

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
December 3, 2012  
7:00 p.m.**

**Mayor Jeffrey E. Graham Presiding**

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

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

**City staff present:** Elliott Nelson, Jim Mills, Ken Mix, Kurt Hauk, Chief Comins, Captain Clark, Chief Herman, Deputy Chief Randall, Beth Morris, Brian Phelps, Erin Gardner, Gene Hayes, Peter Keenan, Barbara Wheeler

The City Manager presented the following reports to Council:

- Resolution No. 1 - Designation of Official Newspaper
- Resolution No. 2 - Reappointment of City Constable, Patricia J. Hennegan
- Resolution No. 3 - Reappointment of Deputy City Constable, Michael J. Hennegan
- Resolution No. 4 - Approving Change Order No. 1 to Agreement, Mid-America Pool Renovation Inc.
- Resolution No. 5 - Authorizing Public Auction for Sale of City Owned Property
- Resolution No. 6 - Finding That Changing the Approved Zoning Classification of 0.032 Acre Parcel of Land, Formerly Part of the Conger Avenue Right-of-Way, From Unzoned to Residence B Will Not Have a Significant Impact on the Environment
- Resolution No. 7 - Finding That Changing the Approved Zoning Classification of 802, 808, and 819 Coffeen Street From Residence B to Neighborhood Business District Will Not Have a Significant Impact on the Environment
- Resolution No. 8 - Authorizing the Sale of Real Property Known as a Former Portion of Conger Avenue, Adjacent to 183 Conger Avenue, to Bonnie Peck of Watertown, New York
- Ordinance No. 1 - An Ordinance Authorizing the Issuance of \$1,215,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay Part of the \$1,785,000 Estimated Maximum Cost of the Reconstruction of Portions of Clinton Street, Including Street Repaving, Sidewalks and Related Rights-of-Way Improvements, and Storm Sewer, Water Main and Sanitary Sewer Work, in and for Said City
- Ordinance No. 2 - Amending City Municipal Code §293, Vehicles and Traffic

- Public Hearing Resolution - Approving a Special Use Permit Request to Allow the Storage of Commercial Vehicles in a Neighborhood Business District at 729 Morrison Street, Parcel 1-03-105
- Public Hearing Resolution - Abandoning a Portion of Conger Avenue Adjacent to 183 Conger Avenue
- Public Hearing Ordinance - Changing the Approved Zoning Classification of a 0.032 Acre Parcel of Land, Formerly Part of the Conger Avenue Right-of-Way, from Unzoned to Residence B District
- Public Hearing Ordinance - Changing the Approved Zoning Classification of 802, 808, and 816 Coffeen Street from Residence B to Neighborhood Business District
- Endorsement of Creation of Human Resource Position
- Woolworth Building Project
- Watertown Local Development Corporation Representative Designee
- Property Offers – 434 Court Street and 442 Court Street
- Admission Waiver for Toys for Tots

**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 November 19, 2012 was dispensed and accepted as written by motion of Council Member Roxanne M. Burns, seconded by Council Member Jeffrey M. Smith and carried with all voting in favor thereof.

## **P R E S E N T A T I O N S**

### **Fire Department Award**

Chief Dale Herman presented a Special Citation from the Endicott Professional Fire Fighters Association to the Swift Water Rescue Team of Battalion Chief Timothy Wiley, Mark Jones, Troy Chisamore, Randy Root and Jeffrey Narrow for their assistance provided during an emergency response deployment in September of 2011.

