

**REGULAR COUNCIL MEETING  
CITY OF WATERTOWN  
April 17, 2006  
7:00 P.M.**

**MAYOR JEFFREY E. GRAHAM PRESIDING**

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

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

City Manager Corriveau presented the following reports to the Council:

- 1 - Authorizing Application for Selective Traffic Enforcement Program (STEP)
- 2 - Approving Employee Assistance Program Service Agreement, Northern Employee Assistance Services
- 3 - Contract for Use of Buildings and Grounds, Our Lady of the Sacred Heart Parish and the Missionaries of the Sacred Heart
- 4 - Contract for Use of Buildings and Grounds, Disabled Persons Action Organization
- 5 - Contract for Use of Buildings and Grounds, Faith Fellowship Church
- 6 - Approving Change Order No. 12 to Contract for Construction of DPW/Bus Maintenance and Storage Facility, Plumbing and Fire Protection, Burns Brothers Contractors, Inc.
- 7 - Approving Bid for Purchase of Side Load Refuse Vehicle
- 8 - Approving Employment Agreement, City Manager Mary M. Corriveau
- 9 - Authorizing an Application to the Local Waterfront Revitalization Program – Phase 3
- 10 - Authorizing an Application to the New York State Office of Parks, Recreation and Historic Preservation for Bicentennial Park and Marble Street Park
- 11 - Authorizing Brownfield Opportunity Area Program –Black River Corridor Step 1 Pre-Nomination Study
- 12 - 2006 Sidewalk Improvement Special Assessment Program
- 13 - Authorizing the Issuance of \$220,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of the Purchase of Equipment for Use by the Department of Public Works for Construction and Maintenance Purposes, In and For Said City
- 14 - Public Hearing for 2006-07 Operating Budgets and 2006-07 through 2010-11 Capital Budget
- 15 - Monthly Reports

**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 April 3, 2006 was dispensed with and accepted as written by motion of Councilman, seconded by Councilman and carried with all voting in favor thereof.

### **COMMUNICATIONS**

From Watertown Red & Black inviting Council to their induction dinner.

#### **ABOVE PLACED ON FILE**

From the City Planning board recommending that Council approve the site plan submitted on behalf of the Travelodge Motel for the construction of a 5,813 sq. ft. addition to 652 Arsenal Street, Parcel No. 7-13-105.

#### **ABOVE PLACED ON FILE**

Petitions were received for review of real property assessments were received for Eastern, Arsenal and Academy Housing Associates.

#### **ABOVE PLACED ON FILE**

Petition was received from 6 downtown business owners asking Council to consider the benefits of having a local police officer assigned downtown.

#### **ABOVE PLACED ON FILE**

The following claims against the City were received:

1. From Matthew McCarthy for a broken recycling bin.
2. From Ellen Hawes for personal injuries she sustained when she fell on High Street.
3. From Allstate Insurance, a notice of motion, regarding a claim concerning their insured, Robert Disney.
4. From Sheila Barney Pullus for personal injuries she sustained when she fell on Public Square.
5. From Carmelo Rosado, Jr. for personal injuries he sustained when he was involved in an auto accident on Pearl Street.
6. From Louis Greico for damage to his wheelchair while entering a Citibus.

#### **ABOVE REFERRED TO THE BOARD OF AUDIT**

**PRIVILEGE OF THE FLOOR**

**James Gross**, 424 Bugbee Drive, addressed the chair on behalf of the DBA. He referred to resolutions passed by the DBA requesting funds be put in the City budget for a police officer to be visible in the downtown area and requesting that an ample number of trash receptacles be placed in the downtown for year around use.

