REGULAR COUNCIL MEETING
CITY OF WATERTOWN
September 7, 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 - Approving Change Order No. 1 to Contract for Removal and Replacement of Underground Fuel Tanks, William T. Field Pollution Control Facility, Paragon Environmental Construction, Inc.
2 - Approving Agreement with the Center for Community Studies at JCC for a Downtown Building and Business Inventory
3 - Approving Environmental Protection Fund Grant Agreement for Water Works Trail Extension Project
4 - Dedicated Parcel No. 8-40-101.103 Be Incorporated As Part of College Heights Drive
5 - Supporting an Application for Funding Under the New York Main Street Program to be Submitted to the New York State Housing Trust Fund Corporation by Liberty Affordable Housing, Inc.
6 - Supporting an Application for Funding Under the New York Main Street Program to be Submitted to the New York State Housing Trust Fund Corporation by Neighbors of Watertown, Inc.
7 - Approving Agreement for Professional Services with Behan Planning Associates, LLC for a LWRP
8 - Approving Agreement for Professional Services with Recreation Engineering & Planning for a Whitewater Suitability Study and Preliminary Design
9 - Approving Agreement for Professional Services With Camoin Associates, Inc. for a Economic & Market Condition Analysis Related to the LWRP
10 - An Ordinance Authorizing the Issuance of $80,000 Serial Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of the Construction of the Arcade Street Parking Lot, In and For Said City
11 - Authorizing the Issuance of $25,000 Serial Bonds of the City of Watertown, Jefferson County, New York to Pay the Cost of the Court Street Parking Lot Overlay, 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 August16, 2004 and the adjourned meeting of August 30,2004 was dispensed with and accepted as written by motion of Councilwoman Burns, seconded by Councilman Bradley and carried with all voting in favor thereof.

C O M M U N I C A T I O N S

From B.O.B. Rafting asking the City to put into place a water and sewer line that extends down the Edmund Street extension and ends at the rafting company's property line.

ABOVE PLACED ON FILE

From Preservation Watertown, Inc. in support of the Neighbors of Watertown application for funding under the NY Main Street program to aid in the redevelopment of the Franklin Building. (Each Council member had previously received a copy of this.)

ABOVE PLACED ON FILE

From The American Legion inviting Council to attend the 9-11 ceremony to be held at the Fairgrounds Baseball Field on September 11th at noon.

ABOVE PLACED ON FILE

From Peter Flores and neighbors requesting a streetlight on the end of Harrison Street towards S. Indiana Avenue.

ABOVE PLACED ON FILE

From Thomas & Cheryl Green, 642 Grant Street, requesting permission to purchase the vacant home at 636 Grant Street through private sale before it goes to City auction.

ABOVE PLACED ON FILE

Claim against the City was filed by Delbert Hargis, Jr. for his alleging that the Watertown Police Department did not file and report the misconduct of an individual as Mr. Hargis has requested.

ABOVE REFERRED TO THE BOARD OF AUDIT

Mayor Graham proclaimed the month of September as **National Youth Court Month** in the City of Watertown. Michael Vincent, Youth Court Director, accepted the proclamation.

PRIVILEGE OF THE FLOOR

Joseph Delaney, Merline Avenue, addressed the chair asking that Merline Avenue be an accepted street and asked that the City supply adequate sewer and water facilities for the street. He explained that the line was installed in 1916 and the three houses on the line have very low water pressure.

Deryl Johnson, Chaumont, addressed the chair reading the letter from Preservation Watertown in its entirety.

R E S O L U T I O N S

INTRODUCED BY COUNCILWOMAN ROXANNE M. BURNS

WHEREAS on August 19, 2004, the City Council of the City of Watertown approved the bid submitted by Paragon Environmental Construction, Inc., in the amount of $98,571.00 for the removal and replacement of underground fuel tanks at the City's wastewater treatment facility, and

WHEREAS Interim City Engineer Gary Pilon has submitted for City Council consideration Change Order No. 1 to the contract, which covers the deletion of rock removal from the contract, installation of piping at contract unit pricing, and remove and replace a 6" P.E. methane pipe encountered during installation of the new fuel tank, and

WHEREAS Change Order No. 1 to this contract is in the amount of $6,148,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Change Order No. 1 to the contract with Paragon Environmental Construction, Inc, in the amount of $6,178, a copy of which is attached and made a part of this resolution, and

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

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

INTRODUCED BY COUNCILWOMAN ROXANNE M. BURNS

WHEREAS the City needs data pertaining to downtown buildings and businesses to help with the marketing and revitalization of downtown, and

WHEREAS the Center For Community Studies at Jefferson Community College is proposing to inventory the buildings, survey the businesses, tabulate the results and analyze the data for a fee of $20,000, and

WHEREAS an Agreement between the Center for Community Studies and the City of Watertown has been drafted, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement between the Center for Community Studies at Jefferson Community College and the City of Watertown with a fee of $20,000, and

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

SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCILMAN LABOUF AND MAYOR GRAHAM VOTING NAY

Prior to the vote on the foregoing resolution, Mayor Graham mentioned the costs to the City.

