

**CITY COUNCIL MEETING
CITY OF WATERTOWN
March 21, 2011
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCIL MEMBER ROXANNE M. BURNS
COUNCIL MEMBER JOSEPH M. BUTLER JR.
COUNCIL MEMBER TERESA R. MACALUSO
COUNCIL MEMBER JEFFREY M. SMITH
MAYOR GRAHAM**

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

City Staff Present: Ken Mix, Jim Mills, Bob Cleaver, Elliott Nelson, Chief Goss, Kurt Hauk

The City Manager presented the following reports to Council:

- 1 - Commissioner of Deeds
- 2 - Approving Amendment No. 78 to the Management and Management Confidential Pay Plan
- 3 - Accepting Bid for #2 Lift Pump Motor and Drive at Waste Water Treatment Facility, KJ Electric
- 4 - Approving the Site Plan for the Construction of a 2,000 Square Foot Dunkin' Donuts Restaurant Located at 440 State Street, Parcel No. 12-03-220
- 5 - Approving the Special Use Permit Request Submitted by Michael E. Cusack, Esq. on Behalf of St. Lawrence Seaway Cellular Partnership d/b/a Verizon Wireless to Allow the Construction of a 104' Monopole Communications Tower and Related Appurtenances at the Rear of 491 Eastern Boulevard, Parcel Number 5-26-103.007
- 6 - Approving the Special Use Permit Request Submitted by Ryan G. Churchill of GYMO P.C. on behalf of Norstar Development USA L.P. to Allow the Construction of 200 Multifamily Residential Units Located at 918 Mill Street, Parcel Nos. 3-14-101.100, 3-14-101.200, 3-14-105.100 and 3-14-105.200
- 7 - An Ordinance Authorizing the Issuance Pursuant to Section 90.10 of the Local Finance Law of Refunding Bonds of the City of Watertown, Jefferson County, New York, to be Designated "Public Improvement Refunding (Serial) Bonds", and Providing for Other Matters in Relation Thereto and the Payment of the Bonds to be Refunded Thereby
- 8 - Tabled – Local Law No. 1 Amending City Code of the City of Watertown, §205, Noise
- 9 - Laid Over Under the Rules – Ordinance Amending City Municipal Code §292, Vehicles and Traffic, Sterling Street
- 10 - Tree City U.S.A. Designation
- 11 - Ogilvie Site Brownfields Cleanup Grant
- 12 - Sales Tax Revenue – February 2011

13 - Offer to Purchase Land, Samaritan Medical Center, Senior Living Village, Tax Parcel 13-23-102.1

14 - Arsenal Street and Gaffney Drive Sewer Update Report

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 7, 2011, was dispensed and accepted as written by motion of Council Member Smith, seconded by Council Member Butler and carried with all voting in favor thereof.

COMMUNICATIONS

No communications were received.

PRIVILEGE OF THE FLOOR

Jean Ryan, 116 Casey Street, addressed the chair concerning the noise being generated by the audio business at the corner of Arsenal and Casey. She explained that there is noise all day long. Previously, a car lot was there. It moved out and the new owners brought in a small building which sits approximately 50' from the Ryan's home. Mrs. Ryan advised that they had phoned the police and have been told that there is nothing that can be done. The individuals have cut down the Ryan's trees and bushes and have plowed snow knocking down trees. She advised that there is debris and trash all around. She stated that they have been there 60 years and have put a lot of money into their home and now they are faced with this.

Mayor Graham asked if the present owners had contacted the Ryan's after he had spoken with them.

Mrs. Ryan stated that no one has come over. She read from sections 205-1 and 4 of the City Code concerning noise. She advised that had they known that an audio business was going in there, they would have come to Council to complain.

Trudy Ryan, 116 ½ Casey Street, addressed the chair stating that she had tried to help her in-laws by trying to deal with the owners. She advised that no one would want that next to their homes. She stated that it was supposed to be a car lot, not an audio business.

Council Member Macaluso asked if the noise was all day long.

Mrs. Ryan responded that it is consistently all day long and goes from 9 in the morning until 5 or 6 at night. Both Jean and Trudy Ryan advised that the vibration is so bad that it knocks pictures off the wall.

Mrs. Trudy Ryan also explained that last summer the business owners were partying and kept using the Ryan driveways to turn around in and then squeal tires.

Mayor Graham commented that he felt this falls under a Codes issue.

Attorney Slye advised that in part what the local law that is currently being considered is intended to do is to address this type of thing. He stated that he never objected to a reasonableness standard in this type of situation. He referred to his letter of August 2010 which discussed individual discomfort vs. public nuisance. He advised that Council has to decide if this noise is a public nuisance under a reasonableness standard. He also advised that it doesn't have to be a police officer that decides, it could be Codes personnel and it would be prosecuted through civil claim process.

Attorney Slye also commented that his objection to the local law is its applicability to motor vehicles which tries to pre-empt state law.

Council Member Macaluso asked Attorney Slye how Mrs. Ryan deals with this problem.

Attorney Slye remarked that it is up to the Council if they want to adopt a law. Otherwise, it is just like the salt pile in that it is a private nuisance. He also advised that Council could decide that future businesses, such as these, would require a special use permit. He advised that our statutes, along with many other municipalities, have not kept pace with the new way of doing things such as with pneumatic tools or audio systems. Special Use could be required no matter what neighborhood they are in.

Council Member Macaluso wondered if they could insulate the building so that the noise doesn't leak out.

Attorney Slye remarked that the City can't make them do that.

Council Member Smith asked if the City had required a special use permit for this business.

Mr. Mix stated that all that was required was site plan approval. He stated that the buffer zone was required as part of the site plan.

