

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
February 17, 2015  
7:00 p.m.**

**Mayor Jeffrey E. Graham Presiding**

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

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

**City staff present:** James Mills, Ken Mix, Matthew Roy, Yvonne Reff, Eugene Hayes, Michael Sligar, Michael Lumbis, Justin Wood, Brian Phelps, Fire Chief Herman, Deputy Fire Chief Randall, Police Chief Donoghue

The City Manager presented the following reports to Council:

- Resolution No. 1 - Performance Review of City Manager
- Resolution No. 2 - Performance Review of City Clerk
- Resolution No. 3 - Appointment to the Roswell P. Flower Memorial Library Board of Trustees, Cheryl A. Evans
- Resolution No. 4 - Requesting That New York State Review its Interpretation of the Olmstead Decision as it Relates to Choice of Employment for Persons With Intellectual and Developmental Disabilities
- Resolution No. 5 - Amendment No. 101 to the Management and Management Confidential Pay Plan
- Resolution No. 6 - Authorizing Sale of Real Property, Known as VL-1 Mather Street to Ray Worcester, 152 Winthrop Street, Watertown, New York 13601
- Resolution No. 7 - Approving Agreement of Lease Between the City of Watertown and the Thompson Park Conservancy, Inc.
- Resolution No. 8 - Approving Amendment No. 1 to Agreement No. 30728 Between the City of Watertown and New York State Energy Research and Development Authority
- Resolution No. 9 - Agreement Between the City of Watertown and the County of Jefferson, AAA Transportation Program
- Resolution No. 10 - Approving the Project Agreement Between the City of Watertown and the Development Authority of the North Country for 2014 Grant Funds From the North Country HOME Consortium
- Resolution No. 11 - Authorizing Application for US Department of Homeland Security Staffing for Adequate Fire and Emergency Response (SAFER) Grant, Fire Department
- Tabled - Resolution Approving Intergovernmental Agreement Relative to Dog Control Services With County of Jefferson
- Tabled - Resolution Approving Whitewater Park Public Access Limited Use Agreement with Hole Brothers Holdings, LLC
- NYS Financial Restructuring Board Financial Assistance

- Community Development Block Grant (CDBG) 2014 Annual Action Plan Amendment Public Hearing
- Community Development Block Grant (CDBG) 2015 Annual Action Plan Public Hearing

**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 February 2, 2015 and the adjourned meeting of February 10, 2015 was dispensed and accepted as written by motion of Council Member Roxanne M. Burns, seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

**COMMUNICATIONS**

An email was received from Andy Williams, NYABS Superfund Administrator, representing a group of concerned citizens over the effects of contamination from the NY Air Brake property and requesting further testing of the surrounding properties and schools.

**PRIVILEGE OF THE FLOOR**

**Howard Ganter**, 610 Main Street, Glen Park, addressed the chair stating he operates Jefferson Rehabilitation Center (JRC) which has many facilities in Watertown. He said he understands Council is considering a resolution in support of sheltered workshops and asking New York State to review their decision on Olmstead. He provided Council with background on this issue and indicated that he was available to address questions. He asked Council for their support of this resolution and said he agrees with the philosophy of NYS however, the Olmstead Decision does not provide people with disabilities the ability to choose where they want to work.

**Cathy Robertson**, Northern New York Autism Foundation, 135 Franklin Street, stated her daughter, Cindy, has autism and is in the hallway because she is unable to come into this room due to someone clicking their pen. She explained that many children with autism have hyperacusis so someone clicking their pen sounds like a shotgun going off to their ears. She added that this is a beautiful example of why people that might be high- functioning cannot necessarily work in the competitive employment arena. Within the NNY Autism Foundation, she noted there are many families with autistic children wondering what is going to happen to these children if sheltered workshops are closed. She thanked Council for bringing this topic up and giving their support for the future of these children.

**Martin Lamon Jr.**, 246 Elm Street, addressed the chair stating he is the Commissioner of the Watertown Sunday Softball League. He noted that Chris Tehonica spoke to Council regarding his concerns with the league at a previous meeting. Mr. Lamon indicated that he is here to support Mr. Tehonica as well as Parks and Recreation Superintendent Erin Gardner's comments. He mentioned the League Board has been working with Ms. Gardner and Mr. Tehonica to ensure there is a structured league for this upcoming season. He asked for the league to be transitioned under the control of the Parks and Recreation Department noting the Board voted 4 to 1 in favor of this.

