

TOWN OF WATERTOWN

REGULAR MEETING

MUNICIPAL BUILDING

NOVEMBER 5, 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 called 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 # 114

Supervisor Bartlett moved to adopt the minutes of the October 1, 2009 Regular meeting as presented. Councilman Prosser seconded.

Ayes All

MOTION # 115

Supervisor Bartlett moved to adopt the minutes of the October 15, 2009 Special meeting as presented. Councilman Prosser seconded.

Ayes All

Supervisor Bartlett opened the floor for a public hearing on the 2010 proposed Fiscal Year Preliminary Budget for any one wishing to speak on the subject.

Bruce Rohr, acting highway superintendent, commented that he felt that the highway budget is understated in the area of funds stated for black topping for road repairs. He felt that not enough money is set aside for CHIPS Capital reimbursement payments to the Town. The work for this reimbursement had to be done by November 5, 2009 and submitted for reimbursement by November 12, 2009. He went on to say that due to lack of funds, the work was not completed. Supervisor Bartlett stated that the work could be carried over to the next year. Mr. Rohr commented that as he read the letter, there would be no rollover. Further discussion was held regarding the need to continue to repave roads that should be repaired. Councilman Rich stated that although he did not like any additional taxes, it is becoming evident that a small town tax in the neighborhood of \$.25 per thousand of assessed value. This would not create an undue burden on taxpayers and would provide funds for road repairs and equipment replacement in the future, thereby avoiding a large tax burden in the near future.

Supervisor Bartlett asked if there were any other comments on the proposed budget. Hearing none he closed the public hearing on the preliminary budget.

Supervisor Bartlett opened the floor at 7:16 PM for a zone change request by Mr. John Marzano on a one acre lot on U.S. Route 12, South.

No one chose to speak on the subject, therefore Supervisor Bartlett closed the public hearing. He informed Mr. Marzano that the board is obligated to have the town counsel prepare a Short Environmental Assessment Form. Action would be taken on Mr. Marzano's request at the next regular meeting held in December 2009.

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

Bruce Rohr, acting highway superintendent, spoke on the issue of operating the town landfill site. He suggested a plan for operating the site. The board would consider the plan and provide comments at the December meeting.

Ryan Churchill, from GYMO Engineering updated the board on the status of the proposed Northeast water district.

Additional discussion took place regarding steps that need to be taken on the proposed water district. Including surveying the property needed, approvals from the State Comptrollers Office, the NYS Dept. of Health and a purchase option with the owner of the property, prior to further development of the wells.

Final 2010 preliminary budget revisions:

Supervisor Bartlett asked for comments or questions from board members concerning any changes to the proposed budget. Hearing none, the supervisor noted some changes to be made on the proposed budget to bring it into balance.

Resolutions:

MOTION # 116

WHEREAS, Jefferson County Route 202 is a newly constructed four lane County Road within the municipal boundary of the Town of Watertown and is approximately one and one half miles in length, and

WHEREAS, it is necessary to petition the Jefferson County Board of Legislators, the Jefferson County Highway Superintendent and the New York State Department of Transportation in order to post an enforceable designated speed limit on County Route 202 for the area between N.Y.S. Rt. 3 and N.Y.S. Route 12F, and

WHEREAS, it is in the overall public interest that an enforceable speed limit be established for public safety, and

WHEREAS, the resolution of speed for this road is the responsibility of the New York State Department of Transportation.

THEREFORE BE IT RESOLVED, the Town of Watertown Town Council and the Town of Watertown Highway Superintendent hereby requests the Jefferson County Highway Superintendent and the Jefferson County Board of Legislators recommend to the N.Y.S. Department of Transportation favorable consideration establishing a maximum speed limit of 45 MPH for the approximately one and one half mile length of Jefferson County Route 202 which connects N.Y.S. Route 3 and N.Y.S. Route 12F.

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.

Councilman Prosser suggested a lower speed limit in the area adjacent to Walmart and Sams Club. Considering past requests for speed reductions it was decided that to request two speed limits on the road may be detrimental to the request.

