

**CITY COUNCIL MEETING
CITY OF WATERTOWN
March 16, 2009
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCIL MEMBER ROXANNE M. BURNS
COUNCIL MEMBER JOSEPH M. BUTLER, JR.
COUNCIL MEMBER PETER L. CLOUGH
COUNCIL MEMBER JEFFREY M. SMITH
MAYOR GRAHAM**

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

The City Manager presented the following reports to Council:

- 1- Edwin Krupkin – Honorary First Citizen
- 2- Watertown High School Girls’ Volleyball Team – Certificate of Recognition
- 3- Firefighter Brian Clemons and Firefighter Jason Ormsby – Life Saving Award
- 4- Request by City Council of the City of Watertown
for Enactment of a Special Law.
- 5- Contract for Use of Buildings and Grounds, Disabled Persons Action Organization
- 6- Approving the 2008-2010 Collective Bargaining Agreement Between the City of
Watertown and the Local CSEA Unit 7151-00
- 7- Public Hearing 7:30 p.m. 2009 Small Cities CDBG Application
- 8- 2009 Exemption Report – Brian Phelps, City Assessor
- 9- Public Square Parking – City Engineer Kurt Hauk
- 10 - Sewall’s Island, Brownfields – City Planner, Jacqueline Longton and Lu Engineers
- 11 – To discuss the employment history of a particular individual.

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 March 2, 2009 was dispensed with and accepted as written by motion of Council Member Clough, seconded by Council Member Smith and carried with all voting in favor thereof.

COMMUNICATIONS

The following claims against the City were received:

1. From Cody Coleman for personal injuries sustained when she fell in the middle of Olive

- Street.
2. From Betty Jewett for damage to her vehicle when she struck a pot hole on West Main Street.
 3. From Derek Warren for damage to his vehicle when he struck a pot hole on Arsenal Street.
 4. From Aileen Martin for damage to her vehicle when City sawhorse barricades fell against her car while parked in the City parking lot adjacent to the Children's Clinic.

ABOVE CLAIMS REFERRED TO THE BOARD OF AUDIT

Mayor Graham presented Edwin Krupkin with an Honorary First Citizen Award.

Mr. Krupkin was joined by Patricia and Nicole Krupkin. Mayor Graham and Council Member Burns both spoke on Mr. Krupkin's dedication to the City and especially the downtown area.

Mr. Krupkin thanked the City for the honor.

Mayor Graham presented the Watertown High School Girls' Volleyball Team with Certificates of Recognition.

Mrs. Robin Boomhower, volleyball coach, thanked the City on behalf of the team.

Firefighters Brian Clemons and Jason Ormsby were each presented with the Life Saving Award.

Mayor Graham thanked Chief Gaumont for his years of service with the Fire Department and wished him well on his new position as Fire Chief for the City of Kellar, Texas.

PRIVILEGE OF THE FLOOR

Mary DeFranco, 615 S. Hamilton Street, addressed the chair urging Council to put more parking spaces on the north side of Public Square. She explained that many people in the tri-county area use Avon Shoes for their orthopedic needs.

Nelson Eddy, Black River, addressed the chair concerning the parade route. He outlined the needs of the parades that he chairs - the Irish Festival and the Dairy Parade. He also discussed the problems encountered as a result of the parade route being changed to Washington Street. He explained that for the Irish Festival, the best route is from the J.B. Wise lot up to the State Office Building. This is due to the fact, that the weather is usually very cold and the chill factor is a liability since so many of the participants are young children. He explained that the Dairy Parade consists of over 100 units. It was much easier using the side streets off of State Street for the units to fall in behind the beginning of the parade which started at the Park Circle. Now, they have to line up in the high school parking lot. He told of the various problems with the logistics of this and asked that Council revisit the parade route. He also mentioned that the general public doesn't realize that the school area is a parking area and not a street and they don't bother with a speed limit when they come through there as the parade is forming.

Mr. Eddy referred to a recent letter in the newspaper from a downtown business owner. The letter questioned why State Street and Public Square were no longer being used for the parade route.

Mayor Graham explained that this topic would be discussed during New Business.

PUBLIC HEARING

AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING THE 2009 SMALL CITIES CDBG APPLICATION.

MAYOR GRAHAM DECLARED THE HEARING OPEN.

Mr. Mix, Planning & Community Development Coordinator, explained that the purpose of the public hearing was to hear comments on the City's past performance and to gather ideas for this year's application. A hand-out was distributed to those present which included a description of staff's proposal for this year's application. The proposal is to continue the Downtown Apartment program started with the 2008 grant.

