

**REGULAR COUNCIL MEETING
CITY OF WATERTOWN
October 1, 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: **KENNETH MIX, PLANNING & COMMUNITY DEV.
COORDINATOR
ATTORNEY ROBERT J. SLYE**

City Manager Corriveau presented the following reports to the Council:

- 1 - Authorizing Gas Main Easement, 122 Ten Eyck Street, Parcel No. 10-15-101.001, Niagara Mohawk Power Corporation
- 2 - Approving the Site Plan for Parking Lot Modifications At Ives Hill Country Club, 465 Flower Avenue West, Parcel No. 14-42-101
- 3 - Amending City Municipal Code 293-67, Schedule XIX, Restricted Time Limit Parking
- 4 - 7:30 p.m. – Local Law No. 8 of 2007, Amending City Charter, TITLE XIII, Assessment and Collection of Taxes
- 5- Letter to Mayor Graham from Governor Eliot Spitzer’s Office
- 6 - Letter to Mayor Graham from Office of Real Property Services

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 September 17, 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.

COMMUNICATIONS

The following communication was received from the City Planning Board:

1. Recommending Council approval for the site plan submitted on behalf of Prime LLC for parking lot modifications for Ives Hill Country Club located at 465 Flower Avenue West contingent upon certain conditions being met as outlined in the resolution.

2. Recommending Council approval for the site plan submitted on behalf of Watertown Trust for the construction of a 20,000 square foot structure to be located at the northeast corner of Bellew Avenue South and Rail Drive, also known as Lot 8 of the City Center Industrial Park contingent upon certain conditions being met as outlined in the resolution.

ABOVE PLACED ON FILE

Minutes were received from the library's board meeting.

ABOVE PLACED ON FILE

A claim against the City was received from Danielle Lee for personal injuries she sustained when she fell from her bicycle on Bronson Street.

ABOVE REFERRED TO THE BOARD OF AUDIT

Mayor Graham interrupted the regular course of business to allow for the introduction of nine new Watertown Police Department Recruits.

PRIVILEGE OF THE FLOOR

Martin Lamon, 124 Ward Street, addressed the chair asking for an update on the Moot property situation.

Attorney Slye explained that there is a signed order to show cause to respond on Thursday to concerning Mr. Moot's violation of the order of condemnation of his home. This seeks a court order to prohibit him from being in the home unless he is with a worker who is repairing the home. Any violation could then be in contempt of court and would be punishable with jail time.

Mayor Graham commented that a person who was in the home told him that there were 100 cans of cat food open on the counter and the smell was terrible. He also referred to anecdotal comments that had been made indicating that Mr. Moot had been spotted picking through the dumpster behind the Paddock Arcade. He also remarked that Mr. Moot had parked his car at Centennial Apartments but wasn't sure where it was now.

Mr. Lamon explained that Mr. Moot is on their property and they have called the police. However, they don't want to press criminal charges against him.

Mayor Graham responded that this is frustrating because mental health professionals say that he is all right.

Chief Goss commented that the department had been made aware of the car being parked at Centennial. He has spoken several times with Adult Protective Services and they are aware of all of the latest developments. In addition, all communications regarding this

have been forwarded to Mrs. Corriveau. Adult Protective Services were also made aware of the fact that he was in a sleeping bag with a tarp over him in the backyard.

Mayor Graham remarked that Mr. Moot's behavior is outside the norm and nothing seems to be done about it by the social agencies.

Councilman LaBouf commented that he is dumbfounded as to why DSS is skirting the issue. He also commented that Mr. Moot's latest actions would seem to warrant another evaluation.

Attorney Slye explained that the court order seeks to lock Mr. Moot out from his home and garage. However, it doesn't bar him from his real property. The City has condemned the house for occupancy, administratively. Now, that is being changed to a judicial order.

Councilman Clough asked about the time periods in the City Code for bringing property into compliance.

Attorney Slye explained that there are time frames in the New York State Unsafe Building Law, which the City is using.

Councilman LaBouf asked if the City Engineer could determine the house unsafe.

Attorney Slye explained that the question is whether it poses a public safety threat.

Mayor Graham referred to Mr. Moot camping out in the backyard with no sanitary system to support it.

