

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
April 19, 2010  
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:**   **MARY M. CORRIVEAU, CITY MANAGER  
ATTORNEY ROBERT J. SLYE**

**City Staff Present:   Kurt Hauk, Ken Mix, Bob Cleaver, Ralph Green, Gene Hayes, Jim Mills**

City Manager Corriveau presented the following reports to Council:

- 1 - Reappointment to the Transportation Commission – Roberta Hagerty
- 2 - Reappointment to the Transportation Commission – Mary Kinne
- 3 - Reappointment to the Transportation Commission – Suzanne Morrow
- 4 - Reappointment to the Transportation Commission – Helen Wilson
- 5 - Approving Amendment to Grant Disbursement Agreement With Empire State Development Corporation for the RESTORE NY Grant for the Franklin Building
- 6 - Approving Contract for Use of Buildings and Grounds, Disabled Persons Action Organization
- 7 - Approving Contract for Use of Buildings and Grounds, Watertown City School District
- 8 - Accepting Bid for Basketball Court Lighting System at Bicentennial Park, City Electric
- 9 - Authorizing Sale of Real Property, Known as 63 Huntington Street to Daniel P. Olney, 195 Haviland Park, Rochester, NY 14616
- 10 - Authorizing Sale of Real Property, Known as 1017 Huntington Street to Bruce Halloran, 128 Pine Drive, Black River, NY 13612
- 11 - Approving Re-Adoption of Fiscal Years 2009-10 through 2013-14 Capital Budget
- 12 - Readopting 2009-10 Sewer Fund Budget, City of Watertown, New York
- 13 - Authorizing Standard Federal Aid Highway and Marchiselli Aid Project Agreement, Factory Street Reconstruction, PIN 775315; D032467, Preliminary Engineering and Right of Way Incidentals
- 14 - Approving Employment Agreement Between the City of Watertown and Donna M. Dutton, City Clerk
- 15 - Approving Employment Agreement Between the City of Watertown and Mary M. Corriveau, City Manager
- 16 - Finding that the Approval of the Zone Change Application of Ryan Churchill of GYMO, P.C. on behalf of Patrick Donegan of Millennium Development, to Amend the Approved

- Plan and Allowed Signage Schedule for Planned Development District # 23 and the Subsequent Construction of Phases 2 & 3 of the Watertown City Center Plaza Project Will Not Have A Significant Impact on the Environment
- 17 - Finding That Local Law No. 1 of 2010 Adding Florelle Tissue LLC as a Regionally Significant Project in the Empire Zone Will Not Have a Significant Negative Impact on the Environment
  - 18 - Approving the Site Plan for the Construction of an 88,044 Square Feet, Four-Story, 132-Unit Hilton Garden Inn Located at 1290 Arsenal Street, Parcels Nos. 8-53-102.001, 8-53-103.100, 8-53-106.100 and 8-53-114
  - 19- 7:30 p.m. - Approving the Zone Amendment Request Submitted by Ryan Churchill of GYMO P.C. on Behalf of Patrick Donegan of Millennium Development to Amend Planned Development District No. 23, Parcels Nos. 8-53-102.001, 8-53-103.100, 8-53-106.100, 8-53-107, 8-53-108.100, 8-53-110, and 8-53-114
  - 20- Ordinance - Approving the Zone Amendment Request Submitted by Ryan Churchill of GYMO, P.C. on behalf of Patrick Donegan of Millennium Development, to amend Planned Development District No. 23, Parcels Nos. 8-53-102.001, 8-53-103.100, 8-53-106.100, 8-53-107, 8-53-108.100, 8-53-110, and 8-53-114
  - 21- 7:30 p.m.- Amending Local Law No. 1 of 1994 as Amended by Local Law No. 6 of 1995, Local Law No. 1 of 2001, Local Law No. 1 of 2003, Local Law No. 7 of 2005 and Local Law No. 14 of 2005, Revising the Designated Boundaries of the Watertown Empire Zone
  - 22 - Local Law No. 1 of 2010 - Amending Local Law No. 1 of 1994 as Amended by Local Law No. 6 of 1995, Local Law No. 1 of 2001, Local Law No. 1 of 2003, Local Law No. 7 of 2005, and Local Law No. 14 of 2005, Revising the Designated Boundaries of the Watertown Empire Zone
  - 23 - Upcoming Debt Issue
  - 24 - Sales Tax Revenue Update – March 2010
  - 25 - Quarterly Financial Report

**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 April 5, 2010 was dispensed with and accepted as written by motion of Council Member Burns, seconded by Council Member Smith and carried with all voting in favor thereof.

