

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
March 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  
ATTORNEY ROBERT J. SLYE**

The City Manager presented the following reports to the Council:

- 1 - Authorizing Sale of Real Property, Known as 575 Water Street to Mahmut Tandogan, 4 Knoxville Court, Groton, Connecticut 06340
- 2 - Approving Bid for Lift Gate Cylinders at Pollution Control Plant, The Hope Group
- 3 - Authorizing Submission of an Application for Small Cities Community Development Block Grand Funding
- 4 - An Ordinance Authorizing the Issuance of \$2,075,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Costs of the Reconstruction of Breen Avenue and Related Improvements, Including Sidewalks, Curbs, Water Mains, and Storm and Sanitary Sewers, in and for Said City
- 5- Capital Planning Audit, Corrective Action Plan Response
- 6- Sales Tax Revenue Quarterly Update – January 2010
- 7- Fairgrounds Arena Concession Franchise
- 8- Fiscal Year 2008-09 Audit Report
- 9- Executive Session - Collective Bargaining

**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 February 16, 2010 was dispensed with and accepted as written by motion of Council Member Smith, seconded by Council Member Butler and carried with all voting in favor thereof.

**ADOPTION OF ANNUAL EVALUATIONS OF CITY CLERK AND CITY MANAGER**

Mayor Graham called for a motion to adopt the evaluations as in the past. However, he commented that there needs to be changes in the system.

Council Member Burns agreed stating that she would make the motion, but she is not exactly

comfortable with the system now being used. She urged her colleagues to join with her to come up with a better system.

Council Member Butler agreed and suggested that this be discussed in a work session or executive session.

Mayor Graham concurred.

**MOTION WAS MADE BY COUNCIL MEMBER BURNS TO ADOPT THE ANNUAL EVALUATIONS OF THE CITY CLERK AND CITY MANAGER.**

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

### **COMMUNICATIONS**

From Patrick Grutter, 152 Breen Avenue., supporting the Breen Avenue project and stating that if this isn't going to be done, Council should close the street to local traffic only and reduce the taxes of Breen Avenue residents.

### **ABOVE PLACED ON FILE**

### **PRIVILEGE OF THE FLOOR**

**Tracey Muncey**, 585 Water Street, addressed the chair on behalf of the Mahon family concerning the property at 575 Water Street asking that Council reconsider the sale of this property to Mr. Tandogan and to accept the previous offer which they had submitted. She read from a prepared statement indicating that the family had offered to purchase the land previously. However, their offer was not acceptable to the City.

**Mahmut Tandogan**, Groton, Ct. addressed the chair explaining that he had found the property on the internet and he was the highest bidder. He explained that while he feels terrible for the family, it is too late as he has already purchased the other properties. He remarked that while he can't vote for Council, the Council needs to do what is best for the taxpayers. He stated that he would respect Council's decision.

**Wayne Zimmer**, Katherine St. addressed the chair in support of the Breen Avenue project. He also commented that the City Hall parking lot was repaired at taxpayers' expense and suggested that the money could have been better used on Breen Avenue.

**Anthony Doldo**, Breen Avenue, addressed the chair in support of the Breen Avenue project. He commented that while it is a tough decision, it has been in the plans for the past 10 years. He remarked that we can't forget that it is about infrastructure. He suggested that the project be done now since interest rates are lower.

**Jason Trainor**, Mechanic Street, addressed the chair in support of the Breen Avenue project.

**Ed Mahon**, Brownville, addressed the chair on behalf of his mother who lives on Breen Avenue. He asked the Council to reconsider their fears on doing this project and suggested that perhaps the City Engineer might have a plan B for this street.

**Shawn Massey**, owner of property at 123 Breen Avenue, addressed the chair in support of getting the project done. He described the problems that they have with water on the street. He said that if it couldn't be done this year, at least look at having it completed next year.

### **PUBLIC HEARING**

**AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING THE APPLICATION FOR SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR THE 2010 COMPETITION THROUGH THE NYS OFFICE OF COMMUNITY RENEWAL.**

**MAYOR GRAHAM DECLARED THE HEARING OPEN**

Mr. Mix explained that this is the second public hearing for this year's application. He referred to the handout and explained that the purpose for this year's application is owner occupied rehab program and funds for first time home buyers.

**MAYOR GRAHAM DECLARED THE HEARING CLOSED AT 7:33 P.M.**

Council Member Butler asked how people find out about this program.

