

TOWN OF WATERTOWN

REGULAR MEETING

MUNICIPAL BUILDING

AUGUST 13, 2009

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

MOTION # 77

Supervisor Bartlett moved to adopt the minutes of the July 9, 2009 regular meeting as presented. Councilman Prosser seconded.

Ayes All

MOTION #78

Supervisor Bartlett moved to adopt the minutes of the July 30, 2009 special meeting as presented. Councilman Prosser seconded.

Ayes All

MOTION # 79

Supervisor Bartlett moved to schedule a special meeting for 7:00 PM, Thursday August 27, 2009 at the Town Municipal Offices. GYMO Engineering Firm will provide and update on the proposed Northeast Water District (outer State Street) including the Hydrologists report on water supply findings, and any other business that may come before the board.

The motion was seconded by Councilman Rich.

Ayes All

Supervisor Bartlett opened the floor for public comments on any town issue.

Mr. Tom Dawley, Floral Drive, asked the board to notify the residents of Floral Drive prior to any future projects to be scheduled. He noted the expansion of the water district and the construction of the water tower as being unwelcome additions to the area residents. He was particularly concerned with the condition of the trailer park, and felt that an expansion of water to the park would encourage additional congestion and disrepair to the already existing conditions that presently exist.

Mr. Joe Lamendola, 24228 State Route 12, spoke of his concerns about a neighbor living on Crane Lane. The individual apparently burned a pile of brush and logs on his property, which burned and smoked for approximately three days causing severe smoke to engulf his house as well as other neighbors. He said that he called several people, including the Sheriff's Department, The D.E.C., but was unable to get the problem resolved. The fire has since gone out, and no further instances have occurred.

Mr. Mike Jennings, speaking for Guilfoyle Ambulance asked the board if they were going to discuss the proposed contract with Guilfoyle for ambulance service in the town. Concern was discussed about the intent of the town based on a previous meeting with the supervisor. Supervisor Bartlett reiterated that the discussion at that meeting was that the town did not want to be in the ambulance business, and that Guilfoyle should contract with the Town of Watertown Ambulance service for backup service. Mr. Jennings stated that the town ambulance service would not be able to come up with enough funds to enter into a contract with Guilfoyle. Mr. David Roof, President of the town ambulance service stated that they would and could afford to contract with Guilfoyle. He further stated that the town ambulance service would look forward to a contract with Guilfoyle. Additional discussion occurred, including Mr. David Sherman from Guilfoyle and various members of the town board.

Town Councilman Edward Smith offered the following motion.

MOTION #80

The Town of Watertown to accept the contract as offered by Guilfoyle Ambulance Service to provide backup service to the Town of Watertown Ambulance Service.

The motion was made by Councilman Smith and seconded by Councilman Prosser.

After discussion among board members, a roll call vote of the Town Board as follows, the motion was denied.

Supervisor Bartlett	No
Councilman Rich	No
Councilman Desormo	No
Councilman Prosser	No
Councilman Smith	Yes

Supervisor Bartlett referred to the Long Form SEQR Review regarding the Adoption of Local Law No. 1 of the Year 2009. He asked if the board members had any comments or questions regarding the SEQR review. None of the members after reviewing the long form had any comments or questions.

Supervisor Bartlett stated that since the board members had no further comments, and the County Planning Board returned the SEQR with no further comments and or suggestions, he offered the following.

MOTION # 81

WHEREAS, the Town of Watertown has undertaken amendments to Chapter 107 and 91 of the Code of the Town of Watertown, Zoning, to revise the Zoning Map and Zoning District designations and to provide regulations for the anticipated development of the area to be serviced by the new County Route 202, and

WHEREAS, at a regular meeting of this Board held on August 13, 2009, a long 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 with: 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 is 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 a Type 1 action pursuant to 6 NYCRR Part 617
 - B. This Board is the only involved agency, and therefore a coordinated review is not necessary.
 - C. No potentially significant adverse impacts on the environment are noted on the EAF, and none are known to this Board.
 - D. There will be no substantial adverse change in existing air or water quality.
 - E. There will be no hazard created to human health.
 - F. There will be no substantial change in the use or the intensity of the use on the land.
 - G. There will not be created a material conflict with the community's current plans or goals as officially adopted.
 - H. None of the criteria listed in 6 NYCRR Section 617.11 will be present in the proposed project and no similar criteria will be present which will adversely impact on the environment and in fact the Local Law will mitigate impact on the environment by regulating commercial and residential development in certain areas of the Town.
2. This Board hereby adopts the Negative Declaration attached as Exhibit "A" to this Resolution and 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, the negative declaration, as attached to this Resolution, and to publish the negative declaration in the Environmental News Bulletin.
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 Rich seconded.

Upon a roll call vote of the Town Board as follows, the foregoing resolution was duly adopted.

