

**CITY COUNCIL MEETING
CITY OF WATERTOWN
April 21, 2014
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
James Burrows, City Attorney

City staff present: James Mills, Ken Mix, Kurt Hauk, Beth Morris, Barbara Wheeler, Brian Phelps, Amie Davis, Amy Pastuf, Michael Sligar, Margaret Puccia

The City Manager presented the following reports to Council:

- Resolution No. 1 - Appointing Margaret M. Puccia as a Marriage Officer for the City of Watertown
- Resolution No. 2 - Appointment to the Transportation Commission, Dawn Mills
- Resolution No. 3 - Approving Grade Change of Title of Secretary I
- Resolution No. 4 - Approving Amendment to Administrative Services Agreement for Self-Insured Workers' Compensation and 207-a & 207-c Program, POMCO Inc.
- Resolution No. 5 - Approving Change Order No. 1 for Arena Storage Building Project, D.E.W. Builders, Inc.
- Resolution No. 6 - Approving Amendment No. 4 to Professional Services Agreement, GHD Consulting Engineers LLC
- Resolution No. 7 - Accepting Bid for Water Transmission Main, Appurtenances and Park Trail Construction, North Country Contractors
- Resolution No. 8 - Accepting Bid for Arch Street Arch Repair, Bette & Cring, Inc.
- Tabled - Resolution for Contract Extension - Paratransit Services, Guilfoyle Ambulance Service
- Request to Waive Fees at the Municipal Arena, Jefferson-Lewis Workforce Investment Board
- City Tourism Fund – Request from DPAO

Complete Reports on file in the office of the City Clerk

Meeting opened with a moment of silence and the Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of April 7, 2014 was dispensed and accepted as written by motion of Council Member Roxanne M. Burns, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

COMMUNICATIONS

A letter was received from a concerned citizen in opposition of including sidewalks on Palmer Street.

A letter was received from Kelly Grass, Director of First Step Day Care requesting a change to the parking ordinance on the Academy Street side of the Dulles State Office Building.

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

A subrogation claim was received from Liberty Mutual for an incident that occurred on February 20, 2014 when an individual fell on a sidewalk on State Street.

An appeal was received from Michael Katon regarding a claim submitted in February after he damaged his car when hitting a pot hole on West Main Street on February 1, 2014.

Above claims have been referred to the Board of Audit.

PRIVILEGE OF THE FLOOR

Peter Dephtereos, 285 Barben Avenue addressed the chair concerning his request for a sewer line to his residence. He reminded Council of his sewer issue and was looking for an update.

RESOLUTIONS

Resolution No. 1 – Appointing Margaret M. Puccia as a Marriage Officer for the City of Watertown

Introduced by Council Member Roxanne M. Burns

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

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

WHEREAS Margaret M. Puccia is over the age of 18 and is a resident of the City of Watertown, as required by Section 11-C(2) of the New York State Domestic Relations Law,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that Margaret M. Puccia shall be appointed as a Marriage Officer for the City of Watertown with the duties established by Section 45-11.3 of the City Code of the City of Watertown and by Article 3 of the New York State Domestic Relations Law, for a term of four (4) years commencing immediately and expiring April 20, 2018.

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

Resolution No. 2 – Appointment to the Transportation Commission, Dawn Mills

Introduced by Council Member Teresa R. Macaluso

BE IT RESOLVED by the City Council of the City of Watertown, New York, that Dawn Mills, 482 Black River Parkway, Watertown, New York, is hereby appointed to the Transportation Commission, to fill the unexpired term of JoAnna Fassett, which term expires April 1, 2015.

Seconded by Council Member Joseph M. Butler, Jr.

Prior to the vote on the foregoing resolution, Mayor Graham mentioned that this name came from Kathy Webster. As a matter of protocol, he said a Council Member should advance a nomination for something because there is always uncertainty whether there will be support for introduction. He suggested this could have been presented as a memo first.

Council Member Butler agreed and asked that their resume or letter of interest and credentials be included. He said this allows for due diligence on Council's part.

Council Member Burns asked if this appointment has a City residency requirement.

