

**CITY COUNCIL MEETING
CITY OF WATERTOWN
December 15, 2014
7:00 p.m.**

Mayor Jeffrey E. Graham Presiding

Present: Council Member Roxanne M. Burns
Council Member Joseph M. Butler, Jr.
Council Member Stephen A. Jennings
Council Member Teresa R. Macaluso
Mayor Graham

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

City staff present: Ken Mix, Margaret Waggoner, Justin Wood, Erin Gardner, Beth Morris, Brian Phelps, Amie Davis, Eugene Hayes, Fire Chief Herman, Deputy Fire Chief Randall, Police Chief Donoghue, Michael Sligar, David Wurzburg

The City Manager presented the following reports to Council:

- Resolution No. 1 - Reappointment to Board of Ethics, Jean A. Bilow
- Resolution No. 2 - Appointment to Board of Ethics, Charles P. Donoghue
- Resolution No. 3 - Reappointment to Board of Ethics, Rande S. Richardson
- Resolution No. 4 - Reappointment to Board of Ethics, James D. St. Croix
- Resolution No. 5 - Reappointment to Board of Ethics, Arthur C. Stever III
- Resolution No. 6 - Reappointment of City Constable, Patricia J. Hennegan
- Resolution No. 7 - Reappointment of Deputy City Constable, Michael J. Hennegan
- Resolution No. 8 - Authorizing Standardization of Settling Tank Chain, Pollution Control Plant
- Resolution No. 9 - Authorizing Standardization of Programmable Logic Controllers (PLCs) to Mitsubishi, Pollution Control Plant
- Resolution No. 10 - Sidewalk Improvement Special Assessment Program, District No. 10
- Resolution No. 11 - Approving Intergovernmental Agreement Relative to Dog Control Services With County of Jefferson
- Resolution No. 12 - Establishing 2015 County Tax Rate
- Resolution No. 13 - Approving Professional Services Agreement for City Court Expansion Project, MRB Group
- Resolution No. 14 - Approving the 2014-2017 Collective Bargaining Agreement Between the City of Watertown and the Watertown Police Benevolent Association, Inc.
- Ordinance No. 1 - An Ordinance Authorizing the Issuance of \$948,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of City Court Renovations, in and for Said City
- Tabled - Resolution Approving Whitewater Park Public Access Limited Use Agreement with Hole Brothers Holdings, LLC
- Broomball Equipment Fee
- FY 2014-15 Fuel Budget Analysis

Complete Reports on file in the office of the City Clerk

Meeting opened with a moment of silence and Mayor Graham asked that it be in remembrance of former Council Member Roy Goodwin.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of December 1, 2014 was dispensed and accepted as written by motion of Council Member Burns, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

COMMUNICATIONS

A letter was received from Carrie Lewandowski and Andrew Short, 22109 Patricia Drive, in support of the proposed dog park being located within Thompson Park.

A letter was received from S.G. Gates, 157 Dorsey Street, expressing his concerns with locating the future dog park at Factory Square Park.

An email was received from Aileen Martin, Executive Director of Northern Regional Center for Independent Living, Inc., 210 Court Street, expressing concern over ice in the City's parking lot at Marshall Place after a recent storm.

Above communications were placed on file in the office of the City Clerk.

A Notice of Claim was received from National Grid for property damages sustained on September 8, 2014 when a DPW crew hit and damaged a one half inch plastic gas service while excavating at 808 Leray Street.

A Notice of Claim was received from Eric J. Carbone, 135 North Pearl Avenue, seeking reimbursement for damages to laundry occurring after the water meter in his residence was changed.

Above claims have been referred to the Board of Audit.