Mr. Mix advised that the program is very well utilized. Neighbors of Watertown does media advertising as well as getting the information out to various organizations. There is a long waiting list for these programs.

### **R E S O L U T I O N S**

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as 575 Water Street, approximately 99' x 165' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 04-16-103.001, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$2,600.00 submitted by Mahmut Tandogan for the purchase of Parcel No. 04-16-103.001, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Watertown Development, LLC upon receipt of the above mentioned sum of money in cash only by the City Comptroller, and

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers, the City shall have the right to seek and be entitled to receive reversion of title to the premises to the City.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR.**

Prior to the vote on the foregoing resolution, Council Member Smith asked Mr. Tandogan what he intended to do with the land.

Mr. Tandogan explained that he wants to open a fiberglass shop and would like to serve the community.

Council Member Butler asked if Mr. Tandogan would be precluded from doing this if he didn't get this parcel.

Mr. Tandogan commented that he would still do as he planned.

Council Member Butler questioned why he wanted to locate in a residential area, even though Council realizes that it is zoned heavy industry.

Mr. Tandogan explained that the fact it is listed as heavy industry and there are residences is not his fault. At the present time, the area is zoned heavy industry. He remarked that tomorrow the City can't say it's residential. He commented that Council wants to bring money into the City but they want to chase out investors.

Mayor Graham commented that when property is zoned a certain way, one shouldn't be surprised of the interest that it attracts. The property was vacant for some time. It went to auction and it is hard to overlook the highest bid.

**AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBER BUTLER VOTING NAY**

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

WHEREAS the City Purchasing Department has advertised and received sealed bids for the purchase of two new and unused Parker Hannifin Hydraulic Cylinders, or approved equal, per City specifications for installation at the City's Pollution Control Plant by City staff, and

WHEREAS invitations to bid were issued to seven (7) prospective bidders, with three (3) bids being received and publicly opened and read in the City Purchasing Department on Wednesday, February 10, 2010, and

WHEREAS City Purchasing Agent Robert J. Cleaver and Michael Sligar, Chief Waste Water Treatment Plant Operator, reviewed the bids received and are recommending the acceptance of the bid submitted by The Hope Group, 70 Bearfoot Road, Northborough, Massachusetts 01532, in the amount of \$18,163.50 as the lowest qualifying bid meeting the City's specifications,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York hereby accepts the bid in the amount of \$18,163.50 submitted by The Hope Group, 70 Bearfoot Road, Northborough, Massachusetts 01532, for the purchase of two new and unused Parker Hannifin Hydraulic Cylinders for installation at the City's Waste Water Treatment Plant.

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

Prior to the vote on the foregoing resolution, Council Member Butler asked why there was a discrepancy of more that \$20,000 from the \$40,000 amount in the capital budget.

Mrs. Corriveau explained that there were very competitive bids and the \$40,000 figure was the best estimate at the time.

Mr. Mills explained that the access can be used to pay down the debt on the project or to purchase other sewer treatment plant equipment.

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS federal grant funding is available through the New York State Office of Community Renewal to support local community development activities that are undertaken by eligible municipalities, and

WHEREAS the City of Watertown is eligible to apply for funding in the 2010 competition under the Small Cities Community Development Block Grant Program, and

WHEREAS it has been determined that such funding should be used for a single purpose proposal to promote rehabilitation of owner-occupied homes and provide assistance to lower income households who will buy existing homes that are for sale in the city, and

WHEREAS public hearings were conducted by the City Council on February 1 and March 1, 2010,

NOW THEREFORE BE IT RESOLVED that the Mayor, Jeffrey E. Graham, is authorized to sign and submit an application for Community Development Block Grant funding for consideration in the 2010 Small Cities competition through the New York State Office of Community Renewal, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is authorized to sign all agreements, certifications and other documents required to complete the application and to accept the grant and administer the program that is to be proposed for Small Cities funding.

