

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
August 3, 2009  
7:00 P.M.**

**MAYOR JEFFREY E. GRAHAM PRESIDING**

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

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

**\*Prior to the meeting Council Member Peter L. Clough submitted his resignation effective immediately.**

The City Manager presented the following reports to Council:

- 1 - Approving Grant Application Between the City of Watertown and the Edward Byrne Memorial Justice Assistance Grant Program, FY 2009 Local Solicitation
- 2 - Approving License Agreement Between City of Watertown and Hole Brothers Holdings, LLC
- 3- Approving the Agreement By and Between Robert J. Kasulke, M.D. and the City of Watertown
- 4- Authorizing Budget Modification Request No. 2 for FY 2007 Small Cities Community Development Block Grant
- 5- Hospice of Jefferson County
- 6- Jefferson County Historical Society
- 7- Update on Commerce Park Drive Water Main Extension
- 8- 122 Ten Eyck Street
- 9- Collective Bargaining Negotiations Discussion

**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 July 20, 2009 was dispensed with and accepted as written by motion of Council Member Smith, seconded by Council Member Butler and carried with all voting in favor thereof.

**C O M M U N I C A T I O N S**

The following claims against the City were received:

1. From Awanda Mills for damage to her vehicle when it was struck by a stone thrown by a weed eater being used by City crews on Thompson Boulevard.
2. From Georgiana Jackson for personal injuries she sustained when she tripped over a sawhorse in front of the library.
3. From Michael Bates for personal injuries he sustained when he fell while jogging on Grant Street in June.

**ABOVE REFERRED TO THE BOARD OF AUDIT**

From Peter L. Clough tendering his resignation from his position as City Councilman for the City of Watertown effective August 3, 2009, as his primary residence is now outside the City limits.

**ABOVE ON FILE IN THE OFFICE OF THE CITY CLERK**

**INTRODUCTIONS**

Mrs. Corriveau and Mr. Sayre introduced the seven new firefighters for the City of Watertown and presented each of them with a certificate.

**PRIVILEGE OF THE FLOOR**

**Wayne Zimmer, Katherine Street**, addressed Council concerning the new sidewalks on this street saying they look nice but that the margins are several inches higher than the sidewalk. He said he is concerned about ice accumulation in the winter.

Mr. Zimmer also suggested installing a new deck above the existing one at the Newell Street building to help serve customers.

**R E S O L U T I O N S**

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

WHEREAS the City of Watertown is applying for federal funding under the Edward Byrne Memorial Justice Assistance Grant Program, and

WHEREAS the City is notifying City Council and the public of the grant funding opportunity that is being provided by the Justice Assistance Grant Program, and

WHEREAS the funding, if awarded, will be allocated to the City of Watertown and Jefferson County per the attached Budget Detail Worksheet, and

WHEREAS as a requirement of the grant, the City of Watertown must enter into an inter-municipal Agreement with the County of Jefferson which details the terms of the grant,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Grant Application between the City of Watertown and the Edward Byrne Memorial Justice Assistance Grant Program, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to draft and execute an inter-municipal Agreement with Jefferson County related to this grant on behalf of the City of Watertown.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER JR. AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

**INTRODUCED BY COUNCIL MEMBER JOSEPH M. BUTLER JR.**

WHEREAS the City is a municipal corporation organized under the laws of the State of New York and owns a certain deck and walkway in the City which was recently constructed as part of its Local Waterfront Redevelopment Program, and

WHEREAS a portion of the City's deck and walkway is adjacent to, and attached to, a building known as the former Red Lion Brewery having an address of 456 Newell Street in the City of Watertown, and

WHEREAS Hole Brothers Holdings, LLC desires the opportunity to obtain a license for its exclusive use of a portion of the walkway and deck for its patrons upon the terms and conditions set forth in this Agreement, and

WHEREAS the City desires to grant a license upon those same terms and conditions in furtherance of the development of riverfront uses in the City

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the License Agreement between the City of Watertown and Hole Brothers Holdings, LLC, and

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

**NO SECOND.**

**MOTION WAS MADE BY COUNCIL MEMBER SMITH TO TAKE FROM THE TABLE THE RESOLUTION "APPROVING THE AGREEMENT BY AND BETWEEN DR. ROBERT J. KASULKE, M.D. AND THE CITY OF WATERTOWN FOR PUBLIC HEALTH OFFICER."**(Introduced on July 20, 2009; tabled; appears in its entirety on page 181 of the 2009 Minutes Book).