### **Police Department Awards**

Chief Gary Comins presented awards to several Police Officers and told Council of the incidents of valor and service which earned each award. (Presentations on file in the City Clerk's Office)

- Exceptional Duty Award – Officer Dennis Lawlee, Officer Eric Mclane, Office Charles Bickel III, Officer Christopher Thomas, Office Wayne McConnell
- Life Saving Medal – Officer Dennis Lawlee, Officer Michael Zicari, Office David Horr, Officer Frederick March, Officer Jacob Bull
- Meritoious Service Award – Officer Gregory Gibbs
- Unit Citation Award – Lt. Richard Wood, Officer Matthew Roll, Officer Joshua Davis, Officer Shane Ryan, Officer Dennis O'Brien, Officer Gregory Gibbs, Officer Nathan McKeever, Officer David Horr, Officer Joshua Moran

## **COMMUNICATIONS**

A letter was received from Judith R. Overton, RDH, BS, Director of Dental Services for The North Country Children's Clinic, Inc. in regards to the water fluoridation discussion. She spoke of her observations in local dental healthcare and stated that she hopes those who live and work in Watertown will continue to benefit from fluoridated water.

A letter was received from Jean A. Bilow, Director of Public Health and Stephen A. Jennings, Public Health Planner in regards to the recent public concern regarding fluoridation of the City water. It states that reputable studies continue to demonstrate that water fluoridation is safe, strengthens teeth, prevents cavities, and saves considerable money for families, the entire health care system, employers, and health payors.

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

## **PRIVILEGE OF THE FLOOR**

**Donald Hassig**, representing Cancer Action NY addressed the chair concerning endocrine destructive chemicals. He read from a National Research Council's report describing the effects of chemicals such as fluoride on the thyroid. He stressed that the combination of chemicals need to be looked at and asked that Council minimize the exposure to toxic chemicals by taking fluoride out of the water.

**Richard Monaghan**, 722-724 Morrison Street addressed the chair concerning the vacant lot at 729 Morrison Street and Mr. Desormeau's proposal to park his asphalt equipment there. He stated that he and his wife, Karen, are opposed to this.

## **PUBLIC HEARING**

**At 7:34 p.m. Mayor Graham asked the City Clerk to read the notice of Public Hearing Concerning approving a Special Use Permit request to allow the storage of Commercial Vehicles in a Neighborhood Business District at 729 Morrison Street , Parcel 1-03-105.**

**Mayor Graham declared the hearing open at 7:34 p.m.**

**James Desormeau**, 739 Morrison Street, addressed the chair explaining that he bid on the property and asked Mr. Mills to delay the closing on the property until he knows if Council approves his Special Use Permit. He stated that he wanted the property in order to store his equipment for his business.

Mayor Graham asked if his intention is to not purchase the property if the Special Use Permit is not approved.

Mr. Desormeau explained that the property was listed as Neighborhood Business so he thought there would not be a problem since he is a neighborhood business. He noted that if it did not pass then he could not do anything with the property.

**Kevin Richardson**, 723 Morrison Street addressed the chair stating that he attended the Planning Board meeting and he is opposed to this. He expressed his concern that there will be a smell of asphalt from the trucks and that grass will be replaced with gravel. He indicated that Mr. Desormeau has offered to sell the property to him because he had found a more suitable property.

**Mayor Graham declared the hearing closed at 7:38 p.m.**

**At 7:38 p.m. Mayor Graham asked the City Clerk to read the notice of Public Hearing Concerning abandoning a portion of Conger Avenue adjacent to 183 Conger Avenue.**

**Mayor Graham declared the hearing open at 7:38 p.m.**

No one spoke.

**Mayor Graham declared the hearing closed at 7:38 p.m.**

**At 7:39 p.m. Mayor Graham asked the City Clerk to read the notice of Public Hearing Concerning changing the approved Zoning Classification of a 0.032 Acre Parcel of Land Formerly Part of the Conger Avenue Right-of-Way, from Unzoned to Residence B District.**

**Mayor Graham declared the hearing open at 7:39 p.m.**

No one spoke.

**Mayor Graham declared the hearing closed at 7:39 p.m.**

**At 7:40 p.m. Mayor Graham asked the City Clerk to read the notice of Public Hearing Concerning changing the approved Zoning Classification of 802, 808 and 816 Coffeen Street from Residence B to Neighborhood Business District.**

**Mayor Graham declared the hearing open at 7:40 p.m.**

**Daniel Anthony**, 802 Coffeen Street, addressed the chair stating that he is in full agreement with everything changing over to the business class.

