

**REGULAR COUNCIL MEETING
CITY OF WATERTOWN**

July 1, 2002

4:00 P.M.

MAYOR JOSEPH M. BUTLER PRESIDING

PRESENT: **COUNCILWOMAN ROXANNE M. BURNS
COUNCILMAN PETER L. CLOUGH
COUNCILMAN PAUL A. SIMMONS
MAYOR BUTLER**

ABSENT: **COUNCILMAN JEFFREY M. SMITH**

ALSO PRESENT: **CITY MANAGER JERRY C. HILLER
ASSISTANT CITY MANAGER MARY M. CORRIVEAU
CITY ATTORNEY ROBERT J. SLYE**

Assistant Manager Corriveau presented the following reports to the Council:

- 1 - Appointment to the Empire Zone Board, Miyako Schanely
- 2 - Reappointment to the Empire Zone Board, David Knowlton
- 3 - Reappointment to the Empire Zone Board, Peter Sovie
- 4 - Approving Amendment to Sewage Treatment Agreement Between the City of Watertown and the New York State Route 3 Sewer Board
- 5 - Approving Contract for Hydroelectric Operations and Maintenance Services, Mercer Construction Co., LLC
- 6 - Accepting Bid Reconstruction of 400 Block of Flower Avenue East and St. Mary's Street, Barber Construction
- 7 - Accepting Bid for Sidewalk Reconstruction, Syracuse Constructors, Inc.
- 8 - Antenna Agreement, Watertown Housing Authority
- 9 - An Ordinance Authorizing the Issuance of an Additional \$17,000 Serial Bonds of the City of Watertown, Jefferson County, New York, to Pay Part of the Cost of the Reconstruction of St. Mary Street Between Lillian Street and Mundy Street, Including Incidental Drainage, Curbing and Water Main Improvements, In and For Said City
- 10 - An Ordinance Authorizing the Issuance of \$142,000 Serial Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of the Construction of Lateral Sanitary Sewer Lines in the 1000-1100 Blocks of Water Street, In and For Said City
- 11 - An Ordinance Authorizing the Issuance of \$237,560 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.
- 12 - Accepting Bid for Ready Mix Concrete, Watertown Concrete
- 13 - Sign Ordinance
- 14 - Sidewalk Maintenance Program Schedule

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 June 17, 2002 was dispensed with and accepted as written by motion of Councilman Clough, seconded by Councilman Simmons and carried with all voting in favor thereof.

COMMUNICATIONS

From Kenneth Hodosy, Library Director, asking that the library clerk position currently filled as temporary be made a permanent appointment.

ABOVE PLACED ON FILE

From the NYS Unified Court System advising that the Hon. Paul J. Dierdorf, Part-time City Court Judge retired effective June 30, 2002

ABOVE PLACED ON FILE

From Steve Crile, 527 S. Massey Street, expressing an interest in purchasing city owned property at 472 Paddock Street, which is adjacent to his property.

ABOVE PLACED ON FILE

PRIVILEGE OF FLOOR EXTENDED

Christine Thompson, 710 Morrison Street, addressed the chair as a member of RASSP reading from a prepared statement. She stated that the group fully supports the plan that American Rock Salt presented to the City Engineering Department to stop the water from flowing under the pad before any further work is completed. She stated that the group wanted to emphasize the fact that this past winter was dryer than usual and the spring runoff was less than typical. She advised Council that the salt pile remains partially uncovered and that the crusted face of the exposed portion of the pile shifts and falls sending a plume of salt dust into the air. She also referred to the fact that there have been two areas identified where salt water has killed vegetation.

Copies of the statement were supplied to Council.

Mr. Hiller explained that, while the City doesn't have any regulatory authority, the City Engineer is working with DEC.

Councilman Clough asked if the Engineering Department was aware of the killed vegetation areas.

Mr. Hiller remarked that if they weren't aware, he would notify them tomorrow.

