

**CITY COUNCIL MEETING
CITY OF WATERTOWN
October 5, 2015
7:00 p.m.**

Mayor Jeffrey E. Graham Presiding

Present: Council Member Roxanne M. Burns
Council Member Joseph M. Butler, Jr.
Council Member Stephen A. Jennings
Council Member Teresa R. Macaluso
Mayor Graham

Also Present: Sharon Addison, City Manager
Robert J. Slye, City Attorney

City staff present: Matthew Roy, Kenneth Mix, Erin Gardner, Justin Wood, Eugene Hayes, Yvonne Reff, Scott Weller, Michael Sligar, Amie Davis, Amy Pastuf, David Wurzburg, Police Chief Donoghue, Fire Chief Herman

The City Manager presented the following reports to Council:

- Resolution No. 1 - Reappointment to the Board of Assessment Review, Dean Gillan
- Resolution No. 2 - Establishing Schedule of Fees for Parks and Recreation Department
- Ordinance No. 1 - Repealing City Municipal Code § A320-4; Schedule of Fees
- Ordinance No. 2 - Amending City Municipal Code § 293, Vehicles and Traffic
- Public Hearing - NYS 2013 CDBG
- Surplus Sale Results Summer of 2015
- Sales Tax Revenue – August 2015
- Fall Drop Off Flyer

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 September 21, 2015, was dispensed and accepted as written by motion of Council Member Roxanne M. Burns, seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

COMMUNICATIONS

A letter was received today from employee Todd DeMar, discussing his recent bar from City Hall during business hours and setting forth his account of the same.

PRIVILEGE OF THE FLOOR

Steve Weed, 7 Paddock Arcade, addressed the chair concerning a recent RFP for live streaming of the Council Meetings and provided an update. He indicated he is working with Channel 7 NEWS to

provide this service at no cost to the City and stated Channel 7 NEWS will air the meetings live on their website for a trial basis until January 1st. He was seeking Council's approval to do this.

Council agreed.

Lon Murchison II, 17120 Route 53, Dexter, stated that he is requesting a bus route extension to include the shopping area of Walmart, Sam's Club, Old Navy, Target, Kohl's and other nearby destinations. He submitted a petition (on file in the City Clerk's Office) containing 522 signatures from the public and 19 signatures from businesses in that area. Noting the comment section on the petitions, he said there is a lot of positive feedback and support for this. He stated that he understands there is a process to extending the bus routes and mentioned he is available to help with this in any way.

The Mayor suggested this information be forwarded to the Transportation Committee.

A concerned citizen also spoke in support of the petition to extend the City Bus to areas mentioned and she is a member of the Advisory Board of the Jefferson County Office for the Aging, as well as a rider of the City bus system.

Karin Norton, informed Council she is also on the Advisory Board for the Jefferson County Office of the Aging and the Advocacy Chair for the local AARP Program for Jefferson County. She noted that she is very aware of the transportation needs of the senior citizens and is in support of extending the bus route.

PUBLIC HEARING

At 7:30 p.m. Mayor Graham asked the City Clerk to read the notice of Public Hearing considering the effectiveness of the administration of the City's 2013 Community Development Block Grant from New York State Office of Community Renewal.

Mayor Graham declared the hearing open at 7:30 p.m.

Kenneth Mix, Planning Coordinator, explained this is the second public hearing for the City's 2013 CDBG Program. He said the grant was for \$400,000 to rehabilitate housing, noting that ten homes have been completed. He added that three houses are under construction, and he anticipates another two will be done with the amount of funds that are available.

Mayor Graham declared the hearing closed at 7:30 p.m.

RESOLUTIONS

Resolution No. 1 - Reappointment to the Board of Assessment Review, Dean Gillan

Introduced by Council Member Roxanne M. Burns

RESOLVED that the following individual is reappointed to the Board of Assessment Review for a five-year term effective immediately and expiring September 30, 2020.

Dean Gillan

112 South Indiana Avenue
Watertown, New York 13601

Seconded by Council Member Stephen A. Jennings and carried with all voting yea.