**COMMUNICATIONS**

Petitions for Assessment Review were received from

- 1. Verizon, New York, Inc.
- 2. Stateway Plaza Shopping Center
- 3. New Plan North LLC

**ABOVE PLACED ON FILE**

## **PRVILEGE OF THE FLOOR**

**Bart Bonner**, parishioner at Holy Family Church, addressed the chair concerning the parking ban that the City put up on Winthrop Street. He wanted to know who complained and asked why the City was harassing the parishioners at Holy Family. He stated that he wanted the signs take down and parking restored.

Mayor Graham explained that this is not the section of the meeting for back and forth discussion. However, it would be discussed under new business.

Council Member Smith remarked that he also had questioned it at the time. However, as he recalled, Father Murray was in agreement with it.

**Wayne Zimmer**, Katherine Street, addressed the chair concerning the problem with parking in the 600 block of Gotham Street and the safety issue it causes when the children get out of school.

## **PUBLIC HEARINGS**

**AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING THE REQUEST TO AMEND PLANNED DEVELOPMENT DISTRICT NO. 23, PARCELS NOS. 8-53-102.001; 8-53-103.100, 8-53-107, 8-53-108.100, 8-53-110 AND 8-53-114.**

**MAYOR GRAHAM DECLARED THE HEARING OPEN.**

No one spoke.

**MAYOR GRAHAM DECLARED THE HEARING CLOSED.**

**AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING LOCAL LAW NO. 1 OF 2010 REVISING THE DESIGNATED BOUNDARIES OF THE WATERTOWN EMPIRE ZONE.**

**MAYOR GRAHAM DECLARED THE HEARING OPEN.**

No one spoke.

**MAYOR GRAHAM DECLARED THE HEARING CLOSED.**

## **RESOLUTIONS**

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

RESOLVED that the following individual is reappointed to the Transportation Commission for a three-year term, such term expiring on April 1, 2013:

Roberta Hagerty  
142 Francis Street  
Watertown, New York 13601

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

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

RESOLVED that the following individual is reappointed to the Transportation Commission for a three-year term, such term expiring on April 1, 2013:

Mary Kinne  
114 California Avenue  
Watertown, New York 13601

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

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

RESOLVED that the following individual is reappointed to the Transportation Commission for a three-year term, such term expiring on April 1, 2013:

Suzanne Morrow  
142 Mechanic Street, Apt. 102  
Watertown, New York 13601

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

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

RESOLVED that the following individual is reappointed to the Transportation Commission for a three-year term, such term expiring on April 1, 2013:

Helen Wilson  
336 West Main Street, Apt. 422  
Watertown, New York 13601

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

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS by Resolution adopted July 21, 2008, the City Council approved the Grant Disbursement Agreement with Empire State Development Corporation for the RESTORE NY Grant for the Franklin Building Project, and

WHEREAS Empire State Development Corporation is proposing an Amendment to the Grant Disbursement Agreement with language that is being required by its bond counsel, 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 it hereby approves the Grant Disbursement Agreement Amendment as proposed by Empire State Development Corporation, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and directed to execute the Grant Disbursement Agreement Amendment.

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

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

WHEREAS the City of Watertown desires to run a Summer Recreation and Playground Program within the City of Watertown, and

WHEREAS Disabled Persons Action Organization is willing to authorize the City to use its facilities for said purpose, and

WHEREAS there is no cost associated with the Agreement between the City of Watertown and Disabled Persons Action Organization, and

WHEREAS the City of Watertown deems the providing of a Summer Recreation Program to be a benefit to the citizens of the City,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement between the City of Watertown and the Disabled Persons Action Organization, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City of Watertown hereby agrees to defend and indemnify Disabled Persons Action Organization from and against any and all claims for personal injury or property damage arising from the negligence of any of its officers or employees occurring in connection with the use of DPAO facilities in accordance with this Agreement, and

BE IT FURTHER RESOLVED that Mayor Jeffrey E. Graham is hereby authorized and directed to execute the contract on behalf of the City of Watertown.

