

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
NOVEMBER 2, 2009  
7:00 P.M.**

**MAYOR JEFFREY E. GRAHAM PRESIDING**

**PRESENT:**           **COUNCIL MEMBER ROXANNE M. BURNS** (arrived 7:06)  
**COUNCIL MEMBER JASON R. BURTO**  
**COUNCIL MEMBER JOSEPH M. BUTLER, JR.**  
**COUNCIL MEMBER JEFFREY M. SMITH**  
**MAYOR GRAHAM**

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

The City Manager presented the following reports to the Council:

- 1 -     Accepting Bid for Purchase of Fire Hydrants and Parts, Martisco Corporation
- 2 -     Approving the Inter-Governmental Agreement Between the City of Watertown and the United States Department of Agricultural, Animal and Plant Health Inspection Service, Wildlife Services, to Establish and Administer a Crow Roost Dispersal Program
- 3 -     Approving Pole Attachment Agreement, National Grid
- 4 -     Agreement Between the City of Watertown and the County of Jefferson, AAA Transportation Program
- 5 -     Approving Change Order No. 1 to Contract With Bat-Con, Inc., Ten Eyck Street
- 6 -     Agreement Change Order No. 1 to Contract With Marcellus Construction Company, Western Outfall Trunk Sewer
- 7 -     Approving the Site Plan for an Addition to the Parking Lot Located at 1067 Marble Street, Parcels Number: 04-27-330.000 and 04-27-301.000
- 8 -     Amending the Ordinance Dated January 16, 2007, as Previously Amended April 6, 2009, Authorizing the Issuance of \$245,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of Combined Sanitary Sewer Replacement Between Chestnut and Holcomb Streets, to Increase the Estimated Maximum Cost Thereof and the Amount of Bonds Authorized to \$325,000
- 9 -     Boards and Commissions

**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 October 19, 2009 was dispensed with and accepted as written by motion of Council Member Smith, seconded by Council Member Butler and carried with all voting in favor thereof.

## COMMUNICATIONS

Claim against the City was received from Katelyn Kiebusch for damage to her vehicle when her husband struck a manhole cover on Arsenal Street at the intersection with Massey Street.

### ABOVE CLAIM REFERRED TO THE BOARD OF AUDIT

#### PRIVILEGE OF THE FLOOR

**Wayne Zimmer**, Katherine Street, addressed the chair concerning the temporary curbing which is still around the area on Mill Street where the pipe was repaired.

Mr. Hayes advised that the curbing has been removed.

## RESOLUTIONS

### INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS the City Purchasing Department has advertised and received sealed bids for the purchase of new and unused Fire Hydrants and Fire Hydrant parts for installation by the City Water Department, and

WHEREAS invitations to bid were issued to six (6) prospective bidders with four (4) bids received and publicly opened and read in the City Purchasing Department on Monday, October 26, 2009, at 11:00 a.m., and

WHEREAS City Purchasing Agent Robert J. Cleaver and Water Superintendent Gary E. Pilon reviewed the bids received, and it is their recommendation that the City Council accept the bid submitted by Martisco Corporation, 107 Terminal Road East, Liverpool, New York, in the amount of \$15,033.90 as the lowest qualifying bid meeting the City's specifications, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York accepts the bid submitted by Martisco Corporation for the purchase of fire hydrants and parts in amount of \$15,033.90. as the lowest qualifying bidder meeting City specifications.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBER BURNS WHO WAS ABSENT FOR THE VOTE.**

### INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS, the City of Watertown has been in contact with the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS) regarding professional services to help alleviate the nuisance of crows within the City and to administer a non-lethal crow roost dispersal program, and

WHEREAS, the City of Watertown has an urban winter crow roost that is a threat to human health and safety, causes damage to buildings and cars and results in associated clean up costs, and

WHEREAS, the USDA uses multiple hazing methods including distress calls, pyrotechnics, predator eye balloons and lasers with the objective of reducing winter crow roosts, and

WHEREAS, by using this strategy, the crows should relocate to an alternate, more suitable roosting site reducing local conflicts associated with urban roost,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Inter-Governmental Agreement between the City of Watertown and the United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services to establish and administer a crow roost dispersal program.

BE IT FURTHER RESOLVED that the City Council hereby authorizes and directs the City Manager, Mary M. Corriveau, 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**

Prior to the vote, Council Member Butler asked about training for city employees to do this task.

Mrs. Corriveau explained that they will provide in-house training. However, it has not been determined what staff members could participate. The program encompasses three full nights and determination has to be made concerning if overtime would be used or not.