Mrs. Hoffman explained that the cost to the City would be just under $2,300. She explained that the survey would allow for a database to be compiled, which would list the available space, its size and what condition it is in. This would be used as tool to help businesses that wish to locate in the City.

Councilman LaBouf asked who would be conducting the survey.

Mrs. Hoffman explained that students, mostly math majors, would be doing the survey.

Councilwoman Burns asked if this was something that Ms. Holberg had initiated.

Mrs. Hoffman explained that while Ms. Holberg had done a type of survey for Public Square, Mrs. Hoffman found this type of survey on the web and it would include all of downtown.

Councilman Clough asked how conditions could be assessed if the property owners wouldn’t let the students in.

Mrs. Hoffman explained that the students don’t have to go in. The owners or the renters will be asked questions.

Councilman Clough questioned how the building could be assessed properly if they didn’t go in.

Mrs. Corriveau remarked that unless it is a public building, the students couldn't go in without permission. She explained that the database created would help downtown. She also explained that Ms. Holberg's survey was taken to completion. However, it was not maintained.

Councilman Clough asked if the survey would also include the parking situation.

Mrs. Hoffman explained that there are some questions about parking in the survey. However, the survey has not been finalized and additional parking questions can be added.

Councilman Clough responded that he would think that parking would be one of the key questions.

Mayor Graham suggested that the marketing of these buildings should be a function of the real estate community. He remarked that it seems to him that we have reached a point of being "surveyed and studied out".

Councilwoman Burns commented that a building inventory is important. She remarked that it would be great if there were a way to do this without paying for it. However, it doesn't seem that there is.

Councilman LaBouf remarked that while he doesn't question the importance of the survey, he does question the method in which to obtain it. He suggested that Mrs. Hoffman contact the DBA and ask them to give the survey to their members.

Mrs. Corriveau commented that this information is key for Mrs. Hoffman to be able to do her job. This would allow the City to stay on top of what is available.

Mayor Graham commented that if a person is attempting to rent their property out, they should be responsible for doing it themselves.

Councilwoman Burns asked if Mrs. Hoffman had been in contact with Mr. Derouin.

Mrs. Hoffman responded that she had been. However, the DBA represents a small portion of the downtown businesses. DBA members all work full time and only volunteer their services for the DBA. In addition, there is no large real estate database available.

Councilman Bradley asked how the numbers would be maintained.

Mrs. Corriveau explained that it would be done through yearly updates that would not be as labor intensive.

Councilman Clough asked how many calls a week that Mrs. Hoffman receives looking for rental property.

Mrs. Hoffman stated that she receives about one a week, some being local and some from outside the area.

Councilman Bradley commented that following the survey, there should be a plan in place for a comprehensive marketing strategy.

Councilman LaBouf commented that the DBA sent out surveys in the past and received hundreds of responses back.

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS the New York State Office of Parks, Recreation and Historic Preservation has announced that the City of Watertown has been awarded a $22,000 grant under the Environmental Protection Fund to fund the Waterworks Park Trail Extension Project, and

WHEREAS the grant will fund a 1200' extension of a pedestrian/bicycle trail and the creation of additional parkland and facilities on City-owned property located to the west of the existing Waterworks Park, and

WHEREAS the City of Watertown must enter into and execute a State of New York Agreement with the NYS Office of Parks, Recreation and Historic Preservation for the grant, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED that the City Council approves the State of New York Agreement with the NYS Office of Parks, Recreation and Historic Preservation and hereby authorizes and directs the City Manager, Mary M. Corriveau to enter into and execute the said agreement on behalf of the City Council of the City of Watertown, and

BE IT FURTHER RESOLVED that the City Manager is authorized to act on behalf of the City Council in all further matters related to the financial assistance for this project.

