

**CITY COUNCIL MEETING
CITY OF WATERTOWN
March 2, 2015
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
James Burrows, City Attorney

City staff present: James Mills, Ken Mix, Amy Pastuf, Justin Wood, Matthew Roy, Yvonne Reff, Erin Gardner, Eugene Hayes, Brian Phelps, David Wurzburg, Amie Davis, Fire Chief Dale Herman, Police Chief Charles Donoghue, Deputy Fire Chief Russell Randall

The City Manager presented the following reports to Council:

- Resolution No. 1 - Authorizing Public Auction for Sale of City Owned Property
- Resolution No. 2 - Approving Change Order No. 1 for Reservoir Parallel Watermain, North Country Contractors LLC
- Resolution No. 3 - Approving Supplemental No. 2 to Professional Services Agreement, Stantec Consulting Services, Inc.
- Resolution No. 4 - Adopting Guidelines and Administrative Procedures for the Program Year 2014 HOME Repair Program
- Resolution No. 5 - Approving Renewal of Dental/Vision Coverage, Relph Benefit Advisors
- Resolution No. 6 - Accepting Bid for Watertown Arena Renovation Project, General Contractor, Bette & Cring
- Resolution No. 7 - Accepting Bid for Watertown Arena Renovation Project, Mechanical Work, Lawman Heating and Cooling, Inc.
- Resolution No. 8 - Accepting Bid for Watertown Arena Renovation Project, Plumbing/Fire Protection, Lawman Heating and Cooling, Inc.
- Resolution No. 9 - Accepting Bid for Watertown Arena Renovation Project, Electrical Work, Lawman Heating and Cooling, Inc.
- Ordinance No. 1 - An Ordinance Amending the Ordinance Dated March 17, 2014, Authorizing the Issuance of \$550,000 bonds of the City of Watertown, Jefferson County, New York, to Pay the Costs of the Design, Reconstruction and Expansion of the City's Fairgrounds Arena, to Increase the Estimated Maximum Cost to \$10,300,000 and to Increase the Amount of Bonds Authorized to \$9,750,000
- Tabled - Resolution Approving Intergovernmental Agreement Relative to Dog Control Services With County of Jefferson
- Tax Sale Certificates Assignment Request
- Request for Abate – 1105 Harris Drive
- Jefferson County Office for the Aging Transportation Assistance Agreement/Program
- Board and Commission Appointments
- Sales Tax Revenue – January 2015

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 17, 2015 was dispensed and accepted as written by motion of Council Member Roxanne M. Burns, seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

PRESENTATIONS

Mayor Graham interrupted the regular course of business to proclaim March 2015 as Development Disabilities Awareness Month in the City of Watertown and to call upon all citizens in celebrating the contributions of individuals with disabilities. Terri Fulmer accepted the proclamation on behalf of the Disabled Persons Action Organization (DPAO).

COMMUNICATIONS

No Communications.

PRIVILEGE OF THE FLOOR

Joseph Rich thanked Council for the proclamation and for honoring people with developmental disabilities. In regards to the arena project, Mr. Rich said there are a lot of pros and cons and that Watertown has always been the hub of the North Country due to the activities that are held here. He noted other areas, such as SUNY Canton and Clarkson, which either have or are considering new facilities. He commented that he is sensitive to people and the tax rate but he thinks people would not mind spending money on maintenance and improvements to a facility so that people can continue to use it. He discussed the number of hockey games and concerts held at the arena and how this brings people into the region, which ultimately impacts bed tax and sales tax.

John VanBrocklin, Watertown, discussed his experience with the arena mentioning the semi-pro hockey team playing in an open-air rink in 1975. Moving forward, he said he has experience in seeing what works and what does not work and thinks the City has a great plan now, in which it paid a lot of money for. He said his program is looking to get additional space noting that they share the ice with the Wolves, the High School team and other events. He pointed out some rinks they visit have a separate room dedicated to the High School teams. At a recent tournament which hosted 17 teams, he noted the issues with space at the arena, stating that kids were changing in the lobby and upper entrance. He is pleased Council is considering the improvements and would like to see the plan go through but understands the difficult decision to be made.

