

**REGULAR COUNCIL MEETING
CITY OF WATERTOWN
January 22, 2008
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCIL MEMBER ROXANNE M. BURNS**
COUNCIL MEMBER JOSEPH M. BUTLER, JR. (arrived 7:45pm)
COUNCIL MEMBER PETER L. CLOUGH
COUNCILMEMBER JEFFREY M. SMITH
MAYOR GRAHAM

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

City Manager Corriveau presented the following reports to the Council:

- 1 - Commissioner of Deeds
- 2 - Approving the "19th Annual Local Government Conference" on March 27, 2008 as Valid Training For Meeting the New York State Municipal Planning and Zoning Officials Training Requirement
- 3 - Approving Amendment to Agreement Among Knowlton Specialty Papers, Inc., the Trustees Of First Baptist Church Society, and the City of Watertown, Town Clock Repairs
- 4 - Approving the Sale of Real Property Known As 129 Sherman Street, Parcel No. 10-01-308 to Neighbors of Watertown, Inc.
- 5 - Approving the Sale of Real Property Known as 610 and 612 Bronson Street, Parcels No.6-07-222 and 6-07-223 to Neighbors of Watertown, Inc.
- 6 - Authorizing Non-Exclusive Franchise Agreement For Placement of Fiber Optic Cable
- 7 - Approving the Site Plan for the Construction of a 3,000 Square Foot Respite House to be Located on the East Side of Thompson Street, Parcel No.2-04-105.200
- 8 - Authorizing the Issuance of \$315,000 Bonds of the City of Watertown, Jefferson County, New York, To Pay the Cost of the Greensview/Ives Hill Sanitary Sewer Reconstruction, In and For Said City
- 9 - Authorizing the Issuance of \$75,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of Drainage Improvements at the City Landfill, In and For Said City
- 10 - Authorizing the Issuance of \$3,200,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of the Reconstruction of Ten Eyck Street and Portions of Sherman Street, In and For Said City
- 11- Tree Watertown's 2007 Annual Report
- 12- Volunteer Recognition Dinner
- 13 - Executive Session – To discuss pending litigation related to tax Certiorari claims.

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 January 7, 2008 was dispensed with and accepted as written by motion of Council Member Smith, seconded by Council Member Clough and carried with all voting in favor thereof.

COMMUNICATIONS

From the City Planning Board recommending Council grant approval for the site plan submitted on behalf of DPAO for the construction of a 2,300 square foot respite house to be located on Thompson Street, Parcel No. 2-04-105.200 contingent upon certain requirements being met as outlined in the resolution.

ABOVE PLACED ON FILE

Minutes were received from the library's board meeting.

ABOVE PLACED ON FILE

Mayor Graham interrupted the regular course of business to allow for presentation of awards to Fire Department members. Mayor Graham and Chief Gaumont presented the Medal of Valor to Firefighter Keith Grant and Firefighter David Johnston for their live saving actions in fighting the fire on Academy Street. They also presented Shift Citations and pins to Battalion Paul Fitzgerald, Captain Matthew Fiorentino and Firefighter Jeff Narrow. Captain Matthew Timerman accepted a shift citation and pin on behalf of the shift that fought the Columbia Street Fire when he was acting Battalion Chief.

PRIVILEGE OF THE FLOOR

Scott Gates, 157 Dorsey Street, addressed the chair urging Council support for a dog park. He explained that there are corporations that would be willing to donate, but will not do so unless the City shows its support.

Wayne Zimmer, Katherine Street, addressed the chair commenting that he is sure a volunteer fire department would not have responded as quickly to his 911 call as the City Fire Department did. He also commented on the motorized wheelchairs that are ridden in the roadway. He asked if someone could contact the manufacturers and have them put yellow flashing lights on them.

Tom O'Riley, 1412 Huntington Street, addressed the chair reading from a prepared statement concerning the land that he purchased through quit claim deed from the City.

He stated that he had submitted his original letter concerning this in October and had not received a formal response. He referred to the discussion of the topic at the last work session and reiterated his request for reimbursement of the purchase price and taxes.

Council Member Clough asked Attorney Slye to explain the quit claim deed process, once again.

Attorney Slye explained that the deed was not a warranty deed. The City made no representation that it owned it. He also remarked that you can not take one phrase out of a court document to say that the City did something wrong.