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

Mayor Graham noted that some cities do not have a health officer but that that is outside the statute. He suggested coming up with some other arrangement, perhaps an hourly compensation.

Council Member Butler commented that the amount paid seems to be an inordinate amount. He added that Dr. Kasulke does a fine job but it does not make sense to pay that much money. Council Member Butler suggested going to an hourly fee or having an agreement between the City and County for use of a health officer. He also noted the use of a “haz-mat” team for use when more hazardous materials are present.

Council Member Burns said she concurred with Council Member Butler and inquired whether or not the City is required to have a health officer involved in issues that may go beyond the City limits.

Mrs. Corriveau replied that by statute the City has to have a health officer but that other counties may have a county officer utilized by municipalities.

Mayor Graham noted that the hazardous materials topic is an important one as a general physician may not have the expertise to deal with such a situation. He suggested contracting for an officer on an as needed basis.

Mrs. Corriveau commented that the last contract was drawn up in 2003.

Mayor Graham said that in six years Dr. Kasulke has done six hours of work, which translates to \$6,000 an hour. He asked if the City could contract with the hospital.

Mrs. Corriveau said that is not an option.

Attorney Slye noted that the health officer is required to be paid at least \$1,200 per year.

Mayor Graham suggested beginning the RFP process and using the \$1,200 as a retainer then paying an hourly fee when needed.

Council Member Smith noted that if the City is required to pay at least \$1,200, did Dr. Olazagasti return the pay to the City.

Attorney Slye said he was not sure.

Council Member Burns pointed out the periods of time when the City had no health officer.

Attorney Slye replied that in 2003 the state told the City it must have one. He added that the state statute says it is required to be an individual person.

Mayor Graham reiterated that he agrees with the idea of a small retainer fee then an hourly fee.

Council Member Butler referred to a memo from Police Chief Goss.

Attorney Slye explained that the duties or powers of the health officer are written out in the City Code and that the Mayor can establish parameters. He mentioned the need to know about attending meetings, such as the Local Emergency Planning Committee.

Mrs. Corriveau asked Council if they wish to send an RFP to all doctors residing inside the City or send an offer to Dr. Kasulke.

Council Member Burns asked if an RFP has been done since 2003.

Mrs. Corriveau said there has not been one since then nor that there ever has been an RFP.

Council Member Burns stated that she would like to see it sent out as an RFP and see the compensation set on an hourly basis.

Council Member Butler noted that he would rather offer it to Dr. Kasulke but an RFP is acceptable.

Mayor Graham commented that doctors should have the chance to compete for the position.

Council Member Smith said he is fine with either decision but asked what will happen if Dr. Kasulke is deployed.

Attorney Slye replied that the City is protected by the state statute.

Mrs. Corriveau reminded Council that Dr. Kasulke's contract expires at the end of August and asked Council if they wish to extend it on a month by month basis.

Attorney Slye noted that it would be the most fair to continue it on a month by month basis until the RFP process is complete.

Mrs. Corriveau asked Council if they would like to look at an RFP.

Council Member Butler replied that he would not, but will if it has to happen.

Attorney Slye said that Council could continue to table the resolution.

**MOTION WAS MADE BY COUNCIL MEMBER BURNS TO APPROVE THE EXTENSION OF THE CONTRACT BETWEEN THE CITY OF WATERTOWN AND DR. ROBERT J. KASULKE ON A MONTH BY MONTH BASIS, UNTIL A NEW HEALTH OFFICER IS APPOINTED, FOR UP TO THREE MONTHS.**

**SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING YEA.**

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

**MOTION TO TABLE THE FOREGOING RESOLUTION WAS MADE BY COUNCIL MEMBER BUTLER, SECONDED BY COUNCIL MEMBER BURNS AND CARRIED WITH ALL VOTING YEA.**

**MOTION WAS MADE BY COUNCIL MEMBER BURNS TO TAKE FROM THE TABLE THE RESOLUTION “AUTHORIZING BUDGET MODIFICATION REQUEST NO. 2 FOR THE FY 2007 SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT”.** (Introduced on July 20, 2009; tabled; appears in its entirety on page 183 of the 2009 Minutes Book).

**MOTION WAS SECONDED BY MAYOR GRAHAM AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

Council Member Butler inquired if any of the City’s money is involved in this program.

Mrs. Corriveau replied that it is all Small Cities grant money and that the City will be reimbursed for the expenses that it incurs.

