

**CITY COUNCIL MEETING
CITY OF WATERTOWN
May 3, 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
ATTORNEY JAMES A. BURROWS (Park Discussion)**

City Staff Present: **Kurt Hauk, Ken Mix, Gene Hayes**

City Manager Corriveau presented the following reports to Council:

- 1 - Reappointment to Empire Zone Administrative Board, Mark Lavarney
- 2 - Reappointment to Empire Zone Administrative Board, Joanne St. Croix
- 3 - Reappointment to Empire Zone Administrative Board, William F. Welbourn
- 4 - Empire Zone Boundary Amendment
- 5 - Directing the City Clerk to Make a Technical Amendment to Local Law No. 1 of 2010 for Filing With the New York Secretary of State
- 6 - Park Rules – The amended language will be forwarded to Council Members on Friday, April 30, 2010, for review in advance of May 3, 2010 meeting.
- 7 - Flowback Water Testing
- 8 - City Owned Property
- 9 - Fields Usage – Watertown Lodge of Elks No. 496

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 19, 2010 was dispensed with and accepted as written by motion of Council Member Smith seconded by Council Member Butler and carried with all voting in favor thereof.

COMMUNICATIONS

Petitions for Assessment Review were received from:

1. Walgreens

2. Carrols Corporation #400 and 401
3. Pepsi Bottling Group, LLC
4. Rite Aid of New York #2294-1 and #4681
5. Kinney Drugs
6. Erie Boulevard Hydropower, L.P.

ABOVE PLACED ON FILE

Mayor Graham proclaimed May 14th and 15th as Poppy Days in the City of Watertown and presented Shelia Barney-Pullus with a proclamation for the American Legion.

Mayor Graham proclaimed May 28th and 29th as Buddy Poppy Days in the City of Watertown and presented Laurence Mallette with a proclamation for the Veterans' of Foreign Wars.

Mayor Graham proclaimed the week of May 2-8, 2010 as Municipal Clerks Week in the City of Watertown.

PRIVILEGE OF THE FLOOR

No one spoke.

RESOLUTIONS

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS New York State has designated an Empire Zone pursuant to Article 18-b of the New York State General Municipal Law within the Town of Watertown and the City of Watertown on July 27, 1994, and

WHEREAS Article 18-b of the New York State General Municipal Law requires that an Empire Zone Board be in place to oversee the operation of the Zone,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby reappoints to the Empire Zone, as a Financial Institution representative, for a three-year term expiring on May 31, 2013:

Mark Lavarnway
746 Ball 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

WHEREAS New York State has designated an Empire Zone pursuant to Article 18-b of the New York State General Municipal Law within the Town of Watertown and the City of Watertown on July 27, 1994, and

WHEREAS Article 18-b of the New York State General Municipal Law requires that an Empire Zone Board be in place to oversee the operation of the Zone,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby reappoints to the Empire Zone, as a Zone Resident representative, for a three-year term expiring on May 31, 2013:

Joanne St. Croix
636 Davidson Street
Watertown, New York 13601

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

INTRODUCED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR.

WHEREAS New York State has designated an Empire Zone pursuant to Article 18-b of the New York State General Municipal Law within the Town of Watertown and the City of Watertown on July 27, 1994, and

WHEREAS Article 18-b of the New York State General Municipal Law requires that an Empire Zone Board be in place to oversee the operation of the Zone,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby reappoints to the Empire Zone, as an Organized Labor representative, for a three-year term expiring on May 31, 2013:

William F. Welbourn
907 Washington Street
Watertown, New York 13601

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

Commenting on the three previous resolutions, Council Member Butler thanked all three individuals for their dedicated service and time to the Empire Zone Board.

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS on April 19, 2010, the City Council of the City of Watertown adopted Local Law No. 1 of 2010 amending the designated boundaries of the Watertown Empire Zone, and

WHEREAS the Local Law adopted on April 19, 2010 incorrectly identified the manufacturing business benefiting by the boundary amendment as Florelle Tissue, LLC, when the correct name of the business is, was, and always has been Florelle Tissue Corporation, and

WHEREAS no other portions of Local Law No. 1 of 2010 are involved in the change or require further action or consideration, the change being strictly the result of scrivener error,

NOW THEREFORE BE IT RESOLVED that the City Clerk of the City of Watertown is hereby directed to make a technical amendment to Local Law No. 1 of 2010 to the extent of changing the name of Florelle Tissue, LLC to Florelle Tissue Corporation, and

BE IT FURTHER RESOLVED that the City Clerk of the City of Watertown is directed to file this technical amendment with the Secretary of State as soon as possible.

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

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City Owned Property

Mayor Graham referred to this memo.

Mrs. Corriveau suggested taking time to go over them and then schedule a discussion on it.

Mayor Graham asked for a listing of those properties that are coming up on the two year time frame.