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

## **ORDINANCES**

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS, all conditions precedent to the financing of the capital purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section 1. For paying the costs of the reconstruction of Breen Avenue and related improvements, including sidewalks, cubs, water mains and storm and sanitary sewer, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, a class of objects or purposes, there are hereby authorized to be issued \*\$2,075,000 \*\$2,270,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is ~~\$2,075,000~~ \*\$2,270,000 and that the plan for the financing thereof is by the issuance of the ~~\$2,075,000~~ \*\$2,270,000 bonds of said City authorized to be issued pursuant to this bond ordinance.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision ninety-two of paragraph a of Section 11.00 of the Local Finance Law, as said class shall consist of items having periods of probably usefulness of at least fifteen years under one or more of subdivision one, three, four and twenty of said paragraph a.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Watertown, Jefferson County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Watertown, Jefferson County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of

said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 9. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

(1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This ordinance, which takes effect immediately, shall be published in summary in the Watertown Daily Times the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS**

**UNANIMOUS CONSENT MOVED BY MOTION OF COUNCIL MEMBER SMITH,  
SECONDED BY COUNCIL MEMBER BURNS AND CARRIED WITH ALL VOTING  
IN FAVOR THEREOF.**

**MOTION WAS MADE BY COUNCIL MEMBER SMITH TO AMEND THE AMOUNT  
TO \$2,270,000. MOTION WAS SECONDED BY COUNCIL MEMBER BURNS AND  
CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

Prior to the vote on the foregoing ordinance as amended, Mayor Graham commented that the issue isn't the condition of the road, but rather just the sheer amount of \$2,248,950. He asked about the new numbers that were given to Council in a memo this evening.

Mr. Hauk explained that the number in the original ordinance was based on figures from the October design. The new number is the final estimate. He explained that it is an Engineering estimate, not the bid. The bid amount will depend on how busy contractors are.

Mayor Graham asked if \$130,000 would be the amount against the General Fund.

Mr. Mills advised that there would be \$130,000 debt service cost for the first year.

Council Member Burns asked when the last time was that this project was put out to bid.

Mrs. Corriveau explained that it hasn't been put out to bid before. This figure is a design estimate. Therefore, once it is put out to bid, it could be more or less. This figure is what the City Engineer believes the project will come in at.

Mayor Graham complimented Mr. Hauk and his staff for getting the information to them. He commented that the north end of the street is less expensive but looks worse. The south end has the original sewer from a century ago and has an estimate of \$1.5 million to rebuild. He asked Mr. Hauk about maintenance records for the street.

Mr. Hauk referred to a listing from Mr. Hayes since 2007 that covered asphalt repair, replacing manhole cover as well as cleaning and inspecting laterals.

Mayor Graham asked how it was determined to replace laterals.

Mr. Hauk advised that we know we have to replace water lines on both ends of the street. A sewer of that age will have issues because we will be disturbing things. It also has to be separated into storm and sanitary sewers on one end of the street that still has it combined.

Mayor Graham asked if there had been any deficiencies in the adjacent neighborhood that will need to be addressed.

Mr. Hauk responded that it is not in the scope of this project.

Council Member Macaluso asked which end is worse.

Mr. Hauk commented that the southern end is a combined sewer. The water main there is pre 1900. The northern end sewer was separated in 1973. That is why more work has to be done on the southern end. He explained that separating sewers and improving drainage is a priority for the Engineering Department.

Mayor Graham remarked that there had been a lot of discussion about where this project sits in the queue. He asked where it did fall within all the other streets in similar condition.

Mr. Hauk explained that the reason this is here now is because it was picked by Council to be in this order three years ago.

Mayor Graham remarked that he knows we have to cut back on some capital budget items and Council had talked about doing one major project a year. This would be the major one for this year.

Mr. Hauk answered questions about Riggs Avenue explained that it would be a major project in the future because of all the underground utilities.

Mrs. Corriveau reminded Council that the Breen Avenue project was initially driven by the water problems there.

Council Member Burns remarked that in our fiscal climate, she was very apprehensive about spending this kind of money. However, given the fact that these folks on Breen Avenue have been promised this for several years, she would support the project. She stated that we are still a community and our priority should be the city's streets.

Mayor Graham remarked that he came to the same conclusion. He stated that he remembers what Council Member Butler said that even though it is a tight year, we can't shut down entirely.

Council Member Smith commented that he has been a proponent of getting this done. We have to continue to improve and upgrade the City.

Council Member Macaluso responded that she didn't know if this was the time to do this project. She asked if there was something they could cut back on, such as curbing.

Council Member Smith remarked that we can't nickel and dime this project as it would cost the City more. He stated that the street doesn't have curbing now and one of the biggest enemies of streets is water problems because of lack of curbing. He stated that the City should do the entire street the right way.

Council Member Butler stated that he supported the project. He stated that we have a responsibility to our residents for basic infrastructure.

Mayor Graham asked about the time table.