Sheila Barney-Pullus, Watertown, addressed the chair stating the roof of this project was brought up years ago and many estimates have been done. She said this has been put off several times because it costs too much, but a lot of money has been spent on these estimates and nothing is done. She noted the last plan cost \$700,000. Speaking to Council Member Butler, she said he approved a certain amount and

now he does not want to do it. She advised that this needs to come to a conclusion, noting this building brings in an income unlike other projects, such as the Factory Street Reconstruction.

Stanley Tibbles, Watertown, thanked Council for the opportunity to speak in support of the arena project, noting that Council must make a difficult decision. As a part owner of the Watertown Wolves, he said the Wolves are here for the community and the City needs to start investing in projects like this in order to keep young people in the community. He stressed this is an investment in the future.

Shawn Travers, Brownville, told Council he is a Board Member for Watertown Skating and Hockey Association which has been in existence since 1971. He explained that this not-for-profit organization has called the arena its home ever since it was formed. He noted that 113 kids are registered in the minor hockey program, ranging from age 5 - 16 years old. In recent years, he indicated the biggest challenge has been ice availability and locker room space, highlighting the safety issues caused by the limited space. He discussed USA Hockey's strict requirements for safety identifying locker rooms as a key high risk area in regard to sexual abuse, physical abuse and bullying. He advised that the environment created at the arena has increased this risk by combining genders and multiple age groups in the same locker rooms. With the limited ice availability, he mentioned his group has been forced to go to other areas for ice time. He hopes Council will consider the whole project or at least a portion of the project, in particular the locker rooms.

Stacy Faunce, President of the Figure Skating Club of Watertown, spoke in agreement with the previous speakers in regard to space issues mentioning the children dressing in the lobby room. He said the project definitely needs to be done and mentioned it is crucial for ice to be in by October 1st because that is their competitive time of the year. If the ice is not available until December, he said they will need to go elsewhere for the season.

Dave Winters, President of the Downtown Business Association (DBA), addressed the chair thanking Council and City Staff for keeping downtown's parking lots, sidewalks and street clear of snow. He indicated that he has received many compliments from business owners regarding the City's work and wanted to personally thank Council.

Chris Erickson told Council that his career was in the hockey arena business, as well as serving as a member of City government in Odgensburg, so he understands both sides of this position. During his time with the City of Odgensburg's Council, he recalled a project that had several designs done but was never completed and he discussed the amount of money that was spent on these plans. He said that he does not want to see this done with the arena designs. He stressed that the arena building is 40 years old and he is concerned about the refrigeration system, stating that it is going to wear out. He stated the main thing in the arena business is that ice time is being sold; therefore, the equipment needs to be maintained for good ice. In addition, he discussed the need for new locker rooms and a separation between the fans and the players.

RESOLUTIONS

Resolution No. 1 - Authorizing Public Auction for Sale of City Owned Property

Introduced by Council Member Roxanne M. Burns

WHEREAS the City of Watertown owns certain lots of land acquired at Tax Sale and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as follows:

<u>Parcel Number</u>	<u>Address</u>
7-01-126.000	138 Court Street

And,

WHEREAS title to said land has been retained by the City of Watertown, and

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

WHEREAS the City Council desires to ensure that properties such as those listed above be brought into compliance with all applicable provisions of the New York State Fire Prevention and Building Code and all City of Watertown zoning and health codes within one (1) year of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 13 adopted by the Council, on June 6, 1977, the Comptroller of the City of Watertown be and he hereby is authorized to publish a Notice of Sale of the parcels of land above mentioned once a week for three (3) consecutive weeks in the official newspaper of the City of Watertown to the effect that said parcels of land will, at 6:00 p.m. on the 4th day of May, 2015, in the 3rd Floor City Council Chambers in the Municipal Building, 245 Washington Street, be offered individually for sale to the highest bidder and there present, under the conditions herein set forth:

The aforesaid parcels are conveyed, together with all rights and privileges affecting the same, and also together with all buildings, improvements and appurtenances located upon said described parcels, and

BE IT FURTHER RESOLVED that the City Comptroller be and he hereby is authorized to accept bids for said parcels, in an amount not less than the minimum price set below, subject to the rights of the said City Council to reject any and all bids, and

