

**REGULAR COUNCIL MEETING
CITY OF WATERTOWN
AUGUST 4, 2003
7:00 P.M.**

MAYOR JOSEPH M. BUTLER PRESIDING

PRESENT: **COUNCILWOMAN ROXANNE M. BURNS
COUNCILMAN PETER L. CLOUGH
COUNCILMAN PAUL A. SIMMONS
COUNCILMAN JEFFREY M. SMITH
MAYOR BUTLER**

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

City Manager Corriveau presented the following reports to the Council:

- 1 - Approving Cost Sharing Agreement Between the City of Watertown and Niagara Mohawk Power Corporation
- 2 - Approving Riverwalk Lease Agreement, Guilfoyle Ambulance Service, Inc.
- 3 - Approving License Agreement, Guilfoyle Ambulance Service, Inc.
- 4 - Approving the Project Grant Agreement Between the City of Watertown and the Development Authority of the North Country for Funds from the North Country HOME Consortium
- 5 - Authorizing Underground Utility Easement, Newell Street
- 6 - Accepting Proposal for Engineering Services for Downtown Vault Inspections, Clough Harbour and Associates
- 7 - Approving Grant Agreement, AIP No. 3-36-0120-16-03, Airport Master Plan
- 8 - Tabled Resolution – Amending Policy and Procedures Regarding Smoking Regulations for the City of Watertown
- 9 - Tabled Resolution – Approving the Site Plan for the Construction of a 10,300 Sq. Ft. Parking Lot at 424-440 Arsenal Street, Parcels No. 7-05-206, 7-05-207 and 7-05-208
- 10 - Tabled Resolution – Approving the Request Submitted by Joni Sue Kurtz and Steven C. Daily of Red & White Auto Sales to Revise the Approved Special Use Permit for 424-440 Arsenal Street, Parcels No. 7-05-206, 7-05-207 and 7-05-208 to Change Requirement #7 to Allow the Removal of Snow During Any Hours Needed
- 11 - Tabled Ordinance – Amendment to Municipal Code, Section 293-54 Prohibited Turns at Intersections – Newell St/Mill St.

COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK

Meeting opened with a moment of silence in memory of former Sheriff Donald Newberry.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of July 21st and the adjourned meeting of July 28th was dispensed with and accepted as written by motion of Councilwoman Burns, seconded by Councilman Clough and carried with all voting in favor thereof.

COMMUNICATIONS

From Donna Berkman, Pittsburgh, PA, stating that there are two sides to the Red & White issue and it is not a case of a new business but rather a case of rules and regulations.

ABOVE PLACED ON FILE

From Amedio DelCostello, owner of property located at 703 Coffeen Street concerning the deterioration of the handicap ramp that was built during the reconstruction of Coffeen Street.

ABOVE PLACED ON FILE

From the City Assessor advising that Ronald M. Mitchell has offered to negotiate the sale and purchase of the following described City owned property:

VL Wilson Street, Parcel No: Paper Street, Lot Size approximately 20' x 450'
573 Pearl Street, Parcel No: 4-02-124.000, Lot Size approximately 105' x 90'
510 Main Street East, Parcel No: 4-02-123.000; Lot Size approximately 116' x 30'

ABOVE PLACED ON FILE

PRIVILEGE OF THE FLOOR

Frank Howard, 126 N. Meadow Street, addressed the chair concerning whether snow removal meant snow plowing or just removal.

Attorney Slye commented that he felt that snow removal was just that and didn't include snow plowing.

Mr. Howard stated that he wanted the requirement changed to read, "snow plowing/removal". He stated that he wanted the times to be 8 A.M. to 8 P.M. only. Mr. Howard referred to the drainage issue and questioned who would inspect the building of the trench.

Mrs. Corriveau responded that both Engineering and Codes Enforcement would be looking at it during the construction and completion phases.

