

**REGULAR COUNCIL MEETING
CITY OF WATERTOWN
February 4, 2002
7:00 P.M.**

MAYOR JOSEPH M. BUTLER PRESIDING

PRESENT: **COUNCILWOMAN ROXANNE M. BURNS
COUNCILMAN PETER L. CLOUGH
COUNCILMAN PAUL A. SIMMONS
COUNCILMAN JEFFREY M. SMITH
MAYOR BUTLER**

ALSO PRESENT: **CITY MANAGER JERRY C. HILLER
ASSISTANT CITY MANAGER MARY M. CORRIVEAU
CITY ATTORNEY JAMES BURROWS**

Assistant City Manager Corriveau presented the following reports to Council:

- No. 1 - Commissioner of Deeds
- No. 2 - Providing for an Increase of the Service Charge Fee On Returned Checks
- No. 3 - Authorizing Application for Save Outdoor Sculpture, 2002 Assessment Grant
- No. 4 - Approving Section 5311 Operating Assistance Continuing Agreement Between the City of Watertown and New York State
- No. 5 - Approving A Site Plan for an 8,000 Sq. Ft. Childcare Facility Located in the 1600 Block of Ohio Street on a Subdivided Portion of Parcel No. 5-17-301
- No. 6 - Authorizing Submission of an Application for Fiscal Year 2002 Small Cities Community Development Block Grant Funding
- No. 7 - Appointing Donna M. Dutton as Marriage Officer for The City of Watertown
- No. 8 - An Ordinance Authorizing the Issuance of \$125,000 Serial Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of the Purchase of Sewer Main Inspection Video Camera Equipment and a Transport Vehicle Therefor, In and For Said City
- No. 9 - An Ordinance Authorizing the Issuance of \$450,000 Serial Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of a Comprehensive Downtown Streetscape Project for Areas of Public Square, Mill Street And City Center Drive, In and For Said City of Watertown
- No.10- An Ordinance Authorizing the Issuance of \$40,000 Serial Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of Consulting Services to Create An Inventory of Fixed Assets and Assign Value Thereto To Comply with Government Accounting Standards Board Statement No. 34, and for Future Capital Improvement Planning Purposes, Of and For Said City of Watertown

No. 11-Local Law No. 2 of 2002 Providing that the City of Watertown Shall Establish A Fee for the Solemnization Of Marriages by the City Marriage Officer
No.12- Local Law No. 3 of 2002 Amending Sections 93, 95, 96,102 and 108 of the City Charter of the City of Watertown, Procedures for Establishing and Collecting Special Assessments for Improvements

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 January 22, 2002 was dispensed with and accepted as written by motion of Councilwoman Burns, seconded by Councilman Clough and carried with all voting in favor thereof.

COMMUNICATIONS

From Winifred Dushkind in support of a contract between the County and the SPCA.

ABOVE PLACED ON FILE

From the City Assessor advising Council that:

1. Barbara Willis, representing North County Affordable Housing has offered to negotiate the sale and purchase of City owned property at 82 Superior Street, a vacant lot.
2. Paul Simmons, II, 332 Logan Street, has offered to negotiate the sale and purchase of City owned property at 910 Bronson Street.

ABOVE PLACED ON FILE

PRIVILEGE OF THE FLOOR

Capt. David Lachenauer, President of the Watertown Firefighters Association, addressed the chair asking to meet in executive session with Council to share with them a set of proposals for long-term and short-term savings for the City in the Fire Department. He explained that these savings could reach upwards of \$750,000 and asked that the session be closed door due to the fact that it would involve personnel and contract negotiations. He explained that the proposals would keep the present response time and would still ensure safety for the taxpayers and firefighters.

Mr. Hiller explained that he didn't feel that executive session would be appropriate. He explained that when the subject involves negotiations, there is an appropriate methodology, which must be adhered to.

Mayor Butler commented that in the spirit of management-employee relations, he felt that the Council should listen to the proposals.

Councilman Simmons asked for Attorney Burrows' opinion.

Attorney Burrows explained that Mr. Hiller was correct about the restrictions for executive sessions. He stated that it was his opinion that the discussion, at the present time, should be in a public forum.

Councilman Clough commented that if the discussion were about individual personnel matters, it would be a subject for executive session.

Attorney Burrows stated that this is true. However, it has to be within certain guidelines.

Capt. Lachenauer explained that discussing this in open session could affect negotiations.

Mayor Butler asked if City staff could meet with the committee and then come back to the Council.

