

**REGULAR COUNCIL MEETING
CITY OF WATERTOWN
February 22, 2005
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCILMAN STEPHEN J. BRADLEY
COUNCILWOMAN ROXANNE M. BURNS
COUNCILMAN PETER L. CLOUGH
COUNCILMAN TIMOTHY R. LABOUF
MAYOR GRAHAM**

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

City Manager Corriveau presented the following reports to the Council:

- 1 - Designation of Polling Places 2005
- 2 - Authorizing Master Federal/Local Aid Agreement Supplement No. 4, State Street Reconstruction, PIN 775273, Right-Of-Way Acquisition
- 3 - Approving Change Order No. 8 to Contract for Construction of DPW/Bus Maintenance and Storage Facility, Electrical Construction, Collins-Hammond Electric Contractors
- 4 - Approving Change Order No. 9 to Contract for Construction of DPW/Bus Maintenance and Storage Facility, Electrical Construction, Collins-Hammond Electric Contractors
- 5 - Approving Change Order No. 10 to Contract for Construction of DPW/Bus Maintenance and Storage Facility, Electrical Construction, Collins-Hammond Electric Contractors
- 6 - Approving Change Order No. 11 to Contract for Construction of DPW/Bus Maintenance and Storage Facility, Electrical Construction, Collins-Hammond Electric Contractors
- 7 - Approving Supplemental Agreement No. 3, State Street Reconstruction Project, Clough, Harbour and Associates, LLP
- 8 - Authorizing Superceding Marchiselli Aid Local Project Agreement – MM #3, State Street Reconstruction, PIN 775273, Construction and Construction Inspection
- 9 - Finding that the Approval of the Zone Change Application of the City of Watertown to Change the Approved Zoning Classification for 433 Clover Street, Parcel No. 4-07-201 from Residence “B” District to Residence “C” District and Construction of 91 Housing Units Will Not Have a Significant Impact on the Environment
- 10 - Approving the Site Plan Submitted by Philip J. Snyder of Stieglitz Snyder Architecture on Behalf of Norstar Development USA, LP, for the Construction of 91Townhouse Style Apartment Units at 433 Clover Street, Parcel No. 4-07-201

- 11 - Authorizing the Issuance of \$10,700,000 Serial Bonds of the City of Watertown, Jefferson County, New York to Pay Additional Costs of the Reconstruction of State Street Between Public Square and Eastern Boulevard, In and For Said City and Amending the Period of Probable Usefulness Set Forth In the Ordinance Dated September 3, 2002
- 12 - Authorizing the Issuance of \$280,000 Serial Bonds of the City of Watertown, Jefferson County, New York to Pay Additional Cost of the Construction of the Department of Public Works Facility on Newell Street and the Construction of a Bus Transfer Site on Arcade Street, In and For Said City of Watertown
- 13 - Authorizing the Issuance of \$30,000 Serial Bonds of the City of Watertown, Jefferson County, New York to Pay the Cost of the Purchase of Equipment and Furnishings for the Fleet Maintenance Facility In and For Said City
- 14 - Authorizing the Issuance of \$60,000 Serial Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of the Purchase of Computer Hardware and Software, Including the Installation Thereof and Initial Training for Said City
- 15 - Local Law No. 3 of 2005 – Ordinance Annexing Property Owned by the City of Watertown and Abutting Boundary of the City of Watertown Into the City of Watertown From the Town of Pamela
- 16 - 7:15 p.m. – Approving the Special Use Permit Request Submitted by Robert Havens, President of RENY Management, Inc. to Allow Six Studio Apartments on the Second Floor of a Two-Story Building Located at 311 State Street, Parcel No. 6-02-320 and to Allow Remote Parking on Parcel No. 6-01-403, 6-01-405 and 6-02-322 for Use by the Buildings Located On Parcel No. 6-02-320
- 17 - 7:30 p.m. – Approving the Zone Change Request Submitted by the City of Watertown to Change the Approved Zoning Classification of 433 Clover Street, Parcel No. 4-07-201 from Residence “B” District to Residence “C” District
- 18- 7:45 p.m. – Approving the Special Use Permit Request Submitted by Philip J. Snyder of Stieglitz Snyder Architecture on Behalf of Norstar Development USA, LP, to Allow the Construction of 91 Townhouse Style Apartment Units at 433 Clover Street, Parcel No. 4-07-201
- 19 - 8:00 p.m. – 2005 Small Cities CDBG Application Public Hearing
- 20- 8:15 p.m. – Local Law No. 2 of 2005 – Repealing Chapter 101-1 through 22 and 30 through 57; Chapter 104; Chapter 176; Chapter 177; and Chapter 148-3 through 6 and 8 through 296 of the Code of the City of Watertown and Adopting Chapter 102 of the Code of the City of Watertown
- 21 - Laid Over Under the Rules – Ordinance Authorizing the Issuance of \$1,415,000 Serial Bonds of the City of Watertown, Jefferson County, New York to Pay the Cost of Historical Restorations and Facility Renovations at the Roswell P. Flower Memorial Library, In and For Said City
- 22 - Annual Review of City Manager

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 February 7, 2005 and was dispensed with and accepted as written by motion of Councilwoman Burns, seconded by Councilman Clough and carried with all voting in favor thereof.

COMMUNICATIONS

From the City Assessor advising Council that Janie Carlson has offered to negotiate the purchase of City owned property, a vacant lot located at the southwest corner of the intersection of Gotham and Brainard Street.

ABOVE PLACED ON FILE

The minutes of the library's board meeting and the library's annual report were received.