**Jason Trainor** addressed the chair remarking that the roads need to be repaired.

**RESOLUTIONS**

**INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

WHEREAS the Governor’s Traffic Safety Committee encourages municipalities to apply for funding under the Selective Traffic Enforcement Program (STEP) which targets specific traffic violations associated with unsafe driving behaviors, and

WHEREAS the City of Watertown Police Department has reviewed the program and feels that participation in the program will benefit the Department and the citizens of the City of Watertown, and

WHEREAS this funding will allow the Department to continue to have an enforcement-focused project that targets speeding and/or aggressive driving, including disregarding traffic control devices including red light and stop sign running,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown authorizes the Police Department to submit a grant application for support of special details dedicated to ticketing drivers exhibiting aggressive driving habits throughout the City, and

BE IT FURTHER RESOLVED that the City Council authorizes an application in the amount of \$7,500, a copy of which is attached and made a part of said resolution, and

BE IT FURTHER RESOLVED that Police Captain Otis N. Reff is hereby authorized and directed to execute the grant application on behalf of the City of Watertown.

**SECONDED BY COUNCILMAN STEPHEN J. BRADLEY**

Commenting on the foregoing resolution, Councilman Smith stated that these are activities that should be done regularly. He remarked that he would rather see grants for drug enforcement. He stated that he is philosophically opposed to this and would vote against it.

Councilman Clough commented that he would support this resolution. He explained that

drugs are an issue, but this is for vehicles running red lights and stop signs. He also mentioned the problem with vehicles passing in the school zone on Washington Street. He stated that Arsenal Street is the busiest street in the City and it is essential to enforce speeding laws.

Councilman Smith responded that while he agrees with Councilman Clough, he feels that enforcement cannot be one day a month at a selective time. He remarked that this is a kind of trap and not continuous enforcement.

Mayor Graham asked if this was being done on overtime.

Mrs. Corriveau explained that the majority of it would be done on overtime.

Mayor Graham commented that it is a contrived application, in a way. He stated that he is not sure that this really addresses the problem. He also remarked that the grant is only for labor costs, not for any devices that might deter the problem. He stated that while it is \$7,500 in free money from the state, it really isn't accomplishing anything.

Mrs. Corriveau responded that if Council desires to look at purchasing equipment with the next year's grant, she could relay that desire to the Police Department. She also commented that she doesn't know what it can be used for besides salaries.

Councilman Bradley commented that there could be a whole list of things that it could be used for. However, we don't have any information concerning that.

Mayor Graham remarked that some nicely done local PSAs would be better than this.

Councilman Bradley commented that there is time to look into this, as the date is October.

Mrs. Corriveau explained that October is the date for submitting vouchers. She believes that the grant due date is much sooner.

Councilman Bradley remarked that he concurs with everyone's feelings about this. However, if we wish to submit a grant next year for other items, it is important to submit the grant for this year.

Mayor Graham commented that if a department is looking for legislative approval, these applications should be brought to Council sooner. He asked if this could wait until the next meeting.

**MOTION TO TABLE THE FOREGOING RESOLUTION WAS MADE BY COUNCILMAN BRADLEY, SECONDED BY COUNCILMAN SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF EXCEPT COUNCILMAN CLOUGH AND COUNCILMAN LABOUF VOTING NAY**

**INTRODUCED BY COUNCILMAN PETER L. CLOUGH**

WHEREAS by resolution adopted February 8, 1988, the City Council approved an Employee Assistance Program Service Agreement, and

WHEREAS the City wishes to continue to provide such a program for its employees, and

WHEREAS the City of Watertown wishes to renew the Service Agreement with the Northern Employee Assistance Services for a two year term,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Employee Assistance Program Service Agreement between the City of Watertown and the Northern Employee Assistance Services, a copy of which is attached and made a part of this resolution, 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 COUNCILMAN TIMOTHY R. LABOUF AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCILMAN JEFFREY M. SMITH**

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

WHEREAS Our Lady of the Sacred Heart Parish, the Missionaries of the Sacred Heart and the Roman Catholic Diocese of Ogdensburg are 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, Our Lady of the Sacred Heart Parish, the Missionaries of the Sacred Heart and the Roman Catholic Diocese of Ogdensburg, and

WHEREAS the City of Watertown 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, Our Lady of the Sacred Heart Parish, the Missionaries of the Sacred Heart and the Roman Catholic Diocese of Ogdensburg, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City of Watertown hereby agrees to defend and indemnify Our Lady of the Sacred Heart Parish, the Missionaries of the Sacred Heart and the Roman Catholic Diocese of Ogdensburg from and against any and all claims for personal injury or property damage arising from the negligence of any of its officers or employees occurring in connection with the use of parish facilities in accordance with this Agreement, and

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

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

Referring to the foregoing resolution, Councilman Clough asked if the work being done at DPAO would affect the size of the fields.

