

**REGULAR COUNCIL MEETING  
CITY OF WATERTOWN**

**July 7, 2008**

**7:00 P.M.**

**MAYOR JEFFREY E. GRAHAM PRESIDING**

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

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

City Manager Corriveau presented the following reports to the Council:

- 1 - Reappointing Eugene R. Renzi, Part-Time City Court Judge for the City of Watertown
- 2 - Appointment to the Roswell P. Flower Memorial Library Board of Trustees – Keith Caughlin
- 3 - Adopting Guidelines and Administrative Procedures For Franklin Building Commercial Loan Program
- 4 - Re-Adoption of Fiscal Year 2008-09 Operating Budgets, General and Library Fund
- 5 - Amendment to Fiscal Year 2008-09 General Fund Operating Budget and Management/Management Confidential Pay Plan
- 6 - Approving Amendment No. 1 to the Professional Services Agreement with Stearns & Wheler LLC for Combined Sewer Overflow Modeling and Calibration, Wastewater Treatment Plant
- 7 - Approving Agreement for Professional Services, Bernier Carr & Associates, P.C.
- 8 - Approving Amendment No. 1 to the Professional Services Agreement with Stearns & Wheler LLC for the Design And Construction Services for the Water Treatment Plant Main Pump Station Variable Frequency Drive Replacement
- 9 - Approving Agreement for Construction Inspection Services, GYMO P.C.
- 10 - Approving the Site Plan for the Construction of 200 Multifamily Residential Units, Known as Creekwood, To be Located East of Mill Street, North of Haven Street, West of Plaza Drive, and South of Seaway Plaza, Parcels No. 3-14-105 & 3-14-101
- 11 - Authorizing the Issuance of \$230,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of the Replacement of Equipment at The Sewage Treatment Plant, In and For Said City
- 12 - An Ordinance Amending the Ordinance Dated January 22, 2008, Authorizing the Issuance of \$315,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of the Greensview/Ives Hill Sanitary Sewer Reconstruction, to Increase The Estimated Maximum Cost Thereof and the Amount of Bonds Authorized to \$665,000

**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 16, 2008 was dispensed with and accepted as written by motion of Council Member Clough, seconded by Council Member Smith and carried with all voting in favor thereof.

### **COMMUNICATIONS**

Minutes were received from the library's board meeting.

**ABOVE PLACED ON FILE**

A petition was received in support of the dog park.

**ABOVE PLACED ON FILE**

From Rebekah Madden, Fort Drum, in support of a dog park.

**ABOVE PLACED ON FILE**

From the City Planning Board recommending approval of the revised site plan for Creekwood.

**ABOVE PLACED ON FILE**

Neighbors of Huntington Street submitted unsigned photos of drainage problems from 910 to 920 Huntington Street.

**ABOVE PLACED ON FILE**

From Norman Wayte, Chair of Operation Black River Cleanup, asking for volunteers to help with the cleanup activities at the river on July 12<sup>th</sup>.

**ABOVE PLACED ON FILE**

From Donna Juiliani, 227 Sterling Street, concerning the lack of curbing in front of her house and the damage that vehicles are doing to the grass area between the sidewalk and the roadway.

**ABOVE PLACED ON FILE**

Claim against the City was received from Dale McManaman for damage to his vehicle when he struck a pot hole under the West Main Street overpass.

**ABOVE PLACED ON FILE**

### **PRIVILEGE OF THE FLOOR**

**Rabbi Jacob Roth** addressed the chair concerning energy grants for alternative fuels. He explained that he had spoken with the Clean Cities Commission in Syracuse. Gas vehicles can be retrofitted in an effort to reduce dependence on fossil fuel. He suggested that this is something that could be done with the city's fleet.

Mayor Graham remarked this sounded like a good idea and Rabbi Roth could speak with the City Manager about this.

**Melissa Richardson**, Paddock Street, addressed the chair in support of the dog park.

**Michael McCarthy**, Francis Street, addressed the chair stating that the concert in the park was beautiful. He remarked that the parking lots could use more lighting and it would be nice if Citibus ran to 10 p.m.