ABOVE PLACED ON FILE

PRIVILEGE OF THE FLOOR

Richard O'Connor, Hospice Board President, addressed the chair concerning their proposal to purchase the Ogilvie Foods site and paper street, Columbia Street to build a Hospice House Residential Facility on. He explained that the facility would provide patients and families a residential setting with a home-like environment.

Mayor Graham explained that the Council had just received the memo. He thanked Mr. O'Connor for the proposal and explained that this could be discussed later in the meeting. He invited the residents that were present from this neighborhood to meet with Mr. O'Connor in the conference room in an effort to make them aware of the proposal.

Debbie Streeter, California Avenue, addressed the chair regarding the proposal and remarked that the neighbors are just concerned about what is being proposed and they would like to be kept informed. She welcomed the opportunity for the neighbors to meet at this time with Mr. O'Connor.

Councilwoman Burns remarked that the proposal this evening only involves entering into discussions about it.

Councilman Clough asked about the zoning for the site.

Mr. Mix responded that this would have to be looked into, as there are a number of issues due to the fact that it is quasi-residential with office space.

Don Osborn, 138 Winslow Street, addressed the chair asking the Council to consider resurfacing the tennis courts at Thompson Park.

Linda Goodman, Norstar, presented an update to Council on the proposed housing on the site of the former Cloverdale Apartments. Representatives from Bernier Carr, Stieglitz Snyder Architecture and The Sutton Company were present to answer questions posed by Council. Ms. Goodman explained that the unit mix has changed to increase the number of two-bedroom units and decrease the number of three-bedroom units. Ms. Goodman distributed information sheets to Council that outlined the unit mix as well as the 2005 maximum income levels for the unit mix. She also explained that the start up time depends on DHCR.

Mrs. Corriveau advised Council that she had spoken with DHCR and told them of the importance of the timing for the project. She also stated that she know our State representatives will advise DHCR of the timing importance as well.

PUBLIC HEARINGS

AT 7:15 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING APPROVING THE SPECIAL USE PERMIT REQUEST SUBMITTED BY ROBERT HAVENS, PRESIDENT OF RENY MANAGEMENT, INC. TO ALLOW SIX STUDIO APARTMENTS ON THE SECOND FLOOR OF A TWO-STORY BUILDING LOCATED AT 311 STATE STREET, PARCEL NO. 6-02-320 AND TO ALLOW REMOTE PARKING ON PARCEL NO. 6-01-403, 6-01-405 AND 6-02-322 FOR USE BY THE BUILDINGS LOCATED ON PARCEL NO. 6-02-320

MAYOR GRAHAM DECLARED THE HEARING OPEN.

No one spoke.

MAYOR GRAHAM DECLARED THE HEARING CLOSED.

AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING APPROVING THE ZONE CHANGE REQUEST SUBMITTED BY THE CITY OF WATERTOWN TO CHANGE THE APPROVED ZONING CLASSIFICATION OF 433 CLOVER STREET, PARCEL NO. 4-07-201 FROM RESIDENCE “B” DISTRICT TO RESIDENCE “C” DISTRICT.

MAYOR GRAHAM DECLARED THE HEARING OPEN.

No one spoke.

MAYOR GRAHAM DECLARED THE HEARING CLOSED.

AT 7:45 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING APPROVING THE SPECIAL USE PERMIT REQUEST SUBMITTED BY PHILLIP J. SNYDER OF STIEGLITZ SNYDER ARCHITECTURE ON BEHALF OF NORSTAR DEVELOPMENT USA, LP, TO ALLOW THE CONSTRUCTION OF 91 TOWNHOUSE STYLE APARTMENT UNITS AT 433 CLOVER STREET, PARCEL NO. 4-07-201.

MAYOR GRAHAM DECLARED THE HEARING OPEN.

No one spoke.

MAYOR GRAHAM DECLARED THE HEARING CLOSED.

AT 8:00 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING THE APPLICATION FOR SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING.

MAYOR GRAHAM DECLARED THE HEARING OPEN.

Mr. Mix explained the application process. He distributed informational sheets with the new income limits that were updated last week. He explained that the grant will be used to support a new city-wide home ownership program that will combine CDBG and HOME funding to allow Neighbors of Watertown to purchase existing homes that are for sale in the city and rehab those properties before transferring them to qualified low or moderate income buyers who have completed a home ownership counseling program that is also administered by Neighbors of Watertown and secured appropriate bank mortgage financing.

MAYOR GRAHAM DECLARED THE HEARING CLOSED AT 8:03 P.M.

AT 8:15 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE PUBLIC HEARING CONCERNING LOCAL LAW NO. 2 OF 2005.

MAYOR GRAHAM DECLARED THE HEARING OPEN.

No one spoke.

MAYOR GRAHAM DECLARED THE HEARING CLOSED.

