

**REGULAR COUNCIL MEETING
CITY OF WATERTOWN
October 6, 2003
7:00 P.M.**

MAYOR JOSEPH M. BUTLER PRESIDING

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

ALSO PRESENT: **PLANNING & COMMUNITY DEV. COORDINATOR
KENNETH MIX
ATTORNEY ROBERT J. SLYE**

City Manager Corriveau presented the following reports to the Council:

- 1 - Authorizing Abate of Public Works Charges to Real Property Tax Bill for Property at 1116 Boyd Street
- 2 - Authorizing Sale of Real Property, Known As VL M34 Superior Street, Parcel No. 1-16-106.000
- 3 - Authorizing Accounting Supervisor to Transfer Funds on Deposit on Behalf of the City of Watertown
- 4 - Accepting Bid for Aerial Ladder Truck
- 5 - Approving Change Order No. 1, Reconstruction of St. Mary's Street, Phase I, Barber Construction
- 6 - Approving Change Order No. 1, Reconstruction of St. Mary's Street, Phase II, Barber Construction
- 7 - Approving Change Order No. 1, Reconstruction of Flower Avenue East, Barber Construction
- 8 - Approving Change Order No. 1, Reconstruction of Bellew Avenue, Luck Brothers, Inc.
- 9 - Authorizing Amendment to Option Agreement Between the City of Watertown and the Watertown Local Development Corporation, 29 and 31 Public Square
- 10- An Ordinance Authorizing the Issuance of \$750,000 Serial Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of the Purchase of a Fire Fighting Vehicle for the Fire Department of Said City
- 11 - Update on American Rock Salt Co., SPDES Permit Modifications, SEQR Review

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 15,2003 and the adjourned meeting of September 29, 2003 was dispensed with and accepted as written by motion of Councilwoman Burns, seconded by Councilman Clough and carried with all voting in favor thereof.

COMMUNICATIONS

Minutes were received from the library's board meeting.

ABOVE PLACED ON FILE

From the Italian American Civic Association inviting Council to join in the raising of the Italian Flag in front of City Hall on October 10th at noon.

ABOVE PLACED ON FILE

The following claims against the City were received:

1. From Robert Doran for personal injury he sustained when he fell on the sidewalk near 115 S. Orchard Street.
2. From Prudential Financial on behalf of Jamie Maitland for water damage to his property.

ABOVE CLAIMS REFERRED TO THE BOARD OF AUDIT

PRIVILEGE OF THE FLOOR

Olivia Russell, 728 Morrison Street referred to a previous work session where Council discussed acceptable amounts of road salt. She questioned what was acceptable. Ms. Russell remarked one preventative measure to stop any material such as sand or road salt from being blown around was to keep it enclosed; she used a barn as an example.

Wayne Zimmer, 139 Katherine Street explained he had talked with Mr. Hayes two weeks ago concerning the timing of traffic lights on the square at the corner of Arsenal St and proceeding up Washington Street. He questioned if the Council had heard anything about this.

Councilman Clough commented he had reported problems with the light on Washington St. on numerous occasions and Mr. Greene had checked it out. He remarked it should be looked at again.

Mayor Butler asked Mr. Mix to look into this.

Donald Thompson, 710 Morrison Street, spokesman for R.A.S.S.P. He questioned since after the last work session if the wording on the legislation was still ongoing.

Attorney Slye remarked that last Tuesday he telephoned first and then faxed the neighbors' attorney and Mr. Cleeve's attorney a draft of the proposed legislation together with a summary of the comments made by Council at that meeting. Attorney Slye explained he invited the attorneys comments but has had no response. He stressed it was extremely important to get the input of the stakeholders.

Mayor Butler commented that is our best update on the salt.

Councilman Clough questioned if there was any pending litigation on either parties that you know of.

Attorney Slye remarked the Federal lawsuit is still pending. He explained from copies of the correspondence he has received there has been an indication the plaintiffs will be withdrawing their Federal Court action contingent on some sort of conference with the Federal Court and commencing action in the State Supreme Court.

RESOLUTIONS

INTRODUCED BY COUNCILMAN PETER A. CLOUGH

WHEREAS there is outstanding on City Real Property Taxes on the property of Louis G. and Elsie E. Angarita, 1116 Boyd Street, the amount of \$531.27 for 2003-04 City Real Property Taxes, and the amount of \$80.25 for Public Works charges, and

WHEREAS a compromise has been reached that is in the best interest of the City and the real property owner, and

WHEREAS the Public Works Department has agreed to adjust the Code Enforcement surcharge placed as a lien on said real property, from \$80.25 to \$0.00, necessitating an abate in the amount of \$80.25,

NOW THEREFORE BE IT RESOLVED by the City Council that the amount shown above be abated and that the property owner pay the amount of real property taxes plus Public Works charges and any interest and penalty owing as follows:

2000-01 City Tax	\$531.27
Public Works Charges	<u>0.00</u>
Total	\$531.27

And,

BE IT FURTHER RESOLVED by the City Council that the above amount is hereby abated and the City Comptroller is hereby authorized to mark his books and records accordingly.

