

**REGULAR COUNCIL MEETING
CITY OF WATERTOWN
September 4, 2007
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCILMAN STEPHEN J. BRADLEY
COUNCILMAN PETER L. CLOUGH
COUNCILMAN TIMOTHY R. LABOUF
COUNCILMAN JEFFREY M. SMITH
MAYOR GRAHAM**

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

City Manager Corriveau presented the following reports to the Council:

1. PRESENTATIONS – Firefighter Jason Ormsby
 City Bridge Status – Kurt Hauk, City Engineer
- 2 - Approving Change Order No. 1 to Contract for Emergency Water Main
 Replacement, Ontario Drive, Bat-Con, Inc.
- 3 - Approving Change Order No. 3 to Contract for Reconstruction of Public Square,
 Villager Construction
- 4 - Approving Supplemental Agreement No. 4, State Street Reconstruction Project,
 Clough, Harbour & Associates, LLP
- 5 - Accepting Bid for Pumper Refurbishment, Northern Fire Equipment Co., Inc.
- 6 - Finding that the Amendment to Section 310-44 of the Code of the City of
 Watertown Pertaining to the Exemption of Residential Uses from the Off-Street
 Parking Requirement Within a 3/16” Mile Radius from The Center of Public
 Square Does Not Have A Significant Negative Impact on the Environment
- 7 - Finding that the Amendment to Section 310-9 of the Code Of the City of
 Watertown Pertaining to Special Use Permits for Residential Uses in Commercial
 Districts Does Not Have A Significant Negative Impact on the Environment
- 8 - Authorizing the Issuance of \$250,000 Bonds of the City of Watertown, Jefferson
 County, New York, to Pay The Additional Costs of the Downtown Watertown
 Streetscape Enhancement Project, In and For Said City
- 9 - 7:30 p.m. – Public Hearing Amending the Code of the City of Watertown,
 Section 310-9, Commercial Districts
- 10- 7:30 p.m. – Public Hearing Amending the Code of the City of Watertown, New
 York, Section 310-44, Parking Facilities or Vehicle Storage Required
- 11- Laid Over Under the Rules – Ordinance Amending City Municipal Code 293-61,
 Schedule XIII, Parking Prohibited at All Times
- 12 - Laid Over Under the Rules – Ordinance Amending Code 293-67, Schedule XIX,
 Restricted Time Limit Parking

- 13- Tabled – Resolution Accepting Bid for Pumper Refurbishment, Jerome Fire Equipment Co., Inc.
- 14- Site Plan for Construction of Garage, 1317 State Street
- 15 - Restore NY Public Hearing
- 16 - To discuss the employment history of a particular person, as it relates to the Engineering Department.

COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of August 20, 2007 was dispensed with and accepted as written by motion of Councilman Clough, seconded by Councilman LaBouf and carried with all voting in favor thereof.

COMMUNICATIONS

Minutes were received from the library’s board meeting.

ABOVE PLACED ON FILE

The following communications were received from the Planning Board:

- 1. Recommending Council grant approval for the site plan submitted by Bart Bonner for a 1,080 square foot garage to be located at 1317 State Street, with the garage opening toward State Street.
- 2. Recommending Council grant approval for the site plan submitted on behalf of Evergreen Family, FLP, for the addition of 6 car wash bays to the Precision Carwash located at 1020 Coffeen Street.

ABOVE PLACED ON FILE

The following claims against the City were received:

- 1. From Verizon for damage to a pole at Ives Street and Holcomb Street
- 2. From Verizon for damage to a pole at 130 Ives Street
- 3. From Verizon for damage to buried cable intersection of Holcomb Street and Ontario Drive.

ABOVE REFERRED TO THE BOARD OF AUDIT

Additional petitions in support of a dog park were received.

ABOVE PLACED ON FILE

Mayor Graham interrupted the regular course of business to present Firefighter Jason Ormsby with the City's Life Saving Award.

Mayor Graham interrupted the regular course of business to allow for a presentation on the City's bridges by City Engineer Kurt Hauk.

Mr. Hauk reviewed the findings and explaining the procedures used by the NYS DOT. He also reviewed the terminology used to describe the conditions of the various bridges in the City. He explained that with the exception of the Kelsey Creek Bridge, they all rated 6 or 7. Bridges are inspected biennially, unless there is an issue and then they are inspected each year.