Mr. Howard asked Mr. Morgia, representing GYMO, about the 17% runoff and questioned if that was a result of Mr. Daily telling him that he was going to remove the snow or that he was going to pile it up in the back of the lot.

Mr. Morgia explained that the 17% doesn't take into consideration that any snow was removed at all. In fact, if any snow were removed the percentage of runoff would drop.

Mr. Howard reiterated his previous complaints concerning the light in the front of the lot and the fact that it shines into a neighbor's bedroom.

Joni Kurtz, owner of Red & White Auto Sales, addressed the chair explaining that she would not be doing the snow removal from the property. Someone else would do it during day light hours. She stated that she only wanted permission to plow and clean up the snow when needed and was not looking for permission to remove snow at 2 A.M. Ms. Kurtz also addressed the drainage issue stating that the runoff is 3% less than the way the lot was when the house was on it. She remarked that the area on the other side of the fence will be cleaned up and topsoil will be placed there. In response to the lighting issue, Ms. Kurtz explained that Ni Mo placed the light shining straight down. She stated that she is willing to compromise.

Steve Daily, owner of the property where Red & White is located, addressed the chair explaining that snow removal would only be done during the business hours and he has to be able to plow for the tenants who rent from him. He stated that he needs to be able to plow the same as others do, citing Burns Photography who also has to plow out for tenants located at the rear of their property.

Tenant at 140 N. Meadow Apt. 3 addressed the chair expressing his concern with snow plowing and removal during the night which would keep everyone awake. He also stated that the light shines in his window.

Dan Francis, 463 Harris Drive, addressed the chair asking if there was an ordinance concerning snowplowing times. He was advised that there was not. Mr. Francis also commented that he has a streetlight that shines in one of his bedrooms as well. He remarked that Mr. Daily has a valid argument concerning the plowing of his property. He commented that other businesses located around City residences are allowed to go out and shovel and plow at any time.

Mr. Francis addressed the salt pile issue and referred to minutes from the March 17th meeting. He referred to Attorney Slye's comments at that time whereby he stated that he had been in contact with the City's environmental attorney from Bond, Schoneck & King and received his response which indicated that the Federal Clean Air Act does not apply to this salt pile, as it is not a regulated processing plant. In addition the response indicated that the state views the storage of rock salt as a "trivial activity" and it finds that there is no direct violation of federal or state regulations to make this a public nuisance.

Mr. Francis remarked that while this may not be a public nuisance, he is assured that this may be a public health issue. He asked where the public nuisance lawsuit stands at this point.

Attorney Slye responded with a synopsis of what constitutes a public nuisance. He explained that the storage of salt doesn't violate federal regulations. He also explained that when the neighbors filed a federal lawsuit, their attorney contacted him. Attorney Slye explained that he informed their attorney that the City didn't have the ability to go into federal district court on this issue. The federal district court, using New York State law, ruled that a preliminary injunction shouldn't be granted, as the complaints were monetary in nature and not a public nuisance claim. He also explained that the only thing the City could have sought was an injunction against the salt pile operation and the federal court has indicated that it doubts very much that this would happen.

Attorney Slye also explained that he is preparing a draft of a local law, which would develop a set of regulations that would prohibit the unreasonable accumulation of particulates in the air. He commented that the draft should be ready for Council in September and he feels that this is a much smarter way to go with this type of issue.

Mr. Francis commented that while smoke and soot haven't been found to cause cancer, salt has been. He advised Council that he has been doing research on this and will supply a report to Council in the future concerning other states that have determined that these salt piles need to be moved away from residences because of the environmental impact and health issues.

Edward Blake, 318 Academy Street, addressed the chair asking why New York State has to have a shed over their salt piles outside the City, but the City doesn't have to.

Attorney Slye explained that in the areas outside of the City, the runoff affects the wells. However, the City has a public water system and therefore a shed is not required.

