, will go to the parking attendant.

Council Member Burns asked what the plan is for the parking attendant's car.

Chief Goss said that car will either be sold online or will be auctioned off. It is a 2006 with approximately 100,000 miles, he said.

At the call of the chair, vote was taken on the foregoing resolution with all voting in favor thereof.

Resolution No. 6 – Public Hearing Authorizing Spending From the Duffy Fairgrounds Stadium Reserve Fund

Introduced by Council Member Jeffrey M. Smith

WHEREAS on June 2, 1997, the City Council approved establishing a Repair Reserve Fund for the costs associated with renovations and capital repairs to the existing stadium at the Alex T. Duffy Fairgrounds, and

WHEREAS the City has determined that the masonry, locker room and office flooring, and heaters at the Alex T. Duffy Fairgrounds need to be repaired/replaced, and

WHEREAS the estimated cost of the repairs/replacements to be \$53,000, and

WHEREAS on Monday, April 16, 2012, at 7:30 p.m., the City Council of the City of Watertown held a public hearing to discuss the expenditure of funds from this reserve fund, and

WHEREAS it has been determined that the expenditure of these funds is in keeping with the purpose for the reserve fund,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes the appropriation of funds to pay for the masonry repairs, locker room and office flooring replacements, and heater replacements at the City's stadium at the Alex T. Duffy Fairgrounds.

Seconded by Council Member Teresa R. Macaluso

Motion was made by Council Member Burns to schedule a public hearing on the foregoing resolution for Monday, April 16, 2012, at 7:30 p.m.

Motion was seconded by Council Member Smith and carried with all voting in favor thereof.

ORDINANCES

Ordinance No. 1 - Amending City Municipal Code § 293, Vehicles and Traffic

Introduced by Council Member Roxanne M. Burns

BE IT ORDAINED that Section 293-75 of the City Code of the City of Watertown is amended to read as follows:

§ 293-75. Schedule XXVII: On-Street Handicapped Parking.

In accordance with the provisions of § 293-22, the following described locations are hereby designated as on-street handicapped parking:

Name of Street	Side	Location
Academy Street	North	From 116 feet east of Washington Street to 156 feet East of Washington Street. Two parking spaces.
Academy Street	North	From Gotham Street to the parking garage exit. Four parking spaces.
Arsenal Street	South	In front of 195 Arsenal Street, Jefferson County Office Building.
Court Street	North	In front of 136 Court Street, Agape Shoppe.
Court Street	North	In front of 210 Court Street, Liberty Building.
Public Square	North	In front of 87 Public Square, The Crystal Restaurant. Two parking spaces.
Public Square	North	In front of 34 Public Square, Solitary Consignment. Two parking spaces.
Stone Street	North	In front of 160 Stone Street, Planned Parenthood of the North Country.
Amending City Municipal Code § 293, Vehicles and Traffic		
Stone Street	North	In front of 190 Stone Street.
Washington Street	West	In front of 200 Washington Street, Key Bank. Two parking spaces.
Washington Street	West	In front of 120 Washington Street, HSBC Bank.

Two parking spaces.

Washington Street	East	In front of 215 Washington Street, Agriculture Insurance Building.
Washington Street	East	In front of 105 Washington Street, Bugbee Apartments. Two parking spaces.
Washington Street	East	In front of 317 Washington Street, Dulles State Office Building. Two parking spaces.

and,

BE IT FURTHER ORDAINED that this amendment shall take effect as soon as it is published once in the official newspaper of the City of Watertown, or printed as the City Manager directs.

Seconded by Council Member Teresa R. Macaluso

Motion for unanimous consent moved by Council Member Roxanne M. Burns , seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof

Prior to the vote on the foregoing ordinance, Mayor Graham noted that the parking deck at the State Office Building will be unavailable for several months prompting the creation of certain required handicapped parking spaces. He noted that parking spaces in the J.B. Wise and Stone Street lots will need to be utilized. Mayor Graham said it is hoped that it will be completed by this fall.

Council Member Burns noted there was some media attention on Channel 7 this evening on the topic and said it is very important for the State to make sure the community is aware of the plans and added it is not the City's responsibility to do so.