RESOLUTIONS

INTRODUCED BY COUNCILMAN PAUL A. SIMMONS

WHEREAS New York State has designated an Empire Zone (formerly Economic Development Zone) pursuant to Article 18-b of the New York State General Municipal Law within the Town of Watertown and the City of Watertown on July 27, 1994, and

WHEREAS Article 18-b of the New York State General Municipal Law requires that an Empire Zone Board (formerly Economic Development Zone Administrative Board) be in place to oversee the operation of the Zone, and

WHEREAS there exists a vacancy on the Board for an Educational Institution Representative,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby appoints to the Empire Zone, as an educational institution representative, for a term expiring on May 31, 2005:

Miyako Schanely
127 Rogers Road
Black River, New York

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

INTRODUCED BY COUNCILMAN PAUL A. SIMMONS

WHEREAS New York State has designated an Empire Zone (formerly Economic Development Zone) pursuant to Article 18-b of the New York State General Municipal Law within the Town of Watertown and the City of Watertown on July 27, 1994, and

WHEREAS Article 18-b of the New York State General Municipal Law requires that an Empire Zone Board (formerly Economic Development Zone Administrative Board) be in place to oversee the operation of the Zone, and

WHEREAS there exists a vacancy on the Board for a Zone Business Owner Representative,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby reappoints to the Empire Zone, as a zone business owner, for a term expiring on May 31, 2005:

David T. Knowlton
348 W. Woodruff Street
Watertown, New York

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

INTRODUCED BY COUNCILMAN PAUL A. SIMMONS

WHEREAS New York State has designated an Empire Zone (formerly Economic Development Zone) pursuant to Article 18-b of the New York State General Municipal Law within the Town of Watertown and the City of Watertown on July 27, 1994, and

WHEREAS Article 18-b of the New York State General Municipal Law requires that an Empire Zone Board (formerly Economic Development Zone Administrative Board) be in place to oversee the operation of the Zone, and

WHEREAS there exists a vacancy on the Board for a Town of Watertown Representative,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby reappoints to the Empire Zone, as the Town of Watertown representative, for a term expiring on May 31, 2005:

Peter Sovie
19250 Woodside Drive
Watertown, New York

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

INTRODUCED BY COUNCILMAN PAUL A. SIMMONS

WHEREAS the City of Watertown owns and operates a wastewater treatment facility in the City of Watertown, and

WHEREAS the City's wastewater treatment facility has capacity for treatment of additional wastewater, and

WHEREAS the Village of Black River, Champion Sewer District #1, LeRay Sewer District #3, Pamela Sewer District #1, Rutland Sewer District #1, have entered

into an Inter-Municipal Agreement to cooperatively develop a wastewater collection system in the Route 3 Corridor from Great Bend to the City of Watertown, and

WHEREAS on December 4, 2000, the City Council of the City of Watertown approved a Sewage Treatment Agreement with the NYS Route 3 Sewer Board, and

WHEREAS the City of Watertown and the NYS Route 3 Sewer Board have agreed to add additional delivery points to the project, and

WHEREAS an Amendment to the Sewage Treatment Agreement with the NYS Route 3 Sewer Board has been negotiated, 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 Amendment to Sewage Treatment Agreement between the City of Watertown and the New York State Route 3 Sewer Board, and

BE IT FURTHER RESOLVED that Mayor Joseph M. Butler 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

Prior to the vote on the foregoing resolution, Councilman Simmons asked about the costs to City taxpayers and if the project ties into Water Street.

Mr. Hiller explained that it was proposed at capital budget that as long as we were putting in Water Street, we would also put in the stubs for future development. Those would be the only costs to the City. The City will also be receiving revenue for treating the sewage.

Mrs. Corriveau explained that some of the sewage will go into the DANC line and some will go through the City's collection system. The DANC rate is driven by actual costs. In explaining the rates for DANC and the rates for the Town of Watertown, Mrs. Corriveau stated that they pay a rate based on the pro rata share of what the costs are. She also explained that there are no City taxpayer costs associated with this resolution.

