TOWN OF WATERTOWN

REGULAR MEETING

MUNICIPAL BUILDING

MARCH 10, 2011

TOWN BOARD MEMBERS

JOEL R. BARTLETT, SUPERVISOR – STEPHEN L. RICH, COUNCILMAN – PAUL V. DESORMO, COUNCILMAN – DAVID D. PROSSER, COUNCILMAN – EDWARD R. SMITH, COUNCILMAN

Councilman Desormo offered a prayer and Supervisor Bartlett led the Pledge of Allegiance.

Supervisor Bartlett brought the meeting to order at 7:00 PM and called for a roll of members present. All members were present. Legal Counsel Joseph W. Russell was present.

MOTION # 28

Supervisor Bartlett moved to adopt the minutes of the February 17, 2011 Regular Meeting as presented. Councilman Prosser seconded.

Ayes All

Supervisor Bartlett introduced Mr. Pat Scordo, GYMO Engineers, who presented the board with an update of the proposed Northeast Water District.

Supervisor Bartlett opened the floor for anyone wishing to address the town board. No one chose to speak and the floor was closed.

Supervisor Bartlett acknowledged receipt of the town clerk's report and the monthly report from the Town of Watertown Ambulance Service.

RESOLUTIONS:

Motion # 29

WHEREAS, In reference to the Report of Examination of the Internal Financial Controls of the Town of Watertown dated November 12, 2010 and specifically pursuant to the provisions of General Municipal Law Section 35, Paragraph 4 subparagraph's 1 and 2, the Town Council in its discretion may file with the N.Y.S. Comptrollers Office, a Corrective Action Plan in which the recommendations of the State Comptroller are addressed, and

WHEREAS, this board has reviewed the Corrective Action Plan dated March 1, 2011 as submitted for consideration by the Supervisor and hereby acknowledges all points of interest and findings as documented by the State Comptroller's Office Audit o the Internal Financial Controls dated November 12, 2010.

THEREFORE BE IT RESOLVED, the Town Supervisor is hereby authorized to execute the Corrective Action Plan (attached as exhibit A) on behalf of the town of Watertown Town Council, with copies thereof to be filed with Town of Watertown Town Clerk's Office and the Office of the N.Y.S. Comptroller.

Supervisor Bartlett moved the foregoing resolution and Councilman Rich seconded. Upon a roll call vote of the town board as follows, the motion was unanimously adopted.

Supervisor Bartlett	Aye
Councilman Rich	Aye
Councilman Desormo	Aye
Councilman Prosser	Aye
Councilman Smith	Aye

MOTION # 30

WHEREAS, it is necessary to commission an appraisal of certain property located off County Route 67 and known as Alpine Ridge in order to determine an appraised value of a section property needed for the realignment of Alpine Ridge, and

WHEREAS, the Town commissioned the Storino Surveying Firm and is in possession of a survey of the fore mentioned property in 2010 which is to be used for consideration by the appraisers.

THEREFORE BE IT RESOLVED, that Arrow Appraisers is hereby commissioned to complete an appraisal of the fore mentioned property to establish a fair market price for said property in the event the Town further pursues purchase of said property. And

BE IT FURTHER RESOLVED, that the cost of such appraisal shall not exceed $4,500.00.

Supervisor Bartlett moved the foregoing resolution and Councilman Prosser seconded.

Ayes All

MOTION # 31

WHEREAS, THE Town Engineer has submitted change order No. 2 which decreases the contracted amount due for electrical work associated with the Sewer District No. 2 flow diversion contract No. 2 Electrical in the amount of $4,596.00

THEREFORE BE IT RESOLVED, that change order No.2 for Contract No. 2, Sewer District No. 2 flow diversion is acknowledged and accepted.

Supervisor Bartlett moved the foregoing resolution and Councilman Smith seconded.

