

**CITY COUNCIL MEETING
CITY OF WATERTOWN
November 19, 2012
7:00 p.m.**

Mayor Jeffrey E. Graham Presiding

Present: Council Member Joseph M. Butler, Jr.
Council Member Teresa R. Macaluso
Council Member Jeffrey M. Smith
Mayor Graham

Excused: Council Member Roxanne M. Burns

Also Present: Sharon Addison, City Manager
Robert J. Slye, City Attorney

City staff present: Elliott Nelson, Jim Mills, Ken Mix, Kurt Hauk, Amy Pastuf, Beth Morris, Brenda Harwood, Mike Sligar, Melanie Rarick, Celia Cook, Peter Keenan, Gene Hayes, Chief Herman, Deputy Chief Randall, Brian Phelps

The City Manager presented the following reports to Council:

- Resolution No. 1 - Reappointment to the Roswell P. Flower Memorial Library Board of Trustees – Connie Holberg
- Resolution No. 2 - Appointment of Commissioner of Deeds
- Resolution No. 3 - Abandoning a Portion of Conger Avenue Adjacent to 183 Conger Avenue
- Resolution No. 4 - Approving Pole Attachment Agreement, National Grid
- Resolution No. 5 - Sidewalk Improvement Special Assessment Program, District No. 9
- Resolution No. 6 - Approving Change Order No. 1 to Agreement, 34 & Co., Inc.
- Resolution No. 7 - Approving Change Order No. 1 to Agreement, North Country Contractors, LLC
- Resolution No. 8 - Readopting Fiscal Year 2012-13 Sewer Fund Budget
- Resolution No. 9 - Approving Amendment No. 1 to the Agreement for Professional Services with Crawford & Stearns for Design Work Related to the Restoration of the Flower Memorial Library Façade
- Resolution No. 10 - Approving a Special Use Permit Request to Allow the Storage of Commercial Vehicles in a Neighborhood Business District at 729 Morrison Street, Parcel 1-03-105
- Ordinance No. 1 - Changing the Approved Zoning Classification of a 0.032 Acre Parcel of Land, Formerly Part of the Conger Avenue Right-of-Way, from Unzoned to Residence B District
- Ordinance No. 2 - Changing the Approved Zoning Classification of 802, 808, and 816 Coffeen Street from Residence B to Neighborhood Business District

- Public Hearing - Ordinance Changing the Approved Zoning Classification of 63 Properties, Between Main Street West and the Black River, in Order to Conform to The Local Waterfront Revitalization Program
- On-Line Request for Certified Copies
- Year-end Financial Report
- Sales Tax Revenue – October 2012

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 November 5, 2012 was dispensed and accepted as written by motion of Council Member Jeffrey M. Smith, seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

PRESENTATIONS

Presentation of CanaRx – Health Committee (on file in the City Clerk’s Office)

Joseph Scotti, Representative from CanaRx told Council CanaRx is an international prescription drug provider that has an existing working relationship with the current pharmacy benefit manager ProAct and their medications come directing from the same manufacturers that the local pharmacies use. He noted that this is optional for employees and wraps around the benefits that they already have.

Mr. Scotti reviewed the safety measures used by CanaRx stressing that all medications are obtained through government regulated distribution systems which distributes only a 90 day supply of brand name maintenance medications in factory sealed packaging. He pointed out that the program is voluntary and an application must be submitted acknowledging that the employer is held harmless and attesting that the medication is not new to the employee. He discussed the Drug Utilization Review and the educational leaflets distributed with the orders.

In regards to the Tier-One Drug Pedigree, Mr. Scotti reviewed the path that the medication takes noting that the sealed container is only touched four times which reduces the number of times an error can be made. He presented the mail order flow chart explaining that this process happens every 90 days.

In reviewing the Top 25 Medications comparison chart, he highlighted that the average savings through CanaRx would be 54.4%. He further explained this savings in relation to other client programs mentioning that St. Lawrence and Lewis counties participate in this program. He informed Council of the member benefits as well as the plan sponsor benefits stressing that there are no copays for members and no administrative costs for the plan sponsor.

Mayor Graham asked why more groups do not use this program.

Mr. Scotti stated that a lot of people just take their scripts across the border and also pointed out that this program only works with self funded plans. He said that more education is needed but more groups are implementing this due to this economy.

Council Member Butler inquired if the law has changed in regard to this.

Mr. Scotti explained that nothing has changed in the law but the interpretation of the law has been debated.

Council Member Butler asked if the company serves any large municipalities.

