

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
August 5, 2013  
7:00 p.m.**

**Mayor Jeffrey E. Graham Presiding**

**Present:** Council Member Roxanne M. Burns  
Council Member Joseph M. Butler, Jr.  
Council Member Teresa R. Macaluso  
Council Member Jeffrey M. Smith  
Mayor Graham

**Also Present:** Sharon Addison, City Manager  
Robert J. Slye, City Attorney

**City staff present:** Elliott Nelson, Jim Mills, Ken Mix, Kurt Hauk, Amy Pastuf, Gene Hayes, Brian Phelps, Mike Sligar, Peter Keenan

The City Manager presented the following reports to Council:

- Resolution No. 1 - Appointment of Commissioner of Deeds
- Resolution No. 2 -Approving Administration Services Agreement for Workers' Compensation and 207-a and 207-c Program Amendment, POMCO Group
- Resolution No. 3 - Authorizing a Consolidated Funding Application to New York State for the Black River Revitalization Project – Phase V
- Resolution No. 4 - Finding that the Proposed Black River Revitalization Project – Phase V, as Outlined in the Consolidated Funding Application to New York State, Will Not Have a Significant Impact on the Environment
- Resolution No. 5 - Accepting Status as a Entitlement Grantee for the CDBG Program
- Resolution No. 6 - Approving Change Order No. 1 to Flower Memorial Library Masonry Restoration and Fountain Construction Project Agreement, Raymond E. Kelley, Inc.
- Resolution No. 7 - Finding That The Ordinance Amending the Code of the City of Watertown § 310-1, Definition of Family and §310-34, Accessory Uses in Residence Districts Will Not Have a Significant Impact on the Environment
- Resolution No. 8 -Authorizing Application to the North Country Regional Economic Development Council; 250,000 Gallon Water Storage Tank at Thompson Park
- Resolution No. 9 - Authorizing Application to the North Country Regional Economic Development Council; Waste Water Treatment Plant Disinfection Facility
- Resolution No. 10 - Authorizing a Grant Application to the North Country Regional Economic Development Council; Waste Water Treatment Plant Process Modification Project
- Resolution No. 11- Approving Change Order No. 2 to Agreement, North Country Contractors, LLC
- Ordinance No. 1 - An Ordinance Amending the Bond Ordinance Dated May 21, 2012, as Amended December 3, 2012, Authorizing the Issuance of \$1,215,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay Part of the \$1,785,000 Estimated Maximum Cost of the Reconstruction of Portions of Clinton Street, Including Street Repaving, Sidewalks and Related Rights-of-Way Improvements, and Storm Sewer, Water Main and Sanitary Sewer Work, in and for Said City, to Increase the Estimated Maximum Estimated Cost Thereof to \$1,940,000, Decrease the Portion to be Paid From Current Resources to \$430,000 and Increase the Bonds to \$1,510,000
- Ordinance No. 2 - An Ordinance Authorizing the Issuance of \$325,000 Bonds and the Appropriation and Expenditure of \$325,000 Current Funds of the City of Watertown, Jefferson County, New York, to Pay the Cost of the Purchase and Installation of Water Meters, in and for Said City

- 7:30 p.m. Public Hearing Authorizing Spending From Coagulation Basin Reserve Fund
- 7:30 p.m. Ordinance Amending the Code of the City of Watertown, §310-1, Definition of Family and §310-34, Accessory Uses in Residence Districts
- Sales Tax Revenue – June 2013
- Building Encroachment on Iron Block Site
- Ogilvie Site Cleanup

**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 July 15, 2013 was dispensed and accepted as written by motion of Council Member Burns, seconded by Council Member Smith and carried with all voting in favor thereof.

**PROCLAMATION**

Mayor Graham interrupted the regular course of business to proclaim August 18, 2013, as Franklin Roosevelt Canada-U.S. Friendship Day in the City of Watertown.

**COMMUNICATIONS**

A letter was received from S.G. Gates in regards to the Public Hearing for the Roommate Ordinance and that he agrees with the Mayor's plan to restore the ordinance to its original state.

From Kim Flake regarding the increase in truck traffic and noise on Willow Street due to a new business and increased use of Willow Street by emergency vehicles to get to the police station.

A written notice was received from Shari Simmons regarding a portion of sidewalk which she said is in disrepair along Washington Street in the area where the Farmer's Market is held.

**Above communication was placed on file in the office of the City Clerk.**

The following Summons and Complaint against the City was received.

From Dwayne Rumpfelt for damages sustained when his son was injured while sledding at Thompson Park in December 2012.

**Above claims have been referred to the Board of Audit.**

**PRIVILEGE OF THE FLOOR**

**Thomas Smith**, 655 Cooper St., addressed the chair concerning the need for clean-up of dog feces in his yard by those who walk their dogs in that area. He said he has spoken to City Codes, police, the dog warden and JAG on Fort Drum.

