

**CITY COUNCIL MEETING
CITY OF WATERTOWN
November 1, 2010
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

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

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

City Staff Present: Bob Cleaver, Kurt Hauk, Ken Mix, Mike Lumbis, Chief Goss, Gene Hayes

The City Manager presented the following reports to Council:

- 1- Approving Pole Attachment Agreement, National Grid
- 2- Approving Elevator Professional Services Agreement, Bernier, Carr & Associates, P.C.
- 3- Approving the Inter-Governmental Agreement Between the City of Watertown and the United States Department of Agricultural, Animal and Plant Health Inspection Service, Wildlife Services, to Establish and Administer a Crow Roost Dispersal Program
- 4- Resolution Accepting Bid for the Roof Replacement on the Administration Building at Thompson Park, Continental Construction
- 5- Health Insurance Plan Design Changes
- 6- Request for Utility Infrastructure Assistance, Habitat for Humanity
- 7- Letter from the Small Business Development Center
- 8- Jefferson Country Industrial Development Agency, Uniform Tax Exemption Policy and Guidelines

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 October 18, 2010 was dispensed and accepted as written by motion of Council Member Burns, seconded by Council Member Smith and carried with all voting in favor thereof.

COMMUNICATIONS

Claim against the City was received from Kathryn S. Cantey regarding injuries sustained when she slipped at the library.

ABOVE PLACED ON FILE
PRIVILEGE OF THE FLOOR

Steve Bolton, 183 Flower Ave East, addressed the Chair regarding Habitat for Humanity and asked that the City waive the costs associated with extending the water and sewer line for a home on Bradley Street.

RESOLUTIONS

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS the City of Watertown desires to display holiday decorations throughout the community, and

WHEREAS National Grid, owners of the street lighting system, wishes to permit civic organizations and/or municipal corporations to temporarily attach seasonal decorations, announcements and special-event notifications to their facilities, and

WHEREAS National Grid has asked the City to approve a Pole Attachment Agreement to cover the use of their facilities,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves the Pole Attachment Agreement, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City of Watertown hereby agrees to defend and indemnify National Grid from and against any and all claims for personal injury or property damage arising from the negligence of any of its officers or employees occurring in connection with the use of their facilities in accordance with this Agreement, and

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

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA.

Prior to the vote on the foregoing resolution, Council Member Butler noted that some lights are on a timer and questioned how many lights are not on timers. He added that he thought it was a waste to have lights on 24 hours a day, seven days a week.

Mrs. Corriveau reminded Council that some decorations have no lights on them and that timers were used last year as well.

Mr. Hayes told Council that the City bought 25 timers last year and 25 this year. He mentioned that the snowflake decorations draw the most energy and those are on timers. The Christmas

trees have colored lights which you can see during the day so those are the ones that will not be on timers, he added.

Council Member Butler asked about the cost of the timers.

Mr. Hayes replied that they are \$20.00 and will pay for themselves in two or so years.

Mrs. Corriveau told Council that eleven decorations are not on timers.

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS the City of Watertown has included in its FY 2010- 2011 Five-year Capital Plan Budget, projects for the replacement of two elevators, and

WHEREAS one project is for a “sally port” in the Municipal Building for FY 2011-2012 provide for a secure prisoner entrance and elevator to City Court, and

WHEREAS the second project is to replace a freight elevator at the Department of Public Works Administration Building in FY 2014-2015, and

WHEREAS the City of Watertown issued an RFP for Professional Services, with the four responses reviewed by Staff, who recommend that the City Council approve the Professional Services Agreement with Bernier, Carr & Associates, P.C. for the design of these two projects,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Professional Services Agreement with Bernier, Carr & Associates, P.C. of Watertown, New York, 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 Agreement on behalf of the City.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA, EXCEPT COUNCIL MEMBER SMITH VOTING NAY.

Prior to the vote on the resolution, Council Member Smith asked who the other four responses were for the project and the pricing.

Mr. Hauk collected the other responses and reviewed them with Council. He noted that the final decision was based on the company’s qualifications and that price alone was not a factor.

Council Member Smith questioned how the proposals were quantified.

Mr. Hauk replied that the two that were not chosen were not necessarily deficient, but the two that were picked were chosen based on experience of the firm and experience of the relative people involved with the project.

Council Member Smith asked how many sally ports the companies designed. Mr. Hauk replied that the selection was based on their design of elevators in general but he said he did not know how many have been designed.

Council Member Smith commented that it seems as though Bernier & Carr are the only firm in town and while he means no offense, there are other local agencies to choose from. He said he would like something tangible as to why they were chosen for the project.

