

**ADJOURNED CITY COUNCIL MEETING  
CITY OF WATERTOWN  
March 26, 2013  
6:00 p.m.**

**Mayor Jeffrey E. Graham Presiding**

**Present:** Council Member Roxanne M. Burns  
Council Member Joseph M. Butler, Jr.  
Council Member Teresa R. Macaluso  
Council Member Jeffrey M. Smith  
Mayor Graham

**Also Present:** Sharon Addison, City Manager

**City staff present:** Elliott Nelson, Jim Mills, Ken Mix, Kurt Hauk, Gene Hayes, Mike Sligar

The City Manager presented the following reports to Council:

- Resolution No. 1 – Approving Memorandum of Understanding Establishing the Watertown Jefferson County Area Transportation Council
- Resolution No. 2 – Appointment to Board of Ethics, Jean A. Bilow

**Complete Reports on file in the office of the City Clerk**

**P R E S E N T A T I O N S**

**Metropolitan Planning Organization - Mark Frechette, Scott Docteur and Tom Vaughan of the New York State Department of Transportation**

Mayor Graham began the presentation by welcoming the guests and inviting them to introduce themselves to Council. He said there have been discussions and explanations on the topic as to what an MPO is, which is centered around the concept that there has to be one because the population in the area exceeds 50,000 people.

Mr. Frechette explained to Council that he worked with two MPOs in the Syracuse area, one being in Syracuse and the other in Ithaca, and said he does have a background in dealing with MPOs. He said DOT and the City have had a great working partnership for a long time and many good projects have been built together and noted that this will not change that process, but rather it is the forum for that process. There will be some good things that come out of this establishment for the area, including some additional funding for transit, he said. The Department of Transportation's goal, he said, is to continue the partnership with the City and County to still do good transportation projects. There has never been an MPO in the North Country and he added that this is the only region in the State that does not have an MPO. He further explained that it is based on the density of what is happening in the City of Watertown and around Fort Drum and as density has increased it is a requirement from the Federal Highway Administration to develop an MPO. He reiterated that the City is a partner in developing the MPO with the State and County.

Mayor Graham noted that with discussions that have occurred there is a proposed organizational structure and his understanding is that representatives from other MPOs have been to the area to talk to staff. One of the issues that has come up as an initial focus is transportation since the City has the only bus system in the area. He said he believes that there would be a significant increase in funding right away to the bus system and asked about the City's obligations with that funding.

Mr. Vaughn said there would be an increase in funding for the area and that is the key. In some ways it will be better, he said, that the City will not have to go through the State to get funding instead going directly to the Federal Government. Reimbursement will be much timelier, he said, than getting the money from the State. He noted that one of the requirements of the process is that there be a transit development plan, and the MPO needs to look at what transit should be doing in the area and how the money should be spent.

Mayor Graham said the initial money could be several hundred thousand dollars per year.

Mr. Vaughn replied the total is about one million dollars per year.

Initially, the Mayor said, some grander plan will have to be devised to service the greater area and asked if the funds could be used any way the City wishes.

Mr. Vaughn commented that a capital project is planned for next year so he said the City will need the money.

Mayor Graham noted there have been talks about incremental changes, such as extending bus service out Arsenal Street to the next group of stores or up Washington Street to the new nursing home. He said that anything more substantial, including round-trip service to Fort Drum, involves an expense and asked if funding could be used for that.

Mr. Vaughn said that is what the funding is designed for and added there is some planning money in the MPO, as well as transit planning money and highway planning money that could be used for these types of things and to build off the Fort Drum study.

Council Member Butler asked if the money is envisioned being used for the entire urbanized area as the obligation would take the bus runs outside the City limits.

Mr. Vaughn said it would extend to where it makes sense to have transit be delivered and where there is enough demand.

Council Member Butler noted that the bus routes today are going to be very different if the runs will eventually include Fort Drum.

Mr. Frechette commented from an infrastructure standpoint DOT and the City have assets and State Street is an asset to the City but when it comes to transit, it is a different issue. He said there could be other transit providers outside the City, but it has not been determined yet and added that the City would have a say in transit operations and whether or not the City believes it wishes to serve Fort Drum. Maybe the County would want to take on that function, he said, then they would be eligible for the

funding as well. Expansion, he said, is really a decision to be made down the road and that is something that the City would be part of making.

Mr. Vaughn stated that some entity has to be the designated recipient for the funds but they can choose to have a third party operator actually run the service.