Mayor Graham suggested a memo of report from the Codes department to see if there is any area of regulation on the issue.

## **PUBLIC HEARING**

**At 7:30 p.m. Mayor Graham asked the Deputy City Clerk to read the notice of Public Hearing Concerning Authorizing Spending from the Coagulation Basin Reserve Fund.**

**Mayor Graham declared the hearing open at 7:30 p.m.**

No one spoke.

**Mayor Graham declared the hearing closed at 7:30 p.m.**

**At 7:30 p.m. Mayor Graham asked the Deputy City Clerk to read the notice of Public Hearing Concerning Amending the Code of the City of Watertown, §310-1, Definition of Family and §310-34, Accessory Uses in Residence Districts.**

**Mayor Graham declared the hearing open at 7:31 p.m.**

**Cody Horbacz, 451 West Ten Eyck St.**, addressed the chair saying Council should look at how this law impacts the community and that he does not believe this needed to be amended. He respectfully asked Council to reconsider their position and this should be put behind us and restored to its original state and move on.

**Dan Francis, 463 Harris Drive**, addressed the chair said this ordinance has obviously gotten a lot of attention and wished to review the facts as to how Council got to this point and how it impacts the public. In February, he said Mrs. Cavallario lodged a complaint about her neighbor which is her right. After that, he said Mr. Hartman defended his rights by saying that the people who were living there were chipping in by cooking and cleaning and not actually paying rent. Then it went to the Planning Board for review, and they did the right thing too as public officials. He said they took steps to ensure that friends are no longer allowed to move into a house in a residence A neighborhood. Mr. Francis said his concern is that he had relatives staying with him for six weeks and questioned if he was in violation of a law by having them there. He said Mr. Mix made a comment that this raises a lot of constitutional issues trying to define what a modern family is. An option on the table tonight is for Council to reverse course to correct a wrong, he believes. In conclusion, he said Mrs. Cavallario was right to raise the issue; Mr. Hartman was right to defend his rights; the Planning Board was right in doing what they did, but the

Council is wrong in what they did and tonight they have a chance to right that wrong and he said he hopes they do.

**Mayor Graham declared the hearing closed at 7:36 p.m.**

## **RESOLUTIONS**

### **Resolution No. 1 – Appointment of Commissioner of Deeds**

#### **Introduced by Council Member Jeffrey M. Smith**

WHEREAS Commissioner of Deeds in the cities of this state shall be appointed by the common councils of such cities, and

WHEREAS Commissioner of Deeds shall hold the term of two years, and

WHEREAS Any person who resides in or maintains an office or other place of business in any such city and who resides in the county in which said city is situated shall be eligible to appointment,

NOW THEREFORE BE IT RESOLVED that the following individual is hereby appointed Commissioner of Deeds for the term expiring December 31, 2014.

#### **Non-City Employee**

Amy McDermott-Fiorentino

**Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.**

### **Resolution No. 2 – Approving Administration Services Agreement for Workers’ Compensation and 207-a and 207-c Program Amendment, POMCO Group**

#### **Introduced by Council Member Teresa R. Macaluso**

WHEREAS the City of Watertown is a municipal government which operates facilities in and around said City, and

WHEREAS City employees, Police and Fire personnel work in these facilities in and around the City, and

WHEREAS the City of Watertown requires claims administration services for the City’s Workers’ Compensation claims arising at our facilities, and

WHEREAS the City of Watertown also requires claims administration services for the City’s General Municipal Law 207-a and 207-c claims arising at our facilities, and

WHEREAS the City of Watertown approved a three-year contract with POMCO Group on July 1, 2010, and

WHEREAS an extension of this contract is proposed through July 31, 2014 at the same rates,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves the contract extension for Workers' Compensation and General Municipal Law Section 207-a and 207-c Claims Administration Services with POMCO Group, 2425 James Street, Syracuse, New York, August 1, 2013 through July 31, 2014, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison, is hereby authorized and directed to execute the contract on behalf of the City.

**Seconded by Council Member Jeffrey M. Smith and carried with all voting yea.**

**Resolution No. 3 – Authorizing a Consolidated Funding Application to New York State for the Black River Revitalization Project – Phase V**

**Introduced by Council Member Roxanne M. Burns**

WHEREAS the City Council of the City of Watertown desires to continue its efforts at revitalizing the Black River by implementing its Local Waterfront Revitalization Program, and

WHEREAS the State of New York has announced that grant funding is available through the Consolidated Funding Application process to assist with this effort, and

WHEREAS the Black River Revitalization Project – Phase V consists of planning and design work for a proposed trail connection between the Veterans' Memorial Riverwalk and Whitewater Park and for the design and construction of a bike/hike trail along Huntington Street to link Waterworks Park and Marble Street Park, and

WHEREAS this project is eligible for funding under the New York State Office of Parks, Recreation & Historic Preservation Environmental Protection Fund Municipal Grant Program and the New York State Department of State Environmental Protection Fund Local Waterfront Revitalization Program through the Consolidated Funding Application process,

NOW THEREFORE BE IT RESOLVED that Sharon Addison, as the City Manager of the City of Watertown, is hereby authorized and directed to file a Consolidated Funding Application through New York State for grant funding for the Black River Revitalization Project – Phase V.