Mr. Hauk replied to Council's questions and comments saying that the decision was made by a team of City staff based on how the various companies responded to the logistics of the problem at hand.

Mrs. Corriveau explained that this is the same process for selecting an accounting firm and that the City has been using the same RFP process for the last 25 years.

Council Member Burns asked Mr. Cleaver for clarification on this project regarding information on other bidders.

Mrs. Corriveau noted that there is a difference between putting something out to bid and an RFP, whereas the bid process is open and the price or cost is made public. The RFP, she added, is not open to the public.

Mr. Cleaver told Council that the state courts have a system in which prisoners are brought to court and there are certain criteria that have to be met.

Council Member Burns thanked Mr. Cleaver for his clear and concise answer.

Council Member Butler noted that Bernier & Carr are involved in the roof replacement project.

Mrs. Corriveau replied that a list of responses to bid for construction is different from professional services.

Council Member Burns asked if once the resolution is brought before Council with a recommendation, is there a reason that Council cannot see the RFP.

Mrs. Corriveau answered that it then becomes public. She noted that the goal is to weigh the professional services and capabilities of the firms.

Mr. Hauk noted that staff will soon be looking at the short list for the Factory Street pass-thru and that the group making the decision will make the best selection.

Council Member Smith asked what constitutes selection criteria.

Mr. Hauk replied that the best two companies are based on response, experience and presentation.

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS, the City of Watertown has been in contact with the United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services regarding professional services to help alleviate the nuisance of crows within the City and to administer a crow roost dispersal program, and

WHEREAS, the City of Watertown has an urban winter crow roost that is a threat to human health and safety, causes damage to buildings and cars and results in associated clean up costs, and

WHEREAS, Wildlife Services uses multiple hazing methods including distress calls, pyrotechnics, predator eye balloons and lasers with the objective of reducing winter crow roosts, and

WHEREAS, by using this strategy, the crows should relocate to an alternate, more suitable roosting site reducing local conflicts associated with urban roost, and

WHEREAS the United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services has prepared an Inter-Governmental Agreement, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Inter-Governmental Agreement between the City of Watertown and the United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services to establish and administer a crow roost dispersal program, and

BE IT FURTHER RESOLVED that the City Council hereby authorizes and directs the City Manager, Mary M. Corriveau, to execute the Agreement on behalf of the City of Watertown.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER JR.

MOTION WAS MADE BY COUNCIL MEMBER BUTLER TO AMEND THE FOREGOING RESOLUTION TO INCLUDE THE USE OF A HIGH POWERED PELLET RIFLE. MOTION WAS SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING YEA, EXCEPT MAYOR GRAHAM VOTING NAY.

AT THE CALL OF THE CHAIR, VOTE WAS TAKEN ON THE FOREGOING RESOLUTION WITH ALL VOTING YEA, EXCEPT MAYOR GRAHAM VOTING NAY.

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS on August 16, 2010, the City Council of the City of Watertown approved a bid submitted by Con Tech Building Systems Inc. of Gouverneur, New York, in the amount of \$140,085.66 for the Franklin Street sidewalk improvements, and

WHEREAS City Engineer Kurt W. Hauk has submitted the Change Order No. 1 to that contract for consideration by the City Council, and

WHEREAS this change order results in an additional charge of \$3,720.47, bringing the contract amount to \$143,806.13,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 1 to the contract with Con Tech Building Systems Inc., for the Franklin Street sidewalk improvements, in the amount of \$3,720.47, and

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

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER JR.

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

AT THE CALL OF THE CHAIR, VOTE WAS TAKEN ON THE FOREGOING RESOLUTION WITH ALL VOTING YEA, EXCEPT COUNCIL MEMBER SMITH VOTING NAY.

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS the Grant Agreement with New York State Housing Trust Fund Corporation represented by New York State Homes and Community Renewal for the City of Watertown's FY 2007 Small Cities Community Development Block Grant contains budget amounts for each activity, and

WHEREAS a budget modification must be approved by New York State Homes and Community Renewal if the budget amounts are to be altered, and

WHEREAS to allow the shifting of funds from Administration to Franklin Street Sidewalk Reconstruction as shown on Form 7-1, which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby authorizes the proposed Budget Modification No. 4 for the FY 2007 Small Cities Community Development Block Grant, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham is hereby authorized and directed to sign the Budget Modification Form on behalf of the City of Watertown.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO

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

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

MOTION WAS MADE BY COUNCIL MEMBER SMITH TO TAKE FROM THE TABLE THE RESOLUTION ACCEPTING THE BID FOR THE ROOF REPLACEMENT ON THE ADMINISTRATION BUILDING AT THOMPSON PARK, CONTINENTAL CONSTRUCTION. MOTION WAS SECONDED BY COUNCIL MEMBER MACALUSO AND CARRIED WITH ALL VOTING YEA.

