

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
April 6, 2009  
7:00 P.M.**

**MAYOR JEFFREY E. GRAHAM PRESIDING**

**PRESENT:**           **COUNCIL MEMBER ROXANNE M. BURNS  
COUNCIL MEMBER JOSEPH M. BUTLER, JR.  
COUNCIL MEMBER PETER L. CLOUGH  
COUNCIL MEMBER JEFFREY M. SMITH  
MAYOR GRAHAM**

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

The City Manager presented the following reports to Council:

- 1 - Approving the “Project Review: Subdivision and Site Plan Processes” Workshop on April 22, 2009 As Valid Training for Meeting the New York State Municipal Planning and Zoning Officials Training Requirement
- 2 - Redirecting the Black River Scenic Byway
- 3 - Approving Agreement for Use of Buildings and Grounds, Watertown City School District
- 4 - Approving Lease Agreement Between the City of Watertown and the Greater Watertown Red and Black, Inc.
- 5 - Accepting Bid for Sewer Vac, Foster’s Equipment
- 6 - Approving Bid for Western Outfall Sewer Project, Marcellus Construction Company, Inc.
- 7 - Approving Federal Aid Highway and Marchiselli Aid Project Agreement, Contract No. D031963, PIN 7753.11, Arsenal Street and Washington Street (VPP) Construction/Construction Inspection
- 8 - Authorizing a Budget Modification Request for the FY 2007 Small Cities Community Development Block Grant
- 9 - Approving Revised 2007 CDBG Subgrant Agreement With Watertown Local Development Corporation
- 10 - Adopting Revised Police Guidelines and Operating Plan for the Franklin Building Commercial Loan Program
- 11 - Authorizing the Submission of an Application for Fiscal Year 2009 Small Cities Community Development Block Grant Funding
- 12 - An Ordinance Amending the Ordinance Dated January 22, 2007, Authorizing the Issuance of \$114,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay The Cost of Combined Sanitary Sewer Replacement Between Chestnut and Holcomb Streets, to Increase the Estimated Maximum Cost Thereof and the Amount of Bonds Authorized to \$245,000
- 13 - Public Hearing at 7:30 p.m. - Authorizing the Submission of an Application for Fiscal Year 2009 Small Cities Community Development Block Grant Funding
- 14- Fiscal Year 2007-08 Audit Report

- 15- Funding Request, Jefferson County Agricultural Society
- 16 - Restore New York Public Hearing

**COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK**

Meeting opened with a moment of silence.

Mayor Graham also requested a moment of silence be given in remembrance of those who died in the Binghamton shooting last week.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of March 23, 2009, and the special meeting of March 30, 2009 was dispensed with and accepted as written by motion of Council Member Clough, seconded by Council Member Smith and carried with all voting in favor thereof.

Mayor Graham presented Dave Mance with a City Coin and acknowledged his work in the community.

Mayor Graham presented Mike White with an Honorary First Citizen award and the City Coin and noted his many years of service in the North Country.

**COMMUNICATIONS**

From Attorney Eric Swartz on behalf of George Ashcraft, General Manager and Head Coach of the Greater Watertown Red and Black Inc. listing various requests pertaining to asking the City of Watertown to only endorse the Red & Black football team.

**ABOVE PLACED ON FILE**

**PRIVILEGE OF THE FLOOR**

**Bart Bonner, Brookside Drive**, addressed Council regarding his concerns for the economy of the nation and displeasure with two projects scheduled for work in the City of Watertown.

**PUBLIC HEARING**

**AT 7:35 P.M. MAYOR GRAHAM ASKED THE DEPUTY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING THE SMALL CITIES CDBG GRANT APPLICATION.**

**MAYOR GRAHAM DECLARED THE HEARING OPEN.**

Mr. Mix addressed the chair saying that the purpose of this hearing tonight is to hear comments from the public. He added that this is a continuation of the program from 2008 and based on the amount of interest shown there is a need to continue.