**Seconded by Council Member Joseph M. Butler Jr. and carried with all voting yea.**

**Resolution No. 4 – Finding that the Proposed Black River Revitalization Project – Phase V, as Outlined in the Consolidated Funding Application to New York State, Will Not Have a Significant Impact on the Environment**

**Introduced by Council Member Roxanne M. Burns**

WHEREAS the City Council of the City of Watertown, New York has adopted a resolution authorizing the submittal of a Consolidated Funding Application for the Black River Revitalization Project – Phase V, through grant programs from the New York State Office of Parks, Recreation & Historic Preservation Environmental Protection Fund Municipal Grant Program and the New York State Department of State Environmental Protection Fund Local Waterfront Revitalization Program, and

WHEREAS the Black River Revitalization Project – Phase V consists of the design and construction of the Huntington Street Trail that will connect the existing sidewalk on the Eastern Boulevard Bridge to the eastern end of Waterworks Park and will also include survey work, subsurface investigations, and preliminary and final design for the Veterans’ Memorial Riverwalk and Whitewater Park Connection Design, and

WHEREAS the City Council must evaluate actions it may fund or undertake in light of the State Environmental Quality Review Act (SEQRA) and the regulations promulgated pursuant thereto, and

WHEREAS the proposed project would constitute such an “Action”, and

WHEREAS the City Council has determined that the proposed design and improvements are Unlisted Actions, as that term is defined in 6NYCRR Section 617.2, and

WHEREAS to aid the City Council in its determination as to whether the proposed Black River Revitalization Project – Phase V will have a significant effect on the environment, Part 1 of a Short Environmental Assessment Form has been prepared by Staff, a copy of which is attached and made part of this resolution,

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

1. Based upon its examination of the Short Environmental Assessment Form in comparison with the proposed improvements with the criteria set forth in 6NYCRR Section 617.7, no significant impact on the environment is known and the proposed improvements will not have a significant effect on the environment.
2. The Mayor of the City of Watertown is authorized to execute the Environmental Assessment Form to the effect that the City Council is issuing a Negative Declaration under SEQRA.
3. The resolution shall take effect immediately.

**Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.**

**Resolution No. 5 – Accepting Status as an Entitlement Grantee for the CDBG Program**

**Introduced by Council Member Joseph M. Butler Jr.**

WHEREAS the U.S. Department of Housing and Urban Development has notified the City of Watertown that it is eligible to become an Entitlement Community for the first time in Fiscal Year 2014, and

WHEREAS as an Entitlement Community the City will be eligible for an annual allocation from the Community Development Block Grant Program,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby accepts the status as an Entitlement Grantee for the Community Development Block Grant Program, and

BE IT FURTHER RESOLVED that the Mayor Jeffrey E. Graham is hereby authorized and directed to send a letter to the U.S. Department of Housing and Urban Development informing them of the City's acceptance.

**Seconded by Council Member Roxanne M. Burns and carried with all voting yea.**

Prior to the vote on the foregoing resolution, Council Member Smith inquired about restrictions on the use of the CDBG money.

Ken Mix, Planning Coordinator, replied they are the same restrictions as in the Small Cities Program but there is a greater ability to do a wider range of projects because there is no competition with other communities for the funds. He mentioned the criteria are the same and it has to benefit people who are low to moderate income.

Council Member Smith inquired if this money could be used for other things such as pools.

Mr. Mix said as long as there is a low to moderate income benefit it is ok.

Council Member Smith added that there would have to be calculations done as to who goes to the pool and what their income level is.

Mr. Mix said the problem with an area such as a pool, is that it has to be looked at as a City-wide facility so the entire population has to be considered, which 50.4% is low to moderate income. The minimum threshold is 51% in order to count as a low to moderate benefit, he said.

Council Member Smith asked about new housing areas.

Mr. Mix said the occupants of the housing would be the beneficiary in the end. He said it could also be looked at as clearing out slum and blight and possibly put it toward the 30% that does not have to go toward low to moderate incomes.

Mayor Graham pointed out that a representative from the HUD office in Buffalo came to the City and discussed the matter with himself, the City Manager and Mr. Mix, and he explained that this not only offers a bit more money but the certainty of receiving it every year and flexibility in its use.

Mr. Mix remarked that it is not necessarily coming up with a qualified project but the ability to compete with other municipalities, although the City has been very successful over the last 20-30 years.

Council Member Butler asked if Avalon was writing the grant for this previously.

Mr. Mix said they were and that there is no need for them to do it anymore. The City still has to come up with a five year consolidated plan, he said, which is quite an extensive process but with the assurance there is money coming in, the City has the option of hiring permanent staff.