Mr. St. Croix responded that it does affect the size. However, these fields are used for the younger children.

**INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

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

WHEREAS Disabled Persons Action Organization 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 Disabled Persons Action Organization, and

WHEREAS the City of Watertown 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 of Watertown and the Disabled Persons Action Organization, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City of Watertown hereby agrees to defend and indemnify Disabled Persons Action Organization from and against any and all claims for personal injury or property damage arising from the negligence of any of its officers or employees occurring in connection with the use DPAO facilities in accordance with this Agreement, and

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

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

**INTRODUCED BY COUNCILMAN PETER L. CLOUGH**

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

WHEREAS Faith Fellowship Church 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 Faith Fellowship Church, and

WHEREAS the City of Watertown deems the providing of a Summer Baseball 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 Faith Fellowship Church, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City of Watertown hereby agrees to defend and indemnify Faith Fellowship Church from and against any and all claims for personal injury or property damage arising from the negligence of any of its officers or employees occurring in connection with the use of parish facilities in accordance with this Agreement, and

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

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

**INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

WHEREAS on August 18, 2003, the City Council of the City of Watertown approved a bid submitted by Burns Bros. Contractors, Inc., 7504 US Hwy. 11, Potsdam, New York 13676, in the amount of \$349,000 for Plumbing & Fire Protection associated with the construction of a new DPW/Bus Maintenance and Storage Facility, and Transit Facility, and

WHEREAS in connection with that project, Superintendent of Water Gary Pilon has submitted the attached Change Order No. 12 for consideration by the City Council, and

WHEREAS the total cost associated with this Change Order is \$4,215.83,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 12 to the Plumbing & Fire Protection contract with Burns Brothers Contractors, Inc., associated with the construction of a new DPW/Bus Maintenance and Storage Facility, and Transit Facility, copies of which are attached and made of part of this resolution, and

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

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

Referring to the foregoing resolution, Councilman Bradley asked if this was almost done.

Mr. Pilon remarked that they hoped it was.

Councilman Bradley commented that the change order looks like the NYS Code and it seems that they could have done a better job in not missing so much in the beginning.

**INTRODUCED BY COUNCILMAN JEFFREY M. SMITH**

WHEREAS the City Purchasing Department advertised and received sealed bids for the purchase of one new and unused side load refuse packer, per City's specifications, with the option to purchase a second vehicle in the 2006/2007 fiscal year, and

WHEREAS invitations to bid were issued to nine (9) prospective bidders, and

WHEREAS three (3) bids were submitted and publicly opened and read on Tuesday, April 4, 2006, at 11:00 a.m., and

WHEREAS the City Purchasing Agent Robert J. Cleaver, along with Superintendent of Public Works Eugene Hayes and Deputy Superintendent of Public Works Peter Monaco, reviewed the bids submitted, and

WHEREAS Mr. Cleaver is recommending that the City Council accept the bid submitted by Tracey Road Equipment, East Syracuse, N.Y., in the amount of \$133,183, which is the lowest bid submitted meeting City specifications, for the purchase of one new and unused 2007 Freightliner M2-106 chassis complete with G-S MP-8120 packer body, less trade-in of a 1994 Freightliner with a Maxon's refuse body, and

WHEREAS it is Mr. Cleaver's recommendation that the City Council approve the option to purchase the second unit pending 2006/2007 budget approval. This approval

would not bind the City to purchase the second unit provided funding is not appropriated in the 2006-2007 budget,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby accepts the bid submitted by Tracey Road Equipment, East Syracuse, N.Y., in the amount of \$133,183, for the purchase of one new and unused side load refuse packer for use by the City's Department of Public Works, and

BE IT FURTHER RESOLVED that the City Council of the City of Watertown further approves the option to purchase a second new and unused side load refuse packer, contingent on funding approval in the Fiscal year 2006-2007 Capital Budget.

