TOWN OF WATERTOWN

REGULAR MEETING

MUNICIPAL BUILDING

JUNE 10, 2010

TOWN BOARD MEMBERS

JOEL R. BARTLETT, SUPERVISOR – STEPHEN L. RICH, COUNCILMAN – PAUL V. DESORMO, COUNCILMAN

DAVID D. PROSSER, COUNCILMAN – EDWARD R. SMITH COUNCILMAN

Supervisor Bartlett led the Pledge of Allegiance.

Supervisor Bartlett called the meeting to order at 7:00 PM and called for a roll of members present. The following members were in attendance.

Supervisor Bartlett	Present
Councilman Rich	Absent
Councilman Desormo	Present
Councilman Prosser	Present
Councilman Smith	Absent

Legal Counsel Joseph W. Russell was present at the meeting.

MOTION # 61

Supervisor Bartlett moved to adopt the minutes of the May 13, 2010 Regular meeting as presented. Councilman Desormo seconded.

Ayes All

MOTION # 62

Supervisor Bartlett moved to adopt the minutes of the May 24, 2010 Special Meeting as presented. Councilman Prosser seconded.

Ayes All

Supervisor Bartlett opened the floor for anyone wishing to address the town board. No one chose to speak, therefore the Supervisor closed the floor to the public.

Town Clerk's Correspondence:

A letter from the Town of Watertown Fire Department, 22825 Co Rt. 67, Watertown. notifying the town of their intent to renew their liquor license.

Supervisor Bartlett acknowledged receipt of the town clerk's report for the Month of May 2010.

RESOLUTIONS:

MOTION # 63

WHEREAS, Marcellus Construction Co. Inc. has submitted pay request No. 4 for work completed under Contract 2 (pipeline construction) for the Water District No. 1 Capital Improvements project, and

WHEREAS, the town engineer has certified to this board that all work completed relative to pay request No. 4 is satisfactory and meets all terms and conditions of the contract.

THEREFORE BE IT RESOLVED that pay request No. 4 in the amount of $29,849.63, payable to Marcellus Construction, is hereby authorized.

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

Ayes All

Supervisor Bartlett reminded board members that at the May 24, 2010 special meeting, a public hearing was held to consider a proposed Local Law No. 3, to regulate outdoor signs within the Town of Watertown. Supervisor Bartlett further stated that each board member was given a copy of the Short Environmental Assessment Form, and asked if any of the board members had any questions or additions to the form. There were no comments from the town board members.

Supervisor Bartlett noted that he was in receipt of written comments from the County Planning Board, and that they would be entered into the town records.

MOTION # 64

WHEREAS, Local Law # 3 of the Year 2010, a local law to regulate outdoor signs within the Town of Watertown, was introduced at a regular meeting of the Town Board held on May 13, 2010 and a public hearing was scheduled thereon for May 24, 2010 at 7:00 PM, and

WHEREAS, AT THE REGULAR MEETING OF THIS Board held on June 10,2010, a short form Environmental Assessment Form ("EAF") was duly accepted for filing by this board as prepared by the Town Attorney, and

WHEREAS, pursuant to 6 NYCRR Part 617, this board has reviewed the EAF to determine whether the project will have a significant effect on the environment, and

WHEREAS, PURSUANT TO Article VIII of the Environmental Conservation Law and the regulations adopted pursuant thereto by the Department of Environmental Conservation, to wit: 6NYCRR Part 617, this board has determined that the action will not have a significant affect on the environment and will not cause a significant impact on the environment and therefore, the preparation of an environmental impact statement in not required.

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

1. Based upon the examination of the EAF and the criteria set forth in 6 NYCRR Part 617, the Board makes the following findings:

A. The proposed action constitutes an unlisted action pursuant to 6 NYCRR Part 617 and therefore a coordinated review is not required.
B. No potentially significant adverse impacts on the environment are noted on the EAF and none are known to this board.
C. There will be no substantial adverse change in existing air or water quality.
D. There will be no hazard created to human health.
E. There will be no substantial change in the use or the intensity of the fuse on the land.
F. There will not be created a material conflict with the community's current plans or goals as officially adopted.
G. None of the criteria listed in 6NYCRR Section 617.11 will be present in the proposed project and no similar criteria will be present which will adversely impact on the environment.

