

**ADJOURNED COUNCIL MEETING
CITY OF WATERTOWN
September 28, 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 the Council:

- 1 - Adopting the City of Watertown Workplace Violence Prevention Policy and Program
- 2 - Readopting Fiscal Year 2009-10 Sewer Fund Budget, City of Watertown, New York
- 3 - Re-Adoption of Fiscal Years 2009-10 through 2013-14 Capital Budget
- 4 - Readopting Fiscal Year 2009-10 Water Fund Budget, City of Watertown, New York
- 5 - Tabled - An Ordinance Amending the Ordinance dated November 17, 2008, Authorizing the Issuance of \$75,000 bonds of the City of Watertown, Jefferson County, New York, to Pay the Design Costs for Relining of a Portion of the North Side Trunk Sewer Main, to Increase the Estimated Maximum Cost Thereof and the Amount of Bonds Authorized to \$415,000 and to Provide for the Design and Construction Costs
- 6- Franchise for Fairgrounds Ice Area Concession, Watertown Hockey Association
- 7- State Environmental Quality Review, Full Environmental Assessment Form, Gaffney Drive Hotels
- 8- Bi-Annual Termination of Water Service to Delinquent Accounts

COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK

Mayor Graham opened the adjourned Council meeting.

RESOLUTIONS

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS New York State has mandated under Article 2, Section 27-b of the New York State Labor Law that the City of Watertown implement a workplace violence prevention program, and

WHEREAS it is the duty of public employers to develop and implement programs to prevent workplace violence, and

WHEREAS any employer with at least twenty full-time employees is required to develop and implement such a program, and

WHEREAS this program will ensure that the risk of workplace assaults and homicides is evaluated by affected public employers and their employees and that such employers design and implement workplace violence protection programs to prevent and minimize the hazard of workplace violence to public employees, and

WHEREAS the City of Watertown will additionally provide workplace violence training to all City employees to assist in this program,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby adopts the City of Watertown Workplace Violence Prevention Policy and Program.

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

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS on June 1, 2009 the City Council passed a resolution adopting the Budget for Fiscal Year 2009-10, of which \$4,198,964 was appropriated for the Sewer Fund, and

WHEREAS on September 24, 2009 City Council approved a Bond Ordinance for the North Side Trunk Sewer lining project which is to be financed through the issuance of no more than \$ 250,000 in bonds and the use of current funds in the amount of \$ 165,000, and

WHEREAS the Fiscal Year 2009-10 Sewer Fund Budget adopted June 1, 2009 does not include an adequate appropriation to the transfer to the capital fund line item (G9950.0900) to fund this transfer, and

WHEREAS in support of this transfer to capital, the City Council wishes to appropriate \$165,000 of Fund Balance,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby re-adopts the Sewer Fund Budget for Fiscal Year 2009-10 in the total amount of \$ 4,363,964, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that in the re-adopted Sewer Fund Budget, the Transfer to Capital Fund account (G9950.0900) and the Appropriated Fund Balance be increased by \$ 165,000.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH

MOTION TO AMEND THE BONDING AMOUNT TO NO MORE THAN \$250,000 AND THE APPROPRIATION FROM THE CURRENT FUNDS TO \$165,000 WAS MADE BY

MAYOR GRAHAM, SECONDED BY COUNCIL MEMBER BURNS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

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

Prior to the vote on the foregoing resolution, Mr. Mills answered questioned posed by Council concerning the bonding. He explained that Council can cap the bonding amount but could revise the maximum bond amount at any point in the future.

Council Member Butler remarked that while he could support the \$250,000 amount, he would really like to have seen the maximum at \$215,000.

Mayor Graham commented that the notion of trying to stay away from bonding excessive amounts is an admiral one.

Council Member Burns remarked that the real key to this is what is the exact amount that we are willing to bond for.