Supervisor Bartlett	Yes
Councilman Rich	Yes
Councilman Desormo	Yes
Councilman Prosser	Yes
Councilman Smith	No

MOTION # 82

WHEREAS, Local Law No. 1 of the Year 2009, a local law to amend Chapters 107 and 91 of the Code of 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 July 9, 2009, at 7:00 PM, and

WHEREAS, notice of the public hearing was duly published and posted as required by law, and on July 9, 2009, at 7:00 PM a public hearing was held to consider Local Law No. 1 of the Year 2009, and was continued to July 30, 2009 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. 1 of the Year 2009 amends Chapters 107 and 91 of the Code of the Town of Watertown to provide zoning and subdivision regulations for the orderly and planned development of the areas with the Town to be serviced by the new County Route 202.
2. Local Law No. 1 of the Year 2009 has been referred to the Jefferson County Planning Board pursuant to Section 239-M of the General Municipal Law. The County Planning Board considered Local Law No. 1 of the Year 2009 at a regular meeting thereof and has recommended that this Board adopt Local Law No. 1 of the Year 2009.

3. It is hereby determined by this Board that Local Law No. 1 of the Year 2009 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.
4. Based upon the foregoing, Local Law No. 1 of the Year 2009 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.

The foregoing resolution was offered by Supervisor Bartlett and seconded by Councilman Prosser. Upon a roll call vote of the Town Board as follows, the motion was duly adopted.

Discussion: Councilman Smith stated that he had a fear that the planning board will extend this law beyond Rt. 202 and start utilizing it with every small person that's attempting to start a business and make it prohibitive for them.

Supervisor Bartlett	Yes
Councilman Rich	Yes
Councilman Desormo	Yes
Councilman Prosser	Yes
Councilman Smith	No

Town Clerk's Correspondence:

Received two liquor licenses for renewal, Daland Corp. (Pizza Hut Restaurant) on Rt 3and the Eagles Club on Rt 11.

Supervisor Bartlett acknowledged receipt of the town clerk's report for the month of July 2009.

MOTION # 83

WHEREAS, at the July 9, 2009 regular council meeting the town council authorized the publication in the official newspaper of the town requesting sealed bids for the sale to the town of four thousand cubic yards of screened sand material for winter highway use, and

WHEREAS, the notice was published and received at the town clerk's office up until 3:00PM Thursday July 30, 2009 and established the terms and conditions under which the town council would review said bids at the special meeting held at 7:00 PM Thursday July 30, 2009.

WHEREAS, after review of all submitted bids, it is determined that Kings Quarry of Adams, NY has submitted the lowest bid at a price of \$5.00 per cubic yard.

THEREFORE BE IT RESOLVED, that the bid of \$5.00 per cubic yard submitted by Kings Quarry of Adams NY is accepted and the sales contract for the purchase of said material is hereby authorized.

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

Supervisor Bartlett	Yes
Councilman Rich	Yes
Councilman Desormo	Yes
Councilman Prosser	Yes

MOTION # 84

WHEREAS, the town council, acting as administrators for Sewer District No. 3 and Water District No. 1 is in receipt of a request from the Town of Watertown Fire Department to expand the water and sewer district boundaries to include an adjacent parcel owned by the Fire Department which will be developed for construction of a new Fire District Fire Station, and

WHEREAS, a certified land survey of the Fire District parcel, parcel No.73.19-1-5.1 which lies adjacent to the District Boundary of Water District No. 1 and Sewer District No. 3 has access to both water and sewer district infrastructure located in the righty of way of County Route 200, and

WHEREAS, the extension of the water and sewer district boundaries to include the fire district property is to be considered a no-cost or expense to the districts for the district boundary extension.

THEREFORE BE IT RESOLVED, the town clerk is hereby authorized to cause to be published in the official newspaper of the Town of Watertown, notice of a public hearing on the proposed Water District No. 1 and Sewer District No.3 Boundary extensions to be held at a special meeting of the town council to be held at 7:00PM, Thursday August 27, 2009 at the Town Municipal Offices, 22867 Co. Rte. 67, Watertown, NY 13601, at which all persons interested in the proposed district extensions will be afforded and opportunity to be heard.

Supervisor Bartlett moved the foregoing resolution and Councilman Prosser seconded.

Ayes All

MOTION # 85

A RESOLUTION AUTHORIZING THE WATER SUPPLY IMPROVEMENTS INCLUDING WATER MAINS, CONSTRUCTION OF A NEW WATER STORAGE TANK AND OTHER APPURTENANT DEVICES FOR THE Town of Watertown Water District No. 1, and authorizing the issuance of a maximum of \$2,137,000.00 in serial bonds of said town to pay the cost thereof.

BE IT RESOLVED, by the Town Board of the Town of Watertown, Jefferson County, New York, as follows:

Section 1. The water supply improvements including water mains, construction of a new water tank and other appurtenant devices for the Town of Watertown Water District No. 1 is in the interest of the citizens of the Town of Watertown. The estimated cost of installation of improvements in said Water District No.1, as determined by Bernier, Carr & Associates, the engineers hired by the Town, for such purposes is \$2,137,000.00. This is a \$200,000.00 of a bond resolution previously adopted on March 8, 2007.

