

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
February 19, 2013  
7:00 p.m.**

**Mayor Jeffrey E. Graham Presiding**

**Present:** Council Member Roxanne M. Burns  
Council Member Teresa R. Macaluso  
Mayor Graham

**Absent:** Council Member Joseph M. Butler, Jr.  
Council Member Jeffrey M. Smith

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

**City staff present:** Elliott Nelson, Jim Mills, Ken Mix, Kurt Hauk, Beth Morris, Brian Phelps, Barb Wheeler, Mike Sligar, Gene Hayes, Amy Pastuf, Matt Owen, Chief Herman, Deputy Chief Randall, Melanie Rarick, Peter Keenan

The City Manager presented the following reports to Council:

- Resolution No. 1 - Approving Agreement Between the City of Watertown and State of New York, Unified Court System
- Resolution No. 2- Approving the Site Plan for the Construction of a 12,500 Square Foot Multi-Use Addition to an Existing Church, Plus Parking Lot and Landscaping, at 491 Eastern Boulevard, Parcel 5-26-103.007
- Resolution No. 3 - Approving Third Amendment to 2012-13 Franchise Agreement, 1000 Islands Privateers Professional Hockey Team, LLC
- Resolution No. 4 - Authorizing Changes to Code Section 125 Cafeteria Plan and Code Section 105 Health Care Flexible Spending Account
- Resolution No. 5 - Approving Memorandum of Understanding Between Regional Units of Local Government
- Quarterly Financial Report
- New York Air Brake PILOT Modification Request
- Briefing on the 2013-14 Executive Budget
- Roswell P. Flower Memorial Library Invitation
- Sales Tax Revenue – January 2013

**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 4, 2013 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 Donald Hassig, Cancer Action NY citing documents that address the health issues caused by the fluoridation of water.

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

A claim against the City was received from Mark Harris, 1351 Sherman Street requesting reimbursement for damages to his storm door caused by thrown snow by a city plow truck on December 29, 2012.

**Above claims have been referred to the Board of Audit.**

## **PRIVILEGE OF THE FLOOR**

**Troy Walts**, 380 Brainard Street addressed the chair concerning the fluoridation of the City water mentioning that the Anti-Fluoride Group took a tour of the City's Water Plant and thanked Brian Gaffney for hosting this tour. During the tour, he stated that he discovered that the discontinuation of the fluoridation program would not cause anyone to lose their job. In addition, he mentioned that there is a \$70,000 upgrade to the system planned and it would be a shame to spend this money when in the end, he hopes to get the fluoride out of the water. Referring to the MSDS sheet for fluoride, he said he called several companies and it was confirmed that fluoride is a waste product of the aluminum industry and the phosphate fertilizer industry. He asked about the status of the panel that was to be formed to review the effectiveness of fluoride and indicated that his Anti-Fluoride Group is growing.

**Kristen Davenport**, Lafargeville addressed the chair stating that she represents a group called Mothers Against Flouride and her goal is to urge the City of Watertown to research the benefits verses the negative potential side effects of adding fluoride to the water. She noted that most of the research done in the Untied States has been done more on the effects of dental caries and not long term studies of the effects that fluoride has on people. She cited studies done in China and advised that the City should not prescribe this to every individual because it is something that can be taken orally.

**Steve Strader**, 515 Bradley Street addressed Council expressing his desire to make businesses, especially bars, more accountable for trash around their property. In particular, he referred to The Edge of the Pub and The Hitching Post stating that the trash sometimes spreads to the nearby properties. He would like to see these businesses take care of this.

**Peter Forney**, Evans Mills addressed Council regarding the fluoridation of water and pointed out that fluoride is very corrosive to the pipes which can cause heavy metal toxic syndrome. He advised that especially with older pipes many health issues can be caused by this.

## **RESOLUTIONS**

### **Resolution No. 1 - Approving Agreement Between the City of Watertown and State of New York, Unified Court System**

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

WHEREAS the City of Watertown, New York is responsible for providing and maintaining

space for the operation of City Court, and

WHEREAS reimbursement for such services is available to the City from the Unified Court System of the State of New York,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Court Cleaning and Minor Repair Program Agreement between the City of Watertown and the State of New York Unified Court System for Fiscal Year 2012-2013, 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 Teresa R. Macaluso and carried with all voting yea.**

**Resolution No. 2- Approving the Site Plan for the Construction of a 12,500 Square Foot Multi-Use Addition to an Existing Church, Plus Parking Lot and Landscaping, at 491 Eastern Boulevard, Parcel 5-26-103.007**

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

WHEREAS Steven Olmstead, PE, on behalf of Parkside Bible Church, has made an application for site plan approval for a 12,500 square foot multi-use addition to an existing church, plus parking lot and landscaping, at 491 Eastern Boulevard, parcel 5-26-103.007, and