Margaret Howard, 126 N. Meadow Street, addressed the chair stating that the Jefferson County Soil and Water Conservation Office told them that this ditch is going to fill and then seep into the ground. Mrs. Howard stated that they told her that it has to be connected and go into a storm drain. She also commented that Steve and Joni have done a good job of cleaning up that area and the street looks a lot better. She commented that the neighbors just want to protect what they have.

Mayor Butler responded by referring to the report and indicated that the report is generic in nature and doesn't address this specific drainage plan. He also commented that the Jefferson Co. Soil & Water Conservation Office staff are not engineers.

Robert Derouin, Derouin's Plumbing and Heating, addressed the chair in opposition to prohibiting the left hand turn at the Mill St./Newell St. intersection He explained that it would force them to find another route to get to the North side. He also commented that Mill Street is a two-lane road and the area closest to the front of his business is a parking

lane. He suggested a stop line, a stoplight or a sign indicating not to block the intersection.

Edward Blake, 318 Academy Street, addressed the chair concerning the need for better signage prohibiting left hand turns in various areas of the City.

Steve Burns, Adirondack Outfitters, addressed the chair in opposition to the proposal. He stated that he appreciated the calls from Mr. Mix and also from members of the Council.

Mayor Butler remarked that there are some safety issues with opening the Riverwalk to vehicular traffic. He wondered if speed bumps would be the answer to insure that they don't travel faster than 15 mph.

RESOLUTIONS

INTRODUCED BY COUNCILMAN PETER L. COUGH

WHEREAS Niagara Mohawk is responsible for the performance of certain investigation and remedial activities associated with a former manufactured gas plant site located on Engine Street in the City of Watertown, Jefferson County, New York, which was owned and operated by a Niagara Mohawk predecessor, and

WHEREAS a corporate predecessor of Niagara Mohawk owned approximately 1.3 acres of the current City of Watertown Department of Public Works property, and

WHEREAS the City is planning to redevelop the Property and the City's plans and specifications for the redevelopment project, and

WHEREAS the redevelopment project on the Property is planned to include construction of a Maintenance, Storage, and Wash Building, and

WHEREAS the City is further planning to construct a transit bus facility on City-owned property located on the north side of Newell Street, and

WHEREAS in accordance with the Special Environmental Conditions Section for Redevelopment Work Activities, City of Watertown Department of Public Works Property, Watertown, New York the City will have to perform work during the redevelopment construction on the 1.3 acre parcel, and

WHEREAS the parties are entering into this Agreement to formalize the City's provision of access for Niagara Mohawk and Niagara Mohawk's reimbursement of certain costs to the City associated with addressing MGP residuals during the redevelopment construction activities in accordance with the Special Environmental

Conditions Section.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Cost Sharing Agreement between the City of Watertown and Niagara Mohawk Power 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 of Watertown.

SECONDED BY COUNCILWOMAN ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA

Mrs. Corriveau thanked Attorney Slye and Mr. Pilon for all of the work they put in on this.

INTRODUCED BY COUNCILMAN PAUL A. SIMMONS

WHEREAS the City of Watertown is a municipal corporation organized under the laws of the State of New York and as such owns a recreational facility known as Veteran's Memorial Riverwalk within the City of Watertown, and

WHEREAS the City desires to promote increased activity at the Riverwalk for the valid public purpose of the benefit, recreation, entertainment, amusement, convenience and welfare of the people of the City by increasing parking availability at the Riverwalk, and

WHEREAS Guilfoyle owns property adjacent to the Riverwalk that it desires to make available for parking at the Riverwalk through a Lease, a copy of which is attached and made a part of this resolution,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Riverwalk Lease Agreement between the City of Watertown and Guilfoyle Ambulance Service, Inc., and

BE IT FURTHER RESOLVED that Mayor Joseph M. Butler is hereby authorized and directed to execute the Lease Agreement on behalf of the City of Watertown.

