

**REGULAR COUNCIL MEETING
CITY OF WATERTOWN
September 2, 2008
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

**PRESENT: COUNCIL MEMBER ROXANNE M. BURNS
COUNCIL MEMBER JOSEPH M. BUTLER, JR.
COUNCIL MEMBER PETER L. CLOUGH
COUNCIL MEMBER JEFFREY M. SMITH
MAYOR GRAHAM**

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

City Manager Corriveau presented the following reports to the Council:

- 1 - Reappointment to the Board of Assessment Review – James W. Fraser
- 2 - Approving Amendment No. 67 to the Management and Management Confidential Pay Plan
- 3 - Authorizing Sale of Real Property Known as 164 Main Avenue to Lobut Development, LLC
- 4 - Approving Change Order No. 1 to Proposal for Pumper Refurbishment, Northern Fire Equipment
- 5 - Approving Change Order No. 5 to Contract for Reconstruction of Public Square, Villager Construction
- 6 - Approving the Site Plan for the Construction of a 1,760 sq ft. Sales Office and Service Area and Used Car Sales Lot At 1057 Arsenal Street, Parcel No. 9-15-101
- 7 - Approving the Site Plan for a Parking Lot Expansion at 497 Newell Street, Parcel Number 7-08-109
- 8 - Finding That the Approval of the Zone Change Application Of Ryan Churchill of GYMO, P.C., on Behalf of Michael Treanor, to Change the Approving Zoning Classification of 497 Newell Street, Parcel No. 7-08-109 to Include it in the Riverfront Development Overlay District Will Not Have a Significant Impact on the Environment
- 9 - Finding That the Amendment to Section 310-36 Of the Code of the City of Watertown Pertaining to Parking of Motor Vehicles in Required Yards Does Not Have a Significant Impact on the Environment
- 10 - Authorizing the Issuance of \$300,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay Additional Costs of the Downtown Watertown Streetscape Enhancement Project, In and For Said City
- 11 - 7:30 p.m. - Finding That the Amendment to Section 310-36 of the Code of the City of Watertown Pertaining to Parking of Motor Vehicles in Required Yards Will Not Have a Significant Impact on the Environment
- 12 - 7:30 p.m - Approving the Zone Change Request Submitted by Mr. Ryan Churchill, of GYMO, P.C., on behalf of Michael Treanor, Riverview Plaza, LLC, to include Parcel No.

- 7-08-109, located at 497 Newell Street, in the Riverfront Development Overlay District
- 13 – 7:30 p.m. -Amending the Code of the City of Watertown Section 310-36 Parking of Motor Vehicles in Required Yards
- 14 - TABLED -Ordinance Amending City Municipal Code Section 293-61, Schedule XIII, Parking Prohibited at all Times Seward Street
- 15 - LAID OVER UNDER THE RULES – Ordinance Authorizing the Issuance of \$180,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of the Construction or Reconstruction of Sidewalks at Various Locations Within the City
- 16 - Final Change Order and Closeout for the State Street Reconstruction Project
- 17 - River Committee Letter/Resolution
- 18 - Letter from Committee for the Expansion of the Watertown Fairgrounds Ice Arena Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of August 18, 2008 was dispensed with and accepted as written by motion of Council Member Peter L. Clough seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

COMMUNICATIONS

From the River Committee thanking Council for the removal of the rocks at the Route 3 wave and for the City’s continued support of river related projects.

ABOVE PLACED ON FILE

From Terry Fralick, Superintendent of Schools, expressing his concerns regarding the safety of students who will be required to walk to school from the Summit Wood housing development.

ABOVE PLACED ON FILE

From the Committee for the Expansion of the Watertown Fairgrounds Ice Arena advising that their committee will continue to work to facilitate the arena’s expansion and improvement.

ABOVE PLACED ON FILE

PRIVILEGE OF THE FLOOR

Wayne Zimmer, Katherine Street, addressed the chair stating that there should be more bicycle safety in the City. He also advised Council that when he was going to build a curb in front of a house on Jefferson Street, City Codes told him the curb had to be 21” from top to base. He commented that the curbs on Public Square are only 15” from top to base. He also remarked that if the City can afford granite curbs on Public Square, they should be able to afford decent bathrooms near the ball fields in the City.