Mr. Scottie replied that they have two large school districts within New York State with over 20,000 employees. He explained that they have clients ranging from 600 to 20,000 employees throughout New York State. He reviewed the process that the employee would have to go through.

In response to Council Member Smith's inquiry, Mr. Scotti confirmed that there is no administrator cost to the City and the City would only be charged for the cost of the product. He explained that if the City decides to do this, then the next step would be to do an analysis of data and no medication will go on the list that is not less expensive than the current vendor. He advised that CanaRx recognizes licensed PA's and NP's.

Attorney Slye asked if there is a written contract between CanaRx and the City.

Mr. Scottie stated that there is no contract with any entities other than the individual who is participating. He added that the individual can decide to leave the program at any time. He reminded Council that if the prescription is new then it should be filled locally for the first time and that this program is only for brand name maintenance drugs. He reiterated that the advantage for the member is that there is no copay. He indicated that CanaRx acts as a broker.

Ms. Addison said that this program makes sense and the next step should be to analyze the City's plan.

Council concurred to move forward with the next step.

COMMUNICATIONS

An email was received from Donald Hassig regarding a cancer prevention education resolution.

Above communication was placed on file in the office of the City Clerk.

PRIVILEGE OF THE FLOOR

S.G. Gates, Dorsey Street addressed the chair reminding Council of his past efforts to create a Dog Park in the City stressing that he would secure the financing if the City would allow the use of the land. He stated that he has many businesses looking to donate money and many people that continue to support this project. He indicated that five years ago this was a new concept but now almost every community has one. He addressed the Dog Ordinance recently passed and stressed that socialization is important for a well behaved dog. He feels that the dog law was rushed through and now that it is passed many people do not know how to interrupt it and apply it too strictly. He mentioned how a Dog Park could help with the socialization of dogs and asked Council to reconsider this as well as review the Dog Ordinance.

Jasmine Borreggine, Marra Drive addressed the chair stating there is a large segment of the City that is concerned whether fluoridation of the water is effective, safe and cost affective. In regards to effectiveness, she cited from Mr. Sligar's report that there was an improvement in dental health from fluoridating the water but she showed graphs of nations that fluoridate their water verses nations that do not revealing that the decline in tooth decay was at the same rate. Regarding safety, she pointed out that fluorides are byproducts of industry which was proven to poison vegetation, water and livestock surrounding factories. She advised that 41% of American teenagers have some form of dental fluorosis caused by too much fluoride exposure. She said that fluoride is not a nutrient that the body needs and suggested that topical application of pharmaceutical grade fluoride could be beneficial while ingestion is harmful. By putting fluoride in the drinking water, she stressed that individuals cannot monitor their exposure level. She asked Council to review the information that she presented (on file in the City Clerk's Office) and to reconsider the fluoridation program.

Troy Walts, Brainard Street addressed that chair stating he is concerned about the water fluoridation because fluoride is not a nutrient required by our bodies. He suggested that this is a disposal mechanism for the aluminum and weapon industry. He pointed out that there are no facts or research done by a peer group stating that fluoride is good for you and it is not approved by the FDA. He advised that fluoride causes fluorosis of the bones as well as being linked to decreases in IQ, memory loss, neurological impairments, kidney damage, cancer, genetic damage and gastrointestinal problems. He noted that there is research from the CDC and EPA recommending not using fluoride. He also cited research listing the side effects and stating humans are over exposed to it. He mentioned several municipalities that have started to discontinue this practice and asked Council to reconsider this program.

Donald Hassig, addressed the chair stating his concerns against putting fluoride in the water. He reiterated the health issues caused by fluoride stressing that there are a lot of reasons not to use it. He stated fluoride is an endocrine destructive chemical and there is too much exposure to it. He asked that it be removed from the water.

Steve Strader, 515 Bradley Street addressed the chair pointing out the level of fluoride that is considered toxic and then gave the amount of fluoride in toothpaste, water and other products.

Adding these figures together, he stressed that some people are over the toxic level. He gave Council a copy of his information. (Not on file in the City Clerk's Office)

Tammy Angel, a Special Education Teacher with the Watertown School District spoke in support of the Dog Park. She stated that at her previous position in Plattsburgh she would take her dogs into her classroom several times to teach socialization with the children. She stated that there are many benefits to this and suggested having a dog park for small dogs and another park for bigger dogs.

Madeline Scott, South Hamilton Street suggested Council look at the Dog Park and dog laws in Arlington, Virginia because that area is more heavily populated and there are not nearly as many dog problems there as here in Watertown.

