

TOWN OF WATERTOWN

REGULAR MEETING

MUNICIPAL BUILDING

DECEMBER 17, 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 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.

MOTION # 127

Supervisor Bartlett moved to accept the minutes of the November 5, 2009 Regular meeting as presented. Councilman Desormo seconded.

Ayes All

MOTION # 128

Supervisor Bartlett moved to accept the minutes of the November 10, 2009 Special meeting as presented. Councilman Prosser seconded.

Ayes All

Supervisor Bartlett opened the rescheduled public hearing on Local Law No. 3 of the Year 2009, at 7:06 PM. A local law on Water District No. 6, Rules and Regulations.

Having no one wishing to speak, Supervisor Bartlett closed the public hearing at 7:07 PM

Supervisor Bartlett opened the rescheduled public hearing on Local Law No. 2 of the Year 2009 at 7:08 PM. A local law on Sewer District No. 6, Ordinances & Regulations.

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

Supervisor Bartlett introduced Mr. Patrick Scordo, representing the G.Y.M.O. Engineering firm and Mr. Fred Bickford of HydroSource Associates, Inc.

Mr. Scordo and Mr. Bickford updated the board on the progress of the proposed northeastern water district. Upon a lengthy presentation and discussion, the town board asked that a survey of the proposed property needed, be done. In addition the board asked Mr. Scordo to inquire through the necessary government agencies to determine what is needed to acquire approval for the project.

Supervisor Bartlett recognized Mr. Charpentier, owner of the Floral Estates trailer park. Mr. Charpentier asked if the town is going to take ownership of the extension of the water district that will connect the trailer park to the town water district.

MOTION # 129

Move to accept dedication of the infrastructure that was installed within the boundaries of the Town right of way and Water District No. 1, along Floral Drive and recognizing that all of the appropriate agencies have signed off on the project as being completed in conformity to town standards and department of health standards. It is also noted the acceptance is predicated upon Mr. Charpentier correcting any settlement issues involving the shoulder of the road along Floral Drive.

The motion was seconded by Councilman Rich.

Ayes All

Supervisor Bartlett opened the floor for any public comment. No one chose to speak, the floor was closed.

Town Clerk's Correspondence:

A letter was received from Mr. Timothy McAtee from the Dry Hill Ski Area notifying the town of their intent to renew their seasonal liquor License for the upcoming season.

A letter received from Mr. Charles Britton notifying the town that it was applying for a liquor license for the property at 25592 Rt. 12 in the Town, previously known at the "B".

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

Supervisor's Correspondence.

A letter was received from Mr. James Jarosz who expressed his concern over the crow problem in the Lettiere Tract. He suggested that the town work with the city to mutually address the problem with the noise.

A letter from Mr. Claude Curley of the New York State Department of Health thanking members of the town highway department for their long hours and hard work on several successive breaks on Route 12.

A letter from Mr. Martin C. Percy of the New York State Department of Transportation acknowledging receipt of the town's request for a reduced speed on the newly constructed County Route 202. He further stated that his department would evaluate this need and inform the town of their findings.

RESOLUTIONS:

MOTION # 130

Supervisor Bartlett moved to approve payment to Jordstat Construction Inc. for the work completed for the Town of Watertown on water supply improvements in the amount of \$13,722.75.

Councilman Rich seconded the motion.

Ayes All

MOTION #131

Supervisor Bartlett moved to approve payment to Marcellus Construction Co. Inc. for work completed for the Town of Watertown for pipeline construction along Route 202 in the amount of \$247,971.53.

Councilman Prosser seconded.

Ayes All

MOTION # 132

WHEREAS, the Town of Watertown Planning Board has heretofore granted subdivision approval to Summit Woods Homes, LLC pursuant to the provisions of Chapter 91 of the Code of the Town of Watertown for a certain subdivision located on US Rt. 11 in the Town of Watertown, and

WHEREAS, pursuant to the subdivision approval, the developer is required to construct the road servicing the subdivision to Town of Watertown standards and dedicate the same thereto to the Town of Watertown as a public road, and

WHEREAS, Summit Woods Homes, LLC has caused to be constructed the road servicing the subdivision, and the Town of Watertown Highway Superintendent has inspected the road constructed to serve as the public road for such subdivision and has approved the road as being constructed in accordance with the Town of Watertown standards, and

WHEREAS, Summit Woods Homes, LLC has now offered to dedicate to the Town of Watertown those lands on which it has constructed the road as described on the attached Schedule "A" to be used for public street and highway purposes