Scott Gates, Dorsey Street, addressed the chair referring to the dog park that the SPCA is putting up. He stated that it is only ½ acre in size and can only be used by SPCA members. He remarked that a public park would be a benefit. However, he asked that Council take a look at this one and see how it works out.

Kate Pine, 265 Paddock Street, addressed the chair concerning the parking on side yards issue.

Mayor Graham advised Ms. Pine that her comments should be held until the public hearing concerning this topic.

PUBLIC HEARINGS

AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING AMENDING CITY CODE SECTION 310-36, PARKING OF MOTOR VEHICLES IN REQUIRED YARDS.

MAYOR GRAHAM DECLARED THE HEARING OPEN.

Kate Pine, 265 Paddock Street, addressed the chair. She explained that she owns the Carlisle. The parking lot was installed to accommodate 16 apartments in the 1930's. She explained that under this ordinance, she would lose parking for two apartments and has no place else to put it. She questioned the need to eliminate parking for apartments that have been there for many years.

Wayne Zimmer, Katherine Street, addressed the chair referring to a front yard parking issue on South Rutland Street a few years ago. He stated that there was a red jeep parked between two porches on another property and nothing was done about that. He also remarked that parking on margins is being allowed as well. Mr. Zimmer questioned why Ms. Pine couldn't have parking wherever she wants it on her own property.

Ken Scott, 239 Barben Avenue, addressed the chair remarking that the City should look at helping people to have a place to park, not eliminating it.

MAYOR GRAHAM DECLARED THE HEARING CLOSED AT 7:38 P.M.

AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING THE CHANGE OF ZONE CLASSIFICATION OF 497 NEWELL STREET, PARCEL NO. 7-08-109, TO INCLUDE IT IN THE RIVERFRONT DEVELOPMENT DISTRICT OVERLAY.

MAYOR GRAHAM DECLARED THE HEARING OPEN.

No one spoke.

MAYOR GRAHAM DECLARED THE HEARING CLOSED.

RESOLUTIONS

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

RESOLVED by the City Council of the City of Watertown, New York that it hereby reappoints James W. Fraser, 914 Boyd Street, Watertown, New York 13601, to the Board of Assessment Review for a five-year term expiring on September 30, 2013.

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

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Amendment No. 67 to the Management and Management Confidential Pay Plan, effective September 3, 2008, as follows:

Position	Salary
Police Captain	\$80,000

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

Prior to the vote on the foregoing resolution, Council Member Clough asked questions concerning the pay plan, salaries and longevity.

Mrs. Corriveau explained that when she put the pay plan together, she didn't look to see what the Lieutenant in the detective division was making. That is why the resolution was before Council this evening.

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS the City of Watertown owns a certain lot of land known as 164 Main Avenue, approximately 77'x 51' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 2-01-302.000, and

WHEREAS said real property has never been assigned by the City Council for a public use, and

WHEREAS the City has received a purchase offer for said real property from Lobut Development, LLC in the amount of \$1,000.00 and

WHEREAS Lobut Development, LLC owns the adjacent lots of land known as 160 Main Avenue, also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 2-01-301.000, and 160 Rear Main Avenue, also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 2-01-332.003,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$1,000.00 submitted by Lobut Development, LLC for the purchase of Parcel No. 2-01-302.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Lobut Development, LLC upon receipt of the above mentioned sum of money in cash only by the City Comptroller.

SECONDED BY MAYOR JEFFREY E. GRAHAM

Council Member Clough asked who Lobut Development is.

Mrs. Corriveau responded that it was her understanding that it is P.J. Samao.

Council Member Smith asked if this parcel had ever been put up for auction.

Mrs. Corriveau explained that it had not been. It had a building on in which the City demolished. Once the building was down, the City received an offer.

Council Member Smith remarked that it should be put out to auction to see what the best price is.