## **RESOLUTIONS**

### **Resolution No. 1 - Performance Review of City Manager**

#### **Introduced by Council Member Stephen A. Jennings**

WHEREAS the Charter of the City of Watertown under Title III, Section 20-8 requires a performance review of the City Manager annually with findings adopted by March 1 each year, and

WHEREAS the City Manager, Sharon Addison, has submitted to City Council a list of her accomplishments for the previous year, and

WHEREAS City Council acknowledged the high-energy approach to the job by Ms. Addison and her ability to resolve issues quickly, and

WHEREAS it was determined that the City Manager has demonstrated her management and communication style, and has become an effective leader of the City's workforce, and

WHEREAS the City Manager has been effective at cost containment that led to the substantial reduction of deficit for the City budget, and

WHEREAS City Council shared its observations and suggestions for development and improvement and are confident the City Manager will address these areas,

NOW THEREFORE BE IT RESOLVED that following an assessment and review of the City Manager's duties and performance, we find the City Manager, Sharon Addison, has performed consistent with expectations and did an excellent job in the year.

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

### **Resolution No. 2 - Performance Review of City Clerk**

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

WHEREAS the Charter of the City of Watertown under Title III, Section 20-8 requires a performance review of the City Clerk annually with findings adopted by March 1 each year, and

WHEREAS the City Clerk, Ann M. Saunders, has provided City Council with a summary of her duties and accomplishments for the previous year, and

WHEREAS City Council determined the City Clerk has done an excellent job of carrying out the duties of her office and serving the public, and

WHEREAS the City Clerk has effectively led her staff in a professional and productive way, and

WHEREAS the City Clerk continues to work on improving the use of technology to make her office more efficient,

NOW THEREFORE BE IT RESOLVED that following an assessment and review of the City Clerk's duties and performance, we find the City Clerk, Ann M. Saunders, has performed consistent with expectations and did an excellent job in the year.

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

**Resolution No. 3 - Appointment to the Roswell P. Flower Memorial Library Board of Trustees, Cheryl A. Evans**

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

BE IT RESOLVED that the City Council of the City of Watertown, New York, hereby appoints Cheryl A. Evans, 163 Flower Avenue East, Watertown, New York, to the Roswell P. Flower Memorial Library Board of Trustees, to fill the unexpired term of Maria Mesires, which term expires December 31, 2019.

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

Prior to the vote on the foregoing resolution, Mayor Graham said Ms. Evans is out of town so she was unable to attend tonight's meeting. He mentioned that she took time last week to attend the Library Board Meeting to ensure that she was comfortable with the surroundings.

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

**Resolution No. 4 - Requesting That New York State Review its Interpretation of the Olmstead Decision as it Relates to Choice of Employment for Persons With Intellectual and Developmental Disabilities**

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

WHEREAS the United States Department of Justice and the Centers for Medicare and Medicaid Services have been working with the various states to ensure that the terms of the 1999 Supreme Court decision Olmstead vs. L.C., which requires that persons with disabilities must be placed in the most integrated settings appropriate to their needs, are enforced, and

WHEREAS New York State believes that sheltered workshops are segregated settings and not appropriate for implementing the Olmstead decision, and

WHEREAS the State of New York has promulgated rules wherein no new individuals may be placed in sheltered workshops and all sheltered workshops will be closed within six years, and

WHEREAS some 8,000 individuals with disabilities are currently employed in sheltered workshops in New York State, and

WHEREAS the State's plan is to move approximately half of those individuals into minimum wage jobs and the other half into day programs with no employment, and

WHEREAS the individuals in the workshops currently earn less than the minimum wage based on their production capacity under the terms of an exemption in the Fair Labor Standards Act, and

WHEREAS the State does not support paying less than the minimum wage under said exemption, and

WHEREAS the sheltered workshops provide employment to individuals who otherwise could not be employed, and who want to continue to work there, and

WHEREAS the State and Federal Government, by these rules, do not support the choice of these individuals to continue working, even though the Olmstead decision specifically states that depending on the abilities and needs of the individual, such settings are legally acceptable, and

WHEREAS the City of Watertown strongly supports and advocates for the choices of said individuals and their families to work in sheltered workshops as a way to feel as and be productive citizens, regardless of abilities, and

WHEREAS the City of Watertown believes the elimination of sheltered workshops would be a discriminatory harmful action against disabled individuals,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby requests the State of New York consider that either workshops be allowed as a choice of employment or a model be created that promotes integration in the workshop with the support and resources necessary to make it successful and provides choice for people with disabilities as required by Olmstead, and

BE IT FURTHER RESOLVED that copies of this resolution be provided to the City's State and Federal representatives.

