

**CITY COUNCIL MEETING
CITY OF WATERTOWN
August 16, 2010
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 JEFFREY E. GRAHAM**

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

**City Staff Present: Michael Sligar, Ken Mix, Bob Cleaver, Gary Pilon, Gene Hayes, Kurt
Hauk, Dale Herman**

City Manager Corriveau presented the following reports to the Council:

- 1- Authorizing Application for NYS Office of Homeland Security Grant, Fire Department
- 2 - Approving Amendments to the City of Watertown Purchasing Policy, Competitive Bidding Limits
- 3 - Approving New York State Energy Research and Development Authority Grant Acceptance Agreement
- 4 - Approving Second Amendment to Grant Disbursement Agreement With Empire State Development Corporation for the RESTORE NY Grant for the Franklin Building
- 5 - Approving Change Order No. 1 to Agreement, CCI Companies, Inc., Breen Avenue
- 6 - Accepting the Bid From ConTech Building Systems, Inc. for the Construction of Franklin Street Sidewalk Improvements
- 7 - Approving Geothermal Professional Services Agreement, Sack and Associates PLLC
- 8 - Approving the City of Watertown's Combined Sewer Overflow Long Term Control Plan
- 9 - Accepting Bid for Dredging of Coagulation Basin at Water Treatment Plant, D² Dewatering Services, Inc.
- 10 - Approving Agreement for Professional Services, Public Safety Interoperable Communications, Blue Wings Services, Inc.
- 11 - Approving the Zone Change Request Submitted by John and Amy MacGregor, to Change the Approved Zoning Classification of 561-579 Burdick Street, Parcel Numbers 1-04-114 through 1-04-120, from Light Industry to Residence B
- 12 - Amending Zoning Ordinance, Chapter 310 of the Code of the City of Watertown, Pertaining to Beer and Wine Production
- 13- Public Hearing Authorizing Spending From Coagulation Basin Reserve Fund

- 14- Public Hearing Finding that Changing the Approved Zoning Classification of the Parcels in the 500 Block of Jefferson and Olive Streets and the 200 Block of Mechanic Street From Light Industrial to Residence C and of the Parcels in the 400 and 500 Blocks of Factory Street, the 300 Block of Mechanic Street and the 200 and 300 Blocks of High Street From Light Industrial to Commercial Will Not Have a Significant Impact on the Environment
- 15- Public Hearing Changing the Zoning Classification of Parcels in the 500 Block of Jefferson and Olive Streets and the 200 Block of Mechanic Street From Light Industrial to Residence C and in the 400 and 500 Blocks of Factory Street, 300 Block of Mechanic Street and the 200 and 300 Blocks of High Street From Light Industrial to Commercial
- 16- Public Square Traffic Concerns
- 17- Bike Auction Results

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 2, 2010, was dispensed and accepted as written by motion of Council Member Burns, seconded by Council Member Smith and carried with all voting in favor thereof.

COMMUNICATIONS

From Susan O’Leary, concerning excessive noise in her neighborhood and her wished for the City to enforce the noise ordinance.

ABOVE PLACED ON FILE

Written notice has been received from Tina Uebler, after she fell on the sidewalk on Franklin Street just past The Strand.

ABOVE PLACED ON FILE

PRIVILEGE OF THE FLOOR

Mayor Graham noted that topics such as Edmund Street and the airport will wait until new business.

PUBLIC HEARING

MAYOR GRAHAM ASKED THE DEPUTY CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING AUTHORIZING SPENDING FROM COAGULATION BASIN RESERVE FUND.

MAYOR GRAHAM DECLARED THE HEARING OPEN.

No one spoke.

MAYOR GRAHAM DECLARED THE PUBLIC HEARING CLOSED.

MAYOR GRAHAM ASKED THE DEPUTY CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING CHANGING ZONING CLASSIFICATION OF PARCELS IN THE 500 BLOCK OF JEFFERSON AND OLIVE STREETS AND THE 200 BLOCK OF MECHANIC STREET FROM LIGHT INDUSTRIAL TO RESIDENCE C AND IN THE 400 AND 500 BLOCKS OF FACTORY STREET, 300 BLOCK OF MECHANIC STREET AND THE 200 AND 300 BLOCKS OF HIGH STREET FROM LIGHT INDUSTRIAL TO COMMERCIAL.

