

**REGULAR COUNCIL MEETING  
CITY OF WATERTOWN  
September 15, 2003  
7:00 P.M.**

**MAYOR JOSEPH M. BUTLER PRESIDING**

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

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

**ABSENT:**           **COUNCILMAN PETER L. CLOUGH**

City Manager Corriveau presented the following reports to the Council:

- 1 - Approving the Agreement By and Between Dr. Robert J. Kasulke, M.D. and the City of Watertown for Public Health Officer
- 2 - Authorizing the Economic Development Services Agreement Between the City of Watertown and the Empire Zone Administration Board
- 3 - Accepting Bid for Perimeter Fencing and Access Control Project, Watertown International Airport, Rommel Fence, LLC
- 4 - Approving Agreement for Professional Services, Lu Engineers, Special Inspections and Remedial Oversight
- 5 - Approving the Site Plan for the Construction of a 336,000 Sq. Ft. Warehouse Facility Located on Rail Drive in the City Center Industrial Park, Parcel Nos. 9-26-101, 9-26-101.1, 9-26-102.1 and 9-43-101
- 6 - Approving the Site Plan for the Construction of a 3,411 Sq. Ft. Addition to an Existing Building at the Children's Home of Jefferson County Located at 1704 State Street, Parcels No. 12-18-101 and 12-18-102
- 7 - Finance Report
- 8 - Empire Zone Coordinator Update

**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 September 2, 2003 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's Planning Board recommending that City Council grant approval for the site plan submitted on behalf of the Children's Home of Jefferson County for the construction of a 3,411 sq. ft. addition to an existing building at 1704 State Street, Parcels No. 12-18-101 and 12-18-102 contingent upon certain requirements being met as outlined in the resolution.

### **ABOVE PLACED ON FILE**

From the City's Planning Board recommending that City Council grant approval for the site plan submitted on behalf of Renzi Brothers, Inc. for the construction of a 336,000 sq. ft. warehouse facility located on Rail Drive, within the City Center Industrial Park, Parcel Nos. 9-26-101, 9-26-101.1, 9-26-102.1 and 9-43-101.

### **ABOVE PLACED ON FILE**

### **PRIVILEGE OF THE FLOOR**

**James Brett**, 248 Schley Drive, addressed the chair concerning the fountain and asked what the status of it was.

Mayor Butler asked Mr. Mix for an update.

Mr. Mix explained that the fountain was still at Robinson's Iron Works being refurbished. They are working to get it back to the City by the end of September. Mr. Mix explained that the lights and plumbing are part of the streetscape project. He also explained that the \$25,000 from the City is the match for the grant.

Mr. Brett also advised that October 20<sup>th</sup> is Elks' Youth Government Day.

**Olivia Russell**, 728 Morrison Street, addressed the chair concerning the work being done at American Rock Salt on the modifications for the pad. She questioned that this work was being done without approval from the City or DEC.

Mrs. Corriveau explained that DEC had contacted the City about being lead agency. However, DEC is lead agency on the SPEDES permit and the City has no authority to authorize anything in connection with the permit. Therefore, the City declined lead agency status.

**Donald Thompson**, 710 Morrison Street, addressed the chair explaining that the modification to the pad is in preparation to move more fluid into the Black River. He stated that the City allows them to tear up the street to run the pipes to the river and he feels that the City would have some authority concerning granting approval to let more runoff with salt into the river. He also remarked that a few years ago DEC came after the City for dumping snow with salt into the Black River. He referred to the high cancer rates

in this part of the country and explained that Canada is now taking a serious look at this type of health risk.

Mrs. Corriveau continued on to explain that American Rock Salt did submit a request to the City. The City did a technical review, just as they would for any other construction project. She reiterated the fact that the SPEDES permit and the control of the discharge is done through DEC.

Mr. Pilon also explained that the City only issued a permit for the pipe as they would for anyone else. He also explained that the City received a letter from DEC indicating that they found no objection to the additional discharge amounts in the river.

