

**CITY OF WATERTOWN, NEW YORK  
AGENDA  
SPECIAL MEETING**

**November 9, 2015**

This shall serve as notice that a Special Meeting of City Council will be held on Monday, November 9, 2015, at **7:00 p.m.** in the City Council Chambers, 245 Washington Street, Watertown, New York.

**COUNCIL MEETING:**

The purpose of the special meeting is to hear expert testimony and to consider a resolution declaring that a public emergency has arisen from the unforeseen fire of November 3, 2015, at the City's facilities on Vanduzee Street whereby there are now circumstances affecting public property requiring immediate action which cannot await competitive bidding for the public work of removing environmentally contaminated materials from the site. Upon a finding of such public emergency, an exception to the requirement of public bidding is authorized by Section 103(4) of the New York General Municipal Law.

- Ordinance No. 1 - An Ordinance Authorizing the Issuance of \$600,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of the Demolition of the City-Owned Buildings in the City of Watertown, Which Buildings are No Longer of Any Use or Value and Are Dangerous or Detrimental to Human Life, Health or Safety, in and for Said City

**ADJOURNMENT**

**WORK SESSION OF NOVEMBER 9, 2015 WILL IMMEDIATELY FOLLOW THE SPECIAL COUNCIL MEETING.**

**NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING IS MONDAY, NOVEMBER 16 AT 7:00 P.M.**

# RESOLUTION

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Declaring a Public Emergency at the Site of the November 3, 2015 Arising From the Fire on Vanduzee Street and Authorizing Approval to Proceed Into Contracts With GYMO and ICC for Remediation Thereof

Council Member BURNS, Roxanne M.  
 Council Member BUTLER, Joseph M. Jr.  
 Council Member JENNINGS, Stephen A.  
 Council Member MACALUSO, Teresa R.  
 Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

### *Introduced by*

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WHEREAS on November 3, 2015, a major fire destroyed a City-owned warehouse on Vanduzee Street in the City of Watertown, and

WHEREAS as part of the firefighting efforts of the Watertown Fire Department, a private contracting company known as Independent Commercial Contractors, Inc. (“ICC”) was called upon to assist to level portions of the structure to assist in firefighting efforts, and

WHEREAS as a result of the fire, the remains of the structure and the surrounding area are now contaminated with asbestos material, requiring immediate cleaning, sorting, and removal in order to avoid the onset of winter weather and the spread of contaminated materials to other portions of the property, and

WHEREAS in its present condition, the debris presents a danger to the health and safety of the citizens of the City, and

WHEREAS remediation of the site requires immediate action which cannot await the timeliness of the competitive bidding process set forth in the New York General Municipal Law, and

WHEREAS, ICC is qualified to, and currently capable of, proceeding to sort, clean, and remove contaminated material from the site, and is currently mobilized to the site as part of the firefighting efforts, and

WHEREAS the City’s retained Engineer, GYMO Architecture, Engineering & Land Surveying, P.C. (“GYMO”), has provided a quote for its services and for the services of ICC for the remediation work, a copy of which is attached to this Resolution,

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Total .....

YEA	NAY

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby determines that the fire of November 3, 2015, occurring in a City-owned warehouse on Vanduzee Street in the City of Watertown has created environmental conditions whereby public property and the life, health and safety of inhabitants of the City are jeopardized, and

BE IT FURTHER RESOLVED that such conditions have resulted in a public emergency such that immediate action must be taken to remediate those conditions, and

BE IT FURTHER RESOLVED that the City Manager of the City of Watertown shall proceed to enter into a contract with GYMO and ICC for the remediation of the site to standards established by the City Engineer and/or the City’s Consulting Engineer in connection with the same, and shall proceed to implement remediation of the property on an emergency basis, all as authorized by Section 103(4) of the New York General Municipal Law, and

BE IT FURTHER RESOLVED that the City Clerk of the City of Watertown shall ensure that a complete record of the proceedings of the Special Meeting wherein this Resolution was adopted and shall provide a complete copy of the proceedings certified to the City Comptroller for additional safekeeping.