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

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS the City of Watertown desires to run a Summer Recreation Program within the City of Watertown, and

WHEREAS the Watertown City School District is willing to authorize the City to use its facilities for said purpose, and

WHEREAS there is no cost associated with the Agreement between the City of Watertown and the Watertown City School District, and

WHEREAS the City deems the providing of a Summer Recreation Program to be a benefit to the citizens of the City,

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

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and directed to execute the contract on behalf of the City of Watertown.

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

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

WHEREAS the City Purchasing Department has advertised and received a sealed bid for the purchase of an Outdoor Basketball Court Lighting System at Bicentennial Park for installation by City staff, and

WHEREAS invitations to bid were issued to three (3) prospective bidders, with one (1) bid being received and publicly opened and read in the City Purchasing Department on Thursday, April 8, 2010 at 11:00 a.m., and

WHEREAS City Purchasing Agent Robert J. Cleaver reviewed the bid received with Superintendent of Public Works Eugene P. Hayes and Line Crew Chief Ralph Green, and it is their recommendation to accept of the bid submitted by City Electric, 23763 NYS Route 12,

Watertown, New York, in the amount of \$17,400.00 as the lowest qualifying bid meeting the City's specifications,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York hereby accepts the bid in the amount of \$17,400.00 submitted by City Electric, 23763 NYS Route 12, Watertown, New York, for the purchase of an Outdoor Basketball Court Lighting System at Bicentennial Park.

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

Prior to the vote on the foregoing resolution, Mr. Hayes answered questions posed by Council Member Smith concerning the warranty.

Council Member Smith commented that while he appreciates Mr. Hayes expertise he would hate to see something fail and the City not have a warranty in place.

Mr. Hayes explained that the chance of that happening is remote. He explained that the most expensive thing would probably be the ballast.

Mayor Graham, commenting on the 15 year warranty, remarked that warranties past 10 years are difficult to enforce. He asked how this would turn on and off.

Mr. Hayes explained that it could be done however the City wishes to do it. He remarked that we don't want the lights on when no one is there. A timer switch could be installed and when someone comes to play basketball, they can just turn on the switch.

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as 63 Huntington Street, approximately 48' x 131' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 06-12-506.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed 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 16 adopted by the Council on June 6, 1977, that the offer of \$1,000.00 submitted by Daniel P. Olney for the purchase of Parcel No. 06-12-506.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Daniel P. Olney upon receipt of the above mentioned sum of money in cash only by the City Comptroller, and

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers, the City shall have the right to seek and be entitled to receive reversion of title to the premises to the City.

**SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR.**

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as 1017 Huntington Street, approximately 42' x 104' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 06-12-513.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed 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 16 adopted by the Council on June 6, 1977, that the offer of \$2,500.00

submitted by Bruce Halloran for the purchase of Parcel No. 06-12-513.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Bruce Halloran upon receipt of the above mentioned sum of money in cash only by the City Comptroller, and

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers, the City shall have the right to seek and be entitled to receive reversion of title to the premises to the City.

**SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

WHEREAS on June 1, 2009 the City Council adopted the Fiscal Years 2009-10 through 2013-14 Capital Budget, and

WHEREAS City Council desires to have the Gaffney Drive sanitary sewer reconstructed at an estimated cost of \$275,000 to accommodate business growth in that area of the City, and

NOW THEREFORE BE IT RESOLVED that the Fiscal Years 2009-10 through 2013-14 Capital Budget is amended to include the Gaffney Drive sanitary sewer main reconstruction and extension at an estimated cost of \$275,000 to FY 2009-10 as detailed on the attached project narrative and Capital Budget five year plan.

**SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS on June 1, 2009 the City Council passed a resolution adopting the Budget for Fiscal Year 2009-10, of which \$4,198,964 was appropriated for the Sewer Fund, and

WHEREAS on September 29, 2009 the City Council adopted a resolution to increase the transfer to the capital fund by \$165,000 to partially fund the North Side Trunk Sewer lining project and thus increase the Sewer Fund total appropriations to \$4,363,964, and

WHEREAS on April 19, 2010 the City Council was presented with a resolution to add the Gaffney Drive sanitary sewer project to the FY 2009-10 Capital Budget at an estimated cost

of \$275,000 which is to be financed in part through a grant received from the Jefferson County Local Development Corporation (\$100,000), Sewer Fund in-kind labor and equipment (\$100,000) and a transfer from the Sewer Fund to the Capital Projects Fund (\$75,000), and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby re-adopts the Sewer Fund Budget for Fiscal Year 2009-10 in the total amount of \$4,438,964, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that in the re-adopted Sewer Fund Budget, the account for transfers to the capital fund (G9950.0900) and the appropriated fund balance be increased by \$75,000.

