

**REGULAR COUNCIL MEETING
CITY OF WATERTOWN
AUGUST 19, 2002
7:00 P.M.**

MAYOR JOSEPH M. BUTLER PRESIDING

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

ABSENT: **COUNCILMAN PETER L. CLOUGH**

ALSO PRESENT: **CITY MANAGER JERRY C. HILLER
ASSISTANT CITY MANAGER MARY M. CORRIVEAU
CITY ATTORNEY ROBERT J. SLYE**

Assistant Manager Corriveau presented the following reports to the Council:

- 1 – Making Findings for the Empire Opportunity Fund Application – Black River Recreation Way
- 2 - Accepting the Environmental Protection Fund Grant Agreement for Plaza Repairs at Flower Memorial Library
- 3 - Approving the Special Use Permit Request Submitted by Patrick J. Currier, R.A., of Aubertine & Currier Architect, on Behalf of Yellow Cab to Allow a Vehicle Maintenance Facility at 597 Eastern Boulevard, Parcel No. 4-27-302
- 4 - Approving the Zone Change Request Submitted by Steven C. Daily to Change the Approved Zoning Classification of 400-446 Arsenal Street and 108 N. Meadow Street, Parcels No. 7-05-201 through 7-05-210 from Neighborhood Business and Residence “C” to Commercial
- 5- Local Law No. 8 of 2002 – Electing a Retirement Incentive Program Authorized by Chapter 69, Laws of 2002 for Eligible Employees of the City of Watertown
- 6 - An Ordinance Authorizing the Issuance of \$86,500 Serial Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of the Purchase of Computer Hardware and Software for Various City Department In and for Said City
- 7- An Ordinance Authorizing the Issuance of \$50,000 Serial Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of the Purchase of Flow Monitoring and Sampling Equipment and Related Software for Storm and Sanitary Sewers to Facilitate Compliance with Requirements of A SPDES Permit In and For Said City
- 8 - An Ordinance Authorizing the Issuance of \$183,000 Serial Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of the Replacement of the Existing City Hall Telephone System In and For Said City.
- 9- Monthly Report – June 2002

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 5, 2002 and the special meeting of August 9, 2002 was dispensed with and accepted as written by motion of Councilwoman Burns, seconded by Councilman Simmons and carried with all voting in favor thereof.

COMMUNICATIONS

From the City Assessor advising that Tony Soluri has offered to negotiate the sale and purchase of City owned property – Vacant Lots 2 & 3, Lillian Street, Parcel Nos. 4-04-429 and 4-04-430.

ABOVE PLACED ON FILE

From the City Planning Board:

1. Recommending approval for the site plan and special use request submitted on behalf of Yellow Cab for the construction of a 1,320 sq. ft. vehicle maintenance building and parking lot at 597 Eastern Boulevard, Parcel No. 4-27-302, contingent upon certain requirements being met as outlined in the resolution.
2. Recommending denial for the zone change request submitted by Steven C. Daily to change the approved zoning classification of 400 through 446 Arsenal Street and 108 N. Meadow Street, Parcels No. 7-05-201 through 7-05-210 from Neighborhood Business and Residence “C” to Commercial.

ABOVE PLACED ON FILE

From Ann Delaney, Perch Lake Rd., supporting the proposed zone change for 400 block of Arsenal Street.

ABOVE PLACED ON FILE

A petition containing approximately 75 signatures has been received in opposition to the Steven Dailey’s zone change request for his property on Arsenal Street.

ABOVE PLACED ON FILE

PRIVILEGE OF FLOOR EXTENDED

Donald Thompson, 710 Morrison Street, addressed the chair asking how long the City was going to allow American Rock Salt to operate carte blanche over the next year and also questioning what the City would do about granting easements to them if they win the state bid.

Robert Dietterich, 1538 Ohio Street, addressed the chair in opposition to the closing of the two polling places in the 14th district. He explained that many people in that district do not drive and have to walk to the polls. He remarked that whoever was responsible for this should be fired immediately. He stated that in addition to closing the polls, the City raised the assessments in this section of the City before they raised assessments in other sections of the City. He suggested that the City look into using the community room at East Hills.

Tim Montondo, Mill Street, addressed the chair concerning the property maintenance code. He stated that he had voiced his opposition to the code and two weeks later he was cited. He questioned why the majority of the violations are on the North side. He also stated that at the time he voiced his opposition, he was assured that there would be grant monies available to help offset the costs of repairs. He now finds that there is no money for this.

