

**REGULAR COUNCIL MEETING
CITY OF WATERTOWN
November 7, 2005
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCILMAN STEPHEN J. BRADLEY
COUNCILWOMAN ROXANNE M. BURNS
COUNCILMAN PETER L. CLOUGH
COUNCILMAN TIMOTHY R. LABOUF
MAYOR GRAHAM**

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

City Manager Corriveau presented the following reports to the Council:

- 1 - Extension of Sick Leave at Half Pay, Paul J. Vout
- 2 - Approving Change Order No. 1 to Contract for Flower Memorial Library Renovation Project, Electric Contract, Jordstat Construction, Inc.
- 3 - Approving Change Order No. 24 to Contract for Construction of DPW/Bus Maintenance and Storage Facility, Electrical Construction, Collins-Hammond Electric Contractors
- 4 - Approving Pole Attachment Agreement, National Grid
- 5 - Finding that the Conversion of an Existing Warehouse Building at 629 Factory Street/38 Fairbanks Street, Parcel No. 6-05-104 Into a Multi-Family Dwelling Containing 76 One and Two Bedroom Apartments and Construction of Parking on Parcels No. 6-05-205 and 6-05-301.001 Will Not Have A Significant Impact on the Environment
- 6 - Finding that the Approval of the Zone Change Application of the City of Watertown to Change the Approved Zoning Classification of 119 State Place, Parcel No. 6-08-126, From Residence "C" District to Commercial District, Will Not have a Significant Impact on the Environment
- 7 - Finding that the Approval of the Zone Change Application of Steven C. Daily and Red & White Auto Sales II to Change Approved Zoning Classification of 402-446 Arsenal Street and 108 N. Meadow Street from Neighborhood Business District and Residence "C" District to Commercial District Will Not Have A Significant Impact on the Environment
- 8 - Amending City Code, Appendix A, Chapter A320 Fees, Article II, Use of Fairgrounds Ice Arena, Sub-Section 320-4. Schedule of Fees
- 9 - Local Law No. 8 of 2005 – Amending City Code Section 271-73, Senior Citizens Tax Exemption, Exemption Granted
- 10 – Public Hearing 7:15 p.m. – Local Law No. 7 of 2005
- 11 - Public Hearing 7:30 p.m. – Resolution No. 5 – Finding that the Conversion of an Existing Warehouse Building 629 Factory Street/38 Fairbanks Street, Parcel No. 6-05-104 into a Multi-Family Dwelling Containing 76 One and Two

- Bedroom Apartments and Construction of Parking on Parcels No. 6-05-205 and 6-05-302.001 Will Not Have A Significant Impact on the Environment
- 12- Public Hearing 7:30 p.m. - Ordinance No. 1 introduced October 17, 2005
Approving the Zone Change Request Submitted by Michael Callahan to Change Approved Zoning Classification of 629 Factory Street/38 Fairbanks Street, A Vacant Lot on Factory Street and a Vacant Lot on Fairbanks Street, Parcels No. 6-05-104, 6-05-205 and 6-05-301.001, From Heavy Industrial District to Neighborhood Business District
 - 13- Public Hearing 7:45 p.m. – Resolution No. 8 introduced October 17, 2005
Approving the Special Use Permit Request Submitted by Michael Callahan to Allow the Conversion of an Existing Warehouse Building at 629 Factory Street/38 Fairbanks Street, Parcel No. 6-05-104, Into a Multi-Family Dwelling Containing 76 One and Two Bedroom Apartments and to Allow Remote Parking on Parcels No. 6-05-205 and 6-05-301.001
 - 14 - Public Hearing 8:00 p.m. – Resolution No. 6 – Finding that the Approval of the Zone Change Application of the City of Watertown to Change the Approved Zoning Classification of 119 State Place, Parcel No. 6-08-126, From Residence “C” District to Commercial District, Will Not Have A Significant Impact on the Environment
 - 15 - Public Hearing 8:00 p.m. – Ordinance No. 3 introduced October 17, 2005
Approving the Zone Change Request Submitted by the City of Watertown to Change the Approved Zoning Classification of 119 State Place, Parcel No. 6-08-126, From Residence “C” District to Commercial District
 - 16 - Public Hearing 8:15 p.m. – Resolution No. 7 – Finding that the Approval of the Zone Change Application of Steven C. Daily and Red & White Sales II to Change Approved Zoning Classification of 402-446 Arsenal Street and 108 N. Meadow Street from Neighborhood Business District and Residence “C” District to Commercial District Will Not Have A Significant Impact on the Environment
 - 17 - Public Hearing 8:15 p.m. – Ordinance No. 2 introduced October 17, 2005
Approving the Zone Change Request Submitted by Steven C. Daily and Red & White Auto Sales II to Change the Approved Zoning Classification of 402-446 Arsenal Street and 108 N. Meadow Street from Neighborhood Business District and Residence “C” District to Commercial District
 - 18 - Offer to Purchase a Portion of the Abe Cooper Site
 - 19- Monthly Financial Report
 - 20 - Additional Position Within the Planning Office
 - 21 - Executive Session -Proposed Litigation

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 17, 2005 and the adjourned meeting of October 24, 2005 was dispensed with and accepted as written by motion of

Councilwoman Burns, seconded by Councilman Bradley and carried with all voting in favor thereof.