Mr. Hauk explained that he would like to have the project started by June once all the approvals are in.

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

\*\* \*\* \*

**COUNCIL DISCUSSED THE FOLLOWING TOPICS:**

**Sales Tax Revenue Quarterly Update – January 2010**

Council reviewed this memo from the City Manager.

Mrs. Corriveau advised that this is the first report that shows an increase over the prior year.

**Fairgrounds Arena Concession Franchise**

Mrs. Corriveau advised that last year Council indicated that they wanted to move toward an RFP and that is the direction that staff is taking. There have been a couple of inquiries.

Mayor Graham commented that he hates the arrangements based on the percentage of gross sales.

Mrs. Corriveau responded that last year was the first time it was based on gross sales. Before, it was a set bid amount.

Discussion centered on the alcohol served at the events.

Mrs. Corriveau explained that DPAO hires someone who has a liquor license.

Mayor Graham commented that the City should be looking at the ability to support the facility.

Council Member Burns remarked that we should be looking at ways that the City could make money at the facility. She referred to the arena in Albany and the fact that it is run by the City and makes money.

Mayor Graham commented that he thinks facilities are important to the community, not for taxpayers to have to support as a venue for others. He also commented that the concession stand is rag-tag looking and is not bright and cheery.

Council Member Smith remarked that, in terms of an RFP, if this is going to be done it would need to be done soon. He also asked about combining the baseball and football concessions with this one and mentioned that those two are gross sales based. He commented that we should make enough money to keep the costs down. He stated that, other than trash, it is one of the few services that almost pays for itself.

Mayor Graham asked who would bid on it and asked how the RFP would be disseminated.

Mrs. Corriveau explained that there has been some interest. Mr. Cleaver would look to those who

have shown interest in it.

Mayor Graham referred to the condition of equipment at the concession and said that whoever goes in there will have to purchase equipment.

Mrs. Corriveau advised the equipment is owned by the operator, not by the City of Watertown.

Mayor Graham asked why the City couldn't run it by hiring people like we do to be lifeguards.

Mrs. Corriveau explained that the cost for the City to hire full time people would also include a health insurance benefit package, making the costs high. She asked how the City would make money, if the hockey association would make money.

Council Member Butler suggested the possibility of school districts having fund raisers there by having volunteers from the student body working at the concession. He remarked that he doesn't think staffing it with 2 or 3 city employees is a good idea.

Council Member Smith commented that we have to be realistic about just the arena. It would have to be more than just the footprint of the ice arena to turn a profit.

Council Member Butler asked when the last RFP was done.

Mrs. Corriveau advised that it was done five or six years ago.

Mrs. Corriveau suggested possibility narrowing down the times when people need to be there to run the concession.

Council Member Burns explained that JCC has programs in hospitality and tourism. She suggested that they would be a perfect partner. She said it is time to think out of the box and to see what we could potentially do.

Council Member Macaluso responded that if that turned out good, it could turn as profit.

Mrs. Corriveau asked Council about the RFP.

Council Member Butler remarked that there hadn't been much success with that.

Mrs. Corriveau responded that this is not true. The City was making \$10,000 a year. She advised that in 2003, the City collected \$10,026.50; in 2004 there was a three year agreement for \$7,000 annually. \$1,000 was added to cover electricity. Advertising was added as well as an additional year at \$10,500. She stated that the base amount was \$7,000 and questioned if the City could operate it and make more than \$7,000.

Council Member Smith remarked that Council had been told that the RFP was ready to go last year.

Mrs. Corriveau responded that staff is working on changes to the RFP because we want to put in vending machines.

Council Member Burns commented that she doesn't think we should do just one thing. She suggested talking with JCC and also getting an RFP out.

Council Member Macaluso commented that to run it effectively, there would have to be a whole system set up, not just a hodge-podge approach.

Mayor Graham remarked that we could have several hundred thousand dollars running through these concessions throughout the summer and there is no accountability.

Council Member Burns stated that she will do research on the internet and get back to the City Manager to let her know how other arenas do it.

Mayor Graham stated that JCC should be contacted.

### **Capital Planning Audit, Corrective Action Plan Response**

Mrs. Corriveau asked for Council input on the drafted response to the state's corrective action plan.

Council Member Smith asked how much more formalized a process could we do.

Mrs. Corriveau explained that the state wanted it as part of the City Charter.

Attorney Slye advised that it is our Charter and if the State wants something different, they have a way to do it. It is called the State Legislature.

