REGULAR COUNCIL MEETING
CITY OF WATERTOWN
OCTOBER 21, 2002
7:00 P.M.

MAYOR JOSEPH M. BUTLER PRESIDING

PRESENT: **COUNCILWOMAN ROXANNE M. BURNS**
COUNCILMAN PETER L. CLOUGH
COUNCILMAN PAUL A. SIMMONS
COUNCILMAN JEFFREY M. SMITH
MAYOR BUTLER

ALSO PRESENT: **CITY MANAGER JERRY C. HILLER**
CITY ATTORNEY ROBERT J. SLYE

Assistant Manager Corriveau presented the following reports to the Council:

1 - Reappointments to the Community Action Planning Council Board of Directors
2 - Authorizing the City Comptroller and Accounting Supervisor to have Access to the City's Safe Deposit Box
3 - Authorizing Sale of Real Property, Known As VL 527 Water Street, Parcel No. 4-14-109.000
4 - Amendment No. 35 to the Management and Management Confidential Pay Plan
5 - Laid Over Under the Rules – An Ordinance Authorizing the Issuance of $60,000 Serial Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of the Demolition of the Structure Located at 649 Factory Street to Provide for the Health, Safety and Welfare of the Citizens of the City and Pursuant to Order of the Supreme Court
6 - Laid Over Under the Rules – An Ordinance Authorizing the Issuance of $22,000 Serial Bonds of the City of Watertown, Jefferson County, New York to Pay the Cost of the Purchase of an Anti-Theft Book Detection System for the Flower Memorial Library In and For Said City of Watertown
7 - Monthly Report
8 -. Flower Memorial Library 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 October 7, 2002 and the adjourned meeting of October 15, 2002 was dispensed with and accepted as written by motion of Councilwoman Burns, seconded by Councilman Clough and carried with all voting in favor thereof.

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

Minutes were received from the library's board meeting.

ABOVE PLACED ON FILE

From Ann Schwartz, Acting Library Director, requesting permission to fill a library clerk position on a temporary basis until after the Principal Library Clerk position left vacant by a retirement is filled.

ABOVE PLACED ON FILE

Mayor Butler presented Mr. James Brett and Chief Robert Piche with a certificate for the Elks Lodge in appreciation for participating in Youth Government Day.

PRIVILEGE OF FLOOR EXTENDED

Guy Javarone, owner of ERA Realty, addressed the chair concerning the property located at 110 State Place. He informed Council that the owner of the property, Linda Eckert, had been approached and informed that either the City or Neighbors of Watertown was going to purchase that property for the Emerson Place/State Place project. The concern is now that the house has no heating system as Ms. Eckert had planned on putting in a new system until she had been approached about selling the property in order for it to be demolished. Since there is no heat in the house, the owner would like to move on selling the property as soon as possible. Mr. Javorane supplied a packet of property information as well as photographs for the Council. He also mentioned that Ms. Eckert has put a purchase offer in on another property and that offer was accepted. He stated that Mr. Hiller had indicated that the City might be able to move on this by Friday.

Mr. Hiller explained that he had indicated to Mr. Javarone that if the concern was to move quickly and if both sides could come to terms for a sale price, the Council could hold a special meeting. He explained that the situation is that the owners do not want to spend any more money on a property that is going to be torn down.

Councilman Simmons questioned why the owners hadn't been informed about this situation until a month ago.

Mr. Hiller stated that he couldn't answer that and would have to defer to Mr. Beasley, who is out of town. He explained that he believed this property was part of the road alignment and for a parking area. He also commented that the City would be buying the property with the hope to have a return of some of the money through CDBG funding.

Councilman Smith said that he was also unaware that the City was even attempting to go after this property. He stated that this has caught him completely off guard.

Mr. Mix explained to the council that it was unfortunate that this was left so late. He stated that a lot of emphasis had been put on the Silverstein properties. However, this property was included in the CDBG application and the demolition costs of this property were included in the bonding that Council approved. He also explained that the City would be reimbursed for the demolition costs through the CDBG funds. Mr. Mix explained that the property would be needed for the realignment.

Councilman Simmons stated that he wanted to know what the costs would be.

Mr. Hiller responded that he couldn't give him an answer at this time. However, Mr. Mix had addressed the other questions concerning the property.

Questions arose concerning the assessment amount and the purchase price of the property. Mr. Javarone indicated that improvement costs should also be factored into the purchase price.

Mr. Hiller commented that the City needs to know what price the owner wants for the property as a starting place for discussions.

Councilman Clough asked about 647 State Street being rehabbed.