**Tim Green**, 255 TenEyck Street, addressed the chair remarking that this issue is not being addressed in the right way. He suggested organizing a non-partisan committee to study the issue and to visit other dog parks.

Mayor Graham responded that if any group of people has a location that can be driven to, he would have no problem with looking at it. He stated that he couldn't speak for the other members. He remarked that the dog park is not solely a government issue and while it would seem that it would need three Council members to say yes; at this point it is not known if the project would be governmental or private. He also commented that it is not a good idea to make extensive phone calls. He suggested just giving Council the information and let them read it over. Mayor Graham also commented that there is a dog park at Fort Drum. He also explained that there hasn't been a proposal advanced by any Council Member to move forward with this project. He commented that to continue to pound on Council isn't going to get the dog park supporters where they want to be.

Mr. Green asked if Council wanted to see the supporters again.

Mayor Graham responded that they should make the information available to Council. However, they should first try to get support in the community.

**S.G.Gates**, Dorsey Street, addressed the chair and discussed the fact that they have been holding fundraisers and have collected monies which are being held in a City account by the City Comptroller. He commented that Mr. Mills doesn't want to take the money any more since Council hasn't supported the project. He also commented that Mr. Mills feels the money should be given back to the donors who are known. Mr. Gates also mentioned that he held another fund raiser this past weekend.

Mayor Graham commented that when money is given to the City it becomes a gift to the City and this was a tacit agreement that it would go to a dog park.

Mrs. Corriveau explained that the city was holding the funds in trust for that specific purpose.

Mr. Mills explained that he had spoken with Mr. Gates and explained that if there wasn't going to be a dog park, the City shouldn't be keeping the money.

Attorney Slye explained the money can only be spent for a particular purpose if given for that purpose.

Mrs. Corriveau remarked that when the City holds money in trust, we want to know where it comes from so it can be returned if the project is not done.

Council Member Clough remarked that Council has said no to the project and asked how the money could be returned.

Mrs. Corriveau explained that \$2,600 can be returned as the donors are known. However, about \$300 was collected as car washes, etc. and we don't know who donated that.

Council Member Clough suggested that Mr. Gates set up his own account for this money.

Mrs. Corriveau advised Council that she had told Mr. Gates to talk with the Attorney General to make sure that they knew he was raising funds.

Council Member Clough commented that March was the deadline and Council should have said to return the money at that time. He remarked that it is not the City's job to look at this for the future.

Mr. Gates responded that the decision on the dog park was just made three weeks ago.

Council Member Clough remarked that Mr. Gates had been told three weeks ago and he still kept fund raising.

Council Member Burns remarked that since the dog park hasn't been sanctioned by the Council, the City shouldn't have an account for it in the Comptroller's Office. She commented that at this point, it is a private venture and Mr. Gates should set up a trust with a local bank.

Council Member Smith commented that at any time Mr. Gates could purchase the land and raise the funds to build a dog park.

Mr. Gates responded that he just wanted to do something good for the community and compared it to wanting a second sheet of ice at the fairgrounds.

Council Member Smith remarked that he wouldn't compare a dog park to helping children have a second sheet of ice to use.

Mayor Graham explained that a decision about the Comptroller account could be made during new business.

**Attorney David Antonucci**, representing Mr. Carl Farone, addressed the chair requesting a

change in the site plan for Public Square which would allow for a previous existing driveway. He explained that this driveway ran from the parking area to Public Square and to Mill Street. Now, there is only one on Mill Street. He explained that delivery trucks can not get in and out of the parking lot. Attorney Antonucci commented that Mr. Farone has maintained his business for many years and by changing this site plan, Council has the opportunity to keep a business on Public Square.

Council Member Smith asked if there had always been a driveway there.

Mrs. Corriveau advised that they could look through engineering records.

Council Member Clough remarked that this is similar to an issue that occurred a few years ago on the south side. He remarked that Council had asked to have Clough Harbour take a look at this.

Mrs. Corriveau explained that Mr. Farone had the opportunity to talk with Mr. Schwartz, who told him why the design was the way it was. She also mentioned that all property owners were notified of public hearings regarding the site plan.