PUBLIC HEARING

At 7:30 p.m. Mayor Graham asked the City Clerk to read the notice of Public Hearing Concerning Changing the Approved Zoning Classification of 63 Properties, Between Main Street West and the Black River, in Order to Conform to The Local Waterfront Revitalization Program

Mayor Graham declared the hearing open at 7:30 p.m.

No one spoke.

Mayor Graham declared the hearing closed at 7:30 p.m.

RESOLUTIONS

Resolution No. 1 - Reappointment to the Roswell P. Flower Memorial Library Board of Trustees – Connie Holberg

Introduced by Council Member Jeffrey M. Smith

BE IT RESOLVED by the City Council of the City of Watertown, New York, that Connie Holberg, 182 Thompson Boulevard, Watertown, New York, is hereby reappointed to the Roswell P. Flower Memorial Library Board of Trustees, for an 11 year term, such term expires on December 31, 2023.

Seconded by Council Member Teresa R. Macaluso

Prior to the vote on the foregoing resolution, Mayor Graham introduced **Connie Holberg** and she stated that it is a privilege to continue to serve on this board and appreciates this opportunity to serve the community.

Mayor Graham commented that Council appreciated her service and mentioned that the Sunday hours are working well.

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

Resolution No. 2 - Appointment of Commissioner of Deeds

Introduced by Council Member Teresa R. Macaluso

WHEREAS Commissioner of Deeds in the cities of this state shall be appointed by the common councils of such cities, and

WHEREAS Commissioner of Deeds shall hold the term of two years, and

WHEREAS Any person who resides in or maintains an office or other place of business in any such city and who resides in the county in which said city is situated shall be eligible to appointment

NOW THEREFORE BE IT RESOLVED that the following individuals are hereby appointed Commissioner of Deeds for the term expiring December 31, 2014.

City Employee - Police Department

Frank J. Derrigo Jr.	Gary R. Comins
Joseph R. Donoghue Sr.	Cheryl A. Clark
Michael J. Mullins	Vance J. Trapp
Jerry D. Golden	Richard C. Wood
James R. Spencer Jr.	Charles P. Donoghue
Richard J. Purvis	Joseph C. Reff
John W. Oliveau	Mark W. Sutton
William K. Rafferty	Ronald E. Gatch
Stephen R. Backus	James R. McNitt
Roy E. Whitmore	Peter C. Keck
Glenn M. Brady	Matthew J. Dawley
James A. Romano	Jason J. Badalato
Suzanne M. Chartrand	Darren K. Yott
Christopher L. Thomas	Mark A. Lamica
Dennis P. O'Brien	Sean P. Boyle
Cristin N. Fuhrman	Eric J. McLane
Scott M. McIntyre	Frederick E. March II
Holly M. Trottier	Shane M. Ryan
Kenny C. Noone	Michael S. Maney
Joshua W. Davis	Andrew T. Neddo
Elizabeth M. Lewis	Joseph A. Giaquinto
Jacob W. Bull	Charles L. Bickel
Gregory P. Gibbs	George A. Cummings

Jonathan M. Pitts
Wayne W. McConnell
Matthew D. Freedom
Adam C. Beshures
Nathan L. McKeever
Amanda L. Gauthier
Ernest J. Miller
Jeremy D. Foote

Joshua P. Moran
David W. Horr
Scott J. Freeman
Matthew T. Roll
Chad D. Frederick
Robert L. Sines
Tyler M. Flath
Vanessa J. Alexander

City Employee - Code Department

Carolyn Meunier

Christine Shipley

Non-City Employees

Barbara A. Walroth
Scott Edward Sterling
Christine Diane Bonney
Jason Andrew McAvoy
Carmeline DeFranco

Mary G. Izzo
Vickie Lynn Rice
Patricia R. Macklin
Martha A. Dupell
Joanne M. McClusky

Seconded by Council Member Jeffrey M. Smith and carried with all voting yea.

Resolution No. 3 - Abandoning a Portion of Conger Avenue Adjacent to 183 Conger Avenue

Introduced by Council Member Jeffrey M. Smith

WHEREAS a portion of Conger Avenue as described as “Parcel B” in the attached survey is not used or needed for street purposes, and

WHEREAS the City of Watertown has no plans to widen the use of Conger Avenue to include the described land, and

WHEREAS a public hearing concerning the abandoning of the described portion of Conger Avenue was held on December 3, 2012 after due public notice pursuant to General City Law Section 29,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that the portion of Conger Avenue described as “Parcel B” in the attached survey is hereby abandoned, discontinued and closed as a public street, and

BE IT FURTHER RESOLVED that the City Manager is hereby directed to cause the removal of said portion of Conger Avenue from all City maps, “Official” and otherwise, including the Tax Assessment maps.