**MAYOR GRAHAM DECLARED THE HEARING CLOSED AT 7:40 P.M.**

**R E S O L U T I O N S**

**INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH**

WHEREAS the New York State Chapter 662 of the Laws of 2006, which took effect on January 1, 2007 requires all municipal planning and zoning officials to have four hours of training per year, and

WHEREAS the training must be approved by the City Council before it can be used to meet the new training requirement, and

WHEREAS the Jefferson County Department of Planning, the NYS Tug Hill Commission, and the Center for Community Studies at JCC are co-sponsoring a training session called “Project Review: Subdivision and Site Plan Processes” for local planning officials on April 22, 2009 from 6:30 p.m. to 8:30 p.m. at Jefferson Community College,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that the “Project Review: Subdivision and Site Plan Processes” workshop is approved to provide two hours of training toward meeting the New York State Municipal Planning and Zoning Officials training requirement.

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

**INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH**

WHEREAS the Black River Trail Scenic Byway, as currently defined in New York State Legislation, runs from the City of Rome to the City of Ogdensburg, and

WHEREAS State Highway 812 from Lowville to Ogdensburg departs from the Black River, thereby having no connection to the resource that defines the theme for this Scenic Byway, and

WHEREAS it is important for Scenic Byways and other tourism programs to have a theme with which local communities can identify and that presents an authentic image and experience for the Byway traveler, and

WHEREAS the Black River Trail’s “story” would be incomplete by leaving out the remaining half of the Black River from Lowville to Dexter, and

WHEREAS *Maple Traditions* communicates a more authentic theme for NYS Route 812 from Lowville to Ogdensburg, and

WHEREAS these change have received public support throughout the corridor management planning process, and

WHEREAS such a change requires the passage of State legislation,

NOW THEREFORE BE IT RESOLVED that the City of Watertown supports the CMP recommendation to extend the *Black River Trail Scenic Byway* from Lowville to Dexter so that the Byway follows the Black River along its remaining length, and

BE IT FURTHER RESOLVED that the City of Watertown supports the Corridor Management Plan recommendation to rename the entire length of State Highway 812, from Lowville to the Ogdensburg-Prescott International Bridge, as the *Maple Traditions Scenic Byway*, and to also recognize State Highway 68 from Ogdensburg to Canton and US Route 11 from Canton to Gouverneur, as an alternative loop of the *Maple Traditions Scenic Byway*, and

BE IT FURTHER RESOLVED that the City of Watertown encourages the Governor and the Legislature to work with the New York State Department of Transportation and the Adirondack North Country Association to pass legislation to achieve the above recommendations.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER JR. AND CARRIED WITH ALL VOTING YEA.**

**INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH**

WHEREAS the City of Watertown desires to run a Summer Recreation Program within the City of Watertown, and

WHEREAS the Watertown City School District is willing to authorize the City to use its facilities for said purpose, and

WHEREAS there is no cost associated with the Agreement between the City of Watertown and the Watertown City School District, and

WHEREAS the City deems the providing of a Summer Recreation Program to be a benefit to the citizens of the City,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement between the City and the Watertown City School District, a copy of which is attached and made a part of this resolution, and

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

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

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

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

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

WHEREAS in pursuit of that public purpose, the City desires to contract for the use, operations, management and maintenance of the Fairgrounds multi-purpose field and all football-related activities, and

WHEREAS the Greater Watertown Red and Black, Inc. owns and operates a football team as a member and franchise of the Empire Football League, and

WHEREAS Greater Watertown Red and Black, Inc. desires to have its team, Red and Black, play football games within the confines of the Fairgrounds,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves the Lease Agreement between the City of Watertown and the Greater Watertown Red and Black, Inc., and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the Agreement on behalf of the City.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER JR.**

Mayor Graham noted that Council has received a letter on behalf of Coach George Ashcraft and mentioned concerns regarding the contract.

Mrs. Corriveau told Council that Mr. Ashcraft wanted the resolution to come before Council and that he is prepared to sign the lease. She did note a change in the contract which states that the Red & Black football team will have some exclusive locker room space but that other teams may use a portion of the other locker room area.

Mr. Ashcraft addressed Council pointing out that it is not that he does not want other teams to use the facilities, but for 15 years Red & Black has had use of that whole locker room space. He said he does not feel that there is enough room in Watertown for two football teams.

Mayor Graham asked if there is a contract in place with the Watertown Revolution football team.

Mrs. Corriveau told Council the contract will go before them on April 20, 2009.

Council Member Burns asked what the contract entails.

