

**REGULAR COUNCIL MEETING
CITY OF WATERTOWN
March 20, 2006
7:00 P.M.**

MAYOR PRO TEM PETER L. CLOUGH PRESIDING:

PRESENT: **COUNCILMAN STEPHEN J. BRADLEY
COUNCILMAN TIMOTHY R. LABOUF
COUNCILMAN JEFFREY M. SMITH
MAYOR PRO TEM PETER L. CLOUGH**

ABSENT: **MAYOR JEFFREY E. GRAHAM (arrived at 7:10 after votes
on resolutions)**

ALSO PRESENT: **CITY MANAGER MARY M. CORRIVEAU
ATTORNEY JAMES BURROWS**

City Manager Corriveau presented the following reports to the Council:

- 1 - Approving Cyber Security Citizens' Notification Policy
- 2 - Approving Change Order No. 6 to Contract for Flower Memorial Library Renovation Project, Electrical Contract, Jordstat Construction, Inc.
- 3 - Approving Supplemental Agreement No. 1 OSC Municipal Contract #D017824, Downtown Watertown Streetscape Enhancement Project, PIN 780392, Preliminary Engineering/Design & Construction/Construction Inspection
- 4 - Approving Bid for General Construction, Thompson Park Water Pump Station, Continental Construction
- 5 - Approving Bid for Mechanical, Thompson Park Water Pump Station, Hyde Stone Mechanical Contractors, Inc.
- 6 - Approving Bid for Electrical, Thompson Park Water Pump Station, B&D Enterprises of NNY, Inc.
- 7 - Authorizing the Issuance of \$425,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of the Construction of a New Water Pump Station Located in Thompson Park, In and For Said City

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 March 6, 2006, was dispensed with and accepted as written by motion of Councilman Smith, seconded by Councilman LaBouf and carried with all voting in favor thereof.

COMMUNICATIONS

A petition against any proposal to locate a commercial business not permitted by existing zoning in the first block of Thompson Boulevard and Green Street was received.

ABOVE PLACED ON FILE

Communication was received from Mary Jo Wood regarding her concerns about a proposal for a Walgreen's in the area of Thompson Blvd. and Green Street.

ABOVE PLACED ON FILE

A claim against the City was received from Stephen Wearne for injuries he sustained when he fell on the sidewalk on State Street.

ABOVE REFERRED TO THE BOARD OF AUDIT

PRIVILEGE OF THE FLOOR

Donald Osborn, Winslow Street, addressed the chair about the issue of resurfacing the tennis courts at Thompson Park. Mr. Osborn said he had addressed Council on the subject before and believed the tennis courts now need to be totally resurfaced.

Mrs. Corriveau responded that the project has been discussed for next year.

RESOLUTIONS

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS on December 7, 2005, the State of New York adopted an Information Security Breach and Notification Act, and

WHEREAS this Act requires that each local government, within the State of New York, individually adopt its own notification policy within 120 days of the adoption of the State Law, and

WHEREAS the individual notification policy must be consistent with the statutes notification provisions,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby adopts the attached Cyber Security Citizens' Notification Policy, effective March 20, 2006, and

BE IT FURTHER RESOLVED that said policy shall be posted on the City of Watertown's website at www.watertown-ny.gov.

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

Councilman Clough inquired if this topic was brought up a few months ago.

Mrs. Corriveau said that this was a new requirement proposed by different states enacted in 2005 in case of a breach in computer security.