Mr. O'Riley remarked that he would take responsibility for buying the land. However, he would like to be reimbursed. He also commented that if the City doesn't recognize this, he would sell the City the property for \$1.00 and then once the City has given him back his money, the City would own it.

Mayor Graham commented that this is obviously an odd case.

Council Member Clough responded that there was lengthy discussion when the property was being sold. He remarked that Mr. O'Riley pushed very hard to buy the property.

Mr. O'Riley commented that he bought more than one property at the time.

Council Member Clough stated that this was not a snap decision at the time. He remarked that he can recall discussions at the time about what the City was selling.

Council Member Smith asked who owns the property.

Attorney Slye responded that we don't know. In a quit claim deed, the burden is on the buyer, not the seller.

Discussion was held concerning the building that Mr. O'Riley did on the parcel.

Attorney Slye remarked that Mr. O'Riley told the City he owned the parcel and therefore, he was able to get building permits and tax bills.

Council Member Burns remarked that everyone must keep in mind the difference between a quit claim deed and a warranty deed. She explained that the City didn't guarantee anything. She also commented that quit claim deeds are given at tax sales, as well. She explained that Mr. O'Riley was passionate about this and pressured the Council to be allowed to purchase this property. The sale took place against the decision of some department heads in this building. She also stated there was never any intention of selling something that the City didn't own.

Mr. O'Riley responded that when he is involved in a project, he is passionate about it and this was not the only thing he was passionate about then.

Mayor Graham mentioned that he doesn't know if this should have been sold.

Council Member Burns remarked that it is too late to ring that bell and is not sure that this is the case. The City sells property.

Council Member Smith commented that the City makes no representation of what we own when we sell other properties. This is no different.

Mayor Graham commented that apparently Council stands behind what they decided last week.

Mr. O'Riley remarked that the difference between this sale and other sales is that the City didn't own the property.

RESOLUTIONS

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

RESOLVED that the following individual is hereby appointed Commissioner of Deeds for the term expiring December 31, 2008:

David W. Koster

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

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the New York State Chapter 662 of the Laws of 2006, which took effect on January 1, 2007 requires all municipal planning and zoning officials to have four hours of training per year, and

WHEREAS the training must be approved by the City Council before it can be used to meet the new training requirement, and

WHEREAS the New York State Tug Hill Commission, HSBC, National Grid and the Center for Community Studies are sponsoring the "19th Annual Local Government Conference" on March 27, 2008 from 8:30 a.m. to 4:30 p.m. at Jefferson Community College,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that the "19th Annual Local Government Conference" is

approved to provide up to four hours credit toward meeting the New York State Municipal Planning and Zoning Officials training requirement.

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

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the Trustees of the First Baptist Church Society are the owners of a church building located at 207 State Street, Watertown New York, which consists in part of a clock tower that houses a clock owned by the City of Watertown, which is in need of repair, and

WHEREAS the City Council adopted a resolution on August 6, 2007 approving an Agreement between Knowlton Specialty Papers, Inc., the City of Watertown and the Trustees of First Baptist Church Society to permit Knowlton to assign its machinist and another employee to enter the Clock Tower to attempt repairs, and

WHEREAS problems continue to exist with the Town Clock, and

WHEREAS Knowlton Specialty Papers, Inc. has indicated a continued willingness to assist with the repairs to the clock,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it hereby approves the Amendment to the Agreement between Knowlton Specialty Papers, Inc., the Trustees of First Baptist Church Society and the City of Watertown, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that this Amendment creates a new term for the Agreement, attached as Exhibit "A", to run for a period of six (6) months from the effective date of this Amendment, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the Amendment to the Agreement with Knowlton Specialty Papers, Inc., the Trustees of First Baptist Church Society and the City of Watertown, on behalf of the City of Watertown.

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

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS the City of Watertown owns a lot of land known as 129 Sherman Street, Parcel No. 10-01-308, and

WHEREAS the City Council deems the property to be excess and not required for any City purpose, and

WHEREAS Neighbors of Watertown, Inc. is proposing to undertake a redevelopment project covering several properties at the northeasterly corner of the intersection of Stone and Sherman Streets, including 129 Sherman Street, and

WHEREAS the City Council has agreed to support and encourage the proposed redevelopment project by selling 129 Sherman Street to Neighbors of Watertown for \$1.00 after the demolition of the existing house on the parcel,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York approves the sale of property known as 129 Sherman Street, Parcel No. 10-01-308, to Neighbors of Watertown, Inc. for \$1.00, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and directed to execute the sale documents on behalf of the City.

