

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
September 8, 2009  
7:00 P.M.**

**MAYOR JEFFREY E. GRAHAM PRESIDING**

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

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

The City Manager presented the following reports to Council:

- 1 - Approving Memorandum of Understanding Between the City of Watertown and Jefferson County District Attorney's Office
- 2 - Approving License Agreement Between the City of Watertown and the First National Beef and Brew, LLC
- 3 - Approving the 2009-11 Contract Settlement Agreement and Authorizing the Amendment of the Collective Bargaining Agreement and Self-Funded Health Insurance Plan Between the City of Watertown and the Watertown Professional Firefighters' Association, Local 191
- 4 - Approving Change Order No. 1 to Contract With Slipform Concrete Inc., Washington Street Sidewalk Project
- 5 - Accepting Bid for Pipe, Fittings and Accessories, Arcade Street, Ferguson Waterworks
- 6 - Accepting Bid for Two Fire Hydrants, Arcade Street, Blair Supply Corporation
- 7 - Accepting Proposal for Flu Shots, North Country Surgeons
- 8 - Approving the Site Plan for the construction of a 6,000 sq. ft. restaurant, a 52,601 sq. ft. hotel, and a 57,190 sq. ft. hotel located at VL-2 Gaffney Drive, Parcel Number 8-40-101.007
- 9 - Approving the Special Use Permit Request Submitted by Charles and Lynne Bates to Allow a Tattoo and Body Art Parlor at 125 J.B. Wise Place, Parcel No. 7-01-104.000
- 10- Tabled – Resolution Approving the Agreement By and Between Robert J. Kasulke, M.D. and the City of Watertown
- 11- Commerce Park Drive Water Main Extension, Proposed Hotels on Gaffney Drive
- 12 - To discuss the proposed acquisition of real property where public disclosure could affect the value thereof.
- 13 - To discuss collective bargaining negotiations.

**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 August 17, 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.

### **COMMUNICATIONS**

From Vision Development concerning approvals for the project at Gaffney Drive and Commerce Park. Mr. Donegan stated that while they are not opposed to the project, they are opposed to the way it is being approved without all the information and thought that should be given to a project of this size. He stated that it seems irresponsible to approve a project like this without having a traffic study when the City knows this area is not up to handling this project.

### **ABOVE PLACED ON FILE**

From Longley Jones Management Corp. as agent for Stateway Plaza Shopping Center stating that they have reviewed the site plans and the proposal for development on Gaffney Drive and are concerned about the sanitary sewer discharge and the traffic issues.

### **ABOVE PLACED ON FILE**

The following communication was received from the City Planning Board:

1. Recommending approval for the Special Use Permit request submitted by Charles and Lynne Bates to allow a tattoo and body art parlor located at 125 JB Wise Place, Parcel No. 7-01-104.000
2. Recommending approval for the site plan submitted on behalf of Hemisphere Management for construction of a 55,601 sq. ft. hotel, a 57,190 sq. ft. hotel and a 6,000 sq. ft. restaurant located at VL-2 Gaffney Drive, Parcel No. 08-40-101.007 contingent upon certain requirements being met as outlined in the resolution.
3. Recommending approval for the site plan submitted on behalf of Hospice of Jefferson County, for the construction of a 17,000 sq. ft. residential center at 1398 Gotham Street, Parcel No. 13-18-103.200 contingent upon certain requirements being met as outlined in the resolution.

### **ABOVE PLACED ON FILE**

### **PRIVILEGE OF THE FLOOR**

**Wayne Zimmer**, Katherine Street, addressed the chair asking if some temporary handicap parking spaces could be made on the brick portion in Public Square for this Saturday's event there. He also asked about the status of the former garage on State Street that has remained empty since Mr. Bonner purchased it. In addition, he remarked that traffic around Public Square is quite often backed up past the Crystal Restaurant.

**RESOLUTIONS**

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

WHEREAS the Watertown Police Department has used the IMPACT Records Management System and has maintained records since May, 2004, and

WHEREAS it is the desire of the Watertown Police Department to make its records available to the Metro-Jefferson Drug Task Force to assist them in their duty to deter drug use and sales in Jefferson County, and

WHEREAS the Jefferson County District Attorney's Office wishes to implement the IMPACT System as the Records Management System for the Drug Task Force, and

WHEREAS the City and the Jefferson County District Attorney's Office have reached an understanding how this will be done and the costs associated with providing this service to the Drug Task Force,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York approves the Memorandum of Understanding between the City of Watertown and the Jefferson County District Attorney's Office, 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 authorized and directed to execute said Memorandum of Understanding on behalf of the City of Watertown.