MAYOR GRAHAM DECLARED THE HEARING CLOSED AT 7:32 P.M.

R E S O L U T I O N S

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS the City of Watertown owns the Fairgrounds in the City of Watertown known as the Alex T. Duffy Fairgrounds, and

WHEREAS the Alex T. Duffy Fairgrounds are classified as park lands and, therefore, are inalienable pursuant to General Municipal Law §20(2) absent special approval of the State Legislature, and

WHEREAS an entity now known as Watertown Family YMCA, Inc. has expressed interest in entering into a land lease with the City of Watertown for the operation of an existing indoor family sports facility at the Fairgrounds for public recreation and use, and

WHEREAS this indoor family sports facility promotes the health and general welfare of the public, as well as promotes commerce and tourism in the City of Watertown, and

WHEREAS the City Council of the City of Watertown deems it to be in the best interest of the City to lease fairgrounds land for the purposes of encouraging recreation, and

WHEREAS the City Council, by resolution dated December 17, 2007, authorized the Mayor to seek State legislative approval, and

WHEREAS legislation was introduced under Senate Bill S245 and Assembly Bill A6320, and

WHEREAS a resolution approving a Home Rule Request must be made after the introduction of the bills in the Legislature,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Home Rule Request introduced in the Senate under Bill Number S245 and in the Assembly under Bill Number A6320, and

BE IT FURTHER RESOLVED that the City Clerk shall take all steps necessary to assure timely filing of the certification of this approval.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the City of Watertown desires to run a Summer Recreation and Playground Program within the City of Watertown, and

WHEREAS Disabled Persons Action Organization is willing to authorize the City to use its facilities for said purpose, and

WHEREAS there is no cost associated with the Agreement between the City of Watertown and Disabled Persons Action Organization, and

WHEREAS the City of Watertown deems the providing of a Summer Recreation Program to be a benefit to the citizens of the City,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement between the City of Watertown and the Disabled Persons Action Organization, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City of Watertown hereby agrees to defend and indemnify Disabled Persons Action Organization from and against any and all claims for personal injury or property damage arising from the negligence of any of its officers or employees occurring in connection with the use of DPAO facilities in accordance with this Agreement, and

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

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

Prior to the vote on the foregoing resolution, Council Member Butler asked if there was a way that this didn't have to come before the Council each year since it is something that is ongoing.

Attorney Slye stated that it had to be voted on each time.

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS the 2008-2010 Collective Bargaining Agreement between the City of Watertown and the Local CSEA Unit 7151-00 expired on June 30, 2008, and

WHEREAS negotiations have concluded on a successor Agreement, a copy of which is attached and made a part of this resolution,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the 2008-2010 Collective Bargaining Agreement between the City and the Local CSEA 7151-00, 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 MAYOR JEFFREY M. GRAHAM AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBER BUTLER VOTING NAY AND COUNCIL MEMBER SMITH VOTING PRESENT NOT VOTING(COUNTS AS A "NO" VOTE).

Prior to the vote on the foregoing resolution, Council Member Smith remarked that his only concern is voting on this before the budget has come out and not knowing where the budget is going to stand. He stated that he felt it was somewhat short-sighted. He commented that it wouldn't be right to give raises now, only to have to cut jobs in the future. He stated that it isn't that the employees aren't deserving, it is just that fact that we don't have enough information at this time. He commented that potentially increasing the tax rate in the upcoming budget and handing out raises now is not right.

Council Member Butler remarked that he has struggled with this because of the timing of the resolution. He stated that we are in a precarious position without information. He stated that while the employees have worked hard and deserve it, to pass a 2.5% increase and then to have to slash jobs would not be right. He asked that the resolution be tabled until more budget information could be obtained.

Council Member Butler asked about the buyout offer.

Mrs. Corriveau explained that it is an annual buyout. She explained that family coverage is now about \$14,000 a year. The City pays 88% of that. For the buyout, the City would pay \$2,800. She advised that 10-12 employees throughout the entire organization opt for it.

Council Member Clough remarked that CSEA members are the lowest paid members of a union in the City. They don't have binding arbitration like the other unions do. He also remarked that when Police and Fire were getting decent raises, CSEA was given a lot less money than their counterparts. He stated that this has been a tough decision due to the fact that we don't know what is happening with the budget. He remarked that if the City has to eliminate positions, he didn't see where these raises would come into play on that. He also remarked that CSEA has agreed to some givebacks, as well.