RESOLUTIONS

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

RESOLVED that the following are hereby designated as places for voting in the City of Watertown for the ensuing year, pursuant to the provision of the New York State Election Law:

| | | |
|----------------------|------|--|
| Legislative District | 12-1 | Municipal Building |
| | 12-2 | Emma Flower Taylor Fire Station |
| | 12-3 | Emma Flower Taylor Fire Station |
| | 12-4 | State Office Building |
| | 12-5 | State Office Building |
| Legislative District | 13-1 | Emmanuel Congregational Church |
| | 13-2 | Municipal Building |
| | 13-3 | Church of the Nazarene |
| | 13-4 | State Office Building |
| | 13-5 | State Office Building |
| Legislative District | 14-1 | North Side Improvement League |
| | 14-2 | Watertown Industrial Center |
| | 14-3 | Meadow Brook Apartments Community Room |
| Legislative District | 15-1 | North Side Improvement League |
| | 15-2 | LeRay Street Apartments |
| | 15-3 | Jefferson Co. Fair Building |
| | 15-4 | Jefferson Co. Fair Building |
| | 15-5 | Midtown Towers |

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

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS a project for the reconstruction of State Street, PIN 775273, (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the cost of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds, and

WHEREAS the City of Watertown desires to advance the Project by making a commitment of 100% of the federal and non-federal share of the costs of the Right-of-Way Acquisition in the amount of \$121,780,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown authorizes the City Comptroller to pay in the first instance 100% of the federal and non-federal share of the costs of right-of-way acquisition for the project, and

BE IT FURTHER RESOLVED that the sum of \$24,356 is hereby appropriated from the City of Watertown Capital Budget and made available to cover the local cost of participation in the above phase of the Project, and

BE IT FURTHER RESOLVED that the City Comptroller is hereby authorized to pay in the first instance 100% of the federal and non-federal share of the costs of right-of-way acquisition for the project in the amount of \$121,780 from an appropriation of the City of Watertown Capital Budget, and

BE IT FURTHER RESOLVED that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the City Council of the City of Watertown shall convene as soon as possible to appropriate said excess amount immediately upon notification by the City Manager, and

BE IT FURTHER RESOLVED that the Mayor of the City of Watertown, Jeffrey E. Graham, is hereby authorized and directed to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the City of Watertown with the New York State Department of Transportation in connection with the advancement or approval of the project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding for the local share of federal aid eligible project costs and all Project costs within appropriations that are not eligible, and

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and

BE IT FURTHER RESOLVED that the City Council of the City of Watertown hereby approves the Master Federal/Local Aid Agreement, a copy of which is attached and made a part of said resolution.

SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS on August 18, 2003, the City Council of the City of Watertown approved the bid submitted by Collins-Hammond Electric Contractors, 7724 State Highway 68, Ogdensburg, New York, in the amount of \$267,800 for Electrical Construction associated with the construction of a new DPW/Bus Maintenance and Storage Facility, and Transit Facility, and

WHEREAS Interim City Engineer Gary E. Pilon is now asking that the City Council approve Change Order No. 8 to this Agreement,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Change Order No. 8 to the Electrical Construction Contract with Collins-Hammond Electric Contractors in the amount of \$1,497.94, a copy of which is attached and made a part of this resolution, and

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

SECONDED BY COUNCILWOMAN ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCILMAN BRADLEY VOTING NAY

Prior to the vote on the foregoing resolution and the following three resolutions, Councilman Bradley expressed his concerns with the costs. He asked if the changes had already been made or if they were pending. He remarked that he does not question the need, but he does question the prices. He explained that he had done comparison pricing and these prices seem very high.

Mr. Pilon explained that this was done by lump sum bid contract and not by unit pricing. He also explained that it was decided these items were needed after the fact. He also explained that there had been personnel changes and that resulted in things not being included in the original bid. Mr. Pilon advised that the architects are supposed to be comparing prices as well. He also explained that there was a need for more communication outlets and in addition, another office was put into the building.

Mrs. Corriveau remarked that the original project was estimated to come in at around \$4.8 million and it is still under the estimate. She also stated that staff does review the change orders and also looks to the architect to review them. She commented that there are always going to be changes in any project.

Councilman Bradley remarked that the city may need to double check change orders and completion schedules being met.

Mrs. Corriveau responded that the City does review these things and does hold the contractor to a time schedule.

Mayor Graham commented that the staff reviews these things so that Council doesn't have to.

Councilman Bradley questioned the change orders being done prior to it coming before Council.

Mayor Graham explained that these are decisions that have to be made on the battlefield during work on the project.

Mrs. Corriveau advised that the City Engineer has authorization to approve a change order up to \$15,000.

Councilwoman Burns questioned if it was even necessary for the change order to come before the Council.

Mrs. Corriveau explained that it was necessary because it is an amendment to the contract.

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS on August 18, 2003, the City Council of the City of Watertown approved the bid submitted by Collins-Hammond Electric Contractors, 7724 State Highway 68, Ogdensburg, New York, in the amount of \$267,800 for Electrical Construction associated with the construction of a new DPW/Bus Maintenance and Storage Facility, and Transit Facility, and

WHEREAS Interim City Engineer Gary E. Pilon is now asking that the City Council approve Change Order No. 9 to this Agreement,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Change Order No. 9 to the Electrical Construction Contract with Collins-Hammond Electric Contractors in the amount of \$6,072.94, a copy of which is attached and made a part of this resolution, and

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

SECONDED BY COUNCILMAN TIMOTHY R. LABOUF AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCILMAN BRADLEY VOTING NAY

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS on August 18, 2003, the City Council of the City of Watertown approved the bid submitted by Collins-Hammond Electric Contractors, 7724 State Highway 68, Ogdensburg, New York, in the amount of \$267,800 for Electrical Construction associated with the construction of a new DPW/Bus Maintenance and Storage Facility, and Transit Facility, and

WHEREAS Interim City Engineer Gary E. Pilon is now asking that the City Council approve Change Order No. 10 to this Agreement,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Change Order No. 10 to the Electrical Construction Contract

with Collins-Hammond Electric Contractors in the amount of \$100, a copy of which is attached and made a part of this resolution, and

