

**CITY COUNCIL MEETING
CITY OF WATERTOWN
June 18, 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: Elliott Nelson, Jim Mills, Ken Mix, Amy Pastuf, Erin Gardner, Chief Goss, Gene Hayes

The City Manager presented the following reports to Council:

- Resolution No. 1 - Accepting Bid for Ferric Chloride; Kemira Water Solutions, Inc.
- Resolution No. 2 - Accepting Bid for Dry Polymer; Slack Chemical Company, Inc.
- Resolution No. 3 - Accepting Bid for Pool Chemicals for the Parks and Recreation Department, Slack Chemical Company, Inc.
- Resolution No. 4 - Accepting Bid for Pool Chemicals for the Parks and Recreation Department, Sundance Leisure
- Resolution No. 5 - Accepting Bid for Pool Chemicals for the Parks and Recreation Department, Noble Ace Hardware
- Resolution No. 6 - Accepting Bid for Chemicals at the Water Treatment Plant, Kemira Water Solutions
- Resolution No. 7 - Accepting Bid for Chemicals at the Water Treatment Plant, Slack Chemical
- Resolution No. 8 - Accepting Bid for Chemicals at the Water Treatment Plant, Thatcher Company of NY
- Resolution No. 9 - Approving Agreement for Public Benefit Services Between the City of Watertown and the Thousand Islands International Tourism Council
- Resolution No. 10 - Endorsing the Application by Neighbors of Watertown Inc. for Funding Under the New York Main Street Program, Consolidated Funding Application 2012
- Resolution No. 11 - Authorizing the Sale of Bicycles, Miscellaneous Items and Equipment at Public Auction
- Resolution No. 12 - Authorizing Acceptance of New York Safety and Health Hazard Abatement Board, Occupational Safety and Health Training and Education Program Grant

- Resolution No. 13 - Approving the Customer Processing Agreement and ATM Placement Agreement with B&S Business Services, Inc.
- Resolution No. 14 - Requiring the City Comptroller to Serve a Notice of Intention to claim Against Insurance Proceeds and to Impose Conditions Guaranteeing Performance of Operations
- Resolution No. 15 - Readopting Fiscal Year 2011-12 General Fund Budget
- Resolution No. 16 - Approving the Site Plan for the Construction of a 3,500 Square Foot Bank, Drive Through With Canopy, and Parking Lot at 871 Arsenal Street, Parcels 9-11-135 and 9-11-136
- Resolution No. 17 - Approving Lease Agreement Amendment Between the City of Watertown and Watertown Wizards, Inc.
- Ordinance No. 1 - Changing the Approved Zoning Classification of 108 and 112 Flower Avenue East, Parcels 11-12-127 and 11-12-128, from Residence B District to Neighborhood Business District
- Ordinance No. 2 - Changing the Approved Zoning Classifications of Parcels on Black River Parkway, Factory Street, Factory Square, Huntington Street, and the South Side of Water Street in Order to Implement the Local Waterfront Revitalization Program
- Public Hearing Authorizing Spending From Capital Reserve Fund
- Tabled - Resolution Approving Production Agreement Between the City of Watertown and Steve Weed Productions
- Stop Loss Request for Proposal
- Request for Funding, Jefferson County Historical Society
- Quarterly Financial Report
- Sales Tax Revenue – May 2012
- Board and Commission Appointments
- On-Demand Bulk Item Collection Service Flyer
- Request from the Greater Watertown Chamber of Commerce

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 June 4, 2012 and adjourned meeting of June 11, 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.

PRESENTATIONS

Mayor Graham interrupted the regular course of business to acknowledge the departure of Joseph Goss, Chief of Police, who will retire on June 30th after serving the City of Watertown for

30 years of which the last six years has been as the Chief of Police. The Mayor stated that Chief Goss has brought a sense of dignity, decency and good judgment towards law enforcement issues. He congratulated the Chief and presented him with the First Citizen Award and a City of Watertown Coin.

Council Member Burns thanked Chief Goss for his service.

Council Member Butler stated that the City was very fortunate to have Chief Goss and his leadership role as well as the way he conducts himself represents the City of Watertown very well. He wishes the Chief well in his future endeavors and said he did a fabulous job for the community in general.

COMMUNICATIONS

No communications.

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 spending from the Capital Reserve Fund.

Mayor Graham declared the hearing open at 7:30 p.m.

No one spoke.

Mayor Graham declared the hearing closed at 7:30 p.m.

RESOLUTIONS

Resolution No. 1 -Accepting Bid for Ferric Chloride; Kemira Water Solutions, Inc.

