

**REGULAR COUNCIL MEETING
CITY OF WATERTOWN**

**June 6, 2005
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCILMAN STEPHEN J. BRADLEY
COUNCILWOMAN ROXANNE M. BURNS
COUNCILMAN PETER L. CLOUGH
COUNCILMAN TIMOTHY R. LABOUF
MAYOR GRAHAM**

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

City Manager Corriveau presented the following reports to the Council:

- 1 - Approving Contract for Purchase of 560 Main Street West, Parcel No. 1-01-128
- 2 - Accepting Proposal for Paratransit Services, Guilfoyle Ambulance Service
- 3 - Approving Lease Agreement Between the City of Watertown and the Greater Watertown Red and Black, Inc.
- 4 - Approving Contract for Hydroelectric Operations and Maintenance Services, Upstate Testing and Control Services
- 5 - Approving Bid, Tapping Machine, U.S. Pipe & Foundry Company
- 6 - Approving Bid, Main Ave. Street and Storm Sewer Reconstruction, Luck Brothers, Inc.
- 7 - Authorizing An Application to the Local Waterfront Revitalization Program – Marketplace Construction
- 8 - Finding that the Approval of the Zone Change Application of Vision Development, Inc. to Change the Approved Zoning Classification of Parcels No. 8-53-101, 8-53-102.1 and a Portion of 8-53-103 from Commercial to Planned Development District No. 23 and to Designate Recently Annexed Town of Watertown Parcel No. 82.08-1-12 Planned Development District No. 23 and Subsequent Construction of the Arsenal Street Center Project Will Not Have a Significant Impact on the Environment
- 9 - Approving Amendment No. 50 to the Management and Management Confidential Pay Plan
- 10 - Approving Amendment No. 51 to the Management and Management Confidential Pay Plan
- 11 - Authorizing the Issuance of \$585,000 Serial Bonds of the City of Watertown, Jefferson County, New York to Pay the Cost of the Reconstruction of a Portion of Main Avenue, In and For Said City of Watertown
- 12 - Authorizing the Issuance of \$60,000 Serial Bonds of the City of Watertown, Jefferson County, New York to Pay the Cost of Roadway Paving in Thompson Park, In and For Said City

- 13 - Public Hearing -7:30 p.m. Finding that the Approval of Zone Change Application Submitted by James Heary, on Behalf of Vision Development, Inc. to Change the Approving Zoning Classification of Parcels No. 8-53-101, 8-53-102.1 and a Portion of 8-53-103 from Commercial to Planned Development District No 23 and to Designate Recently Annexed Town of Watertown Parcel No.82.08-1-12 Planned Development District No. 23 and Subsequent Construction of the Arsenal Street Center Project Will Not Have a Significant Impact on the Environment
- 14- Public Hearing - 7:30 p.m. Approving the Zone Change Request Submitted by James Heary on Behalf of Vision Development, Inc. to Change the Approved Zoning Classification of Parcels No. 8-53-101, 8-53-102.1, and a Portion of 8-53-103 From Commercial to Planned Development District No 23 and to Designate Recently Annexed Town of Watertown Parcel No. 82.08-1-12 Planned Development District No. 23 With the Allowed Uses Being Restaurants, Hotels, Retail, Commercial and the Construction of Billboards
- 15 - In-Fill Housing Program – City Financial Assistance
- 16 - Monthly Financial Report

COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of May 16,2005 and the adjourned meeting of May 23, 2005 was dispensed with and accepted as written by motion of Councilwoman Burns, seconded by Councilman Clough and carried with all voting in favor thereof.

COMMUNICATIONS

From Mike McCarthy requesting that monies be put in the budget for sidewalks, roads and tennis courts.

ABOVE PLACED ON FILE

Minutes from the library’s board meeting were received.

ABOVE PLACED ON FILE

From the City Assessor advising that Veronica Mitchell, Storage Management Systems, LLC has offered to negotiate the purchase of City owned vacant parcel located behind property owned by Storage Management Systems, LLC.

ABOVE PLACED ON FILE

From Lisa Burr requesting that a stop sign be placed at the intersection of Franklin Street and Thompson Blvd.

ABOVE PLACED ON FILE

The following claims against the City were received:

1. From Tom Brouty Aircraft Service for \$1398.60 for reimbursement for lost revenue as a result of a cable being cut that serves the weather reporting system for the Watertown Airport.
2. From Charles Waugh, Carthage, for damage to his vehicle as a result of road paint spraying up on it after city crews had been painting in the Stone Street area.
3. From Daniel Bunce who has filed a summons & complaint as a result of injuries he sustained while installing fencing at the Watertown Airport.