WHEREAS the Planning Board of Jefferson County reviewed the request at their October 30, 2012 meeting and determined that the project has no county-wide or inter-municipal issues and is of local concern only, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meetings held on October 2, 2012, January 8, 2013, and February 5, 2013, and at the latest meeting voted to recommend that the City Council of the City of Watertown approve the site plan as submitted on January 29, 2013 with the following conditions:

- 1) The applicant shall provide copies of the SWPPP and related correspondence with NYSDEC.
- 2) The applicant shall survey and depict the correct configuration of the existing fire hydrant and valve on Huntington Street. Additional water lines and a gate valve near Eastern Boulevard shall also be surveyed and depicted.
- 3) The applicant shall obtain a permit from DOT for the 50' radius driveway from Eastern Boulevard into the parking lot—or shift the driveway so that it does not encroach on the right-of-way.
- 4) The applicant shall provide two business days notice to the Engineering Department prior to excavating the Huntington Street right-of-way for the proposed sanitary sewer.
- 5) The approved landscaping plan shall be implemented prior to issuance of a Certificate of Occupancy, with the possible exception of any tree plantings in the Eastern Boulevard right-of-way that DOT does not approve.

- 6) The applicant shall provide a wet-stamped copy of the boundary and topographic survey. This map must be signed by a licensed surveyor.
- 7) The survey and site plans shall be revised so that elevation and contour lines are legible, and the vertical datum shall be changed to NGVD29 or NAVD88. All spot elevations and inverts shall be revised to match the appropriate datum.
- 8) The applicant shall either use only the depicted "Alternate 20' Access Lane" or obtain an easement allowing access across the lands of Stebbins Engineering/Manufacturing Company (parcel 5-26-103.004) for the proposed construction entrance and fire access road. The easement shall be filed with the County Clerk and a copy provided to the City Engineer.

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 that it is an express condition of this site plan approval that the applicant provide the City Engineer with a copy of any change in stamped plans forming the basis for this approval at the same time such plans are provided to the contractor. If plans are not provided as required by this condition of site plan approval, the City Code Enforcement Officer shall direct that work on the project site shall immediately cease until such time as the City Engineer is provided with the revised stamped plans. Additionally, any change in the approved plan which, in the opinion of the City Engineer, would require Amended Site Plan approval, will result in immediate cessation of the affected portion of the project work until such time as the amended site plan is approved. The City Code Enforcement Officer is requested to periodically review on-site plans to determine whether the City Engineer has been provided with plans as required by this approval, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that site plan approval is hereby granted to Steven Olmstead, PE, on behalf of Parkside Bible Church, for a 12,500 square foot multi-use addition to an existing church, plus parking lot and landscaping, at 491 Eastern Boulevard, parcel 5-26-103.007, as submitted to the City Engineer on January 29, 2013, contingent on the applicant making the revisions and meeting the conditions recommended by the Planning Board as listed above.

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

**Resolution No. 3 - Approving Third Amendment to 2012-13 Franchise Agreement, 1000 Islands Privateers Professional Hockey Team, LLC**

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

WHEREAS the City and the 1000 Islands Privateers Professional Hockey Team, LLC entered into a Franchise Agreement for the Privateers' use of the City Municipal Arena for the 2012-13 hockey season, by signature last June 18, 2012 and

WHEREAS said Franchise Agreement is effective as of October 1, 2013, and

WHEREAS the parties now desire to amend said Franchise Agreement to ensure compliance with the regulations and other requirements of the New York State Liquor Authority in connection with the 1000 Islands Privateers' selection of a sub-franchisee to obtain permits for the sale of beer and wine at the Privateers' home games,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Third Amendment to the Franchise Agreement between the City of Watertown and the 1000 Islands Privateers Professional Hockey Team, LLC, a copy of which is attached and made a part of this resolution, and

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

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

**Motion was made by Council Member Roxanne M. Burns to table the foregoing resolution. Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.**

**Resolution No. 4 - Authorizing Changes to Code Section 125 Cafeteria Plan and Code Section 105 Health Care Flexible Spending Account**

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

WHEREAS the City of Watertown previously adopted a Code Section 125 Cafeteria Plan and a Code Section 105 Health Care Flexible Spending Account (HFSA), collectively referred to as the Cafeteria Plan, and

WHEREAS Article VIII of the Plan allows the City of Watertown to amend the Plan as required by law or as deemed advisable, and

WHEREAS effective the first Plan Year on or after January 1, 2013, the Patient Protection and Affordable Care Act of 2010 (the "Affordable Care Act") amended Internal Revenue Code Section 125(i) to limit salary reductions under the HFSA to \$2,500,

NOW THEREFORE BE IT RESOLVED that the City of Watertown approves the amendment attached hereto and is made of this resolution, and

BE IT FURTHER RESOLVED that the City Manager, Sharon Addison, is hereby authorized and directed to sign the Amendment to effectuate this change.