MAYOR GRAHAM DECLARED THE HEARING OPEN.

Michael Belcher, 217 High Street, addressed chair wanting to know if the zone change would affect resident's taxes or how the areas listed can be used.

Mayor Graham replied that this would only affect resident's use of property and that the areas mentioned were once industrial as trains ran through those neighborhoods. Under that title, no residential use was allowed and commercial zoning is more consistent with the current use of the area.

Mr. Belcher inquired if this change would affect residents when they wish to put up a building and regarding permits.

Mr. Mix referred to the zoning map and said that Mr. Belcher received the notice because he lives within 100 feet of the zone change.

Mayor Graham noted that no changes will be made to Mr. Belcher's property.

Mr. Belcher inquired how this will affect homeowners in the area.

Mayor Graham replied that it could be better for homeowners seeking financing.

MAYOR GRAHAM DECLARED THE HEARING CLOSED.

R E S O L U T I O N S

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS the NYS Office of Homeland Security FY 2010 Technical Rescue and Urban Search and Rescue Grant Program is accepting applications for funding through September 1, 2010, and

WHEREAS the City of Watertown Fire Department has prepared an application that meets the intended purpose of this multi-year grant, which will allow the department to purchase technical rescue equipment, obtain training by the NYS Office of Fire Prevention and Control, and cover overtime costs associated with the training, and

WHEREAS the application, in the amount of \$105,087, requires no City match,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes the Fire Department to submit a grant application in the amount of \$105,087 to the NYS Office of Homeland Security, and

BE IT FURTHER RESOLVED that the Fire Chief Dale C. Herman is hereby authorized and directed to execute the grant application on behalf of the City of Watertown.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO

Council Member Smith inquired what type of rescue equipment is being applied for with this grant.

Chief Herman replied that rope and confined space equipment will be applied for with the \$105,087 grant money. He added that boats are not part of the list.

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

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS on June 22, 2010, Governor Patterson signed into law Assembly Bill No. A09706 that raises the competitive bid requirement for the purchase of goods from \$10,000 to \$20,000, and

WHEREAS the City's Procurement Policy has been established and adopted by the City Council, and

WHEREAS based on these amendments in state law, the City's Purchasing Policy has been amended,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Purchasing Policy for the City of Watertown, a copy of which is attached and made a part of this resolution.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA.

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS in February 2010, the City of Watertown submitted a formal proposal to the New York State Energy Research and Development Authority (NYSERDA) for an Energy Efficiency and Conservation Block Grant through the American Recovery and Reinvestment Act of 2009, and

WHEREAS our proposal is for a GIS/GPS optimization of our existing refuse and recycle collection routes with an ultimate goal of achieving a fossil fuel/source energy annual reduction of approximately 81 million BTUs, and

WHEREAS on March 30, 2010 we were notified that we had been awarded a grant in the amount of \$49,005, for a total project of \$54,450, and

WHEREAS the FY 2010-2011 Operating Budget contains funding to support the City's 10% match for this project,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the NYSERDA Energy Efficiency and Conservation Block Grant Agreement, for the City's Efficient Transportation System Implementation Project, in the amount of \$54,450 a copy said Agreement is attached and made a part of this resolution,

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

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO

Mr. Hayes told Council that the software will allow for optimization for existing routes as well as all other routes throughout the various City departments.

Council Member Butler noted that this is a lot of money to spend and asked if there could be input from those driving the routes.

Mr. Hayes reviewed the various trucks and routes that would benefit from this grant. He replied that if the routes were to be changed it would cause chaos.

Council Member Smith stated that this could create a substantial savings for the City by saving time and fuel.

Mrs. Corriveau said this grant is centered on the existing refuse and recycling routes but it could apply to all other City operations as well, including meter readers and plow trucks.

Council Member Butler suggested looking at efficient times to run the trucks.

Mr. Hayes replied that crews are not being delayed by traffic or congestion.

Mayor Graham commented that he shares some of Council Member Butler's feelings, noting that this is a lot of money to be spending and is reluctant to 'ok' this project.

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION WITH ALL VOTING YEA, EXCEPT COUNCIL MEMBER BUTLER VOTING NAY.