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

INTRODUCED BY COUNCILWOMAN ROXANNE M. BURNS

WHEREAS Cracker Barrel Old Country Store, Inc. conveyed a parcel of land to Home Depot U.S.A., Inc. by Special Warranty Deed dated June 17, 2003 and recorded in the Jefferson County Clerk's Office in Liber 3706 of Deeds at Page 7538, and

WHEREAS said parcel is approximately 748 square feet in size and designated on the map in the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 8-40-101.103, and

WHEREAS Home Depot U.S.A., Inc. has now conveyed said parcel to the City of Watertown by Special Warranty Deed dated June 30, 2004 and recorded in the Jefferson County Clerk's Office on July 14, 2004 in Liber 2004 of Deeds at Page 10137 for the purpose of having said parcel be part of the dedicated city street,

NOW THEREFORE BE IT RESOLVED that Parcel No. 8-40-101.103 be incorporated as part of the dedicated city street that is known as College Heights Drive and said parcel be removed from the Assessment Roll.

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

Prior to the vote on the following resolution, a discussion was held.

John Varecka, Executive Vice President of CRM Rental Management, addressed the chair concerning the property at 263-283 State Street. He explained that upgrades would be made to this property, which contains 8 storefronts, and 33 apartments. The building façade work will be done to blend in with the streetscape project. There will be new signage and upgrades for weatherization as well as installation of an elevator. He explained that Liberty Affordable Housing owns the property and CRM manages it. He stated that there is a need to preserve affordable housing in the downtown area. Mr. Varecka explained that CRM has 128 units throughout the City and is a hands on management company. He explained that the housing is for low-income, whereby 30% of the income goes toward housing. He commented that the limited parking space has always been a problem. However, the City has improved the parking situation in that area somewhat.

Mayor Graham questioned if this is really the most desirable type of housing since the trend is more horizontal than vertical. He also commented that parking has always been a problem.

Mrs. Corriveau explained that staff has spoken to them about talking with others in the neighborhood for additional off-site parking spaces.

Councilman Bradley asked if there was a need for larger units.

Mr. Varecka responded that the size they currently have is adequate at this time.

Councilman Bradley commented that CRM has always done a nice job of maintaining their units.

INTRODUCED BY COUNCILWOMAN ROXANNE M. BURNS

WHEREAS grant funds are available from the New York State Housing Trust Fund Corporation (HTFC) to support downtown revitalization efforts that will stimulate reinvestment in mixed used buildings in order to address issues of code compliance, energy conservation, accessibility and to provide affordable housing and job opportunities in downtown "main street" areas, and

WHEREAS Liberty Affordable Housing, Inc. has proposed a project to renovate the historic Vassar Flats and enhance the streetscape at 261-285 State Street,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown gives its full support to the proposed project and the application that will be submitted by Liberty Affordable Housing, Inc. to the HTFC for funding under the New York Main Street Program.

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

Prior to the vote on the following resolution, the following discussion was held.

Gary Beasley, Executive Director of Neighbors of Watertown, addressed the chair explaining the project for the Franklin Building. He explained that there would be 8-9 commercial units on the first floor and 11 two-story, two bedroom residential units on the second and third floors. He listed the various funding sources.

Donald Rutherford, Executive Director of the Trust, addressed the chair explaining the history of how the Trust became involved in the project. He explained that the Trust board made the decision to avoid another hole in downtown and to purchase the building, putting money into it for stabilization. He explained that the Trust then began working with Neighbors of Watertown to formulate a plan for the redevelopment of the building. The Main Street grant is a final component for the project.

Councilwoman Burns responded that she applauded the Trust's effort to save the building, but didn't understand that the Trust's long-term goal was to own real estate and manage the building.

Councilwoman Burns referred to the letter from Preservation Watertown. She stated that she was very familiar with the State's announcement about the program. She also remarked that the argument of taxpayers' money competing with private enterprise is a philosophical one. She also commented that she has always been an outspoken advocate of the projects done by Neighbors of Watertown. She also remarked that just because she has specific questions, does not mean that she is against Neighbors of Watertown. Councilwoman Burns remarked that Mr. Rutherford said she should be supportive of the façade project since the façade program was used at the Arcade. She asked Attorney Slye

if she could continue discussion on this matter or if she should recuse herself since she had availed herself of the program in the past.

Attorney Slye asked if the program was completed and if she had met all the requirements.

Councilwoman Burns stated that it was and to her knowledge, she did.

Attorney Slye asked if she plans to apply for funds in the future.