ABOVE REFERRED TO THE BOARD OF AUDIT

PRIVILEGE OF THE FLOOR

James Brett, Scheley Drive, addressed the chair concerning the funds that had been previously raised for the restoration of the fountain. He explained that people are questioning why the fountain hasn't been put back in place and where the money went.

Mrs. Corriveau explained that the fountain was restored in 2003. However, in the fall of 2003 it was discovered that the concrete base piers lacked structural integrity. New anchor bolts had to be placed in the piers and when the first hole was being drilled, the piers split apart. The decision was made that the bowl and statue foundations would be reconstructed as part of the streetscape project. The fountain is now in storage.

Mr. Mix remarked that the restoration cost about \$65,000 and the donated funds were used to help pay for it.

Brian Gorman, Town of Watertown resident, addressed the chair urging Council to support the resolution authorizing an application to the Local Waterfront Revitalization Program- Marketplace Construction. Reading from a prepared statement, Mr. Gorman explained the need for the marketplace as it relates to being an economic development component.

Dan Francis, Harris Drive, addressed the chair asking the Council to take a vote on the pay raise for themselves. He stated that while he feels the raise is long overdue, the principle is that no elected official should vote for their own pay raise. He commented that it seems a little underhanded that the tax rate was lowered, but then it is announced that the assessments are going to be raised. He also commented that his assessment was previously raised \$14,000 and the assessor didn't even come into his home.

PUBLIC HEARING

AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING "APPROVING THE ZONE CHANGE REQUEST SUBMITTED BY JAMES HEARY ON BEHALF OF

VISION DEVELOPMENT, INC. TO CHANGE THE APPROVED ZONING CLASSIFICATION OF PARCELS NO. 8-53-101, 8-53-102.1, AND A PORTION OF 8-53-103 FROM COMMERCIAL TO PLANNED DEVELOPMENT DISTRICT NO. 23 AND TO DESIGNATE RECENTLY ANNEXED TOWN OF WATERTOWN PARCEL NO. 82.08-1-12 PLANNED DEVELOPMENT DISTRICT NO. 23 WITH THE ALLOWED USES BEING RESTAURANTS, HOTELS, RETAIL, COMMERCIAL AND THE CONSTRUCTION OF BILLBOARDS”

MAYOR GRAHAM DECLARED THE PUBLIC HEARING OPEN

No one spoke.

MAYOR GRAHAM DECLARED THE PUBLIC HEARING CLOSED

RESOLUTIONS

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS the City of Watertown holds the Tax Sale Certificate on real property commonly known as 560 Main Street West, under Tax Parcel No. 1-01-128, and

WHEREAS WLP Properties, LLC has expressed a desire to redevelop the site, and

WHEREAS a Contract for Purchase has been prepared, a copy of which is attached and made a part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it hereby determines that it is in the best interests of the City of Watertown to sell the real property commonly known as 560 Main Street West, under Tax Parcel No. 1-01-128, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the Purchase Agreement 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 owns and operates a fixed route bus service in the City, and

WHEREAS as a requirement of the Americans with Disabilities Act, the City is

required to provide Paratransit Services, and

WHEREAS Guilfoyle Ambulance Service has provided Paratransit Services for the City of Watertown and under the terms of an Agreement effective July 1, 2002, the City has the ability to extend the terms of the Agreement for an additional three (3) year term on a year to year basis,

WHEREAS Purchasing Agent Robert Cleaver and Transit Supervisor Kathy Webster are recommending that the City Council extend the terms of the 2002 agreement for one additional year,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the one-year Lump Sum proposal submitted by Guilfoyle Ambulance Service in the amount of \$48,125.79 for Paratransit Services, and

BE IT FURTHER RESOLVED that Mayor Jeffrey E. Graham is hereby authorized and directed to execute any contract documents associated with the acceptance of this bid.

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

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

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

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

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

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

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

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

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

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

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS the City owns the Watertown Hydroelectric Plant and associated dam and intake, (hereinafter referred to as the “PLANT”), on the Black River in the City of Watertown, State of New York with Unit Nos. 1-3 therein being so arranged that the electricity generated therein is delivered to the electric sub-transmission system of Niagara Mohawk Power Corporation with which it is physically connected, and

WHEREAS on June 7, 1999, the City Council of the City of Watertown approved a three year Contract for Hydroelectric Operations and Maintenance Services with Mercer Management, Inc., which expired on June 30, 2002, and

WHEREAS Mercer Management, Inc. changed its name to Mercer Construction Co., LLC and is now known as Upstate Testing and Control Services, and