Council Member Butler mentioned that this project has been going on for several years and asked if the City ever said it would keep the driveway.

Attorney Antonucci explained that the driveway was in the 2002 preliminary designs. However, the design was changed since then. He explained that they would prefer an “in and out” driveway to the Square. However, even a “one-way out” driveway would be a great help. He also addressed the concerns of pedestrian safety and mentioned that this concern has existed for decades and there have been no problems.

Council Member Clough commented to Mrs. Corriveau that Council had also asked to see if a drive could be put out to JB Wise.

Attorney Antonucci remarked that this would work also.

Mrs. Corriveau explained that staff would look at egress into the lot when the JB Wise design was being looked at.

Mr. Hauk, City Engineer, explained that, from looking at the area, he doesn't think there is enough space to egress there and the design would eliminate parking as well. He explained that they might be able to create a slip for trailers to back up next to the building.

Mayor Graham remarked that the decision to move the crosswalk has created issues and adding a driveway through the configuration would be problematic. He remarked that we shouldn't lose sight of the fact that this would be a significant change order.

Council Member Clough responded that he would like to know “fact wise”, not just visually, if there could be an egress on to JB Wise. He also questioned why everything has to be a re-design.

Mr. Hauk explained that once we make changes, it has to meet design codes.

Mayor Graham remarked that Walgreens on Arsenal Street had an issue when they put in the parking lot and ended having one of the driveways as “in only” due to the close proximity to the Arsenal Street intersection.

Council Member Clough asked that something be prepared for the next Council meeting.

Mr. Farone commented that a 53’ truck can’t make the corner now and goes over the curbing.

**Ms. Burton**, 1229 Faichney Drive, addressed the chair in support of the dog park. She stated that she is a member of Dogs Deserve Better.

**Wayne Zimmer**, Katherine Street, addressed the chair stating that he had never seen anyone work as hard as Mr. Gates has for the dog park. He stated that Council crushed Mr. Gates. He also remarked that dogs need exercise. He suggested the old City dump as a good location for the dog park.

## **RESOLUTIONS**

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

RESOLVED by the City Council of the City of Watertown, New York that Eugene R. Renzi is hereby reappointed as Part-Time City Court Judge for the City of Watertown for a six-year term, effective July 15, 2008 and expiring July 14, 2014.

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

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

WHEREAS on May 5, 2008, the City Council of the City of Watertown appointed Keith Caughlin to the Roswell P. Flower Memorial Library Board of Trustees, for an eleven year term commencing January 1, 2009 and expiring on December 31, 2019, and

WHEREAS the City Council now wishes to rescind that appointment and appoint Keith Caughlin to the unexpired term of Betty Jeffers, which term commences immediately and expires on December 31, 2017.

NOW THEREFORE BE IT RESOLVED that Keith Caughlin, 327 Keyes Avenue, Watertown, New York is hereby appointed to fill the unexpired term of Betty Jeffers on the

Roswell P. Flower Memorial Library Board of Trustees, which term commences immediately and expires on December 31, 2017.

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

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

WHEREAS the City of Watertown has received Small Cities Community Development Block Grant funding from the New York State Office of Community Renewal to implement the Franklin Building Commercial Loan Program, and

WHEREAS a Policy Guidelines and Operating Plan has been drafted to govern the operation of the Loan Program, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED that the proposed Policy Guidelines and Operating Plan for the Franklin Building Commercial Loan Program is hereby adopted and shall become effective immediately.

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

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

WHEREAS on June 2, 2008 the City Council adopted the Fiscal Year 2008-09 Operating Budgets for the General and Library Funds, and

WHEREAS during the updating of the detail for the Adopted Budget document, it has been determined that there were three errors that need to be corrected,

NOW THEREFORE BE IT RESOLVED that the Fiscal Year 2008-09 Operating Budgets for the General and Library Funds approved on June 2, 2008 are amended to included the attached detail of Changes to Revenues and Expenses.

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

Prior to the vote on the foregoing resolution, Council Member Butler asked about the errors.

Mrs. Corriveau outlined the three errors and noted that there was a zero net change.