Mr. Hiller will have staff do research to find out the statistics for each section of the City.

Steve Perry, Madison Avenue, addressed the chair concerning the 14th district polls. He stated that people find it inconvenient to drive to the Northside League and he felt that to deny people direct participation in the voting process is an outrage.

Michael LaDue, 415 Seward Street, addressed the chair also in opposition to the closing of the polls. He remarked that this is directly opposite of the "Motor Voter" program. He referred to a quote in the paper by Mrs. Corey, Deputy Commissioner of the Jeff. Co. Board of Elections and a memo prepared by City Clerk Donna Dutton. He stated that someone was lying, as the two were not the same.

Mrs. Dutton explained to Mr. LaDue that the paragraph he was referring to in her memo was based upon the previous paragraph in the memo which stated that the county recommends the number of polling places to be reduced to 8. Mrs. Dutton explained that the cell phone usage referred to in the memo was based on the fact that the polling places, other than schools, allow the City to use their phones for the entire day and evening. The schools do not allow use after the offices close for the day.

Mr. LaDue referred to the fact that next year this particular district will be aligned with the Town of Pamela. He stated that he would go door to door and collect a dollar from each person so the polls could remain open.

Dan Francis, Harris Drive, addressed the chair in support of keeping the polls open.

Jennie Adsit, Legislator for the 14th District, addressed the chair thanking Council for reconsidering this issue and asking to have three polling places in the 14th district.

Margaret Howard, 126 N. Meadow Street, addressed the chair in opposition to the zone change request submitted for the 400 block of Arsenal Street.

Mayor Butler explained that the public hearing would be scheduled for September 3rd.

Frances Soluri, 130 N. Meadow Street, addressed the chair giving an overview of the history of the neighborhood and the fact that the residents there oppose the zone change and want the neighborhood left as it is.

Victor Fralonardo, 113 N. Meadow Street, addressed the chair concerning the safety issues regarding school bus stops and the entrance and exit onto Arsenal Street.

Matt Lambert, 140 N. Meadow Street, addressed the chair concerning the fact that he doesn't feel a used car lot should be located within three or four blocks from downtown. He commented that with Stream being located about two blocks from this area, something else would be more appropriate for that location. He stressed the need for a long-term plan and remarked that with the kayaking use increasing on the Black River, the City should want a business district that surrounds it that would offer diversity and attractions.

Scott Bartholomew, 529 W. Mullin Street, addressed the chair in opposition to the car lot due to safety concerns.

Frank Howard, 126 N. Meadow Street, addressed the chair questioning why the vote wasn't going to be taken tonight since it is listed in the agenda.

Attorney Slye explained to him that under New York State law, the City is required to hold a public hearing on any zone change request. The ordinance is listed in the agenda due to the fact that it has to be introduced and then a hearing scheduled for the next meeting.

Joan Gokey, 1204 Superior Street, addressed the chair stating that 90% of Arsenal Street is already commercial. She questioned the difference between this proposal for a used car lot and the used car lot that is directly across the street from it.

Steven Daily, Arsenal Street, addressed the chair announcing that he was withdrawing his zone change request. He stated that the City must find a way to make it easier for small businesses to open up in the City. He stated that he would now seek a special use permit. Mr. Daily requested that Council be allowed to have a show of hands for support of the permit.

Attorney Slye stated that he would not let Council do that. He explained that Council waits for input from the Planning Board and also explained that nothing in the process is a waste of time.

Mr. Daily explained that he went back and did the entire block as requested and then the Planning Board questioned why he hadn't applied under a special use permit.

Attorney Slye explained that a used car lot is a permitted use in a Neighborhood Business zone with a special use permit from the Council. He also explained that special use permits could include limitations for signage as well.

Norman Wayte, chair of the Planning Board, addressed the chair explaining that when he spoke with Mr. Daily, he was not speaking on behalf of the Planning Board. He stated that Mr. Daily was told that buffer zones, etc. would have to come before the Planning Board.

Frank Howard, 126 N. Meadow Street, addressed the chair stating that a used car lot would devalue his property. He stated that if Mr. Daily gets the permit, he would like to see the drainage system addressed as well as fencing and no bright lights at night. He asked if Mr. Daily would be required to have his land surveyed.

Mr. Daily responded that he was in the process of having this done.