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

INTRODUCED BY COUNCILMAN JEFFREY M. SMITH

WHEREAS the City owns a facility known as the Thompson Park Water Tank located in the City of Watertown, County of Jefferson, State of New York (referred to herein as the "Park"), and

WHEREAS Guilfoyle Ambulance Service, Inc. desires to place a radio antenna at the Thompson Park Water Tank and the City is willing to grant a License for the same to Guilfoyle, and

WHEREAS Guilfoyle Ambulance Service, Inc. provides a service that promotes the 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 approves the License Agreement between the City of Watertown and Guilfoyle Ambulance Service, Inc., a copy of which is attached and made a part of this resolution, and

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

SECONDED BY COUNCILMAN PAUL A. SIMMONS AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS by resolution adopted January 6, 2003, the City Council authorized hiring Avalon Associates, Inc., to prepare and submit an application to the North Country HOME Consortium, and

WHEREAS the City has been awarded a grant from the Consortium in the amount of \$200,000 total for Fiscal Years 2003 and 2004, and

WHEREAS it is necessary to enter into a formal agreement between the City and the Development Authority of the North Country, as administrator of the Consortium funds, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby approves the HOME Investment Project Agreement between the City of Watertown and the Development Authority of the North Country, and

BE IT FURTHER RESOLVED that the Mayor, Joseph M. Butler, is hereby authorized and directed to execute the Agreement on behalf of the City Council.

SECONDED BY COUNCILWOMAN ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA

Prior to the vote on the foregoing resolution, Councilman Simmons asked if we should start looking again for a grant writer.

Mr. Mix explained that the administrative funds are to operate the program, not to write the grant. He explained that the majority of those funds go to Neighbors of Watertown to administer the program with a staff of 2 to 3. Mr. Mix will obtain the actual figures for Council.

INTRODUCED BY COUNCILMAN JEFFREY M. SMITH

WHEREAS in support of the City's reconstruction of the DPW Maintenance Garage and Bus Storage facilities on Newell St. it has been determined by Niagara Mohawk that new underground utilities need to be installed, and

WHEREAS Niagara Mohawk Power Corporation is requesting an underground utility easement to install, construct and maintain said underground utility facilities as detailed in the attached underground utility easement on City owned property located on Newell Street, and

WHEREAS the City Engineering Department has reviewed the request and is asking the City Council to approve the easement subject to the receipt of a drawing from Niagara Mohawk that more clearly defines the Easement Area,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes and directs City Manager Mary M. Corriveau to execute, once the City Engineering Department receives the requested drawing of the Easement Area from Niagara Mohawk, the Underground Utility Easement Agreement on behalf of the City of Watertown, a copy of which is attached and made a part of this resolution.

SECONDED BY COUNCILMAN PAUL A. SIMMONS AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN PAUL A. SIMMONS

WHEREAS Clough Harbor and Associates is designing a streetscape project for downtown Watertown, which is being funded by the Transportation Enhancement Program of the Transportation Equity Act for the 21st century, and

WHEREAS the areas of sidewalk that have vaults beneath them are not being addressed by that project because of funding limitations, and

WHEREAS the City Council wishes to pursue avenues to correct problems with the sidewalks associated with the vaulted areas, and

WHEREAS Clough Harbour & Associates has submitted a proposal, to investigate and evaluate the vaults, for a cost not to exceed \$9,100, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the proposal submitted by Clough Harbour and Associates for Tasks 1 through 3, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the proposal.

SECONDED BY MAYOR BUTLER AND CARRIED WITH ALL VOTING YEAS EXCEPT COUNCILWOMAN BURNS WHO ABSTAINED

Commenting on the foregoing resolution, Councilman Smith asked if this could be done in-house.

Mr. Pilon explained that it requires a structural engineer, which the City does not have.

Councilman Simmons asked who owns the vaults.

Mrs. Corriveau explained that it depends on the vault. While they are the property of the City, the maintenance would be the responsibility of the adjoining property owner.

