

**REGULAR COUNCIL MEETING
CITY OF WATERTOWN
August 15, 2005
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCILMAN STEPHEN J. BRADLEY
COUNCILWOMAN ROXANNE M. BURNS
COUNCILMAN PETER L. CLOUGH
COUNCILMAN TIMOTHY R. LABOUF
MAYOR GRAHAM**

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

City Manager Corriveau presented the following reports to the Council:

- 1 - Authorizing Abate on Real Property Tax Bill for Property at 150 Court Street
- 2 - Authorizing Abate on Real Property Tax Bill for Property at 1261 Arsenal Street
- 3 - Authorizing Opening of Account, Morgan Stanley
- 4 - Approving New York State Geographic Information Systems (GIS) Cooperative Data Sharing Agreement
- 5 - Approving License Agreement with Myron Kehoe, Jr., for a Sanitary Sewer Service Line and Driveway In Pawling and Moffett Streets
- 6 - Approving the Site Plan for the Construction of 14,550 Sq. Ft. Walgreen's Drug Store at 1653 State Street, Parcels No. 5-15-101, 5-15-101.1 and 5-15-116

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 August 1, 2005 was dispensed with and accepted as written by motion of Councilwoman Burns, seconded by Councilman Clough and carried with all voting in favor thereof.

C O M M U N I C A T I O N S

From the City Planning Board:

1. Recommending Council approval for the site plan submitted on behalf of HDL Property Group, LLC, for the construction of a 14,550 sq. ft. Walgreen's Drug Store at 1653 State Street, Parcels No. 5-15-101, 5-15-101.1 and 5-15-116 contingent upon certain requirements being met as outlined in the resolution.
2. Recommending Council approval for the site plan submitted on behalf of C&S Engineers, Inc., for the construction of a 53,084 sq. ft., four story, 90

unit Hampton Inn Hotel on Commerce Park Drive, Parcels No. 8-50-101.120 and 8-50-101.130 contingent upon certain requirements being met as outlined in the resolution.

ABOVE PLACED ON FILE

Mayor Graham presented Certificates of Community Service to members of the intern program who recently completed a summer program concerning in-fill housing in the area surrounding Ohio Street.

Members of the program outlined their project listing the positives and negatives within the studied neighborhood. They advised Council that residents were concerned with assessments, sidewalks and street lighting.

Mayor Graham said he went to the meeting led by the interns and agrees with the issues the residents have raised. Mrs. Corriveau stated that Mr. Hayes said residents should let the City know about any non-working lights in their neighborhoods so Niagara Mohawk can be advised. Mrs. Corriveau also remarked that it is important to keep the lighting pattern uniform in city neighborhoods. Councilwoman Burns stated that Bronson Street is dim and asked what that is attributed to. The two interns responded that Bronson Street has fewer light fixtures.

Councilman Clough said that the sidewalks on Huntington Street have been a problem for a number of years. He stated that the sidewalks meet the road at a number of places. He also remarked that the interns did a wonderful job this summer.

PRIVILEGE OF THE FLOOR

Nancy Kall, 511 Franklin Street, addressed the chair saying two friends were alleged victims of a cab driver who is a Level II sex offender. She stated that even though the cab driver's employer didn't break any laws regarding hiring a sex offender, there should be laws prohibiting the practice. She remarked that a vulnerable population use taxi services. She said she would like our local area to require cab companies to screen drivers. Mayor Graham said the issue of regulating cabs is tough because there are no definitive usage boundaries and that individual companies should screen their drivers.

Mrs. Corriveau said that to require background checks it would have to be a state requirement, not a county requirement. Mayor Graham said local governments need to express a need to the state legislature for this requirement and asked Mrs. Corriveau to look into it. Mrs. Corriveau said she contacted Captain Reff regarding outreach to cab companies concerning sex offenders and a need for deeper background checks. Captain Reff has been meeting with the company owners.