Council Member Butler asked who is ultimately responsible for determining whether the City is using the money prudently.

There are two oversight mechanisms, Mr. Vaughn explained, one is the FTA called the Tri-Annual Review. The other, he said, is an MPO Certification and down the line both FHWA and FTA will come and examine the process to see if it warrants a continuation of certification.

Mayor Graham asked if the City could be somehow forced out of the bus business as a municipal entity by this regional entity taking away that existing federal money which would eliminate the City's ability to operate a viable system.

Mr. Vaughn explained there is no regional entity and that the MPO is a planning body and in New York State they have no contracting authority.

Mayor Graham said he understood but asked if the political muscle comes out of that to come up with some other concoction like a County or DANC-run bus system or some other entity, could the City see its existing funding pulled. He added that there is a significant investment in infrastructure for the bus system including buildings and vehicles.

Mr. Vaughn reminded Council that the City will be part of the planning process so it gets a voice in the decision.

Council Member Smith said that an MPO will be created and once that is done, the City will appoint some representatives to sit on this independent body.

Mr. Frechette replied that is not correct but rather the MPO will not receive any funding for transit or infrastructure type projects they are just the forum to represent the City, County and the State. All entities will go to the MPO to have discussions on what are the highest priorities for transit and transportation services.

Council Member Smith asked if they just make recommendations.

Mr. Frechette answered that recommendations would be made to the MPO, and they would build a consensus. One of the agencies, such as the DOT would host this MPO initially, he said. The Department of Transportation is not hosting any of the MPOs across the State, he said, but typically to get them started, they do host the MPO.

Council Member Smith commented that once the body is created, it builds consensus on the transportation system in the newly designated area which includes portions outside the City. The federal dollars are no longer a pass-through for transit and asked if the City will get the funding directly.

Mr. Vaughn replied the City would become a designated recipient.

Council Member Smith inquired about the director and staff consultant for the MPO and said he assumes that is a paid position and asked who pays for it.

Mr. Frechette said there is planning funding established as part of getting the MPO set up and if DOT hosts the MPO, then the payment would be through the Department. If the City were to host, he said, then the City would pay the staff for the MPO and seek reimbursement from the Federal Highway Administration, which would come through DOT.

Council Member Smith asked if funding is cut down the road will that position be cut or do City taxpayers have to pay for that position for a planning organization which incorporates an area outside the taxing jurisdiction.

Mr. Frechette stated he cannot predict what the future federal allocations are going to be for cutting of funding but he said he can say that from recent discussions, the City, State and County want to be part of selecting a director or consultant to get the MPO up and running. One of the first steps, he said, is to establish the Memorandum of Understanding (MoU). He added that the process has not gone too far with the organization of the MPO.

Council Member Smith said in the future if federal funding decreases or remains stagnant and generalized costs go up, he asked who pays the difference.

Mr. Vaughn replied in the planning process the areas that are being serviced need to be looked at and what kind of revenues can be brought to the table and that conversation has to happen in the planning process. If the City chooses to provide the service, he said, it does not necessarily mean the City has to pay for it. He said if the City takes on the designated recipient status, the City is responsible to FTA to bring its plan to the MPO and say this is the best way to run the service. He reminded Council that the City is in the position of both transit planning and policy and decision.

Council Member Smith said the MPO, which is initially hosted by the State, will eventually be turned over, and is purely an advisory committee with no authority to designate or appropriate funds just make advisory recommendations to the City of Watertown because it is the recipient of those federal funds. The ultimate funding decision, he said, would be made by City Council.

Mr. Vaughn commented that FTA will ask if there was a planning process to bring the funds through the MPO to the table so the planning portion of the MPO says which way is the best to spend transit dollars, in a fiscally restrained manner.

Council Member Smith asked if that would be a recommendation only.

Mr. Vaughn noted the MPO makes the decision that the process was done appropriately with time for comment and consensus was built by all members of the MPO; which is what FTA is looking for to award the funds to the designated recipient in the area.

Mr. Frechette said there are two structures set up, one of which is a planning committee, also known as a technical committee. Things do not go to the policy committee unless they get approval through the planning committee. The planning committee would need one hundred percent consensus to move

forward to the policy committee, he said. Each of the entities, including DOT, the City and the County would have one member.

Council Member Smith expressed concern for the future of the MPO, for example if something comes out of this organization that is not unanimous or something that may cost more, and since the City is the recipient of the federal funds, it would bare the cost of the system. Does the Council or whichever body is here at the time get to say they do not want to pay more and draw a line at what is appropriated.