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS by resolution adopted July 21, 2008, the City Council approved the Grant Disbursement Agreement with Empire State Development Corporation for the RESTORE NY Grant for the Franklin Building project, and

WHEREAS on April 19, 2010, the City Council approved the First Amendment to the Grant Disbursement Agreement, and

WHEREAS Empire State Development Corporation is proposing a second amendment to the Grant Disbursement Agreement that adds additional design and construction requirements to Exhibit B and Exhibit I and extends the expiration date of the Agreement to March 31, 2011, 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 Second Grant Disbursement Agreement Amendment as proposed by Empire State Development Corporation, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and directed to execute said Amendment.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO

Council Member Butler inquired about Exhibit B: Construction Requirements, found in the report.

Mr. Mix replied that it includes everything after that blank page, such as forms and submitted plans. He added that Empire State Development has been looking at projects, finding problems and reviewing them. Mr. Mix said that the Franklin project is well under way and hopes there are no design changes as the project is scheduled to be completed by December 31, 2010.

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

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS on April 19, 2010, the City Council of the City of Watertown approved a bid submitted by CCI Companies, Inc., of Canastota, New York, in the amount of \$894,765.50 for the reconstruction of Breen Avenue, and

WHEREAS City Engineer Kurt W. Hauk has submitted the Change Order No. 1 to that contract for consideration by the City Council, and

WHEREAS this change order results in an additional charge of \$76,658.76, bringing the contract amount to \$971,424.26,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 1 to the contract with CCI Companies, Inc., in for the reconstruction of Breen Avenue, the amount of \$76,658.76, a copy of which is attached and made of part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute the Change Order documents on behalf of the City of Watertown.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO

Council Member Smith asked about the traffic control items listed in the report.

Mr. Hauk replied that because work needed to be done in the Arsenal Street right of way signage, barriers and cones were required and the amount listed in the report is the cost to provide those items.

Council Member Butler inquired about the sewer laterals.

Mr. Hauk noted that they are original to what the sewer main was at the time and it was discovered upon excavation that they needed replacing.

Council Member Butler asked if the original bid includes the sewer laterals in the 100 block of Breen Avenue.

Mr. Hauk replied that the 100 block was included.

Mrs. Corriveau noted that the City is not anticipating any sewer work in the 200 block.

Council Member Macaluso inquired if this was already a done deal, regarding the sewer laterals.

Mr. Hauk said that they are all replaced.

Council Member Burns asked about the issue of dust on Cedar Street due to the increased flow of traffic.

Mr. Hauk replied that he spoke with the contractor who stated that they provide dust control within the limits of the project and try to accommodate the side streets when there is an increase in truck traffic.

Mayor Graham questioned if this will be completed ahead of schedule.

Mr. Hauk stated that the curbs are being added now.

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

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS the City Purchasing Department has advertised and received sealed bids for the Franklin Street Sidewalk Improvement Project, and

WHEREAS invitations to bid were issued to nine (9) prospective bidders, and

WHEREAS one (1) sealed bid was submitted and publicly opened and read in the City Purchasing Department on Tuesday, August 10, 2010 at 11:00 a.m., and

WHEREAS City Purchasing Agent Robert J. Cleaver and City Engineer Kurt W. Hauk have reviewed the bid and are recommending that the City accept the bid submitted by Con Tech Building Systems, Inc. of Gouverneur, New York, in the amount of \$140,085.66 as the lowest qualifying bid meeting the City's specifications,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York, accepts the bid submitted by Con Tech Building Systems, Inc. of Gouverneur, New York, in the amount of \$140,085.66 for the construction of the Franklin Street Sidewalk Improvement Project, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized to enter into and execute a Project Agreement with Con Tech Building Systems, Inc. for the project.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER JR.

Council Member Smith asked about the budgeted amount.

Mr. Mix replied that the line item total is \$116,000.

Mayor Graham inquired if this included both sides of the street.

Mr. Mix said that it does. He added that the formality of a budget amendment will take place at the Council meeting on September 7, 2010.

Council Member Burns asked why there was only one bid.

Mr. Cleaver noted that it is due to the timing of the bid and that many contractors were already busy.

Council Member Burns questioned why the time frame was so short.

Mr. Cleaver stated that if the work was put out to bid later, the work would be pushed back.

Mr. Hauk added that it was a short time frame to keep from losing grant money.

Council Member Burns commented that she does not feel confident that the City is getting the best bid possible.

Mr. Hauk said that there were some utility issues that had to be rectified before more work could be finalized.

Council Member Smith said that this issue was talked about in the spring and suggested that City crews could do the work for much cheaper.

