

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
February 18, 2014  
7:00 p.m.**

**Mayor Jeffrey E. Graham Presiding**

**Present:** Council Member Roxanne M. Burns  
Council Member Joseph M. Butler, Jr.  
Council Member Stephen A. Jennings  
Council Member Teresa R. Macaluso  
Mayor Graham

**Also Present:** Sharon Addison, City Manager  
Robert J. Slye, City Attorney

**City staff present:** Jim Mills, Ken Mix, Kurt Hauk, Amie Davis, Amy Pastuf, Beth Morris, Barb Wheeler, Chief Herman, Deputy Chief Randall, Captain Clark, Gene Hayes, Celia Cook, Brian Phelps

The City Manager presented the following reports to Council:

- Resolution No. 1 - Performance Review of City Manager
- Resolution No. 2 - Performance Review of City Clerk
- Resolution No. 3 - Amendment No. 94 to the Management And Management Confidential Pay Plan
- Resolution No. 4 - Approving Police Department Overhire For FY 2013-2014
- Resolution No. 5 - Approving Month-to-Month Lease Agreement Between the City of Watertown and the Jefferson County Agricultural Society
- Resolution No. 6 - Approving Change Order No. 3 to Flower Memorial Library Masonry Restoration and Fountain Construction Project Agreement, Raymond E. Kelley, Inc.
- Resolution No. 7 - Readopting Fiscal Year 2013-14 Library Fund Budget
- Resolution No. 8 - Approving Change Order No. 2 to Waste Water Disinfection Improvement Project, General Construction, C.O. Falter Construction Inc.
- Resolution No. 9 - Approving Change Order No. 3 to Waste Water Disinfection Improvement Project, General Construction, C.O. Falter Construction Inc.
- Resolution No. 10 - Approving Change Order No. 1 to Waste Water Disinfection Improvement Project, Electrical Work, Dow Electrical Inc.
- Resolution No. 11 - Approving Change Order No. 1 to Waste Water Disinfection Improvement Project, HVAC and Plumbing, Hyde Stone
- Ordinance No. 1 - Refunding Bond Ordinance Dated February 18, 2014, An Ordinance Authorizing the Issuance Pursuant to Section 90.10 of the Local Finance Law of Refunding Bonds of the City of Watertown, Jefferson County, New York, to be Designated “Public Improvement Refunding (Serial) Bonds”, and Providing for Other Matters in Relation Thereto and the Payment of the Bonds to be Refunded Thereby

**Complete Reports on file in the office of the City Clerk**

Meeting opened with a moment of silence. Mayor Graham asked that this be in remembrance of Library Board Member and long-time City volunteer J. Clancy Hopkins. Council Member Burns also asked that it be in remembrance of Cathy Pircsuk’s brother.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of February 3, 2014 and adjourned meeting of February 10, 2014 was dispensed and accepted as written by motion of Council Member Roxanne M. Burns, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

## **COMMUNICATIONS**

A letter was received from Greg Binion, NYSCOPBA Hockey thanking Council for helping to make the 1<sup>st</sup> Annual "Hockey for Heros" Tournament during Snowtown USA a success.

**Above communication was placed on file in the office of the City Clerk.**

A claim was received Chui Chan, Conley's Rental Management and Real Estate for reimbursement of service bills for sewer backups at 115 Girard Ave during the months of December 2013 and January 2014.

A claim was received from Michael L. Katon, 22167 Riverbend Drive East seeking reimbursement for damage to his vehicle after hitting a pothole on West Main Street on February 1, 2014.

A claim was received from Amica Insurance Company on behalf of a policyholder seeking reimbursement for damages to a vehicle occurring on Pearl Street on January 19, 2014.

**Above claims have been referred to the Board of Audit.**

## **PRIVILEGE OF THE FLOOR**

No one spoke.

## **RESOLUTIONS**

### **Resolution No. 1 - Performance Review of City Manager**

#### **Introduced by Council Member Teresa R. Macaluso**

WHEREAS the Charter of the City of Watertown under Title III, Section 20-8 requires a performance review of the City Manager annually with findings adopted by March 1 each year, and

WHEREAS the City Manager, Sharon Addison, has submitted to City Council a list of her accomplishments for the previous year, and

WHEREAS City Council acknowledged the high-energy approach to the job by Ms. Addison and her ability to resolve issues quickly, and

WHEREAS it was determined that the City Manager has demonstrated her management style and has become an effective leader of the City's 350 person workforce, and

WHEREAS the City Manager understands the pending budget challenges and the key issues facing the City in the coming year,

NOW THEREFORE BE IT RESOLVED that following an assessment and review of the City Manager's duties and performance, we find the City Manager, Sharon Addison, has performed consistent with expectations and did an excellent job in the year.