COMMUNICATIONS

Minutes were received from the library's board meeting.

ABOVE PLACED ON FILE

From Penny & Steve Bauder, 916 Bronson Street, concerning a notice from Code Enforcement stating that the paving on their sidewalk is illegal and needs to be replaced.

ABOVE PLACED ON FILE

From Donna Berkman and Keith Alcombrack concerning their opposition to the zone change request from Red & White Auto.

ABOVE PLACED ON FILE

A petition for annexation of land to the City of Watertown by Seaway Acquisition Company, LOC has been received.

ABOVE PLACED ON FILE

A petition containing approximately 32 signatures has been received in opposition to the proposed zone change on the north side of the 400 block of Arsenal Street.

ABOVE PLACED ON FILE

A petition, which was originally presented to Council on December 6, 2004, has been resubmitted. The petition, which contains approximately 12 signatures concerns the condition of property located at 412 Paddock Street.

ABOVE PLACED ON FILE

The following claims against the City were received:

1. A subrogation claim was received from Allstate concerning damage to property located at 1120 Bronson Street.
2. Summons and notice was received concerning a mortgage foreclosure on property located at 118-120 Elm Street.
3. Additional paperwork was received from Richard Bura relative to a previously filed claim.

ABOVE REFERRED TO THE BOARD OF AUDIT

Mayor Graham interrupted the regular course of business to allow Capt. Reff to introduce the five new police officers for the Watertown Police Department.

PRIVILEGE OF THE FLOOR

Frank Howard, 126 N. Meadow Street, addressed the chair concerning an alleged violation by Red & White Auto when they took down a section of the fence and parked a flat bed trailer on the property. He questioned why this didn't come before the Planning Board and the City Council. He stated that there has to be an 8' perimeter maintained.

Mr. Mix explained that there was no requirement for a buffer zone, other than the fence. He also commented that the City has given Red & White until November 15th to fix the fence.

Margaret Howard, 126 N. Meadow Street, addressed the chair reading from a list of stipulations that she said required an 8' buffer zone.

Mr. Mix remarked that he wasn't sure if Mrs. Howard was referring to the gap in the fence or the buffer zone. He explained that with the fence, there is still an 8' gap.

Mrs. Howard responded that Red & White is right up next to Mrs. Patchen's north fence.

Mr. Mix commented that the 8' buffer should be from the property line in.

Mrs. Corriveau explained that the fence doesn't have to be 8' in and can be on the property line.

Mrs. Howard reiterated her husband's question concerning the fact that this was not brought before Council for a vote.

Mayor Graham suggested that Mr. Wayte, Chairman of the Planning Board, could be invited to a work session to summarize the discussion from the Planning Board two years ago.

Mrs. Corriveau commented that if Council wished, she could prepare a synopsis of the Planning Board minutes and create a time line of events for the issue.

Joanie Kurtz, 25409 Pearl Street addressed the chair stating that the gap is a driveway to the back apartment, where she plans to reside. She stated that Red & White is going to comply and put up the fence and will move the fence up to the parking lot to accommodate the Howard's.

Stephen Daily, 424 Arsenal Street, addressed the chair remarking that it would be a good idea to have the minutes of the Planning Board, as it would show that Red & White did accommodate the Howard's. He stated that car lights do shine in the Howard's home, if cars are parked in the lot with their lights on. He also remarked that the Howard's had agreed to the fence.

Penny Bauder, 916 Bronson Street, addressed the chair, referring to her letter, which was presented in communications. She asked if Bronson Street was going to be redone. She explained that her sidewalk is right on the road. She explained that she had received a notice of the Codes Department to replace the paving they had done about 10 years ago.

Mrs. Corriveau explained that she has asked Mr. McWayne to take a look at this and a report is being prepared.

Mrs. Bauder commented that her calls to Codes have not been returned.

Mrs. Corriveau informed Mrs. Bauder that she would get a response back to her.