Attorney Slye explained that they are special sidewalks that benefit the abutting property owner and therefore the abutting property owner is responsible.

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS the City of Watertown has been notified that funding exists under the Federal Aviation Administration to support projects at the Watertown International Airport, and

WHEREAS the Superintendent of Public Works, Eugene P. Hayes, has reviewed the needs at the Airport with the City's Airport Engineers, Bernier Carr & Associates and Dufresne-Henry, and

WHEREAS the City does not have an accurate, updated Master Plan or Airport Layout Plan, and

WHEREAS given the fact that many FAA design and planning standards have changed since the Master Plan was last updated, it is important that a new Master Plan and Airport Layout Plan be prepared to help guide this community in its future development of the airport, and

WHEREAS these plans are the key to the City's ability to obtain future Airport Improvement Program grant consideration, and

WHEREAS FAA has notified the City that they have been awarded a Grant in the amount of \$177,600 to fund 90% of the project cost, and

WHEREAS funding under this grant is 90% Federal, 5% State and 5% Local. The City's \$9,554 match for this grant is contained in the FY 2002-03 Capital Budget, and

WHEREAS in support of the effort the City has negotiated an Agreement for Professional Planning Services with Bernier Carr and Associates, PC.,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Grant Agreement for an Airport Master Plan AIP # 3-36-0120-16-03, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that Mayor Joseph M. Butler is hereby authorized and directed to execute the Grant Agreement on behalf of the City of Watertown.

SECONDED BY COUNCILWOMAN ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCILMAN SMITH VOTING NAY

Commenting on the foregoing resolution, Councilwoman Burns explained that it has been quite a while since the master plan has been updated. A new master plan would address the questions that regional entities might have.

Mrs. Corriveau advised that she has contacted the City's airport engineer with Bernier Carr to meet with the subcommittee of the task force as we move forward with the transfer of ownership.

Councilman Smith questioned if the other entities could contribute to the 5% match.

Councilwoman Burns commented that this could not happen at this point as they are not sure which entity would be involved in the transfer.

Councilman Simmons responded that \$9,000 is a small amount compared to what has been spent in the past.

MOTION WAS MADE BY COUNCILMAN CLOUGH TO TAKE FROM THE TABLE THE RESOLUTION "AMENDING POLICY AND PROCEDURES REGARDING SMOKING REGULATIONS FOR THE CITY OF WATERTOWN". (Introduced on July 21, 2003; tabled; appears in its entirety on page 180 of the 2003 Minutes Book)

MOTION WAS SECONDED BY COUNCILWOMAN BURNS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Commenting on the foregoing resolution, Councilman Simmons stated that the reason for tabling this resolution was to get input from the entire Council. He stated that while the City has to follow what the State has passed, he doesn't believe in the law and will not support it.

Attorney Slye explained that all this does is adopt the City's policy, which allows us to enforce the State law.

Mrs. Corriveau explained that this is an amendment to an existing policy and if the law changes, it will have to be amended again.

Councilman Simmons remarked that it does not tell what the punishments would be.

Mrs. Corriveau explained that the punishments would be between the City Manager, the unions and the employee. She also explained that this would be on a case-by-case basis as presented to the City Manager. She explained that if an employee exhaled smoke as he entered the building, it would be different than if an employee continued to smoke in a vehicle even after complaints. She stated that this policy is just to inform the employees of what the law is.

Councilman Smith asked if the State law supercedes the City policy.

Attorney Slye stated that while it does, it is the employer that will be cited. He also explained that if Council does not adopt this, Mrs. Corriveau would implement a City Manager policy.