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City Purchasing Department has advertised and received sealed bids for the purchase of Ferric Chloride for use at the City's Sewage Treatment Plant, for the City's 2012-2014 fiscal years' requirements, and

WHEREAS invitations to bid were issued to six (6) bidders, with a total of two (2) sealed

bids submitted to the City Purchasing Department, and

WHEREAS on Wednesday, May 30, 2012 at 11:00 am in the City's Purchasing Department, the bids were publically opened and read, and

WHEREAS City Purchasing Manager Amy M. Pastuf reviewed the bids with Chief Sewage Treatment Plant Operator R. Mark Crandall, and it is their recommendation that the City Council accept the bid from Kemira Water Solutions, Inc, as detailed below:

Ferric Chloride	\$430.00/ton
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NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby accepts the bid submitted by Kemira Water Solutions, Inc., as detailed above, being the lowest qualifying bidder meeting City specifications, for the purchase of Ferric Chloride for use at the City's Sewage Treatment Plant.

Seconded by Council Member Teresa R. Macaluso

Prior to the vote on the foregoing resolution, Council Member Butler noted that this was a two year bid and the price is the same for each year. He mentioned that on some of the other two year bids, the price for the second year is elevated.

Amy Pastuf, Purchasing Manager commented that the market is more volatile with some of the chemicals and the pricing will depend on the specific chemical and the City's usage.

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

Resolution No. 2 - Accepting Bid for Dry Polymer; Slack Chemical Company, Inc.

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City Purchasing Department has advertised and received sealed bids for the purchase of Dry Polymer for use at the City's Sewage Treatment Plant, for the City's 2012-2014 fiscal years' requirements, and

WHEREAS invitations to bid were issued to ten (10) bidders, with a total of one (1) sealed bid submitted to the City Purchasing Department, and

WHEREAS on Wednesday, May 30, 2012 at 11:00 am in the City's Purchasing Department, the bid was publically opened and read, and

WHEREAS City Purchasing Manager Amy M. Pastuf reviewed the bid with Chief Sewage Treatment Plant Operator R. Mark Crandall, and it is their recommendation that the City Council accept the bid from Slack Chemical Company, Inc, as detailed below:

Dry Polymer	\$1.92/LB
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NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby accepts the bid submitted by Slack Chemical Company, Inc., as detailed above, being the only qualifying bidder meeting City specifications, for the purchase of Dry Polymer for use at the City's Sewage Treatment Plant.

Seconded by Council Member Joseph M. Butler, Jr.

Prior to the vote on the foregoing resolution, Council Member Butler mentioned that the one year price was \$1.78 and the two year price was \$1.92 and asked if Dry Polymer is a volatile chemical.

Mrs. Pastuf confirmed that it is and stated that this was discussed with the department and the department thought that this was a good price.

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

Resolution No. 3 - Accepting Bid for Pool Chemicals for the Parks and Recreation Department, Slack Chemical Company, Inc.

Introduced by Council Member Roxanne M. Burns

WHEREAS the City Purchasing Department has advertised and received sealed bids for the purchase of pool chemicals for use by the City's Parks and Recreation Department, for the City's 2012-2013 fiscal years' requirements, and

WHEREAS invitations to bid were issued to five (5) bidders, with a total of three (3) bids being received, and

WHEREAS on Wednesday, May 30, 2012 at 11:00 a.m. in the City Purchasing Department, the bids received were publicly opened and read, and

WHEREAS City Purchasing Manager Amy M. Pastuf reviewed the bids received with Erin E. Gardner, Superintendent of Parks and Recreation, and it is their recommendation that the City Council accept the bid from Slack Chemical, Inc., Carthage, New York, for Liquid Chlorine in the amount of \$2.76/gallon,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid submitted by Slack Chemical, Inc., Carthage, New York, being the lowest qualifying bidder meeting City specifications, for the purchase of Liquid Chlorine in the amount of \$2.76/gallon for use at the City's Parks and Recreation Department.

Seconded by Council Member Jeffrey M. Smith

Prior to the vote on the foregoing resolution, Council Member Butler asked for clarification on the bids labeled Slack Chemical #1 and Slack Chemical #2.

Mrs. Pastuf explained that there are two different formulas of chlorine strength, 7% and 12.5%. She indicated that the strength used in the past has been 12.5% and it kills more germs.

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

Resolution No. 4 - Accepting Bid for Pool Chemicals for the Parks and Recreation Department, Sundance Leisure

Introduced by Council Member Teresa R. Macaluso

WHEREAS the City Purchasing Department has advertised and received sealed bids for the purchase of pool chemicals for use by the City's Parks and Recreation Department, for the City's 2012-2013 fiscal years' requirements, and

WHEREAS invitations to bid were issued to five (5) bidders, with a total of three (3) bids being received, and

WHEREAS on Wednesday, May 30, 2012 at 11:00 a.m. in the City Purchasing Department, the bids received were publicly opened and read, and

WHEREAS City Purchasing Manager Amy M. Pastuf reviewed the bids received with Erin E. Gardner, Superintendent of Parks and Recreation, and it is their recommendation that the City Council accept the bid from Sundance Leisure, Watertown, New York, for Muriatic Acid (HCL) in the amount of \$4.82/gallon,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid submitted by Sundance Leisure, Watertown, New York, being the lowest qualifying bidder meeting City specifications, for the purchase of Muriatic Acid (HCL) in the amount of \$4.82/gallon for use at the City's Parks and Recreation Department.

