

**REGULAR COUNCIL MEETING
CITY OF WATERTOWN
August 16, 2004
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

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

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

City Manager Corriveau presented the following reports to the Council:

- 1 – Authorizing Purchase of Property Known as 127-129 State Place, Parcel No. 6-08-124
- 2 – Accepting Bid for Hydraulic Hammer, Anderson Equipment Company
- 3 - Approving Agreement for Construction Inspection Services, Runway 10 Rehabilitation and Runway 10-28 Safety Area Improvements
- 4 – An Ordinance Authorizing the Issuance of \$50,000 Serial Bonds of the City of Watertown, Jefferson County, New York to Pay the Additional Costs of the Reconstruction of the Pearl Street Bridge In and For Said City

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 August 2, 2004 was dispensed with and accepted as written by motion of Councilwoman Burns, seconded by Councilman Clough and carried with all voting in favor thereof.

COMMUNICATIONS

Minutes were received from the library's board meeting.

ABOVE PLACED ON FILE

Claim against the City was received from the estate of Randy S. Come for fatal personal injuries he sustained on May 19th.

ABOVE CLAIM REFERRED TO THE BOARD OF AUDIT

PRIVILEGE OF THE FLOOR

Katherine Grant, 640 Boyd Street, addressed the chair concerning the continuing nuisance problems in her neighborhood. She explained that vulgar language and action as well as noise occur all day and all night. She stated that children live in this environment at both 648 and 649 Boyd Street and she asked again for help with this situation.

Ed Converse, 660 Boyd Street, addressed the chair concerning the problems on Boyd Street. He stated that both the properties do not look fit to be inhabited. He stated that he is a landlord and the Fire Dept. checks his property once a year. He questioned why this hasn't happened at the two properties. He stated that there also appears to be drug activity at both locations. He questioned why the City couldn't adopt the stricter State Code.

Mrs. Corriveau explained that the City does use the State Code, as it automatically pertains to municipalities.

Ms. Grant stated that John Lacheneur owns 648 Boyd Street and Mr. Danza, who lives on S. Pleasant Street, owns 649 Boyd Street. She also stated that Officer Woods has really gone the extra mile to help with this situation.

Councilman Clough reminded those present that there was a problem there years ago. He asked if Codes followed up with the complaint from a few weeks ago.

Mr. Mix explained that he had spoken with Codes about this.

Mrs. Corriveau will do a follow up.

Councilwoman Burns assured those present that Mrs. Corriveau will be in contact with Chief Piche and Officer Woods. She asked the neighbors if they had contacted DSS about the conditions that the children are living in.

Mrs. Corriveau explained that notifications have to be given, even when it is a chronic problem property.

Ken Thompson, 667 Boyd Street, addressed the chair stating that there appears to be drug activity going on at the properties and they have been taking down license plate numbers.

Mayor Graham asked if some of these statements could be put in affidavit form and used to have charges brought against the offenders.

Attorney Slye remarked that the issues being discussed this evening need to be investigated by the police. He explained that the City doesn't have a nuisance status ordinance.

Councilman Bradley commented that perhaps it is time that the City did.

Attorney Slye also explained that when Council adopted the property maintenance code, Council also had before it a law requiring landlord registration. However, the Council decided against that particular law. He also stated that the City tried to get DSS not to certify certain places. However, they didn't want to do so.

Councilwoman Burns remarked that these rentals are being funded by taxpayers. She informed the neighbors that since DSS is a County agency, they need to address this issue with the County Legislators. She also asked if these problems could fall under the City Health Officer.

Attorney Slye explained that the issue would have to be a public health issue in order to fall under that.

Mrs. Corriveau remarked that the City did have good cooperation from DSS on the S. Meadow Street property. She explained that there is now a new director for Social Services and it may be an opportunity to do an outreach to see if an inspection program could be put in place. She will check into City staff meeting with the County's Social Service staff.

Mayor Graham asked if there was a database on the most recalcitrant landlords.

Mrs. Corriveau explained that there is a record by code offenses.

Mayor Graham suggested having those merged with addresses of police complaints.

Councilman LaBouf thanked the residents for coming forward. He said that it is a tragedy to see what has happened in that neighborhood. He also remarked that he would like to know more about the nuisance property code.

Attorney Slye explained that it is primarily a drug use law.

RESOLUTIONS

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS the City's 2002 Small Cities Community Development Block Grant has been amended to allow funding to be expended for the acquisition and demolition of 127-129 State Place, Parcel No. 6-08-124, and

WHEREAS the City of Watertown has reached an agreement with the owner to purchase said property for \$8,500,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes the purchase of 127-129 State Place, Parcel No. 6-08-124 for a purchase price of \$8,500, and

BE IT FURTHER RESOLVED that the City Comptroller is authorized, upon acceptance of the offer to purchase said property, to issue a check in the amount of \$1,500 as a deposit, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and directed to execute the Contract to Purchase, a copy of which is attached and made part of this resolution.