Council Member Macaluso noted that her home address is Brownville but she works in the City.

Ms. Addison said that she will check into this further.

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. 3 – Approving Grade Change of Title of Secretary I

Introduced by Council Member Teresa R. Macaluso

WHEREAS the City of Watertown, New York, is responsible for complying with New York State Department of Civil Service Law and the Rules and Regulations of the City of Watertown Civil Service Commission particularly as they relate to titles and job specifications of its employees, and

WHEREAS the City of Watertown, New York, has been informed by the City of Watertown Civil Service Commission that employees in the title of Secretary I are currently being paid at two different grade levels and that, therefore, the City is out of compliance with Civil Service Law §100, Certification of Payrolls, and Rule XXII of the City of Watertown Civil Service Commission, Certification of Payrolls, and

WHEREAS the City of Watertown, New York, must, therefore, take corrective action to ensure that all titles are in the same grade to comport with the law,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the change of grade for all employees holding the title of Secretary I to grade 11.

Seconded by Council Member Stephen A. Jennings

Resolution No. 4 – Approving Amendment to Administrative Services Agreement for Self-Insured Workers' Compensation and 207-a & 207-c Program, POMCO Inc.

Introduced by Council Member Stephen A. Jennings

WHEREAS the City of Watertown is a municipal government which operates facilities in and around said City, and

WHEREAS City employees, Police and Fire personnel work in these facilities in and around the City, and

WHEREAS the City of Watertown requires claims administration services for the City's Workers' Compensation claims arising at our facilities, and

WHEREAS the City of Watertown also requires claims administration services for the City's General Municipal Law 207-a and 207-c claims arising at our facilities, and

WHEREAS the City Council approved a three-year contract on July 6, 2010 with POMCO Group for Workers' Compensation and General Municipal Law Section 207-1 and 207-c Claims Administration Services in the amount of \$24,500 annually, and

WHEREAS the City Council approved a one-year contract extension on August 5, 2013 at the same rates through July 31, 2014, and

WHEREAS the City of Watertown wishes to extend this contract for an additional one-year period at the same rate,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves the Amendment to Administrative Services Agreement for Self-Insured Workers' Compensation and 207-a & 207-c Program with POMCO Inc., 2425 James Street, Syracuse, New York, in the amount of \$24,500 annually, a copy of which is attached and made a part of this resolution, and

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

Seconded by Council Member Teresa R. Macaluso

Prior to the vote on the foregoing resolution, Council Member Butler asked if this is the last one year extension on this contract.

Ms. Addison confirmed that this is a two year contract with three extensions and that next year there will be an RFP for this.

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

Resolution No. 5 – Approving Change Order No. 1 for Arena Storage Building Project, D.E.W. Builders, Inc.

Introduced by Council Member Stephen A. Jennings

WHEREAS City Council approved the bid submitted by D.E.W. Builders, Inc. on October 7, 2013 for an Arena Storage Building, per our specifications, in the amount of \$256,952.46, and

WHEREAS D.E.W. Builders, Inc. has now submitted Change Order No. 1 to allow for an extension of time until June 20, 2014, due to extended winter conditions,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York approves Change Order No. 1 submitted by D.E.W. Builders, Inc., a copy of which is attached and made part of this resolution, to allow for an extension of time until June 20, 2014 with no increase in costs, and

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

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

Resolution No. 6 – Approving Amendment No. 4 to Professional Services Agreement, GHD Consulting Engineers LLC

Introduced by Council Member Teresa R. Macaluso

WHEREAS on August 20, 2012, the City Council of the City of Watertown approved Amendment No. 1 to Professional Services Agreement with GHD Consulting Engineers LLC for the disinfection improvements to the Watertown Wastewater Treatment Plant, and

WHEREAS on January 2, 2013, the City Council of the City of Watertown approved Amendment No. 2 to Professional Services Agreement with GHD Consulting Engineers LLC, and

WHEREAS on April 23, 2013, the City Council of the City of Watertown approved Amendment No. 3 to Professional Services Agreement with GHD Consulting Engineers LLC, and

