

TOWN OF WATERTOWN

REGULAR MEETING

MUNICIPAL BUILDING

OCTOBER 1, 2009

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 convened the meeting to order at 7:00 PM and asked for a roll call of members present. All members were present at the meeting. Legal Counsel Joseph W. Russell was present.

MOTION # 99

Supervisor Bartlett moved to accept the minutes of the September 10, 2009 regular meeting.
Councilman Prosser seconded.

All members voted to accept the minutes as presented with the exception of Councilman Smith who voted no.

MOTION # 100

Supervisor Bartlett moved to accept the minutes of the September 18, 2009 special meeting.
Councilman Rich seconded.

Councilman Smith stated that the special meeting was not a legal meeting since proper notification to council members was not given.

All members voted to accept the minutes as presented with the exception of Councilman Smith who voted no.

Supervisor Bartlett opened a public hearing at 7:07 PM on the proposed boundary extension of Water District No. 1.

No one chose to speak on the matter, and Supervisor Bartlett closed the public hearing at 7:08 PM

Supervisor Bartlett opened a public hearing at 7:08 PM on the proposed boundary extension of Sewer District No. 3.

No one chose to speak on the matter, and Supervisor Bartlett closed the public hearing at 7:09PM.

Supervisor Bartlett opened the floor to the public for anyone wishing to address the Town Board on town matters.

Mr. Gary Charlebois, Woodruff Settlement Rd. asked if the town was considering including the Woodruff Settlement area in the proposed water district being contemplated for State Street and

Weaver Road. Supervisor Bartlett responded by stating that the actual boundaries of the proposed district have not been established at this time but that all of the area in the northeastern portion of the Town was under consideration. Mr. Charlebois stated that he would like to go on record as being interested in having the proposed water line be extended to the Woodruff settlement area.

Mr. John Marzano asked if the town had looked at his proposal for zone change on a portion of Route 12. A zone changing a small portion of the area zoned natural products to residential.

There being no further requests to address the town board, Supervisor Bartlett closed the floor to the public.

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

MOTION # 101

Supervisor Bartlett offered a motion to submit a zone change request, submitted by John Marzano to change a portion of the natural products zone on U.S. Route 12 to residential, to the Town and County Planning Board for their review and recommendations.

Supervisor Bartlett offered the motion and Councilman Prosser seconded.

Ayes All

MOTION # 102

WHEREAS, the Engineering firm of Bernier Carr & Associates, engineers for the town have prepared bid packages and published public notification wherein sealed bids for the construction of certain water district infrastructure improvements associated with the Water District No. 1 capital improvements project known as Contract No. 2, pipeline construction would be reviewed for conformity to standards and specification set forth in the bid packages. And

WHEREAS, on July 28, 2009 said bid packages were reviewed and the lowest responsive and responsible bid for contract No. 2, pipeline construction is Marcellus Construction Co. Inc., Mannsville, N.Y. with a bid of \$410,403.90, and

WHEREAS, the Town Engineers recommend the approval and acceptance of the bid submitted by Marcellus Construction Co. Inc., Mannsville, N.Y.

THEREFORE BE IT RESOLVED, the Town Council of the Town of Watertown hereby accepts and approves the bid submitted by Marcellus Construction Co. Inc. in the amount of \$410,403.93. and

BE IT FURTHER RESOLVED, the Supervisor is hereby authorized to execute all contract documents on behalf of the Town Council and District Administrators and to issue the notice of award and notice to proceed.

Supervisor Bartlett moved the foregoing resolution and Councilman Rich seconded.

Councilman Smith asked if this was for Route 202. Supervisor Bartlett said that it was.

Upon a roll call vote of the town board as follows, the motion was duly adopted.

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

MOTION # 103

WHEREAS, the Town Council has for a number of years supported the Disabled Persons Action Organizations annual fall entertainment event, as the organizations event attracts many people from outside the area into the community, and

WHEREAS, the D.P.A.O. has requested a grant of Town Bed Tax Revenues in the amount of \$2,500.00, to assist with the cost of advertising for the event, and

WHEREAS, funds are available to assist with underwriting the organizations promotional costs for the event in the Tourism Promotion Bed Tax Budget Account.