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

Prior to the vote on the foregoing resolution, Mayor Graham commented that he had received a complaint concerning brush at the 196 Sherman Street property owned by Neighbors.

Mrs. Corriveau will check on this.

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the City of Watertown owns two lots of land known as 610 Bronson Street, Parcel No. 6-07-222, and 612 Bronson Street, Parcel No. 6-07-223, and

WHEREAS the City Council deems the properties to be excess and not required for any City purpose, and

WHEREAS the City of Watertown, Neighbors of Watertown, Inc., and the Development Authority of the North Country are partners in the NDC Rehabilitation Program, and

WHEREAS Neighbors of Watertown, Inc. has offered to purchase these parcels as part of the NDC Housing Rehabilitation Program, at a sale price subject to available funds after sale of the property by Neighbors of Watertown, Inc. to a homeowner and all other obligations are met, but in no case will it be greater than \$5,346.35, and the sale price will be deferred until Neighbors of Watertown, Inc. resells the property,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York approves the sale of properties known as 610 Bronson Street, Parcel No. 6-07-222, and 612 Bronson Street, Parcel No. 6-07-223, to Neighbors of Watertown, Inc., at the sale price stated above, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and directed to execute the sale documents on behalf of the City.

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

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the City of Watertown is a municipal corporation organized under the Laws of the State of New York and , as such, owns and is developing underground conduit within the City of Watertown for the City's use in encasing City-owned fiber cable, and

WHEREAS the City has available space in its conduit which can be efficiently utilized by others for similar purposes to the extent such additional facilities do not interfere with the City's needs, and

WHEREAS the City desires to advance the public purpose of promoting, developing or expanding business within the City by permitting the location of private facilities within the City's existing and proposed conduit, and

WHEREAS in pursuit of that public purpose, the City desires to grant non-exclusive franchises for the operation, management and maintenance of private lines within the City's conduit, and

WHEREAS WESTELCOM Network, Inc. has expressed a desire to enter into a non-exclusive franchise with the City,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Franchise Agreement for Placement of Fiber Optic Cable with WESTELCOM Network, Inc., a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager is authorized and directed to execute the Agreement on behalf of the City of Watertown.

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

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS Mari Cecil, AIA, of Bernier Carr & Associates, on behalf of Disabled Persons Action Organization (DPAO), has made an application for site plan approval, for the construction of a 2,300 square foot residential building to be used as a respite house for disabled people, located on the east side of Thompson Street, Parcel No. 2-04-105.200, as shown on plans submitted to the Engineering Department on December 19, 2007, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on January 8, 2008, and recommended that the City Council of the City of Watertown approve the site plan contingent upon the following:

1. All fencing requires a permit from the Code Enforcement Bureau.
2. Additional interior and exterior parking lot landscaping shall be provided in accordance with the City's landscape and buffer guidelines.
3. The following City permits must be obtained from the Engineering Department before the start of construction:
 - City Permit
 - Curb Cut
 - Sanitary sewer lateral (residential)
 - Sidewalk Permit (to be determined), and

WHEREAS the City Council, has reviewed the Short Environmental Assessment Form, responding to each of the questions in Part 2, and has determined that the project, as submitted, is an Unlisted Action and will not have a significant effect on the environment, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares the proposed construction and site plan constitute an Unlisted Action for the purposes of SEQR and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown, New York that site plan approval is hereby granted to Mari Cecil, AIA, of Bernier Carr & Associates, on behalf of Disabled Persons Action Organization (DPAO), for the construction of a 2,300 square foot residential building to be used as a respite house for disabled people, located on the east side of Thompson Street, Parcel No. 2-04-105.200, as shown on plans submitted to the Engineering Department on December 19, 2007, contingent upon the applicant meeting the requirements listed above in the City Planning Board recommendation.