Mr. Lumbis advised that USDA uses three teams of two individuals each.

Council Member Butler remarked that this seems to be a soft approach to the problem.

Mrs. Corriveau advised that this is a non-lethal program. She remarked that in the past, Auburn has had crow shoots outside of the city.

Council Member Smith asked if there was bait that could be given to them.

Council Member Butler asked what the wildlife folks think the most aggressive formula for success would be.

Mrs. Corriveau responded that it would be shooting them. She also stated that they could ask USDA if there is a bait program.

Mayor Graham commented that he sees the crow problem as a maintenance problem, similar to snow plowing.

Mrs. Corriveau explained that during the day the crows spend time outside the city, many at the DANC landfill.

Council Member Burns remarked that some municipalities have resorted to shooting them. However by using the method we currently use, we are not doing our neighbors any service either. She remarked that we might have to go the route of shooting them outside the city. She commented that she has received complaints from constituents concerning the fact that we keep spending this money every year.

Mayor Graham responded that the city would have to get permission from property owners and we would end up shooting dozens out of thousands.

Council Member Smith remarked that if there is a concentration at the landfill, it would be a perfect spot to shoot them or bait them.

Council Member Butler remarked that he would like to know why they are coming here. He wondered if they also go to Syracuse.

Mrs. Corriveau responded that we have a lot of tall trees that make for good roosting areas and they come into the city for the heat from the buildings.

Council Member Butler asked that USDA be contacted to attend a work session.

Mrs. Corriveau explained that when they are here, they are working three nights straight.

Mayor Graham remarked that the city would have to pay them to come down to a work session.

Mrs. Corriveau will contact them.

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS the City of Watertown desires to display holiday decorations throughout the community, and

WHEREAS National Grid, owners of the street lighting system, wishes to permit civic organizations and/or municipal corporations to temporarily attach seasonal decorations, announcements and special-event notifications to their facilities, and

WHEREAS National Grid has asked the City to approve a Holiday Decoration Attachment Agreement to cover the use of their facilities,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves the Holiday Decoration Attachment Agreement, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City of Watertown hereby agrees to defend and indemnify National Grid from and against any and all claims for personal injury or property damage arising from the negligence of any of its officers or employees occurring in connection with the use of their facilities in accordance with this Agreement, 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 COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA**

Prior to the vote on the foregoing resolution, Council Member Butler asked about the schedule of when the lights are on and off.

Mrs. Corriveau explained that they go on at 6 p.m. on December 3<sup>rd</sup> and are turned off at 4 p.m. on January 4<sup>th</sup>.

Council Member Butler responded that they don't need to be on all the time.

Mr. Hayes advised that it would be more expensive to unplug them as the electric department would have to be brought in to plug and unplug. For example, the candy canes on Black River Parkway have plugs that are up 30' on the aluminum poles. He explained that the wattage is very low. The cost for the entire season is about \$1,500.

Mrs. Corriveau explained that the Christmas tree light program will be on before 5 p.m. until around 10 p.m.

Mr. Hayes explained that those are on a computerized timer.

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

WHEREAS the New York State Office for the Aging has agreed to provide State and Federal funds to the County of Jefferson to furnish specified transportation services to certain elderly residents within the County of Jefferson, and

WHEREAS Jefferson County, acting through the Jefferson County Office for the Aging, wishes to enter into an Agreement with the City of Watertown to provide this service, and

WHEREAS the Agreement is to provide transportation services, through our CitiBus program, to residents of Jefferson County who are sixty years of age or older to enable them to access and receive health, welfare and nutrition services, and

WHEREAS the term of this Agreement would be October 1, 2009 to March 1, 2010, at a cost not-to-exceed \$10,000,

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 Jefferson County, acting through the Jefferson County Office for the Aging, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, 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**

Prior to the vote on the foregoing resolution, Mr. Hayes and Mrs. Corriveau answered questions posed by Council.

It was explained that this is a \$10,000 grant fund which is a way for the county to assist the city with funding of the bus service. It doesn't require the city to change the route or to expand the route. It is something that has been done in the past.

Mrs. Corriveau also advised Council that in reference to the insurance information listed in the agreement, the county accepts a letter from the city stating that they are self-insured.

