

**CITY COUNCIL MEETING
CITY OF WATERTOWN
December 16, 2013
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: Sharon Addison, City Manager
Robert J. Slye, City Attorney

City staff present: Jim Mills, Ken Mix, Kurt Hauk, Brian Phelps, Amy Pastuf, Barb Wheeler, Beth Morris, Matt Roy, Chief Herman, Gene Hayes

The City Manager presented the following reports to Council:

- Resolution No. 1 - Approving Professional Services Agreement Between the City of Watertown and Public Sector HR Consultants, LLC
- Resolution No. 2 - Amendment No. 92 to the Management and Management Confidential Pay Plan
- Resolution No. 3 - Approving Change Order No. 1 for Court Street Bridge Joint Replacement Project, Vector Construction Corporation
- Resolution No. 4 - Approving Amendment to Agreement for Professional Services for Western Outfall Trunk Sewer Upgrade, GYMO P.C.
- Resolution No. 5 - Accepting Bid for Unarmed Security Services, Flower Memorial Library
- Ordinance No. 1 - Amending City Municipal Code § 320, Fees – Business Licenses and Permits
- Public Hearing - A Local Law Deleting Certain Provisions of the City Code of the City of Watertown and Amending Chapter 112 - Businesses and Trades and Chapter 244 - Sales
- Designation of Official Newspaper
- Year-end Financial Report
- Park Rules
- Best Value Contract Award Law
- Public Skating Admission Waiver for Canned Goods for Food Pantry
- Letter from Barbara Wheeler, Flower Memorial Library Director

Complete Reports on file in the office of the City Clerk

Meeting opened with a moment of silence in remembrance of Baby Kate, the adoptive daughter of Watertown Police Officer's Marchiony and Yott.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of December 2, 2013 was dispensed and accepted as written by motion of Council Member Jeffrey M. Smith, seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

PRESENTATIONS

Mayor Graham interrupted the regular course of business to acknowledge the completion of 12 years of service by Council Member Jeffrey M. Smith. He stated that Mr. Smith has had a long involvement in County and City politics and he recognized his insightfulness, knowledge of issues and passion for the City of Watertown. He mentioned some of the work and projects that have been done under Mr. Smith's time with Council and presented him with a plaque recognizing his service to the community.

Each Council Member reiterated the Mayor's comments thanking Council Member Smith for everything that he has done for the City and wishing him the best for his well-deserved time off with his family.

Council Member Smith introduced his wife, children and other family members in attendance and reminisced of some the changes and improvements to the City during his time on City Council.

COMMUNICATIONS

No Communications.

PRIVILEGE OF THE FLOOR

Kate Schneeberger, 261 Mullin Street addressed the chair stating that she has some questions and concerns regarding the fence issue. She questioned what the role of the Mayor and City Council should be in a community. She mentioned parts of the Code stating that she has not been able to get clarification on her questions. She wondered why chain link fences are not allowed and noted that they are not a safety hazard. She also said that she feels bad that her neighbor's fence was now in question because of this.

John Dewitt, Adams spoke to Council in opposition of the fence ordinance and wanted more clarification as to why the fence is not allowed at 261 Mullin Street and what is the definition of the street line.

PUBLIC HEARING

At 7:30 p.m. Mayor Graham asked the City Clerk to read the notice of Public Hearing Concerning A Local Law Deleting Certain Provisions of the City Code of the City of Watertown and Amending Chapter 112 - Businesses and Trades and Chapter 244 – Sales

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

No one spoke.

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

RESOLUTIONS

Resolution No. 1 - Approving Professional Services Agreement Between the City of Watertown and Public Sector HR Consultants, LLC

Introduced by Council Member Roxanne M. Burns

WHEREAS the City of Watertown seeks assistance in handling human resource/ personnel issues, and

WHEREAS the City Manager has proposed utilizing the professional services of a private Human Resources consulting group to assist the City with human resource/personnel issues, and

WHEREAS the City Manager and staff reviewed the proposal and it is their recommendation that the Council of the City of Watertown approve the Professional Services Agreement with Public Sector HR Consultants, LLC in the amount of \$1,250 per month for a period of * ~~seven (7)~~ **six (6) months commencing on January 1, 2014;**

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby approves the Professional Services Agreement between Public Sector HR Consultants, LLC and the City of Watertown, a copy of which is attached hereto and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute said Agreement on behalf of the City of Watertown.