Council Member Clough asked about back taxes. He asked Mrs. Corriveau to check with Mr. Samao about any back taxes owing on the property.

MOTION WAS MADE BY COUNCIL MEMBER CLOUGH TO TABLE THE FOREGOING RESOLUTION

MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS on September 4, 2007, the City Council of the City of Watertown adopted a resolution approving a proposal in the amount \$64,617.00 from Northern Fire Equipment for the refurbishment of the Fire Department's 1996 Ferrara pumper, and

WHEREAS in connection with that proposal, Fire Chief Daniel Gaumont has submitted the attached invoice as Change Order No. 1 for consideration by the City Council, and

WHEREAS the total cost associated with this Change Order is \$4,090.24,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Change Order No. 1 to the Proposal for Refurbishment of the Fire Department's 1996 Ferrara pumper, 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 JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

Prior to the vote on the foregoing resolution, Chief Gaumont answered questions posed by Council concerning the change order. He explained that the bid included specific things for repair and other things for inspection. They found leaks and things that needed to be replaced when the inspection was done.

Mrs. Corriveau advised that these costs will come out of the 455 account.

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS on April 3, 2006, the City Council of the City of Watertown approved a bid submitted by Villager Construction Co., Inc., 425 Old Macedon Center Road, Fairport, New York 14450, in the amount of \$4,746,320.50 for the reconstruction of Public Square, and

WHEREAS in connection with that project, City Engineer Kurt Hauk has submitted the attached Change Order No. 5 for consideration by the City Council, and

WHEREAS the total cost associated with this Change Order is \$497,970.32,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 5 to the contract with Villager Construction Co., Inc., associated with the reconstruction of Public Square, copies of which are attached and made part of this resolution, and

BE IT FURTHER RESOLVED that approval of this Change Order is contingent on City Council approval of a bond ordinance to fund the cost of the work being performed, 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 MAYOR JEFFREY E. GRAHAM

Commenting on the foregoing resolution, Council Member Clough asked when it would end. He remarked that this isn't even the end as Council knows more change orders will be coming.

Council Member Smith remarked that he has consistently voted against a majority of these change orders due to the negligence of the bidding process by Clough Harbour. However, he remarked that he would vote for this change order due to the fact that the synthetic asphalt is what the project is all about. He stated that Council said the main purpose of this project was for walkable space and to take the synthetic asphalt out now would be wrong.

Council Member Clough remarked that each time one of these change orders comes through, it digs deeper into the taxpayers' pockets.

MOTION WAS MADE BY COUNCIL MEMBER CLOUGH TO AMEND THE RESOLUTION BY REMOVING \$170,000 FOR THE SYNTHETIC ASPHALT.

MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER AND DEFEATED WITH COUNCIL MEMBERS BUTLER AND CLOUGH VOTING YEA AND COUNCIL MEMBERS BURNS AND SMITH AND MAYOR GRAHAM VOTING NAY

Council Member Burns responded that it is not fair to throw the previous motion into this at the last minute.

Mayor Graham asked Mr. Hauk what the difference is with synthetic asphalt.

Mr. Hauk explained that it is a different color and texture. It is more like a two part thermal plastic. He explained that it is red in color.

Council Member Butler stated that he supported synthetic asphalt before the overruns started coming in. He remarked that we are 36% over budget and we have the opportunity to save \$170,000 by eliminating the synthetic material. He remarked that we don't know how the product will work and we don't know its' durability.

Council Member Smith commented that most of the overruns were a result of Clough Harbour. He said that if the synthetic asphalt was taken out, it would be a complete project change. He suggested that the project would have to be stopped and the State would have to be contacted because it would be a core design change of the project. He stated that this would gut the project.

Council Member Burns agreed and remarked that the center island was to be a community gathering place and the speed tables were to tie into it. She remarked that making this decision changes the whole project.

Mr. Hauk answered questions posed by Council Member Butler. He explained that this material can be seen at crosswalk areas at airports. It has a service life of 10-15 years and is not flexible. He also advised that any more than 3/4" thick, there will be cracking issues. He also explained that the speed tables would still be delineated by the material, just not a big square in between the crosswalk. He explained that the \$170,000 would be an approximate savings figure. He

explained that the speed tables are already there and could be covered with a standard top coat of asphalt.