WHEREAS GHD Consulting Engineers LLC has submitted Amendment No. 4 which results in an additional amount of \$7,100 to the Agreement, bringing the total amount to \$774,700,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Amendment No. 4, a copy of which is attached and made part of this resolution, in the amount of \$7,100 to Professional Services Agreement with GHD Consulting Engineers LLC for the disinfection improvements to the Watertown Wastewater Treatment Plant, and

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

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

Resolution No. 7 – Accepting Bid for Water Transmission Main, Appurtenances and Park Trail Construction, North Country Contractors

Introduced by Council Member Stephen A. Jennings

WHEREAS the City Purchasing Department has advertised and received sealed bids for the Water Transmission Main, Appurtenances and Park Trail Construction for the building of a parallel main, construction of a new valve vault for the Eastern Reservoir, demolition of the old vault, site restoration and construction of a new park trail, and

WHEREAS bid specifications were filed with the Northern New York and Syracuse Builders Exchange and the Dodge Reports, and invitations to bid were issued to eleven (11) vendors and area plan houses, with a total of eight (8) sealed bids being received, and

WHEREAS on Friday, April 4, 2014, at 11:00 a.m. in the City Purchasing Department, the bids received were publicly opened and read, and

WHEREAS City Purchasing Manager Amy M. Pastuf reviewed the bids received with the consultant engineering firm GHD, the Engineering Department and the Water Department, and it is their recommendation that the City Council accept the base bid proposal in the amount of \$849,000 from North Country Contractors as the lowest qualifying bidder meeting City specifications, and

WHEREAS it is further recommended that the City Council approve Alternate No. 1, an asphalt top for the new walking trail, adding \$26,000 to the bid total,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid submitted by North Country Contractors in the amount of \$875,000 for the Water Transmission Main, Appurtenances and Park Trail Construction, as well as Alternate No. 1, as the lowest qualifying bidder meeting City specifications, and

BE IT FURTHER RESOLVED that the City Manager Sharon Addison be authorized and directed to sign all contracts associated with implementing this project.

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

Resolution No. 8 – Accepting Bid for Arch Street Arch Repair, Bette & Cring, Inc.

Introduced by Council Member Roxanne M. Burns

WHEREAS the City Purchasing Department has advertised and received sealed bids for the repair of the Arch Street arch, and

WHEREAS bid specifications were filed with the Northern New York and Syracuse Builders Exchange, the Dodge Reports, and the Empire State Purchasing Group, and bid specifications were sent to seven (7) contractors, with a total of five (5) sealed bids being received, and

WHEREAS on Friday, April 11, 2014, at 11:00 a.m. in the City Purchasing Department, the bids received were publicly opened and read, and

WHEREAS City Purchasing Manager Amy M. Pastuf reviewed the bids received with the Engineering Department, and it is their recommendation that the City Council accept the bid proposal in the amount of \$194,000 from Bette & Cring, Inc. as the lowest qualifying bidder meeting City specifications,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid submitted by Bette & Cring, Inc. in the amount of \$194,000 for the repair of the Arch Street arch, and

BE IT FURTHER RESOLVED that the City Manager Sharon Addison be authorized and directed to sign all contracts associated with implementing this project.

Seconded by Council Member Stephen A. Jennings

Prior to the vote on the foregoing resolution, Council Member Butler asked if there were CHIPS funds leftover from the 2012-2013 budget. He noted that \$100,000 was allocated in the capital budget for this but the cost is \$194,000.

James Mills, City Comptroller said that there is an adequate CHIPS balance to cover this additional amount.

Council Member Burns commented that she is pleased that City staff pays attention to things like this that make our City unique. She said that she is glad that there was not a suggestion to just remove the arch.

Council Member Macaluso agreed.

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

OLD BUSINESS

The Resolution “Contract Extension – Paratransit Services, Guilfoyle Ambulance Service”.
(Introduced on April 7, 2014; appears in its entirety in the 2014 Minutes Book on page 8-9 of the 4/7/2014 minutes).

Motion was made by Council Member Joseph M. Butler, Jr. to take the foregoing resolution from the table. Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

Ms. Addison clarified that the dates and dollar amounts were changed in the contract to reflect the current period. She said that the resolution itself has not changed.