James Scordo, 808 Coffeen Street, addressed the chair stating that he supports this change.

Mayor Graham declared the hearing closed at 7:41 p.m.

## RESOLUTIONS

### Resolution No. 1 - Designation of Official Newspaper

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

BE IT RESOLVED by the City Council of the City of Watertown, New York, that the *Watertown Daily Times* be and is hereby designated as the official newspaper of the City of Watertown, New York for the year beginning January 1, 2013 and ending December 31, 2013.

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

### Resolution No. 2 - Reappointment of City Constable, Patricia J. Hennegan

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

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, 2013:

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

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

### Resolution No. 3 - Reappointment of Deputy City Constable, Michael J. Hennegan

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

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, 2013:

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. 4 - Approving Change Order No. 1 to Agreement, Mid-America Pool Renovation Inc.

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

WHEREAS on August 6, 2012, the City Council of the City of Watertown approved a bid submitted by Mid-America Pool Renovation Inc. in the amount of \$115,400 for the resurfacing of the Steven D. Alteri Municipal Pool, and

WHEREAS City Engineer Kurt W. Hauk has submitted the Change Order No. 1 to that contract for consideration by the City Council, and

WHEREAS Change Order No. 1 results in no additional costs but extends the time for completion of the work,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 1 to the contract with Mid-America Pool Renovation Inc. for the resurfacing of the Steven D. Alteri Municipal Pool extending the time for completion of the work, a copy of which is attached and made a part of this resolution, and

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

**Seconded by Council Member Joseph M. Butler, Jr.**

Prior to the vote on the foregoing resolution, Council Member Smith noted that this change order is for a time extension but stated that some of the marcite at the Alteri pool was removed and wondered if it would be damaged by the water freezing over the winter. He wondered who would financially be responsible for this possible damage.

**Kurt Hauk**, City Engineer responded that any damage that would occur would be damage as if they were on the job. This only extends the contract and if there was further damage then it would be against the contractor.

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

### **Resolution No. 5 - Authorizing Public Auction for Sale of City Owned Property**

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

WHEREAS the City of Watertown owns certain lots of land acquired at Tax Sale and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as follows:

<u>Parcel Number</u>	<u>Address</u>
01-14-201.000	753 Rear Main Street West

And,

WHEREAS title said land has been retained by the City of Watertown, and

WHEREAS the City Council deems the properties to be excess and not required for any City purposes, and

WHEREAS the City Council desires to ensure that properties such as those listed above be brought into compliance with all applicable provisions of the New York State Fire Prevention and Building Code and all City of Watertown zoning and health codes within one (1) year of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 13 adopted by the Council, on June 6, 1977, the Comptroller of the City of Watertown be and he hereby is authorized to publish a Notice of Sale of the parcels of land above mentioned once a week for three (3) consecutive weeks in the official newspaper of the City of Watertown to the effect that said parcels of land will, at 6:00 p.m. on the 8<sup>th</sup> day of January, 2013, in the 3<sup>rd</sup> Floor City Council Chambers in the Municipal Building, 245 Washington Street, be offered individually for sale to the highest bidder and there present, under the conditions herein set forth:

The aforesaid parcels are conveyed, together with all rights and privileges affecting the same, and also together with all buildings, improvements and appurtenances located upon said described parcels, and

BE IT FURTHER RESOLVED that the City Comptroller be and he hereby is authorized to accept bids for said parcels, in an amount not less than the minimum price set below, subject to the rights of the said City Council to reject any and all bids, and

<u>Parcel Number</u>	<u>Address</u>	<u>Minimum Bid</u>
01-14-201.000	753 Rear Main Street West	\$ 20,000

BE IT FURTHER RESOLVED that the highest bidder deposit at least 10 per cent (10%) of the bid price at the same time of each said successful bid with the City Comptroller, and

BE IT FURTHER RESOLVED that said parcels of land shall be then sold to the successful bidder for cash or certified funds only, and

BE IT FURTHER RESOLVED that the Notice of Sale, any offer to purchase, and any deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the State Fire Prevention and Building Code and all City of Watertown zoning and health codes within one (1) year of the City's delivery of the deed to the buyer, the City shall have the right to seek reversion of title to the City, and

BE IT FURTHER RESOLVED that the said bids shall be submitted to the Mayor and City Council for their approval or rejection, and

BE IT FURTHER RESOLVED that the City reserves the right to withdraw any parcel prior to the public sale of said parcels.