WHEREAS the City Council has approved three one-year extensions authorized under the terms of the original agreement, the last of which expires on June 30, 2005, and

WHEREAS Mercer Construction Co., LLC has satisfactorily performed under the terms of this contract with the City of Watertown, and

WHEREAS Upstate Testing and Control Services is willing to continue to provide operation and maintenance services in accordance with requirements of the RFP response submitted by Mercer Management, Inc.,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement for Operation and Maintenance Services at the City’s hydroelectric facility, between the City of Watertown and Upstate Testing and Control Services, a copy of which is attached and made a part of this resolution, and

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

SECONDED BY COUNCILMAN ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS the City Purchasing Department advertised and received sealed bids for the purchase of a new and unused A.P. Smith Tapping Machine for use by the City Water Department, and

WHEREAS invitations to bid were issued to three (3) prospective bidders, and

WHEREAS on Tuesday, May 24, 2005, at 11:00 a.m., the three (3) bids received were publicly opened and read, and

WHEREAS City Purchasing Agent Robert Cleaver has reviewed the bids submitted with Water Superintendent Gary Pilon and Water Maintenance Supervisor Cody Salisbury and they are recommending that the City Council accept the bid of \$12,806 submitted by U.S. Pipe and Foundry Co., as the lowest qualifying bid meeting the City's specifications,

NOW THEREFORE BE IT RESOLVED that the City council approves the bid of \$12,806 submitted by U.S. Pipe and Foundry as the lowest qualifying bid meeting the City's specifications, and

BE IT FURTHER RESOLVED that Mayor Jeffrey E. Graham is hereby authorized and directed to execute any and all documents associated with this bid award.

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

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS the 2004-05 Capital Budget contains an appropriation for the reconstruction of Main Avenue from Mill Street to West Main Street, and

WHEREAS the City Engineering department designed and developed the bid specifications for this project, and

WHEREAS the City Purchasing Department advertised and received sealed bids for the Main Avenue Street and Storm Sewer Reconstruction Project and invitations to bid were issued to eight (8) prospective bidders, and

WHEREAS on Wednesday, May 25, 2005, at 10:00 a.m., the four (4) bids received were publicly opened and read, and

WHEREAS City Purchasing Agent Robert Cleaver has reviewed the bids submitted with Interim City Engineer Gary Pilon and Civil Engineer I Thomas Maurer and are recommending that the City Council accept the bid of \$554,554 submitted by Luck Brothers, Inc. Plattsburgh New York, as the lowest qualifying bid meeting the City's specifications,

NOW THEREFORE BE IT RESOLVED that the City council approves the bid of \$554,554 submitted by Luck Brothers, Inc. as the lowest qualifying bid meeting the City's specifications, and

BE IT FURTHER RESOLVED that approval of said bid is subject to the City Council's approval of a bond ordinance to finance this reconstruction project, and

BE IT FURTHER RESOLVED that Mayor Jeffrey E. Graham is hereby authorized and directed to execute any and all documents associated with this bid award.

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 and the City's downtown by improving the connection between them, 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 by constructing a marketplace pavilion and surrounding site improvements in an amount not to exceed \$500,000, 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 COUNCILWOMAN ROXANNE M. BURNS

Commenting on the foregoing resolution, Councilman Clough asked how many parking spaces would be lost if this plan was adopted.

Mrs. Corriveau explained that these are not the final plans but under the draft drawings, it anticipates about 80 spaces lost.

Mayor Graham commented that the effect on normal parking would be amplified on the days when the market is going on.

Councilman LaBouf commented that he agrees with Mr. Gorman's comments earlier this evening. He remarked that the DBA members have always been concerned with the present market being so far away from their business area.

Mrs. Corriveau advised that this would be a covered structure with a walkway which would be a connection between downtown and the river, thus being able to be used during inclement weather. The idea of this is to create a market place and activity center in the downtown.

Councilman Bradley remarked that there is a big concern with the parking issue. He commented that with losing 80 spaces and new buildings being purchased which will create a need for more spaces, there needs to be more outreach to the downtown business people.

Councilman LaBouf explained that the City Manager has shown how this is the answer to some of the downtown businesses questions for bringing the market closer to them.

Councilman Bradley responded that he is not against the idea. However, there needs to be more outreach as some of the people downtown have never been contacted.

Mayor Graham commented that the existing market is a great success in the present location. The proposed market would have a profound effect on parking.

Councilman LaBouf asked how many spaces are used out of the 360 available in the J.B. Wise lot.

Mr. Mix explained that previous surveys indicated that it was, in the past, about 60% full.