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

WHEREAS on June 2, 2008 the City Council adopted the Fiscal Year 2008-09 Operating Budget for the General, and

WHEREAS that Budget includes the position of Planner/Downtown Development Specialist, and

~~WHEREAS it is the City Council's desire to change the position to that of Planner,~~

NOW THEREFORE BE IT RESOLVED that the reference to the Planner/Downtown Development Specialist in the Fiscal Year 2008-09 General Fund budget is changed to Planner, and the reference to Downtown Development Specialist in the Management/Management Confidential Pay Plan is changed to Planner, effective July 8, 2008.

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

Prior to the vote on the foregoing resolution, Council Member Smith remarked that this was not to be a change in the position, but the elimination of the position.

Mrs. Corriveau commented that there are currently 2 ½ planning positions and the proposal was to eliminate the Downtown Development Specialist and create a full time planner position.

Council Member Smith remarked that while the effects are the same, the wording is important and it changes the intent.

Council Member Clough remarked that the way it reads the person in the Downtown Development Specialist position automatically goes into the Planning position and that is not what was discussed.

**MOTION WAS MADE BY COUNCIL MEMBER SMITH TO AMEND THE THIRD SENTENCE OF THE RESOLUTION TO READ "WHEREAS IT IS THE CITY COUNCIL'S DESIRE TO ELIMINATE THE POSITION OF DOWNTOWN DEVELOPMENT SPECIALIST AND TO CREATE A FULL-TIME POSITION OF PLANNER."**

**MOTION WAS SECONDED BY COUNCIL MEMBER CLOUGH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF EXCEPT MAYOR GRAHAM VOTING NAY**

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

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

WHEREAS the City owns and operates a Wastewater Treatment Plant in accordance with a New York State Pollution Discharge Elimination System (SPDES) permit issued by the NYS Department of Environmental Conservation, and

WHEREAS on June 1, 2002, the City's SPDES permit was amended and language was added that requires the City to prepare a Long Term Combined Sewer Overflow (CSO) Control Plan (LTCP), and

WHEREAS the goal of the Long Term Control Plan is to determine what the City should be doing with our active CSOs and the Plan needs to establish the current characteristics of the Black River and the characteristics of the City's discharges into the river, and

WHEREAS on December 18, 2006, the City Council of the City of Watertown approved an Agreement for Professional Services in the amount of \$72,100 with Stearns & Wheler for combined sewer overflow modeling and calibration of five of the fifteen drainage basins within the City that have an active CSO, and

WHEREAS, in connection with that project, City Engineer Kurt Hauk has submitted Amendment No. 1 to the Agreement for the modeling and calibration of four more drainage basins within the City that have an active CSO, and

WHEREAS the total cost associated with this Amendment is \$37,000,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Amendment No. 1 to the Professional Services Agreement with Stearns & Wheler, for modeling and calibration of four more drainage basins within the City that have an active CSO, a copy of which is attached and made part of this resolution, and

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

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

Prior to the vote on the foregoing resolution, Council Member Butler asked if any of the \$72,000 from 2006 had been spent.

Mr. Hauk explained that there was still a few hundred left. He explained that the intention is to have all 15 done over time.

Council Member Butler asked about the price disparity between 2006 and now.

Mr. Hauk explained that there are startup expenses, training expenses and these are the five largest basins.

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

WHEREAS the City's Capital Budget Plan for 2006-07 was a project for the evaluation of the City's Ice Arena, and

WHEREAS in support of that project an RFP was issued and a review team that included members of the Department of Public Works, Parks and Recreation and users of the facility was

established to review all of the proposals received and that team recommended hiring Bernier Carr and Associates, and

WHEREAS an Agreement has been negotiated with Bernier Carr and under the terms of this Agreement Bernier Carr will develop a comprehensive report summarizing the existing conditions, code review, and recommendation for future improvements at a not to exceed cost of \$23,740, and

WHEREAS during budget deliberations for the Fiscal Year 2008-09 budget, the City Council approved an Engineering Feasibility and Scoping Study for the addition of a second sheet of ice to the City's existing facility, and

WHEREAS it has determined that it may be necessary to seek assistance of a specialty consultant with particular expertise in this area to complete this work and as a component of this contract, Bernier Carr and Associates will undertake the steps necessary to identify and secure this expertise so that we can complete the Feasibility and Scoping Study,

NOW THEREFORE BE IT RESOLVED that City Council of the City of Watertown approves the Agreement for Construction Inspection Services between the City and Bernier Carr and Associates, a copy of which is attached and made a part of this resolution and

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

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

Prior to the vote on the foregoing resolution, Council Member Butler asked who negotiated this agreement.