Seconded by Council Member Joseph M. Butler, Jr.

Motion was made by Council Member Jeffrey M. Smith to schedule a Public Hearing on the foregoing resolution for Monday, December 3, 2012 at 7:30 P.M. Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

Resolution No. 4 - Approving Pole Attachment Agreement, National Grid

Introduced by Council Member Joseph M. Butler, Jr.

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 Pole 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 Pole 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 Sharon Addison is hereby authorized and directed to execute the Agreement on behalf of the City of Watertown.

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

Resolution No. 5 - Sidewalk Improvement Special Assessment Program, District No. 9

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City Engineering Department has inspected sidewalks within the City of Watertown, and

WHEREAS it has been determined that the condition of sidewalks on certain streets are in need of repair and/or replacement, and

WHEREAS the City Council of the City of Watertown feels it is in the overall public interest to provide property owners within the City of Watertown with an opportunity to pay for said repair/replacement work through a Special Assessment Program,

NOW THEREFORE BE IT RESOLVED that a Public Hearing will be held on Monday,

January 7, 2013, at 7:30 p.m. at which time property owners included in the Special Assessment Program will have an opportunity to make comments on whether all or a portion of the cost for proposed sidewalk improvements should be a charge or expense upon the abutting property owners, and

BE IT FURTHER RESOLVED that the City Engineering Department will send notices to all property owners notifying them of their inclusion in this year's program and that there will be a public hearing to consider whether all or a portion of the cost for proposed sidewalk improvements should be a charge or expense upon the abutting property owners, and

NOW THEREFORE BE IT FURTHER RESOLVED that the properties included in the Sidewalk Special Assessment Program, District No. 9, are those detailed in the attached report. **Seconded by Council Member Joseph M. Butler, Jr.**

Motion was made by Council Member Jeffrey M. Smith to schedule a Public Hearing on the foregoing resolution for Monday, January 7, 2013 at 7:30 P.M. Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

Resolution No. 6 - Approving Change Order No. 1 to Agreement, 34 & Co., Inc.

Introduced by Council Member Teresa R. Macaluso

WHEREAS on June 4, 2012, the City Council of the City of Watertown approved a bid 34 & Co., Inc. for the construction of the Marble Street Park Restroom Facility as part of the river parks improvement project in the amount of \$101,000, and

WHEREAS City Engineer Kurt W. Hauk has submitted the Change Order No. 1 to that contract for consideration by the City Council, and

WHEREAS Change Order No. 1 results in an additional charge of \$954.00, bringing the contract amount to \$101,954,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 1 to the contract with 34 & Co., Inc. for the construction of the Marble Street Park Restroom Facility as part of the river parks improvement project in the amount of \$954.00, a copy of which is attached and made a part of this resolution, and

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

Seconded by Council Member Joseph M. Butler, Jr.

Prior to the vote on the foregoing resolution, **Kurt Hauk**, City Engineer confirmed that the change order is to upgrade the locking design to an electronic system as requested by DPW.

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

Resolution No. 7 - Approving Change Order No. 1 to Agreement, North Country Contractors, LLC

Introduced by Council Member Jeffrey M. Smith

WHEREAS on May 21, 2012, the City Council of the City of Watertown approved a bid submitted by North Country Contractors, LLC in the amount of \$292,006.99 for the reconstruction of Clinton Street from Holcomb Street to Washington Street, and

WHEREAS City Engineer Kurt W. Hauk has submitted the Change Order No. 1 to that contract for consideration by the City Council, and

WHEREAS Change Order No. 1 results in an additional charge of \$292,006.99, bringing the contract amount to \$1,750,006.99,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 1 to the contract with North Country Contractors, LLC for the reconstruction of Clinton Street from Holcomb Street to Washington Street in the amount of \$292,006.99, a copy of which is attached and made a part of this resolution, and

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

Seconded by Council Member Joseph M. Butler, Jr.

Prior to the vote on the foregoing resolution, Council Member Smith inquired about the quantities on the bid.

Mr. Hauk explained that the quantities were wrong on the bid sheets and this was realized once the work began. He further explained the changes that were needed for the relocation of the water main and storm sewer main. He clarified for Council Member Butler that the contractors calculated the bid based on the numbers that were given to them but the City's numbers were in error.

Council Member Macaluso asked if the project is still under budget after these additions.

