

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
October 20, 2014  
7:00 p.m.**

**Mayor Jeffrey E. Graham Presiding**

**Present:** Council Member Roxanne M. Burns  
Council Member Joseph M. Butler, Jr.  
Council Member Stephen A. Jennings  
Council Member Teresa R. Macaluso  
Mayor Graham

**Also Present:** Sharon Addison, City Manager  
James Burrows, City Attorney

**City staff present:** Jim Mills, Ken Mix, Matthew Roy, Eugene Hayes, Police Chief Donoghue, Fire Chief Herman, Deputy Fire Chief Randall, Justin Wood, Michael Sligar, Celia Cook, Brian Phelps

The City Manager presented the following reports to Council:

- Resolution No. 1 - Reappointment to the Roswell P. Flower Memorial Library Board of Trustees, Maxine Quigg
- Resolution No. 2 - Approving Whitewater Park Public Access Limited Use Agreement with Hole Brothers Holdings, LLC
- Resolution No. 3 - Dedicating a Portion of Sewall's Island and Nearby Shoreline for Use as Parkland
- Resolution No. 4 - Authorizing City of Watertown to Join the Stormwater Coalition
- Resolution No. 5 - Approving Franchise Agreement Between the City of Watertown and Top Shelf Hockey, LLC
- Resolution No. 6 - Approving the Site Plan for the Construction of a 2,007 Square Foot Restaurant with Drive-Through at 501 Mill Street, Parcel 2-02-101
- Resolution No. 7 - Approving Change Order #1 to the Contract with Bach Environmental, Inc. for the Ogilvie Site Foundation Removal and Environmental Remediation
- Resolution No. 8 - Approving Appropriation of Funding to the Watertown Saturday Farmers' Market Association
- Resolution No. 9 - Approving Public Benefits Services Agreement Between the City of Watertown and the Jefferson County Historical Society
- Resolution No. 10 - Approving Agreement for Public Benefit Services Between the City of Watertown and the Greater Watertown North Country Chamber of Commerce
- Resolution No. 11 - Approving Agreement for Public Benefit Services Between the City of Watertown and the Thousand Islands International Tourism Council
- Resolution No. 12 - Approving Grant of Easement with National Grid/Niagara Mohawk Power Corporation for 429 Factory Street, Parcel No. 6-04-303.000
- Resolution No. 13 - Approving Grant of Easement with National Grid/Niagara Mohawk Power Corporation for 612 Factory Street, Parcel No. 6-06-316.000
- Resolution No. 14 - Authorizing Supplemental Agreement No. 3 to Professional Services Agreement for Design of the Factory Street Project, PIN 7753.15, AECOM

- Resolution No. 15 - Authorizing Supplemental Agreement No. 1 to Professional Services Agreement for Constructability of the Factory Street Reconstruction Project, PIN 775315, Barton & Loguidice
- Ordinance No. 1 - An Ordinance Amending the Ordinance Dated September 6, 2011, as Amended November 21, 2011, January 21, 2013, July 1, 2013 and March 3, 2014 Authorizing the Issuance of \$2,200,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Costs of the Design for the Factory Street Reconstruction, to Increase the Estimated Maximum Cost Thereof and the Amount of Bonds Authorized to \$4,100,000
- Ordinance No. 2 - Amending PDD #1 to Allow Additional Signage at 1279 Coffeen Street
- Laid Over Under the Rules - Ordinance Amending Code of the City of Watertown, Chapter 216 – Parks, Playgrounds, and Recreational Areas
- Thompson Park Playground: Leather’s and Associates Evaluation and Report
- Steve Weed of Steve Weed Productions – Available to answer questions
- Request for Directional Sign, Greater Watertown North Country Chamber of Commerce

**Complete Reports on file in the office of the City Clerk**

Meeting opened with a moment of silence and Mayor Graham asked that it be in remembrance of Francis X. Caprara.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of October 6, 2014 was dispensed and accepted as written by motion of Council Member Roxanne M. Burns, seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

**COMMUNICATIONS**

A letter from received from Terry Fralick, Superintendent of Watertown City School District, asking that the City conduct an evaluation of two different proposed solutions to the longstanding problem of traffic congestion during arrivals and dismissals at Knickbocker Elementary School.

**PRIVILEGE OF THE FLOOR**

**Russell Coleman**, Bronson Street, addressed the chair with concerns of people, especially children, walking in the street and not getting out of the way for vehicles. He is worried that someone will be hurt.

Mayor Graham asked that the police look into this.

**S.G. Gates**, 157 Dorsey Street, addressed the chair stating that he appreciates the work that is happening in regard to the Dog Park but he is concern that it will not be in Thompson Park. He said that he feels Thompson Park is the better location and that the other locations are too close to the SPCA Dog Park.

Mayor Graham indicated that Ken Mix, Planning Coordinator will be preparing a report for presentation to Council in the near future.

## RESOLUTIONS

### **Resolution No. 1 - Reappointment to the Roswell P. Flower Memorial Library Board of Trustees, Maxine Quigg**

#### **Introduced by Council Member Roxanne M. Burns**

BE IT RESOLVED by the City Council of the City of Watertown, New York, that Maxine Quigg, 929 Ives Street, Watertown, New York, is hereby reappointed to the Roswell P. Flower Memorial Library Board of Trustees to another 11 year term, which term expires December 31, 2025.

**Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.**

### **Resolution No. 2 - Approving Whitewater Park Public Access Limited Use Agreement with Hole Brothers Holdings, LLC**

#### **Introduced by Council Member Teresa R. Macaluso**

WHEREAS an Agreement with Hole Brothers Holdings LLC for the limited use for a portion of Whitewater Park has been drafted, and is attached and made part of this resolution, and

WHEREAS the City Council wishes to enter into said Agreement for the reasons recited in the Agreement,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York, hereby approves the Whitewater Park Public Access Limited Use Agreement between the City of Watertown, New York, and Hole Brothers Holdings LLC, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and directed to sign the Limited Use Agreement on behalf of the City Council.

**Seconded by Council Member Roxanne M. Burns**

Prior to the vote on the foregoing resolution, Mayor Graham mentioned that he asked for this to be put in front of Council because Council had not seen it yet. He said he can sympathize with Mr. Reg Schweitzer and legal staff for their consternation over this because it is a lot more intricate than he had thought. He indicated there are some issues in regard to when the contract takes effect and the term is only for one year which does not coincide with the normal term of a liquor license of two years. In addition, he stated there is the stipulation that the State has continuing authority to dictate terms of any renewal in the future. He would like to give Mr. Schweitzer and his attorney, Lee Hector, the full opportunity to weigh in as to whether they want this approved in its present form. He suggested that this should be tabled.

Council Member Butler commented his source of reservation is that the agreement in front of Council is not effective until May 2015. He said that when the grant agreement was originally signed, the City agreed to obtain written approval from the State for any lease agreement and, whether the Council likes it or not, it needs to abide by that agreement. Regarding leasing the deck area to Maggie's, Council Member Butler advised that he does not have a problem with it but he does not think that time is of the essence. He said he would favor tabling it.

Council Member Macaluso agreed with Council Member Butler in that this agreement can wait.

Mayor Graham mentioned that even though the agreement does not take effect until May, Mr. Schweitzer hoped the agreement could be in place soon so that he can apply to the State Liquor Authority (SLA) which cannot be done until he can demonstrate control over the area in question. Mayor Graham stressed that if the effective date of the agreement is May 1<sup>st</sup> then that is the point at which Mr. Schweitzer can apply to the SLA and that process takes 60 – 90 days which could be part way through the season. He advised that the City should find out if Attorney Hector and Mr. Schweitzer find this acceptable because any amendment to the agreement would need State approval again.

Attorney Burrows explained that when the State provides grant money to municipalities there are usually strings attached which, in this case, is that the State has the ability to approve the leasing of the space. He further explained that Council has been cautious and particular through the years in playing by the rules. He stressed that the State is not a party to the agreement but under the grant agreement, it has the ability to give its approval. He said that he will contact Attorney Hector and alert him to Council’s additional concerns to ensure that he is comfortable with them.

**Motion was made by Council Member Joseph M. Butler, Jr. to table the foregoing resolution. Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.**

**Resolution No. 3 - Dedicating a Portion of Sewall’s Island and Nearby Shoreline for Use as Parkland**

**Introduced by Council Member Stephen A. Jennings**

WHEREAS the City of Watertown, New York, has taken ownership of several parcels of land on and around Sewall’s Island, and

WHEREAS the City Council has determined that it is the best interest of City and its citizens that a certain portion of these lands be dedicated to public recreational use, and

WHEREAS an active hydroelectric operation exists adjacent to these lands, and relies on vehicle access across these lands, and utility access under these lands, and

WHEREAS the proposed parklands have been mapped, and said map 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 the following parcels shall be henceforth dedicated to public recreational use, subject to the continuing right to access and provide utilities to the hydroelectric plant at 300 Pearl Street, parcel 4-12-102.000, by its owners and designees:

- |                   |              |
|-------------------|--------------|
| VL-5 Pearl Street | 4-12-105.000 |
| Sewalls Is        | 4-12-103.001 |
| 656 Sewalls Is    | 4-12-101.000 |
| VL Sewalls Is     | 4-12-107.000 |
| VL-2 Water St     | 4-13-101.000 |

BE IT FURTHER RESOLVED that these lands will remain closed to the public until environmental remediation is completed, and the City Manager authorizes public access.

**Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.**

**Resolution No. 4 - Authorizing City of Watertown to Join the Stormwater Coalition**

**Introduced by Council Member Stephen A. Jennings**

WHEREAS the City of Watertown, New York, has been declared by the New York State Department of Environmental Conservation (NYSDEC) an “entity” within the Jefferson County Municipal Separated Storm Sewer System (JC MS4) together with the Villages of Black River, Brownville, Carthage, Dexter, and West Carthage, as well as the Towns of LeRay, Rutland, and Watertown each of which are also declared “entities,” and

WHEREAS the above declaration imposes upon the City of Watertown to implement a Stormwater Management Program, and regulations, as administered by the NYSDEC, encourages owners and operators of entities within small MS4s to cooperate when implementing their Stormwater Management Programs, and

WHEREAS the nine declared entities formed an “ad hoc” group to explore the potentials for efficiencies and economies of scale enabled by a cooperative type effort in fulfilling obligations imposed upon the group by the Regulatory Agencies, conducting its first meeting on September 5, 2013 and meeting monthly thereafter, and

WHEREAS the group members recognize the benefits of cooperation to achieve improved quality and a greater cost effective approach for accomplishing same, and

WHEREAS an INTERMUNICIPAL AGREEMENT FOR THE JEFFERSON COUNTY STORMWATER COALITION has been prepared by the “ad hoc” group to formalize their cooperative group (copy attached and made a part of this resolution), and

WHEREAS at a Work Session of the City Council of the City of Watertown on July 15, 2014, the City Council heard presentations on and discussed particulars of the prepared INTERMUNICIPAL AGREEMENT and by a vote then taken with 5 members of the City Council in favor of joining the COALITION and with none opposed, and

WHEREAS the City Council of the City of Watertown wishes to confirm the decision to join the COALITION by formal Resolution,

NOW THEREFORE BE IT NOW RESOLVED that the City of Watertown hereby joins the Jefferson County Stormwater Coalition, and

BE IT FURTHER RESOLVED that the City Council of the City of Watertown hereby designates Michael J. Sligar, Superintendent of Water, as its permanent representative and Sharon Addison as an alternate representative, and

BE IT FURTHER RESOLVED that Michael J. Sligar is hereby authorized and directed to sign the Intermunicipal Agreement, which is attached and made part of this resolution, on behalf of the City of Watertown.

**Seconded by Council Member Roxanne M. Burns and carried with all voting yea.**

**Resolution No. 5 - Approving Franchise Agreement Between the City of Watertown and Top Shelf Hockey, LLC**

**Introduced by Council Member Stephen A. Jennings**

WHEREAS the City of Watertown owns and operates a facility known as the Watertown Municipal Arena, a community recreational facility, and

WHEREAS the City of Watertown desires to promote recreational activities at the Watertown Municipal Arena for the valid public purpose of the benefit, recreation, entertainment, amusement, convenience and welfare of the people of the City, and

WHEREAS Top Shelf Hockey, LLC owns and operates a semi-professional hockey team, as a member and franchise of the Federal Hockey League, and

WHEREAS City Council approved a Franchise Agreement with Top Shelf Hockey, LLC on June 16, 2014, and

WHEREAS this Franchise Agreement with Top Shelf Hockey, LLC, has now been amended to include language that allows for the sale of beer and wine at the games,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Franchise Agreement between the City and Top Shelf Hockey, LLC, a copy of which is attached hereto and made part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute the Franchise Agreement on behalf of the City of Watertown.

**Seconded by Council Member Joseph M. Butler, Jr.**

Prior to the vote on the foregoing resolution, Council Member Butler asked how the sale of beer and wine was licensed for the past weekend's game.

Ms. Addison confirmed that they had a one day permit.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.**

**Resolution No. 6 - Approving the Site Plan for the Construction of a 2,007 Square Foot Restaurant with Drive-Through at 501 Mill Street, Parcel 2-02-101**

**Introduced by Council Member Roxanne M. Burns**

WHEREAS James Hagan has submitted an application for site plan approval for the construction of a 2,007 square foot restaurant with drive-through at 501 Mill Street, parcel 2-02-101, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on October 16, 2014, and voted to recommend that the City Council of the City of Watertown approve the site plan with the following conditions:

1. The applicant shall replace any cracked, uneven, or otherwise substandard sidewalk blocks—including across both driveway entrances. Survey monuments along the sidewalk shall be surveyed pre- and post-construction by a PLS to certify that the monuments have not been disturbed.
2. The applicant shall submit a completed, corrected drainage study showing the decrease in runoff for the 1, 10 and 100 year storms. Percolation tests shall be performed, and dry wells shall be sized to handle a 10-year event.
3. Main Street West has a concrete sub-base, which shall be patched to city standards after installation of the storm sewer overflow connection.
4. The applicant shall provide and erosion and sediment control plan and details.
5. The applicant shall label the sizes and materials of existing utilities, and call out the sanitary and storm pipe slopes.
6. The applicant shall label inverts for the proposed stormwater system, and any foundation drains and roof drains shall be depicted, and their connection points called out.
7. The applicant shall assemble the site parcels by filing a deed with the County Clerk that describes the entire property as a single parcel, prior to issuance of a Certificate of Occupancy.
8. The applicant has not provided all necessary details and cut sheets. The applicant will be provided a list, and shall provide all requested details for approval by the City Engineer.

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 an Unlisted Action and will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed construction and site plan constitute an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED that it is an express condition of this site plan approval that the applicant provide the City Engineer with a copy of any change in stamped plans forming the basis for this approval at the same time such plans are provided to the contractor. If plans are not provided as required by this condition of site plan approval, the City Code Enforcement Officer shall direct that work on the project site shall immediately cease until such time as the City Engineer is provided with the revised stamped plans. Additionally, any change in the approved plan which, in the opinion of the City Engineer, would require Amended Site Plan approval, will result in immediate cessation of the affected portion of the project work until such time as the amended site plan is approved. The City Code Enforcement Officer is requested to periodically review on-site plans to determine whether the City Engineer has been provided with plans as required by this approval, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that site plan approval is hereby granted for the construction of a 2,007 square foot restaurant with drive-through at 501 Mill Street, parcel 2-02-101, as depicted on the plans submitted to the City Engineer on October 14, 2014, subject to the conditions recommended by the Planning Board and listed above.