Ayes All

MOTION # 32

WHEREAS, THE Town Engineer has submitted pay request No. 3 in the amount of $10,382.55 payable to Thirty Four and Co. Electrical for work completed on Contract No. 2, the Sewer District No. 2 Flow Diversion project, and

WHEREAS, the Engineer has confirmed that all work performed by the contractor meets the standards and terms of the contractual agreement for providing contracted electrical service work relative to the diversion of sewer flows from Arsenal Street to the Coffee Street area pump station.

THEREFORE BE IT RESOLVED, that payment for pay application No. 3 submitted by Thirty Four and Co. Electrical is hereby authorized.

Supervisor Bartlett moved the foregoing resolution and Councilman Prosser seconded.

Ayes All

MOTION # 33

WHEREAS, pursuant to General Municipal Law Section 35, it is necessary to have an external audit of the internal financial controls of the Town of Watertown for the previous fiscal Year on an annual basis.

THEREFORE BE IT RESOLVED, the Certified Public Accounting Firm of Poulsen and Podvin of Watertown, N.Y. is hereby commissioned to perform such accounting for audit purposes of the Supervisor's and Town Clerk's financial records for the Fiscal Year 2010 at a cost not to exceed $5,000.00.

Supervisor Bartlett moved the foregoing resolution and Councilman Rich seconded.

Ayes All

MOTION # 34

WHEREAS, this Board has engaged the services of Bernier, Carr & Associates, P.C. to prepare a certain map, plan and report in connection with the installation of approximately 1,650 feet of new 8" ductile iron pipe to replace a problematic section of older cast iron water main that requires routine repairs along NYS Route 12F in the Town of Watertown, Jefferson County, and

WHEREAS, the replacement of the water main is subject to compliance with the provisions of the State Environmental Quality Review Act and the regulations promulgated there under at 6 NYCRR, Part 617 (SEQR), and

WHEREAS, the Town Engineer, Bernier, Carr & Associates, P.C. has prepared and submitted to this Board the proposed Part 1 of the Long Form Environmental Assessment Form ("EAF"), in connection with the replacement of the water main.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Watertown as follows:

1. Part 1 of the EAF as prepared by the Town Engineer is hereby accepted for filing by this Board and this Board authorizes the Supervisor to sign Part 1 of the Long Form EAF on behalf of the Town of Watertown.
2. Part 1 of the Long Form EAF identifies New York State Department of Transportation and New York State Department of Health as the other involved agencies in connection with the proposed

replacement of the water main and this Board hereby declares itself to be lead agency for the purpose of conducting the SEQR review for the proposed installation of approximately 1,650 feet of new ductile iron pipe to replace a problematic section of older cast iron main that requires routine repairs.

3. The Town Attorney is hereby directed to circulate Part 1 of the Long Form EAF to the involved agencies identified on Part 1 of the EAF together with a notification that the Town of Watertown desires to serve as lead agency for the SEQR review and to request comments in connection therewith.
4. This Resolution shall take effect immediately.

The foregoing resolution was offered by Supervisor Bartlett and seconded by Councilman Prosser.

Ayes All

MOTION # 35

BE IT RESOLVED, that the Town of Watertown hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body.

TITLE	NAME	Registration #	Standard Work day	term begins ends	participates employer's time keeping	days/month	tier 1
ELECTED OFFICIALS							
Town. Clerk.	Catherine Rich	37426343	7.5	1/1/08-12/31/11	Y	N/A	
HIghwy.Super.	J. Maguire Jr.	14121677	8.0	1/1/10-12/31/11	N		X
APPOINTED OFFICIALS							
ASSSESSOR	Roger Tibbetts	30688162	7.5	ends 12/31/12	N	5.56	
Dep. Highway Sup.	Bruce Rohr	39138144	8.0	1/1/10-12/31/11	y		

Supervisor Bartlett moved the foregoing resolution and Councilman Prosser seconded.