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

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

WHEREAS the City is a municipal corporation organized under the laws of the State of New York and owns certain property located along Court Street, and

WHEREAS this property is adjacent to, a building known as the First National Beef and Brew having an address of 108 Court Street in the City of Watertown, and

WHEREAS First National Beef and Brew, LLC desires the opportunity to obtain a license for its exclusive use of a portion of the sidewalk for its patrons upon the terms and conditions set forth in the attached Agreement, and

WHEREAS the City desires to grant a license upon those same terms and conditions in furtherance of the development of business 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 First National Beef and Brew, LLC, 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 License Agreement on behalf of the City of Watertown.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR.**

Mrs. Corriveau advised Council that they would have to determine the agreement fee prior to voting on the resolution.

**MOTION WAS MADE BY COUNCIL MEMBER BURNS TO AMEND THE RESOLUTION TO SET THE LICENSE AGREEMENT FEE AT \$1.00 (ONE DOLLAR).**

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

Prior to the vote on the foregoing resolution, Mayor asked how this compares to the open container law.

Attorney Slye explained that the service is by the licensee who has the premises under their control.

**AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE RESOLUTION AS AMENDED AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBER SMITH VOTING NAY.**

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

WHEREAS the 2006-2009 Collective Bargaining Agreement between the City of Watertown and the Watertown Professional Firefighters' Association, Local 191, expired on June 30, 2009, and

WHEREAS negotiations have been concluded on a successor Agreement, and

WHEREAS the Watertown Professional Firefighters' Association, Local 191 has met and voted to approve this Agreement,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it hereby approves the 2009-2011 Collective Bargaining Agreement between the City of Watertown and the Watertown Professional Firefighters' Association, Local 191, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and directed to execute the Agreements on behalf of the City.

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

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

WHEREAS on July 14, 2009, the City Council of the City of Watertown approved the bid in the amount of \$106,576.41 with Slipform Concrete Inc. of Canastota, New York, for labor and material to install sidewalks on the westerly side of the 1400 and 1500 blocks of Washington Street, per City specifications, and

WHEREAS in connection with that project, City Engineer Kurt W. Hauk has submitted Change Order No. 1 in the amount of \$10,594.18 for consideration by the City Council,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Change Order No. 1 in the amount of \$10,594.18 to the contract with Slipform Concrete Inc., a copy of which is attached and made part of this resolution, and

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

**SECONDED BY MAYOR JEFFREY E. GRAHAM AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBERS BUTLER AND SMITH VOTING NAY**

Prior to the vote, Council Member Smith remarked that the sidewalk looks great. However, he was frustrated that City crews didn't do the work. He stated that he hadn't voted for the original resolution and he won't support the cost overrun.

Council Member Butler asked about the steps which were replaced.

Mr. Hauk explained that the crew tried to saw cut but the steps fell apart. Therefore, they had to be replaced at the City's expense.

Council Member Butler asked if that wasn't part of the risk that the contractor takes on in the contract. He also asked about the stone base needing to be widened.

Mr. Hauk explained that the original plans called for a 5' width. However, once on site it was discovered that a 7' width was needed for stability for the 5' wide sidewalk.

Council Member Butler questioned why they didn't take that into consideration when they looked at the project.

Mr. Hauk explained that the contractor was bidding based on the numbers that the City provided.

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

WHEREAS the City Purchasing Department has advertised and received sealed bids for the purchase of 460' of ductile iron water pipe and miscellaneous hardware in conjunction with the water main replacement in the 100 block of Arsenal Street, and

WHEREAS invitations to bid were issued to four (4) prospective bidders and the four (4) bids received were publicly opened and read in the City Purchasing Department on Tuesday, September 1, 2009, at 11:00 a.m., and

WHEREAS City Purchasing Agent Robert J. Cleaver and Water Superintendent Gary E. Pilon reviewed the bids received, and it is their recommendation that the City Council accept the bid submitted by Ferguson Waterworks, 800 Starbuck Avenue, Watertown, New York, in the amount of \$10,792, as the lowest bid meeting the City's specifications, and

WHEREAS funding to support this expenditure is contained in the FY 2008-09 Capital Budget,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York accepts the bid for the purchase of pipe, fittings and accessories in the amount of \$10,792 submitted by Ferguson Waterworks as the lowest qualifying bidder meeting City specifications.