Council Member Burns asked about the product being used in other communities.

Mr. Hauk explained that it has been used on crosswalks in other communities. However, it hasn't been used as broad as this project has it used. He stated that his concern is because it is not as flexible. He stated that they have spoken with their representative and contractor in the region and they have informed the City that it is all about how the base is prepared.

Mayor Graham commented on the fact that this had been the will of the body and now at the 11th hour, professional advice is being given that this product may have some serious deficiencies.

Mr. Hauk remarked that he just wants Council to be aware that as the pavement wears, you will see cracking. It will be much more evident than cracking on regular asphalt.

Council Member Smith asked what the service life for regular asphalt would be.

Mr. Hauk explained that it would be about the same. However, synthetic asphalt is a specialty contract and is more expensive.

Council Member Clough asked about additional change orders.

Mr. Hauk advised that there would be a number 6 change order for the costs of the remainder of fuel and asphalt.

Council Member Smith remarked that the synthetic asphalt had already been ordered and questioned if the City would have to pay for the entire amount.

Mr. Hauk explained that the restocking charge would be between \$15,000- \$20,000, not the entire cost of what would have been used.

Council Member Clough remarked that he doesn't think that the elimination of this material would gut the project. He remarked that what has been done downtown is phenomenal. He stated that it was now time for him to say "enough is enough".

Mr. Hauk remarked that he doesn't see an issue with any of the funding if the synthetic asphalt is not used.

Council Member Smith remarked that there was a lot of hoopla over Mr. Sub's driveway and Council was told that it would be a major design change. He stated the change in material would be a major one as well.

Mr. Hauk responded that work will not stop on the project due to the material change. He stated that a driveway is a traffic change. This is not a traffic change, but rather a change to functionality of a speed table.

Council Member Smith asked Mr. Mix if the synthetic asphalt was a large portion of the grant application.

Mr. Mix responded that it was never mentioned as we didn't even know that it existed. It also was not shown in any of the initial concepts.

Council Member Burns asked what the purpose of using it was.

Mr. Mix explained that it was to provide a pedestrian area by differentiating the area as a public events area.

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBERS BUTLER AND CLOUGH VOTING NAY

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS Charles L. Fluno, P.E., has made an application for site plan approval on behalf of Al Sharlow, for the construction a 1,760 sq. ft. sales office and service area and used car sales lot at 1057 Arsenal Street, Parcel No. 9-15-101, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meetings held on August 5, 2008 and August 11, 2008, and recommended that the City Council of the City of Watertown approve the site plan, contingent upon the following:

1. An erosion control plan must be submitted for review and approval of the City Engineer before the issuance of a building permit.
2. A maintenance and protection of traffic plan must be submitted for review and approval of the City Engineer before the issuance of a building permit.
3. The area of the street right-of-way along Casey Street that the applicant covered with crushed stone must be restored to grass before the issuance of a Certificate of Occupancy.

and

WHEREAS the Jefferson County Planning Board reviewed the site plan at its meeting held on June 24, 2008, and the board 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 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 parking area extension constitute as 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 site plan approval is hereby granted to Charles L. Fluno, P.E., on behalf of Al Sharlow, for the construction a 1,760 sq. ft. sales office and service area and used car sales lot at 1057 Arsenal Street, Parcel No. 9-15-101, as shown on the plan submitted to the City Engineer on August 7, 2008 with the conditions recommended by the City Planning board.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBERS BUTLER AND CLOUGH VOTING NAY

Prior to the vote on the foregoing resolution, Attorney Slye explained to the Council if they considered any of the questions on the SEQRA form to be potentially large, it would required the submission of the long form.

Council Member Smith responded that the only real question raised to him concerned drainage and possible flooding. However, the contingencies placed on the plan by Engineering would fix that aspect and therefore, it would be a minimal effect.

Council Member Butler asked about the potential drainage problems for the neighbors.