**Seconded by Council Member Stephen A. Jennings**

Prior to the vote on the foregoing resolution, Council Member Burns said she appreciates Mr. Ganter speaking and she is aware of the important function that JRC provides to the community. She said that she supports this resolution wholeheartedly.

Council Member Butler thanked Mr. Ganter and Ms. Robertson for attending this meeting and voicing their opposition to this initiative to discontinue sheltered workshops. He stated the County already passed a resolution similar to this one and he thinks it is important for the City of Watertown to represent the constituents who work at these sheltered workshops. He said it is important to send a message to State and Federal representatives and advocate on the behalf of these individuals.

Mayor Graham said that he supports this premise and he would be willing to have a cover letter drafted.

Council Member Butler mentioned a letter has already been drafted and he would be willing to finalize it.

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

**Resolution No. 5 - Amendment No. 101 to the Management and Management Confidential Pay Plan**

**Introduced by Council Member Stephen A. Jennings**

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York, hereby approves Amendment No. 101 to the Management and Management Confidential Pay Plan, for the position listed below, as follows:

<u>Position</u>	<u>Salary</u>
Planner	\$42,319

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

Prior to the vote on the foregoing resolution, Mayor Graham asked if this position has been filled.

Ms. Addison replied that one of the two positions will be filled pending the completion of a background investigation. She said the candidate for the second position took another job elsewhere so she is still working to fill that position. She confirmed that this position is funded by the Community Development Block Grant (CDBG).

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

**Resolution No. 6 - Authorizing Sale of Real Property, Known as VL-1 Mather Street to Ray Worcester, 152 Winthrop Street, Watertown, New York 13601**

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

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as VL-1 Mather Street, approximately 66' x 330' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 09-21-102.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed 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 16 adopted by the Council on June 6, 1977, that the offer of \$500 submitted by Ray Worcester for the purchase of Parcel No. 09-21-102.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, be and he hereby is

authorized, empowered and directed to execute and deliver a Quit Claim Deed expressly reserving a permanent and perpetual easement for a sanitary sewer main in favor of the City of said real property to Ray Worcester upon receipt of the above mentioned sum of money in cash only by the City Comptroller, and

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers, the City shall have the right to seek and be entitled to receive reversion of title to the premises to the City.

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

**Resolution No. 7 - Approving Agreement of Lease Between the City of Watertown and the Thompson Park Conservancy, Inc.**

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

WHEREAS the City of Watertown owns the property known as Thompson Park, located in the City of Watertown, and

WHEREAS the Thompson Park Conservancy, Inc. desires to lease certain premises located at Thompson Park for the operation of the Thompson Park Zoo, and the City is willing to lease the same to the Conservancy under the terms and conditions set forth in the attached Agreement of Lease,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement of Lease between the City of Watertown and the Thompson Park Conservancy, Inc., in connection with the operation of the Thompson Park Zoo, a copy of which is attached and made a part of this resolution, and

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

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

**Resolution No. 8 - Approving Amendment No. 1 to Agreement No. 30728 Between the City of Watertown and New York State Energy Research and Development Authority**

**Introduced by Council Member Stephen A. Jennings**

WHEREAS the City of Watertown applied to the 2012 Regional Economic Development Council for grant assistance through the New York State Energy Research and Development Authority (NYSERDA) for the implementation of the Sludge Disposal Process Modification Project at the Waste Water Treatment Plant (Project), and

WHEREAS on December 20, 2012, the City of Watertown received notice that grant assistance in the amount of \$585,646 had been awarded for the implementation of said Project, and

WHEREAS, the City of Watertown released a Request for Qualifications to select an Engineering Firm to perform a number of tasks associated with the implementation of said Project, selecting GHD Consulting Services, Inc. and

WHEREAS at their Regular Meeting on April 1, 2013, the City Council of the City of Watertown approved a Consulting Services Agreement between GHD Consulting Services, Inc. and the City of Watertown, and