RESOLUTIONS

INTRODUCED BY COUNCILWOMAN ROXANNE M. BURNS

WHEREAS the Charter of the City of Watertown, Section 120, authorizes the City Council to correct any error made in the levying or extending of any tax, and

WHEREAS Real Property Tax Law Section 554 authorizes the appropriate tax levying body to make corrections to the tax roll before the expiration of the warrant, and

WHEREAS Real Property Tax Law, Section 556, authorizes the appropriate tax levying body to refund any overpayment of taxes attributable to a clerical error, and

WHEREAS, due to a clerical error, a \$130.13 sewer/water relevy was placed on 150 Court St., parcel 7-01-127, instead of 259 JB Wise Place, parcel 7-01-132, and

WHEREAS the 2005 City taxes on 150 Court St., including the erroneously placed relevy, was paid on 7/26/2005 and application NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that a refund of taxes in the amount of \$130.13 be made to the owners of 150 Court St., parcel 7-01-127, and

BE IT FURTHER RESOLVED that the charge of \$130.13 be reapplied to the outstanding water and sewer bill for the property at 259 JB Wise Place, parcel 7-01-132, and the City Comptroller is hereby authorized to adjust the tax commitment and records accordingly.

SECONDED BY COUNCILMAN PETER L. CLOUGH AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCILMAN BRADLEY ABSTAIN

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS Real Property Tax Law Section 554 authorizes the appropriate tax levying body to make corrections to the tax roll before the expiration of the warrant, and

WHEREAS Real Property Tax Law, Section 558, authorizes the cancellation of void taxes, specifically the unpaid tax levied against the State or the United States, and

WHEREAS a portion of the property at 1261 Arsenal St, was acquired on June, 8, 2005 through eminent domain by the State of New York in furtherance of its plans to make improvements to Arsenal St., and

WHEREAS the State of New York is exempt from taxation as of the acquisition date of said real property, and

WHEREAS the assessor for the City of Watertown has prepared a divided assessment pursuant to Real Property Tax Law 932 in which the State owned parcel has a city tax assessed against it of \$5,152.85,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that the 2005 city tax roll be amended to reflect that parcel number 2 on the Certificate for Divided Assessment (9-19-102.020) is wholly exempt from taxation, and

BE IT FURTHER RESOLVED by the City Council that the amount of \$3,930.38 is hereby abated, leaving a balance of \$1,222.47 and the City Comptroller is hereby authorized to adjust the tax commitment and records accordingly.

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

INTRODUCED BY COUNCILMAN STEPHEN J. BRADLEY

WHEREAS the bid for reconstruction of State Street submitted by Villager Construction was accepted by City Council on June 16, 2005, and

WHEREAS per General Municipal Law section 106 Villager Construction has requested that the City accept securities issued in the City's name as collateral in lieu of the City holding retainage, and

WHEREAS the City does not have a brokerage account at a financial institution to accept such collateral, and

WHEREAS the City Comptroller is requesting an account be established at Morgan Stanley to accept and hold the collateral provided by Villager Construction,

NOW THEREFORE BE IT RESOLVED that the City of Watertown is authorized and empowered to open a Securities Account with Morgan Stanley as described in the Morgan Stanley Client Agreement, and

BE IT FURTHER RESOLVED that the Securities Account shall be a Cash Account or a Margin Account for the purpose of purchasing, selling (including short sales), transferring, exchanging, pledging and generally dealing in any and all forms of securities and financial instruments of every kind of nature whatsoever. All orders and instructions, written or oral, relating to the Account shall be given by the City Manager or City Comptroller (Authorized Individuals) and each of them individually is hereby authorized and directed to purchase and/or sell and/or deal in any and all securities and financial instruments for the City, including the power to deliver, accept delivery of pledge, endorse, and direct the transfer of record title of any assets beneficially owned by the City of Watertown, without obligation on Morgan Stanley to inquire into the reasons for said order or instructions, and

BE IT FURTHER RESOLVED that Morgan Stanley may deal with any one of the Authorized Individuals as though it was dealing with the City directly, and

BE IT FURTHER RESOLVED that each of the Authorized Individuals is authorized and directed to execute and deliver to Morgan Stanley on behalf of the City

any and all agreements, documents, contracts and other writings that Morgan Stanley may require, and

BE IT FURTHER RESOLVED that the City Clerk of the City of Watertown is hereby authorized, empowered and directed to certify, under the Seal of the City, or otherwise to Morgan Stanley:

- (a) a true copy of this resolution;
- (b) specimen signatures of each and every individual empowered by this resolution;
- (c) a certificate (which, if Morgan Stanley requires, shall be supported by an opinion of the general counsel of the City, or other counsel satisfactory to Morgan Stanley) that the City is duly organized and existing, that its charter empowers to transact the business contemplated in this resolution, and that no limitation has been imposed upon such powers by constitution, statute, regulations, charter, by law or otherwise.

