

**CITY COUNCIL MEETING
CITY OF WATERTOWN
December 1, 2008
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCIL MEMBER ROXANNE M. BURNS
COUNCIL MEMBER JOSEPH M. BUTLER, JR.
COUNCIL MEMBER PETER L. CLOUGH
COUNCIL MEMBER JEFFREY M. SMITH
MAYOR GRAHAM**

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

City Manager Corriveau presented the following reports to the Council:

- 1 - Proposed County Tax Rate 2009
- 2 - Authorizing Participation in Federal Section 5311 Rural Transit System Backup and Spare Bus Program, Supplemental Grant Agreement #1, C003759
- 3 - Approving the Employee Assistance Program Agreement Between the City of Watertown and ESI Employee Assistance Group
- 4 - 7:30 p.m. – Resolution Approving the Special Use Permit Request Submitted By Paul Hinkle to Allow a Tattoo and Body Art Parlor at 223 J.B. Wise Place, Parcel No. 7-01-134
- 5- Habitat for Humanity Request

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 November 17, 2008 was dispensed with and accepted as written by motion of Council Member Clough, seconded by Council Member Smith and carried with all voting in favor thereof.

C O M M U N I C A T I O N S

From Edison Cox complimenting the Citibus drivers on their professionalism and courtesy.

ABOVE PLACED ON FILE

From Michael Hennegan requesting that the curb cutback area in front of 108 and 112 Court Street, currently designated as a no parking zone, be reclassified as a 15 minute loading zone.

ABOVE PLACED ON FILE

Claim against the City was received from Amy Frezza for personal injuries she sustained when she fell on Van Duzee Street.

ABOVE REFERRED TO THE BOARD OF AUDIT

PRIVILEGE OF THE FLOOR

Edison Cox, 102 Franklin Street, addressed Council inviting them to Christmas festivities at the Paddock Arcade on Thursday, December 4th, at noon.

PUBLIC HEARING

AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING THE SPECIAL USE PERMIT REQUEST TO ALLOW A TATTOO AND BODY ART PARLOR AT 223 J.B. WISE PLACE, PARCEL NO. 7-01-134.

MAYOR GRAHAM OPENED THE HEARING.

No one spoke.

MAYOR GRAHAM CLOSED THE HEARING .

R E S O L U T I O N S

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the Board of Legislators of the County of Jefferson, by resolution dated November 12, 2008, certified to the City that the contribution of the City of Watertown to the taxes of the County of Jefferson for the Fiscal Year beginning January 1, 2009 is \$6,824,152.16,

NOW THEREFORE BE IT RESOLVED that this Council shall and hereby does levy the said aggregate amount of taxes of \$6,824,152.16, so ascertained and directed and to be certified to the City and to be extended on the Assessment Rolls by the City Assessor, as provided by Section 115 of the City Charter, and

BE IT FURTHER RESOLVED that the City does hereby levy a total fee of \$6,824,152.16 to be collected at a rate of \$6.730845 per \$1,000 of assessed valuation, which total of \$6,824,152.16 includes \$184,803.03 in omitted taxes.

SECONDED BY COUNCIL MEMBER JOSEPH BUTLER JR.

Council Member Butler asked if the tax rate was based upon the City's portion of assessment versus the County's and inquired who reviewed the numbers.

Mrs. Corriveau said it was based on that assessment and that it is reviewed by the City Assessor and City Comptroller. She added that ultimately the City will make the County whole on the \$6,824,152.

Council Member Smith asked if this separate billing was in order to keep control of delinquent tax parcels in the City.

Mayor Graham noted that two sets of tax bills are going out for one expense.

Mrs. Corriveau told Council that the burden on City taxpayers would be increased if only one bill was sent out. She said that if Council wishes to change this method, they should bring it to the attention of the Governor.

Mayor Graham wondered if this tax rate could be set higher to reduce the amount of taxation in the spring.

Mrs. Corriveau told Mayor Graham that Council has the power to do that.

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

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS the New York State Department of Transportation has determined that small rural transit systems generally have fewer spare and back-up vehicles to rely on when their fleet experiences mechanical failures or their buses are out of service for extended periods of time, and

WHEREAS NYS DOT has designed a Spare Bus Program to assist rural transit providers by strategically locating backup and spare buses for use by small rural transit systems, and

WHEREAS the City of Watertown has been approved for a grant of funds by the New York State Department of Transportation, pursuant to Section 5311, Title 49, United States Code, for a project described as Rural Transit System Program, and

WHEREAS the City of Watertown and the State of New York are entering into an Agreement which authorizes the undertaking of the Project and payment of the Federal and State shares for the project, and

WHEREAS this Program is designed so that ownership of the vehicle will not be a financial hardship on the municipality,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes the acceptance of a grant in an amount not to exceed \$65,000 to pay for the purchase of one OGS Type III vehicle for the purpose described above, and

BE IT FURTHER RESOLVED that the City Manager of the City of Watertown is hereby authorized and directed to execute said Supplemental Grant Agreement #1, C003759, on behalf of the City of Watertown, a copy of which is attached and made a part of this resolution.