Ayes All

MOTION # 36

WHEREAS, by resolution dated March 20, 1997, this Board established an economic development fund utilizing the net proceeds of the sale of the premises at 6393 Coffeen Street in the Town of Watertown, which the Town of Watertown had acquired by tax sale deed for unpaid taxes, and

WHEREAS, the initial economic development fund, as established by this Board on March 20, 1997, may be supplemented from time to time by additional appropriations by this Board for the specific objects and purposes for which the economic development fund was initially established, and

WHEREAS, This Board has heretofore caused to be formed the LDC for the public and quasi-public purposes of promoting employment, improving job opportunities and attracting industry, all for the purposes of encouraging economic development within the Town of Watertown and its surrounding

areas, which said purposes are identical to the purposes for which the original economic development fund was established, and

WHEREAS, in furtherance of the purposes for which this Board established the economic development fund, this Board from time to time, shall consider requests by the LDC for funding to further the public purposes of the Town and the LDC, and the parties desire to enter into this Agreement to provide for the utilization of such funds by the LDC.

NOW THEREFORE, based upon the foregoing, the parties hereto agree as follows:

1. The foregoing recitations are hereby adopted by the parties and made a part of this Agreement as if fully set forth hereafter.
2. The LDC may, from time to time, request that the Town of Watertown provide funding to the LDC in order for the LDC to fulfill its public purposes of promoting economic development within the Town of Watertown. Any such request shall provide specific details as to the manner in which such funds are expected and intended to foster economic development within the Town of Watertown and shall specify the specific uses for which such funds will be made.
3. Upon receipt of a request for funding, the Town Board shall analyze such request and the specific purposes for which for which it is used to determine whether such request falls within the purposed adopted by this Board upon the establishment of the economic development fund and upon the adoption of findings as to the manner in which such request is expected and intended to foster economic development within the Town of Watertown and its surrounding communities, such funding shall first be approved by resolution of this Board.
4. All such funds received by the LDC from the town shall be allocated to the public purpose of relieving and reducing unemployment, promoting and providing additional and maximum employment, bettering and maintaining job opportunities, assisting individuals to improve or develop their capabilities for such jobs, carrying on research for the purpose of aiding the community of the Town of Watertown and its surrounding areas by attracting new industry to said community or by encouraging the development or retention of industry in said community and lessening the burdens of government in acting in the public interest. The LDC shall specifically account to the Town for the usage of any funds received by the LDC from the Town pursuant to this agreement.

Supervisor Bartlett moved the foregoing resolution and Councilman Smith seconded.

Ayes All

MOTION # 37

WHEREAS, this Board is authorized pursuant to Articles 9 and 16 of the Town Law, and the Code of the Town of Watertown, to initiate actions in New York State Supreme Court to enjoin violations of the Code of the Town of Watertown in addition to and in conjunction with actions commenced in Town of Watertown Justice Court to prosecute violations of the Code of the Town of Watertown, and

WHEREAS, the Town of Watertown has heretofore instituted an action in Town of Watertown Justice Court against Kenneth and Sheila Drew for violations of Chapters 66,101,70 and107 of the Code of the Town of Watertown, which action is currently pending, and

WHEREAS, although the Justice Court of the Town of Watertown has jurisdiction, upon finding of conviction of a violation of the aforementioned Chapters, to issue an appropriate sentence to Kenneth and Sheila Drew for such violations, such Court does not have jurisdiction to order the Drew's in compliance with the provisions of the Code of the Town of Watertown or to order the Drew's to remediate the Code violations which currently exist on their property, and

WHEREAS, the New York State Supreme Court, Jefferson County, upon a finding that Kenneth and Sheila Drew are in violation of the provisions of the Code of the Town of Watertown, has jurisdiction to

enjoin such violations and order the Drew's to remediate those violations and bring their property into compliance with the provisions of the Code of the Town of Watertown.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Watertown as follows:

1. The foregoing recitations are incorporated herein and made a part hereof as if fully set forth hereafter.
2. The Town of Watertown Code Enforcement Officer has heretofore issued to Kenneth and Sheila Drew orders to remedy the violations of the Code of the Town of Watertown which currently exist on their property, and has instituted proceedings in the Town of Watertown Justice Court to prosecute Kenneth and Sheila Drew for continued violations of such Code provisions.
3. This Board has determined that Kenneth and Sheila Drew have not remedied the violations of the provisions of the Code of the Town of Watertown for which they have been ordered to remedy, and although the Code Enforcement Officer has commenced proceedings in Town of Watertown Justice Court to prosecute Kenneth and Sheila Drew for said violations, that Court does not have jurisdiction to compel the Drew's to remediate the violations and bring their property into compliance with the provisions of the Code of the Town of Watertown.
4. It is hereby determined by this Board that it is in the best interests of the Town of Watertown that an action be commenced in New York State Supreme Court, Jefferson County, on behalf of the Town of Watertown against Kenneth and Sheila Drew seeking an appropriate injunctive relief for an Order compelling the Drew's to remedy the existing violations of the provisions of the Code of the Town of Watertown and to bring their property in compliance therewith, and the Attorney for the Town of Watertown is hereby authorized and directed to commence such action and proceed with the prosecution thereof.

Supervisor Bartlett moved the foregoing resolution and Councilman Rich seconded.

Ayes All

MOTION #38

WHEREAS, Public works employee Kevin Stevens is eligible for a wage grade pay increase, and

WHEREAS, the Town Public Works Superintendent has certified to this board that public works employee Kevin Stevens meets all established criteria for a wage grade promotion.

THEREFORE BER IT RESOLVED, that Public works employee Kevin Stevens, having met the established criteria for a wage grade promotion is hereby promoted form wage grade MEO-2 to wage grade MEO-1 at the hourly rate of $18.85 per hour effective with the fifth pay period of 2011.

Supervisor Bartlett moved the foregoing resolution and Councilman Smith seconded.

Ayes All

MOTION # 39

WHEREAS, it is necessary to assist the Town Zoning Officer during his scheduled leave of absence by granting temporary authority to a Town Employee to review zoning permit applications and issue Zoning Permits, and

WHEREAS, this appointment is a temporary 30 day appointment and would grant the authority to review zoning permit applications and issue zoning permits pursuant to the provisions of the Town Code and does not convey the authority to conduct any Code Enforcement actions during this period, and

WHEREAS, the Town Clerk has at her disposal any information necessary to determine if an application for a zoning permit should be approved or denied.

THEREFORE BE IT RESOLVED, that Town Clerk Catherine Rich is hereby granted temporary 30 day authority commencing April 1, 2011, to review Zoning permit applications for conformity with the Town Code and to issue Zoning permits for said period.

Supervisor Bartlett moved the foregoing resolution and Councilman Desormo seconded.

Ayes All

MOTION # 40

Supervisor Bartlett moved that the following abstracts be approved as audited.

General Vouchers	#	58	to	73	Total	$22,622.15
Highway Vouchers	#	36	to	53	Total	$40,015.76
Special Dist. Vouchers	#	16	to	22	Total	$31,781.56

The motion was seconded by Councilman Rich.

Ayes All

Old Business:

Councilman Prosser asked for the status of the appraisal on the Lettiere Water district.

Supervisor Bartlett responded that the appraiser and Mr. Lettiere had met last week. The appraiser anticipates that the appraisal will be done by the middle or end of April.

Councilman Desormo commented that by the April board members should be able to get together to review the site and make a determination on the project.

Councilman Smith suggested that Mr. Pat Storino be notified to survey the property where the proposed North East Water District wells will be located.

NEW Business: Supervisor Bartlett informed the board that he had contacted the meter reader for the water districts. There are times when our billing cycle does not match up with the City's deadline for receipts. He said that he would like to appoint a committee to study the problem and come to a conclusion on correcting the problem. Councilman Prosser and Councilman Rich volunteered and were appointed.

MOTION # 41

Councilman Prosser moved to adjourn the meeting at 7:36 PM. Councilman Desormo seconded.

Ayes All

_____

Catherine M. Rich, Town Clerk