Mr. Frechette replied that would be part of the planning and/or technical committee.

Council Member Burns asked for some clarity as far as the make up of the policy committee. She mentioned a representative being listed as a "local government representative." To her, she said, a local government representative is someone from the City of Watertown or Jefferson County and wished to have some clarification on that title.

Mr. Docteur answered that the MPO is supposed to represent the locals and noted there are some towns that have some federal aid roads and that there should be some type of representation from them.

Council Member Burns asked if that meant having a representative from one of the 22 towns in Jefferson County.

Mr. Frechette noted that it would include representatives only from the towns within the MPO, which would be nine or ten towns.

Council Member Macaluso asked who makes up the policy committee.

Mr. Frechette said the policy committee is made up of seven people, which includes two people from the City, County and State. One option for the other position is a rotating representative from each of the involved towns.

Mayor Graham discussed the fare rates involving the bus system and noted that the City Council would set the rates not the MPO, because the City is responsible for the fiscal solvency of the system. As expansion occurs, the City might look at potential stops as more of a business decision but those in the other subdivisions might look at it as a political decision.

Mr. Frechette noted that with his experience in dealing with Centro in Syracuse, which services a lot of the areas outside of Syracuse, that business is constantly changing the bus runs to see if they were profitable.

Mayor Graham asked who runs Centro and commented that it was established by the State Legislature.

Mr. Vaughn replied it is a regional authority, the Central New York Regional Transportation Authority established in 1970.

Mayor Graham commented that once transportation issues are dealt with there are many more topics with this matter, such as storm water drain off and DEC issues that will subject localities to extra paperwork and procedures.

Mr. Frechette said that would be a great question for DEC to answer. He said his understanding is that all urban areas get put into an MS4 designation, which is really about cleaning up the water that goes into the rivers and recognizing that there is a lot more potential for urban areas to have dirty water. It tries to address that matter in a comprehensive manner and any area that falls within the MPO will be subject to that.

Council Member Butler said he would like to get a better idea about the hierarchy and flow of communication commenting that an MPO staff will be in place with a director or consultant that will work with the planning committee. That committee will then bring it to the policy committee which will actually vote on items discussed and implement what they think makes sense for transportation throughout the entire urbanized area. He asked if the policy committee will select who is on the planning committee.

Mr. Frechette said that is correct and the City will have one seat on that committee and two on the policy committee.

Council Member Butler asked if some of the money could be used for natural gas for buses.

Mr. Vaughn said there are four agencies in New York that run compressed natural gas and it is a transit eligible cost.

## **RESOLUTIONS**

### **Resolution No. 1 – Approving Memorandum of Understanding Establishing the Watertown-Jefferson County Area Transportation Council**

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

WHEREAS the United States Bureau of Census has designated Watertown and its environs as an “urbanized area” with a population over 50,000, and

WHEREAS, Federal Law, in order to ensure than cooperative planning and coordination shall be a normal and continuing process for all transportation projects, has directed, under the provisions of the Federal Highway Law, US Code Title 23, Section 134, that transportation projects in urbanized areas of more than 50,000 in population shall be based upon a continuing, comprehensive transportation planning process carried on cooperatively by the state and involved local communities therein, and

WHEREAS, further to the designation of Watertown and its environs as an “urbanized area” by the United States Bureau of the Census, the New York State Department of Transportation has delineated a boundary surrounding the aforementioned “urbanized area” that is henceforth referred to as the “Watertown FHWA Urban Area Boundary,” the location of which, upon final approval by the Federal Highway Administration (FHWA), may be obtained either through the Federal Highway Administration New York Division Office or the New York State Department of Transportation Region 7 Planning & Program Management Office, and

WHEREAS the “Watertown FHWA Urban Area Boundary” encompasses the area of Watertown and its environs that are designated by the United States Bureau of the Census as being an urbanized area

as well as the contiguous areas that are anticipated to become urbanized within 20 years of the signing of this document, the “Watertown FHWA Urban Area Boundary” forms the boundary of the ‘Watertown-Jefferson County Area Transportation Council,” and