Mr. Hauk replied that the City does not do some of the things that this company does.

Mr. Hayes added that City crews only do pin-on curbing, not the full-depth curbing which is being utilized in this project.

Council Member Burns asked if this company is doing the renovations of the Franklin Building.

Mr. Hayes replied that it is.

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION WITH ALL VOTING IN FAVOR THEREOF, EXCEPT COUNCIL MEMBER BURNS AND COUNCIL MEMBER SMITH VOTING NAY.

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS the City Council of the City of Watertown desires to investigate the use of geothermal systems for use in City facilities versus conventional upgrades necessary, and

WHEREAS the City of Watertown Engineering Department issued an RFP to ten firms and received five responses, after reviewing the responses, City Engineer Kurt Hauk is recommending that the City enter into an Agreement for Professional Services with Sack and Associates PLLC for an evaluation of feasibility,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Geothermal Professional Services Agreement between the City of Watertown, New York and Sack and Associates PLLC, for a not to exceed amount of \$38,000, a copy of which is attached and made a part of this resolution, and

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

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH

Council Member Smith asked if once geothermal energy is in place in City Hall and the Library, if it will be expanded to include other City facilities.

Mr. Hauk that down the road NYSERDA could evaluate structures but he noted that firm answers are not easy to come by. He added that this will have to be done for City Hall and the Library because those systems might fail.

Council Member Smith inquired if \$38,000 includes all phases. He noted that C&S seems to be very well qualified and questioned if Sack and Associates will be able to do all phases of the work.

Mr. Hauk reviewed the phases with Council and said that both companies had good proposals.

Council Member Smith asked if Sack and Associates have already started work.

Mr. Hauk replied that they have not.

Council Member Smith noted that they have the City of Watertown listed as a current client.

Council Member Butler said that Council Member Smith raises good concerns. He added that perhaps geothermal may not be an option and that the City would be spending a significant amount of money on this project.

Mr. Hauk commented that a consultant will look at the City's angle for this work but that the agreement with National Grid throws a wrench into the process. The point of the consultant is not to have the City necessarily pick geothermal only but to take a non-biased look at which direction the City should go.

Council Member Butler inquired if \$15,000 was for each boring and what obstacles would prevent geothermal energy from being implemented.

Mr. Hauk said that space could be an issue and that more frequent use of a building helps, referring to those facilities that are operating closer to 24 hours a day, seven days a week.

Council Member Butler noted that based on a geographical viewpoint some areas are more conducive than others.

Council Member Smith commented that C&S did work on the Auburn City Hall, which is similar to Watertown's City Hall. He added that they have already been through his process and know how to work out any issues that might come up.

Council Member Butler commented about the cost of this undertaking.

Mrs. Corriveau reminded Council to look at life-cycle costs of the equipment.

Council Member Butler stated that he would like more time to look at this issue.

Mrs. Corriveau noted that an amendment is needed regarding delivery.

Mr. Hauk said that he would like to have the new system in place before this one fails.

Council Member Butler stated that he cannot go through with this resolution when Council still has questions.

MOTION TO TABLE THE FOREGOING RESOLUTION WAS MADE BY COUNCIL MEMBER BUTLER, SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS the City of Watertown owns and operates a Wastewater Treatment Plant, and

WHEREAS the City operates this facility under a New York State Pollution Discharge Elimination System (SPDES) permit, that was last amended on June 1, 2002, and

WHEREAS the June 1, 2002 amendment to the City's SPDES permit mandates the City prepare a Long Term Combined Sewer Overflow (CSO) Control Plan, (LTCP), and

WHEREAS the US Environmental Protection Agency has provided guidance that the development of the LTCP should be a public process and that the formation of a program team which represents all interests and agencies that have a stake in the program outcome, and

WHEREAS in October 2002 the City Council of the City of Watertown established the City of Watertown's Combined Sewer Overflow Long Term Control Plan Public Participation Committee, and

WHEREAS that Committee has met and prepared a Public Participation Plan that traces the steps surrounding the formation of the Public Participation Committee and which outlines how the Committee will function, and

WHEREAS the second step in developing a Long Term Comprehensive Combined Sewer Overflow Control Plan requires the City to develop a Characterization, Monitoring and Modeling Plan for submission to the New York State Department of Environmental Conservation for approval, and