Mrs. Corriveau said it will be for locker space, fees, renting fields, prices for practice and clean up fees.

Mayor Graham noted that the City maintains excellent facilities at these events which are by no means a money-maker. He stated that a flashpoint occurs on April 20 when the new team's contract comes before Council.

Mrs. Corriveau noted that the Watertown Revolution approached the City last year and could not use the locker space then. She noted that this contract is a positive first step. Mrs. Corriveau also said that in 2011 the baseball contract expires and that their space may better accommodate a football team. She said the bottom line is that the City is trying to accommodate all customers to the City.

Jayne St. Croix told Council that Watertown Revolution has about the same number of games as Red & Black.

Mrs. Corriveau said that practice night schedules have been worked out but that there are some other outstanding issues.

Council Member Clough asked if they are City-owned locker rooms.

Mrs. Corriveau said they are and showed Council a diagram of the locker room layout. It was noted that renting the locker room is \$300 per year.

Mr. Ashcraft told Council that when he started as Red & Black coach in the 1990s he used a 50 foot trailer as a locker room and that this is a tough share to accept. He said that this idea is not in the best interest of football for the City.

Mayor Graham stated that the City's recreation programs are oriented toward youth activities and that this is more of a business venture.

Mr. Ashcraft noted again that the City is not big enough for two football teams but that he is willing to agree to the contract for this year.

Mrs. Corriveau said that there is a cost attached for adding doors to the locker room.

Mr. St. Croix added that there has to be an additional door so that the locker room can be secured when the Red & Black team is not playing or practicing.

Council Member Clough inquired how the City can tell one team they can use the locker room but not another.

Mayor Graham commented that we do not know how much money is being spent on electricity, mowing and other work that readies the field and facilities for games.

Council Member Smith said that it is not the government's job to dictate which teams avail themselves to the City and that the market will bear itself out. He said that he would recommend that Watertown Revolution bear the cost of the new door to the locker room since they necessitate it.

Council Member Clough asked if that could be part of the discussion with the new team.

Mrs. Corriveau replied that discussions are completed with Watertown Revolution.

Attorney Slye asked why it becomes the second team's (Watertown Revolution) obligation to pay for the door. He recommended trying to work through this issue for the sake of recreational opportunities at the fairgrounds.

Mrs. Corriveau rhetorically asked if this would be the same as having other teams pay for foul poles and nets for baseball.

Mayor Graham stated that he does not agree with having people incur an additional expense by paying for the new doors.

Council Member Burns said she does not see this as a money making proposition but rather providing recreation. She added that she does not know anything about this new team and would like to have some more information on them. Council Member Burns continued saying that she is not trying to be unfair to one team over another but that she would like to know what Revolution's game plan is in the City.

Council Member Butler asked why the arena cannot be used.

Mrs. Corriveau said that it can as long as it is staffed but that it is not very convenient for the team that will be using it as opposed to the unused locker room. She also noted that it can be used by high school teams too.

Mayor Graham asked what teams pay to play.

Mr. St. Croix said they pay \$50 a game.

Mayor Graham said the rates need to be reevaluated but that he is prepared to vote on the contract.

Council Member Butler said that he does not agree with spending \$1500 to accommodate two teams instead of one.

Mrs. Corriveau said that the City has not traditionally wanted to charge people for what the actual cost of the service is.

Council Member Smith again suggested letting the team incur the costs that will be causing the extra spending.

Council Member Clough asked about getting the price of the new doors by next meeting.

Mr. St. Croix said he would have that available.

Council Member Butler asked what the City charges the Wizards.

Mrs. Corriveau replied they are charged \$125.

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

**INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH**

WHEREAS the City Purchasing Department has advertised and received sealed bids for the purchase of one new and unused Sewer Vac for use by the Department of Public Works, and

WHEREAS invitations to bid were issued to nine (9) prospective bidders, with three (3) bids being received and publicly opened and read in the City Purchasing Department on Monday, March 9, 2009, at 11 a.m., and

WHEREAS City Purchasing Agent Robert J. Cleaver, DPW Superintendent Eugene Hayes, Assistant DPW Superintendent Peter Monaco, and Patrick Keenan, Sewer Maintenance Foreman have reviewed the bids received and are recommending the acceptance of the lowest qualifying bid submitted by Foster's Equipment, 1 Keuka Business Park, Suite 103, Penn Yan, New York 14527, in the amount of \$182,800.00,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York hereby accepts the bid submitted by Foster's Equipment, 1 Keuka Business Park, Suite 103, Penn Yan, New York 14527, for the purchase of one new and unused Sewer Vac, for use by the Department of Public Works, in the amount of \$182,800.00.

**SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH**

Council Member Smith asked if the picture of the truck shown in the report is what the new one will look like.

Mr. Hayes said it is fairly close to the one the City will have.

Council Member Clough inquired where the savings came from.

Mr. Hayes said there are factory incentives from the dealer and a very good price in general. He also noted that the City did a lot of research on this vehicle and could find no complaints about it. Mr. Hayes also said it received unanimous reviews from the review committee.

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

**INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH**

WHEREAS the City Purchasing Department advertised and received sealed bids for the replacement of existing 18” sewer trunk lines with 24” lines at Barben Avenue/ Butterfield, Holcomb/Chestnut Streets and for drainage alterations at the City’s landfill, and

WHEREAS invitations to bid were issued to nineteen (19) prospective bidders, and

WHEREAS seven (7) sealed bids were submitted and publicly opened and read in the City Purchasing Department on Monday, March 16, 2009, at 11 a.m., and

WHEREAS City Purchasing Agent Robert J. Cleaver, reviewed the bids received with City Engineer Kurt Hauk and Joseph O’Brien, Civil Engineer I, and it is Mr. Cleaver’s recommendation that the City Council accept the bid submitted by Marcellus Construction Company, Inc., Liverpool, New York, in the amount of \$504,704.00, as the lowest qualifying bid,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby accepts the bid submitted by Marcellus Construction Company, Inc., 4615 Crossroads Park Drive, Liverpool, New York, in the amount of \$504,704.00 for the replacement of existing 18” sewer trunk lines with 24” lines at Barben Avenue/Butterfield, Holcomb/Chestnut Streets and for drainage alterations at the City’s landfill, and

BE IT FURTHER RESOLVED that acceptance of this bid is subject to the City Council approving the bond ordinance to fund the project.

**SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS**

Council Member Smith asked if this is included in the stimulus money.

Mrs. Corriveau said Chestnut and Butterfield/Barben Avenue are included but that the City cannot supplant funds in stimulus dollars if the City has already borrowed money.

Council Member Butler asked why the City is asking for bonds.

Mr. Mills replied that the bonds are issued per project.

Council Member Butler inquired why the Butterfield/Barben Avenue bid versus bonding is so far off.

Mr. Hauk said that is due to the fact that the sewer replacement was longer than expected.

Council Member Smith asked if there would be any disadvantage of not bonding.

Mrs. Corriveau replied that if Council does not authorize bonding then the City cannot move forward with the project.

Council Member Smith asked how long it takes to bond.

Mr. Mills said it is done once a year as a group of projects.

Council Member Smith inquired when the next bonding will take place.

Mr. Mills replied next spring.

Council Member Smith asked if this can be delayed for a couple of weeks in order to give time to check with the state regarding funding.

Mrs. Corriveau said she has some concern with that as the City is not on the EFC list. She added that these projects qualify as green projects and are eligible for funding.

Council Member Smith inquired if the City will be ineligible for stimulus money if Council passes the ordinance tonight.

Council Member Butler commented that stimulus money cannot pay down debt service.

Council Member Clough asked if it would hurt to hold off on this resolution.

Mrs. Corriveau suggested adjourning this evening's meeting to get further information on funding.

Mr. Hauk told Council that until the bid is approved, the project cannot move forward but that there are plenty of other projects to be completed aside from these.

Mayor Graham commented that he would like to move ahead.

Council Member Smith suggested holding off on adding to our debt service.