Resolution No. 2 - Establishing Schedule of Fees for Parks and Recreation Department

Introduced by Council Member Teresa R. Macaluso

WHEREAS new Sections 48-4 and 48-5 of the City Code of the City of Watertown have been adopted by the City Council as part of Local Law No. 1 of 2015, which sections authorize the establishment of fees for Parks and Recreation Facilities by resolution; and

WHEREAS Section A320-4 of the City Code of the City of Watertown, which had been previously established fees by ordinance, has been repealed; and

WHEREAS the City Council desires to establish fees for Parks and Recreation Facilities for Fiscal Year 2015-2016 by resolution, as authorized by Local Law No. 1 of 2015,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby adopts the fee schedule attached and made a part of this Resolution as the Fee Schedule for the Parks and Recreation Department for FY 2015-2016.

Seconded by Council Member Stephen A. Jennings

Prior to the vote on the foregoing resolution, Council Member Butler mentioned the fees for the main baseball field and the main multipurpose field stating this used to be a per game rate and is now an hourly rate.

Erin Gardner, Superintendent of Parks and Recreation, confirmed the old rate was \$60 per game and an additional \$50 for lights.

Council Member Butler commented that an hourly rate will now charge the group for the game as well as any prep time prior to the start of the game. Noting this could result in five hours, he said a group could be charged \$200 instead of \$60 with the old rate. He pointed out this is a considerable increase and mentioned the groups that use these fields are local schools, such as Watertown High School, IHC and JCC.

Council Member Macaluso asked if Ms. Gardner has received any complaints from the prospective users.

Mentioning the proposed fee schedule was discussed in a Council Meeting approximately one month ago, Ms. Gardner said that she has not talked to any of the users of the fields. She explained that she did a cost analysis of the City's cost for holding a game on each field, noting that a game under perfect conditions costs the City \$170 for materials and staff. A game under bad conditions can cost \$275 - \$300 depending on the amount of materials needed to keep the field dry. She said she agrees this is a large jump in fees but she thinks the City needs to recoup some of its costs. She noted that both IHC and Watertown High School have fields at their own schools which can be used at no cost or there is the option of using other multipurpose fields for \$15 an hour. She stated her opinion is that this is a good

facility with a PA system, bleachers, concession stand and bathroom facilities and the users should pay for what they get. She stressed staff has to be available at all times when games are played at this field.

Council Member Butler mentioned that he does not want to make it so cost prohibitive that users do not want to use the City's field.

Council Member Macaluso agreed but said over the years, the City was not charging what it should have so it cannot be done at a loss anymore. She advised that this should be passed and if there are complaints then it can be revisited.

In response to Mayor Graham's question, Ms. Gardner explained the teams will be charged for the number of hours they use the field, which will include their warm-up time because it is time that another person or group cannot use the field. She clarified the fees will be for a 1-1½ hour warm-up and 2-3 hour game.

Council Member Burns noted that each field is maintained at a high level and there are excellent amenities, adding that once the arena is completed the whole ambiance of the facility will be better. With this added value, she said most people will be willing to pay if they feel that they are getting something extra.

Mayor Graham questioned the lighting fee of \$50.

Ms. Gardner replied the lights are turned on at around 7:00 p.m. and remain on until the end of the game.

Mayor Graham suggested there be a designated pregame period for warm-ups if it was to be charged on a per game basis.

Council discussed several of the line items within the fee schedule in detail questioning the fees for City and Non City residents. Suggestions were made on some of the fees in which the rate was the same for City and Non City Residents. It was agreed that this should be discussed further at the next work session.

Motion was made by Council Member Joseph M. Butler, Jr. to table the foregoing resolution. Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

ORDINANCES

Ordinance No. 1 - Repealing City Municipal Code § A320-4; Schedule of Fees

Introduced by Council Member Joseph M. Butler, Jr.

