

**REGULAR COUNCIL MEETING
CITY OF WATERTOWN
June 5, 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 - Appointment to the Roswell P. Flower Memorial Library Board of Trustees – Connie Holberg
- 2 - Approving Appointment to the Roswell P. Flower Memorial Library Board of Trustees – Kate D. VanBrocklin Harrienger
- 3 - Policy for Disposing of Inventory Acquired for Police Department
- 4 - Authorizing the Sale of Surplus Equipment at Public Auction and Agreement to Consignment
- 5 - Accepting Bid for State Place Project Streetlights
- 6 - Accepting Bid for Chemicals, Wastewater Treatment Plant, Kemiron Companies, Inc.
- 7 - Accepting Bid for Chemicals, Wastewater Treatment Plant, Slack Chemicals, Inc.
- 8 - Approving Change Order No. 5 to Contract for Construction of DPW/Bus Maintenance and Storage Facility, HVAC, Falso Service Experts, LLC
- 9 - Establishing Assessment Charge for Sidewalks, Pursuant to Section 93 of the City Charter
- 10 - Authorizing the Issuance of \$180,000 Bonds of the City of Watertown, Jefferson County, New York to Pay the Cost of the Replacement of Various Refrigeration Equipment at the Fairgrounds Arena, In and For Said City of Watertown
- 11 - Authorizing the Issuance of \$90,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of the Implementation of a Pavement Inventory Management System to be Used Primarily for the Planning of Capital Improvements to Various City Streets, In and For Said City
- 12 - An Ordinance Authorizing the Issuance of \$165,000 Serial Bonds of the City of Watertown, Jefferson County, New York, to Pay the cost of the Construction or Reconstruction of Sidewalks at Various Locations Within the City
- 13 - 7:15 p.m. – Approving the Special Use Permit Request Submitted by Reverend John Petit of Living Waters Fellowship, to Allow for a Proposed Junkyard at 709-R Pearl Street, Parcel No. 4-09-104, Located Entirely Within the City of Watertown

- 14 - 7:30 p.m. – Public Hearing Establishing Assessment Charge for Sidewalks, Pursuant to Section 93 of the City Charter
- 15 - Approving the Special Use permit Request Submitted by Reverend John Petit of Living Waters Fellowship, to Allow for a Proposed Junkyard at 709-R Pearl Street, Parcel No. 4-09-104, Located Entirely Within the City of Watertown
- 16 - Authorizing the Sale of Real Property to Watertown Appliance & TV Center, Inc., Being a Portion of the Abe Cooper Site, Tax Parcel No. 6-05-201.002
- 17 - Monthly Financial Report
- 18 - Request for Public Hearing

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 May 15, 2006, the adjourned meeting of May 16, 2006, and the special meeting of May 30, 2006 was dispensed with and accepted as written by motion of Councilman Smith, seconded by Councilman Clough and carried with all voting in favor thereof.

COMMUNICATIONS

From the Jefferson County Historical Society requesting City approval and endorsement of their project to restore and improve 88 historic windows.

ABOVE PLACED ON FILE

Minutes were received from the library’s board meeting.

ABOVE PLACED ON FILE

Notice of Petition was received from Elijah Tezeno.

ABOVE PLACED ON FILE

PRIVILEGE OF THE FLOOR

Dr. Jason White, 250 Rexford Place, addressed the chair asking Council to not authorize the sale of the portion of the Abe Cooper site this evening. He explained that this would give the committee under Advantage Watertown an opportunity to review the best use of land.

Wayne Zimmer, 139 Katherine Street, addressed the chair asking what happened to the pole and sign at the corner of Newell Street and Mill Street which states “Do Not Block Intersection”.

Mayor Graham asked that this be checked into.

Tony Mesires, owner of the building housing Sherwin Williams, addressed the chair explaining that Sherwin Williams is ready to proceed with expansion of the building if Council approves the sale.

A Katherine Street resident addressed the chair concerning the need for more police officers due to gang and drug activity.

Mayor Graham responded that Council did discuss this as part of the budget process. They are now awaiting the results of the review being done by Chief Goss.

PUBLIC HEARING

AT 7:15 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING THE SPECIAL USE PERMIT REQUEST TO ALLOW FOR A PROPOSED JUNKYARD AT 709-R PEARL STREET, PARCEL NUMBER 4-09-04.