PRIVILEGE OF THE FLOOR

S.G. Gates, 157 Dorsey Street, addressed the chair stating he was upset with the decision made at the last meeting in regard to the location of the dog park. He said that 80% of Council voted against 88% of the people that contacted Council wanting the dog park in Thompson Park and Council did not look at the City's plans stating the chosen location is too small. He pointed out the north side residents that came to the meeting stating a dog park at this location would affect their quality of life. He said there is a double standard for the dog park group and every other group that comes to Council wanting something wonderful for the City, such as the Rotary Splash Park and the Fort Drum Monument. He discussed the desire to draw people from outside the area into the City to use the dog park as well as the safety and noise issues with Factory Square Park. He pointed out that he has thanked Council every step of the way but he cannot be thankful for a piece of property that is half the size than the project requires. In regard to the DEC cleanup, he said he is still concerned and will be investigating this because what is safe for general park use may not be the same for a seven pound dog at ground level.

Will Harris, 405 Fairview Street, addressed Council regarding his concern with noise from a dog park at Factory Square Park.

Christa Harris, 405 Fairview Street, told Council she is disappointed that the neighbors were not invited to the meeting last Saturday. She expressed concern with a dog park located at Factory Square Park due to noise because the noise funnels up the riverbank. She also stated she is worried about the lack of shade trees at this location.

Tammy Angel, 166 Cedar Street, addressed the chair expressing her disappointment in the decision made on the location for a dog park noting the dog park supporters have been very vocal in asking for a donation of land within Thompson Park. She asked for specifics as to why the Factory Street location was chosen and reiterated several of her concerns with this location, such as safety and toxic waste. She mentioned why she thought the dog park should be located within a park setting highlighting the existing bathrooms and parking as well as maintenance already done by City staff. In regard to the dog ordinance, she noted it is not fairly enforced. Finally, she stressed she has always expressed thanks for the work that has been done towards having a dog park and that none of the petitions she submitted had fictitious addresses.

RESOLUTIONS

Resolution No. 1 -Reappointment to Board of Ethics, Jean A. Bilow

Introduced by Council Member Roxanne M. Burns

RESOLVED that the following individual is hereby reappointed to the Board of Ethics for a one-year term expiring on December 31, 2015:

Jean A. Bilow
Fairway West – Unit C2
522 Weldon Drive
Watertown, New York 13601

Seconded by Council Member Stephen A. Jennings and carried with all voting yea.

Resolution No. 2 - Appointment to Board of Ethics, Charles P. Donoghue

Introduced by Council Member Teresa R. Macaluso

RESOLVED that the following individual is hereby appointed to the Board of Ethics for a one-year term expiring on December 31, 2015:

Charles P. Donoghue
Watertown, New York 13601

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

Resolution No. 3 - Reappointment to Board of Ethics, Rande S. Richardson

Introduced by Council Member Stephen A. Jennings

RESOLVED that the following individual is hereby reappointed to the Board of Ethics for a one-year term expiring on December 31, 2015:

Rande S. Richardson
269 Flower Avenue West
Watertown, New York 13601

Secoded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.

Resolution No. 4 - Reappointment to Board of Ethics, James D. St. Croix

Introduced by Council Member Teresa R. Macaluso

RESOLVED that the following individual is hereby reappointed to the Board of Ethics for a one-year term expiring on December 31, 2015:

James D. St. Croix
636 Davidson Street
Watertown, New York 13601

Secoded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.

Resolution No. 5 - Reappointment to Board of Ethics, Arthur C. Stever III

Introduced by Council Member Stephen A. Jennings

RESOLVED that the following individual is hereby reappointed to the Board of Ethics for a one-year term expiring on December 31, 2015:

Arthur C. Stever III
304 Paddock Street
Watertown, New York 13601

Secoded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.

Resolution No. 6 - Reappointment of City Constable, Patricia J. Hennegan

Introduced by Council Member Teresa R. Macaluso

RESOLVED that the following individual is hereby reappointed as City Constable for the City of Watertown, for a one-year term expiring on December 31, 2015:

Patricia J. Hennegan
16820 Dry Hill Road
Watertown, New York 13601

Secoded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.