WHEREAS in December 2003, the Public Participation Committee completed and the City Council approved the Characterization, Monitoring and Modeling Plan, submitted it to NYS DEC and in 2006, the report was approved, and

WHEREAS NYSDEC then tasked the City with completing its Long Term Control Plan and submitting that document for review by December 1, 2008, and

WHEREAS on October 23, 2008, the Public Participation Committee reviewed the attached Long Term Control Plan and recommended moving forward with a presentation to the City Council, a Public Hearing on the Plan was held on Monday, November 17, 2008 at 7:00 p.m. in the City Council Chambers after which the City Council approved the City's submission of its Long Term Control Plan, and

WHEREAS upon submission of the City's Long Term Control Plan the New York State Department of Environmental Conservation requested that the City complete the study of the remaining nine basins and update our plan to reflect the capital construction work that has been completed by the City, as well as the upcoming capital construction projects and submit the results by September 1, 2010,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the City of Watertown's Draft 2 Long Term Control Plan Phase 1, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City Council of the City of Watertown authorizes the submission of this Final Report - Long Term Control Plan Phase 1, 2010 to the NYS Department of Environmental Conservation for their review and approval.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER JR.

Council Member Butler reviewed the changes and asked if this plan is attainable given the infrastructure.

Mr. Sligar said it is an attainable goal and the current Capital Plan in place solves the problem.

Council Member Smith inquired if Mr. Sligar would recommend any changes other than the highlighted areas.

Mr. Sligar replied that the Capital Plan is on track and no changes need to be made.

Mrs. Corriveau reviewed the budget plan on this issue.

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND CARRIED WITH ALL VOTING IN FAVOR THEREOF. INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS the City Purchasing Department has advertised and received a sealed bid for the labor and material to dredge the Water Treatment Plant's coagulation basin, and

WHEREAS invitations to bid were issued to four (4) prospective bidders with one (1) bid being received, and

WHEREAS on Wednesday, August 11, 2010, at 11:00 a.m. in the City Purchasing Department, the bid was publicly opened and read, and

WHEREAS City Purchasing Agent Robert J. Cleaver reviewed the bid received with Gary E. Pilon, Water Superintendent, and it is their recommendation that the City accept the bid from D² Dewatering Services, Inc. of Wall, New Jersey, in the amount of \$87,750.00,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid submitted by D² Dewatering Services, Inc. of Wall, New Jersey, in the amount of \$87,750.00 for labor and material to dredge the Water Treatment Plant's coagulation basin.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER JR.

Council Member Smith inquired if this is in line with what was budgeted.

Mr. Pilon replied that it was budgeted high. He added that the bidder for this project is an associate of the company who did this before and has been highly recommended.

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

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS the City of Watertown Police and Fire Departments and the Jefferson County Sheriff's Office and Office of Fire and Emergency Management applied for federal funding under the Public Safety Interoperable Communications Program through the Office of Homeland Security, and

WHEREAS the City received notification in July 2008 that it had been awarded the grant which will be utilized to purchase interoperable communication devices and radios that will provide real-time, uninterrupted communication for all daily operations, emergency situations and disasters for Police and Fire personnel, and

WHEREAS the grant award will cover planning and coordination efforts, acquisition related costs, deployment costs, and training costs as described in the request for grants document, and

WHEREAS the City and the County will share equally the local match required under the terms of the federal grant program, and

WHEREAS funding to support the City's match is contained in the FY 2008-09 Capital Budget,

WHEREAS in connection with this grant, a Request For Proposal was issued for professional engineering services for the design of an interoperable emergency communications system for the City and Jefferson County, and

WHEREAS the four responses received were reviewed by representatives from the City of Watertown and Jefferson County, and

WHEREAS these representatives are recommending that the City Council approve the Agreement for Professional Services between the City of Watertown and Blue Wing Services, Inc,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves the Agreement for Professional Services with Blue Wing Services, Inc. a copy of which is attached and made a part of said resolution, and

BE IT FURTHER RESOLVED that City manager Mary M Corriveau is hereby authorized and directed to execute the Professional Services Agreement on behalf of the City of Watertown.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO

Council Member Macaluso inquired if the amount is to be split between the City and County.

Mrs. Corriveau said the two entities will split 20%

Council Member Smith noted that City residents will have to pay that amount in their County tax, too.