THEREFORE BE IT RESOLVED, the Town of Watertown Council hereby authorizes a grant of Town Bed Tax Revenues to the D.P.A.O. in the amount of \$2,500.00 for the purpose of underwriting the D.P.A.O. promotional expenses associated with the event.

Supervisor Bartlett offered the foregoing resolution and Councilman Desormo seconded.

Ayes All

MOTION # 104

WHEREAS, by order of this Board dated September 10, 2009 a public hearing was scheduled for October 1, 2009 at 7:00 PM, to consider the proposed extension of Sewer District No. 3 within the Town of Watertown, pursuant to a certain plan and report prepared by Bernier Carr & Associates and filed with the Town Clerk, and

WHEREAS, the order scheduling the public hearing was duly posted and published as required by law and on October 1, 2009 at 7:00 PM a public hearing was held to consider all persons interested in the proposed extension of Sewer District No. 3

NOW, on motion duly made and seconded, this Board makes the following determinations:

1. The notice of public hearing dated September 10, 2009 was duly published and posted as required by law, and is otherwise sufficient.
2. The action contemplated by this resolution is a Type II action pursuant to the New York State Environmental Quality Review Act and the regulations promulgated thereunder.
3. All property and property owners to be benefited by the proposed extension of Sewer District No. 3 are included within the limits of the proposed extension.
4. All of the property owners and all of the property located within the proposed sewer district extension are benefited thereby.
5. The extension of Town Of Watertown Sewer District No. 3 pursuant to the map, plan and report on file in the office of the Town Clerk, and upon which the public hearing was held on October 1, 2009, is in the public interest.
6. The extension of the Town of Watertown Sewer District No. 3 as described in the plan and report prepared by Bernier Carr & Associates is hereby approved.
7. This resolution is adopted subject to a permissive referendum

A motion to adopt the foregoing resolution was made by Supervisor Bartlett and seconded by Councilman Prosser. Upon a roll call vote of the Board as follows, the motion was duly adopted.

Councilman Smith asked if this motion was for the extension along Route 202. Supervisor Bartlett stated that this extension was for the Fire Department property.

Supervisor Bartlett

Aye

Councilman Rich	Aye
Councilman Desormo	Aye
Councilman Prosser	Aye
Councilman Smith	Aye

MOTION # 105

WHEREAS, by order of this Board dated September 10, 2009, a public hearing was scheduled for October 1, 2009 at 7:00PM, to consider the proposed extension of Water District No. 1 within the Town of Watertown, pursuant to a certain plan and report prepared by Bernier Carr & Associates and filed with the Town Clerk, and

WHEREAS, the order scheduling the public hearing was duly posted and published as required by law and on October 1, 2009 at 7:00 PM a public hearing was held to consider all persons interested in the proposed extension of Water District No. 1.

NOW, on motion duly made and seconded, this Board makes the following determinations:

1. The notice of public hearing dated September 10, 2009, was duly published and posted as required by law and is otherwise sufficient.
2. The action contemplated by this Resolution is a Type II action pursuant to the New York State Environmental Quality Review Act and the regulations promulgated thereunder.
3. All property and property owners to be benefited by the proposed extension of Water District No. 1 are included within the limits of the proposed extension.
4. All of the property owners and all of the property located within the proposed water district extension are benefited thereby.
5. The extension of Town of Watertown Water District No. 1 pursuant to the map, plan and report on file in the office of the Town Clerk and upon which the public hearing was held on October 1, 2009, is in the public interest.
6. The extension of the Town of Watertown Water District No. 1 as described in the plan and report prepared by Bernier Carr & Associates is hereby approved.
7. This resolution is adopted subject to a permissive referendum.

A motion to adopt the foregoing resolution was made by Supervisor Bartlett and seconded by Councilman Rich, and upon a roll call vote of the board as follows, was duly adopted.