Council Member Butler asked if the City wanted to target a low to moderate income neighborhood, a block or section could be focused on with this money.

Mr. Mix replied that HUD actually encourages a targeted approach and mentioned that the City got away from doing that a couple years ago because if the targeted area was too concentrated, there were not always enough applicants to spend all the money.

Council Member Butler inquired about the disadvantage before, being the City had to apply for the grant but it was always targeting what the grant writer felt was the most qualified or eligible activity.

Mr. Mix said there are very few activities that are not eligible, such as putting funds toward a building for government use or for political action. He reminded Council that at least 70% of the funds have to go toward low to moderate income residents.

Council Member Butler asked how a neighborhood would be validated as low to moderate income.

Mr. Mix said it depends on how big the neighborhood is and census data could be used or income surveys could be done house to house.

**Resolution No. 6 – Approving Change Order No. 1 to Flower Memorial Library Masonry Restoration and Fountain Construction Project Agreement, Raymond E. Kelley, Inc.**

**Introduced by Council Member Roxanne M. Burns**

WHEREAS on May 20, 2013, the City Council of the City of Watertown approved a bid submitted by Raymond E. Kelley, Inc. in the amount of \$253,400 for the Flower Memorial Library Masonry Restoration and Fountain Construction project, and

WHEREAS the project Architect, Crawford and Stearns, has identified extra work that needs to be done after seeing the underlying structure, which is the scope of work for Change Order No. 1, and

WHEREAS Change Order No. 1 results in an additional charge of \$17,700.00, bringing the contract amount to \$271,100.00,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 1 to the contract with Raymond E. Kelley, Inc. for the Flower Memorial Library Masonry Restoration and Fountain Construction project, in the amount of \$17,700.00, and

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

**Seconded by Council Member Jeffrey M. Smith and carried with all voting yea.**

**Resolution No. 7 – Finding That the Ordinance Amending the Code of the City of Watertown 310-1, Definition of Family and 310-34, Accessory Uses in Residence Districts Will Not Have a Significant Impact on the Environment**

**Introduced by Mayor Jeffrey E. Graham**

WHEREAS the City Council of the City of Watertown, New York, has before it a proposed Ordinance amending the Code of the City of Watertown § 310-1, Definition of Family and §310-34, Accessory Uses in Residence Districts, to broaden the definition of “family” as it relates to zoning, and to allow taking of non-transient roomers as an accessory use in Residence districts, and

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

WHEREAS the approval of the zoning amendment would constitute such an “Action,” and

WHEREAS the City Council has determined that the proposed amendment is a Type I Action as that term is defined by 6NYCRR Section 617.2, and

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

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

1. Based upon its examination of the Full Environmental Assessment Form and comparing the proposed action with the criteria set forth in 6NYCRR Section 617.7, no significant impact is known and the adoption of the amendment will not have a significant impact on the environment.
2. The Mayor of the City of Watertown is authorized to execute the Environmental Assessment Form to the effect that the City Council is issuing a Negative Declaration under SEQRA.
3. This Resolution shall take effect immediately.

**Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.**

**Resolution No. 8 – Authorizing Application to the North Country Regional Economic Development Council; 250,000 Gallon Water Storage Tank at Thompson Park**

**Introduced by Council Member Jeffrey M. Smith**

WHEREAS the City of Watertown owns and operates a water treatment and distribution system, and

WHEREAS the 250,000 gallon elevated water storage tank at Thompson Park is an important piece of infrastructure in said water treatment and distribution system, and

WHEREAS on November 12, 2012, the City entered into a Professional Services Agreement with Conestoga – Rovers & Associates to inspect said elevated water storage tank, and

WHEREAS said inspection revealed advanced deterioration to the steel of the tank’s interior and spot corrosion to the tank’s exterior steel as well as limited degradation of the concrete foundation, and

WHEREAS the City of Watertown must undertake several corrective measures to rehabilitate said elevated water storage tank, including sand-blasting and re-coating the entire interior of the tank, as well as recoating the exterior of the tank where points of corrosion exist, and

WHEREAS the cost estimate for the full rehabilitation for said elevated water storage tank is \$915,000 and will be financed through the issuance of a ten-year serial bond by the City of Watertown,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown authorizes application to the North Country Regional Economic Development Council for a grant in the amount of \$183,000 for the purpose of rehabilitating the 250,000 gallon elevated water storage tank at Thompson Park, and

BE IT FURTHER RESOLVED that Water Superintendent Michael J. Sligar is hereby authorized and directed to file said grant application on behalf of the City of Watertown.