**Seconded by Council Member Stephen A. Jennings**

Prior to the vote on the foregoing resolution, Mayor Graham stated that the conclusions reached in this resolution speak for themselves. He added that Council had a nice discussion with both the City Manager and the City Clerk on a variety of topics.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.**

**Resolution No. 2 - Performance Review of City Clerk**

**Seconded by Council Member Roxanne M. Burns**

WHEREAS the Charter of the City of Watertown under Title III, Section 20-8 requires a performance review of the City Clerk annually with findings adopted by March 1 each year, and

WHEREAS the City Clerk, Ann M. Saunders, has provided City Council with a summary of her duties and accomplishments for the previous year, and

WHEREAS City Council determined the City Clerk has done an excellent job of carrying out the duties of her office and serving the public, and

WHEREAS the City Clerk has effectively led her staff in a professional and productive way, and

WHEREAS the City Clerk indicated she wants to continue working on improving the use of technology to make her office more efficient,

NOW THEREFORE BE IT RESOLVED that following an assessment and review of the City Clerk's duties and performance, we find the City Clerk, Ann M. Saunders, has performed consistent with expectations and did an excellent job in the year.

**Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.**

**Resolution No. 3 - Amendment No. 94 to the Management And Management Confidential Pay Plan**

**Introduced by Council Member Teresa R. Macaluso**

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York, hereby approves Amendment No. 94 to the Management and Management Confidential Pay Plan for the position listed below, as follows:

Position

Salary

Information Technology Manager \$67,000

**Seconded by Council Member Joseph M. Butler, Jr.**

Prior to the vote on the foregoing resolution, Ms. Addison introduced the new IT Director as David Wurzburg.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.**

**Resolution No. 4 - Approving Police Department Overhire For FY 2013-2014**

**Introduced by Council Member Joseph M. Butler, Jr.**

WHEREAS the City of Watertown Police Department is presently operating under its FY 2013-14 Budget of sworn 64 police personnel, and

WHEREAS in addition to being staffed under budget at this time, there are two pending retirements before the end of this fiscal year, and

WHEREAS Police Training Academy will be conducted in March 2014,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves hiring three police cadets at this time, bringing the total Police Department personnel to two over the current budget of 64, and

BE IT FURTHER RESOLVED that the Chief of Police is hereby authorized and directed to commence hiring three police cadets to enter the March 2014 Police Training Academy.

**Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.**

**Resolution No. 5 - Approving Month-to-Month Lease Agreement Between the City of Watertown and the Jefferson County Agricultural Society**

**Introduced by Council Member Roxanne M. Burns**

WHEREAS, the City is a municipal corporation organized under the laws of the State of New York, and, as such, owns a facility known as the Alex T. Duffy Fairgrounds (the "Fairgrounds") within the City of Watertown, and the Fairgrounds is a community recreational facility, and

WHEREAS, the City desires to promote future recreational activities at the Fairgrounds for the valid public purpose of the benefit, recreation, entertainment, amusement, convenience and welfare of the people of the City, and

WHEREAS, in pursuit of that public purpose, the City has agreed to permit the Society to use, possess, operate, manage and maintain a small portion of real property within the Fairgrounds, and

WHEREAS, the Society occupies a portion of the real property within the Fairgrounds area and has constructed facilities thereon to permit it to perform functions which advance those valid public

purposes as set forth above, and

WHEREAS, the City is in need of storage space for equipment, materials and supplies routinely used in the advancement of the above public purposes, and

WHEREAS, the Society has storage space available in a portion of their facility and is willing to lease a small portion of the same to the City on a month-to-month basis until a storage facility is completed on the City's premises,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Month-to-Month Lease Agreement between the City of Watertown and the Jefferson County Agricultural Society, a copy of which is attached and made a part of this resolution, and

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

**Seconded by Council Member Stephen A. Jennings and carried with all voting yea.**

**Resolution No. 6 - Approving Change Order No. 3 to Flower Memorial Library Masonry Restoration and Fountain Construction Project Agreement, Raymond E. Kelley, Inc.**