Councilman LaBouf commented that on any day there are at least 80 spaces available in the lot.

Mayor Graham asked if the Chamber had endorsed this.

Mr. Mix remarked that the Chamber was going to survey its members. However, he hasn't received an answer from them.

Mayor Graham responded that the City couldn't force the present market to move into a pavilion. He also commented that he hasn't heard anybody clamoring for this.

Councilman LaBouf commented that he has spoken with employees at the market who thought it was a good idea, especially during inclement weather. It would also extend their selling season.

Councilwoman Burns remarked that while she is not opposed, she would like more input from the Chamber and the vendors.

Mayor Graham remarked that there would have to be a commitment from many organizations to utilize this facility as well as others who would utilize it when the market was not going on to justify the expense.

Councilman Clough asked if Mrs. Hoffman had visited the downtown businesses one on one.

Mrs. Corriveau explained that she had not, but had utilized the DBA.

Councilman Clough asked what the feeling was from the DBA membership.

Councilman Bradley explained that the feelings are mixed and there are some questions that need to be answered.

Mrs. Corriveau explained that the idea is to get money into the retail center.

Councilman Clough remarked that the business owners have said they need something; perhaps this might be the answer. However, he commented, that there doesn't seem to have been a lot of contact with the business owners.

Mr. Mix remarked that he knows that Mrs. Hoffman has talked with some of the business owners.

Councilman LaBouf commented that Council lays the groundwork for where we want business to develop and this will give the City an opportunity for a shot in the arm for downtown. He also commented that no one would be 100% satisfied all the time.

Mayor Graham asked how the idea for a covered market place came about.

Mr. Mix explained that it was a result of a student survey, which suggested an open-air market.

Mayor Graham questioned the genesis for the request as coming from students as opposed to a request from the farmer's market.

Mr. Mix explained that when the students did the building survey, they asked the owners an open-ended question and came up with the market concept being the 2nd most received answer.

Mayor Graham commented that there are a lot of unanswered questions and he feels this would be a good topic for discussion with the Chamber in a work session.

Councilman Bradley commented that the downtown property owners should also be invited to attend.

Councilman LaBouf remarked that workshops were held on this for over three or four months and many of the downtown business owners were involved in them.

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

MOTION WAS SECONDED BY COUNCILWOMAN BURNS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS the City Council of the City of Watertown, New York has before it an Ordinance for the zone change application of James Heary, Attorney at Law, on behalf of Vision Development, Inc. to change the approved zoning classification of Parcels No. 8-53-101, 8-53-102.1 and a portion of 8-53-103 from Commercial to Planned Development District No. 23, and to designate recently annexed Town of Watertown Parcel No. 82-08-1-12 Planned Development District No. 23 with the allowed uses being restaurants, hotels, retail, commercial and the construction of billboards, and

WHEREAS the City Council must evaluate all proposed actions submitted for its consideration in light of the State Environmental Quality Review Act (SEQRA) and the regulations promulgated pursuant thereto, and

WHEREAS the proposed project would constitute such an Action, and

WHEREAS the City Council has determined that the proposed project is a “Type I Action”, as that term is defined in 6 NYCRR Section 617.2, and

WHEREAS the City initiated a coordinated review with all other involved agencies and received no objections to the City Council being established as the lead agency, and

WHEREAS to aid the City Council in its determination as to whether the proposed project will have a significant affect on the environment, Part I of a Full Environmental Assessment Form has been prepared by the applicant, a copy of which is attached and made a part of this resolution,

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

1. It is established as lead agency for the purposes of the State Environmental Quality Review.
2. Based upon its examination of the Environmental Assessment Form, in comparison of the proposed action with the criteria set forth in 6 NYCRR Section 617.7, no significant impact on the environment is

known and the zone change and classification and the construction of the project will not have a significant impact on the environment.

3. The Mayor of the City of Watertown is authorized to execute the Environmental Assessment Form to the affect that the City Council is issuing a negative declaration under SEQRA.
4. This resolution shall take effect immediately.

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

Prior to voting on the foregoing resolution, Council did consider the SEQRA form and Mr. Mix answered questions concerning the retention ponds and redirecting of the water once the State project is completed.

Councilman Bradley asked if this would help the existing water problem they have there now.

Mr. Mix indicated that this would not aggravate it and would have a positive affect on it.

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Amendment No. 50 to the Management and Management Confidential Pay Plan, effective June 6, 2005, as follows:

Police Captain	\$76,100
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SECONDED BY COUNCILMAN PETER L. CLOUGH AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Amendment No. 51 to the Management and Management Confidential Pay Plan, effective June 6, 2005, as follows:

Civil Engineer II	\$52,000
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and

BE IT FURTHER RESOLVED that upon permanent appointment and receipt of New York State Professional Engineer license, the salary will increase to \$54,000.

