

**CITY COUNCIL MEETING
CITY OF WATERTOWN**

June 1, 2009

7:00 P.M.

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCIL MEMBER JOSEPH M. BUTLER, JR.
COUNCIL MEMBER PETER L. CLOUGH
COUNCIL MEMBER JEFFREY M. SMITH
MAYOR GRAHAM**

ABSENT: **COUNCIL MEMBER ROXANNE M. BURNS**

ALSO PRESENT: **CITY MANAGER MARY M. CORRIVEAU
ATTORNEY ROBERT J. SLYE**

The City Manager presented the following reports to Council:

- 1 - Approving the 2009 Youth Employment Training Program Contract
- 2 - Approving Agreement for Public Benefit Services Between the City of Watertown and the Community Action Planning Council of Jefferson County, Inc.
- 3 - Approving Agreement Between the City of Watertown and the Thompson Park Conservancy
- 4 - Approving Agreement for Public Benefit Services Between the City of Watertown and the Thousand Islands Regional Tourism Development Corporation
- 5 - Approving Transfer of Ownership of E-One Pumper to Jefferson Community College
- 6 - Authorizing an Application to the Upstate Empire State Development Corporation for the Upstate Regional Blueprint Fund
- 7 - Rejecting the Bid for the Construction of the Bicentennial and Marble Street Parks Project
- 8 - Declining Environmental Protection Fund Grant from New York State Department of State for Marble Street Park Trail
- 9 - Authorizing the Mayor to Enter Into and Execute the Project Agreement for a \$505,000 Grant Through the New York State Department of State for the Completion of a Local Waterfront Revitalization Program
- 10 - Authorizing Marchiselli Supplemental Agreement No. 2 – OSC Municipal Contract #D017149 State Street Reconstruction, PIN 775273, All Phases
- 11 - Finding that Changing the Zone Classification of the rear portion of 742 West Main Street, Parcel No. 01-15-212.000, from Residence B to Neighborhood Business, Will Not Have a Significant Impact on the Environment
- 12 - Finding that Changing the Zoning Classification of 1398 Gotham Street, Parcel No. 13-18-103.200, From Residence A to Planned Development District #24, Will Not Have a Significant Impact on the Environment
- 13 - Finding that Changing the Zoning Classification of VL-2 Gaffney Drive, Parcel No. 08-40-101.007 From Planned Development District #2 to a Commercial Zoning district, Will Not Have a Significant Impact on the Environment

- 14 - 7:30 p.m. - Ordinance Amending City Municipal Code § 161, 265 and A320 Department of Public Works
- 15- Local Law No. 6 of 2009, Amending Section § 161-12 of the City of Watertown Code to Provide for Change in Public Works Fees
- 16 - Ordinance Amending Municipal Code § 301 Water Department
- 17 - Local Law No. 7 of 2009, Amending Section § 301-4 of the City of Watertown Code to Provide for Change in Water Fees
- 18 - Local Law No. 8 of 2009, Amending Section § 301-21 of the City of Watertown Code to Provide for Change in Water Fees
- 19 - Resolution Approving the Special Use Permit Request Submitted by Thomas Gee, of West Main Auto to Allow an Auto Dealership and Repair Garage located at 742 West Main Street, Parcel No. 01-15-212.000
- 20- Ordinance Approving the Zone Change Request Submitted by Thomas Gee of West Main Auto, to change the approved zoning classification of the rear portion of 742 West Main Street, Parcel No. 01-15-212.000, from Residence B to Neighborhood Business
- 21 - Ordinance Approving the Zone change Request Submitted by Tim Titus, of Aubertine and Currier, on behalf of Margaret Palmer, of Hospice of Jefferson County, to change the approved zoning classification of 1398 Gotham Street, Parcel No. 13-18-103.200, from Residence A to Planned Development District #24
- 22 - Ordinance Approving the Zone Change Request Submitted by Julian Clark of Plumley Engineering, on behalf of Russell & Dawson, Architecture and Engineering, to change the approved zoning classification of VL-2 Gaffney Drive, Parcel No. 08-40-101.007, from Planned Development District #2 to a Commercial Zoning District
- 23 - Laid Over Under the Rules – Ordinance Amending City Municipal Code § 148 Fire Department
- 24 - Laid Over Under the Rules – Ordinance Amending the Code of the City of Watertown Chapter 310 Pertaining to Fees for Various Applications
- 25- Laid Over Under the Rules – Ordinance Amending City Municipal Code § 161, 265 and A320 Department of Public Works
- 26 - Laid Over Under the Rules – Local Law No. 6 of 2009, Amending Section § 161-12 of the City of Watertown Code to Provide for Change in Public Works Fees
- 27 - Laid Over Under the Rules – Ordinance Amending Municipal Code § 301 Water Department
- 28 - Laid Over Under the Rules – Local Law No. 7 of 2009, Amending Section § 301-4 of the City of Watertown Code to Provide for Change in Water Fees
- 29 - Laid Over Under the Rules – Local Law No. 8 of 2009, Amending Section § 301-21 of the City of Watertown Code to Provide for Change in Water Fees
- 30 - Laid Over Under the Rules – Resolution Approving the Special Use Permit Request Submitted by Thomas Gee, of West Main Auto to Allow an Auto Dealership and Repair Garage located at 742 West Main Street, Parcel No. 01-15-212.000
- 31 - Laid Over Under the Rules – Ordinance Approving the Zone Change Request Submitted by Thomas Gee of West Main Auto, to change the approved zoning