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

MOTION # 117

WHEREAS, at a regular meeting of this Board held at the Town offices on the 10th day of September, 2009 an Order of this Board was duly adopted and entered in the minutes of the proceedings recited in general terms the filing with the Town Clerk of the Town of Watertown of a plan and report prepared by Bernier Carr & Associates for the proposed extension of Water District No.1 within the Town of Watertown, reciting the boundaries of the proposed district, the improvements proposed, the maximum amount proposed to be expended for the improvements, the proposed method of financing, and specifying that a public hearing shall be held to hear all persons interested in the proposed expansion of Water District No. 1 at 7:00 p.m. on October 1, 2009, and

WHEREAS, a copy of the aforementioned Order of this Board was duly and regularly published in the official newspaper for the Town of Watertown and certified copies thereof were posted on the official sign board of the Town of Watertown as required by Article 12-A of the Town Law, and

WHEREAS, a public hearing was duly held pursuant to the aforesaid Order at the Town offices, 22867 County Route 67, Watertown, New York on October 1, 2009, at 7:00 p.m., and all persons interested in the proposed extension were provided an opportunity to be heard, and

WHEREAS, the following the closing of the public hearing this Board voted unanimously to adopt certain findings and determined to extend Water District No. 1 as presented by Bernier Carr & Associates, and

WHEREAS, within ten (10) days following the adoption of the aforesaid Resolution, the full text of the Resolution together with a notice setting forth the date of the adoption thereof and the fact that the resolution was adopted subject to a permissive referendum was published in the official newspaper of the Town of Watertown and posted as required by law, and

WHEREAS, more than thirty (30) days have elapsed since the adoption of the Resolution, and no petition protesting against the Resolution has been properly submitted to the Town Clerk of the Town of Watertown, and the Town Clerk has caused to be filed pursuant to Section 209-e(4)(a) of the Town Law a certificate certifying that no petition was filed requesting a referendum, and

WHEREAS, the permission of the State Comptroller is not required pursuant to Section 209-f of the Town Law.

NOW, THEREFORE, upon a motion duly made, and seconded, this Board hereby makes the following Order:

1. ORDERED that the aforesaid recitations are incorporated herein as if fully set forth hereafter, and it is further
2. ORDERED that the extension of Water District No. 1 as described in the plan and report prepared by Bernier Carr & Associates and on Schedule "A" attached hereto and made a part hereof is finally established and the providing of the services thereof as described therein is hereby authorized, and it is further
3. ORDERED, that the Town Clerk of The Town of Watertown shall cause a certified copy of this final Order of the Town Board to be duly recorded in the Office of the Clerk of the County of

Jefferson, within ten (10) days after its adoption, and to file a certified copy thereof with the Department of Audit and Control within ten (10) days following its adoption.

A motion to adopt the foregoing Order was made by Supervisor Joel Bartlett and seconded by Councilman Stephen Rich and upon a roll call vote of the Board was duly adopted as follows:

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

MOTION # 118

WHEREAS, at a regular meeting of this Board held at the Town offices on the 10th day of September, 2009 an Order of this Board was duly adopted and entered in the minutes of the proceedings reciting in general terms the filing with the Town Clerk of the Town of Watertown of a plan and report prepared by Bernier Carr & Associates for the proposed extension of Sewer District No. 3 within the Town of Watertown , reciting the boundaries of the proposed district , the improvements proposed , the maximum amount proposed to be expended for the improvements, the proposed method of financing, and specifying that a public hearing shall be held to hear all persons interested in the proposed expansion of Sewer District No. 3 at 7: 00 p.m. on October 1, 2009, and

WHEREAS, a copy of the aforementioned Order of this Board was duly and regularly published in the official newspaper for the Town of Watertown and certified copies thereof were posted on the official sign board of the Town of Watertown as required by Article 12-A of the Town Law, and