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

Prior to the vote on the foregoing resolution, Mayor Graham noted that some of the properties in the last auction did not close within 30 days and he stated that there should be a period in which these have to close whether it be 30, 45 or 60 days. He explained that Mr. Mills is put in an awkward position when these things slide. He stressed that extensions should be sought from the Council and it should be a matter of policy.

Council Member Smith concurred and suggested that the Morrison Street property be included in this auction.

Attorney Slye stated that as part of the bid, the closing is to take place in 30 days but the Comptroller has always had the discretion to determine if extra time is given. He noted that the most important concern was to get the highest bid for the property. He stressed that the problem with making a policy is that we turn right around and break our own policy.

Mayor Graham reiterated that the Comptroller is put in an awkward situation and when an agreement is made to close it 30 days then the City should stick to it unless an extension is sought from the governing body. In regards to the Morrison Street property, he noted that the bidder submitted a request for a special use permit on property that he does not own and it was implied that the closing will go through if the special use permit is approved.

Council Member Macaluso mentioned that she thought that the Rear Main Street West property is a very usual situation.

Mayor Graham said that he would be interested in Ms. Addison's and Mr. Mills' recommendation as to what would be a reasonable amount of time to close on auctioned properties.

Council Member Butler stated that he would support the Comptroller's and Attorney's wishes because they are the ones that are actively working these deals.

Mr. Mills suggested amending this resolution to add 729 Morrison Street because there is language in the resolution that the Comptroller has the right to remove any parcel prior to the sale in case the Special Use Permit is not approved.

Attorney Slye reiterated that extensions are granted in order to maximize the return from the sale of the property.

**Motion was made by Council Member Roxanne M. Burns to amend to foregoing resolution in order to include the property located at 729 Morrison Street, Parcel 1-03-105 in the public auction. Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.**

Mayor Graham stressed that situations in which the closing of the property is contingent on another legislative determination by the Council should be avoided.

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

**Resolution No. 6 - Finding That Changing the Approved Zoning Classification of 0.032 Acre Parcel of Land, Formerly Part of the Conger Avenue Right-of-Way, From Unzoned to Residence B Will Not Have a Significant Impact on the Environment**

**Introduced by Mayor Jeffrey E. Graham**

WHEREAS the City Council of the City of Watertown, New York, has before it a proposed Ordinance changing the approved zoning classification of a 0.032 acre parcel of land, formerly a part of the Conger Avenue right-of-way, adjacent to 183 Conger Avenue, from Unzoned to Residence B, and

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

WHEREAS the approval of the zone change would constitute such an “Action,” and

WHEREAS the City Council has determined that changing the zoning classification of this property is an Unlisted Action as that term is defined by 6NYCRR Section 617.2, and

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

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

**Resolution No. 7 - Finding That Changing the Approved Zoning Classification of 802, 808, and 819 Coffeen Street From Residence B to Neighborhood Business District Will Not Have a Significant Impact on the Environment**

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

WHEREAS the City Council of the City of Watertown, New York, has before it a proposed Ordinance changing the approved zoning classification of 802, 808, and 819 Coffeen Street, parcels 8-21-304, 8-21-305, and 8-21-306, from Residence B to Neighborhood Business District, and

WHEREAS the City Council must evaluate all proposed actions submitted for its

consideration in light of the State Environmental Review Act (SEQRA), and the regulations promulgated pursuant thereto, and

WHEREAS the approval of the zone change would constitute such an “Action,” and

WHEREAS the City Council has determined that changing the zoning classification of this property is an Unlisted Action as that term is defined by 6NYCRR Section 617.2, and

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

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

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

**Seconded by Mayor Jeffrey E. Graham**

In regards to the Short Environmental Assessment Form, Council Member Smith and Council Member Butler agreed that the zone change may have an impact on noise levels and traffic patterns as well as changing the community or neighborhood character. They both expressed concern about the potential problems that might occur in the future and referred to problems during the development of Arsenal Street.

