

**REGULAR COUNCIL MEETING
CITY OF WATERTOWN
January 7, 2008
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCIL MEMBER ROXANNE M. BURNS
COUNCIL MEMBER JOSEPH M. BUTLER, JR.
COUNCIL MEMBER PETER L. CLOUGH
COUNCIL MEMBER JEFFREY M. SMITH
MAYOR GRAHAM**

ALSO PRESENT: **CITY MANAGER MARY M. CORRIVEAU
ATTORNEY ROBERT J. SLYE**

City Manager Corriveau presented the following reports to City Council:

- 1 - Approving Salary Structure and Annual Pay Increase for Watertown Housing Authority Employees
- 2- Authorizing an Application for Funding through the Public Safety Interoperable Communications Grant Administered By the Office of Homeland Security
- 3 - Accepting Bid for 4 x 2 Cab & Chassis – Department of Public Works
- 4 - Approving Stack Emission Testing Proposal, O'Brien & Gere
- 5 - Approving the Contract with EDR to Complete Design And Construction Plans for Marble Street Park and Bicentennial Park in the City of Watertown
- 6 - Approving the Contract for Professional Services with Avalon Associates, Inc. and Neighbors of Watertown, Inc. for FY 2008 Small Cities CDBG Application
- 7 - Approving Contract for Professional Services with Avalon Associates, Inc. and Neighbors of Watertown, Inc. for a FY 2008 HOME Application to NYSDHCR
- 8 - Approving Contract for Professional Services with Avalon Associates, Inc. and Neighbors of Watertown, Inc. for a FY 2008 HOME Application to the North Country HOME Consortium
- 9 - Finding that the Design and Construction of Infrastructure and Recreational Facilities at Marble Street Park Will Not Have A Significant Effect on The Environment
- 10 - Finding that the Design and Construction of Riverfront Improvements at Bicentennial Park Will Not Have a Significant Effect on the Environment
- 11 - Finding that the Redevelopment of the Franklin Building at 50 Public Square Will Not Have a Significant Impact on the Environment
- 12- Authorizing the Issuance of \$346,000 Bonds of the City Of Watertown, Jefferson County, New York, to Pay the Cost of the Design and Construction of Infrastructure And Recreational Facilities at Marble Street Park, In And For Said City
- 13 - Authorizing the Issuance of \$326,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of the Design and Construction of Riverfront Improvements at Bicentennial Park, In And For Said City

- 14 - 7:30 p.m. – Public Hearing - Local Law No. 10 of 2007 – Adding Chapter 115 Entitled “Child Protection Act” to the Municipal Code of the City of Watertown
- 15 - Tabled Resolution – Directing the City Manager to Study and Develop a Program of Signage In Connection with Level 2 and Level 3 Sex Offenders

COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of December 17, 2007 was dispensed with and accepted as written by motion of Council Member Clough, seconded by Council Member Smith and carried with all voting in favor thereof.

COMMUNICATIONS

Minutes were received from the library’s board meeting.

ABOVE PLACED ON FILE

From Roger Litchfield, Town of Watertown, in support of a dog park.

ABOVE PLACED ON FILE

From Scott Gates urging Council to express their support for the dog park.

ABOVE PLACED ON FILE

The following claims against the City were received:

- 1. Amber House, Brownville, for personal injuries she sustained when she fell in City Hall.
- 2. From Clara Schultz for damage to her vehicle when she ran over a broken unmarked parking sign.

ABOVE REFERRED TO THE BOARD OF AUDIT

PRIVILEGE OF THE FLOOR

Scott Gates, 157 Dorsey Street, addressed the chair advising Council that it would be easier to move forward with the dog park, if Council would give their support.

Wayne Zimmer, Katherine Street, addressed the chair stating that the face in the north side of the town clock does not work. He also asked about the bar that is opening up on West Main Street. He questioned how far it was from the church. He also commented

that the tire store has complained about problems with previous bar patrons. Mr. Zimmer also remarked that he feels the light at the intersection of Mill Street and Factory Street should be changed as it is causing traffic to back up and thus, waste gas and cause pollution.

Edward Gosier, Jr. addressed the chair concerning the Citibus service. He stated that he uses the service and it is very good. However, he was wondering if the bus stops could be enclosed and heated.