Council Member Butler asked if this resolution has to pass for the project to continue.

Mrs. Corriveau said it does have to pass for it to move forward. She added that staff came up with the figure of \$20,000 for engineering services and that that will be left in to get reimbursed for expenses.

Mr. Hauk reminded Council to look at what is realistic as far as start and completion dates.

Council Member Smith noted that if the City does the work itself, the work could begin by October but if it is bid out to someone else, they will not be as ready to work as the City.

Mr. Mix stated that if Council approves the resolution, paperwork will be sent out immediately. He also noted that the \$20,000 can pay for a consultant or pay for engineering design.

Council Member Smith inquired if the City will still be handling issues with National Grid if the project is bid out.

Mr. Hauk replied that the City would.

Council Member Smith noted that utilities is the most time consuming issue and that the \$20,000 figure still seems high.

Mr. Hauk said that with a consultant on board the amount of money the City would have to spend would be minimized.

Mayor Graham suggested that this project get moving as the area being discussed looks fairly bad juxtaposed to the newly redone Public Square. He added to move forward with whatever scenario gets this project completed.

Mrs. Corriveau remarked that that is what staff is trying to do.

Mayor Graham offered his complements regarding the work on the Washington Street sidewalks.

Mr. Hauk said they are doing a good job.

Council Member Smith stated that perhaps if the engineering department had more money, then more engineers could be added to staff so more projects could be done in-house.

**AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND CARRIED WITH ALL VOTING YEA.**

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**COUNCIL DISCUSSED THE FOLLOWING TOPICS:**

**Mayor Pro-Tem**

Mayor Graham asked the City Clerk's office to research who will serve as Mayor Pro-Tem now that Council Member Clough has resigned.

Mayor Graham also noted that Council hopes to fill the vacancy as expeditiously as possible as there will be upcoming topics that require a four-fifths vote.

**122 Ten Eyck Street**

Mayor Graham inquired if the City should auction this property off and if so, should there be any contingencies. He asked if an infield project should be promoted.

Council Member Smith stated that the lot is long but narrow.

Mayor Graham remarked that if the lot is offered to neighbors it will get a fraction of what it could go for at auction. He cited the example of the property on William Street.

Council Member Burns asked if this property has been up for auction in the past.

Mayor Graham replied that there had been talk of putting it up for auction.

Mayor Graham and Council concurred about putting the property up for auction. He also inquired about the property on Pearl Street.

Mrs. Corriveau said both properties can be auctioned at the same time.

### **Hospice of Jefferson County**

Mayor Graham told Council he received a letter requesting donations but commented that he does not know what the City can provide.

### **Jefferson County Historical Society**

Mayor Graham inquired if this figure is the same amount as last year.

Mrs. Corriveau replied that \$5,000 was given for the period from July 2008 through June 30, 2009. She added that the Historical Society has to submit vouchers to show how the funds were expended.

Council Member Smith suggested keeping the funding the same as last year.

Council Member Butler inquired if the money comes from the tourism fund and how much is available.

Mrs. Corriveau replied that there is money available if Council wants it to be utilized. She also told Council they were invited to take a tour of the Historical Society on Monday, August 10. Mrs. Corriveau suggested meeting there before the work session as the DANC board will be present for that meeting.

Mayor Graham suggested meeting at 6:15 at the Historical Society.

Mrs. Corriveau replied that she will get back to the executive director about the plans.

### **Traffic at Holcomb and Mullin Streets**

Council Member Butler said he has had several discussions with a resident in the vicinity of Holcomb and Mullin Streets regarding the stop signs there and the fact that people go through them on a regular basis. He suggested painting the stop sign posts red as to draw more attention to them.

Council Member Butler also inquired about the street lights on State Street.

Mrs. Corriveau replied that the new ones did not match so were sent back.

Mr. Hauk noted that the back order date was a few weeks ago so they could be in soon.

Mrs. Corriveau also noted she received an email regarding the street lights on Sterling Street.

## **Newell Street Property**

Council Member Butler commented that he is disappointed the resolution did not receive a second to his introduction. He stated that he supports the agreement and said there are numerous examples where the City provides agreements. He added that the deck was paid for by taxpayer money. Council Member Butler also noted that the City is choosing to develop areas based on certain factors and the riverfront area is one example of increasing development. He said the bank and the developer both wish to move forward so Council should give them a decision on this topic.