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

ORDINANCES

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

BE IT ORDAINED where John and Amy MacGregor, have made application by petition filed with the City Clerk, pursuant to Section 83 of the New York General City Law to change the approved zoning classification of Parcel Numbers 1-04-114, 1-04-115, 1-04-116, 1-04-117, 1-04-118, 1-04-119 and 1-04-120 located at 561-579 Burdick Street from Light Industry to Residence B, and

WHEREAS the Planning Board of the City of Watertown considered the zone change request at its meeting held on August 3, 2010, and adopted a motion recommending that the City Council approve the zone change as requested, and

WHEREAS the Jefferson County Planning Board reviewed the request at its meeting held on August 31, 2010, pursuant to General Municipal Law Section 239-m and adopted a motion that the project does not have any significant county-wide or inter-municipal issues and is of local concern only, and

WHEREAS a public hearing was held on the proposed zone change on September 7, 2010, 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,

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

NOW THEREFORE BE IT ORDAINED that the zoning classification shall be changed for Parcel Numbers 1-04-114 through 1-04-120 located at 561-579 Burdick Street, from Light Industrial to Residence B, and

BE IT FURTHER ORDAINED that the Zoning Map of the City of Watertown shall be amended to reflect the zone change, 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 JOSEPH M. BUTLER JR.

MOTION WAS MADE BY COUNCIL MEMBER SMITH TO SCHEDULE A PUBLIC HEARING ON THE FOREGOING ORDINANCE FOR SEPTEMBER 7, 2010, AT 7:30 P.M.

MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING YEA.

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

BE IT ORDAINED where Thomas W. Scozzafava, CEO and President of Sackets Harbor Brewing Company, has requested that the Zoning Ordinance, Chapter 310 of the Code of the City of Watertown, be amended to allow the brewing of beer in Light Industrial Districts, and

WHEREAS the City Planning Board at its August 3, 2010 meeting adopted a motion recommending to the City Council that it approve the proposed amendment, and

WHEREAS the County Planning Board reviewed the proposed amendment on July 27, 2010 pursuant to the requirements of New York State General Municipal Law § 239-m and adopted a motion that the project does not have any significant county-wide or inter-municipal issues and is of local concern only, and

WHEREAS a public hearing on the proposed amendment was held on September 7, 2010 after public notice, and

WHEREAS the City Council has made a Declaration of Negative Findings of Adverse Environmental Impacts from the proposed amendment according to the requirements of the State Environmental Quality Review Act, and

WHEREAS the City Council deems it in the best interest of the citizens of the City of Watertown to amend the Code of the City of Watertown to allow the production of beer in Light Industrial Districts,

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Watertown that it hereby amends Section 310-10 of the Code of the City of Watertown by deleting “Alcohol manufacture” from Paragraph “F” and adding “I. Beer production,” and

BE IT FURTHER ORDAINED that this amendment to the Code 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 JEFFREY M. SMITH

MOTION WAS MADE BY COUNCIL MEMBER BURNS TO SCHEDULE A PUBLIC HEARING ON THE FOREGOING ORDINANCE FOR SEPTEMBER 7, 2010, AT 7:30 P.M.

MOTION WAS SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING YEA.

THE RESOLUTION AUTHORIZING SPENDING FROM COAGULATION BASIN RESERVE FUND WAS PRESENTED TO COUNCIL (Introduced on August 2, 2010; public hearing held this evening; appears in its entirety on page 153 of the 2010 Minutes Book.)

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

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS the City Council of the City of Watertown, New York, has before it an ordinance for a zone change for parcels in the 500 Block of Jefferson and Olive Streets and the 200 Block of Mechanic Street From Light Industrial to Residence C and in the 400 and 500 Blocks of Factory Street, the 300 Block of Mechanic Street and the 200 and 300 Blocks of High Street From Light Industrial to Commercial, and

WHEREAS the City Council must evaluate all proposed actions submitted for its consideration in light of the State Environmental Quality Review Act (SEQRA), and the regulations promulgated pursuant thereto, and

WHEREAS the adoption of the proposed ordinance would constitute such an “Action,” and

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

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

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

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

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

3. This resolution shall take effect immediately.

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

THE ORDINANCE CHANGING THE ZONING CLASSIFICATION OF PARCELS IN THE 500 BLOCK OF JEFFERSON AND OLIVE STREETS AND THE 200 BLOCK OF MECHANIC STREET FROM LIGHT INDUSTRIAL TO RESIDENCE C AND IN THE 400 AND 500 BLOCKS OF FACTORY STREET, 300 BLOCK OF MECHANIC STREET AND THE 200 AND 300 BLOCKS OF HIGH STREET FROM LIGHT INDUSTRIAL TO COMMERCIAL WAS PRESENTED TO COUNCIL (Introduced on August 2, 2010; public hearing held this evening; appears in its entirety on page 159 of the 2010 Minutes Book.)