WHEREAS said Consulting Service Agreement included provisions for Preliminary Design and Final Design Phase engineering services, including conceptual layout, product marketing, preparation of a Preliminary Design Report, final design, and preparation of Contract Documents, in the amount of \$638,280, and

WHEREAS said grant award from NYSERDA, combined with the necessary 25% match from the City for the implementation of said Project, is not sufficient to cover the full cost of the project, and as such the scope of the Agreement between the City of Watertown and NYSERDA includes only the planning, design, and permitting services associated with the project, and

WHEREAS NYSERDA has now submitted Amendment No. 1 to Agreement No. 30728,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Amendment No. 1 to Agreement No. 30728 between the City of Watertown and NYSERDA for revision to Exhibit A, attached hereto and made part of this resolution, and

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

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

**Resolution No. 9 - Agreement Between the City of Watertown and the County of Jefferson, AAA Transportation Program**

***Introduced by Council Member Stephen A. Jennings***

WHEREAS the New York State Office for the Aging has agreed to provide State and Federal funds to the County of Jefferson to furnish specified transportation services to certain elderly residents within the County of Jefferson, and

WHEREAS Jefferson County, acting through the Jefferson County Office for the Aging, wishes to enter into an Agreement with the City of Watertown to provide this service within the Citibus service area, and

WHEREAS the Agreement is to provide transportation services, through our CitiBus program, to residents of Jefferson County who are sixty years of age or older to enable them to access and receive health, welfare and nutrition services, and

WHEREAS the term of this Agreement is from October 1, 2014 through March 31, 2015, at a cost not-to-exceed \$5,600.00,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it hereby approves the Agreement between the City of Watertown and Jefferson County, acting through

the Jefferson County Office for the Aging, a copy of which is attached and made a part of this resolution, and

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

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

Prior to the vote on the foregoing resolution, Council Member Burns asked Attorney Slye if she should abstain from voting as an employee of Jefferson County.

Attorney Slye responded there is no reason for Council Member Burns to abstain from voting.

Council Member Butler asked if there are statistics on the people that benefit from this.

Ms. Addison indicated there are statistics but she does not have the information available at this time. She will provide a report on this.

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

**Resolution No. 10 - Approving the Project Agreement Between the City of Watertown and the Development Authority of the North Country for 2014 Grant Funds From the North Country HOME Consortium**

**Introduced by Council Member Stephen A. Jennings**

WHEREAS the City of Watertown has been awarded a grant from the North Country HOME Consortium of \$110,529.00 for program year 2014, and

WHEREAS it is necessary to enter into a formal agreement with the Development Authority of the North Country as administrator of the Consortium funds, and

WHEREAS an Agreement has been drafted, 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 it hereby approves the Home Investment Project Agreement between the City of Watertown and the Development Authority of the North Country, and

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

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

**Resolution No. 11 - Authorizing Application for US Department of Homeland Security Staffing for Adequate Fire and Emergency Response (SAFER) Grant, Fire Department**

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

WHEREAS the US Division of Homeland Security is accepting applications for the Security Staffing for Adequate Fire and Emergency Response (SAFER) Grant, and

WHEREAS the City of Watertown Fire Department wishes to prepare an application that meets the intended purpose of this grant, and

WHEREAS the application is for \$340,000,000 available for all applicants and requires no matching funds from the applicant but will require we maintain staffing levels for the two-year period,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes the Fire Department to submit a grant application for the available total funding of \$340,000,000 to the US Division of Homeland Security for the Security Staffing for Adequate Fire and Emergency Response (SAFER) Grant, and

BE IT FURTHER RESOLVED that Fire Chief Dale C. Herman is hereby authorized and directed to execute the grant application on behalf of the City of Watertown.

**Seconded by Mayor Jeffrey E. Graham**

Council Member Butler noted the Fire Study, which will hold important information on staffing levels, has not been completed yet. He asked how long the grant application will take.

Dale Herman, Fire Chief, explained the deadline for the application is March 6<sup>th</sup>. He stressed the Fire Department has never applied for this grant so therefore, he does not know what is entailed in each step. He mentioned some of the narratives and details that might be needed. He clarified that he has not started the application process yet and confirmed that if the grant was accepted, then the City will need to maintain staffing levels for two years.

Mayor Graham said the results of the Fire Study may not be received until after the deadline and a decision on awarding the grant may take up to six months.

Fire Chief Herman suggested a determination on the grant may be made on or before the end of the current Federal fiscal year of September 30<sup>th</sup>.