Motion was made by Council Member Joseph M. Butler, Jr. to amend the foregoing resolution in order to note the changes to the contract under Section XIII #2 “The City agrees to pay Guilfoyle \$89,393.98 for the period beginning July 1, 2014 and ending June 30, 2015. The payment will be in twelve monthly installments of \$7,449.50 during the term of the Agreement”. Motion was seconded by Council Member Roxanne M. Burns 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

Request to Waive Fees at the Municipal Arena, Jefferson-Lewis Workforce Investment Board
Mayor Graham stated that staff had recommended against waiving the fee and that he agreed. He said that there are a lot of requests for waivers but most all events held at the Fairgrounds are community based so that is not a good criteria for a waiver.

Council concurred to deny to waiver.

City Tourism Fund – Request from DPAO

Mayor Graham summarized that the DPAO submitted a request for \$10,000. He also mentioned that the Farmer's Market had requested \$1,000 and NYS Zoo at Thompson Park requested \$28,200 from this fund. He clarified that the City already provides the Zoo with \$20,000 under contract so this would be an additional \$28,200.

Ms. Addison remarked that this additional amount would be targeted towards marketing to promote tourism.

Mayor Graham noted that the City has already spent approximately \$300,000 towards the pavilion to enhance the facility.

Ms. Addison said that Ms. Graves, Interim Director of the Zoo indicated that she is willing to discuss her proposal more with Council.

Council Member Burns said that the memo does not outline the details of the request.

Ms. Addison indicated that the proposal was presented to Council at the last meeting in a staff report.

Council Member Macaluso stated that the City needs to be fair in how the money is distributed. She said the Farmer's Market is not asking for much but the larger requests can add up above the budget.

Council Member Burns asked for a report of how the Tourism Fund money was spent for the last two years. She would like the report to include the agencies, dollar amount and what the funds were used for. She suggested that Council consider all the requests after this report has been reviewed.

Mayor Graham stressed that all of these entities receive some sort of logistical and/or direct financial support from the City already. He said that all of these cases are commercial enterprises in which any new money or mitigation of costs increases the revenue of the bottom line. He questioned if money could be donated to entities at the whim of the Council and mentioned that some of these decisions are more politically difficult than others. He reiterated that this is allocating public money to private entities that is normally constitutionally prohibited unless it is dressed up in a contract.

Council Member Butler advised that it should be made part of the budget process. He reminded Council that last year's Tourism Fund was \$50,000 and most of it went to the Thousand Islands Tourism Council. He stressed that the City cannot commit to what has been given in the past because it is going to be a difficult budget year. In looking at requests, he recommended spending money towards things that get the most bang for the buck.

Council Member Macaluso noted that if the Thousand Islands Council asks for \$40,000 again this year then there is not much left for the other requests.

Mayor Graham pointed out that the Thousand Islands Council recently got the City listed on the Haunted History Tour list for New York State which promotes the Vortex at Thompson Park.

Council Member Butler indicated that he would like a discussion with the Zoo at a future work session.

Council Member Jennings asked if there is a policy for how the money was given out in the past.

Mayor Graham replied that there was not a formal method used in the past and it can be more political.

Sales Tax Revenue – March 2014

This report was available for Council to review.

NEW BUSINESS

Barben Avenue Sewer Line Request

Mayor Graham asked for an update on this. He said that he recalled that it might be done similar to a sidewalk district.

Council Member Macaluso said that letters were to be sent to the affected residences.

Attorney Burrows mentioned that Attorney Slye was working on this. He said that he can check with him tomorrow and report back to Council.

Mayor Graham mentioned that at least one of the property owners had objected to the City doing this because they did not feel it was necessary. He told Attorney Burrows that Council would be interested in hearing more about this at the next meeting.

Council Member Butler stressed that a decision needs to be made on this in order to give the property owners resolution.

Palmer Street and Academy Street Parking Communication

Council Member Burns asked for copies of these communications to be distributed to Council.