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 expires on June 30, 2002, and

WHEREAS the Hydroelectric Operations component of Mercer Management, Inc. has formed a new corporation, Mercer Construction Co., LLC with the same employees who have been satisfactorily performing the contract work for the City of Watertown under its Agreement with Mercer Management, Inc., and

WHEREAS prior to awarding the initial Agreement with Mercer Management, Inc., the City of Watertown issued an RFP for operations and maintenance of the City's hydroelectric facilities, and

WHEREAS the services called for in the RFP are professional in nature and can be awarded without a new RFP or public bidding, and

WHEREAS MCC is willing to provide operation and maintenance services in accordance with requirements of the RFP response initially submitted by Mercer Management, Inc. as an independent contractor as shown in Exhibits "A" and "B" of the attached contract, and

WHEREAS the City is willing to have MCC perform the contract work in lieu of Mercer Management, Inc., and

WHEREAS, MCC acknowledges that the Request for Proposal issued on February 16, 1999, with its Exhibit "A" and Exhibit "B", will be considered as part of this contract;

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 Mercer Construction Co., LLC, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that Mayor Joseph M. Butler is hereby authorized and directed to execute the contract on behalf of the City of Watertown.

SECONDED BY COUNCILMAN PAUL A. SIMMONS AND CARRIED WITH ALL VOTING YEA

Prior to the vote on the foregoing resolution, Councilman Simmons questioned the fact that the contract starts on the day that it is to be approved. He stated that he would like to see these contracts given to Council a month in advance in order to allow time for studying them.

Mrs. Corriveau explained that the only new portion of the contract is a five-page document. The rest of the contract was put in place three years ago and the same terms remain.

Mr. Hiller explained that he had spoken with the City Engineer about the timing and was informed that the extended price came in higher and Mr. Liu had to renegotiate the price, thus leading to the shortness in time.

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS the City Purchasing Department has advertised and received sealed bids for the reconstruction of the 400 block of Flower Avenue East and St. Mary's Street, and

WHEREAS invitations to bid were issued to three (3) prospective bidders with two (2) bids being received, and

WHEREAS on Monday, June 24, 2002, at 11:00 a.m., the bids received were publicly opened and read, and

WHEREAS Robert J. Cleaver, City Purchasing Agent, and City Engineer Norman Liu reviewed the bids received and are recommending that the City Council accept the bid submitted by Barber Construction, as detailed below:

Flower Ave. East	\$373,648	
St. Mary's Street	<u>\$243,388</u>	
Total		\$617,036

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid submitted by Barber Construction for the reconstruction of the 400 block of Flower Avenue East and St. Mary's Street, and

BE IT FURTHER RESOLVED that the awarding of this bid is contingent on the City Council approving the bond ordinances for St. Mary's St. and the Special Assessment program, and

BE IT FURTHER RESOLVED that Mayor Joseph M. Butler is hereby authorized and directed to execute any contract documents in support of this award.

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

INTRODUCED BY COUNCILWOMAN ROXANNE M. BURNS

WHEREAS the City Purchasing Department has advertised and received sealed bids for the sidewalk maintenance program, and

WHEREAS invitations to bid were issued to four (4) prospective bidders with two (2) bids being received, and

WHEREAS on Monday, June 11, 2002, at 11:00 a.m., the bids received were publicly opened and read, and

WHEREAS Robert J. Cleaver, City Purchasing Agent, and City Engineer Norman Liu reviewed the bids received and are recommending that the City Council accept the unit price bid submitted by Syracuse Constructors in the amount of \$205,000, based on estimated quantities,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid submitted by Syracuse Constructors for the Sidewalk Maintenance Program, and

BE IT FURTHER RESOLVED that the awarding of this bid is contingent on the City Council approving the bond ordinance for the Special Assessment program, and

BE IT FURTHER RESOLVED that Mayor Joseph M. Butler is hereby authorized and directed to execute any contract documents in support of this award.

SECONDED BY COUNCILMAN PAUL A. SIMMONS AND DEFEATED WITH ALL VOTING NAY

Prior to the vote on the foregoing resolution, Mayor Butler commented that Council is concerned about the price of \$112 per block. He stated that if the City embarks on this program, they should do so in the most cost effective manner possible. He said that the costs are high due to the fact that contractors must pay the prevailing wage. He also explained that if the City did the program, they wouldn't have to pay the prevailing wages.