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

1. The Town Board of the Town of Watertown hereby accepts the offer of dedication of the real property described on the attached Schedule "A", and hereby declares that said property shall be accepted for dedication for public street and highway purposes and thereafter shall be a Town Road of the Town of Watertown and the Town Board hereby consents to the recordation of a deed to effectuate the conveyance at no cost to the Town of Watertown.
2. The acceptance with this offer of dedication is contingent upon the receipt from Summit Woods Homes, LLC and approval by the Attorney for the Town of Watertown of the following documents, and until such time as such documents are received and approved the property as described at Schedule "A" shall remain the property of Summit Woods Homes, LLC and shall not be a public road.
 - a. Original executed deed in recordable form to convey the subject property to the Town of Watertown together with the required forms TP-584 and RP-521 signed by the appropriate officers of Summit Woods Homes, LLC.
 - b. Original executed releases from all liens thereon of the property to be conveyed to the Town of Watertown.
 - c. Updated title report evidencing the property to be free and clear of all liens except those for which original releases have been delivered pursuant to (b) above.

A motion to adopt the foregoing resolution was made by Supervisor Bartlett and seconded by Councilman Rich.

Ayes All

MOTION # 133

Supervisor Bartlett moved to change the dates on all correspondence and resolutions from December 10, 2009 to December 17, 2009, due to the December 10, 2009 meeting being postponed because of weather. The motion was seconded by Councilman Prosser.

Ayes All

MOTION # 134

WHEREAS, Town of Watertown Local Law No. 3 of the Year 2009, a local law amending Chapter A113 of the Code of the Town of Watertown, Water District Rules, was introduced by a member of the Town Board at a Regular meeting thereof held on November 5, 2009 and at that time was provided to each member of the Town Board and a Resolution was adopted scheduling a public hearing to consider Local Law No.3 OF the Year 2009 for 7:00 PM on December 17, 2009, and

WHEREAS, notice of the public hearing was duly published and posted as required by law, and

WHEREAS, ON December 17, 2009 at 7:00 PM a public hearing was duly held on Local Law No. 3 of the Year 2009 at which time all persons interested therein were heard.

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

1. Town of Watertown Local Law No. 3 of the Year 2009, a local law amending Chapter A113 of the Code of the Town of Watertown, Water District Rules, was duly introduced by a member of the Town Board as required by law, and a public hearing was duly held with notice of such hearing having been published in the official newspaper of the Town of Watertown not less than five (5) days prior to the day of the hearing.
2. Town of Watertown Local Law No. 3 of the Year 2009, amends Chapter A113 of the Code of the Town of Watertown to establish clear and concise regulations for the proper administration of Water District No.6, to establish water rates to properly administer, operate and maintain Water District No. 6 and provide water to the properties located therein.
3. Local Law No. 3 of the Year 2009 is in the best interest of the Town of Watertown and Water District No. 6 and is hereby adopted by the Town Board of the Town of Watertown.
4. Town of Watertown Local Law No.3 of the Year 2009 shall be delivered to the Secretary of State and filed with the Office of the Town Clerk as required by Section 27 of the Municipal Home Rule Law and forwarded for codification.
5. The adoption of Local Law No. 3 of the Year 2009 constitutes a Type II action under the New York State Environmental Quality Protection Act and the regulations promulgated thereunder.

The foregoing Resolution was move by Supervisor Bartlett and seconded by Councilman Desormo.

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

MOTION #135

WHEREAS, Town of Watertown Local Law No. 2 of the Year 2009, a local law amending Chapter 77 of the Code of the Town of Watertown, Sewer District Rules, was introduced by a member of the Town Board at a regular meeting thereof held on November 5, 2009 and at that time was provided to each member of the Town Board, and a Resolution was adopted scheduling a public hearing to consider Local Law No. 2 of the Year 2009 for 7:00 PM on December 10, 2009, and

WHEREAS, notice of the public hearing was duly published and posted as required by law, and

WHEREAS, on December 17, 2009 at 7:00 PM, a public hearing was duly held on Local Law No. 2 of the Year 2009, at which time all persons interested therein were heard.