SECONDED BY COUNCIL MEMBER PETER L. CLOUGH

Council Member Smith asked if this spare bus program is for a bus the City currently has.

Mrs. Corriveau said this is a modification of a grant from the state, in which the City will receive funds and with those funds will purchase a new bus.

Mr. Hayes explained the process for the spare bus program and its contracts.

Council Member Smith asked if it will be run on compressed natural gas, if the bus will be used in the City's fleet and if the City can choose the type of bus.

Mrs. Corriveau said that a compressed natural gas bus was not available for this type of paratransit vehicle.

Mayor Graham suggested applying to the state for an additional bus.

Mrs. Corriveau said that is something that can be looked into.

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

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS, the City of Watertown would like to provide an Employee Assistance Program to the employees and their families of the City of Watertown, and

WHEREAS, the City of Watertown has chosen ESI Employee Assistance Group to provide the services for this program, and

WHEREAS, ESI Employee Assistance Group will provide clinical, counseling, work-life, wellness, career resource, and training benefits to the City, and

WHEREAS, ESI will provide this service to the City of Watertown from December 1, 2008 through November 30, 2011 with an option to terminate prior to each annual renewal,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby Approves the Employee Assistance Program Agreement Between the City of Watertown and ESI Employee Assistance Group, 55 Chamberlain Street, Wellsville, New York 14895.

BE IT FURTHER RESOLVED that the City Council hereby authorizes and directs the City Manager, Mary M. Corriveau, to execute the Agreement, a copy of which is attached and made part of this resolution, on behalf of the City of Watertown.

SECONDED BY COUNCIL MEMBER PETER L. CLOUGH

Council Member Clough stated that he would like to see what the other organizations have to offer.

Mrs. Corriveau reminded Council that this was an RFP and not a bid.

Council and staff discussed the contracts and cost for three year programs, including costs for the current program which were lowered to \$23.00 per employee from \$25.00.

Mayor Graham asked if the City was bound by union contracts to provide this service.

Mrs. Corriveau said it is not.

Council Member Butler noted that it is a good gesture to provide counseling services but that it is only a good value if it is used.

Mayor Graham asked if employees would be hesitant to go to employer provided counseling.

Council Member Clough replied that it is all confidential and that the services can help an individual contact specialized groups for further assistance.

Mrs. Corriveau noted that an employee can be required to seek counseling if personal life interferes with daily work. She added that these services would be expanded from only during work hours to being available 24 hours a day.

Council Member Clough said that he is more interested in the cost of this service.

Council Member Burns asked how employees are made aware of these services.

Mr. White replied that not many employees are aware of what is being offered. He said that to increase awareness providers want to meet with employees and utilize flyers, posters and mailings. Mr. White said that ESI has information online as well.

Council Member Burns asked how many employees used this benefit in the last year.

Mr. White said perhaps 20 or fewer.

Mrs. Corriveau reminded Council that both employees and their family members can use the benefit.

Council Member Clough suggested that the City set up an Employee Assistance Program committee.

Mr. White noted that it is the provider's responsibility to keep employees up to date about their services and said that he worries about having an EAP committee with regards to confidentiality.

Council Member Burns asked who would be on the committee.

Council Member Clough said that City employees would be on the committee.

Mrs. Corriveau said that union leaders will communicate information to make sure it is available to employees as well. She also noted that ESI contacted the City after the fatality on I-81 to check on the well-fare of those who responded.

Mayor Graham commented that all contracts with the City, from crow eradication to the contract with Steve Weed for recording Council meetings, will be presented as options. He said he wondered if services like this need to be part of the City's spending plan, no matter how laudable.

Council Member Clough asked if a one year contract is possible.

Mr. White said that the contract can be terminated at any time.

Council Member Smith said he cannot place a vote on this resolution not knowing what the other proposals were or what they offered. He noted that the existing provider is local but the recommended provider, ESI, is from Rochester. Council Member Smith questioned the role of City government to provide services to employees that taxpayers themselves do not have.

MOTION TO TABLE THE FOREGOING RESOLUTION WAS MADE BY COUNCIL MEMBER SMITH, SECONDED BY COUNCIL MEMBER CLOUGH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Council Member Clough asked Attorney Slye to verify the ability to terminate the contract.

Attorney Slye said the contract can be ended with 30-days notice.

**THE RESOLUTION “APPROVING THE SPECIAL USE PERMIT REQUEST
SUBMITTED BY PAUL HINKLE TO ALLOW A TATTO AND BODY ART PARLOR
AT 223 J.B. WISE PLACE, PARCEL NO. 7-01-134” WAS PRESENTED TO COUNCIL**

(Introduced on November 17, 2008; public hearing held this evening; appears in its entirety on page 240 of the 2008 Minutes Book).

Mayor Graham inquired about what the special use permit considers.

Attorney Slye told Council that a prior council decided some things require a special use permit – this one is imposed because it involves neighborhood character. He added that Council could impose certain hours of operation.

Council Member Smith asked if there was any reason to vote against the special use permit or if additional restrictions could be added.

Attorney Slye noted that there has to be some adverse impact and added that there is no blanket prohibition against this type of business. He said the zoning law has to ensure that the use and location are compatible.