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND CARRIED WITH ALL VOTING IN FAVOR THEREOF EXCEPT COUNCILMAN SIMMONS AND COUNCILMAN SMITH VOTING NAY

MOTION WAS MADE BY COUNCILMAN SIMMONS TO TAKE FROM THE TABLE THE RESOLUTION "APPROVING THE SITE PLAN FOR THE CONSTRUCTION OF A 10, 300 SQ. FT. PARKING LOT AT 424-440 ARSENAL STREET, PARCELS NO. 7-05-206, 7-05-207 AND 7-05-208". (Introduced on July 7, 2003; tabled; appears in its entirety on page 171 of the 2003 Minutes Book)

MOTION WAS SECONDED BY COUNCILWOMAN BURNS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Matthew Morgia, GYMO, addressed the chair concerning the drainage and runoff issue. He referred to the engineering report and explained that the EPA has stipulated guidelines regarding runoff. He explained that there would be no increase in runoff when considering a 10-year event of 3.5" of rain as far as this site is concerned. He stated that in this case, they felt the infiltration ditch was the best. It allows the last amount of change and doesn't change the general path of the flow. It picks up most of the runoff

from the parking lot. He explained that a percolation test was done on the site and it tells what size the trench should be. Mr. Morgia referred to the suggestion of the City Engineer's office whereby they felt a dry well in the middle of the site would be better. He stated that this would turn the lot into a bowl and all of the water would have to be treated. He stated that this would not be a good option for the site.

Mr. Morgia explained that the soil classification is silt-loam and the test hole was 12" by 12" and 3ft deep.

Councilman Smith questioned how they could be sure the 4' level wasn't clay and how it would affect the drainage.

Mr. Morgia explained that infiltration occurs in the sides as well as the bottom. They were still getting a representative sample whether or not there is clay underneath.

Councilman Smith referred to the 10-year event and asked if the engineers calculated the snow being plowed or placed in a pile.

Mr. Morgia explained that the pile is a result of a storm event. The rate of melting would not change. If it were hauled off site, it would be less. He also explained that the amount of snow on an impervious area is the same whether in a pile or not. A snow pile would create a slower amount of runoff.

Councilman Simmons asked for input from Mr. Pilon.

Mr. Pilon responded that Mr. Morgia is absolutely correct concerning the City's first recommendation for a dry well in the center of the property. He stated that it is his recommendation to accept GYMO's proposal.

Councilman Smith asked who would be liable if there was a problem with this drainage.

Attorney Slye explained that the property owner is accountable. There is absolute liability on the landlord for the diversion of water onto the neighbor's property.

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

MOTION WAS MADE BY COUNCILMAN SIMMONS TO TAKE FROM THE TABLE THE RESOLUTION "APPROVING THE REQUEST SUBMITTED BY JONI SUE KURTZ & STEVEN C. DAILY OF RED & WHITE AUTO SALES TO REVISE THE APPROVED SPECIAL USE PERMIT FOR 424-440 ARSENAL STREET, PARCELS NO. 7-05-206, 7-05-207 AND 7-05-208 TO CHANGE REQUIREMENT #7 TO ALLOW THE REMOVAL OF SNOW DURING ANY HOURS NEEDED.

MOTION WAS SECONDED BY COUNCILMAN CLOUGH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF (Introduced on July 7, 2003; public hearing held on July 21, 2003; tabled; appears in its entirety on page 171 of the 2003 Minutes Book).

MOTION WAS MADE BY COUNCILMAN SIMMONS TO AMEND THE RESOLUTION AS FOLLOWS: SNOW REMOVAL/PLOWING WILL BE ALLOWED BETWEEN THE HOURS OF 6 AM AND 11 PM ONLY AND NO SNOW REMOVAL/PLOWING WILL BE ALLOWED BETWEEN THE HOURS OF 11 PM AND 6 AM EXCEPT IN THE AREAS OF THOSE PROPERTIES NOT DEDICATED TO THE SPECIAL USE

MOTION WAS SECONDED BY MAYOR BUTLER AND DEFEATED WITH ALL VOTING NAY EXCEPT COUNCILMAN SIMMONS AND MAYOR BUTLER VOTING YEA

Attorney Slye commented that he thought the concern was there would be too much snow and that they needed to keep the snow piles down to help with the drainage issue.