Council Member Burns remarked that she respects the comments from Council Member Smith and Butler. She stated that while she has some of their concerns, the fact is that this contract has lapsed since July 1, 2008. She remarked that Council sent the City Manager out to bargain in good faith. CSEA also came to the table in good faith. The City Manger bargained within the parameters that were given to her.

Council Member Butler responded that it ultimately comes down to what good is it to pass a 2.5% increase and then eliminate a job, or two or three. He stated that the potential exists. He stated that more information would be available in four to six weeks and that is why he would like the resolution tabled.

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COUNCIL DISCUSSED THE FOLLOWING TOPICS:

Parade Route

Mayor Graham commented that he is not locked into an official route for everyone. He remarked that while Washington Street seems to attract more people, he realizes the logistical challenges. He said it would be fine with him if Mr. Eddy works with the City Manager on what works best for his parades.

Council Member Butler remarked that Mr. Eddy is the expert and if he feels that the route should be changed, he would agree with him.

Council Member Clough commented that he agreed with Council Member Butler. He stated that he feels that the parade should go through Public Square. He stated that this gives the City the opportunity to show off what we have done there.

Council Member Smith remarked that he concurred. He stated that Mr. Eddy has been involved in many parades and has expertise in that area.

Council Member Burns responded that Washington Street has brought out more families. However, if the parade route is working for the organizers, then she would defer to them.

Mrs. Corriveau advised that the City Code has an established parade route. She remarked that if Council wanted to give the City Manager more flexibility, Council could do so. She explained that the side streets off of State Street have traffic inhibited when a parade lines up on them. It also requires more police presence.

Chief Goss explained that the biggest problem to coming down State Street with the route is blocking off Public Square. He stated that it takes 10-12 officers for parades on State Street and only 3 for parades on Washington Street. He also commented that that last Armed Forces Day Parade came down Washington Street with no problems.

Mrs. Corriveau advised that the Armed Forces Day Parade will come down Washington, go around Public Square and up Court Street this year due to the fact that there is going to be the fountain dedication.

Mayor Graham stated that the majority of the Council agrees that there has to be flexibility on an event basis.

Chief Goss also commented that the island in front of the Great American and the pinch point near the First Baptist Church would also cause some problems with parades coming down State Street.

Council Member Clough remarked that this discussion wouldn't even be held if State Street and Public Square hadn't been re-done. Up to the point of construction, the parade route was always State Street.

Mayor Graham commented that the turnout for any given event tends to be better on Washington Street. However, the opportunity should be available for the parade organization to work out the route that works the best for them.

Council Member Clough stated that the decision should not be put off for months since the dairy parade is in June.

Mrs. Corriveau commented that if we are going to let each parade determine where the route will be, we will need to let people know what the route is.

Attorney Slye advised Council that there is nothing wrong with three parade routes. City Council would decide what the three would be and the City Manager could work with the parade planners for the route that they want.

Mayor Graham asked to have an ordinance prepared for Council's consideration at the next meeting.

Mrs. Corriveau responded that she would like to talk with staff and put together some routes. Therefore, it might not be ready for the next meeting.

Mayor Graham also mentioned the helicopter hovering over at the Irish Festival. He asked if there were any FAA guidelines for them hovering over populated urban streets due to safety concerns.

2009 Exemption Report – Brian Phelps, City Assessor

Mr. Phelps reviewed his memo concerning the 2009 Exemption Report with Council. The report showed the total exempt amount of each separate exemption, the percentage of the assessment roll that it represents, any offsetting PILOT payment and the impact the exemption to the “average” single family homeowner’s tax bill.

Sewall’s Island, Brownfields – City Planner Jacqueline Longton and Lu Engineers

Ms. Longton explained that the remedial investigation of the Sewall’s Island site has uncovered two areas of contamination – a fuel oil spill and a former landfill area, where only two drums were found. She advised that the island can be cleaned and the project has moved forward much quicker than expected. She explained that the landfill area has 30’ of fill which is not native soil. That area is being proposed for park land, as it has access to water. The soil there could be used as cover for the rest of the island. Ms. Longton explained that at this point, they have stopped assessment in the area where the drums were found. There is grant funding budgeted for 50 drums. She explained that green space requires a lower level of clean up than residential use. Ms. Longton advised that one area of the island has concrete slabs on top of rock and would be an area that would allow for building.

Council Member Clough asked if the City would be seeking private developers for this.

Mrs. Corriveau stated that they would be and that brownfield tax credits would still be available.

Council Member Butler asked about the City’s liability if there were more barrels.

Mrs. Corriveau explained that if there were 200 barrels, the City would go back to the State for funding assistance.

