

**REGULAR COUNCIL MEETING  
CITY OF WATERTOWN  
DECEMBER 5, 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 - Reappointment to the Jefferson County Community Action Planning Council – Mary Myers
- 2 - Reappointment to the Jefferson County Community Action Planning Council – Christina E. Stone
- 3 - Reappointment to the Jefferson County Community Action Planning Council – Peter L. Clough
- 4 - Reappointment to the Jefferson County Community Action Planning Council – Stanley Zaremba
- 5 - Appointment to the Board of Ethics – Jeffrey E. Graham
- 6 - Reappointment to the Board of Ethics – Mary M. Corriveau
- 7 - Reappointment to the Board of Ethics – Bruce E. Dempster
- 8 - Reappointment to the Board of Ethics – Arthur C. Stever III
- 9 - Reappointment – City Constable, David W. Koster
- 10 - Reappointment – Deputy City Constable, Joan M. Koster
- 11 - Reappointment to the Roswell P. Flower Memorial Library Board of Trustees – Marlene A. Casey
- 12 - Proposed County Tax Rate 2006
- 13 - Designating Official Newspaper
- 14 - Designating Depositories of City Funds for 2006
- 15 - Approving Change Order No. 2 to Contract for Flower Memorial Library Renovation Project, Electric Contract, Jordstat Construction, Inc.
- 16 - Authorizing Transfer of a Portion of City Real Property to the Town of LeRay
- 17 - Authorizing Public Sale of City Owned Property
- 18 - Local Law No. 12 of 2005
- 19 - 7:15 p.m. - Local Law No. 9 of 2005 – A Local Law Amending Chapter 265 of the Code of the City of Watertown to Permit Entry Upon Private Lands to Perform Drainage Work
- 20 - 7:30 p.m. - Local Law No. 10 of 2005 – A Local Law Amending Section 47

- of the Watertown City Charter
- 21 - 7:45 p.m. - Local Law No. 11 of 2005 – Deleting Certain Provisions of the Watertown City Code (Consider Ordinance after public hearing)
  - 22 - Red & White Auto
  - 23 - Empire Zone Program Real Property Tax Benefits
  - 24 - Greyhound Service Discontinuance
  - 25 - Avian Flu Virus
  - 26 - Garage Sale Legislation
  - 27 - Library Renovation Project Request

### **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 21, 2005 was dispensed with and accepted as written by motion of Councilwoman Burns, seconded by Councilman Clough and carried with all voting in favor thereof.

### **COMMUNICATIONS**

There were no communications.

### **PRIVILEGE OF THE FLOOR**

**James Fraser**, 914 Boyd Street, addressed the chair concerning garage sale legislation. He remarked that if it doesn't happen in your neighborhood, then it isn't of a concern to you. However, when there are ongoing sales in your neighborhood all summer long, it is a very big concern. He commented that he hoped Council would consider legislation in the future since there is nothing on the books to address this issue. He also stated that the state tax department would not come into the City to investigate these sales.

Mr. Fraser asked about the status of the complaint he had previously filed concerning 927-929 Boyd Street regarding pigeons flying into broken windows.

Mrs. Corriveau explained that she had asked Mr. McWayne to speak with the property owner, which he did. After an inspection of the property, the owner promised to comply.

Mr. Fraser responded that nothing has been done yet.

Mrs. Corriveau will speak with Mr. McWayne again,

**Donald Osborn**, 138 Winslow Street, addressed the chair concerning the need for a complete resurfacing of the tennis courts at Thompson Park. Discussion followed as to what had been put in the City budget for work on the courts.

Councilman Clough asked what was done at the courts.

Mr. Hayes explained that during budget sessions it was decided that maintenance would be done on the quonset hut and what was left over would be used for the courts. However, not much was left over.

Councilman Clough and Councilman Bradley remarked that the tennis court repair was not tied to the quonset hut rehab.

Mrs. Corriveau will review the budget session information.