Seconded by Council Member Teresa R. Macaluso

Prior to the vote on the foregoing resolution, Council Member Butler asked how much this service has been used during the first 16 days of December.

Ms. Addison said that it was used for approximately one hour.

Noting the start date of the contract, Council Member Butler asked if it should be changed to January 1st or should the month of December be prorated.

Ms. Addison recommended starting the contract on January 1st.

Motion was made by Council Member Joseph M. Butler, Jr. to amend the third paragraph of the foregoing resolution to read “for a period of six (6) months commencing January 1, 2014”.

Motion was seconded by Council Member Roxanne M. Burns and carried with all voting in favor thereof.

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

Resolution No. 2 - Amendment No. 92 to the Management and Management Confidential Pay Plan

Introduced by Council Member Jeffrey M. Smith

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York, hereby approves Amendment No. 92 to the Management and Management Confidential Pay Plan,

for the position listed below, as follows:

<u>Position</u>	<u>Salary</u>
Executive Secretary to the Civil Service Commission	\$42,000

Seconded by Council Member Roxanne M. Burns

Prior to the vote on the foregoing resolution, Mayor Graham reminded Council that this position is hired by the Civil Service Commission and it is not a function of the City Manager.

Ms. Addison announced that Amie Davis will be starting in this position tomorrow.

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

Resolution No. 3 - Approving Change Order No. 1 for Court Street Bridge Joint Replacement Project, Vector Construction Corporation

Introduced by Council Member Jeffrey M. Smith

WHEREAS on September 3, 2013, the City Council of the City of Watertown approved a bid submitted by Vector Construction Corporation for the Court Street Bridge Joint Replacement Project, per our specifications, and

WHEREAS the Vector Construction Corporation has completed extra repairs that needed to be done, which is the scope of work for Change Order No. 1, and

WHEREAS Change Order No. 1 results in an additional charge of \$11,650.50, bringing the contract amount to \$59,150.50,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 1 to the contract with Vector Construction Corporation for the Court Street Bridge Joint Replacement Project, per our specifications, in the amount of \$11,650.50, a copy of which is attached and made a part of this resolution, and

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

Seconded by Council Member Roxanne M. Burns

Prior to the vote on the foregoing resolution, Council Member Butler asked for an explanation for the additional costs.

Mr. Hauk explained that the additional cost was to repair the concrete on the southbound lane because there were pot holes in the decking that resulted with more work than anticipated.

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

Resolution No. 4 - Approving Amendment to Agreement for Professional Services for Western Outfall Trunk Sewer Upgrade, GYMO P.C.

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City of Watertown approved an Agreement for Professional Services with GYMO P.C. for engineering services to design and evaluate the Western Outfall Trunk Sewer Upgrade on April 16, 2012, and

WHEREAS on July 1, 2013 the City of Watertown approved an Amendment to the Agreement for Professional Services with GYMO P.C., and

WHEREAS an Amendment to the Scope of Services to the Agreement for Professional Services with GYMO P.C., is necessary at this time, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Amendment to the Scope of Services to the Agreement for Professional Services between the City of Watertown and GYMO P.C. in the amount of \$28,620, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager Sharon Addison is hereby authorized and directed to execute the Amendment on behalf of the City of Watertown.

Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.

Resolution No. 5 - Accepting Bid for Unarmed Security Services, Flower Memorial Library

Introduced by Council Member Teresa R. Macaluso

WHEREAS the City Purchasing Department has advertised and received sealed bids for unarmed security services at the Flower Memorial Library, per City specifications, and

WHEREAS funding for unarmed security service is included in the 2013-2014 Adopted Library Fund Budget, and

WHEREAS bid specifications were requested by fourteen (14) security service firms, with eight (8) bids received and publicly opened and read in the City Purchasing Department on November 20, 2013 at 11:00 a.m., and

WHEREAS City Purchasing Manager Amy Pastuf and Library Director Barbara Wheeler reviewed the bids received, and it is their recommendation that the City Council accept the bid submitted by Denog Protective Security Services, Inc. as the lowest responsive bidder in the amount of \$17.81 per hour;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid submitted by Denog Protective Security Services, Inc. for unarmed security services at the Flower Memorial Library, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute documents necessary for this Agreement.