RESOLUTIONS

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

RESOLVED that the following individual is hereby appointed Commissioner of Deeds for the term ending December 31, 2012:

Non-City Employee

Joanne M. McClusky

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Amendment No. 78 to the Management and Management Confidential Pay Plan, effective March 22, 2011 as follows:

Position	Salary
Planner – Andrew T. Nichols	\$ 40,000

Upon successful completion of one year of service in this position, salary will increase by \$1,000.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA

Prior to the vote on the foregoing resolution, Council Member Smith asked what the budget amount was for this position.

Mrs. Corriveau advised that this is less than what was in the budget. She advised that Mr. Nichols was a graduate of SUNY Binghamton and has a Masters degree from Georgia Tech.

Council Member Burns asked about the number of individuals passing the test.

Mr. Mix stated that 11 took the exam, 9 passed and 4 were looked at.

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS the City Purchasing Department has advertised and received sealed bids for the purchase of one new and unused 3-Phase Adjustable Frequency Drive and Motor to replace the existing unit at our Waste Water Treatment Facility, and

WHEREAS invitations to bid were issued to four (4) prospective bidders, with four (4) bids being received and publicly opened and read in the City Purchasing Department on Thursday, March 10, 2011 at 11:00 a.m., and

WHEREAS City Purchasing Agent Robert J. Cleaver and Michael Sligar, Chief Waste Water Treatment Plant Operator, reviewed the bids received and are recommending the acceptance of the bid submitted by KJ Electric, 5894 East Molloy Road, Syracuse, New York 13211, in the amount of \$23,888.00 as the lowest qualifying bid meeting the City's specifications,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York hereby accepts the bid in the amount of \$23,888.00 submitted by KJ Electric, 5894 East Molloy Road, Syracuse, New York 13211, for the purchase of one new and unused 3-Phase Adjustable Frequency Drive and Motor.

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

Prior to the vote on the foregoing Council Member Smith asked about the money used for this purchase and asked if this was bonded for.

Mr. Mills explained the purchase of this equipment will be funded from \$34,403 in residual money that is left from a bond issued for the purchase of waste water treatment plant equipment where the items ordered ultimately came in under the budgeted amounts.

Council Member Butler asked what would happen to the money if we didn't use it for this.

Mr. Mills explained that it would have gone back into the sewer fund.

Council Member Butler asked what the sewer fund balance was.

Mr. Mills advised that it was approximately \$1 million.

Mayor Graham commented that if this was being paid for out of the fund balance, it doesn't reduce the debt. He commented that if Council didn't approve the resolution, the money would just be applied to the fund and this is merely moving money around.

INTRODUCED BY COUNCIL MEMBER JEFFREY E. SMITH

WHEREAS Robert C. Abbott, Jr. has made an application for Site Plan Approval on behalf of ESW Realty LLC for the construction of a 2,000 square foot Dunkin' Donuts Restaurant located at 440 State Street, Parcel No. 12-03-220, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on March 1, 2011, and recommended that the City Council of the City of Watertown approve the site plan, contingent upon the following:

1. A written ingress/egress easement(s) and parking easement(s) for Lot #2 and Lot #3 must be provided and be depicted on the site plan.
2. Calculations for water pressure and fire flows to the proposed site must be provided.
3. Calculations for sanitary flows and grease trap sizing must be provided.
4. Revised drainage calculations must be provided.
5. The sidewalk detail must be revised to require the installation of 6"x6" 6/6 gauge wire mesh in the sidewalk across the driveway opening.
6. An Asphalt Paving Detail for City Streets that meets City Specifications must be

provided.

7. The brick paving detail must be modified to require the contractor to salvage and reuse the existing pavers.
8. Prior to issuance of a Building Permit, the traffic signal & intersection modification plans and details must be approved by the City Engineer and must include information on all existing traffic signal pullboxes, the pedestrian crosswalk signal, the underground traffic conduit, details regarding the adjustment and/or relocation of pullbox frame and covers and all work proposed on the signal system.
9. The landscaping plan must be revised to include large deciduous trees spaced 40' on center in the front planting strip and in the island along the drive thru lane as detailed in the Planning Board's Landscaping and Buffer Zone Guidelines.
10. The landscaping plan must be revised to include landscaping along the drive-thru side and rear side of the building.
11. The developer shall provide traffic signal design, construct the proposed modifications, and provide the City with As-Built drawings upon completion. All costs associated with the proposed modifications shall be borne by the developer,

And,

WHEREAS the applicant submitted a revised site plan to the City Engineering Department on March 1, 2011 that meets most of the conditions recommended by the Planning Board except the following:

1. A written ingress/egress easement(s) and parking easement(s) for Lot #2 and Lot #3 must be provided and be depicted on the site plan.
2. Calculations for sanitary flows and grease trap sizing must be provided.
3. An Asphalt Paving Detail for City Streets that meets City Specifications must be provided.
4. Prior to issuance of a Building Permit, the traffic signal & intersection modification plans and details must be approved by the City Engineer and must include information on all existing traffic signal pullboxes, the pedestrian crosswalk signal, the underground traffic conduit, details regarding the adjustment and/or relocation of pullbox frame and covers and all work proposed on the signal system.
5. The developer shall provide traffic signal design, construct the proposed modifications, and provide the City with As-Built drawings upon completion. All costs associated with the proposed modifications shall be borne by the developer,