Mr. Hauk advised that \$2.2 million is in the budget for the fiscal year but the design estimate was \$2,050,000. He added that the contract amount will now be approximately \$1.75 million.

Council Member Butler asked if everything else is going well with the project.

Mr. Hauk replied that the work for this season should be completed this week and in the spring, the rest of the work will be finished.

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

Resolution No. 8 - Readopting Fiscal Year 2012-13 Sewer Fund Budget

Introduced by Council Member Joseph M. Butler, Jr.

WHEREAS on May 26, 2012 the City Council passed a resolution adopting the Budget for Fiscal Year 2012-13, of which \$5,326,609 was appropriated for the Sewer Fund, and

WHEREAS on November 19, 2012 the City Council was presented with a change order to the contract with North Country Contractors to reconstruct Clinton Street of which \$268,913 was applicable to the Sewer Fund bringing the total Sewer Fund portion of the project to an estimated \$570,000, and

WHEREAS the Fiscal Year 2011-12 Sewer Fund Budget appropriated \$385,000 to be transferred to the Capital Projects Fund to pay for the Sewer Fund portion of the project which creates a funding deficit of \$185,000, and

WHEREAS City staff recommends funding the deficit with a transfer from the Sewer Fund to the Capital Fund to fund to avoid the issuance of debt, and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby re-adopts the Fiscal Year 2012-13 Budget for the Sewer Fund in the total amount of \$5,511,609 and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that the following adjustment be included in the re-adopted Fiscal Year 2011-12 Sewer Fund Budget.

SEWER FUND	<u>Revenues</u>	
	Appropriated Fund Balance	\$ 185,000
	Total	<u>\$ 185,000</u>
	<u>Expenditures</u>	
	G 9950.0900 Transfer to Capital Fund	\$ 185,000
	Total	<u>\$ 185,000</u>

Seconded by Council Member Jeffrey M. Smith

Prior to the vote on the foregoing resolution, Council Member Butler asked if any debt was funded on the \$385,000.

James Mills, City Comptroller responded that amount is all Sewer Fund current resources that were appropriated in the 2011-12 budget. He confirmed that there was no debt on the entire \$570,000.

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

Resolution No. 9 - Approving Amendment No. 1 to the Agreement for Professional Services with Crawford & Stearns for Design Work Related to the Restoration of the Flower Memorial Library Façade

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City Council approved an Agreement for Professional Services with Crawford & Stearns Architects and Preservation Planners for design work related to the restoration of the façade of Flower Memorial Library on August 6, 2012, and

WHEREAS consultation with a structural engineer is necessary due to the unexpected deterioration of the parapet wall, and

WHEREAS the Architect proposes to subcontract with Klepper, Hahn & Hyatt Engineers for these services, and has agreed to waive the 10% subcontract fee, and

WHEREAS Amendment Number 1 to the agreement between the City and the Architect has been drafted to increase the Architect's fee by \$3,850.00,

NOW THEREFORE BE IT RESOLVED that the City Council approves Amendment No. 1 to the Agreement for Professional Services with Crawford & Stearns Architects and Preservation Planners, which is attached and made part of this resolution, and

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

Seconded by Council Member Joseph M. Butler, Jr.

Prior to the vote on the foregoing resolution, Council Member Smith asked for clarification of the image provided in the staff report.

Ken Mix, Planning Coordinator explained that the image shows that the cornice has moved approximately a half inch. He indicated that he does not know why it has moved therefore, a structural engineer is necessary.

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

Resolution No. 10 - Approving a Special Use Permit Request to Allow the Storage of Commercial Vehicles in a Neighborhood Business District at 729 Morrison Street, Parcel 1-03-105

Introduced by Council Member Joseph M. Butler, Jr.

WHEREAS James Desormeau has made an application to allow the storage of commercial vehicles in a Neighborhood Business District at 729 Morrison Street, parcel 1-03-

105, and

WHEREAS the Planning Board of the City of Watertown reviewed the request for a Special Use Permit at its meeting held on August 7, 2012, and recommended that the City Council of the City of Watertown deny the request, and

WHEREAS a public hearing was held on the proposed Special Use Permit on Monday, December 3, 2012, after due public notice, and

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

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed Special Use Permit to allow storage of commercial vehicles at 729 Morrison Street is 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 that a Special Use Permit is hereby granted to James Desormeau to allow storage of commercial vehicles in a Neighborhood Business District at 729 Morrison Street, parcel 1-03-105.