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

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS a project for the reconstruction of Factory Street, PIN 775315, D032467 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended that calls for the apportionment of the cost such program to be borne at the ratio of 80% Federal and 10% non-federal funds, and

WHEREAS the City of Watertown desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Preliminary Engineering & Right –of-Way Incidentals in the amount of \$940,000,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown authorizes the City Comptroller to pay in the first instance 100% of the federal and non-federal share of the costs of preliminary engineering and right of way incidentals for the project, and

BE IT FURTHER RESOLVED that the sum of \$188,000 is hereby appropriated from the City of Watertown Capital Budget and made available to cover the local cost of participation in the above phase of the Project, and

BE IT FURTHER RESOLVED that the City Comptroller is hereby authorized to pay in the first instance 100% of the federal and non-federal share of the costs of the preliminary engineering and right-of-way incidentals for the project in the amount of \$940,000 from an appropriation of the City of Watertown Capital Budget, and

BE IT FURTHER RESOLVED that in the event the full federal and non-federal share costs of the projects exceeds the amount appropriated above, the City Council of the City of Watertown shall convene as soon as possible to appropriate said excess amount immediately upon notification by the City Manager’s Office, and

BE IT FURTHER RESOLVED that Mayor of the City of Watertown is hereby authorized and directed to execute all necessary Agreements, certifications or reimbursement requests for federal aid on behalf of the City of Watertown with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding for the local share of federal aid eligible project costs and all Project costs within appropriations that are not eligible, and

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and

BE IT FURTHER RESOLVED that the City Council of the City of Watertown hereby approves the Standard Federal Aid Highway and Marchiselli Aid Project Agreement, a copy of which is attached and made a part of said resolution, and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

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

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

WHEREAS the Charter of the City of Watertown details the Power and Duties of the Watertown City Council, and

WHEREAS in accordance with §20, Paragraph 5, the Council has a duty to enter into a contract with an appointed City Clerk for a period of time, which may, by reason of its duration, bind a future Council to its terms. However, in no event shall any Council enter into any one contract with an appointed City Clerk for a period exceeding two years, and

WHEREAS the City Council of the City of Watertown has completed a review of the City Clerk's performance, and

WHEREAS the Council feels that the Clerk has served the City of Watertown as provided for in the Charter of the City of Watertown,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Employment Agreement between the City of Watertown and Donna M. Dutton, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and directed to execute the Employment Agreement on behalf of the City of Watertown.

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

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

WHEREAS the City Council of the City of Watertown has done a review of the City Manager's contract and performance, and

WHEREAS the City Council feels that the Manager has served the City of Watertown as provided for in the Charter of the City of Watertown and in the Optional City Government Law as contained at Chapter 444 of the Laws of 1914,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Employment Agreement between the City of Watertown and Mary M. Corriveau, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and directed to execute the Employment Agreement on behalf of the City of Watertown.

**SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO**

**MOTION WAS MADE BY COUNCIL MEMBER SMITH TO AMEND SECTION 4 – SALARY TO READ AS FOLLOWS: THE SALARY BEGINNING MAY 1, 2011 WILL BE NO LESS THAN THE PREVIOUS YEAR'S SALARY. HOWEVER, AN INCREASE IN SALARY WILL BE DETERMINED BASED UPON CITY COUNCIL REVIEW OF THE CITY MANAGER AS OUTLINED IN THE CITY CHARTER IN COMBINATION WITH THE FISCAL STATUS OF THE CITY OF WATERTOWN.**

**MOTION WAS SECONDED BY COUNCIL MEMBER BURNS AND DEFEATED WITH ALL VOTING NAY EXCEPT COUNCIL MEMBER BURNS AND COUNCIL MEMBER SMITH VOTING YEA**

**AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBER BURNS AND COUNCIL MEMBER SMITH VOTING NAY**

Prior to the vote on the foregoing resolution, Council Member Butler commented that while he supports the philosophy in the motion, he could not vote for it as it is a little late to make an amendment. The negotiation process has gotten to this point.