(Introduced on October 18, 2010, and can be found in its entirety on page 221 of the 2010 Minutes Book.)

Council Member Smith asked about design modifications to prevent ice-dam buildup.

Joseph Thesier, Bernier & Carr, reviewed the history of this project back to May of 2009 when an RFP was received from the City for the roof replacement. He went on to say that the ice buildup is actually due to interior construction heat loss, not roof construction. He said that a thermal imaging camera was used and it was discovered that the failure is limited to one section of the roof and linked to an insulation problem. Mr. Thesier added that he was directed to proceed with roof specs to get a plan put together.

Council Member Smith asked if the RFP was to replace the roof.

Mr. Thesier replied that that is correct but at the time did not know that the problem was not linked to the roof.

Council Member Smith inquired if the recommendation is to insulate the area or install roof vents.

Mr. Thesier noted that there is a piece of equipment that is radiating heat which causes snow melt which leads to the ice-damming. He noted that better insulation would prevent the snow melt but vents would introduce more cold air into the area.

Council Member Smith inquired about the original RFP plans and specs and the process in general and questioned the need for the use of a firm.

Mr. Thesier answered that when the City puts a project out to bid, plans and specifications have to be prepared in order to compare apples to apples so that each contractor is looking at the same project as there are several requirements for the contractor to follow. He added that specific plans have to be drawn up so each contractor can provide an accurate bid.

Mrs. Corriveau noted that the engineering department did not have the capacity to provide a set of plans so an RFP was sent out.

Council Member Macaluso suggested repairing the interior issue before moving to the roof.

Mr. Hayes noted that the ice buildup issue is not a consistent problem and that the roof is actually in good condition but the ice buildup will be addressed.

AT THE CALL OF THE CHAIR, VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

MOTION WAS MADE BY COUNCIL MEMBER MACALUSO TO TAKE FROM THE TABLE THE RESOLUTION ACCEPTING HEALTH INSURANCE PLAN DESIGN CHANGES. MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING YEA, EXCEPT COUNCIL MEMBER SMITH AND COUNCIL MEMBER BURNS VOTING NAY. (Introduced on September 7, 2010, and can be found in its entirety on page 179 of the 2010 Minutes Book.)

Mayor Graham noted that he supports the original resolution and that changes do need to be made.

Mrs. Corriveau commented that what Council has in front of them tonight are some of the changes that Council asked to have brought before them.

Council Member Smith inquired if this is the new healthcare plan under President Obama's administration and asked about the cardiac rehabilitation portion as it pertains to the sunset provision.

Mayor Graham advised proposing an amendment to the resolution if Council wants to sunset a portion of it.

Council Member Butler suggested making this part of next year's budget.

Council Member Burns noted that she would support that and that there are some unanswered questions.

Council Member Butler commented that in 2014 grandfather status becomes irrelevant and that Council should have some discussion on this topic.

Mayor Graham suggested tabling the resolution then proposing changes for future consideration.

MOTION TO TABLE THE FOREGOING RESOLUTION WAS MADE BY COUNCIL MEMBER BUTLER, SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING YEA, EXCEPT COUNCIL MEMBER MACALUSO AND MAYOR GRAHAM VOTING NAY.

Habitat for Humanity

Mayor Graham opened discussion regarding Habitat for Humanity's project.

Council Member Burns said she is in support of Habitat's efforts and projects.

MOTION WAS MADE BY COUNCIL MEMBER BUTLER TO SUPPORT HABITAT FOR HUMANITY'S EFFORTS INCLUDING UTILITY INFRASTRUCTURE ASSISTANCE, SECONDED BY COUNCIL MEMBER BURNS AND CARRIED WITH ALL VOTING YEA.

Mayor Graham told Mr. Bolton to coordinate with the Manager's office for other lots and offered appreciation for all of Habitat's efforts.

JCIDA- Uniform Tax Exemption Policy and Guidelines

Mayor Graham asked if Council has questions for Mr. Alexander.

Council Member Smith noted that the comparison in the report outlines everything.

Council Member Butler asked what Mr. Alexander's feeling is on the mortgage and sales tax abatement and noted that by encouraging development sales tax will be lost.