**Introduced by Council Member Roxanne M. Burns**

WHEREAS on May 20, 2013, the City Council of the City of Watertown approved a bid submitted by Raymond E. Kelley, Inc. in the amount of \$253,400 for the Flower Memorial Library Masonry Restoration and Fountain Construction project, and

WHEREAS on August 5, 2013 the City Council approved Changer Order Number 1, increasing the contract price to \$271,100, and

WHEREAS on October 7, 2013 the City Council approved Changer Order Number 2, increasing the contract price to \$275,736, and

WHEREAS the Engineering Department ordered the removal and replacement of front walkway after examining existing conditions, and the project Architect, Crawford and Stearns, has identified two work items that need not be completed, and

WHEREAS Change Order No. 3 results in a net additional charge of \$15,363, bringing the contract amount to \$291,099.00, and extends the contract end date to April 30, 2014,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 3 to the contract with Raymond E. Kelley, Inc. for the Flower Memorial Library Masonry Restoration and Fountain Construction project, in the amount of \$15,363.00, plus an extension of the contract end date to April 30, 2014 and

BE IT FURTHER RESOLVED that acceptance of this change order is contingent upon City Council re-adopting the Fiscal Year 2013-14 ~~General and~~ Library Fund Budgets to finance the increased costs of the project, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute the Change Order documents on behalf of the City of Watertown.

**Seconded by Council Member Stephen A. Jennings**

Prior to the vote on the foregoing resolution, Council Member Butler noted that the report attached to this resolution stated that the Library Fund Budget needed to be readopted but the resolution states that Council is re-adopting the General and Library Fund Budget.

James Mills, City Comptroller indicated that this was a clerical error so the resolution would need to be amended.

**Motion was made by Council Member Joseph M. Butler, Jr. to amend the seventh paragraph in the foregoing resolution to read “re-adopting the Fiscal Year 2013-14 Library Fund Budget”.**  
**Motion was seconded by Council Member Roxanne M. Burns and carried with all voting in favor thereof.**

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.**

**Resolution No. 7 - Readopting Fiscal Year 2013-14 Library Fund Budget**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS on May 20, 2013 the City Council passed a resolution adopting the Budget for Fiscal Year 2013-14, of which \$1,301,973 was appropriated for the Library Fund, and

WHEREAS on February 18, 2014 the City Council approved a change order submitted by Raymond E. Kelley Building Restoration and Specialty in the amount of \$15,363 to complete the masonry and fountain restoration projects approved in the Fiscal Year 2012-13 Capital Budget leaving a budgetary shortfall of \$15,363, and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby re-adopts the Library Fund Budget for Fiscal Year 2013-14 in the total amount of \$1,317,336 **\$1,339,672** and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that the following adjustments be included in the re-adopted Library Fund Budget.

<u>Revenues</u>	
Appropriated Fund Balance	\$ <u>15,363</u>
Total	\$ <u>15,363</u>
<u>Expenditures</u>	
L.9950.0900 Transfer to Capital Fund	\$ <u>15,363</u>
Total	\$ <u>15,363</u>

**Seconded by Council Member Joseph M. Butler, Jr.**

Prior to the vote on the foregoing resolution, Mayor Graham mentioned that staff had informed him that the third paragraph needed to be amended to reflect the dollar amount of \$1,339,672 in place of \$1,317,336.

**Motion was made by Council Member Joseph M. Butler, Jr. to amend the foregoing resolution to reflect the correct dollar amount of \$1,339,672 in place of \$1,317,336 within the third paragraph. Motion was seconded by Council Member Roxanne M. Burns and carried with all voting in favor thereof.**

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.**

**Resolution No. 8 - Approving Change Order No. 2 to Waste Water Disinfection Improvement Project, General Construction, C.O. Falter Construction Inc.**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS on June 3, 2013, the City Council of the City of Watertown approved a bid submitted by C.O. Falter Construction Inc. in the amount of \$3,923,101.00 for the Waste Water Disinfection Improvement Project general construction, and

WHEREAS City Council approved Change Order No. 1 on January 21, 2014 in the amount of \$11,781.55, bringing the contract amount to \$3,934,882.55,

WHEREAS C.O. Falter Construction Inc. has now submitted Change Order No. 2 in the additional amount of \$6,491.50 to include demolition of existing Boiler room floor hatch and installation of a new, larger floor access hatch,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 2 to the contract with C.O. Falter Construction Inc. bringing the total to \$3,941,374.05 for the Waste Water Disinfection Improvement Project general construction, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute the Change Order documents on behalf of the City of Watertown.