- classification of the rear portion of 742 West Main Street, Parcel No. 01-15-212.000, from Residence B to Neighborhood Business
- 32 - Laid Over Under the Rules – Ordinance Approving the Zone Change Request Submitted by Tim Titus, of Aubertine and Currier, on behalf of Margaret Palmer, of Hospice of Jefferson County, to change the approved zoning classification of 1398 Gotham Street, Parcel No. 13-18-103.200, from Residence A to Planned Development District #24
 - 33 - Laid Over Under the Rules – Ordinance Approving the Zone Change Request Submitted by Julian Clark of Plumley Engineering, on behalf of Russell & Dawson, Architecture and Engineering, to change the approved zoning classification of VL-2 Gaffney Drive, Parcel No. 08-40-101.007, from Planned Development District #2 to a Commercial Zoning District
 - 34 - Preventing Motor Vehicles From Using Handicap Ramps Near Mr. Sub
 - 35 - Offer to Purchase City-Owned Property, Francis Street
 - 36 - Zoning Expenses

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 May 18, 2009 and the adjourned meeting of May 26, 2009 was dispensed with and accepted as written by motion of Council Member Clough, seconded by Council Member Smith and carried with all voting in favor thereof.

COMMUNICATIONS

A summons and notice was received concerning property located at 247 Central Street.

ABOVE PLACED ON FILE

From the River Committee urging Council to reconsider their plans to return the grant funding for the final stage of the Marble Street Park enhancement.

ABOVE PLACED ON FILE

From the Transportation Commission concerning offering citibus riders a monthly unlimited ride pass. The benefit to having this is that riders would make more trips and more stops and thus the operating assistance of 40 cents for every rider that boards the bus would be reimbursed to the City. At the present time, the City is reimbursed approximately \$60,000 per year. If one third of the existing passengers were to purchase monthly passes, and that one third rode twice as often, it would produce an additional \$20,000 per year in reimbursed assistance.

ABOVE PLACED ON FILE

The following claims against the City were received:

1. From Lorraine Irwin for personal injuries she received when she fell on the ice at the arena.
2. From Vince Williams for damage to his vehicle when he struck a pot hole on Water Street.

ABOVE REFERRED TO THE BOARD OF AUDIT

A written notice of falling by City Hall was received from Charles Carr.

ABOVE PLACED ON FILE

PRIVILEGE OF THE FLOOR

Norman Wayte, River Committee Chair, addressed the chair asking them to reconsider the grant monies for Marble Park. He explained that the park is being utilized a lot and if the funds are refused, it could jeopardize future grants.

Carl Farone, owner of Mr. Subs, addressed the chair concerning the suggestion of putting planters in front of his business. He stated that he understood there was going to be a vote on this tonight. He also remarked that he had understood previously that the City was going to see what it would cost to give him back a driveway.

Mayor Graham responded that this could be discussed during new business and he didn't believe that any vote was being taken tonight.

Mrs. Corriveau remarked that was correct.

PUBLIC HEARINGS

AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING AMENDING CITY MUNICIPAL CODE § 161, 265 AND A320 DEPARTMENT OF PUBLIC WORKS AND LOCAL LAW NO. 6 OF 2009 AMENDING § 161-12 OF THE CITY OF WATERTOWN TO PROVIDE FOR CHANGE IN PUBLIC WORKS FEES.

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 AMENDING MUNICIPAL CODE § 301 WATER DEPARTMENT AND LOCAL LAWS NO. 7 & 8 OF 2009 AMENDING MUNICIPAL CODE § 301-4 AND 301-21 OF THE CITY OF WATERTOWN CODE TO PROVIDE FOR CHANGE IN WATER FEES.

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 APPROVING THE SPECIAL USE PERMIT REQUEST SUBMITTED BY THOMAS GEE, OF WEST MAIN AUTO TO ALLOW AN AUTO DEALERSHIP AND REPAIR GARAGE LOCATED AT 742 WEST MAIN STREET, PARCEL NO. 01-125-212.000

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 APPROVING THE ZONE CHANGE REQUEST SUBMITTED BY THOMAS GEE, OF WEST MAIN AUTO TO CHANGE THE APPROVED ZONING CLASSIFICATION OF THE REAR PORTION OF 742 WEST MAIN STREET, PARCEL NO. 01-15-212.000 FROM RESIDENCE B TO NEIGHBORHOOD BUSINESS.

MAYOR GRAHAM DECLARED THE HEARING OPEN.

No one spoke.

MAYOR GRAHAM DECLARED THE HEARING CLOSED.

AT 7:30 MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING THE ZONE CHANGE REQUESTED ON BEHALF OF MARGARET PALMER OF HOSPICE OF JEFFERSON COUNTY TO CHANGE THE APPROVED ZONING CLASSIFICATION OF 1398 GOTHAM STREET, PARCEL NO. 13-18-103.200 FROM RESIDENCE A TO PLANNED DEVELOPMENT DISTRICT #24.