Mayor Graham noted that if the City applies and is awarded the grant, Council still has the option of not accepting the grant. He suggested amending the resolution in order to allow Council to reconsider executing the grant agreement if it is awarded. He said he agrees that the application should be submitted by the March 6<sup>th</sup> deadline.

Attorney Slye pointed out the resolution states Chief Herman is “authorized and directed to execute the grant application” and not the grant itself.

Council discussed the procedural process for grant applications and acceptance and whether the option of turning down the acceptance of the grant funds exists with each application.

Council Member Macaluso remarked she does not want to be bound for two years. She said she will support this if she is guaranteed that the acceptance of the grant is authorized by Council.

Council Member Jennings asked if this grant is available every year and suggested applying for this next year after the Fire Study is completed. He commented there is too much uncertainty without the study results so he is reluctant to support this.

Council Member Butler advised that he is apprehensive with accepting this grant because it locks the City into two years of maintaining staffing levels, which takes control away from the City during fiscal stress. He indicated that he was planning on tabling this until the Fire Study results were available.

Chief Herman told Council his concern is to keep 15 people on the rigs at all time in order to provide the level of service this community needs.

Council Member Burns agreed that this is difficult to approve without the study results. She said she would not have a problem giving approval to apply for the grant if Council has the opportunity to decide on whether the acceptance is executed.

Mayor Graham asked if there is support for this from administration since it was put in the agenda.

Ms. Addison explained she included it in the agenda for transparency, so Council was aware that this grant was available, but without the data from the study, she does not have a recommendation.

**Motion was made by Mayor Jeffrey E. Graham to amend the last paragraph of the foregoing resolution to read “Be it further resolved that Fire Chief Dale C. Herman is hereby authorized and directed to execute the grant application on behalf of the City of Watertown, but acceptance of the grant approval must be subject to further vote of the City Council”.**

**Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof except Council Member Stephen A. Jennings voting nay.**

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea except Council Member Stephen A. Jennings voting nay.**

### **OLD BUSINESS**

**The Resolution “Approving Intergovernmental Agreement Relative to Dog Control Services With County of Jefferson”.** *(Introduced on 12/15/2014; tabled; appears in its entirety in the 2014 Minutes Book on page 7-8 of the 12/15/2014 minutes).*

**Remained tabled.**

**The Resolution “Approving Whitewater Park Public Access Limited Use Agreement with Hole Brothers Holdings, LLC”.** *(Introduced on 10/20/14; tabled; appears in its entirety in the 2014 Minutes Book on page 3 of the 10/20/2014 minutes).*

**Motion was made by Mayor Jeffrey E. Graham to remove the foregoing resolution from the table. Motion was seconded by Council Member Stephen A. Jennings and carried with all voting in favor thereof.**

Mayor Graham asked Attorney Slye to explain the changes of the proposed contract in front of Council tonight in comparison to the contract that was introduced in October 2014.

Attorney Slye noted this contract was just approved today so he asked Kenneth Mix, Planning Coordinator, to present it to Council tonight because Hole Brothers needs time to apply for their license with the State Liquor Authority. He directed Council to page 3 of the agreement in which the State wanted to make clear that the "Lower Deck" is the portion of the deck that was funded with State funds and the "Patio Area" is on City land but was not part of the project governed by the grant agreement. He explained that the State wanted these two areas dealt with separately. He further explained the State would be involved with approving use of the "Lower Deck" and the City would be involved with approving use of the "Patio Area", noting the time restrictions listed under paragraph 4(vi) and the control of the "Patio Area" in paragraph 6 on page 3.

On page 4, Attorney Slye drew Council's attention to paragraph 7(iii) addressing damages to the area, paragraph 7(iv) addressing alterations to the area and paragraph 7(vi) addressing liability issues. He also pointed out the renewals period in paragraph 12 on page 5. He stressed that Hole Brothers were aware of the changes and approved them as well.

Mayor Graham questioned whether Hole Brothers would have a problem because the term is not concurrent with the term of a liquor license which is two years.

Attorney Slye replied that he tried to build a two year term with one year renewals into the original agreement but the State requested this be changed. He reiterated that this change has been accepted by Hole Brothers so he has to leave the question of licensure up to them. If there is a problem, he recommended the City speak to the Department of State about it. He viewed the State's approach to this was to see how it goes first.