DPW Superintendent Eugene Hayes answered questions posed by Council concerning the possibility of City crews doing the work. He reminded Council of the budget cuts and the fact that he only has one curbing crew to do the work. He explained that in perfect conditions, a five-man crew could do a 65' pour per day. That would involve areas that had no trees or driveways. \$5.00 per sq. ft. should cover all expenses. However, he would not hire college students to do the work.

Mayor Butler commented that he phoned Ogdensburg and they did hire college students and could do the job for \$4.50 per sq. ft. with a 4-man crew. Mayor Butler commented that Ogdensburg had received a \$50,000 matching grant and that is why they did the work in-house.

Mr. Hayes explained that the question would be what their productivity was.

Mayor Butler commented that he wanted to make sure that Council was clear on all the options for the program.

Mr. Hayes stated that DPW could not do the work this year.

Mrs. Corriveau advised Council that once Council brings the work in-house, if Council wants to contract it out in the future, it would have to be negotiated with the union. She also questioned if the City hires people to do this work for part of the year, would they be working for the City the rest of the year or would they be drawing unemployment. She also reminded Council that in prior budget discussions, Mr. Hayes indicated that his department is short-staffed.

Councilman Simmons commented on the fact that if this is approved and property owners can have it done cheaper on their own, they wouldn't be able to qualify for the 10 year program.

Civil Engineer Joe O'Brien answered questions posed by Council concerning the implications if the resolution was tabled. He explained that the weather would have to be considered as well as time limits on the bid amount. He advised Council that the time limit for this particular bid is 60 days.

Councilman Simmons commented that he would have trouble approving the resolution today.

Mrs. Corriveau remarked that each year the process will be bid and each year the price could be different.

Mr. Hayes commented that if this program were done in-house, it would become a ten-year plan and not a five-year one. He stated that it would be a very time consuming project. He also commented that in looking over the bid, there are areas where his crews could not do the work for the prices bid in by the contractor.

Mayor Butler asked how many weeks the curb crew works and if they work full-time in that capacity.

Mr. Hayes explained that the crew consists of three people. One, who is a tree trimmer, is pulled off only if a tree has to come down. They put in curbing, sidewalk handicap ramps and do all kinds of concrete work. They are a concrete crew only.

Mayor Butler asked if additional equipment would be needed if the project were done in-house.

Mr. Hayes responded that his department has had a 10% reduction in people. He stated that he probably has enough equipment not being used and one crew doesn't need any more equipment.

Councilwoman Burns commented that she was surprised that only two bids were received.

Mr. Hiller responded that one option is to reject all bids and bid another year. This may give the opportunity to look at the project in-house.

Mayor Butler stated that he wasn't optimistic in thinking that it would be any different next year.

Councilwoman Burns commented that she didn't have a handle on the costs and is not sure that it is in the City's best interest. She remarked that Mr. Hiller's suggestion makes sense at this time.

MOTION WAS MADE BY COUNCILMAN SIMMONS TO REJECT ALL BIDS AND TO DIRECT STAFF TO RE-EXAMINE THE ALTERNATIVES.

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

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS the Watertown Housing Authority owns a facility known as the Skyline Apartments located in the City of Watertown, County of Jefferson, State of New York, and

WHEREAS, the City desires to place a radio antenna at the Skyline Apartment and the WHA is willing to grant an agreement allowing the City utilize their facilities for the installation of a radio antenna, 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 approves the Agreement between the City of Watertown and Watertown Housing Authority, a copy of which is attached and made a part of this resolution, and

Be it further resolved that City Manager, Jerry C. Hiller, is hereby authorized and directed to execute the Agreement on behalf of the City of Watertown.

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

MOTION WAS MADE BY COUNCILMAN CLOUGH TO TAKE FROM THE TABLE THE RESOLUTION ACCEPTING BID FOR READY MIX CONCRETE, WATERTOWN CONCRETE.