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

INTRODUCED BY COUNCILMAN JEFFERY M. SMITH

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as VL M34 Superior Street, approximately 50' x 100' 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. 1-16-106.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

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

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 \$1,012.00 submitted by Stacy L. & Laurie Greaud, for the purchase of Parcel No. 1-16-106.000 is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Stacy L. & Laurie Greaud upon receipt of the above mentioned sum of money in cash only by the City Comptroller.

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

INTRODUCED BY COUNCILMAN PAUL A. SIMMONS

WHEREAS the City of Watertown has funds on deposit with various banks, and

WHEREAS the City of Watertown transfers funds on deposit, and

WHEREAS the Accounting Supervisor is designated to perform these duties,

NOW THEREFORE BE IT RESOLVED that Accounting Supervisor Christine Audette is authorized to transfer funds on deposit in the name of the City of Watertown.

SECONDED BY COUNCILMAN PETER L. CLOUGH AND CARRIED WITH ALL VOTING YEA

Prior to the vote on the foregoing resolution Councilman Smith questioned Mr. Mills if this individual previously carried out the same duties. He asked if the transfer of funds was basically administrative.

Mr. Mills replied yes.

INTRODUCED BY COUNCILWOMAN ROXANNE M. BURNS

WHEREAS the City Purchasing Department has advertised and received sealed bids for the purchase of one new and unused 100' rear mounted aerial platform ladder truck, and

WHEREAS invitations to bid were issued to seven (7) prospective bidders with four (4) bids being received, and

WHEREAS on Wednesday, September 14, 2003, at 11 a.m., the bids received were publicly opened and read, and

WHEREAS Robert J. Cleaver, Purchasing Agent, and Daniel J. Gaumont, Fire Chief, reviewed the bids and are recommending that the City Council accept the bid submitted by Tyler Fire Equipment, Elmira, N.Y., in the amount of \$726,344, as the lowest qualifying bid meeting the City's specifications,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid submitted by Tyler Fire Equipment, for one new and unused 100' rear mounted aerial platform ladder truck for use by the City of Watertown Fire Department.

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

Prior to the vote on the foregoing resolution Councilman Simmons questioned if there were any problems with the specs as written.

Robert Cleaver and Chief Gaumont explained the bid process and stated they were not made aware of any problems with the specs. They both answered questions posed by Council. Mr. Cleaver added the lowest bidder never attended the pre-bid conference.

Councilman Simmons addressed Chief Gaumont concerning the low trade-in value for the aerial truck. He questioned if there was another way to get more money out of this truck referring to the 9-11 Foundation out of New York City.

Chief Gaumont remarked the main reason the trade-in value was so low and no one has been bidding on the old truck was because most fire trucks are red and this one was yellow. He continued it would cost approximately \$20,000 to repaint it.

Chief Gaumont explained what the 9-11 Foundation from New York City was. He continued the 9-11 Foundation contacted the City and made us a proposal whereby they would purchase the truck and ship it to South America to a fire department who was in need of an aerial truck. He remarked as part of the agreement the 9-11 Foundation would send instructors from the NYC Fire Department to train the Watertown firefighters. Chief Gaumont explained this training would be at no additional cost to the City. There was continued discussion on this.

Chief Gaumont answered any questions posed by Council.

There was further discussion on whether to sell the aerial truck for \$10,000 or go with the 9-11 Foundation proposal.

Chief Gaumont remarked the City Manager Corriveau was aware of both options and it was his recommendation to go with the trade-in option of \$10,000, not that he wouldn't want to go with the 9-11 proposal. He continued this was the cleaner way to go since you still had to negotiate a price for the truck with the 9-11 Foundation which might only be \$2,000-\$5,000. Chief Gaumont remarked he didn't have the authority to negotiate.

Councilman Smith recommended to Council not to take the trade but to go with the 9-11 Foundation proposal and negotiate a price for the aerial truck. He explained the specialized training would not only save the taxpayers in dollars but would also benefit in having better trained firefighters.

Mayor Butler asked Chief Gaumont to put a dollar value on the training the firefighters would receive. Chief Gaumont remarked for the river rescue training the cost was about \$6,000 for 40 people.

Councilman Simmons questioned if they could open this training up to Jefferson County people.

Chief Gaumont replied I'm sure we could.

Councilman Simmons questioned Attorney Slye on how to proceed with this resolution.