James Fraser, 914 Boyd Street, addressed the chair concerning property at 927-929 Boyd Street and the fact that there has been an open window in the attic with pigeons using it for many months. He explained that the City Manager's Office notified the owner on September 26th and he promised to fix it. However, this has not happened. Mr. Fraser called the State Code Enforcement Office on October 18th and he was informed that there is a law on the books under section 306.1, which deals with rodent infestation. He remarked that there are people living in those apartments and he is concerned about health issues. Mr. Fraser advised that there is an abandoned car in the front of that building. He explained that he had phoned Codes on September 16th and nothing has been done to date. He also commented that he realizes the department is inundated with paperwork.

Mrs. Corriveau advised that she would look into these issues.

Mayor Graham asked if there was a system for tracking complaints.

Mrs. Corriveau explained that she and Mr. White have been looking at various tracking systems.

Ms. Kurtz addressed the chair asking why this health hazard has been ignored, but Code Enforcement is constantly coming to their property.

Margaret & Frank Howard's daughter spoke on behalf of her parents, stating that during a Sunday evening dinner car lights from Red & White Auto had shone into their windows throughout the evening.

PUBLIC HEARINGS

AT 7:15 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING LOCAL LAW NO. 7 OF 2005- A LOCAL LAW AMENDING LOCAL LAW NO. 1 OF 1994, AS AMENDED BY LOCAL LAW NO. 6 OF 1995, LOCAL LAW NO. 1 OF 2001 AND LOCAL LAW NO.1 OF 2003, REVISING THE DESIGNATED BOUNDARIES OF THE WATERTOWN EMPIRE ZONE.

MAYOR GRAHAM DECLARED THE PUBLIC HEARING OPEN

No one spoke.

MAYOR GRAHAM DECLARED THE PUBLIC HEARING CLOSED

AT 7:30P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING THE ZONING REQUEST SUBMITTED BY MICHAEL CALLAHAN TO CHANGE THE ZONING CLASSIFICATION OF 629 FACTORY STREET/38 FAIRBANKS STREET, A VACANT LOT ON FACTORY STREET AND A VACANT LOT ON FAIRBANKS STREET, PARCELS NO. 6-05-104, 06-05-205 AND 6-05-301.001 FROM HEAVY INDUSTRIAL DISTRICT TO NEIGHBORHOOD BUSINESS DISTRICT

MAYOR GRAHAM DECLARED THE PUBLIC HEARING OPEN

No one spoke.

MAYOR GRAHAM DECLARED THE PUBLIC HEARING CLOSED

AT 7:45 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING THE REQUEST FOR A SPECIAL USE PERMIT SUBMITTED BY MICHAEL CALLAHAN TO ALLOW THE CONVERSION OF AN EXISTING WAREHOUSE BUILDING AT 628 FACTORY STREET/38 FAIRBANKS STREET, PARCEL NO. 6-05-104 INTO A MULTI-FAMILY DWELLING CONTAINING 76 ONE AND TWO BEDROOM APARTMENTS AND TO ALLOW REMOTE PARKING ON PARCELS NO. 6-05-205 AND 6-05-301.001.

MAYOR GRAHAM DECLARED THE PUBLIC HEARING OPEN

No one spoke.

MAYOR GRAHAM DECLARED THE PUBLIC HEARING CLOSED

AT 8:00 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING THE ZONING REQUEST SUBMITTED BY KENNETH MIX, ON BEHALF OF THE CITY OF WATERTOWN, TO CHANGE THE ZONING CLASSIFICATION OF 119 STATE

PLACE, PARCEL NO. 6-08-126 FROM RESIDENCE ‘C’ DISTRICT TO COMMERCIAL DISTRICT.

MAYOR GRAHAM DECLARED THE PUBLIC HEARING OPEN

No one spoke.

MAYOR GRAHAM DECLARED THE PUBLIC HEARING CLOSED

AT 8:15 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING THE ZONING REQUEST SUBMITTED BY STEVEN C. DAILY AND RED & WHITE AUTO SALES II TO CHANGE THE ZONING CLASSIFICATION OF 402 THROUGH 446 ARSENAL STREET AND 108 N. MEADOW STREET, PARCEL NO. 7-05-201 THROUGH 7-05-210 FROM NEIGHBORHOOD BUSINESS DISTRICT AND RESIDENCE ‘C’ DISTRICT TO COMMERCIAL DISTRICT.

MAYOR GRAHAM DECLARED THE PUBLIC HEARING OPEN

Steven Daily, 424 Arsenal Street, addressed the chair explaining that they had been trying to get this passed for ten years. He stated that Arsenal Street is a busy commercial street. He also commented that they had already applied for and had been granted a second site in the Town of Pamela, which they will consider moving to if this is not approved. He commented that the Howard’s live away from Red & White. The residents at 402 Arsenal and 108 N. Meadow are completely in favor of the zone change. He also commented that the change does not pose an environmental impact on the neighborhood. He explained that if they take off one section of the fence, the phones are ringing off the hook. Mr. Daily commented that they have made a great improvement in the property. Prior to that, the Police Department used to be at the houses located there every other day.

