

**CITY COUNCIL MEETING
CITY OF WATERTOWN
May 7, 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: John C. Krol, City Manager
Robert J. Slye, City Attorney

City staff present: Jim Mills, Ken Mix, Kurt Hauk, Elliott Nelson, Eugene Hayes

The City Manager presented the following reports to Council:

- Resolution No. 1 - Appointment of Commissioner of Deeds – City Employee
- Resolution No. 2 - Approving the 2011-2014 Collective Bargaining Agreement Between the City of Watertown and the Watertown Professional Firefighters' Association
- Resolution No. 3 - Readopting Fiscal Year 2011-12 General Fund Budget
- Resolution No. 4 - Finding that the Approval of the Application of Hedy Cirrincione to Change the Approved Zoning Classification of 703 through 719 Washington Street, Parcels 11-12-126, 11-12-125, 11-12-124, and 11-12-123, From Limited Business to Neighborhood Business Will Not Have a Significant Impact on the Environment
- Resolution No. 5 - Authorizing Submission of a Application for Small Cities Community Development Block Grant Funding Through the 2012 Consolidated Funding Application Process
- Public Hearing - 2012 Community Development Block Grant Small Cities Application
- Public Hearing - Ordinance Changing the Approved Zoning Classification of 703 through 719 Washington Street, Parcels 11-12-126, 11-12-125, 11-12-124, and 11-12-123, from Limited Business District to Neighborhood Business District
- Public Hearing - 2012-13 Operating Budgets
- Public Hearing - 2012-13 through 2016-17 Capital Budget
- New York State Request to Lease Parking Spaces
- Banking Services – Request for Proposals
- 429 Factory Street
- Board and Commission Appointments

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 April 16, 2012, adjourned meeting April 23, 2012 and adjourned meeting April 30, 2012 was dispensed and accepted as written by motion of Council Member Roxanne M. Burns, seconded by Council Member Jeffrey M. Smith and carried with all voting in favor thereof.

COMMUNICATIONS

A Notice of Petition for an assessment review was received from Stateway Plaza Shopping, Rite Aid of New York, Pepsi Bottling Group, LLC and Carrols Corporation # 401.

An email was received from Mike Brown in regards to the Privateers.

A letter was received from Eugene J. Langone, Jr., 127 Park Avenue regarding the proposed zoning change to Parcel No. 11-12-123, 124, 125 & 126. He was unable to attend tonight's public hearing to voice his opposition so a copy of this letter has been given to each member of the Council.

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

A claim against the City was received from Tim Kellar, 679 Grant Street for the replacement of a cellar window that was broken when the Fire Department was pumping water out of his basement in February 2012.

Above claim has been referred to the Board of Audit.

PRIVILEGE OF THE FLOOR

No one spoke.

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 7:30 P.M.

Ken Mix, Planning Coordinator reviewed the memo presented to Council in the agenda packet and stated the proposal for this year's application is focused on downtown apartment programs, rental rehabilitation and owner occupied. He mentioned that one case study that is being put together is located at 249 J.B. Wise Place and will rehab the third floor into seven units. He indicated that there are other downtown property owners that have expressed interest.

In regards to rehabilitating substandard owner occupied housing, Council Member Butler asked if it has been successful in the last few years.

Mr. Mix stated that if downtown apartments are not approved then the shift is to owner occupied because there is always a need for that. He referred to the handout for the eligibility criteria and monthly rental limits and said the available funding in \$20,000.

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 703 through 719 Washington Street, Parcels 11-12-126, 11-12-125, 11-12-124, and 11-12-123, from Limited Business District to Neighborhood Business District

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

Hedy Cirrincione, 427 Flower Avenue East, addressed the chair regarding her proposal for the rezoning of 703 – 719 Washington Street which includes parcels owned by herself as well as Maryellen and Randy Blevins. She offered a presentation stressing that there is a discrepancy between the land use plan developed in the 1980's and the actual use of Washington Street today. She mentioned the eroding tax base due to several parking lots, businesses relocating to outside the City and vacant lots. She stated that she has met with the property owners in the neighborhood and addressed their issues including the need for a buffer zone. She told Council that her plan is to start a retail store for scrub uniforms which goes along with the medical industry in the area. She asked that Council realign the zoning of this area to correspond with the actual usage.