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 that it is an express condition of this site plan approval that items 1 -4, above, shall be resolved to the satisfaction of the City Engineer prior to the issuance of a building permit** and the applicant provide the City Engineer with a copy of any change in stamped plans forming the basis for this approval at the same time such plans are provided to the contractor. If plans are not provided as required by this condition of site plan approval, the City Codes Enforcement Officer shall direct that work on the project site shall immediately cease until such time as the City Engineer is provided with the revised stamped plans. Additionally, any change in the approved plan which, in the opinion of the City Engineer, would require Amended Site Plan approval, will result in immediate cessation of the affected portion of the project work until such time as the amended site plan is approved. The City Codes Enforcement Officer is requested to periodically review on-site plans to determine whether the City Engineer has been provided with plans as required by this approval, and

***UNDERLINED AMENDMENT (ABOVE) ADDED BY MOTION OF COUNCIL MEMBER SMITH, SECONDED BY COUNCIL MEMBER BURNS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

BE IT FURTHER RESOLVED by the City Council of the City of Watertown, that site plan approval is hereby granted to Robert C. Abbott, Jr. on behalf of ESW Realty LLC for the construction of a 2,000 square foot Dunkin' Donuts Restaurant located at 440 State Street, Parcel No. 12-03-220, as shown on the revised site plan submitted to the City Engineer on March 1, 2011, contingent on the applicant making the revisions and meeting the remaining conditions listed above.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED AS AMENDED WITH ALL VOTING YEA

Prior to the vote on the amendment and foregoing resolution, Council Member Butler asked if the colored drawings that had been submitted were accurate.

Mr. Mix advised that the only difference is that they have taken care of 2, 4,5,7,9 and 10 conditions and have put in additional trees and added landscaping.

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS Michael E. Cusack, Esq., on behalf of St. Lawrence Seaway Cellular Partnership d/b/a Verizon Wireless, has made an application for a Special Use Permit to allow construction of a 104' monopole communications tower and related appurtenances at the rear of 491 Eastern Boulevard, Parcel Number 5-26-103.007, and

WHEREAS the Jefferson County Planning Board reviewed the special use permit request at its meeting held on February 22, 2011, pursuant to General Municipal Law Section 239-m and

adopted a motion that the project does not have any significant county-wide or intermunicipal issues and is of local concern only, and

WHEREAS the Planning Board of the City of Watertown reviewed the request for a Special Use Permit at its meeting held on March 1, 2011, and recommended that the City Council of the City of Watertown approve the request with the following condition:

The applicant shall design and construct the communications tower such that the tower has the capacity for co-location (shared use) by two additional wireless providers having panel antenna arrays comparable to those of Verizon Wireless and will negotiate in good faith with other licensed wireless service providers for future shared use of the tower.

And,

WHEREAS a public hearing was held on the proposed Special Use Permit on April 4, 2011, after due public notice, 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 City Council has determined that the proposed project is a Type I Action as that term is defined in 6NYCRR Section 617.2, and

WHEREAS a coordinated SEQRA review has not been initiated, because there have been no other Involved Agencies identified, and

WHEREAS the City Council has reviewed the Full Environmental Assessment Form and Visual EAF Addendum and has responded to each of the questions contained in Part II of the Full EAF and has determined that the project, as submitted, 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 Special Use Permit and Site Plan Approval for the construction of a 104' monopole communications tower and related appurtenances is a Type I 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, that a Special Use Permit is hereby granted to Michael E. Cusack, Esq., on behalf of St. Lawrence Seaway Cellular Partnership d/b/a Verizon Wireless to allow construction of a 104' monopole communications tower and related appurtenances at the rear of 491 Eastern Boulevard, Parcel Number 5-26-103.007 with the condition listed above in the Planning Board's recommendation.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH

MOTION WAS MADE BY COUNCIL MEMBER BURNS TO SCHEDULE A PUBLIC HEARING ON THE FOREGOING RESOLUTION FOR MONDAY, APRIL 4, 2011 AT 7:30 P.M.

MOTION WAS SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS Ryan G. Churchill, Project Engineer of GYMO P.C., on behalf of Norstar Development USA L.P. has made an application for a Special Use Permit to allow the construction of 200 multifamily residential units located at 918 Mill Street, Parcel Nos. 3-14-101.100, 3-14-101.200, 3-14-105.100 and 3-14-105.200, and

WHEREAS the Jefferson County Planning Board previously reviewed the special use permit request at its meeting held on April 29, 2008, pursuant to General Municipal Law Section 239-m and adopted a motion recommending approval based on the need for a range of housing choices in the community and the overall efficiency of higher density housing when sited in proximity to existing municipal infrastructure and services, and

WHEREAS the Planning Board of the City of Watertown reviewed the request for a Special Use Permit at its meeting held on March 1, 2011, and recommended that the City Council of the City of Watertown approve the request with the following condition:

The applicant and developer shall make provisions for the construction for a secondary access to the site if only Phase I is completed,

And,

WHEREAS a public hearing was held on the proposed Special Use Permit on April 4, 2011, after due public notice, 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 City Council has determined that the proposed project is an Unlisted Action as that term is defined in 6NYCRR Section 617.2, and

WHEREAS the City initiated a coordinated review with all other involved agencies, and established itself as the lead agency for the purposes of the State Environmental Quality Review, and

WHEREAS the City Council has reviewed the Full Environmental Assessment Form, responding to each of the questions contained in Part II 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 Special Use Permit to allow the construction of 200 multifamily residential units is 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, that a Special Use Permit is hereby granted to Ryan G. Churchill, Project Engineer of GYMO P.C., on behalf of Norstar Development USA L.P. to allow the construction of 200 multifamily residential units located at 918 Mill Street, Parcel Nos. 3-14-101.100, 3-14-101.200, 3-14-105.100 and 3-14-105.200 with the condition listed above in the Planning Board's recommendation.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO

MOTION WAS MADE BY COUNCIL MEMBER SMITH TO SCHEDULE A PUBLIC HEARING ON THE FOREGOING RESOLUTION FOR MONDAY, APRIL 4, 2011 AT 7:30 P.M.