### **PUBLIC HEARINGS**

**AT 7:15 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING LOCAL LAW NO. 9 OF 2005 – A LOCAL LAW AMENDING CHAPTER 265 OF THE CODE OF THE CITY OF WATERTOWN TO PERMIT ENTRY UPON PRIVATE LANDS TO PERFORM DRAINAGE WORK.**

**MAYOR GRAHAM DECLARED THE PUBLIC HEARING OPEN**

No one spoke.

**MAYOR GRAHAM DECLARED THE PUBLIC HEARING CLOSED.**

**AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING - LOCAL LAW NO. 10 of 2005 – A LOCAL LAW AMENDING SECTION 47 OF THE WATERTOWN CITY CHARTER**

**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 LOCAL LAW NO. 11 of 2005 – DELETING CERTAIN PROVISIONS OF THE WATERTOWN CITY CODE**

**MAYOR GRAHAM DECLARED THE PUBLIC HEARING OPEN**

**Jeffrey Smith**, 140 Keyes Avenue, addressed the chair concerning the deletion of the Deputy City Comptroller position in the Code. He questioned who would perform those

duties if the Comptroller were not available. He also expressed concern over the deletion of the section on abandoned refrigerators and stressed the need to insure safety for children. Mr. Smith also commented that the taxicab section should not be deleted and expressed the need to be proactive in an effort to insure the safety of the citizens. He commented that there was a need for background checks on taxicab drivers.

Nancy Kall, 511 Franklin Street, addressed the chair stating that she previously discussed the need for background checks on taxicab drivers. She asked that City Council consider this before voting on the legislation.

**MAYOR GRAHAM DECLARED THE PUBLIC HEARING CLOSED 7:52 P.M.**

## **RESOLUTIONS**

### **INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

RESOLVED that the following individual is hereby reappointed to the Jefferson County Community Action Planning Council for a term expiring on December 31, 2007:

Mary Myers  
734 Mill Street  
Watertown, New York 13601

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

### **INTRODUCED BY COUNCILMAN PETER L. CLOUGH**

RESOLVED that the following individual is hereby reappointed to the Jefferson County Community Action Planning Council for a term expiring on December 31, 2007:

Christina E. Stone  
230 Green Street  
Watertown, New York 13601

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

**INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

RESOLVED that the following individual is hereby reappointed to the Jefferson County Community Action Planning Council for a term expiring on December 31, 2007:

Peter L. Clough  
110 Charles Street  
Watertown, New York 13601

**SECONDED BY COUNCILWOMAN ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCILMAN CLOUGH ABSTAINING**

**INTRODUCED BY COUNCILWOMAN ROXANNE M. BURNS**

RESOLVED that the following individual is hereby reappointed to the Jefferson County Community Action Planning Council for a term expiring on December 31, 2007:

Stanley Zaremba  
505 Franklin Street  
Watertown, New York 13601

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

**INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

RESOLVED that the following individual is hereby appointed to the City of Watertown's Board of Ethics for a term expiring on December 31, 2006:

Jeffrey E. Graham  
557 Pearl Street  
Watertown, New York 13601

**SECONDED BY COUNCILWOMAN ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA EXCEPT MAYOR GRAHAM ABSTAINING**

**INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

RESOLVED that the following individual is hereby reappointed to the City of Watertown's Board of Ethics for a term expiring on December 31, 2006:

Mary M. Corriveau  
1350 Loomus Drive

Watertown, New York 13601

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

**INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

RESOLVED that the following individual is hereby reappointed to the City of Watertown's Board of Ethics for a term expiring on December 31, 2006:

Bruce E. Dempster  
148 E. Hoard Street  
Watertown, New York 13601

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

**INTRODUCED BY COUNCILMAN PETER L. CLOUGH**

RESOLVED that the following individual is hereby reappointed to the City of Watertown's Board of Ethics for a term expiring on December 31, 2006:

Arthur C. Stever III  
304 Paddock Street  
Watertown, New York 13601

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

**INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

RESOLVED that the following individual is hereby reappointed as City Constable for the City of Watertown, for a term expiring on December 31, 2006:

David W. Koster  
Box 916  
1116 Bronson Street  
Watertown, New York 13601

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

**INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

RESOLVED that the following individual is hereby reappointed as Deputy City Constable for the City of Watertown, for a term expiring on December 31, 2006:

Joan M. Koster  
Box 916  
1116 Bronson Street  
Watertown, New York 13601

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

After the appointment resolutions had been voted on, Mayor Graham asked about the additional vacancy on the library board.