Mr. Mix explained that the latest version of the plan calls for 110 State Place and 109 Emerson Place to be demolished. The intersection of State Place and State Street would be shut off thus creating a neighborhood that would be entered by one entrance at Emerson Place.

Councilman Smith asked if State Place was a paper street.

Mr. Mix indicated that the City doesn't own State Place or Emerson Place but at some point in the future, the City will have to take over State Place.

Mr. Hiller indicated that Mr. Mix would be the contact person for Mr. Javarone and the property owners.

Donald Thompson, 710 Morrison Street, addressed the chair thanking the Council members who supported the R.A.S.S.P. benefit. He stated that the group is concerned that the City review indicated that the draft was too strict. He commented that it can't be too strict as there needs to be something in place that will prohibit this from happening in another location in the city.

Dan Francis, 463 Harris Drive, addressed the chair asking if Attorney Slye was representing the City in the Library Director case.

Attorney Slye responded that he would be representing the Library's Board of Trustees. He also stated that the City of Watertown has no interest in the case.

Mayor Butler also explained to Mr. Francis that the City has no authority in the matter.

Attorney Slye commented that the discipline of library employees is up to the Board of Trustees of the Flower Memorial Library.

Mr. Francis responded that he has never seen a library run as professionally as the Flower Memorial Library and he commented that the public is only finding out dribs and drabs about this. He stated that he would like to see the City take some action on this. He questioned whom the library board was accountable to.

Attorney Slye stated that they are accountable to the New York State Education Department. He also explained that by statute, it is required to be kept confidential. NYS Civil Service law mandates it and thus, it protects Mr. Hodosy.

Wayne Zimmer, 139 Katherine Street, addressed the chair concerning the l15 houses in the paper that the City wants to tear down. He stated that there are people living in the one on William Street and suggested that it wasn't bad enough to tear down.

Mr. Zimmer also indicated that a person had tripped at the corner of E. Lynde Street as he was coming to this evening's meeting and asked the City to check for broken concrete in that area.

Mayor Butler indicated that Council would be taking a tour on Saturday of the houses that have been advertised for demolition.

Howard Sprague, Ives Street, addressed the chair concerning the fact that last week the Council dictated how a fence would be placed on a property. He stated that there is a law that says it doesn't make any difference which side is placed toward the neighbors. He questioned how Council makes it decisions.

Mayor Butler explained that last week's issue involved a special use permit and it allows Council to require certain criteria.

Attorney Slye commented that Mayor Butler is correct in that special use permits do allow for Council to impose reasonable conditions. He also indicated that Council hasn't adopted the proposed changes yet for fencing.

Mr. Sprague also questioned City spending after everything was supposedly frozen.

Mayor Butler asked Mr. Sprague what he meant since the contract that was recently approved was two years outdated.

Bart Bonner, Watertown, addressed the chair urging Council not to hire a replacement for the Downtown Developer's position. He indicated that the money would be just as wasted, as it was when Ms. Holberg was hired. He explained that years ago he had asked Council to take a small amount of money each year to make improvements to the

downtown such as sidewalks, decorative lighting and benches. He also informed Council that they should not even contemplate a special tax on the downtown landlords, as he would fight it.

Mayor Butler advised Mr. Bonner that the T-21 grant would allow for $1.5 million for streetscape enhancement for the downtown.

R E S O L U T I O N S

INTRODUCED BY COUNCILWOMAN ROXANNE M. BURNS

WHEREAS the City of Watertown has received notification from the Community Action Planning Council that the terms of office for individuals appointed to their Board of Directors is currently two (2) years, and

WHEREAS the City Council of the City of Watertown has previously appointed members to the Board of Directors with a term of three years, and

WHEREAS it is now necessary to correct the term of those appointments,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby appointments the following individuals to the Board of Directors of the Community Action Planning Council of Jefferson County, Inc. with a term beginning on January 1, 2002 and expiring on December 31, 2003:

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

Ms. Christine Stone
230 Green Street
Watertown, New York 13601

Mr. Stanley Zaremba
505 Franklin Street
Watertown, New York 13601

SECONDED BY COUNCILMAN PAUL A. SIMMONS AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN PAUL A. SIMMONS

WHEREAS the City of Watertown has a Safe Deposit Box at HSBC Bank, 120 Washington Street, Watertown, New York, and

WHEREAS on occasion the City must access this Safe Deposit Box,

NOW THEREFORE BE IT RESOLVED that City Comptroller James E. Mills and Accounting Supervisor Christina Ingersoll are authorized to access the Safe Deposit Box, and

BE IT FURTHER RESOLVED that only one signature, either the City Comptroller's or the Accounting Supervisor's is required when entering the Safe Deposit Box.