MOTION WAS SECONDED BY COUNCIL MEMBER MACALUSO AND CARRIED WITH ALL VOTING YEA

The following resolution was not on the agenda. It was generated as a result of the amendment to Ordinance 1 on this evening's agenda.

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS on June 7, 2010 the City Council passed a resolution adopting the Budget for Fiscal Year 2010-11, of which \$36,193,378 was appropriated for the General Fund, and

WHEREAS on January 3, 2011 the City Council re-adopted the General Fund Budget and increased appropriations by \$28,465 to a total of \$36,221,843 to include the costs related to the District #7 Sidewalk Assessment District and,

WHEREAS on March 21, 2011 the City Council was presented with a bond refunding ordinance to refinance certain outstanding debt with new debt and,

WHEREAS City Council does not desire to refinance \$1,100,000 of existing debt with new debt and instead desires to appropriate \$1,100,000 from current funds to pay down a portion of the principal outstanding, and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby re-adopts the General Fund Budget for Fiscal Year 2010-11 in the total amount of \$ 37,321,843 and

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

<u>Revenues</u>	
Appropriated Fund Balance	\$1,100,000
Total	<u>\$ 1,100,000</u>
 <u>Expenditures</u>	
A 9710.0600 Serial Bond – Principal	\$ 1,100,000
Total	<u>\$ 1,100,000</u>

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBER MACALUSO AND MAYOR GRAHAM VOTING NAY.

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

ORDINANCES

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS, the City of Watertown, Jefferson County, New York (the "City") heretofore issued, on December 10, 1997, an aggregate principal amount of \$6,115,000 Public Improvement (Serial) Bonds, 1997 Taxable Series A, dated November 15, 1997, pursuant to a bond certificate of the City Comptroller dated November 25, 1997 (the "1997 Taxable Bond Certificate"), and the bond ordinances adopted by the Council identified therein, as more fully described in the 1997 Taxable Bond Certificate (the "1997 Taxable Bonds") and of which there are presently \$4,625,000 aggregate principal amount outstanding, maturing on November 15 in each of the following years and amounts;

Year	Amount	Year	Amount
2011	\$180,000	2019	315,000
2012	195,000	2020	340,000
2013	210,000	2021	365,000

2014	225,000	2022	390,000
2015	240,000	2023	420,000
2016	255,000	2024	450,000
2017	275,000	2025	470,000
2018	295,000		

WHEREAS, it appears that it would be in the public interest to refund all \$4,625,000 principal amount of the 1997 Taxable Bonds maturing in the years 2011 through 2025 (the “1997 Taxable Refunded Bonds”) by the issuance of refunding bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law; and

WHEREAS, the City heretofore issued, on December 10, 1997, an aggregate principal amount of \$4,895,000 Public Improvement (Serial) Bonds, 1997 Tax Exempt Series B, dated November 15, 1997, pursuant to a bond certificate of the City Comptroller dated November 25, 1997 (the “1997 Tax Exempt Bond Certificate”), and the bond ordinances adopted by the Council identified therein, as more fully described in the 1997 Tax Exempt Bond Certificate (the "1997 Tax Exempt Bonds") and of which there are presently \$2,140,000 aggregate principal amount outstanding, maturing on November 15 in each of the following years and amounts;

Year	Amount	Year	Amount
2011	\$100,000	2019	\$145,000
2012	105,000	2020	155,000
2013	110,000	2021	160,000
2014	115,000	2022	170,000
2015	120,000	2023	180,000
2016	125,000	2024	190,000
2017	130,000	2025	195,000
2018	140,000		

WHEREAS, it appears that it would be in the public interest to refund \$2,140,000 principal amount of the 1997 Tax Exempt Bonds maturing in the years 2011 through 2025 (the “1997 Tax Exempt Refunded Bonds”) by the issuance of refunding bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law; and

WHEREAS, the City heretofore issued, on May 2, 2000 an aggregate principal amount of \$6,105,000 Public Improvement (Serial) Bonds, 2000, dated April 15, 2000, pursuant to a bond certificate of the City Comptroller dated April 20, 2000 (the "2000 Bond Certificate"), and the bond ordinances adopted by the Council identified therein, as more fully described in the 2000 Bond Certificate (the "2000 Bonds") and of which there are presently \$1,075,000 aggregate principal amount outstanding, maturing on June 15 in each of the following years and amounts;

Year	Amount	Year	Amount
2011	\$250,000	2016	\$50,000
2012	250,000	2017	40,000
2013	225,000	2018	25,000
2014	125,000	2019	25,000
2015	75,000	2020	10,000

WHEREAS, it appears that it would be in the public interest to refund all \$1,075,000 principal amount of the 2000 Bonds maturing in the years 2011 through 2020 (the "2000 Refunded Bonds") by the issuance of refunding bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law; and

WHEREAS, the City heretofore issued, on May 29, 2002 an aggregate principal amount of \$2,310,000 Public Improvement (Serial) Bonds, 2002, dated May 15, 2002, pursuant to a bond certificate of the City Comptroller dated May 20, 2002 (the "2002 Tax Exempt Bond Certificate"), and the bond ordinances adopted by the Council identified therein, as more fully described in the 2002 Tax Exempt Bond Certificate (the "2002 Tax Exempt Bonds") and of which there are presently \$760,000 aggregate principal amount outstanding, maturing on May 15 in each of the following years and amounts;

Year	Amount	Year	Amount
2011	\$125,000	2016	\$100,000
2012	100,000	2017	50,000
2013	100,000	2018	35,000
2014	100,000	2019	25,000
2015	100,000	2020	25,000