Council Member Burns stated that the character of the neighborhood has already changed and referenced the various businesses already located on the street. She pointed out that the spillover from Arsenal Street is running onto Coffeen Street and the street has more of a commercial look than residential.

Council Member Macaluso mentioned that she owns a business on Coffeen Street and stated that the whole street is speckled with businesses now.

Council Member Smith said that he has received several phone calls from residents on Coffeen Street and Lawrence Street concerned about not what is planned for now but for what could possibly be down the road.

Mayor Graham commented that this is an area of transition and mentioned that the Planning Board has recommended in favor of this so he will support it.

Council Member Macaluso said that she does not think the traffic will be affected any more than it already is.

Council Member Butler stated that he wished it would be changed to limited business and questioned spot zoning.

**Kenneth Mix**, Planning Coordinator responded that since a larger area than just one parcel is involved, spot zoning is not a concern.

**Motion was made by Council Member Roxanne M. Burns to amend to foregoing resolution in order to list 816 Coffeen Street in place of 819 Coffeen Street. Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.**

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea except for Council Member Joseph M. Butler, Jr. and Council Member Jeffrey M. Smith voting nay.**

**Resolution No. 8 - Authorizing the Sale of Real Property Known as a Former Portion of Conger Avenue, Adjacent to 183 Conger Avenue, to Bonnie Peck of Watertown, New York**

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

WHEREAS the City of Watertown owns a certain lot of land known as Conger Avenue, and

WHEREAS the City Council abandoned a 0.032 acre portion of this street adjacent to 183 Conger Avenue on December 3, 2012, which is described as “Parcel B” on the attached survey map, and therefore the parcel is no longer assigned a public purpose by the City Council, and

WHEREAS Bonnie Peck of 183 Conger Avenue, Watertown, New York, has made an offer to purchase this property for \$200.00,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that pursuant to § 23 (b) of the General City Law, § 247 of the Charter of the City of Watertown as amended by Local Law No. 1 of 1985, adopted December 3, 1984, effective January 17, 1985, and the Ordinance, Municipal Code, Chapter 16 adopted by the City Council on June 6, 1977 that the offer of \$200.00 submitted by Bonnie Peck for the purchase of 0.032 acres of land, formerly a part of Conger Avenue, which is described as “Parcel B” on the survey map attached herewith, is a fair and reasonable offer and is hereby accepted, and

BE IT FURTHER RESOLVED that the deed issued by the City shall contain a provision that requires the buyer combine the property sold with all other adjacent properties owned by the buyer by filing a new deed with the County Clerk, lest the City seek reversion of the title, and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized, empowered, and directed to execute a Quit Claim Deed of said real property to Bonnie Peck upon receipt of the above mentioned sum of money in cash only by the City Comptroller.

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

**The Resolution “Approving a Special Use Permit Request to Allow the Storage of Commercial Vehicles in a Neighborhood Business District at 729 Morrison Street, Parcel 1-03-105”. (Introduced on 11/19/2012; public hearing held this evening; appears in its entirety on page 292 - 293 of the 2012 Minutes Book).**

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

**The Resolution “Abandoning a Portion of Conger Avenue Adjacent to 183 Conger Avenue”. (Introduced on 11/19/2012; public hearing held this evening; appears in its entirety on page 290 of the 2012 Minutes Book).**

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

## **ORDINANCES**

**Ordinance No. 1 - An Ordinance Authorizing the Issuance of \$1,215,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay Part of the \$1,785,000 Estimated Maximum Cost of the Reconstruction of Portions of Clinton Street, Including Street Repaving, Sidewalks and Related Rights-of-Way Improvements, and Storm Sewer, Water Main and Sanitary Sewer Work, in and for Said City**