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

Resolution No. 5 - Accepting Bid for Pool Chemicals for the Parks and Recreation Department, Noble Ace Hardware

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City Purchasing Department has advertised and received sealed bids for the purchase of pool chemicals for use by the City's Parks and Recreation Department, for the City's 2012-2013 fiscal years' requirements, and

WHEREAS invitations to bid were issued to five (5) bidders, with a total of three (3) bids being received, and

WHEREAS on Wednesday, May 30, 2012 at 11:00 a.m. in the City Purchasing Department, the bids received were publicly opened and read, and

WHEREAS City Purchasing Manager Amy M. Pastuf reviewed the bids received with Erin E. Gardner, Superintendent of Parks and Recreation, and it is their recommendation that the City Council accept the bid from Noble Ace Hardware, Watertown, New York, for Sodium Bicarbonate in the amount of \$17.79/50# bag and Calcium Chloride Flakes in the amount of \$13.49/50# bag,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid submitted by Noble Ace Hardware, Watertown, New York, being the lowest qualifying bidder meeting City specifications, for the purchase of Sodium Bicarbonate in the amount of 17.79/50# bag and Calcium Chloride Flakes in the amount of \$13.49/50# bag, for use at the City's Parks and Recreation Department.

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

Resolution No. 6 - Accepting Bid for Chemicals at the Water Treatment Plant, Kemira Water Solutions

Introduced by Council Member Teresa R. Macaluso

WHEREAS the City Purchasing Department has advertised and received sealed bids for the purchase of chemicals for use at the City's Water Treatment Plant, for the City's 2012-2013 and 2013-14 fiscal years' requirements, and

WHEREAS invitations to bid were issued to twelve (12) bidders, with a total of six (6) bids received, and

WHEREAS on Wednesday, May 30, 2012 at 11:00 a.m. in the City Purchasing Department, the bids received were publicly opened and read, and

WHEREAS City Manager Amy M. Pastuf reviewed the bids received, and it is her recommendation that the City Council accept the bid from Kemira Water Solutions, Lawrence, Kansas, as detailed below:

Polyaluminum Chloride	\$ 15,686.00 for 2012-13
Polyaluminum Chloride	\$ 16,468.00 for 2013-14

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bids submitted by Kemira Water Solutions, Lawrence, Kansas, as detailed above, being the lowest qualifying bidder meeting City specifications, for the purchase of Polyaluminum Chloride for use at the City's Water Treatment Plant.

Seconded by Council Member Jeffrey M. Smith and carried with all voting yea.

Resolution No. 7 - Accepting Bid for Chemicals at the Water Treatment Plant, Slack Chemical

Introduced by Council Member Teresa R. Macaluso

WHEREAS the City Purchasing Department has advertised and received sealed bids for the purchase of chemicals for use at the City's Water Treatment Plant, for the City's 2012-2013 fiscal years' requirements, and

WHEREAS invitations to bid were issued to twelve (12) bidders, with a total of six (6) bids received, and

WHEREAS on Wednesday, May 30, 2012 at 11:00 a.m. in the City Purchasing Department, the bids received were publicly opened and read, and

WHEREAS City Manager Amy M. Pastuf reviewed the bids received, and it is her recommendation that the City Council accept the bid from Slack Chemical of Carthage, New York, as detailed below:

Chlorine Liquid	\$ 22,061.00
Hydrofluosilicic Acid Solution	\$ 25,025.40
Sodium Silicate Liquid	\$202,820.00

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bids submitted by Slack Chemical of Carthage, New York, as detailed above, being the lowest qualifying bidder meeting City specifications, for the purchase of Chlorine Liquid, Hydrofluosilicic Acid Solution, and Sodium Silicate Liquid for use at the City's Water Treatment Plant.

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

Resolution No. 8 - Accepting Bid for Chemicals at the Water Treatment Plant, Thatcher Company of NY

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City Purchasing Department has advertised and received sealed bids for the purchase of chemicals for use at the City's Water Treatment Plant, for the City's 2012-2013 fiscal years' requirements, and

WHEREAS invitations to bid were issued to twelve (12) bidders, with a total of six (6) bids received, and

WHEREAS on Wednesday, May 30, 2012 at 11:00 a.m. in the City Purchasing Department, the bids received were publicly opened and read, and

WHEREAS City Manager Amy M. Pastuf reviewed the bids received, and it is her recommendation that the City Council accept the bid from Thatcher Company of NY, Williamson, New York, as detailed below:

Aluminum Sulfate Liquid	\$110,170.00
Powdered Activated Carbon	\$ 1,485.00
Copper Sulfate, Size B	\$ 3,450.00

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bids submitted by Thatcher Company of NY, Williamson, New York, as detailed above, being the lowest qualifying bidder meeting City specifications, for the purchase of Aluminum Sulfate Liquid, Powdered Activated Carbon, and Copper Sulfate, Size B for use at the City's Water Treatment Plant.

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

Resolution No. 9 - Approving Agreement for Public Benefit Services Between the City of Watertown and the Thousand Islands International Tourism Council

Introduced by Council Member Roxanne M. Burns

WHEREAS the Fiscal Year 2012-13 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 International Tourism Council,

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 International Tourism Council, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager John C. Krol is hereby authorized and directed to execute the Agreement on behalf of the City.