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

WHEREAS on March 17, 2008, the City Council approved the bid submitted by Bat-Con, Inc. for reconstruction of Ten Eyck Street and the 400 and 500 blocks of Sherman Street, and

WHEREAS the original bid was approved in the amount of \$2,077,325, and

WHEREAS City Engineer Kurt W. Hauk has submitted Change Order No. 1 to this contract in the amount of (\$78,740.40), which takes into account all over and under runs on materials, contract adjustments for unused items and contract price adjustments for items with quantities that were substantially reduced,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it hereby approves Change Order No. 1 to the Agreement with Bat-Con, Inc. in the amount of (\$78,740.40), a copy of which is attached a made a part of this resolution, and

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

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

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS on April 13, 2009, the City Council approved the bid submitted by Marcellus Construction Company for the replacement of existing 18” sewer trunk lines with 24” lines at Barben Avenue/Butterfield, Holcomb/Chestnut Streets and for drainage alterations at the City’s Landfill, and

WHEREAS the original bid was approved in the amount of \$504,704.00, and

WHEREAS City Engineer Kurt W. Hauk has submitted Change Order No. 1 to this contract in the amount of \$89,802.20, which takes into account all over and under runs on materials, much of which is associated with the concrete encasement that needed to be removed from around the sanitary sewer pipe, and the closing of the tunnel from the original pipe installation in 1931,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it hereby approves Change Order No. 1 to the Agreement with Marcellus Construction Company in the amount of \$89,802.20, a copy of which is attached a made a part of this resolution, and

BE IT FURTHER RESOLVED that the approval of this Change Order is contingent on the City Council adoption of the Bond Ordinance to fund the Chestnut Holcomb portion of the work, and

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

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

Prior to the vote on the foregoing resolution, Council Member Smith thanked Mr. Hauk for his report on this. He stated that while he is very much against change orders, he appreciated the detailed report that accompanied the resolution.

Council Member Butler referred to the amount of overtime built into it and questioned if the city is obligated to pay this or if we can tell them to extend the time of the project.

Mr. Hauk responded that normally, the quicker the project is completed, the cheaper it is. He explained that the contractor has the responsibility to get the job done and if we jump in to tell them to stop at 5 p.m., it may incur more costs for us.

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS Peter Clough of Four-Point Construction Management & Consulting, on behalf of Robert Freeman, has made an application for site plan approval, for an addition to the parking lot located at 1067 Marble Street, Parcels Number: 04-27-330.000 and 04-27-301.000, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on October 6, 2009 and recommended that the City Council of the City of Watertown approve the site plan, contingent upon the following:

1. Adding trees spaced 20 feet on center with shrubs in between them in the areas along the eastern property line where there are gaps in the existing tree line;
2. Silt fence is added along the northern property line where the new asphalt is being constructed;
3. Revised photometric plan with the lighting levels reduced to 0.5 foot-candles in the northeastern corner of the property be submitted;
4. Combine the Parcel Nos. 04-027-330.000 and 04-27-301.000 into one parcel;
5. A letter from the property owner is to be submitted stating that they allow the site plan to be completed.
6. Revised plans are to be submitted prior to the City Council meeting.

And,

WHEREAS the Planning Board of Jefferson County reviewed the site plan at its meeting held on October 27, 2009, and the board adopted a motion that the project does not have any significant County-wide or intermunicipal issues and is of local concern only, and

WHEREAS the applicant submitted a revised site plan on October 9, 2009 that addressed most of the Planning Board's conditions, and

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part 2 and has determined that the project, as submitted, is Unlisted and will not have a significant effect on the environment, and

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 by the City Council of the City of Watertown, New York that site plan approval is hereby granted to Peter Clough of Four-Point Construction Management & Consulting, on behalf of Robert Freeman, for an addition to the parking lot located at 1067 Marble Street, Parcels Number: 04-27-330.000 and 04-27-301.000, as shown on the revised site plan submitted to the City Engineer on October 9, 2009, with the following conditions:

1. Combine the Parcel Nos. 04-027-330.000 and 04-27-301.000 into one parcel;

2. A letter from the property owner is to be submitted stating that they allow the site plan to be completed.

And,

BE IT FURTHER RESOLVED that it is an express condition of this site plan approval that the applicant provide the City Engineer with sufficient copies 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 Codes 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.