Attorney Slye asked Mr. Pilon if the DEC had sent the City a notice of coordinated review.

Councilman Simmons questioned the timing of the correspondence and the fact that Council hadn't been notified of the changes.

Attorney Slye explained that the pipe issue is a ministerial act and therefore there was no need to notify Council. Any notices should be publicized by the DEC, not the City, due to the fact that DEC is the lead agency and the grantor of any permits. He stated that he felt it was important to de-politicize the pipe request and to deal with it like any other application for a construction project.

Mr. Pilon supplied a letter from DEC dated August 5<sup>th</sup> seeking the City's comments on the Seqra.

Attorney Slye explained that the neighbors should contact Mr. Fenlon at the DEC.

Mrs. Corriveau will check with the DEC in regards to this situation.

## **RESOLUTIONS**

### **INTRODUCED BY COUNCILWOMAN ROXANNE M. BURNS**

WHEREAS the City of Watertown is interested in contracting for professional health officer services, and

WHEREAS the City of Watertown is required by law to have a Public Health Officer, and

WHEREAS Dr. Robert J. Kasulke, M.D., 270 Clinton Street, Watertown, New York has expressed interest in providing these services to the City of Watertown,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it hereby approves the Agreement between the City of Watertown and Dr. Robert J. Kasulke, M.D., a copy of which is attached and made a part of this resolution, and

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

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

Prior to the vote on the foregoing resolution, discussion was held relative to whether or not the person had to be a resident of the City. Mrs. Corriveau and Attorney Slye stated that the individual does have to reside within the City limits. They explained that the law for towns and villages is different than for cities.

Mayor Butler questioned the amount of money being paid for the position.

Attorney Slye advised that Dr. Roache was being paid \$500 a month in this position in 1996. He also explained that New York State Department of Health came down on the City for not having a health officer.

Councilman Smith questioned why the County couldn't take care of the public health issues and asked if the position had to be filled by an M.D. or if it could be filled by a P.A. or a D.O.

Attorney Slye read from the public health law that covers this position and explained that the Code Enforcement is triggered by a health officer in regards to unsanitary conditions such as in the past on Ward Street. He also explained that Dr. Kasulke is no longer in private practice. He works for the VA, the Army Reserves and for the prison system. He explained that the individual must be someone with credentials who can tell a judge what the problem is in order to have a warrant issued to go into the property. He also indicated that Codes feels they can use a health officer more often in the future.

Councilman Smith questioned Dr. Kasulke's involvement with the reserves and asked what would happen if he is deployed.

Mrs. Corriveau explained that it would be just like any other City employee who is deployed for a time.

Attorney Slye stated that the law indicates the position can be filled temporarily for a three-month absence. He also stated that the State Sanitary Code indicates the position has to be filled by a physician who is licensed to practice medicine. He also listed the various duties the health officer must do each year under this code.

Councilwoman Burns asked for another example of where the health officer would have

been involved.

Attorney Slye cited the Lydia Peters' case on Coffeen Street.

**INTRODUCED BY COUNCILMAN JEFFREY M. SMITH**

WHEREAS New York State has designated a portion of the Town of Watertown and the City of Watertown as an Empire Zone, and

WHEREAS the Empire Zone Administration Board has been named by the City Council of the City of Watertown, pursuant to the legislative requirements of the Empire Zone Program, to oversee Zone activities, and

WHEREAS the City of Watertown is committed to funding a portion of the local match required to receive administrative funds from New York State,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that the Agreement for Economic Development Services between the Empire Zone Administrative Board and the City of Watertown is hereby approved, a copy of said Agreement is attached and made a part of this resolution, and

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

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

**INTRODUCED BY COUNCILMAN PAUL A. SIMMONS**

WHEREAS the City Council authorized the submission of an application to the Federal Aviation Administration Airport Improvement Program to support the installation of a complete perimeter security system at the Watertown International Airport, and

WHEREAS by installing complete perimeter fencing, the Watertown International Airport can greatly reduce the potential for unauthorized entry onto the airfield, and