And,

BE IT FURTHER RESOLVED that Morgan Stanley may rely upon any certification given in accordance with this resolution as continuing fully effective unless and until Morgan Stanley shall receive due written notice of an amendment, modification or rescission of such resolution or certification. Further resolved that Morgan Stanley shall not be liable for any action taken or not taken upon instruction by any Authorized Individual prior to Morgan Stanley's actual receipt of written notice of the termination or impairment of such person's authority. The failure to supply any specimen signature shall not invalidate any transaction which is in accordance with authority actually granted, and

BE IT FURTHER RESOLVED that in the event of any change in the office or powers of persons hereby empowered, the City Clerk shall certify such changes to Morgan Stanley, in writing. Which certification, when Morgan Stanley receives it, shall terminate the powers of the persons previously authorized and empower the persons thereby substituted.

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

INTRODUCED BY TIMOTHY R. LABOUF

WHEREAS the State of New York, under Technology Policy 96-18, established an initiative to create a framework and criteria for the development of a Statewide New York State Geographic Information Systems (GIS) Program, and

WHEREAS this initiative includes a structure to implement the GIS program and obtain broad representation among the State's varied GIS user community. The GIS structure includes a Coordinating Body charged with providing policy recommendations to the Office of Cyber Security and Critical Infrastructure Coordination (CSCIC) and establishing a framework for the easy dissemination of GIS Data between agencies at minimal cost and without delay. The Coordinating Body recommended creating the New York State GIS Data Sharing Cooperative (hereinafter known as the Cooperative) as a mechanism to accomplish this data sharing, and

WHEREAS one of the purposes of the Office of Cyber Security and Critical Infrastructure Coordination (CSCIC) is to coordinate GIS, the State wishes to encourage agencies of the State of New York and its political subdivisions and other non-profit corporations or other non-commercial entities to join and become members of the Cooperative and participate in sharing of GIS Data and the City wishes to join and participate in the Cooperative and share GIS Data, and

WHEREAS the City of Watertown desires to participate in the Cooperative and share GIS Data,

NOW THEREFORE BE IT RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute said Cooperative Data Sharing Agreement on behalf of the City of Watertown, a copy of which is attached and made a part of said resolution.

SECONDED BY STEPHEN J. BRADLEY AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS Myron Kehoe, Jr. is building a house between the paper street sections of Moffett and Pawling Streets, and

WHEREAS the most feasible route for a sanitary sewer service line is to Gotham Street via the paper section of Moffett Street, and

WHEREAS Mr. Kehoe desires to access Gotham Street from his new house via a driveway on the paper section of Pawling Street, and

WHEREAS a License Agreement between the City of Watertown and Myron Kehoe, Jr. granting permission for said sewer service line and driveway is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves the attached License Agreement with Myron Kehoe, Jr., and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and directed to execute the License Agreement on behalf of the City of Watertown.

SECONDED BY COUNCILMAN TIMOTHY J. LABOUF AND CARRIED WITH ALL VOTING YEA

Councilwoman Burns asked if the four parcels would be combined into one in the future. Mr. Mix said the properties are already combined. Mayor Graham thanked Mr. Kehoe for building in the City of Watertown.