Mr. Mix also commented that the site lighting has not changed from the Planning Board level. He stated that the snow plowing/removal was added at the Council level.

Councilwoman Burns remarked that her interpretation of snow removal was that removal and plowing was all in one.

Council members agreed

Councilman Clough asked about the status of the light.

Mayor Butler stated that they were to have a minimum of two at the back of the lot and it didn't preclude them from placing one in the front.

Councilman Clough responded that when Council passed this, he understood it to mean that they could only have two lights on the lot.

Councilwoman Burns agreed.

Mr. Mix explained that when Mr. Daily presented the application, he intended to have four lights. The Planning Board was concerned about the safety issue, especially in the rear of the lot. The third light, in the front, caused the most concern with the neighbors and so it was lowered.

Councilman Smith remarked that the light shines on the gray house next to the lot.

Mr. Daily responded that the owner of this property has no problem with the light.

Councilman Clough asked if a shield could be placed on it.

Ms. Kurtz explained that Ni Mo claims they don't have any shields and the direction of the lights is based on the placement on the pole.

Mr. Daily stated that he needs a light in the front of the property. The fence was broken and fog lights were broken on a vehicle. He stated that it is an active block due to the bars down the street.

Councilman Smith suggested sending Mr. McWayne down to N. Meadow after dark to see if the light is shining on the neighbors' property.

Returning to the issue of snow plowing, Councilman Simmons remarked that Mr. Daily would not have time to get the lot plowed and opened if he can't plow before 9 A.M.

MOTION WAS MADE BY COUNCILMAN SIMMONS TO AMEND THE RESOLUTION AS FOLLOWS: SNOW REMOVAL/PLOWING WILL BE ALLOWED BETWEEN THE HOURS OF 6AM AND 9 PM ONLY AND NO SNOW REMOVAL/PLOWING WILL BE ALLOWED BETWEEN THE HOURS OF 9 PM AND 6 AM EXCEPT IN THE AREAS OF THOSE PROPERTIES NOT DEDICATED TO THE SPECIAL USE

There was no second to the motion.

Mayor Butler commented that this is the only business where the Council is restricting plowing and referred to the fact that the business across the street isn't even restricted.

Councilman Smith responded that the business across the street doesn't have a special use permit.

AT THE CALL OF THE CHAIR RESOLUTION WAS DEFEATED WITH ALL VOTING NAY EXCEPT COUNCILMAN SIMMONS VOTING YEA

The following resolution was offered:

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

RESOLVED THAT SNOW REMOVAL/PLOWING WILL BE ALLOWED BETWEEN THE HOURS OF 7AM AND 9 PM ONLY AND NO SNOW REMOVAL/PLOWING WILL BE ALLOWED BETWEEN THE HOURS OF 9 PM AND 7 AM EXCEPT IN THE AREAS OF THOSE PROPERTIES NOT DEDICATED TO THE SPECIAL USE AT RED & WHITE AUTO SALES LOCATED AT 424-440 ARSENAL STREET.

SECONDED BY COUNCILMAN PAUL A. SIMMONS AND CARRIED WITH ALL VOTING YEA

(Rules waived by motion of Councilman Simmons, seconded by Councilman Clough and carried with all voting in favor thereof.)

Prior to the vote on the foregoing resolution, Councilman Smith asked if this was acceptable with the neighbors.

Mr. & Mrs. Howard stated that it was.

Prior to the vote on the foregoing resolution, Attorney Slye also indicated that Mr. Daily would still be able to clear his driveway for his tenants and his sidewalk at any time, because they are not part of the special use permit

ORDINANCES

MOTION WAS MADE BY COUNCILMAN SIMMONS TO TAKE FROM THE TABLE THE ORDINANCE “AMENDING THE MUNICIPAL CODE SECTION 293-54 PROHIBITED TURNS AT INTERSECTIONS – NEWELL ST./MILL ST.