EXECUTIVE SESSION

MOTION WAS MADE BY COUNCIL MEMBER CLOUGH TO MOVE INTO EXECUTIVE TO DISCUSS PENDING LITIGATION. MOTION WAS SECONDED BY COUNCIL MEMBER BURNS AND CARRIED WITH ALL VOTING YEA

Council moved into Executive Session at 7:07 p.m.

Council reconvened at 7:24 p.m.

PUBLIC HEARING

AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING LOCAL LAW NO. 10 OF 2007.

MAYOR GRAHAM DECLARED THE HEARING OPEN.

Timothy R. LaBouf, 1141 State Street, addressed the chair asking the Council to support the local law. He stated that while every law is not perfect, if we can protect one child then it is worth it.

Terry Baker, 493 Bugbee Drive, addressed the chair concerning the signage resolution regarding sex offenders. He remarked that if the locations are not correctly done, it would lead to all sorts of problems. He referred to an incident whereby the wrong information was disseminated and the residents of the home had no idea their residence was listed as a residence of a sex offender. He also remarked that pranksters often move yard signs.

Scott Gates, 157 Dorsey Street, addressed the chair stating that Council should pass the local law, but not the signage resolution.

Nancy Kall, 511 Franklin Street, addressed the chair stating that it is important to have this law to prevent pedophiles from living where children are gathered.

MAYOR GRAHAM DECLARED THE HEARING CLOSED AT 7:36 P.M.

RESOLUTIONS

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the Watertown Housing Authority has reported that, based on comparability of salaries, practices and policies affecting the employees of the Watertown Housing Authority with the City of Watertown's salaries, practices and policies for employees, it is the desire of the Watertown Housing Authority Board to authorize a three and one-half percent (3.5%) increase for all employees effective January 1, 2008, and

WHEREAS in conformity with the requirements of the New York State Public Housing Law § Section 32, Sub Division 1, compensation for Watertown Housing Authority employees can be fixed only upon the approval of the local legislative body, which is the City Council of the City of Watertown,

WHEREAS by resolutions adopted on Tuesday, December 18, 2007, the Watertown Housing Authority Board approved a three and one-half percent (3.5%) increase for all employees effective January 1, 2008, and established a salary structure, which includes the three and one-half percent (3.5%) increase. Copies of these resolutions are attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the salary structure which contains a three and one-half percent (3.5%) increase for all employees of the Watertown Housing Authority, effective January 1, 2008, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to forward certified copies of the resolution to the Watertown Housing Authority.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

Prior to the vote on the foregoing resolution, Council Member Butler asked about the fiscal year for the WHA and where they arrived at the 3 ½%.

Mrs. Corriveau explained that they are on a January 1- December 31 fiscal year and the amount of raise is based on the comparable city raises. WHA has now developed a salary structure which they did not have before.

Mayor Graham remarked that the salary plan is the step system. However, the City has gotten away from that system.

Mrs. Corriveau explained that the steps were done away with for management employees only. The City unions still have the steps.

Council Member Clough explained that there had been lengthy discussion last year and an agreement was reached whereby both management and union employees received the same amount of raise.

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the City of Watertown Police and Fire Departments and the Jefferson County Sheriff's Office and Office of Fire and Emergency Management desire to apply for federal funding under the Public Safety Interoperable Communications Program through the Office of Homeland Security, and

WHEREAS all applications for funding under this program must be for a multiple jurisdiction project and multidiscipline, and

WHEREAS the grant will be utilized to purchase interoperable communication devices and radios that will provide real-time, uninterrupted communication for all daily operations, emergency situations and disasters for Police and Fire personnel, and

WHEREAS the grant award will cover planning and coordination efforts, acquisition related costs, deployment costs, operation and maintenance costs, and training costs as described in the request for grants document, and

WHEREAS the City and the County will share equally the local match required under the terms of the federal grant program,

NOW THEREFORE BE IT RESOLVED that the Fire Chief, Daniel J. Gaumont, is hereby authorized to submit an application for grant funding in conjunction with Jefferson County under the Public Safety Interoperable Communications Program through the Office of Homeland Security, and to execute the grant application on behalf of the City of Watertown.

SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA

Prior to the vote on the foregoing resolution, Council Member Clough asked about the split and what the money was spent on.

It was explained that the split would be even between the City and the County.

Chief Goss explained that this would be used for new police radios and base radios for the fire vehicles. It will also allow for the towns and villages to go to high band. A base radio will also be put in the dispatch center.

Council Member Smith asked about communicating during a mutual aid.

Chief Goss explained that there will be the ability to link the different departments involved.

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS the City Purchasing Department has advertised and received sealed bids for the purchase of one new and unused 4 x 2 cab and chassis for use by the Department of Public Works, and

WHEREAS invitations to bid were issued to seven (7) prospective bidders, with four (4) bids being received, and

WHEREAS on Tuesday, December 11, 2007, at 11 a.m., the bids received were publicly opened and read, and

WHEREAS City Purchasing Agent Robert J. Cleaver has reviewed the bids received and is recommending that the City Council accept the bid submitted by Nortz & Virkler, Inc., Lowville, New York 13367, in the amount of \$30,910.00, as the lowest qualifying bid meeting City specifications,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York accepts the bid submitted by Nortz & Virkler, Inc., Lowville, New York 13367, in the amount of \$30,910.00, for the purchase of one new and unused cab and chassis, per City specifications, for use by the Department of Public Works.

SECONDED BY COUNCIL MEMBER PETER L. CLOUGH AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS as a result of the replacement of the heat exchanger and scrubber at the Wastewater Treatment Plant in 2007, we are required by the NYSDEC to perform a Stack Emission Test, and

WHEREAS a Request for Proposal for the emission testing was published on August 2, 2007 and three (3) responses were received, and

WHEREAS City Engineer Kurt Hauk and Chief Wastewater Treatment Plant Operator Michael Sligar have reviewed the proposals received and are recommending that the City Council accept the proposal submitted by O'Brien & Gere, 5000 Brittonfield Parkway, Syracuse, New York, in the amount of \$14,225,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York hereby accepts the proposal submitted by O'Brien & Gere, 5000 Brittonfield Parkway, Syracuse, New York, in the amount of \$14,225, to perform a Stack Emission Test at the Wastewater Treatment Plant, as required by the NYSDEC, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute the Proposal on behalf of the City of Watertown.

SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA

Prior to the vote on the foregoing resolution, Council Member Butler questioned why the insurance cost was so high.

Attorney Slye explained that the City is required to provide additional Owners and Contractors Protective Insurance, which is expensive. The work on the stack is being done on scaffolding at a height.

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the New York State Department of State, Division of Coastal Resources, has awarded the City of Watertown a \$367,500 grant until Title 11 of the Environmental Protection Fund to implement the Black River Rediscovery Project Phase II, and

WHEREAS the design and construction of amenities at Marble Street Park in the City of Watertown is one of the projects funded under the Black River Rediscovery Project Phase II, and

WHEREAS the design and construction of amenities at Bicentennial Park in the City of Watertown is one of the projects funded under the Black River Rediscovery Project Phase II, and

WHEREAS upon review and Committee approval, the City desires to enter into an Agreement with Environmental Design & Research (EDR),

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves the Agreement with EDR, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby directed to enter into and execute the Contract with EDR on behalf of the City of Watertown, and

BE IT FURTHER RESOLVED that the City Manager is authorized to act on behalf of the City in all further matters related to this project.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS Federal Grant Funding is available through the New York State Office for Small Cities to support local community development activities that are undertaken by eligible municipalities, and

WHEREAS the City of Watertown is eligible to apply for funding in the Fiscal Year 2008 competition under the Small Cities Community Development Block Grant Program, and

WHEREAS Avalon Associates, Inc. has been selected as the City's Community Development Consultant for the Small Cities Program, and

WHEREAS a Contract for Professional Services between the City of Watertown and Avalon Associates, Inc. and Neighbors of Watertown, Inc. has been drafted, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it hereby approves the Contract for Professional Services with Avalon Associates, Inc. and Neighbors of Watertown, Inc. for a FY 2008 Small Cities CDBG Application, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the Contract on behalf of the City Council.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS grant funding is available through the New York State Housing Trust Fund for the HOME Investment Partnership Program to support local housing programs, and