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

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS certain premises owned by Coolidge Watertown LLC in the City of Watertown at 215 Washington Street during 2006 and 2007 and also known as parcel number 11-01-212 on the assessment roll and map of the City is assessed upon the assessment roll of the City for the payment of taxes during tax years 2006 at \$1,400,000.00 and 2007 at \$1,200,000.00, and

WHEREAS Petitioner has heretofore duly instituted in the Supreme Court proceedings to review the assessment and the determination of the Board of Assessment Review of the City for tax years 2006 and 2007 in respect to the property, and

WHEREAS during the pendency of the proceedings the property has been actively marketed for sale and was sold for \$836,500.00 on/about June 18, 2007, and

WHEREAS the sale was “arms length” in that the parties to the sale were unrelated business persons who were under no compulsion to buy or sell; each party was represented by independent counsel; the property was marketed by realtors; and the sales price was a negotiated price, and

WHEREAS the property’s fair market value during the two (2) tax years in questions appears to have been \$836,500, and

WHEREAS the parties have conditionally agreed that the assessment on the property shall be reduced to \$850,000.00 for tax years 2006 and 2007 with rebates, and

WHEREAS the City Assessor reserves the right to adjust the assessment on the property as authorized by RPTL Section 727, and

WHEREAS the compromise and settlement of the foresaid proceedings on the above basis is deemed in the best interests of the Respondents,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that the City attorneys of the City of Watertown be and are hereby authorized, empowered and directed to enter into a formal Stipulation of Settlement and Order with discontinuance of the aforesaid proceedings with counsel for the property on the following terms and conditions:

1. That the total assessment for the property previously owned by Coolidge Watertown LLC at 215 Washington Street, tax parcel number 11-01-212 shall be set at \$850,000.00 effective tax years 2006 and 2007, and as so adjusted be finally fixed and determined and that the assessment roll be corrected as required.

2. That rebate(s) or refund(s) of excess taxes paid based upon the difference between the original, and reduced, settlement shall be calculated and remitted to Petitioner in accordance with a Stipulation of Settlement and Order.

3. That the City reserves the right to hereafter adjust the assessment on the property as authorized by RPTL Section 727.

4. That an Order of the Supreme Court shall be made and entered settling the aforesaid proceedings to review said assessments without costs to either party as against the other and upon the terms and conditions set forth above, and

BE IT FURTHER RESOLVED that City Assessor and all other municipal officers, agents or employees be and they hereby are directed to do such acts and things as may be necessary to give full force and effect to the aforesaid settlement, and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

SECONDED BY COUNCIL MEMBER PETER L. CLOUGH AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBER BUTLER AND COUNCIL MEMBER SMITH VOTING NAY

RULES WAIVED BY MOTION OF COUNCIL MEMBER CLOUGH, SECONDED BY COUNCIL MEMBER BURNS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS certain premises owned by Ossian Airways, Inc. and leased to Wilson Farms, Inc. in the City of Watertown at 1279 Coffeen Street (the "Store") and is also known as Parcel No. 8-40-101.006 on the assessment roll and map of the City, and

WHEREAS the assessment on the Store was set at \$602,400.00 for tax year 2006, and,

WHEREAS the assessment on the Store was set at \$626,600.00 for tax year 2007, and

WHEREAS Petitioner has heretofore duly instituted in the Supreme Court proceedings to review the assessment and the determination of the Board of Assessment Review of the City for tax years 2006 and 2007 in respect to the Store, and

WHEREAS the parties have obtained and exchanged preliminary appraisals in respect to the property and have conditionally agreed that the assessment on the Store shall be set at \$455,000.00 for tax years 2006 and 2007 with rebates, and

WHEREAS in consideration of the City setting the assessment on the Store for years 2006 and 2007 as set forth above, Petitioner agrees not to commence tax assessment review proceedings pursuant to Article 7 of the Real Property Tax Law of the

State of New York or under any other applicable provisions of law for tax years 2008, 2009 or 2010 on the same property except as authorized by RPTL, Section 727, and

WHEREAS the City reserves the right to adjust the assessment on the Store as authorized by RPTL Section 727, and

WHEREAS the compromise and settlement of the aforesaid proceedings on the above basis is deemed in the best interests of the Respondents,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that the City attorneys of the City of Watertown be and are hereby authorized, empowered and directed to enter into a formal Stipulation of Settlement and discontinuance of the aforesaid proceedings with counsel of the Store on the following terms and conditions:

1. That the total assessment for the Store owned by Ossian Airways, Inc., at 1279 Coffeen Street, tax parcel number 8-40-101.006 shall be set at \$455,000.00 effective tax years 2006 and 2007, and as so adjusted be finally fixed and determined and that the assessment roll be corrected as required and excess taxes refunded based upon the difference between the original, and reduced assessment without interest to Petitioner.