**Seconded by Council Member Joseph M. Butler Jr. and carried with all voting yea.**

**Resolution No. 9 – Authorizing Application to the North Country Regional Economic Development Council; Waste Water Treatment Plant Disinfection Facility**

**Introduced by Council Member Jeffrey M. Smith**

WHEREAS the City of Watertown owns and operates a Waste Water Treatment Plant located at 700 William T. Field Drive, Watertown, NY 13601, and

WHEREAS in February, 2011 the City learned that the new State Pollution Discharge Elimination System (SPDES) permit for the Waste Water Treatment Plant contained new language requiring the installation of a disinfection system at the Plant’s outfalls, and

WHEREAS on November 7, 2011, the City Council of the City of Watertown approved a Professional Services Agreement with Stearns and Wheler GHD, to perform the preliminary design, final design and construction administration services related to said disinfection facility project, and

WHEREAS on February 11, 2013 the project reached the 95% completion point for design drawings and construction contract specifications, and

WHEREAS the total cost of the project is estimated to be \$6.1 million and will be financed through the issuance of a ten-year serial bond by the City of Watertown;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown authorizes application to the North Country Regional Economic Development Council for a grant in the amount of \$500,000 for the purpose of constructing a disinfection facility at the Waste Water Treatment Plant, and

BE IT FURTHER RESOLVED that Water Superintendent Michael J. Sligar is hereby authorized and directed to file said grant application on behalf of the City of Watertown.

**Secinded by Council Member Joseph M. Butler Jr. and carried with all voting yea.**

**Resolution No. 10 – Authorizing a Grant Application to the North Country Regional Economic Development Council Waste Water Treatment Plant Process Modification Project**

**Introduced by Council Member Jeffrey M. Smith**

WHEREAS the City Council of the City of Watertown desires to make the improvements to the Watertown Pollution Control Plant, pertaining to the sludge disposal process and

WHEREAS, if implemented, this project would enable the beneficial land application of generated biomass, enable the facility's sewage incinerator to be permanently taken off-line, and

WHEREAS, if implemented, this project would eliminate the need for 28,275 gallons of fuel oil per year, and would also reduce the facility's electricity consumption by approximately 308,000 kilowatt hours annually, and

WHEREAS the alterative sludge disposal proposed in this application will also result in a dramatic increase in methane gas production, which would support a 125+ KW micro turbine and produce electricity for use at the Pollution Control Plant, and

WHEREAS the New York State Energy Research and Development Authority (NYSERDA) has announced that grant funds are available, and

WHEREAS the North Country Regional Economic Development Council will also review this grant application, and

WHEREAS the City Council of the City of Watertown believes that this project at the City's Pollution Control Plant is in-line with the North Country Regional Economic Development Council's strategic plan, and

NOW THEREFORE BE IT RESOLVED that Michael J. Sligar, Superintendent of Water, is hereby authorized and directed to file a grant application to the North Country Regional Economic Development Council for the purpose described above.

**Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.**

**Resolution No. 11 – Approving Change Order No. 2 to Agreement, North Country Contractors, LLC**

**Introduced by Council Member Roxanne M. Burns**

WHEREAS on May 21, 2012, the City Council of the City of Watertown approved a bid submitted by North Country Contractors, LLC in the amount of \$1,458,000 for the reconstruction of Clinton Street from Holcomb Street to Washington Street, and

WHEREAS on November 19, 2012, the City Council of the City of Watertown approved Change Order No. 1 submitted by North Country Contractors, LLC in the amount of \$292,006.99, and

WHEREAS City Engineer Kurt W. Hauk has submitted the Change Order No. 2 to that contract for consideration by the City Council, and

WHEREAS Change Order No. 2 results in an additional charge of \$160,011.71, bringing the contract amount to \$1,910,018.70,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 2 to the contract with North Country Contractors, LLC for the reconstruction of Clinton Street from Holcomb Street to Washington Street in the amount of \$160,011.71, a copy of which is attached and made a part of this resolution, and

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

**Seconded by Council Member Teresa R. Macaluso and carried with Mayor Jeffrey E. Graham, Council Member Roxanne M. Burns and Council Member Teresa R. Macaluso voting yea, and Council Member Joseph M. Butler Jr. and Council Member Jeffrey M. Smith voting nay.**

Prior to the vote on the resolution, Council Member Smith asked when the ADA requirement changes took place.

Kurt Hauk, City Engineer, pointed out the difference is the details in the plans. At the time, he said the City mirrored a lot of the DOT's ADA details but had to change them.

Council Member Smith asked if the regulations were already in place or if they were new laws.

Mr. Hauk replied there are several different versions of ADA which the City tried to amalgamate into the new details so that way whichever project the City has, it is covered.

Council Member Smith questioned the thickness of the asphalt in relation to the traffic on the street.

Mr. Hauk said there is a standard asphalt thickness and the traffic counts showed even off-peak hours still had a lot of delivery truck traffic which mandated the need for thicker asphalt.

Council Member Smith inquired if the company will be coming back to fix any damages or other work that needs to be done, such as cracked sidewalks.

Mr. Hauk noted there is some work that still needs to be done and he said he will check.