WHEREAS Avalon Associates, Inc. has been selected as the City of Watertown's Community Development Consultant for the HOME Investment Partnership Program, and

WHEREAS a Contract for Professional Services between the City of Watertown, Avalon Associates, Inc. and Neighbors of Watertown, Inc. has been drafted, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby approves the Contract for Professional Services with Avalon Associates, Inc. and Neighbors of Watertown, Inc. for a FY 2008 HOME

Investment Partnership Application to the New York State Division of Housing and Community Renewal, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the Contract on behalf of the City Council.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS it is anticipated that grant funding will be available through the North Country HOME Consortium to support local housing programs, and

WHEREAS Avalon Associates, Inc. has been selected as the City of Watertown's Community Development Consultant for the HOME Investment Partnership Program, and

WHEREAS a Contract for Professional Services between the City of Watertown, Avalon Associates, Inc. and Neighbors of Watertown, Inc. has been drafted, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby approves the Contract for Professional Services with Avalon Associates, Inc. and Neighbors of Watertown, Inc. for a Fiscal Year 2008 HOME Investment Partnership Application to the North Country HOME Consortium, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the Contract on behalf of the City Council.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS the City Council of the City of Watertown has before it an ordinance authorizing the issuance of \$346,000 bonds of the City of Watertown, Jefferson County, New York to pay the cost of infrastructure and recreational facilities at Marble Street Park, and

WHEREAS the City Council must evaluate this project in light of the State Environmental Quality Review Act (SEQRA) and regulations promulgated pursuant thereto, and

WHEREAS the City Council has determined that the design and construction of infrastructure and recreational facilities at Marble Street Park is an Unlisted Action as that term is defined in 6NYCRR Section 617.2(a)(k), and

WHEREAS to aid the City Council in its determination as to whether the proposed project will have a significant impact on the environment, Part 1 of a Short Environmental Assessment Form has been prepared, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that:

1. Based upon the examination of the Short Environmental Assessment Form and comparison of the proposed action with the criteria set forth in 6NYCRR Section 617.7, no significant impact on the environment and the design and construction of infrastructure and recreational facilities at Marble Street Park will not have a significant effect on the environment.

2. The Mayor is authorized to execute the Short Environmental Assessment Form to the effect that the City Council is issuing a Negative Declaration under SEQRA.

3. This resolution takes effect immediately.

SECONDED BY COUNCIL MEMBER PETER L. CLOUGH AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the City Council of the City of Watertown has before it an ordinance authorizing the issuance of \$326,000 bonds on the City of Watertown, Jefferson County, New York to pay the cost of the design and construction of riverfront improvements at Bicentennial Park, and

WHEREAS the City Council must evaluate this project in light of the State Environmental Quality Review Act (SEQRA) and the regulations promulgated pursuant thereto, and

WHEREAS the City Council has determined that the proposed project is an Unlisted Action as that term is defined in 6NYCRR Section 617.2 (a)(k), and

WHEREAS to aid the City Council in its determination as to whether the proposed riverfront improvements at Bicentennial Park will have a significant impact on the environment, Part 1 of a Short Environmental Assessment Form has been prepared, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that:

1. Based on the examination of the Short Environmental Assessment Form and comparison of the proposed action with the criteria set forth in 6NYCRR Section 617.7, no significant impact on the environment is known and the riverfront improvements at Bicentennial Park will not have a significant effect on the environment.

2. The Mayor is authorized to execute the Short Environmental Assessment Form to the effect that the City Council is issuing a Negative Declaration under SEQRA.

3. This resolution takes effect immediately.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the City Council of the City of Watertown, New York has received funding from the Community Development Block Grant Small Cities Program and the Restore –NY Program for the redevelopment of the Franklin Building at 50 Public Square, and

WHEREAS the City Council must evaluate actions it proposes to fund in light of the State Environmental Quality Review Act and the regulations promulgated pursuant thereto, and

WHEREAS the proposed project would constitute an Action, and

WHEREAS the City Council has determined that the proposed project is a Type 1 Action as that term is defined in NYCRR Section 617.2, and

WHEREAS a coordinated review with all other involved agencies was initiated on November 28, 2007, and

WHEREAS none of the involved agencies has objected to the City Council being established as lead agency, and

WHEREAS to aid the City Council in its determination as to whether the proposed project will have a significant effect on the environment, Part 1 of a Full Environmental Assessment Form has been prepared, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that:

1. The City Council is hereby established as lead agency for the project for the purpose of making a determination under the State Environmental Quality Review Act.