Seconded by Council Member Roxanne M. Burns

Prior to the vote on the foregoing resolution, Council Member Burns said that she has the same concerns that she had the last time that this came in front of Council. She said that she understands and respects that the Purchasing Manager and the City Council has to follow the purchasing requirements but she is here to represent the best interest of the citizens and the Library. She asked if the security guards would be local people that are hired by the Bronx firm or if they would be from out of the area.

Amy Pastuf, Purchasing Manager advised that she spoke with the acting manager and their plan is to start with current employees of the organization who are not residents of the City of Watertown. She indicated that the company hopes to grow the business here and has contacted the Workplace to do interviews. Unfortunately, she said that the people interviewed were not certified but the company eventually would like the people working here to live here as well. She confirmed that the current security guards are licensed and are probably from Bronx, New York.

Council Member Burns questioned if the security guards will be travelling from Bronx to Watertown and being paid \$17.81 per hour.

Ms. Pastuf said that she is not sure if they may be moving up here temporary.

Council Member Smith noted that the security guards are licensed but asked if additional background checks would be done.

Ms. Pastuf replied that she did not think that was planned.

Council Member Butler mentioned the letter from the Library Board of Trustees requesting that this move forward even though it might not be the ideal situation.

Connie Holberg, President of the Board of Trustees confirmed that the Board would like this to move forward.

Council Member Macaluso commented that she has doubts but something needs to get started. She noted that the contract can always be terminated if it does not work out and that she does not want to delay this any longer.

Council Member Butler asked if references had been checked.

Ms. Pastuf remarked that she checked references and they all said that the workers showed up on time, the paperwork for prevailing wages was submitted properly and the number of incidents decreased. She clarified that the references were from the Consultate Building Construction site, City of Yonkers Untermyer Park, and East 182nd Street Building Complex. All of which, she said is downstate.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea except Council Member Roxanne M. Burns and Mayor Jeffrey E. Graham voting nay.

ORDINANCES

Ordinance No. 1 - Amending City Municipal Code § 320, Fees – Business Licenses and Permits

Introduced by Council Member Teresa R. Macaluso

BE IT ORDAINED that Section A320-2.1 of the City Code of the City of Watertown is amended to read as follows:

§ A320-2.-1. Business permits and licenses.

- A. Garbage collector, private, per year: \$100, plus \$30 per vehicle.
- B. Liquidation sale / Going out of business sale, per month: \$500 for original application of 30 days, and \$50 per thirty-day renewal. If sale is completed within 60 days, all fees described in this Subsection B are refunded to the applicant except for \$75.
- C. Vending on public streets, per year: \$50

and,

BE IT FURTHER ORDAINED that this amendment shall take effect as soon as it is published in the official newspaper of the City of Watertown, or printed as the City Manager directs.

Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.

Motion for unanimous consent moved by Council Member Teresa R. Macaluso, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof

OLD BUSINESS

The Local Law “Deleting Certain Provisions of the City Code of the City of Watertown and Amending Chapter 112 - Businesses and Trades and Chapter 244 – Sales”. (Introduced on 12/2/2013; public hearing held this evening; appears in its entirety in the 2013 Minutes Book on page 6-9 of the 12/2/2013 minutes).

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

STAFF REPORTS

Best Value Contract Award Law

Ms. Pastuf explained her memo and the changes to the law regarding the awarding of contracts using the “Best Value” method. She noted that in order for the City of Watertown to use any of these contracts awarded with this method, a local law allowing “Best Value” as a methodology must be adopted.

Council agreed to have a local law drafted and presented at a future meeting.

Public Skating Admission Waiver for Canned Goods for Food Pantry

Mayor Graham explained that the Parks and Recreation Department would like to waive the admission for public skating in exchange for a donation to the food pantry during the Snowtown Festival on January 1, 2014.

Motion was made by Council Member Roxanne M. Burns to waive this fee for this event as described above. Motion was seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

Letter from Barbara Wheeler, Flower Memorial Library Director

Council concurred to close the Library on January 3, 2014 so that staff can be trained on new software as long as there is prior notice to the public.

Park Rules

Council agreed to discuss this further at a work session.