Seconded by Council Member Teresa R. Macaluso

Motion was made by Council Member Jeffrey M. Smith to schedule a Public Hearing on the foregoing resolution for Monday, December 3, 2012 at 7:30 P.M. Motion was seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

ORDINANCES

Ordinance No. 1 - Changing the Approved Zoning Classification of a 0.032 Acre Parcel of Land, Formerly Part of the Conger Avenue Right-of-Way, from Unzoned to Residence B District

Introduced by Council Member Jeffrey M. Smith

BE IT ORDAINED where Bonnie Peck of 183 Conger Avenue has offered to purchase a portion of the Conger Avenue right-of-way, and the City Council has resolved to abandon this parcel of land pursuant to General City Law § 29, and

WHEREAS City Staff is proposing that this unzoned parcel be added to the adjacent Residence B District, and

WHEREAS the Planning Board of the City of Watertown considered the zoning designation at its meeting held on November 6, 2012, and adopted a motion recommending that the City Council approve the zone change as proposed, and

WHEREAS a public hearing was held on the proposed zone change on December 3, 2012, after due public notice, and

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

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

NOW THEREFORE BE IT ORDAINED that the approved zoning classification of a 0.032 acre parcel of land, lying adjacent to 183 Conger Avenue, being formerly part of the Conger Avenue right-of-way, more specifically described on the August 20, 2012 survey map attached herewith, is hereby changed to Residence B District, and

BE IT FURTHER ORDAINED that the Zoning Map of the City of Watertown shall be amended to reflect these changes, and

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

Seconded by Council Member Joseph M. Butler, Jr.

Motion was made by Council Member Jeffrey M. Smith to schedule a Public Hearing on the foregoing ordinance for Monday, December 3, 2012 at 7:30 p.m. Motion was seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

Ordinance No. 2 - Changing the Approved Zoning Classification of 802, 808, and 816 Coffeen Street from Residence B to Neighborhood Business District

Introduced by Council Member Joseph M. Butler, Jr.

BE IT ORDAINED where Jennifer Parrish of 816 Coffeen Street, parcel 8-21-306, and James Scordo of 808 Coffeen Street, parcel 8-21-305, have each submitted a request to change their respective properties from Residence B District to Neighborhood Business District, and

WHEREAS the Planning Board of the City of Watertown considered the requests at its meeting held on November 6, 2012, and adopted a motion recommending that the City Council approve the zone changes as requested, and additionally change 802 Coffeen Street, parcel 8-21-304 from Residence B to Neighborhood Business, and

WHEREAS a public hearing was held on the proposed zone change on December 3, 2012, after due public notice, and

WHEREAS the City Council has made a declaration of Negative Findings of the impacts

of the proposed zone change according to the requirements of SEQRA, and

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

NOW THEREFORE BE IT ORDAINED that the approved zoning classification of the following parcels is hereby changed to Neighborhood Business District:

802 Coffeen Street	8-21-304
808 Coffeen Street	8-21-305
816 Coffeen Street	8-21-306

And,

BE IT FURTHER ORDAINED that the Zoning Map of the City of Watertown shall be amended to reflect these changes, and

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

Seconded by Council Member Jeffrey M. Smith

Motion was made by Council Member Jeffrey M. Smith to schedule a Public Hearing on the foregoing ordinance for Monday, December 3, 2012 at 7:30 p.m. Motion was seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

The Ordinance “Changing the Approved Zoning Classification of 63 Properties, Between Main Street West and the Black River, in Order to Conform to The Local Waterfront Revitalization Program” (Introduced on 11/19/2012; public hearing held this evening)

BE IT ORDAINED where certain changes to Zoning District boundaries are required in order to implement the City of Watertown’s Local Waterfront Revitalization Program, and

WHEREAS City Staff have submitted a request to change the approved zoning classification of certain properties between the Black River and Main Street West, and

WHEREAS the Planning Board of the City of Watertown considered the zone change request at its meeting held on October 2, 2012, and adopted a motion recommending that the City Council approve the zone changes as requested, and

WHEREAS the Jefferson County Planning Board reviewed the request at its September 25, 2012 meeting and determined that the proposal has no inter-municipal or county-wide issues and is of local concern only, and

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

WHEREAS a public hearing was held on the proposed zone change on November 5, 2012, after due public notice, and

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

NOW THEREFORE BE IT ORDAINED that the zoning classification of the following parcel is hereby changed to **Residence C District**:

1-17-103.000 815 ANNE ST
1-17-104.000 811 ANNE ST
1-17-204.000 839 ANNE ST
1-17-205.000 835 ANNE ST
1-17-206.000 831 ANNE ST
1-17-207.000 827 ANNE ST
1-17-208.000 823 ANNE ST
1-17-301.000 859 ANNE ST
1-17-302.000 855 ANNE ST
1-17-303.000 855 ANNE ST
1-17-304.000 843 ANNE ST
1-17-504.000 818 ANNE ST
1-17-505.000 822 ANNE ST
1-17-506.000 826 ANNE ST
1-17-507.000 830 ANNE ST
1-17-508.000 834 ANNE ST
1-17-510.000 840 ANNE ST
1-17-511.000 844 ANNE ST
1-17-512.000 848 ANNE ST
1-17-513.000 M54 ANNE ST
* ~~1-17-533.000 487 POPLAR ST~~
* ~~1-17-535.000 481 POPLAR ST~~

And,

BE IT FURTHER ORDAINED that the zoning classification of each of the parcels in the following list is hereby changed to **Neighborhood Business District**:

1-01-301.001 557 REAR MAIN ST W
1-01-302.000 549 MAIN ST W
1-01-305.000 531 MAIN ST W
1-14-101.000 412 MAPLE AVE
1-14-103.000 418 MAPLE AVE
1-14-104.000 424 MAPLE AVE
1-14-105.000 428 MAPLE AVE
1-14-106.000 432 MAPLE AVE

1-14-107.000 432 MAPLE AVE
1-14-108.000 440 MAPLE AVE
1-14-111.100 729 MAIN ST W
1-17-403.000 925 MAIN ST W
1-17-515.000 466 HOLLY ST
1-17-516.000 466 HOLLY ST
1-17-519.000 877 MAIN ST W
1-17-520.000 871 MAIN ST W
1-17-521.000 867 MAIN ST W
1-17-522.000 861 MAIN ST W
1-17-523.000 855 MAIN ST W
1-17-524.000 851 MAIN ST W
1-17-525.000 845 MAIN ST W
1-17-526.000 833 MAIN ST W
1-17-527.000 833 MAIN ST W
1-17-528.000 827 MAIN ST W
1-17-529.000 819 MAIN ST W
* **1-17-533.000 487 POPLAR ST**
* **1-17-535.000 481 POPLAR ST**

And,

BE IT FURTHER ORDAINED that the zoning classification of each of the parcels in the following list is hereby changed to **Commercial District**:

1-18-101.001 VL-4 VANDUZEE ST
1-18-103.000 470 VANDUZEE ST
1-18-103.001 444 VANDUZEE ST
1-18-104.000 476 VANDUZEE ST
1-18-105.000 VL MAIN ST W
1-19-101.000 471 VANDUZEE ST
1-19-101.001 471 VANDUZEE ST
1-19-102.000 475 VANDUZEE ST
1-19-103.000 VL-6 VANDUZEE ST
1-19-103.001 1003 MAIN ST W
1-19-104.000 VL-8 VANDUZEE ST
7-08-204.000 532 COFFEEN ST

And,

BE IT FURTHER ORDAINED that the zoning classification of each of the parcels in the following list is hereby changed to **Light Industrial District**:

1-14-121.000 591 REAR MAIN ST W
1-14-125.000 611 MAIN ST W
77-01-001.000 1 CONRAIL (only the portion between Main Street West and the Black River)

And,

BE IT FURTHER ORDAINED that parcel 1-14-301, a part of the property known as 753 Rear Main Street West, located along the bank of the Black River, is hereby changed to **Waterfront District**, and

BE IT FURTHER ORDAINED that the Zoning Map of the City of Watertown shall be amended to reflect these changes, and

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

Motion was made by Council Member Joseph M. Butler, Jr. to amend the ordinance in order to move 487 Poplar St, Parcel No 1-17-533 and 481 Poplar St, Parcel No. 1-17-535 from the “Residence C” list to the “Neighborhood Business District” list on page 2 of the ordinance. Motion was seconded by Council Member Jeffrey M. Smith and carried with all voting yea.

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

DISCUSSIONS

On-Line Request for Certified Copies

Council Member Butler asked if the City will still collect the fees for the certificates.

Ann Saunders, City Clerk stated that the fee will continue to be \$10 for a certified copy and clarified that this is just a method of how individuals out of the area can request the birth, death or marriage certificate verses requesting it through the fax or mail.

Council Member Butler asked how this initiative was uncovered.

Mrs. Saunders explained that she researched this through VitalChek who is the current credit card processing company.

Council Member Butler thanked Mrs. Saunders for implementing this.