Resolution No. 7 - Reappointment of Deputy City Constable, Michael J. Hennegan

Introduced by Council Member Stephen A. Jennings

RESOLVED that the following individual is hereby reappointed as Deputy City Constable for the City of Watertown, for a one-year term expiring on December 31, 2015:

Michael J. Hennegan
16820 Dry Hill Road

Watertown, New York 13601

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

Resolution No. 8 - Authorizing Standardization of Settling Tank Chain, Pollution Control Plant

Introduced by Council Member Joseph M. Butler, Jr.

WHEREAS General Municipal Law 103(5) states that “Upon the adoption of a resolution by a vote of at least three-fifths of all the members of the governing body of a political subdivision or district therein stating that, for reasons of efficiency or economy, there is need for standardization, purchase contracts for a particular type or kind of equipment, material, supplies or services in excess of the monetary threshold fixed for purchase contracts in this section may be awarded by the appropriate officer, board or agency of such political subdivision or any such district therein, to the lowest responsible bidder or responsible offerer furnishing the required security after advertisement for sealed bids or sealed offers therefor in the manner provided in this section. Such resolution shall contain a full explanation of the reasons for its adoption.” and

WHEREAS the City owns and operates three (3) settling tanks each with two (2) sets of sludge collection chain at the Pollution Control Plant located on W.T. Field Drive and five (5) of the six (6) chain sets are the Sludge Collectors NM7205 Non-metallic chain sets manufactured by Guardian Troll, and

WHEREAS to ensure continuous operation of the Pollution Control Plant, the City must maintain inventory of chain links and sections for each sludge collection chain brand at a considerable expense, and

WHEREAS the Pollution Control Plant desires to implement uniform repair processes and each brand of chain requires a different procedure to repair and replace segments, and

WHEREAS the Pollution Control Plant has identified Sludge Collectors NM7205 Non-metallic chain sets as a reliable product with proven field performance that has a simple repair process,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it hereby authorizes the Pollution Control Plant and the City Purchasing Department to standardize the use of sludge collection chain to Guardian Troll Sludge Collectors NM7205 Non-metallic chain sets.

Seconded by Council Member Stephen A. Jennings

Prior to the vote on the foregoing resolution, Council Member Butler indicated that he has questions on the next two resolutions and asked what these resolutions are trying to accomplish.

Michael Sligar, Water Superintendent, explained there are three process sets of tanks each having two tanks for a total of six tanks which makes over one mile of chain used to run the process. When ordering these chains, he said they are ordered in approximately \$12,000-\$15,000 sets which require competitive bidding. Standardizing on one particular type of chain, he explained, allows the chain to be interchangeable among all the units requiring the chain; therefore, the spare parts in inventory can be limited and saves costs.

Regarding the Programmable Logic Controllers, Mr. Sligar explained if these units are selected based on

bidding then they may function on different languages which might not be compatible. Again, standardizing these units, he said would make them interchangeable.

Council Member Butler asked if these are paid for out of the Sewer Capital Fund.

Mr. Sligar responded it is a case by case decision based on the size of the order.

Council Member Butler asked the lifespan of the chains.

Mr. Sligar indicated the manufacturer states three years, but it could be longer.

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

Resolution No. 9 - Authorizing Standardization of Programmable Logic Controllers (PLCs) to Mitsubishi, Pollution Control Plant

Introduced by Council Member Stephen A. Jennings

WHEREAS General Municipal Law 103(5) states that “Upon the adoption of a resolution by a vote of at least three-fifths of all the members of the governing body of a political subdivision or district therein stating that, for reasons of efficiency or economy, there is need for standardization, purchase contracts for a particular type or kind of equipment, material, supplies or services in excess of the monetary threshold fixed for purchase contracts in this section may be awarded by the appropriate officer, board or agency of such political subdivision or any such district therein, to the lowest responsible bidder or responsible offerer furnishing the required security after advertisement for sealed bids or sealed offers therefor in the manner provided in this section. Such resolution shall contain a full explanation of the reasons for its adoption.” and