Mrs. Corriveau explained that Mr. Hayes had and the contract was reviewed by Attorney Slye.

Discussion was held concerning the fact that there would be an additional cost for the specialty consultant's over and above what Bernier Carr would pay them which would be the City's responsibility.

Council Member Butler asked why the "dispute resolution" of the contract had strike outs through it.

Attorney Slye explained that the City typically doesn't agree to alternate dispute resolution as we use the NY State Supreme Court system if there is a dispute.

Council Member Butler remarked that it looks like the City is paying for basic program analysis reports. He questioned why we are paying Bernier Carr to tell us how we are using the arena. He suggested that staff could do that.

Mrs. Corriveau explained that this is talking about future programs.

Council Member Butler asked if the specialty consultant could be used in place of Bernier Carr.

Mr. Hayes responded that Council opted to have Bernier Carr in February.

Council Member Butler asked if the City could negotiate to eliminate the 15%.

Attorney Slye explained that if Bernier Carr is going to be responsible for the specialty consultants they would say no. The City's contract is with Bernier Carr.

Answering questions concerning additional strikeouts in the contract, Attorney Slye explained that this is a form contract and strike outs are done to things that do not apply.

Council Member Butler remarked that his concern is that the City is paying for program analysis that we don't need and that the Recreation Department can do.

Mrs. Corriveau explained that the City has asked Bernier Carr to speak to the users of the facility.

Mayor Graham advised that this contract is not a prelude to a second sheet of ice.

Mrs. Corriveau explained that the contract was to put together a master plan. It also needed to be cognizant of the fact that there have been discussions on a second sheet of ice.

Mayor Graham asked what affect the Town of Watertown's upcoming presentation would have on this. He remarked that while he is in favor of preserving and improving the arena, everyone wants to see different end results.

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

WHEREAS on May 21, 2007, the City Council of the City of Watertown approved an Agreement for Professional Services in the amount of \$32,400 with Stearns & Wheler for design and construction services for replacement of the variable frequency drive in the Main Pump Station at the Water Treatment Plant, and

WHEREAS, in connection with that project, Superintendent of Water Gary E. Pilon has submitted the attached Amendment No. 1 for City Council consideration, and

WHEREAS the total cost associated with this Amendment is \$5,046.00,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Amendment No. 1 to the Professional Services Agreement with Stearns & Wheler for design and construction services for replacement of the variable frequency drives in

the Main Pump Station at the Water Treatment Plant, copies of which are attached and made part of this resolution, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and directed to execute the Amendment documents on behalf of the City of Watertown.  
**SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA**

Prior to the vote on the foregoing resolution, Council Member Smith asked why the City has to pay more money for something that took them longer to do. He also asked whose fault it was that it took them longer.

Mr. Pilon explained that about 25% was for additional time spent reviewing the submittals. The review of shop drawings required considerably more effort than the consultant had anticipated in the original scope of services set forth in the agreement. The rest was for time spent at our request to review the equipment proposed by staff to determine whether or not it would be viable and determined that it would be a better alternative.

Mrs. Corriveau explained that the contract was based on an hourly rate. When there were additional shop drawings that had to be reviewed, it wasn't the City's fault or Stearns and Wheler's fault.

Mr. Pilon explained that when all of this is finished, the City will end up with a credit change order of about \$3,000.

Council Member Smith remarked that his whole point is that they bid a certain amount and it took them longer and we just pay it.

Mayor Graham commented that the service has already been provided. You can pay it or not.

Attorney Slye remarked that these are professional services and they were estimated costs. They received more bids than expected and they got the City a better choice as a result of it.