2. Based upon its examination of the Full Environmental Assessment Form and comparison of the proposed action with the criteria set forth in 6NYCRR Section 617.7, no significant impact on the environment is known and the redevelopment of the Franklin Building will not have a significant negative impact on the environment.

3. The Mayor of the City of Watertown is hereby authorized to execute a Negative Declaration on behalf of the City Council.

4. This resolution will take effect immediately.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS during the mid-1980's, in support of the expansion of Fort Drum, the City of Watertown approved Plans for the development, ownership, construction, maintenance and operation of military family housing projects known as Arsenal Housing Associates, Academy Housing Associates and Eastern Housing Associates, and

WHEREAS, under the authority of § 125 (a) of the Private Housing Finance Law, the City entered into contracts by which the City granted to the Companies exemptions from local and municipal taxes, other than assessments for local improvements, of each Project for the duration of the Agreements to Lease between the LUK, Inc. and the United States of America, and

WHEREAS, the terms of the Leases commenced on February 1, 1988 and will expire unless sooner terminated on January 31, 2008, and

WHEREAS the developer, LUK, Inc., agreed to make payments in lieu of local and municipal taxation pursuant to agreements with the Municipalities ("PILOT Agreements") for the duration of the Leases, including, within nine months of the termination date of each Lease, additional payments as described in Section 3 (D) of each PILOT Agreement, and

WHEREAS as security for payment of its obligations hereunder, the Companies granted Mortgages to the City, subordinate to any other financing obtained by the Companies securing the Projects, and

WHEREAS the Parties have, in Settlement of all outstanding tax certiorari claims, filed against the City, agreed to terminate the PILOT Agreements upon the expiration of the Leases, on or before January 31, 2008, on the terms and obligations mutually agreed

upon in the attached Settlement Agreement and Mutual General Release,

NOW THEREFORE BE IT RESOLVED that in consideration of the promises, mutual covenants, and agreements contained in the attached Settlement Agreement and Mutual General Release, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in order to resolve and settle finally, fully, and completely any and all claims made or that could have been made as to their respective obligations under the PILOT Agreements, the City Council of the City of Watertown hereby approves the Settlement Agreement and authorizes and directs Mayor Jeffrey E. Graham to execute the Settlement Agreement and Mutual General Release and the Mortgage Release on behalf of the City of Watertown.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

RULES WERE WAIVED BY MOTION OF COUNCILMAN CLOUGH, SECONDED BY COUNCILMAN SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

MOTION WAS MADE BY COUNCIL MEMBER SMITH TO TAKE FROM THE TABLE THE RESOLUTION “DIRECTING THE CITY MANAGER TO STUDY AND DEVELOP A PROGRAM OF SIGNAGE IN CONNECTION WITH LEVEL 2 AND LEVEL 3 SEX OFFENDERS WAS PRESENTED TO COUNCIL

(Introduced on December 17, 2007; tabled; appears in its entirety on page 292 of the 2007 Minutes Book)

MOTION WAS SECONDED BY COUNCIL MEMBER BURNS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Prior to the vote on the foregoing resolution, Council Member Smith referred to the letter concerning this from Attorney Slye. He remarked that the case law seems to be for other states, while the issue before us is really limited to sex offenders.

Attorney Slye explained that the Alaskan case cited is exactly on point. There is an expressed distinction between disseminating information and the shaming type of punishment. Courts have determined that signage is a shaming type of punishment.

Council Member Burns remarked that while Council would like to find a way to legally inform, we need to make sure that we do it in the proper way. She referred to election signs that are moved from one lawn to another and questioned how we would guarantee that these signs were not put on the wrong lawn.

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND DEFEATED WITH COUNCIL MEMBER SMITH VOTING YEA AND COUNCIL MEMBERS BURNS, BUTLER, CLOUGH AND MAYOR GRAHAM VOTING NAY.