Council Member Butler mentioned the discussion of adding grass between the curb and the sidewalk and questioned why they did not take into account ADA requirements then.

In response, Mr. Hauk said the width of the sidewalk is five feet but there are various permutations of allowing passage. He noted that angles and dropdowns change with the driveways and there are certain places where the landing areas are different.

Council Member Butler asked who designed this project and the total original budgeted amount.

Mr. Hauk replied that it was done in-house with a pre-design estimate of a little over \$2 million with bids received around \$1.6 million.

Mayor Graham said his only question pertains to the street lights and why the wires were not put underground.

Mr. Hauk said the street light topic is one that the City is looking to National Grid to relocate to comply with and noted it is an issue of clearance to get a minimum width of three feet.

Mayor Graham commented that that area should be consistent with the kind of power feeds on the rest of the street.

Council Member Burns remarked that the Mayor is completely correct and added that the 100 block of Clinton Street is residential but the rest is commercial, which leads right into downtown, which does have the power lines underground now. Her question is, if a change is made at a later date does that mean that everything has to be dug up again to bury the wires.

Mr. Hauk said National Grid would either have to get easements from neighboring property owners or they would have to cut the asphalt and put the lines in the street.

Council Member Burns stated that this issue should have been taken care of prior to the project rather than after.

Council Member Smith noted that in past projects, such as State Street, when National Grid was dragging their feet, they always had the utilities in the right of way, which means the City could later tell them to remove it from that area. He added that there is some leverage over National Grid.

Mr. Hauk commented that there are two different tariffs; one for the street lamps and another for the power poles. He said he has discussed this with Grid.

Council Member Smith remarked that there seems to be so many issues and overruns on contracts and questioned how the figures can be so far off.

Mr. Hauk said he does not disagree but the biggest problem on this project was the redesign of the storm and sanitary sewers.

**Resolution No. 12- Accepting Bid for Thompson Park Cedar Shingle Roof Rehabilitation Project; SONY NY Management & Construction Corporation**

**Introduced by Council Member Roxanne M. Burns**

WHEREAS the City Purchasing Department has advertised and received sealed bids for the rehabilitation of the cedar shingle roofs for the pavilion and the restroom structure at Thompson Park, and

WHEREAS bid specifications were requested by twelve (12) contractors, with four (4) bids received and publicly opened and read in the City Purchasing Department on Friday, June 21, 2013 at 11:00 a.m., and

WHEREAS City Purchasing Manager Amy Pastuf and City Engineer Kurt Hauk reviewed the bids received, and it is their recommendation that the City Council accept the bid submitted by Sony NY Management & Construction Corporation, and exercise Alternative 1, for a bid total of \$268,199.20;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York accepts the bid submitted by Sony NY Management & Construction Corporation as detailed above, for the rehabilitation of the cedar shingles roofs for the pavilion and the restroom structure at Thompson Park.

**There was no second.**

**ORDINANCES**

**Ordinance No. 1 - An Ordinance Amending the Bond Ordinance Dated May 21, 2012, as Amended December 3, 2012, Authorizing the Issuance of \$1,215,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay Part of the \$1,785,000 Estimated Maximum Cost of the Reconstruction of Portions of Clinton Street, Including Street Repaving, Sidewalks and Related Rights-of-Way Improvements, and Storm Sewer, Water Main and Sanitary Sewer Work, in and for Said City, to Increase the Estimated Maximum Estimated Cost Thereof to \$1,940,000, Decrease the Portion to be Paid From Current Resources to \$430,000 and Increase the Bonds to \$1,510,000**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS, by ordinance dated on May 21, 2012, as amended December 3, 2012, the Council of the City of Watertown, Jefferson County, New York, authorized the issuance of \$1,215,000 serial bonds to pay a portion of the \$1,785,000 estimated maximum estimated cost of the reconstruction of portions of Clinton Street;

WHEREAS, it now appears that the estimated maximum cost of the reconstruction of Clinton Street should be increased to \$1,940,000, and that the portion of the \$1,940,000 estimated maximum estimated cost to be paid from current resources should be decreased to \$430,000, and the amount of bonds authorized should be increased to \$1,510,000;

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

Section A. The title and Sections 1 and 2 of the ordinance dated and duly adopted May 21, 2012, as amended December 3, 2012, authorizing the issuance of \$1,215,000 bonds to pay part of the \$1,785,000 estimated maximum cost of the reconstruction of portions of Clinton Street, are hereby amended, in part, to read as follows:

“AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$1,510,000 BONDS OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK, TO PAY PART OF THE \$1,940,000 ESTIMATED MAXIMUM COST OF THE RECONSTRUCTION OF PORTIONS OF CLINTON STREET, INCLUDING STREET REPAVING, SIDEWALKS AND RELATED RIGHTS-OF-WAY IMPROVEMENTS, AND STORM SEWER, WATER MAIN AND SANITARY SEWER WORK, IN AND FOR SAID CITY.