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS on June 1, 2009 the City Council adopted the Fiscal Years 2009-10 through 2013-14 Capital Budget, and

WHEREAS City Council desires to have a water main installed in Commerce Park Drive at an estimated cost of \$35,000 to accommodate business growth in that area of the City, and

WHEREAS the Superintendent Water, Gary Pilon has indicated that the water line installation for Madison Avenue which was included in the Adopted FY 2009-10 Capital Budget at an amount of \$48,000 will not be installed prior to the end of the 2009-10 fiscal year and can therefore be moved to FY 2010-11 in the five year capital program,

NOW THEREFORE BE IT RESOLVED that the Fiscal Years 2009-10 through 2013-14 Capital Budget is amended to include the Commerce Park Drive water main at an estimated cost of \$35,000 to FY 2009-10 and to shift the Madison Avenue water main installation from FY 2009-10 to FY 2010-11 as detailed in the attached Capital Budget Plan, which is made a part of this resolution.

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

Prior to the vote on the foregoing resolution, Mrs. Corriveau explained that the materials will be bid out, but at this time, the plan is to do the work in-house.

Council Member Smith remarked that he would rather pay City crews overtime to do the project as opposed to bidding the work out.

Mrs. Corriveau advised that the intention is to do the work in-house and they are getting ready to move on the project. She explained that Commerce Park Drive has high priority.

Mr. Pilon, Water Superintendent, remarked that they hope to get at least one part done this fall and if the weather holds, more will be done. He explained that the Commerce plans were approved years ago while the plans haven't been completed for the Madison project.

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS on June 1, 2009 the City Council passed a resolution adopting the Budget for Fiscal Year 2009-10, of which \$4,748,843 was appropriated for the Water Fund, and

WHEREAS on September 28, 2009 the City Council adopted a resolution to add the Commerce Park Drive water main installation to the FY 2009-10 Capital Budget at an estimated cost of \$35,000 which is to be financed by a transfer from the Water Fund to the Capital Projects Fund, and to delete the Madison Avenue water main installation from the FY 2009-10 Capital Budget at an estimated cost of \$48,000 which was to be financed by a transfer from the Water Fund to the Capital Projects Fund,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York hereby re-adopts the Water Fund Budget for Fiscal Year 2009-10 in the total amount of \$ 4,735,843, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that in the re-adopted Water Fund Budget, the Transfer to Capital Fund account (F9950.0900) and the Appropriated Fund Balance be reduced by \$13,000.

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

ORDINANCE

MOTION WAS MADE BY COUNCIL MEMBER BURNS TO TAKE FROM THE TABLE THE ORDINANCE AMENDING THE ORDINANCE DATED NOVEMBER 17, 2008, AUTHORIZING THE ISSUANCE OF \$75,000 BONDS OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK, TO PAY THE DESIGN COSTS FOR RELINING OF A PORTION OF THE NORTH SIDE TRUNK SEWER MAIN, TO INCREASED THE ESTIMATED MAXIMUM COST THEREOF AND THE AMOUNT OF BONDS AUTHORIZED TO \$415,000 AND TO PROVIDE FOR THE DESIGN AND CONSTRUCTION COSTS.

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

MOTION WAS MADE BY COUNCIL MEMBER BUTLER TO AMEND THE ORDINANCE AS FOLLOWS:

Ordinance Title:

An Ordinance Amending the Ordinance Dated November 17, 2008, Authorizing the Issuance of \$75,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Design Costs for Relining of a Portion of the North Side Trunk Sewer Main, to Increase the Estimated Maximum Cost Thereof to \$415,000 and the Amount of Bonds Authorized to \$ 250,000 to Provide for the Design and Construction Costs Thereof.

Section A. The ordinance of this Council dated and duly adopted November 17, 2008, authorizing the issuance of \$75,000 bonds to pay the design costs for the relining of a portion of the North Side Trunk Sewer Main, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, is hereby amended, in part, to read as follows:

“AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$ 250,000 BONDS OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK, TO PAY **PART OF THE \$415,000 ESTIMATED MAXIMUM COST OF RELINING OF A PORTION OF THE NORTH SIDE TRUNK SEWER MAIN.**”

“Section 1. For the specific object or purpose of paying **part of** the costs of relining of a portion of the North Side Trunk Sewer Main, including design and construction costs and incidental expenses in connection therewith, there are hereby authorized to be issued \$250,000 bonds of said City pursuant to the provisions of the Local Finance Law.

“Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$415,000 and that the plan for the financing thereof is by the issuance of the \$250,000 bonds of said City authorized to be issued pursuant to this bond **ordinance, together with \$165,000 current funds of the City expected to be available therefore.**”

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

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

Prior to the vote on the foregoing ordinance, Council Member Smith asked about the guarantee or the warranty on the liner. He asked if anyone knew what the life of the liner was estimated to be.

Mrs. Corriveau commented that she didn't know and Mr. Hauk was not here this evening. However, the liner is the same as the one used on Mill Street.

Attorney Slye also answered that he had not looked at the warranty on it.

Council Member Smith explained that his concern is the fact that we are lining a piece of pipe under water. He stated he would prefer that the pipe be taken out of the stream bed instead of lining it below the water level. He remarked that without a solid guarantee that this isn't going to fail, he has a tough time support it.

Mayor Graham responded that this discussion was already resolved when Council accepted the bid at a prior meeting.

Council Member Smith remarked that he thinks it is appropriate to raise these concerns for the record at this time as well.

Referring to the budget pages, Mrs. Corriveau explained that the estimate for moving the pipe at \$722,000 was left on the budget page. However, the description on the page is about slip lining.

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COUNCIL DISCUSSED THE FOLLOWING TOPICS;

Franchise for Fairgrounds Ice Arena Concession

Mrs. Corriveau referred to the letter which was received from the Watertown Hockey Association requesting that the City reconsider some of the terms. Specifically, 10% of gross profits vs. 10% of gross sales; October 1, 2009 - September 30, 2010 vs. July 1, 2009 – June 30, 2010; Reduced hours of operation; removal of non-assignability clause; and equipment upgrades.

Mayor Graham responded that Council approved a contract and the hockey association declined to act on it.

Attorney Slye advised that there was unwillingness on the hockey association's part to sign it. Therefore, Council is free to do as it wishes.

Mayor Graham remarked that at the time, he thought it was a done deal. He commented that 10% of the profits vs. 10% of the sales is a huge difference. He also commented that the purchase of new kitchen equipment is significant.

Council Member Butler asked who owns the equipment presently in there.

Mr. St. Croix advised Council that minor hockey owns all of the equipment except for the table.

Council Member Smith remarked that their concern is that the previous concessionary wasn't in code compliance and they were told they would have to bring it up to code.

Mr. St. Croix stated that this was not the case. They were told that the City had to bring it up to code, which has been done. Only their deep fryer is not up to code. Our insurance carrier recommended that they stop using it.

Mayor Graham questioned how we could operate a facility with a deep fryer that wasn't up to code.

Mr. St. Croix explained that it had been overlooked. He also explained that a new deep fryer in compliance could cost around \$15,000 to \$20,000. He advised that the grills are fine.

Council Member Smith remarked that at least a few of the fire extinguishers were not there over the weekend. He said that it had been explained that they were out being serviced by the Fire Dept.

Mr. St. Croix advised that they were put back into place this morning.

Council Member Smith remarked that the board believed they would have to make the upgrades.

Mrs. Corriveau responded that the City had made the upgrades. However, any upgrades to their equipment would have to be done by the hockey association, not the City.

Mayor Graham remarked that since this agreement was typed up on a Friday afternoon after the normal agenda had gone out, he believed that this had been a negotiated agreement that had the blessings of the hockey association.

Council Member Smith remarked that, in part, he would have to take the responsibility. He commented that they have concerns about renting out ice advertising since they only have 9 months, instead of a full year.

Mayor Graham commented that there is no contract in place for anyone to operate the facility. He stated that it is a City facility and if the City is going to buy and maintain it, the City should also operate it. He stated that 4/5 of the Council don't agree with that. Therefore, 4/5 of the Council better have an agreement for someone to run it.

Council Member Smith asked Mrs. Corriveau if she had called the hockey association after receiving the letter.

Mrs. Corriveau advised that she hadn't since Council Member Smith was the one that negotiated the contract. However, if Council wishes to have her do so, she will contact them.

Council Member Butler suggested inviting Mrs. Harff and others to a meeting to address their concerns as well as Council's concerns. He remarked his concern is with the suggestion for reduced hours of operation.