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

Referring to the foregoing resolution, Councilman Clough asked if this was the oldest packer.

Mr. Monaco and Mr. Hayes explained that all the packers are the same age and were originally leased and then purchased. This one is in the current year's budget. Another one is in the proposed budget.

**INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

WHEREAS the City Council of the City of Watertown has done a review of the City Manager's performance, and

WHEREAS the City Council feels that the Manager has served the City of Watertown as provided for in the Charter of the City of Watertown and in the Optional City Government Law as contained at Chapter 444 of the Laws of 1914,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Employment Agreement between the City of Watertown and Mary M. Corriveau, 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 Employment Agreement on behalf of the City of Watertown.

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

**INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

WHEREAS the City Council of the City of Watertown, New York desires to revitalize the Black River waterfront within the City, and

WHEREAS the State of New York has announced that funds are available for implementing a Local Waterfront Revitalization Program through Title 11 of the Environmental Protection Act of 1993,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that the City Manager, Mary M. Corriveau, is hereby authorized and directed to file an application for funding from the New York State Department of State in accordance with the provisions of Title 11 of the Environmental Protection Act of 1993 to implement the City's Local Waterfront Revitalization Program in an amount not to exceed \$367,500, and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to act on behalf of the City Council in all matters related to this financial assistance.

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

**INTRODUCED BY COUNCILMAN PETER L. CLOUGH**

WHEREAS the City Council of the City of Watertown, New York desires to revitalize the Black River waterfront within the City, and

WHEREAS the State of New York has announced that funds are available from the New York State Office of Parks, Recreation and Historic Preservation, in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that the City Manager, Mary M. Corriveau, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965, in an amount not to exceed \$132,500, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the City of Watertown for Bicentennial Park and Marble Street Park and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property, and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to act on behalf of the City Council in all matters related to this financial assistance.

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

**INTRODUCED BY COUNCILMAN PETER L. CLOUGH**

WHEREAS the City of Watertown, herein called the “Applicant”, after thorough consideration, has hereby determined that certain work, as described in its application and attachments, herein called the “Project”, is desirable, and

WHEREAS §970-r of the General Municipal Law authorizes State assistance to municipalities and community based organizations for Brownfield Opportunity Areas Grants by means of a State Assistance Contract (SAC) and the municipality or community based organization deems it to be in the public interest and benefit under this law to enter into a contract therewith,

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

1. the City Manager is the representative authorized to act in behalf of the applicant in all matters related to State assistance under §970-r of the General Municipal Law for the Project. Also, the representative is to execute the SAC, request SAC reimbursements, redistribute SAC reimbursements as appropriate, submit Project documentation, and otherwise act for all applicants in all matters related to the Project and to State assistance;
2. the Applicant agrees that it will complete the Project;
3. the Applicant agrees that it will fund its portion of the cost of the Project; and
4. this Authorization takes effect immediately.

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

Mayor Graham asked for some explanation of this.

Mr. Mix explained that this is one of three brownfield programs currently going on. This one is more of a long-term project and looks at the other brownfields throughout the City. It will include the study and investigations of the sites and will look for funding for cleanup in the future.

Mayor Graham asked about the \$200,000 grant.

Mr. Mix explained that the \$200,000 grant is an EPA grant which allows the City to do investigations on the sites and, hopefully, will be able to be used as matching funds. He explained that the other grant is an Environmental Restoration Program under DEC and it provides funds to do actual cleanups.

Mayor Graham asked what the status of the Black Clawson property was.