Council Member Butler pointed out that he is adamantly opposed to expanding the park hours due to the added stress this would put on the Police Department. Based on the feedback that he has received, he said that he will work towards an earlier closing time.

Council Member Macaluso said that she agreed with Mr. Butler on the hours being too late.

The following reports were available for Council's to report:

Designation of Official Newspaper

Year-end Financial Report

NEW BUSINESS

Fairgrounds Ice Arena Renovations

Council Member Butler remarked that he has received some input regarding the benches being relocated across from the ice. He said that he has been advised against this.

Council Member Smith stressed that these renovations are an investment in the community which will last at a minimum of half a century. He encouraged the Council to proceed forward with this project.

DPW

Council Member Butler indicated that he has received some positive feedback regarding the removal of rubbish and commended the DPW crews.

Chestnut Street and Holcomb Street

Council Member Smith reminded staff that this corner still needs to be fixed because water collects in this location.

Barben Avenue Sewer

Council Member Smith asked that this sewer line continue to be looked at.

National Grid Contract

Council Member Smith indicated that this year's rate will be 18.36 cents/KW hour for each kilowatt sold back to National Grid and he urged that the City should be selling back every possible kilowatt at that rate. He explained that the City can buy power on the open market much cheaper than this rate so revenue can be made from this. He asked that staff look into this further.

Mayor Graham advised that this contract will expire in 15 years and the City should start looking at it.

Council Member Smith Departing Words

Council Member Smith thanked Council stating that it has been a pleasure and an honor to serve along with them. He expressed gratitude to staff for attending the meetings stating that he appreciated this. He discussed some of the changes that he has seen throughout the years such as garbage totes and the sidewalk program, and said that those small items are often overlooked but are greatly appreciated by the public. He recognized the City Manager, City Clerk, Department Heads and staff for their work.

City Court

Mayor Graham provided Council will an update.

Administrative Specialist / Benefits Manager

Ms. Addison introduced Matt Roy as the new Administrative Specialist/Benefits Manager.

Motion was made by Council Member Teresa R. Macaluso to move into Executive Session to discuss Current Litigation, the Employment History of a Particular Individual and Collective Bargaining.

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

Council moved into Executive Session at 7:57 p.m.

It was reported by the City Manager that Council reconvened at 9:24 p.m. and the following resolutions were offered. The following notes were prepared by Brian Phelps, City Assessor.

Resolution – Authorization to Settle Action to Review Real Property Assessment at 168 Stone Street Parcel No. 10-01-301.000 and Telecommunications Equipment on Private Property Owned by Verizon NY Inc Parcel No. 618.000-9999-631.900-1881

Introduced by Council Member Joseph M. Butler, Jr.

WHEREAS certain real property owned by Verizon New York Inc. in the City of Watertown at 168 Stone Street, also known as parcel number 10-01-301.000 on the assessment roll and map of the City, is assessed upon the assessment rolls of the City for 2010-2013 at \$961,600, and

WHEREAS certain real property owned by Verizon New York Inc. in the City of Watertown consisting of wires, poles and other transmission equipment on private property, also known as parcel number 618.000-9999-631.900-1881, is assessed upon the assessment rolls of the City for 2010-2013 at

\$791,787, and

WHEREAS Petitioner has heretofore duly instituted in the Supreme Court proceedings to review the assessment and the determination of the Board of Assessment Review of the City for tax years 2010, 2011, 2012, and 2013 in respect to the above properties, and

WHEREAS the parties have agreed that a reduction to the assessment for parcel 10-1-301.000 from \$961,600 to \$750,000 for the 2014 roll year is warranted, and

WHEREAS the parties have agreed that a reduction to the assessment for parcel 618.000-9999-631.900-1881 from \$791,787 to \$500,000 for the 2014 roll year is warranted, and

WHEREAS the parties have agreed that no reduction in the assessments of the aggrieved properties for the 2010, 2011, 2012 and 2013 roll years are warranted, and

WHEREAS in consideration of the City setting the assessment as set forth above, Petitioner agrees not to commence tax assessment review proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York or under any other applicable provisions of law for tax years 2014, 2015, and 2016 on the same property except as authorized by RPTL Section 727, and

WHEREAS the City reserves the right to adjust the assessment on the property as authorized by RPTL Section 727, and