Councilman LaBouf asked about the CSX overpass.

Mr. Hauk explained that this is a bridge. However, it is owned by the railroad and would not fall under this inspection procedure.

Councilman LaBouf asked about the status of the repairs to the overpass.

Mrs. Corriveau explained that her last communication to them has gone unanswered.

Councilman Bradley remarked that there was work going on today.

PRIVILEGE OF THE FLOOR

Wayne Zimmer, Katherine Street, addressed the chair concerning the city crews not being able to trim back trees that are on private property but are hanging over city sidewalks.

Scott Gates, 157 Dorsey Street, addressed the chair giving an update of his progress in seeking funding for the dog park. He explained that a portion of the Wag-a-Thon will go to the project. He also advised that if individuals wish to donate to the project, they can do so through the City Comptroller's Office and the donation would be tax deductible. He also referred to the fact that both Councilman Bradley and Councilman Smith oppose the park, stating that Councilman Bradley has indicated that he takes his dog to Thompson Park and lets him run there.

Anthony Doldo, Breen Avenue, addressed the chair concerning the sex offender ordinances from Ogdensburg and Cicero. He remarked that he would hope Watertown would take the first steps and make Jefferson County do something about this situation.

Edson Cox, Franklin Street, addressed the chair concerning the status of the skate board park at the fairgrounds.

Mr. Cox was advised that the skateboard park has been set up at the fairgrounds

for quite some time now.

Donald Moody, 133 Bishop Street, addressed the chair concerning the Ward Street property owned by Mr. Moot. He stated that it appears to him that the City didn't want Mr. Moot to be embarrassed. He questioned that and commented that he understands that Mr. Moot has been removed from SMC twice because he has been loitering there. Mr. Moody commented that the reason the City can't do anything about the situation is because there is not a public nuisance law in the Code. He advised that he had examples of public nuisance laws which he had taken from the internet.

Mr. Moody also commended the city for putting the traffic measuring devices at Holcomb and Mullin.

Mr. Moody remarked that a dog bit his grandson about three weeks ago and the dog officer advised him that the only thing she could do was to have the dog muzzled. Mr. Moody stated that he checked the City Code and the dog has to be fenced in if it is considered to be dangerous.

Christine Strobert, Ward Street, addressed the chair concerning Mr. Moot's property. She brought copies of nuisance abatement laws from other communities. She also remarked that a sofa has been on the margin on Flower Avenue West for the past three weeks and should have been removed by City crews, with the bill being put on the property owner's taxes. Mrs. Strobert also commented that Mr. Moot is driving on a learner's permit. She stated that he shouldn't have access to a vehicle. She explained that he has been seen in the areas around the schools and voiced her concern for the safety of children if he is driving on these streets.

PUBLIC HEARINGS

AT 7:30 PM MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING AMENDING THE CODE OF THE CITY OF WATERTOWN, SECTION 310-44, PARKING FACILITIES OR VEHICLE STORAGE REQUIRED.

MAYOR GRAHAM DECLARED THE HEARING OPEN.

No one spoke.

MAYOR GRAHAM DECLARED THE HEARING CLOSED.

AT 7:30 PM MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING AMENDING THE CODE OF THE CITY OF WATERTOWN, SECTION 310-9, COMMERCIAL DISTRICTS,

MAYOR GRAHAM DECLARED THE HEARING OPEN.

No one spoke.

MAYOR GRAHAM DECLARED THE HEARING CLOSED.

RESOLUTIONS

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS on July 9, 2007, the City Council of the City of Watertown approved a bid submitted by Bat-Con, Inc., Marcellus, New York, in the amount of \$304,040.00 for the Emergency Water Main Replacement Project for Ontario Drive, and

WHEREAS in connection with that project, City Engineer Kurt Hauk has submitted the attached Change Order No. 1 for consideration by the City Council, and

WHEREAS the total cost associated with this Change Order is \$63,602.41,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 1 to the contract with Bat-Con, Inc., associated with the Emergency Water Main Replacement Project for Ontario Drive, copies of which are attached and made 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 STEPHEN J. BRADLEY AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS on April 3, 2006, the City Council of the City of Watertown approved a bid submitted by Villager Construction Co., Inc., 425 Old Macedon Center Road, Fairport, New York 14450, in the amount of \$4,746,320.50 for the reconstruction of Public Square, and