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 APPROVING THE ZONE CHANGE REQUEST SUBMITTED BY JULIAN CLARK OF PLUMLEY ENGINEERING, ON BEHALF OF RUSSELL & DAWSON, ARCHITECTURE AND ENGINEERING, TO CHANGE THE APPROVED ZONING CLASSIFICATION OF VL-2 GAFFNEY DRIVE, PARCEL NO. 08-40-101.007, FROM PLANNED DEVELOPMENT DISTRICT #2 TO A COMMERCIAL ZONING DISTRICT.

MAYOR GRAHAM DECLARED THE HEARING OPEN.

No one spoke.

MAYOR GRAHAM DECLARED THE HEARING CLOSED.

RESOLUTIONS

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the Jefferson County Department of Employment and Training and the Jefferson-Lewis Workforce Investment Area has allocated to the City of Watertown six (6) funded training positions under the Summer Youth Employment Training Program, and

WHEREAS various departments of the City of Watertown can provide training opportunities for young people of the community, and

WHEREAS the City and Jefferson County Department of Employment and Training have cooperated in past years with this same program,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby authorizes the City's participation in the 2009 Summer Youth Employment Training Program, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the Youth Employment Training Program 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 PETER L. CLOUGH

WHEREAS the Community Action Planning Council of Jefferson County (CAPC) was incorporated and designated in 1967 as the official anti-poverty agency for Jefferson County, and

WHEREAS since that time, CAPC has received funds from local governments as the local share required to leverage State and Federal program service dollars, and

WHEREAS the services provided by the CAPC promotes a public purpose, and

WHEREAS the services promote the education, charity, health, safety and welfare of the citizens of the City of Watertown,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement for Public Benefit Services between the City of Watertown and the Community Action Planning Council of Jefferson County, Inc., a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute this 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 PETER L. CLOUGH

WHEREAS the Lessor, City of Watertown, owns the facility known as Thompson Park, located in the City of Watertown, County of Jefferson, State of New York, and

WHEREAS the Lessor has entered into an Agreement with the Tenant, Thompson Park Conservancy, Inc., to lease certain premises located at the Park for the operation of the "Thompson Park Zoo" by Lease dated December 1997, and

WHEREAS since that time, the City of Watertown has provided both financial and in-kind services in support of the Thompson Park Conservancy, and

WHEREAS the City Council has determined that it is in the best interest of the taxpayers of the City of Watertown to provide direct support to the Thompson Park Conservancy to be used to improve the leased premises as detailed in the attached Agreement,

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 Thompson Park Conservancy, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute this 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 PETER L. CLOUGH

WHEREAS the Fiscal Year 2009-10 Tourism Fund Budget contains an appropriation for destination marketing, and

WHEREAS the City Council of the City of Watertown wishes to enter into an Agreement for the provision of destination marketing services with the Thousand Islands Regional Tourism Development Corporation,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it approves the Agreement for Public Benefit Services with the Thousand Islands Regional Tourism Development Corporation, a copy of which is attached and made a part of this resolution, and

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

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

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS in February 2009, the City Purchasing Department, in conjunction with the City of Watertown Fire Department, advertised for sale through Auctions Unlimited, a nationwide website, our 1986 E-One Pumper, and

WHEREAS during the ten days this item was listed on the website, the City received forty eight (48) bids, the highest in the amount of \$3,900, which was \$3,600 less than the City's listed base bid amount of \$7,500, and

WHEREAS subsequent to the auction, an inquiry was received from an agency in Vermont asking for an opportunity to visually inspect the pumper prior to submitting an offer and it has been determined that approximately \$1,000 - \$2,000 worth of repairs need to be made to correct deficiencies on this piece of equipment, and

WHEREAS Jefferson Community College Fire Science Program has expressed interest in this equipment for training of its students, and

WHEREAS the equipment is valueless to the City of Watertown,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares the E-One Pumper valueless and authorizes and directs City Manager, Mary Corriveau, to take whatever steps are necessary to transfer ownership of the equipment to Jefferson Community College.

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

Prior to the vote on the foregoing resolution, discussion was held concerning the condition of the pumper.

Chief Sayre explained that the pumper is not in good condition. The gear case had water in it. It was stored outside during the winter and it had been de-watered as well as it could have been.

Council Member Butler asked what the terms were when it was put in the auction and if it was to be sold “as is”.

Chief Sayre remarked that he couldn’t speak to that, but most times equipment is put up for auction “as is”. He also explained that it would pass the pumper test if repairs were done. He also explained that the Vermont inquiry wanted guarantees that there were no cracks in the pump.

Mrs. Corriveau advised Council that no one was aware of the problems when it went into the auction.

Chief Sayre explained that now that we are aware of the problems, they have to be put on a list if it was going to be put back into an auction.

Council Member Smith asked if this was the pumper that was sent to Fulton.

Chief Sayre stated that it was and that it came back in good shape from Fulton. The problem was when it didn’t winter well outside.