Capt. Lachenauer explained that they would prefer to have Council involved in it from the beginning.

Mayor Butler asked if the committee representing the union would be willing to meet with two members of Council, Mr. Hiller and Mrs. Corriveau for an overview of the proposals.

Mayor Butler explained that it is not the intent of Council to undermine staff. He also explained that some members of Council have expressed problems with negotiations in the sense of the process, as they say that there is a void in communications between the unions and the Council.

Capt. Lacheneur also stated that they are not trying to reopen the contract. They are trying to come up with cost savings and they are not trying to circumvent the system.

Attorney Burrows answered questions about executive sessions and explained that open meetings are designed so that the public is aware of issues.

Mr. Hiller commented that the reason the City goes into executive session to discuss negotiations is to conduct strategy sessions for those negotiations.

Councilman Simmons commented that it behooves the Council to pay attention to these proposals and he would like to know what they are by next week's work session.

Mr. Hiller commented that if this were going to happen this evening, he would like to call Chief Gaumont in.

After Capt. Lachenauer met with the committee, he informed Council that they would meet with two Council members, Mr. Hiller, Mrs. Corriveau and Chief Gaumont after tonight's Council meeting.

Robert Heaslip, 558 Burdick Street, addressed the chair concerning the salt pile. He stated that there are still major issues with the asphalt cracking, salt dust on the homes, sickness as a result of the blowing salt and lower property values. He stated that the residents have received no help from the Council. He questioned what the City was doing.

Mayor Butler stated that they haven't done enough. He explained that Attorney Burrows had met with the neighbors and the Mayor has met with Attorney Burrows and Mr. McWayne.

Attorney Burrows outlined what he has been doing on the issue. He met with the neighbors on November 27th. He explained that many of these concerns were expressed to the County and to the State and they wouldn't do anything about them. Therefore, the City took on the concerns and met with the neighbors. Attorney Burrows explained that he then researched the zoning law, which allows for the salt depot and asked the residents to submit any more information they have on the situation there. He stated that to date, he hasn't received anything else from the neighbors.

Mr. Heaslip stated that the complaints were filed with Mr. McWayne.

Attorney Burrows stated that the complaints were noise complaints. He spoke with Mr. Cleaves about the noise. A newer front-end loader was broken. Therefore, they were forced to use an older loader, which was much louder. After speaking with Mr. Cleaves, the newer loader was repaired and the older loader is not being used except in emergency situations or for removal of snow. Mr. Cleaves also agreed to restrict the hours of operation and not start until 7 A.M., unless the State or County needs the salt immediately, as that must be done due to a contract. Attorney Burrows explained that the State V&T law doesn't apply to equipment being operated on private property.

Mr. Heaslip advised Council that there are eight dump trucks, two tractor-trailers and the loader running all at the same time, in addition to the trains and the noise is unbearable.

Councilman Clough remarked that two months ago, at a meeting at the Northside League, Mr. Cleaves agreed to start at 7 A.M. However, he didn't follow through.

Attorney Burrows remarked that this is why he asked Mr. McWayne for verification on the noise complaints. He referred to his letter to the City this date in which he outlines the public nuisance law. He also explained that DEC declined to proceed as they had two

cases in St. Lawrence County, which they lost as, they didn't have the needed information. If the City was to proceed and they received a favorable Court ruling, the result would be either to negotiate a remedy by abating the public nuisance or if that is not possible, the business could be closed down.

Mayor Butler stated that the first thing should be to establish a database through testing. He stated that he had contacted Converse Labs to establish the base line. He will talk with Mr. Heaslip and Converse Labs tomorrow about doing this.

Attorney Burrows explained that the only common denominator in the complaints was the loader noise and the noise ordinance has limited circumstances where noise is a viable issue.

Councilman Clough asked about the 7 A.M. starting time being binding.

Attorney Burrows explained that the only time the 6:30 A.M. time comes into play is with tractor-trailers in residential areas, not in heavy industrial zones.

Councilman Clough commented that now there are several more cracks in the asphalt and it is time for the City to take some action.

Mayor Butler remarked that the city is pursuing every avenue and questioned what else can be done.

Councilman Clough stated that the City should move ahead with what we have as a public nuisance and also establish a time frame.

Attorney Burrows commented that there is no statute of limitations on this. He also commented that the mere fear of harm is not enough for a public nuisance.

Mr. Heaslip asked about the SEQRA report that was previously before the Planning Board and what would have happened if they had voted yes on the questions. He asked if that could have stopped the salt pile.

