

**REGULAR COUNCIL MEETING
CITY OF WATERTOWN
December 17, 2007
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCILMAN STEPHEN J. BRADLEY
COUNCILMAN PETER L. CLOUGH
COUNCILMAN TIMOTHY R. LABOUF
COUNCILMAN JEFFREY M. SMITH
MAYOR GRAHAM**

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

City Manager Corriveau presented the following reports to the Council:

- 1 - Designating Official Newspaper
- 2 - Reappointment – City Constable, David W. Koster
- 3 - Reappointment – Deputy City Constable, Joan M. Koster
- 4 - Reappointment to the Jefferson County Community Action Planning Council – Mary Myers
- 5 - Reappointment to the Jefferson County Community Action Planning Council – Christina E. Stone
- 6 - Reappointment to the Jefferson County Community Action Planning Council – Peter L. Clough
- 7 - Reappointment to the Jefferson County Community Action Planning Council – Stanley Zarembo
- 8 - Reappointment to the Board of Ethics – Mary M. Corriveau
- 9 - Reappointment to the Board of Ethics – Rande S. Richardson
- 10 - Reappointment to the Board of Ethics – James D. St. Croix
- 11 - Reappointment to the Board of Ethics – Arthur C. Stever III
- 12 - Approving Amendment #1 to Supplemental Agreement #1 – Ontario Drive, Passero Associates
- 13 - Approving the Contract with GYMO, P.C. to Complete An Erosion Management Plan for the Black River in the City Of Watertown
- 14 - Approving Bid for Carbon Monoxide Analyzer
- 15 - Approving the Contract With Infinite Media for Design and Production for the Flower Memorial Library
- 16 - Approving the Change Order with Environmental Design and Research, Landscape Architecture, Environmental Services, Engineering and Surveying, P.C. (EDR) for Design and Construction Administration Services for the Hole Brothers Access Improvement Project and the Black River Parks Project
- 17 - Authorizing Lease and Service Agreement, Rural Transit System Backup and Spare Bus Program

- 18 - Approving Agreement for Water Sales Between the City of Watertown and the Town of Watertown, as Administrator For Each of the Town of Watertown Water Districts 1, 3, 4,5 and 6
- 19 - Authorizing Home Rule Request to the New York State Legislature to Allow the City of Watertown to Lease Parkland at the Alex T. Duffy Fairgrounds
- 20 - Approving the Site Plan for the Construction of a 3-Stall Garage to be Used for Installing Automobile Electronics, Located at 821 Arsenal Street, Parcel No. 9-10-118
- 21 - Amendment to Municipal Code, Section 293, Vehicles and Traffic – Franklin Street
- 22 - 7:30 p.m. – Local Law No. 9 of 2007, Repealing Local Law No. 3 of 1988
- 23- Tabled – Ordinance Amending City Municipal Code 293-52, Schedule IV: One-Way Streets
- 24 - Salary Increase Review, Annual and Compounded Increases

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 December 3, 2007 and the adjourned meeting of December 10, 2007 was dispensed with and accepted as written by motion of Councilman Clough, seconded by Councilman LaBouf and carried with all voting in favor thereof.

Mayor Graham interrupted the regular course of business to present Certificates of Appreciation to Councilman Bradley and Councilman LaBouf and to thank them for their years of service on the Council.

C O M M U N I C A T I O N S

From the City Planning Board recommending Council approval of the site plan submitted on behalf of Daniel Horton of Car Audio Pros, for the construction of a 3-stall garage to be located at 821 Arsenal Street, Parcel No. 9-10-118.

ABOVE PLACED ON FILE

From Kyle Rutigliano, 158 Smith Street urging Council support the Car Audio Pros site plan request.

ABOVE PLACED ON FILE

From Susan Bell in support of a dog park.

ABOVE PLACED ON FILE

PRIVILEGE OF THE FLOOR

Wayne Zimmer, Katherine Street, addressed the chair complaining about the waste of gas by cars having to wait going into Public Square from Arsenal and Court Streets. He said that something should be done to keep the traffic flowing around the Square.

Scott Gates, 157 Dorsey Street, addressed the chair commenting that the dog park really needs Council support if the proposed project is to continue.

Jason Trainor addressed the chair commenting that the downtown looks like a parking lot.

PUBLIC HEARING

AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING LOCAL LAW NO. 9 OF 2007.

MAYOR GRAHAM DECLARED THE HEARING OPEN.

Scott Gates, 157 Dorsey Street, addressed the chair in support of Council receiving a raise immediately.

Jason Trainor addressed the chair in opposition to the raise.

Wayne Zimmer, Katherine Street, addressed the chair stating that the Council should receive a raise especially since the health benefits were taken away.

MAYOR GRAHAM DECLARED THE HEARING CLOSED 7:32 P.M.