INTRODUCED BY COUNCILMAN JEFFREY M. SMITH

WHEREAS on August 1, 2005, the City Council approved the bid submitted by Jordstat Construction, Inc., Alexandria Bay, New York, in the amount of \$32,831.00 for the Electrical Contract for the Flower Memorial Library, Phase I Restoration and Reconfiguration Project, and

WHEREAS Interim City Engineer Gary E. Pilon is now asking that the City Council approve Change Order No. 6 to this Agreement,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Change Order No. 6 to the Electrical Contract with Jordstat Construction, Inc., which will bring the new contract total to \$36,976.2794, 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

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS the City of Watertown has previously entered into an agreement with the New York State Department of Transportation (NYSDOT) for the Downtown Watertown Streetscape Enhancement Project, PIN 780392 and

WHEREAS the OSC Municipal Contract # D017824 has to be modified in order for the City of Watertown to receive additional Federal funding appropriated under the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and to extend the agreement completion date, and

WHEREAS the NYSDOT has prepared Supplemental Agreement No. 1 for the project, a copy of which is attached and made part of this resolution, and

WHEREAS the City Council of the City of Watertown must authorize 100% first instance payment of the total project cost,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Supplemental Agreement No. 1 to OSC Municipal Contract # D017824 and authorizes 100% first instance payment of \$1,943,284 for the total project cost, and

BE IT FURTHER RESOLVED that the Mayor of the City of Watertown is hereby authorized and directed to execute Supplemental Agreement No. 1 on behalf of the City of Watertown, 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 Supplemental Agreement No. 1, and

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

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

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS the City Purchasing Department, in conjunction with Bernier Carr & Associates, advertised and received sealed bids for the construction of a water pump station in Thompson Park, and

WHEREAS invitations to bid were issued to twenty-eight (28) bidders with five (5) bids being received for the construction contract, and

WHEREAS the bids received were publicly opened and read in the City Council Chambers on Thursday, February 9, 2006, at 2 p.m., and

WHEREAS our consulting engineers, Bernier Carr & Associates, reviewed the bids received and are recommending that the City Council accept the bid of Continental Construction, LLC, Gouverneur, New York 13642, in the amount of \$264,000.00, as the lowest qualifying bid, and,

WHEREAS construction of this facility is deemed a Type II Action under SEQRA, which does not require an environmental review pursuant to SEQRA,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby accepts the bid submitted by Continental Construction, LLC, 2125

State Highway 812, P.O. Box 358, Gouverneur, New York 13642, in the amount of \$264,000.00, for the Construction Contract for the Thompson Park Pump Station, and

BE IT FURTHER RESOLVED that the awarding of this bid is subject to City Council approval of a \$425,000 bond ordinance to finance the project.

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

Councilman Smith asked what a certain portion of the ordinance, \$30,000, would be used for.

Mr. Pilon replied that it would be used to run a gas line from the Gotham Street area to the water pump.

Councilman Clough asked when the project would start.

Mr. Pilon said as soon as the Council passes the ordinance.

INTRODUCED BY COUNCILMAN JEFFREY M. SMITH

WHEREAS the City Purchasing Department, in conjunction with Bernier Carr & Associates, advertised and received sealed bids for the construction of a water pump station in Thompson Park, and

WHEREAS invitations to bid were issued to twenty-eight (28) bidders with three (3) bids being received for the mechanical contract, and

WHEREAS the bids received were publicly opened and read in the City Council Chambers on Thursday, February 9, 2006, at 2 p.m., and

WHEREAS our consulting engineers, Bernier Carr & Associates, reviewed the bids received and are recommending that the City Council accept the bid of Hyde-Stone Mechanical Contractors, Inc. Watertown, New York 13601, in the amount of \$15,714.00, as the lowest qualifying bid, and,

WHEREAS construction of this facility is deemed a Type II Action under SEQRA, which does not require an environmental review pursuant to SEQRA,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby accepts the bid submitted by Hyde-Stone Mechanical Contractors, Inc., 22692 Murrock Circle Drive, Watertown, New York 13601, in the amount of \$15,714.00, for the Mechanical Contract for the Thompson Park Pump Station, and

BE IT FURTHER RESOLVED that the awarding of this bid is subject to City Council approval of a \$425,000 bond ordinance to finance the project.