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

Council discussed the following topics:

Public Square Traffic Concerns

Council Member Butler commented that there is encroachment on the walkway by vehicles.

Mr. Hauk replied that the encroachment happens on both the North and South sides of the square.

Council Member Butler noted that there is no harm in putting up signs to deter encroachment and asked who performed the observations.

Mr. Hauk said that traffic gets backed up when drivers think they can get through the intersection but the light changes before they make it across. He noted that it may be a light-timing issue. Mr. Hauk also said that Mr. Wood and he did the observations and it was noted on three occasions where vehicles blocked the walkway.

Council Member Burns commented that she agreed with Mr. Hauk's comments.

Mercy of Northern New York

Mayor Graham told Council that the administrator of Mercy called to discuss future plans for the facility.

Cape Air

Mayor Graham commented that the topic of air subsidies has come up regarding the airport and a representative from Cape Air is present to discuss this matter.

Richard Corbett, 220 Winslow St., representing Cape Air, addressed Council highlighting a proposal which includes adding flights from the Watertown airport to Boston and opening a downtown ticket office. He said this would increase exposure to Cape Air and allow customers to make reservations and buy airline tickets. Mr. Corbett added that recommendations to DOT are heavily considered in the bidding process. He also said that Cape Air has reliable and steady service and has connectivity to a larger airport.

Mayor Graham thanked Mr. Corbett for speaking with Council and noted there are qualitative differences between Cape Air and its competition but does not feel conversant enough about the issues to discuss them.

Edmund Street

Council Member Macaluso stated that her problem with this situation is that someone will be unhappy with the outcome. She encouraged fixing the existing roadway and suggesting that Mrs. Desrosier add a visible driveway to park her vehicles.

Mayor Graham noted commented on the option to square off Mrs. Desrosier's lot and reminded Council of Mr. Peterson's offer to purchase the whole street.

Council Member Smith said he is not in favor of the latter option.

Council Member Burns suggested keeping the main portion of that street and performing minimal maintenance. She also said the City should consider selling a sliver of the roadway to the Desrosier family and square off the parcel. Council Member Burns then questioned if she would be willing to put up a fence to contain her dog.

Mayor Graham said that this needs to be solved to prevent future strife and the question at hand is whether there are four votes in favor of selling the street.

Council Member Butler asked if a contingency could be added to the sale, such as erecting a fence.

Attorney Slye replied that it is only enforceable if the City maintains a right of reverter.

Council Member Macaluso noted that when she visited Edmund Street, the Desrosier's dog broke its leash and got loose.

Council Member Burns stated that that is a separate issue since the City has a leash law.

Mayor Graham remarked that even if a dog is on a leash but it has enough slack to sit in the middle of the street, it is a violation.

Council Member Burns noted that there is no need for additional encumbrances.

Council Member Butler replied that a fence is a better solution so there is no intimidation.

Council Member Burns said she agrees.

Mayor Graham stated that whatever the contour of the property, if the dog breaches the boundary line it is a violation. He added that there is no point in soliciting an offer unless four people are willing to vote for it.

Council discussed selling a portion of the street 16 feet from the Desrosier house and squaring off her property as well.

Council Member Smith suggested DPW bulldoze overgrowth to maintain access to the water.

Council Member Butler commented on the issue of a fence.

Attorney Slye replied that the resolution would state a right of reversion if the fence is not constructed in a certain timeframe.

Council Member Macaluso noted that the roadway should be of a size that is comfortable enough for his boats and rafts.

Council Member Butler asked if patrons are dropped off or if they drive down the street.

Robert Peterson, 23873 NYS Rt. 342, addressed the chair saying that they do drive customers down the street but when Cornell comes, a tour bus drops patrons off and they walk down the street. He added that when he first acquired that business he could not drive down that street and over the years he has cleaned it up. Mr. Peterson continued, saying that he only has an issue when the Desrosiers park in the middle of the street and when their dog breaks its leash. When they park to the right side of the street, he said, that is not a problem.