RESOLUTIONS

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

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, 2008 and ending December 31, 2008

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

INTRODUCED BY COUNCILMAN TIMOTHY L. LABOUF

RESOLVED that the following individual is hereby reappointed as City Constable for the City of Watertown, for a term expiring on December 31, 2008:

David W. Koster
Box 916
331 McClelland 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 reappointed as Deputy City Constable for the City of Watertown, for a term expiring on December 31, 2008:

Joan M. Koster
Box 916
331 McClelland Street
Watertown, New York 13601

SECONDED BY COUNCILMAN JEFFREY M. SMITH 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, 2009:

Mary Myers
734 Mill Street
Watertown, New York 13601

SECONDED BY COUNCILMAN JEFFREY M. SMITH 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, 2009:

Christina E. Stone
230 Green Street

Watertown, New York 13601

SECONDED BY COUNCILMAN JEFFREY M. SMITH 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, 2009:

Peter L. Clough
110 Charles 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 reappointed to the Jefferson County Community Action Planning Council for a term expiring on December 31, 2009:

Stanley Zaremba
505 Franklin Street
Watertown, New York 13601

SECONDED BY COUNCILMAN JEFFREY M. SMITH 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, 2008:

Mary M. Corriveau
1350 Loomus Drive
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 appointed to the City of Watertown's Board of Ethics for a term expiring on December 31, 2008:

Rande S. Richardson
269 Flower Avenue West
Watertown, New York 13601

SECONDED BY COUNCILMAN JEFFREY M. SMITH 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, 2008:

James D. St. Croix
1216 Superior Street, Apt. B16
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 reappointed to the City of Watertown's Board of Ethics for a term expiring on December 31, 2008:

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

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

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS on July 9, 2007, the City Council of the City of Watertown approved the bid submitted by Bat-Con, Inc., Marcellus, New York, in the amount of \$394,040.00, for the Emergency Water Main Replacement Project for Ontario Drive, and

WHEREAS Supplemental Agreement #1 to the Iroquois-Cosgrove Professional Services Agreement was executed with Passero Associates, Rochester, NY, in order to provide construction inspection services for the Ontario Drive project for the amount of \$21,200, and

WHEREAS in connection with that project, City Engineer Kurt Hauk has submitted the attached Amendment #1 to Supplemental Agreement #1 for consideration by the City Council, and

WHEREAS the total cost associated with Amendment #1 is \$7,537.66,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Amendment #1 to Supplemental Agreement #1, associated with additional costs for construction inspection services provided by Passero Associates, Rochester, N.Y. for the Ontario Drive water main replacement project, a copy of which is attached and made part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute Amendment #1 to Supplemental Agreement #1 on behalf of the City of Watertown.

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

Prior to the vote on the foregoing resolution, Councilman Smith asked about the actual hours spent.

Mr. Hauk, City Engineer, explained that there is inspection time and administrative time. The administrative time covers conversations and paperwork involving the consultant and the City Engineer's Office. The inspection time is actual time. He said that approximately \$3,000 was for overtime field work and the balance was for administrative time.

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS the New York State Department of State, Division of Coastal Resources, has awarded the City of Watertown a \$367,500 grant under Title 11 of the Environmental Protection Fund to implement the Black River Rediscovery Project Phase II, and

WHEREAS the creation of an Erosion Management Plan for the Black River in the City of Watertown is one of the projects funded under the Downtown Awareness Campaign, and

WHEREAS upon review and committee approval, the City desires to enter into an Agreement with GYMO, P.C. for this project,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves the Agreement with GYMO, P.C., a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby directed to enter into and execute the Contract with GYMO, P.C. on behalf of the City of Watertown, and

BE IT FURTHER RESOLVED that the City Manager is authorized to act on behalf of the City in all further matters related to this project.

SECONDED BY COUNCILMAN TIMOTHY R. LABOUF AND CARRIED WITH ALL VOTING YEAS EXCEPT COUNCILMAN BRADLEY AND COUNCILMAN SMITH VOTING NAY

Prior to the vote on the foregoing resolution, Councilman Smith remarked that there were three submittals, but Council didn't get to see the other two.

Mrs. Hoffman, Downtown Development Specialist, explained that GYMO was the lowest price.

Councilman Smith asked how the decision was made and who made it.

Mrs. Hoffman explained that there was an oversight committee who selected the GYMO proposal.

Councilman Smith asked who selected the oversight committee.

Mrs. Corriveau responded that she and Mrs. Hoffman discussed who should sit on the committee.

Councilman Smith remarked that he would like to know what is being presented to Council as he feels he is just rubber stamping this. He stated that Council has no input into the process and should have.

Mrs. Corriveau explained that this project has been in the City Manager's report two or three times previously.

Councilman Smith responded that the report just had the highlights and said nothing about there being a committee.

Mrs. Corriveau stated that she felt that this was an administrative decision and the committee was a broad based one.

Councilman Smith responded that some input from a Council member would have been nice.