Mr. Hauk explained that if the City gets the 100 year storm tomorrow, everything would be flooded in the City. However, they submitted details and the questions were addressed. It will be reviewed through Code Enforcement and Engineering staff.

Council Member Clough remarked that the problem with noise had been addressed to him. He stated that he wanted to make sure there was a 15' buffer along with a fence.

Mr. Mix showed Council the plans and explained that in addition to a 15' buffer, there will be a 6' stockade fence. He also explained that there is a service area. However, the door is not facing the neighbors.

Council Member Butler advised that he had spoken with Mr. Sharlow and was told that the primary use for this service area would be for inspections, not to do any significant repair work.

Al Sharlow, 15801 Pheasant Run and owner of the property at 1057 Arsenal Street, addressed the chair explaining that this will be used for inspections and no body work will be done.

Council Member Clough asked about the hours of operation.

Mr. Sharlow explained that the business will be open 8-8, Monday through Thursday; 8-5, Friday through Sunday. The service bay will be open 8-5 Monday through Friday.

Mayor Graham reminded Council that they can not dictate the use if the use is consistent with the zoning classification of the property. He stated that hours and asking if they use a hammer is not something for site plan discussion.

Council Member Butler responded that Council is just trying to be proactive and trying to work with both parties.

Council Member Clough remarked that he disagreed with Mayor Graham. He stated that listening to what potential owners are saying is important to decide how to vote.

Attorney Slye advised that when Council sits as a planning board, which is now the case, they don't have the right to vote against a site plan because they think it bothers the neighbors. That can be challenged in an Article 78 court proceedings for being arbitrary and capricious. He stated that Mayor Graham was absolutely correct. This property must be looked at as zoned.

Council Member Butler asked Attorney Slye what influence the Council had in this process.

Attorney Slye advised that Council could consider adequate drainage, traffic, building size and adequate set backs. He stated that whether a business is open on Sunday is not a Council decision. He advised that in the case of Red and White Auto, it was a special use permit because that business was in a Neighborhood Business zone. However, that can't be used in commercial zones.

Mayor Graham remarked that he had spoken with the neighbors and they didn't have a big problem with this.

Council Member Butler asked if any of the adjourning property owners wanted to speak.

Michael Ryan, Smith Street, spoke on behalf of his parents who live on Casey Street, right next to this property. He explained that their concerns had been addressed. He stated that his parents have lived there for 59 years and at that time, the area was residential. Now it has changed to commercial. He also remarked that he felt the questions posed by Council were legitimate questions. He explained that their concerns were addressed at the Planning Board.

Jean Ryan, Casey Street and owner of the property next to the proposed car lot, addressed the chair stating that when Burger King moved in years ago, they broke their fence and ruined their swimming pool and the Ryan's were not aware of site plans or the Planning Board. Mrs. Ryan stated that Mr. Vecchio then pulled up their plants and they still were not aware of site plans or the Planning Board. She explained that Mr. Sharlow had spoken with her and told her it would be just a small building. Then, she found out it was going to be a big cement building. She stated that she felt let down that a commercial property could come in and the residents have to fight. She stated that she thought this was a sales and service business. She didn't know that it would be opened seven days a week and would be a repair garage.

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS Mr. Ryan Churchill, of GYMO, PC, has made an application for site plan approval on behalf of Michael Treanor, Riverview Plaza, LLC, for a parking lot expansion, located at 497 Newell Street, Parcel Number 7-08-109, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on August 5, 2008, and recommended that the City Council of the City of Watertown approve the site plan, contingent upon the following:

1. That the 3' wide landscaped strip on the N. Meadow Street side of the property be increased in size to 9' to provide a larger buffer between the parking area extension and the street.
2. That a fence or railing system be installed along the top of the wall wherever the vertical drop is greater than 30".
3. That the storm water system be designed and approved by the City Engineer before a building permit is issued.
4. Only the newer of the two existing water lines be used and that the newer of the two be replaced from the gate valve in the street into the building or a completely new connection be made with either connection to be approved by the Water Superintendent.