Council Member Smith commented that he would like to have in depth discussions about the City continuing to make the county whole. He remarked that this could be done after budget sessions have been completed. He stated that he would like to know what the pros and cons are for opting in or out of the program.

Attorney Slye advised that we opted out of the program under real property tax law.

Council Member Burns remarked that she had no objections to having discussions on this. However, prior to that, she would like background information from the City Attorney.

Mrs. Corriveau advised that the number of parcels that the City takes title to has diminished over the years due to developers coming in and purchasing them as well as housing rehab programs.

Watertown Elks Club Request

Council reviewed the request for waiving or reducing the fee for usage of the fields at the fairgrounds for the Lacrosse Fun Day.

Mrs. Corriveau explained that the rate is about \$90 and is a new rate structure. They had not paid a fee in the past.

Mayor Graham remarked that he doesn't believe the new rate schedule was adopted for selectively carving out individual groups from having to pay.

Council Member Burns commented that a lot of thought went into the rate process. If Council decides to lower or waive the fee, we are setting a policy.

Council Member Macaluso commented that if Council does it for one, they will have to do it for everybody.

Council Member Smith remarked that \$90 is not that much and the City should charge the fee.

Council Member Butler commented that he recognizes what the Elks lodge does and he would have no problem in reducing the fee this year.

It was the consensus of the Council not to waive the fee.

American Legion Request

Mayor Graham referred to a request from the American Legion asking to use the City Hall parking lot when their lot is being repaved.

Mrs. Corriveau explained that we do this on a regular basis for them.

Board of Elections Letter & Parking at City Hall

Mayor Graham referred to a letter that the City Clerk had received from the Board of Elections informing the City that City Hall will no longer be used as a polling place. However, the board had requested that the City allow voters to park in the City Hall lot. He commented that he would hope that the board has a plan for parking at the State Office Building, whether it be opening up the garage to voters or allowing more parking in front of the building. He also commented that it is not advantageous for voters to park in our lot.

Mrs. Corriveau commented that if voters fill up the lot, there won't be places for employees or people conducting business in City Hall to park. In that case, those vehicles will be ticketed.

Council Member Smith questioned that has he thought it was a public lot.

Mrs. Corriveau explained that it is a lot for City Hall employees and customers only. Otherwise, people with business in the State Office Building would be parking in it. That is not allowed.

Mayor Graham commented that by taking no action on this request, it will not allow them to use the lot.

Downtown Banners

Council Member Burns commented that it is a good thing that the company hired to do the banners has to reimburse all the entities involved. However, she was wondering if any of these groups had met to decide on new banners.

Mrs. Corriveau explained that Mike Lumbis is working on this. She, along with Ken Mix and Mike will be meeting to select the banners. They still have to talk to the other organizations involved to see if they have funds to purchase the banners as no reimbursements have been received yet.

Loading Zone Sign

Council Member Burns commented that there is still a No Parking sign in front of Bistro 108. It should have been changed to a Loading Zone sign.

Water Quality Report

Council Member Burns remarked that sending this report out in the mail to all the residents is a waste of tax payers' money. She remarked that she can't believe that many people would read it and stated that it should just be on the website.

Mayor Graham asked who says that it has to be sent out.

Mrs. Corriveau will get the information.

Downtown Cleanup Days

The DBA is in charge of this and have decided that this year instead of having a volunteer cleanup day, they will have a contest and award prizes for the most improved properties. In addition, DBA will be sponsoring Concerts in the Square on Thursday evenings as well as the Box Lunch Revue Concert Series on Fridays at the Jefferson County Historical Society. DBA is also having the Armed Forces Day Festival in conjunction with the parade being held on May 15th. There will also be a Flag Day parade on June 14th.

Board of Assessment Review

Mrs. Corriveau advised Council that David Steyer had resigned from the Board of Assessment Review effective immediately.

FCC Regulations/City Radios

Mrs. Corriveau announced that Congressman Owens' office has submitted a \$50,000 earmark to help the City comply with the FCC regulations regarding changing the radio system from 25 kHz to 12.5 kHz. She explained that due to the change, DPW will have to replace all of their radios.

Mr. Hayes explained that the FCC is taking the wider band width and compressing it by ½. It opens up space for additional radios to come on line. The newer radios are programmable and can be upgraded. However, the older ones have to be replaced as they can not be upgraded. He explained that there is a fine if the City doesn't do it and the frequencies would be chopped if it was done.

Greensview Sewer Project

Mrs. Corriveau advised that a public meeting will be held on May 26th at 7 p.m. to give an update on this project.