MAYOR GRAHAM DECLARED THE HEARING OPEN.

Henry Montroy, representing SPX Corp. addressed the chair asking about storage not being allowed outside.

Mr. Mix explained that the Planning Board had four criteria for allowing the special use permit and one of these is that all materials must be stored inside.

MAYOR GRAHAM DECLARED THE HEARING CLOSED AT 7:17 P.M.

AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING THE SIDEWALK IMPROVEMENT SPECIAL ASSESSMENT.

MAYOR GRAHAM DECLARED THE HEARING OPEN.

Jane Pound, 231 E. Hoard Street, addressed the chair stating that the City should pay for the sidewalks. She stated that there is no guarantee on the City’s work. She also remarked that the new curbing is already deteriorating. She stated that the ten year program means that property owners would be paying interest for over ten years as well.

James Currier, 304 Flower Avenue West, addressed the chair stating that the City owns the sidewalks. He also stated that he removes snow from them and pays taxes and doesn't feel he should have to pay to have them repaired or replaced.

Kevin Denardo, Gotham Street, addressed the chair concerning the condition of the sidewalks throughout the City and the need for repairing and maintaining them. He stated that it should be the responsibility of businesses and residents as well as the City. He also remarked that there is a lack of ramps for handicap use leading up to the sidewalks.

Randy Sealing, 142 Central Street, addressed the chair asking about the places that don't have any sidewalks. He asked why they can't use blacktop on their walks such as in the park.

Brett Gorham, 435 W. TenEcyk Street, addressed the chair asking what could be done if he disagreed with the inspection.

Mayor Graham explained that property owners could meet with Engineering for an inspection review process.

Mrs. Corriveau advised that property owners had been notified of the process.

Councilman Bradley commented that during the last program, they came right to his property to meet with him.

Fred Bragger, 303 Mullin Street, addressed the chair commenting that he was in the previous sidewalk program. His sidewalk lies underwater when it rains. He stated that he has no curbing and people park on the walk. He state that he would like to see that made right before starting another program.

Wayne Zimmer, 139 Katherine Street, addressed the chair asking if the schools were going to be forced to replace their sidewalks.

Mrs. Corriveau and Mr. Hauk stated that they would be required to replace the sidewalk if it is bad in front of the school.

Mr. Zimmer responded that most of the blocks are in perfect condition there.

MAYOR GRAHAM DECLARED THE HEARING CLOSED AT 7:46 P.M.

RESOLUTIONS

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

BE IT RESOLVED by the City Council of the City of Watertown, New York that Connie Holberg, 182 Thompson Boulevard, Watertown, New York, is hereby appointed to the Roswell P. Flower Memorial Library Board of Trustees, to fill the unexpired term of Stephanie McGuire, which term expires on December 31, 2012.

SECONDED BY COUNCILMAN JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCILMAN BRADLEY VOTING NAY

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

RESOLVED by the City Council of the City of Watertown, New York that Kate D. Van Brocklin Harrienger, 123 Keyes Avenue, Watertown, New York, is hereby appointed to the Roswell P. Flower Memorial Library Board of Trustees, to fill the unexpired term of Peter Schmitt, which term expires on December 31, 2013.

SECONDED BY COUNCILMAN JEFFREY M. SMITH

MOTION WAS MADE BY COUNCILMAN BRADLEY TO TABLE THE FOREGOING RESOLUTION.

NO SECOND WAS OFFERED.

Prior to the vote on the foregoing resolution, Councilman Bradley remarked that as library board liaison, he was aware of the fact that the individuals' names never came before the board. He remarked that he had a few questions and felt that it was too soon to vote on the appointments and wanted some clarifications.

Mayor Graham responded that the mayor nominates and the Council ratifies these appointments. He also remarked that the genesis for naming the appointments comes from no other board. He advised that he had provided Attorney Gebo with the resumes three weeks ago.

Councilman Bradley explained that the library board hasn't had a meeting since that time and would be meeting next week. He commented that even though the head of the board knew who the individuals were, the full board did not.

Councilman Smith responded that this is Mayor Graham's appointment with Council approval and not the library's appointment. He also remarked that the candidate is well qualified.

Councilman Bradley explained that he wasn't saying that the candidates weren't qualified. He was only asking that the vote be tabled until the library board has met.