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

MOTION WAS MADE BY COUNCILMAN CLOUGH TO AMEND THE RESOLUTION TO READ “5000 LB. FINE - \$67.00/CUBIC YARD

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

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE RESOLUTION AS AMENDED AND CARRIED WITH ALL VOTING YEA

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, by bond ordinance dated October 15, 2001, the Council of the City of Watertown, Jefferson County, New York, authorized the issuance of \$228,000 serial bonds of said City to pay the cost of reconstruction of St. Mary Street between Lillian Street and Mundy Street, including incidental drainage, curbing and water main improvements, in and for said City; and

WHEREAS, it is now desired to authorize the issuance of an additional \$17,000 serial bonds of said City to finance additional costs of said class of objects or purposes;

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 St. Mary Street between Lillian Street and Mundy Street, in and for the City of Watertown, Jefferson County, New York, including incidental drainage, curbing and water main improvements, there are hereby authorized to be issued \$17,000 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 \$245,000 and that the plan for the financing thereof is

(a) by the issuance of the \$228,000 serial bonds of said City authorized to be issued pursuant to bond ordinance dated October 15, 2001; and

(b) by the issuance of the additional \$17,000 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 91 of paragraph a of Section 11.00 of the Local Finance Law, as each component object or purpose has a period of probable usefulness of at least fifteen years under subdivisions 21, 4 or 20 thereof.

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 PAUL A. SIMMONS

LAI D O V E R U N D E R T H E R U L E S

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 construction of lateral sanitary sewer lines in the 1000 – 1100 blocks of Water Street, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$142,000 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 \$142,000 and that the plan for the financing thereof is by the issuance of the \$142,000 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 forty years, pursuant to subdivision 4 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, including, but not limited to, the power to sell said serial bonds to the New York State Environmental Facilities Corporation; 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. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the City Comptroller. Such notes shall be of such terms, form and contents as may be prescribed by said City Comptroller consistent with the provisions of the Local Finance Law.

Section 10. The City Comptroller is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a serial bond, and, or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this ordinance is to give the City Comptroller sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds and, or notes without resorting to further action of this Council.

Section 12. 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 13. 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 14. 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

LAI D OVER UNDER THE RULES

INTRODUCED BY COUNCILMAN PAUL A. SIMMONS

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, including costs to be borne by the City and costs to be borne by adjacent property owners in future proceedings to be undertaken from time to time, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith,

there are hereby authorized to be issued \$237,560 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 \$237,560 and that the plan for the financing thereof is by the issuance of the \$237,560 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 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, including, but not limited to, the power to sell said serial bonds to the New York State Environmental Facilities Corporation; 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. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the City Comptroller. Such notes shall be of such terms, form and contents as may be prescribed by said City Comptroller consistent with the provisions of the Local Finance Law.

Section 10. The City Comptroller is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a serial bond, and, or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this ordinance is to give the City Comptroller sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds and, or notes without resorting to further action of this Council.

Section 12. 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 13. 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 14. 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

LAID OVER UNDER THE RULES

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COUNCIL DISCUSSED THE FOLLOWING TOPICS

Sidewalk Maintenance Program Schedule

Referring to the memo report, Mrs. Corriveau explained that two individuals are now doing inspections. She also explained that staff needs direction as to whether they should continue looking at the 2003 program.

Mayor Butler asked why the program was started in the southwest section of the City.

Mr. O' Brien said that there really wasn't any definite reason for choosing Washington Street area. However, it was pointed out by Mrs. Corriveau that Washington Street is unique in that it will cover all the problems that would be incurred in other areas of the City. State Street is being done within the next five-year period and by the time the program reaches Arsenal Street, the City will know where they are going with it.

Mr. Hayes explained that downtown is a completely different area and is a specialty area due to the vaults, etc. that are found in the downtown area.

Mayor Butler remarked that he is not prepared today to give any directions for this project.

Councilman Simmons remarked that he would like to know if Mr. Hayes feels that doing this in a ten-year plan would look differently. He stated that he would suggest crews move forward.

Councilman Clough commented that too much time has been spent on this. He remarked that first it was 10 years then moved up to 5 years and now Council is thinking about 10 years again. He stated that Council has to make a decision and stick to it. He stated that Council has spent a lot of time on this issue.