Councilman Bradley remarked that Councilman Smith is referring to the way the information comes to the Council and the fact that he just wanted to see all three proposals.

Councilman Smith remarked that the problem is that if this is approved tonight, then the project requires more dollars and it will be said that Council approved it with Resolution No. 13 this evening.

Councilman Clough asked if a Council member could be placed on the committee.

Mrs. Hoffman and Mrs. Corriveau explained that the committee is done with their work. Mrs. Hoffman listed the members who had served on it.

Mrs. Corriveau explained that staff has used this process whereby staff's job is to review responses and to make recommendations to the Council. She stated that if this procedure is to change, she needs to be told.

Councilman LaBouf remarked that perhaps Mrs. Hoffman could have shared what discussions were held during the committee meetings.

Councilman Smith commented that this sets the City on a course that may later cost a great number of dollars more.

INTRODUCED BY COUNCILMAN JEFFREY M. SMITH

WHEREAS the City Purchasing Department has advertised and received one (1) sealed bid for the purchase of one (1) new and unused Carbon Monoxide Analyzer, for use by the Pollution Control Plant, and

WHEREAS invitations to bid were issued to eight (8) prospective bidders, with only one (1) bid being received and publicly opened and read in the City Purchasing Department on Wednesday, December 5, 2007, at 11:00 a.m., and

WHEREAS City Purchasing Agent Robert J. Cleaver reviewed the bid received and it is his recommendation that the City Council accept the sole bid submitted by Thermo Fisher Scientific, 27 Forge Parkway, Franklin, Massachusetts, in the amount of \$10,736.20, and

WHEREAS Mr. Cleaver feels that, due to the fact that this is a specialty item and it has to be installed into a specified location, a re-bid for this item would serve no useful purpose,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York hereby accepts the bid of \$10,736.20 submitted by Thermo Fisher Scientific, 27 Forge Parkway, Franklin, Massachusetts, for one (1) new and unused Carbon Monoxide Analyzer for use by the Pollution Control Plant.

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

Prior to the vote on the foregoing resolution, Councilman Clough asked about the amount that was in the budget.

Mrs. Corriveau explained that it was not in a detailed line item, but was part of the equipment portion of the sewage treatment plant's budget.

Councilman Clough asked that Council be made aware of the amount in the budget in the future, just as is done for the capital budget.

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS the design, creation and production of the Library's brochure is one of the projects identified under the goals and objectives for the 2007-2008 year for the Library, and

WHEREAS upon review, the City desires to enter into an Agreement with Infinite Media for this project,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Quote #3 of the Proposal submitted by Infinite Media, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby directed to enter into and execute a Contract with Infinite Media on behalf of the City of Watertown, and

BE IT FURTHER RESOLVED that the City Manager is authorized to act on behalf of the City in all further matters related to this project.

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

Prior to the vote on the foregoing resolution, Councilman Smith asked about obtaining other quotes from local businesses.

Mrs. Corriveau explained that they didn't get any other quotes. Infinite Media did the wayfinding signage and the walking tour.

Councilman Smith remarked that other businesses should have been given the opportunity to quote a price as well.

Councilman Bradley asked if this was done in an effort to mimic the same themes. He also indicated that the library took Mrs. Hoffman's suggestion regarding this. He also commented that he is not sure that someone else locally could do this work.

Councilman Smith remarked that he is not saying that they don't do a good job or that it wasn't a good price. However, others should have been given the opportunity for the printing.

Mrs. Corriveau explained that this is not just for the printing, but also for the design.

Mrs. Hoffman explained that AMF does the actual printing as Infinite Media contracts that out.

Councilman Smith asked if the City could save money by going with a company that can do both.

Mrs. Hoffman responded that she isn't sure that any companies in the City could do both.

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS the New York State Department of State, Division of Coastal Resources, and the New York State Department of Parks, Recreation and Historic Preservation have awarded the City of Watertown grant funding under the Environmental Protection Fund to fund the Hole Brothers Access Improvement Project and the Black River Parks Project, and

WHEREAS the grant will fund access improvements to the Black River for recreational kayakers, commercial whitewater rafters, fishermen and others who would use it, and

WHEREAS the City of Watertown previously solicited a Request for Qualifications from professional firms for design and construction administration services for the Black River Parks Development Project, and Environmental Design and Research, P.C. (EDR) was the selected firm, and

WHEREAS the City of Watertown desires to extend EDR's contract following two unsuccessful bids,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Contract with EDR in an amount not to exceed \$13,315.05 for the design and construction administration for the Hole Brothers Access Improvement Project and the Black River Parks Project, and

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

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

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS the New York State Department of Transportation has determined that small rural transit systems generally have fewer spare and back-up vehicles to rely on when their fleet experiences mechanical failures or their buses are out of service for extended periods of time, and

WHEREAS a new Federal Section 5311 Rural Transit System Program has been designed to assist rural transit providers by strategically locating backup and spare buses for use by small rural transit systems, and

WHEREAS the City of Watertown participates in said program by housing one of the backup and spare buses, and

WHEREAS Essex County, who currently has an Agreement to use the spare bus, has indicated that they are no longer in need of the spare bus and will be returning it to the City, and

WHEREAS NYSDOT has been contacted by Franklin County regarding their desire to lease the backup and spare bus currently titled to the City of Watertown,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Lease and Service Agreement for Spare Bus Program between the City of Watertown and Franklin County, a copy of which is attached and made a part of this resolution,

BE IT FURTHER RESOLVED that the City Manager of the City of Watertown is hereby authorized and directed to execute said Lease and Service Agreement on behalf of the City of Watertown.