Council Member Burns asked who would be responsible for drawing up the contract each year for the renewal.

Attorney Slye said it is just a matter of changing the dates in the contract and noted the document is in the City's word processing software.

On page 6, Attorney Slye indicated that paragraph 13(ii) discussed what would happen if the area is temporarily closed or if the contract was cancelled. He said the changes that he summarized have been discussed with the State since last October.

Council Member Burns noted that this was just put on Council's desk tonight but Hole Brothers have already seen this contract and approved it.

Attorney Slye said the attorney for Hole Brothers is Lee Hector and they have been in discussions for a week. He indicated that he received confirmation from Attorney Hector today on the changes.

**Council Member Teresa R. Macaluso withdrew her introduction, from October 20, 2014, of the resolution "Approving Whitewater Park Public Access Limited Use Agreement with Hole Brothers Holdings, LLC". Council Member Roxanne M. Burns withdrew her second on the resolution.**

The following resolution with revised contract was offered.

**Resolution - Approving Whitewater Park Public Access Limited Use Agreement with Hole Brothers Holdings, LLC**

**Introduced by Council Member Stephen A. Jennings**

WHEREAS an Agreement with Hole Brothers Holdings LLC for the limited use for a portion of Whitewater Park has been drafted, and is attached and made part of this resolution, and

WHEREAS the City Council wishes to enter into said Agreement for the reasons recited in the Agreement,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York, hereby approves the Whitewater Park Public Access Limited Use Agreement between the City of Watertown, New York, and Hole Brothers Holdings LLC, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and directed to sign the Limited Use Agreement on behalf of the City Council.

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

**Rules waived by Motion of Council Member Joseph M. Butler, Jr., 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.**

**STAFF REPORTS**

**NYS Financial Restructuring Board Financial Assistance**

A report was available for Council's review.

**Community Development Block Grant (CDBG) 2014 Annual Action Plan Amendment Public Hearing**

**Motion was made by Council Member Joseph M. Butler, Jr. to schedule a Public Hearing on the proposed CDBG 2014 Annual Action Plan Amendment for Monday, March 16, 2015 at 7:30 p.m. Motion was seconded by Council Member Stephen A. Jennings and carried with all voting in favor thereof.**

**Community Development Block Grant (CDBG) 2015 Annual Action Plan Public Hearing**

**Motion was made by Council Member Joseph M. Butler, Jr. to schedule a Public Hearing on the CDBG 2015 Annual Action Plan for Monday, March 16, 2015 at 7:30 p.m. Motion was seconded by Council Member Stephen A. Jennings and carried with all voting in favor thereof.**

**NEW BUSINESS**

**Knickerbocker Drive**

Council Member Jennings said he is working with Terry Fralick, Superintendent of Watertown City School District, in setting up a public forum to gather input from the neighbors on the street.

Mayor Graham commented that he thought there would be an ordinance introduced making the street one-way which would open the debate with this body and the community. In talking to various people, he said there are different ideas on how this should be addressed. He is concerned that a general public meeting, not held by this entity, will get a lot recommendations and he thinks something should be proposed first. He advised that an ordinance should be presented then tabled pending City staff sending a letter to all the residents on the street for their input.

Council Member Jennings stated he would like public input prior to introducing an ordinance.

Council Member Butler pointed out that the last time this was discussed, Council Member Jennings was requested by Council to get the input first.

Mayor Graham said he thought Council Member Jennings wanted the street to be one-way.

Council Member Jennings said he feels that is the answer but he wants to hear what other people think as well.

Council Member Macaluso asked how many people drop off their children versus walk their children into the school.

Council Member Jennings replied that the school might know this information.

Council Member Macaluso advised that parents wanting to walk their children into the school should park on the north side of the street and parents wanting to drop their children off should use the south side of the street.

Council Member Jennings replied that is what occurs now but it still bottlenecks the street because the street is not wide enough.

Mayor Graham mentioned some residents put metal posts up to prevent people from parking on their property. He suggested putting curbs on the street to protect the property owners.

Council Member Jennings said the residents would be happy with curbing.

Council Member Burns agreed curbs should be installed to protect the property owner. She added she has received complaints from homeowners on the street in regard to people parking on the front yards and in driveways while dropping children off.

Council Member Butler mentioned that curbs will make the street narrower and suggested making one side of the street a “No Stopping” zone.