Attorney Slye explained that there has been significant progress in dealing with BC Holdings, Inc. within the last three or four months. He explained that they are currently in discussion for quitclaim deeds.

Councilman Smith asked about the status of the Ogilvie site.

Mrs. Corriveau responded that the work has been done. However, she has not received the report.

**INTRODUCED BY COUNCILMAN JEFFREY M. SMITH**

WHEREAS the City Engineering Department has inspected sidewalks within the City of Watertown, and

WHEREAS it has been determined that the condition of sidewalks on certain streets are in need of repair and/or replacement, and

WHEREAS the City Council of the City of Watertown feels it is in the overall public interest to provide property owners within the City of Watertown with an opportunity to pay for said repair/replacement work through a Special Assessment Program,

NOW THEREFORE BE IT RESOLVED that a public hearing will be held on Monday, June 5, 2006, at 7:30 p.m. at which time property owners included in the Special Assessment Program will have an opportunity to make comments on whether all or a portion of the cost for proposed sidewalk improvements should be a charge or expense upon the abutting property owners, and

BE IT FURTHER RESOLVED that the City Engineering Department will send notices to all property owners in the defined area listed on the attached schedule notifying them of their inclusion in this year's program and that there will be a public hearing to consider whether all or a portion of the cost for proposed sidewalk improvements should be a charge or expense upon the abutting property owners.

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

Mrs. Corriveau explained that the notice concerning the above resolution will be mailed to the property owners and will explain how many blocks need to be replaced. She also commented that the rate couldn't be officially set until after the public hearing.

Councilman Clough remarked that the sidewalks were never done at the corner of Paddock and Holcomb.

Mrs. Corriveau explained that there were some properties on corners that were not done because of how the street address is listed. However, those properties are included in this

year's list.

## **ORDINANCES**

### **INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF**

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

Section 1. For the class of objects or purposes of paying the cost of the purchase of equipment for use by the Department of Public Works for construction and maintenance purposes, each item of which will have a cost of at least \$30,000, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$220,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$220,000 and that the plan for the financing thereof is by the issuance of the \$220,000 bonds of said City authorized to be issued pursuant to this bond ordinance.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision twenty-eight of paragraph a of Section 11.00 of the Local Finance Law.

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

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

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

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

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

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

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

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

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This ordinance, which takes effect immediately, shall be published in 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.

**SECONDED BY COUNCILMAN STEPHEN J. BRADLEY**

**Rules waived by motion of Councilman LaBouf, seconded by Councilman Bradley and carried with all voting in favor thereof.**

Commenting on the foregoing ordinance, Councilman Bradley asked if there were replacement costs.

Mrs. Corriveau explained that the insurance company has done an assessment of the equipment as well as the building.

Mr. Monaco and Mr. Hayes explained the total damage done.

Mrs. Corriveau advised the Council that this ordinance also includes a bucket truck which will be used for working on trees.

Mayor Graham asked if efforts have been made to prevent that kind of fire from occurring again.

Mr. Hayes explained that they always pull the batteries at the end of each season. However, the season wasn't quite over with when this happened. The plows have to be ready to move during the season. Now, the crews will look at the cables each time. Mr. Hayes remarked that they are also looking into a fire detection system but do not know if that system would have done any good at the time.

Councilman Smith asked about smoke detectors that could be hooked into a response system.

Mr. Monaco explained that what would be needed is a heat detector similar to what the new garage has.

Councilman Clough asked about the status of the former Avery property on Court St.

Mrs. Corriveau explained that she spoke with DEC and they are approaching NYS DOT about doing remediation on that site.

Councilman Clough asked about the status of the former Ziebart property on State St.

Mrs. Corriveau explained that staff has talked about incorporating this into one of the brownfield programs.

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

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**COUNCIL DISCUSSED THE FOLLOWING ITEMS:**

**Budget**

Councilman LaBouf asked that a copy of the budget be available at the library for the public.

Mrs. Corriveau stated that they would make one available there. She also commented that a copy of the budget is always available at the City Clerk's Office and is also available on line.