<u>Parcel Number</u>	<u>Address</u>	<u>Minimum Bid</u>
7-01-126.000	138 Court Street	\$ 25,000

BE IT FURTHER RESOLVED that the highest bidder deposit at least 10 per cent (10%) of the bid price at the same time of each said successful bid with the City Comptroller, and

BE IT FURTHER RESOLVED that said parcels of land shall be then sold to the successful bidder for cash or certified funds only, and

BE IT FURTHER RESOLVED that the Notice of Sale, any offer to purchase, and any deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the State Fire Prevention and Building Code and all City of Watertown zoning and health codes within one (1) year of the City's delivery of the deed to the buyer, the City shall have the right to seek reversion of title to the City, and

BE IT FURTHER RESOLVED that the said bids shall be submitted to the Mayor and City Council for their approval or rejection, and

BE IT FURTHER RESOLVED that the City reserves the right to withdraw any parcel prior to the public sale of said parcels.

Seconded by Council Member Teresa R. Macaluso

Prior to the vote on the foregoing resolution, Mayor Graham mentioned there is concern over a public auction because Council wants to make sure whoever buys this building will follow through with developing it.

Council Member Jennings said the primary concern should be getting someone who will stabilize the building and make it prosper. He stated he would be interested in a private sale and asked how that would work.

Brian Phelps, City Assessor, explained the proposal would be to set a deadline for private offers, which would be the least formal of all the options. He added this allows the City to negotiate the offer in case it is not exactly what Council wants.

Council Member Macaluso reminded Council that this has been done in the past and there were problems because there was not a public auction.

Mayor Graham said there should be a public proposal submitted so there is a level of transparency and then Council would have to make a qualitative judgment based on who has the ability to complete the project. He noted the adjacent property owners would be the ones most interested and they have asked to be notified of any scheduled tours. With a public auction, Mayor Graham said the top bidder may not have legitimate plans to stabilize the building.

Council Member Burns agreed with the concept of starting with a minimum bid amount and asked if the minimum bid of \$25,000 covered the expenses that the City has already incurred.

Attorney Burrows indicated that this is the amount paid to the bankruptcy court to retake title to the property along with any legal fees associated with the lawsuit.

Council Member Burns reiterated that she supports the minimum bid and would be willing to entertain proposals in advance of an auction. She noted that if this does not work then the building could be put to public auction.

Mayor Graham said it comes down to the process, and the proposal is what is being judged and not the price. He recommended a uniform price of \$25,000 - \$30,000 and then the buyer would need to submit a plan for development.

Council Member Macaluso questioned if people would want to invest the time into submitting a proposal.

Council Member Burns commented that if they do not want to invest the time, then they probably will not be committed to the project.

In response to Council Member Butler's inquiry, Mr. Phelps indicated that the details of a private sale would need to be worked out. He said the first step would be to set a minimum price and then explained the factors that would be weighed in making a decision.

Council concurred to wait on the public auction so staff could work out the details for a private sale. The minimum price was set at \$30,000.

Motion was made by Council Member Roxanne M. Burns to table the foregoing resolution. Motion was seconded by Council Member Stephen A. Jennings and carried with all voting in favor thereof.

Resolution No. 2 - Approving Change Order No. 1 for Reservoir Parallel Watermain, North Country Contractors LLC

Introduced by Council Member Stephen A. Jennings

WHEREAS on April 21, 2014, City Council of the City of Watertown approved the bid submitted by North Country Contractors LLC in the amount of \$875,000, as well as Alternate No. 1, for the Water Transmission Main, Appurtenances and Park Trail Construction, and

WHEREAS North Country Contractors LLC has now submitted Change Order No. 1 in the amount of \$45,186.22 for extra work required to complete the project, largely attributed to the lack of records for ancient infrastructure in and around the reservoir tanks, bringing the final contract amount to \$920,186.22, and

WHEREAS this project has run under budget by \$64,705 and the total contract value is \$855,481.22,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 1 to contract with North Country Contractors LLC in the amount of \$45,186.22 for the Reservoir Parallel Watermain Project, and

BE IT FURTHER RESOLVED that the City Manager Sharon Addison be authorized and directed to sign the Change Order on behalf of the City of Watertown.