WHEREAS the City owns and operates a Pollution Control Plant located on W.T. Field Drive and the Plant uses Programmable Logic Controllers (PLCs) to conduct data from numerous system processes into Lookout software, forming the backbone of the SCADA system that regulates, controls and reports data for the various processes at the Plant, and

WHEREAS to ensure continuous operation of the Pollution Control Plant, the City must maintain a constant inventory of Programmable Logic Controllers (PLCs) for the mechanical processes that report data to the SCADA system, and

WHEREAS the Pollution Control Plant desires to implement uniform programming language for the SCADA system to gain efficiencies and reduce the possibility for errors, and

WHEREAS the Pollution Control Plant has identified PLCs made by Mitsubishi that are programmable and have memory, which is not standard for all PLCs on the market, have proven positive field performance and are generally less expensive than other brands of devices as well as being distributed by a number of companies which will encourage competitive pricing,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it hereby authorizes the Pollution Control Plant and the City Purchasing Department to standardize on the use of Programmable Logic Controllers manufactured by Mitsubishi.

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

Resolution No. 10 - Sidewalk Improvement Special Assessment Program, District No. 10

Introduced by Council Member Stephen A. Jennings

WHEREAS the City Engineering Department has inspected sidewalks within the City of Watertown, and

WHEREAS it has been determined that the condition of sidewalks on certain streets are in need of repair and/or replacement, and

WHEREAS the City Council of the City of Watertown feels it is in the overall public interest to provide property owners within the City of Watertown with an opportunity to pay for said repair/replacement work through a Special Assessment Program,

NOW THEREFORE BE IT RESOLVED that a Public Hearing will be held on Monday, February 2, 2015, at 7:30 p.m. at which time property owners included in the Special Assessment Program will have an opportunity to make comments on whether all or a portion of the cost for proposed sidewalk improvements should be a charge or expense upon the abutting property owners, and

BE IT FURTHER RESOLVED that the City Engineering Department will send notices to all property owners notifying them of their inclusion in this year's program and that there will be a public hearing to consider whether all or a portion of the cost for proposed sidewalk improvements should be a charge or expense upon the abutting property owners, and

BE IT FURTHER RESOLVED that the properties included in the Sidewalk Special Assessment Program, District No. 10, are those detailed in the attached report.

Seconded by Council Member Joseph M. Butler, Jr.

Prior to the vote on the foregoing resolution, Council Member Butler clarified that last year's budget did not include any funding for sidewalk work to be done this past summer or for the spring of 2015.

Justin Wood, City Engineer, said that it would have included work for fall of 2014 and spring of 2015 but it was put on hold.

Discussion centered on the notices to property owners and the proposed rate ranging between \$5.25 per square foot and \$6.50 per square foot. It was determined that the notices should be sent using the rate of \$6.50, and if it is lowered, then it could be adjusted.

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

Resolution No. 11 - Approving Intergovernmental Agreement Relative to Dog Control Services With County of Jefferson

Introduced by Council Member Stephen A. Jennings

WHEREAS New York State Law requires the City of Watertown to provide the services of a Dog Control Officer and maintain a shelter for dogs, and

WHEREAS the City has the ability to contract with another municipal corporation to provide the services required by law, and

WHEREAS the County of Jefferson has provided Dog Control Service to the towns within the County for a number of years, and

WHEREAS the City of Watertown and the County of Jefferson have successfully consolidated their functions and facilities used for Dog Control since 1999,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Intergovernmental Agreement Relative to Dog Control Services, a copy of which is attached and made part of this resolution, and

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

Seconded by Council Member Joseph M. Butler, Jr.

