

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
September 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:** Elliott Nelson, Jim Mills, Ken Mix, Kurt Hauk, Amy Pastuf, Beth Morris, Gene Hayes, Brian Phelps, Celia Cook, Peter Keenan, Fire Chief Herman

The City Manager presented the following reports to Council:

- Resolution No. 1 - Authorizing the Sale of Surplus Vehicles and Equipment
- Resolution No. 2 - Accepting Bid for Unarmed Security Guard, Flower Memorial Library
- Resolution No. 3 - Accepting Bid for Filter Press Feed Pump for the Waste Water Treatment Plant
- Resolution No. 4 - Accepting Bid for the Purchase of Discharge Pipes and Hoses for the Water Department Dredge Unit
- Resolution No. 5 - Accepting Bid for the Purchase of a Valve Trailer Mounted Power Vacuum Unit for the City Water Department
- Resolution No. 6 - Approving Professional Services Agreement Between the City of Watertown and Public Sector HR Consultants, LLC
- Resolution No. 7 - Approving a Special Use Permit Request To Operate An Auto Sales Lot In A Neighborhood Business District At 816 Coffeen St, Parcel 8-21-306
- Resolution No. 8 - Amending The Approved Site Plan To Enlarge And Relocate The Drive-Through Window For The Proposed Express Mart At 1268 Arsenal Street, Parcel 8-53-102.100
- Resolution No. 9 - Approving Bus Shelter Easement Between the City of Watertown and 81 Land Co., LLC
- Resolution No. 10 - Approving Change Order No. 1 to Agreement, Thompson Park Zoo Pavilion Project
- Ordinance No. 1 - Amending PDD #3 to Allow Construction Of A Community Building At Maple Court Apartments, 591 Weldon Drive, Parcel 14-49-102
- 2012 CDBG Small Cities Program Public Hearing
- Tabled Resolution - Approving Agreement for Services for Vision and Dental City Employee Plan, Relph Benefit Services
- Tabled Ordinance - Amending City Municipal Code § A320-4

**Complete Reports on file in the office of the City Clerk**

Meeting opened with a moment of silence and for remembrance of those killed today in Washington, D.C.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of September 3, 2013 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.

## **PRESENTATIONS**

Mayor Graham interrupted the regular course of business to present Service Awards to the following employees: Patricia Fay and Brian Gaffney for 25 years of service and Terry Satchwell for 30 years of service.

### **Health Insurance Annual Review by Pomco - Christina Lanigan and Mary Beth Lopez**

Mary Beth Lopez, Director of Client Services, addressed the chair thanking Council for being able to present this evening. She introduced Christina Lanigan, Account Manager for Pomco. Ms. Lopez reviewed the presentation packet beginning with the partnership between the City and Pomco since 1992. She also reviewed the financial performance and pointed out the office located on the first floor of City Hall for employees' convenience and assistance. Ms. Lopez noted the City's trend for seven reported time periods, which is a 4.1% increase per member per month, which is astronomical and overall the City has maintained a standard cost that is below the industry average.

Ms. Lanigan reviewed the Provider Network Utilization, claimants with claims over \$50,000 and the graph showing the costs for claims from \$50,000 to over \$200,000. Care Management was explained and she noted there are some different teams in the medical services department which include utilization review, case management and specialized case management. Ms. Lanigan said the online tools have recently been upgraded so members can submit requests online. She pointed out the affordable care act and the fees associated therein, explaining the Patient Centered Outcomes Research Institute (PCORI) fee, the Transitional Reinsurance Fee and Health Insurance Tax. She explained that self-funded plans do not pay the Health Insurance Tax, and added that the only fees the City has to deal with are the PCORI fee and the Transitional Reinsurance Fee, and added the City can be exempt from one of the three fees.

Council Member Smith inquired about the reimbursement fee schedule.

Ms. Lanigan replied there is not necessarily a plan to lower provider reimbursements and said Pomco is always aggressively going out to provider networks and making sure there are aggressive fee schedules in place.

Council Member Smith asked how Pomco plans for providers dropping out of the networks.

Ms. Lopez explained that there is a whole department and the director is in constant communication with all of the providers.

Council Member Butler inquired about the provider network utilization and the \$130,000 figure.

Ms. Lanigan replied that the figure reflects the amount of claims that were associated with that network. In addition, she said the out of state retiree population was impacted.

Council Member Butler noted the stop gap coverage was raised and asked about the monthly premium.

Melanie Wight, Fringe Benefits Manager, replied it is \$28,000 to \$29,000 per month.

Council Member Butler asked if the City will look at raising that again, and referred to the page showing claims over \$50,000.

Ms. Lanigan pointed out that some funds can be recovered on those claims.

Council and Pomco representatives continued to discuss the risks involved and cities of comparable size.

### **Health Insurance Annual Review by ProAct – Ellen Bernardon and Sarah Farrell**

Ellen Bernardon reviewed the Performance Summary and pointed out the utilization percentage differences in the various categories and mentioned the overall cost decrease for the City.