Council Member Burns commented that it sounds like we need better communication. She asked if Council would like to have Mrs. Corriveau and Council Member Smith sit down with representatives from the hockey association.

Mayor Graham remarked that it might be better to have this discussed in a Council session.

Council Member Butler suggested contacting the hockey association to find out what they want to do. He remarked that he believes more could be accomplished with representatives from both getting together for a meeting.

Mrs. Corriveau will contact the hockey association.

Gaffney Drive Hotels

Report was in the Council agenda packet.

Water Shutoffs

Council Member Butler asked how the number of notices compare to last year.

Mr. Pilon explained that 995 were mailed out this time compared to 1,078 last year. In 2007, 911 notices were mailed at this time with 1,046 being sent out for the spring shutoff. He explained that in years prior to that, the numbers were between 800 and 900.

ACH

Council Member Smith asked if there had been any progress on this.

Mr. Mills explained that the module had been ordered. Testing will be done with HSBC and this should be an option within the next few months.

Council Member Butler asked about the status of taking credit cards for payment.

Mr. Mills advised that he hadn't worked on that yet.

Health Officer/Public Health Officer

Mayor Graham advised that he had spoken with Dr. Kasulke and is going to meet with him on Friday. He explained that Dr. Kasulke had indicated to him that he felt left out of the discussion on this matter.

Attorney Slye explained the terminology for the two positions. He advised that they really are not so very different. Jefferson County is not a full service health department nor does it have a commissioner of health. Since the county doesn't provide the service, each municipality is required to have a health officer. As the Jefferson County Public Health Officer, Dr. Kasulke oversees the public health nurses. He also advised that in 2008, the law was amended for qualifications needed for the position. The individual either needed to be a physician or a non-physician with the ability to be able to consult with a physician. Attorney Slye explained that Tom Boxberger is the health officer for the Town of Watertown. Since he is not a physician, he must consult with one.

Referring to the fact that from 1996-99, there was no compensation for the City Health Officer, Mrs. Corriveau explained that this was something arranged by a prior City Manager through SMC.

Mayor Graham remarked that he would like to hear Dr. Kasulke's view on all of this. He asked if the doctor would have to have an additional rider to his insurance if he held the position.

Attorney Slye advised that he would not.

Council Member Burns asked about the fact that no RFP was sent to Dr. Kasulke.

Mrs. Corriveau explained that none was sent out. They had tried to contact him and they knew he was already interested, so they didn't send one out.

Letter from Rosalie Cavise

Council Member Burns referred to this letter. It was received by all members of Council. It was placed on file with the City Clerk.

Crosswalks

Council Member Butler asked that the crosswalk on Stone, near Mercy be repainted as it is beyond recognition. He also said the one across Washington Street near SMC is in bad repair, but assumed it would be addressed after the construction at SMC.

Street Lights

Council Member Smith asked about the status of this and commented that he has seen old poles with new lights on them.

Mrs. Corriveau explained that right now National Grid doesn't have old luminaries. The only ones they had have been installed on State Street. She commented that many lights are out throughout the City. She also advised that there was no written commitment on behalf of National Grid to put new poles up.

Council Member Smith remarked that the contract states that they are to maintain the system. In some cases, it is not maintained at all. He questioned when the timing becomes unreasonable.

Attorney Slye remarked that he would have to revisit the 1991 agreement. They are obligated to replace all of them once and they have done that. Then they have to maintain the system. If it means putting new lights on old poles, then they could do that.

Council Member Burns responded that at a minimum, they should just make sure they are working.

Mrs. Corriveau explained that National Grid had indicated that Sterling Street would be done by the end of the month. However, she is not sure they will be finished. She also mentioned that the number of maintenance personnel for National Grid is very limited.

Letter from Senator Sampson

Mayor Graham referred to a letter he had received from Senator Sampson concerning his candid views on upcoming budget problems. Mayor Graham commented that we can not be oblivious to the problems of the state government and the outlook is fairly dire.

Mrs. Corriveau responded that it does look that way. She stated that the state is talking about delays in payments to municipalities. Delays in state aid would be critical to us. She advised that she has already indicated to department heads that if the October sales tax figure is down, we will be looking at cuts.

ADJOURNMENT

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 8:18 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