Mayor Graham asked who regulates this type of business.

Mr. Hinkle said he is regulated by New York State law and Health Department. He added that the business is located in the back of the building, inside the art gallery and one could walk by without knowing that it is a tattoo business.

Council Member Clough commented that since millions of dollars have been spent on Public Square and the City will be spending money to improve J.B. Wise, he thinks this type of business will take away from what the City has accomplished downtown. He added that he has a problem with approving this resolution.

Mayor Graham asked how this resolution came before Council.

Mr. Mix replied that they are checking to see if they are allowed within the zone they are applying in and that the applicant has the ability to ask for interpretation with the zoning board of appeals.

Attorney Slye told Council that a letter of permission from the owner should be included.

Council Member Clough asked if this resolution can be approved contingent upon the letter from the owner.

Attorney Slye said no because the application is not complete without the letter.

Mayor Graham suggested that the applicant include the suite number in the application to be more specific.

MOTION TO TABLE THE FOREGOING RESOLUTION WAS MADE BY COUNCIL MEMBER SMITH, SECONDED BY COUNCIL MEMBER CLOUGH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

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COUNCIL DISCUSSED THE FOLLOWING TOPICS:

Habitat for Humanity

Mayor Graham referred to the City Manager's report and letter from Mr. Drappo regarding new homes on North Michigan Avenue, opposite the ones DANC and Watertown Trust built. Mayor Graham offered kudos to Mr. Drappo's group for their work.

Mr. Drappo addressed Council thanking them for their support and noted this request is for the two new homes on North Michigan Avenue.

MOTION WAS MADE BY COUNCIL MEMBER CLOUGH TO AUTHORIZE PAYMENT OF \$6,127.39 TO PAY FOR WATER SERVICES AND SEWER LATERALS AT 341 AND 345 NORTH MICHIGAN AVENUE TO THOUSAND ISLANDS AREA HABITAT FOR HUMANITY , SECONDED BY COUNCIL MEMBER SMITH.

MOTION TO AMEND THE AMOUNT TO \$6,200.00 WAS MADE BY COUNCIL MEMBER CLOUGH, 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 MOTION AS AMENDED AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

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

Gazebo

Council Member Burns asked if the gazebo will be in place in Public Square before the ribbon cutting ceremony on Thursday.

Mrs. Corriveau said it is her hope that it will be in place.

Street Lights

Mayor Graham noted that there has been a problem with the ornamental street lights in that one seems to go out when another goes on.

Mrs. Corriveau said National Grid has been made aware of the problem and are responsible for maintaining the street lights.

Tree Lighting Ceremony

Mayor Graham reminded Council about the tree lighting ceremony on Thursday, December 4, at 4:30 in public square.

Tree Planting

Council Member Butler inquired about the tree planting as part of the reconstruction on Ten Eyck Street.

Mrs. Corriveau said she sent an email to Council on the subject and noted it will be complete in the spring.

Snow Removal on Public Square

Council Member Clough brought up snow removal around the square and ironing out the kinks.

Mr. Hayes stated that they have assigned the right people to the job of removing the snow in that area but that they have to perfect it. He said that crews have been doing an outstanding job.

Mrs. Corriveau added that it will become easier when benches, bike racks and garbage receptacles are removed.

Road Salt

Council Member Smith asked for an update on the purchase of road salt.

Mr. Hayes told Council that there is an order placed for the new road salt.

Arena Roof

Council Member Smith noted that the fairgrounds arena roof is still leaking.

Mr. Hayes said he will talk to Mr. VanBrocklin and Mr. St. Croix on the issue and that they will call someone in to look at it. He noted that the water could be blowing in from the vent since the leak is in the middle of the roof.

Council Member Smith inquired about the change in the coolant noting that the ice seemed softer.

Mr. Hayes said the compressors have been changed but not the process and that he could have Davis Mechanical take a look at it.

Loading Zone on Court Street

Mayor Graham asked staff to look into request from Mr. Hennegan regarding a loading zone in front of 108 and 112 Court Street.

Parade Route

Mayor Graham mentioned the possibility of changing the parade route by next spring from Washington Street to State Street.

Mrs. Corriveau said that based on discussions with the police department, it is much easier to control traffic having the parade on Washington Street.

Wayne Zimmer

Mayor Graham noted that Mr. Zimmer had hand surgery and it has been difficult for him to get to the Council meetings. He wished Mr. Zimmer a speedy recovery.

Jayn Graves

Mayor Graham stated that Ms. Graves is ending her term with the Library Board and does not wish to have any ceremony. Mayor Graham thanked her for her outstanding stewardship.

Article

Mayor Graham distributed advance copies of his op-ed piece to be run December 14 in the Watertown Daily Times regarding city government and spending.

Drawing

Council drew names of children who are to appear at the Tree Lighting Ceremony on Thursday, December 4, 2008.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 8:21 P.M. UNTIL MONDAY, DECEMBER 8, 2008 AT 7P.M. BY MOTION OF COUNCIL MEMBER PETER L. CLOUGH, SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Amanda Lewis
Deputy City Clerk