**Seconded by Council Member Joseph M. Butler, Jr.**

Prior to the vote on the foregoing resolution, Council Member Burns commented that this will be a nice addition to the north side of the City and mentioned there are several people living in the area that are looking forward to the construction of the Tim Horton's. She wished the developer well.

Council Member Butler agreed that this new structure on Mill Street will compliment that area well and thanked the developers.

Mayor Graham asked the developers when the store would be opened.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.**

**Resolution No. 7 - Approving Change Order #1 to the Contract with Bach Environmental, Inc. for the Ogilvie Site Foundation Removal and Environmental Remediation**

**Introduced by Council Member Stephen A. Jennings**

WHEREAS on May 5, 2014, the City Council of the City of Watertown approved a bid submitted by Bach Environmental, Inc. in the amount of \$293,694.00 for the Ogilvie Site foundation removal and environmental remediation work, and

WHEREAS Bach Environmental, Inc. has now submitted Change Order #1 for a net price decrease of \$13,713.70,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order #1 to the contract with Bach Environmental, Inc. for the new total contract price of \$279,980.50, a copy of which is attached and made part of this resolution, for the Ogilvie Site Foundation Removal and Environmental Remediation project, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison 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.**

Prior to the vote on the foregoing resolution, Council Member Butler said he questioned the cost amount of this project.

Kenneth Mix, Planning Coordinator, explained that the rest of the money to be spent will be for engineering and the testing which is required. He advised that most of the work has been done and that there is not much more to do so the project cost will be close to \$420,000 which is under the budget amount of \$640,000.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.**

**Resolution No. 8 - Approving Appropriation of Funding to the Watertown Saturday Farmers' Market Association**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS the City Council has received a request for funding to support the Watertown Saturday Farmers' Market Association, and

WHEREAS the City Council of the City of Watertown desires to appropriate \$1,000 from the FY 2014-15 Tourism Fund to support the Watertown Saturday Farmers' Market Association, and

WHEREAS the Association will expend the funds to carry out a successful advertising campaign, and

WHEREAS Fiscal Year 2014-15 funding is not to be construed as a commitment of the City to subsequent annual appropriations as future tourism funds may be appropriated for debt service of tourism-related capital projects,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the appropriation of \$1,000 from the FY 2014-15 Tourism fund to support the Watertown Saturday Farmers' Market Association, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to process such funding to the Watertown Saturday Farmers' Market Association.

**Seconded by Council Member Stephen A. Jennings and carried with all voting yea.**

**Resolution No. 9 - Approving Public Benefits Services Agreement Between the City of Watertown and the Jefferson County Historical Society**

**Introduced by Council Member Stephen A. Jennings**

WHEREAS the Jefferson County Historical Society has requested funding support, and

WHEREAS the City Council of the City of Watertown desires to appropriate \$12,500 from the FY 2014-15 Tourism Fund to support the Jefferson County Historical Society, and

WHEREAS the Jefferson County Historical Society will expend the funds to market and promote the City of Watertown through the public media, print, radio, television, direct contact and other promotional devices and that this will encourage tourism in the City of Watertown, and

WHEREAS the City of Watertown wishes to enter into an Agreement for Public Benefit Services between the City of Watertown and the Jefferson County Historical Society, a copy of which is attached and made a part of this resolution, and

WHEREAS Fiscal Year 2014-15 funding is not to be construed as a commitment of the City to subsequent annual appropriations as future tourism funds may be appropriated for debt service of tourism-related capital projects,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves a Public Benefit Services Agreement between the City of Watertown, New York and the Jefferson County Historical Society, and

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

**Seconded by Council Member Teresa R. Macaluso**

Prior to the vote on the foregoing resolution, Council Member Burns recused herself because she is a member of the Jefferson County Historical Society Board of Directors and left Council Chambers.

Mayor Graham noted the paragraph in the resolution trying to divert tourism dollars towards debt service on the arena and said that the ability of one two-year term of Council to enforce that commitment is dubious. He commented that this intention is something that future Councils may want to take into consideration but this does not prohibit the next City Council from doing what they want with the appropriation.

Attorney Burrows agreed that this Council cannot bind future Councils and that this paragraph only states Council's intention for right now and its hopes for the future.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea except for Council Member Roxanne M. Burns abstaining.**

Council Member Burns returned to Council Chambers.

**Resolution No. 10 - Approving Agreement for Public Benefit Services Between the City of Watertown and the Greater Watertown North Country Chamber of Commerce**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS the City Council of the City of Watertown wishes to enter into an Agreement for the provision of destination marketing services with the Greater Watertown North Country Chamber of Commerce, and

WHEREAS Fiscal Year 2014-15 funding of this agreement is not to be construed as a commitment of the City to subsequent annual appropriations as future tourism funds may be appropriated for debt service of tourism-related capital projects;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it approves the Agreement for Public Benefit Services with the Greater Watertown North Country Chamber of Commerce in the amount of \$13,000, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute the Agreement on behalf of the City of Watertown.