Seconded by Council Member Joseph M. Butler, Jr.

Prior to the vote on the foregoing resolution, Council Member Butler said he thinks there is conflicting language within the resolution between paragraph two and paragraph three referring to the total contract amount.

Justin Wood, City Engineer, explained the contract was awarded as \$875,000 in April 2014 but when the work was completed, \$810,000 was paid out. He further explained this change order for additional work of \$45,000 would bring the total paid out amount to \$855,000 and the total awarded amount to \$920,000.

Motion was made by Council Member Joseph M. Butler, Jr. to amend paragraph two of the foregoing resolution to eliminate “bringing the final contract amount to \$920,186.22” and to amend paragraph three of the foregoing resolution to read “Whereas this project has run under budget by \$64,705 and with this Change Order the final contract value is \$855,481.22”. Motion was seconded by Council Member Stephen A. Jennings 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. 3 - Approving Supplemental No. 2 to Professional Services Agreement, Stantec Consulting Services, Inc.

WHEREAS on July 15, 2013, the City Council of the City of Watertown approved the Professional Services Agreement with Stantec Consulting Services, Inc. in the amount of \$99,790 for the design of the rehabilitation of the Fairgrounds Municipal Arena, and

WHEREAS Supplemental No. 1 was approved by City Council on March 17, 2014 for detailed design and construction support services for the Fairgrounds Municipal Building Upgrade Project not to exceed the amount of \$510,403, bringing the total contract amount to \$610,193, and

WHEREAS Supplemental No. 2 has been submitted by Stantec Consulting Services Inc. for design work and testing not included in the original scope of work, as well as an upgrade to electrical service, hazardous material abatement design, and pool house renovations to meet ADA and building code requirements for the Fairgrounds Municipal Building Upgrade in the amount of \$78,000, bringing the total contract amount to \$688,193,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Supplemental No. 2 to the Professional Services Agreement with Stantec Consulting Services Inc., and

BE IT FURTHER RESOLVED that the approval of this Resolution is contingent upon the City Council approving a Bond Ordinance Amendment to cover the expenses associated with this project, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute the Change Order No. 2 document on behalf of the City of Watertown.

No Introduction

Resolution No. 4 - Adopting Guidelines and Administrative Procedures for the Program Year 2014 HOME Repair Program

Introduced by Council Member Roxanne M. Burns

WHEREAS the City of Watertown has received HOME Funding from the North Country HOME Consortium for the program year 2014 to support a City-wide rehabilitation program for owner-occupied 1-4 family properties, and

WHEREAS the City has agreed to administer the program in compliance with the rules and regulations established by HUD and published in the Code of Federal Regulations at 24CFR Part 570, and

WHEREAS guidelines and administrative procedures have been drafted as required to govern the operation of the HOME repair program,

NOW THEREFORE BE IT RESOLVED the proposed Guidelines and Administrative Procedures are hereby adopted and shall become effective immediately for all housing rehabilitation activities conducted with HOME Funding provided by the North Country HOME Consortium for program year 2014.

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

Resolution No. 5 - Approving Renewal of Dental/Vision Coverage, Relph Benefit Advisors

Introduced by Council Member Joseph M. Butler, Jr.

WHEREAS City Council accepted the bid from Relph Benefits Advisors on March 3, 2014 for dental and vision coverage for City employees through Guardian at no cost to the City, and

WHEREAS the agreement provided for three additional one-year extensions, and

WHEREAS Confidential Assistant to the City Manager Matthew Roy's recommendation is to renew this coverage for 20 months,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York, approves extending the Agreement to provide dental/vision coverage through Relph Benefit Advisors with Guardian for a 20 month period, and

BE IT FURTHER RESOLVED that the City Manager, Sharon Addison, is hereby authorized and directed to sign all contracts associated with implementing this extension.

Seconded by Council Member Teresa R. Macaluso

Prior to the vote on the foregoing resolution, Matthew Roy, Confidential Assistant to the City Manager, confirmed for Council Member Butler that there would be no administrative costs incurred by the City.