**MOTION WAS MADE BY COUNCIL MEMBER CLOUGH TO TABLE THE RESOLUTION, SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

**INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH**

WHEREAS the Economic Recovery Project in the City of Watertown, is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% federal funds and 0% non-federal funds, and

WHEREAS the City of Watertown approves participating in the Vendor Paving Project for Arsenal Street and Washington Street, in and for said City, PIN 7753.11,

NOW THEREFORE BE IT RESOLVED that the City of Watertown agrees that it will pay in the first instance the full federal share for the construction, construction inspection phase of this project \$500,000 and hereby appropriates funding necessary to complete the non-federal share of the project from CHIPS funding, and

BE IT FURTHER RESOLVED that upon completion of construction of the Projects, or a fully usable portion thereof, the City agrees to maintain the project, or fully usable portion thereof, at their sole cost and expenses, and

BE IT FURTHER RESOLVED that in the event the full federal share of the Project exceeds the amount of \$500,000 appropriated, the City Council will convene as soon as possible to appropriate said excess amount immediately, and

BE IT FURTHER RESOLVED that the Mayor of the City of Watertown is hereby authorized and directed to execute all necessary Agreements or certifications on behalf of the City of Watertown, subject to the City Attorney's approval as to form and content, and

BE IT FURTHER RESOLVED that the City Comptroller is authorized and directed to pay in the first instance the full federal share for the construction, construction inspection phase in the amount of \$500,000, 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 COUNCIL MEMBER JEFFREY M. SMITH**

Council Member Smith inquired about the mill and fill project.

Mr. Hayes told Council that Washington Street can be divided from the top of the hill to Thompson Blvd. and from there to Flower Ave.

Council Member Smith asked about the condition of the infrastructure for these projects.

Mr. Hayes said these streets do not have the same failures as found in other parts of the City.

Council Member Smith asked about pin-on curbing.

Mr. Hayes said that would not be necessary as long as there is positive drainage. He noted that with the mill and fill there would be enough reveal.

Mrs. Corriveau reminded Council that this program will put Mr. Hayes' staff under a great deal of stress to complete these and other projects. She noted that the paving is covered by this project but other work is the City's responsibility.

Council Member Smith asked how long a road can be left milled.

Mr. Hayes said that if the base is ok, a thin layer of asphalt can be placed on it but these streets named in this project are pounded by traffic.

Mrs. Corriveau noted that the 100-200 block of Arsenal Street is in rough shape.

Council Member Butler asked if the City's share is 100% funded through CHIPS.

Mrs. Corriveau said the City will utilize funding to do the milling work in support of this project but the paving is not covered by CHIPS, rather by stimulus money.

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

**INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH**

WHEREAS the Grant Agreement with the New York State Housing Trust Fund Corporation represented by the Office of Community Renewal for the FY 2007 Small Cities Community Development Block Grant contains budget amounts for each activity, and

WHEREAS a Budget Modification must be approved by the Office of Community Renewal if the budget amounts are to be altered, and

WHEREAS to allow the shifting of funds from housing rehabilitation to housing rehabilitation architectural services and other soft costs, as shown on Form 7-1, which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby approves the proposed Budget Modifications for the FY 2007 Small Cities Community Development Block Grant, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and directed to sign the Budget Modification form on behalf of the City.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER JR.**

Mayor Graham commented that he considers these revisions fascinating, concerning the contrived arrangements to circumvent the Davis-Bacon Act. Council Member Butler noted the \$375,000 in funds to be shifted from construction and inquired what would then cover construction.

Mr. Mix said the entire budget would be examined and some line items would be shifted.

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

**INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH**

WHEREAS by resolution adopted June 2, 2008, the City Council approved a Subgrant Agreement with the Watertown Local Development Corporation concerning funds from the City's 2007 Community Development Block Grant, and

WHEREAS it has become necessary to revise the Subgrant Agreement to eliminate activities that might trigger the labor standard requirements of the Davis-Bacon Act, and

WHEREAS the revised Subgrant Agreement has been drafted, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it hereby approves the revised Small Cities Community Development Block Grant Program Subgrant Agreement with the Watertown Local Development Corporation to replace the one approved on June 2, 2008, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the Subgrant Agreement on behalf of the City Council.