Prior to the vote on the foregoing resolution, Council Member Burns mentioned she is pleased with the way the dog pound is run and asked how afterhours are handled.

Ms. Addison said that she will look into that issue.

Council Member Butler asked for an explanation of the City's payment and how it is based on "deficit funding."

Ms. Addison said that the City Comptroller would need to report on this.

Motion was made by Council Member Roxanne M. Burns to table the foregoing resolution.

Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

Resolution No. 12 - Establishing 2015 County Tax Rate

Introduced by Council Member Teresa R. Macaluso

WHEREAS the Board of Legislators of the County of Jefferson, by resolution dated November 12, 2014, and in accordance with New York State Real Property Tax Law Article 9 Section 904 has certified to the City that the contribution of the City of Watertown to the taxes of the County of Jefferson for the Fiscal Year beginning January 1, 2015 is \$7,936,186.61, and

WHEREAS the Board of Legislators of the County of Jefferson, by resolution approved December 10, 2014, and in accordance with New York State Environmental Conservation Law Section 15-2123 subdivision 6, has directed the City to levy and collect the unpaid Hudson River Black River

Regulating District Annual Assessment for the period ending June 30, 2015 for parcel 01-14-121.00 owned by Watertown River Properties in the amount of \$3,771.34,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby does levy the said unpaid Hudson River Black River Regulating District Annual Assessment for the period ending June 30, 2015 for parcel 01-14-121.00 owned by Watertown River Properties in the amount of \$3,771.34, so ascertained and directed and to be certified to the City and to be extended on the Assessment Rolls by the City Assessor, as provided by Section 115 of the City Charter, and

BE IT FURTHER RESOLVED that this Council shall and hereby does levy the said aggregate amount of taxes of \$7,936,186.61 and unpaid Hudson River Black River Regulating District Annual Assessment for the period ending June 30, 2015 for parcel 01-14-121.00 owned by Watertown River Properties in the amount of \$3,771.34, so ascertained and directed and to be certified to the City and to be extended on the Assessment Rolls by the City Assessor, as provided by Section 115 of the City Charter, and

BE IT FURTHER RESOLVED that the City does hereby levy a total fee of \$7,939,957.95 to be collected at a rate of \$7.629495 per \$1,000 of assessed valuation, of which County tax levy is \$7,913,191.87 and includes \$22,994.74 in omitted taxes.

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

Resolution No. 13 - Approving Professional Services Agreement for City Court Expansion Project, MRB Group

Introduced by Council Member Teresa R. Macaluso

WHEREAS New York State Governor Andrew M. Cuomo has signed legislation increasing the number of Watertown full-time City Court Judges to two effective April 1, 2014, and

WHEREAS the City is required to provide a Civil Courtroom in addition to the current City Court at the City's expense, and

WHEREAS a Professional Services Agreement for the architectural and engineering design services has been developed,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Professional Services Agreement with MRB Group, a copy of which is attached and made part of this resolution, for the architectural and engineering design services for the Civil Courtroom and support spaces at City Hall, and

BE IT FURTHER RESOLVED that the consultant fee of approximately \$114,880 is a percentage of the cost of work of the project which is not yet finalized but estimated to be \$1.6 million, and

BE IT FURTHER RESOLVED that the approval of this Resolution is contingent upon the City Council approving a Bond Ordinance to cover the expenses associated with this project, and

BE IT FURTHER RESOLVED that the City Manager Sharon Addison is hereby authorized and directed to execute the Professional Services Agreement on behalf of the City of Watertown.

Seconded by Council Member Joseph M. Butler, Jr.

Prior to the vote on the foregoing resolution, Council Member Macaluso asked how the company doing the engineering work was chosen.

Mr. Wood explained this is a local company and they submitted a proposal. He explained that four proposals were received from different companies and this company had a lower amount as well as having municipal and court experience.

Council Member Burns asked if there was any consideration to holding a night court.

Ms. Addison stated this suggestion was made but was not successful.