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

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS the 2000-2005 Collective Bargaining Agreement between the City of Watertown and the Local CSEA Unit 7151-00 expires on June 30, 2005, and

WHEREAS negotiations have concluded on a successor Agreement, a copy of which is attached and made a part of this resolution,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the 2005-2008 Collective Bargaining Agreement between the City and the Local CSEA 7151-00, and

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

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

(Rules were waived by motion of Councilman LaBouf, seconded by Councilman Clough and carried with all voting in favor thereof.)

Prior to the vote on the foregoing resolution, Councilwoman Burns commented that it is always very nice to come to an agreement prior to a contract expiring.

ORDINANCES

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

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 reconstruction of portion of Main Avenue, including sidewalk, curbing and storm sewer upgrades, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, such project being included in the City's 2004-05 Capital Budget, there are hereby authorized to be issued \$585,000 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 \$585,000 and that the plan for the financing thereof is by the issuance of the \$585,000 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 fifteen years, pursuant to subdivision 20 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 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 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 COUNCILWOMAN ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA

Unanimous consent moved by Councilman Clough, seconded by Councilwoman Burns and carried with all voting in favor thereof.

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

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 specific object or purpose of paying the cost of roadway paving in Thompson Park, and in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$60,000 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 specific object or purpose is \$60,000 and the plan for the financing thereof shall be by the issuance of the \$60,000 serial bonds authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 20 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 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 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 PETER L. CLOUGH AND CARRIED WITH ALL VOTING YEA

Unanimous consent moved by Councilman LaBouf, seconded by Councilman Clough and carried with all voting in favor thereof.

THE RESOLUTION “APPROVING THE ZONE CHANGE REQUEST SUBMITTED BY JAMES HEARY ON BEHALF OF VISION DEVELOPMENT, INC. TO CHANGE THE APPROVED ZONING CLASSIFICATION OF PARCELS NO. 8-53-101, 8-53-102.1, AND A PORTION OF 8-53-103 FROM COMMERCIAL TO PLANNED DEVELOPMENT DISTRICT NO 23 AND TO DESIGNATE RECENTLY ANNEXED TOWN OF WATERTOWN PARCEL NO. 82.08-1-12 PLANNED DEVELOPMENT DISTRICT NO. 23 WITH THE ALLOWED USES BEING RESTAURANTS, HOTELS, RETAIL, COMMERCIAL AND THE CONSTRUCTION OF BILLBOARDS” WAS PRESENTED TO THE COUNCIL. (Introduced on May 16, 2005; public hearing held this evening; appears in its entirety on page 89 of the 2005 Minutes Book).

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 TOPICS:

In-Fill Housing Program-City Financial Assistance

MOTION WAS MADE BY MAYOR GRAHAM TO SUPPORT THE IN-FILL HOUSING PROGRAM.
MOTION WAS SECONDED BY COUNCILMAN BRADLEY AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

TenEyck Street Demolition

Councilman Bradley commented that he was glad to see the demolition underway for the apartment house on TenEyck Street. He also advised that they have indicated that there is no problem with asbestos in the structure.

Community Police Data

Councilwoman Burns asked if this would be ready for the next work session.

Mrs. Corriveau indicated that it should be on the agenda.

Former Roller Rink Property

Councilwoman Burns asked if the City still owns this property.

Mrs. Corriveau explained that the property is now owned by P.J. Simao and others.

Councilman Clough indicated that Mr. Warner owns where the building sits and an abutting property owner owns a portion as well.

Dog Feces

Councilman LaBouf commented that a citizen had complained to him about dog owners not picking up after their animals when they are walking them. He asked if there is anything on the books and if there is enforcement.

Mrs. Dutton explained that the City Code does indicate that a dog owner must pick up after their dogs if off of their property. However, she also indicated that it doesn't seem to be enforced.

Time Warner

Mayor Graham referred to a letter he received from Time Warner concerning the need to make Verizon pay a franchise fee. Mayor Graham commented that he feels all the franchise fees are bogus.

Flag Day

Mayor Graham advised that there would be a Flag Day Celebration at Calcium Primary School.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 8:09 P.M. UNTIL MONDAY, JUNE 13, 2005 AT 7:00 P.M. BY MOTION OF COUNCILMAN CLOUGH, SECONDED BY COUNCILMAN LABOUF AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Donna M. Dutton

City Clerk