

**ADJOURNED COUNCIL MEETING  
CITY OF WATERTOWN  
May 23, 2011  
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:** MARY M. CORRIVEAU, CITY MANAGER  
CITY ATTORNEY ROBERT J. SLYE

**City Staff Present: Gary Pilon, Jim Mills, Elliot Nelson, Doug Osborne**

Mayor Graham opened the adjourned session. He explained that the audit for the Parks and Rec. Dept. had been finished and copies were given to Council as well as available for the media. He remarked that Ms. Podvin is willing to meet with Council to discuss the findings.

Council agreed to meet on Wednesday, June 1<sup>st</sup> at 6:30 p.m. with Ms. Podvin to review the audit.

Mayor Graham advised that Senator Richie would be visiting the Watertown Fire Department on Thursday, May 26<sup>th</sup> at 10 a.m.

**Watertown Wizards Agreement**

Mayor Graham left the meeting.

Mayor Pro Tem Burns chaired the meeting to discuss the agreement with the Watertown Wizards.

Attorney Slye answered questions posed by Council concerning the proposed agreement.

Council Member Butler asked about Section F in allowing other entities to come in to sell alcohol.

Attorney Slye advised that this section is a reservation of the City's right to award this to someone else if the City wishes to.

Council Member Smith asked if this was for events outside of baseball.

Attorney Slye advised that it would be for any outdoor concert regardless of who was sponsoring it.

Council Members Butler, Smith and Macaluso all remarked that they were fine with the agreement.

Mayor Pro Tem Burns stated that she didn't support it before, not because she was opposed to baseball, as she isn't. Her two sons play ball. However, she stated that she thought she made herself very clear. She stated that since they are looking into the operation at the fairgrounds, she still feels the same. However, after outreach that she did as well as outreach to her from DPAO the Fair Board and Babe Ruth Baseball, she decided that if she didn't vote for it, she would be hurting those entities. She stated that we all want to see baseball in Watertown and DPAO be successful as they have already had an outlay of cash for the season. She stated that she would be willing to back off her position as long as she had a few items clarified. She stated that while she doesn't think this is the best course of action, she is not an obstructionist.

Mayor Pro Tem Burns asked who would enforce the clause stating that three payments (25%,25% and 50%) would be made on certain dates.

Mrs. Corriveau advised that the City Comptroller's Office and Parks & Rec. would. If the Comptroller's Office doesn't receive the payment, the Parks & Rec. Dept. wouldn't authorize the use of the field. She also advised that the KVS invoice will state that the payments are to be made to the City Comptroller's Office.

Mayor Pro Tem Burns asked who would oversee all applicable licenses.

Mrs. Corriveau advised that the alcohol permit and the DOH permits would come to her. They would have to come along with the signed contract and the insurance paperwork.

Mayor Pro Tem Burns asked about the fair board holding the alcohol license.

Mrs. Corriveau explained that the fair board submits the application to her listing all the dates of the Wizard games. One application is submitted for the baseball games.

Mayor Pro Tem Burns responded that Steve Harder told her that he applies for multiple events down there and the City has to sign off on each one.

Mrs. Corriveau stated that it does require her signature on any alcohol permits for any of those events that are hosted in the fair board's building, since the building is on City property.

Mayor Pro Tem Burns asked what happens if baseball goes out and gets a concert.

Mrs. Corriveau responded that if the City authorizes an outside concert, then another permit would be required since the permit that she would sign for baseball is only for the games listed in the permit.

Mayor Pro Tem Burns asked if copies of the permits would be available.

Mrs. Corriveau stated that they would be.

Council Member Macaluso asked about the dates that were listed.

Mrs. Corriveau advised that she hasn't reviewed the permit because we don't have a contract yet. They will have to go to the state and show they have a contract and questioned why she would sign a permit when no contract is currently in place.

Mayor Pro Tem Burns asked Attorney Slye if he was comfortable with the City entering into this agreement given the fact that the franchisee is not licensed for the sale of alcohol.

Attorney Slye responded that all this does is to give the leasee the right to run baseball and then during the games, to have the franchisee sell alcohol.

Mayor Pro Tem remarked then, that this is giving them the right for the sale of alcohol. She questioned if this would put the City in a precarious position if they aren't the licensed party with the state.

Attorney Slye responded that the City has the right to revoke the agreement and we also have them holding us harmless.

Mrs. Corriveau advised that the fair board is a subcontractor. The lease agreement contemplates that baseball has the ability to subcontract the concession.