Mayor Graham declared the hearing closed at 7:54 P.M.

At 7:54 P.M. Mayor Graham asked the City Clerk to read the notice of Public Hearing Concerning 2012-2013 Operating Budget for the City of Watertown

Mayor Graham declared the hearing open at 7:54 P.M.

No one addressed the chair.

Mayor Graham declared the hearing closed at 7:54 P.M.

At 7:55 P.M. Mayor Graham asked the City Clerk to read the notice of Public Hearing Concerning 2012-13 through 2015-16 Capital Budget for the City of Watertown

Mayor Graham declared the hearing open at 7:55 P.M.

No one addressed the chair.

Mayor Graham declared the hearing closed at 7:55 P.M.

RESOLUTIONS

Resolution No. 1 - Appointment of Commissioner of Deeds – City Employee

Introduced by Council Member Roxanne M. Burns

RESOLVED that the following individual is hereby appointed Commissioner of Deeds for the term expiring December 31, 2012.

City Employee

Chad D. Frederick

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

Resolution No. 2 - Approving the 2011-2014 Collective Bargaining Agreement Between the City of Watertown and the Watertown Professional Firefighters' Association

Introduced by Council Member Teresa R. Macaluso

WHEREAS the 2009-2011 Employment Contract between the City of Watertown and the Watertown Professional Firefighters' Association expired on June 30, 2011, and

WHEREAS negotiations between the City of Watertown and the Watertown Professional Firefighter's Association have concluded for a successor contract

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it hereby approves the Collective Bargaining Agreement between the City of Watertown and the Watertown Professional Firefighter's Association, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that Mayor Jeffery E. Graham and City Manager John C. Krol are hereby authorized and directed to execute this Agreement on behalf of the City

Seconded by Council Member Joseph M. Butler, Jr.

Prior to the vote on the foregoing resolution, Mayor Graham asked for clarification of the controversial issue of Fire Inspections and stated that in the early 1990's two Fire Fighters were assigned to the Code Enforcement Department to perform the inspections.

Mr. Krol indicated that the code enforcement function was negotiated from the Fire Department to the Code Enforcement Bureau and although the Fire Fighters are welcome to do safety-related

inspections on private buildings, the violations are to be relayed to the Code Enforcement Office for follow up and enforcement. He stressed the concern is that two departments should not do the same process because it is confusing to property owners. He said that the Fire Department has been asked to adhere to the negotiated contract.

Robert Slye, City Attorney stated that the Fire Fighters have no legal authority to enter a building without the building owner's consent to conduct the inspection. He explained that in 2005, Council adopted a series of local laws establishing that the Code Enforcement Supervisor is the person responsible for inspections and enforcement under the State Fire Prevention. He further explained that a commercial building must be inspected once per year and only one office should do that.

Council Member Butler asked why this was initiated.

Attorney Slye indicated that the City's Code Enforcement Supervisor had a significant number of code violation slips that had been written by the Fire Department which were unenforceable but yet were handed to members of the public. He noted that this is not the role of the Fire Department and former City Manager Mary Corriveau addressed this with the Fire Chief prior to her departure and was ensured this practice would not continue.

Mr. Krol commented that this is not to diminish the value of the Fire Department's inspections in order to familiarize themselves with new buildings and provide advisory reviews on safety issues but they are to stop short of writing violation notices.

Council Member Butler asked if the inspections continued even though it was negotiated out of the contract in 1993.

Attorney Slye clarified that the practice of inspections did not carry on and Fire Fighters viewed buildings so that they could better fight a fire if necessary but he stated he believed that new training might have prompted the Fire Fighters to write people up for infractions.

Council Member Burns referenced a letter received by Council (not on file in the City Clerk's Office) stating that the language is rather strong. She thanked Attorney Slye for clarifying this issue but indicated that people are not sure whether the Fire Department is doing an inspection for fire prevention or if they are there to write a code violation.