Mrs. Corriveau commented that this is why we have a professional staff. Mr. Pilon has reviewed this and feels that we should pay it.

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

WHEREAS during the development of the City's Capital Budget Plan, City Engineer Kurt Hauk requested and included costs associated with hiring inspection personnel to do construction inspection on some of the upcoming capital construction projects, and

WHEREAS an RFP was issued to eight (8) Engineering firms for this professional service, and the seven (7) responses received were reviewed for qualifications by a team of City Engineering Department personnel and from this process, the group of responders was narrowed down, then the fees packets were opened, and

WHEREAS as a result of this process, an Agreement has been negotiated with GYMO P.C. to provide Construction Inspection Service for the 2008 season which includes three projects, Ten Eyck Street, Butterfield-Barben-Holcomb Sanitary Sewer Upgrade, and Greensview Drive-Ives Hill Sanitary Sewer Upgrade,

NOW THEREFORE BE IT RESOLVED that City Council of the City of Watertown approves the Agreement for Construction Inspection Services between the City and GYMO P.C., a copy of which is attached and made a part of this resolution and

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

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

Prior to the vote on the foregoing resolution, Council Member Clough asked if this was something that we would be doing in-house if the engineering positions were filled.

Mr. Hauk explained that this allows us to put inspectors out in the field at the various projects. He explained that he would be asking for this even if the remaining position was filled.

Council Member Clough asked why we are always talking about change orders and there is always so much discrepancy. He remarked that if we have engineers at the project, part of their job should be to make sure that it is on time and within cost.

Mr. Hauk explained that the engineer monitors the construction. Change orders happen when a field change makes a difference in the original project plans and specifications.

Council Member Butler asked about the \$214,000 anticipated costs for the inspectors.

Mr. Hauk explained that they will be hired at an hourly rate and the numbers are for budget purposes.

Council Member Smith referred to the anticipated weeks and asked Attorney Slye if they would be billed for 30 weeks if it only takes 10.

Attorney Slye remarked that it is only billed by hourly rate worked.

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

WHEREAS Ryan Churchill, of GYMO P.C., has made an application for site plan approval on behalf of Norstar Development USA, LP, for the construction of 200 multifamily units to be located on the east side of Mill Street, north of Haven Street, west of Plaza Drive, and south of Seaway Plaza, Parcels No. 3-14-105 & 3-14-101, and

WHEREAS the Jefferson County Planning Board reviewed the site plan at its meeting held on April 29, 2008, pursuant to General Municipal Law Section 239-m, and adopted a motion recommending approval, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meetings held on June 3, 2008, and July 1, 2008, and recommended that the City Council of the City of Watertown approve the site plan as submitted with the exception of the fence around the storm water management pond, and

WHEREAS the City Council, after completing the Full Environmental Assessment Form, determined the project will not have a significant effect on the environment, and issued a Negative Declaration on June 2, 2008, and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that site plan approval is hereby granted to Ryan Churchill, of GYMO P.C., on behalf of Norstar Development USA, LP, for the construction of 200 multifamily units to be constructed on the east side of Mill Street, north of Haven Street, west of Plaza Drive, and south of Seaway Plaza, Parcels No. 3-14-105 & 3-14-101, as shown on plans submitted to the City Engineer on June 17, 2008, with the exception of the fence around the storm water management pond.

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

## **ORDINANCES**

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

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

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

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

Section 1. To pay the cost of replacement of equipment at the City of Watertown's sewage treatment plant, in and for the City of Watertown, Jefferson County, New York, which is expected to include, but is not limited to, replacement of the influent gates hydraulic ram assembly, the fluid bed incinerator hearth, and clarifier equipment, including incidental expenses in connection therewith, a class of objects or purposes, there are hereby authorized to be issued \$230,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$230,000 and that the plan for the financing thereof is by the issuance of the \$230,000 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 thirty years, pursuant to subdivision four 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. To the extent such appropriation is not made from other sources, 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, 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 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 COUNCIL MEMBER PETER L. CLOUGH AND CARRIED WITH ALL VOTING YEA**