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCILMAN BRADLEY VOTING NAY

INTRODUCED BY COUNCILMAN JEFFREY M. SMITH

WHEREAS the Watertown City Police Department routinely acquires possession of bicycles and miscellaneous items through the course of its daily activities, and

WHEREAS semi-annual auctions have historically been conducted by the City Comptroller's Office to dispose of said items, and

WHEREAS past auctions of said items has created a financial loss to the City when comparing the revenues generated to the expenses incurred, and

WHEREAS Section 250 of the New York General Municipal Law allows the governing board of a municipal corporation to adopt a resolution to establish the procedure for determining the value and for estimating the net sum likely to be realized by sale at public auction of lost property,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes the Police Department designee and City Comptroller to periodically jointly review the inventory of bicycles and miscellaneous items acquired by the Police Department through the course of its daily activities and to discard those items deemed in their judgment to have no salvage value to the City, and

BE IT FURTHER RESOLVED that any bicycles and other miscellaneous items deemed by the Police Department designee and City Comptroller to have salvage value only may be sold by the City Comptroller in such manner as may be reasonable in the circumstances, and

BE IT FURTHER RESOLVED that any bicycles and other miscellaneous items deemed to have a value greater than salvage value be held for public sale at future City auctions.

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

Commenting on the foregoing resolution, Councilman Clough asked if outreach could be done to some organizations so that these bicycles could go to needy children.

Mrs. Corriveau stated that they could do special mailing to let the organizations know that there will be a bicycle auction.

Councilman Clough remarked that he was referring to the ones of no value for the auction.

Mrs. Corriveau explained that the ones not going to the auction have no value and are junk. These can not be donated due to liability issues.

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS the City of Watertown has inventoried equipment owned by the City and various departments have determined that certain equipment is surplus to our needs and have provided City Purchasing Agent Robert J. Cleaver with a listing of the items they believe are surplus, a copy of which is attached and made a part of this resolution, and

WHEREAS these pieces of equipment have some value best determined by public auction, and

WHEREAS Roy Teitsworth, Inc. Professional Auctioneers will hold a public auction on June 17, 2006 at the Municipal Fairgrounds, and

WHEREAS Roy Teitsworth, Inc. of Genesco, New York has agreed to provide auctioneer services for the City of Watertown for 10% commission, with a \$5.00 minimum commission per item, and

WHEREAS City Purchasing Agent Robert Cleaver is recommending that the City Council approve the sale by auction of the listed equipment and that Roy Teitsworth, Inc. be hired to assist the City with said auction,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby authorizes the sale, by auction, of surplus equipment, and to further declare all bids final and sales complete while said auction is conducted, and

BE IT FURTHER RESOLVED that final acceptance of such bids shall constitute acceptance of the same by the City Council, and

BE IT FURTHER RESOLVED that the City Council approves the Consignment Contract with Roy Teitsworth, Inc., and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute the Consignment Contract on behalf of the City of Watertown.

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

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS the City Purchasing Department has advertised and received sealed bids for the purchase of six (6) Spring City light fixtures per City specifications for installation on State Place, and

WHEREAS invitations to bid were issued to four (4) prospective bidders, with three (3) bids being received, and

WHEREAS on Wednesday, May 3, 2006, at 11 a.m., the bids received were publicly opened and read in the City Purchasing Department, and

WHEREAS City Purchasing Agent Robert J. Cleaver reviewed the bids received and is recommending that the City Council accept the bid submitted by Spring City Electrical Manufacturing Company, Spring City, PA, in the amount of \$15,072 for six (6) Spring City light fixtures for installation on State Place,

NOW THEREFORE BE IT RESOLVED that the City Council accepts the bid submitted by Spring City Electrical Manufacturing Company, in the amount of \$15,072 for six (6) Spring City light fixtures for installation on State Place.