**Seconded by Council Member Stephen A. Jennings**

Prior to the vote on the foregoing resolution, Mayor Graham stated there was a lively discussion about this at a recent meeting and this is a different way of doing things. He noted there were legitimate concerns expressed but he would like to see the social media aspect utilized more fully.

Council Member Burns asked several questions in regard to the point person for each component of the proposal.

Ms. Addison summarized that the details have not been worked out yet but assured that she or her delegate would oversee this process closely.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea except Council Member Roxanne M. Burns voting nay.**

**Resolution No. 11 - Approving Agreement for Public Benefit Services Between the City of Watertown and the Thousand Islands International Tourism Council**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS the City Council of the City of Watertown wishes to enter into an Agreement for the provision of destination marketing services with the Thousand Islands International Tourism Council, and

WHEREAS Fiscal Year 2014-15 funding of this agreement is not to be construed as a commitment of the City to subsequent annual appropriations as future tourism funds may be appropriated for debt service of tourism-related capital projects;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it approves the Agreement for Public Benefit Services with the Thousand Islands International Tourism Council in the amount of \$20,500, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute the Agreement on behalf of the City of Watertown.

**Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.**

**Resolution No. 12 - Approving Grant of Easement with National Grid/Niagara Mohawk Power Corporation for 429 Factory Street, Parcel No. 6-04-303.000**

**Introduced by Council Member Stephen A. Jennings**

WHEREAS a project for the reconstruction of Factory Street, PIN 775315, D032467 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended that calls for the apportionment of the cost of such program to be borne at the ratio of 80% Federal and 20% non-federal funds, and

WHEREAS on April 19, 2010 and October 18, 2010, the City Council adopted resolutions authorizing the Master Federal Aid Local Agreement and the Marchiselli Agreement, respectively which

provide \$752,000 and \$141,000 respectively for the costs of the Preliminary Engineering & Right-of-Way Incidentals, and

WHEREAS in support of this project, National Grid/Niagara Mohawk Power Corporation requires an easement for utility work to be performed at the City-owned property known as 429 Factory Street, Parcel No. 6-04-303.000, and

WHEREAS the project is now slated for construction to start in the spring of 2015,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Grant of Easement between the City of Watertown and Niagara Mohawk Power Corporation, a copy of which is attached and made a part of this resolution, for 429 Factory Street, Parcel No. 6-04-303.000, and

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

**Secoded by Council Member Teresa R. Macaluso and carried with all voting yea.**

**Resolution No. 13 - Approving Grant of Easement with National Grid/Niagara Mohawk Power Corporation for 612 Factory Street, Parcel No. 6-06-316.000**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS a project for the reconstruction of Factory Street, PIN 775315, D032467 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended that calls for the apportionment of the cost of such program to be borne at the ratio of 80% Federal and 20% non-federal funds, and

WHEREAS on April 19, 2010 and October 18, 2010, the City Council adopted resolutions authorizing the Master Federal Aid Local Agreement and the Marchiselli Agreement, respectively which provide \$752,000 and \$141,000 respectively for the costs of the Preliminary Engineering & Right-of-Way Incidentals, and

WHEREAS in support of this project, National Grid/Niagara Mohawk Power Corporation requires an easement for utility work to be performed at the City-owned property known as 612 Factory Street, Parcel No. 6-06-316.000, and

WHEREAS the project is now slated for construction to start in the spring of 2015,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Grant of Easement between the City of Watertown and Niagara Mohawk Power Corporation, a copy of which is attached and made a part of this resolution, for 612 Factory Street, Parcel No. 6-06-316.000, and

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

**Secoded by Council Member Stephen A. Jennings**

Prior to the vote on the foregoing resolution, Council Member Butler asked what type of street lighting would be installed in the Factory Street project.

Justin Wood, City Engineer, indicated that the overhead electric will be relocated so the existing poles will be replaced. He said cobra head style will be used and not ornamental lighting.

Council Member Butler remarked that he would prefer the older ornamental lighting because he does not think the cobra lighting looks nice and that they are too high which is a nuisance to residents on the second floor of the properties. He asked if this can be changed because it would put a nice final touch on a multi-million dollar project.

Mr. Wood replied that it was a compromise between streetscape and cost so the predominant direction was to go with typical street lighting knowing that it is an industrial corridor. He added that National Grid has a relocation plan in place with the other utility companies and to rework that plan would be problematic.

Council Member Macaluso noted that this is an industrial street.

Mayor Graham said the overhead lighting provides the maximum amount of light for safety and crime prevention. He asked if the lights would be LED.