Mrs. Corriveau will check on it.

**INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

RESOLVED by the City Council of the City of Watertown, New York that Marlene A. Casey, 217 Elm Street, Watertown, New York, is hereby reappointed to the Roswell P. Flower Memorial Library Board of Trustees for an eleven year term commencing January 1, 2006 and expiring on December 31, 2016.

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

**INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

WHEREAS the Board of Legislators of the County of Jefferson, by resolution dated November 15, 2005, certified to the City that the contribution of the City of Watertown to the taxes of the County of Jefferson for the Fiscal Year beginning January 1, 2006 is \$6,046,160.52,

NOW THEREFORE BE IT RESOLVED that this Council shall and hereby does levy the said aggregate amount of taxes of \$6,046,160.52, so ascertained and directed and to be certified to the City and to be extended on the Assessment Rolls by the City Assessor, as provided by Section 115 of the City Charter, and

BE IT FURTHER RESOLVED that the City does hereby levy a total fee of \$6,196,712 to be collected at a rate of \$9.9198 per \$1,000 of assessed valuation, which total of \$6,196,712 includes \$22,514 in omitted taxes, and an amount of \$128,037 which provides an excess in the amount due the County, which excess is for the purpose of

partially meeting the City's obligation to pay delinquent County taxes, to pay for property sold for delinquent County taxes, and to meet partially the expense of the City in carrying out the assessment and tax collection functions for the County tax.

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

Commenting on the foregoing resolution, Mayor Graham mentioned that the County taxes are going up as it relates to the City taxpayers.

Mrs. Corriveau responded that they would go up 1.1%

Mayor Graham remarked that he feels this is a silly system whereby all things are billed separately.

**INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

RESOLVED by the City Council of the City of Watertown, New York that the *Watertown Daily Times* be and is hereby designated as the official newspaper of the City of Watertown, New York for the year beginning January 1, 2006 and ending December 31, 2006.

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

**INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

RESOLVED that the following banks be and they are hereby designated as depositories of the City of Watertown, New York for the year beginning January 1, 2006 and ending December 31, 2006:

Community Bank, N.A.  
HSBC Bank USA  
Key Bank  
Redwood National Bank

And,

BE IT FURTHER RESOLVED that Community Bank, N.A., HSBC Bank USA, Redwood National Bank and Key Bank each be required to either execute a bond, deliver to the City of Watertown, New York approved collateral or to deposit at a mutually agreed upon depository approved collateral of a value up to FIFTEEN MILLION DOLLARS (\$15,000,000).

**SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED WITH ALL VOTING YEA EXCEPT MAYOR GRAHAM ABSTAINING**

**INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

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 on November 7, 2005, the City Council approved Change Order No. 1 in the amount of \$216.00, and

WHEREAS Interim City Engineer Gary E. Pilon is now asking that the City Council approve Change Order No. 2 to this Agreement,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Change Order No. 2 to the Electrical Contract with Jordstat Construction, Inc., in the amount of \$1,017.12, 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 COUNCILWOMAN ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCILMAN PETER L. CLOUGH**

WHEREAS the City of Watertown owns certain real property recently annexed into the City from the Town of Pamela along Old Eastern Boulevard, and

WHEREAS pursuant to a license granted to the Town of LeRay, as agent of the Route 3 Sewer Board, the Route 3 Sewer Board constructed a sewer pump lift station on a portion of the City-owned property for use in connection with the Route 3 Sewer project undertaken by the Village of Black River, Town of Champion, Town of LeRay, Town of Pamela, and Town of Rutland, and

WHEREAS the Route 3 Sewer Board, by its agent, the Town of LeRay, requires title to a portion of the City's real property for purposes of ownership, maintenance, and operation of the lift station which has since been completed, and

WHEREAS the City Council of the City of Watertown deems it to be an interest of the citizens of the City of Watertown to convey the real property upon which the sewer pump lift station is located to the Town of LeRay,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that the City shall convey a .069 acre parcel of land to the Town of LeRay, as agent for the Route 3 Sewer Board, in accordance with the deed attached to this resolution, and

BE IT FURTHER RESOLVED that the Mayor shall sign the deed on behalf of the City and execute all such other documents as are necessary to effect the conveyance.