Mayor Graham asked if anyone was going to take title to something called a brownfield.

Ms. Longton advised that brownfields have more attractive tax credits than greenfields.

Ms. Longton explained that commercial development as well as multi-family housing could be put on the island. She commented that she is bringing this to Council this evening to see if this is a potential redevelopment that looks attractive to Council.

Mayor Graham remarked that it is a beautiful area and suggested that council go down there when the weather is more agreeable.

Public Square Parking – City Engineer Kurt Hauk

Mr. Hauk explained the parking prior to the construction, what was part of the original design and what the parking situation is now on the north side of Public Square. He discussed the fact that some parking was lost due to the connector road, Anthony Street, proposed from Public Square to J.B. Wise. He also explained that there must be a 20' leading and trailing area on each side of the crosswalk.

Mayor Graham remarked that while he agreed with the 20' when you were backing across the crosswalk, he questioned the need for 20' on the other side.

Mr. Hauk explained that the 20' on that side would provide a visual for people emerging from behind a vehicle.

Mayor Graham asked if the 20' rule was prescribed statute or if there was a statute that would let the City deviate from it.

Mr. Hauk remarked that he hadn't found anything that allowed for the deviation.

Attorney Slye reminded Council that they don't have the right to ask the City Engineer to stamp a plan that he doesn't agree with, because his license would be at stake.

Mr. Hauk explained the plan to remove a handicapped parking spot and consolidate two loading zones for those spots into a single loading zone. This will add two parking spaces to the north side of the square, which will be closer to the businesses. Three "no parking" signs will be erected along the synthetic asphalt crosswalk.

Council Member Burns commented that the construction of Anthony Street is being responsive to downtown business owners who for years wanted access to JB Wise. She remarked that she has a hard time grasping how they expect parking spaces in the same spot as they expect an access road. She remarked that it is counter productive of Council to be challenging Mr. Hauk on the spaces lost and how to come up with a solution.

Council Member Smith remarked that Council Member Burns raises a good point in questioning whether or not the businesses want Anthony Street. He remarked that, to him, it would provide better access to JB Wise.

Mr. Hauk remarked that three things have to be taken into consideration. The highway is on the National Highway System, the project was to make the area walkable for pedestrians and the concerns about access to businesses has to be considered as well.

Mayor Graham mentioned a problem with people using the crosswalk near Mr. Sub's as an exit. He stated that a stop should be put to this.

Mr. Hauk remarked that he had been told that vehicles pull in from the handicap ramp off Mill Street. He remarked that it wasn't designed as an exit and it can be marked that it is not to be used as one.

Mayor Graham commented that people drive downtown and park. They don't look at it for walkability. He remarked that with this design, there is a vast area of no parking. He asked about parallel parking on the synthetic asphalt.

Mr. Hauk remarked that there are no curbs and it would mask the crosswalk.

Chief Goss commented that we don't have a parking problem downtown; we have a people problem. He commented that the real issue is people who do not want to walk. He commented that the City's parking attendant has been verbally abused twice by irate motorists. He also commented that while he doesn't want to ticket people, the learning curve is over.

Council concurred with Mr. Hauk's plan of adding the two spaces, consolidating the two loading zones and erecting better signage.

Tree Clearing Near Gotham Street Park Entrance

Council Member Burns asked about this.

Mrs. Corriveau and Mr. Hayes explained that DPW has been clearing the area for a walkable, safe trail.

Property – 100 block of TenEyck Street

Council Member Butler stated that the empty lot on TenEyck that was used for construction equipment still has junk on it, even though the construction is done.

Mr. Hauk responded that the contractor has to come back and do more work. The area will be cleaned up at that time, probably better than when they started work.

Council Member Butler wondered if Habitat for Humanity would be interested in the property.

Mrs. Corriveau will contact them.

Budget Presentation

Mrs. Corriveau asked Council to authorize her to postpone the budget presentation until April 20th. This is due to the fact that at that time, the City will have the true sales tax figures and thus, have a better projection for the budget. She also reviewed the sales tax revenue update memo with Council.

Council agreed.

EXECUTIVE SESSION

MOTION WAS MADE BY COUNCIL MEMBER CLOUGH TO MOVE INTO EXECUTIVE SESSION TO DISCUSS THE EMPLOYMENT HISTORY OF A PARTICULAR INDIVIDUAL

MOTION WAS SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Council moved into Executive Session at 9:40 p.m.

Council reconvened at 9:50 p.m.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 9:50 P.M. BY MOTION OF COUNCIL MEMBER CLOUGH, SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Donna M. Dutton
City Clerk