**Seconded by Council Member Roxanne M. Burns and carried with all voting yea.**

**Resolution No. 5 - Approving Memorandum of Understanding Between Regional Units of Local Government**

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

WHEREAS the City of Watertown has elected to participate in a collaborative effort between the Development Authority of the North Country, Jefferson County, St. Lawrence County, Lewis County and the New York State Tug Hill Commission, and

WHEREAS said collaborative effort concerns the development and advancement of GIS (Geographic Information System) applications to analyze and evaluate opportunities to improve efficiency, reduce cost, and provide better GIS service, and

WHEREAS said Memorandum of Understanding includes the mutual agreement of the parties to work toward common goals,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Memorandum of Understanding between the City, DANC, Jefferson County, St. Lawrence County, and the Tug Hill Commission, attached hereto and made a part of this resolution, and,

BE IT FURTHER RESOLVED that Jeffrey E. Graham, Mayor, is authorized and directed to execute said Memorandum of Understanding on behalf of the City of Watertown.

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

**STAFF REPORTS**

**Quarterly Financial Report**

Mayor Graham stated that the financial reports speak for themselves.

**Sales Tax Revenue – January 2013**

Mayor Graham mentioned that this report shows a more positive outlook than the previous report but stressed that long-term trends need to be looked at.

**New York Air Brake PILOT Modification Request**

Mayor Graham remarked that it is fine to bring this up as a talking point but does not like it when someone comes to staff and wants something put on an agenda as a resolution without discussing it first. Since the taxes paid under the PILOT are more than the taxes based on the assessed value, he wondered why the NY Airbrake does not opt out of the PILOT instead of requesting an amendment. He asked if there is another reason to keep this as a PILOT.

Council Member Burns asked if the NY Airbrake would be eligible for any refunds if Council was to move ahead and approve this modification.

Mayor Graham asked if it matters what the City does because the PILOT is an agreement with an entity and the three taxing jurisdictions. He also stated that he did not like the way this was handled because he received an email asking him to print seven copies and just sign them in front of a notary. He stressed that this is not the way to get things approved and something like this should come before

Council. He noted that if someone asks this body to act on something they also need to justify what they are doing.

Council Member Macaluso asked if this has gone before the School Board and the County.

Council Member Burns indicated that this has not gone before the County Legislatures and mentioned that it was dropped in their lap as well and they want to do their due diligence.

Mayor Graham said that these are all questions that need to be answered and noted that Attorney Slye will be reviewing this further.

### **Briefing on the 2013-14 Executive Budget**

Mayor Graham reviewed this report pointing out that the Governor proposes to reign in on the use of buy back arrangements for the purpose of avoiding sales and mortgage tax. In addition, he suggested Council become familiar with the new pension proposal and noted that it may be advantageous in the first few years but there will be long-term implications. He highlighted projections made by the Mayor of Syracuse and thanked her for raising some interesting points.

### **Roswell P. Flower Memorial Library Invitation**

Mayor Graham mentioned the invitation to this event and encouraged everyone to attend.

## **NEW BUSINESS**

### **Fluoride Panel**

Mayor Graham asked for the status of the Fluoride Panel which Ms. Addison referred to the Water Superintendent.

**Mike Sligar**, Water Superintendent replied that he does not have an update right now.

Mayor Graham stated that there is an interest for this and it should move forward.

### **No Dog Allowed within City Hall**

Council Member Burns mentioned that there is a decal on the glass doors stating that no dogs are allowed in the building and is not sure why this was done. She understands that pets are not allowed in most public places but mentioned that the police dogs enter the building and there is a long-time volunteer that works in the basement that brings his dog in with him. She indicated that she is not really sure why the decals were put on and if there is not a good reason for it, she would like to see them removed.

Mayor Graham reminded Council that dispensation was granted by former City Manager Krol to allow Clancy Hopkins to bring his dog with him when he volunteers.

Council Member Burns commented that she agrees with Mr. Krol's decision but she wondered why have it on the doors if someone is allowed to do it and some people are not. She asked the City Manager to provide her with the background on this.

**Aviary – Thompson Park Pavilion**

In response to Mayor Graham's request for an update, **Amy Pastuf**, Purchasing Manager stated that there are 18 plans out right now and the deadline is March 7<sup>th</sup>.

**Thank you to the Fire Department**

Ms. Addison told Council that she received an email from Neil Katzman in which he thanked the Watertown Fire Department for responding to his residence on February 14<sup>th</sup>. He indicated that the Fire Department provided great service, exceptional response time and a thorough investigation.

**Motion was made by Council Member Roxanne M. Burns to move into Executive Session to discuss collective bargaining.**

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

Council moved into Executive Session at 7:34 p.m.

Council reconvened at 7:50 p.m.

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

**At the call of the chair, meeting was duly adjourned at 7:50 p.m. by motion of Council Member Roxanne M. Burns, seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.**

*Ann M. Saunders*  
City Clerk