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

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

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS on August 18, 2003, the City Council of the City of Watertown approved the bid submitted by Collins-Hammond Electric Contractors, 7724 State Highway 68, Ogdensburg, New York, in the amount of \$267,800 for Electrical Construction associated with the construction of a new DPW/Bus Maintenance and Storage Facility, and Transit Facility, and

WHEREAS Interim City Engineer Gary E. Pilon is now asking that the City Council approve Change Order No. 11 to this Agreement,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Change Order No. 11 to the Electrical Construction Contract with Collins-Hammond Electric Contractors in the amount of \$1,569.32, a copy of which is attached and made a part of this resolution, and

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

SECONDED BY COUNCILMAN PETER L. CLOUGH AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCILMAN BRADLEY VOTING NAY

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS on April 1, 2002, the City Council approved an Agreement with Clough, Harbour and Associates, LLP (CHA) for the design of the reconstruction of State Street in the amount of \$998,000, and

WHEREAS Supplemental Agreement No. 3 to the Agreement with CHA provides for construction support and inspections, and

WHEREAS they have been selected to continue working on this project for the construction phase services as well, and

WHEREAS Interim City Engineer Gary E. Pilon has reviewed the Supplemental Agreement No. 3 submitted by Clough Harbour and Associates and he is recommending that the City Council authorize this Agreement in the amount of \$1,100,000,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Supplemental Agreement No. 3 to the contract with Clough Harbour and Associates, LLP in the amount of \$1,100,000, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that approval of this resolution is subject to City Council approval of the superceding Marchiselli Aid Local Agreement and the Bond Ordinance in the amount of \$10,700,000, and

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

SECONDED BY COUNCILWOMAN ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCILMAN BRADLEY VOTING NAY

Prior to the vote on the foregoing resolution, Councilman LaBouf asked Attorney Slye if this would be an issue that he should not vote on since he resides on State Street.

Attorney Slye responded that there was no conflict.

Councilman Bradley asked if the City shopped around for the best prices before going with Clough Harbour.

Mrs. Corriveau explained the selection process through the state list.

Councilman Bradley remarked that when checking these numbers there is a formula that is used. He stated that he had contacted other firms who do this type of work and he feels that this is too high.

Mrs. Corriveau responded that the City talks with the State, who reviews the contacts. She remarked that if the State had concerns about the amount, they would have told the City.

Councilman Bradley remarked that he is questioning the amount, not Clough Harbour. He stated that he would like to know the percentage. He stated that the firms he contacted said that this is twice as high as it should be.

Councilman Clough asked if these were local firms.

Councilman Bradley responded that they were. He also stated that he does bids all the time and the figures are just taken from pages out of a book.

Mayor Graham remarked that if staff wants to look into the percentages they can, but he doesn't see the need for it.

Mrs. Corriveau remarked that if there are two or three firms in the City of Watertown that can do it for \$500,000 less, they should come forward.

Councilman Bradley responded that this resolution is for twice the normal range.

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS a project for the reconstruction of State Street, PIN 775273, (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the cost of such program to be borne at the ratio of eligible costs at 80% federal funds and 20% non-federal funds, and

WHEREAS the City of Watertown desires to advance the project by making a commitment of 100% of the federal and non-federal share of the costs of the Construction, Construction Inspection and Construction Supervision in the amount of \$10,336,476,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown authorizes the City Comptroller to pay in the first instance 100% of the federal and non-federal share of the costs of right-of-way acquisition for the project, and

BE IT FURTHER RESOLVED that the sum of \$2,016,476 is hereby appropriated for betterment and \$544,000 is appropriated as the local match from the City of Watertown Capital Budget and made available to cover the local cost of participation in the above phase of the project, and

BE IT FURTHER RESOLVED that the City Comptroller is hereby authorized to pay in the first instance 100% of the federal and non-federal share of the costs of construction, construction inspection and construction supervision for the project in the amount of \$10,336,476 from an appropriation of the City of Watertown Capital Budget, and

BE IT FURTHER RESOLVED that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the City Council of the City of Watertown shall convene as soon as possible to appropriate said excess amount immediately upon notification by the City Manager, and

BE IT FURTHER RESOLVED that the Mayor of the City of Watertown, Jeffrey E. Graham, is hereby authorized and directed to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the City of Watertown with the New York State Department of Transportation in connection with the advancement or approval of the project and providing for the administration of the project and the municipality's first instance funding of project costs and permanent

funding for the local share of federal aid eligible project costs and all project costs within appropriations that are not eligible, and

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the project, and

BE IT FURTHER RESOLVED that the City Council of the City of Watertown hereby approves the Marchiselli Aid Superseding Project Agreement, a copy of which is attached and made a part of said resolution.

SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED WITH ALL VOTING YEA

Prior to the vote on the foregoing resolution, Mayor Graham asked about the status of the funding for the streetscape program.

Mrs. Corriveau explained the Congressman McHugh's office indicates that they are still hopeful.

Councilman LaBouf remarked that perhaps Senator Clinton and State Senator Wright might be able to levy more money.

Councilwoman Burns asked if there had been an indication of funding at a lower level.

Mrs. Corriveau advised that they had been given an opportunity to resubmit and she did so at a higher request level.