Councilman Smith asked if this was for the Fire Department. Supervisor Bartlett stated yes.

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

MOTION # 106

WHEREAS, the City of Watertown (City) and the Town of Watertown (Town), in December of 2007 applied jointly to the New York State Department of State for a grant under the Shared Municipal Services Incentive (SMSI) Grant Program to assist in hiring a consulting firm to perform a Disinfection Byproducts Study at the City's water treatment plant and on the supply transmission and distribution networks that serve the City, Town and customers serviced by the Development Authority of the North Country water line and develop a plan to reduce disinfection byproducts in the systems, in order to comply with the requirements of the Safe Drinking Water Act, USEPA and the New York State Department of Health, and

WHEREAS, the Disinfection Byproducts Study was estimated to cost \$100,000.00 and the SMSI grant program was designed to cover a 90% share of the project cost, with the participating municipal entities providing a matching “local municipal share” of 10% of the project cost, and

WHEREAS, THE City Council and the Town Board have agreed by individual resolution to each provide up to \$5,000.00 toward the cost of the study and the respective boards have mutually agreed that the City of Watertown would take the lead in preparing the grant and following through with the administration process, and

WHEREAS, a grant was approved by the NYS Department of State and the NYS Comptroller in the amount of \$86,940.00 based upon the State’s estimated project cost of \$96,600.00 with the State’s share to be 90% or \$86,940.00, THE City’s share to be 5% or \$4,830.00 and the Town’s share to be 5% or 4,830.00, and

WHEREAS, after preparing and soliciting an RFP and receiving three proposals, the City has entered into an Agreement with the firm of Hazen and Sawyer P.C. to perform the Disinfection Byproducts Study as outlined in the RFP on behalf of the City and the Town for an agreed upon fee of \$90,034.00.

NOW, THEREFORE, in fulfillment of the terms of the respective resolution to enter into an inter-municipal agreement for said shared municipal service, the parties agree as follows:

THE CITY agrees to make payment to the consultant, Hazen and Sawyer P.C. for services rendered in conjunction with the DBP Study and to also pay for any associated costs that are subject to reimbursement under the terms of the SMSI Grant and to apply to the State for reimbursement of 90% of the cost. The City further agrees to invoice the Town for the Town’s share of 5% of the allowable costs associated with the study, up to a maximum amount of \$5,000.00.

THE TOWN agrees to remit to the City in a timely manner, payment for the amount invoiced by the City which should equal 5% of the cost of services, for which the City has been invoiced or has otherwise incurred. The Town further agrees to provide a representative to attend steering committee meetings and work shops that are presented by the consultant during the course of the study.

Supervisor Bartlett offered the foregoing Memorandum of Understanding and further authorizes the Supervisor to act on behalf of and sign necessary documents for the Town of Watertown. Councilman Prosser seconded.

Upon a roll call vote of the town board as follows, the motion was duly adopted.

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

Supervisor Bartlett introduced the representative from Hydro Source to provide the board a brief overview of the status of the drilling operation and the search for a groundwater source to supply the proposed water district in the northeast portion of the Town of Watertown.

Councilman Rich asked when the approval from the Comptroller would be solicited, and that expenditures of town taxpayer dollars should be limited until such time as that approval is received.

Councilman Smith raised the question of obtaining an agreement with the land owner prior to expending additional monies. Councilman Rich suggested that a purchase option between the town and the landowner be prepared, to establish a price for the property. Legal Counsel Russell said that the town could not pay more than what an appraisal would value the property. Two appraisals, one by an appraisal for the land owner and one by an appraiser for the town. This would provide a medium price

to pay for the property should the project go forward. It was decided that the town legal counsel would prepare a purchase option based upon the two appraisals when completed.

MOTION # 107

WHEREAS, the Town of Watertown and the engineering firm of G.Y.M.O. Engineering have entered into agreement for the firm to compile a map plan and report defining the potential for formation of the Northeast Water District, and

WHEREAS, it is necessary to amend the original contractual agreement in order that a fee for additional services be included, and

WHEREAS, G.Y.M.O. Engineering has requested an amendment to said agreement for these additional services (attached as Exhibit A) in the amount of \$2,500.00.