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

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS the City Purchasing Department has advertised and received sealed bids for the purchase of chemicals for use at the Wastewater Treatment Plant, for the City's 2006-2008 annual requirements, and

WHEREAS invitations to bid were issued to sixteen (16) prospective bidders with seven (7) bids being received, and

WHEREAS on Tuesday, May 16, 2006, at 11 a.m., in the City Purchasing Department, the bids received were publicly opened and read, and

WHEREAS Purchasing Agent Robert J. Cleaver reviewed the bids received with Michael J. Sligar, Chief Plant Operator, and he concurs with Mr. Sligar's recommendation that the City Council accept the bid from Kemiron Companies, Inc., Lawrence, Kansas, as detailed below:

FERRIC CHLORIDE	\$318.82/dry ton delivered for the 2006-2007 fiscal year and a no-bid for the 2007-2008 fiscal year
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WHEREAS Superintendent of Water Gary Pilon has submitted for City Council consideration Change Order No. 5 to the contract, in the amount of \$3,938.00, which covers extending the flue pipe for the boiler 12' higher than originally specified, in order to get it above an air intake vent,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Change Order No. 5 to the HVAC contract with Falso Service Experts, LLC, copies of which are attached and made a part of this resolution, and

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

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

Prior to the vote on the foregoing resolution, Councilman Bradley asked if this was something that was changed or something that was missing in the original bid.

Mr. Pilon explained that it was discovered that the stack for the boiler was too close to the air intake vent.

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS a public hearing was held in accordance with Section 93 of the City Charter on June 5, 2006 at 7:30 p.m. to hear public comment concerning whether all or a portion of the cost for proposed sidewalk improvements to the streets identified in the attached proposed special assessment district, shall be a charge or expense upon the abutting properties, and

WHEREAS the City Council has determined that it shall fix the charge to be paid by the abutting property owner at \$5.00*per square foot, with the remaining cost being paid by the City,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, pursuant to Section 93 of the City Charter, hereby fixes the charge to be paid for the proposed sidewalk improvements to the streets identified in the attached proposed special assessment district to be paid by the abutting property owner at \$ 5.00* per square foot, with the remaining cost being paid by the City

SECONDED BY COUNCILMAN PETER L. CLOUGH

Prior to the vote on the foregoing resolution, Mayor Graham remarked that the previous sidewalk program was riddled with iniquities and he doesn't feel that this program has changed that. He commented that the City should allocate a certain amount of money

each year and do what we can for sidewalk improvement. He stated that the program is unfair and he opposed it before. He also remarked that the City should take a look at each street that needs to have sidewalks repaired just as they look at each roadway. He also questioned why some areas can have blacktop and other areas can't. He stated that while he is not against doing the work, he would rather see the City pick up the cost.

Councilman Smith remarked that there is a misunderstanding about this program. Property owners have been responsible for their sidewalks since the early 1900's. However, before this program was implemented, the sidewalk program was based on complaints only. The City would receive a complaint. They would go out and inspect the sidewalk. The property owner would then have 30 days to fix the problem and to pay for it. Otherwise, it would be put on their tax bill. The new program allows for financing over a ten year period. He also advised that between 35-40% of property in the City is tax-exempt. Therefore, if the City paid for the sidewalk program, City taxpayers would be footing the bill for all of the non-profits and exempt properties in the City. Under this program, even tax-exempt properties have to pay for their sidewalks. He also commented that after the first program was completed, about 95% of the home owners were extremely pleased with the results. He also commented that if the City pays for the entire program, tax bills will definitely go up.

Councilman LaBouf responded that even though the policy has made the homeowner responsible for the sidewalks since the early 1900's, periodically we should take a look at these policies and procedures. The City should implement a program to repair and replace the sidewalks that is fair. He stated that everyone agrees we need safe sidewalks. He also remarked that over the years, services for City residents have diminished and the time has come to take some of the City's revenue and put it back for the citizens.

Councilman Bradley commented that he agrees with Councilman Smith. He also explained that the sidewalks that were replaced at no cost to the residents were not City projects. They were state and federal projects. He also commented that by having the City pay the entire replacement cost, it would drive the taxes up.

Mayor Graham remarked that the City's program as proposed is as minuscule amount. He commented that the repair of sidewalks is a responsibility of government, not of the individual.

Councilman Clough commented that when the sidewalk policy first came out four years ago, he voted against it. He explained that Council can't do anything about the federal programs that allow for sidewalks at no charge to the property owner. He stated that it would be great to play politics and say that the City should pay for them. However, he has looked at the budgets for the past eight years and the City would not be able to sustain putting in all of the sidewalks and not result in as tax increase.

Mayor Graham asked about the guarantee on the walks.

Mr. Hauk explained that they would be fixing some blocks from the previous program before starting on the new program.

Councilman LaBouf asked how many sidewalks were replaced in a season and the approximate costs for same.