Mr. Daily commented that the business did almost a million dollars in sales. This would be a loss to the City if they leave, all because of one neighbor.

Frank Howard, 126 N. Meadow Street, addressed the chair remarking that Council knows what concerns he and his wife have about this. He remarked that if Council leaves it as it is now, the City would have better control. However, if Council votes for the change, the City won’t know what will happen.

A letter was read from Mrs. Soluri, 130 N. Meadow Street, urging Council not to approve the zone change.

Joanie Kurtz, 25409 Pearl Street, addressed the chair stating that she would be living on the property in the near future. She stated that if the zone change doesn’t go through, she would move the business. She stated that this is not about Red & White. This area, like

the other areas of the street, needs to be commercial. She also commented that the trailer was not illegally parked.

Mrs. Howard responded that the trailer was ticketed twice. She stated that they don't want any more commercial on the street. She stated that this will bring more people and more traffic to the area and she is upset to see that 108 N. Meadow was included in the request.

Mr. Daily commented that the City has never cited Red & White for anything. He stated that by having it neighborhood business, it is spot zoning and stressed the fact that it should be commercial.

MAYOR GRAHAM DECLARED THE PUBLIC HEARING CLOSED AT 8:33 P.M.

RESOLUTIONS

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS Firefighter Paul J. Vout is currently on medical leave and has exhausted his sick leave and vacation time, and

WHEREAS Article 6, Section 3(e) of the Contract with the Watertown Professional Firefighters' Association contains the provision for granting sick leave at half pay for a period not to exceed 180 days, after approval by the City Council,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown deems it in the best interest of the City to approve an extension of sick leave at half pay for Firefighter Paul J. Vout for a period of up to thirty (30) days, as needed, in accordance with the Contract with the Watertown Professional Firefighters' Association, and

BE IT FURTHER RESOLVED that this extension of sick leave at half pay is effective October 30, 2005.

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

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS on August 1, 2005, the City Council of the City of Watertown approved the bid submitted by Jordstat Construction, Inc., Alexandria Bay, New York, in the amount of 32,831.00 for the Electrical Contract for the Flower Memorial Library, Phase I Restoration and Reconfiguration Project, and

WHEREAS Interim City Engineer Gary E. Pilon is now asking that the City Council approve Change Order No. 1 to this Agreement,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Change Order No. 1 to the Electrical Contract with Jordstat Construction, Inc., in the amount of \$216.00, 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 Change Order documents on behalf of the City of Watertown.

SECONDED BY COUNCILMAN TIMOTHY R. LABOUF AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS on August 18, 2003, the City Council of the City of Watertown approved the bid submitted by Collins-Hammond Electric Contractors, 7724 State Highway 68, Ogdensburg, New York, in the amount of \$267,800 for Electrical Construction associated with the construction of a new DPW/Bus Maintenance and Storage Facility, and Transit Facility, and

WHEREAS Interim City Engineer Gary E. Pilon is now asking that the City Council approve Change Order No. 24 to this Agreement,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Change Order No. 24 to the Electrical Construction Contract with Collins-Hammond Electric Contractors in the amount of \$2,180.65, 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 Change Order documents on behalf of the City of Watertown.

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

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

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 COUNCILMAN STEPHEN J. BRADLEY AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS Michael Callahan is proposing to convert an existing warehouse building at 629 Factory Street/38 Fairbanks Street, Parcel No. 6-05-104 into a multi-family dwelling containing 76 one and two bedroom apartments and construction of parking on Parcels No. 6-05-205 and 6-05-301.001, and

WHEREAS the City Council of the City of Watertown, New York has before it an Ordinance for the Zone Change Application of Michael Callahan to change the approved zoning classification of 629 Factory Street/38 Fairbanks Street, a vacant lot on Factory Street and a vacant lot on Fairbanks Street, Parcels No. 6-05-104, 6-05-205 and 6-05-301.001, from Heavy Industrial District to Neighborhood Business District, and

WHEREAS the City Council also has before it a Resolution for the Special Use Permit Application of Michael Callahan to allow the conversion of an existing warehouse building at 629 Factory Street/38 Fairbanks Street, Parcel No. 6-05-104, into a multi-family dwelling containing 76 one and two bedroom apartments and to allow parking on Parcels No. 6-05-205 and 6-05-301.001, and

WHEREAS the City Council must evaluate all proposed actions submitted for its consideration in light of the State Environmental Quality Review Act (SEQRA) and the regulations promulgated pursuant thereto, and