**Seconded by Council Member Stephen A. Jennings and carried with all voting yea.**

**Resolution No. 9 - Approving Change Order No. 3 to Waste Water Disinfection Improvement Project, General Construction, C.O. Falter Construction Inc.**

**Introduced by Council Member Roxanne M. Burns**

WHEREAS on June 3, 2013, the City Council of the City of Watertown approved a bid submitted by C.O. Falter Construction Inc. in the amount of \$3,923,101.00 for the Waste Water Disinfection Improvement Project general construction, and

WHEREAS City Council approved Change Order No. 1 on January 21, 2014 in the amount of \$11,781.55, bringing the contract amount to \$3,934,882.55,

WHEREAS C.O. Falter Construction Inc. has now submitted Change Order No. 2 in the additional amount of \$6,491.50 to include demolition of existing Boiler room floor hatch and installation of a new, larger floor access hatch,

WHEREAS C.O. Falter Construction Inc. has now submitted Change Order No. 3 in the additional amount of \$9,075.69 to include demolish and reconstruction of the existing interior wall surface for the Boiler room north wall in the Control Building,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 3 to the contract with C.O. Falter Construction Inc. bringing the total to \$3,950,449.74 for the Waste Water Disinfection Improvement Project general construction, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute the Change Order documents on behalf of the City of Watertown.

**Secinded by Council Member Teresa R. Macaluso and carried with all voting yea.**

**Resolution No. 10 - Approving Change Order No. 1 to Waste Water Disinfection Improvement Project, Electrical Work, Dow Electrical Inc.**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS on June 3, 2013, the City Council of the City of Watertown approved a bid submitted by Dow Electrical Inc. in the amount of \$493,000.00 for the electrical work for the Waste Water Disinfection Improvement, and

WHEREAS Dow Electrical Inc. has now submitted Change Order No. 1 reducing their contract in the amount of \$1,824.91 to provide us with a credit for the installation of 1,350 feet of 2-inch Schedule 40 PVC conduit in lieu of the specified 80 PVC conduit,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 1 to the contract with Dow Electrical Inc. bringing the total to \$497,175.09 for the electrical work for the Waste Water Disinfection Improvement Project, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute the Change Order documents on behalf of the City of Watertown.

**Secinded by Council Member Stephen A. Jennings and carried with all voting yea.**

**Resolution No. 11 - Approving Change Order No. 1 to Waste Water Disinfection Improvement Project, HVAC and Plumbing, Hyde Stone**

**Introduced by Council Member Stephen A. Jennings**

WHEREAS on June 3, 2013, the City Council of the City of Watertown approved a bid submitted by Hyde Stone in the amount of \$473,568.00 for the HVAC and plumbing work for the Waste Water Disinfection Improvement, and

WHEREAS Hyde Stone has now submitted Change Order No. 1 in the amount of \$1,623.80 for

HVAC modifications to the Control Building boiler Room,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 1 to the contract with Hyde Stone, bringing the total to \$475,191.80 for the HVAC and plumbing work for the Waste Water Disinfection Improvement Project, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute the Change Order documents on behalf of the City of Watertown.

**Seconded by Council Member Teresa R. Macaluso**

Prior to the vote on the foregoing resolution, Council Member Butler stated that he will not be voting due to a business relationship that he has with Hyde Stone. He left Council Chambers.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea except Council Member Joseph M. Butler, Jr. abstaining.**

Council Member Butler returned to Council Chambers.

**Resolution 12 – Agreement between City of Watertown and County of Jefferson, AAA  
Transportation**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS the New York State Office for the Aging has agreed to provide State and Federal funds to the County of Jefferson to furnish specified transportation services to certain elderly residents within the County of Jefferson, and

WHEREAS Jefferson County, acting through the Jefferson County Office for the Aging, wishes to enter into an Agreement with the City of Watertown to provide this service within the Citibus service area, and

WHEREAS the Agreement is to provide transportation services, through our CitiBus program, to residents of Jefferson County who are sixty years of age or older to enable them to access and receive health, welfare and nutrition services, and

WHEREAS the term of this Agreement is from October 1, 2013 through March 31, 2014, at a cost not-to-exceed \$5,600.00,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it hereby approves the Agreement between the City of Watertown and Jefferson County, acting through the Jefferson County Office for the Aging, a copy of which is attached and made a part of this resolution, and

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

**Seconded by Council Member Stephen A. Jennings**

**Rules waived by Motion of Council Member Teresa R. Macaluso, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.**

Mayor Graham asked if the information that the City was waiting for was received.