Mrs. Corriveau explained that JCC has requested it for use in their Fire Science program. They have also had an offer to have the repairs done on it.

Mayor Graham remarked that it seems like a fairly harmless move.

Council Member Butler remarked that while he didn’t have a problem with giving it to JCC, the fact is that we might have made a mistake on the process. He questioned it being valueless as stated in the resolution.

Attorney Slye commented that perhaps the better term would be “no commercial value to the City or no usable value to the City”.

Council Member Smith asked if would be better to donate it for \$1.00.

Attorney Slye advised that there was no distinction between the two methods.

Council Member Butler commented that it was a great benefit to Fulton and might be of some value to another fire department.

Chief Sayre commented that it would entail spending money. It was excess to the City's needs and could be used by JCC to augment their fire program which he felt was the best use for it.

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the City Council of the City of Watertown, New York, desires to revitalize the Black River waterfront and the Downtown within the City, and

WHEREAS the State of New York has announced that funds are available for Downtown Redevelopment through the Upstate Regional Blueprint Fund,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York, that the City Manager, Mary M. Corriveau, is hereby authorized and directed to file an application for funding from the New York State Empire State Development Corporation in accordance with the provisions of the Upstate Regional Blueprint Fund to implement the J.B. Wise Reconstruction Project in an amount not to exceed \$445,000.

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

Prior to the vote on the foregoing resolution, Council Member Smith asked about the \$50,000 for land acquisition. He asked if a price had been negotiated.

Mrs. Corriveau responded that there are some small pieces of land need to make the Court Street entrance viable. She stated that no price has been negotiated and that the \$50,000 is a budget number only. The City may not have to spend all of that.

Council Member Butler asked about the construction inspectors and if the City is hiring inspectors from other firms.

Mrs. Corriveau stated that she is sure we will.

Council Member Butler responded that we are paying inspectors when we have licensed engineers on staff.

Mrs. Corriveau advised that the City has one licensed engineer in Engineering and one in the Sewer Department. She advised that the other engineers are not licensed to do these inspections. Therefore, the City hires others to help while City staff is doing the design. If they are doing the design, they can't be out doing the inspections at the same time.

Mr. Hauk explained the procedure that the two CE1 are required to complete before they qualify for CE2 and for becoming licensed. He discussed the inspection requirements needed for these various projects. He explained that while he didn't know the exact particulars for the J.B. Wise project, it would require some type of inspection work, similar to what was done on Public Square.

Council Member Smith questioned at what point it becomes a benefit to the City to raise the salary for a CE2 and hire someone to do the work in-house. He commented that he understood about time taken away from other projects. However, he wondered if it wouldn't be better to hire another CE2 by raising the salary.

Mr. Hauk advised Council that he has been trying to get a system where there is a job description of temporary inspectors that are seasonal. Then, when the projects are done and the season is over, the inspectors are done. He explained that the City has to have a history of doing this so that the inspectors will return with each new construction season. They would become familiar with our specs and how we do our business.

Council Member Smith asked if that is something that could be done this season.

Mr. Hauk explained that it is being done through GYMO this year.

Mrs. Corriveau advised that we haven't committed to hiring anyone for this project yet. However, we know that we'll need inspectors and we had to put an amount in the budget.

Council Member Butler asked if the City could go back for more funding if the project goes over budget.

Mrs. Corriveau explained that the grants are fixed at a certain dollar amount. If there are cost overruns, staff will have to go back and look at the design. She explained that the grant is state funding for a new project from a new funding source which is looking for new projects.

Mayor Graham remarked that it upsets him that the entrance road, which is a very important aspect of the project has to be held up another year. It limits our ability to deal with the parking problem. He also commented that most people look at the J.B. Wise project as a configuration of roads leading in and out. He stated that dressing the project up as some kind of walkway and pavilion as means to an end. He remarked that his concern with this whole thing is that the grant funding source will not allow us to downsize the project.

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the City Purchasing Department has advertised and received a sealed bid for the Bicentennial and Marble Street Parks Project involving the construction of riverfront improvements at the Bicentennial Park at the Fairgrounds and Marble Street Park on the eastern edge of the City, and

WHEREAS plans and specifications were issued to ten (10) prospective bidders, with one (1) bid being received and publicly opened and read in the City Purchasing Department on Thursday, May 21, 2009, at 11:30 a.m., and

WHEREAS City Purchasing Agent Robert J. Cleaver and City Planner Christine E. Hoffman reviewed the bid of \$777,000 submitted by Acts II Construction, Inc. of Gouverneur, New York, and are recommending that it be rejected,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York rejects the bid submitted by Acts II Construction, Inc. of Gouverneur, New York, for the construction of the Bicentennial and Marble Street Parks Project.

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

Prior to the vote on the foregoing resolution, Mayor Graham asked about the projects coming in over budget.

Mrs. Corriveau explained that this was based partly on timing. She advised that this will be rebid in the spring.

Resolution #8 was not introduced at this time. It appears under New Business where it was introduced later in the meeting.