WHEREAS the proposed project would constitute such an “action”, and

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

WHEREAS there are no other involved agencies for SEQRA review as that term is defined in 6NYCRR, Section 617.2(s), and

WHEREAS to aid the City Council in its determination as to whether the proposed project will have a significant effect on the environment, Part I of a Short Environmental Assessment Form has been prepared by Michael Callahan, a copy of which is attached and made a part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that:

1. Based upon its examination of the Short Environmental Assessment Form and comparison of the proposed action with the criteria set forth in 6NYCRR Section 617.7, no significant impact on the environment is known and the proposed project will not have a significant effect on the environment.
2. The Mayor of the City of Watertown is authorized to execute the Environmental Assessment Form to the effect that the City Council is issuing a Negative Declaration under SEQRA.
3. This resolution shall take effect immediately.

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

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS the City Council of the City of Watertown, New York has before it an Ordinance for the Zone Change Application of the City of Watertown to change the approved zoning classification of 119 State Place, Parcel No. 6-08-126, from Residence “C” District to Commercial District, and

WHEREAS the City Council must evaluate all proposed actions submitted for its consideration, in light of the State Environmental Quality Review Act (SEQRA), and the regulations promulgated pursuant thereto, and

WHEREAS the adoption of the proposed Ordinance would constitute such an “Action”, and

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

WHEREAS there are no other involved agencies for SEQRA review as that term is defined in 6NYCRR Section 617.2(s), and

WHEREAS to aid the City Council in its determination as to whether the proposed zone change will have a significant effect on the environment, Part I of a Short Environmental Assessment Form has been prepared by the City of Watertown, a copy of which is attached and made a part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that:

1. Based upon its examination of the Short Environmental Assessment Form and comparison of the proposed action with the criteria set forth in 6NYCRR Section 617.7, no significant impact on the environment is known and the adoption of the zone change will not have a significant effect on the environment.
2. The Mayor of the City of Watertown is authorized to execute the Environmental Assessment Form to the effect that the City Council is issuing a Negative Declaration under SEQRA.
3. This resolution shall take effect immediately.

SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILWOMAN ROXANNE M. BURNS

WHEREAS the City Council of the City of Watertown, New York has before it an Ordinance for the Zone Change Application of Steven C. Daily and Red & White Auto Sales II to change the approved zoning classification of 402-446 Arsenal Street and 108 N. Meadow Street, Parcels No. 7-05-201, 7-05-202, 7-05-203, 7-05-204, 7-05-205, 7-05-206, 7-05-207, 7-05-208, 7-05-209 and 7-05-210 from Neighborhood Business District and Residence “C” District to Commercial District, and

WHEREAS the City Council must evaluate all proposed actions submitted for its consideration in light of the State Environmental Quality Review Act (SEQRA) and the regulations promulgated pursuant thereto, and

WHEREAS the adoption of the proposed Ordinance would constitute such an “action”, and

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

WHEREAS there are no other involved agencies for SEQRA review as that term is defined in 6NYCRR, Section 617.2(s), and

WHEREAS to aid the City Council in its determination as to whether the proposed zone change will have a significant effect on the environment, Part I of a Short Environmental Assessment Form has been prepared by Steven C. Daily and Red & White Auto Sales II, a copy of which is attached and made a part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that:

1. Based upon its examination of the Short Environmental Assessment Form and comparison of the proposed action with the criteria set forth in 6NYCRR Section 617.7, no significant impact on the environment is known and the adoption of the zone change will not have a significant effect on the environment.
2. The Mayor of the City of Watertown is authorized to execute the Environmental Assessment Form to the effect that the City Council is issuing a Negative Declaration under SEQRA.
3. This resolution shall take effect immediately.

SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED WITH ALL VOTING YEA

Prior to the vote on the foregoing resolution, Council considered the SEQRA form.

Councilwoman Burns referred to the report from the County's Planning Board indicating that there would be impact on traffic. However, she considered it to be small to moderate.

Mayor Graham commented that he didn't know about some potential impacts since it is an evolving neighborhood.

Councilwoman Burns commented that the zone change would not have a significant impact on Arsenal Street. However, the potential for increased traffic would impact the Meadow Street area since it is still a residential neighborhood.

Councilman LaBouf commented that on several occasions the Howard's have contacted him about the problems they were having. He remarked that he realizes that it is hard work to create a business. He stated that he commends Mr. Daily for turning the property around. However, he stated that he is troubled by comments from the neighbors that indicate that Red & White Auto is not being a good neighbor. It seems as though there is instigation going on. He also remarked that while the Council can't stop the commercialism of Arsenal Street, they could control what is there. He stated that the City sacrificed the needs of residents on Smith Street and he regrets the decision made in that case.