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

INTRODUCED BY COUNCILWOMAN ROXANNE M. BURNS

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as VL 527 Water Street, approximately 82' x 99' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 4-14-109.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use,

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, l985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of $800.00 submitted by Marvin Massey, for the purchase of Parcel No. 4-14-109.000 is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Marvin Massey upon receipt of the above mentioned sum of money in cash only by the City Comptroller.

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

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Amendment No. 35 to the Management and Management Confidential Pay Plan effective September 5, 2002 as follows:

Executive Secretary to the Civil Service Commission $31,300

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

Prior to the vote on the foregoing resolution, Councilman Smith asked if this was a CSEA position and if other positions received $1,000 after a year.

Mr. Hiller explained that this position is not a CSEA position. It is a management position and management positions do not have steps. After a one-year probationary period, the City adds a $1,000 stipend to the salary.

Councilman Smith asked if that had been done with previous individuals in the same position.

Mr. Hiller explained that the previous individual was not here for one year and prior to that the individual had been employed by the City for many years and before this policy was put in place.

O R DI N A N C E S

AN ORDINANCE AUTHORIZING THE ISSUANCE OF $60,000 SERIAL BONDS OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK, TO PAY THE COST OF THE DEMOLITION OF THE STRUCTURE LOCATED AT 649 FACTORY STREET TO PROVIDE FOR THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY AND PURSUANT TO ORDER OF THE SUPREME COURT WAS PRESENTED TO COUNCIL (Introduced on October 7, 2002; laid over under the rules; appears in its entirety on page of the 2002 Minutes Book)

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

AN ORDINANCE AUTHORIZING THE ISSUANCE OF $22,000 SERIAL BONDS OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK, TO PAY THE COST OF THE PURCHASE OF AN ANTI-THEFT BOOK DETECTION SYSTEM FOR THE FLOWER MEMORIAL LIBRARY IN AND FOR SAID CITY WAS PRESENTED TO COUNCIL (Introduced on October 7,

2002; laid over under the rules; appears in its entirety on page of the 2002 Minutes Book).

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

Prior to the vote on the foregoing ordinance, Councilman Simmons asked if the current system is working at all.

Councilwoman Burns indicated that it is not and it has been a concern of the trustees for quite some time.

Mr. Hiller commented that Mr. Hodosy had indicated to him at budget time, that a book detection system is used more as deterrence.

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COUNCIL DISCUSSED THE FOLLOWING TOPICS

Vacancy at Library

Mr. Hiller referred to the request submitted by Ann Schwartz, Acting Library Director, for permission to hire a temporary person as a library clerk.

Councilman Simmons questioned the fact that Council had authorized filling a position just a few weeks ago.

Councilwoman Burns commented that there has been another retirement since that time.

Mayor Butler explained that the library is currently down three positions and the temporary position would come under review again if a request came to make it permanent. He also commented that one maintenance person will be retiring soon at the library and that would result in a savings.

Jayne Graves, President of the library board, explained that they are already down one person and are asking to be able to fill the position.

Ann Schwartz, Acting Library Director, explained that this would be an entry-level clerk position and the Principle Library Clerk position would not be filled at this time. Mrs. Schwartz explained that the person hired for the temporary position would be informed that it is only temporary. She explained that the position would only be for two to four months in duration.

Councilman Simmons commented that when there is a retirement, it should be filled from within. However, last week Council didn't fill in below at the Police Department and if the Council is going to be consistent, then they can't support the library position.

Councilwoman Burns commented that it is not appropriate to compare one department to another and she thought that the freeze had been put in place so that Council would look at each department's situation on an individual basis. She also explained that the reason she wasn't prepared to fill the position in the Police Department was because it wasn't a regular Council meeting, the public wasn't present and it wasn't on the agenda. She commented that she would entertain a request from the Chief of Police or any other department head.

Councilman Simmons stated that he would like to clarify that it was a Council meeting in adjourned session. He also commented that they allowed the Fire Department and DPW to fill during budget sessions. However, he would be hard pressed to support the library request at this time.

Mayor Butler commented that the position for the Police Department is still in the budget. However, it cannot be engaged until the next training school. He also commented that the primary objective is to look at the library's staff. They have already had a reduction in staff and they are in a crunch situation.

Councilman Clough remarked that he tends to agree for the need to look at each request on an individual basis, as each case has to have its own individual merits.

Councilman Smith questioned the difference between filling this position and the last position that was filled a few weeks ago.