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

**INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH**

WHEREAS the City Council adopted the Policy Guidelines and Operating Plan for the Franklin Building Commercial Loan Program on July 7, 2008, and

WHEREAS it is necessary to revise the Policy Guidelines and Operating Plan to eliminate activities that might trigger the labor standard requirements of the Davis-Bacon Act, and

WHEREAS a revised Policy Guidelines and Operating Plan has been drafted, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED that the revised Policy Guidelines and Operating Plan for the Franklin Building Commercial Loan Program is hereby adopted to replace the one adopted on July 7, 2008 and shall become effective immediately.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER JR. AND CARRIED WITH ALL VOTING YEA.**

**INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH**

WHEREAS federal funding is available through the New York State Office of Community Renewal to support local community development activities that are undertaken by eligible municipalities, and

WHEREAS the City of Watertown is eligible to apply for funding in the 2009 competition under the Small Cities Community Development Block Grant Program, and

WHEREAS it has been determined that such funding should be used for a Single Purpose proposal to promote rehabilitation of existing substandard apartments throughout the City and creation of new apartments on the upper floors of commercial buildings in the downtown area, and

WHEREAS two public hearings on the CDBG program in this proposal have been conducted by the City Council on March 16 and April 6, 2009,

NOW THEREFORE BE IT RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized to sign and submit an application for Community Development Block Grant funding for consideration in the 2009 Small Cities competition through the New York State Office of Community Renewal, and

BE IT FURTHER RESOLVED that the Mayor is authorized to sign all agreements, certifications and other documents required to complete the application and to accept the grant and administer the program that is to be proposed for Small Cities funding.

**SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA.**

## **ORDINANCE**

**INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH**

WHEREAS, by ordinance dated January 22, 2007, the Council of the City of Watertown, Jefferson County, New York, authorized the issuance of \$114,000 bonds of said City to pay the cost of the combined sanitary sewer replacement between Chestnut and Holcomb Streets, in and for the City of Watertown, Jefferson County, New York, and incidental expenses in connection therewith, at an estimated maximum cost of \$114,000; and

WHEREAS, the Council now wishes to increase the estimated maximum cost of the aforesaid specific object or purpose from \$114,000 to \$245,000, an increase of \$131,000 over that previously authorized;

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

Section A. The ordinance of this Council dated and duly adopted January 22, 2007, authorizing the issuance of \$114,000 bonds to pay the cost of the combined sanitary sewer replacement between Chestnut and Holcomb Streets, in and for the City of Watertown, Jefferson County, New York, and incidental expenses in connection therewith, is hereby amended, in part, to read as follows:

“AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$245,000 BONDS OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK TO PAY THE COST OF COMBINED SANITARY SEWER REPLACEMENT BETWEEN CHESTNUT AND HOLCOMB STREETS, IN AND FOR SAID CITY.

“ . . . .

“Section 1. To pay the cost of the combined sanitary sewer replacement between Chestnut and Holcomb Streets, in and for the City of Watertown, Jefferson County, New York, and incidental expenses in connection therewith, a specific object or purpose, there are hereby authorized to be issued \$245,000 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 \$245,000 and that the plan for the financing thereof is by the issuance of the \$245,000 bonds of said City authorized to be issued pursuant to this bond ordinance.”

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.

**SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH**

**MOTION WAS MADE FOR UNANIMOUS CONSENT BY COUNCIL MEMBER CLOUGH, SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

**MOTION WAS MADE BY COUNCIL MEMBER SMITH TO TABLE THE FOREGOING ORDINANCE, SECONDED BY COUNCIL MEMBER CLOUGH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

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**COUNCIL DISCUSSED THE FOLLOWING TOPICS:**

**Jefferson County Agricultural Society –**

Council Member Clough inquired why Council is considering a resolution to approve the funding request when there are funds owed to the City.

Mrs. Corriveau said she put a call in to Mr. Simpson and reminded him there is a balance due but had not heard back from him.

**Restore New York Public Hearing –**

Mayor Graham noted that a public hearing needs to be scheduled regarding the project being considered for application.

**MOTION WAS MADE BY COUNCIL MEMBER CLOUGH TO SCHEDULE A PUBLIC HEARING CONCERNING RESTORE NEW YORK FOR APRIL 20, 2009, AT 7:00 P.M., SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

**Boards and Commissions –**

Council Member Clough told Council he still wishes to serve on the Empire Zone Board and would like the City Manager to contact the others listed to make sure they would still like to serve and asked for a resolution prepared to that affect.

Council Member Butler asked about the planning board.

Mrs. Corriveau said those positions are appointed by the Mayor.

Mayor Graham reminded Council that if they know of anyone who would like to serve on the planning board or other board they should submit a letter of interest.

Council reviewed the list of boards and commissions.