Connie Guardino, 437 Arsenal Street, addressed the chair questioning how many car lots Arsenal Street needed. She commented that the traffic on Arsenal is terrible. She stated that she is annoyed with the fact that there are so many fast food restaurants and stores on the street.

Dennis Perry, 432 S. Hamilton, addressed the chair opposing the used car lot due to traffic problems on Arsenal Street.

PUBLIC HEARING

AT 7:30 P.M. MAYOR BUTLER ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING LOCAL LAW NO.8 OF 2002, ELECTING RETIREMENT INCENTIVE PROGRAM AS AUTHORIZED BY CHAPTER 69, LAWS OF 2002 FOR ELIGIBLE EMPLOYEES OF THE CITY OF WATERTOWN.

MAYOR BUTLER DECLARED THE HEARING OPEN

No one spoke.

MAYOR BUTLER DECLARED THE HEARING CLOSED

RESOLUTIONS

INTRODUCED BY COUNCILWOMAN ROXANNE M. BURNS

WHEREAS Empire State Development Corporation has made funds available through the Empire Opportunity Fund for tourism destination projects, and

WHEREAS the City Council of the City of Watertown desires to further develop the Black River as a tourism destination, and

WHEREAS the City has submitted an application to the Empire Opportunity Fund for \$125,000 for further development of the Black River Recreation Way, and

WHEREAS the Empire Opportunity Fund program requires the City Council to make certain findings,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it makes the following findings pertaining to the Black River Recreation Way project as described in the City's application to the Empire Opportunity Fund:

1. The proposed facility or project is consistent with existing local and regional plans.
2. The proposed financing is appropriate for the specific facility or project, the facility or project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and conservation of natural resources, and
3. The facility or project develops and enhances infrastructure or other facilities in a manner that will attract, create and sustain long-term employment opportunities.

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

INTRODUCED BY COUNCILMAN JEFFREY M. SMITH

WHEREAS the New York State Office of Parks, Recreation and Historic Preservation has awarded the City a \$25,300 Environmental Protection Fund Grant for repairs to the plaza area of the Roswell P. Flower Memorial Library, and

WHEREAS the City of Watertown and the State of New York must enter into a written agreement for the use of the grant monies, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED that the Mayor, Joseph M. Butler, is authorized and directed to sign the Grant Agreement on behalf of the City Council, along with any other documents needed for grant administration, including the preservation covenant.

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

Prior to the vote on the foregoing resolution, Councilwoman Burns asked Mr. Hiller for background on this since the City had already received some grant monies for the front of the library. Councilwoman Burns also asked if this work was on Crawford & Stearns' schedule.

Mr. Hiller explained that this is the same one. The City applied for additional grant funds. He explained that there was about \$30,000 left from the first funds and it will be combined with this grant agreement. He explained that the design work is done and now it has to be put into a bid package.

Councilman Simmons asked about the grant administration and if it would be done by City staff.

Mr. Hiller explained that Mr. Crawford brings his expertise for this type of work and Mr. Mix will also be involved in the administration of the funds.

INTRODUCED BY COUNCILMAN PAUL A. SIMMONS

WHEREAS Patrick J. Currier, R.A., of Aubertine & Currier Architects, has made application for a Special Use Permit on behalf of Yellow Cab to allow a vehicle maintenance facility at 597 Eastern Boulevard, Parcel No. 4-27-302, and

WHEREAS the Jefferson County Planning Board reviewed the Special Use Permit request, pursuant to General Municipal Law Section 239-m, and adopted a motion that the project does not have any significant County-wide or intermunicipal issues and is of local concern only, and

WHEREAS the Planning Board of the City of Watertown reviewed the request for the Special Use Permit at its meeting held on August 6, 2002, and recommended that the City Council of the City of Watertown approve the request as submitted, and

WHEREAS a public hearing was held on the proposed Special Use Permit on September 3, 2002, after due public notice, 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 Special Use Permit to allow a vehicle maintenance facility constitutes an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown, New York that a Special Use Permit is hereby granted to Patrick J. Currier, R.A., of Aubertine & Currier Architects, on behalf of Yellow Cab to allow a vehicle maintenance facility at 597 Eastern Boulevard, Parcel No. 4-27-302.

SECONDED BY COUNCILMAN JEFFREY M. SMITH

MOTION WAS MADE BY COUNCILWOMAN BURNS TO SCHEDULE A PUBLIC HEARING ON THE FOREGOING RESOLUTION FOR TUESDAY, SEPTEMBER 3, 2002 AT 7:30 P.M.