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

Resolution No. 10 - Endorsing the Application by Neighbors of Watertown Inc. for Funding Under the New York Main Street Program, Consolidated Funding Application 2012

Introduced by Council Member Roxanne M. Burns

WHEREAS Neighbors of Watertown, Inc. is submitting a Consolidated Funding Application for a \$215,000 grant from the New York Main Street Program, administered by the New York State Office of Homes and Community Renewal, to be expended at sites located within the territorial jurisdiction of this Council, and

WHEREAS any municipality in which the proposed program will function is required to approve a formal resolution supporting the application for grant funding,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby does approve and endorse the application by Neighbors of Watertown, Inc. for a grant from the New York Main Street Program for façade renovation and rental unit creation projects located within this community.

Seconded by Council Member Joseph M. Butler, Jr.

Prior to the vote on the foregoing resolution, Council Member Burns stated that Council appreciates the good work done by the Neighbors of Watertown and with the New York Main Street Program, the City of Watertown has always been competitive allowing many good things to be accomplished. She thanked staff, in particular the Planning Staff, Neighbors of Watertown and all the entities involved.

Mayor Graham pointed out that the Neighbors of Watertown is holding the ribbon cutting ceremony tomorrow at the recently renovated house on the corner of Stone and Sherman Streets.

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

Resolution No. 11 - Authorizing the Sale of Bicycles, Miscellaneous Items and Equipment at Public Auction

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City of Watertown has acquired a number of abandoned bicycles and miscellaneous items and equipment, the listing of which is attached and made a part of this resolution, and

WHEREAS these bicycles and miscellaneous items have some value best determined by public auction,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby authorizes the sale, by auction on Tuesday, July 10, 2012, at 6:00 p.m. in the Public Safety Building garage, of abandoned bicycles and miscellaneous items and equipment, and to further declare all bids final and sales complete while said auction is conducted, and

BE IT FURTHER RESOLVED that final acceptance of such bids shall constitute acceptance of the same by the City Council.

Seconded by Council Member Joseph M. Butler, Jr.

Prior to the vote on the foregoing resolution, Council Member Butler thanked Mr. Mills for scheduling this auction at 6:00 p.m. on a Tuesday instead of during the afternoon. He remarked that he hoped the attendance would be better due to it being later in the day.

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

Resolution No. 12 - Authorizing Acceptance of New York Safety and Health Hazard Abatement Board, Occupational Safety and Health Training and Education Program Grant

Introduced by Council Member Jeffrey M. Smith

WHEREAS the New York Safety and Health Hazard Abatement Board has accepted applications for funding to support occupational safety and health training for public employees, and

WHEREAS each year the City of Watertown provides occupational training opportunities for its employees, and

WHEREAS the Superintendent of Public Works Eugene P. Hayes prepared an application for funding to provide City employees with this training opportunity, and

WHEREAS the City has been awarded a grant in the amount of \$19,443 to provide training to its employees,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes the acceptance of the above-referenced grant in the amount of \$19,443 from the State of New York Safety and Health Hazard Abatement Board, and

BE IT FURTHER RESOLVED that Mayor Jeffrey E. Graham is hereby authorized and directed to execute the grant agreement on behalf of the City of Watertown, a copy of which is attached and made a part of this resolution.

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

Resolution No. 13 - Approving the Customer Processing Agreement and ATM Placement Agreement with B&S Business Services, Inc.

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City of Watertown desires to provide citizens with ATM services at City Hall and the Fairgrounds Arena, and

WHEREAS B&S Business Services, Inc. has agreed to provide and maintain an ATM at each of these locations,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby authorizes the City Comptroller to enter into a Customer Processing Agreement and an ATM Placement Agreement with B&S Business Services Inc. whereby the City will receive \$1 of the \$3 surcharge on each cash withdrawal.

Seconded by Council Member Joseph M. Butler, Jr.

Prior to the vote on the foregoing resolution, Mayor Graham stated that the City is moving

forward with the idea of being consumer friendly.

Council Member Butler asked for the physical location of the ATM at City Hall.

James Mills, City Comptroller explained that it would be in the first floor lobby across from the elevator next to the glass petition.