**UNANIMOUS CONSENT MOVED BY COUNCIL MEMBER SMITH SECONDED BY COUNCIL MEMBER CLOUGH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

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

WHEREAS, by ordinance dated January 22, 2008, the Council of the City of Watertown, Jefferson County, New York, authorized the issuance of \$315,000 bonds of said City to pay the cost of the Greensview/Ives Hill sanitary sewer reconstruction, including the upgrade of an 8” sanitary sewer to a 10” sanitary sewer, in and for the City of Watertown, Jefferson County, New York, and incidental expenses in connection therewith, at an estimated maximum cost of \$315,000; and

WHEREAS, the Council now wishes to increase the estimated maximum cost of the aforesaid specific object or purpose from \$315,000 to \$665,000, an increase of \$350,000 over that previously authorized;

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

Section A. The ordinance of this Council dated and duly adopted January 22, 2008, authorizing the issuance of \$315,000 bonds to pay the cost of the Greensview/Ives Hill sanitary sewer reconstruction, including the upgrade of an 8” sanitary sewer to a 10” sanitary sewer, in and for the City of Watertown, Jefferson County, New York, and incidental expenses in connection therewith, is hereby amended, in part, to read as follows:

“AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$665,000 BONDS OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK, TO PAY THE COST OF THE GREENSVIEW/IVES HILL SANITARY SEWER RECONSTRUCTION, IN AND FOR SAID CITY.

“ . . . .

“Section 1. To pay the cost of the Greensview/Ives Hill sanitary sewer reconstruction, including the upgrade of an 8” sanitary sewer to a 10” sanitary sewer, in and for the City of Watertown, Jefferson County, New York, and incidental expenses in connection therewith, a specific object or purpose, there are hereby authorized to be issued \$665,000 bonds of said City pursuant to the provisions of the Local Finance Law.

“Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific object or purpose is \$665,000 and that the plan for the financing thereof is by the issuance of the \$665,000 bonds of said City authorized to be issued pursuant to this bond ordinance.”

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

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

Section C. Upon this ordinance taking effect, the same shall be published in summary in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section D. This resolution is effective immediately.

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

**UNANIMOUS CONSENT MOVED BY COUNCIL MEMBER CLOUGH, SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

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**COUNCIL DISCUSSED THE FOLLOWING TOPICS:**

**Library**

Mayor Graham announced that Council Member Burns has agreed to be the Council's liaison to the library. He also advised that on July 21<sup>st</sup>, the Council will meet at the library at 6 pm to honor the lacrosse players from Syracuse. In addition, library board member, Betty Jeffers, will be honored at 6:30 pm for her years of service on the board. Mayor Graham also referred to the new brochure that has been done for the library walking tour.

**Fort Drum Training Participation**

Mayor Graham remarked that he finds it difficult to take time off on Tuesday for this training. It was decided that Council members will let Mrs. Corriveau know what their availability will be.

**Downtown Master Plan**

Council Member Clough remarked that he would rather see a study on what can be done throughout the City. He questioned when it would reach the point where the businesses downtown will say "we need to do this" instead of the City doing it for them.

Mrs. Corriveau explained that we are just trying to look at what are some of the next physical improvements that the City should be looking at.

Council Member Clough responded that people are more concerned about where they live than they are about downtown or how traffic is backed up.

Council Member Smith remarked that he wouldn't support paying for this.

Council Member Clough remarked that people are sick of surveys.

Council Member Burns questioned Mrs. Corriveau about the need for these surveys to be done by professionals when we are applying for grants.

Mrs. Corriveau said that usually they do like to see that there is a master plan.

Council Member Butler remarked that he agrees with Council Members Clough and Smith. He

stated that he hesitates to spend money on this. He commented that government is way too big on the economic development issues. He stated that he can't see adding another layer.

Mayor Graham remarked that it appeared there was not sufficient support to move forward with this.

### **Mr. Sub Driveway**

Mrs. Corriveau reviewed what Council had asked Mr. Hauk to prepare for the next meeting and asked Mr. Hauk if he would have time to do it.

Mr. Hauk said that he understood what Council wanted him to prepare and he would be able to do it for the next meeting. He will not only address a drive coming off the parkway but also if a delivery vehicle can get into the property and how much it would cost.