WHEREAS Local Law No. 1 of 2015 of the City of Watertown established new provisions for setting fees for facilities/services of the City's Department of Parks and Recreation by resolution, rather than by ordinance; and

WHEREAS the purpose of the Local Law was to avoid the continuing publication costs associated with ordinance amendments; and

WHEREAS Section A320-4 of the City Code of the City of Watertown was the Ordinance which was continually being amended by the City Council at any time a change in fee was imposed, it is hereby

ORDAINED, that Section A320-4 of the City Code of the City of Watertown is hereby repealed in its entirety.

This Ordinance shall take effect as soon as it is published once the official newspaper of the City of Watertown, or otherwise published as the City Manager directs.

Seconded by Council Member Stephen A. Jennings

Motion for unanimous consent moved by Council Member Joseph M. Butler, Jr., seconded by Council Member Stephen A. Jennings and carried with all voting in favor thereof.

At the call of the chair, a vote was taken on the foregoing ordinance and carried with all voting yea.

Ordinance No. 2 - Amending City Municipal Code § 293, Vehicles and Traffic

Introduced by Council Member Stephen A. Jennings

BE IT ORDAINED that Section 293-21 of the City Code of the City of Watertown is amended as follows:

B. Schools. No person shall park, stop or cause the standing of any motor vehicle at or near the curbline or in the roadway of that side of any street which adjoins property upon which a school is located, from 7:00 a.m. to 4:30 p.m. on a school day. The parking, stopping and standing of motor vehicles shall be defined by Section 2B.39 of the New York State Supplement to the National Manual on Uniform Traffic Control Devices (2009 Edition as amended). This shall not, however, prohibit passenger loading and unloading within the passenger loading/unloading zones set forth in §293-76. This provision shall not apply to any street that adjoins the Watertown City School District, Washington Street Campus, nor the entire length of Knickerbocker Drive.

BE IT FURTHER ORDAINED that Section 293-76 of the City Code of the City of Watertown is amended as follows:

Name of Street	Side	Restricted Time Limit; Hours/Days	Location
Knickerbocker Drive	South	15 Minutes School Days Only 7:45 – 8:45 AM 2:30 – 3:30 PM	Beginning 340 feet east of the intersection of Myrtle Avenue and Ward Street and continuing easterly along Knickerbocker

Drive for 652 feet

and,

BE IT FURTHER ORDAINED that this amendment shall take effect as soon as it is printed as the City Manager directs.

Seconded by Council Member Joseph M. Butler, Jr.

Motion for unanimous consent moved by Council Member Stephen A. Jennings, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

Mayor Graham announced that Chad Fairchild, Principal of Knickerbocker School is in attendance if anyone has questions for him. He explained there was a meeting with the school district last Monday and the consensus was to limit the parking time to 15 minutes.

Council Member Jennings agreed with 15 minutes, mentioning that some parents told him that 10 minutes will be too short.

Council Member Macaluso asked if things are going better this week. She said that 15 minutes should work but everyone needs to get used to it.

Council Member Burns also agreed, stating 15 minutes is a compromise.

Council Member Jennings noted the traffic is better and the changes are working.

Mayor Graham pointed out that the biggest change this year is that parents have to go into the school to retrieve their children, which means the vehicle has to be left longer.

Council Member Burns mentioned there was a bus accident in the school's parking lot and wondered if it was related to this situation.

Principal Fairchild confirmed that it was not related.

At the call of the chair, a vote was taken on the foregoing ordinance and carried with all voting yea.

STAFF REPORTS

Sales Tax Revenue – August 2015

Mayor Graham noted the quarter ended August 30 and forms needed to be filed by September 20. He asked if this is the final version.

Ms. Addison replied there will be a "true-up" by the middle of October.

The following reports were available for Council to review:

Surplus Sale Results Summer of 2015

Fall Drop Off Flyer

NEW BUSINESS

Todd DeMar's Letter Regarding Bar from City Hall

Referring to the letter that was received as communication, Council Member Burns said this is an issue that has been percolating in the community and since Fire Captain DeMar announced his candidacy for City Council, there has been a lot of discussion on his part, including many interviews with local media. Because this is considered a personnel issue, she advised the City Manager, City Attorney and Council have not addressed any of the accusations and statements that have been made. She noted that Mr. DeMar has decided to go from being a City employee to putting himself out into the public by running for a public office. Noting the City's hands are tied because this originally started as a personnel matter, she said she thinks this has risen to a public level and the public has questions. Mentioning that Mr. DeMar refers to Mr. Graham's blog as his personal blog, she pointed out that Mr. DeMar's letter discusses the Mayor and his responsibility as a City Official, and that he wants Council to investigate his claim. She asked Attorney Slye whether this is Council's responsibility, noting that Council is not an investigative agency.