**MOTION WAS MADE BY COUNCILMAN CLOUGH TO SCHEDULE A PUBLIC HEARING ON THE OPERATING BUDGET FOR 2006-07 AT 7:30 P.M. ON MONDAY, MAY 1, 2006 AND TO SCHEDULE A PUBLIC HEARING ON THE CAPITAL BUDGETS 2006-07 THROUGH 2011-12 FOR 7:45 P.M. ON MONDAY MAY 1, 2006.**

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

Council agreed to have a budget session on the Capital Budget on Monday, April 24<sup>th</sup> at 6:00 p.m.

**Animal Waste Receptacles**

Councilman Smith asked about placing these at the entrances to Thompson Park.

Mr. Hayes explained that the City purchased 10 of these and placed them at the fairgrounds, playgrounds, the Arcade, Strauss Memorial Walkway and the park. He remarked that we need to buy more. He also explained that some people tend to throw garbage into the bins. Mr. Hayes commented that the people who use the receptacles for animal waste are those who would pick up after their animals anyway.

**Ice Arena Roof**

Councilman Smith remarked that there is an area near the blue line closest to the fields that leaks when it rains.

Mr. St. Croix explained that there is a small area that they have to come back and fix. He also explained that sometimes when there is a windy rain, the water works its way through the vent.

### **Muffler Shop**

Councilman Smith stated that he had received a call from a Smith Street resident concerning the bay doors being open on the muffler shop during the summer months. He referred to a portion of the zoning code that he feels it violates.

Mr. Mix explained that the portion of code he is referring to is for auto body garages and shops, not just regular garages. He stated that if this shop is in violation of that section, then every other muffler shop in the city is in violation as well.

Councilman Smith asked how the City could work with this business to abate the noise.

Mr. Mix explained that there is no requirement for the City to do so. He explained that it is a business that is allowed in that location.

Councilman Smith wondered when Section 310-52 A was placed in the City Code and wondered if there was any written material indicating what Council was thinking at that time.

Mrs. Dutton explained that there would be Council minutes that show the vote on the ordinance legislation. However, that was twenty years before the Sunshine Laws took affect and in many cases, any discussion relative to legislation was done prior to the meeting and only the vote on the legislation was done in open session.

Attorney Slye explained the section of the Code indicating that this section pertains to the painting and repair of an auto body, not mechanic repairs.

Councilman Smith asked about repairing brakes.

Mr. Mix responded that brakes are not part of the body of a vehicle. He also stated that staff is aware of the section of the Code. All muffler shops and garages in the City are within 200 feet of a residence.

Councilman Smith responded that this doesn't mean that it is right.

Mr. Mix remarked that for the last 50 years, since the Code was adopted in 1959, every zoning and code officer in the City has interpreted it the same way.

Councilman Smith asked about the noise issue.

Councilman Clough asked if there hadn't been discussions about work being done in the

upper bays.

Mayor Graham responded that this was discussed but it was determined that the City couldn't regulate that.

Councilman Smith remarked that the complaint is that there is continuous noise throughout the day.

Councilman LaBouf remarked that there had been discussion relative to the doors being closed in the summer. However, the discussion was about the heat that the workers would have to be in if that was required.

Councilman Smith asked what other shops do to alleviate this problem.

Councilman Bradley commented that the other shops face out toward the street and not toward the residences.

Mayor Graham commented that when there are neighbors who didn't want a certain business in their neighborhood, they keep probing and find a Council person to lend an ear. He commented that he would think that time would change this.

Attorney Slye commented that this issue has the same answer as the salt pile issue. It is a private nuisance, not a public one. He also commented that if Council desires to take action, it could be in the form of a noise ordinance where the City could control the conduct of the noise, but not the property.

Councilman LaBouf remarked that since he voted for it, he feels responsible and would support doing whatever can be done to alleviate the problem.

Councilman Smith asked if the City has spoken with the business.