Mr. Hayes explained that with one crew, they could do one mile. He also advised that the number is around \$7.00 per sq. ft. This is based on three full-time and 2 seasonal employees.

Mrs. Corriveau also explained that this figure doesn't take into account the staff time for the Engineering Department and Comptroller's Office.

Councilman LaBouf asked about the fund balance.

Mr. Mills explained that it is around \$6.9 million. However, he explained that just because it shows a surplus at this time, it won't continue to be there in the future.

Councilman LaBouf remarked that there have been years of sidewalk neglect. He stated that there are dollars in the fund that would get the City up to speed. He remarked that it would raise morale in the community.

Mayor Graham remarked that the main concern of people is the condition of the streets. He stated that under this program, each year there will be a public hearing and each year the residents will come and complain.

Councilman Smith commented that often times Council has to make decisions that don't make everyone happy. However, the old system was completely unfair. This program treats everyone the same. He commented if there was a fairer system, everyone would be in favor of it.

Councilman Clough asked what would happen if there was no surplus next year.

Councilman LaBouf responded that surplus means that the City has taken too much from the taxpayers.

Councilman Clough asked what a surplus actually means.

Mr. Mills explained to those present how a certain percentage of fund balance must be maintained to operate. In referring to the 5 year plan projection, he explained that there would not be excess funds four years from now.

Councilman Clough advised those present that over the years, the fund balance has been used to keep tax rates where they were. He commented that it would be easy to say let's raid the fund balance. However, two years from now the City wouldn't be able to do so.

Discussion centered on the need for curbing and the fact that it was agreed during the budget process to do curbing on the streets that allowed for it. There has to be drainage infrastructure to support the curbing.

Councilman LaBouf responded that he feels the City could use the \$6.4 million to take care of this program.

MOTION WAS MADE BY COUNCILMAN SMITH TO AMEND THE RESOLUTION TO READ \$5.00 PER SQUARE FOOT.

MOTION WAS SECONDED BY COUNCILMAN BRADLEY AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCILMAN LABOUF AND MAYOR GRAHAM VOTING NAY.

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AS AMENDED AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCILMAN LABOUF AND MAYOR GRAHAM VOTING NAY

THE RESOLUTION “APPROVING THE SPECIAL USE PERMIT REQUEST SUBMITTED BY REVEREND JOHN PETIT OF LIVING WATERS FELLOWSHIP, TO ALLOW FOR A PROPOSED JUNKYARD AT 709-R PEARL STREET, PARCEL NO. 4-09-104, LOCATED ENTIRELY WITHIN THE CITY OF WATERTOWN” WAS PRESENTED TO COUNCIL. (Introduced on May 15, 2006; public hearing held this evening; appears in its entirety on page 106 of the 2006 Minutes Book).

Mayor Graham asked if the City has a comfort level that this won't exacerbate any problems.

Mr. Mix explained that everything will be stored inside the building and therefore, it shouldn't affect ground water. He also explained that it is a transfer site, not a disposal facility.

Mr. Ed Perkins, owner of Perkins Scrap Metals, addressed the chair explaining that they have been in operation for 22 years. He explained that the materials are brought in to the site in small quantities. They don't handle batteries or hazardous materials and are regulated by DEC.

Councilman Clough asked if any of the process would take place outside the building.

Mr. Perkins explained that everything is done inside.

Councilman LaBouf remarked that he has seen the business and Mr. Perkins runs a clean and responsible business.

Councilman Bradley agreed and explained that he was their neighbor for two years and everything was always clean.

Mr. Perkins advised that they are running out of room in their present facility and if they don't get this site, they will have to move out of the City. He also explained that this new site would allow for the expansion that he needs and will allow him to employ more people.

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

MOTION WAS MADE BY COUNCILMAN CLOUGH TO TAKE FROM THE TABLE THE RESOLUTION "AUTHORIZING THE SALE OF REAL PROPERTY TO WATERTOWN APPLIANCE & TV CENTER, INC. BEING A PORTION OF THE ABE COOPER SITE, TAX PARCEL NO. 6-05-201.002.

(Introduced on May 15, 2006; tabled; appears in its entirety on page 105 of the 2006 Minutes Book).

