

**SPECIAL COUNCIL MEETING
CITY OF WATERTOWN
August 11, 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 JAMES A. BURROWS**

Mayor Graham opened the special meeting at the Citibus facility's conference room. He remarked that he was pleased that eight individuals had expressed an interest in serving on the Council. He announced that Jason Burto had been selected to fill the unexpired term of former Council Member Peter L. Clough.

The following resolution was presented to Council:

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS there is a vacancy on the City Council of the City of Watertown by reason of the resignation of Peter L. Clough, and

WHEREAS this Council pursuant to law in such cases made and provided, is authorized to fill such vacancy,

NOW THEREFORE BE IT RESOLVED that Jason R. Burto is hereby appointed as Council Member to fill the vacancy created by the resignation of former Council Member Peter L. Clough for a term which will run to and expire on December 31, 2009.

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

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

The City Clerk then administered the oath of office to Council Member Burto.

DECKING ISSUE

Council members moved to the deck area on Newell Street.

Attorney Burrows advised Council of the findings in his research on this issue. He explained that it is a public deck and there can not be private use without Council approval after permission has been received from the State.

Mrs. Corriveau explained that the process for State approval would be similar to what was done with the YMCA.

Council Member Burns commented that the deck is here and now Council must find a way to move forward. She remarked that she doesn't want to stymie any use of the building. She remarked that she believes when something is attached to a building, it really becomes part of the building.

Attorney Burrows responded that when the City does sidewalks, they abut the buildings. However, the City doesn't claim to own those buildings.

Council Member Burns remarked that we all have our views on the issue. But the fact is that we all want to make it work. She also commented that Mr. Schweitzer should have unfettered use of the deck. She suggested putting a railing from end post to end post dividing the deck into an area to be used by the restaurant and a pathway for the folks that want to look at the kayakers on the river.

Mayor Graham responded that we know that no one would use the pathway and he believes it would be better to seek the means to sell the deck.

Council Member Smith remarked that he is inclined to let Mr. Schweitzer use the deck.

Mayor Graham discussed the alcohol licensing process and advised that the essence of such a license is control over the space serving the product. He mentioned that a liability policy wouldn't really indemnify the City from being charged if a problem occurred.

Discussion was held concerning approval through the Dept. of State and/or the State Legislature and the time frame involved.

Mrs. Corriveau stated that staff needs to know what Council wants them to ask the State. She commented that perhaps a lease agreement would be the way to go in an effort for the City to keep control. She explained that 20 years from now, the tenants might change.

Mayor Graham suggested that Mr. Schweitzer apply for his alcohol license for the interior of the building now and then amend the application when the deck issue is resolved. He also commented that he doesn't accept the premise that this is like a family picnic in the park which can be permitted by the City. The State does have to be in on this.

Council Member Burns asked Mr. Schweitzer about his business partners.

Mr. Schweitzer stated that he has one business partner and it is Mrs. Christina Schultz. He explained that the bar manager is Sara Covey and the restaurant manager is Bernie Bernhart.

After much discussion, it was agreed that the City will explore with State officials whether the property the deck is on can be transferred to the restaurant owners. At the same time, the deck will remain a public place with tables placed by the City for anyone – the public or patrons of the restaurant. Mr. Schweitzer will then be able to apply for a beverage license for the interior of the building. No alcohol will be permitted in the deck at this time.

Mayor Graham expressed his concern with the safety issues on the property. He was concerned with the fence only being 4 foot high and the metal spikes that are visible at the ground level.

ADJOURNMENT

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 8:16 P.M.
BY MOTION OF COUNCIL MEMBER BUTLER, SECONDED BY COUNCIL
MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

Donna M. Dutton
City Clerk