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

ORDINANCES

THE ORDINANCE “AUTHORIZING THE ISSUANCE OF \$86,500 SERIAL BONDS OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK, TO PAY THE COST OF THE PURCHASE OF COMPUTER HARDWARE AND SOFTWARE FOR VARIOUS CITY DEPARTMENTS IN AND FOR SAID CITY WAS PRESENTED TO COUNCIL (Introduced on August 5, 2002; laid over under the rules; appears in its entirety on page 181 of the 2002 Minutes Book).

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

THE ORDINANCE “ AUTHORIZING THE ISSUANCE OF \$50,000 SERIAL BONDS OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK TO PAY THE COST OF THE PURCHASE OF FLOW MONITORING AND SAMPLING EQUIPMENT AND RELATED SOFTWARE FOR STORM AND SANITARY SEWERS TO FACILITATE COMPLIANCE WITH REQUIREMENTS OF A SPDES PERMIT IN AND FOR SAID CITY WAS

PRESENTED TO COUNCIL (Introduced on August 5, 2002; laid over under the rules; appears in its entirety on page 182 of the 2002 Minutes Book).

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

THE ORDINANCE “AUTHORIZING THE ISSUANCE OF \$183,000 SERIAL BONDS OF THE CITY OF WATERTOWN JEFFERSON COUNTY, NEW YORK TO PAY THE COST OF THE REPLACEMENT OF THE EXISTING CITY HALL TELEPHONE SYSTEMS IN AND FOR SAID CITY WAS PRESENTED TO COUNCIL (Introduced on August 5, 2002; laid over under the rules; appears in its entirety on page 183 of the 2002 Minutes Book).

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

LOCAL LAW

LOCAL LAW NO. 8 OF 2002, ELECTING A RETIREMENT INCENTIVE PROGRAM AUTHORIZED BY CHAPTER 69, LAWS OF 2002 FOR ELIGIBLE EMPLOYEES OF THE CITY OF WATERTOWN WAS PRESENTED TO COUNCIL (Introduced on August 5, 2002; public hearing held this evening; appears in its entirety on page 185 of the 2002 Minutes Book).

Referring to the foregoing local law, Mr. Hiller explained the retirement incentive program and how the targeting of positions would be undertaken, if Council approved the law.

Councilman Simmons asked what the costs would be to the City.

Mr. Hiller explained that he could put together a report based on the assumption of certain employees opting to retire.

Mrs. Corriveau explained that City Council would have to adopt the law in order to offer this retirement incentive. Then the City Manager has the duty to target the positions. Under the program, the targeted positions have to show a savings.

MOTION WAS MADE BY COUNCILMAN SIMMONS TO TABLE THE FOREGOING LOCAL LAW.

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

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COUNCIL DISCUSSED THE FOLLOWING TOPICS:

CDBG Funding

Mr. Hiller advised that the City received a \$750,000 grant. Part of it will be used for the Emerson Place project and the other portion (a little more than half) will be used for the rehabilitation of housing on the East side of the City.

“Quality Community”

Mayor Butler announced that Governor Pataki has designated Watertown as a “Quality Community”.

Combined Sewer Study

Mr. Hiller advised Council that he is still looking for names to serve on this committee.

Library Employee

Councilwoman Burns explained a situation at the library which involves a temporary employee who was hired to fill in for maternity leave. Since that time, another employee retired and the temporary employee moved into the position of library clerk. This happened simultaneously with the hiring freeze imposed by Council. Now, a principal library clerk will be retiring in September. Mr. Hodosy has also been informed that the employee who was on maternity leave may not return. Councilwoman Burns explained that Mr. Hodosy would like to be able to appoint the temporary employee to a permanent position.

Mayor Butler questioned why Council wouldn't allow them to fill the position, since they have stayed within their budget.

Councilman Simmons stated that he would appreciate holding off on this until the September 3rd meeting, as he would like to get some more information on it.

Property & Casualty Insurance

Councilman Smith asked who on staff handled the bidding and questioned the scope of services of the consultant.

Mr. Hiller explained that Mr. Cleaver prepared the specs. Aldridge and Cox was accepted as the consultant. Aldridge and Cox reviewed the bids received and gave recommendations to the City. They recommended the current agent and mostly the same carriers.