Council Member Smith said that he has several problems with the agreement, including the topic of maintenance of the deck area. He noted that any alterations made to the deck could have political ramifications, not just engineering or structural issues. He said he understands that it is unfortunate how this issue came to be and that he was on Council when it was first brought up. Council Member Smith added that he remembers supporting changes, as they were to be an extension by a private business owner, but during that process the design changed and those changes did not go before Council. He said that suddenly Council is presented with this issue and knew nothing about the current agreements. Personally, he added, he said he does not care if people drink alcohol on the deck but it has to be fair for everyone; people should be able to enjoy the same privilege if not on the deck. Council Member Smith said he is willing to compromise and noted that a portion of the deck could be rented or leased for serving food. He said that with regard to alcohol, the issue would be different and other places in the City should be used the same way.

Council Member Butler referred to Section 11, the Noninterference clause, which states unfettered access but the public cannot enter the licensed area. He said he has a problem with that section and that the language needs to be cleaned up.

Council Member Burns remarked that Council is kidding itself if they think the general public is going to feel comfortable walking through that area with their kayaks, dogs and families while people are eating dinner there. She said it could work if the deck is used as an extension of the restaurant where measures are taken to delineate some type of walkway between tables and a public thoroughfare. She suggested using some type of secured handrail.

Mrs. Corriveau stated that the license agreement does address that issue.

Council Member Burns noted that it should be something more substantial than ropes and that it should keep in the theme of the decking. She referred to Section 4 regarding compensation and noted that Council does not know what the amount will be and asked if that would be negotiated and brought back to Council.

Mayor Graham said anything Council approves has to be complete in its nature.

Council Member Butler reminded Council that the purpose of his introduction was to initiate discussion.

Mayor Graham inquired if it would be helpful to reconvene the meeting at the Newell Street building.

Council Member Burns replied that it would be helpful as there seemed to be some confusion between the artists's rendering of the deck versus the plans.

Council Member Butler suggested meeting at 5:45 next week, prior to the tour of the Historical Society.

Council Member Burns said she is not available this week.

Mayor Graham suggested meeting next Tuesday at 7:00 p.m.

Attorney Slye said he will not be available but a representative from his firm will be present.

Council Member Smith referred to Secion 3, Non-Assignability, stating that the deck cannot be assigned to other people without the City's consent. He inquired whose consent is needed.

Attorney Slye replied that it is presumably Council's consent that is needed.

Council Member Burns noted that if it is signed by the Manager, then it would be her consent that is sought.

Attorney Slye remarked that it would go before Council for approval.

Council Member Butler asked if Council takes a look at all license agreements if they are changed.

Mrs. Corriveau replied that most do not come before Council to begin with.

Mayor Graham wished to define the difference between a license and a lease. He noted that a license implies a qualitative determination other than paying a fee and said this looks like more of an issue of leasing or selling.

Attorney Slye commented that he is confident this agreement is lawful and added that a license is permission, much less broad sweeping than a lease. He added that a lease is an interest in real property and that this license would be revocable.

Mayor Graham stated that this is not to be an eclectic melding of people eating dinner and walking on a walkway. He added that this should be reconciled to the fact that this is a deck put on as an inducement to economic development and not a boardwalk.

Mr. Schweitzer addressed Council saying on behalf of the business he would prefer an ownership structure and he would like to have as much control as possible. He said he would be more than happy to look at a lease or ownership structure.

Mayor Graham asked about property lines.

Mrs. Corriveau said a survey was done when the building was sold to Mr. Bauer and Mr. Martini.

### **Dedication**

Mrs. Corriveau reminded Council about the dedication ceremony for Samuel A. Johnson Sr. who was killed 13 years ago.

Council Member Burns said she will be in attendance.

Mayor Graham said he will be there also.

### **EXECUTIVE SESSION**

**MOTION WAS MADE BY COUNCIL MEMBER BUTLER TO MOVE INTO EXECUTIVE SESSION TO DISCUSS COLLECTIVE BARGAINING NEGOTIATIONS.**

**MOTION WAS SECONDED BY COUNCIL MEMBER BURNS AND CARRIED WITH ALL VOTING YEA**

Council moved into Executive Session at 8:47 p.m.

Council reconvened at 9:22 p.m.

### **ADJOURNMENT**

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 9:22 P.M. BY MOTION OF COUNCIL MEMBER BUTLER, SECONDED BY COUNCIL MEMBER BURNS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

Amanda C. Lewis  
Deputy City Clerk