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS the City Council of the City of Watertown, New York has before it an Ordinance for the zone change application of Ryan Churchill of GYMO, P.C., on behalf of Patrick Donegan of Millennium Development to amend the approved plan and allowed signage schedule for Planned Development District No. 23, Parcels No. 8-53-102.001, 8-53-103.100, 8-53-106.100, 8-53-107, 8-53-108.100, 8-53-110, and 8-53-114, and

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

WHEREAS the proposed project would constitute such an Action, and

WHEREAS the City Council has determined that the proposed project is a “Type I Action”, as that term is defined in 6 NYCRR Section 617.2, and

WHEREAS the City initiated a coordinated review with all other involved agencies and received no objections to the City Council being established as the lead agency, and

WHEREAS to aid the City Council in its determination as to whether the proposed project will have a significant affect on the environment, Part I of a Full Environmental Assessment Form has been prepared by the applicant, a copy of which is attached and made a part of this resolution,

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

1. It is established as lead agency for the purposes of the State Environmental Quality Review.
2. Based upon its examination of the Environmental Assessment Form, in comparison of the proposed action with the criteria set forth in 6 NYCRR Section 617.7, no significant impact on the environment is known and the amendment to the PDD plan and signage schedule and the construction of the project will not have a significant impact on the environment.
3. The Mayor of the City of Watertown is authorized to execute the Environmental Assessment Form to the affect that the City Council is issuing a negative declaration under SEQRA.
4. This resolution shall take effect immediately.

**SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALLVOTING YEA**

**INTRODUCED BY COUNCIL MEMBER TERESA R. MACALUSO**

WHEREAS the City Council of the City of Watertown, New York, has before it a Local Law that will add Florelle Tissue LLC on Tax Parcel No. 73.18-1-2.3 in the Town of Hounsfield as a regionally significant manufacturing project in the Watertown Empire Zone, and

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

WHEREAS the proposed project would constitute such an action, and

WHEREAS the City Council has determined that the proposed project is an “unlisted action” as that term is defined in 6NYCRR Section 617.2, and

WHEREAS to aid the City Council in its determination as to whether the proposed project will have a significant effect on the environment, Part I of a Short Environmental Assessment Form has been prepared by Staff, 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 Environmental Assessment Form, in 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 addition to the Watertown Empire Zone will not have a significant negative impact 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 COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA**

Prior to the vote on the foregoing resolution, Council Member Butler explained that this is an existing structure.

Dave Zembiec, JCIDA, addressed the chair and introduced Harry Minas of Florelle. He explained that it is Florelle, Inc., not Florelle, LLC.

Mr. Minas advised that the business will be housed in the existing Brownville Paper Mill and has a planned start up date of December 2010. He said that the first phase will employ 50-60 people and the second phase will employ up to 100 people over the next 5 years.

Council Member Burns asked how many employees had been at the paper mill before they closed.

Mr. Zembiec advised that there were 150 at one time. When they closed in July 2008, they were down to about 100. He explained that this company will be using modern, state-of-the-art machines and it will be a more efficient operation.

Mayor Graham asked how this would affect the other boundaries.

Council Member Butler responded that it doesn't really affect the boundaries as it is the business, not the land that is going into the zone.

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS Ryan Churchill, Project Engineer of GYMO, P.C., has made an application for site plan approval on behalf of Patrick Donegan of Millennium Development for the construction of an 88,044 square foot, 4 story, 132-unit Hilton Garden Inn hotel at 1290 Arsenal Street, Parcel Nos. 8-53-102.001, 8-53-103.100, 8-53-106.100, and 8-53-114, and

WHEREAS the Jefferson County Planning Board reviewed the site plan at its meeting held on March 30, 2010, pursuant to General Municipal Law Section 239-m and adopted a motion that the project does not have any significant county-wide or inter-municipal issues and is of local concern only, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meetings held on March 2 and March 18, 2010, and recommended that the City Council of the City of Watertown approve the site plan, contingent upon the following:

1. The applicant must provide a copy of all correspondence and submittals with the NYS Department of Health regarding the approval of the water main.
2. The applicant must provide a copy of all correspondence and submittals to NYS DEC for the SPDES permit.
3. The applicant must provide a copy of all correspondence and submittals to NYS DEC for the Wastewater Discharge Permit.
4. The applicant must provide pre and post drainage calculations and drainage area maps.
5. The applicant must provide a copy of all correspondence and submittals to NYS DOT for stormwater approval.
6. The applicant must provide a stamped and signed copy of the Stormwater Pollution and Prevention Plan (SWPPP).
7. The applicant must provide a detailed Erosion & Sediment Control Plan utilizing details provided on sheet C-506.
8. The applicant must forward a copy of their final design plans to the NYS Department of Transportation so that they can evaluate the need for permits and identify the requirements necessary for construction.

As part of the site plan for the hotel, the applicant must construct a sidewalk along the south side of the first entrance drive from Western Boulevard to the northwest corner of the AT&T building prior to the issuance of a Certificate of Occupancy for the building.

And,

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part 2, and has determined that the project, as submitted, is Unlisted and will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed construction and site plan constitute an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED that it is an express condition of this site plan approval that the applicant provide the City Engineer with a copy of any change in stamped plans forming the basis for this approval at the same time such plans are provided to the contractor. If plans are not provided as required by this condition of site plan approval, the City Codes Enforcement Officer shall direct that work on the project site shall immediately cease until such time as the City Engineer is provided with the revised stamped plans. Additionally, any change in the approved plan which, in the opinion of the City Engineer, would require Amended Site Plan approval, will result in immediate cessation of the affected portion of the project work until such time as the amended site plan is approved. The City Codes Enforcement Officer is requested to periodically review on-site plans to determine whether the City Engineer has been provided with plans as required by this approval, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown, that site plan approval is hereby granted to Ryan Churchill, Project Engineer of GYMO, P.C., has made an application for site plan approval on behalf of Patrick Donegan of Millennium Development for the construction of an 88,044 square foot, 4 story, 132-unit Hilton Garden Inn hotel at 1290 Arsenal Street, Parcel Nos. 8-53-102.001, 8-53-103.100, 8-53-106.100, and 8-53-114, as shown on the revised site plan submitted to the City Engineer on March 9, 2010, contingent on the applicant meeting conditions recommended by the Planning Board.

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

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS the City Purchasing Department has advertised and received sealed bids for the reconstruction of Breen Avenue from Arsenal Street to Coffeen Street, and

WHEREAS plan sets were issued to twelve (12) prospective bidders, with seven (7) bids being received and publicly opened and read in the City Purchasing Department on Monday, April 19, 2010 at 11:00 a.m., and

WHEREAS City Purchasing Agent Robert J. Cleaver reviewed the bids received with City Engineer Kurt Hauk and project engineer Thomas Maurer, it is their recommendation to accept of the bid submitted by CCI Companies, Inc. PO Box 186, Canastota, New York, in the amount of \$894,765.50 as the lowest qualifying bid meeting the City's specifications,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York hereby accepts the bid in the amount of \$894,765.50 submitted by CCI, Companies, Inc. Canastota, New York, for the reconstruction of Breen Avenue per the City's specifications.

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

**RULES WAIVED BY MOTION OF COUNCIL MEMBER SMITH, SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

Prior to the vote on the foregoing resolution, Mr. Hauk explained that every bid was below the estimates. He explained that it was a matter of time and good luck since the state stopped work on the connector road project. He explained that they have spent a week going over the bids and the apparent lower bidder is standing by his bid.

Mayor Graham asked if there is a higher risk for change orders with the low bids.

Mr. Hauk advised that his concern is if fuel prices go up and the contractor is over extended. Council Smith asked about the contractor's bonds.

Mr. Hauk explained that he did have bid bonds and there will be bonding for the project.

Council Member Smith asked about the North Country Contractors bid and what they were missing.

Mr. Hauk explained that they failed to give bid totals.

Mr. Cleaver explained that bids have to be accepted at face value and can't be modified after they are opened. There were no bid prices or tabulations on the bid sheets.