2. That the above adjustments are made in consideration of Petitioner's agreement not to commence tax assessment review proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York or under any other applicable provision of law for tax years 2008, 2009 and 2010 in respect to the Store so long as the respective assessments are so fixed except as authorized by RPTL Section 727.

3. That the City reserves the right to adjust the assessment on the Store as otherwise authorized by RPTL Section 727.

4. That an Order of the Supreme Court shall be made and entered settling the aforesaid proceedings to review said assessments without costs to either party as against the other and upon the terms and conditions set forth above; and

BE IT FURTHER RESOLVED that the City Assessor and all other municipal officers, agents or employees be and they hereby are directed to do such acts and things as may be necessary to give full force and effect to the aforesaid settlement, and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

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

**RULES WAIVED BY MOTION OF COUNCIL MEMBER SMITH, SECONDED
BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING IN
FAVOR THEREOF**

ORDINANCES

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

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

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

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

Section 1. To pay the cost of the Greensview/Ives Hill sanitary sewer reconstruction, including the upgrade of an 8” sanitary sewer to a 10” sanitary sewer, in and for the City of Watertown, Jefferson County, New York, and incidental expenses in connection therewith, a specific object or purpose, there are hereby authorized to be issued \$315,000 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 specific object or purpose is \$315,000 and that the plan for the financing thereof is by the issuance of the \$315,000 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 specific object or purpose is forty years, pursuant to subdivision four 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, as shall be established in proceedings under Section 93 of the City Charter.

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 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

Prior to the vote on the foregoing ordinance, Council Member Smith asked about the location of this.

Mr. Hauk, City Engineer, explained that it will come into Ives Street.

Council Member Smith explained that it will come through a piece of property that is next to Mr. Walker's. People were going to build homes on the site, but can't because of this. He wondered if it could be moved.

Mr. Hauk remarked that they can take a look at it as part of the design phase.

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

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

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

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

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

Section 1. To pay the cost of drainage improvements at the City landfill, including the installation of piping and land re-grading, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, a specific object or purpose, there are hereby authorized to be issued \$75,000 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 specific object or purpose is \$75,000 and that the plan for the financing thereof is by the

issuance of the \$75,000 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 or Federal aid received by said city for such objects or purposes.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision six-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. 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, as shall be established in proceedings under Section 93 of the City Charter.

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 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 JOSEPH M. BUTLER, JR. AND
CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBER BUTLER
VOTING NAY**

Prior to the vote on the foregoing resolution, Council Member Smith asked if this couldn't be paid for without bonding.

Mr. Mills explained that this wouldn't be financed for 10 years, but only for one or two.

Council Member Smith asked if there wasn't someplace in the current budget where it was under budget.

Mayor Graham remarked that this seems like a maintenance item.

Mr. Mills stated that he agreed. However, this is an older project.

Mrs. Corriveau explained that this project has been on the table since 2004-05. At that time, we weren't in apposition to do it. If there is an opportunity to approve the funding to pay down the note, it will be recommended. She explained that the Engineering Department is ready to bid this out.

Mr. Hauk explained that this project is a requirement of NYS DEC.

**UNANIMOUS CONSENT MOVED BY COUNCIL MEMBER CLOUGH,
SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL
VOTING IN FAVOR THEREOF.**

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

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

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

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

Section 1. To pay the cost of the reconstruction of Ten Eyck Street and portions of Sherman Street, in and for the City of Watertown, Jefferson County, New York, including storm sewer upgrades, sanitary and water main replacements, and incidental expenses in connection therewith, a specific object or purpose, there are hereby authorized to be issued \$3,200,000 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 specific object or purpose is \$3,200,000 and that the plan for the financing thereof is by the issuance of the \$3,200,000 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 specific object or purpose is fifteen years, pursuant to subdivision ninety-one of paragraph a of Section 11.00 of the local finance law, as the specific object or purpose consists of items which have a period of probable usefulness of at least twenty years under one or more of subdivisions one, three, four or twenty of the aforesaid paragraph a.

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, as shall be established in proceedings under Section 93 of the City Charter.

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 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

Prior to the vote on the foregoing ordinance, Council Member Smith asked how we can get a better handle on overruns.

Mr. Hauk responded that it is better when the utilities come in and do their work beforehand. It is also better when the bids are coming out in winter and also anticipating issues before the contractor steps on site.

Mrs. Corriveau explained that discussions at the staff level with the timing of getting the projects in the capital budget also help. She explained that the project design is done a year in advance.