2. The Town Clerk for the Town of Watertown is hereby directed to file in the Town Clerk's Office in a file readily accessible to the public, negative declaration, substantially in the form and substantially to the affect of this resolution and the Town Clerk may use this resolution therefore.

3. All subsequent notices concerning this project shall note that this board has issued a negative declaration.

4. This resolution shall take effect immediately.

Supervisor Bartlett moved the foregoing resolution and Councilman Desormo seconded.

Ayes All

MOTION # 65

WHEREAS, Local Law No. 3 of the Year 2010, a local law to regulate outdoor signs within the Town of Watertown, was introduced by a member of the Town Board at a regular meeting thereof and a resolution was duly adopted scheduling a public hearing thereon for May 24,2010 at 7:00 PM, and

WHEREAS, notice of the public hearing was duly published and posted as required by law and on May 24, 2010 at 7:00 PM a public hearing was held to consider Local Law No. 3 of the Year 2010 and all persons interested therein were provided an opportunity to be heard.

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

1. Local Law No. 3 of the Year2010 regulates existing and proposed outdoor advertising signs and outdoor signs of all types.
2. Local Law No. 3 of the Year 2010 was prepared by the Town of Watertown Planning Board and referred to this board with a recommendation that it be adopted in an effort to consistently regulate the size, placement and type of all outdoor signs within the Town of Watertown in a manner consistent with the overall plan for the Town of Watertown.
3. Local Law No. 3 of the Year 2010 does not require referral to the Jefferson County Planning Board pursuant to Section 239-m of the General Municipal Law, or any other provision of the laws or regulations and therefore, this board is free to make a determination concerning the proposed Local Law No. 3 of the Year 2010.
4. It is hereby determined by this board that Local Law No. 3 of the Year 2010 is appropriate and consistent with the overall plan of the Town of Watertown and is therefore in the best interest of the Town of Watertown.
5. Based upon the foregoing, Local Law No. 3 of the Year 2010 is hereby adopted and approved. The Clerk is directed to file a copy thereof in the office of the Town Clerk and with the Secretary of State as required by the Municipal Home Rule Law, and forward a copy thereof for codification.

Supervisor Bartlett moved the foregoing resolution and Councilman Prosser seconded.

Discussion:

Supervisor Bartlett moved to amend proposed Local Law # 3 of the Year 2010, to include Section 7, Item 6 to define " Ornamental Manor Signs' as for private residential use, and to amend Section 8 item 5i, to read there should be no moving "scrolling" or animated messages. Councilman Desormo seconded the amendment to the motion.

Ayes All on the amendment

Ayes All on the resolution as amended

MOTION # 66

WHEREAS, the New York State Department of Transportation proposes to rehabilitate the structure over I81 on County Road 63 (Massey Street) located within the Town of Watertown, in Jefferson County, The project begins on County Road 63 (Massey Street) approximately 29m (95)') westerly of the bridge over I81 south and proceeds easterly along County Road 63 (Massey Street), crossing the structure over I81 north, for a distance of approximately 167m (548'), terminating at a point approximately 29m (95') easterly of the bridge over I81 north.

WHEREAS, in conformance with Section 42 of the New York State Highway Law, the New York State Department of Transportation proposes to utilize the following roads and streets as a detour during the period of necessity: South Massey Street, from the intersection of South Massey Street and Holcomb Street in the City of Watertown proceeding north easterly along South Massey Street to the intersection of South Massey Street and Arsenal Street (State Route 3). Arsenal Street (State Route 3), from the intersection of South Massey Street and Arsenal Street (State Route 3) westerly along Arsenal Street (State Route 3) to the intersection of Old Rome State Road and Arsenal Street (State Route 3). Old Rome State Road, from the intersection of Arsenal Street (State Route 3) and Old Rome State Road, southerly along Old Rome State Road to the intersection of Massey Street Road and Old Rome State Road.

WHEREAS, the New York State Department of Transportation will erect and maintain detour signs on said Town Road.

NOW, THEREFORE BE IT RESOLVED that the Town Board if the Town of Watertown, does hereby authorize the New York State Department of Transportation to utilize the above mentioned road as a detour and maintain traffic on the detour in accordance with Subsection 619 of its Standard Specifications during the period of necessity.

BE IT FURTHUR RESOLVED: That the Town of Watertown will continue to maintain the above mentioned roads.