Attorney Slye clarified there was a claim to the Board of Ethics, but he does not think the Board of Ethics sits in anything other than an advisory capacity on the City's ethics rules under State law. He explained that he triggered another investigation by calling the Police because the information came from someone divulging confidential personnel information, which would have been received in the context of their employment and this is a Class A misdemeanor. He advised his opinion is that if a member of Council or City employee receives information in the course of their performance of their duties in their official functions which pertains to a personnel matter, then it has to remain confidential.

Council Member Burns commented that originally Mr. DeMar stated there were six people in the room during a civil service hearing. Stressing the Mayor and Council are not involved or privy to personnel actions or information, she said none of Council would have access to personnel files, but Mr. DeMar alluded to the fact that the Mayor was involved in this personnel action along with the members of the Civil Service Commission and Civil Service Secretary.

Attorney Slye confirmed that Mayor Graham was not involved in this hearing. He added that the Civil Service Commission acts as an independent body, which employs the Executive Secretary to the Civil Service Commission, and it serves as the commission for not only City employees, but the City School District employees and the Watertown Housing Authority.

Council Member Burns remarked that Mr. DeMar feels he has been treated unfairly and does not understand why, and he makes reference to the fact that he feels Mr. Graham has violated City policy. In addition, she said Mr. DeMar makes reference to the fact that he told Mr. Graham this was a personal issue related to a post on Mr. Graham's blog, which he wanted to deal with "man to man". She asked if this is a conflict and whether Mr. DeMar is addressing Mr. Graham with a violation of City policy as mayor or as a personal issue.

Attorney Slye indicated that at the time Mr. DeMar addressed the Mayor face-to-face, the Mayor was in his mayoral office and Mr. DeMar was wearing the uniform of a Captain in the Watertown Fire Department on the third floor of City Hall. He indicated he considers this as a conversation between a Captain in the Fire Department and the Mayor of the City of Watertown.

Regarding this encounter, Mayor Graham added that he did not file or write a complaint about it, despite what generally was reported as such. He noted there were four people in the office at the time who could be questioned, and he mentioned the City Manager was out of town, so any knowledge that she derived of the discussion that occurred was from her own staff. He added the City Manager later informed him that he could have called the authorities or he could have filed a complaint under the harassment policy. Reiterating there were other people in the office, he explained this was not a “one on one” conversation, but he took no action against Mr. DeMar as a result of it. He stressed the City Charter is clear in that Council has two direct hires, pointing to the City Manager and the City Clerk. In addition, he explained those individuals are accountable to Council so problems within their direct purview might percolate up to be discussed with Council but beyond that, a lot of grievances and improper practice charges are handled routinely by the Manager’s Office without Council’s involvement. Mentioning some false assertions reported by local media, Mayor Graham indicated that with situations like this, the employee can always say what they want but management’s actions are limited. He discussed his support for the City Manager and her right to make the decision regarding this situation, stating that he is not going to question it or try to intervene with it. He added that he is not going to engage in a public debate on it, especially in a situation when someone who is running for a political office goes to the media wanting to be interviewed and then expects the Mayor to confirm or deny everything.

Council Member Macaluso stressed that no one has ever come to her with personnel issues unless they reach a higher level. She added that she does not know what goes on with staff on a day-to-day basis and she is not in control of personnel. She stated this is “out-of-hand” as it is taking away from the other people running for Council because no one is hearing from anyone else except for Mr. Demar, and Council is being put in the middle of it. She supports Ms. Addison’s decision because she suspects she is doing what she thinks is necessary.

Council Member Jennings commented that he respects the process and supports the City Manager 100%.