ORDINANCES

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project;

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

Section 1. For paying the cost of design and construction of infrastructure and recreational facilities at Marble Street Park, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, a class of objects or purposes, there are hereby authorized to be issued \$346,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$346,000 and that the plan for the financing thereof is by the issuance of the \$346,000 bonds of said City authorized to be issued pursuant to this bond ordinance; provided, however, that the amount of bonds ultimately to be issued will be reduced by the amount of any State and, or Federal aid or any other revenue received by the City from other sources for such class of objects or purposes, which monies are hereby appropriated therefore.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision nineteen 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. To the extent such appropriation is not made from other sources, there shall annually be levied on all the taxable real property of said City a tax

sufficient to pay the principal of and interest on such obligations as the same become due and payable.

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; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any 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. 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 the 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 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 9. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, 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 10. 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 ordinance 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 11. This ordinance, which takes effect immediately, shall be published in full 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.

SECONDED BY COUNCIL MEMBER PETER L. CLOUGH AND CARRIED WITH ALL VOTING YEA

UNANIMOUS CONSENT MOVED BY MOTION OF COUNCIL MEMBER SMITH, SECONDED BY COUNCIL MEMBER CLOUGH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project;

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

Section 1. For paying the cost of design and construction of riverfront improvements at Bicentennial Park to create pedestrian access to the river, and to provide amenities to encourage family use of the Park and its riverfront, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, a class of objects or purposes, there are hereby authorized to be issued \$326,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$326,000 and that the plan for the financing thereof is by the issuance of the \$326,000 bonds of said City authorized to be issued pursuant to this bond ordinance; provided, however, that the amount of bonds ultimately to be issued will be reduced by the amount of any State and, or Federal aid or any other revenue received by the City from other sources for such class of objects or purposes, which monies are hereby appropriated therefore.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision nineteen 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. To the extent such appropriation is not made from other sources, there shall annually be levied on all the taxable real property of said City a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

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; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any 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. 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 the 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 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 9. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, 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 10. 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 ordinance 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 11. This ordinance, which takes effect immediately, shall be published in full 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.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

UNANIMOUS CONSENT MOVED BY MOTION OF COUNCIL MEMBER CLOUGH, SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

LOCAL LAW

LOCAL LAW NO. 10 OF 2007 WAS PRESENTED TO COUNCIL (Introduced on December 17, 2007; public hearing held this evening; appears in its entirety on page 294 of the 2007 Minutes Book)

Prior to the vote on the local law, Mayor Graham advised that the signage issue is not a

feature of the local law.

Council Member Clough asked Attorney Slye questions concerning his opinion to not approve this local law.

Attorney Slye referred to his report and explained that, in his opinion, this local law is in conflict with the New York State General Law. He referred to the fact that the State has specific legislation for mandatory conditions of probation or parole whereby these individuals can not be within 1000 feet of school grounds. He also advised that not every Level 3 sex offender is a pedophile. He commented that under Article 10 of the NYS Hygiene Law, the intention is that for those who do not need treatment, it should be left well enough alone. He stated that he feels this local law violates the Municipal Home Rule Law.

Council Member Smith referred to the County's placement of sex offenders in hotels. He asked if the City has heard back about our concern of this practice. He also asked if these individuals show up on the reports.

Mrs. Corriveau stated that they have not responded back.

Chief Goss advised that they would show up on the report, if the individuals notified the Police Department within 10 days.

Mayor Graham remarked that the Police Department should then notify the hotel. He stated that he would appreciate it if this administrative change was made.

Chief Goss will advise Officer Romano of this.

Council Member Smith asked Chief Goss how the local law would be enforced if adopted.

Chief Goss responded that it would be complaint driven. However, he would seek legal advice in telling them that they would have to move. He stated that while he would enforce the law, he would have to confer with the City Attorney and District Attorney prior to doing so, due to the lawsuits now in the court systems.

Council Member Burns asked if the Police Department would use the same procedure for notifying schools, etc. of sex offenders whether the local law was passed or not.

Chief Goss remarked that this is correct.

Council Member Butler remarked that this local law will not help the people on Breen Avenue. He also questioned what risks the City would incur if the law were adopted. Other municipalities have adopted similar laws and now there are pending lawsuits.