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS the City Council of the City of Watertown, New York has before it an ordinance for the zone change application of the City of Watertown to change the approved zoning classification of 433 Clover Street, Parcel No. 4-07-201 from Residence "B" District to Residence "C" District and applications for a Special Use Permit and Site Plan Approval for 91 housing units on the same property and

WHEREAS the City Council must evaluate all proposed actions submitted for its consideration in light of the State Environmental Quality Review Act (SEQRA) and the regulations promulgated pursuant thereto, and

WHEREAS the adoption of the proposed ordinance and construction of the housing units would constitute such an "Action", and

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

WHEREAS the City Council is not coordinating the SEQRA review as allowed for Unlisted Actions, and

WHEREAS to aid the City Council in its determination as to whether the proposed zone change and project will have a significant effect on the environment, Part 1 of a Short Environmental Assessment Form has been prepared by Kenneth A. Mix, Planning and Community Development Coordinator, a copy of which is attached and made part of this resolution,

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

1. Based upon its examination of the Short Environmental Assessment Form and comparison of the proposed action with the criteria set forth in 6NYCRR Section 617.7, no significant impact on the environment is known and the adoption of the zone change and construction of 91 housing units will not have a significant effect on the environment.

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

3. This resolution shall take effect immediately.

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

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS Philip J. Snyder of Stieglitz Snyder Architecture has made application for site plan approval on behalf of Norstar Development USA, LP, for the construction of 91 townhouse style apartment units at 433 Clover Street, Parcel No. 4-07-201, and

WHEREAS the Jefferson County Planning Board reviewed the site plan at its meeting held on February 22, 2005, pursuant to General Municipal Law Section 239-m, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on Tuesday, February 1, 2005, and recommended that the City Council of the City of Watertown approve the site plan, contingent upon the following items being addressed on the plans prior to the issuance of a building permit for the project:

1. That additional information be provided relative to the proposed sanitary sewer, including actual locations of existing infrastructure, proposed pipe sizes and construction details
2. That a 10' horizontal separation be provided between the sewer and water lines.
3. That additional information be provided relative to the proposed storm sewer, including the actual locations of existing infrastructure, proposed pipe sizes and construction details.
4. That the developer coordinates with the New York State Department of Environmental Conservation regarding storm water pollution prevention plan requirements.
5. That the proposed on-site water main lines be 6" piping and that blow offs be provided where needed.
6. That the developer coordinate directly with the Water Department regarding all aspects of the water line design and installation with regard to the type and manufacture of meters, hydrants, etc.
7. That the back edge of the street sidewalks proposed for Division Street East, Starbuck Avenue and Clover Street be placed on the right-of-way lines.
8. That the curbing and sidewalks on both Clover Street and Division Street East at the driveway intersections continue straight across the driveway openings.
9. That the sidewalks at the driveway entrances have a surface grade of 6" above the existing center line of the road and that they are not to be depressed in those areas.
10. That additional information is provided relative to the type and style of light fixtures that are proposed for the site.
11. That additional details be provided relative to the types and sizes of the trees and landscaping that are to be planted.
12. That the proposed sidewalk located in the required 15' landscaped area at the southwest corner of the site near the four unit and seven unit buildings be relocated and landscaping be added to that area.
13. That enhanced shrubbery and landscaping be added to the parking lot areas to provide for headlight screening and improved aesthetics.

And,

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

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed construction and site plan constitute an Unlisted Action for the purposes of SEQRA 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 Philip J. Snyder of Stieglitz Snyder Architecture on behalf of Norstar Development USA, LP, for the construction of 91 townhouse style apartment units at 433 Clover Street, Parcel No. 4-07-201, as shown on plans submitted to the City Engineer on February 9, 2005, contingent upon the applicant making the revisions and meeting the requirements listed above in the City Planning Board's recommendation.

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

THE RESOLUTION "APPROVING THE SPECIAL USE PERMIT REQUEST SUBMITTED BY ROBERT HAVENS, PRESIDENT OF RENY MANAGEMENT, INC. TO ALLOW SIX STUDIO APARTMENTS ON THE SECOND FLOOR OF A TWO-STORY BUILDING LOCATED AT 311 STATE STREET, PARCEL NO. 6-02-320 AND TO ALLOW REMOTE PARKING ON PARCEL NO. 6-01-403, 6-01-405 AND 6-02-322 FOR USE BY THE BUILDINGS LOCATED ON PARCEL NO. 6-02-320" WAS PRESENTED TO THE COUNCIL. (Introduced on February 7, 2005; public hearing held this evening; appears in its entirety on page 22 of the 2005 Minutes Book).

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

THE RESOLUTION "APPROVING THE SPECIAL USE PERMIT REQUEST SUBMITTED BY PHILLIP J. SNYDER OF STIEGLITZ SNYDER ARCHITECTURE ON BEHALF OF NORSTAR DEVELOPMENT USA, LP, TO ALLOW THE CONSTRUCTION OF 91 TOWNHOUSE STYLE APARTMENT UNITS AT 433 CLOVER STREET, PARCEL NO. 4-07-201 WAS PRESENTED TO COUNCIL. (Introduced on February 7, 2005; public hearing held this evening; appears in its entirety on page 21 of the 2005 Minutes Book).