MOTION WAS SECONDED BY COUNCILMAN BRADLEY AND CARRIED WITH ALL VOTING YEA

Mr. Mix explained that the City acquired the land in 1998. New York State cleaned up the front portion to pristine condition. Other portions of the site were cleaned to different standards. A strip of land was kept for a park. At one point, P.J. Simao and All Star Cab were going to buy some of the land. However, only a front portion was sold and is where Corky's Cash for Cans is located. Last November, Mr. Mesires contacted the City about expanding the building he owns which is leased to Sherwin Williams. Mr. Mix referred to the map of the property showing the portion owned by Erie Blvd. Hydro and the strip that was subdivided off for the park.

Mr. Mix explained that Blue Moon Holdings at 445 Factory Street has now indicated an interest in the property.

Councilman Bradley remarked that Blue Moon Holdings indicated in their letter that they had shown interest in the property before but were deterred by the City.

Mr. Rondon of Blue Moon Holdings, addressed the chair explaining that he had been told that it was going to be used for the riverwalk. He remarked that they were under the impression that no property was available. He remarked that their vision was to expand their building with mixed retail and living space.

Mr. Mix apologized for any misunderstanding that might have occurred.

Mr. Mesires addressed the chair stating that if Sherwin Williams can't expand, they will move off Factory Street.

Councilman Clough asked why Sherwin Williams needed all that land as opposed to what they had asked for originally.

Mr. Mix explained that Council had told staff to go back and ask them if they wanted more land after the initial proposal.

Dr. White addressed the chair commenting that his committee understood that the entire Abe Cooper site would be a park based on plans presented to them by Mr. Lumbis.

Councilman Smith remarked that it may be to everyone's advantage to table the resolution. He suggested that all interested parties and staff meet to decide the best use of the site.

Councilman LaBouf agreed that there needs to be more dialogue among the parties involved.

Ms. Mooney-Rondon advised Council that she has spoken with Sherwin Williams and has offered some land to them.

Mr. Mesires stated that people working at Sherwin Williams can not make this decision. He owns the building and the real estate arm of the corporation has made an agreement with him to lease the building based on the approval to allow expansion. He agreed to meet with all interest parties.

MOTION WAS MADE BY COUNCILMAN SMITH TO TABLE THE FOREGOING RESOLUTION.

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

ORDINANCES

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS, it is now desired to authorize the financing of such capital project;

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

Section 1. For the class of objects or purposes of paying the cost of the replacement of various refrigeration equipment at the Fairgrounds Arena, in and for the City of Watertown, Jefferson County, New York, including the ice sheet chiller and dual compressor refrigeration module, and incidental expenses in connection therewith, there are hereby authorized to be issued \$180,000 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 \$180,000 and that the plan for the financing thereof is by the issuance of the \$180,000 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 nineteen 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 upon abutting property owners of such sidewalks a special assessment to pay such portion of the principal of and interest on such obligations, as the same become due and payable, as shall be established in proceedings under Section 93 of the City Charter.

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

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

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for

the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

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

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

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

Section 11. This ordinance, which takes effect immediately, shall be published in full in 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 JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

UNANIMOUS CONSENT MOVED BY MOTION OF COUNCILMAN LABOUF, SECONDED BY COUNCILMAN SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS, it is now desired to authorize the financing of such capital project;

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

Section 1. For the class of objects or purposes of paying the cost of the implementation of a pavement inventory management system to be used primarily for the planning of capital improvements to various City streets, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$90,000 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 \$90,000 and that the plan for the financing thereof is by the issuance of the \$90,000 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 five years, pursuant to subdivision sixty-two 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 upon abutting property owners of such sidewalks a special assessment to pay such portion of the principal of and interest on such obligations, as the same become due and payable, as shall be established in proceedings under Section 93 of the City Charter.

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

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal

bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

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

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

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

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

Section 11. This ordinance, which takes effect immediately, shall be published in full in 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 AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

UNANIMOUS CONSENT MOVED BY MOTION OF COUNCILMAN CLOUGH, SECONDED BY COUNCILMAN BRADLEY AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Prior to the vote on the foregoing ordinance, Councilman LaBouf asked about this project.

Mr. Hayes explained that one bidder will be coming on Thursday to explain what they are offering to do. He explained how the program would work in a cafeteria style and the fact that State Street and Public Square would be avoided at this time.