WHEREAS in connection with that project, City Engineer Kurt Hauk has submitted the attached Change Order No. 3 for consideration by the City Council, and

WHEREAS the total cost associated with this Change Order is \$128,071.13,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 3 to the contract with Villager Construction Co.,

Inc., associated with the reconstruction of Public Square, copies of which are attached and made of part of this resolution, and

BE IT FURTHER RESOLVED that approval of this Change Order is contingent on City Council approval of a Bond Ordinance to fund the cost of the work being performed, 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 STEPHEN J. BRADLEY AND CARRIED WITH ALL VOTING YE

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS on April 1, 2002, the City Council approved an Agreement with Clough, Harbour and Associates, LLP (CHA) for the design of the reconstruction of State Street in the amount of \$998,000, and

WHEREAS Supplemental Agreement No. 4 to the Agreement with CHA encompasses the additional costs to perform construction inspection services to the completion of the project, and

WHEREAS the additional funds are required due to the extension of the project completion by approximately 12 months from the original project schedule, and

WHEREAS City Engineer Kurt Hauk has reviewed the Supplemental Agreement No. 4 submitted by Clough, Harbour and Associates and he is recommending that the City Council authorize this Agreement in the amount of \$80,000,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Supplemental Agreement No. 4 to the contract with Clough, Harbour and Associates, LLP in the amount of \$80,000, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that approval of this resolution is subject to City Council approval of the Bond Ordinance to fund this work, and

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

SECONDED BY MAYOR JEFFREY E. GRAHAM AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCILMAN SMITH VOTING NAY

Prior to the vote on the foregoing resolution, Councilman Smith expressed his concerns with the fact that Clough Harbour underestimated the whole project. He questioned why the City should pay for more extra work.

Mrs. Corriveau explained that the \$1 million was just for design, not for the inspection portion of the project.

Mr. Hauk explained that this funding would be used to carry the construction inspection through the completion of the project, next spring.

Councilman Smith questioned the fact that Clough Harbour were the ones who had miscalculated.

Mr. Hauk explained that this extra money is to cover the inspection. He commented that he has issues with four of the items in the initial design portion of the project. However, this is a different portion of the project. He also advised that the project is behind because of utilities.

Mrs. Corriveau advised Council that Mr. Hauk has had discussions with Clough Harbour's design engineer and the person in charge of inspections. She is also meeting with them to discuss similar concerns that Councilman Smith has expressed this evening.

Councilman LaBouf asked about recouping the funds after the project is completed.

Attorney Slye explained that the City will be looking to Clough Harbour when applying to the State for the excess costs. If the State funding is not available, the City will be speaking with Clough Harbour.

Councilman Bradley asked if the City would hold any money back at the end of the project.

Mr. Hauk explained that they get paid for the work that they do. The design estimating has nothing to do with that.

Councilman Smith asked if the delay was due to the natural gas lines and with National Grid delaying.

Mr. Hauk explained that National Grid did not delay. They have been working concurrently with the crews. He also explained that the State Street project, concerning utilities, extends to the area in front of Mr. Sub.

Councilman Smith commented that if there were delays and the contractor couldn't do the work, there is no need for inspections.

Mr. Hauk explained that the contractor was able to do other work at those times of delay.

Councilman Smith asked if the City could go after the utilities for the money.

Mrs. Corriveau explained that the City can file claims against the utilities.

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS the City Purchasing Department, in conjunction with the Fire Department, has advertised and received sealed proposals for the refurbishment of the Fire Department's 1996 Ferrara Pumper, per City specifications, and

WHEREAS Requests for Proposals were issued to ten (10) prospective agencies, with three (3) proposals being received and publicly opened and read in the City Purchasing Department on Thursday, August 9, 2007, at 11 a.m., and

WHEREAS City Purchasing Agent Robert J. Cleaver reviewed the proposals received and he concurs with Fire Chief Gaumont's recommendation that the City Council accept the proposal from Northern Fire Equipment, Watertown, New York, in the amount of \$64,617.00,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York accepts the proposal from Northern Fire Equipment, Watertown, New York, in the amount of \$64,617.00, without progress payments, for the refurbishment of the City Fire Department's 1996 Ferrara Pumper, per City specifications, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is authorized and directed to execute, on behalf of the City, all documents associated with this proposal acceptance.