At the call of the chair, a vote was taken on the foregoing ordinance and carried with all voting yea.

The Ordinance Changing the Approved Zoning Classification of Hydroelectric Facilities and Related Properties Along the Black River to Waterfront District in Order to Implement the Local Waterfront Revitalization Program *(Introduced on 3/19/2012; public hearing held this evening; appears in its entirety on page 74-75 of the 2012 Minutes Book).*

At the call of the chair, a vote was taken on the foregoing ordinance and carried with all voting yea.

DISCUSSIONS

Intersection of Flower Avenue West and Holcomb Street

Mayor Graham noted that the report speaks for itself unless any Council members have any questions.

Dog Related Issues

Mayor Graham commented that many people spoke this evening from various backgrounds and there were some assertions made in terms of enforcement. He said this is a topic worthy of discussion at a future work session, perhaps next week. He noted that Mr. Ruggerio made a valid point on the topic of the question of the dog warden's availability. Mayor Graham said Mr. King's incident is quite traumatic and pretty outrageous. He said the issue of enforcement comes up with regard to existing laws.

Council Member Burns stated that she agreed, saying that she made some notes during the meeting, and that a future discussion on the matter would be good. She added it would give Council the opportunity to avail themselves to some expertise that she says she does not have. She said she can see both sides of the argument and that it would be beneficial to have some experts attend the work session. She would like to see someone from County Dog enforcement attend as well, she said.

Council Member Butler questioned what the City's abilities are from a New York State Constitution standpoint.

Attorney Slye replied that the City is prohibited from adopting legislation which prohibits certain breeds, found in Section 107 Subdivision 5 of New York Agriculture and Markets Law.

Council Member Burns questioned if that is so because the City is a municipality.

Attorney Slye responded it is because Watertown is a City of less than 2 million people.

Council Member Burns commented that it is her understanding that Fort Drum has banned certain breeds and questioned their status as a military installation allows them to do so.

Attorney Slye said Fort Drum is an entity to itself and can have its own internal rules and enforce them with its own methods.

Council Member Burns reiterated that she is trying to draw a distinction between the City and Fort Drum and what allows them to have such rules.

Attorney Slye replied that he cannot answer that question other than that they are a military installation but the City cannot have such legislation as to ban certain breeds of dog.

Board of Assessment Review Resignation

Council Member Burns said the letter of resignation from David Bush was accepted this evening and asks that the City Clerk draw up a resolution to reappoint Dean Gillen to the Board at the next regularly scheduled meeting.

Outstanding Bill

Council Member Burns said she had a call from a constituent regarding an outstanding bill from the Revolution Football Team, aka Watertown Sports Venture, to the City of Watertown. She said the Mayor is aware of it and that she was recently made aware.

Parking Issue Behind Arena

Council Member Smith said he was made aware of some concern from the City Manager regarding two items. The first, he said, is an older issue which deals with parking behind the ice arena. He said that the parking area is so pitted that when it rains some of the areas collect significant amounts of water. He added that he has called Mr. Hayes to see if something can be done to rectify the situation, perhaps dump some stone into those areas.

Septic Systems on Barben

Council Member Smith said he had a constituent concern from upper Barben where there are still septic systems in the middle of the street. He said he called the City Engineer on behalf of the constituent wondering how they could tie into the City's system. He added that it seems strange to him that in the middle of the City there are still homes that are on septic systems. Council Member Smith said he is hoping to meet with Mr. Hauk and that constituent.

Adjourned Meeting

Mr. Mix reminded Council that the City Manager requested Council adjourn to next Monday.

Motion was made by Council Member Joseph M. Butler Jr. to move into Executive Session to discuss the employment history of a particular individual.

Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

Council moved into Executive Session at 7:51 p.m.

Council reconvened at 9:00 p.m.

A D J O U R N M E N T

At the call of the chair, meeting was duly adjourned to Monday, April 9, 2012, at 7 P.M. by motion of Council Member Burns, seconded by Council Member Butler and carried with all voting in favor thereof.

Amanda C. Lewis
Deputy City Clerk