Attorney Slye said that they removed the commercial general liability requirement from the contract.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.**

**ORDINANCES**

**Ordinance No. 1 - Refunding Bond Ordinance Dated February 18, 2014, An Ordinance Authorizing the Issuance Pursuant to Section 90.10 of the Local Finance Law of Refunding Bonds of the City of Watertown, Jefferson County, New York, to be Designated “Public Improvement Refunding (Serial) Bonds”, and Providing for Other Matters in Relation Thereto and the Payment of the Bonds to be Refunded Thereby**

**Introduced by Council Member Roxanne M. Burns**

WHEREAS, the City of Watertown, Jefferson County, New York (the “City”) heretofore issued, on January 26, 2005, an aggregate principal amount of \$8,145,000 Public Improvement (Serial) Bonds, 2005, dated January 15, 2005, pursuant to a bond certificate of the City Comptroller dated January 18, 2005 (the “2005 Bond Certificate”), and the bond ordinances adopted by the Council identified therein, as more fully described in the 2005 Bond Certificate (the “2005 Bonds”) and of which there are presently \$2,400,000 aggregate principal amount outstanding, maturing on January 15 in each of the following years and amounts;

Year	Amount	Year	Amount
2015	\$500,000	2020	\$75,000
2016	425,000	2021	50,000
2017	425,000	2022	50,000
2018	450,000	2023	50,000
2019	325,000	2024	50,000

WHEREAS, it appears that it would be in the public interest to refund all \$2,400,000 principal amount of the 2005 Bonds maturing in the years 2015 through 2024 (the “2005 Refunded Bonds”) by the issuance of refunding bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law; and

WHEREAS, the City heretofore issued, on November 15, 2005, an aggregate principal amount of \$5,700,000 Public Improvement (Serial) Bonds, 2005 Series B, dated November 15, 2005, pursuant to a bond certificate of the City Comptroller dated November 2, 2005 (the “2005B Bond Certificate”), and the bond ordinances adopted by the Council identified therein, as more fully described in the 2005B Bond Certificate (the “2005B Bonds”) and of which there are presently \$2,500,000 aggregate principal amount outstanding, maturing on November 15 in each of the following years and amounts;

Year	Amount
2014	\$400,000
2015	400,000
2016	350,000
2017	350,000
2018	350,000
2019	325,000
2020	325,000

WHEREAS, it appears that, inasmuch as provision for payment of the 2005B Bonds maturing in 2014 has previously been budgeted, it would be in the public interest to refund \$2,100,000 principal amount of the 2005B Bonds maturing in the years 2015 through 2020 (the “2005B Refunded Bonds”) by the issuance of refunding bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law; and

WHEREAS, it appears that each of the refundings of the 2005 Refunded Bonds and the 2005B Refunded Bonds (collectively, the “Refunded Bonds”), will result in present value savings in debt service as required by Section 90.00 or Section 90.10 of the Local Finance Law;

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

Section 1. For the object or purpose of refunding the \$4,500,000 aggregate outstanding principal balance of the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) any redemption premiums on the Refunded Bonds at their respective call dates, (iii) the aggregate amount of interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds either maturing or are to be called prior to their respective maturities in accordance with the Refunding Financial Plan, as hereinafter defined, (iv) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the Refunding Financial Plan, as hereinafter defined, compensation to the Purchaser, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the Escrow Contract, as hereinafter defined, and fees and charges of the Escrow Holder, as hereinafter mentioned, and (v) any premium or premiums for a policy or policies of municipal bond insurance for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued up to \$4,800,000 refunding bonds of the City pursuant to the provisions of Section 90.00 or Section 90.10 of the Local Finance Law (the “Public Improvement Refunding Bonds or, sometimes, the “Refunding Bonds”), it being anticipated that the aggregate amount of Refunding Bonds actually to be issued will be approximately \$4,720,000 as provided in Section 3 hereof. As indicated in the Refunding Financial Plan, as hereinafter defined, the Refunding Bonds shall be divided into two series of tax-exempt bonds, presently expected to aggregate \$4,720,000. Each series of Refunding Bonds shall each be designated substantially “PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND”, including a year, and a series designation (which may include an indication of whether interest on the series is taxable or tax-exempt), shall be dated April 3, 2014, or such other date or dates as shall hereafter be determined by the City Comptroller pursuant to Section 3 hereof, shall be of the denomination of \$5,000 or any integral multiple thereof not exceeding the principal amount of each respective maturity, and shall mature annually on January 15 or November 15 (but not both in any single series) in each of the