SECONDED BY COUNCILMAN JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN JEFFREY M. SMITH

WHEREAS the City Council of the City of Watertown, New York has before it an ordinance which will amend Section 310-44 of the Code of the City of Watertown to eliminate the requirement for off-street parking for residential uses within a 3/16th mile radius from the center of Public Square, and

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

WHEREAS the adoption of the proposed ordinance constitutes such an “Action”,
and

WHEREAS the City Council has determined that the proposed ordinance is a
“Unlisted Action” as that term is identified in 6NYCRR Section 617.2, and

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

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

1. Based upon its examination of the Short Environmental Assessment
Form and comparison of the proposed action with the criteria set forth
in 6NYCRR Section 617.7, no significant impact on the environment
is known and the adoption of the proposed ordinance will not have any
significant negative
impacts on the environment.
2. The Mayor of the City of Watertown is authorized to execute a
Negative Declaration on behalf of the City Council.
3. This resolution shall effect immediately.

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

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS the City Council of the City of Watertown, New York has before it
an ordinance which will amend Section 310-9 of the Code of the City of Watertown
which will eliminate the requirement for Special Use Permits for residential uses in
Commercial Districts, and

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

WHEREAS the adoption of the proposed ordinance constitutes such an “Action”,
and

WHEREAS the City Council has determined that the proposed ordinance is a
“Type 1 Action” as that term is identified in 6NYCRR Section 617.2, and

WHEREAS there are no other involved agencies for a coordinated SEQRA review as that term is defined in 6NYCRR Section 617.2, and

WHEREAS to aid the City Council in its determination as to whether the proposed amendment will have a significant negative effect on the environment, Part 1 of a Full Environmental Assessment Form has been prepared by City Staff, a copy of which is attached and made part of this resolution,

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

4. Based upon its examination of the Full Environmental Assessment Form and comparison of the proposed action with the criteria set forth in 6NYCRR Section 617.7, no significant impact on the environment is known and the adoption of the proposed ordinance will not have any significant negative impacts on the environment.
5. The Mayor of the City of Watertown is authorized to execute a Negative Declaration on behalf of the City Council.
6. This resolution shall effect immediately.

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

MOTION WAS MADE BY COUNCILMAN SMITH TO TAKE FROM THE TABLE THE RESOLUTION ACCEPTING BID FOR PUMPER REFURBISHMENT, JEROME FIRE EQUIPMENT, CO., INC.

MOTION WAS SECONDED BY COUNCILMAN LABOUF AND CARRIED WITH ALL VOTING YEA

RESOLUTION WAS WITHDRAWN BY COUNCILMAN LABOUF WITHDRAWING HIS INTRODUCTION AND COUNCILMAN BRADLEY WITHDRAWING HIS SECOND.

The following resolutions were presented to Council:

INTRODUCED BY COUNCILMAN JEFFREY M. SMITH

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Amendment No. 61 to the Management and Management Confidential Pay Plan, effective September 17, 2007 as follows:

Position

Salary

Civil Engineer I - Smith 48,000
Upon completion of three years of service will move to the existing Civil Engineer I salary. Upon obtaining Professional Engineers License from the State of New York, salary will increase by \$3,000

Civil Engineer I - Churchill 50,000
Upon obtaining Fundamentals of Engineering designation will move to the existing Civil Engineer I salary. Upon obtaining Professional Engineers License from the State of New York, salary will increase by \$3,000

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

RULES WAIVED BY MOTION OF COUNCILMAN SMITH, SECONDED BY COUNCILMAN BRADLEY AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

INTRODUCED BY COUNCILMAN JEFFREY M. SMITH

WHEREAS Bart Bonner has made an application for site plan approval, for the construction of a 1,080 square foot garage to be used for installing automobile electronics, located at 1317 State Street, Parcel No. 5-01-201, as shown on plans submitted to the Engineering Department on July 24, 2007 and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on August 7, 2007, and recommended that the City Council of the City of Watertown approve the site plan, contingent upon the following:

The applicant shall depict the photometrics on the Site Plan prior to the request being scheduled for City Council review, and,