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

ORDINANCES

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

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

WHEREAS, by bond ordinances dated September 3, 2002, and August 18, 2003, the Council of the City of Watertown, Jefferson County, New York, authorized the issuance of \$600,000 and \$750,000 serial bonds, respectively, of said City to pay the cost of engineering services for the reconstruction of State Street between Public Square and Eastern Boulevard, including incidental expenses in connection therewith, in and for the City of Watertown, Jefferson County, New York; and

WHEREAS, it is now desired to authorize the issuance of \$10,700,000 serial bonds of said City to finance additional costs of said specific object or purpose and of the reconstruction of such portion of State Street;

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

Section 1. For the specific object or purpose of paying additional costs of the reconstruction of State Street between Public Square and Eastern Boulevard, including engineering services, right-of-way incidentals and acquisitions and incidental expenses in connection therewith, in and for the City of Watertown, Jefferson County, New York, there are hereby authorized to be issued \$10,000,000 serial bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$12,050,000 and that the plan for the financing thereof is as follows:

(a) by the issuance of the \$600,000 serial bonds of said City authorized to be issued for engineering services pursuant to bond ordinance dated September 3, 2002;

(b) by the issuance of the \$750,000 serial bonds of said City authorized to be issued for engineering services pursuant to bond ordinance dated August 18, 2003; and

(c) by the issuance of the \$10,700,000 serial bonds of said City authorized to be issued for the reconstruction of State Street between Public Square and Eastern Boulevard pursuant to this bond ordinance; provided, however, that the amount of serial bonds ultimately to be issued will be reduced by the amount of any State and, or Federal aid received by said City for such specific object or purpose.

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 20 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose set forth in Section 3 of the Ordinance dated September 3, 2002 is hereby changed to fifteen years pursuant to subdivision 20 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 serial 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. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

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

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City

Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial 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 COUNCILMAN TIMOTHY R. LABOUF AND CARRIED WITH ALL VOTING YEA

(Unanimous consent moved by Councilman Clough, seconded by Councilman LaBouf and carried with all voting in favor thereof.)

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

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

WHEREAS, by bond ordinances dated May 17, 1999 (Ordinance No. 8), January 16, 2001 (Ordinance No. 4), and August 18, 2003 (Ordinance No. 9), the Council of the City of Watertown, Jefferson County, New York, authorized the issuance of \$211,000, \$3,447,000 and \$1,477,000 serial bonds, respectively, of said City to pay costs of the construction of the Department of Public Works Facility on Newell Street, including incidental improvements and expenses in connection therewith, in and for the City of Watertown, Jefferson County, New York; and

WHEREAS, it is now desired to authorize the issuance of \$280,000 serial bonds of said City to finance additional costs of said specific object or purpose, including the construction of a bus transfer site on Arcade Street (included as an incidental improvement within such original authorization but not specifically identified);

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

Section 1. For the specific object or purpose of paying additional costs of the construction of the Department of Public Works Facility on Newell Street, and including the construction of a bus transfer site on Arcade Street, including incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$280,000 serial bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of such specific object or purpose is now determined to be \$5,415,000, and that the plan for the financing thereof is as follows:

- a. by the issuance of the \$211,000 serial bonds of said City authorized to be issued pursuant to bond ordinance dated May 17, 1999;
- b. by the issuance of the additional \$3,447,000 serial bonds of said City authorized to be issued pursuant to bond ordinance dated January 16, 2001;
- c. by the issuance of the additional \$1,477,000 serial bonds of said City authorized to be issued pursuant to bond ordinance dated August 18, 2003; and
- d. by the issuance of the additional \$280,000 serial bonds of said City authorized to be issued pursuant to this bond ordinance; provided, however, that the amount of serial bonds ultimately to be issued will be reduced by the amount of any State and, or Federal aid received by said City for such specific object or purpose.

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 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law, computed from June 21, 1999, the date of issuance of the first bond anticipation note for said specific object or purpose.

It is hereby further determined that maximum maturity of the serial bonds herein authorized will exceed five years.

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 serial 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. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

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

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial 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 COUNCILMAN TIMOTHY R. LABOUF AND CARRIED WITH ALL VOTING YEA

(Unanimous consent moved by Councilman Clough, seconded by Councilman LaBouf and carried with all voting in favor thereof.)

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

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

WHEREAS, it is now desired to authorize the financing of such capital project; NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section 1. For the class of objects or purposes of paying the cost of the purchase of equipment and furnishings for the Fleet Maintenance Facility in and for the City of

Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$30,000 serial bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$30,000 and that the plan for the financing thereof is by the issuance of the \$30,000 serial bonds of said City authorized to be issued pursuant to this bond ordinance; provided, however, that the amount of serial bonds ultimately to be issued will be reduced by the amount of any State and, or Federal aid or any other revenue received by the City from other sources for such class of objects or purposes.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years, pursuant to subdivision 32 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 serial 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. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

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

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining

annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial 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 COUNCILMAN TIMOTHY R. LABOUF AND CARRIED WITH ALL VOTING YEA

(Unanimous consent moved by Councilman Clough, seconded by Councilman LaBouf and carried with all voting in favor thereof.)

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

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

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

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

Section 1. For the class of objects or purposes of paying the cost of the purchase of computer hardware and software, including the installation thereof and initial training for the City of Watertown, Jefferson County, New York, there are hereby authorized to be issued \$60,000 serial bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$60,000 and that the plan for the financing thereof is by the issuance of the \$60,000 serial bonds of said City authorized to be issued pursuant to this bond ordinance.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years, pursuant to subdivision 89 of paragraph a of Section 11.00 of the Local Finance Law, as each component item of said class has a period of probable usefulness of at least five years under one or more of subdivisions 32 or 52 of said 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 serial 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. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

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

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial 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 COUNCILMAN STEPHEN J. BRADLEY AND CARRIED WITH ALL VOTING YEA

(Unanimous consent moved by Councilman Clough, seconded by Councilman Bradley and carried with all voting in favor thereof.)