Ice Storm Brush Cleanup

Council Member Butler asked if a third party was being used and how long this would take.

Ms. Addison indicated that a third party is being used and that there is not a definite end date. She said that staff is working on it when they can.

Trash Rake

Council Member Butler asked for an update on this installation.

Michael Sligar, Water Superintendent said that it had been ordered but would probably be installed during the summer time when the water level is lower.

City Court

Mayor Graham told Council that he spoke with Judge Tormey last week and a Special Meeting will be held on Tuesday May 6th in the Courtroom to discuss this topic further.

Softball League Fees

Mayor Graham mentioned that there has been more discussion with this group and an agreement had been reached.

Ms. Addison summarized that Superintendent Gardner was informed that the games were only an hour long so she proposed charging \$15 per hour. She said that both sides were mutually agreeable to this.

Mayor Graham asked that an ordinance be drafted for the next meeting.

Western Boulevard

Mayor Graham informed Council that he received a call from Mr. Donegan looking for an update on the extension of Western Boulevard. He asked if Council wanted to proceed in acquiring the land needed for the purpose of extending Western Boulevard to the intersection of Commerce Drive. He stated that this is never going to be resolved with a negotiated settlement.

Council Member Jennings agreed with acquiring the land.

Council Member Burns supported this as well.

Council Member Macaluso said that she does not want to spend a lot of money to get this property and then spend millions of dollars for the road project. She pointed out that the property owners are not willing to deal with the City and have not been cooperative in negotiations. She is willing to put the street in if it can be done without being extremely expensive. She does not want to spend a lot of money on the eminent domain.

Attorney Burrows explained the Eminent Domain Procedures Law (EDPL) stressing that there are two ways to proceed whether it be through a series of public hearings looking to take title or by obtaining an appraisal in which an offer would be based on. The second option, he said could take longer if the property owner does not accept the offer and it goes to a hearing in the Supreme Court. In this case, he noted that a judge makes a decision on the value.

Mayor Graham suggested initiating the process of public hearings.

In response to Council Member Macaluso inquiry, Attorney Burrows explained that the City commissioned an appraisal in connection with the acquisition of the intersection of Gaffney and Commerce Drive and the sewer easement. This appraisal, he said has not been filed with the court at this time. He further explained that a full offer was made to the property owners by the City and it was accepted as an advance payment. Under the EDPL, the property owners have a full year from the time the offer is made to decide if they wish to go further. Before the expiration of the year, they did ask for additional time because an appraisal was commissioned, but Attorney Burrows has not heard back from the property owner's attorney.

Attorney Burrows answered Council's questions regarding this process in detail explaining the prior acquisition of the sewer easement, the location and size of the parcels, the amount of the offer and options for proceeding further. He noted that the property owners currently have a tax assessment challenge on the overall property stating it is not worth the current assessment.

Mayor Graham reiterated that the City needs to move forward with this.

Council Member Butler commented that if the property owner does not accept the offer then the City should not proceed further. He stressed that this road would enhance the owners' property as well.

Attorney Burrows agreed that the road would aid the plaza's tenants and enhance the commercial value of the property.

Council Member Macaluso said that she does not want to be held hostage by these property owners and the City has made several attempts to work with them.

Council Member Jennings advised that a date should be set for a deadline.

Council concurred to allow an additional 45 days for the property owner to accept the offer otherwise the offer would be removed from the table.

Palmer Street

Mayor Graham said that he saw City crews doing survey work on this street and he thanked staff for proceeding with this.

City Manager Contract

Mayor Graham reminded Council that the City Manager's contract is up for renewal by July. He will distribute copies of the current contract and asked Council to start reviewing it. Further discussion will be at a future meeting.

Motion was made by Council Member Roxanne M. Burns to move into Executive Session to discuss the employment history of a particular individual.

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

Council moved into Executive Session at 8:02 p.m.

Council reconvened at 8:40 p.m.

ADJOURNMENT

At the call of the chair, meeting was duly adjourned at 8:40 p.m. until Monday April 28, 2014 at 7:00 p.m. by motion of Council Member Roxanne M. Burns, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

Ann M. Saunders, City Clerk