Council Member Burns remarked that she supports the Manager as well and thinks this is unfair to her because her hands are tied. She added that if Mr. DeMar feels he is being bullied and intimidated, then she would encourage him to give the City a general release all of his personnel related files in order to put this to rest so that all of the candidates have an opportunity to discuss the real issues facing the City over the next four years. She noted that if in fact Mr. DeMar does have the stellar job performance outlined in the letter, then he would have nothing to hide in providing the City with a general release in order to put an end to all these rumors and accusations.

In regard to Captain DeMar’s job duties on a fire truck, Council Member Burns said that Mr. DeMar reported to the media that he is riding around on a fire truck and not allowed to do anything. Stating she has more faith in City Hall, she would like to hear the City’s viewpoint. She added he is reporting that his abilities are not being used in any way and he feels this is a waste of his time, talent and ability.

Dale Herman, Fire Chief, explained that people lose their skill sets when they are away from the line for a period of time so they are assigned to work with a training officer to bring those skill sets up. He added that an evaluation is done to ensure the individual is familiar with all the changes in the standard operating procedures. He clarified that when Captain DeMar was assigned to the station on Tuesday of

last week, he was given the assignment to work with a training officer to bring those levels back up. In addition, Chief Herman said because Captain DeMar will be assigned on a piece of apparatus, he will shadow another officer on that piece of apparatus to be familiar with how to use the computer and receive updates from dispatch, as well as develop continuity on how to work with the crew making assessments and assignments.

Council Member Macaluso pointed out that a lot of institutions do reorientation when an employee has been out of a specialty for a long time.

Mayor Graham asked if the function of a Captain in the Fire Department is to command a pumper company.

Chief Herman explained the officer on the apparatus is responsible for the personnel, making decisions in the field and making sure the normal functions that happen in the engine house, such as maintenance and staff documentation, is completed.

Mayor Graham asked if the firefighters assigned to Code Enforcement were used sometimes on the line, noting they carried pagers.

Chief Herman replied they were assigned firefighting duties and received training on the line in case there was an emergency during the daytime. He indicated there was a situation where they were no longer receiving the training, so therefore, the activation of a pager is construed as an order from the Chief to report to work.

Mentioning carrying the pagers meant a little overtime, Mayor Graham asked if they no longer had the pager whether it was considered a grievable offense.

Chief Herman remarked that they were removed from fighting fires for their own safety, adding that they were not receiving the training so they were kept off the line.

Dimmick Street Paving and Curbing

Council Member Butler asked if pin-on curbs were used.

Eugene Hayes, Superintendent of Public Works, explained the City does not have the ability to go full scale on this street without putting it out to a contractor. He added that he has not had any problems with the pin-on curb and explained the paving process done with them.

Mayor's Ball

Council Member Butler said this was an excellent event and thanked the committee for reviving it because the proceeds were for a good cause.

Council Member Jennings agreed.

500 Block of Stone Street

Council Member Macaluso mentioned she received complaints that on the left side of the street there are playground items and asked for Code Enforcement to look into it.

Corner of Pearl Street and Main Ave East

Mayor Graham mentioned people tend not to use the sidewalk and cut up the hill. He wondered if the guard rail could be extended.

Historic Perservation Letter

Mayor Graham said he received a letter from NYS Office of Parks, Recreation and Historic Preservation regarding the extension of the Public Square District.

Kenneth Mix, Planning Coordinator, explained there is a district in place but Tom Millar put in a request to extend it because he wanted 259 J.B. Wise added into this district. He stated that while they were here, they noticed three or four other building that could be considered as well.

Motion was made by Council Member Stephen A. Jennings to move into Executive Session to discuss the employment history of a particular individual.

Motion was seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

Council moved into Executive Session at 8:08 p.m.

Council reconvened at 9:11 p.m.

ADJOURNMENT

At the call of the chair, meeting was duly adjourned at 9:11 p.m. until Tuesday, October 13, 2015 at 7:00 p.m., by motion of Mayor Jeffrey E. Graham, seconded by Council Member Stephen A. Jennings and carried with all voting in favor thereof.

Ann M. Saunders
City Clerk