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

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

WHEREAS the City Purchasing Department has advertised and received sealed bids for the purchase of two fire hydrants in conjunction with the water main replacement in the 100 block of Arsenal Street, and

WHEREAS invitations to bid were issued to four (4) prospective bidders with four (4) bids received and publicly opened and read in the City Purchasing Department on Tuesday, September 1, 2009, at 11:00 a.m., and

WHEREAS City Purchasing Agent Robert J. Cleaver and Water Superintendent Gary E. Pilon reviewed the bids received, and it is their recommendation that the City Council accept the bid submitted by Blair Supply Corporation, 22320 Teal Avenue, Watertown, New York, in the amount of \$3,150 as the lowest qualifying bid meeting the City's specifications, and

WHEREAS funding to support this project is contained in the FY 2008-09 Capital Budget,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York accepts the bid for the purchase of two fire hydrants in the amount of \$3,150

submitted by Blair Supply Corporation as the lowest qualifying bidder meeting City specifications.

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

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

WHEREAS at its meeting of June 15, 2009, City Council tabled a resolution approving the extension of a Master Services Agreement and Rider with Maxim Health Systems, LLC, 7221 Lee Deforest Drive, Columbia Maryland, to administer flu shots to current and retired City employees, and

WHEREAS at its meeting on July 6, 2009, the introduction of the resolution were withdrawn, and

WHEREAS the City Purchasing Department has advertised and received proposals to supply and administer immunizations for the standard seasonal flu virus, per our requirements, and

WHEREAS invitations to submit proposals were issued to eight (8) local medical facilities with the three (3) proposals received publicly opened and read in the City Purchasing Department on Monday, August 24, 2009, at 2:00 p.m., and

WHEREAS City Purchasing Agent Robert J. Cleaver reviewed the proposals received, and it is his recommendation that the City Council accept the proposal submitted by North Country Surgeons, 21017 NYS Route 12F Watertown, New York, in the amount of \$2,400 for 80 immunizations with each additional immunization to be billed at \$30.00 each,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York, accepts the proposal from North Country Surgeons to administer flu shots to interested employees and retirees of the City of Watertown.

**SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBERS BUTLER AND SMITH VOTING NAY.**

Prior to the vote on the foregoing resolution, Council Member Smith asked how we came to chose North Country Surgeons when it appears that they charge \$30 and Watertown Urgent Care only charges \$25.

Mrs. Corriveau explained that the proposal was for someone to come into City Hall and do the shots all at once. Watertown Urgent Care would not have been at City Hall, but instead, the employees would have had to go to their office.

Council Member Smith questioned if it that would have been a bad thing as it would have fit in to individual employee's schedules. He stated that it seems more convenient for employees to do it on their own schedule and then be reimbursed.

Mrs. Corriveau responded that if it was done in that manner, City staff would have to go through the process of reimbursing at least 110 employees.

Mayor Graham commented that Walgreen's is offering shots for \$24.99.

Council Member Burns remarked that we are going to be more successful in encouraging employees to get the shots if we offer it here during their work time.

Council Member Butler remarked that this process is basically flawed in that the City is prepaying for 80, when less than that could wish to have the shot. He also commented that he didn't think it was the City's role to provide these shots to the employees.

Council Member Burto referred to the \$2,800 figure in the letter as opposed to the actual \$2,400 charge.

Mrs. Corriveau explained that she was sure it was just a typo.

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

WHEREAS Julian Clark of Plumley Engineering, on behalf of Russell & Dawson, LLC, has made an application for site plan approval, for the construction of a 6,000 sq. ft. restaurant, a 52,601 sq. ft. hotel, and a 57,190 sq.ft. hotel located at VL-2 Gaffney Drive, Parcel Number 8-40-101.007, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on September 1, 2009 and recommended that the City Council of the City of Watertown approve the site plan, contingent upon the following:

1. The restaurant entrance to be changed from 24 feet to 30 feet wide.
2. A railing be placed on the north side of the property along the retaining wall.
3. The hydrants to be added as per Fire Prevention standards.
4. Change JB-2 to a storm sewer manhole and provide associated detail.
5. Submit a revised photometric plan for the property.