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

WHEREAS, on May 21, 2012, the Council of the City of Watertown, Jefferson County, New York, authorized the issuance of \$1,215,000 serial bonds to pay a portion of the \$1,520,000 estimated maximum estimated cost of the reconstruction of portions of Clinton Street;

WHEREAS, it now appears that the estimated maximum cost of the reconstruction of Clinton Street should be increased to \$1,785,000, and that the portion of the \$1,785,000 estimated maximum estimated cost to be paid from current resources should be increased to \$570,000;

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; NOW, THEREFORE,

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

Section 1. For the class of objects or purposes of paying a portion of the cost of the reconstruction of portions of Clinton Street in and for the City, including street repaving, sidewalks and related rights-of-way improvements, and storm sewer, water main and sanitary sewer work, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$1,215,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$1,785,000 and that the plan for the financing thereof is by the issuance of the \$1,215,000 bonds of said City authorized to be issued pursuant to this bond ordinance. The plan for the financing of the aforesaid estimated maximum cost includes the appropriation of \$570,000 current funds of the City.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision ninety-one of paragraph a of Section 11.00 of the Local Finance Law, as said class shall consist of objects or purposes with a period of probable usefulness of at least fifteen years under one or more of the subdivisions one, three, four, or twenty of said paragraph a 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. 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 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. The ordinance adopted May 21, 2012, referred to in the preambles to this ordinance is hereby superseded to the

extent inconsistent herewith.

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

**Motion for unanimous consent moved by Council Member Jeffrey M. Smith, seconded by Council Member Teresa R. Macaluso 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.**

**Ordinance No. 2 - Amending City Municipal Code §293, Vehicles and Traffic**

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

BE IT ORDAINED that Section 293-75 of the City Code of the City of Watertown is amended by deleting the following paragraph:

§ 293-75. Schedule XXVII: On-Street Handicapped Parking.

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Academy Street	North	From 116 feet east of Washington Street to 156 feet East of Washington Street. Two parking spaces.

and,

BE IT FURTHER ORDAINED that this amendment shall take effect as soon as it is printed as the City Manager directs.

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

**Motion for unanimous consent moved by Council Member Jeffrey M. Smith, seconded by Council Member Teresa R. Macaluso 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.**

**The Ordinance “Changing the Approved Zoning Classification of a 0.032 Acre Parcel of Land, Formerly Part of the Conger Avenue Right-of-Way, from Unzoned to Residence B District”.** *(Introduced on 11/19/2012; public hearing held this evening; appears in its entirety on page 293 of the 2012 Minutes Book).*

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

**The Ordinance “Changing the Approved Zoning Classification of 802, 808, and 816 Coffeen Street from Residence B to Neighborhood Business District”.** *(Introduced on 11/19/2012; public hearing held this evening; appears in its entirety on page 293 – 295 of the 2012 Minutes Book).*

**At the call of the chair, a vote was taken on the foregoing ordinance and carried with all voting yea except Council Member Joseph M. Butler, Jr. and Council Member Jeffrey M. Smith voting nay.**

## **DISCUSSIONS**

### **Endorsement of Creation of Human Resource Position**

Council agreed to discuss these in more detail at a future work session.

### **Woolworth Building Project**

Mayor Graham mentioned that Mr. Mix was notified by New York State that the \$2.5 million Restore NY grant was reinstated. He also said that this building has been a priority for a longtime and that the three mayors that have been part of the process since 1984 wrote a joint letter of support to the state. In regards to the IDA, he said that an affirmation of support for Council was asked for in the form of a resolution authorizing the two items requested. He added that the waiving of building permit fees could open a Pandora’s Box.

Council Member Burns indicated that she supports this and that constituents have for a longtime expressed that this is an important project.

Council Member Smith stated that usually Council sees the financials of the entire project prior to a waiver request. Even though he supports this project, he said he is concerned that he is not able to review the project figures first.

By waiving the fees, Council Member Macaluso mentioned, Council is showing support for the project which reflects well on the grant application. She added that the developers stated that they are investing a lot of their own money.