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the New York State Department of State, Division of Coastal Resources, has announced that the City of Watertown has been awarded a \$505,000 grant under Title 11 of the Environmental Protection Fund to complete a Local Waterfront Revitalization Program for the Black River within the City, and

WHEREAS the City Council desires to revitalize the waterfront along the Black River and improve the connection between Downtown and the Riverfront, and

WHEREAS the City must enter into a Project Agreement with the New York State Department of State for this project,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves the Agreement with New York State Department of State, 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 directed to enter into and execute the Project Agreement on behalf of the City Council of the City of Watertown.

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

Commenting on the foregoing resolution, Council Member Smith asked if this was a new grant.

Mrs. Corriveau advised that it was a 2007 grant.

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS a project for the reconstruction of State Street, PIN 775273, (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the cost of such program to be borne at the ratio of eligible costs at 80% federal funds and 20% non-federal funds, and

WHEREAS on October 24, 2005, the City Council approved the Marchiselli Aid Supplemental Project Agreement for this project, and

WHEREAS of the total project cost of \$10,121,780, the City would receive Federal funds in the amount of \$8,097,424, and State funds of \$1,263,267 leaving a Local funding commitment of \$761,089, and

WHEREAS on February 7, 2007, the City Council approved Supplemental Agreement No. 1 to the original Agreement for approval, which provides for an increase in Marchiselli Funds, with the City receiving Federal funds in the amount of \$8,097,424, and State funds of \$1,518,267 leaving a Local funding commitment of \$506,089, and

WHEREAS NYSDOT has forwarded Supplemental Agreement No. 2 to the original Agreement for approval, which provides for an increase in Marchiselli Funds, and

WHEREAS under the terms of the Supplemental Agreement the City would receive Federal funds in the amount of \$8,506,224, and State funds of \$1,594,917 leaving a Local funding commitment of \$531,639,

NOW THEREFORE BE IT RESOLVED that the Mayor of the City of Watertown, Jeffrey E. Graham, 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 the City Council of the City of Watertown hereby approves the Supplemental Agreement No. 2 to the Marchiselli Supplemental Aid Project Agreement, a copy of which is attached and made a part of said resolution, 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.

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

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the City Council of the City of Watertown, New York has before it an ordinance for the zone change application of Thomas Gee of West Main Auto, to change the approved zoning classification of the rear portion of Parcel Number: 01-15-212.000 located at 742 West Main Street, from Residence “B” 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 in 6NYCRR Section 617.2(ak), and

WHEREAS to aid the City Council in its determination as to whether the proposed zone change will have a significant effect on the environment, Part 1 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 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 adoption of the zone change will not have a significant effect on the environment.
2. The Mayor of the City of Watertown is authorized to execute Part 3 of the Environmental Assessment Form to the effect 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

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the City Council of the City of Watertown, New York has before it an ordinance for the zone change application of Tim Titus of Aubertine and Currier, on behalf of Margaret Palmer of Hospice of Jefferson County, to change the approved zoning classification of Parcel Number: 13-18-103.200 located at 1398 Gotham Street, from Residence A to Planned Development District #24, 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 in 6NYCRR Section 617.2(ak), and

WHEREAS to aid the City Council in its determination as to whether the proposed zone change will have a significant effect on the environment, Part 1 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 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 adoption of the zone change will not have a significant effect on the environment.
2. The Mayor of the City of Watertown is authorized to execute Part 3 of the Environmental Assessment Form to the effect 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 Smith asked about what was allowed in a Planned Development District.

Mr. Mix explained that this involves creating a whole new district with its own regulations based on the preliminary site plan. He showed Council a map of the site plan and indicated that it will

consist of administrative offices and an 8-bed facility. He explained that while the 8-bed facility would fit under a health district, the administrative offices couldn't. That is why a Planned Development district is being proposed.

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 Julian Clark of Plumley Engineering, on behalf of Russell & Dawson, Architecture and Engineering, to change the approved zoning classification of Parcel Number: 08-40-101.007 located at VL-2 Gaffney Drive, from Planned Development District #2 to a Commercial Zoning 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 in 6NYCRR Section 617.2(ak), and

WHEREAS to aid the City Council in its determination as to whether the proposed zone change will have a significant effect on the environment, Part 1 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 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 adoption of the zone change will not have a significant effect on the environment.

2. The Mayor of the City of Watertown is authorized to execute Part 3 of the Environmental Assessment Form to the effect the City council is issuing a Negative Declaration under SEQRA.

3. This resolution shall take effect immediately.

SECONDED BY COUNCIL MEMBER PETER L. CLOUGH AND CARRIED WITH ALL VOTING YEA

Prior to the vote on the foregoing resolution, Council expressed concerns over drainage issues.

Mr. Mix advised that drainage issues will be addressed through the site plan approval process.

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE RESOLUTION APPROVING THE SPECIAL USE PERMIT REQUEST SUBMITTED BY THOMAS GEE, OF WEST MAIN AUTO TO ALLOW AN AUTO DEALERSHIP AND REPAIR GARAGE LOCATED AT 742 WEST MAIN STREET, PARCEL NO. 01-15-212.000 AND CARRIED WITH ALL VOTING YEA

Prior to the vote on the foregoing resolution, Attorney Slye advised Council that the ownership issue had been resolved.