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

**INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

WHEREAS the City of Watertown owns certain lots of land acquired at Tax Sale and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as follows:

<u>Parcel Number</u>	<u>Address</u>
11-04-121.000	318 Academy St.
11-05-114.000	514 Clay St.
2-04-232.000	676 Leray St.
1-16-110.000	828 Superior St.
1-17-530.000	807 West Main St.
1-13-235.000	260 Bradley St.
3-05-331.000	VL Burlington St.
3-05-211.000	614 Burlington St.(as a vacant lot only after demolition)
3-06-404.000	M30 Charles St.
3-06-403.000	M32 Charles St.
3-06-402.000	M34 Charles St.
2-06-220.000	730 Davidson St. (as a vacant lot only after demolition)
1-13-126.000	200 Hazelhurst Ave.
5-21-113.000	209 Hunt St.
5-20-105.000	R265 Hunt St.
3-09-407.000	½ of 6 Katherine St.
3-09-406.000	½ of 6 Katherine St.
3-09-403.000	3 Katherine St.
3-09-405.000	5 Katherine St.
4-04-429.000	2 Lillian St.
4-04-430.000	3 Lillian St.
2-01-307.000	230 Main Ave.
2-01-308.000	242 Main Ave.
2-01-309.000	246 Main Ave.
4-02-123.000	510 Main St. E
2-01-315.000	237 Main St. W

4-27-403.000	119	Marble St.
4-27-402.000	120	Marble St.
10-11-113.000	453	Massey St. S
6-07-212.000	635	Olive St.
14-20-313.000	VL	Richards Dr.
8-19-207.000	233	Stanton St.
3-06-406.000	33 BK 11	Stuart St.
3-06-407.000	35	Stuart St.
3-09-101.000	36	Stuart St.
4-03-318.000	3	Tilden Ave.
12-03-102.000	114	William St.
11-08-135.000	346	Winslow St.(as a vacant lot only after demolition)

And,

WHEREAS title said land has been retained by the City of Watertown, and

WHEREAS the City Council deems the properties to be excess and not required for any City purposes, and

WHEREAS the City Council desires to ensure that properties such as those listed above be brought into compliance with all applicable provisions of the New York State Fire Prevention and Building Code and all City of Watertown zoning and health codes within one (1) year of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 13 adopted by the Council, on June 6, 1977, the Comptroller of the City of Watertown be and he hereby is authorized to publish a Notice of Sale of the parcels of land above mentioned once a week for three (3) consecutive weeks in the official newspaper of the City of Watertown to the effect that said parcels of land will, at 7:00 p.m. on the 11<sup>th</sup> day of January, 2006 or at another date as determined by the City Manager, in the 3<sup>rd</sup> Floor City Council Chambers in the Municipal Building, 245 Washington Street, be offered individually for sale to the highest bidder and there present, under the conditions herein set forth:

The aforesaid parcels are conveyed, together with all rights and privileges affecting the same, and also together with all buildings, improvements and appurtenances located upon said described parcels, and

BE IT FURTHER RESOLVED that the City Comptroller be and he hereby is authorized to offer for said said parcels subject to the rights of the said City Council to reject any and all bids, and

BE IT FURTHER RESOLVED that the highest bidder deposit at least 10 per cent (10%) of the bid price at the same time of each said bid with the City Comptroller, and

BE IT FURTHER RESOLVED that said parcels of land shall be offered for sale for cash only, and

BE IT FURTHER RESOLVED that the Notice of Sale, any offer to purchase, and any deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the State Fire Prevention and Building Code and all City of Watertown zoning and health codes within one (1) year of the City's delivery of the deed to the buyer, the City shall have the right to seek reversion of title to the City, and

BE IT FURTHER RESOLVED that the said bids shall be submitted to the Mayor and City Council for their approval or rejection, and

BE IT FURTHER RESOLVED that the City reserves the right to withdraw any parcel prior to the public sale of said parcels.