WHEREAS, a public hearing was duly held pursuant to the aforesaid Order at the Town offices, 22867 County Route 67, Watertown, New York on October 1, 2009, at 7:00 p.m., and all persons interested in the proposed extension were provided an opportunity to be heard, and

WHEREAS, following the closing of the public hearing this Board voted unanimously to adopt certain findings and determined to extend Sewer District No. 3 as presented by Bernier Carr & Associates, and

WHEREAS, within ten (10) days following the adoption of the aforesaid Resolution, the full text of the Resolution together with a notice setting forth the date of the adoption thereof and the fact that the resolution was adopted subject to a permissive referendum was published in the official newspaper of the Town of Watertown and posted as required by law, and

WHEREAS, more than thirty (30) days have elapsed since the adoption of the Resolution , and no petition protesting against the Resolution has been properly submitted to the Town Clerk of the Town of Watertown , and the Town Clerk has caused to be filed pursuant to Section 209-e(4)(a) of the Town Law a certificate certifying that no petition was filed requesting a referendum, and

WHEREAS, the permission of the State Comptroller is not required pursuant to Section 209-f of the Town Law.

NOW, THEREFORE, upon a motion duly made, and seconded, this Board hereby makes the following Order:

1. ORDERED that the aforesaid recitations are incorporated herein as if fully set forth hereafter, and it is further
2. ORDERED that the extension of Sewer District No. 3 as described in the plan and report prepared by Bernier Carr & Associates and on Schedule "A" attached hereto and made a part hereof is finally established and the providing of the services thereof as described therein is hereby authorized, and it is further
3. ORDERED that the Town Clerk of the Town of Watertown shall cause a certified copy of this final Order of the Town Board to be duly recorded in the Office of the Clerk of the County of Jefferson, within ten (10) days after its adoption, and to file a certified copy thereof with the Department of Audit and Control within ten (10) days following its adoption.

A motion to adopt the foregoing Order was made by Supervisor Joel Bartlett and seconded by Councilman Paul Desormo and upon a roll call vote of the Board was adopted as follows:

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

MOTION # 119

A RESOLUTION OF THE WATERTOWN TOWN COUNCIL:

Adopting a budget for the fiscal year commencing January 1, 2010 and ending December 31, 2010, making appropriations for the conduct of Town of Watertown Government and establishing rates of compensation for officers and employees for such period.

WHEREAS, at a meeting of the Town Council held on Thursday October 1, 2009, the tentative budget for the Fiscal Year 2010 was presented to the council as required by Section 106 of the General Municipal Law, and

WHEREAS, the Town Council thereafter reviewed the Tentative Budget and upon completion of such review, the Tentative Budget with any and all revisions and modifications thereof became the Preliminary Budget for the Fiscal Year 2010, which was filed in the office of the Town Clerk and made available for public inspection, and

WHEREAS, notice of a public hearing on the Preliminary Budget for Fiscal Year 2010 was posted and published as required by law and on Thursday November 5, 2009 at 7:00 PM at the Town Municipal Offices, a public hearing was conducted on the Preliminary Budget for the Town of Watertown, which includes the preliminary budget estimates for the Town General Fund, Highway Fund, Water Districts 1,3,4,5 and 6 and Sewer Districts 1,2,3,4,5 and 6 and all persons interested therein were provided an opportunity to be heard.

Now Therefore Be It Resolved, by the Town of Watertown Council as follows:

1. This Board has met at the time and place as specified in the notice of the public hearing on the Preliminary Budget for Fiscal Year 2010 and heard all persons desiring to be heard thereon.
2. The preliminary budget as amended and revised is hereby adopted for the Fiscal Year 2010 and that the several amounts stated are hereby appropriated for the objects and purposes

specified and salaries and wages stated therein shall be and are hereby fixed at the amounts shown therein, effective January 1, 2010

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

MOTION # 120

WHEREAS, highway employee, Timothy Wells is due his annual promotion beginning with the payroll of December 1, 2009.

THEREFORE BE IT RESOLVED that Timothy Wells be promoted from MEO -4 to MEO 3 effective with the payroll beginning December 1, 2009.