And,

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part 2 and has determined that the project, as submitted, is Unlisted and will not have a significant effect on the environment, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed construction and site plan constitute an Unlisted Action for the

purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown, New York that site plan approval is hereby granted to Julian Clark of Plumley Engineering, on behalf of Russell & Dawson, LLC, for the construction of a 6,000 sq. ft. restaurant, a 52,601 sq. ft. hotel, and a 57,190 sq. ft hotel located at VL-2 Gaffney Drive, Parcel Number 8-40-101.007, as shown on the revised site plan submitted to the City Engineer on September 1, 2009, with the conditions recommended by the Planning Board and

BE IT FURTHER RESOLVED that it is an express condition of this site plan approval that the applicant provide the City Engineer with sufficient copies of any change in stamped plans forming the basis for this approval at the same time such plans are provided to the contractor. If plans are not provided as required by this condition of site plan approval, the City Codes Enforcement Officer shall direct that work on the project site shall immediately cease until such time as the City Engineer is provided with the revised stamped plans. Additionally, any change in the approved plan which, in the opinion of the City Engineer, would require Amended Site Plan approval, will result in immediate cessation of the affected portion of the project work until such time as the amended site plan is approved. The City Codes Enforcement Officer is requested to periodically review on-site plans to determine whether the City Engineer has been provided with plans as required by this approval.

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

Mr.Mix advised Council that this should be tabled due to the fact that the project as a whole requires a long form SEQRA. He explained that the engineer for the project is preparing that. He also mentioned that it might require a coordinated review. However, Planning is not convinced that it does.

**MOTION WAS MADE BY COUNCIL MEMBER SMITH TO TABLE THE FOREGOING RESOLUTION.**

**MOTION WAS SECONDED BY COUNCIL MEMBER BURNS AND CARRIED WITH ALL VOTING IN FAVOR THEREFORE.**

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

WHEREAS Charles and Lynne Bates have made application for a Special Use Permit to allow a tattoo and body art parlor at 125 J. B. Wise Place, Parcel No. 7-01-104.000, and

WHEREAS the Planning Board of the City of Watertown reviewed the request for a Special Use Permit at its meeting held on September 1, 2009 and adopted a motion recommending that the City Council approve the request as submitted, and

WHEREAS a public hearing was held on the proposed Special Use Permit on September 21, 2008, after due public notice, and

WHEREAS the City Council has determined that the project is an Unlisted Action under SEQRA and has reviewed the Short Environmental Assessment Form, including responding to the questions in Part 2,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed tattoo and body art parlor at 125 J.B. Wise Place is an Unlisted Action pursuant to SEQRA and that the use will not have a negative environmental impact, and

BE IT FURTHER RESOLVED by the City Council that a Special Use Permit is hereby granted to Charles and Lynne Bates for a tattoo and body art parlor at 125 J.B. Wise Place, Parcel No. 7-01-104.000.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR.**

**MOTION WAS MADE BY COUNCIL MEMBER BURNS TO SCHEDULE A PUBLIC HEARING ON THE FOREGOING RESOLUTION FOR MONDAY, SEPTEMBER 21, 2009 AT 7:30 P.M.**

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

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

WHEREAS the City of Watertown owns and operates an Arena at the Alex T. Duffy Fairgrounds, and

WHEREAS City Council of the City of Watertown desires to enter into a Franchise Agreement for the operation of the Fairgrounds Ice Arena Concessions, and

WHEREAS the Watertown Hockey Association expressed their desire to continue to operate the concessions at the Ice Arena under a Franchise with the City,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby approves the Franchise Agreement between the City of Watertown and the Watertown Hockey Association, 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 a Franchise Agreement between the City of Watertown and Watertown Hockey Association.

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

**RULES WAIVED BY MOTION OF COUNCIL MEMBER SMITH, SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING YEA**

Prior to the vote on the foregoing resolution, discussion was held concerning this agreement which equals 10% of their gross sales and would replace the \$7,000 franchise fee that was paid to the City under the terms of three previous agreements. Discussion was also held concerning the time line of meetings held with board members and when the WHA board representatives informed the City that they were not interested in an agreement.

Mrs. Corriveau advised Council that she had spoken with Nina Harff and Jude Renzi in June. At that time, they were not interested. In July, they informed them that they might be. Mr. St. Croix met with them in August and they said they were not. In the meantime, the concession area was brought up to Code in preparation for sending out an RFP to potentially interested individuals.