years 2015 through 2024, or such other dates as the City Comptroller shall hereafter determine pursuant to Section 3 hereof, and shall bear interest payable on July 15, 2014 and semi annually thereafter on each January 15 and July 15 while outstanding, or May 15, 2014 and November 15, 2015 and semi-annually thereafter on each May 15 and November 15 while outstanding, or such other dates as the City Comptroller shall hereafter determine pursuant to Section 3 hereof, at the rate or rates of interest per annum as may be necessary to sell the same, all as shall be determined by the City Comptroller.

The Refunding Bonds may, if so determined by the City Comptroller pursuant to Section 3 hereof, be subject to redemption prior to maturity upon such terms as the City Comptroller shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the City by lot in any customary manner of selection as determined by the City Comptroller. Notice of such call for redemption shall be given by mailing such notice to the registered owners not more than sixty (60) nor less than thirty (30) days prior to such dates. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the dates for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption dates, and interest shall cease to be paid thereon after such redemption dates.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. Principal of the Refunding Bonds shall be payable to the registered owners as shall hereafter be determined by the City Comptroller. Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America. The Refunding Bonds shall be executed in the name of the City by the manual or facsimile signature of the City Comptroller, and a facsimile of its corporate seal shall be impressed, imprinted, affixed or otherwise reproduced thereon and may be attested by the manual or facsimile signature of the City Clerk. In the event of facsimile signatures by the City Comptroller and/or the City Clerk, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of a bank or trust company acting in the capacity of the fiscal agent for the Refunding Bonds, and the City Comptroller is hereby authorized to enter into an agreement or agreements containing such terms as he shall deem proper with a bank or trust company to perform the services described in Section 70.00 of the Local Finance Law. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law and 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 51.00 of the Local Finance Law, as the City Comptroller shall determine. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected.

- Section 2. It is hereby determined that:
- (a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this ordinance does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;
  - (b) the maximum periods of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for objects or purposes for which the Refunded Bonds were issued are as shown on Schedule B attached hereto;

- (c) the last installment of each series of the Public Improvement Refunding Bonds will mature not later than the expiration of the period of probable usefulness of each object or purpose, or the weighted average of the periods of probable usefulness of objects or purposes, for which the Refunded Bonds of such series were issued in accordance with the provisions of subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law; and
- (d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, is as shown in the Refunding Financial Plan described in Section 3 hereof.

Section 3. The financial plan for the refunding authorized by this ordinance, showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Schedule A attached hereto and hereby made a part of this ordinance (the "Refunding Financial Plan"). The Refunding Financial Plan has been prepared based upon the assumption that the Public Improvement Refunding Bonds will be issued in the principal amount of \$4,720,000 and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in Schedule A. This Council recognizes that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the City will probably differ from such assumptions and that the Refunding Financial Plan will also probably differ from that attached hereto as Schedule A. The City Comptroller is hereby authorized and directed to determine the amount of the Refunding Bonds to be issued, the dates of such bonds and the dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, if any, whether the Public Improvement Refunding Bonds will be insured by a policy or policies of municipal bond insurance, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds, and all powers in connection therewith are hereby delegated to the City Comptroller; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The City Comptroller shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the City Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 4. Pursuant to the provisions of paragraph a of Section 56.00 of the Local Finance Law, the power to determine whether to issue the Refunding Bonds having substantially level or declining annual debt service, as provided in paragraph d of Section 21.00 and in paragraph c of Section 90.10 of the Local Finance Law, is hereby delegated to the City Comptroller. All other delegable matters relating to such Refunding Bonds to be issued by said City are hereby delegated to the City Comptroller.