**DPAO –**

Council Member Burns asked what the arena is charged for concerts.

Mrs. Corriveau said she believed it was \$500 per day.

Council Member Burns asked if that included having the City crews set up and tear down.

Mrs. Corriveau said it does.

**Library Fence –**

Council Member Burns asked what the estimate is for repairing the marble fence outside the Flower Library.

Mrs. Corriveau said the estimate is \$16,700.

Council Member Burns asked if some of the pieces were going to be salvaged.

Mrs. Corriveau said there are.

Mayor Graham inquired if some specific firm is being hired to do the repairs.

Mrs. Corriveau told Council that Mrs. Wheeler has been handling those arrangements.

Council Member Clough asked if insurance covered the repairs.

Mrs. Corriveau said it did not because some work needed to be done on the fence anyway, then it was hit by City crews.

Council Member Smith noted that Pete Ligammari is well known for his high quality stone work.

Mrs. Corriveau noted that she would be happy to do some outreach.

**Police Officer Injured –**

Council Member Clough commented on the firing of a confiscated weapon by a City police officer and the resulting injuries. He said he thought that confiscated weapons were either destroyed or returned to the individual.

Mrs. Corriveau replied that she would rather have the Police Chief respond to this situation. She noted that the weapon was taken in a menacing case and it was tested to see if it would fire. Mrs. Corriveau added that most likely it was a problem with the ammunition rather than the weapon.

Council Member Clough said he did not think this situation made sense and wondered if this was something that was done often, regarding the firing of confiscated weapons.

Mrs. Corriveau told Council she could have an answer to them next week.

### **City Roadways –**

Council Member Smith commented that Gotham Street was reconstructed in the 1980s and has held up well over the years. He wondered whether stimulus money can be used for a mill & fill or overlay.

Mr. Hayes said that the same can be said for Academy Street and Brainard and Arlington Streets and those would have been on the list of projects as well but Washington and Arsenal Streets were chosen as part of the stimulus package to be shown as models. He noted that the other streets mentioned are more of connector streets and do not have the same volume of traffic as Washington and Arsenal Streets.

Council Member Smith wondered where those streets are in the budget.

Mr. Hayes said they are several years out and not even identified yet.

Council Member Smith asked at what point work becomes mandatory.

Mr. Hayes replied that the asphalt degradation curve is pretty pronounced so crews will look for further signs of failure.

Council Member Smith also noted the large number of potholes on Barben Avenue.

Mr. Hayes said that perhaps cutting those areas out and putting a heavy overlay on that street would suffice as a temporary cap since more extensive work is not scheduled to be done for three years.

Mrs. Corriveau mentioned that there were also some water main breaks on Barben in early spring as well. She added that stimulus funding is only available for state and federal highways.

### **Adjourning Meeting –**

Attorney Slye reminded Council that they are going to be adjourning the meeting to April 13, 2009, and that Council Member Smith will not be present and Council Member Clough may not be present. He said this because the bond ordinance requires a 4/5 vote.

### **Report on Fees –**

Mayor Graham inquired when the report on City fees will be available.

Mrs. Corriveau said she has not received it yet but will have it for Council next week.

Mayor Graham made a comment stemming from the discussion regarding the football teams and the fairgrounds saying that when engaged in commercial activities and market driven operations, the City cannot afford the luxury of providing below-market rents and below-market services that the City provides for these events. Mayor Graham commented that when it comes to commercial operations selling products to generate profit for those selling them, the market value has to be part of the determination. He suggested taking a look at the formulation of things and noted there should be documentation, otherwise he said a vendor could give the City a check for \$100, for example, and say it is 10% of the concessions. He added that before he votes on anymore contracts that this issue is something he would like to see reviewed. Mayor Graham said he is looking forward to reading the report on City fees.

#### **Meeting Senator Gillibrand –**

Mayor Graham noted that he and Mrs. Corriveau had the opportunity to meet Senator Gillibrand as she visited Watertown today and that she seems attuned to North Country issues.

#### **ADJOURNMENT**

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 8:44 P.M. TO MONDAY, APRIL 13, 2009, AT 7:00 P.M. BY MOTION OF COUNCIL MEMBER CLOUGH, SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

*Amanda C. Lewis*  
Deputy City Clerk