Council Member Burns pointed out that the developers stated at the work session that the project numbers are not done yet and that they came to Council on the frontend of the project.

Council Member Butler asked which section of the Housing Law this project will pursue.

**Brian Phelps**, City Assessor replied that they are not looking for an exemption under the Housing Law and that it would be under the IDA so it would seek a PILOT agreement with the City, School District and County. In regards to the term of the PILOT, he stated that it would probably coincide with the term of the bonds which is undetermined at this point.

Mayor Graham pointed out that the Woolworth Building has always been on the top of Council's priority list and views this differently than other projects.

On the topic of the conveyance of property for parking, Mr. Mix indicated that the resolution would include language stating that the sale would not take place until it was ensured that the project would happen and that it was to be used for parking.

Council Member Butler suggested leasing the property.

Attorney Slye remarked that in place of leasing the property, he would suggest tying the property to the ownership of the Woolworth Building and have language of reversion to the City built into the deed.

Council concurred that there is support for the sale of the property but only Mayor Graham, Council Member Burns and Council Member Macaluso expressed support for waiving the building permit fee.

Mayor Graham asked that a resolution be prepared for the December 17<sup>th</sup> meeting.

**Watertown Local Development Corporation Representative Designee**

Mayor Graham noted that since Mr. Mix has been appointed to this position in place of the City Manager, there are not implications on overall City policy. He added that Mr. Mix offers a lot of history in the development of the City and the other members of the board are able to rely on him for the background on projects. He stated that Mr. Lumbis would be appointed as a designee in case Mr. Mix was unable to attend a meeting.

**Property Offers – 434 Court Street and 442 Court Street**

A memo stating staff recommends against this sale was available to Council for review.

**Admission Waiver for Toys for Tots**

A memo from Erin Gardner, Superintendent of Parks and Recreation explaining the waiver request was available for Council to review.

Mayor Graham offered the following resolution:

**Resolution - Authorizing the Department of Parks and Recreation to Waive the Skate Rental fee and the Admission fee for Family Skate Night on December 14, 2012**

**Introduced by Mayor Jeffrey E. Graham**

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby waives the skate rental fee and the admission fee for Family Skate Night on December 14, 2012, from 7:00pm until 10:00pm, for patrons who bring a toy for donation to the charity Toys for Tots.

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

**Rules waived by Motion of Mayor Jeffrey E. Graham, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.**

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

**Urban Mission Food Drive During the Tree Lighting Ceremony**

Council Member Burns thanked City staff and Council for their support and donations made to the Food Drive for the Urban Mission that was held in conjunction with the Tree Lighting Ceremony.

**Proposed Housing Project Presented to the Town of Watertown Planning Board**

Council Member Burns commented that this project may have an impact on City services such as sewer, water, fire and police and it is important as a City to be out front of this issue. She stated that the location of it on Ives Street will have an impact on traffic and the residents along this area may have concerns because it will be in the backyards of some very nice newly developed properties along Ives Street. She asked that the City's Planning Department be involved every step of the way.

**Festival of Trees**

Council Member Butler remarked that this was successful event.

**Clinton Street Reconstruction**

Council Member Butler asked if the City is communicating to the resident what will be done next spring in terms of the final touches and landscaping.

Mr. Hauk stated that conversations with the residents already occurred when the crews were on the street but his department is willing to field any further questions.

**Retro Aluminum Christmas Tree in the City Clerk's Office**

Mayor Graham thanked Ms. Saunders and her staff for hosting as well as decorating the 50 year old tree and invited Council to see it.

**Motion was made by Council Member Jeffrey M. Smith to move into Executive Session to discuss Collective Bargaining Agreement and the Employment History of Particular Individuals.**

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

Council moved into Executive Session at 8:37 p.m.

Council reconvened at 9:23 p.m.

**A D J O U R N M E N T**

**At the call of the chair, meeting was duly adjourned at 9:23 p.m. by motion of Mayor Jeffrey E. Graham, seconded by Council Member Jeffrey M. Smith and carried with all voting in favor thereof.**

*Ann M. Saunders*  
City Clerk