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 parking lot expansion 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 site plan approval is hereby granted to Mr. Ryan Churchill, of GYMO, PC, on behalf of Michael Treanor, Riverview Plaza, LLC, for a parking lot expansion, located at 497 Newell Street, Parcel Number 7-08-109, as shown on the site plan submitted to the City Engineer on July 23, 2008 with the conditions recommended by the City Planning board.

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

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the City Council of the City of Watertown, New York has before it an ordinance for the zone change application of Ryan Churchill of GYMO, P.C., on behalf of Michael Treanor, Riverview Plaza LLC, to change the approved zoning classification of 497

Newell Street, Parcel No. 7-08-109 to include it in the Riverfront Development Overlay District, 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 will constitute such an “Action” and,

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

WHEREAS there are no other “involved agencies” for SEQRA review as that term is defined in 6NYCRR Section 617.2, 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 1 of the Short Environmental Assessment Form has been prepared by Ryan Churchill, 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 comparison of the proposed action with the criteria set forth in 6NYCRR Section 617.7, no significant impact on the environment is known and the adoption of the zone change will not have a significant effect on the environment.

2. The Mayor of the City of Watertown is authorized to execute Part 3 of the Environmental Assessment Form to the effect that the City Council is issuing a Negative Declaration under SEQRA.

3. This resolution shall take effect immediately.

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

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the City Council of the City of Watertown, New York has before it an ordinance which will amend Section 310-36 of the Code of the City of Watertown which will prohibit parking within yards abutting public streets in Residence, Limited Business and Health Services Districts, and

WHEREAS the City Council must evaluate all proposed actions 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 a “Type I Action” as that term is defined in 6NYCRR Section 617.2, and

WHEREAS there are no other “involved agencies” as that term is defined in 6NYCRR Section 617.2, and

WHEREAS to aid the City Council in its determination as to whether the proposed amendment will have a significant effect on the environment, Part I of a Full Environmental Assessment Form has been prepared by City Staff, 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 Full Environmental Assessment Form and comparison of the proposed action with the criteria set forth in 6NYCRR Section 617.7, no significant impact on the environment is known and the adoption of the proposed ordinance will not have a significant effect on the environment.

2. The Mayor of the City of Watertown is authorized to execute a Negative Declaration on behalf of the City Council.

3. This resolution shall take effect immediately.

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

Prior to the vote on this resolution and subsequent ordinance, Council Member Burns remarked that she has some of the same concerns that Mrs. Pine has expressed. She referred to a memo from Codes stating that they have concerns with passing this at this time. She remarked that she doesn't believe that all of the properties this would affect have been checked. She also remarked that she doesn't see the side yard parking issue as quite a serious problem as front yard parking.

Mayor Graham asked how this came before Council.

Council Member Butler remarked that it came from the Planning Board. He commented that he would rather see a more proactive approach by Code Enforcement.

Mayor Graham remarked that we don't need this now and the Planning Board should not be

drafting ordinances to come before the Council. The ordinance requests should come from the Council.

Council Member Smith commented that the existing properties should be inventoried and grandfathered in. He stated that he understands the desire to prevent more in the future. However, he doesn't want to pass an ordinance that would be enforced in a haphazard manner.

Dr. Lewis Yecies asked to address the chair due to the fact he was unable to attend the meeting during the privilege of the floor.

Mayor Graham informed him that once Council is debating an issue, people are not allowed to comment from the floor unless asked for input by Council.

Council Member Smith asked Dr. Yecies for his comments.

Dr. Yecies explained that he agreed that those properties should be grandfathered in. However, this all came about because of property on the corner of Sherman and Paddock. Sherman Street is a major thoroughfare for ambulances and it intersects with the bus routes. Side yard parking is being allowed on that property and it is a safety concern. He stated that this ordinance needs to be passed so that exceptions will come before the appropriate body. He also commented that to allow parking on side yards in Residential A is a detraction from the property.

Council Member Clough remarked that Council had spent hours on the front yard parking issue a few years ago. He stated that he was surprised with the memo from Codes stating that they now think there may be a better solution to the problem. He stated that he hopes Codes will follow through. He asked about the permit process to allow the paving of the property on the corner of Sherman and Paddock.