Attorney Burrows explained that it would have only meant that the environmental issues should have been looked at from a sub-division perspective since that SEQRA dealt with breaking up parcels, not for the use of the parcel.

Mr. Heaslip asked if a time frame could be established.

Mayor Butler commented that while they could not put a time frame on the decision for public nuisance, they should move forward on the database.

Robert Kizzer, 875 Le Ray Street, addressed the chair stating that the noise from the train engine and the other equipment is atrocious and can be heard all the way down to his home, even on Sundays.

PUBLIC HEARINGS

AT 7:30 P.M. MAYOR BUTLER ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING REGARDING THE SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR FISCAL YEAR 2002.

MAYOR BUTLER DECLARED THE HEARING OPEN.

Ken Mix, Planning and Community Development Coordinator, addressed the chair explaining the grant proposal. He explained that this is the second required hearing on the project. He answered questions from Council concerning the proposal and explained that he has been informed that the State has indicated that this is a good project due to the fact that it ties in with the Neighbors of Watertown project. Mr. Mix also explained that if the City does not receive the grant, no rehab project would be done and Council would have to decide on how much they want to do toward the Emerson project.

MAYOR BUTLER DECLARED THE HEARING CLOSED AT 7:40 P.M.

AT 7:45 P.M. MAYOR BUTLER ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING REGARDING LOCAL LAW NO. 2 OF 2002 PROVIDING THAT THE CITY OF WATERTOWN SHALL ESTABLISH A FEE FOR THE SOLEMNIZATION OF MARRIAGES BY THE CITY MARRIAGE OFFICER.

MAYOR BUTLER DECLARED THE HEARING OPEN.

No one spoke.

MAYOR BUTLER DECLARED THE HEARING CLOSED.

AT 8:00 P.M. MAYOR BUTLER ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING REGARDING LOCAL LAW NO. 3 OF 2002 AMENDING SECTIONS 93,95,96,102, 104 AND 108 OF THE CITY 'S CHARTER

MAYOR BUTLER DECLARED THE HEARING OPEN.

No one spoke.

MAYOR BUTLER DECLARED THE HEARING CLOSED.

RESOLUTIONS

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

RESOLVED that the following individual is named Commissioner of Deeds for the term ending December 31, 2002:

City Employee

Michael K. VanWaldick
Darren K. Yott

Non-City Employee

Patricia J. Hennegan

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

INTRODUCED BY COUNCILMAN PAUL A. SIMMONS

WHEREAS Chapter 474 of the Laws of 2001 of the State of New York amended Section 85 of the General Municipal Law which now authorizes municipalities to impose a service charge not to exceed twenty dollars (\$20.00) per check where a tendered payment of an account owing to the municipality by check or other written order is returned for insufficient funds, or for any other reason,

NOW THEREFORE BE IT RESOLVED, pursuant to Section 85 of the General Municipal Law as follows:

- Section 1. There is hereby imposed a service charge in the amount of twenty dollars (\$20.00) to be added to any account owing to the City of Watertown where a tendered payment of such account by a check or other written order is returned for insufficient funds, or for any other reason.
- Section 2. Whenever the account owing to the City is for a tax, special ad valorem levy or special assessment, the service charge herein imposed shall be included on whatever list of delinquent accounts is prepared for the enforcement of the lien.
- Section 3. Any such service charge shall be collected in the same manner described by law for the collection of the account for which the payment is tendered.

Section 4. In the event that such a party tenders a payment by check or other written order to the City and such payment is returned for insufficient funds, or for any other reason, in addition to the imposition of the service charge as herein provided, the Officer responsible for collecting such account may require future payments, including payment of said service charge, to be made in cash or by certified or cashier's check.

Section 5. This resolution shall take effect immediately after approval by the City Council.

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

INTRODUCED BY COUNCILMAN JEFFREY M. SMITH

WHEREAS City of Watertown resident Rande S. Richardson has asked that the City Council of the City of Watertown authorize him to submit a 2002 assessment grant application to the Heritage Preservation on behalf of the City of Watertown, and

WHEREAS this grant program supports preservation and public awareness efforts on behalf of public sculptures in the United States and is designed to make volunteers, civic groups, and governmental agencies more effective in saving and maintaining their local outdoor sculpture, and

WHEREAS Mr. Richardson would serve as the co-applicant for a grant, which would provide funding for a condition assessment of the Governor Roswell P. Flower statue, located on lower Washington Street, and

WHEREAS any funding needed in excess of the \$850 grant will be raised from outside sources,

NOW THEREFORE BE IT RESOLVED that Rande S. Richardson, as co-applicant, is authorized to submit a 2002 assessment grant application to the Heritage Preservation on behalf of the City of Watertown for a condition assessment of the Governor Roswell P. Flower statue, located on lower Washington Street, and

BE IT FURTHER RESOLVED that any funding needed in excess of the \$850 grant will be raised from outside sources.