“ . . . . .

“Section 1. To pay part of the cost of reconstruction of portions of Clinton Street in and for the City, including street repaving, sidewalks and related rights-of-way improvements, and storm sewer, water main and sanitary sewer work, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$1,510,000 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 \$1,940,000 and that the plan for the financing thereof is by the issuance of the \$1,510,000 bonds of said City authorized to be issued pursuant to this bond ordinance, together with the use of \$430,000 current funds of the City.”

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 Roxanne M. Burns**

**Motion for unanimous consent was made by Council Member Burns, seconded by Council Member Macaluso and carried with all voting in favor thereof.**

Council Member Butler asked if the amount the City is borrowing does include change orders one and two.

Jim Mills, City Comptroller, replied that it does include those change orders.

Mayor Graham commented that the amount being paid by current reserves is being reduced as well.

Mr. Mills said that is correct and originally the sanitary sewer portion was estimated to be higher than it actually came in so the funding needs to be shifted around. The water and general funds need to borrow for their shares, he said.

**At the call of the chair vote was taken on the foregoing ordinance with all voting in favor thereof.**

**Ordinance No. 2 – An Ordinance Authorizing the Issuance of \$325,000 Bonds and the Appropriation and Expenditure of \$325,000 Current Funds of the City of Watertown, Jefferson**

**County, New York to Pay the Cost of the Purchase and Installation of Water Meters, in and for Said City**

**Introduced by Council Member Jeffrey M. Smith**

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 part of the cost of the purchase and installation of water meters, including incidental expenses in connection therewith, all in and for the City of Watertown, Jefferson County, New York, there are hereby authorized to be issued \$325,000 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 \$650,000 and that the plan for the financing thereof is as follows:

- a. by the issuance of the \$325,000 bonds of said City authorized to be issued pursuant to this bond ordinance; and
- b. by the expenditure of \$325,000 current funds of said City authorized to be expended pursuant to this ordinance.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is twenty years, pursuant to subdivision thirty 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.

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 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. 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 9. The City Comptroller is hereby further authorized, at his or her sole discretion, to execute a project financing 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 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 10. The intent of this resolution 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 bonds and, or notes, without resorting to further action of the City Comptroller.

Section 11. 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 its 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 12. 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 resolution 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 13. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.151 2. Other than as specified in this resolution, 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 14. This ordinance, which takes effect immediately, shall be published in summary in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**Seconded by Council Member Teresa R. Macaluso**

**Motion for unanimous consent was made by Council Member Smith, seconded by Council Member Macaluso and carried with all voting in favor thereof.**

**At the call of the chair, vote was taken on the foregoing ordinance with all voting yea.**

## **OLD BUSINESS**

**The Resolution “Public Hearing Authorizing Spending From Coagulation Basin Reserve Fund”.**  
*(Introduced on July 15, 2013; public hearing held this evening; appears in its entirety in the 2013 Minutes Book on pages 8-9 of the 7/15/2013 minutes).*

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.**

**The Ordinance “Amending the Code of the City of Watertown, §310-1, Definition of Family and §310-34, Accessory Uses in Residence Districts”.** *(Introduced on April 1, 2013; public hearing held this evening; appears in its entirety in the 2013 Minutes Book on page 5 of the 4/1/2013 minutes).*

**At the call of the chair, a vote was taken on the foregoing ordinance and defeated with Council Member Roxanne M. Burns, Council Member Joseph M. Butler Jr. and Council Member Jeffrey M. Smith voting nay, and Council Member Teresa R. Macaluso and Mayor Jeffrey E. Graham voting yea.**

## **STAFF REPORTS**

### **Sales Tax Revenue – June 2013**

Mayor Graham commented that numbers shown are eye-openers to an extent, although they represent only one month. As someone who is semi-involved in retail business, he said the months of June and July, for himself and some of those he has talked to, have seen lower numbers this year than the same period a year ago.

### **Building Encroachment on Iron Block Site**

Mayor Graham asked if Council is agreeable to considering a resolution to fix up this anomaly.

Council concurred.

### **Ogilvie Site Cleanup**

Staff’s recommendation is to move ahead with the second scenario, Mayor Graham reported.

Council Member Smith suggested discussing the matter further at a work session.

### **Pavilion Roof**

Mayor Graham brought up Resolution 12 regarding the pavilion roof, and said that from his point of view, it is difficult to digest late-breaking legislation, which may have been the feeling of some of the other Council members.

### **Maggie’s Deck**

Mayor Graham said he received a response from the NYS Comptroller about his inquiry, noting that they declined to offer an opinion which leaves the City squarely in the court of the Department of State. He asked Attorney Slye if there was something he would like to offer.

Attorney Slye replied he is not in the position to talk about what the adjacent property owner is willing to do, which is what is being worked on by the Department of State currently.