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

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

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

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

Section 1. For the specific object or purpose of paying the cost of historical restorations and facility renovations at the Roswell P. Flower Memorial Library, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$1,415,000 serial bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$1,415,000 and that the plan for the financing thereof is by the issuance of the \$1,415,000 serial bonds of said City authorized to be issued pursuant to this bond ordinance provided, however, that the amount of serial bonds ultimately to be issued will be reduced by the amount of any State aid or gifts received by said City for such specific object or purpose.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 15 years, pursuant to subdivision 12 of paragraph a of Section 11.00 of the Local Finance Law, as said building is a class "B" building within the meaning of subdivision 11 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 serial 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. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

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

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial 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 COUNCILMAN STEPHEN J. BRADLEY AND CARRIED WITH ALL VOTING YEA

(Unanimous consent moved by Councilman LaBouf, seconded by Councilman Bradley and carried with all voting in favor thereof.)

Prior to the vote on the foregoing ordinance, Mrs. Corriveau remarked on the hard work that the library has done in fundraising. She also referred to the outstanding pledges that have yet to be collected as she felt it was important for the City Council to understand the financial commitment this community has made to this project and the city's potential exposure. She explained that the library has also applied for another grant through the Environmental Protection Fund.

THE ORDINANCE "APPROVING THE ZONE CHANGE REQUEST SUBMITTED BY THE CITY OF WATERTOWN TO CHANGE THE APPROVED ZONING CLASSIFICATION OF 433 CLOVER STREET, PARCEL NO. 4-07-201 FROM RESIDENCE "B" DISTRICT TO RESIDENCE "C" DISTRICT WAS PRESENTED TO COUNCIL (Introduced on February 7, 2005;

public hearing this evening; appears in its entirety on page 23 of the 2005 Minutes Book).

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING ORDINANCE AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

LOCAL LAW

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS the City of Watertown applied to the Town Board of the Town of Pamelaia for annexation into the City a certain uninhabited real property adjoining the City and comprised of 4.4 acres, and

WHEREAS the Town Board of the Town of Pamelaia adopted a resolution on December 14, 2004 consented the annexation as being in the overall public interest, and

WHEREAS the City Council of the City of Watertown, by resolution dated February 7, 2005, found that the annexation would not have a significant effect on the environment and was in the overall public interest, and

WHEREAS on February 7, 2005, further issued an Order of annexation, pursuant to sub-section 706(2) of the New York General Municipal Law and required the same to be filed with the office of the Town Clerk of the Town of Pamelaia and the City Clerk of the City of Watertown,

NOW THEREFORE BE IT ENACTED by the City council of the City of Watertown, New York as follows:

The City of Watertown hereby annexes, pursuant to General Municipal Law Sub-Section 714(1), the following property into the City:

SEE EXHIBIT “A”

This Local Law shall take effect immediately upon filing with the Secretary of State.

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

LOCAL LAW NO. 2 OF 2005 WAS PRESENTED TO COUNCIL (Introduced on February 7, 2005; public hearing held this evening; appears in its entirety on page 24 of the 2005 Minutes Book).

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING LOCAL LAW AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

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COUNCIL DISCUSSED THE FOLLOWING TOPICS:

Hospice Proposal

Mr. O' Connor advised Council that he had spoken with the neighbors and had addressed the concerns.

Councilman Clough asked why Hospice was asking for a two-year option.

Mr. O'Connor explained that fund-raising will need to be done and a certificate of need from the State will have to be obtained. He explained that the residents seem comfortable with the proposal. The facility will have a residential feel as much as possible and will only consist of 4-6 beds.

Councilwoman Burns remarked that she is pleased to know that there is interest in the site and she has complete confidence that it would be compatible with the neighborhood. She states that it makes perfect sense and is a good mix.

Council concurred that staff be authorized to enter into discussions with Hospice regarding their land needs and determine if they need the whole site, or if a portion of the site might work.

Towing Fees

Councilwoman Burns asked about the status of this inquiry.

Mrs. Corriveau explained that the Police Department is researching this issue.

City Property Sold At Tax Sale

Councilwoman Burns asked about the length of time owners have to bring their property up to Code after purchasing it at tax sale.

Attorney Slye stated that they have one year.

Iron Block

Councilwoman Burns asked about the status of the demolition.

Mrs. Corriveau remarked that it is still on schedule.

Marketing Effort for YWCA

Councilwoman Burns asked about this and remarked that she only saw a hand-written telephone number on a piece of paper hanging in the window.

Mrs. Corriveau remarked that she believes it is in the hands of a realtor and they should be putting up their own signs.

WICLDC Board Vacancy

Council instructed Mrs. Corriveau to prepare a resolution appointing Mr. Nicholas Darling to the WICLDC Board.

Safety Issues on Arsenal Street

Councilman LaBouf advised that there is a street light bulb hanging from the pole not far from the bridge, near the cemetery. He also remarked that the guardrails on the bridge have rusted out.

Mrs. Corriveau explained that she and Mr. Hayes met with NYS DOT about this in September. She has not heard from DOT since then.

Condemned Building

Councilman LaBouf asked what the protocol was for notifying Council when a building is going to be condemned. He stated that he would have appreciated knowing before hand. He stated that everyone is concerned about the businesses and families that have been displaced as a result of this. He also commented that all of these issues in the building could be found in other buildings in the City. He asked if we are looking for them, too.

Mrs. Corriveau remarked that she agrees. However, the City doesn't go looking for violations.

Mayor Graham commented that somehow the sight of police, fire and codes marching into a building is upsetting. The tenants didn't ask for this. Taking them out of their homes and seeing business people in tears on the local news is troubling to watch. He questioned that at what point is there some basic human compassion.

Councilman LaBouf remarked that the Arcade is a major part of our history and this should have been handled differently.

Mayor Graham commented that this wasn't a drug bust to be held in secrecy.