Mr. Wood said that there are specific lighting guidelines that have to be met and National Grid is not using LED lights due to costs. He will ask National Grid about the LED lighting.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.**

**Resolution No. 14 - Authorizing Supplemental Agreement No. 3 to Professional Services Agreement for Design of the Factory Street Project, PIN 7753.15, AECOM**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS a project for the reconstruction of Factory Street, PIN 7753.15, D032467 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the cost of such project to be borne at the ration of 80% Federal and 20% non-Federal funds, and

WHEREAS on April 19, 2010 and October 18, 2010, the City Council adopted resolutions authorizing the Master Federal Aid Local Agreement and the Marchiselli Agreement, respectively, which provide \$752,000 and \$141,000 respectively, for the costs of the Preliminary Engineering and Right-of-Way Incidentals, and

WHEREAS on November 21, 2011 the City Council of the City of Watertown approved a Professional Service Agreement between the City of Watertown and AECOM in the amount of \$612,000, and

WHEREAS on June 3, 2013 the City Council of the City of Watertown approved Supplemental Agreement No. 1 in the amount of \$284,000, and

WEHREAS on March 3, 2014 the City Council of the City of Watertown approved Supplemental Agreement No. 2 in the amount of \$684,000, and

WHEREAS AECOM has now submitted Supplemental Agreement No. 3 for the Detailed Design of the project for an additional cost of \$576,000, bringing the total design amount to \$2,336,000, and

WHEREAS there are currently \$940,000 in authorized State and Federal reimbursements available for the design of the project;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Supplemental Agreement No. 3 to the Professional Service Agreement between the City of Watertown and AECOM, a copy of which is attached hereto and made part of this resolution, and

BE IT FURTHER RESOLVED that the approval of this Resolution is contingent upon the City Council approving a Bond Ordinance Amendment to cover the expenses associated with this project, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute this Agreement on behalf of the City of Watertown.

**Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.**

**Resolution No. 15 - Authorizing Supplemental Agreement No. 1 to Professional Services Agreement for Constructability of the Factory Street Reconstruction Project, PIN 775315, Barton & Loguidice**

**Introduced by Council Member Roxanne M. Burns**

WHEREAS a project for the reconstruction of Factory Street, PIN 775315, D032467 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended that calls for the apportionment of the cost of such program to be borne at the ratio of 80% Federal and 20% non-federal funds, and

WHEREAS on April 19, 2010 and October 18, 2010, the City Council adopted resolutions authorizing the Master Federal Aid Local Agreement and the Marchiselli Agreement, respectively which provide \$752,000 and \$141,000 respectively for the costs of the Preliminary Engineering & Right-of-Way Incidentals, and

WHEREAS on January 22, 2013 City Council approved a Professional Services Agreement for the proposed Constructability Oversight of the Factory Street Reconstruction Project in the amount of \$39,600 with Barton & Loguidice, and

WHEREAS Barton & Loguidice has submitted Supplemental Agreement No. 1 for the construction phase services of the Factory Street Reconstruction Project in the amount of \$1,300,000, bringing the total amount to \$1,339,600,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Supplemental Agreement No. 1 between the City of Watertown and Barton & Loguidice, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the approval of this Resolution is contingent upon the City Council approving a Bond Ordinance Amendment to cover the expenses associated with this project, and

BE IT FURTHER RESOLVED that the City Manager, Sharon Addison, is hereby authorized and directed to execute the Agreement on behalf of the City of Watertown.

**Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.**

## **ORDINANCES**

**Ordinance No. 1 - An Ordinance Amending the Ordinance Dated September 6, 2011, as Amended November 21, 2011, January 21, 2013, July 1, 2013 and March 3, 2014 Authorizing the Issuance of \$2,200,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Costs of the Design for the Factory Street Reconstruction, to Increase the Estimated Maximum Cost Thereof and the Amount of Bonds Authorized to \$4,100,000**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS, by ordinance dated September 6, 2011, as amended November 21, 2011, January 21, 2013, July 1, 2013 and March 3, 2014, the Council of the City of Watertown, Jefferson County, New York, authorized the issuance of \$2,200,000 bonds of said City to pay the costs of the design for the Factory Street reconstruction, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, a class of objects or purposes, at an estimated maximum cost of \$2,200,000, in and for the City of Watertown, Jefferson County, New York; and

WHEREAS, the Council now wishes to increase the estimated maximum cost of the aforesaid class of objects or purposes from \$2,200,000 to \$4,100,000, an increase of \$1,900,000 over that previously authorized, and to authorize the issuance of bonds sufficient to pay said estimated maximum cost;

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

Section A. The title and Sections 1 and 2 of the ordinance of this Council dated and duly adopted September 6, 2011, as amended November 21, 2011, January 21, 2013, July 1, 2013 and March 3, 2014, authorizing the issuance of \$2,200,000 bonds to pay the costs of the design for the Factory Street reconstruction, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, a class of objects or purposes, at an estimated maximum cost of \$2,200,000, in and for the City of Watertown, Jefferson County, New York, is hereby amended, in part, to read as follows:

“AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$4,100,000 BONDS OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK, TO PAY THE COSTS OF THE DESIGN FOR THE FACTORY STREET RECONSTRUCTION, IN AND FOR SAID CITY.

“ . . . .