THEREFORE BE IT RESOLVED; the contractual agreement which establishes terms and conditions as enumerated in the agreement is hereby amended to include the addendum as outlined in correspondence dated September 10, 2009 and agrees to the fee schedule proposal of \$2,500.00 for additional services and authorizes the supervisor to execute said agreement on behalf of the Town Council.

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 adopted.

Supervisor Bartlett	Aye
Councilman Rich	Aye
Councilman Desormo	Abstain
Councilman Prosser	Aye
Councilman Smith	No.

MOTION # 108

WHEREAS, the Town of Watertown and the engineering firm of G.Y.M.O. Engineering have entered into agreement for the firm to compile a map plan and report defining the potential for the formation of the Northeast Water District and for the exploration of a water source to supply said district.

WHEREAS, the original contractual agreement between the Town and G.Y.M.O. Engineering called for a maximum expenditure for the first three phases of the study not to exceed \$75,000.00, and

WHEREAS, preliminary reports to the Town Council show highly favorable results in testing for a source of water to supply the district and it is necessary to complete the third phase of testing to include tasks #1 through 14 at an additional cost of \$70,635.00, and

WHEREAS, it is necessary to amend the original contractual agreement in order that a fee for additional services be included, and

WHEREAS, G.Y.M.O. Engineering has requested an amendment to said agreement for these additional services (attached as Exhibit A) in the amount of \$70,635.00

THEREFORE BE IT RESOLVED, the contractual agreement which establishes terms and conditions as enumerated the agreement is hereby amended to include the addendum as outlined in correspondence dated September 25, 2009 and agrees to the fee schedule proposal of an additional \$70,635.00 for additional services for total maximum expenditure of \$140,635.00 and authorizes the Supervisor to execute said agreement on behalf of the Town Council.

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.

Supervisor Bartlett	Aye
Councilman Rich	Aye
Councilman Desormo	Abstain
Councilman Prosser	Aye
Councilman Smith	No

MOTION # 109

Supervisor Bartlett moved to call for a special meeting to be held October 15, 2009 at 7:00 PM at the Town Municipal Building, 22867 County Route 67, Watertown, NY 13601. The purpose of the meeting is to hold a budget work session and any other business that may come before the board.

Councilman Desormo seconded.

Ayes All

MOTION # 110

Supervisor Bartlett moved to pay the following vouchers as audited.

General Voucher	#	259	to	259	Total	\$	569.95
Spec. Dist. Voucher	#	85	to	85	Total	\$	152.94
General Vouchers	#	260	to	274	Total		\$12,501.96
Highway Vouchers	#	199	TO	207	Total		\$36,865.46
Spec. Dist. Vouchres.	#	86	to	89	Total		\$34,988.87

Councilman Prosser seconded.

Ayes All

Old Business:

Supervisor Bartlett stated that there are some issues with Summit Woods Development prior to the town taking over the road to be dedicated to the Town of Watertown. The developer has not provided the town with the proper documentation to accept formal dedication. There are some liens which would not provide clear title to the property. The Supervisor asked legal counsel to send a letter to the developer stating that the town would not provide snow removal until all items have been dealt with.

Councilman Smith asked Councilman Desormo if he was taking topsoil off 24163 Co. Rt. 67. Councilman Desormo stated that he was in the process of putting in a road base for the owner of that property.

New Business:

Councilman Prosser stated that he had read an article in the newspaper that certain towns in the Tug Hill area are being included in a study to map fire hydrants, streets, roads and asked why the Town of

Watertown was not included in that study. The Public Works Superintendent replied that the process was already underway, and that the town would be included.

MOTION # 111

Councilman Prosser moved to adjourn the meeting at 8:06 PM. Councilman Desormo seconded.

Ayes All

Catherine M. Rich, Town Clerk