Council Member Smith asked if the garage doors were facing the residences.

Mr. Gee explained that the garage doors face one house and there has been no opposition from anyone in the area.

Council Member Smith asked about the hours of operation.

Mr. Gee advised that it will be 9-5 and no weekends.

ORDINANCES

NO MOTION WAS MADE TO TAKE FROM THE TABLE THE ORDINANCE AMENDING CITY MUNICIPAL CODE § 148 FIRE DEPARTMENT.(Introduced on May 11, 2009; tabled; appears in its entirety on pages 88-96 of the 2009 City Minutes Book)

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE ORDINANCE AMENDING CITY MUNICIPAL CODE § 161,265 AND A320 DEPARTMENT OF PUBLIC WORKS AND CARRIED WITH ALL VOTING YEA(Introduced on May 11, 2009; public hearing held this evening; appears in its entirety on pages 88-96 of the 2009 City Minutes Book)

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE ORDINANCE AMENDING MUNICIPAL CODE §301 WATER DEPARTMENT AND CARRIED WITH ALL VOTING YEA.(Introduced on May 11, 2009; public hearing held this evening; appears in its entirety on pages 88-96 of the 2009 City Minutes Book)

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE ORDINANCE APPROVING THE ZONE CHANGE REQUEST SUBMITTED BY THOMAS GEE OF WEST MAIN AUTO TO CHANGE THE APPROVED ZONING CLASSIFICATION OF THE REAR PORTION OF 742 WEST MAIN STREET, PARCEL NO. 01-15-212.000 AND CARRIED WITH ALL VOTING YEA. (Introduced on May 18, 2009; public hearing held this evening; appears in its entirety on pages 88-96 of the 2009 City Minutes Book)

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE ORDINANCE APPROVING THE ZONE CHANGE REQUEST SUBMITTED ON BEHALF OF MARGARET PALMER, OF HOSPICE JEFFERSON COUNTY, TO CHANGE THE APPROVED ZONING CLASSIFICATION OF 1398 GOTHAM STREET, PARCEL NO. 13-18-103.200 FROM RESIDENCE A TO PLANNED DEVELOPMENT DISTRICT #24 AND CARRIED WITH ALL VOTING YEA. (Introduced on May 18, 2009; public hearing held this evening; appears in its entirety on pages 88-96 of the 2009 City Minutes Book)

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE ORDINANCE APPROVING THE ZONE CHANGE REQUEST SUBMITTED ON BEHALF OF RUSSELL & DAWSON, ARCHITECTURE AND ENGINEERING TO CHANGE THE APPROVED ZONING CLASSIFICATION OF VL-2 GAFFNEY DRIVE, PARCEL NO. 08-40-101.007 FROM PLANNED DEVELOPMENT DISTRICT #2 TO A COMMERCIAL ZONING DISTRICT AND CARRIED WITH ALL VOTING YEA. (Introduced on May 18, 2009; public hearing held this evening; appears in its entirety on pages 88-96 of the 2009 City Minutes Book)

LOCAL LAWS

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON LOCAL LAW NO. 6 OF 2009, AMENDING SECTION § 161-12 OF THE CODE OF THE CITY OF WATERTOWN TO PROVIDE FOR CHANGE IN PUBLIC WORKS FEES AND CARRIED WITH ALL VOTING YEA. (Introduced on May 11, 2009; public hearing held this evening; appears in its entirety on page 88-96 of the 2009 City Minutes Book) **Note: This Local Law will become Local Law No. 2 of 2009**

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON LOCAL LAW NO. 7 OF 2009, AMENDING §301-4 OF THE CITY CODE TO PROVIDE FOR CHANGE IN WATER FEES AND CARRIED WITH ALL VOTING YEA (Introduced on May 11, 2009; public hearing held this evening; appears in its entirety on pages 88-96 of the 2009 City Minutes Book) **Note: This Local Law will become Local Law No. 3 of 2009.**

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON LOCAL LAW NO. 8 OF 2009, AMENDING §301-21 OF THE CITY CODE TO PROVIDE FOR CHANGE IN WATER FEES AND CARRIED WITH ALL VOTING YEA. (Introduced on May 11, 2009; public hearing held this evening; appears in its entirety on pages 88-96 of the 2009 City Minutes Book) **Note: This Local Law will become Local Law No. 4 of 2009.**

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COUNCIL DISCUSSED THE FOLLOWING TOPICS:

Offer to Purchase City-Owned Property, Francis Street

Council Member Clough remarked that this is an example of getting land back on the tax rolls.

In answer to Council's question as to whether this could be done this evening with a waiver, Attorney Slye advised that he would prefer to have a formal resolution prepared for the next Council meeting.

Council Member Butler remarked that Mr. Phelps' memo states "The property appears to belong to the City". He commented that it should be that it does belong to the City.

Attorney Slye explained that we give quit claim deeds and not warranty deeds for that reason.

Zoning Expense Report

This report was included at the request of Council Member Butler.

Preventing Motor Vehicles From Using Handicap Ramps Near Mr. Sub

Council reviewed this report.