Council Member Butler asked if the indemnity flows back to the fair board.

Attorney Slye stated that it would go against baseball. However, the fair board may have some agreements with the state.

Mrs. Corriveau asked Attorney Slye if the City has the right to tell baseball that they can't play anymore if the subcontractor breaches the law.

Attorney Slye stated that the City could.

Mayor Pro Tem Burns remarked that given the reluctance of some of us to move forward in this and given the information that has come to light, she asked if it would behoove them to have someone down there during the events to observe the numbers attending games and the concessions selling alcohol at the big events. She stated that they would be somewhat more informed.

Council Member Butler responded that you could do an inventory by checking the number of kegs and the number of glasses in each keg and also getting copies of the invoices.

Mrs. Corriveau advised that under the contract, the City reserves the right to look at invoices that baseball would be required to submit.

The following resolution was introduced:

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS the City of Watertown owns a facility known as the Alex T. Duffy Fairgrounds and the Fairgrounds are a community recreational facility, and

WHEREAS the City desires to promote future recreational activities at the Fairgrounds for the valid public purpose of the benefit, recreation, entertainment, amusement, convenience and welfare of the people of the City, and

WHEREAS in pursuit of that public purpose, the City desires to contract for the use, operation, management and maintenance of the Fairgrounds baseball facilities and all baseball-related activities, and

WHEREAS Watertown Sports Ventures, Inc. owns and operates a summer collegiate baseball team as a member and franchise of the Perfect Game Collegiate Baseball League, and

WHEREAS Watertown Sports Ventures, Inc. desires to have its team play baseball games within the confines of the Fairgrounds baseball fields and is in a unique position to contract to use, operate, manage and maintain the Fairgrounds baseball facilities, and

WHEREAS the City has undertaken a substantial capital improvement project for the Fairgrounds in furtherance of the public purpose of keeping baseball in the City for the recreation, entertainment and welfare of the people of the City, including the economic benefit such a team can bring,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Lease Agreement between the City of Watertown and Watertown Sports Ventures, Inc, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute the Lease Agreement on behalf of the City of Watertown.

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

**RULES WAIVED BY MOTION OF COUNCIL MEMBER SMITH, SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL THOSE PRESENT VOTING IN FAVOR THEREOF.**

Mayor Graham returned to the meeting.

Attorney Slye left the meeting.

**Water and Sewer Rates**

Mr. Pilon, Mr. Mills and Mrs. Corriveau answered questions posed by Council concerning the water rates. The report that was given to Council outlined various options that were available. Mr. Mills pulled together all billing data to define what the City's base is for all of the accounts in water and sewer at the current rate structures. The four options in the report would impact outside user rates except for those with whom the City has contracts.

Council Member Butler asked about rates and the high volume discount.

Mrs. Corriveau advised that residential users are charged considerably more than high volume users for the first 1200 units.

Mayor Graham commented that he thinks single rate users should be at one rate outside and that should be 120% of wherever Council ends up.

Discussion was held concerning the impact on the rates for the correctional facility and the Lettiere tract.

Council Member Burns commented that it makes no sense if a person lives in one part of the Town to pay a different rate than a person who lives in another part of the Town. However, outside users should pay a different rate than inside users.

Council Member Smith remarked that his goal was always fairness and should be 120% of the base rate in City for the outside users.

Questions were raised concerning the amount of gallons used and Mrs. Corriveau advised that the City bills in units. 748 gallons are in one unit.

The projected annual revenue impact report was reviewed.

Council Member Smith commented that at some point we have to recognize that the average homeowner has been subsidizing other users such as non-profits for years.

Council Member Burns remarked that when you look at both water and sewer, it is only in the industrial category where you see a significant increase.

Mayor Graham commented that there is no universally fair system. As one looks at properties that are non-profits, they are subsidized by not paying taxes and by water rates being subsidized.

Council Member Butler responded that if you look at the constituents, a family of 4 would save \$10 which is insignificant. However, then you would have to tell restaurants and hotels that you are increasing their rate by \$40,000. There would be some unhappy people. The impact would be significant on those who consume the most.

Mayor Graham remarked that the old bulk users were industry and the new ones are apartment buildings.

Mr. Mills advised that the restaurant and hotel that were used to show rate options were Appleby's and Best Western respectively.

Mrs. Corriveau referred to the list of the top 50 users and explained that staff wanted to present a number of different options for Council.

Mayor Graham remarked that he would support option #1.

Council Member Burns remarked that she would also.