## **NEW BUSINESS**

### **Reimbursement for Indigent Funerals**

Mayor Graham said there was an inquiry from Mr. Williams at the North Watertown Cemetery about his difficulty in getting reimbursed from the County for funeral services for the indigent. Mayor Graham said he is not sure this is a topic for the City to get involved in, but in terms of publicity, he wished to pass it along to the media.

Council Member Smith suggested contacting the County Legislators.

Mayor Graham said a letter could be drafted to those representing the City.

### **Restrooms in Thompson Park**

Council Member Burns commented that the pavilion roof issue brings to mind the restrooms in Thompson Park which is an ongoing issue that has been discussed many times. She said it is one of those things that seems small but is really a big issue and the City should do what it has to do to address this issue. She added that the locker room near the park pool is in dire need of work as well. The time has come to stop talking about it and figure out what can be done.

Mayor Graham said some preliminary drawings were done a few years ago and added that he agrees with Council Member Burns, saying that restrooms should be in a location where they are easily accessible and suggested the possibility of using a pre-fab style. He mentioned that the locker room at the park also speaks for the long-term viability of that pool.

Council Member Burns said she understands the importance of the pavilion roof rehabilitation but to the average person, something as basic as a restroom is going to be more of a priority than a building roof.

Mayor Graham said that after being up there and seeing the extra work involved in installing a cedar shake roof, he commented that every contractor will say that a metal roof will last at least 50 years and is much more functional. He said he was not really in favor of the cedar shake roof for the zoo pavilion and noted he is not really in favor of that style for this either because it is a lot of extra money, which could go toward restrooms.

Council Member Macaluso said she agrees and that cedar shingles are very expensive and hard to maintain and added that she does not think anyone cares about the type of roof.

Council Member Smith said the issue with the cedar shingles becomes maintenance and noted they can last for years, as long as they are maintained. He said he agrees with the restroom issue and noted that there has been a lot of money put into the bathhouse at the park less than a decade ago and is unsure if it is being maintained as it should.

Mr. Hauk told Council that the bid they had before them tonight was not for a cedar shake roof, but rather a faux cedar shake roof. He explained it is a three tab shingle system, similar to what would be put on a house but when it is installed, it looks like a cedar shake roof. The cost of the faux shingle is slightly more expensive, he said.

Council Member Butler asked what the composition is of the shingle.

Mr. Hauk said he has a sample in his office and will put a report together for the next meeting.

### **Mercy Building**

Mayor Graham said he met this morning with Steven Aiello of COR Development in Syracuse, which was a follow-up of a meeting from several months ago about their intention to acquire the Mercy properties on Stone Street. He said COR has successfully done that by getting a deed in lieu of foreclosure, which solves some significant issues. It solves an immediate safety and security problem, which they are fully aware of, which include combustion issues inside the building and that the electricity is on. They will start doing asbestos remediation and said, in a statement, the demolition should start in early October. Construction should start one year from now on the residential/commercial hybrid, he said. He referred to the artist's rendition, which mirrors what can be seen in larger cities and suburbs. It will be market rate housing, meant to appeal to those beyond having children as well as young professionals. One hundred sixty units will be spread among four buildings, he said, and the configuration may change depending on certain issues. He mentioned he will go up to Malone tomorrow (August 6) to speak at the regional Council meeting on behalf of the City to provide some extra emphasis to make sure that the State supports it. This gives the City a real corridor of development, he said, and there are some great things going on over the next three to five years giving the City a lot to be thankful for today.

Council Member Smith said this also finalizes what has been going on for some time, which started a little over a decade ago with the State Street and Downtown reconstructions. He mentioned several other projects which have occurred and that this is a nice project and as a City we should be very happy.

Council Member Butler commented that if you look at the \$100 million that will be invested in this community in the downtown corridor, it is unlike any type of investment the City has ever seen before.

Council Member Burns wished to add another piece of history that is crucial, which is the pressure Council put on Jefferson County to put the addition on the County building, to keep the Court System there and to keep the old County Courthouse, which has been renovated. She mentioned the cleanup of the area around Arcade Street. The Mercy complex consists of 8.9 acres in downtown Watertown and she said she cannot imagine what that area would look like if this best-case scenario had not occurred.

Mr. Mix said it is most appropriate to put in housing in areas close to downtown, which will help existing and new businesses. The architecture they picked out is very nice, he said, with the structure up against the street with parking in the back, rather than the usual suburban type layout.

**Motion was made by Council Member Macaluso to move into Executive Session to discuss collective bargaining, potential litigation and personnel matters.**

**Motion was seconded by Council Member Butler and carried with all voting in favor thereof.**

Council moved into Executive Session at 8:09 p.m.

Council reconvened at 9:00 p.m.

## **ADJOURNMENT**

**At the call of the chair, meeting was duly adjourned at 9:00 p.m. by motion of Council Member Smith, seconded by Council Member Butler and carried with all voting in favor thereof.**

*Amanda C. Lewis*  
Deputy City Clerk