Section 2. It is hereby determined that the period of probable usefulness of the aforesaid construction is forty (40) years, pursuant to subdivision 1 of paragraph A of section 11.00 of the Local Finance Law. It is further determined that no down payment is required pursuant to Section 107 (d) (3) of the Local Finance Law, for a period in excess of five (5) years.

Section 3. The plan for the financing of such estimated cost is by the issuance of a serial bond not exceeding \$2,137,000.00 of said Town hereby authorized to be issued therefore, pursuant to the local finance Law for a period in excess of five (5) years.

Section 4. The faith and credit of said Town of Watertown, Jefferson County, New York are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall become due and payable. Annual

water rents shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewal of such notes is hereby delegated to the Town Supervisor, the Chief Fiscal Officer. Such notes shall be of such terms, form and contents and shall be sold in such manner as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 6. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit, or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 7. Upon this resolution taking effect, the same be published in full in Watertown Daily Times, the official newspaper of said Town for such purpose, together with a notice of the town clerk is substantially the form provided in Section 81.00 of the Local Finance Law.

Section 8. This resolution is subject to permissive referendum, pursuant to Section 35.00 (b) (2) of the Local Finance Law.

The foregoing resolution was offered by Supervisor Bartlett and seconded by Councilman Rich. Upon a roll call vote of the town board as follows, the resolution was duly adopted.

Supervisor Bartlett	Yes
Councilman Rich	Yes
Councilman Desormo	Yes
Councilman Prosser	Yes
Councilman Smith	No

MOTION # 86

WHEREAS, Bernier Carr and Assoc., Engineers for the Town prepared bid packages and published notification calling for sealed bids for certain infrastructure improvements for Water Districts No. 3,4 and 6 known as contract bids for water tank repairs, painting and upgrades listed as base bid items 1-4, and were reviewed by the Town engineers at a bid opening held at 3:00 PM Tuesday, July 28, 2009 where all sealed bids were reviewed for conformity to standards and specification set forth in the bid package notice, and

WHEREAS, upon review of the bids submitted, the lowest bid submitted by Churchill and Son Inc. in the amount of \$186,500.00 has been withdrawn by the submitter and the next lowest responsive and responsible bid submitted in the amount of Rockwood Corporation, Lyons Falls, N.Y. in the amount of \$429,500.00 exceeds the total project bonding authorization issued by this board.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

- 1.) All bids submitted pursuant to the Water District Nos. 3, 4 and 6 contract for repairs and upgrades to the District Water Storage tank known as project No. 2007-116 are hereby rejected by this Board.
- 2.) The Town Council acting as administrators for Water Districts 3, 4 and 6 hereby authorizes the Town Engineers to prepare the necessary bid packages and re-issue a public notice calling for a re-bid for the tank upgrades and painting.

Supervisor Bartlett moved the foregoing resolution and Councilman Prosser seconded. Upon a roll call vote of the Town Board as follows, the motion was duly passed.

Supervisor Bartlett	Yes
Councilman Rich	Yes
Councilman Desormo	Yes
Councilman Prosser	Yes
Councilman Smith	Yes

MOTION # 87

Supervisor Bartlett moved to pay the following abstracts as audited.

General Vouchers	#	203	to	204	Total	\$ 8,208.43
Highway Voucher	#	162	to	162	Total	\$ 11,405.42
Spec. Dist. Voucher.	#	59	to	59	Total	\$ 152.62
General Vouchers	#	205	to	229	Total	\$ 9,907.10
Highway Vouchers	#	163	to	182	Total	\$ 9,957.87
Spec. Dist. Vouchers.	#	60	to	71	Total	\$111,280.90

Councilman Desormo seconded the motion.

Ayes All

Old Business:

Councilman Prosser commented that he had attended the open houses at both the Ellisburg and the Town of Watertown water towers on Wednesday.

New Business:

Councilman Smith asked to discuss the Town's Local Development Corp. He stated that the meeting recently was advertised in the newspaper and that the bylaws would be discussed in the agenda. He said that bylaws are supposed to be made up when the corporation is first formed. Legal Counsel Joseph W. Russell commented that bylaws for the Local Development Corp. had already been completed. Mr. Smith also stated that there was no clerk present to take minutes. Supervisor Bartlett stated that he took the minutes. Mr. Smith said that both a Peter and a David Sovie were stated as being present. Supervisor Bartlett commented that the correct name should have been Peter Sovie and that the name David Sovie was a typographical error and will be corrected. Mr. Smith asked how the \$50,000.00 awarded to the Ambulance Service could be construed as development. Supervisor Bartlett responded, saying that job creation is included in development. Mr. Smith questioned the amounts given to the town ambulance service. Mr. Smith then asked if this was a laundering of money from one organization to another organization. Further discussion among the board members followed.

MOTION # 88 Councilman Prosser moved to adjourn the meeting at 8:24 PM. Councilman Desormo seconded.

Ayes All

Catherine M. Rich, Town Clerk