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

Resolution No. 14 - Requiring the City Comptroller to Serve a Notice of Intention to claim Against Insurance Proceeds and to Impose Conditions Guaranteeing Performance of Operations

Introduced by Council Member Roxanne M. Burns

WHEREAS a fire occurred in the City of Watertown at 239 High Street on/about May 15, 2012, resulting in the significant damage/destruction of a building owned by Ricky E. Frazier, and

WHEREAS the subject property, Tax Parcel No. 6-04-101, has been the subject of a real property tax lien since June 2011, pursuant to Section 137 of the Watertown City Charter, and

WHEREAS pursuant to Section 22 of the New York General Municipal Law, the City is empowered to claim against the proceeds of a policy of fire insurance insuring the interests of an owner to the extent of any lien thereon, and

WHEREAS the City Council of the City of Watertown is authorized to adopt a resolution providing that the enforcement officer of the City, the City Comptroller, shall cause a Notice of Intention to Claim Against Proceeds to be served upon the State Superintendent of Insurance and to provide the certificate required by the New York General Municipal Law and New York Insurance Law, and

WHEREAS the City has previously adopted a local law pertaining to the release of insurance proceeds, which local law is contained in Chapter 180 of the Watertown City Code, and

WHEREAS Section 22 of the New York General Municipal Law permits the City of Watertown, due to its prior enactment of the local law, to require that any insurance proceeds, otherwise entitled to be claimed by the insured, be withheld pending the insured's agreement with the City, in writing, "to restore the affected premises to the same or improved condition that it was in prior to the time that the lien of such (City) against proceeds provided for in (Section 22) arose," and

WHEREAS Section 22 of the New York General Municipal Law permits the City Council of the City of Watertown to impose conditions upon the release of funds which "shall

provide the guarantee(d) performance of such obligation including, but not limited to, an agreement to deposit such proceeds in an escrow account or that the insured shall obtain a performance bond,” and

WHEREAS the City Council of the City of Watertown deems it to be in the best interests of the citizens of the City that any insurance proceeds to which Ricky Frazier would otherwise be entitled should be deposited in an escrow account for payment of restoration; or demolition and removal costs, and released only upon the condition that Ricky Frazier obtain a performance bond, for the benefit of the City, insuring total restoration or demolition and removal of all building debris in a lawful manner,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that the City Comptroller of the City of Watertown shall cause a Notice of Intention to Claim Against Proceeds of the policy of fire insurance for 239 High Street to the extent of the City’s lien on the premises to be served upon the State’s Superintendent of Insurance for entry in the index of tax districts maintained by the Comptroller as provided in the New York Insurance Law, and

BE IT FURTHER RESOLVED that the City Comptroller shall render to any insurer the certificate required and in the manner prescribed by the New York Insurance Law, and the amount stated in such certificate shall be a lien on the proceeds of the insurance policy until paid, and

BE IT FURTHER RESOLVED that the City Comptroller shall not authorize the release to Ricky E. Frazier of any amounts which it would otherwise be entitled to claim unless and until Ricky E. Frazier agrees with the City, in writing, to restore the affected premises to the same or improved condition that it was in prior to the time that the lien of the City against proceeds, provided for in Section 22 of the New York General Municipal Law, arose, and

BE IT FURTHER RESOLVED that if Ricky E. Frazier determines that restoration of the affected premises is not feasible, then this condition on the release of amounts to Ricky E. Frazier may be satisfied by the demolition, removal, and disposal of all debris from the affected premises, and

BE IT FURTHER RESOLVED that the City Comptroller may not authorize the release of any amounts to Ricky E. Frazier, which it would otherwise be entitled to claim, unless and until an agreement to deposit the proceeds in an escrow account to fund the restoration or cleanup is reached, or Ricky E. Frazier has obtained a performance bond for the full extent of the building restoration, or debris demolition, removal, and disposal.

Seconded by Council Member Joseph M. Butler, Jr.

Prior to the vote on the foregoing resolution, Mayor Graham questioned if this was done before.

Robert Slye, City Attorney explained that this has been done twice before. He further explained that when there has been a fire and taxes are owed on the property, the owner can receive the insurance proceeds and not pay the taxes.

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

Resolution No. 15 - Readopting Fiscal Year 2011-12 General Fund Budget

Introduced by Council Member Roxanne M. Burns

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 the purchase of a replacement police vehicle, and

WHEREAS on May 7, 2012 the City Council re-adopted the General Fund Budget to increase appropriations by \$53,000 to reflect the expenditures 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 on June 4, 2012 the City Council re-adopted the Fiscal Year 2011-12 General Fund Budget to increase appropriations by \$279,000 to fund the additional costs of the Municipal Building and Library HVAC upgrade projects and,

WHEREAS on June 4, 2012 the City Council approved the bid submitted by 34 & Co. Inc. to construct a restroom facility at the Marble Street Park in the amount of \$101,000 which was \$32,600 over the amount provided for within the capital project and,

WHEREAS the City Council decided to re-adopt the Fiscal Year 2011-12 General Fund Budget to increase appropriations by \$32,600 to fund the additional costs of the Marble Street restroom facility,

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 \$ 38,576,076 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.0000.0909	Fund Balance	<u>\$ 32,600</u>
Total		<u>\$ 32,600</u>

<u>Expenditures</u>		
A 9950.0900	Transfer to Capital Projects Fund	<u>\$ 32,600</u>
Total		<u>\$ 32,600</u>

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

Resolution No. 16 - Approving the Site Plan for the Construction of a 3,500 Square Foot Bank, Drive Through With Canopy, and Parking Lot at 871 Arsenal Street, Parcels 9-11-135 and 9-11-136