Councilman Clough remarked that we've had houses in the City that had no running water or sewer and yet, they lived in the house. He said when he asked Codes about it, Codes said they could.

Councilman LaBouf remarked that he would hope the City Engineer's visit to the property would be expedited.

Attorney Slye reminded Council that the purpose of the Unsafe Building Law is to get compliance. Non-compliance may not result in the house being torn down. He also advised Council that under state law, the City Engineer is the one who makes the time table.

Councilman LaBouf responded that it should be dealt with now.

Councilman Bradley commented that they have been dealing with it right along.

Mayor Graham asked what could be done with an individual carrying a pup tent and going through dumpsters. He stated he doesn't consider it rational behavior.

Chief Goss explained that under a section of the Mental Health Law, police officers can take an individual up to SMC for evaluation.

Bob Thornton, 201 Sterling Street, addressed the chair asking Council if anyone had contacted Mr. Moot's family or friends. He also suggested that someone from the ministry could sit down with him.

Mr. Thornton commended the craftsmen who repaired the town clock. He also asked what special arrangements had been made so The Strand could use the City Hall parking lot at night. He stated that he has observed a city employee on many occasions cleaning the lot up after it has been used by Strand patrons. Mr. Thornton remarked that he sees drug dealers as well as pimps and prostitutes in the City Hall lot at night. He commended the police officers who were called to the lot last weekend when there was almost a riot.

Mayor Graham remarked that he knows of no arrangement made with The Strand.

Mr. Mix said that no arrangements were made. The lot is for employees and visitors to the building. However, there is no way to lock it down at night.

Scott Gates, dog park supporter, addressed the chair announcing that there will be a Doggie Halloween Party at the Fairgrounds on Nov. 4th and an organizational meeting on October 9th, with time and place to be announced on Mia's Myspace.

Bart Bonner, State Street business owner, addressed the chair commenting that since he is now a property owner in the City, he would like an opportunity to vent. He remarked that he observed a wheelchair being driven down the middle of Stone Street, going the wrong way. He questioned what would happen if a person was mauled at the dog park and who the person would sue. He also commented on the fact that each apartment being built on Stone Street in the old Social Security Building is costing \$250,000 apiece and will house drug users and alcoholics who normally can't pay rent. He questioned where the money would come from. He commented on the Franklin St. Building which he said would cost \$700,000-\$800,000 per unit and would be for low income folks, who can't pay rent either.

Rev. Dominic Kriegbaum, addressed the chair in favor of an invocation to begin the Council meeting. He referred to the Bicentennial Celebration in the City which included a month for the Churches of the community as well as the fact that the National Day of Prayer is held in front of City Hall each year.

Rev. Jeffrey Smith addressed the chair also in favor of prayer before a Council meeting.

Pastor Henry Wallace addressed the chair in support of prayer and stated that it helps to make the right decisions.

PUBLIC HEARING

AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING LOCAL LAW NO. 8 OF 2007, AMENDING CITY CHARTER, TITLE XIII, ASSESSMENT AND COLLECTION OF TAXES.

MAYOR GRAHAM DECLARED THE HEARING OPEN.

No one spoke.

MAYOR GRAHAM DECLARED THE HEARING CLOSED.

R E S O L U T I O N S

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS in anticipation of the reconstruction of Ten Eyck Street in the spring of 2008, Niagara Mohawk is requesting an easement for the relocation of a gas main, and

WHEREAS this gas main will be located in the street in the 100 block of Ten Eyck Street and across property at 122 Ten Eyck Street, which is currently owned by the City,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes and directs City Manager Mary M. Corriveau to execute the Grant of Easement for relocation of the gas main in the street in the 100 block of Ten Eyck Street and across property at 122 Ten Eyck Street, which is owned by the City.

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

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS Ed Olley of GYMO, P.C., has made an application for site plan approval on behalf of Prime, LLC, for parking lot modifications at Ives Hill Country Club located at 465 Flower Avenue West, Parcel No. 14-42-101, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on September 18, 2007, and recommended that the City Council of the City of Watertown approve the site plan, contingent upon the following:

1. That the City Engineer reviews and approves the revised plan submitted on September 18, 2007 by Mr. Olley.
2. That additional green space is added on the west side of the parking

between the parking lot and sidewalk where the last space to the west is eliminated.