Mrs. Corriveau explained that the permit was approved.

Council Member Smith remarked that perhaps the City should look at safety issues instead of aesthetics. He asked if safety issues were looked into during the approval process.

Mr. Mix explained that there has to be a 40' triangle which is clear of anything over 3' high.

Council Member Burns remarked that Dr. Yecies did answer the question concerning how this came about. She remarked that she was surprised to see the pavement going in on that property. She also remarked that she doesn't understand why it isn't considered front yard parking when there are two entrances for the property.

ORDINANCES

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS, all conditions precedent to the financing of the capital purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

WHEREAS, by bond ordinances dated February 3, 2003, April 3, 2006, February 5, 2007, September 4, 2007, and June 2, 2008, the Council of the City of Watertown, Jefferson County, New York, has authorized the issuance of \$7,100,000 bonds of said City to pay the cost of the Downtown Watertown Streetscape Enhancement Project, in and for the City of Watertown, Jefferson County, New York, including sidewalks, curbs, drainage, lighting, landscaping, reconstruction of a public plaza, roadway enhancements and miscellaneous public amenities; and

WHEREAS, it is now desired to authorize the issuance of \$300,000 bonds of said City to finance additional costs of said specific object or purpose;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section 1. For the specific object or purpose of paying additional costs of the Downtown Watertown Streetscape Enhancement Project, including sidewalks, curbs, drainage, lighting, landscaping, reconstruction of a public plaza, roadway enhancements and miscellaneous public amenities, in and for the City of Watertown, Jefferson County, New York, including water mains and storm sewer drainage and incidental expenses in connection therewith, there are hereby authorized to be issued an additional \$300,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific object or purpose is \$7,400,000 and that the plan for the financing thereof is as follows:

(a) by the issuance of the \$1,500,000 bonds of said City authorized to be issued pursuant to bond ordinance dated February 3, 2003;

(b) by the issuance of the \$4,100,000 bonds of said City authorized to be issued pursuant to bond ordinance dated April 3, 2006;

(c) by the issuance of the \$500,000 bonds of said City to be issued pursuant to bond ordinance dated February 5, 2007; and

(d) by the issuance of the \$250,000 bonds of said City authorized to be issued pursuant to bond ordinance dated September 4, 2007;

(e) by the issuance of the \$750,000 bonds of said City authorized to be issued pursuant to bond ordinance dated June 2, 2008; and

(f) by the issuance of the additional \$300,000 bonds of said City authorized to be issued pursuant to this bond ordinance; provided, however, that the amount of bonds ultimately to be

issued will be reduced by the amount of any State or Federal aid or any other revenue received by the City from other sources for such class of objects or purposes.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision ninety-one of paragraph a of Section 11.00 of the Local Finance Law, as each component thereof can be assigned a period of probable usefulness of at least fifteen years under one or more of subdivisions one, three, four, twenty or thirty-five of said paragraph a, calculated from May 27, 2004, the date of the first obligations issued for such purpose.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Watertown, Jefferson County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Watertown, Jefferson County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or

of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 9. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This ordinance, which takes effect immediately, shall be published in full in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBER CLOUGH VOTING NAY

UNANIMOUS CONSENT MOVED BY MOTION OF COUNCIL MEMBER SMITH, SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING IN FAVOR THERE.

MOTION WAS MADE BY COUNCIL MEMBER SMITH TO TAKE FROM THE TABLE THE ORDINANCE AMENDING CITY MUNICIPAL CODE SECTION 293-61, SCHEDULE XIII, PARKING PROHIBITED AT ALL TIMES SEWARD STREET

(Introduced on August 4, 2008; tabled; appears in its entirety on page 176 of the 2008 Minutes Book.)

MOTION WAS SECONDED BY COUNCIL MEMBER BURNS AND CARRIED WITH

ALL VOTING IN FAVOR THEREOF.