Introduced by Council Member Roxanne M. Burns

WHEREAS Edward Keplinger of Keplinger Freeman Associates, on behalf of AmeriCU, has made an application for site plan approval for the construction of a 3,500 square foot bank, drive through with canopy, and parking lot at 871 Arsenal Street, parcels 9-11-135 and 9-11-136, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on June 5, 2012, and recommended that the City Council of the City of Watertown approve the site plan with 16 conditions, and

WHEREAS the applicant submitted revised plans to the City Engineer on June 11, 2012, and those plans satisfied all of the Planning Board's recommended conditions of approval except for the following:

- 1) The applicant shall install three additional trees along the northern edge of the parking lot, similar in configuration to those depicted on the May 15, 2012 submittal.
- 2) The applicant shall provide a sidewalk detail showing 5,000 psi concrete at 5" thickness, or 6" thickness with wire mesh across driveways. The submitted detail calls for 4,000 psi concrete.
- 3) The applicant shall depict all water lines, sanitary and storm sewer lines, including inverts, along Bellew Avenue and within the property, to the satisfaction of the City Engineer prior to the issuance of a building permit.

- 4) A note shall be added to the plans reading: "A representative from the City Electric Department must be present at all times during the construction of the driveway and alteration of the pull box." The submitted plans refer erroneously to the City of Syracuse.
- 5) The applicant shall depict the existing sanitary lateral near the southern property line.
- 6) The applicant shall provide a wet stamped copy of the Boundary and Topographic Survey Map, with original seal and signature, updated to reflect the information required by the conditions herein.
- 7) The applicant shall depict the water and sewer services going to Arsenal Street on the Demolition Plan.
- 8) The applicant shall file a deed with the County Clerk which combines parcels 9-11-135 and 9-11-136.
- 9) The applicant shall provide copies of all correspondence with NYSDOT regarding Highway Work Permits for utility installation, curb cut removals, and installation of the new entrance along Arsenal Street.

And,

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

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

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

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that site plan approval is hereby granted to Edward Keplinger of Keplinger Freeman Associates on behalf of AmeriCU for the construction of a 3,500 square foot bank, drive through with canopy, and parking lot at 871 Arsenal Street, parcels 9-11-135 and 9-11-136, as submitted to the City Engineer on June 11, 2012, contingent on the applicant making the revisions and meeting the conditions recommended by the Planning Board as listed above.

Seconded by Council Member Teresa R. Macaluso

Prior to the vote on the foregoing resolution, Mayor Graham commented that representatives from the engineering firm were in the audience and available for questions.

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

Resolution No. 17 - Approving Lease Agreement Amendment Between the City of Watertown and Watertown Wizards, Inc.

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City Council of the City of Watertown approved a Lease Agreement with Watertown Wizards, Inc. on April 9, 2012, for the term beginning June 1, 2012 and ending August 15, 2012, and

WHEREAS the City of Watertown Parks and Recreation Department has received a formal request from Watertown Wizards, Inc. to modify their Lease Agreement to include night practices for an agreed upon fee, and

WHEREAS the City of Watertown Parks and Recreation Department is able to honor this request,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Addendum to the 2012 Watertown Wizards, Inc. Lease Agreement, attached and made part of this resolution, and

BE IT FURTHER RESOLVED that City Manager John C. Krol is hereby authorized and directed to execute the Addendum to the Lease Agreement on behalf of the City of Watertown.
Seconded by Council Member Joseph M. Butler, Jr.

Rules waived by Motion of Council Member Jeffrey M. Smith, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

Prior to the vote on the foregoing resolution, Mayor Graham explained that the current lease agreement does not address the issue of practices after 6:00 p.m.

Council Member Butler asked if the team was currently paying for practices occurring after 6:00 p.m.

Erin Gardner, Superintendent of Parks and Recreation indicated that the contract states they pay \$50 per practice for practices ending prior to 6:00 p.m. and clarified that the \$75 fee accounts for the use of lights.

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

The Resolution “Authorizing Spending From Capital Reserve Fund” (Introduced on June 4, 2012; public hearing held this evening; appears in its entirety on page 149-150 of the 2012 Minutes Book).

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

The Resolution “Approving Production Agreement Between the City of Watertown and Steve Weed Productions” (Introduced on June 4, 2012; appears in its entirety on page 149 of the 2012 Minutes Book).

Motion was made by Council Member Joseph M. Butler, Jr. to take from the table the foregoing resolution. Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

Prior to the vote on the foregoing resolution, Mayor Graham noted that he had asked for this to be tabled because he had some question but his concerns were clarified in the memo.