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

### **ORDINANCE**

**THE ORDINANCE "DELETING CERTAIN PROVISIONS OF THE CODE OF THE CITY OF WATERTOWN" WAS PRESENTED TO COUNCIL** (Introduced on November 21, 2005; public hearing held this evening; appears in its entirety on page 249 of the 2005 Minutes Book)

Prior to the vote on the foregoing ordinance, Council discussed the taxicab issue.

Attorney Slye commented that the only way the City could regulate this would be to come up with a licensing system for drivers.

Mayor Graham commented that the concerns expressed by Mr. Smith and Ms. Kall are legitimate concerns but should be addressed by the state, not by individual municipalities.

Mrs. Corriveau commented that Senator Wright's office was looking at proposed legislation and she will check into it to see what has transpired.

Councilman LaBouf commented that it would be wise if the City could pursue this to see what we can do.

Mrs. Corriveau explained that the concern is that there are cab companies from outside doing business inside the city and questioned how the City could regulate these.

Mrs. Dutton and Mrs. Corriveau explained what had transpired over the years with the licensing of drivers and cabs in the City. Mrs. Corriveau explained that regulatory systems regulate those in compliance. Mrs. Dutton outlined the things that lead up to the abolishing of the permit requirements for drivers and cabs. She explained that several years ago, drivers were licensed through the City and a local background check was conducted. However, a prior Council decided that background checks should be conducted by the taxi companies themselves, just as other businesses have to do, and not by the City.

Mayor Graham also remarked that he doesn't think the City can regulate this without home rule legislation.

Attorney Slye commented that perhaps the requirement of a livery license by the state might address this issue.

Councilman Bradley commented that he sends workers out to people's homes all the time and he does background checks on them. He suggested that perhaps agencies whose clients use cabs could be instructed to use taxi companies that do background checks.

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

**MOTION WAS MADE BY COUNCILMAN BRADLEY INSTRUCTING THE CITY MANAGER TO DRAFT A LETTER TO SENATOR WRIGHT AND ASSEMBLYMAN AUBERTINE ASKING WHAT THE STATUS OF THE PROPOSED LEGISLATION IS REGARDING THE NEED FOR BACKGROUND CHECKS ON TAXICAB DRIVERS.**

**MOTION WAS SECONDED BY COUNCILMAN CLOUGH**

Prior to the vote on the motion, Mayor Graham remarked that any member of this body has the right to ask the City Manager to draft a letter. They also have the right to personally contact anyone to express their opinion. He questioned the need for a motion for this.

Councilman Clough asked if we couldn't require cab companies to do background checks.

Attorney Slye commented that he knows of no law that would require that.

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

**LOCAL LAWS**

**INTRODUCED BY COUNCILWOMAN ROXANNE M. BURNS**

WHEREAS Section 24(2)(h) of the New York Municipal Home Rule Law permitting the adoption of a Local Law increasing the salary of an elected official during his or her term of office, if such Local Law is subject to referendum on petition, and

WHEREAS Section 25 of the New York General City Law permits an increase in salary of an elected official in a fiscal year for which an increase has been budgeted, and

WHEREAS the City Council of the City of Watertown deems it to be in the best interest of the citizens of the City to increase the salaries of the City's elected officials, and

WHEREAS the last increase for elected officials in the City took place in 1987,

NOW THEREFORE BE IT ENACTED by the City Council of the City of Watertown that, effective March 1, 2006, the annual compensation for Mayor and members of the City Council shall be as follows:

Mayor	\$12,500
City Council	\$ 9,250

and,

BE IT FURTHER ENACTED that this Local Law shall not take effect earlier than 45 days after its adoption by the affirmative vote of a majority of the qualified electors of the City voting on a proposition for its approval, and an appropriate petition is signed in accordance with Section 24(1)(a) of the New York Municipal Home Rule Law.