Attorney Slye suggested the property owner should request to see the Code Enforcement Identification Card prior to someone performing an inspection of the building.

Council Member Burns remarked that the reality is that if the Fire Department comes to a commercial building for an inspection, the owner is going to let them in.

Attorney Slye clarified that two Fire Fighters are assigned to Code Enforcement but they may wear their fire uniform to work everyday even though they work under Mr. McWayne. He reiterated that in order to perform an inspection they must have a Code Enforcement Identification Card with them otherwise they can be turned away.

Council Member Macaluso suggested that the individuals coming to do the inspection identify themselves.

In response to Council Member Butler's inquiry, Attorney Slye stated that the tickets that were not written by the Code Enforcement Department were not enforced.

Council Member Smith referenced the letter received by Council and mentioned that it contradicts Attorney Slye. He asked if there would be a response to this letter.

Attorney Slye replied that he is working on the response and indicated that he does not want to publicly discuss a labor issue with the Fire Department.

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

Resolution No. 3 - 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 April 2, 2012 the City Council re-adopted the General Fund Budget to increase appropriations by \$23,856 to reflect to reflect the purchase of a replacement police vehicle and

WHEREAS on April 16, 2012 the City Council authorized spending up to \$53,000 from the Alex T. Duffy Fairgrounds Stadium Repair Reserve Fund for the masonry repairs, locker room and office flooring replacements, and heater replacements at the City's stadium and,

WHEREAS the FY 2011-12 General Fund Budget needs to be re-adopted to reflect these expenditures,

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 \$ 38,264,476 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:

<u>Revenues</u>	
A.0000.0889 Fairgrounds Capital Reserve	\$ 53,000
Total	<u>\$ 53,000</u>

<u>Expenditures</u>	
A 7141.0250 Equipment	\$ 35,000
A 7141.0430 Contracted Services	15,000
A 7141.0465 Miscellaneous Equipment	<u>3,000</u>
Total	<u>\$ 53,000</u>

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

Resolution No. 4 - Finding that the Approval of the Application of Hedy Cirrincione to Change the Approved Zoning Classification of 703 through 719 Washington Street, Parcels 11-12-126, 11-12-125, 11-12-124, and 11-12-123, From Limited Business to Neighborhood Business Will Not Have a Significant Impact on the Environment

Introduced by Council Member Roxanne M. Burns

WHEREAS the City Council of the City of Watertown, New York, has before it an ordinance for the zone change application of Hedy Cirrincione to change the approved zoning classification of 703 through 719 Washington Street, Parcels 11-12-126, 11-12-125, 11-12-124, and 11-12-123 from Limited Business District to Neighborhood Business District, 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 adoption of the proposed ordinance would constitute such an “Action,” and

WHEREAS the City Council has determined that the proposed ordinance is an “Unlisted” action as that term is defined by 6NYCRR Section 617.2(ak), and

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

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

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

1. Based upon its examination of the Short Environmental Assessment Form and comparing the proposed action with the criteria set forth in 6NYCRR Section 617.7, no significant impact is known and the adoption of the zone change will not have a significant impact on the environment.
2. The Mayor of the City of Watertown is authorized to execute the Environmental Assessment Form to effect that the City Council is issuing a Negative Declaration under SEQRA.
3. This resolution shall take effect immediately.

Seconded by Council Member Teresa R. Macaluso

Prior to the vote on the foregoing resolution, Council Member Smith indicated that he will abstain from voting because he is an immediate abutting property owner and there is a conflict of interest.

Council Member Burns agreed that the land use plan is outdated and asked why this property was not included in the health services district.

Mr. Mix stated the health services district was primarily meant for Samaritan Medical Center but it has expanded on the east side. He confirmed it has grown as a result of property owners requesting changes.

Council Member Macaluso asked if Mrs. Cirrincione's proposal is considered a healthcare service.