Councilwoman Burns state that she did not.

Attorney Slye stated that he didn't see how this prohibits her from discussing the issue.

Mr. Rutherford remarked that he would like to be able to clarify his statement to the media. He stated that his comments were centered around the Franklin project competing with the private sector and not in connection with the Arcade.

Mr. Beasley remarked that he had also received a call from the media concerning this issue. He advised that the Paddock Building is on the waiting list. However, this building is not the Arcade.

Councilwoman Burns asked if the formation of a for-profit corporation by the Trust is an appropriate use of public funds.

Attorney Slye responded that he didn't know if he could answer that at this point, as he doesn't understand how it came about.

Mr. Beasley explained that for-profit companies have been set up for every historic renovation the agency has done, including projects at the Buck, Burdick and Marcy buildings. He explained that there must be limited partnerships in order to leverage tax-credits equity. He explained that the project will be revitalizing an under utilized private building. It will be managed and maintained locally and will create jobs. He explained that the formation of this partnership is a very common practice and is standard in the industry.

Councilman Bradley read the following written statement, which he asked to be reflected in the minutes:

"First, Mr. Rutherford stated that Councilwoman Burns and myself have received grants for our facades on our downtown properties and that we should find it easy to vote for this. This brings up the question, is this a conflict…Can we really vote on this? This also brings forth a number of conflict scenarios that need to be addressed in order to ensure we do everything properly. We have a situation where a quasi-government organization owns a for profit company, that is contracting with a non-profit organization for millions of dollars worth of construction work. After the

millions of dollars have been spent, we will have a property that will only be assessed for maybe five hundred thousand dollars. Where is the other five plus million dollars going? While adding to that, the architects, engineers and building contractors are hired without any competitive bidding process. Is this a responsible way to handle public funds ? Is it even legal?. This brings up another question in my mind… and there may be an explanation for it… but here's the problem I have. Mr. Beasley, who plays a very important role in all of this, is on the Board of Directors of the Watertown Trust, (who I understand changed their terms limits last year to keep him there), and the Trust owns the aforementioned for profit company. Mr. Rutherford, who is the Executive Director of the Watertown Trust, is on the Board of Directors of Neighbors of Watertown, whom M. Beasley is Executive Director of. Doesn't this seem a bit tangled?

Hence the questions that I feel need to be answered:

1. **Can Mrs. Burns and I vote on this after accepting what Mr. Rutherford described as a "grant", which came from the same program that we would be supporting with this vote?**
2. **Is Mr. Beasley compensated either directly or indirectly for his role in the construction, and is that in conflict with his Trust Board membership?**
3. **Are the no bid construction related contracts legal when using tax credits and or public funding?**
4. **Is there a conflict with Mr. Beasley and Mr. Rutherford serving on each other's Boards in these situations and others?**
5. **Is the fact that the City Manager and the Mayor are both members of the Trust board an ethical problem? Probably not, but the Mayor feels that he can't vote on this.**

These are all very difficult questions that need to be answered. I would like to recommend that the parties involved meet with the N.Y.S. Attorney General Office and get a ruling on these issues. The last thing we need is a scenario anything similar to that in Middletown. Though this may take a while, I think it's better to do it now, rather than risk answering the same questions in front of a jury a few years down the road. Therefore in closing, I would like to move we table this resolution until all of these issues have been resolved. I realize that by tabling this we will not be able to apply for this grant at this time, but the risks I feel are greater than the need for this funding, as we do not need anyone doubting the ethics of our actions."

Mayor Graham remarked that it is a bit presumptive to say things would go before a jury. He stated that it would be nice to find a way to address the issues.

Mr. Beasley asked for an opportunity to address Councilman Bradley's questions. He explained that he is on a salary and his salary is paid by Neighbors of Watertown. He also explained that investors who purchase tax credits require full disclosure of a project, including who the architects and contractors are, before they will even consider a project. He said spending time and money to go through a competitive bidding process would

make such projects impossible. He explained that the time required to do that would be months and more than $100,000 would be spent coming up with a package that might not result in a project. Mr. Beasley explained that developers such as Neighbors of Watertown must minimize such risk by selecting architects, contractors and other professional service providers based on experience, positive references and price.

Councilman Clough remarked that he would like a ruling on Mayor Graham's concerns as to whether or not he should vote on this resolution and if not, should he even be in discussion on the issue.

Mayor Graham commented that his ethical quandary is if he should vote on matters that benefit a for profit corporation.