### **Tax Sale Acquired Properties**

Council reviewed the memo from Mr. Mills. Mr. Mills advised them that Mr. McWayne will check the properties for codes in the near future.

### **Waterworks Park Ribbon Cutting**

Mayor Graham advised that the ribbon cutting has been scheduled for Saturday, July 12<sup>th</sup> at 10:00 a.m.

### **Letter from Tom O'Riley and Sarah Daniels**

Mrs. Corriveau advised that the letter was written to her and she provided copies for Council. (Not on file in the Office of the City Clerk). She explained that Mr. O'Riley had been advised previously that he was to let the City know at budget time what was needed for the upcoming year.

Council Member Clough said that he would like to know how the money is being spent.

Council Member Butler said he would like to see details regarding ads, etc.

Mayor Graham remarked that the taxpayers are supporting the recreational activity by supporting the physical plant and he is not in favor of government paying for ads.

Council Member Clough remarked that the City doesn't give money to the festivals in town.

Mayor Graham remarked that he shared Council Member Clough's angst.

Council Member Smith asked if this could be handled the way it was for the historical society.

Mrs. Corriveau reminded Council that the City didn't give the society money this year.

Council Member Burns commented that the historical society is not a festival. It is an integral part of downtown year around.

Mrs. Corriveau will prepare copies of this year's historical society's request for the next Council meeting.

Mayor Graham asked when the rock was going to be moved.

Mrs. Corriveau explained that she hasn't spoken with Mrs. Hoffman about it. The water levels have not been conducive to getting the rock out.

### **Dog Park Accounts**

Council Member Burns commented that she has concerns with the City Comptroller having an account for the dog park as it gives the impression that this is going to be a City owned and City maintained dog park. Council hasn't committed to a City dog park and until Council says that this is a City priority, Mr. Gates should be doing this on his own.

**MOTION WAS MADE BY COUNCIL MEMBER BURNS FOR CITY COUNCIL TO DIRECT MR. MILLS, CITY COMPTROLLER, TO DISPERSE THE FUNDS TO THE INDIVIDUALS THAT HE KNOWS GAVE THE MONEY FOR THE DOG PARK AND, IN CONSULTATION WITH ATTORNEY SLYE, DISPOSE OF THE REMAINING FUNDS IN THE PROPER MANNER IN ACCORDANCE WITH THE LAWS GOVERNING MUNICIPALITIES AND IN ADDITION NOT TO ACCEPT ANY MORE DONATIONS.**

### **MOTION WAS SECONDED BY COUNCIL MEMBER CLOUGH**

Council Member Butler suggested amending the motion to give Mr. Gates time to set up bank accounts for the money.

Council Member Burns remarked that her motion didn't signify a specific time line and she would have no problem letting Mr. Gates have time to take care of this matter.

Mr. Gates addressed the chair explaining that they have raised \$5,500 which is ½ of what is needed for the fence.

Council Member Smith suggested that Mr. Gates approach County government for help since many of the supporters are not city residents.

Mayor Graham commented that it can become a slippery slope to analyze the number of outside residents that use a facility.

**AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE MOTION AND**

**CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBER BUTLER AND MAYOR GRAHAM VOTING NAY**

Mr. Gates attempted to turn in more money from the last fund raiser to the City Attorney.

Attorney Slye explained that he could not accept the money and that Mr. Gates would have to take it back.

**Flooding on Huntington Street**

Council Member Butler referred to the photos that had been sent to Council concerning the flooding on Huntington Street. The City Clerk's Office will forward copies of the photos to the City Manager.

**Traffic Studies**

Council Member Butler asked about the status of this.

Mr. Hauk advised that he will have an update for Council at the next meeting.

**Car Lot on Arsenal Street**

Council Member Clough asked about this at the site of the former Red & White Auto.

Mrs. Corriveau explained that Mr. Daily resides there and can have a car for sale on his property.

**ADJOURNMENT**

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 9:28 P.M. BY MOTION OF COUNCIL MEMBER CLOUGH, SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

*Donna M. Dutton*

City Clerk