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

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS the City Purchasing Department, in conjunction with Bernier Carr & Associates, advertised and received sealed bids for the construction of a water pump station in Thompson Park, and

WHEREAS invitations to bid were issued to twenty-eight (28) bidders with six (6) bids being received for the electrical contract, and

WHEREAS the bids received were publicly opened and read in the City Council Chambers on Thursday, February 9, 2006, at 2 p.m., and

WHEREAS our consulting engineers, Bernier Carr & Associates, reviewed the bids received and are recommending that the City Council accept the bid of B & D Enterprises of NNY, Inc., 8763 Cutoff Road, Castorland, New York 13620, in the amount of \$95,800.00, as the lowest qualifying bid, and,

WHEREAS construction of this facility is deemed a Type II Action under SEQRA, which does not require an environmental review pursuant to SEQRA,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby accepts the bid submitted by B & D Enterprises of NNY, Inc., 8763 Cutoff Road, Castorland, New York 13620, in the amount of \$95,800.00, for the Electrical Contract for the Thompson Park Pump Station, and

BE IT FURTHER RESOLVED that the awarding of this bid is subject to City Council approval of a \$425,000 bond ordinance to finance the project.

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

ORDINANCES

INTRODUCED BY COUNCILMAN JEFFREY M. SMITH

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

WHEREAS, it is now desired to authorize the financing of such capital 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 the construction of a new water pump station to be located in Thompson Park, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$425,000 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 \$425,000 and that the plan for the financing thereof is by the issuance of the \$425,000 bonds of said City authorized to be issued pursuant to this bond ordinance.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision one of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Watertown, Jefferson County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

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

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

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 9. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution. Section 11. This ordinance, which takes effect immediately, shall be published in full in 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.

THE ORDINANCE “AMENDING THE CODE OF THE CITY OF WATERTOWN CHAPTER 310, ZONING, TO REQUIRE A FENCE PERMIT” WAS PRESENTED TO COUNCIL (Introduced on February 21, 2006; public hearing held March 6, 2006; tabled; appears in its entirety on page 49 of the 2006 Minutes Book.)

MOTION WAS MADE BY COUNCILMAN SMITH TO TAKE THE FOREGOING ORDINANCE FROM THE TABLE, SECONDED BY COUNCILMAN LABOUF AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

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

Councilman Bradley asked if the fence companies had been involved in discussions.

Mrs. Corriveau said the companies were invited to attend the Council meetings.

**** ** * ** ***

COUNCIL DISCUSSED THE FOLLOWING TOPICS:

CAPC Funding

Councilman Clough said the Council had received a letter regarding annual funding requirements for CAPC and inquired if Mrs. Corriveau had received a copy.

Mrs. Corriveau replied that she had received a copy and it had been included into the budget.

Black Water Challenge

Councilman LaBouf said he was contacted by organizers of the Black Water Challenge. He said the organizers want to talk to the Council about North side access to the River and other topics. Councilman LaBouf also asked Mrs. Corriveau if a date and time could be set up to discuss the Challenge.

Mrs. Corriveau said it would be appropriate to discuss this further at a work session in April.

Brown Shanty

Councilman Clough asked who owns the Brown Shanty.

Mrs. Corriveau replied that the City isn't sure who owns it.

Mr. Burrows said the matter of ownership is tied up in an estate issue. He said the matter of a demolition permit would be tied up by this summer.

Houses

Councilman Clough asked what the status is of the house on Cooper and West Lynde streets. He said neighbors have been calling about their concerns.

Councilman Smith said if the structure is collapsing, then it is a safety issue.

Mr. Burrows said Codes is dealing with the matter.

Councilman Smith asked about the status of the house on the corner of Washington Street and Keyes Avenue.

Mrs. Corriveau said she will mention it to Mr. McWayne.

Gem Car

Mayor Graham advised the Council about a Gem Car which Senator Wright's office informed him about. He said its appearance is similar to an oversized golf cart and is for use in areas such as the Fairgrounds and Thompson Park.

City Manager's Contract

Mayor Graham suggested Council go into Executive Session to discuss the City Manager's contract.

Mrs. Corriveau said she had information put together for the Council.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 7:20 P.M. BY MOTION OF COUNCILMAN CLOUGH, SECONDED BY COUNCILMAN BRADLEY AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Amanda Lewis
Deputy City Clerk