INTRODUCED BY COUNCILMAN JEFFREY M. SMITH

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

WHEREAS, it is now desired to authorize the financing of such capital project;

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

Section 1. For the class of objects or purposes of paying the cost of the construction or reconstruction of sidewalks at various locations within the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$165,000 serial 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 \$165,000 and that the plan for the financing thereof is by the issuance of the \$165,000 serial 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 ten years, pursuant to subdivision 24 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 serial 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 upon abutting property owners of such sidewalks a special assessment to pay such portion of the principal of and interest on such obligations, as the same become due and payable, as shall be established in proceedings under Section 93 of the City Charter.

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 serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 9. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or

otherwise set aside with respect to the permanent funding of the object or purpose described herein.

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

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

Section 11. This ordinance, which takes effect immediately, shall be published in full in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED WITH ALL VOTING YEA EXCEPT MAYOR GRAHAM VOTING NAY

UNANIMOUS CONSENT MOVED BY MOTION OF COUNCILMAN SMITH SECONDED BY COUNCILMAN BRADLEY AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Prior to the vote on the foregoing ordinance, it was explained that this ordinance amount is for the entire program, of which 23% is the City's share.

Councilman Bradley asked Mr. Mills what would happen to the City's borrowing ability, if the City used the fund balance instead of having individual property owners responsible for paying for it.

Mr. Mills explained that it would affect the City's rating and therefore, the City would pay higher interest rates in the future when bonding.

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COUNCIL DISCUSSED THE FOLLOWING TOPICS

Sewer Rents

MOTION WAS MADE BY COUNCILMAN CLOUGH TO SCHEDULE A PUBLIC HEARING ON THE LOCAL LAW ESTABLISHING THE NEW SEWER RATES FOR MONDAY, JUNE 19, 2006 AT 7:30 P.M.

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

Pearl Street Entrance Sign

Council discussed the sign that had been proposed and asked that it have lighting on it.

Councilman Bradley suggested using solar lighting if necessary.

Councilman Clough remarked that money should definitely be put in the project for proper lighting.

LWRP Report

Mrs. Hoffman addressed the Council explaining that the Whitewater Study and the Economic Study has been completed. Electronic copies of both reports were supplied to the Council. She advised that the main LWRP is expected to be completed in the fall, with the 60-day review taking place this summer. Once completed, the LWRP will need to be adopted and implemented by the City Council. This will ensure that the City will continue to be eligible for Environmental Protection Funds through the various grant programs.

Discussion was held relative to the upcoming joint meeting concerning the Franklin Building.

Both Councilman Bradley and Mayor Graham commented that it is not a good time of day for them to attend.

Mayor Graham also remarked that he is not sure what the agenda is going to be. He stated that Council already passed a resolution which summarizes the opinion of City Council. He stated that he feels that City Council already went on record with that resolution.

Mrs. Corriveau explained that they want to make sure that the support is still there. She commented that if Neighbors of Watertown isn't in a position to do it, then WLDC needs to see what can be done.

Councilman LaBouf commented that they might just want to give us an update.

Councilman Bradley remarked that Mayor Graham touched on the need for wanting to see an agenda.

Councilman LaBouf remarked that they were all hoping for more communication.

Mayor Graham suggested having the meeting during the next Council work session.

Mrs. Corriveau will contact the other boards to see if there is an interest in moving ahead with this during this year.

Mayor Graham commented that he doesn't want to get into something where there are vague expectations.

Councilman Bradley also commented that it was not the committee that asked for this meeting. It was the chair and Mrs. Corriveau.

Transportation Enhancement Program Grant

Council will review the report for further discussion at the next work session.

Street Names

Mrs. Corriveau advised that the following street name suggestions had been received: Hudson Lane, Burgess Drive, Burgess Road, Piche Street, West End Drive, Sand Flats Drive, McHugh Drive and Wright Lane.

EXECUTIVE SESSION

MOTION WAS MADE BY COUNCILMAN SMITH TO MOVE INTO EXECUTIVE SESSION TO DISCUSS COLLECTIVE BARGAINING NEGOTIATIONS.

MOTION WAS SECONDED BY COUNCILMAN BRADLEY AND CARRIED WITH ALL VOTING YEA

Council moved into Executive Session at 9:16 p.m.

Council reconvened at 9:37 p.m.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 9:37 P.M. BY MOTION OF COUNCILMAN SMITH, SECONDED BY COUNCILMAN CLOUGH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Donna M. Dutton
City Clerk