WHEREAS the applicant submitted a revised Site Plan, dated August 15, 2007, that depicts the photometrics as requested by the Planning Board, which was subsequently denied approval by the City Council, and

WHEREAS the applicant submitted another revised plan to the Engineering Department on August 27, 2007, and

WHEREAS the Planning Board of the City of Watertown reviewed the new revised site plan at its meeting held on September 4, 2007, and recommended that the City Council of the City of Watertown approve the site plan, and,

WHEREAS the City Council has determined that the project is an Unlisted Action pursuant to SEQRA because it is associated with a Zone Change, and

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions in Part 2, and has determined that the project, as submitted, will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares the proposed construction and site plan constitute an Unlisted Action for the purposes of SEQR and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown, New York that site plan approval is hereby granted to Bart Bonner for the construction of a 1,080 square foot garage to be used for installing automobile electronics, located at 1317 State Street, Parcel No. 5-01-201, as shown on the site plan submitted to the City Engineer on August 27, 2007.

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

RULES WAIVED BY MOTION OF COUNCILMAN SMITH, SECONDED BY COUNCILMAN CLOUGH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Prior to the vote on the foregoing resolution, Councilman Smith asked if there were any concerns from the Planning Board.

Mr. Mix responded that there was very little discussion concerning this.

ORDINANCES

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

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, by bond ordinances dated February 3, 2003, April 3, 2006 and February 5, 2007, the Council of the City of Watertown, Jefferson County, New York, has authorized the issuance of \$6,100,000 bonds of said City to pay the cost of the Downtown Watertown Streetscape Enhancement Project, in and for the City of Watertown, Jefferson County, New York, including sidewalks, curbs, drainage, lighting, landscaping, reconstruction of a public plaza, roadway enhancements and miscellaneous public amenities; and

WHEREAS, it is now desired to authorize the issuance of \$250,000 bonds of said City to finance additional costs of said specific object or purpose;

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

Section 1. For the specific object or purpose of paying additional costs of the Downtown Watertown Streetscape Enhancement Project, including sidewalks, curbs, drainage, lighting, landscaping, reconstruction of a public plaza, roadway enhancements and miscellaneous public amenities, in and for the City of Watertown, Jefferson County, New York, including water mains and storm sewer drainage and incidental expenses in connection therewith, there are hereby authorized to be issued an additional \$250,000 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 \$6,350,000 and that the plan for the financing thereof is as follows:

- (a) by the issuance of the \$1,500,000 bonds of said City authorized to be issued pursuant to bond ordinance dated February 3, 2003;
- (b) by the issuance of the \$4,100,000 bonds of said City authorized to be issued pursuant to bond ordinance dated April 3, 2006;
- (c) by the issuance of the \$500,000 bonds of said City authorized to be issued pursuant to bond ordinance dated February 5, 2007; and
- (d) by the issuance of the additional \$250,000 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 or Federal aid or any other revenue received by the City from other sources for such class of objects or purposes.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision ninety-one of paragraph a of Section 11.00 of the Local Finance Law, as each component thereof can be assigned a period of probable usefulness of at least fifteen years under one or more of subdivisions one, three, four, twenty or thirty-five of said paragraph a, calculated from May 27, 2004, the date of the first obligations issued for such purpose.

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.

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

UNANIMOUS CONSENT MOVED BY COUNCILMAN CLOUGH, SECONDED BY COUNCILMAN LABOUF AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

THE ORDINANCE AMENDING CITY MUNICIPAL CODE 293-61, SCHEDULE XIII, PARKING PROHIBITED AT ALL TIMES WAS PRESENTED TO COUNCIL (Introduced on August 20, 2007; laid over under the rules; appears in its entirety on page 203 of the 2007 Minutes Book)

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING ORDINANCE AND CARRIED WITH ALL VOTING YEA

THE ORDINANCE AMENDING CITY MUNICIPAL CODE 293-61, SCHEDULE XIX, RESTRICTED TIME LIMIT PARKING WAS PRESENTED TO COUNCIL (Introduced on August 20, 2007; laid over under the rules; appears in its entirety on page 203 of the 2007 Minutes Book)