“Section 1. For the class of objects or purposes of paying the costs of the design for the Factory Street reconstruction, in and for the City of Watertown, Jefferson County, New York, including

incidental expenses in connection therewith, there are hereby authorized to be issued \$4,100,000 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 class of objects or purposes is \$4,100,000 and that the plan for the financing thereof is by the issuance of the \$4,100,000 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 B. 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 C. Upon this ordinance taking effect, the same shall be published in summary 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.

Section D. This resolution is effective immediately.

**Seconded by Council Member Stephen A. Jennings**

**Motion for unanimous consent moved by Council Member Teresa R. Macaluso, seconded by Council Member Stephen A. Jennings and carried with all voting in favor thereof**

**At the call of the chair, a vote was taken on the foregoing ordinance and carried with all voting yea.**

**Ordinance No. 2 - Amending PDD #1 to Allow Additional Signage at 1279 Coffeen Street**

**Introduced by Council Member Stephen A. Jennings**

WHEREAS Donna Yang of Northern Awning and Sign Company, has submitted an application to amend Planned Development District #1 to allow additional signage at 1279 Coffeen Street, parcel 8-40-101.006, and

WHEREAS the Planning Board of the City of Watertown considered the request at its October 16, 2014 meeting and passed a motion recommending that City Council approve the zone change, and

WHEREAS the Jefferson County Planning Board reviewed the request at their October 28, 2014 meeting, and

WHEREAS a public hearing was held on the proposed zone change on November 3, 2014, after due public notice, and

WHEREAS the City Council has made a declaration of Negative Findings of the impacts of the proposed zone change according to the requirements of SEQRA, and

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

NOW THEREFORE BE IT ORDAINED that Planned Development District #1 is hereby amended to allow the following signage at 1279 Coffeen Street, parcel 8-40-101.006:

- 1) One freestanding sky sign, up to 80 feet in height, maximum 190 square feet
- 2) One freestanding sign with LED component, maximum 50 square feet
- 3) 175 total square feet of building and gas canopy mounted signage

And,

BE IT FURTHER ORDAINED that the above schedule of permitted signage shall supersede all previous amendments to the PDD that relate to signage on the subject parcel, and

BE IT FURTHER ORDAINED this amendment to the Zoning Ordinance of the City of Watertown shall take effect as soon as it is published once in the official newspaper of the City of Watertown, or otherwise printed as the City Manager directs.

**Seconded by Council Member Joseph M. Butler, Jr.**

**Motion was made by Council Member Joseph M. Butler, Jr. to schedule a Public Hearing on the foregoing ordinance for Monday, November 3, 2014 at 7:30 p.m. Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.**

## **OLD BUSINESS**

**The Ordinance “Amending Code of the City of Watertown, Chapter 216 – Parks, Playgrounds, and Recreational Areas”.** *(Introduced on 10/6/2014; laid over under the rules; appears in its entirety in the 2014 Minutes Book on page 25-27 of the 10/6/2014 minutes).*

**Motion was made by Council Member Joseph M. Butler, Jr. to amend Section 216.3 (C) of the foregoing resolution to change the closing hours for John C. Thompson Park to 9 p.m. to 6 a.m. instead of 12 a.m to 5 a.m. Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof except Council Member Roxanne M. Burns and Mayor Jeffrey E. Graham voting nay.**

**At the call of the chair, a vote was taken on the foregoing ordinance and carried with all voting yea except Council Member Roxanne M. Burns and Mayor Jeffrey E. Graham voting nay.**

## **STAFF REPORTS**

**Thompson Park Playground: Leather's and Associates Evaluation and Report**

Mayor Graham visited the playground and noted that there are some deficiencies and it needs to be maintained. He advised that the company's recommendations cost \$185,000 - \$350,000 noting that the lower cost was utilizing volunteer community involvement. He would like to see this move along.

Council Member Burns agreed.

Ms. Addison advised the next step would be to meet with Rande Richardson, Northern New York Community Foundation in hopes of raising funds.

Mayor Graham stressed the total cost needs to be firmed up as well as the expectations for volunteer labor.

Dr. Al Gianfagna told Council he was involved when the original structure was built 28 years ago and reviewed the history of how the playground came together. Mentioning a similar playground in Clayton, he said that this company rehabilitated the playground with the use of volunteers from the Army Corp of Engineers. He discussed the issues of the Thompson Park Playground noting the need for a new cushion surface, a tiny tot area and handicap accessibility. He mentioned that Erin Gardner, Superintendent of Parks and Recreation, has approached Fort Drum regarding volunteers but said it would be important for DPW do to the prep work. Finally, he discussed the funds to be raised by a civic group.

Mayor Graham mentioned that there will be other improvements in recreational things over the next couple years, noting the arena, filling in the pool and the splash park. He suggested bundling them together and making them part of one bond issue. He agreed that the playground is worn and has some deficiencies.

Dr. Gianfagna suggested that Council Members visit the new playground in Clayton for ideas.

Council Member Burns commented that when this playground was built over 27 years ago, there was a lot of community participation and pointed out that the inmates from the Watertown Correctional Facility and Jefferson County Jail helped with some of the labor. She suggested reaching out to these resources as well.