**SECONDED BY COUNCILMAN STEPHEN J. BRADLEY**  
**MOTION WAS MADE BY COUNCILWOMAN BURNS TO SCHEDULE A**  
**PUBLIC HEARING ON THE FOREGOING LOCAL LAW FOR MONDAY,**  
**DECEMBER 19, 2005 AT 7:45 P.M.**

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

**LOCAL LAW NO. 9 OF 2005 – A LOCAL LAW AMENDING CHAPTER 265 OF**  
**THE CODE OF THE CITY OF WATERTOWN TO PERMIT ENTRY UPON**

**PRIVATE LANDS TO PERFORM DRAINAGE WORK WAS PRESENTED TO COUNCIL** (Introduced to Council on November 21, 2005; public hearing held this evening; appears in its entirety on page 247 of the 2005 Minutes Book).

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

**LOCAL LAW NO. 10 of 2005 – A LOCAL LAW AMENDING SECTION 47 OF THE WATERTOWN CITY CHARTER WAS PRESENTED TO COUNCIL** (Introduced to Council on November 21, 2005; public hearing held this evening; appears in its entirety on page 248 of the 2005 Minutes Book).

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

**LOCAL LAW No. 11 of 2005 – DELETING CERTAIN PROVISIONS OF THE WATERTOWN CITY CODE WAS PRESENTED TO COUNCIL** (Introduced to Council on November 21, 2005; public hearing held this evening; appears in its entirety on page 249 of the 2005 Minutes Book).

Prior to the vote on the foregoing local law, Mrs. Corriveau explained that it is the Accounting Supervisor's responsibility to perform the duties of the Comptroller in his absence. She also explained that the computer actually scans Mr. Mills' signature on the checks.

Mr. Mills reminded Council that there was a resolution presented to Council authorizing Mrs. Audette, the accounting supervisor, to conduct the various financial responsibilities within the Comptroller's Office.

**MOTION WAS MADE BY COUNCILMAN CLOUGH TO AMEND LOCAL LAW NO. 11 OF 2005 TO INCLUDE REMOVAL OF SECTION 30-A FROM THE CITY CHARTER CONCERNING THE DEPUTY CITY COMPTROLLER**

**MOTION WAS SECONDED BY COUNCILMAN LABOUF AND CARRIED WITH ALL VOTING YEA EXCEPT MAYOR GRAHAM VOTING NAY**

Prior to the vote on the amendment, Mayor Graham questioned being able to amend legislation without holding an additional public hearing and giving no advance notice to the public.

Prior to the vote on the local law, Attorney Slye also explained that the issue concerning the abandoned refrigerators is totally preempted by State law. Therefore, it need not be in the City Code.

**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:**

**Housing Site & Empire Zone Tax Benefits**

Mayor Graham discussed the proposed housing site on Washington Street hill. Discussion was held concerning the 485-e property tax exemption and the QEZE benefits.

Councilman Clough mentioned that it does get very complicated and in some instances some businesses may be eligible for both.

Mayor Graham also advised that there would be questions and concerns from the neighbors located down the hill concerning the proposed site.

Mrs. Corriveau referred to Mr. N'dolo's letter and commented that he does define the tax benefits very well. She explained that the Ogilvie property has been included in the zone and property tax credits apply across the board any place in the zone.

Mayor Graham commented that with all this activity going on, it points to the need for being good communicators.

**Red & White Auto**

Councilman Clough remarked that he had received a call concerning violations of the special use permit.

Councilman Bradley commented that he had also received a call.

Mrs. Corriveau referred to the memo which had been prepared by Mr. McWayne. During snowplowing, the fence was knocked over. Mr. McWayne notified the property owner that it had to be repaired or replaced within 10 days.

Councilman Clough commented that it seems as if each time a complaint comes in, the owner takes care of the problem. He explained that the Howard's had asked him for the City Council to pull the special use permit and he informed them that they should write a letter as he wasn't aware of how this would be handled.

Councilman LaBouf explained that he had received correspondence from one of the neighbors and they are frustrated. He stated that he is concerned that the neighbors will seek legal action against the City for our lack of enforcing the special use permit.