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

ORDINANCES

Ordinance No. 1 - Changing the Approved Zoning Classification of 108 and 112 Flower Avenue East, Parcels 11-12-127 and 11-12-128, from Residence B District to Neighborhood Business District

Introduced by Council Member Roxanne M. Burns

BE IT ORDAINED where Hedy Cirrincione has submitted a request to change the approved zoning classification of 108 and 112 Flower Avenue East, parcels 11-12-127 and 11-12-128, from Residence B District to Neighborhood Business District, and

WHEREAS the Planning Board of the City of Watertown considered the zone change at its meeting held on June 5, 2012, and defeated a motion recommending that the City Council approve the zone change as requested, and

WHEREAS a public hearing was held on the proposed zone change on July 2, 2012, after due public notice, and

WHEREAS the City Council has made a declaration of Negative Findings of the impacts of the proposed zone change according to the requirements of SEQRA, and

WHEREAS the City Council deems it in the best interest of the citizens of the City of Watertown to approve the requested zone change,

NOW THEREFORE BE IT ORDAINED that the approved zoning classification of 108 and 112 Flower Avenue East, parcels 11-12-127 and 11-12-128, is hereby changed to Neighborhood Business District, and

BE IT FURTHER ORDAINED that the Zoning Map of the City of Watertown shall be amended to reflect these changes, and

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

Seconded by Council Member Teresa R. Macaluso

Motion was made by Council Member Roxanne M. Burns to schedule a Public Hearing on the foregoing ordinance for Monday, July 2, 2012 at 7:30 p.m. Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

Ordinance No. 2 - Changing the Approved Zoning Classifications of Parcels on Black River Parkway, Factory Street, Factory Square, Huntington Street, and the South Side of Water Street in Order to Implement the Local Waterfront Revitalization Program

Introduced by Council Member Jeffrey M. Smith

BE IT ORDAINED where certain changes to Zoning District boundaries are required in order to implement the City of Watertown's Local Waterfront Revitalization Program, and

WHEREAS City Staff have submitted a request to change the approved zoning classification of properties along Black River Parkway, Factory Street, Factory Square, Huntington Street, and the south side of Water Street, and

WHEREAS the Planning Board of the City of Watertown considered the zone change request at its meeting held on June 5, 2012, and adopted a motion recommending that the City Council approve the zone changes as requested, and

WHEREAS a public hearing was held on the proposed zone change on July 2, 2012, after due public notice, and

WHEREAS the City Council has made a declaration of Negative Findings of the impacts of the proposed zone change according to the requirements of SEQRA, and

WHEREAS the City Council deems it in the best interest of the citizens of the City of Watertown to approve the requested zone change,

NOW THEREFORE BE IT ORDAINED that the zoning classification of each of the

parcels in the following list is hereby changed to **Residence C District**:

4-22-101.000 672 WATER ST
4-22-102.000 660 WATER ST
4-22-103.000 654 WATER ST
4-22-104.000 648 WATER ST
4-22-105.000 644 WATER ST
4-22-106.000 640 WATER ST
4-23-102.000 VL-6 WATER ST
4-23-103.000 VL-4 WATER ST
And,

BE IT FURTHER ORDAINED that the zoning classification of each of the parcels in the following list is hereby changed to **Waterfront District**:

4-13-103.000 518 WATER ST
4-13-104.000 502 WATER ST
4-13-105.000 490 PEARL ST
7-01-204.000 140 NEWELL ST
6-06-405.000 731 REAR HUNTINGTON ST
And,

BE IT FURTHER ORDAINED that the zoning classification of each of the parcels in the following list is hereby changed to **Commercial District**:

6-02-101.000 347 FACTORY ST
6-02-102.000 341 FACTORY ST
6-04-302.000 445 FACTORY ST
6-04-303.000 429 FACTORY ST
6-04-304.000 419 FACTORY ST
6-04-306.000 413 FACTORY ST
6-04-310.000 357 FACTORY ST
6-05-102.000 661 FACTORY ST
6-05-103.100 649 FACTORY ST
6-05-103.200 VL-3 FACTORY ST
6-05-104.100 629 FACTORY ST
6-05-106.000 40 FAIRBANKS ST
6-05-201.001 VL-1 FACTORY ST
6-05-202.000 507 FACTORY ST
6-05-204.000 129 FACTORY SQ
6-05-301.000 667 FAIRBANKS ST
6-05-301.001 VL-7 FAIRBANKS ST
6-05-301.002 VL-5 FAIRBANKS ST
6-05-302.000 571 FAIRBANKS ST
6-05-303.000 567 FAIRBANKS ST
6-05-303.001 569 FAIRBANKS ST
6-05-401.000 491 FACTORY ST
6-05-402.000 451 FACTORY ST
6-06-401.000 743 HUNTINGTON ST
6-06-401.001 VL-3 HUNTINGTON ST
6-06-402.000 731 HUNTINGTON ST
6-11-502.000 801 HUNTINGTON ST
6-11-502.001 805 HUNTINGTON ST

And,

BE IT FURTHER ORDAINED that the zoning classification of each of the parcels in the following list is hereby changed to **Downtown District**:

6-02-103.000 333 FACTORY ST
6-02-104.000 327 FACTORY ST
6-02-107.000 247 FACTORY ST
7-01-136.000 129 MILL ST
7-01-201.000 100 NEWELL ST
7-01-201.001 VL MILL ST
7-01-202.000 108 NEWELL ST

And,

BE IT FURTHER ORDAINED that the Zoning Map of the City of Watertown shall be amended to reflect these changes, and

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

Seconded by Council Member Teresa R. Macaluso

Motion was made by Council Member Jeffrey M. Smith to schedule a Public Hearing on the foregoing ordinance for Monday, July 2, 2012 at 7:30 p.m. Motion was seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

DISCUSSIONS

Board and Commission Appointments

Mayor Graham indicated that there are three openings on the Planning Board due to two resignations and a death. He told Council that there are two individuals that have come forth to express interest and he plans on meeting with them as well as Chairperson Sara Freda and Ken Mix this week.