Mrs. Corriveau explained that staff can speak with them, but there is nothing to enforce at this point.

Mayor Graham said that he would like to see how many property owners are complaining.

### **Franchise Agreement**

Mayor Graham advised that the franchise agreement with Time Warner is up for renewal. He also commented that he heard that Verizon planned on also offering a distribution system in the future.

Mrs. Corriveau remarked that the City has received a draft agreement from Time Warner and it is being reviewed. After that, negotiations will begin. She stated that she is not aware of any one else providing cable service in the community. However, they could

also have an agreement.

Mayor Graham questioned why an agreement was even needed.

Attorney Slye explained that they are using City poles and City right-of-ways. The City also doesn't want five different companies running five sets of cable.

Mayor Graham responded that once the other means of distribution comes in, the City would have no control. He asked if the City was interested in competition or revenue streams.

Attorney Slye explained that when the gas agreement was reached with Ni Mo, the City made sure that they posted a bond prior to any construction being done.

Mayor Graham stated that the money collected in a franchise tax is not going to indemnify the City for something going wrong.

Mrs. Corriveau responded that while that is correct, the franchise requirement allows the City to put the needed language in the agreement.

### **Broadcasting Council Meetings**

Councilman Smith asked if the City could require Time Warner to set aside a channel and a time for the Council meetings.

Mrs. Corriveau explained that we could. However, we could not require them to do the filming.

Mayor Graham remarked that at some point Council needs to decide about televising the meetings.

Mrs. Corriveau will check into this.

Councilman LaBouf commented that the City should be negotiating with Mr. Weed as well, since he has gotten this off the ground.

Attorney Slye advised that this might be required to be put out as an RFP.

Mrs. Corriveau suggested that perhaps the City might want to talk with other municipalities about entering into an inter-government arrangement.

### **Road Into Washington Street Housing**

Mayor Graham referred to an article in the paper concerning the road into the housing project.

Mrs. Corriveau explained that she has not had an opportunity to speak with Mr. Bartlett about this.

### **Offer to Purchase Property**

Mayor Graham advised that there had been a request for Executive Session concerning an offer to purchase property on Factory Street. However, he thought that it could be discussed in public session. Council concurred.

Mrs. Corriveau explained that Mr. Brian Barr, owner of the blue apartment building on Factory would like to purchase the parcel just to the left of the building for parking. She explained that some of his tenants have been parking on Fairbanks Street.

Councilman Smith asked if there was a right-of-way there for Blue Diamond Hardware.

Councilman Clough said that he didn't think there was because there had been a building there.

Mrs. Corriveau explained that the property is owned by the City of Watertown and staff is not recommending selling it at this time. She stated that this parcel should be made available after the re-development of Factory Street when parking is going to be needed.

Councilman Bradley asked if this wasn't the same thing since Mr. Barr needs the space for his tenants to park.

Mr. Mix explained that there may be access to the parcel off of Fairbanks Street. He also stated that he thinks there had been an alley way on the parcel and had heard something about a right-of-way. He commented that if the Black River Paper property were developed, it would need parking.

Mrs. Corriveau explained that there were a number of people who have looked at the site and Mr. Barr has not offered a dollar amount.

Attorney Slye suggested that Mr. Barr be given a short-term lease.

Mrs. Hoffman advised the Council that she was aware of some interested in the Black River Paper site.

Councilman Bradley remarked that the City should lease the parcel to Mr. Barr.

Mayor Graham asked that the parking on Fairbanks Street be looked into. He also asked that Planning talk with Mr. Barr, since he already has a need for it.

Councilman LaBouf remarked that he concurs. He commented that Mr. Barr has an active business and leasing would be a good possibility.

Councilman Clough asked if the City would have to do improvements.

Attorney Slye commented that it would depend on the negotiations.

**ADJOURNMENT**

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 8:29 P.M. BY MOTION OF COUNCILMAN CLOUGH, SECONDED BY COUNCILMAN SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

*Donna M. Dutton*  
City Clerk