WHEREAS the City has received funding under the Airport Improvement Program to support this project, and

WHEREAS the City has advertised and received sealed bids for the purchase and installation of the perimeter security fence, the security gates and the access control system, and

WHEREAS the City Purchasing Agent Robert Cleaver, Superintendent of Public Works Eugene Hayes and the City's airport consulting engineers Bernier, Carr and Associates have reviewed the bids submitted and are recommending that the City Council approve the bid submitted by Rommel Fence, LLC, Poland, NY,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the bid submitted by Rommel Fence, LLC, Poland, NY, in the amount of \$930,000 for the purchase and installation of the perimeter security fence, the security gates and the access control system, and

BE IT FURTHER RESOLVED that Mayor Joseph M. Butler is hereby authorized and directed to execute contract documents related to this bid on behalf of the City of Watertown.

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

**INTRODUCED BY COUNCILMAN PAUL A. SIMMONS**

WHEREAS in order to meet the new NYS Building Code requirements in connection with the construction of the Public Works Storage and Maintenance Facility and the construction of the Bus Garage, the City of Watertown is required to hire a professional engineer with specific certifications and qualifications to perform "Special Inspections", and

WHEREAS Lu Engineers has submitted a proposal to provide said services, and

WHEREAS Interim City Engineer Gary E. Pilon has reviewed the work to be performed by Lu Engineers under the terms of their proposal and is recommending that the City Council authorize the City to enter into an Agreement with Lu Engineers based on their attached proposal in the amount of \$64,561,

NOW THEREFORE BE IT RESOLVED that the City Council approves the proposal submitted by Lu Engineers in the amount of \$64,561 to provide professional engineering services with specific certifications and qualifications to perform "Special Inspections" at the new Public Works Storage and Maintenance Facility, and

BE IT FURTHER RESOLVED that Attorney Slye is hereby authorized and directed to prepare the final Agreement with Lu Engineers, and

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

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

**INTRODUCED BY COUNCILWOMAN ROXANNE M. BURNS**

WHEREAS Matthew R. Morgia, P.E. of GYMO, P.C. has made application for site plan approval on behalf of Renzi Brothers, Inc. for the construction of a 336,000 sq. ft. warehouse facility located on Rail Drive within the City Center Industrial Park, Parcel Nos. 9-26-101, 9-26-101.1, 9-26-102.1 and 9-43-101, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on Tuesday, September 9, 2003, and recommended that the City Council of the City of Watertown approve the site plan, contingent upon the following:

1. That all issues raised in the September 4, 2003 memorandums from the Planning Office and the Engineering Department be addressed to the satisfaction of the Planning Office and Engineering Department.
2. That the site conforms to the City Center Industrial Park Landscaping Standards set forth by the Watertown Local Development Corporation.

and,

WHEREAS the environmental review of the development of City Center Industrial Park, pursuant to the State Environmental Quality Review Act, was completed upon the distribution of the Findings adopted by the City Council on August 7, 2000,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown finds that there are no environmental issues related to this specific project that were not addressed in the Final General Environmental Impact Statement for City Center Industrial Park and declares that the proposed project will not have a significant affect 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 Matthew R. Morgia, P.E. of GYMO, P.C. on behalf of Renzi Brothers, Inc. for the construction of a 336,000 sq. ft. warehouse facility located on Rail Drive, within the City Center Industrial Park, Parcel Nos. 9-26-101, 9-26-101.1, 9-26-102.1 and 9-43-101, as shown on revised plans submitted to the City Engineer on September 9, 2003, contingent upon the applicant making the revisions and meeting the requirements listed above in the City Planning Board's recommendation.

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

Prior to the vote on the foregoing resolution, Councilman Smith explained that he had been advised by Attorney Slye to announce for the record that Michael Renzi is godfather for his son.