Mayor Graham pointed out that the advantages of doing this expansion is the increase in security and separate entrance for the inmates. He noted that the best arrangement was when everything including the police officers, holding cells and courtroom were all under the same roof.

Council Member Butler questioned that amount of the bond ordinance.

Ms. Addison explained the bond ordinance is based on the amount that was appropriated for this fiscal year.

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

Resolution No. 14 - Approving the 2014-2017 Collective Bargaining Agreement Between the City of Watertown and the Watertown Police Benevolent Association, Inc.

WHEREAS the 2012-2014 Employment Contract between the City of Watertown and the Watertown Police Benevolent Association, expire on June 30, 2014, and

WHEREAS negotiations have been concluded on a successor Contract,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it hereby approves the Collective Bargaining Agreement between the City of Watertown and the Watertown Police Benevolent Association, Inc., a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that Mayor, Jeffrey E. Graham, and City Manager Sharon Addison are hereby authorized and directed to execute the Agreement on behalf of the City.

No introduction.

ORDINANCES

Ordinance No. 1 - An Ordinance Authorizing the Issuance of \$948,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of City Court Renovations, in and for Said City

Introduced by Council Member Teresa R. Macaluso

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

WHEREAS, it is now desired to authorize the financing of such capital 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 City Court renovations, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$948,000 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 \$948,000 and that the plan for the financing thereof is by the issuance of the \$948,000 bonds of said City authorized to be issued pursuant to this bond ordinance; provided, however, that the amount of bonds ultimately to be issued will be reduced by the amount of any State and, or Federal aid or any other revenue received by the City from other sources for such specific object or purpose, which monies are hereby appropriated therefor.

Section 3. It is hereby determined that the City Court building is a class "A" building and that the period of probable usefulness of the aforesaid specific object or purpose is twenty-five years, pursuant to subdivision twelve 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 specific object or purpose 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 1.150 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 Stephen A. Jennings

Motion for unanimous consent moved by Council Member Teresa R. Macaluso, seconded by Council Member Stephen A. Jennings and carried with all voting in favor thereof

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

OLD BUSINESS

The Resolution “Approving Whitewater Park Public Access Limited Use Agreement with Hole Brothers Holdings, LLC”. *(Introduced on 10/20/2014; tabled; appears in its entirety in the 2014 Minutes Book on page 3 of the 10/20/2014 minutes).*

STAFF REPORTS

Broomball Equipment Fee

Council concurred with staff’s recommendation and asked that an ordinance be brought forward at the next meeting.

FY 2014-15 Fuel Budget Analysis

A report was available for Council to review.

NEW BUSINESS

Dog Park

Council Member Butler explained how he arrived at his decision for Factory Square noting he heard from a lot of people that did not want the dog park in Thompson Park or did not want a dog park at all. He stressed that the people attending the meeting do not necessarily represent all the people.

In regard to comments that the dog ordinance inhibits one's personal freedom to take their dog to a public event, Council Member Butler stressed it is his job to protect a child from being disfigured and the protection of a child is more important than the freedom of taking a dog to a public event.

Council Member Jennings updated Council on the meeting held Saturday indicating that there was a wonderful turnout, and it was for people interested in fundraising for this project.

PBA Contract

Mayor Graham explained that because it did not come out with the regular agenda, the public and media did not get to see it until today. He asked for it to go through the regular cycle and appear on the next meeting's agenda.

Board of Audit Meeting

Mayor Graham said the Board of Audit met today and paid another claim in which the sewer was not hooked up completely during the State Street reconstruction.

259 J.B. Wise

Mayor Graham explained that he met with Tom Millar, the new owner of this building, and he was able to view the plans for this building.