Attorney Slye explained that he would rule on only one type of conflict – whether it is prohibited or not. He also explained that the Board of Ethics gives advisory opinions only. The Mayor sits on the Trust Board because it is part of his job. He stated that he doesn't see it as a pecuniary conflict. Attorney Slye explained to Mayor Graham that the only person to decide is the Mayor himself. He remarked that he did agree that if Mayor Graham is going to recuse himself from voting, he should be prohibited from further discussions on the issue.

Discussion centered on the $5,000 request for the Main Street project. Mr. Beasley responded that the request for that amount has been withdrawn.

Mrs. Corriveau explained that it was not put in the resolution as staff felt it was better to leave it out than to amend it and remove the amount and then have the amended resolution submitted with the application.

Mayor Graham remarked that he would be willing to put his concerns before the Board of Ethics for an advisory opinion.

Councilman LaBouf commended Councilwoman Burns for seeking Attorney Slye's legal opinion. He referred to Councilman Bradley's remarks and asked where he arrived at the assessed value figure.

Councilman Bradley stated that Mrs. Norfolk had given it to him stating that it could be between $400,000 - $650,000 - $700,000.

Councilman LaBouf remarked that when the Iron Block debate occurred everyone said that they would rather direct their energy toward more viable options and the YWCA building was always mentioned. He stated that he believes competition is healthy and questioned who in the private sector could or would take this on. He stated that he wants to support this measure.

Councilman Clough stated that he wants a decision on the Mayor's concerns before discussing this.

Mayor Graham asked the City Manager to contact the Board of Ethics in order for them to discuss the matter prior to a vote being taken on the foregoing resolution.

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS grant funds are available from the New York State Housing Trust Fund Corporation (HTFC) to support downtown revitalization efforts that will stimulate reinvestment in mixed used buildings in order to address issues of code compliance, energy conservation, accessibility and to provide affordable housing and job opportunities in downtown "main street" areas, and

WHEREAS Neighbors of Watertown, Inc. has proposed a project to redevelop the historic Franklin Building (formerly the YWCA) with commercial activities on the first floor and duplex apartments on the second and third floors and to expand the existing Facade Easement Program to promote appropriate investment in other structures within the Public Square Historic District; and

WHEREAS, that proposed project has been sanctioned by unanimous vote of the directors of the Local Development Corporation of Watertown (the Watertown Trust), which has financed the Facade Easement Program to date and will participate in the redevelopment of the Franklin Building, and by unanimous vote of the directors of Neighbors Of Watertown, Inc., which will administer the Façade Easement Program and will also participate in the redevelopment of the Franklin Building;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown gives its full support to the proposed project and the application that will be submitted by Neighbors of Watertown, Inc. to the HTFC for funding under the New York Main Street Program.

SECONDED BY COUNCILMAN PETER L. CLOUGH

MOTION WAS MADE BY COUNCILWOMAN BURNS TO TABLE THE FOREGOING RESOLUTION.

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

INTRODUCED BY COUNCILMAN STEPHEN J. BRADLEY

WHEREAS the City of Watertown has received a grant under Title 11 of the Environmental Protection Fund from the New York State Department of State, Division of Coastal Resources for the completion of a local Waterfront Revitalization Program (LWRP), and

WHEREAS five proposals were received in response to a Request for Proposals to provide professional services relating to the preparation of an LWRP, and

WHEREAS Behan Planning Associates LLC is recommended by a review committee to be awarded the contract to complete the LWRP, and

WHEREAS an Agreement for Professional Services from Behan Planning Associates LLC has been drafted, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement for Professional Services with Behan Planning Associates LLC to prepare a LWRP for $77,100, and

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

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

INTRODUCED BY COUNCILWOMAN ROXANNE M. BURNS

WHEREAS the City of Watertown has received a grant under Title 11 of the Environmental Protection Fund from the New York State Department of State, Division of Coastal Resources for the completion of a Whitewater Suitability Study and Preliminary Design, and

WHEREAS three proposals were received in response to a Request for Proposals to provide professional services relating to the preparation of the Study and Preliminary Design, and

WHEREAS Recreation Engineering & Planning is recommended by a Review Committee to be awarded the contract to complete the Whitewater Suitability Study and Preliminary Design, and

WHEREAS an Agreement for Professional Services with Recreation Engineering & Planning has been drafted, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement for Professional Services with Recreation Engineering & Planning to complete a Whitewater Suitability Study and Preliminary Design for $81,800, and