Mr. Hauk explained that the bidder is granted a site visit and allowed to view the plans.

Council Member Smith questioned why the City has to pay the additional costs when a project has been bid for a specific amount.

Mr. Hauk explained that NYS DOT builds a mechanism into their projects to cover the

changing cost of gas and asphalt. However, others do not and thus, the increase when these costs go up.

Council Member Clough referred to the Public Square project and the concrete slab.

Mr. Hauk responded that the City made that decision to correct it and thus the higher costs. However, the Iroquois-Cosgrove project came within 1% of the original bid.

Mr. Hauk answered questions concerning the CE1 and CE2 positions in his department. He explained that the CE1 had been hired. However, they are now short two CE2s because the CE2 that was on staff, left to take another job. He stated that they are starting the third round of trying to hire for these positions.

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

MOTION WAS MADE BY COUNCIL MEMBER CLOUGH TO SCHEDULE TWO PUBLIC HEARINGS TO CONSIDER THE DEVELOPMENT BLOCK GRANT SMALL CITIES PROGRAM APPLICATION. THE FIRST WILL BE HELD ON TUESDAY, FEBRUARY 19, 2008 AT 7:30 P.M. AND THE SECOND ON MONDAY, MARCH 3, 2008 AT 7:30 P.M.

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

EXECUTIVE SESSION

MOTION WAS MADE BY COUNCIL MEMBER SMITH TO MOVE INTO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION RELATED TO TAX CERTIORARI CLAIMS.

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

Council moved into Executive Session at 7:49 p.m.

Council reconvened at 8:20 p.m. with the understanding that they would move back into Executive session once the information that they had requested had been obtained.

Council moved back into Executive Session at 9:00 p.m.

Council reconvened at 9:20 p.m.

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COUNCIL DISCUSSED THE FOLLOWING TOPICS

Volunteer Recognition

Mrs. Corriveau advised that there are close to 100 volunteers that serve the City in various capacities.

Mayor Graham questioned if a dinner would appeal to everyone.

Council Member Clough remarked that they volunteer for community service because they want to, not because they want to be recognized.

Mrs. Corriveau remarked that there are other ways to say thank you during National Volunteer Appreciation Week at the end of April.

Council Member Burns remarked that the memo states that the department heads would like to do something and she felt that this should be looked into.

A committee has been formed and they will bring back ideas for Council's consideration.

Performance Appraisals

Mayor Graham asked that the appraisals on the City Manager and City Clerk be in his office by February 18th. He also asked the Clerk to supply a copy of a draft contract to Attorney Slye.

Watertown Hockey

Council Member Butler asked that Watertown Hockey be allowed to speak at the next work session concerning a second sheet of ice at the fairgrounds.

Council Member Smith remarked that the Figure Skating organization should also be invited.

State Street Former Gas Station Property

Council Member Smith remarked that someone was interested in buying the tax sale certificate on this property.

Attorney Slye remarked that while they just can't come in and purchase the certificate, the City can auction the certificate for the cost of the back taxes.

It was explained that this property is already in the list of properties going up for auction.

Budget Discussions

Council agreed to meet on Monday, February 4th to discuss the budget. Mayor Graham advised that if Council Members have specific items, they should get them out to everyone so the consensus of the group can be determined.

Council Member Butler remarked that he would like to see spring and fall curbside pickup of bulk items and he would like to see the cost estimate for this.

Council Member Butler also mentioned the tree planting program and suggested that the City offer a tree to any City resident who wants one. This would be done at no cost or a shared cost to the resident. He suggested a limit of 200 trees for this project.

Mayor Graham remarked that he would support extension of the bus routes. Mrs. Corriveau explained that the surveys for the buses started in December and she doesn't have the result back yet.

Council Member Clough remarked that we need to find out why we are losing engineers and wondered if the study will help with that.

Mrs. Corriveau explained that there are no timeframes in place at this time for completion of the study. She will know more next week after meeting with Fox Lawson.

Council Member Clough asked for information on how the decision is made as to what streets will be done in each year's budget.

Water Bill Payments

Council Member Butler asked if there was an update on his request concerning the water bill payments by ACH.

Mrs. Corriveau responded that there wasn't an update at this time.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 9:42 P.M. BY MOTION OF COUNCIL MEMBER CLOUGH, SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Donna M. Dutton
City Clerk