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS Seth N. Jensen of Clough Harbour & Associates, has made an application for site plan approval on behalf of HDL Property Group, LLC, for the construction of a 14,550 sq.ft. Walgreen's Drug Store at 1653 State Street, Parcels No. 5-15-101, 5-15-101.1 and 5-15-116, and

WHEREAS the Jefferson County Planning Board was scheduled to review the site plan at its meeting scheduled for July 26, 2005, pursuant to General Municipal Law Section 239-m, but was unable to establish a quorum, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on August 2, 2005, and recommended that the City Council of the City of Watertown approve the site plan, contingent upon the following:

1. That the grades and geometry on the site tie into the proposed State Street reconstruction project grades and geometry.
2. That the plans be modified to show the existing 16" water line, easement and water service at the rear of the existing car wash structure and a note be added to the drawings stating that all water main work be coordinated with the City of Watertown Water Department.
3. That the back of the proposed sidewalk be set approximately 3.5" above the top of the curb on Eastern Boulevard and that details be provided for the transition of the sidewalk as it connects back into the existing walk on Eastern Boulevard.
4. That the sidewalk crossing both curb cuts remain at the proposed sidewalk grade and not ramp down.
5. That the site curbing be terminated at the back of the sidewalk at both curb cuts.
6. That the street curbing is lowered to a 1" reveal along the curb cuts and that a concrete apron is provided.
7. That the developer retain as many of the existing trees as possible in areas where no major grading activities are planned including the areas located to the north and west of the proposed stormwater management pond.

8. That a minimum 10' landscaped buffer consisting of shade trees, deciduous shrubs, evergreens and grassed areas be installed along residentially zoned Parcels No. 5-15-105, 5-15-106, 5-15-107, 5-15-108, 5-15-109, 5-15-110 and 5-15-112.

9. That a 6' high stockade fence be installed along the residentially zoned properties.

10. That the three existing tax parcels be combined into one parcel by way of a new metes and bounds description filed with the County Clerk's Office.

11. That the landscaped area located behind the sidewalk on the State Street side of the property is increased by 5' and that street trees be added in addition to the proposed shrubs.

12. That the amount of landscaping proposed for the landscaped area located behind the sidewalk on the Eastern Boulevard side of the property be increased.

13. That six parking spaces are eliminated from the row of parking located at the rear of the site in the area near the storm-water management pond.

And,

WHEREAS the applicant submitted a revised site plan to the City Engineering Department on August 9, 2005 that meets all of the conditions recommended by the City Planning Board with the exception of combining the parcels, adding street trees along State Street, and adding more landscaping behind the sidewalk on Eastern Boulevard, 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 on the environment, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown, New York that site plan approval is hereby granted to Seth N. Jensen of Clough Harbour & Associates, on behalf of HDL Property Group, LLC, for the construction of a 14,550 sq. ft. Walgreen's Drug Store at 1653 State Street, Parcels No. 5-15-101, 5-15-101.1 and 5-15-116, as shown on plans submitted to the City Engineer on August 9, 2005, contingent upon the applicant:

1. Combining the three existing tax parcels into one parcel by way of a new metes and bounds description filed with the County Clerk's Office.
2. Adding street trees along State Street, and

3. Adding more landscaping behind the sidewalk on Eastern Boulevard.
**SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED
WITH ALL VOTING YEA**

Prior to the vote on the forgoing resolution, Tom LoTuirco, Clough Harbour, addressed the chair explaining that they have completed the traffic study and it has been sent to DOT. No response has been received as of yet. However, he explained that one of the curb cuts will be on State Street where Clough Harbour is doing the reconstruction project and the cut will be put in during this street project.

Mayor Graham remarked that the City has had other site plans and has been besieged afterwards. He asked if there had been any public opposition.

Mr. Mix stated that no one from the public expressed opposition at the Planning Board meeting.

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COUNCIL DISCUSSED THE FOLLOWING TOPICS:

Access Street to J.B. Wise parking lot

Councilman Bradley inquired about the design of the access road to the J.B. Wise parking lot. Mrs. Corriveau said drawings have been started and the city knows how much property will be used for the roadway.

Police Chief

Councilman Bradley asked about the progress in hiring a new police chief. Mrs. Corriveau said the minimum requirements have been reviewed for all positions within the department. She said the options available are to either appoint provisionally or to call for an out of cycle exam since the regularly scheduled exam would not occur until March 2006. She said it is unlikely the state will authorize an out of cycle exam but it may be requested.

Mrs. Corriveau said after the recruits graduate the department will still be short-staffed due to one recruit dropping out and several early retirements and promotions. It is not known how short staffed the force will be at this time.