Attorney Slye remarked Council should vote on the resolution tonight. He explained Council could later amend this resolution to increase it by \$10,000 and accept the training instead if they so desired.

Mr. Mix commented if Council didn't vote on the resolution tonight, it wouldn't award the contract to Tyler Fire Equipment and they couldn't proceed even though you have the bonding abilities.

There was a discussion on the type of ladder on the new fire truck.

Chief Gaumont explained it was a steel ladder and the warranty was for 20 years.

Mayor Butler and Councilwoman Burns suggested the City should purchase a red fire truck and start changing the fleet from yellow to red. There was a short discussion on this.

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS on Monday, July 1, 2002, the City Council of the City of Watertown approved a bid submitted by Barber Corporation for the reconstruction of St. Mary's St., Phase I in the amount of \$243,388, and

WHEREAS the reconstruction work has been completed and due to changes in quantities of certain components of the project, a change order credit in the amount of \$16,105. has been received from Barber Corporation, and

WHEREAS Interim City Engineer Gary E. Pilon has reviewed the change order request and is asking that the City Council approve said change order which brings the total project cost to \$227,283,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves the credit Change Order No. 1 submitted by Barber Corporation for the reconstruction of St. Mary's Street, Phase I, in the amount of \$16,105, and

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

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

INTRODUCED BY PETER L. CLOUGH

WHEREAS on Monday, September 16, 2002, the City Council of the City of Watertown approved a bid submitted by Barber Corporation for the reconstruction of St. Mary's St., Phase II in the amount of \$298,724, and

WHEREAS the reconstruction work has been completed and due to changes in quantities of certain components of the project a change order credit in the amount of \$11,485.94 has been received from Barber Corporation, and

WHEREAS Interim City Engineer Gary E. Pilon has reviewed the change order request and is asking that the City Council approve said change order which brings the total project cost to \$287,238.06,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves the credit Change Order No. 1 submitted by Barber Construction for the reconstruction of St. Mary's Street, Phase II, in the amount of \$11,485.94, and

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

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

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS on Monday, July 1, 2002, the City Council of the City of Watertown approved a bid submitted by Barber Corporation for the reconstruction of Flower Avenue East in the amount of \$373,648, and

WHEREAS the reconstruction work has been completed and due to changes in quantities of certain components of the project a Change Order in the amount of \$12,756.47 has been received from Barber Corporation, and

WHEREAS Interim City Engineer Gary E. Pilon has reviewed the change order request and is asking that the City Council approve said Change Order which brings the total project cost to \$386,404.47,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves the Change Order No. 1 submitted by Barber Corporation for the reconstruction of Flower Ave. East, in the amount of \$12,756.47, and

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

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

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS on Monday, March 17, 2003, the City Council of the City of Watertown approved a bid submitted by Luck Brothers, Inc. for the reconstruction of Bellew Avenue in the amount of \$2,051,708.17, and

WHEREAS the reconstruction of Bellew Avenue is underway and design changes have had to be made in the field and these changes have impacted the quantities of certain components of the project, a Change Order in the amount of \$49,496.51 has been received from Luck Brothers, Inc., and

WHEREAS Interim City Engineer Gary E. Pilon has reviewed the Change Order request and is asking that the City Council approve Change Order No. 1 which brings the total project cost to \$2,101,204.68,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves the Change Order No. 1 submitted by Luck Brothers, Inc. for the reconstruction of Bellew Avenue, in the amount of \$49,496.51, and

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

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

Prior to the vote on the foregoing resolution Mr. Mix remarked there was a correction to be made in the cover memo on this resolution. He commented it reads this change order will close out the total cost of the project and it will not close out the project. Mr. Mix explained there may be other change orders down the road.

Councilwoman Burns questioned when this project would be completed.

Gary Pilon remarked the sidewalks are down on one side of the street and the paving should begin this week. He explained there is some sewer repair yet to do and the final landscaping will probably have to be done next spring.

Councilman Simmons referred to some complaints he had received on some of the concrete work that was breaking up and pitting. He asked Mr. Pilon if there was going to be an inspection done after the project was completed.

Mr. Pilon replied yes there would be an inspection after completion of the project.