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING ORDINANCE AND CARRIED WITH ALL VOTING YEA

THE ORDINANCE AMENDING THE CODE OF THE CITY OF WATERTOWN SECTION 310-44, PARKING FACILITIES OR VEHICLE STORAGE REQUIRED WAS PRESENTED TO COUNCIL (Introduced on August 20, 2007, public hearing held this evening; appears in its entirety on page 204 of the 2007 Minutes Book)

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING ORDINANCE AND CARRIED WITH ALL VOTING YEA

THE ORDINANCE AMENDING THE CODE OF THE CITY OF WATERTOWN SECTION 310-9, COMMERCIAL DISTRICTS WAS PRESENTED TO THE COUNCIL (Introduced on August 20, 2007, public hearing held this evening; appears in its entirety on page 204 of the 2007 Minutes Book)

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING ORDINANCE AND CARRIED WITH ALL VOTING YEA

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COUNCIL DISCUSSED THE FOLLOWING TOPICS

Restore NY

MOTION WAS MADE BY COUNCILMAN SMITH TO SCHEDULE A PUBLIC HEARING ON MONDAY, SEPTEMBER 17, 2007 TO DISCUSS PROJECT OPTIONS BEING CONSIDERED FOR AN APPLICATION FOR FUNDING UNDER THE RESTORE NY COMMUNITIES INITIATIVE MUNICIPAL GRANT PROGRAM.

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

Shared Municipal Service Incentive Grant Program

Mayor Graham asked that this be a topic for a work session discussion. He remarked that he would like to see a project other than the city paving one side of a street and the county paving the other side.

Mrs. Corriveau will supply Council with what types of projects have been approved in the past.

Ward Street Property

Mayor Graham discussed the fact that Mr. Moot was driving on a learner's permit and had been cited for unlicensed operation. He asked what the procedure would be if he was caught again.

Chief Goss address the chair explained that if the vehicle is in a legal spot, it is not towed. He also advised that the last he was aware, the vehicle was parked in the Washington Street plaza lot and that is private property. If an individual is caught again, he could be held on cash bail. However, he would find it hard to believe that the individual would be incarcerated after the initial arraignment.

Mayor Graham asked about notifying Mr. Moot's insurance carrier.

Chief Goss explained that he has never known the police department to contact an individual's insurance company. He stated that if it was legal, he would comply. However, he is not sure that it is even legal. He also explained that it steps up to aggravated unlicensed operation once there is a conviction and he is arrested again. He explained that all of this takes time and it would probably 45 days minimum for some type of resolution.

Councilman Bradley questioned who would pay the bill if the City had his insurance taken off and then he continues to drive and hits someone.

Attorney Slye remarked that it is not the City's function to be calling insurance carriers.

Mayor Graham suggested consulting with the District Attorney to see what could be done. He also remarked that he would like to see Mr. Moot cited on the blue car sitting on his property with an expired inspection sticker. He stated that he is making this as a complaint for Codes to check on.

Councilman LaBouf remarked that the house issue is a public nuisance. He asked that staff review the public nuisance laws from the other communities and bring something back to Council.

Councilman Clough asked Attorney Slye to reiterate his comments made at the time of the salt pile issue.

Attorney Slye explained that it was a question of whether or not it was a public or private nuisance. He explained that we have the NYS Fire Prevention and Building Code which declares certain things to be a public nuisance. He explained that the fact that a municipality declares the public nuisance in their code, it is the same as the State Property Maintenance Code. Attorney Slye advised that Watertown is not missing any piece in the puzzle. He also advised that Watertown has been complaint driven relative to Code Enforcement for many years.

Councilman LaBouf responded that we need help with a capital HELP.

Attorney Slye responded that Codes doesn't patrol the streets looking for sofas on Flower Avenue West. He stated that Codes is complaint driven because that is the way prior Councils wanted it. He stated that if Council wants that to change, it would require a lot more people in Codes.

Councilman LaBouf remarked that a complaint driven system wasn't very successful.

Attorney Slye asked just what wasn't addressed by Codes in the Moot issue.

Councilman LaBouf responded that there have been many complaints mentioned at several of the Council meetings. He asked that Attorney Slye review the laws that have been submitted.

Attorney Slye stated that he would review the laws. However, even NYCOM stated that there was nothing more that the City could have done.

Councilman Bradley remarked that NYCOM also stated that social services should be more involved.