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

Resolution No. 6 -Accepting Bid for Watertown Arena Renovation Project, General Contractor, Bette & Cring

WHEREAS the City Purchasing Department has advertised and received sealed bids for the General Contractor Work for the Watertown Arena Renovation Project, and

WHEREAS bid specifications were sent to forty-three (43) vendors and area plan houses, with a total of nineteen (19) bids received, and

WHEREAS on Friday, February 20, 2015, at 11:00 a.m. in City Council Chambers, the bids received were publicly opened and read, and

WHEREAS City Purchasing Manager Amy M. Pastuf reviewed the bids received with the Engineering Department and Stantec Consulting Services Inc., and it is their recommendation that the City Council accept the bid from Bette & Cring in the amount of \$6,268,000,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid submitted by Bette & Cring in the amount of \$6,268,000 as the lowest qualifying bidder meeting City specifications, for the General Contractor Work for the Watertown Arena Renovation Project, and

BE IT FURTHER RESOLVED that the approval of this Resolution is contingent upon the City Council approving a Bond Ordinance Amendment to cover the expenses associated with this project, and

BE IT FURTHER RESOLVED that the City Manager, Sharon Addison, is hereby authorized and directed to sign all contracts associated with implementing the award to Bette & Cring.

No Introduction

Resolution No. 7 - Accepting Bid for Watertown Arena Renovation Project, Mechanical Work, Lawman Heating and Cooling, Inc.

WHEREAS the City Purchasing Department has advertised and received sealed bids for the Mechanical Work for the Watertown Arena Renovation Project, and

WHEREAS bid specifications were sent to forty-three (43) vendors and area plan houses, with a total of nineteen (19) bids received, and

WHEREAS on Friday, February 20, 2015, at 11:00 a.m. in City Council Chambers, the bids received were publicly opened and read, and

WHEREAS City Purchasing Manager Amy M. Pastuf reviewed the bids received with the Engineering Department and Stantec Consulting Services Inc., and it is their recommendation that the City Council accept the bid from Lawman Heating and Cooling Inc. in the amount of \$1,229,000,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid submitted by Lawman Heating and Cooling Inc. in the amount of \$1,229,000 as the lowest qualifying bidder meeting City specifications, for the Mechanical Work for the Watertown Arena Renovation Project, and

BE IT FURTHER RESOLVED that the approval of this Resolution is contingent upon the City Council approving a Bond Ordinance Amendment to cover the expenses associated with this project, and

BE IT FURTHER RESOLVED that the City Manager, Sharon Addison, is hereby authorized and directed to sign all contracts associated with implementing the award to Lawman Heating and Cooling Inc.

No Introduction

Resolution No. 8 - Accepting Bid for Watertown Arena Renovation Project, Plumbing/Fire Protection, Lawman Heating and Cooling, Inc.

WHEREAS the City Purchasing Department has advertised and received sealed bids for the Plumbing/Fire Protection for the Watertown Arena Renovation Project, and

WHEREAS bid specifications were sent to forty-three (43) vendors and area plan houses, with a total of nineteen (19) bids received, and

WHEREAS on Friday, February 20, 2015, at 11:00 a.m. in City Council Chambers, the bids received were publicly opened and read, and

WHEREAS City Purchasing Manager Amy M. Pastuf reviewed the bids received with the Engineering Department and Stantec Consulting Services Inc., and it is their recommendation that the City Council accept the bid from Lawman Heating and Cooling Inc. in the amount of \$668,000,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid submitted by Lawman Heating and Cooling Inc. in the amount of \$668,000 as the lowest qualifying bidder meeting City specifications, for the Plumbing/Fire Protection for the Watertown Arena Renovation Project, and

BE IT FURTHER RESOLVED that the approval of this Resolution is contingent upon the City Council approving a Bond Ordinance Amendment to cover the expenses associated with this project, and

BE IT FURTHER RESOLVED that the City Manager, Sharon Addison, is hereby authorized and directed to sign all contracts associated with implementing the award to Lawman Heating and Cooling Inc.

No Introduction

Resolution No. 9 - Accepting Bid for Watertown Arena Renovation Project, Electrical Work, Lawman Heating and Cooling, Inc.