Health Insurance for Mayor and Council

Mayor Graham mentioned that last spring he raised a concern he had about his health insurance not continuing into retirement. He noted he is eligible to retire under the law and that he has paid 100% of his insurance premium for 11 years. He indicated he had spoken to Attorney Slye today and was informed that there had been a discussion of some kind of accommodation reflective of people that have significant service to the City. He asked Attorney Slye to clarify this issue further.

Attorney Slye stressed that where this issue goes is wherever this body decides should be done from here. He said he wanted to address some misconceptions about what was being proposed. He reminded Council that he was asked by a member of Council to put together a resolution and proposed policy regarding this. Stating General Municipal Law, he explained a municipality can establish a policy for various classes of employees, including public officers, into retirement. He noted management personnel have a policy and it used to include Council Members but a previous Council redefined this class to not include the position of Council Members. Therefore, he stated the political class of the City is a separate class of persons who can be accorded, upon vote of the Council, the ability to obtain health insurance in retirement. In his determination, he said this required a policy that would apply to all members of the same class, meaning all members of Council. In addition, he explained there needed to be resolution revoking the resolution approved in 2004 in which the City stopped paying for health insurance and there needs to be an appropriation of funds for the amount to be spent for the health insurance. He pointed out this is what was proposed but the resolution was not introduced because of the politics of it and not because it was unlawful. He added the Mayor would not have to abstain from voting on this because it applies to all members of Council and not just him.

Mayor Graham asked if there is no mechanism for securing this benefit then why was he allowed on the plan.

Attorney Slye replied the resolution that was altered in 2004 rescinded the City paying for any portion of the health insurance and it did not extend into retirement. He clarified that a Council Member could participate by paying 100% of the insurance premium and confirmed the City has not paid any portion of Mayor Graham's health insurance.

Council Member Burns commented that she had asked Attorney Slye to draft the recent resolution but she misunderstood that it would need to be extended to every Council Member. She said the difference is that each year this body passes a resolution which states the Mayor works a full 35 hour week and the rest of Council does not do that.

Attorney Slye pointed out that it cannot be looked at by who is sitting on Council now but by who could sit on Council and it applies equally to whoever can meet the criteria.

Council Member Burns remarked that she has health insurance through the Jefferson County and when she signed up for it she assumed it would continue into retirement. If this was not the case for the Mayor, she said it should have been made clear to him.

Council Member Macaluso agreed with Council Member Burns. She said that she had reservations with the proposed resolution because all of Council was included and she does not feel like the other Council Members put in the same time that the Mayor does.

Council discussed the requirements under the New York State Retirement Plan and how it would apply to Council Members.

Council Member Butler asked questions regarding the proposed resolution.

Attorney Slye confirmed for Council Member Butler the proposed resolution would apply to all elected officials whether the elected official works 5 hours or 50 hours but they would need to meet terms required for retirement. He added that he was asked to draft the resolution based on a 75/25 split between the City and employee instead of the current 100% responsibility falling on the employee.

Council Member Butler commented that he is against this even though he understands the Mayor's point. He said that it is a philosophical difference.

Fire Study

Mayor Graham asked for the completion date of this study.

Ms. Addison said it should be completely in January.

Motion was made by Council Member Stephen A. Jennings to move into Executive Session to discuss the employment history of a particular individual and pending litigation.

Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

Council moved into Executive Session at 8:16 p.m.

Council reconvened at 8:28 p.m. and the following motion was offered.

Motion was made by Mayor Jeffrey E. Graham to approve final settlement payment of \$2,691.40 to or for the benefit of Brenda Harwood in exchange for general release and stipulation with Ms. Harwood and CSEA, Inc. concerning settlement of all issues. Motion was seconded by Council Member Roxanne M. Burns and carried with all voting in favor thereof.

A D J O U R N M E N T

At the call of the chair, meeting was duly adjourned at 8:34 p.m. by motion of Mayor Jeffrey E. Graham, seconded by Council Member Stephen A. Jennings and carried with all voting in favor thereof.

Ann M. Saunders
City Clerk