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

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS the City of Watertown owns a water supply system, which it operates for the purpose of supplying the City and its inhabitants with water, and

WHEREAS the City has excess capacity to produce and transport water in excess of its own needs, and

WHEREAS the Town of Watertown is the Administrator of Water Districts No. 1, 3, 4, 5 and 6 and has requested the right to draw water from the City System for use in the Districts as they currently exist and as they may be extended and expanded during the term of the Agreement, and

WHEREAS the City may, pursuant to Section 20 of the General City Law of the State of New York and General Municipal Law Sections 118 and 118 (a), enter into an agreement with the Districts to sell the right to make connections to the City System for the purpose of drawing water there from and the City may fix the prices so long as such action will not render the supply of water for the City or its inhabitants insufficient, and

WHEREAS the City Council desires to enter into an Agreement with the Town of Watertown as Administrator for each of the Town of Watertown Water Districts 1, 3, 4, 5 and 6,

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

***Mayor Jeffrey E. Graham**

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 MAYOR JEFFREY E. GRAHAM

Prior to the vote on the foregoing resolution, Councilman Smith commented that water is our asset and what we have to sell. He remarked that we are here to attract people to the City and questioned what the benefit is for people who get the same services and pay the same price outside the City.

Mayor Graham commented that Council has tried to move to a more equitable system.

Councilman Smith remarked that in order to break down the barriers and invisible lines, unless we have something others want, it won't happen. He questioned what we get for selling the water.

Mayor Graham responded that the City is getting more money for the Water Fund.

Mrs. Corriveau explained that the agreement increased the water rates 3% to 14.4%. Under the terms of the agreement, the Town Districts will be charged a uniform rate equal to the first tier step of the inside user rate schedule.

Councilman Clough remarked that by doing this, we are sending out a message. Any increase we get, the Town will be getting also. He commented that a lot of improvements are paid for because of water being sold outside.

Mrs. Corriveau explained that when Sterling Street was rebuilt, the residents of the Town paid a portion of that water project. She also indicated that the City doesn't pay for the Town lines.

Councilman LaBouf remarked that he understands what Councilman Smith is saying. However, he feels that this resolution is a step in the right direction.

Councilman Smith asked if the contract could be looked at again after the results of the rate study.

Mrs. Corriveau referred to page 4, section 7 of the agreement which states that “Should the City council, take such action and upon completion of the rate analysis revamp the Water Rates for Inside Users, such that they are not longer calculated using a declining rate schedule, the City and/or the Town has the right to reopen the Agreement for the express purpose of renegotiating rates.”

Mrs. Corriveau also advised the Council that the Town is out looking for other water sources.

MOTION WAS MADE BY COUNCILMAN SMITH TO AMEND THE RESOLUTION TO HAVE MAYOR GRAHAM SIGN THE CONTRACT ON BEHALF OF THE CITY.

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

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AS AMENDED AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS the City of Watertown owns property known as the Alex T. Duffy Fairgrounds, and

WHEREAS the Alex T. Duffy Fairgrounds are classified parklands and, therefore, are inalienable pursuant to General City Law §20(2) absent special approval of the State Legislature, and

WHEREAS an entity known as Ultimate Goal, LLC constructed and operated an indoor sports facility on a portion of the Fairgrounds property pursuant to Home Rule legislation adopted by the New York State Legislature under Senate bill number S.6238 and Assembly bill number A.9354, and

WHEREAS Watertown Family YMCA, Inc. proposes to purchase the indoor family sports facility at the Fairgrounds for continued public recreation and use, and

WHEREAS the operation of an indoor family sports facility will promote the health and general welfare of the public, as well as promote commerce and tourism in the City of Watertown, and

WHEREAS the City Council of the City of Watertown deems it to be in the best interests of the City to lease Fairground lands for the purposes of encouraging the operation of the sports facility,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown desires to obtain State legislative approval for the lease of a portion of the City Fairgrounds for use as a recreational center, and

BE IT FURTHER RESOLVED that the City Council of the City of Watertown authorizes the Mayor, Jeffrey E. Graham, to seek the approval of the New York State Legislature to lease property at the Fairgrounds and to execute all documents necessary to that end.