WHEREAS the compromise and settlement of the aforesaid proceedings on the above basis is deemed in the best interests of the Respondents,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that the City Attorneys of the City of Watertown be and are hereby authorized, empowered and directed to enter into a formal Stipulation of Settlement and discontinuance of the aforesaid proceedings with counsel of Verizon's on the following terms and conditions:

1. That the total assessment for parcel 10-1-301.000 be reduced from \$961,600 to \$750,000 for the 2014 assessment roll.
2. That the total assessment for parcel 618.000-9999-631.900-1881 be reduced from \$791,787 to \$500,000 for the 2014 assessment roll.
3. That an Order of the Supreme Court shall be made and entered settling the aforesaid proceedings to review said assessments without costs to either party as against the other and upon the terms and conditions set forth above, and

BE IT FURTHER RESOLVED that the City Assessor and all other municipal officers, agents or employees be and they hereby are directed to do such acts and things as may be necessary to give full force and effect to the aforesaid settlement, and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

Seconded by Council Member Teresa R. Macaluso

Rules waived by Motion of Council Member Joseph M. Butler, Jr., seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

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

Resolution – Authorization to Settle Action to Review Real Property Assessment at 300 Pearl Street Parcel No. 4-12-102.000 and 250 Mill Street Parcel No. 6-01-101.000

Introduced by Council Member Joseph M. Butler, Jr.

WHEREAS certain real property owned by Erie Boulevard Hydropower LP in the City of Watertown at 300 Pearl Street, also known as parcel number 4-12-102.000 on the assessment roll and map of the City, is assessed upon the assessment rolls of the City for 2010-2013 at \$2,813,000, and

WHEREAS certain real property owned by Erie Boulevard Hydropower LP in the City of Watertown at 250 Mill Street, also known as parcel number 6-01-101.000, is assessed upon the assessment rolls of the City for 2010-2013 at \$12,521,850, and

WHEREAS Petitioner has heretofore duly instituted in the Supreme Court proceedings to review the assessment and the determination of the Board of Assessment Review of the City for tax years 2010, 2011, 2012, and 2013 in respect to the above properties, and

WHEREAS the parties have agreed that a reduction to the assessment for parcel 4-12-102.000 from \$2,813,000 to \$2,070,000 for the 2014 roll year is warranted, and

WHEREAS the parties have agreed that a reduction to the assessment for parcel 6-01-101.000 from \$12,521,850 to \$9,430,000 for the 2014 roll year is warranted, and

WHEREAS the parties have agreed that no reduction in the assessments of the aggrieved properties for the 2010, 2011, 2012 and 2013 roll years are warranted, and

WHEREAS in consideration of the City setting the assessment as set forth above, Petitioner agrees not to commence tax assessment review proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York or under any other applicable provisions of law for tax years 2014, 2015, and 2016 on the same property except as authorized by RPTL Section 727, and

WHEREAS the City reserves the right to adjust the assessment on the property as authorized by RPTL Section 727, and

WHEREAS the compromise and settlement of the aforesaid proceedings on the above basis is deemed in the best interests of the Respondents,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that the City Attorneys of the City of Watertown be and are hereby authorized, empowered and directed to enter into a formal Stipulation of Settlement and discontinuance of the aforesaid proceedings

with counsel of Verizon's on the following terms and conditions:

1. That the total assessment for parcel 4-12-102.000 be reduced from \$2,813,000 to \$2,070,000 for the 2014 assessment roll.
2. That the total assessment for parcel 6-01-101.000 be reduced from \$12,521,850 to \$9,430,000 for the 2014 assessment roll.
3. That an Order of the Supreme Court shall be made and entered settling the aforesaid proceedings to review said assessments without costs to either party as against the other and upon the terms and conditions set forth above, and

BE IT FURTHER RESOLVED that the City Assessor and all other municipal officers, agents or employees be and they hereby are directed to do such acts and things as may be necessary to give full force and effect to the aforesaid settlement, and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

Seconded by Council Member Teresa R. Macaluso

Rules waived by Motion of Council Member Joseph M. Butler, Jr., seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

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

ADJOURNMENT

At the call of the chair, meeting was duly adjourned at 9:27 p.m. by motion of Council Member Joseph M. Butler, Jr., seconded by Council Member Jeffrey M. Smith and carried with all voting in favor thereof.

Ann M. Saunders
City Clerk