Councilman Smith remarked that reviewing the quotes the City could have saved between \$13,000 - \$26,000 without a reduction in coverage. He questioned paying the consultant \$10,000 to stay with the same carrier. He remarked that the questions asked by the consultants could have been asked without using a consultant. He also stated that he wanted to see the recommendations.

Mr. Hiller explained that staff had reviewed and discussed the consultant's recommendations. He offered to set up a conference call with the consultant so that Councilman Smith as well as other members of Council could speak with them. He also commented that a consultant was used to ensure a fair evaluation. They looked at what was best for the City and there was not interjection for favoritism.

Councilman Smith responded that as a licensed insurance agent, he felt that the City could have had the same or better services through another agency and the City could have had a reputable qualified local carrier. Councilman Smith commented that he felt this was fiscally irresponsible on the part of City staff.

Mr. Hiller reiterated his invitation to arrange a meeting with the consultant. He stated that he took umbrage with the remark that the staff in City Hall is fiscally irresponsible.

Councilman Smith asked about the bidding process.

Attorney Slye explained that in this case, it was for professional services and therefore the City can pick who they want to use, not necessarily the lowest bidder.

Polling Places

Councilman Simmons commented that this Council worked very hard on the budget. He stated he still feels that is a need to consolidate polling places. However, in looking back, Council may have closed the wrong one. He stated that where a polling place is doesn't matter. The important thing is that you vote. He said that the parties need to contact voters and offer them a ride to the polls. He stated that while it is probably too late to change it for primary, there may be an opportunity to change it for the general election. He stated that he doesn't think reopening Starbuck is necessary as it is only a couple blocks from the Northside League. He also commented that it is a privilege to vote and none of this was done for political motives. There is a cost savings to consolidation and the City is trying to get the polling places out of schools due to handicap accessibility and school security issues.

Councilman Smith questioned why it could be changed for the primary. He asked what would happen if there was an emergency situation at one of the polls.

Mrs. Dutton explained that all of this falls under State Election Law and emergencies are addressed under that law differently than just wanting to change a prior decision.

Mayor Butler commented that Council had no intention of making this political. He remarked that he didn't realize that with the consolidation, it only allowed for one polling place in the 14th district. He stated Council doesn't need this kind of heat.

Councilwoman Burns commented that City Council had received the recommendation from the Board of Elections for consolidating the polling places. However, Council does now support changing their position on this.

Councilman Smith remarked that it makes no sense to have to travel one mile to vote. He commented that he wasn't aware of the list of the changes.

Mrs. Dutton informed him that he had been given the memo on April 10th with the attachment from the Board of Elections dated April 5th.

Councilman Simmons asked that contact be made with the Board of Elections about using Ohio School as a polling place.

Councilman Smith asked that both Starbuck and Ohio be opened.

Mayor Butler asked that the City Manager and/or the City Clerk contact the Board of Elections as Council is now committed to having more polling places.

Jennie Adsit questioned how handicapped children were allowed to be in the schools if they are not handicapped accessible for voters.

Mrs. Dutton explained that two years ago the State Attorney General Office conducted an inspection of polling places throughout the State. The complaints for the City polling places all involved school buildings. Lack of adequate handicap parking, inadequate lighting outside the building (since the polls are open until 9 p.m.) rugs, step ups, etc. were just some of the faults that the State had with the various schools throughout the city.

Norman Wayte, Executive Director of the United Cerebral Palsy Association, addressed the chair stating that Mrs. Dutton was correct. Mr. Wayte served on the Attorney General's committee for the inspection and it is very true that the city schools created some serious problems for handicap voters.

Police and Fire Studies

Councilman Simmons asked if the fire study would be given to the union at the same time as Council receives it.

Mr. Hiller explained that the union representative would receive it at the same time as Council.

Mr. Hiller advised Council that Chief Piche would be making his recommendations of support and/or reasons for not supporting various portions of the Police study in the near future.

Sales Tax Revenue

Council was informed that the sales tax revenue is down 7.12%. However, this is considerably offset by increase in hydro revenues.

Mr. Hiller explained that because of the long-term debt markets, the City Comptroller could refinance debt at a much lower interest rate.

Fountain

Mayor Butler announced that there would be a new lighted cascading fountain placed on Public Square in the near future. This will be in use while the original fountain is being repaired and reconstructed.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 9:05 P.M. BY MOTION OF COUNCILMAN SIMMONS, SECONDED BY COUNCILMAN SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Donna M. Dutton, City Clerk