Attorney Slye said there is nothing saying that the City cannot enter into a license agreement to park in certain places and to build a fence without having to sell the street or give up rights of the City as the City would still have access to it.

Council Member Smith and Council Member Macaluso replied that they like that option.

Council Member Butler said the street is more valuable to the City to provide a nice access point to the water and that selling the property does not alleviate the problem. He added that overall, the street is more valuable to the City at this point.

Mr. Peterson said it is not his goal to buy the street and that it should stay the full 66-feet in length. He pointed out that the Desrosier's have a backyard in which the dog could be kept.

Council Member Burns commented that she likes Attorney Slye's option and that it makes sense for many reasons but that she is reluctant to require a City property owner to build a fence and that it may not necessarily solve the problem. She added that the issue in this regard is the leash law and that it should be enforced.

Mayor Graham noted that there is not a 4/5 vote to sell and that if the City is licensing the property, it is reasonable to impose certain things. He added that he supports the licensing scenario.

Council Member Burns also said she would support the licensing option.

Council Member Macaluso commented that she agrees with Council Member Burns and added that when she was on Edmund Street the dog broke loose and no one was home.

Council Member Smith said he agrees with the Mayor's wording that the dog has to be contained.

Mayor Graham suggested that that be communicated to the Desrosiers.

Mr. Peterson wished to clarify the topic and stated that the property will not be sold.

Mayor Graham replied that the property will not be sold.

Noise

Council Member Butler commented on the communication from Susan O'Leary.

Mayor Graham reviewed the letter with Council pointing out that Mrs. O'Leary has a night job and her neighbor routinely plays the drums while she is home sleeping. He noted that this has turned into an irresolvable dispute. Mayor Graham added that most people accept the notion that noise between 8 a.m. and 6 p.m. is reasonable.

Attorney Slye noted that general code talks about public comfort and stated that this is a private issue which does not harm one's health therefore does not apply to her situation. Attorney Slye reviewed the times in the last 15 years when the second surrogate court has been called upon to resolve these types of issues. He added this is an issue regarding the application of the law, as playing drums at 3:00 a.m. would be fine with her since she is working but would not be appropriate for other neighbors. Attorney Slye stated that laws must be applied constitutionally and the right challenge to the law has not arisen.

Attorney Slye commented that there are concerns regarding enforcing vehicle noise as well.

Council Member Macaluso suggested looking at that issue like a DWI and enforce it while patrolling the streets.

Timing of Traffic Signals

Council Member Macaluso commented on the timing of traffic lights at the intersection of Coffeen Street and Black River Parkway and at the light on Washington Street in front of the YMCA. She noted that the light by the YMCA she timed at four minutes.

Mrs. Corriveau replied that the lights are on a fixed cycle.

Council Member Smith inquired if the times can be reduced during off-peak hours.

Mrs. Corriveau noted that most lights go to flash but she can check to see if times can be shortened.

National Grid Settlement Agreement

Mrs. Corriveau told Council that she has received the National Grid gross receipts tax settlement agreement which will be reviewed and she will talk to NYCOM.

NYS Early Retirement Incentive

Mrs. Corriveau told Council that options for the NYS Early Retirement Incentive were reviewed with department heads and due to the requirements that would allow the City to apply, she is not recommending that the City participate at this time.

Ribbon Cutting

Mrs. Corriveau said that when the Lachenauer Fountain is complete the North Country Arts Council will hold a ribbon cutting ceremony. She mentioned that it will not be held for a couple of weeks.

Black River Fall Fest

Mrs. Corriveau commented that the Black River Fall Fest will be held on September 11 from 10 a.m. until 9 p.m. sponsored by the Downtown Business Association.

Solar Panels

Council Member Smith told Council that the solar panels are now installed at his house and invited Council to look at them.

Mrs. Corriveau suggested that they could look at them during a work session in September.

ADJOURNMENT

**AT THE CALL OF THE CHAIR, MEETING WAS DULY ADJOURNED AT 8:57 P.M.
BY MOTION OF COUNCIL MEMBER BURNS, SECONDED BY COUNCIL MEMBER
BUTLER AND CARRIED WITH ALL VOTING YEA.**

Amanda C. Lewis
Deputy City Clerk