**Sidewalks near intersection of Coffeen and Massey Streets**

Council Member Macaluso mentioned the sidewalks near this intersection are still not cleared of snow and asked staff to look at it again.

**Senator Gillibrand's Visit**

Mayor Graham said he was pleased to welcome Senator Gillibrand to Watertown today as she was here to discuss veteran's issues. He said she also talked about the Fort Drum Rally and Public Hearing that will be held at Jefferson Community College on March 20<sup>th</sup>. He urged all of Council to attend this event.

**NY Airbrake Contamination and Testing**

Mayor Graham mentioned the letter received by Mr. Williams and said staff has had some discussions with the DEC.

Ms. Addison stated there was a public hearing in which the DOH and lawyers were in attendance. She said it was primarily a listening session.

Mayor Graham remarked that ultimately, this will only get resolved through litigation and is not sure is the City can do anything more.

Ms. Addison indicated she had forwarded the letter and attached information to the Regional Director.

**Single Stream Recycling**

Mayor Graham thanked the County Administrator for his opinion letter in response to comingling recycling.

**Comptroller DiNapoli's Report on the Police Audit**

Mayor Graham asked that a copy be distributed to Council (on file in the City Clerk's Office) and wondered if the City knew this report would come out this week.

Ms. Addison replied that she did not.

Mayor Graham indicated that a response needs to be written to this and asked staff to provide Council with more insight.

**Black River Valley Club Liquor License**

Mayor Graham presented Council with a report of the liquor licenses for the Black River Valley Club (on file in the City Clerk's Office) and noticed a few listed with an address of 1 Thompson Park, Watertown which is the home of the zookeeper. He pointed out that one was for a Ball Park Beer License for three years. He noted there may be a simple explanation but asked the City Manager to look into it.

Council Member Burns wondered if it was for a fundraiser called the "Zoo To Do" which Thompson Park Zoo holds at the Black River Valley Club.

**Watertown Sunday Softball League**

Mayor Graham said he was glad Mr. Lamon spoke in support of what the Superintendent of Parks and Recreation is trying to do.

**138 Court Street (Berow and Monroe Building)**

Mayor Graham mentioned that Council Members have toured this and there has been some interest expressed in the building. He said Council needs to decide how the City will dispose of it, whether it is through a public auction or an RFP. He mentioned that the RFP process did not work well last time and with an auction, Council has a right to accept or decline the high bidder.

Council Member Burns remarked that she is glad to hear there is interest from a few people. Therefore, she said an auction makes sense noting that if Council does not feel it will be the best use of the property, then the offer does not have to be accepted.

Council Member Jennings said he would like assurance that the buyer will follow through with developing the building but he is not sure if the City is able to obtain that.

Council Member Macaluso agreed and said it should be in the contract that the developer has a year to bring the building into repair. She commented it should go to auction because the condition of the roof is unknown and will only get worse.

Council Member Butler stated that he does not have a problem with an auction but he is not sure if it will bring someone that will have the ability to make the project happen. He noted that with some of these buildings, such as the Franklin Building, it takes an entity that can obtain funding from multiple sources.

Attorney Slye explained the types of reversion options available.

Council Member Jennings asked if the City can study what needs to be done to make the building stable.

Council Member Burns advised that she would like to see it go back on the tax roll. She agreed with a public auction because it would show who is interested in the building.

Council asked for a resolution to be drafted for the next meeting to approve a public auction and would like staff to make recommendations for a minimum bid. An auction date of April was suggested so the weather would be better in order to get an idea of the roof condition.

**591 Rear Main Street West**

Council Member Butler said he has received some phone calls about this and mentioned that if the property is not conducive to a recycling facility, then Council should move forward with the offer to purchase it. He wondered if Council would be able to see the building.

Ms. Addison pointed out that the City does not have possession of the building so they cannot go inside of it.

Mayor Graham asked for a report from Superintendent of Public Works, Eugene Hayes.

**Motion was made by Council Member Joseph M. Butler, Jr. to move into Executive Session to discuss Collective Bargaining and the proposed acquisition, sale or lease of real property when publicity would affect the value thereof.**

**Motion was seconded by Council Member Stephen A. Jennings and carried with all voting in favor thereof.**

Council moved into Executive Session at 8:26 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 Council Member Teresa R. Macaluso, seconded by Mayor Jeffrey E. Graham and carried with all voting in favor thereof.**

*Ann M. Saunders*  
City Clerk