Section 5. The City Comptroller is hereby authorized and directed to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in the State of New York as he shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunded Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said City of Watertown, Jefferson County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds 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 bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said City a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Public Improvement Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Any accrued interest on the Refunding Bonds shall be paid to the City Comptroller to be expended to pay interest on the Refunding Bonds on their first interest payment dates as may be determined in accordance with Section 3 hereof. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this ordinance, so long as any of the Refunding Bonds shall be outstanding, the City shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause any Refunding Bond issued as a tax-exempt bond to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder as then in effect.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, the City hereby elects to call in and redeem i) on May 15, 2014, or such later date as shall be determined in accordance with the final Refunding Financial Plan, all 2005 Refunded Bonds, ii) on November 15, 2014, or such later date or dates as shall be determined in accordance with the final Refunding Financial Plan, all 2005B Refunded Bonds. The sum to be paid on such redemption dates shall be the par value, without premium. The Escrow Agent for the Refunded Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the City in the manner and within the times provided in or otherwise applicable to the Refunded Bonds. Such notices of redemption shall be in substantially the forms to be attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at private sale to a purchaser to be selected by

the City Comptroller or, at the election of the City Comptroller, to the successful bidder at public sale (in either case, the “Purchaser”) for a purchase price to be determined by the City Comptroller (or in the case of a public sale, by public bid), plus accrued interest from the date of the Refunding Bonds to the date of the delivery of and payment for the Refunding Bonds. Approval of the terms and conditions of such sale by the State Comptroller shall be obtained as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law. After the Refunding Bonds have been duly executed, they shall be delivered by the City Comptroller to the Purchaser in accordance with a purchase contract to be entered into with the Purchaser, or according to the terms of the notice of sale, as the case may be.

Section 11. The City Comptroller and all other officers, employees and agents of the City are hereby authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this ordinance or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and conditions of issuance of the Refunding Bonds shall be determined by the City Comptroller and all powers in connection thereof are hereby delegated to the City Comptroller.

- Section 13. The validity of the Refunding Bonds 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 dates 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 dates of such publication, or
  3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. A summary of this ordinance, which takes effect immediately, shall be published in full in the Watertown Daily Times, the official newspaper of said City, 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 Teresa R. Macaluso**

**Motion for unanimous consent moved by Council Member Roxanne M. Burns, seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.**

Council Member Butler complimented Mr Mills for suggesting this because it will save the City almost \$300,000 in projected reduction of interest debt. He thanked him for being proactive.

## **STAFF REPORTS**

None

## **NEW BUSINESS**

### **Crow Hazing**

Council Member Burns said that she was the first person to support the process that is in place because she is a representative of different downtown organizations that have felt the effect of the feces from the

crows. She mentioned that Council Member Butler has thought that there needs to be other means to be more effective. She said that this program has not been as affective this year and the birds are just moving from one section of the City to another. She wants to have discussions to explore other options.

Council Member Jennings commented that he has seen them more in the neighborhood behind the school complex on Washington Street. He asked what other options were available.

Council Member Burns advised that lethal means could be used.

Council Member Butler concurred with Council Member Burns in that the crows are just moving around and he wants to get rid of them. He said that if the City is just going to spend money to move them around then the issue of the damage to personal and public property is not being addressed. He said that he looks forward to seeing what other options are available.

### **Jefferson Leadership Institute**

Council Member Butler said that he would be willing to participate in this panel discussion.

### **Northern Employee Services**

Council Member Butler mentioned that Ms. Addison recommended the discontinuation of this contact which he has been critical of for years. He said that he thought it was ineffective at times and under utilized. He agreed with her recommendation.

### **Snowbanks**

Council Member Butler said he noticed that some of the snowbanks have been set back in some areas.

Gene Hayes, Superintendent of Public Works said that his crews are trying to open up the intersections more and widen a few streets. He stressed that the snowbanks are dangerous because of the debris and brush that are in them and he cannot afford to damage one of the blowers.

Council Member Butler commended him and his staff. He mentioned that some of the corners have limited visibility due to high snowbanks.

Mayor Graham said that he appreciates the response to the recent storms by the City crews.

### **Water Main Breaks**

Council Member Macaluso mentioned that there was another water main break on Flower Avenue East and she reported that it is the 13<sup>th</sup> break in three weeks. She said that she is concerned with the amount of breaks because of the cost to the City.

Council Member Butler asked if this street was on the schedule to be rebuilt.