Attorney Slye advised that Ogdensburg has not attempted to enforce it as if it isn't on the

books. He stated that the City runs the risk of being sued. He also remarked that the temptation is to adopt “feel good” legislation.

Council Member Butler asked what the City could do legally to offset the problems on Breen Avenue.

Attorney Slye advised that the County should be approached about what they are doing. They should be made to tell the Police Department that they have placed sex offenders in a hotel.

Mayor Graham remarked that the City did make them aware of concerns last summer. However, he doesn't know if it did any good as it all seems shrouded in secrecy.

Attorney Slye advised that anyone, including members of Council, is entitled to petition the County government as a private citizen.

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING LOCAL LAW AND DEFEATED WITH COUNCIL MEMBER CLOUGH AND MAYOR GRAHAM VOTING YEA AND COUNCIL MEMBERS BURNS, BUTLER AND SMITH VOTING NAY

**** ** ***

COUNCIL DISCUSSED THE FOLLOWING TOPICS:

200 Block of Ward Street

Council Member Burns asked that the street lights be checked in this block as they keep going out for a short period of time.

Trash Receptacles at Thompson Park

Council Member Burns suggested that at budget time, the City should consider purchasing receptacles with lids on them for Thompson Park. She felt that the trash would be contained easier and the sea gulls might not bother it as much.

Water Bill Payment by ACH

Council Member Butler suggested that the City allow water bills to be paid by the Automated Clearing House method. This would aid residents who move south for the winter in that the bank would be allowed to transfer the funds from their account to the City's to pay their bill.

Mrs. Corriveau advised that she has asked Mr. Mills to check into this.

Council Member Clough mentioned that now the Comptroller's Office has to take the

date on the envelope as the date for the payment. He remarked that with online transactions, the money doesn't always get transferred on that day.

Mayor Graham remarked that the AH procedure is worthwhile to look into.

Moot Property

Council Member Clough asked if there had been any more problems with this property.

Chief Goss stated that there are no reports that he is aware of.

Mrs. Corriveau advised that the abutting property owner complained about water in the backyard that was being pumped out of the cellar. It was tested and turned out to be groundwater only.

City Refuse Totes

Discussion was held regarding how much trash is allowed in the totes.

Mrs. Corriveau presented Council with a letter she had received from Rande & Shelly Richardson concerning the tote issue.

Mr. Hayes referred to photos taken and submitted by Mr. Richardson. These photos are of other people's totes on trash day. Mr. Hayes explained that in 95% of the photos, the totes were not in violation. He stated that the photos were not an equivalent to what the Richardson's was. A photo of the Richardson's tote was given to Council.

Mrs. Corriveau stated that the haulers treat everybody equally. They treat all of their customers fairly.

Council Member Smith suggested that if the individual consistently violates the rules, the City should notify them in writing.

Mayor Graham commented that the City is in a competitive market with private haulers. And, he doesn't want to do anything to make people angry. He also questioned what would be wrong with piling the trash bags on top of the tote.

Council Member Clough commended the people in DPW.

Mr. Hayes responded that this is the first complaint received concerning this.

Council Member Smith remarked that it goes to common sense.

Mrs. Corriveau advised Council that this is not the first time for this complainant. There were two other occasions where too much trash was placed in the tote. DPW and the City Manager's Office received calls and crews were sent back over to pick up the trash.

Mr. Hayes also advised that the rules are in the contract that is signed when the individual receives the tote.

Council Member Burns remarked that she also has a tote. When she has more trash than the tote will hold, she purchases blue stickers.

Appraisals

Mayor Graham advised that the appraisal for the City Manager and the appraisal and contract for the City Clerk need to be done by March 1st.

Town Clock

Mayor Graham referred to this.

Mrs. Corriveau will have staff look at it.

Council Member Butler commented that Mr. Walker was aware of it and may have taken action on it.

City Manager's Update Report

Mrs. Corriveau advised Council that she had supplied them with this report as well as the NYS Dept. of State Division of Coastal Resources Report which featured the City's award of EPF LWRP funding to create an identity for downtown, including marketing, wayfinding signs and a website.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 9:13 P.M. BY MOTION OF COUNCIL MEMBER CLOUGH, SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Donna M. Dutton
City Clerk