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

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS the City Purchasing Department has advertised and received sealed bids for the purchase of one new and unused hydraulic hammer to be mounted on the City Water Department's new Case backhoe, and

WHEREAS invitations to bid were issued to five (5) prospective bidders, with three (3) bids being received, and

WHEREAS on Monday, July 26, 2004, at 11 a.m., the bids received were publicly opened and read, and

WHEREAS City Purchasing Agent Robert J. Cleaver reviewed the bids received and is recommending that the City Council accept the bid of Anderson Equipment Company, 22607 Murrock Circle, Watertown, New York, in the amount of \$12,500, which meets the City's specifications,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York accepts the bid submitted by Anderson Equipment Company, 22607 Murrock Circle, Watertown, New York, in the amount of \$12,500 for the purchase of one (1) new and unused hydraulic hammer to be mounted on the City Water Department's new Case backhoe.

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

INTRODUCED BY COUNCILWOMAN ROXANNE M. BURNS

WHEREAS on July 6, 2004, the City Council accepted an FAA Grant Agreement which supports the construction phase of the Runway 10 reconstruction and the Runway 10-28 Safety Area Improvements, and

WHEREAS the Grant is in the amount of \$1,904,720, which represents 95% of the estimated total project cost of \$2,005,000, and

WHEREAS the City Council approved a bid to Rifenburg Construction, Inc. Troy NY, for the construction portion of this project, and

WHEREAS the City is in need of construction inspection and construction administration services associated with this project, and

WHEREAS after an independent fee review, Superintendent of Public Works Eugene P. Hayes is recommending that the City Council approve an Agreement for Professional Engineering Services with Bernier Carr and Associates, in the amount of \$209,100,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement for Professional Services with Bernier Carr and Associates related to the Runway 10/28 rehabilitation in the amount of \$209,100, a copy of which Agreement is attached and made a part of said resolution, and

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

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

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS on April 19, 2004, the City Council accepted the bid submitted by D.M. Ferlito Construction, Inc. in the amount of \$201,750 for installation of sanitary sewer lines on Eastern Boulevard, and

WHEREAS subsequent to the approval of this bid, the City of Watertown initiated a change in the specification for the final backfill, which resulted in a decrease in the quantities included in contract, and

WHEREAS Interim City Engineer, Gary E. Pilon has forwarded Change Order No. 1 to this contract for City Council consideration, a copy of which is attached and made a part of said resolution, and

WHEREAS Change Order No. 1 is a **credit** Change Order in the amount of \$8,421.30,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Change Order No1. to the contract with D.M. Ferlito

Construction, Inc. for installation of sanitary sewer lines on Eastern Boulevard in the amount of \$8,421.30, and

BE IT FURTHER RESOLVED that Mayor Jeffrey E. Graham is hereby authorized and directed to execute Change Order No. 1 on behalf of the City of Watertown.

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

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

ORDINANCES
INTRODUCED BY COUNCILMAN PETER L. CLOUGH

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

WHEREAS, by bond ordinances dated November 15, 1999 (Ordinance No. 10), May 7, 2001 (Ordinance No. 1), and February 17, 2004 (Ordinance No. 1), the Council of the City of Watertown, Jefferson County, New York, authorized the issuance of \$80,000, \$543,000 and \$1,977,000 serial bonds, respectively, of said City to pay expenses in connection with the reconstruction of the Pearl Street Bridge, including incidental expenses in connection therewith, in and for the City of Watertown, Jefferson County, New York; and

WHEREAS, it has now been determined that the maximum estimated cost of the aforesaid reconstruction is \$2,650,000, and increase of \$50,000 over that previously authorized; and

WHEREAS, it is now desired to authorize the issuance of \$50,000 serial bonds of said City to finance additional costs of said specific object or purpose;

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

Section 1. For the specific object or purpose of paying additional costs of the reconstruction of the Pearl Street Bridge, including incidental expenses in connection therewith, there are hereby authorized to be issued \$50,000 serial bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of such specific object or purpose is \$2,650,000, and that the plan for the financing thereof is as follows:

a. by the issuance of the \$80,000 serial bonds of said City authorized to be issued pursuant to bond ordinance dated November 15, 1999;

b. by the issuance of an additional \$543,000 serial bonds of said City authorized to be issued pursuant to bond ordinance dated May 7, 2001;

c. by the issuance of an additional \$1,977,000 serial bonds of said City authorized to be issued pursuant to bond ordinance dated February 17, 2004; and

d. by the issuance of an additional \$50,000 serial bonds of said City to be issued pursuant to this bond resolution; provided, however, that the amount of serial bonds ultimately to be issued will be reduced by the amount of any State and, or Federal aid received by said City for such specific object or purpose.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 10 of paragraph a of Section 11.00 of the Local Finance Law, calculated from May 31, 2001, the date of issuance of the first obligations issued for the aforesaid specific object or purpose. It is hereby further determined that maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Watertown, Jefferson County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

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

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

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

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

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

1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.
Section 11. This ordinance, which takes effect immediately, shall be published in full in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

(Unanimous consent moved by motion of Councilman Clough, seconded by Councilman Bradley and carried with all voting in favor thereof.)