SECONDED BY COUNCILMAN PAUL A. SIMMONS AND CARRIED WITH ALL VOTING YEA

Mayor Butler commended Mr. Richardson for his initiative with this project.

Mr. Richardson thanked Council for their support in approving this resolution.

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS Section 5311 of Title 49, United States Code, provides federal financial assistance for public transportation in rural and small urban areas by way of a formula grant program to be administered by the States, and

WHEREAS the City of Watertown may make application annually to the New York State Department of Transportation for such Federal aid for operating assistance for a Project to provide public mass transportation service on a continuing basis in Watertown, New York, and

WHEREAS the City of Watertown desires to enter into a continuing agreement with the State of New York for the undertaking of the Project,

NOW THEREFORE BE IT RESOLVED that Mayor Joseph M. Butler is authorized and directed to execute the continuing agreement between the City of Watertown and the State of New York providing for the undertaking of the Project and authorizing annual grant applications for such Section 5311 funds, and

BE IT FURTHER RESOLVED that Mayor Joseph M. Butler is authorized to act on behalf of the City of Watertown to progress and complete the above named Project, and

BE IT FURTHER RESOLVED that Mayor Joseph M. Butler is authorized to sign any contracts or agreements between the City of Watertown and any third party subcontractor necessary to complete the public transportation project.

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

Prior to the vote on the foregoing resolution, Councilman Simmons questioned if this could be tabled, as he and other Council members had not had a chance to read through the contract.

Mrs. Corriveau explained that the contract is the standard agreement with the only difference being the dates. She explained that reimbursements would be held up until the resolution is passed.

Councilman Simmons commented that he didn't want to holdup money coming into the City.

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS Tony Marra of The Stebbins Engineering and Manufacturing Company, on behalf of Benchmark Family Services, Inc., has made application for site plan approval for the construction of an 8,000 sq. ft. childcare facility located in the 1600 block of Ohio Street on a subdivided portion of Parcel No. 5-17-301, and

WHEREAS the Jefferson County Planning Board reviewed the site plan at its meeting held on January 29, 2002, pursuant to General Municipal Law Section 239-m, and resolved to make no formal recommendation due to the lack of County-wide or intermunicipal issues, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on January 8, 2002, and recommended that the City Council of the City of Watertown approve the site plan, contingent upon the following:

1. That the revised site plan submitted on January 8, 2002 be presented to the City Council.
2. That additional site lighting be provided if the building mounted light fixtures do not adequately light the parking area.
3. That the landscaping be installed as shown on the site plan.
4. That the asphalt from the parking lot area does not encroach upon the sidewalk.

And,

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

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed construction and site plan constitute an Unlisted Action for the purposes of SEQRA 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 Tony Marra of The Stebbins Engineering and Manufacturing Company, on behalf of Benchmark Family Services, Inc., for the construction of an 8,000 sq. ft. childcare facility located in the 1600 block of Ohio Street on a subdivided portion of Parcel No. 5-17-301, as shown on plans submitted to the City Engineer on January 8, 2002, contingent upon the applicant making the revisions and meeting the requirements listed above in the City Planning Board's recommendation.

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

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS federal grant funding is available through the New York State Governor's Office for Small Cities (GOSC) to support local community development activities that are undertaken by eligible municipalities, and

WHEREAS the City of Watertown is eligible to apply for such funding in the Fiscal Year 2002 competition under the Small Cities Community Development Block Grant (CDBG) Program, and

WHEREAS it has been determined that such funding should be used for a Comprehensive Program including housing rehabilitation and public facilities improvements in a designated target area within the Near East Side Neighborhood Improvement District, and

WHEREAS this proposal has been considered at two public hearings conducted by the City Council on January 22 and February 4, 2002,

NOW THEREFORE BE IT RESOLVED that the Mayor, Joseph M. Butler, is authorized to sign and submit an application for Community Development Block Grant funding for consideration in the Fiscal Year 2002 Small Cities competition through the New York State Governor's Office for Small Cities, and

BE IT FURTHER RESOLVED that the Mayor is authorized to sign all agreements, certifications and other documents required to complete the application, accept the grant and administer the programs that are to be proposed for CDBG funding.