**Seconded by**

Ord No. 1

November 6, 2015

To: The Honorable Mayor and City Council  
From: James E. Mills, City Comptroller  
Subject: Bond Ordinance – 424 VanDuzee Street Demolition and Clean-up

The City is expected to spend approximately \$600,000 on demolition and clean-up costs related to the fire that occurred on November 3<sup>rd</sup> to the warehouses owned by the City at 424 VanDuzee Street. As this is an unplanned financial burden to the Fiscal Year 2015-16 General Fund budget, it is recommended that the City Council adopt the attached bond ordinance now as a means to finance the costs of demolition and clean-up.

Passing of the bond ordinance does not automatically mean the City will borrow the funds as the City's financial status will be evaluated in the spring when the City issues its next debt issue. If the City can absorb the costs without borrowing, then the recommendation will be made to City Council at that time. However, failure to adopt the bond ordinance now will prohibit these costs from being financed over as a period of time and require the City to look for current year budget cuts or recognition that the cost will be funded by fund balance reserves. Also, the maximum length of time these funds may be borrowed is ten years, but that too would be looked at when the debt is issued and shorten as much as possible.

Absent the fire, the demolition of these structures had been included in the City's five year capital plan in fiscal year 2016-17 at an estimated cost of \$1,200,000 with the cost to be financed by the issuance of a ten year serial bond.

Estimated costs are as follows:

Air monitoring	\$	35,000
Demolition and hauling		365,000
Tipping fees		125,000
Contingency		<u>75,000</u>
Total	\$	<u>600,000</u>

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Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

***Introduced by***

\_\_\_\_\_

At a special meeting of the Council of the City of Watertown, Jefferson County, New York, held at the Municipal Building, in Watertown, New York, in said City, on November 9, 2015, at 7:00 o'clock P.M., Prevailing Time.

The meeting was called to order by \_\_\_\_\_, and upon roll being called, the following were

PRESENT:

ABSENT:

The following ordinance was offered by \_\_\_\_\_, who moved its adoption, seconded by \_\_\_\_\_, to wit:

**BOND ORDINANCE DATED NOVEMBER 9, 2015**

BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section 1. For the class of objects or purposes of paying the cost of the demolition of City-owned buildings in the City of Watertown, which buildings are no longer of any use or value and are dangerous or detrimental to human life, health or safety, including incidental expenses in connection therewith, in and for the City of Watertown, Jefferson County, New York, there are hereby authorized to be issued \$600,000 bonds of said City pursuant to the provisions of the Local Finance Law.

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Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$600,000 and that the plan for the financing thereof is by the issuance of the \$600,000 bonds of said City authorized to be issued pursuant to this bond ordinance.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years, pursuant to subdivision 12-a of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. 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 bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, 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 City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Watertown, Jefferson County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Watertown, Jefferson County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any

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order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the City Comptroller. Such notes shall be of such terms, form and contents as may be prescribed by said City Comptroller consistent with the provisions of the Local Finance Law.

Section 9. The City Comptroller is hereby further authorized, at his or her sole discretion, to execute a project financing agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 10. The intent of this resolution is to give the City Comptroller sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes, without resorting to further action of the City Comptroller.

Section 11. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of its City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage

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YEA	NAY

of the City not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

- Section 12. 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 City 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 days after the date of such publication, or
  - (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 13. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.151 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 14. This ordinance, which takes effect immediately, shall be published in summary in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Unanimous consent moved by \_\_\_\_\_, seconded by \_\_\_\_\_, with all voting "AYE".



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I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media Date given

Special meeting of the City Council held in accordance with Section 14-1 of the Municipal Code

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of Posted Notice Date of Posting

Special meeting of the City Council held in accordance with Section 14-1 of the Municipal Code

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City on November \_\_, 2015.

\_\_\_\_\_  
City Clerk  
(CORPORATE SEAL)

*Seconded by*