Council Member Smith pointed out that some medications that have been covered for years are no longer covered and asked how that will affect the costs.

Ms. Farrell said that will not affect the cost of the plan as the contract with the City is negotiated.

After further discussion, Ms. Farrell continued to review the presentation, looking at the utilization summary and the membership utilization compare and current figures.

Ms. Bernardon reviewed the eligible members and demographics and the drug usage analysis.

Ms. Farrell reviewed with Council the therapeutic drug category analysis, broken down by category name, number of members using them and how much is paid.

Ms. Bernardon pointed out the specialty drug usage page, which she said is the most important page in the report. There has been a large spike in the last 12 months, she said. On the next page, she noted the increase in home delivery of prescriptions, which can be attributed to the police and fire unions moving toward a different co-pay structure. She commented that the figures for home delivery are right on target. Ms. Bernardon reviewed the current savings measures and additional strategies to reduce overall prescription spending.

Council Member Burns inquired about the ‘half-tablet’ phrase on the diagram.

Ms. Farrell explained if an individual needs a 10mg prescription, the doctor could prescribe a 20mg tablet, which could be split in half, lasting twice as long for the individual.

Ms. Bernardon reviewed the top 25 members by plan paid and the pharmacy report.

Mayor Graham asked if it is unusual for one person to represent four percent of the plan.

Ms. Farrell replied that figure is quite high.

## **COMMUNICATIONS**

A letter was received from Mrs. Paul J. Cavise concerning the videotaping of the City Council meetings by Steve Weed Productions.

A letter was received from Community Action Planning Council of Jefferson County providing a summary of this year's Summer Feeding Program serving 19 sites throughout the county.

**Above communications were placed on file in the office of the City Clerk.**

A claim was received from Mary E. Myers, 734 Mill Street, seeking reimbursement for her medical expenses resulting from a fall on the sidewalk in front of the satellite Post Office on Court Street which occurred on September 5, 2013.

**Above claims have been referred to the Board of Audit.**

## **PRIVILEGE OF THE FLOOR**

No one spoke.

## **PUBLIC HEARING**

**At 7:50 p.m. Mayor Graham asked the Deputy City Clerk to read the notice of Public Hearing Concerning the 2012 CDBG Small Cities Program.**

**Mayor Graham declared the hearing open at 7:50 p.m.**

Ken Mix, Planning Coordinator, addressed the chair reviewing the handout on the Community Development Block Grant Program. The first page reviews the history and the City's involvement since 1979. The second page describes what the 2012 program encompassed. Income limits are listed on the third page for tenants, he said. The last page provides the fair market rents, showing the limit as to what the landlords can charge, Mr. Mix said.

**Mayor Graham declared the hearing closed at 7:52 p.m.**

## **RESOLUTIONS**

### **Resolution No. 1 - Authorizing the Sale of Surplus Vehicles and Equipment**

#### **Introduced by Council Member Joseph M. Butler Jr.**

WHEREAS the City of Watertown has accumulated surplus vehicles and equipment from the Public Works and Water Departments, the listing of which is attached and made a part of this resolution, and

WHEREAS these items may have some value best determined by on-line auction, and

WHEREAS two vehicles on the list may only have scrap value,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby authorizes the sale, by on-line auction, of surplus vehicles and equipment from the Public Works and Water Departments, and

BE IT FURTHER RESOLVED that final acceptance of such bids shall constitute acceptance of the same by the City Council.

#### **Seconded by Council Member Teresa R. Macaluso.**

Prior to the vote on the resolution, Mayor Graham said he mentioned to Mr. Mills and Amy Pastuf, Purchasing Manager, earlier whether or not the online auctions really are the best way to sell certain items. He said he noticed one of the items was the POS system purchased for the Fairgrounds but the City transitioned into the Recreation software, which is a much more applicable system. He suggested that items such as that should be sold here in the City to businesses that might want them though an auction. Once this is accepted, he commented that the sale price authorized does not come before Council for acceptance. He suggested advertising and having an auction in the City rather than selling things online.

Council Member Smith noted that there is an auction at the Fairgrounds and asked if it was in the fall.

Mrs. Pastuf said she believes the auction is in the fall and said the City does send a few vehicles down there usually.

Mayor Graham said he understands the online auction reaches a wider audience, but locally, Craigslist can be utilized to advertise a sale.

Council Member Macaluso suggested setting a minimum bid price.

Mrs. Pastuf said the website does allow the seller to set a minimum price and she reminded Council that the City has the right to refuse a sale. She added that it gives staff some options of setting minimums or refusing the sale.

Mayor Graham said he would like to see local merchants be able to avail themselves to items the City is getting rid of.

Council Member Butler asked how long Auctions International has been utilized.

Mrs. Pastuf replied that her predecessor, Mr. Cleaver, had been using it for some vehicles. She reiterated that there is some measure of control over the purchase price of the items and the company handles all the billing and sales tax issues, so there is not a lot of administrative work on the City's part. The individual who buys the item pays the company a ten percent premium to Auctions International, she said, adding that the City does not pay that fee.