## **ORDINANCES**

**THE ORDINANCE "APPROVING THE ZONE AMENDMENT REQUEST SUBMITTED BY RYAN CHURCHILL OF GYMO P.C. ON BEHALF OF PATRICK DONEGAN OF MILLIENIUM DEVELOPMENT TO AMEND PLANNED DEVELOPMENT DISTRICT NO. 23, PARCELS NOS. 8-53-102.001, 8-53-103.100, 8-53-106.100, 8-53-107, 8-53-110, AND 8-53-114" WAS PRESENTED TO COUNCIL.**

(Introduced to Council on April 5, 2010; public hearing held this evening; appears in its entirety on page 63 of the 2010 Minutes Book).

**AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING ORDINANCE AND CARRIED WITH ALL VOTING YEA**

**LOCAL LAW**

**LOCAL LAW NO. 1 OF 2010 AMENDING LOCAL LAW NO. 1 OF 1994 AS AMENDED BY LOCAL LAW NO. 6 OF 1995, LOCAL LAW NO. 1 OF 2001, LOCAL LAW NO. 1 OF 2003, LOCAL LAW NO. 7 OF 2005 AND LOCAL LAW NO. 14 OF 2005, REVISING THE DESIGNATED BOUNDARIES OF THE WATERTOWN EMPIRE ZONE WAS PRESENTED TO COUNCIL.** (Introduced to Council on April 5, 2010; public hearing held this evening; appears in its entirety on page 64 of the 2010 Minutes Book).

**AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING LOCAL LAW AND CARRIED WITH ALL VOTING YEA**

**\*\* \*\* \***

**COUNCIL DISCUSSED THE FOLLOWING TOPICS:**

**Upcoming Debt Memo**

Council reviewed the report.

Council Member Smith wondered if it would be wise to look at doing Riggs Avenue this year since the prices came in so favorably for Breen Avenue.

Mr. Hauk commented that Riggs, which is a small project, could be bid as soon as possible, but with the understanding that it wouldn't start until after July 1<sup>st</sup>.

Mrs. Corriveau explained that the JB Wise project is on the docket. Riggs and Greensview are ready to go. Greensview is in the current budget, Riggs is not. If it were to be moved to this year, it would require a budget amendment.

Mayor Graham commented that he is glad that Breen came in at a lower price and didn't think we should spend the money to fix other things at this time.

Council Member Smith responded that the money would be used to fix another street. He remarked that if we can get two done for less than the price of one, we should do it.

Council Member Butler commented that we should explore it.

Mrs. Corriveau advised that the only way to explore it, is to put it out to bid and we have to be sincere when we do it. She explained that one of the factors that played into our hands was the state postponing their projects at the same time we asked for bids

Council Member Smith responded that if they come in too high, they can be rejected. He also commented that contractors know the City's track record with bids and would know that we had been sincere.

Council Member Burns commented that she would be hesitant to do Riggs now.

Council Member Macaluso and Mayor Graham agreed with Council Member Burns.

### **Sales Tax Report**

Council Member Smith asked if this upward trend was statewide or localized.

Mrs. Corriveau remarked that she believed it was more localized. She explained that the tax cap that the county had placed on gas previously has been removed. As the gas prices go up, so does the sales tax revenue.

### **Parking Ban on Winthrop Street**

Mayor Graham remarked that he thought the police had done an analysis before this was put into place.

Mrs. Corriveau remarked that they did. She also explained that this was a result of complaints from the neighbors.

Mr. Hauk advised that the old code had no parking at any time, even though signage wasn't in place. The ordinance was written to allow parking in the residential area. He explained that they had extensive discussions with Father Murray and the principal of the school. There is a drop off area for school. Exemptions were considered for Sundays. However, they have functions throughout the week and if parking was allowed, emergency vehicles couldn't get through.

Mayor Graham asked about approaching Father Murray and the school officials for an "after action" report.

Council Member Butler commented that when cars are parked on both sides, it is an extremely dangerous situation.

Mr. Hauk explained that Father Murray was concerned because of not being able to get emergency vehicles to the church if needed on Sunday morning. He explained that from State Street to the residents, there is no parking, standing or stopping except for the load/unload area. The residential area has parking on both sides.

Council Member Macaluso asked if this was the same for funerals.

Mr. Hauk explained that funerals will be at the discretion of the police.

### **Publication Notices**

Council reviewed this informational sheet.

### **Library's Exterior**

Council Member Burns commented that she had spoken with Mrs. Corriveau about the green discoloration occurring on the library's exterior. Mrs. Corriveau and Mr. Mix are aware of it.