Attorney Slye responded that in June or July, staff was instructed by Council to keep a close eye on the property. Mr. McWayne was proactive and on several occasions he made unannounced inspections. Mr. McWayne found no violations on any of the inspection visits. Attorney Slye stated that he is not concerned about a lawsuit. As long as the property owner continues to operate in such a manner as to following the special use permit regulations, there is no basis for a lawsuit. He also explained that in order for revocation of the permit to take place, there would have to be substantial non-compliance.

Mayor Graham remarked that at some point folks have got to move on and come to terms with the fact that Red & White Auto is there. He stated that he would not want to manufacture purported infractions to get a business out of town.

Councilman LaBouf commented that he is concerned about reports from the neighbors concerning the use of profanity.

Councilman Bradley commented that he had witnessed that.

Mayor Graham remarked that such behavior might diminish his ability to sell products. However, to subject the owner to special scrutiny all the time makes the City become punitive and discriminatory.

Attorney Slye responded that the City has the right to ensure that the special use permit is complied with. He also explained, that while not suggesting that the City do so, there are some municipalities that require reapplications for the permits each year.

Councilman LaBouf commented that the residents do feel that they are being held hostage and suggested mediation.

Council members advised him that mediation had already been attempted.

### **Library Request**

**MOTION WAS MADE BY COUNCILMAN LABOUF APPROVING THE APPROPRIATION OF FUNDS FOR THE PURCHASE OF FURNITURE AND SHELVING, AS THEY ARE PART OF THE REGENERATION OF THE LIBRARY.**

**MOTION WAS SECONDED BY COUNCILWOMAN BURNS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

**RULES WERE WAIVED BY MOTION OF COUNCILWOMAN BURNS, SECONDED BY COUNCILMAN BRADLEY AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

## **Garage Sales**

Council reviewed the data submitted by Mrs. Dutton concerning the number of complaints that had been received by the City Clerk's Office.

Councilwoman Burns explained to Mr. Fraser that no vote had been taken on this at the last meeting and that Council was waiting for this piece of information from Mrs. Dutton so that Council could make an informed decision.

Councilman Clough asked if there was anything on the books at the present time to deal with this problem.

Mrs. Dutton explained that there is nothing in the City Code. She also explained that the Police Department would not be going out to check on these sales. In addition, letter after letter can be sent to the Sales Tax Department. However, nothing will be done and the sale would still be going on.

Mayor Graham questioned the need for all of the definitions and the signage section in the legislation.

Mrs. Dutton explained that these sections are merely sections from other municipalities' codes. Attorney Slye would compile the proper wording for the ordinance, if Council desired to enact legislation.

Mayor Graham questioned the number of sales allowed per year.

Mrs. Dutton indicated that this appears in the State Sales Tax law.

Mayor Graham asked that the Council be given a copy of this law.

Mrs. Dutton will do so.

## **Main Street Grant**

Mrs. Corriveau announced that the City received notice that they had received a \$100,000 façade improvement and \$100,000 business renovations Main Street grant.

Councilman LaBouf commended the City Manager and the Planning Department for their work on this.

## **Emergency Plan**

Councilman LaBouf asked about the status of this.

Mrs. Corriveau advised that staff went through a hazard assessment program which will be reviewed at the department head meeting this week. She explained that there is a

current response plan in place. The procedure being done now is to update the current plan and should be completed in a couple of months.

### **Letter from Christmas Parade**

Councilman Bradley asked about a letter from the Christmas Parade committee requesting funding.

Mrs. Dutton explained that a letter had been read at the Council meeting of November 21<sup>st</sup>. However, the letter asked for City assistance not for any monetary donation.

### **Iron Block Property**

Councilman Bradley asked for the status of this.

Attorney Slye explained that there were still some unanswered questions.

Mrs. Corriveau also explained that Clough Harbour is reviewing the road design. In addition, a traffic count and pedestrian count were completed.

### **ADJOURNMENT**

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 8:55 P.M. UNTIL THURSDAY, DECEMBER 8, 2005 AT 5:15 P.M. BY MOTION OF COUNCILMAN CLOUGH, SECONDED BY COUNCILMAN BRADLEY AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

*Donna M. Dutton*  
City Clerk