Mr. Mix explained that a health services district is defined as hospitals, doctors' offices, clinics and some minor accessory uses but retail sales such as scrubs is not considered as an accessory use.

Council Member Macaluso stated that this neighborhood looks far from residential.

Mr. Mix agreed that the land use plan is outdated but there has been consistent reluctance to change to commercial retail on Washington Street. He pointed out that there is no commercial retail between Chestnut Street and Mullin Street and the Planning Board and Council has been

consistent in not changing this zoning. He clarified for Council Member Butler that professional offices are allowed under Limited Business.

Council Member Butler asked for the distinction between Limited Business and Neighborhood Business.

Mr. Mix responded that Neighborhood Business includes a wide range of commercial uses such as restaurants, retail stores and special use permits for auto repair garages and car washes.

In response to Council Member Butler's inquiry, Mrs. Cirrincione stated that the Blevin's property is an owner occupied business. In regards to the properties that she owns, Mrs. Cirrincione said that some are vacant and some are multifamily. She indicated that her plan is to turn one property into retail and leave the rest residential and she pointed out that the properties across the street such as the spa are very close to retail.

Council Member Butler remarked that the biggest and most difficult issues that Council faces come from residents living next to commercial properties.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea except for Council Member Jeffrey M. Smith abstaining.

Resolution No. 5 - Authorizing Submission of a Application for Small Cities Community

Introduced by Council Member Teresa R. Macaluso

WHEREAS Federal and State Grants including the Small Cities Community Development Block Grant are available under the Consolidated Funding Application Process to support local community development activities which are undertaken by eligible municipalities, and

WHEREAS the City of Watertown is eligible to apply for such funding in the 2012 application round, and

WHEREAS it has been determined that funding should be used for housing activities including rehabilitation of existing substandard owner-occupied housing and creation of new apartments on the upper floors of commercial buildings in the downtown area, and

WHEREAS public hearings have been held on the Community Development Block Grant Program and the proposal described above on April 2 and May 7, 2012,

NOW THEREFORE BE IT RESOLVED that the Mayor, Jeffrey E. Graham, is authorized to sign and submit an application for Small Cities Community Development Block Grant Funding through the 2012 Consolidated Funding Application Process, and

BE IT FURTHER RESOLVED that the Mayor is authorized to sign all agreements, certifications and other documents required to complete the application and to accept grants and

administer the programs that are proposed for this funding.

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

ORDINANCE

The Ordinance “Changing the Approved Zoning Classification of 703 through 719 Washington Street, Parcels 11-12-126, 11-12-125, 11-12-124, and 11-12-123, from Limited Business District to Neighborhood Business District” (Introduced on April 16, 2012; public hearing held this evening; appears in its entirety on page 104 of the 2012 Minutes Book).

Prior to the vote on the foregoing resolution, Council Member Burns commented that she rarely goes against the Planning Board’s recommendation but will support this zoning change because she feels this business does fit into the healthcare district and there are a very limited number of residential properties. She added that if a rental property has four units or more it is considered a commercial property.

Mayor Graham stated he will support this for the same reasons.

At the call of the chair, a vote was taken on the foregoing ordinance and carried with all voting yea except for Council Member Joseph M. Butler, Jr. voting nay and Council Member Jeffrey M. Smith abstaining.

DISCUSSIONS

New York State Request to Lease Parking Spaces

Mayor Graham stated he is concerned reserving designated blocks of spaces and suggested the NYS Office of General Services (OGS) consider leasing spaces from private lots at the Medical Arts Building, Mr. McIntosh’s property and the Masonic Temple.

Council Member Butler stated there is nothing to stop these individuals from parking in these public parking lots and wondered how an agreement to lease the spots would change this.

Attorney Slye responded the lease would be with the State of New York and it would be up to the State of New York to monitor those spots. He indicated that providing their employees a place to park would benefit the City by making sure that the Stone Street lot is available to the public.

Council Member Butler commented that he has received feedback from individuals that use the Stone Street parking lot and it is an extremely well used lot as it exists right now.