WHEREAS, it appears that it would be in the public interest to refund \$635,000 principal amount of the 2002 Tax Exempt Bonds maturing in the years 2012 through 2020 (such portion, the “2002 Tax Exempt Refunded Bonds”) by the issuance of refunding bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law; and

WHEREAS, the City heretofore issued, on May 29, 2002 an aggregate principal amount of \$190,000 Hydroelectric Plant (Serial) Bonds, 2002 (Federally Taxable Series), dated May 15, 2002, pursuant to a bond certificate of the City Comptroller dated May 20, 2002 (the “2002 Taxable Bond Certificate”), and the bond ordinance or ordinances adopted by the Council identified therein, as more fully described in the 2002 Taxable Bond Certificate (the "2002 Taxable Bonds") and of which there are presently \$110,000 aggregate principal amount outstanding, maturing on May 15 in each of the following years and amounts;

Year	Amount	Year	Amount
2011	\$10,000	2016	\$10,000
2012	10,000	2017	10,000
2013	10,000	2018	10,000
2014	10,000	2019	10,000
2015	10,000	2020	10,000

WHEREAS, it appears that it would be in the public interest to refund \$100,000 principal amount of the 2002 Taxable Bonds maturing in the years 2012 through 2021 (such portion, the “2002 Taxable Refunded Bonds” and together with the 1997 Taxable Refunded Bonds, the 1997 Tax-Exempt Refunded Bonds, the 2000 Refunded Bonds and the 2002 Tax-Exempt Refunded Bonds, the “Refunded Bonds”) by the issuance of refunding bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law; and

WHEREAS, it appears that each of the refundings of the 1997 Taxable Refunded Bonds, the 1997 Tax Exempt Refunded Bonds, the 2000 Refunded Bonds, the 2002 Tax Exempt Refunded Bonds and the 2002 Taxable Refunded Bonds will result in present value savings in debt service as required by Section 90.00 or Section 90.10 of the Local Finance Law;

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

Section 1. For the object or purpose of refunding the \$8,575,000 aggregate outstanding principal balance of the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded

Bonds, (ii) the redemption premiums on the Refunded Bonds at their respective call dates, (iii) the aggregate amount of interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds either maturing or are to be called prior to their respective maturities in accordance with the Refunding Financial Plan, as hereinafter defined, (iv) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the Refunding Financial Plan, as hereinafter defined, compensation to the Purchaser, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the Escrow Contract, as hereinafter defined, and fees and charges of the Escrow Holder, as hereinafter mentioned, and (v) any premium or premiums for a policy or policies of municipal bond insurance for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued up to \$9,150,000 refunding bonds of the City pursuant to the provisions of Section 90.00 or Section 90.10 of the Local Finance Law (the "Public Improvement Refunding Bonds or, sometimes, the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$8,950,000 as provided in Section 3 hereof. As indicated in the Refunding Financial Plan, as hereinafter defined, the Refunding Bonds shall be divided into one or more series of taxable bonds, presently expected to aggregate \$4,965,000, and one or more series of tax-exempt bonds, presently expected to aggregate \$3,985,000. Each series of Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND", including a year, and a series designation (which may include an indication of whether interest on the series is taxable or tax-exempt), shall be dated April 5, 2011, or such other date or dates as shall hereafter be determined by the City Comptroller pursuant to Section 3 hereof, shall be of the denomination of \$5,000 or any integral multiple thereof not exceeding the principal amount of each respective maturity, and shall mature annually on November 15 or May 15 (but not both in any single series) in each of the years 2011 through 2025, or such other dates as the City Comptroller shall hereafter determine pursuant to Section 3 hereof, and shall bear interest payable on May 15, 2010 and November 15, 2011 and semi annually thereafter May 15 and November 15 while outstanding, or such other dates as the City Comptroller shall hereafter determine pursuant to Section 3 hereof, at the rate or rates of interest per annum as may be necessary to sell the same, all as shall be determined by the City Comptroller.

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

redemption set forth in such call for redemption, become due and payable, together with interest to such redemption dates, and interest shall cease to be paid thereon after such redemption dates.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. Principal of the Refunding Bonds shall be payable to the registered owners as shall hereafter be determined by the City Comptroller. Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America. The Refunding Bonds shall be executed in the name of the City by the manual or facsimile signature of the City Comptroller, and a facsimile of its corporate seal shall be impressed, imprinted, affixed or otherwise reproduced thereon and may be attested by the manual or facsimile signature of the City Clerk. In the event of facsimile signatures by the City Comptroller and/or the City Clerk, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of a bank or trust company acting in the capacity of the fiscal agent for the Refunding Bonds, and the City Comptroller is hereby authorized to enter into an agreement or agreements containing such terms as he shall deem proper with a bank or trust company to perform the services described in Section 70.00 of the Local Finance Law. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Comptroller shall determine. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected.

Section 2. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this ordinance does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;

(b) the maximum periods of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for objects or purposes for which the Refunded Bonds were issued are as shown on Schedule B attached hereto;

(c) the last installment of each series of the Public Improvement Refunding Bonds will mature not later than the expiration of the period of probable usefulness of each object or purpose, or the weighted average of the periods of probable usefulness of objects or purposes, for which the Refunded Bonds of such series were issued in accordance with the provisions of subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law; and

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, is as shown in the Refunding Financial Plan described in Section 3 hereof.