Council Member Butler asked if the City had sent out for bids in the past.

Mrs. Corriveau responded that 2003 was the last time it was bid out.

Mayor Graham expressed his concern that they have been operating without a contract and questioned what would happen if a volunteer is injured since the City doesn't know if insurance was in place when the contract expired. He commented that the decision to put this out for RFP is a Council decision. He also remarked that he thinks the advertising should be a separate agreement.

Attorney Slye remarked that he wasn't concerned about them operating without a contract and if a volunteer was injured, he would hope that they had good medical insurance.

Mrs. Corriveau advised that the agreement states that workers' comp and disability insurance will cover all the employees. However, she didn't know if volunteers would fall under that. She also advised that between June and August, the City was still in discussions with the hockey association. It wasn't until August 21<sup>st</sup>, that the City received a definite "no".

Council Member Smith discussed his role in the agreement process and asked questions about the concert concession discussions.

Mrs. Corriveau reiterated the schedule of discussion between the City and the hockey association. She explained that after discussions, Jude Renzi had said that they might be willing to consider an agreement. She said that she told him to make the City an offer. In addition, the City did ask the hockey association to cover the concert concessions. She also advised that the discussions included bulk ice time discussions as well. She also explained that in discussions, Mr. Renzi and Mrs. Harff indicated that with the number of volunteers that they had, they were better off doing one big fund raiser instead of the concession. At the same time, the City was getting the RFP ready and getting the concession stand up to code.

Mr. St. Croix also answered questions posed by Council Member Smith. He explained that the first time WHA said no was in June. We did ask them to operate the concession stand for the concerts. He then met with Mrs. Harff and Mr. Renzi on August 21<sup>st</sup> and they again said no.

Council Member Smith asked if WHA had said they were interested in the advertising portion.

Mrs. Corriveau stated that on June 1<sup>st</sup> they said they'd like to split it out.

Council Member Burns asked how the 10% was determined.

Council Member Smith responded that it is determined by looking at their books.

Council Member Butler remarked that he doesn't think this is done for the Red & Black, but thinks it is a good process as we move forward.

Council Member Burns remarked that there have been some logical comments made on both sides. The key to this is the timing.

Mayor Graham remarked that if it is the intention of the council to have an RFP for July, this needs to get out.

Council Member Smith commented that it would be advantageous to have a three year RFP>

Council Member Smith remarked that we might want to do our homework and look into the sq.ft. rental fees.

Attorney Slye responded that the City would want a fixed bid for the franchise, not for the amount of square feet.

Mayor Graham stated that he agreed that the bidding should be for the market and not for the size of the area. In addition, advertising should be split off.

Council Member Burto asked if the RFP was the same for the Red & Black and the Wizards.

Mrs. Corriveau explained that the Red & Black only has the right to sell at the field when they are having a game there. The Wizards are required to operate their concession stand whenever a game is being played on the field, even if it is a high school game. The Watertown Hockey Association is required to operate their concession during other events at the arena.

**MOTION WAS MADE BY COUNCIL MEMBER BUTLER TO TAKE FROM THE TABLE THE RESOLUTION APPROVING THE AGREEMENT BY AND BETWEEN ROBERT J. KASULKE, M.D. AND THE CITY OF WATERTOWN.**

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

Prior to the vote on the foregoing resolution, Mrs. Corriveau explained that SMC and 19 medical offices in the City were contacted requesting an RFP. An advertisement was placed in the Watertown Daily Times as well. The City received no responses.

Council Member Smith questioned who the letters were sent to. He stated that if they were sent to the office managers, it might not have gotten to the doctor. He also asked how it was decided who should receive the letter.

Mrs. Corriveau responded that Mr. Cleaver probably went through the phone book.

Council Member Burns remarked that she would assume cardiologists and pediatricians would not have been interested in the job.

Attorney Slye advised that Dr. Kasukle was a vascular surgeon.

Council Member Butler questioned why we couldn't contract with SMC.

Council Member Burns suggested that the resolution be tabled until we receive the information on the thought process use as to who received the RFP inquiry.

Council Member Smith remarked that if he was doing the process, he would go to SMC and get a computerized list and send the RFO directly to the individual doctors on the list. He also stated that he would be more than happy to help Mr. Cleaver with this process.

Mayor Graham asked who was going to bid against Dr. Kasulke. He stated that no one would as a professional courtesy.