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS the City of Watertown is owner of 29 and 31 Public Square, also known as Parcels No. 7-01-116 and 7-01-114, and

WHEREAS on March 17, 2003 an Option Agreement between the City of Watertown and the Watertown Local Development Corporation as the Preferred Developer for the premises was executed, and

WHEREAS an Amendment to the original Option Agreement extending the terms for an additional six months has been requested,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Amendment to the Option Agreement between the City of Watertown and the Watertown Local Development Corporation (WLDC), a copy of which is attached and made a part of this resolution, and

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

SECONDED BY COUNCILMAN PAUL A. SIMMONS WITH ALL VOTING YEAS EXCEPT COUNCILMAN JEFFREY M. SMITH VOTING NAY

ORDINANCES

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

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

WHEREAS, it is now desired to authorize the financing of such capital project;

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 the cost of the purchase of a Quint Truck (a fire fighting vehicle with a pump, water tank, hose, ground ladders and aerial/tower ladder) for the Fire Department, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$750,000 serial bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$750,000 and that the plan for the financing thereof is by the issuance of the \$750,000 serial bonds of said City authorized to be issued pursuant to this bond ordinance; provided, however, that the amount of serial bonds ultimately to be issued will be reduced by the amount of any State and/or Federal aid received by said City for such specific object or purpose.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 27 of paragraph a of Section 11.00 of the Local Finance Law.

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 serial 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 serial 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 COUNCILMAN JEFFERY M. SMITH AND CARRIED WITH ALL VOTING YEA

(Unanimous consent moved by Councilman Peter L. Clough, seconded by Jeffrey M. Smith and carried with all voting in favor thereof.)

LOCAL LAW

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

A local law adopting Section 169-11-A of the Code of the City of Watertown prohibiting the use of free standing, fuel-burning heat-producing equipment designed to provide heated water or heat to a structure.

WHEREAS, the New York Municipal Home Rule Law permits the adoption of local laws by a City in furtherance of the health, safety, comfort, and welfare of the residents of the City; and

WHEREAS, the City Council of the City of Watertown has determined that the close proximity structures in the City and the fact that persons in the City reside in close proximity to each other requires that some conduct, acceptable in the countryside, cannot be permitted within the confines of the City; and

WHEREAS, free standing fuel-burning heat-producing equipment, designed to provide hot water and/or a source of heat to structures may not, under most manufacturers' recommendations, be placed within a structure; and

WHEREAS, free-standing fuel-burning heat-producing equipment, designed to provide hot water and/or a heat source for structures, produce a great amount of smoke, dust, particles, odors, and other products of combustion which, in a City environment, are a nuisance to neighbors; and

WHEREAS, the use of such devices affects the safety, health, comfort and general welfare of the inhabitants of the City and visitors thereto; and

WHEREAS, the City Council of the City of Watertown believes that the benefit to the community as a whole by prohibiting the use of free standing fuel-burning heat-producing equipment, designed to provide hot water or a heat source for structures in the City far outweighs any detriment to the property owners in establishing and enforcing such a law.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF WATERTOWN, NEW YORK as follows:

Chapter 169 of the Watertown City Code, entitled "Hazardous and Objectionable Conditions" shall be amended by adding the following:

169-1 Definitions.

FREE STANDING FUEL-BURNING HEAT PRODUCING EQUIPMENT –

A device or devices which are not fully enclosed within a structure and which, through the combustion of wood, coal, fuel oil, gasoline, kerosene, or other combustible material, are designed to heat water for, or otherwise provide a heat source to, a structure. This term does not include fixed or portable electric generators or portable kerosene heaters.

169-11-A No person shall operate, in the City, any free standing fuel-burning heat-producing equipment, not enclosed in a structure, which is designed to provide hot water or heat source for a structure on the property.

This local law shall take effect immediately upon filing with the Secretary of State.

SECONDED BY COUNCILMAN PAUL A SIMMONS

MOTION WAS BY COUNCILWOMAN BURNS TO SCHEDULE A PUBLIC HEARING ON THE FOREGOING LOCAL LAW FOR MONDAY, OCTOBER 20, 2003 AT 7:30 P.M.

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

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COUNCIL DISCUSSED THE FOLLOWING TOPICS:

Sidewalk Program

Councilwoman Burns asked Gary Pilon how much longer the sidewalk program was going to proceed.

Mr. Pilon remarked the sidewalk program will be end as of October 17, 2003. He explained we should hopefully be able to start next year by May 1st and have 6-8 weeks more on this section. Mr. Pilon added we will then re-survey the next section.

Fire Department Negotiations

Councilman Simmons remarked that he wanted to make sure one of the issues on the table to be discussed was the 24 hour shift work.

Traffic Lights

Councilman Simmons commented he had a complaint from a pedestrian, wheel chair bound concerning the public square traffic lights changing too quickly. He asked that the timing of the lights on the public square be checked in front of the Arcade.

Update on the American Rock Salt Co., SPDES Permit Modifications, SEQR Review

Mr. Mix stated the packet was for Council's information and review.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 7:50 P.M. BY MOTION OF COUNCILMAN PAUL A SIMMONS, SECONDED BY COUNCILMAN PETER L. CLOUGH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Carol J. Van Dusen
Deputy City Clerk