Councilman Clough remarked that the special use permit is what the difference is in this case.

Attorney Slye explained that if this were a retail store, it would be permitted and no special use permit would be required. However, it is about a car lot in a neighborhood district. Therefore, it is specially permitted vs. absolutely permitted. He explained that Monro Muffler was absolutely permitted. The question was site plan approval, not a special use permit. Attorney Slye explained that before the Council this evening is whether or not the zone change request might have a significant environmental impact.

Mrs. Corriveau also advised Council that Red & White does not own all of the parcels in the request.

Mayor Graham commented that voting this down would only force a huge paperwork drill.

Councilman Bradley asked if the flooding at 114 N. Meadow Street, which occurred after this car lot was built, would be a significant impact.

Mrs. Corriveau indicated that this flooding already existed prior to considering this SEQRA form.

THE RESOLUTION “APPROVING THE SPECIAL USE PERMIT REQUEST SUBMITTED BY MICHAEL CALLAHAN TO ALLOW THE CONVERSION OF AN EXISTING WAREHOUSE BUILDING AT 629 FACTORY STREET/38 FAIRBANKS STREET, PARCEL NO. 6-05-104, INTO A MULTI-FAMILY DWELLING CONTAINING 76 ONE AND TWO BEDROOM APARTMENTS AND TO ALLOW REMOTE PARKING ON PARCELS NO. 6-05-205 AND 6-05-301.001.” WAS PRESENTED TO COUNCIL (Introduced on October 17, 2005; public hearing held this evening; appears in its entirety on page 196 of the 2005 Minutes Book).

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

ORDINANCES

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS the City Council of Watertown owns and operates a Municipal Arena for the benefit of the taxpayers of the City of Watertown, and

WHEREAS the City has established fees for the use of said facility,

BE IT ORDAINED that the City Council of the City of Watertown amends City Code Appendix A, Article III, §A320-4. Schedule of Fees, A. (1) as follows:

- (1) Public Skating Sessions: \$2 per person per session.

BE IT FURTHER ORDAINED that this Amendment to the Code of the City of Watertown shall take effect as soon as it is published in the official newspaper of the City of Watertown or printed as the City Manager directs.

SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED WITH ALL VOTING YEA

(Unanimous consent moved by Councilman LaBouf, seconded by Councilman Bradley and carried with all voting in favor thereof.)

THE ORDINANCE APPROVING THE ZONE CHANGE REQUEST SUBMITTED BY MICHAEL CALLAHAN TO CHANGE APPROVED ZONING CLASSIFICATION OF 629 FACTORY STREET/38 FAIRBANKS STREET, A VACANT LOT ON FACTORY STREET AND A VACANT LOT ON FAIRBANKS STREET, PARCELS NO. 6-05-104, 6-05-205 AND 6-05-301.001 FROM HEAVY INDUSTRIAL DISTRICT TO NEIGHBORHOOD BUSINESS DISTRICT WAS PRESENTED TO COUNCIL (Introduced on October 17, 2005; public hearing held this evening; appears in its entirety on page 197 of the 2005 Minutes Book).

Prior to the vote on the foregoing ordinance, Mayor Graham commented that if housing is the way to go, he would support the zone change.

Councilman LaBouf commented that he agrees with Mayor Graham and that this is a good short-term solution for housing.

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING ORDINANCE AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Following the vote on the ordinance, Mr. Stuart Perkins, Black River Paper, thanked the Council for their action and remarked that the company will still remain in business.

THE ORDINANCE “APPROVING THE ZONE CHANGE REQUEST SUBMITTED BY THE CITY OF WATERTOWN TO CHANGE THE APPROVED ZONING CLASSIFICATION OF 119 STATE PLACE, PARCEL NO. 6-08-126, FROM RESIDENCE “C” DISTRICT TO COMMERCIAL DISTRICT WAS PRESENTED TO COUNCIL (Introduced on October 17, 2005; public hearing held this evening; appears in its entirety on page 198 of the 2005 Minutes Book).

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING ORDINANCE AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

THE ORDINANCE “APPROVING THE ZONE CHANGE REQUEST SUBMITTED BY STEVEN C. DAILY AND RED & WHITE AUTO SALES II TO

CHANGE THE APPROVED ZONING CLASSIFICATION OF 402-446 ARSENAL STREET AND 108 N. MEADOW STREET FROM NEIGHBORHOOD BUSINESS DISTRICT AND RESIDENCE “C” DISTRICT TO COMMERCIAL DISTRICT” WAS PRESENTED TO COUNCIL (Introduced on October 17, 2005; public hearing held this evening; appears in its entirety on page 197 of the 2005 Minutes Book).