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

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

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS the City of Watertown has received a grant under the Quality Communities Demonstration Project from the New York State Department of State, Division of Coastal Resources for the completion of an Economic & Market Condition Analysis related to the Local Waterfront Revitalization Program, and

WHEREAS six proposals were received in response to a Request for Proposals to provide professional services relating to the preparation of the Analysis, and

WHEREAS Camoin Associates, Inc. is recommended by a Review Committee to be awarded the contract for the completion of the Economic & Market Condition Analysis, and

WHEREAS an Agreement for Professional Services with Camoin Associates, Inc. has been drafted, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement for Professional Services with Camoin Associates, Inc. to prepare an Economic & Market Condition Analysis related to the LWRP for $34,110, and

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

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

INTRODUCED BY COUNCILMAN STEPHEN J. BRADLEY

WHEREAS the Grant Agreement for the FY 2002 Small Cities Community Development Block Grant contains budget amounts for each activity, and

WHEREAS a Budget Modification is needed so that the budget amount for each activity reflects the actual amount spent for each activity,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby approves a Budget Modification for the FY 2002 Small Cities Community Development Block Grant to reflect the actual cost for each activity, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and directed to sign a Budget Modification Form on behalf of the City.

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

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

O R D I N A N C E S

INTRODUCED BY COUNCILMAN STEPHEN J. BRADLEY

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

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

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

Section 1. For the specific object or purpose of paying the cost of the construction of the Arcade Street parking lot, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued $80,000 serial bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is $80,000 and that the plan for the financing thereof is by the issuance of the $80,000 serial bonds of said City authorized to be issued pursuant to this bond ordinance.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is ten years, pursuant to subdivision 20 of paragraph a of Section 11.00 of the Local Finance Law.

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

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

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

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

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

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

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

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

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

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This ordinance, which takes effect immediately, shall be published in full in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

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

Prior to the vote on the foregoing ordinance, Councilman LaBouf commented that he thought the City was trying to get away from bonding.

Mrs. Corriveau explained that while that is true, this particular project was not one of the cases. She also explained that this bonding doesn't mean the City will borrow, but will allow for it if that is what is needed.

Mayor Graham asked about the status of the hydro.

Mrs. Corriveau explained that the City purchased power in July. August was a near record month and the City has had good year.

Councilman Clough remarked that the City has been in this predicament before and he would rather be safe than sorry.

Councilman LaBouf asked about the increase in sales tax.

Mrs. Corriveau explained that the City wouldn't see any of this for 15 months.

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

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

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

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

Section 1. For the specific object or purpose of paying the cost of the Court Street parking lot overlay, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued $25,000 serial bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is $25,000 and that the plan for the financing thereof is by the issuance of the $25,000 serial bonds of said City authorized to be issued pursuant to this bond ordinance.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is ten years, pursuant to subdivision 20 of paragraph a of Section 11.00 of the Local Finance Law.

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

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

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

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall

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

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

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

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

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

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

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This ordinance, which takes effect immediately, shall be published in full in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

SECONDED BY COUNCILMAN 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.)

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

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

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

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

Section 1. For the specific object or purpose of paying the cost of the rehabilitation of the general aviation apron at the Watertown International Airport, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued $1,000,000 serial bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is $1,000,000 and that the plan for the financing thereof is by the issuance of the $1,000,000 serial bonds of said City authorized to be issued pursuant to this bond ordinance, 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 object or purpose.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is ten years, pursuant to subdivision 14 of paragraph a of Section 11.00 of the Local Finance Law.

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

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

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

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

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

Section 9. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or

otherwise set aside with respect to the permanent funding of the object or purpose described herein.

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

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

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

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This ordinance, which takes effect immediately, shall be published in full in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

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

Executive Session

MOTION WAS MADE BY COUNCILWOMAN BURNS TO MOVE INTO EXECUTIVE SESSION TO DISCUSS COLLECTIVE BARGAINING NEGOTIATIONS. MOTION WAS SECONDED BY COUNCILMAN CLOUGH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Council moved into Executive Session at 9:16 p.m.

Council reconvened at 9:55 p.m.

ADJOURNMENT
AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 9:55 P.M. UNTIL MONDAY, SEPTEMBER 13, 2004 AT 5:30 P.M. BY MOTION OF COUNCILMAN LABOUF, SECONDED BY COUNCILMAN CLOUGH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Donna M. Dutton
City Clerk