Mrs. Corriveau explained that City Council had asked staff to look at action to prevent motor vehicles from using handicap ramps near Mr. Subs. Staff suggested the placement of two planters in such a way that vehicles cannot drive between them on the Public Square side. However, there is no good solution for the ramp at the intersection of Black River Parkway and Mill Street. There is very little public land and anything placed to obstruct vehicle traffic there would also obstruct pedestrian use of the sidewalk.

Mayor Graham asked about the cost of turning it into a driveway and questioned if the amount had been estimated at \$100,000.

Mrs. Corriveau commented that she didn't remember a figure being given.

Mayor Graham remarked that at the time Council wanted to finish the project as designed. He asked if Council felt the need to enforce not allowing vehicles to drive through there.

Council Member Smith remarked that the planters would not inhibit the use of Mr. Subs' driveway.

Mayor Graham remarked that the real question that brought Mr. Farone here this evening is if Council is revising the issue. And, the answer is that Council is not.

Mrs. Corriveau explained that the report was in the agenda to make Council aware of what staff is suggesting. It looks like a walkway with synthetic asphalt and yet people are driving over it. The planters would be screwed into the concrete and taken out for the winter.

Mr. Farone remarked that it had been an exit for 33 years so people are going to continue to use it.

Mayor Graham remarked that a plan was agreed on and whether or not it should be a driveway wasn't in the project. He stated that now we are trying to prevent it from being used as a driveway since there is no driveway there.

Mr. Farone remarked that everything that has been discussed tonight has been about the budget. He questioned when it's about Mr. Farone who has been on Public Square for over 40 years. He questioned who is downtown and answered that no one is.

Council Member Butler asked why Mr. Farone was down there.

Mr. Farone responded that he's there because he has been there for so long. He remarked that people aren't stopping, they are merely passing through.

Council Member Butler remarked that the driveway/sidewalk issue is a safety issue. He stated that the City should be ticketing people that are driving through there.

Mrs. Corriveau explained that if they are seen doing it, they will be ticketed.

Mayor Graham commented that this issue was discussed at length several months ago. No more feedback was received and the project is finished as it exists right now.

Mr. Farone responded that it is on record that there was supposed to be an accident report done regarding Public Square and he questioned where it was.

Council Member Smith commented that he thinks Council felt that the project would stay as is and that means the area is a crosswalk and to change it would be exorbitant.

Mr. Farone asked if a price could be obtained now for what the change would cost.

Mayor Graham responded by polling Council as to regardless of the price if they would support a change. They indicated that they would not.

Mr. Farone stated that if he had been given the proper paperwork for the project, he would have been to Council before the project was being worked on. He stated that his design paperwork showed a driveway there. He also asked if the City was going to correct the problem with the curbing where the tractor trailers have to go up over it to make the turns.

Mayor Graham remarked to Mr. Farone that what he is asking to be allowed to do is to allow people to continue to use the sidewalk as a driveway.

Mr. Farone then advised Council of how he felt the crossway from the Baptist Church should be aligned.

Mayor Graham remarked that he doesn't know if seasonal planters address the problem. He stated that he feels that signage should be put up.

Mayor Graham advised that when you turn from Public Square on to Mill Street, the traffic light is not in your field of vision. You have to look out the side window to see it.

Mrs. Corriveau will check into this.

Council Member Clough asked about the truck slip next to Mr. Farone's business.

Mrs. Corriveau advised that Mr. Farone had stated that he didn't want it.

Mr. Hauk explained that the slip is still in the latest design. It is on City property and would be for anyone's use.

Council Member Clough asked about the figure for Mr. Farone's change.

Mr. Hauk remarked that the City did receive a letter from Clough Harbor advising against the change. However, no cost estimates were included.

Mrs. Corriveau explained that their traffic engineer had recommended not doing it.

Transportation Commission Letter

Mayor Graham referred to this and commented that he wished that they had availed themselves of the opportunities to come before Council during budget and fee discussions.

Mrs. Corriveau commented that Ms. Webster had brought up a flat rate pass in the past.

Mayor Graham commented that Council depends on committees to bring recommendations to them. He would encourage them to do so in the future.

Mrs. Corriveau will get back to the commission.

River Committee Letter

Norm Wayte addressed the chair once again remarking that it is the consensus of the committee that the park should be finished.

Mrs. Corriveau advised that the City needs to notify the State that we are refusing the grant. She explained that if it isn't refused by voting on the resolution, the state will prepare the grant document and will send it on to the City.

Mayor Graham commented that if the plug is going to be pulled on this project, Council needs to vote on Resolution No. 8.

Council Member Clough stated that the walkway in this grant is basically a trail through Marble Park and not along the river. The City has said that they want to look at still doing the fence.

Mrs. Corriveau commented that no one can say how much refusing this grant will affect future applications. She also commented that we anticipate an interior walkway going down to Marble Street and connecting to Sewall's Island.

Mr. Mix explained that the total project consisted of the bridge to the Route 3 wave, the ball parks, restrooms and part of the trail system bid that was rejected this evening. This particular section covered in resolution #8 provides a walkway along the river with a potential for getting the interior section along Marble Street into the trails.