Kurt Hauk, City Engineer replied that it is in the Capital Plan for two years from now. He mentioned that the frost is quite deep so it takes a while to get through the frost line.

Council Member Macaluso said that she is concerned with the cost heading into budget time.

### **Traffic Light on Pearl Street**

Mayor Graham mentioned that the traffic light in front of Shootie's has been acting up for a while and he asked that it be looked at.

**Fence on Mullin Street**

Mayor Graham asked if Mr. Johnson was ever cited in City Court for a code violation.

Attorney Slye said that Mr. Johnson applied to the Zoning Board of Appeals (ZBA) for a variance but it was denied so there really is not a code violation to cite him with. He stressed that the position of the Code Enforcement Office was that the fence had to come down. He explained that the goal was to take the fence down in order to be in compliance with the code and not to punish him for not complying. He further explained that the fence was put up not in conformance with a permit and Mr. Johnson refused to bring it into compliance as well as acknowledge the denial of a variance for the ZBA. He said that the only court with the authority to make Mr. Johnson take the fence down is the State Supreme Court.

Mayor Graham remarked that he would have liked to see it handled in City Court verses the cost associated with State Supreme Court. He said that he was opposed to it going to that level.

Council Member Burns asked if direction for this came from the City Manager or the Code Enforcement Office.

Ms. Addison confirmed that she provided direction on this issue because City Court could only apply fines.

Council Member Burns asked if it is reasonable for this fence to come down in the dead of winter or will the Judge give some lenience until the weather is better.

Attorney Slye pointed out that the City has told Mr. Johnson that the City would wait until better weather for him to take it down voluntarily but he has refused to do it. He noted that he would tell the court that it makes more sense to take it down when the weather is better.

Council Member Burns questioned the status of the neighbor's fence that is not in compliance as well.

Attorney Slye said that the fence company acknowledged that it was not done correctly and has agreed to make it right in the spring.

**Letter from Attorney Renzi in regard to a Water District**

Mayor Graham said that Attorney Renzi deserves an answer regarding the proposal to make a water district in the Town of Pamela. He said that his opinion is that there are other options for this property owner so he has no interest in supporting a contract with a proposed water district.

Council Member Butler asked if there is a downside to the Town of Pamela forming a water district. He noted that the City is going to sell the water with or without the district.

Mayor Graham said that the remedy to the property owner is to petition for annexation.

Council Member Burns pointed out that there has never been a water district formed just to serve one user and that she does not know the development plans for this property in regards to multiple users.

Council discussed the options for water for this property whether it be forming a water district, selling water directly to the property owner or annexation into the City. Also, discussed was how to handle the water service if the bill is not paid.

Council Member Jennings agreed with Mayor Graham.

Council advised Ms. Addison to respond to Attorney Renzi stating that Council is not interested in forming a water district. The options to be offered are to annex into the City of Watertown or direct purchase of water through a contract.

#### **Town of Watertown Water District – Hunt Street**

Mayor Graham said there was an article in the newspaper regarding this area stating they want their contract renegotiated because they felt the City charged too much for water. He reminded Council that these contracts were set so that “outside district users” were paying the same as City residents. He stressed that he has never heard any complaints about the fees from other users within the Town of Watertown. He said that he will not support a sale agreement that allows City residents to pay more than outside users.

Attorney Slye reminded Council that each contract has a “most favorite nation clause” that does not allow water to be sold cheaper to anyone else.

#### **Western Boulevard**

Mayor Graham remarked that the City should push for eminent domain in order to create this road because this has been going on too long.

Council Member Burns agreed stating that this has been discussed for six years and noted that Mr. Donegan has done a great deal to develop this area which increased employment, businesses and sales tax revenue. She stressed that the average person uses it as a road even though it is not owned by the City. She advised that it would be money well spent.

Council Member Macaluso agreed and said the City needs to move forward.

Council discussed the intersection with Gaffney Drive and the status of the City’s ownership in regards to the sewer line. The option of having the road go straight back verses curving over to Gaffney Drive was reviewed as well as the process of how to proceed.

Council Member Butler stated that he supports the development of this road.

Council Member Jennings also agreed to support this.

Council directed staff to start the process and report back with preliminary plans.

## **ADJOURNMENT**

**At the call of the chair, meeting was duly adjourned at 7:57 p.m. by motion of Council Member Roxanne M. Burns, seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.**

*Ann M. Saunders*  
City Clerk