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

INTRODUCED BY MAYOR JEFFREY E. GRAHAM

WHEREAS Patrick Currier, of Aubertine & Currier, on behalf of Daniel Horton of Car Audio Pros, has made an application for site plan approval, for the construction of a 3-stall garage to be used for installing automobile electronics, located at 821 Arsenal Street, Parcel No. 9-10-118, as shown on plans submitted to the Engineering Department on November 30, 2007, and

WHEREAS the Jefferson County Planning Board reviewed the site plan at its meeting held on November 27, 2007, and adopted a motion that the project does not have any significant County-wide or inter municipal issues and is of local concern only, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on December 4, 2007, and recommended that the City Council of the City of Watertown approve the site plan as submitted, and

WHEREAS the City Council has determined that the project is a Type II Action pursuant to SEQRA, section 617.5(c)(7), which includes expansion of a non residential structure involving less than 4,000 square feet, therefore no further environmental review is required, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares the proposed construction and site plan constitute a Type II Action for the purposes of SEQR and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown, New York that site plan approval is hereby granted to Patrick Currier of Aubertine & Currier, on behalf of Daniel Horton of Car Audio Pros, for the construction of a 3-stall garage to be used for installing automobile electronics, located at 821 Arsenal Street, Parcel No. 9-10-

118, as shown on the site plan submitted to the City Engineer on November 30, 2007.

SECONDED BY COUNCILMAN STEPHEN J. BRADLEY

Prior to the vote on the foregoing resolution, Councilman Clough asked about moving the garage similar to how Council made Mr. Bonner move his. He asked that the garage be turned so the doors would face Arsenal Street and that insulation be the same or greater than Mr. Bonner's.

Patrick Currier addressed the chair explaining that the properties in that area of Arsenal Street are very narrow and deep. If the building was turned, there would be no rational way to do so, without separating it from the existing building. He commented that the doors could face to the back.

Councilman Smith remarked that we have to take into consideration the residents in that area that have been there longer than the business. He commented that at a minimum, the two doors should be in the back.

Daniel Horton, owner of the business, explained that he is willing to work with Council. He also explained that they don't make noise and do all of their testing in a closed environment.

Councilman Clough explained that the problem on State Street was not the business, but the individuals who had the systems placed in their cars.

MOTION WAS MADE BY COUNCILMAN CLOUGH TO AMEND THE FOREGOING RESOLUTION TO STATE THAT TWO OF THE GARAGE DOORS WILL FACE SOUTH AND ONE GARAGE DOOR WILL FACE WEST.

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

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AS AMENDED AND WAS CARRIED WITH ALL VOTING YEA

The following resolution was presented:

INTRODUCED BY COUNCILMAN JEFFREY M. SMITH

WHEREAS the City of Watertown is home to persons who have been designated as "Level 2" or "Level 3" sex offenders pursuant to the New York Sex Offender Registration Act, contained at Article 6-C of the New York Corrections Law, and

WHEREAS the City Council of the City of Watertown desires to provide the citizens of the City with notice of the residency of Level 2 and Level 3 sex offenders on a

pro-active basis, rather than letting the citizens of the City rely upon individual requests for information directed to the New York State Division of Criminal Justice Services, and

WHEREAS the City Council of the City of Watertown believes that it may be lawful and appropriate to erect signage of City-owned property for the purpose of identifying the residences of Level 2 and Level 3 sex offenders, and

WHEREAS the City Council of the City of Watertown further recognizes that such a program must be carefully tailored to ensure that it does not exceed the power of the City nor violate an individual's rights guaranteed by the U.S. and New York State Constitution, or other Federal or State statutes, either in its adoption or application, and

WHEREAS the City Council of the City of Watertown desires to comply with the law and to provide constitutional protections while, at the same time, attempt to advance public safety within the City,

NOW THEREFORE BE IT RESOLVED that the City Manager shall take steps to determine whether the adoption or application of a program of signage of sex offender residence is violative of the U.S. or State Constitution and any Federal or State laws, and

BE IT FURTHER RESOLVED that the City Manager shall, if a signage program is lawful, develop a program for signage, which attempts to accomplish the following goals:

- A. Posting of signage only on City property which:
 - i. Contains no information which is not otherwise available from the New York State Division of Criminal Justice Services upon request;
 - ii. Identifies places where Level 2 and Level 3 sex offenders reside;
 - iii. Contains a process for prompt removal of signs in situations where the property owner confirms that a Level 2 or Level 3 sex offender no longer resides on the premises;
 - iv. Establishes the manpower, equipment and budget required for such a program;
 - v. Refers interested persons to the New York Division of Criminal Justice Services' website for detailed request information; and
 - vi. Recommends City Council legislation prohibiting interference with the signage.

and,

BE IT FURTHER RESOLVED that no program shall be implemented without approval of the City Council.