WHEREAS the City Purchasing Department has advertised and received sealed bids for the Electrical Work for the Watertown Arena Renovation Project, and

WHEREAS bid specifications were sent to forty-three (43) vendors and area plan houses, with a total of nineteen (19) bids received, and

WHEREAS on Friday, February 20, 2015, at 11:00 a.m. in City Council Chambers, the bids received were publicly opened and read, and

WHEREAS City Purchasing Manager Amy M. Pastuf reviewed the bids received with the Engineering Department and Stantec Consulting Services Inc., and it is their recommendation that the City Council accept the bid from Lawman Heating and Cooling Inc. in the amount of \$976,000,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid submitted by Lawman Heating and Cooling Inc. in the amount of \$976,000 as the lowest qualifying bidder meeting City specifications, for the Electrical Work for the Watertown Arena Renovation Project, and

BE IT FURTHER RESOLVED that the approval of this Resolution is contingent upon the City Council approving a Bond Ordinance Amendment to cover the expenses associated with this project, and

BE IT FURTHER RESOLVED that the City Manager, Sharon Addison, is hereby authorized and directed to sign all contracts associated with implementing the award to Lawman Heating and Cooling Inc.

No Introduction

ORDINANCES

Ordinance No. 1 - An Ordinance Amending the Ordinance Dated March 17, 2014, Authorizing the Issuance of \$550,000 bonds of the City of Watertown, Jefferson County, New York, to Pay the Costs of the Design, Reconstruction and Expansion of the City's Fairgrounds Arena, to Increase the Estimated Maximum Cost to \$10,300,000 and to Increase the Amount of Bonds Authorized to \$9,750,000

WHEREAS, by ordinance dated March 17, 2014, the Council of the City of Watertown, Jefferson County, New York, authorized the issuance of \$550,000 bonds of said City to pay part of the \$550,000 estimated maximum cost of the design for the reconstruction and expansion of the City's Fairgrounds Arena, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, a specific object or purpose, in and for the City of Watertown, Jefferson County, New York; and

WHEREAS, no obligations have been issued under such ordinance;

WHEREAS, the Council now wishes to expand the object or purpose to include all costs of reconstruction and expansion, rather than only the design costs, to increase the estimated maximum cost from \$550,000 to \$10,300,000, an increase of \$9,750,000 over that previously authorized and to increase the amount of bonds authorized from \$550,000 to \$10,300,000;

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

Section A. The title and Sections 1, 2 and 3 of the ordinance of this Council dated and duly adopted March 17, 2014 authorizing the issuance of \$550,000 bonds to pay the estimated maximum cost of the design for the reconstruction and expansion of the City's Fairgrounds Arena, in and for the City of

Watertown, Jefferson County, New York, including incidental expenses in connection therewith, a specific object or purpose, in and for the City of Watertown, Jefferson County, New York, are hereby amended, in part, to read as follows:

“AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$10,300,000 BONDS OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK, TO PAY THE COSTS OF THE RECONSTRUCTION AND EXPANSION OF THE CITY’S FAIRGROUNDS ARENA, IN AND FOR SAID CITY.

“

“Section 1. For the specific object or purpose of paying costs of the reconstruction and expansion of the City’s Fairgrounds Arena, in and for the City of Watertown, Jefferson County, New York, including design costs and incidental expenses in connection therewith, there are hereby authorized to be issued \$10,300,000 bonds of said City pursuant to the provisions of the Local Finance Law.

“Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific object or purpose is \$10,300,000 and that the plan for the financing thereof is by the issuance of the \$10,300,000 bonds of said City authorized to be issued pursuant to this bond ordinance. The amount of bonds to be issued will be reduced by the amount of any current funds to pay part of the cost of the aforesaid specific object or purpose.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid object or purpose is twenty-five years, pursuant to subdivision twelve of paragraph a of Section 11.00 of the Local Finance Law, as the Fairgrounds Arena to be reconstructed, and the expansion thereof, is and shall be a class “A” building within the meaning of subdivision eleven of said paragraph a.”

- Section B. 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 C. Upon this ordinance taking effect, the same shall be published in summary in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section D. This resolution is effective immediately.