Section 3. The financial plan for the refunding authorized by this ordinance, showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Schedule A attached hereto and hereby made a part of this ordinance (the "Refunding Financial Plan"). The Refunding Financial Plan has been prepared based upon the assumption that the Public Improvement Refunding Bonds will be issued in the principal amount of \$8,950,000 and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in Schedule A. This Council recognizes that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the City will probably differ from such assumptions and that the Refunding Financial Plan will also probably differ from that attached hereto as Schedule A. The City Comptroller is hereby authorized and directed to determine the amount of the Refunding Bonds to be issued, the portion of the Refunding Bonds to be sold as taxable bonds and the portion to be sold as tax-exempt bonds, the dates of such bonds and the dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, if any, whether the Public Improvement Refunding Bonds will be insured by a policy or policies of municipal bond insurance, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds, and all powers in connection therewith are hereby delegated to the City Comptroller; provided, ***if the City shall appropriate \$1,100,000 in funds to the payment of debt service on the Refunded Bonds prior to the issuance of the Refunding Bonds, Refunding Bonds shall not be issued to finance such debt service,** that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The City Comptroller shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the City Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

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

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

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

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

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

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, the City hereby elects to call in and redeem i) on May

5, 2011, or such later date as shall be determined in accordance with the final Refunding Financial Plan, all 2000 Refunded Bonds, ii) on May 15, 2011, or such later date or dates as shall be determined in accordance with the final Refunding Financial Plan, all 1997 Taxable Refunded Bonds, 1997 Tax Exempt Refunded Bonds, 2002 Tax Exempt Refunded Bonds and all 2002 Taxable Refunded Bonds. The sum to be paid on such May 5, 2011 redemption date shall be the par value plus a premium of one half of one percent (0.5%) of par value, as provided in the 2000 Bond Certificate, and the accrued interest to such redemption date, provided, however, that if a later redemption date is established by the City Comptroller such premium shall be adjusted as appropriate in accordance with the terms of the 2000 Bond Certificate. The sum to be paid on such May 15, 2011 redemption date shall be the par value, without premium, as provided in the 1997 Taxable Bond Certificate, the 1997 Tax Exempt Bond Certificate, the 2002 Tax Exempt Bond Certificate and the 2002 Taxable Bond Certificate, and the accrued interest to such redemption date. The Escrow Agent for the Refunded Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the City in the manner and within the times provided in or otherwise applicable to the Refunded Bonds. Such notices of redemption shall be in substantially the forms to be attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at private sale to a purchaser to be selected by the City Comptroller or, at the election of the City Comptroller, to the successful bidder at public sale (in either case, the "Purchaser") for a purchase price to be determined by the City Comptroller (or in the case of a public sale, by public bid), plus accrued interest from the date of the Refunding Bonds to the date of the delivery of and payment for the Refunding Bonds. Approval of the terms and conditions of such sale by the State Comptroller shall be obtained as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law. After the Refunding Bonds have been duly executed, they shall be delivered by the City Comptroller to the Purchaser in accordance with a purchase contract to be entered into with the Purchaser, or according to the terms of the notice of sale, as the case may be.

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

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

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
2. The provisions of law which should be complied with at the dates of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the dates of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. A summary of this ordinance, which takes effect immediately, shall be published in full in the Watertown Daily Times, the official newspaper of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

SECONDED BY COUNCIL MEMBER TERESA MACALUSO

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

***UNDERLINED AMENDMENT IN SECTION 3 MADE BY MOTION OF COUNCIL MEMBER BUTLER, SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING YEA, EXCEPT COUNCIL MEMBER MACALUSO AND MAYOR GRAHAM VOTING NAY.**

UNANIMOUS CONSENT ON THE AMENDED ORDINANCE, MOVED BY COUNCIL MEMBER SMITH, SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

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

Prior to the vote on the foregoing amendment and ordinance, Council Member Butler explained that he had spoken with Mrs. Corriveau, Mr. Mills, the City's financial advisor as well as some financial experts. He advised that \$5 million of the bonds are taxable and \$4 million are tax-exempt. He remarked that he has concerns such as the time constraint that Council is facing is somewhat unacceptable. He stated that he feels that this is one of the most important votes that

will be cast. He suggested using \$1.1 million of fund balance to pay down a portion of the \$4.625 million. He explained that the City would be refunding at a premium on the \$1.75 million tax exempt refund. In essence, we are paying another ½% today but could avoid it in 2 months, if we used \$1 million of fund balance from \$4.6 to \$3.6.

Council Member Smith remarked that he felt we should use \$2 million out of fund balance to pay down the taxable debt. He remarked that it would give us more cash flow.

Mrs. Corriveau advised that it would only give us more cash flow if the income is the same. She explained that we only tax based on what our need is.

Council Member Smith responded that he felt it would give us more cash flow in the long term.

Mayor Graham questioned the number of changes in the document for either one of these proposals.

Mrs. Corriveau advised that if Council wants to make that sort of modification, they could do so.

Mayor Graham commented that the amendment should be in written form and then the member should work the phones to see if they had the support. He also advised that since 2005, we have reduced the debt from \$35 to \$30 million. He also commented that Council Members want to debate during the budget process and questioned if members want to allocate some of the fund balance for tax relief or if they want to buy down the debt. He stated now, he feels, that he has been precluded from doing so.

Council Member Smith commented that Council has been presented with this issue now and we have to make a decision on it. He stated that Council can still have those discussions at budget time.

Council Member Macaluso remarked that since Mr. Mills is the expert here, she would like to follow his advice. She commented that she is not a big fan of dipping into the general fund. She asked Mr. Mills if he thought the suggestions were appropriate.

Mr. Mills advised that the fund balance has to be used wisely. He also advised that this issue could be brought up at a future meeting, if Council wishes. He advised that the financial advisor would run the numbers putting in the \$1 and \$2 million from our own fund.

Mrs. Corriveau remarked that we had also asked them to look at shortening the length of the bonds.