SECONDED BY COUNCILMAN STEPHEN J. BRADLEY

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

Referring to the foregoing resolution, Councilman Smith asked why the City can't just implement a signage program without doing studies and development. He remarked that it isn't any different than what the State is already doing.

Attorney Slye remarked that he is concerned if this causes the amount of ridicule that might lead to punitive claims against the City. He explained that in looking at the constitutionality of the matter, you have to look at how you are actually going to apply the legislation.

Councilman Smith responded that the information is posted publicly now by the State and this proposal asks for nothing greater than that.

Attorney Slye responded that the proposal merits some study.

Councilman Bradley asked how long was needed.

Attorney Slye responded that he could be comfortable with an opinion on the matter in three or four weeks. He commented that florescent pink signs may be the cause of more ridicule than the State website is. He also questioned how to confirm the information and removal of the sign when they move.

Chief Joseph Goss and Warrant Officer James Romano addressed the chair explaining that notices are sent to schools, churches and day care centers, not to individual property owners in the neighborhood.

Chief Goss expressed his concerns with the fact that these signs would have an impact on property values and might lead to vigilante justice. He also indicated that since the program started in 1996, no level 3 offenders have been re-arrested for those types of crimes in the City.

Officer Romano explained that these individuals must register where they move to within 10 days. He also explained that he has about 200 changes per year. This includes individuals moving into the City from the County or moving within the City.

MOTION WAS MADE BY COUNCILMAN LABOUF TO TABLE THE FOREGOING RESOLUTION.

MOTION WAS SECONDED BY COUNCILMAN CLOUGH AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCILMAN BRADLEY AND COUNCILMAN SMITH VOTING NAY

ORDINANCES

INTRODUCED BY COUNCILMAN JEFFREY M. SMITH

BE IT ORDAINED that Chapter 293 of the City Code of the City of Watertown is amended to delete the following:

§ 293-67. Schedule XIX: Restricted Time Limit Parking.

<u>Name of Street</u>	<u>Side</u>	<u>Restricted Time Limit;</u> <u>Hours/Days</u>	<u>Location</u>
Franklin Street	West	1 hr.; 9:00 a.m. to 8:00 p.m.	From Solar Block to Academy Street

and,

BE IT FURTHER ORDAINED that this Amendment to the Municipal Code 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 COUNCILMAN TIMOTHY R. LABOUF AND CARRIED WITH ALL VOTING YEA

UNANIMOUS CONSENT MOVED BY MOTION OF COUNCILMAN SMITH, SECONDED BY COUNCILMAN LABOUF AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

MOTION WAS MADE BY COUNCILMAN CLOUGH TO TAKE FROM THE TABLE THE ORDINANCE AMENDING CITY MUNICIPAL CODE 293-52, SCHEDULE IV: ONE-WAY STREETS (Introduced on; tabled; appears in its entirety on page 252 of the 2007 Minutes Book).

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

Prior to the vote on the foregoing ordinance, Mrs. Corriveau advised Council that she had checked with the parking lot property owner and he doesn't want to sell.

Councilman Clough commented that he is not a fan of eminent domain.

Discussion centered on the future decisions regarding parking on Factory Street near the intersection with Polk Street.

Mr. Hauk explained that the 150' needed is nearly to where the driveway access at Morrison's is.

City staff will look at it and make a proposal.

Councilman LaBouf commented that a number of people are still driving up the portion of the street that is now one-way.

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING ORDINANCE AND CARRIED WITH ALL VOTING YEA

LOCAL LAW

LOCAL LAW NO. 9 OF 2007, REPEALING LOCAL LAW NO. 3 OF 1988 WAS PRESENTED TO COUNCIL (Introduced on December 3, 2007; public hearing held this evening; appears in its entirety on page 277 of the 2007 Minutes Book)

Prior to the vote on the foregoing local law, Councilman Smith remarked that the mere fact the budget was passed, doesn't mean that Council supports the raise. He also remarked that he didn't think that he should vote for his own raise while in office. He agreed that the positions need to be raised but felt that the salary raises should start in January 2010.

Councilman Clough asked if the mayor would automatically receive what was in the budget if the 1988 law was repealed.

Attorney Slye advised that this would not necessarily be the case.

Mrs. Corriveau advised that Council could amend the budget at any time.

Mayor Graham remarked that because of staggered Council dates of election, it becomes problematic as someone will always be serving on Council at the time of a vote to increase the salaries. He stated that it is time to put this issue behind us. He also advised that the Jefferson County Legislature voted themselves a raise last week and it happens every year. However, it doesn't receive any media attention.

Councilman Smith asked if this were to be passed tonight if the Mayors' salary should be amended to the existing amount.

The following was presented:

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

RESOLVED TO ESTABLISH THE SALARY OF MAYOR AT \$16,000 AND THE SALARY OF EACH COUNCIL MEMBER AT \$12,000 WITH A COST OF LIVING ADJUSTMENT TO BE MADE ANNUALLY IN THE FUTURE.