COUNCIL DISCUSSED THE FOLLOWING TOPICS:

Tax Sale Memo

Mrs. Corriveau presented the memo to Council. She explained that the redemption period for these properties included in the June 25, 2002 sale auction expired June 25, 2004. The City was the holder of the tax sale certificates for the properties listed, which were not redeemed by the deadline. The City now has the option to issue itself a tax sale deed on the properties. She referred to the three Paragon Plate Glass Inc. properties. She explained that Mr. Mills had spoken with them and they were aware of the redemption time expiring. The bank chose not to exercise its option to redeem the property in their name. Mr. Fusco, owner of Mick's Place and tenant of the property, hasn't been notified as of yet.

Attorney Slye explained that the bank came in one day late to pay the taxes on behalf of the owner. It was hoped that the bank would have become the title owner and paid the taxes prior to the end of the redemption period. However, that did not happen and the bank only offered to pay the taxes on behalf of the owner. He stated that the property couldn't be redeemed after the redemption period is done. He stated that Council can sue the owner for the taxes or they can take title to the property. He also explained that the City wants to take time to check into any environmental issues that might be present on the property before taking title. He also stated that there are other liens against the property.

Mrs. Corriveau stated that it was her understanding that the owner did have discussions with the bank prior to the end of the redemption period. She stated that the City is at the point where the City can take title, but they want time to notify the owners. The City has a right to enter into negotiations and sell the property at private sale or at auction.

Mrs. Corriveau also advised Council that three of the other properties on the list are occupied and the City will begin eviction procedures on them.

Councilman Bradley commented that 122 TenEyck Street has been vacant for years.

Mrs. Corriveau remarked that prior to auction, Mr. McWayne would go out and check the properties.

Status of Bus Transfer Site

Councilwoman Burns asked about this.

Mr. Pilon explained that they are going to start finishing the concrete floors and the plan is to start the site work very soon. They are waiting for the prefab structure to be delivered.

Mayor Graham asked if the parking lot adjacent to the site would be done soon.

Mr. Pilon explained that the design has been done. Now it is just a matter of getting to it.

Mrs. Corriveau stated that it is the intent to have it done before winter. However, it probably will not be done before the Court House dedication.

Streetscape Program

Councilwoman Burns asked if there were any more surprise delays on this project.

Mrs. Corriveau responded that she isn't aware of any.

Councilman LaBouf asked when this is scheduled to begin.

Mr. Mix stated that there is not yet a specific date.

Mrs. Corriveau explained that DOT sent comments to Clough Harbour and they were addressed. The information was then sent back out to DOT for final review.

Kayaking Team Trials

Councilwoman Burns commented on this event and commended the DBA for having an ice cream social on the Riverwalk in conjunction with this. She asked for an update following the trials, especially in regards to what the Chamber and Mr. DeYoung did to promote this event.

Mrs. Corriveau explained that the majority of work that the City is doing is completed. The Bicentennial Park at the Fairgrounds will be open for camping. The arena and pool will also be open. A "Welcome Kayakers" sign will be placed on the Water Treatment Plant and tourist packets have been prepared.

Mayor Graham commented that he hasn't seen anything from the business prospective as to the event.

Mrs. Corrival explained that it is estimated that 100-150 people will participate in the trials and 200 tourist packets were done up.

Councilwoman Burns commented that she is not sure that it's City staff's responsibility to do marketing for this event. This should be the job of the Chamber and the TIC. Council.

Graffiti

Councilwoman Burns commented that there was another bout of graffiti downtown. However, this time the people were caught.

Joint Meeting

Mayor Graham announced that there would be a joint meeting (public hearing) with the Town of Watertown relative to the annexation request on Tuesday, September 28th.

Housing Development Letters

Mayor Graham advised that staff is preparing letters for housing developers.

Tour of City Facilities

Council agreed to do these tours during the work session in September (Sept. 13th) and to start the session at 5:30.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 8:13 P.M. UNTIL MONDAY, AUGUST 30TH AT 7:00 P.M. BY MOTION OF COUNCILMAN BRADLEY, SECONDED BY COUNCILMAN LABOUF AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Donna M. Dutton
City Clerk