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

## **ORDINANCE**

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

WHEREAS, by ordinance dated January 16, 2007, the Council of the City of Watertown, Jefferson County, New York, authorized the issuance of \$114,000 bonds of said City to pay the cost of the combined sanitary sewer replacement between Chestnut and Holcomb Streets, in and for the City of Watertown, Jefferson County, New York, and incidental expenses in connection therewith, at an estimated maximum cost of \$114,000;

WHEREAS, by ordinance dated April 6, 2009, the Council amended the January 16, 2007 ordinance to increase the estimated maximum cost from \$114,000 to \$245,000, an increase of \$131,000, and to authorize an additional \$131,000 bonds to finance that increase; and

WHEREAS, the Council now wishes to increase the estimated maximum cost of the aforesaid specific object or purpose from \$245,000 to \$325,000, an increase of \$80,000 over that previously authorized, and to authorize an additional \$80,000 bonds to finance that increase;

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

Section A. The ordinance of this Council dated and duly adopted January 16, 2007, as amended April 6, 2009, authorizing the issuance of \$245,000 bonds to pay the cost of the

combined sanitary sewer replacement between Chestnut and Holcomb Streets, in and for the City of Watertown, Jefferson County, New York, and incidental expenses in connection therewith, is hereby amended, in part, to read as follows:

“AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$325,000 BONDS OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK TO PAY THE COST OF COMBINED SANITARY SEWER REPLACEMENT BETWEEN CHESTNUT AND HOLCOMB STREETS, IN AND FOR SAID CITY.

“ . . . .

“Section 1. To pay the cost of the combined sanitary sewer replacement between Chestnut and Holcomb Streets, in and for the City of Watertown, Jefferson County, New York, and incidental expenses in connection therewith, a specific object or purpose, there are hereby authorized to be issued \$325,000 bonds of said City pursuant to the provisions of the Local Finance Law.

“Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific object or purpose is \$325,000 and that the plan for the financing thereof is by the issuance of the \$325,000 bonds of said City authorized to be issued pursuant to this bond ordinance.”

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 ordinance is effective immediately.

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

**UNANIMOUS CONSENT MOVED BY COUNCIL MEMBER BURNS, SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

Prior to the vote on the foregoing ordinance, discussion was held concerning the temporary inspectors that are brought in to inspect the projects.

Mr. Hauk explained that they are trying to get a job description prepared for temporary inspectors which will then need approval.

Council Member Smith wondered about hiring a full time engineer to do inspections and then do designing in the winter months.

Mr. Hauk explained that this would be a matter of work load. Right now, using the temporary inspectors is the best way to go.

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### **COUNCIL DISCUSSED THE FOLLOWING TOPICS:**

#### **Boards & Commissions**

Mayor Graham advised that David Koster would like to continue serving as City Constable and has asked that Patricia Hennegan be named Deputy Constable. Mayor Graham asked if the Council had a problem with that since she resides outside of the city. They had none.

Council asked that a resolution be prepared for the next Council meeting.

Mayor Graham commented that Mr. Clough expressed his desire to continue to serve on CAPC. Council supported this.

Mrs. Corriveau advised that Debbi Cavallario and Frank Seminerio have expressed an interest in serving on the CAPC board.

Council agreed to review these as well as asking Mrs. Corriveau to contact all present members to see if they are interested in continuing to serve on the various boards.

Mayor Graham also reminded Council that they have a colleague who will be leaving Council at the end of the year and he may be interested in serving on a board.

#### **Street Lights**

Council Member Burto commented that the new street lights on the lower portion of State Street look good.

Council Member Smith remarked that he had received the street lighting agreement and it stated that National Grid is required to maintain the system. He named several streets that have several poles down which added up to many more than 10. Many of these poles have been down for over a year. He remarked that he would argue that they are in violation of the contract.

Mrs. Corriveau remarked that this message has been sent strongly to National Grid. She explained that there will be an offset on the city's street lighting bill.

Council Member Burns questioned how accurate that would be.

Mrs. Corriveau explained that Mr. Hayes had found 19 out in just a short drive around some of the streets.

Mr. Hayes advised that he found 16 just in the section of the city around City Hall. He said that it should be easy to track the ones where the poll is down as there should be a work order associated with it.

Mrs. Corriveau commented that the city has asked the public to inform them when they see a light out. Then it can be tracked through the City Manager's Office.

Council Member Butler asked about both the cobra and ornamental lights being on State St.

Mr. Hayes explained that once the ornamental is put up, the cobra heads will be taken down by National Grid, over time.

### **Tree Lighting Ceremony**

Council Member Butler asked if there were plans for a tree lighting ceremony in Public Square.

Mrs. Corriveau advised that the ceremony is scheduled for Thursday, December 3<sup>rd</sup> beginning at 5 p.m.

### **Tree Plantings**

Mrs. Corriveau advised that there will be a tree planting with Watertown Housing on Wednesday at 4 p.m. at East Hills and one with the school district on Saturday at 9 a.m. at North Elementary and Knickerbocker schools.

### **ADJOURNMENT**

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 8:04 P.M. BY MOTION OF COUNCIL MEMBER BUTLER, SECONDED BY COUNCIL MEMBER BURNS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

*Donna M. Dutton*  
City Clerk