SECONDED BY COUNCILMAN PAUL A. SIMMONS AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS §11-c (1) of the New York Domestic Relations Law permits the City Council of the City of Watertown to appoint one or more Marriage Officers who shall have the authority to solemnize marriages within the City, and

WHEREAS the City Council of the City of Watertown adopted Local Law No. 2 of 2002, establishing the position of City Marriage Officer under Section 45-11.3 of the Watertown City Code, and

WHEREAS Donna M. Dutton is over the age of 18, and resides within the City of Watertown, as required by §11-c (2) of the New York Domestic Relations Law,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that Donna M. Dutton shall be appointed as a Marriage Officer for the City of Watertown with the duties established by §45-11.3 of the City Code of the City of Watertown and by Article 3 of the New York Domestic Relations Law.

SECONDED BY COUNCILMAN PAUL A. SIMMONS AND CARRIED WITH ALL VOTING YEA

Prior to the vote on the foregoing resolution and Local Law No. 2, Councilman Clough asked if the appointment of City Marriage Officer was being given to the position of City Clerk or to Mrs. Dutton as the individual.

Mrs. Corriveau explained that the appointment was for Mrs. Dutton as the individual, not the City Clerk position.

ORDINANCES

INTRODUCED BY COUNCILWOMAN ROXANNE M. BURNS

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

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

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

Section 1. For the specific object or purpose of paying the cost of the purchase of sewer main inspection video camera equipment and a transport vehicle therefor, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$125,000 serial bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$125,000 and that the plan for the financing thereof is by the issuance of the \$125,000 serial bonds of said City authorized to be issued pursuant to this bond ordinance.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law.

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

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

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

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

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

shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

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

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

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

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

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

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

Prior to the vote on the foregoing ordinance, Councilman Clough asked about the need for the trailer.

Mr. Hiller explained that it was a self-contained unit.

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

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

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

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

Section 1. For the class of objects or purposes of paying the cost of a comprehensive downtown streetscape project for areas of Public Square, Mill Street and City Center Drive, including curbs, sidewalks and gutter construction or reconstruction and related street paving, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$450,000 serial bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$450,000 and that the plan for the financing thereof is by the issuance of the \$450,000 serial bonds of said City authorized to be issued pursuant to this bond ordinance; provided, however, that the amount of serial bonds ultimately to be issued will be reduced by the amount of any State and, or Federal aid received by said City for such class of objects or purposes.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years, pursuant to subdivision 90, as each component thereof has a period of probable usefulness of at least ten years under one or more of subdivision 20 or 24, of paragraph a of Section 11.00 of the Local Finance Law.

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

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

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

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance

Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

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

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

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

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

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

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

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

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

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

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

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

Section 1. For the specific object or purpose of paying the cost of consulting services to create an inventory of fixed assets and assign value thereto to comply with Government Accounting Standards Board Statement No. 34 and for future capital improvement planning purposes, of and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$40,000 serial bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$40,000 and that the plan for the financing thereof is by the issuance of the \$40,000 serial bonds of said City authorized to be issued pursuant to this bond ordinance.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 62 of paragraph a of Section 11.00 of the Local Finance Law.

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

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

such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

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

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

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

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

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

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

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

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

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

LOCAL LAWS

Local Law No.2 of 2002 “Providing that the City of Watertown Shall Establish A Fee for the Solemnization Of Marriages by the City Marriage Officer” was presented to Council. (Introduced on January 22, 2002; public hearing held this evening; appears in its entirety on page 26 of the 2002 Minutes Book)

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING LOCAL LAW AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Local Law No. 3 of 2002 “Amending Section 93,95,96,102,104 and 108 of the City Charter of the City of Watertown, Procedures for Establishing And Collecting Special Assessments For Improvements was presented to Council. (Introduced on January 22, 2002; public hearing held this evening; appears in its entirety on page 27 of the 2002 Minutes Book).

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING LOCAL LAW AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

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COUNCIL DISCUSSED THE FOLLOWING TOPICS:

Scope of Services – Fire & Police Department Study

Councilman Clough referred to this report, which was given to Council members. It was explained that the Fire Department study was more encompassing.

T21 Grant Deadline

Mr. Hiller advised that the deadline for this grant application is March 1st. He stated that they are optimistic for the second round.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 8:45 P.M. BY MOTION OF COUNCILMAN CLOUGH, SECONDED BY COUNCILMAN SIMMONS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF

Donna M. Dutton, City Clerk