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

1. Town of Watertown Local Law No. 2 of the Year 2009, a local law amending Chapter 77 of the Code of the Town of Watertown, Sewer District Rules, was duly introduced by a member of the Town Board as required by law and a public hearing was duly held with notice of such hearing having been published in the official newspaper of the Town of Watertown not less than five (5) days prior to the day of the hearing.
2. Town of Watertown Local Law No. 2 of the Year 2009, amends Chapter 77 of the Code of the Town of Watertown to insure the safe and proper operation of the facility servicing Sewer District No.6 to insure the strict compliance with the conditions of the agreement for wastewater treatment services between the City of Watertown and the Town of Watertown as approved by the Town Board of the Town of Watertown as the same may be amended from time to time, to establish sewer rates to properly administer, operate and maintain Sewer District No. 6 and to provide for the equitable assessment of charges to retire the debt service in connection with the construction of the facilities within Sewer District No. 6.
3. Local Law No. 2 of the Year 2009 is in the best interest of the Town of Watertown and Sewer District No. 6 and is hereby adopted by the Town Board of the Town of Watertown.
4. Town of Watertown Local Law No. 2 of the Year 2009, shall be delivered to the Secretary of State and filed with the office of the Town Clerk as required by Section 27 of the Municipal Home Rule Law and forwarded for codification.
5. The adoption of Local Law No. 2 of the Year 2009 constitutes a Type II action under the New York State Environmental Quality Protection Act and the regulations promulgated thereunder.

The forgoing resolution was moved by Supervisor Bartlett and seconded by Councilman Rich.

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

MOTION # 136

WHEREAS, the term of office for Zoning Board of Appeals Board member Charles Fluno has expired, and

WHEREAS, Mr. Fluno has expressed an interest in appointment to another term.

NOT THEREFORE BE IT RESOLVED, that Charles Fluno, a town resident, is hereby appointed to a term of office on the Town of Watertown Zoning Board of Appeals for the term expiring on December 31, 2013.

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

Ayes All

MOTION # 137

WHEREAS, the term of office for Zoning Board of Appeals board member Thomas Hanley expires on December 31, 2009, and

WHEREAS, Mr. Hanley has expressed an interest in appointment to another term.

NOW THEREFORE BE IT RESOLVED, that Thomas Hanley, a town resident, is hereby appointed to a term of office on the Town of Watertown Zoning Board of Appeals for the term expiring on December 31, 2014.

The foregoing resolution was made by Supervisor Bartlett and seconded by Councilman Rich.

Ayes All

MOTION # 138

WHEREAS, the term of office for planning board member James Smith expires on December 31, 2009, and

WHEREAS, Mr. Smith has expressed an interest in appointment to another 5 year term.

NOW THEREFORE BE IT RESOLVED, that James Smith a town resident is hereby appointed to a term of office on the Town of Watertown Planning Board for the term commencing January 1, 2010 and expiring on December 31, 2014.

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

Ayes All

MOTION # 139

WHEREAS, the Town of Watertown has received a request for a zone change for a parcel of property on NYS Route 12S from Natural Products to Residential 1, and

WHEREAS, the proposed action is an unlisted action under the New York State Environmental Quality Review Act and the regulations promulgated thereunder ("SEQR"), and

WHEREAS, this Board has been provided with a Short Form Environmental Assessment Form for its review in connection with the proposed action, 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 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 non listed action pursuant to NYCRR Part 617 and therefore a coordinated review is not necessary.
 - B. No potentially significant adverse impacts on the environment are noted on the EAF, none are identified by any of the involved agencies 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 use 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 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.
- 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, a 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 Rich seconded.

Ayes All

MOTION # 140

WHEREAS, Local Law No. 4 of the Year 2009, a local law to amend Chapter 107 of the Code of the Town of Watertown, Zoning, was introduced by a member of the Town Board at a regular meeting thereof held on November 5, 2009, and a resolution was duly adopted scheduling a public hearing thereon for November 5, 2009, at 7:00 P.m., and

Whereas, notice of the public hearing was duly published and posted as required by law, and on November 5, 2009 at 7:00 p.m. a public hearing was held to consider Local Law #4 of the year 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 4 of the year 2009 amends Chapter 107 of the Code of the Town of Watertown by changing the zoning classification for a certain parcel located West of New York State Route 12 from Natural Products (NP) to Residential (R-1). The parcel is currently located adjacent to the R-1 District.
- 2. The substance of Local Law No. 4 of the year 2009 has been submitted to the Town of Watertown Planning Board pursuant to the provisions of Chapter 107 of the Code of the Town of Watertown, for its review and recommendation and to the Jefferson County Planning Board pursuant to §239(m) of the General Municipal Law, and the Planning Board for the Town of Watertown has recommended that the parcel identified in Local Law No. 4 of the year 2009 be rezoned so that it is located in the Residential -1 District.
- 3. The reclassification of the subject properly identified in Local Law No. 4 of the year 2009 from Natural Products to residential -1 will facilitate the development of the property in accordance with the overall plan of the Town of Watertown and will not have a detrimental affect thereon.
- 4. It is hereby determined by this Board that Local Law No. 4 of the year 2009 is appropriate and consistent with the nature of the surrounding properties and with the overall plan of the Town of Watertown and is thereof in the best interest of the Town of Watertown.