(Introduced on July 7, 2003; tabled; appears in its entirety on page 174 of the 2003 Minutes Book.)

MOTION WAS SECONDED BY COUNCILMAN SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

AT THE CALL OF THE CHAIR THE ORDINANCE WAS DEFEATED WITH ALL VOTING NAY

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COUNCIL DISCUSSED THE FOLLOWING TOPICS:

Press Release

Mrs. Corriveau advised Council that a press release has been given out from her office indicating potential traffic delays on Public Square on Tuesday, August 5th and Wednesday August 6th due to pavement core samples being taken for the Downtown Watertown Streetscape Enhancement Project. Traffic will be impacted and motorists can expect delays.

Eastern Boulevard Sewer Extension

Mrs. Corriveau referred to Mr. Pilon's report. She explained that this work probably wouldn't be done until fall or next spring. In addition, she advised Council that staff needs to know if Council wishes them to move forward on this. She indicated that based on estimates, the cost could be around \$110,000.

Mr. Pilon explained that they were provided with copies of the bids and then the estimate was put together from those figures.

Councilman Clough commented that he would like to see staff move forward with the numbers.

Council members concurred.

Empire Zone

Councilman Clough asked Council for some direction as to where they envision the Empire Zone going.

Discussion was held relative to the coordinator's position and if it should come in-house or stay the way it currently is.

Councilman Clough explained that the funding from the State will be \$35,000. However, it will not be released unless there is a contact person.

Councilwoman Burns responded that she is sure the State would understand and would still release the funds.

Mrs. Corriveau explained that the State is looking for a single point of contact to answer questions, process applications and enter into agreements with the State.

Councilman Clough explained that the Zone Board is looking at a short-term solution at the present time. He also indicated that he had met with Joel Bartlett from the Town of Watertown.

Councilman Simmons remarked that in the past, Deb McAtee helped out Lewis County when they didn't have a coordinator and perhaps another county could help us out at this time.

Councilwoman Burns commented that she would take the recommendation from the committee for a short term solution. In the long term, she recognizes that there are changes in the program. However, she is not prepared this evening to present recommendations for the long term.

Mayor Butler commented that the EDZ is now becoming regional and the funding should come from each of the municipalities. He commented that the position should stay where it is now and not be brought in-house. He stated that he felt if the position were brought in-house, the City would pay the lion's share of the costs.

Councilman Simmons asked what the time frame was for input.

Councilman Clough responded that he would like the input before the next board meeting.

Councilman Smith remarked that we have to keep in mind that this is a City asset. It is a City program and might be an opportunity to have economic development in the City. He questioned what our obligations would be if the position was a City employee.

Attorney Slye commented that if the position was in-house, they would still have to handle all the applications.

Mayor Butler reiterated his recommendation to leave the position where it is. The town will continue to support it.

Discussion was held relative to who the employer is.

Attorney Slye explained that the board recommends hiring the individual. Another party, such as JCJDC, hires the individual. This is due to the fact that the board is not a legal entity, but JCJDC is.

Buffer Zone on Palmer Street

Councilman Smith advised the City Manager that he had received a complaint about the buffer zone behind Kentucky Fried Chicken. The trees in the buffer are dead.

EXECUTIVE SESSION

MOTION WAS MADE BY COUNCILMAN SIMMONS TO MOVE INTO EXECUTIVE SESSION TO DISCUSS CONTRACT NEGOTIATIONS WITH THE WATERTOWN FIREFIGHTERS ASSOCIATION

MOTION WAS SECONDED BY COUNCILWOMAN BURNS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Council moved into Executive Session at 9:53 p.m.

Councilman Simmons recused himself from the Executive Session.

Council reconvened at 10:46 p.m.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 10:46 P.M. BY MOTION OF COUNCILMAN CLOUGH, SECONDED BY COUNCILMAN SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Donna M. Dutton

City Clerk