No Introduction

OLD BUSINESS

The Resolution “Approving Intergovernmental Agreement Relative to Dog Control Services With County of Jefferson”. *(Introduced on 12/15/2014; tabled; appears in its entirety in the 2014 Minutes Book on page 7-8 of the 12/15/2014 minutes).*

Remained tabled.

STAFF REPORTS

Tax Sale Certificates Assignment Request

Mayor Graham mentioned this came up before and asked for staff’s recommendation.

Mr. Phelps explained the background of the properties in red on the map, stating a judge reversed the quit claim deed issued by the City to Mr. and Mrs. Maitland. He noted that the Maitland’s retain a right-of-way across the properties and the properties hold very little value to anyone other than the Maitland’s.

Council Member Jennings asked if the other properties owned by Mr. and Mrs. Maitland (marked in orange and yellow on the map) are landlocked.

Mr. Phelps replied the Maitland’s have a right-of-way across the other properties regardless of who owns them in the future. He advised that many of the issues would be alleviated if the Maitland’s were the sole owners of the properties with the right-of-way on them.

Council Member Burns said that she gives full support to the City Assessor because this has been an issue for many years, and she is convinced that the Maitland’s are the rightful owners of this property.

Council agreed and asked for a resolution to be prepared for the next meeting.

Request for Abate – 1105 Harris Drive

Mayor Graham commented that this memo is for notification purposes.

Board and Commission Appointments

Council asked staff to contact the current appointees to see if they would be willing to continue serving on these boards.

The following reports were available for Council’s review:

Jefferson County Office for the Aging Transportation Assistance Agreement/Program
Sales Tax Revenue – January 2015

NEW BUSINESS

Fairgrounds Ice Arena Renovations

Mayor Graham said Council needs to decide whether to accept or reject the bids that came in on the ice arena, as well as decide how to fund the project. He commented the resolutions are written so that accepting the bids are contingent upon the approval of the bond ordinance. He stated he thinks this

imposes a super majority restriction on what, statutorily, is a majority vote, stressing that they are separate issues. He remarked this unfairly restricts the motions on the acceptance of the bids.

Attorney Burrows explained the practice of having this language in the resolution started over a decade ago when a municipality has a capital improvement project in which there are two components; the first aspect is whether to approve the contract to go forward and the second aspect is how to pay for it. He agreed that these are separate issues but unfortunately, if, by a simple majority vote, Council contracts to go forward with a capital improvement project, then the consequence is how to pay for it. He further explained if Council looks to borrow money for it then by state law a super majority (4/5) vote is required. He advised that if Council approves by majority vote to move forward with a capital project then it is contractually obligated to proceed, but if the bond ordinance does not pass then the City would be in a situation where it could not pay for the project and potentially, the contractor could have a claim for damages. In order to avoid this possibility, Attorney Burrows indicated the contingency language was added to the resolution to prevent putting the City at risk.

Mayor Graham stated that he understands the genesis of it, but he does not agree with it because the people elected are intellectually competent of understanding the distinction. He commented one of the resolutions that was not introduced called for increasing a bond ordinance to pay for more consulting and engineering work. He noted there is a legitimate question on this body as to whether or not to commit the City to a debt for a project that may not be built. He questioned whether this language should be present in a resolution pertaining to smaller dollar amounts. A resolution like that, he said, restricts the right of Council to do their job.

Attorney Burrows remarked that this practice had good genesis but, at the end of the day, the elected officials make the choice as to what is best for the City. He noted that if Resolution 3 had passed along with the bond ordinance amendment, the City is still not obligated to borrow the money. He further explained that if Resolution 3 had passed but the bond ordinance amendment had not, then the resolution would have failed. He added that the resolution could have been amended.

Council Member Burns said she would like Council to take a serious look at this practice because they are two separate issues. She understands how this practice began but the elected officials need to do their job, which is to vote on both issues separately. She stated that if the taxpayers have enough faith to elect the Council Members to these positions, then the City Attorneys should have the same faith. Going forward, she hoped these would be looked at separately. Regarding the Change Order for Stantec, Council Member Burns indicated she supports it and agrees they deserve to be paid, but she did not support it tonight because she thinks the City should not bond in order to pay them.