Mrs. Corriveau advised that she had sent out an inquiry to City Managers across the state concerning this issue and listing the things that the City had done. The three responses that were received stated that we were doing everything that they have been doing in similar circumstances.

Councilman Clough remarked that it is frustrating for the neighbors. He stated that he thought this had been taken care of and was told that it was in the courts.

Mrs. Corriveau explained that without neighbors' affidavits, the City had nothing to go on.

Mayor Graham asked if the final figures for the cleanup were in.

Attorney Slye responded that he sent a bill for just over \$40,000 to Mr. Moot's attorney.

Mayor Graham urged the owners of the Washington Street Plaza to not allow Mr. Moot's vehicle to be left in their parking lot, if that is the case.

Skate Boarders

Councilman Bradley commented that he believes that Mr. Cox asked about the skate board park due to the fact that the skate boarders have been downtown skating off the front of buildings and putting marks on them.

Dog Issue

Councilman Bradley asked that Mrs. Corriveau check into the issue that Mr. Moody raised concerning the lack of action taken by the Jefferson Co. Dog Officer. He remarked that he had been advised that the County Dog Shelter had cut down on the number of employees.

Mrs. Corriveau commented that they hadn't had that many employees to begin with and will check on the concerns raised this evening.

City of Auburn Public Power Agency

Councilman Bradley referred to a letter he received from Dave Graf concerning the need for Watertown to work on efficiencies and developing their self reliant renewable energy resources. Mr. Graf refers to the City of Auburn and what they have been doing.

Councilman Bradley contacted the City of Auburn and they would like to come up to Watertown and speak with the Council.

Mrs. Corriveau advised that she had spoken with Don Alexander at JCJDC and he is in the process of scheduling a meeting with Auburn, whereby the City Engineer and others will be visiting Auburn to see their facilities.

Mayor Graham asked that Council be notified when the trip has been scheduled as the members may want to attend.

Dog Park

Councilman Bradley thanked Scott Gates for putting words in his mouth. Councilman Bradley stated that he has never had any conversations with Mr. Gates.

Sex Offender Issue

Councilman Clough asked that Attorney Slye review the Ogdensburg ordinance.

Mrs. Corriveau asked if Council wants staff to look at where sex offenders live in the community.

Councilman Clough responded that he would like to see it like Ogdensburg or Cicero.

Councilman Smith asked if there are restrictions of where we can indicate that sex offenders may reside. He stated that to ban may be unconstitutional, but to restrict may not be.

Attorney Slye responded that he has reviewed the copy of Ogdensburg's ordinance. He has also spoken with their City Attorney. She has indicated that she tried to make it as constitutionally accepted as she could. Attorney Slye also commented that the City of Binghamton was sued in federal district court and in the fact of that and to avoid losing, they had to remove the ordinance from the books. Attorney Slye also advised that the Ogdensburg City Attorney contact the Office of the Attorney General for an opinion as to if the ordinance was lawful or not. The Attorney General refused to do so. He also commented that if this is regarding hotels, he doesn't know if the City can tell the County what to do.

Councilman Clough remarked that the City can't tell a hotel owner who he can rent a room to.

Councilman LaBouf responded that he does want to do something lawful and enforceable. He referred to the Senate Bill 821 which would require hotels and motels to

post that they were housing sex offenders. He read a letter that he had prepared thanking the sponsor of the bill. He also indicated that he was sending a letter to Senator Wright asking that he co-sponsor the bill.

Attorney Slye advised that the proposed legislation is for those hotels and motels that contract with the state of county, not for all hotels and motels across the state.

N. Hamilton Signage

Councilman Smith explained that the no parking signs on N. Hamilton Street have not been put in place yet.

Mrs. Corriveau will check on this.

High Street Business

Mayor Graham indicated that a business on High Street has lost a couple of parking spaces because the no parking signs were put back up. He asked that a report concerning this be prepared for the next meeting.

Movable Sign for Speeds

Councilman Smith asked if the sign had been repaired.

Chief Goss indicated the sign has been repaired and they are expecting in back soon.

ADJOURNMENT

AT THE CALL OF THE CHAIR THE MEETING WAS DULY ADJOURNED AT 9:06 P.M. BY MOTION OF COUNCILMAN CLOUGH, SECONDED BY COUNCILMAN BRADLEY AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Donna M. Dutton

City Clerk