### **Update to Webpage**

Council Member Burns asked Mrs. Corriveau to contact Mr. Keenan about updating the City's webpage to remove Christine Hoffman's name as a City employee.

### **Letterhead**

Council Member Burns remarked that the City letterhead is used for press releases, etc. it should have the Mayor and Council listed on it, not just the City Manager.

Mayor Graham agreed that it might be appropriate in certain circumstances.

Council Member Burns was advised that there is letterhead for Council and it is in the City Clerk's Office.

### **Testing of Wastewater**

Council Member Burns asked that the testing of the wastewater from the wells be done by an independent laboratory.

Mrs. Corriveau advised that it is currently being tested at an independent lab and the costs are being paid for by the developer.

Council Member Burns remarked that she is still opposed to the City accepting this wastewater.

Mayor Graham agreed.

### **Parking on Margins**

Council Member Burns stated that a constituent had complained about parking on the green area between the curb and the sidewalk. They were advised by police and codes that there was nothing in the code to ban this practice. She asked that the City Manager look into the potential for Council to pass some sort of ordinance to prohibit this.

Mrs. Corriveau responded that Mr. Hayes has already provided a report to her with some suggestions on how to handle this.

Attorney Slye explained that if there are curbs, we can enforce the ban. However, if there are no curbs, it is hard to enforce.

Council Member Burns responded that it is not fair if there is or isn't as curb. This is a quality of life issue.

### **Downtown Cleanup**

Council Member Butler remarked that he walked through the downtown area and there is a lot of debris. He asked about the volunteer cleanup day.

Mayor Graham asked how much was the responsibility of the store owners.

Council Member Butler responded that it was probably all their responsibility, but it hasn't been done.

Mrs. Corriveau will check with DBA as they are the ones that schedule it.

Council Member Butler commented that it should be done once a month.

Mayor Graham remarked that while he is not against volunteering, if he were a downtown business owner, he would feel bad if the volunteers had to do what he should be doing.

### **Front Yard Parking**

Council Member Smith asked about this in regards to the Boyd Street property.

Mrs. Corriveau commented that the City can't stop them from putting gravel in their front yard. Codes have been there and have cited them when a vehicle was parking in the front yard.

### **Park Rules**

Mayor Graham remarked that it had been the consensus of the Council to proceed with Home Rule legislation for this. He suggested that Council decide what they are going to ask for in the legislation and what parameters should be set. He suggested future discussion on this.

Mrs. Corriveau advised that maps of the area will be provided for Council to look at during discussions.

### **Aviary**

Council Member Smith asked if a time was going to be set to view the aviary.

Mrs. Corriveau stated that it would be. She explained that she had spoken with Peter Schmitt and John Scott Foster and they are prepared to meet with Council. She also advised that the money raised during Aviary 200 was used to put walkways inside the aviary.

### **Parking on Side Streets Near SMC**

Mrs. Corriveau explained that she had received calls from the neighbors concerning the parking ban on these streets. She contacted Dave Dermady, from SMC, who indicated that it will be a solid 6 months before the work is completed on the physical plant. Chief Goss has recommended that the ban be left in place until fall. The neighbors felt that this was a good decision.

### **Interviews for Fire Chief**

Mrs. Corriveau advised that interviews have been scheduled for this position.

### **Proposed City Budget 2010-11**

Mrs. Corriveau presented this budget to the Council. She highlighted the park projects that have been completed, along with the new signage. She commended the volunteers that helped with the Black River Clean Up Day and showed the library fence rehabilitation project that was done by DPW crews. Her presentation showed the Riverview Plaza and Franklin Building Redevelopment projects. Recreation programs were highlighted along with new and innovative library programs. City computer systems were upgraded and infrastructure added to support development at Summit Wood.

Mrs. Corriveau advised that she was proposing no increase in either the water or sewer funds. She showed charts and graphs to indicate the self funded health insurance decrease in expenses as well as the breakdown of the general fund revenues and appropriations. The budget proposes a 4.01 % increase.

Mrs. Corriveau thanked Mr. Mills for all of his assistance with this budget.

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 9:13 P.M.  
BY MOTION OF COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL  
MEMBER BUTLER AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

*Donna M. Dutton*  
City Clerk