EDZ Boundary Amendment

Council Member Butler explained that the last boundary amendment was done in 2005. Mr. Donegan approached the board for a boundary amendment because the property he is developing wasn't in the Empire Zone and it didn't fall into the targeted areas of agri-business or technology business. At the time, Camoin Associates communicated to the board that with the timeline ending in June, there wasn't enough time to amend the boundaries. However, Dennis Mullen, Executive Director of Empire State Development, indicated that this wasn't necessarily true and we should consider the amendment. It would create several jobs and the developer has a good track record. He explained that we are looking at 17 acres to reconfigure for this development. This will be done by removing the J.B. Wise lot and some acreage off of Water Street currently in the zone.

Council Member Burns commended Council Member Butler and the board for doing their due diligence on this.

Mayor Graham commented that he owns property in the zone and wondered if this posed any issues.

Attorney Slye responded that it did not.

Council Members concurred to move forward with the boundary amendment process.

Mrs. Corriveau advised that this will require the Council to adjourn tonight's meeting to May 10th to allow for the introduction of the necessary local law and the scheduling of a public hearing as this process has to be completed by May 28th.

Park Rules

Mayor Graham opened the discussion relative to the hours of operation for the fairgrounds. He commented that the traditional opening and closing times may not apply to this.

Council Member Burns commented that sometimes, simple is better. The City has put a lot of money, thought, effort and resources into the fairgrounds and Thompson Park. She commented that in regards to Thompson Park, the City doesn't let anyone up there after 9 p.m. except for the Syracuse Symphony concert night. She remarked that there are adequate lights on the streets that go through the fairgrounds and she questioned how enforceable it would be to close the fairground at a certain time. There are events happening at the arena and the ball park that don't get over with at 9 p.m. In addition, the basketball courts in the fairgrounds have new lighting that was recently approved by Council.

Council Member Macaluso asked what the liability would be if the City didn't put a time frame on it.

Mr. Hayes commented that not all of the roadways at the fairgrounds are well lit. He explained that parks are open until sunset probably because of inadequate lighting. There are standards for sidewalks, parks, parking lots and streets. He commented that the walkways are not adequate lit.

Council Member Smith asked how this changes for a ball game at the fairgrounds as we don't have sidewalks and it is not lit.

Mr. Hayes remarked that there is not a mad dash to get out after a spectator event.

Council Member Burns questioned how the City could enforce going to the Y complex, which is open until 10 or going to play basketball. She commented that most people consider it a recreational facility, not a park.

Mrs. Corriveau asked if it would be reasonable that we should allow people in the fairgrounds at 3 a.m.

Council Member Burns commented that there are some people walking home from work at that time.

Council Member Macaluso responded that people shouldn't be hanging around the park or the fairgrounds at that time. She stated that we have to have limits or there will be trouble. The basketball court should also be signed to play at your own risk.

Council Member Butler responded that the liability issue is 24/7. Hours will not lessen the liability. He commented that the basketball court should be opened until at least midnight.

Mayor Graham commented that he agreed with Council Member Burns' previous comments.

Council concurred that there will be no closing hours for the fairgrounds. However, the picnic area known as Bicentennial Park and the trails will close at 9 p.m. and open up at 6 a.m. The ballfield events will require a permit and will be lit until 11.

Council concurred that the parks and playgrounds listed in 216-3 will have an opening time of 6 a.m.

Regarding Thompson Park, Council Member Smith remarked that he would like to see more lights up there and have it close at midnight instead of at 9 p.m. He commented that he would like to see nice ornamental lights placed along the Gotham Street entrance road over time. This could be done by putting up one or two a year.

Council Member Butler agreed that this makes sense.

Mrs. Corriveau asked if the trails would be closed at a different time than midnight.

Mayor Graham responded that he was inclined to think that people will stay in the main areas.

Mrs. Corriveau showed the Council the signs that Mr. Hayes has proposed for the park areas.

Mayor Graham commented that this was a great idea.

Discussion was held concerning the issuing of alcohol permits. The City Clerk advised that her office has never issued any and does not know what is required to obtain one through the Police Department of Recreation Department.

Discussion was held about the consumption of alcohol in the parks. Attorney Burrows advised that if Chapter 75 was repealed, there would be no restrictions on consuming alcohol in a public place. Chapter 75 is the open container law.

It was agreed that Council could not make a decision until they had adequate data on the permits issued.

Discussion was held relative to smoking. Council concurred that 216-7 should state "Use of tobacco products shall be prohibited in all playgrounds".

Budget Sessions

Council discussed the scheduling of these sessions. It was agreed that at the May 10th adjourned meeting discussions will continue on park rules as well as budget discussion on revenues and the 5 year plan. Jayme St. Croix will be available to answer questions concerning his department.

The aviary tour will be on May 13th at 6 p.m. followed by a budget session with Police and Fire.

May 17th is a regular meeting followed by a budget session. Council may have to meet on May 18th or 19th.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 9:29 P.M. UNTIL MONDAY, MAY 10TH AT 7:00 P.M. BY MOTION OF COUNCIL MEMBER BUTLER, SECONDED BY COUNCIL MEMBER MACALUSO AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Donna M. Dutton
City Clerk