Supervisor Bartlett offered the foregoing resolution, and Councilman Rich seconded.

Discussion: Councilman Prosser offered an amendment to the resolution as follows: conditioned upon receiving a certificate from Highway Superintendent Bruce Rohr that Mr. Wells has completed all requirements necessary for the promotion.

Councilman Prosser offered an amendment to the motion and Supervisor Bartlett seconded the motion.

Ayes all on the amendment

Ayes all on the motion as amended

MOTION # 121

Supervisor Bartlett introduced Local Law No. 2 of the Year 2009, a local law to Amend Chapter A113 of the Code of the Town of Watertown, Water District Rules regarding Water District No. 6. He further called for a public hearing for said local law to be held at 7:00 PM on Thursday, December 10, 2009. Copy of the local law is filed in the Town Clerk's Office.

Supervisor moved the foregoing resolution and Council man Prosser seconded.

Ayes All

MOTION # 122

Supervisor Bartlett introduced Local Law No. 3 of the Year 2009, a local law to amend Chapter 77 of the Code of the Town of Watertown, Sewer District Rules, for Sewer District No. 6. He further called for a public hearing for said local law to be held at 7:00 PM on Thursday December 10, 2009. A copy of the local law is filed in the Town Clerk's Office.

Supervisor Bartlett moved the resolution and Councilman Prosser seconded.

Ayes All

MOTION # 123

Councilman Rich offered a motion authorizing Supervisor Bartlett to sign the certificate of Incorporation for the Northpole Fire Company, Inc. Councilman Desormo seconded.

Ayes All

Motion # 124

Supervisor Bartlett moved to pay the following abstracts as audited.

General Vouchers	#	275	to	276	Total	\$	1,287.06
Spec. Dist. Vouchers.	#	90	to	91	Total	\$	666.95
General Vouchers	#	277	to	304	Total	\$	26,582.55
Highway Vouchers	#	208	to	229	Total	\$	25,529.31
Spec. Dist. Vouchers.	#	92	to	101	Total	\$	109,234.42

Councilman Prosser seconded.

Ayes All

Old Business:

Councilman Prosser brought the board to date regarding the proposed energy audit by National Grid.

Upon board discussion it was decided to request an additional energy audit from another provider.

Supervisor Bartlett asked if the board members could be available at 4:00 PM, on Tuesday, November 10, 2009 for a brief meeting to discuss legal strategies.

Motion # 125

Supervisor Bartlett moved to adjourn the meeting until Tuesday, November 10, 2009 at 4:00 pm to discuss legal strategies concerning ongoing litigation. Councilman Prosser seconded.

Ayes All

Catherine M. Rich, Town Clerk

TOWN OF WATERTOWN
REGULAR MEETING ADJOURNED FROM NOVEMBER 5, 2009
MUNICIPAL BUILDING
NOVEMBER 10, 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 reopened the regular meeting held on November 5, 2009 which was adjourned until November 10, 2009 at 4:00PM. The meeting was for the board to conduct in executive session legal strategies relative to ongoing litigation. All councilmember's were present.

Mr. Bartlett moved to go into executive session seconded by Mr. Prosser and asked Mr. Smith to be excluded. Four ayes, Mr. Smith objected saying he did not need to be excluded.

Mr. Burrows, legal counsel for the town explained instead of going into executive session he could meet with Mr. Grant, Town of Watertown Code Enforcement Officer, and two members at a time privately for confidentially reasons.

Mr. Smith wanted the following statement quoted for the record. "I am opposed to this, and I don't feel they are going thru the proper legalities, without my attorney being present and without them being notified of any proceedings."

After meeting with the board members in private Mr. Burrows stated because Mr. Smith was uncooperative the board could not go into executive session to discuss pending litigation.

Motion # 126

Supervisor Bartlett moved to adjourn the meeting at 4:45 pm seconded by Councilman Rich.

Motion carried

Catherine M. Rich, Town Clerk