Mr. Alexander addressed the chair, thanking Council for the invitation to be at the meeting. He noted that the mortgage and sales tax policy is a policy of the board. Mr. Alexander said that the IDA is a source of economic development for the community and that companies are given incentives to build projects to give long-term gain. This is not a perfect process, he added, but it has worked well over the last several years.

Mayor Graham voiced his concerns with this system in that the tax burden becomes shifted under this process. He added that if the state says there is a mortgage tax, why does one body get to choose that some people are exempt. He noted that that policy fuels resentment for bailouts, buyouts and exemptions.

Mr. Alexander replied to the Mayor's concerns and noted that this is a very extensive process. He went on to explain the procedures and sited Galloo Island as an example. He said that the IDA will continue to reach out to the City when a project comes before them. The new uniform policy is a greater reflection on the power of taxing jurisdictions, he continued.

Council Member Burns commented that this is not necessarily a misunderstood policy, but it is controversial. She said that if economic development occurs inside the City's borders, incentives will be more willingly handed out. In addition, she said it is important that the IDA knows that the City is different from other communities.

Council Member Butler questioned the recapture of benefits and how they are dispersed.

Mr. Alexander answered that if a project does not meet criteria or the IDA is not satisfied with the terms of the agreement, the company will be notified and a closed-door hearing will take place to discuss why the potentials had not been met.

Council Member Butler asked if there was a formula to disperse the benefits.

Mr. Alexander replied that it is based on the terms of the agreement or pro-rata if no terms were set.

Mr. Alexander and Council further discussed sales tax with regard to taxing jurisdictions in reference to Galloo Island as an example.

Mayor Graham stated that he feels the ability to tax or not to tax should rest with elected bodies.

Council Member Smith commented that there is a need to incentivize economic development but there is no direct link back to elected officials.

Humvee from Fort Drum

Mayor Graham noted that there is some additional cost in terms of insurance and asked if the County is receiving one. He added that it is a novel vehicle and the prospect of free is always enticing.

Chief Goss replied that the County is getting two and that these would not be for everyday use.

Council Member Smith said that the City should get it.

Mayor Graham suggested using one of the County's vehicles.

Chief Goss replied that if there is a natural disaster, the Council will be using both of their vehicles. He added that there are several other items such as night vision, portable radios and office equipment that are also available.

Council Member Burns noted that it makes sense to acquire this vehicle.

Emmett Street

Council Member Butler said he received a phone call regarding a strip of pavement on Emmett Street and standing water issues.

Mr. Hauk told Council it was tie-in work for water and there was no intent to re-pave Emmett Street.

Council Member Butler commented that the street is driveable but it does not look good.

Mercy

Mayor Graham suggested that after elections Council have some discussions regarding Mercy.

Tourism Fund

Mayor Graham noted that the Tourism Fund has grown significantly since 2000 and mentioned that it should be discussed during a work session.

Aviary

Mayor Graham said that parameters should be set for the Aviary and bed tax discussions will take place.

Equipment Auction

Mrs. Corriveau listed the results of the equipment auction saying that five pieces were sold netting the City over \$10,000.

Aviary Meeting

Mrs. Corriveau told Council that there will be a meeting Wednesday, November 3, regarding the Aviary.

Mayor Graham asked if Council will be involved.

Mrs. Corriveau replied that it is up to Council if they want to attend.

Council Member Butler commented that he thought that was agreed upon that Council was going to be involved.

Council Member Burns stated that it was Council's direction to the Manager for Council to be involved in meetings on the issue. She added that she is glad that Dr. Foster is not putting off discussions until next spring.

Mrs. Corriveau said the meeting will be at 3:00p.m. and Council is welcome to attend.

Council Members Burns and Butler said they will attend if possible.

IDA Public Hearing

Mrs. Corriveau noted that the public hearing is on Wednesday, November 3 at 7:00p.m. and asked for direction from Council as to what will be submitted.

Mayor Graham suggested submitting something in writing.

Council concurred.

J.B. Wise Parking Lot Meeting

Mrs. Corriveau told Council that on Thursday, November 4, at 7:00p.m. is a meeting for downtown business and property owners to discuss the J. B. Wise Parking Lot project.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS ADJOURNED AT 9:04 P.M. BY MOTION OF COUNCIL MEMBER SMITH, SECONDED BY COUNCIL MEMBER MACALUSO AND CARRIED WITH ALL VOTING YEA

Amanda C. Lewis
Deputy City Clerk