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

THE ORDINANCE AUTHORIZING THE ISSUANCE OF \$180,000 BONDS OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK, TO PAY THE COST OF THE CONSTRUCTION OR RECONSTRUCTION OF SIDEWALKS AT VARIOUS LOCATIONS WITHIN THE CITY WAS PRESENTED TO THE COUNCIL (Introduced to Council on August 18, 2008; laid over under the rules; appears in its entirety on page 185 of the 2008 Minutes Book)

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

THE ORDINANCE AMENDING THE CODE OF THE CITY OF WATERTOWN, SECTION 310-36, PARKING OF MOTOR VEHICLES IN REQUIRED YARDS WAS PRESENTED TO COUNCIL (Introduced to Council on August 18, 2008; public hearing held this evening; appears in its entirety on page 187 of the 2008 Minutes Book)

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING ORDINANCE AND DEFEATED WITH ALL VOTING NAY

THE ORDINANCE APPROVING THE ZONE CHANGE REQUEST SUBMITTED BY MR. RYAN CHURCHILL, OF GYMO, PC, ON BEHALF OF MICHAEL TREANOR, RIVERVIEW PLAZA, LLC, TO INCLUDE PARCEL NO. 7-08-109, LOCATED AT 497 NEWELL STREET, IN THE RIVERFRONT DEVELOPMENT OVERLAY DISTRICT (Introduced on August 18, 2008; public hearing held this evening; appears in its entirety on page 186 of the 2008 Minutes Book).

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

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COUNCIL DISCUSSED THE FOLLOWING TOPICS:

Committee for the Expansion of the Watertown Fairgrounds Ice Arena

Council Member Butler applauded this committee and commented that he hopes to see this come to fruition.

Council Member Smith commended the hockey association and the committee.

Letter from Superintendent Fralick

Referring to this letter, Council Member Butler asked about the building of the sidewalk on Washington Street.

Mr. Hauk explained that they are going to have a public meeting for the residents in that area. The City will need grade releases from all of them.

Council Member Smith remarked that it was his understanding that the sidewalks were to be installed by the end of summer.

Mr. Hauk advised that they would be installed in the spring.

Mayor Graham remarked that Mr. Fralick and the school board deserve a response. He asked Mrs. Corriveau to prepare a letter for his signature. He also asked if the Council is committed to standing up against the residents that will be coming into the meetings to say that they don't want to lose more front yard.

Council Member Clough remarked that he thought the trail leading down to Iroquois Avenue was not agreed to and the discussion was over with.

Mrs. Corriveau explained that the proposal had gone before the Council and they had said no to applying for a grant.

Mr. Mix advised that staff saw no harm in asking the area residents what they thought. As soon as the survey results come back; they will be shared with Council.

Council Member Clough responded that Council had said no. If this survey is being done, Council should have been updated about sending out surveys. He stated that Council needs to be informed when these decisions are being made.

Mrs. Corriveau apologized to Council.

Council Member Smith referred to the letter and remarked that he wasn't appreciative of the implication that if the sidewalk wasn't built, it would endanger the children. The allusion was that if the trail wasn't built, there would be no safe bus stops. He stated that he found it rather offensive.

Mr. Hauk advised that there will be a traffic signal and pedestrian crossings at that intersection into Summit Woods.

Mullin/Holcomb Update

Mr. Hauk advised that this report will be ready for next week's work session.

Woolworth Building Parking Update

Council Member Clough asked about this. He was advised that it would be ready for next week's work session.

Work Session

Mrs. Corriveau asked that Council meet at the Sewage Treatment Plant on 6 p.m. next Monday to begin the work session.

Pearl/Fassett Street

Mayor Graham asked that a zone change be looked at for this neighborhood.

Public Restrooms

Mayor Graham remarked that the City needs to stay on top of the issue of public restrooms for public facilities.

Mural

Mayor Graham reminded everyone that the mural dedication will be on September 4th at 4:30 p.m.

Bravo Italiano Festival

Mayor Graham reminded everyone that this festival will take place this weekend.

ADJOURNMENT

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 9:25 P.M.
BY MOTION OF COUNCIL MEMBER CLOUGH, SECONDED BY COUNCIL
MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

Donna M. Dutton

City Clerk