Red and White Auto Sales

Councilwoman Burns requested an update on Red & White Auto Sales. Mr. Slye said Mr. McWayne has gone down to the business four or five times and each time it appears they are in compliance with city regulations.

Monro Muffler

Councilwoman Burns referred to a recent letter from Mr. Kublick (not on file in the City Clerk's office). She requested clarification regarding the chain link fence.

She remarked that the neighbors believe only one delivery truck per week is allowed in and out of the Monro parking lot. Councilwoman Burns stated she feels Council should discuss this further and that the Council owes it to residents to clarify the situation. The Planning Board minutes indicate that the chain is to prevent customer traffic on Smith Street.

Mrs. Corriveau indicated that she wrote to Mr. Kublick explaining that Council was not taking any further action.

Councilman Bradley suggested patrons should not use the chained area. Mr. Slye recommends not changing the site plan saying that after 30 days it is not challengeable. Mayor Graham stated the issue will run its course and delivery trucks are not a violation of the site plan. Furthermore, interpretation of the plan would restrict the City in the future. Councilwoman Burns asked Mr. Mix and Mr. Slye to refresh the Council's memory on the site plan. Mr. Mix responded saying the plan addresses tractor trailers only but does not mention a limit of other delivery-type vehicles. Councilwoman Burns said Arsenal Street is a commercial area and would hate to see a limit on snowplows and waste management vehicles.

Fire truck

Councilman Clough inquired about the status of the delivering of the fire truck. Mrs. Corriveau remarked that she would check with Chief Gaumont for the proposed delivery date. Councilman Clough responded that he was referring to the truck that was being repaired. Mrs. Corriveau will check on it.

Boyd Street Signage

Councilman LaBouf questioned the signage on Boyd Street after hearing of concerns from residents on that street. Mrs. Corriveau said on July 22 Captain Reff received complaints regarding speeding in that area. On July 27 Officer McNitt conducted a speed detail observing cars on that street from 10:30 through 11:00 a.m. and found all vehicles were traveling under 30 miles per hour. In a speed detail conducted on July 28 Officer McNitt found most cars were traveling under 30 mph with a few exceptions.

Mayor Graham asked about the feasibility of radar signs in the area to display vehicles' speeds. Councilman LaBouf asked if the City was communicating the information to Boyd Street residents. Mrs. Corriveau responded that the City will correspond with the residents including the Davies.

Councilwoman Burns remarked that she had made them aware of it in discussions she had with them.

Turning Lane on Arsenal Street

Councilman LaBouf inquired about adding a turning lane on Arsenal Street onto Smith Street. Mrs. Corriveau said the Department of Transportation was contacted and said there were several constraints to adding a turning lane including a church, cemetery and high cost. The DOT said they will continue to monitor traffic patterns in that area.

CSX Overpass

Mrs. Corriveau advised that she had also sent pictures to DOT, after discussions concerning the overpass. DOT has followed up with a letter to CSX.

Iron Block Site

Councilman LaBouf requested an update on the Iron Block site. Mrs. Corriveau said the City is moving ahead with the transition of the title to Watertown R.X. for the construction of a parking lot. The City is reserving air rights. First right of refusal will go to Watertown R.X. Mr. Slye and Mrs. Corriveau met with Mr. Coon to discuss issues related to the transfer of property and placement of the access road to the J.B. Wise parking lot. Another issue discussed was the number of parcels to be transferred – whether it should be six sites transferred as one or individually. Mrs. Corriveau also stated that the City has to define what is being transferred. She also stated that there is no date set for the transfer. Mr. Coon hopes to kickoff construction in the spring.

Mayor Graham commented that this will require a 4/5's vote of the Council. Since Councilman LaBouf was unable to attend Thursday's meeting, Mayor Graham asked him if he was comfortable in moving ahead with the recommendation of the committee. Councilman LaBouf said it was his intention to look at all options and at this point has no hesitations in voting for the recommendation.

Dilapidated House

Mayor Graham inquired about the rundown house next to Crescent's and if the litigation was lifted. Mrs. Corriveau said she believed it was resolved with the new buyer.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 8:17 P.M. BY MOTION OF COUNCILMAN LABOUF, SECONDED BY COUNCILMAN BRADLEY AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Amanda C. Lewis

Deputy City Clerk