Council Member Smith remarked that he believes that the idea for a health officer comes from the 1940's-50's when they were concerned about outbreaks or epidemics. However, the intent is different from requiring the City to have one now.

Attorney Slye remarked that while it may be an anachronism, it is still on the books. The City didn't have one for years until the State said we had to.

**MOTION WAS MADE BY COUNCIL MEMBER BUTLER TO AMEND THE RESOLUTION TO INDICATE THAT COMPENSATION SHALL BE \$1,200 PER YEAR.**

**MOTION WAS SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBER BURNS AND MAYOR GRAHAM VOTING NAY.**

**AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE RESOLUTION AS AMENDED AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBER BURNS AND MAYOR GRAHAM VOTING NAY**

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**COUNCIL DISCUSSED THE FOLLOWING TOPICS:**

**Commerce Park Drive Water Main Extension**

Mayor Graham commented that this area should be able to get adequate water and sewer without having to debate it.

Council Member Butler referred to the fact that an 8” water main was never connected to the City’s system.

Mrs. Corriveau explained that the City didn’t pay for it. The water main was part of a subdivision plan.

Mr. Pilon explained that the water main was never connected and therefore never activated. The developer of the Commerce Park subdivision only installed a portion of the water main that was supposed to connect to a 12” water transmission main that crosses Commerce Park Drive just south of the post office. It was also to be connected to a private water main on the State Way Plaza property over an easement that the City holds. He explained that this work should have been completed in 1990 or 1991.

Council Member Burns remarked that it is incumbent upon the Council to do whatever can be done to promote this develop.

Council Member Butler remarked that while he agrees, Council also needs to examine all of the issues before moving forward. He stated that it would be negligent to give a blanket approval.

Mr. Mix answered question concerning the buffer zone and landscaping issues.

**Pink School House Dedication**

Council Member Burns mentioned that Council had been invited to the rededication of the Pink School House at the Jefferson County Historical Society on September 18<sup>th</sup>.

**Chipped Pavement**

Council Member Butler commented that nothing has been done for months with the chipped pavers around the light poles.

### **Stop Sign at Holcomb/Mullin**

Council Member Butler asked about the status of the red striping at this intersection.

He was informed that it had already been done.

### **Alternative Energy Report**

Council Member Smith asked about the status of this.

Mrs. Corriveau will prepare a consolidated report for the Council.

### **Stimulus Funds**

Council Member Smith asked about the.

Mrs. Corriveau explained that Arsenal is being done. Washington can't be done this season. She explained that they had submitted several projects for consideration. They have received notifications that they have not received funds for the street projects submitted, the dosing station, the Woolworth building and the arena project. Mrs. Corriveau explained that they have received ½ million dollars for Arsenal and Washington and \$89,000 for the Police Department.

Mr. Hauk advised that they had applied for a green initiative grant.

### **Traffic Lights on Public Square**

Council Member Smith asked about the status of this.

Mr. Hauk will get a report together for the next Council meeting.

### **Fines Listed on Web Site**

Mayor Graham referred to the fact that the new parking fines are not listed on the website. He also mentioned that he received a complaint concerning lack of signage for no parking on Arcade Street.

Mrs. Dutton explained that the update of the code on line is done by General Code. She has contacted them twice on this matter and has been assured that they will correct it.

### **Polling Places**

Mayor Graham advised council that Jerry Eaton agrees that the schools should be used for polling places. Mayor Graham would like to have a meeting set up for Council and the Board of Elections to discuss this issue.

**EXECUTIVE SESSION**

**MOTION WAS MADE BY COUNCIL MEMBER BUTLER TO MOVE INTO EXECUTIVE SESSION TO DISCUSS THE PROPOSED ACQUISITION OF REAL PROPERTY WHERE PUBLIC DISCLOSURE COULD AFFECT THE VALUE THEREOF, COLLECTIVE BARGAINING NEGOTIATIONS AND PROPOSED LITIGATION**

Council moved into Executive Session at 9:08 p.m.

Council Member Burns did not attend the Executive Session.

Council reconvened at 9:55 pm.

**ADJOURNMENT**

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 9:55 PM. UNTIL 7:00 P.M. ON MONDAY, SEPTEMBER 14, 2009 BY MOTION OF COUNCIL MEMBER SMITH, SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING YEA**

*Donna M. Dutton*  
City Clerk