Based upon the foregoing, Local Law No. 4 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.

A motion to adopt the foregoing resolution was made by Supervisor Bartlett and seconded by Councilman Rich.

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

MOTION # 141

WHEREAS, it is necessary to amend the 2009 fiscal year budget to balance and close out accounts for year end.

THEREFORE BE IT RESOLVED, the Supervisor is authorized to transfer funds and amend the 2009 Budget as follows:

<u>TRANSFER FROM</u>	<u>AMOUNT</u>	<u>TO ACCOUNT CODE</u>
General Fund		
Unapp. Fund Balance.	24,531.00	A1990.4 Contin Acct.
1320.4 Audit Cont	5,000.00	A1440.4 Engineer Cont.
5182.4 St. Lighting	18,975.00	“ “
6989.4 Ec. Development	9,256.00	“ “
8160.1 refuse	19,251.00	“ “
9040.8 W/comp	10,480.00	“ “
9060.8 GF med. Ins.	17,690.00	“ “
1990.4	13,846.00	“ “

<u>DECREASE CODE</u>	<u>INCREASE CODE</u>	<u>AMOUNT</u>
A5010.1	Inter fund transfer. HWY	53,120.00
A8160.1	“ “ “	<u>2,353.00</u>
		55,473.00
A1110.2	1110.4	1,546.00
A1990.4 Cont. Acct.	8160.4	1,137.00
“	1220.4	1,593.00
“	1420.4	3,941.00
“	1989.0	11,045.00
“	3010.0	1,601.00
“	5010.4	68.00
“	5132.4	1,781.00
“	8020.4	1,054.00
“	9050.8	1,185.00

HIGHWAY FUND

Increase interfund transfer revenue acct.		55,473.00
Increase appropriation code	5142.1	55,473.00

DECREASE CODE

INCREASE CODE

5112.2 Cap Improvements	5130.4	24,565.00
	9030.8	8,321.00

SEWER DISTRICT #1

DECREASE CODE	INCREASE CODE	
SD -9989.6	SS1-8130.4	666.00

SEWER DISTRICT #2

DECREASE CODE	INCREASE CODE	
SS-2 Unappropriated Fnd. Bal.	Appropriated Rev. Fund Bal.	54,112.00
	Increase Approp.Code SS-2-8120.4	54,112.00

SEWER DISTRICT 5

Sewer Dist. 5 Sewer Rents		
SS-5-9901 Interfund Transfr to Dist. 4 Sewer rents		7,066.00

Water Dist. 6

Water Dist. 6 metered sales		
Interfund transfer to District #3 metered sales		2,358.00

Supervisor Bartlett made the foregoing resolution and Councilman Desormo seconded.

Ayes All

MOTION # 142

Supervisor Bartlett moved to pay the following abstracts as audited.

General Voucher	#	306	to	306	Total	\$	750.83
Spec. Dist. Vc	#	102	to	102	Total	\$	155.77
General Vouchers	#	307	to	336	Total		\$80,090.21
Highway Vouchers	#	231	to	244	Total		\$29,764.93
Spec. Dist. Vouchers.	#	103	to	118	Total		\$45,573.25

The resolution was seconded by Councilman Rich.

Ayes All

Old Business:

Councilman Prosser brought the board to date on the tentative energy audit.

MOTION # 143

Supervisor Bartlett moved to adjourn to executive session at 8:51 PM to discuss a potential employee problem. Councilman Desormo seconded.

Ayes All

Supervisor Bartlett reconvened the regular session at 9:15 PM.

Supervisor Bartlett acknowledged the Town of Watertown Ambulance Reports for October and November.

MOTION # 144

Councilman Prosser moved to adjourn the meeting at 9:15 PM. Supervisor Bartlett seconded.

Ayes All

Catherine M. Rich, Town Clerk