Mayor Graham asked Council how they felt about the arena projects and the bids, noting there were different perspectives presented from the public tonight.

Council Member Burns remarked that she still has questions for staff but realizes that they are not prepared to provide answers tonight. She appreciates the people that spoke tonight and their input. In her opinion, she said this project is two-fold, stating it is a 40 year old City facility that has had minimal upgrades and maintenance as well as a quality of life and economic development issue. She suggested there should be more dialogue and noted that no one is happy with the cost of the project because it came in much higher than expected. Noting a new state-of-the-art facility will increase bed tax and sales tax revenue, she commented the City is taking on new debt. She questioned what debt will be retiring in

the next few years. She advised that Council has invested a lot of money in this project so far, so the plans cannot be put on a shelf, but suggested the City take a step back and look at creative ways of funding it by possibly shifting some priorities.

Council Member Butler stressed that he is a man of his word, reading from the minutes of February 2014 when he said “If Council agrees to the second floor and the bid comes in at \$8-9 million, then he will not support the bond ordinance.” Coming in that high, he said, puts too much fiscal stress on the City, reminding Council that taxes were raised by 10% last year. He agreed with Council Member Burns in that some priorities could be shifted, but the fact of the matter is the arena renovations, Factory Street reconstruction and court expansion will more than double the City’s existing debt. He said he is concerned about raising taxes to pay for this, noting there no longer is a fund balance that can have \$1 million taken out every year to help meet the budgetary deficit. He commented that he never wanted to do nothing at the arena, and he is upset at the fact that the City has spent this amount of money on engineering and design already. He suggested looking at the locker rooms, bathrooms, the floor and the roof which are the most basic needs to make this workable. He said he is not sure if there needs to be a second floor mezzanine or addition to the back of the building. He told Council that he has received many phone calls from people that do not use the arena and want the project scrapped or downsized. He wants to come to a compromise because it is an investment in the future.

Council Member Jennings supports the project but said he was disappointed by the price of the bids. He commented that the City needs to bring the facilities up to a good standard for the future. He added that he supports the second floor, as well as the addition, and thinks of this as an investment in the future. He agreed with Council Member Burns in that this will bring people into the area to use hotels and restaurants. He stressed the project is not dead and it is just stalled so that Council can look at every potential option for financing it. He is not interested in a piece-meal approach and thinks the entire facility needs to be overhauled because it is dangerous.

Council Member Macaluso said she always supported doing something but it may not be what everyone thinks it should be. Mentioning the start dates for some of the leagues, she noted the project could run into December and she does not want to turn away anyone that has used the arena for years. She recognized new bathrooms and locker rooms are needed, as well as additional office space, but thinks there is a way to do this. She expressed concerns with the cost of the Factory Street project. Noting that most of Council is in support of the arena project, she said she has received multiple calls from people that are not in support of it. She commented that a compromise needs to be made and that she cannot support a \$10 million project.

Council decided to discuss this further at the next work session.

Tree Work on Flower Avenue West

Council Member Burns asked if the City is involved with the tree work that is being done on Flower Avenue West.

Eugene Hayes, Superintendent of Public Works, indicated that the City was not performing this work.

Knickerbocker Drive Public Meeting

Council Member Jennings announced there would be a meeting tomorrow at 6:00 p.m. at Knickerbocker Elementary School to discuss the traffic issues during pick-up and drop-off times.

Watertown-Jefferson County Area Transportation Council

Mayor Graham told Council that an organizational meeting was held today and there are seven people serving on the Transportation Council, including the City Manager and himself. He added that he was chosen as the Chairman.

Maple Court Apartments Tax Credits

Mayor Graham asked for an update.

Kenneth Mix, Planning Coordinator, said this has been proceeding and he is expecting a closing in May. He mentioned there will be a grant agreement for Council on March 16th for the CDBG grant for the project.

Dog Park

Mayor Graham advised that City Planner Michael Lumbis, Council Member Jennings and himself have been working on the dog park project. He reported that Mr. Lumbis has been putting together a more refined proposal and will present it at the work session next week.

ADJOURNMENT

At the call of the chair, meeting was duly adjourned at 8:37 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