**INTRODUCED BY COUNCILMAN PAUL A. SIMMONS**

WHEREAS David Loomis and Karen Richmond of the Children's Home of Jefferson County have made application for site plan approval for the construction of a 3,411 sq. ft. addition to an existing building at 1704 State Street, Parcels No. 12-18-101 and 12-18-102, and

WHEREAS the Jefferson County Planning Board reviewed the proposed project at its meeting held on August 26, 2003, 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 site plan at its meeting held on September 2, 2003, and recommended that the City Council of the City of Watertown approve the site plan, contingent upon the following:

1. That a grading plan be developed (in conjunction with the Department of Public Works and City Engineering Department) and shown on a revised site plan.
2. That Parcels No. 12-18-101 and 12-18-102 are combined by way of a new metes and bounds description filed with the County Clerk.

And,

WHEREAS the proposed project is a Type II Action pursuant to 6NYCRR, Part 617, State Environmental Quality Review,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed construction constitutes a Type II Action for the purposes of SEQRA, which requires no environmental review, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown, New York that site plan approval is hereby granted to David Loomis and Karen Richmond of the Children's Home of Jefferson County for the construction of a 3,411 sq. ft. addition to an existing building located at 1704 State Street, Parcels No. 12-18-101 and 12-18-102, as shown on revised plans submitted to the City Engineering Department on September 10, 2003, contingent upon the applicant making the revisions and meeting the requirements listed above in the City Planning Board's recommendation.

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

**INTRODUCED BY COUNCILMAN JEFFREY M. SMITH**

WHEREAS as part of the new bus maintenance facility project, the City of Watertown needs to consolidate three parcels of land located on Newell Street and at the request of NYS Department of Environmental Conservation impose some restrictive covenants on the parcel, and

WHEREAS the City of Watertown owns said parcels, and

WHEREAS a deed that combines three parcels into a new parcel known as 708214.001 has been prepared,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the deed to combine three parcels owned by the City into a new parcel known as 708214.001 and to further impose some restrictive covenants on said parcel, a copy of said deed is attached and made a part of this resolution, and

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

BE IT FURTHER RESOLVED that City Attorney Robert J. Slye is authorized and directed to take whatever steps are necessary to record said deed on behalf of the City of Watertown.

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

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

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**COUNCIL DISCUSSED THE FOLLOWING TOPICS:**

**EDZ Update**

Mrs. Corriveau referred to her report and advised that Mr. Davis will be holding an informational session in the Council Chambers tomorrow at 10:00 a.m.

**703 State Street**

Mrs. Corriveau advised that the demolition of this property would begin on Wednesday at 7:30 a.m.

### **Work Session**

Mrs. Corriveau stated that the next work session would be held on September 29<sup>th</sup>. Clough Harbour will present the design for State Street and the particulate legislation will be discussed.

### **Renzi's**

Mrs. Corriveau advised that Renzi's would be moving to the City's Industrial Park. The City will need to take action for acquiring a property that is currently owned by Niagara Mohawk. The property, a little more than an acre, runs through part of the center of the site. Ni Mo has indicated that they are willing to sell it, as they have no use for the property. However, if they go through the normal channels, it would take about four months for the transfer. Ni Mo has indicated that they don't mind the City using eminent domain if it is not done in an adversarial manner. Therefore, Mrs. Corriveau explained that she would like to have a resolution prepared for consideration by the Council on September 29<sup>th</sup> in order to show cause for Judge Gilbert to take action on.

Mayor Butler commended Mrs. Corriveau and staff for the effort that was put into this.

### **Fiscal Report**

Mayor Butler referred to the unofficial report and stated that it looks like we are moving in the right direction.

Mrs. Corriveau cautioned that this is still unofficial and arbitration will have to be taken into account. She also discussed the retirement percentages and indicated that they are between 11 and 15 % compared to the present 4%.

### **Elevator at Library**

Councilwoman Burns indicated that the elevator at the library is now in working order.

### **ADJOURNMENT**

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 7:55 P.M. UNTIL MONDAY, SEPTEMBER 29, 2003 AT 7:00 P.M. BY MOTION OF COUNCILMAN SMITH, SECONDED BY COUNCILMAN SIMMONS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

***Donna M. Dutton***  
City Clerk