Prior to the vote on the foregoing ordinance, Councilman LaBouf commented that both Red & White Auto and the neighbors have spent a lot of time on this issue. He commented that he doesn't see anything changing the chemistry of what has transpired. He suggested that the business might be better suited in another location.

Mayor Graham responded that this issue frustrates him. He stated that it goes on and on and it is sad that it hasn't been resolved. He stated that it is not as simple as saying that this business should go elsewhere. He remarked that there is so much controversy at this point, everyone needs to move on. He commented that he would hope the parties involved could work through their differences. He also remarked that, at some point, there has to be a transition of this section of Arsenal Street into commercial.

Councilman LaBouf commented that it pains him to vote down a positive business in this community.

Councilwoman Burns commented that eventually this section of Arsenal would evolve into commercial. It should take place in the best manner possible and it should take the neighbors into consideration. She commented that when the hospital expanded their parking, they were told that they had to be the best neighbors possible and they have been.

Councilman Bradley remarked that the hospital is a perfect example of being a good neighbor. He stated that after the flat bed incident, he spoke with the neighbors and Red & White about going to dispute resolution. The neighbors agreed, but the business owner wouldn't go.

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

LOCAL LAW

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS the City Council established by Local Law, a partial exemption for real property taxation on real property owned by certain persons with limited income who are 65 years of age or older, and

WHEREAS the City Council has not amended the annual income levels since March 6, 1995,

BE IT ORDAINED that the City Council of the City of Watertown amends Section 271-73 A. (1) as follows:

If the income of the owner or the combined income of the owners of the property exceeds the sum of eighteen thousand five hundred dollars (\$18,500) for the twelve (12) consecutive months immediately preceding the date of making application for exemption. Where title is vested either in the husband or wife, their combined income may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, rental income, salary or earnings and income from self-employment but shall not include gifts or inheritances. Social security supplemental income (SSI) is not considered income. In the event that the property owner's income is less than eighteen thousand five hundred dollars (\$18,500), the following percentage of assessed valuation exemption from taxation shall apply:

| Annual Income | Percentage of Assessed Valuation Exempt from Taxation |
|----------------------|---|
| \$12,800 or less | 50% |
| \$12,801 to \$13,800 | 45% |
| \$13,801 to \$14,800 | 40% |
| \$14,801 to \$15,800 | 35% |
| \$15,801 to \$16,700 | 30% |
| \$16,701 to \$17,600 | 25% |
| \$17,601 to \$18,500 | 20% |

And,

BE IT FURTHER ORDAINED that this Local Law shall take effect immediately upon filing with the Secretary of State.

SECONDED BY COUNCILMAN STEPHEN J. BRADLEY

MOTION WAS MADE BY COUNCILMAN CLOUGH TO SCHEDULE A PUBLIC HEARING ON THE FOREGOING LOCAL LAW FOR MONDAY, NOVEMBER 21, 2005 AT 7:15 P.M.

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

LOCAL LAW NO. 7 OF 2005 WAS PRESENTED TO COUNCIL. (Introduced on October 24, 2005; public hearing held this evening; appears in its entirety on pages 210-224 of the 2005 Minutes Book).

Prior to the vote on the foregoing local law, Councilman Clough explained that this boundary amendment falls under the old rules. A new local law will be acted upon prior to the end of December.

Councilwoman Burns commented that both she and Councilman Clough were involved with the Empire Zone boundary changes when some felt the need to have acreage moved from the Town and City of Watertown and put it in outlying areas. She explained that she and Councilman Clough questioned that practice. Now the State has looked at it and has said that the zone acreage should be brought back into the City and Town of Watertown.

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING LOCAL LAW AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

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COUNCIL DISCUSSED THE FOLLOWING TOPICS:

Franklin St. /Thompson Blvd. Intersection

Mayor Graham referred to a letter he received from Lisa Burr regarding no stop signs coming out of the park. He asked for a report on this.

412 Paddock Street

Mrs. Corriveau remarked that Council has discussed this several times. She explained that the property has a large commercial snowplow in the driveway and there are antennas on the roof and cat tunnels on the property. However, there is nothing the City can do. The plow is licensed and insured. She explained that she had asked Codes to verify that the vehicle was still licensed and insured.

Councilwoman Burns commented that there has been garbage next to the house for several weeks.

Councilman Bradley remarked that he had also observed this.

Mayor Graham commented that the neighbors want this property cleaned up. He commented that while he was impressed with the engineering of the cat tunnels, the other things definitely are annoyances.

Crows

Mayor Graham asked for a report from the health officer as to whether or not the returning crows present a health problem due to the possible pandemic from the bird flu.