Councilman LaBouf remarked that the City is trying to make the downtown a business friendly environment. He questioned what kind of message does this send to someone wanting to conduct business in the downtown.

Mrs. Corriveau read the letters that Mr. McWayne had sent to the owners of the property. She also remarked that the first letter of January 6th was as a result of a walkthrough, with the business owner, on December 22nd when the sprinkler system malfunctioned. The letter went out with photos and with an offer to do additional walkthroughs. The second letter was sent on January 19th and was a follow up to the first letter and was assuming that the work was being done. On February 9th a letter was sent from Attorney Burrows.

This letter was also sent to Karl Burns, Inc. It indicated that the deficiencies needed to be taken care of in 10 days and if nothing were done the property would be condemned on February 22nd.

Councilman LaBouf remarked that all of the code issues take time and are very costly.

Councilman Bradley asked if there was an apartment complex and the water was going to be shut off wouldn't the tenants be notified by the City?

Mrs. Corriveau explained that this type of notification is a requirement of state law and is not the same as what occurred at the Arcade.

Councilman Bradley remarked that people are being put out of their homes.

Mrs. Corriveau responded that the City was attempting to work with the property owners and she questioned whether or not they would have wanted the tenants to know their business.

Mayor Graham commented that the media was tipped off to this and it was a media circus. He stated that what happened today was fundamentally wrong in the way that people were treated. He also remarked that there comes a time when we have to look at the people and to do what is right.

Mrs. Corriveau asked what the Mayor would have staff do. She remarked that staff contacted DSS last week and put them on notice that this would be happening.

Mayor Graham asked what was wrong with giving the tenants notice. He commented that there should be a summit on this building. It is a challenging building and keeping on top of it is difficult. He remarked that all the historic preservation people are "missing in action" with this building, yet they're still weeping about the iron block being demolished.

Councilman LaBouf questioned where these groups are that would be willing to help. He also commented that the summit needs to happen as soon as possible.

Mrs. Corriveau advised that Rev. Gerry and Advantage Watertown are willing to help.

Councilman LaBouf commented that business owners and residents should have had prior knowledge.

Councilwoman Burns remarked that she appreciated Councilman LaBouf's comments. She stated that while she wasn't going to debate this issue this evening with city staff, police and codes have been in the building without her knowledge several times since the December date. She also mentioned that there needs to be clarification as to the issues. The contractor tried to meet with Mr. McWayne today for a walkthrough. However, Mr. McWayne was not available until Wednesday.

Mrs. Corriveau advised that she didn't believe the work could be done in one day.

Sidewalk Program

Mayor Graham asked if the targeted area had been billed yet.

Mrs. Corriveau explained that bills would not go out until the entire special assessment district has been completed. They have been notified of the estimated cost.

Mayor Graham commented that he thinks the City part should be at a different level; perhaps 50-50 and anyone citywide should be able to use the financing options.

Councilman LaBouf commented that there is increase in sales tax revenues, hydro revenues, and the number of homes back on the tax rolls as well as an increasing tax base and relief from the airport. Therefore, the City will have additional revenue that should be redistributed to the taxpayers through the sidewalk program.

Councilman Clough remarked that he and Councilwoman Burns have been on the Council for eight years, some of which have been hard times. He stated that we shouldn't rely on hydro or sales tax. He remarked that he would rather go with a tax decrease than 100% on the sidewalks. He remarked that at even 50%, the taxpayers are still supplementing the non-taxable properties.

Councilwoman Burns commented that the reason why she would be concerned about the 100% is that it is unfair to people who have already paid. She commented that she would like to see a decrease in the tax rate. That would be a tax savings for everyone.

Mrs. Corriveau advised that Council adoption sets the City's contribution level. She explained that making the entire City a special assessment district would require mailing notices to every property in the City. She also commented that if the City is going to continue to do the work, they need to have a plan and do inspections.

Councilman LaBouf commented that having smaller targeted locations is a good proposal. However, he does like the idea of including the entire City. He also commented that the Mayor's suggestion of doing the main arteries is also a good idea.

Councilwoman Burns agreed stating that if the program does continue, smaller areas would be better.

Councilman Bradley discussed the prior notice being a year for special assessments. He asked if complaints could be called in and then added to the district.

Attorney Slye explained that it would require an amendment.

Councilman Clough commented that the City needs to move forward with the inspections.

Mrs. Corriveau explained that council could look at high visibility and/or high pedestrian areas. The object is to get the highest impact for the dollars being spent.

Mayor Graham commented that sidewalks are overlooked everyday and there is some disparity in enforcing the law.

Mrs. Corriveau responded that staff was told not to go out and do citations.

Councilman LaBouf remarked that the option to do nothing makes the situation worse.

Discussion centered on the areas that should be targeted.

Councilman Clough remarked that it should be city staff's decision as to which areas would be targeted.

Discussion centered on enlisting input from some local citizens.

MOTION WAS MADE BY COUNCILMAN CLOUGH TO SUPPORT A SIDEWALK PROGRAM AND TO INSTRUCT THE CITY MANAGER TO OUTLINE AREAS IN THE CITY WHERE SIDEWALKS COULD BE REPLACED.

MOTION WAS SECONDED BY COUNCILMAN BRADLEY AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

(Rules were waived by motion of Councilman Clough, seconded by Councilman Bradley and carried with all voting in favor thereof.)

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 9:41 P.M. BY MOTION OF COUNCILMAN CLOUGH, SECONDED BY COUNCILMAN BRADLEY AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Donna M. Dutton
City Clerk