SECONDED BY COUNCILMAN STEPHEN J. BRADLEY

RULES WAIVED BY MOTION OF COUNCILMAN LABOUF, SECONDED BY COUNCILMAN BRADLEY AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Commenting on the foregoing motion, Councilman Clough remarked that he agreed with the mayor that it is time to put this issue to rest and move on.

Councilman Smith asked where Councilman LaBouf came up with the numbers.

Councilman LaBouf explained that he based it on the information supplied in Mrs. Corriveau's report concerning the employees of the City.

Mrs. Corriveau asked that City Council recess for 10 minutes in order for her to be able to submit a balanced budget sheet for the proposed amendment.

When Council reconvened, Mrs. Corriveau presented the budget figures to the Council explaining that the additional funds could be taken from the City Manager's Office as a full-time employee is now only working part-time.

MOTION WAS MADE BY COUNCILMAN CLOUGH TO AMEND THE AMOUNTS TO \$13,500 FOR MAYOR AND \$10,500 FOR COUNCIL MEMBERS.

MOTION WAS SECONDED BY COUNCILMAN SMITH AND DEFEATED WITH ALL VOTING NAY EXCEPT COUNCILMAN CLOUGH AND COUNCILMAN SMITH.

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE ORIGINAL RESOLUTION AS PRESENTED AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCILMAN CLOUGH AND COUNCILMAN SMITH VOTING NAY.

The following local law was presented

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS it is the intent of this chapter to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City

by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders are prohibited from establishing temporary or permanent residence, and

WHEREAS the City Council of the City of Watertown finds that one of the highest priorities of local government is the protection of the health and safety of its citizens. This is especially true for children and other vulnerable members of society, and

WHEREAS the City Council further finds that Level 3 convicted sex offenders pose a significant continuing risk to society, and

WHEREAS the City Council finds that the protection of the victims and potential victims of sexual offenders in Watertown is a matter of unique local concern not fully and adequately addressed by state law, and

WHEREAS the City Council finds that the disclosures required and the limitations contained herein will protect the citizens of Watertown and in protecting children who may come into proximity with a sex offender in the scope of employment with the city, and

WHEREAS the City Council finds that the City of Watertown agrees with the New York State Division of Criminal Justice Services risk assessment of sex offenders and has made no determination that conflicts with restrictions placed on any particular sex offender or level of sex offenders. Rather, the Council finds that this chapter is remedial in nature and designed to fill certain gaps in state law as well as to provide protections for residents of the City who receive certain services from the City, and

WHEREAS the Council further finds this chapter to be the most narrowly tailored means of fulfilling its compelling interest in the safety of its citizens, and

WHEREAS the Council does not intend for any person to use the information required by this chapter to harm or injure any registrant under the law.

NOW BE IT ENACTED by the City Council of the City of Watertown, New York, that the Code of the City of Watertown is amended to add Section 115, Child Protection Act, as follows:

§ Section 115-1. Definitions.

For purposes of this chapter, the following shall apply unless the context clearly indicates a different meaning:

BACKGROUND SEARCH – A search of the records of the Police Department of the City of Watertown and/or other agencies as deemed necessary and a search to determine if a person is listed or registered on the New York State Sex Offender Registry.

CHILD or CHILDREN – Persons under 18 years of age. The singular and plural shall include one another. If the applicable statute defining a crime against a child refers to a child younger than 18, the younger age shall control.

CONTRACTOR – shall mean an individual, a business enterprise, including a sole proprietorship, a partnership, a corporation, a not-for-profit corporation, or any other party to a city contract, or a bidder in conjunction with the award of a city contract or a proposed party to a city contract.

DCJS – The New York State Division of Criminal Justice Services.

EMPLOYER – Any individual, partnership, association, corporation, business trust, legal representative or organized group of persons paying wages or any form of compensation to any person for services that directly or indirectly benefit the individual, partnership, association, corporation, business trust, legal representative or organized group of persons.

HIS – His or her.

MINOR – Any person under the age of 18 years.

WPD – The Watertown Police Department.

PARK, PLAYGROUND OR RECREATIONAL AREA – The grounds and buildings thereon, waters therein and any other property necessary for the operation thereof and constituting a part thereof, which is now or may hereafter be maintained, operated and controlled for public park, playground or recreational purposes. Park, playground or recreational area shall include all of the locations defined in Chapter 216 of the Municipal Code of the City of Watertown.

RESIDENCE – Any building, structure, or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied, as place of one's domicile, home, or sleeping place of human beings.

REGISTRANT – Any person required to register under Article 6-C of the Corrections Law, of the State of New York (Sex Offender Registration Act).

REGISTRATION YEAR – One year from the date of first registration under this chapter.

RESIDENT – Any person who lives in the City of Watertown in any apartment or home, has a usual place of abode in the City, is domiciled in the City or temporarily present in the City and staying at a homeless shelter or an extended stay established.