Mrs. Corriveau responded that the health officer had already addressed the crow issue. However, she will ask for another response relative to bird flu.

Pit Bulls

Mayor Graham referred to the incident in which a pit bull had to be shot by a police officer. He remarked that while he was at the County pound, he observed two pit bulls, which were up for adoption. He stated that given the known people who seek out pit bulls and the fact that they have certain agendas, he does not feel that it is in the best interest to be placing those animals in city homes. He remarked that the type of people who are seek these dogs aren't looking for a puppy dog. They have an agenda and the County should consider this when offering these animals for adoption. He asked that this be conveyed to the County.

Mrs. Corriveau will speak to Mr. Hagemann about this.

TenEyck Property

Councilman Clough referred to property located on TenEyck Street where a previous drug bust was held and where now there have been noise complaints.

Mrs. Corriveau commented that she has asked Mr. McWayne to see about nuisance abatement laws in other communities. They will be reviewing these.

Housing Demolition

Councilman Clough asked the status for demolitions.

Mrs. Corriveau explained that they are working through the properties and they will be done in the near future.

Councilman Bradley commented that there have been rumors that there are offers on the property that was demolished on TenEyck Street.

Mrs. Corriveau responded that she is not aware of offers. There have been housing developers that have looked at the property.

State Street Reconstruction

Councilman Clough asked if any type of layer was going to be put over the roadway for the winter because of plowing.

Mrs. Corriveau will check with Mr. Pilon.

Transfer of Airport

Councilwoman Burns asked for the status of this.

Mrs. Corriveau explained that FAA and DOT are currently reviewing the documents.

Attorney Slye explained what the FAA and DOT are reviewing are the documents that make up the framework for the closing itself. The transfer will not be complete until at least six to 8 weeks after their approval.

Sherman St./Iroquois Ave.

Councilman LaBouf asked for an update on this.

Mrs. Corriveau explained that traffic counts have been done. Department heads have been asked to look at the area and to make suggestions. She also explained that there is a need to get traffic counts from other areas of the city as well. Once this is done, a report will be prepared for Council.

Councilwoman Burns asked if Stone Street is also having traffic counts done.

Mrs. Corriveau explained that these counts are being done.

Councilman LaBouf commented that there is a need to look at the areas of blind spots.

Mrs. Corriveau commented that she is concerned that the City doesn't have a traffic engineer on staff. She questioned where traffic would go and who then would be impacted, if the access to Washington Street were cut off.

Code/Planning Staffing Levels

Councilman LaBouf commented that there seems to be staff shortages in some areas.

Mrs. Corriveau referred to the memo in the agenda, which addresses an additional position in the Planning Department.

MOTION WAS MADE BY MAYOR GRAHAM TO AUTHORIZE THE CITY MANAGER TO HIRE ANOTHER POSITION IN THE PLANNING DEPARTMENT AND TO HAVE IT ADDED TO THIS YEAR'S BUDGET.

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

Mrs. Corriveau explained that a new person would be in the administrative position in Codes, as the present individual has been promoted to Code Enforcement Officer. The new person will begin next week. At that time, a new computerized tracking system for logging in complaints will be put into practice.

Police Department Staffing

Capt. Reff explained that at the present time, the department is down one. However, three more are going to retire by September.

Councilman Clough remarked that we need to be looking at getting these slots filled.

Mrs. Corriveau explained that staff is currently looking at the costs to send four officers to Canton for training, if Council approves. The cost would probably be \$3,500 - \$4,000 each. They would be out of the academy in May and then in field training for 13 weeks.

MOTION WAS MADE BY COUNCILMAN CLOUGH AUTHORIZING THE HIRING OF FOUR POLICE OFFICERS TO COINCIDE WITH THE ACADEMY.

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

Abe Cooper Site

Mrs. Corriveau referred to the memo in the agenda packet. Council reviewed the parcel map.

Mayor Graham expressed his desire that the property should be rectangle in shape to insure that a piece of land would not be left isolated and unable to be sold.

Mrs. Corriveau remarked that staff could go back to Mr. Mesires and ask if he would be willing to square the parcel off.

EXECUTIVE SESSION

MOTION WAS MADE BY COUNCILMAN CLOUGH TO MOVE INTO EXECUTIVE SESSION TO DISCUSS PROPOSED LITIGATION AND REAL PROPERTY WHEREBY PUBLIC DISCLOSURE COULD AFFECT THE VALUE THEREOF.

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

Council moved into Executive Session at 9:06 p.m.

Council reconvened at 9:35 p.m.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 9:35 P.M. BY MOTION OF COUNCILWOMAN BURNS, SECONDED BY COUNCILMAN CLOUGH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Donna M. Dutton
City Clerk