Mayor Graham remarked that he is happy that the total debt load has been declining. He commented that the rest of the Council wasn't privy to the information that Council Member Butler obtained. He also questioned when this had to be passed.

Mr. Mills advised that it needs to be done by April 5th.

Mrs. Corriveau explained that the financial advisors have indicated that it is a good market now and that it would be an insured offering.

Council Member Butler remarked that with his suggestion, the City is still borrowing money, just not that much.

Council Member Macaluso commented that she is still not sold on this.

Council Member Burns remarked that this is a lot of information to digest and Council Member Butler has raised some very valid points. She stated that one week is not enough time to make a decision.

Mrs. Corriveau advised that there has to be a savings in each year in each issue in order to do refunding.

Mr. Mills advised Council that he received this notification on March 2nd.

Council Member Butler commented to the Mayor that the Mayor didn't want to pass an amendment on the fly, but didn't mind passing an \$8 million ordinance on the fly. He then referred to Mayor Graham's comments about the information that Council Member Butler had. Council Member Butler remarked that anybody could have done what he did in getting answers to his questions. He also asked about the difference in figures on page 5 involving the anticipated amount.

Mr. Mills advised that we will need more principal to pay off the debt and we won't have the earnings. Therefore we will borrow \$8.950 million to retire \$8.500 million. He also advised that \$9.1 million is put in there for changes in the market.

Discussion was held concerning the language needed to amend the ordinance.

Mayor Graham commented that Council can amend it or table it and hoped that those that wanted to amend it would have it written out.

Attorney Slye advised Council that assuming they were to have an amendment, the amended ordinance couldn't be voted on this evening, without unanimous consent. Otherwise, they would have to adjourn to next Monday.

Council Member Butler asked Mr. Mills when he would have the analysis.

Mr. Mills advised that it would be to him on Wednesday.

The above amendment language was provided by the financial advisor.

Mrs. Corriveau explained that if Council adopted the attorney language, it would allow Council to consider the amount of money they are going to appropriate to buy down the bonds.

The Council took a short recess. When they returned they voted on the amendment, the second unanimous consent and the amended ordinance as above.

THE ORDINANCE “AMENDING CITY MUNICIPAL CODE §292, VEHICLES AND TRAFFIC, STERLING STREET WAS PRESENTED TO COUNCIL (Introduced to Council on February 22, 2011; laid over under the rules; appears in its entirety on page 44 of the 2011 Minutes Book.)

Prior to the vote on the foregoing ordinance, Council Member Smith commented that the proposal is for no parking on Sterling Street from Goodale to Washington, yet Washington Street has parking and is a much busier street. He questioned what the negative part of allowing parking after 5 pm would be.

Mr. Hauk advised that there is a sight distance problem coming from the parking lot and then the traffic drops into the que lanes going toward the intersection with Washington Street. He advised that we can't turn loading zones on and off.

Council Member Smith responded that he was unaware of any major accidents or problems coming out of the City Hall parking lot. He stated that Goodale Street is not traveled like Washington Street is. And, yet, traffic comes out from the library, BRVC and the YMCA. He stated that if sight distance is an issue, perhaps we should start eliminating parking on Washington Street.

Mr. Hauk responded that “you can't see what you can't see”.

Mayor Graham questioned the need for no parking in an urban setting.

Mr. Hauk advised that many times, vehicles have to ease out into the travel lane when exiting the lot.

Council Member Smith asked how that was different than vehicles pulling out on Washington Street.

Mr. Hauk advised that Council had asked him to look at Sterling Street and if they wish, he would look at Washington Street as well.

Council Member Smith stated that it isn't common sense.

Mr. Hauk advised that you have to look at it site by site. He remarked that if Council wants him to look at a site where you can't see, you would get the same response.

Council Member Burns questioned if no one looked at the safety issue when the downtown was done and asked if Mr. Hauk was saying that he doubted if the engineer looked at the parking.

Mr. Hauk responded that he wasn't here and he can't make assumptions on what was done when he wasn't here. However, some parking changes were made afterwards.

Council Member Burns questioned Mr. Hauk about restricting parking immediately to the right of the exit for 1 or 2 spaces and if drivers would still be visually impaired.

Mayor Graham explained that when he requested this review, it was to see if this area needed to be restricted after 6 p.m. He stated that it was not his intent to stir up this much controversy.

Council Member Smith stated that he recognized the more sight distance, the better. He questioned why it couldn't be used for parking on nights and weekends.

Mrs. Corriveau advised that the Syracuse Symphony has a concert this evening. Parking up and down this street would inhibit people from getting out of this lot.

Council Member Macaluso remarked that there are places to park here in the lot. They don't have to park on the street. Downtown, they do have to park on the street.

Mrs. Corriveau advised that Council asked and they have received the City Engineer's professional opinion.

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING ORDINANCE AND DEFEATED WITH ALL VOTING NAY EXCEPT COUNCIL MEMBERS BUTLER AND MACALUSO VOTING YEA.

LOCAL LAW

NO MOTION WAS MADE TO TAKE FROM THE TABLE LOCAL LAW NO. 1 OF 2011. Introduced on February 7, 2011; public hearing held March 7, 2011; tabled; appears in its entirety on page 44 of the 2011 Minutes Book).

Commenting on the foregoing local law, Council Member Butler requested that it stay on the table as he has some additional information that he would like to get to Council.

Mayor Graham advised the Ryan's that this local law would not be coming up for discussion this evening. He asked the City Manager to have the Codes Department go down to Casey Street concerning this.

**** ** ***

COUNCIL DISCUSSED THE FOLLOWING TOPICS:

Offer to Purchase Land, SMC/Sr. Living Village, Tax Parcel 13-23-102.1

Mr. Carman addressed the chair explaining that SMC was willing to purchase both parcel A and B of the tax parcel and would be willing to allow the easement for a walking trail. The purchase offer is for \$9,500 per acre.