SCHOOL – A licensed or accredited public, charter, private or religious school that offers instruction to students in kindergarten through any grade up to grade 12.

SCHOOL GROUND – means any building, structure, athletic playing field, playground or land contained within the real property boundary line of a public or private elementary, parochial, intermediate, junior high, vocational, or high school.

SEX OFFENDER – Shall have the same meaning as the term is defined in § 168-a, Subdivision 1, of the Corrections Law of the State of New York.

TEMPORARY RESIDENCE – Any hotel, motel, rooming house, inn, rooming unit, bed-and-breakfast, residence inn, country inn, motor court, R-V park, or motor lodge that lets or provides any space for occupancy by any person. Any place of business that provides services or utilities to motor homes, recreational vehicles, and trucks with campers or any other motor vehicle in which an individual does or may sleep overnight is a “temporary residence” under this chapter.

§ Section 115-2. Residency Restriction/Prohibition.

A. After the effective date of this chapter, it shall be unlawful for any Level 3 sex offender to establish a permanent or temporary residence within 500 feet of any school ground, park, playground or recreational area.

B. For purposes of determining the minimum distance separation, the distance shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to nearest outer property line of a school ground, park, playground or other recreational area.

§ Section 115.3. Park, Playground or Recreational Area Restriction/Prohibition.

After the effective date of this chapter, it shall be unlawful for any Level 3 sex offender to enter stop, sit, or stand within any park, playground or recreational area.

§ Section 115.4. City Employment

A. City Employees. Watertown City will conduct a background search of any and all employees that may be alone with a child within the scope of the performance of their duties. No person convicted of a sex offense will be allowed to work alone with or supervise any child.

B. City contractors. All persons or entities that enter into contracts with the City and are the employer of any person that may be alone with a child within the scope of the performance of the contract shall conduct a background search of any and all such employees and compare the background search to any applicable registration information available on the State’s website and/or the sex offender hotline maintained by the State of New York. No person convicted or a sex offense will work alone with or supervise any

child. Any failure by the contractor to comply is a material breach of contract and entitles the City to terminate the contract. This subsection includes but is not limited to 501(C)(3) entities and charitable entities. Any person or entity to which this subsection applies shall notify WPD immediately if that person or entity has or obtains any information about any registrant that does not conform with the information the registrant provided to the DCJS.

§ Section 115.5 Exceptions.

A person residing within 500 feet of a school ground, park, playground or recreational area does not commit a violation of this section if any of the following apply:

A. The person established the permanent residence prior to effective date of this chapter.

B. The person was a minor when he/she committed the offense and was not convicted as an adult.

C. The person is a minor.

D. The school ground, park, playground or recreational area within 500 feet of the person's permanent residence was opened after the person established permanent residence.

E. The provisions of this chapter shall not be applicable to persons incarcerated in any facilities owned, maintained and/or operated by Watertown City, Jefferson County, or New York State.

§ Section 115.6 Liability of City.

Nothing in this chapter creates or shall create a cause of action against the City of Watertown not already authorized under existing law. Without limitation, the City is not liable to any person harmed who claims that conditions under this chapter may have prevented the harm.

§115.7 Enforcement.

This chapter shall be enforced by the WPD. The Chief of Police shall cause a copy of this chapter and the Prohibited Area Map to be provided to each registered sex offender who has registered under Megan's Law and who is residing within the city limits.

§ Section 115.8. Penalties for offenses.

Each violation of this chapter shall be punishable by a fine of **\$500** and/or 10 days in jail. The City shall also be entitled to injunctive relief to enforce the provisions of this chapter.

BE IT FURTHER ENACTED that this Local Law shall take effect 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, JANUARY 7, 2008 AT 7:30 P.M.

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

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COUNCIL DISCUSSED THE FOLLOWING TOPICS

Holcomb Street Traffic Study

Councilman Bradley asked about the status of this.

Mrs. Corriveau advised that Mr. Hauk had left the meeting and she needed to check with him about it.

Councilman Bradley asked that Mr. Fraser be asked for his input on this.

Recent Fire on Academy Street

Councilman Smith asked what will happen to the building.

Mrs. Corriveau advised that the City took the first action by having the roof and top floor taken down. The charges will be assessed to the owner. It is the owner's responsibility to have the remainder of the building torn down. Mr. McWayne is working with the owner to get that done as soon as possible.

Councilman Smith asked about payment of the charges assessed to the owner.

Attorney Slye advised that a lien will be placed on the insurance proceeds as established by local law several years ago.

Councilman Smith commended the Fire Department for the excellent job they did.

Councilman LaBouf's Comments

Councilman LaBouf took the opportunity to thank Council and staff for their work over the past four years.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 9:37 P.M. BY MOTION OF COUNCILMAN CLOUGH, SECONDED BY COUNCILMAN LABOUF AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Donna M. Dutton
City Clerk



Happy Holidays