Mayor Graham commented that every business person will try to save on energy costs. The overall plan has a slight decrease for families and there are always things to do to try to diminish energy costs.

Council Member Butler responded that when the City raised taxes in 2010, he didn't receive any calls. He stated that he is all for helping a family. But this option gives them a slight savings at the expense of businesses.

Council Member Macaluso stated that if they are using more water, they have increased their business and are making more money.

Council Member Smith stated that while he doesn't agree with that theory, he would like to see more equal paying. If everybody was equal and you used more, than you would pay more.

Council Member Butler remarked that he would have to absorb these reports and think about it before making a decision.

Mayor Graham commented that there are 90 separate single homes in WHA (one of the top 50 users) and they pay less than 90 separate single homes in a neighborhood.

Council Member Smith stated that the majority of the top 50 users are either government agencies or non-profits.

Mrs. Corriveau advised that the commercial and residential customers in the Town of Watertown are paying, not the Town of Watertown. She also commented that in some of these businesses, water is a small portion of their operating expenses.

Mayor Graham referred to previous discussions with Wal Mart when they were developing and Wal Mart stated that they didn't care how much it cost, they wanted water. He commented that if Council wants to make a change, this is the year to do it when we are revenue neutral.

Council Member Smith asked Mr. Pilon what option he would recommend.

Mr. Pilon stated that it was Council's call.

Council Member Butler stated that was a good answer.

Council Member Burns remarked that three on the Council agree with option #1.

Council Member Smith remarked that he is trying to get to fairness.

Council Member Butler responded that he agrees with the concept but this is a drastic leap to justify it.

Council Member Macaluso commented that she owns a business and it may affect her but would support option #1.

Council Member Burns commented that Council recognizes that homeowners have been subsidizing these costs for a long time and commented that \$10 was not insignificant.

It was agreed that while other members support option #1, they will listen to Council Member Butler before voting on it.

Mayor Graham remarked that there is nothing to say that we can't lower the rates in Tier 2 of the fund is flush in a few years.

### **Fiscal Year 2011-12 Detail of Changes in Revenues and Expenses**

After reviewing the report from Mr. Mills, Mayor Graham proposed a tax levy of 3.75.

Council Member Butler asked what that would save the average homeowner.

Mr. Mills responded that it would save them \$39.

Council Member Burns remarked that we are increasing services for citizens such as extended hours of library operations and rehabbing the aviary. These are quality of life issues. There would also be more money in their pockets with a savings on the tax rate.

Council Member Smith remarked that while he supports one, he wouldn't like to see the cut this high. He would rather use the money to pay down more debt.

Mayor Graham suggested a 2.5% decrease in the levy. All members supported this amount.

**Proposed Budget Cut, Pickup Truck – Fire Department**

Mayor Graham advised that Chief Herman had asked that Council reconsider the department's request for a new pick up truck.

Mrs. Corriveau advised that if Council Members change their minds on this, they need to let her know by Friday.

**Wage Increase for Mayor and Council**

Council Member Butler suggested eliminating the 1% wage increase for Mayor and Council.

Mayor Graham responded that it is the value of good people doing a job when Council has to take leadership roles as in the selecting the best candidate for the City Clerk position.

Council Member Burns remarked that she doesn't support devaluing the Mayor or Council position. She stated that they meet more frequently than a lot of other communities this size. She stated that she uses vacation time and has to hire sitters in order to attend the many meetings. She stated that it is only 1 % and 1% out of this budget will not take money from the taxpayers.

Council Member Macaluso stated that she would be willing to not take an increase.

Council Member Burns responded that Council Member Macaluso can give the money back to the City.

Mayor Graham commented that it is a perennial thing that gets a headline. Yet, the County raises them every year. He stated that the increase should stay in.

**EXECUTIVE SESSION**

**MOTION WAS MADE BY COUNCIL MEMBER BURNS TO MOVE INTO EXECUTIVE SESSION TO DISCUSS THE UPDATE RESULTS FOR THE CITY CLERK SEARCH.**

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

Council moved into Executive Session at 7:56 p.m.

City Clerk Dutton was excused from the rest of the meeting.

**ADJOURNMENT**

**MOTION WAS MADE BY COUNCIL MEMBER BURNS TO ADJOURN UNTIL WEDNESDAY, MAY 25, 2011 AT 6:00 P.M. TO MOVE INTO EXECUTIVE SESSION TO DISCUSS THE CITY CLERK POSITION, MOTION WAS SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING YEA.**

*Donna M. Dutton*  
City Clerk