Council Member Clough commented that when the plan was introduced, as far as the connection Sewall's Island was concerned, it went across to Water Street and didn't even follow the river. It was across privately owned property and we had said that we should contact the owners of those properties.

Mr. Mix explained that this section does follow the river and is on City property.

Council Member Smith remarked that he appreciated the work that the River Committee and Mr. Mix had put into this. However, when this was started, the fiscal climate was a little different. He stated that it is in the City's best interest to hold off. He remarked that he is sure there are a lot of communities in the same situation or worse. He remarked that if we can get the rejected phase to come in on budget that would be more reasonable.

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the City Council authorized making an application to the New York State Department of State for an Environmental Protection Fund Grant to construct Marble Street Park Trail on June 2, 2008, and

WHEREAS the City of Watertown was awarded \$165,000 from the Department of State for the project, and

WHEREAS in this difficult economic time, the City Council has found it necessary to cut back on expenditures including the \$165,000 from the City's General Fund needed to match the Grant,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it authorizes the Mayor, Jeffrey E. Graham, to notify the New York State Department of State on its behalf that the City of Watertown is declining the \$165,000 Environmental Protection Fund Grant for construction of the Marble Street Park Trail.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA EXCEPT MAYOR GRAHAM VOTING NAY

Use of Laptops

Council Member Butler suggested the use of laptops by Council Members at meetings. He remarked that the present system is a waste of paper as agreements are numerous pages. It would be a money saver as well as a time saver. He also remarked that if people still want a paper version, it would be a watered down one with out the full agreements and contracts.

Council Member Smith asked what the cost was for paper, copiers and ink in City Hall.

Mrs. Corriveau advised Council that she, Mrs. Dutton and Mr. Keenan have been looking into a software package in an effort to get the agenda automated.

Le Ray Street Sidewalk Complaint

Council Member Butler stated that he had received a complaint from someone living on LeRay Street who had their walk done by the City. He remarked that there is a steep grade in front of his property and the complainant wasn't happy with how the walk was done. He remarked that his concern is that we are somewhat responsible for the work that we do. He also remarked that Engineering is aware of the complaint. He stated that he is talking about addressing concerns as they arise. He asked if photos are taken.

Mr. Hauk explained that we've had videos on some project, other times blocks have been marked. Photos are taken, but not of every single block.

Council Member Butler responded that there is a very steep grade in this block and asked if there was any engineering work done in advance on how to address the grade issue.

Mr. Hauk remarked that this is a sidewalk program, not a driveway program.

Council Member Butler commented there needs to be better communication in advance.

Washington Street/Public Square Grass Area

Council Member Butler commented that the grass is not growing in the island area there yet.

Mrs. Corriveau advised that there were other spots as well that did not grow after the first season. Staff is looking into it.

Speeding Tickets/City's Ability to Collect Fines

Council Member Butler remarked that at the present time, all the money for speeding tickets goes to the State. He questioned why we don't use municipal code law which allows us to collect the revenue.

Attorney Slye remarked that he wasn't aware of such a law. He asked Council Member Butler to contact him with information on the law he is referring to and he will look it up.

Washington Street Sidewalk Project

Council Member Smith asked about the cost of this project and wondered if the higher numbers were just the result of the grade or if poles had to be moved.

Mr. Hauk explained that the project went from materials only with labor being done in-house to labor costs because it is being contracted out plus materials. He explained that the utilities would involve coordination and he hasn't heard back from National Grid.

Meeting with Watertown Hockey Association

Council Member Smith asked Mrs. Corriveau about her meeting today with the hockey association. He remarked that they paid \$8500 for the franchise and \$2500 for advertising and they had told him that they lost money even with volunteer help in the concession.

Mrs. Corriveau advised that the fee were \$7000 for the franchise, \$1000 for electric and \$2500 for advertising, They have paid the same since 2004. She remarked that they indicated that they made \$17,000 last year and lost \$1000 this year. They will get back to us by the end of the week and there will be another meeting. She also explained that if they don't want to enter into a franchise, the City will bid out the concession and advertising together. She commented that the hockey association talked to the City about splitting it out. She questioned why the City would do that since the advertising is where the money is.

Council Member Smith remarked that he advertises with them because it is helping youth hockey.

Bernier Carr Study

Mayor Graham asked if there was a desire to have Bernier Carr meet with the Council to discuss the study.

Mrs. Corriveau advised that Bernier Carr would be at the next regular Council meeting on June 15th.

Work Sessions

Council discussed if they would hold work sessions during July and August.

Council Member Clough remarked that staff is on summer hours and in the past, the work sessions were only held if it was needed.

It was the consensus of the majority of the Council that they would meet.

Council Member Butler remarked that he would like to meet with DANC and CAPC.

Council Member Smith remarked that if there are one or two issues, Council should meet to discuss them.

Mrs. Corriveau remarked that she doesn't have a whole lot for next week's work session.

ADJOURNMENT

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 9:28 P.M.
BY MOTION OF COUNCIL MEMBER CLOUGH, SECONDED BY COUNCIL
MEMBER BUTLER AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

Donna M. Dutton
City Clerk