### **Fiscal Year 2008-09 Audit Report**

Council Member Butler asked about the GASB 45 status.

Mr. Mills explained that the numbers included are as a result of the work done by First Niagara. Mr. Mills explained that he will come up with a plan for doing physical inventory on a regular basis throughout the various departments. He advised that there are: \$25 million in equipment and machinery as well as \$10 million in vehicles out of \$185 million in total gross assets.

### **Potholes on Arsenal Street**

Council Member Burns advised that there are some very serious potholes near the foot of the bridge on Arsenal Street and wondered if the State had these repairs in the queue.

Mrs. Corriveau will have them put on notice.

### **Letter from Pat & Linda Fields**

Council Member Butler advised that he had spoken with Mr. Fields and he is concerned about the current condition of his sidewalk. He asked who determined if the City goes back.

Mrs. Corriveau advised that she had spoken with Mrs. Fields. The person who determines if the City goes back is the City Engineer.

Council Member Smith remarked that the bigger issue is the splatter marks on the front porch. He asked how the City could address this more rapidly than submitting a claim to the City.

Attorney Slye advised that filing a claim is the process. By filing, it guarantees that it reaches the people that it has to reach.

Mayor Graham also advised that if a claim wasn't filed, the Board of Audit would never see it.

Council Member Smith remarked that the City Engineer was notified.

Mrs. Corriveau responded that Mr. Hauk sent the Fields' a letter in September and told them to submit a claim as soon as he was notified. She also advised that in her discussion with Mrs. Fields, she was advised of a 2" stub toe and if that is the case, the City will fix it.

### **Crow Problem**

Council Member Butler advised that he had received a call from a resident on Superior Street complaining about the crows.

Council Member Smith remarked that they seem to be migrating around the Veterans' Memorial Park area. He asked if we are still considering training city staff and if we have done any outreach to the USDA.

Mrs. Corriveau advised that the individual who came down from Potsdam for the work session was from the USDA. She explained that Mr. Lumbis and Chief Sayre had met with members of the Fire Department to see if they would be interested in being trained. The members had some concerns about participating. She commented that her long term objective is to have staff do this.

### **ACH Form**

Council Member Butler remarked that this form looks good.

### **Sewer Backup – S. Pleasant Street**

Council Member Smith referred to a problem at the home of Mrs. Powell whereby there was a sewer backup caused by a problem in the City's line at Academy and St. Pleasant. The backup ruined her furnace. He asked what the City does for someone that is elderly and afraid of the claim process.

Mrs. Corriveau responded that she knew nothing about the backup. She advised that the sewer crews would let residents know the process.

Mayor Graham asked if her homeowner's policy could cover that.

Attorney Slye responded that it could.

Mayor Graham commented that just because something bad happens, it doesn't mean that it is the obligation of taxpayers to pay for it.

Council Member Smith asked that the City Manager bring Council an update on this.

### **Street Lights**

Council Member Smith stated that it is clear that this is not a priority with National Grid. He asked Attorney Slye at what point do we take action against them. It is going on two years now.

Attorney Slye advised that it is Council's decision.

Mrs. Corriveau explained that there are 30 lights down out of 2700 in the City. She stated that we have to remember that the contract called for new poles and new fixtures. They have them now and they were going to begin in February to put them up. The operations department anticipates having them all installed by March 31<sup>st</sup>. They are all out of the area now because of the recent problems caused by the weather across the state.

### **4<sup>th</sup> Coast Application**

Mrs. Corriveau advised Council that the application for solar panels for the arena was submitted, but not selected. However, staff believes that there is another program that the City can apply for. Also, an application has been submitted to hire someone to address our energy efficiency.

### **Geo-Thermal Technology**

Staff members will be making a visit to Indian River this week to see their geo-thermal setup and to see if it can be used in City Hall and at the library.

### **EXECUTIVE SESSION**

**MOTION WAS MADE BY COUNCIL MEMBER BURNS TO MOVE INTO EXECUTIVE SESSION TO DISCUSS COLLECTIVE BARGAINING. MOTION WAS SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

Council moved into Executive Session at 9:08 p.m.

Council reconvened at 9:40 p.m.

**ADJOURNMENT**

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 9:40 P.M.  
BY MOTION OF MAYOR GRAHAM SECONDED BY COUNCIL MEMBER SMITH  
AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

*Donna M. Dutton*  
City Clerk