Year-end Financial Report

Council Member Butler thanked Mr. Mills for this report. He stated these are operational revenues and expenses and the fund balance is in good financial standing today but he feels that the City needs to be proactive in the coming years. He noted that pension contributions will be peaking in a few years so the City is not in a position to wait and react to that. He indicated that he would like the expenses to meet the revenue in future budgets and not tap into the fund balance to fill the gap.

Sales Tax Revenue – October 2012

A report was available for Council to review.

250,000 Gallon Elevated Water Storage Tank at Thompson Park

Mayor Graham remarked that this is an extensive report and additional information is needed. He suggested this be discussed at the work session scheduled for next week.

Council members agreed with the Mayor.

Fluoride in the Water

Mayor Graham mentioned that this is a new topic for Council and recommended that it be a topic of discussion at the work session next week.

Council Member Butler reminded Council that he brought this issue up a few weeks ago and said that he looks forward to receiving more information.

Council Member Smith added that there were interesting issues brought up tonight but mentioned that the American Dental Association still recommends fluoridating water. He indicated that he is open to hear more on this topic.

Sidewalk Program, District 9

Council Member Butler asked if the \$5.25 should be changed due to labor costs increasing.

Mr. Hauk explained the reasoning for the increase in labor costs and indicated that a core group of employees are returning next year so less training is needed. Therefore, he said that next year's costs should come down.

Intersection of Massey Street and Stone Street

Council Member Macaluso indicated that she was told the traffic light was fixed and thanked staff.

753 Rear Main Street West

Council Member Smith asked for the status of this property sale.

Mr. Mills informed Council that the closing did not take place as scheduled on last Friday. He stated that the purchaser was notified of the closing date soon after the resolution was approved and draft documents had been sent to her attorney. He advised that his messages to her have not been returned so he has referred this to the City Attorneys.

Attorney Slye commented that he spoke with Attorney Capone this morning and he had not spoken with his client. Attorney Slye recommended that a deadline to close be set for the end of business on next Tuesday and stressed that if the deadline is not met, then the funds are forfeited and the right to purchase the property is lost.

Mayor Graham mentioned that this should require Council action by resolution and the deadline should be firm. He said any further extension should be from this body so the staff is not put in the middle of this.

Council Member Smith concurred with Mayor Graham. He pointed out that it is not fair to staff to have to make these decisions.

Mayor Graham stated Council needs to decide how to handle this if the next deadline is not met. He further moved to accept counsel's recommendation and offered the following resolution.

Resolution - Authorizing an Extension for the Sale of Real Property, Known as 753 Rear Main Street West to Ruby C. Williams, 223 LeRay Street, Black River, New York 13612

Introduced by Mayor Jeffrey E. Graham

BE IT RESOLVED that the deadline for closing on 753 Rear Main Street West, also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 01-14-201.000, is Tuesday, November 27, 2012 at close of business.

BE IT FURTHER RESOLVED that this is an absolute deadline which can only be extended further by action of the City Council.

Seconded by Council Member Jeffrey M. Smith

Rules waived by Motion of Council Member Jeffrey M. Smith, seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

Prior to voting on the resolution, Council Member Butler asked if there has been any communication from Ms. Williams to Mr. Mills or the City Manager.

Mr. Mills responded that he is not aware of any.

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

Sewage Treatment Plant

Council Member Smith asked for the status of the grant for the sewage treatment plant to use excess methane for electricity.

Michael Sligar, Water Superintendent stated that there has been no decision on the grant application but it is supposed to be forthcoming. He advised that this project won attention and excitement from the Cleaner Greener Communities Grant Program.

Dog Park

Council Member Smith pointed out that the SPCA has a dog park and suggested that Mr. Gates work with that organization.

Mayor Graham indicated that he is not averse to locating it on City property but does not want a lot of staff time spent researching this. He said that a proposed location needs to be brought before Council.

Aviary

Mayor Graham told Council that there was a meeting last week at the park on the Aviary and Mr. Hauk is working on this further. He remarked that the end result is that there will be an integrated replacement because there are electrical issues that need to be considered.

Salvation Army Kettle Drive

Mayor Graham mentioned that the Kettle Drive has started for the season and noted that it is a good organization for helping people.

Christmas Parade

Mayor Graham reminded Council that the Christmas Parade is this Sunday at 1:00 p.m. and invited everyone to participant.

Tree Lighting Ceremony

Ms. Addison advised that Tree Lighting Ceremony is scheduled for Friday November 30th at 5:15 p.m.

A D J O U R N M E N T

At the call of the chair, meeting was duly adjourned at 8:37 p.m. by motion of Council Member Joseph M. Butler, Jr., seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

Ann M. Saunders

City Clerk