In regards to the Empire Zone Board, Council Member Butler remarked that Debbie Cavallario and Anthony Doldo are willing to serve another term. In addition, he stated that he is willing to serve as the chairperson for another three year term. He asked that a resolution be prepared so that these appointments can be approved at the first meeting in July.

In regards to the Board of Ethics, Mayor Graham asked if one of the appointments need to be a officer of the City.

Attorney Slye said that he is unsure at this time.

Council Member Burns told Council that Mr. Krol has stated that it does need to be an officer.

Request from the Greater Watertown Chamber of Commerce

Mayor Graham stated that this was resolved at a meeting last week and he is looking forward to hosting this event.

Sales Tax Revenue – May 2012 and Quarterly Financial Report

Mayor Graham pointed out that Sales Tax Revenue continues to be reasonably robust although some of the other revenue streams are lagging a little bit.

Stop Loss Request for Proposal

Council Member Butler commented that he is glad to see this was completed and thanked the members of the committee for taking the time to look at this. He noted that the current payment in premium on a stop loss of \$100,000 is approximately \$450,000 and pointed out that the quotes for \$100,000 without Medicare would represent a significant increase.

Mr. Mills indicated that the premiums come from multiple underwriters and they all were increased.

Council Member Butler said that the City will save a lot of money by selecting a stop loss of \$150,000.

Mr. Mills stated that quotes were received for a stop loss of \$100,000, \$125,000 and \$150,000 and this is the correct range to be for the City's size of health plan. He confirmed that all of the insurance companies agreed with this.

Council Member Butler thanked Mr. Mills, Mr. Nelson and Mrs. Pastuf for all their hard work.

Mr. Krol reviewed the spreadsheet attached to the memo and stated that the relative dramatic jump in recovered claims over the last four years reflects the need for a stop loss of \$250,000. He added that if this trend continues, then future stop loss coverage will trend higher as well.

In response to Council Member Butler's inquiry, Mr. Mills commented that this will be reviewed every year.

Request for Funding, Jefferson County Historical Society

Mayor Graham stated a request was received for financial support in excess of what was included in the recently adopted budget and he does not see a need to change the amount that was budgeted at this point.

Mr. Mills confirmed that currently the Historical Society has only submitted \$3,800 worth of expenses but he feels there will be more submitted.

Council Member Burns indicated that she will abstain from a vote on this matter because she is on the Board of the Historical Society but offered more information since Mr. Wood, Executive Director, was not in attendance. She remarked that far more than \$10,000 has been spent and that the expenses have not been presented to Mr. Mills. She told Council that one of the largest

events, Heritage Days, was recently held but unfortunately school districts have decreased their funding for field trips so it was only held on a Saturday.

In response to Council Member Butler's question, Mr. Mills confirmed that if \$15,000 worth of expenses were submitted, only \$10,000 would be reimbursed.

Council Member Smith advised that he does not have a problem increasing the funding to \$15,000 as long as it comes from the Bed Tax.

Council Member Butler commented that he is open-minded to this but he would like to see the total receipts.

Council Member Burns suggested tabling this discussion so that Mr. Wood could attend a future meeting to provide more details.

Council concurred to reschedule this topic to the meeting scheduled for July 2nd.

On-Demand Bulk Item Collection Service Flyer

A flyer regarding this was available for Council to review.

Ornamental Street Lighting

Council Member Butler mentioned that in the past, he has pointed out the street lights along Washington Street have new dark green lights on the top of old poles. He questioned if this is temporary or if the entire pole will be replaced. He wondered if the agreement mandates that the pole must be replaced as well and asked if the City could reach out to see what the plan is.

Council Member Burns commented that other streets such as Mullin Street have the same situation and she does not believe that National Grid planned on replacing the bases because of their historical value. She suggested that the bases should be painted to match the darker green of the top.

Moffet Street

Council Member Butler explained a letter was received from Margaret Cohen complaining that the street was used as a thoroughfare to Gotham Street. He stated that this was discussed with the former City Manager and wished to have an update.

Mayor Graham asked who is using this thoroughfare.

Council Member Smith indicated that it was his understanding that it was a resident from Gotham Street.

Mayor Graham said that there needs to be a report of whether it is a City right-of-way.

Parade Route

Council agreed to discuss the logistical problems occurring during a parade at the work session scheduled for August.

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

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

Council moved into Executive Session at 7:45 p.m.

Council reconvened at 8:37 p.m.

A D J O U R N M E N T

At the call of the chair, meeting was duly adjourned at 8:37 p.m. by motion of Council Member Roxanne M. Burns, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

Ann M. Saunders

City Clerk