Mayor Butler responded that it makes sense when we ask the question if it could be done in-house. He stated that he doesn't feel that Council is wavering about having a sidewalk program, but just finding out the cheapest way to do it.

Councilman Clough remarked that anything being discussed has already been discussed prior to this meeting.

Mr. Hayes remarked that the problem is "sticker shock" with the price.

Mayor Butler commented that he is looking for a more economically feasible route.

Mr. Hiller explained that this originally started with a 3-year plan, which was changed to 6 years – the first year plus 5. Now, Mr. Hayes will look at plans up to 10 years to see what it looks like.

Councilwoman Burns commented that it should be up to staff how the scheduling should be carried out.

Part-Time City Court Judge

Mayor Butler advised Council members that they were given names of six applicants. He asked for their input and advised them that interviews will be conducted for three. He invited Council members to attend the interviews if they wished. He also explained that each applicant is being screened by the Jefferson Co. Bar Association to determine if they are eligible.

Strategic Action Planning Session

Various dates for the next session were discussed. While it was determined that not everyone from Council and staff would be available on one particular date, it was decided that either July 30th or August 2nd would be acceptable dates for the next session

Police Satellite Office

Councilman Clough commented that he needed time to look at this and was not prepared to vote on it today.

Mayor Butler responded that there are many positives about this recommendation. He explained that members of the Police Department had spoken with him about the new location being more cost effective, more spacious and more accessible. In addition, if the two present locations at State Street and Public Square were combined, there would be

enough volunteers to cover the hours of operation. He said that the downside would be that the Public Square location was very visible.

Chief Piche addressed the chair concerning the proposal and explained that they have always had a problem with the space in the Public Square location. It is very small. No conversations can be held in private and it is just not large enough. The State Street location needs three keys just to get into the office. It is not highly identified as a community policing office and there are not enough volunteers to man it. He stated that the 281 State Street location is larger, has ample parking and the price is right since a three year lease at \$1.00/mo including heat and water has been offered.

Mayor Butler commented that it would be better if the location were closer to the area of the Poor House Tavern.

Chief Piche explained that time is of the essence since Watertown Redevelopment has others who are interested and therefore they need an answer after this meeting.

Councilwoman Burns commented that she would have liked more time to get community input about this decision. However, she would be willing to make a decision on moving the present State Street location today but is not ready to make a decision on the Public Square location at this time.

Chief Piche responded that he doesn't need a decision on the Public Square location at this time since the lease doesn't even come up until February 2003 for that storefront.

Councilman Clough commented that he was not sure if he wanted to even vote on this today.

Councilman Simmons commented that NESNID supports the move and he felt Council should also support it at this time.

The following resolution was presented to Council:

INTRODUCED BY COUNCILMAN PAUL A. SIMMONS

WHEREAS the City of Watertown Police Department, through its Community Policing Program, established a satellite office at 724 State Street, and

WHEREAS the Lease Agreement for that site expires on July 31, 2002, and

WHEREAS the City of Watertown Police Department has investigated other sites available in the area and is recommending that the City Council approve a three (3) year lease Agreement with Watertown Redevelopment for a 1,022 square foot office at 281 State Street,

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

BE IT FURTHER RESOLVED that the Mayor, Joseph M. Butler, is hereby authorized and directed to execute the Agreement on behalf of the City of Watertown.

SECONDED BY MAYOR JOSEPH M. BUTLER AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCILMAN CLOUGH VOTING NAY

(Rules waived by motion of Councilman Simmons, seconded by Councilwoman Burns and carried with all voting yea except Councilman Clough voting nay).

Grant Approvals

Mr. Hiller advised Council that the City has been notified that we were successful in obtaining a \$200,000 HOME grant and Neighbors of Watertown were successful in obtaining a \$250,000 grant for the Emerson Place project.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 5:30 P.M. BY MOTION OF COUNCILMAN CLOUGH SECONDED BY COUNCILMAN SIMMONS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Donna M. Dutton, City Clerk