3. That there are nine street trees added 40' on center along Flower Avenue West and one street tree added along the Ives Street side.
4. That shrubs and planting beds are added in between the street trees to screen the parking lot from the street.
5. That the site plan be updated to reflect the required changes prior to the City Council considering the request.

And,

WHEREAS the applicant submitted a revised site plan on September 26, 2007 that addresses the conditions of the Planning Board, and

WHEREAS the City Engineer has reviewed and approved the revised site plan, and,

WHEREAS the City Council has reviewed the Short Environmental Assessment Form responding to each of the questions in Part 2 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 the proposed project constitutes an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown, New York that site plan approval is hereby granted to Ed Olley of GYMO, P.C., on behalf of Prime, LLC, for the construction of parking lot modifications at Ives Hill Country Club located at 465 Flower Avenue West, Parcel No. 14-42-101, as shown on the site plan submitted to the City Engineer on September 26, 2007.

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

ORDINANCES

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

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

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

<u>Name of Street</u>	<u>Side</u>	<u>Restricted Time Limit; Hours /Days</u>	<u>Location</u>
Main Avenue	North	1 hr.; 7:00 a.m. to 8:00 p.m.	From 235 feet west of Mill Street west for a distance of 70 feet

and,

BE IT FURTHER ORDAINED that this amendment 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 JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

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

LOCAL LAWS

LOCAL LAW NO. 8 OF 2007 WAS PRESENTED TO COUNCIL (Introduced on September 17, 2007; public hearing held this evening; appears in its entirety on page 223 of the 2007 Minutes Book)

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:

Smokeshop on Court Street

Councilman Bradley referred to the fact that this business, which he had asked the Police Dept. to look into, has closed down. He stated that it isn't good to chase business out of town, but it was certainly all right for that kind of business. He commended Chief Goss for his diligence with this.

Chief Goss explained that, after speaking with Councilman Bradley about his concerns, he advised the Metro-Jeff Task Force. DEA was notified as there are federal laws prohibiting the sale of smoking devices used for substances other than tobacco. They notified the store owners and were to check back in 90 days. Chief Goss stated that while

he hasn't interviewed the owners, possibly they closed when they were made aware that they were in violation of federal laws.

Real Property Tax Letter

Councilman Clough referred to the letter from the Office of Real Property Services and commended Mr. Phelps for a good job well done. He asked what the effect would be since the City has now pulled out of the program.

Mr. Phelps responded that we won't get a letter next year.

Letter from New York State

Councilman Clough referred to the letter and the fact that Gov. Spitzer is aware of the problem regarding the housing of high level registered sex offenders.

Councilman LaBouf asked if Attorney Slye had had the opportunity to look at the other communities codes relative to this.

Councilman Clough responded that it had already been agreed that Attorney Slye would have the report for the work session on October 22nd.

Mullin/Holcomb Intersection

Councilman Clough asked about the status of this study.

Chief Goss explained that the traffic counts have been done. Mr. Fraser will be submitting a report to the City Engineer. In addition, the ordinance moving the parking further away from the intersection has been in force for about three weeks.

Prayer at Council Meetings

Councilman LaBouf thanked the ministers for coming this evening. He stated that he didn't go to the media with this. He apologized to Mayor Graham for any undue pressure. He stated that he didn't want to make this appear to be a campaign issue. He had wanted to have this be for discussion at a work session.

Councilman Clough responded that he has stayed fairly neutral throughout the campaign. However, since Councilman LaBouf has stated that it is not a campaign issue, he would ask Councilman LaBouf to discuss the issue at a work session after the election. Councilman Clough also commented that the moment of silence that is observed is non-denominational.

Councilman LaBouf stated that he would wait until after the elections to discuss this issue.

ADJOURNMENT

AT THE CALL OF THE CHAIR THE MEETING WAS DULY ADJOURNED AT 8:09 P.M. BY MOTION OF COUNCILMAN CLOUGH, SECONDED BY COUNCILMAN SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Donna M. Dutton

City Clerk