BE IT FURTHUR RESOLVED: that the Clerk of the Town Board is hereby directed to transmit three (3) certified copies of this resolution to: New York State Department of Transportation, 317 Washington Street, Watertown, NY l3601. Attn Timothy J. Vreatt.

Supervisor Bartlett moved the foregoing resolution and Councilman Desormo seconded.

Councilman Prosser asked if the Town Highway Department, Fire Department and Ambulance Service would be notified of this. Supervisor Bartlett stated that he would insure that they would receive a copy of this resolution.

Ayes All

MOTION # 67

WHEREAS, the Town Council working in partnership with the Town Fire Department has for several years contracted with Telstar Display Fireworks for a fireworks display to be held at the annual Fire Department Block Dance, an event that brings many people into the Town, and

WHEREAS, it is necessary to authorize a contractual agreement for said services with Telstar Display Fireworks for the August 7, 2010 display date, and

WHEREAS, funds were made available in the 2010 Budget for said purposes.

THEREFORE BE IT RESOLVED, the Supervisor is hereby authorized to execute said agreement for the Fireworks display and to issue payment in the amount of $2,500.00 for said service at the completion of the event, and

BE IT FURTHER RESOLVED, that an additional appropriation in the amount of $1,000.00 is authorized for the purpose of advertising and promoting of the event.

Supervisor Bartlett moved the foregoing resolution and Councilman Desormo seconded.

Ayes All

MOTION # 68

WHEREAS, this Board has heretofore engaged the services of Special Counsel, James Burrows, in connection with an action to enforce certain provisions of the Town Code prohibiting mining operations on certain property owned by Tamara Baldwin, as operations are defined in the Code, and

WHEREAS, as a result of the action commenced by Special Counsel, the New York State Supreme Court, Jefferson County has issued certain orders prohibiting mining activities on the subject property, and

WHEREAS, Town of Watertown Officials have received continuing complaints that the prohibited activities which the Supreme Court ordered to be ceased have continued and this Board wishes Special Counsel to pursue an investigation into such complaints.

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. Special Counsel is hereby authorized to proceed with the appropriate investigation and proceedings in New York State Supreme Court, Jefferson County, to seek enforcement or other appropriate remedies in connection with the alleged continuing violation of the Supreme Court's order and the Town Code and to that end, Special Counsel is authorized to issue subpoenas to testify in Supreme Court to any individuals with relevant information concerning such activities.

Supervisor Bartlett moved the foregoing resolution and Councilman Prosser seconded.

Discussion:

Councilman Desormo stated that he felt that the attorney representing the town on this matter was not performing as he should be, and felt the town board should replace him. Supervisor Bartlett stated that he did not think it would be prudent to change attorneys at this time.

Ayes All

Motion # 69

Supervisor Bartlett made a motion to pay the following abstracts as audited.

General Vouchers	#	145	to	146	Total	$ 7,911.53
Highway Voucher	#	114	to	114	Total	$12,952.28
Spec. Dist. Vouchers.	#	53	to	54	Total	$ 2,271.63
General Vouchers	#	147	to	171	Total	$ 9,251.94
Highway Vouchers	#	115	to	134	Total	$ 5,995.48
Spec. Dist. Vouchers.	#	55	to	60	Total	$39,320.23

Councilman Prosser seconded the motion to pay abstracts.

Ayes All

Supervisor Bartlett acknowledged receipt of the monthly report from the Town of Watertown Ambulance.

Supervisor Bartlett informed the board that they had to make a determination on the charges for the new water filling station now in operation. Discussion took place on the issue of what to charge customers and should there be a sign up fee.

Motion # 70

Regarding the fees associated with bulk water sales, a $25.00 activation fee for residential users and a $250.00 activation fee for commercial haulers who haul over 2,000 gallons per trip. Also establishing a rate of $ 5.00 for 748 gallons of water. In addition, the monthly billings will include a $2.50 billing surcharge to cover postage and administration.

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

Ayes All

Old Business: Councilman Prosser asked Mr. Maguire how the highway department was moving on the energy audit. Mr. Maguire stated that Mr. Green had finished the front part of the building , and he is now waiting for him to come back and finish rest of the building.

Supervisor Bartlett brought the board up to date on the status of the proposed Northeast Water District.

MOTION # 71

Councilman Prosser moved to adjourn the meeting at 7:38 PM., Councilman Desormo seconded.

Ayes All

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Catherine M. Rich, Town Clerk