Mayor Graham asked that a resolution be prepared for the next Council meeting.

Council Member Burns asked if it required Council's approval to sell land and not under the purview of the City Manager.

Mrs. Corriveau advised that it was a Council decision.

Ogilvie Site Brownfields Cleanup Grant

\$200,000 in cleanup funds has been received for this site. Mayor Graham asked if the City had been in contact with Mr. Beasley and asked that Mrs. Corriveau coordinate with him.

Tree City U.S.A. Designation

Watertown has received this designation for the 11th year in a row.

Sales Tax Revenue – February 2011

Council received this memo.

Arsenal Street and Gaffney Drive Sewer Update Report

Mayor Graham referred to this report and stated that he is inclined to say that we get the neighborhood upgraded as soon as possible.

Mr. Hauk responded that when we devised the strategy, we had a certain set of facts. Now, the shifting of the flows from #2 to #3 has solved the issue we had. He explained that since the facts have now changed, he is trying to figure out what development will occur, the size of the pump station and the fact that we don't even know what the problem is that we are trying to solve at this point.

Mayor Graham commented that the City solicited money from USDA and JCIDA. Therefore, we should develop a system under the assumption that we didn't have the diversion pipe.

Council Member Smith remarked that he agrees with Mayor Graham that we have to allow for development in that area and we shouldn't delay the pump station upgrade.

Mr. Hauk asked how we should upgrade and what assumptions we should use.

Mayor Graham responded that he would have to look at the neighborhood and the potential development.

Mr. Hauk responded that until we get development, there is no need to upgrade the pump station.

Mrs. Corriveau referred to the funding that was received and explained that it went for the upper line and the acquisition of the easement.

Mayor Graham stated that the pump station is old.

Mrs. Corriveau advised that \$30,000 was used for an upgrade. However, at the present time, we don't know what to design an upgrade to.

Mayor Graham remarked that it is a prime commercial development area.

Mr. Hauk commented that if it is either too large or too small, it wouldn't be good.

Referring to page 2 of the report, Council Member Butler asked if Millennium was using Arsenal for both existing and new flows.

Mr. Hauk advised that they were. He advised that when the Town of Watertown shifted the flows, it freed up a large amount of flow. He also explained that if they could find the infiltration and eliminate it, we would have all kinds of capacity.

Council Member Burns commented that she agrees with Mayor Graham. She stated that she knows there are unknowns. However, that is what the Planning Department is all about.

Council Member Butler asked if it could be built with an idea and then expanded in the future.

Mayor Graham reiterated his opinion of moving ahead as we made commitments and received grants.

Council Member Butler remarked that he likes to be pro-active.

Mr. Hauk remarked that you build a street based on traffic flow. It could be a long time before we need to change the pump station.

Mrs. Corriveau advised that we have the ability to go back to USDA for a timeline of the grant. She explained that things might be clearer in 6 to 8 months from now.

Council Member Butler stated that Mr. Hauk convinced him.

Council Member Macaluso agreed with Council Member Butler.

Council Member Smith remarked that we should look to see if we can postpone the grant.

City Clerk Hiring Process

Mrs. Dutton gave each Council Member a draft copy of the ad for the City Clerk's position.

Mayor Graham asked members to let Mrs. Dutton know by Thursday if they want changes in it.

Discussion was held concerning where it is to be printed and how large the local area would be considered.

Council was advised that Mrs. Corriveau and Mrs. Dutton would like to have it run for three Sundays in the Watertown Daily Times and have also contacted Newzjunky about costs to advertise there. Online classifieds would be used and applicants would be advised to go to the City's website for additional information. Suggestions were made that perhaps the ad should go in papers in Syracuse, Rochester, Buffalo and Binghamton.

City Comptroller

Council Member Butler remarked that Mr. Mills was on the hot seat this evening. He stated that it is because of Mr. Mills' hard work that Council even had this topic to debate. He stated that even though he doesn't agree with him, he appreciates his hard work.

Emerald Ash Borer

Council Member Butler asked what plans on in place if this were to invade the City.

Mrs. Corriveau explained that she will check with Mr. Lumbis. She knows that the City hosted an event here in the past and that Mr. Lumbis recently attended another event about this topic.

Council Member Burns remarked that Cooperative Extension was also disseminating information on this.

Mrs. Corriveau will get a report on it.

Watertown Urban Mission

Mayor Graham advised that representatives from the Urban Mission visited him and shared their annual report with him. He will give copies to the Council. The Urban Mission saw the request from CAPC and since the Mission operates a food bank that serves more people than CAPC, they felt that they should be considered for funding too. He asked that this be discussed in a work session.

Library

Mayor Graham advised that he had met with Maxine Quigg from the library board and had received a copy of the audit. He also had a discussion with Steve Bolton from the North Country

Library System about a 30+ year library system employee who may need to be funded by the City.

Aviary

Mayor Graham remarked that it is important that Council follows up on plans for the aviary. The following resolution was offered:

INTRODUCED BY MAYOR JEFFREY E. GRAHAM

RESOLVED that City staff is instructed to proceed on securing engineering professional services to prepare detailed plans for the aviary and biddable specs. These plans are to include the options and recommendations.

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

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

AIM Funding

Mrs. Corriveau advised that the City has received \$2.572 million in AIM funding through the State.

NYCOM News

Mrs. Corriveau provided copies of this to the Council.

Spring Drop Off

Mrs. Corriveau advised that the spring drop off day is May 21st.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 9:45 P.M. MY MOTION OF COUNCIL MEMBER BUTLER, SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Donna M. Dutton
City Clerk