WHEREAS the Watertown-Jefferson County Area Transportation Council, in accordance with Federal and State law is hereby designated in accordance with New York State Transportation Law §15-a, by the Commissioner on behalf of the Governor, as the Metropolitan Planning Organization (MPO) within the “Watertown FHWA Urban Area Boundary”, and which will be responsible for the performance of the Federal transportation planning process and, in cooperation with the State, for the development of transportation plans and programs vital to the economic, social and civic well-being of the metropolitan area of Watertown and Jefferson County, and

WHEREAS local, city, county and state agencies participate in the Watertown-Jefferson County Area Transportation Council to integrate all federal transportation-related planning activities and effect transportation policy and programming consistent with local area objectives and federal and state directives,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves said Memorandum of Understanding, attached hereto and made part of this resolution, between the County of Jefferson; the City of Watertown; the New York State Department of Transportation (NYSDOT); and local government, whose representatives comprise the Council, in order to continue the cooperative metropolitan transportation planning and programming processes within the “Watertown FHWA Urban Area Boundary” that is required for Federal and State funding, and

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

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

Prior to the vote on the foregoing resolution, Council Member Burns wished to amend a portion of the Memorandum of Understanding.

**Motion was made by Council Member Burns to amend page 3 of 5 of the MoU, the second bullet point from the top, to read “Town or Village Government Representative”**

Council Member Butler and Mayor Graham suggested including the word “Village” into the amendment.

Mr. Frechette said that the County requested it be a Town representative not an individual Village. There are a couple villages within the boundary, he said.

Mayor Graham asked what is wrong with the term local government.

Council Member Burns replied that, to her, local government means the City of Watertown.

**Motion was seconded by Council Member Butler**

Mayor Graham added that the Memorandum of Understanding is separate and distinct from the resolution, because that same Memorandum is being approved by other entities and if they are in different form in any way, it is not the same document. He said he is not sure the MoU can really be amended as an attached document.

Council Member Burns asked, for clarification, if he does not think that can be done, is the resolution that is being passed tonight accepting that Memorandum.

Mayor Graham pointed out the second to the last paragraph in the resolution and said it is a little vague. He commented that the reference to local government in the resolution, it is not a signatory to the memo. He suggested deleting the local government portion of the sentence.

Council Member Burns said she appreciated the clarification but noted the way she understands it is that the Memorandum of Understanding is being approved because it is attached to the resolution and she stated she will not approve it unless that adjustment is made because it is vague as it is. She commented that she does not see how clarifying local government would cause any consternation on anyone's part and whomever is a signatory, she said she does not see the relevance as to just trying to more clearly lay out who will comprise this policy committee.

Mayor Graham asked if the Council Legislature approved this.

Mr. Frechette replied that they passed a resolution but he said he did not believe they signed the MoU and said he believes there is an opportunity to better clarify the MoU by putting the Town or Village in the wording but added that he cannot speak for the County on the matter, only for DOT which would not have a problem with better clarification.

Council Member Butler asked if the MoU changes over time.

Mr. Frechette said it is adopted every two years.

Council Member Butler noted that every two years it will be adopted by the City, County and State.

Mayor Graham suggested amending the next to last paragraph, to include in parentheses, after local government, a town or village within the boundaries of the MPO or defined as a town or village within the boundaries of the MPO.

Mr. Frechette said in reference to the local government representative it does say as selected by the Unified Operation Plan, which is a document that is going to be done next. He said the City, County and State would be part of developing. There are some prototypes of what other MPOs utilize but that plan is not in place today.

Council Member Butler noted that that plan could determine what local government means.

**At the call of the chair, vote was taken on the amendment with Council Member Burns and Council Member Smith voting yea, and Council Member Butler, Council Member Macaluso and Mayor Graham voting nay.**

**At the call of the chair, vote was taken on the foregoing resolution with all voting yea, except Council Member Burns voting nay.**

Council took a brief recess to allow the presenters to leave the meeting.

**Resolution No. 2 – Appointment to Board of Ethics, Jean A. Bilow**

**Introduced by Council Member Jeffrey M. Smith**

RESOLVED that the following individual is hereby appointed to the Board of Ethics, for a one-year term expiring on December 31, 2013:

Jean A. Bilow  
Fairway West – Unit C2  
522 Weldon Drive  
Watertown, New York 13601

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

**Rules were waived by Council Member Smith, seconded by Council Member Butler and carried with all voting in favor thereof.**

Prior to the vote on the resolution, Mayor Graham pointed out that the suggestion was made by Council Member Burns and asked if she had anything to add.

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

The budget session commenced immediately following the second resolution.

**Amanda C. Lewis**  
Deputy City Clerk