Councilwoman Burns explained that when the other person was hired it was to be permanent within a certain length of time. However, the freeze went into effect after she was hired and before the permanent appointment could be made. This time the person hired will be told it is only temporary. She also commented that if this position is not filled, we may see a reduction in services and hours either on Saturday or evenings.

Mayor Butler advised that reduction in hours could also have an affect on state funding.

Mr. Hiller commented that the library has to make sure it doesn't drop below certain levels to continue the funding.

Councilman Smith asked if it was fair when other departments have had to see reductions.

Councilwoman Burns explained that the library doesn't have a staff of 40 or 50 people so when they lose 3 people it is a much larger void.

Councilman Smith commented that while he doesn't disagree with that statement, when you consider the expanded hours and days of operation in DPW and the Police Department, losses in those departments also create a void.

MOTION WAS MADE BY COUNCILWOMAN BURNS TO APPROVE THE TEMPORARY LIBRARY CLERK POSITION FOR THE FLOWER MEMORIAL LIBRARY.

MOTION WAS SECONDED BY MAYOR BUTLER AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCILMAN SIMMONS AND COUNCILMAN SMITH VOTING NAY.

(Rules waived by motion of Councilwoman Burns, seconded by Mayor Butler and carried with all voting in favor thereof except Councilman Simmons and Councilman Smith voting nay).

Fund Balances

Mayor Butler asked Mr. Mills, City Comptroller, when they could expect a report on the fund balances.

Mr. Mills responded that they are in the process of finalizing the numbers and would have the information to Council next month.

Capital Projects Meeting

Mr. Hiller advised Council that he is trying to set up a meeting to discuss this and will try to have recommendations ready for the next Council meeting.

EDZ Changes

Councilman Simmons explained that there are some zone changes that have to be in place by the first week of January at the Albany level and there needs to be a 30 day time period to hold the public hearing on the changes. He asked that Deb McAtee be allowed to speak to the Council next week.

Councilman Clough commented that there was a time crunch last time and now there's another one.

Mayor Butler advised that staff has been very busy putting together the paperwork for the county.

Councilman Simmons explained that they were waiting for the decision on Jefferson County. However, they can't wait any longer. He explained that they are coming to the Council first this time and would ask that the resolution be passed next week to allow for the public hearing.

Councilman Clough remarked that Council needs to take a serious look at the downtown developer's position and if the City is going to continue to allocate funds for the position. He explained that Jefferson County had reduced the amount from $15,000 to $5,000. He stated that he has nothing against the board and feels it should stay in place. However, he would hope that Council makes a decision relative to the funding.

Councilman Simmons commented that there have been some discussions going on with some of the other boards as to how they could work to help offset the position. This was as a result of an idea from the Downtown Development board.

Mr. Hiller answered questions posed concerning the fiscal years and funding from the various agencies involved.

Councilman Clough commented that some other entity would now have to be responsible for the County's share.

Councilwoman Burns will get a clarification of the $5,000.

Mr. Hiller advised that Mr. Hagemann had indicated to him that it was reduced as a result of the cash flow demands not being there now.

Mayor Butler remarked that they had heard from many that the position needs to be evaluated. However, the workload is there and it would not be prudent to just abolish the position and the assignment of duties.

Councilwoman Burns responded that just because there was an unfortunate incident with one employee, it doesn't change the goal that this Council set before and the board's goal hasn't changed. The board has been meeting with involved agencies to see what they could bring to the table in the interim. She also informed the Council that if there is going to be a deviation in funding from the City, the board needs to know as soon as possible.

Phone System

Councilman Simmons remarked that Greg Systems was here this evening to discuss the recommendation to the City's phone system.

Council members indicated that they hadn't had time to review the material that they had been presented relative to this.

Mr. Hiller advised that he had received the letter on Thursday and had asked staff to research it and get back to him.

Councilman Simmons asked to hold the presentation off until next week.

110 State Place

Referring to the previous discussion during privilege of the floor, Mr. Hiller explained that City staff met with the owners of the property and had asked them to get back to the City with a price. However, no one heard from them until today. He stated that he is hesitant to deal with the broker if he has nothing to do with the owners.

Speeding on Stone Street

Mayor Butler commented that he had received a letter from Senator Wright concerning a speeding problem in the 300 and 400 blocks of Stone Street. Mayor Butler asked Chief Piche to look into this as well as stop signs in that area.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 9:00 P.M. UNTIL MONDAY, OCTOBER 28, 2002 AT 7:00 P.M. BY MOTION OF COUNCILMAN SIMMONS, SECONDED BY COUNCILMAN CLOUGH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

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Donna M. Dutton, City Clerk