Council Member Butler recommended contacting Carl McLaughlin or Anthony Keating, local representatives for Fort Drum, for assistance obtaining volunteers. He noted that the playground was in the budget for 2015-2016 but wondered how it was going to be paid for at that time.

Mr. Mills responded that it would be debt issue.

Council Member Butler said he supports the project and thanked Dr. and Mrs. Gianfagna for their previous work and for bringing this forward again. He thinks there will be a lot of support from individuals and businesses in the community.

**NEW BUSINESS**

**Factory Street Reconstruction Project – Updated Construction Estimate**

Mayor Graham mentioned that the cost figures presented in this report (on file in the City Clerk's Office) are high. He said that the local share is unknown because the federal and state reimbursement is still undetermined but it could be at least \$7 million out of a \$13 million project.

Mr. Wood mentioned that an additional approximately \$721,000 is expected in November. In addition, he advised that the DOT will be putting in a new request in February to increase the funding but this will not be determined until April or May. He stressed that he will be working with the DOT officials for any available funding opportunities.

Mayor Graham suggested reaching out to the local Senator and Assemblyperson.

Council Member Butler asked how much was put into the budget for the five year plan.

James Mills, City Comptroller responded that approximately \$3 million was budgeted.

**Letter from Watertown City School District Regarding Knickerbocker**

Mayor Graham mentioned the letter that was presented during Communications requesting the City to evaluate two proposals for assisting with the traffic congestion during school arrival and dismissal.

Council Member Jennings advised that he would like both proposals studied because it is a hazard every morning and afternoon when school is in session and is compounded in the winter time. He has received many complaints since becoming a Council Member.

Council Member Burns said this is the first time she is hearing that a meeting was held between Ms. Addison, Mr. Jennings, Mr. Hayes and Mr. Wood along with the Public Relations Transportation Committee. She asked how the committee was determined.

Ms. Addison clarified that the Public Relations Transportation Committee is a School Board Committee. She noted that she selected the City staff that attended and that Mr. Jennings attended because he had received the complaints as well as brought it to her attention.

Council Member Jennings added that he was asked to attend by a School Board Member.

Council Member Macaluso asked if the Public Relations Transportation Committee has done any studies. She does not want a lot of time spent on a problem that the school would know more about how to handle.

Eugene Hayes, Superintendent of Public Works, reviewed the study that was done in 2006 and noted that the school understands that it is their problem and not the City's problem. Regarding the roadway, he said it is all about the width of the road and the travel patterns in order to make this a safe route. He stressed that an emergency vehicle would not be able to get down the roadway during these situations and that is when it becomes a City-wide problem. He advised that they are looking for an open discussion with shared responsibility plan development.

Mayor Graham said this has been discussed through the years but now it is peculated again and Mr. Fralick's letter requests action by the Council.

Mr. Hayes said that a formal request needed to come to Council before staff could work on it again. In the past, he recalled that the street was not converted to one-way because one resident was opposed to it and a political decision was made. He noted that a one-way street is certainly a viable option that needs to be reviewed again.

Council Member Butler said he supports looking into turning the street into a one-way street.

Council Member Jennings advised that there has been a turnover in residents on that street since 2006.

Mr. Hayes explained that the options need to be looked at then the residents can express their opinions at a public hearing prior to Council's decision.

Regarding a private road off Bishop Street, Mayor Graham remarked that the School Board should be responsible for this.

Council concurred to allow the Engineering Department to study the proposals.

#### **Request for Directional Sign, Greater Watertown North Country Chamber of Commerce**

Mayor Graham reminded Council that the current sign for the Bruce M. Wright Conference Center was placed in honor of former Council Member Wright. He advised this request is for a similar sign to be put in place for the Chamber of Commerce which will be housed in the conference center but he is not sure if the City should do signs for private organizations.

Council Member Macaluso said this is an expense that should not fall on the City. She added that she does not have a problem if they want to put their own sign up.

Council Member Butler agreed that the City cannot provide signs for private companies but if the Chamber wants a sign, they can pay for it.

#### **Sales Tax Revenue – September 2014**

Mayor Graham remarked that this quarter shows that sales tax is close to the budgeted amount and he hopes this trend continues.

#### **Library Ribbon Cutting for the Reopening of the Front Doors**

Council Member Butler thanked the Library and City staff for a nice ceremony. He thanked the Mayor and Council Member Burns for their remarks during the ceremony.

#### **Halloween Parade at the Vortex**

Mayor Graham reminded everyone that the Halloween Parade at the Vortex will be held this Friday at 5:00 p.m.

#### **Scarecrow Event**

Mayor Graham thanked Parks and Recreation for the scarecrow making event this past weekend at the Veterans' Walkway and thought it was a good event.

**Motion was made by Council Member Roxanne M. Burns to move into Executive Session to discuss collective bargaining and pending litigation.**

**Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.**

Council moved into Executive Session at 8:25 p.m.

Council reconvened at 9:00 p.m.

## **ADJOURNMENT**

**At the call of the chair, meeting was duly adjourned at 9:00 p.m. by motion of Council Member Joseph M. Butler, Jr., seconded by Council Member Stephen A. Jennings and carried with all voting in favor thereof.**

*Ann M. Saunders*  
City Clerk