Council Member Smith noted that there is a significant amount of spots available in the J.B. Wise lot and if part of them were set aside then it might prevent use of the busier lots. He also pointed out that the City Hall parking lot should have designated spots for the City employees.

Mayor Graham mentioned that there was a parking attendant for the City Hall lot in the past and inquired about on street parking restrictions.

Mr. Mix indicated that there is a two hour parking limit but some of the side streets do not have any restrictions. He added that the State had initially investigated private lots but he does not know the status of that.

Council Member Burns stated that the State should explore using private lots first then come back to Council if that does not work. She also suggested lifting some of the parking restrictions on the streets.

Council concurred that the State should reach out to the private lots first and it should be relayed that the City is not interested in leasing any space in the Stone Street lot. In regards to the other public parking lots, Council agreed that it should be first come first served.

Banking Services – Request for Proposals

A memo regarding the banking services for the City of Watertown was available for Council's review.

429 Factory Street

Mayor Graham explained the memo regarding 429 Factory Street and the need for the building's demolition. He mentioned that the owner is willing to donate the property to the City in order to create a new storm sewer easement.

Council agreed to accept the donation and demolish the building.

Board and Commission Appointments

Council reviewed the Board and Commission Appointments that are due to expire.

Council Member Butler stated that he will remain on the Empire Zone Administrative Board.

Mayor Graham pointed out that one of the appointments to the Board of Ethics has to be a City Officer.

Wizards Contract

Council Member Butler inquired about the extension of the Wizards Contract and its impact on the ability to obtain an alcohol license.

Mr. Krol stated that he received an email from Mr. Kirkey and this may not be required any longer but he is waiting to hear back from him.

Attorney Slye mentioned that the consultant stated they can get an annual ballpark license that is in effect as long as they held the lease. He also reminded Council that it was the decision of Council to do a one year lease to see how it went but an option to renew the lease for the following season could be added.

Council Member Burns said that Council should follow the recommendations of Mr. Casale but Mr. Kirkey should have his attorney contact Mr. Slye so that it is handled at that level.

Flower Avenue

Council Member Butler commented that the new curbing on Flower Avenue looks good.

Updates to City Clerk's Office

Mayor Graham stated that the City Clerk is proceeding with updating the office and pointed out that there are some hurdles with the flooring but other solutions are being discussed.

Mercy

Mayor Graham commented that he had spoken to Mr. Carmen and he will circulate a memo to Council regarding the transition dates.

Scheduling Software

Mayor Graham thanked Elliott Nelson, Assistant to the City Manager for cancelling the software contract for the scheduling software that is not in use and pointed out that this will save the City \$4,500 per year in licensing fees.

Intersection of Lynde Street and Mundy Street

Mayor Graham stated that he was contacted about putting a four way stop at this intersection.

Privateers

In response to Mayor Graham's inquiry, Mr. Krol commented that Ms. Kirnan is not willing to bring in a temporary building for locker rooms due to the expense and she would like to have exclusive rights to one of the existing locker rooms. He said that Ms. Kirnan proposed bringing in a double wide trailer which would be opened up for locker rooms for other team but this would only have one shower and bathroom.

Council Member Smith stated that Minor Hockey does not use the showers and mentioned that the high school rarely used the showers.

Mayor Graham asked if additional showers could be installed in the double wide in order to get through the first year. He also asked if the locker rooms at the ball field would be available.

Attorney Slye noted that the water is turned off in the winter.

Council Member Burns commented that she trusted the judgment of Mr. Krol.

Motion was made by Council Member Teresa R. Macaluso to move into Executive Session to discuss the employment history of a particular individual.

Motion was seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

Council moved into Executive Session at 8:39 P.M.

Council reconvened at 9:15 P.M.

A D J O U R N M E N T

At the call of the chair, meeting was duly adjourned at 9:15 P.M. to May 8, 2012 at 6:00 P.M. by motion of Council Member Joseph M. Butler, Jr., seconded by Council Member Roxanne M. Burns and carried with all voting in favor thereof.

Ann M. Saunders
City Clerk