Council Member Burns inquired since this auction is held in the fall, she asked if there is some other reason the City does not choose to utilize that event.

Mrs. Pastuf noted the goal was to get better pricing and reach a larger target market so the bidding was a little bit higher. Her experience has been that better pricing is obtained through the online auction, she said.

Council Member Burns questioned Mrs. Pastuf as to whether or not she agreed with the Mayor's point, and asked if she felt that the online auction gets better pricing than a local auction, which then garners more revenue.

Mrs. Pastuf remarked that perhaps better exposure is obtained for certain items and added that she does, in fact, agree with the Mayor that this is an unusual sale as far as the POS system goes, because it is going to be a smaller target market. She noted there were some conversations as far as trading it in to where it was purchased from but that has not been worked out.

Council Member Burns asked if there was a way to use both avenues.

Mrs. Pastuf said that could be done, such as using eBay or Craigslist. The reason the City tries to shy away from those, she said, is because there is more administrative work involved.

Mayor Graham noted that his suggestion is to hold an auction, just as the City does to sell bicycles, and it can be done in a variety of ways so today's audience gets exposure to the items. He said he does not see any empirical evidence that the online service performs at a higher level for return. Mayor Graham asked if the scrap value of various items is analyzed.

Mr. Monaco helps put the list together, Mrs. Pastuf said, and she said she refers back to him before any bids are accepted.

Council Member Smith commented that if the target is local people, the best bet is the auction held at the Fairgrounds in the fall, the local municipalities participate.

Council Member Butler said he does not know the estimated value of the items up for auction and does not want staff to spend a ton of time taking an inventory of the various items just to make an extra couple hundred dollars. He suggested having some of the bigger items at a local auction but added that he does not know enough about the surplus pieces and said he trusts staff's judgment on the matter.

Council Member Macaluso noted she thinks the City should do what is easiest for the staff and said there is not a lot of money to be made on some of these items.

Mr. Mills told Council the auction is held in June.

Mayor Graham said he would like to see a report when the online sales are completed to see what each item sells for.

Council Member Butler inquired what source is used for value on some of these items.

Gene Hayes, DPW Superintendent, replied that staff uses Kelley Blue Book but noted that these are surplus items which have no value to the City.

Mayor Graham asked if any of the listed vehicles run.

Mr. Hayes said some have to go to the scrap dealer because they cannot be repaired.

Mayor Graham inquired if they are truly scrap and cannot be licensed, would they be taken to a scrap dealer.

Mr. Hayes said that is a possibility, however, there is a cost associated with that as well.

**At the call of the chair, vote was taken on the foregoing resolution with all voting yea, except Mayor Graham voting nay.**

**Resolution No. 2 - Accepting Bid for Unarmed Security Guard, Flower Memorial Library**

**Introduced by Council Member Roxanne M. Burns**

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 thirteen (13) security service firms, with five (5) bids received and publicly opened and read in the City Purchasing Department on August 29, 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 \$15.35 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.

**Seconded by Council Member Joseph M. Butler Jr.**

Prior to the vote on the resolution, Council Member Burns asked where the company is located.

Mrs. Pastuf replied they are located in the Bronx and that she questioned the bid response as well, making sure the company knew where Watertown is located in relation to the Bronx. She said he is aware of what the prevailing wage is for this county and noted that he had very good references and gave the City a great rate.

Mayor Graham asked if he will hire employees from this area.

Mrs. Pastuf said she assumes he would and that if he cannot find someone, he will be up here himself doing the job.

Council Member Burns commented that it does not seem to make a lot of sense.

Unarmed security guards are those that walk around looking for bad things, or just provide a presence, and for \$15.00 to \$16.00 per hour, Mayor Graham said half the people in Council Chambers could do that on the side. He said he shares Council Member Burns' concerns.

Mrs. Pastuf also noted that the unarmed security guard will have to be paid the prevailing wage, which is \$15.31 per hour.

Mayor Graham asked if there were any local companies that do this sort of business.

Mrs. Pastuf said a local company did bid but it came in at almost double the rate. Since it is a building service, a certain wage rate has to be paid, she said.

Mayor Graham asked who will supervise his employees from 300 miles away. He said he is inclined to say those who work out at the mall would be quite pleased to get \$15.00 per hour and said that if he owns a security company in the City of New York, he is not going to come up here and walk around the library.

Mrs. Pastuf said she asked for and checked his references; based on the references and the information she has, and the fact that she has a sealed bid, he is the lowest responsive, responsible bidder and under the law, there is not much choice but to award the job to the lowest responsive, responsible bidder.

Mayor Graham inquired about the types of places he is providing security for in New York City.

Mrs. Pastuf replied that he had worked for a public entity before, and two private entities.

Council Member Macaluso questioned how he heard about this job.

Whenever there is an advertisement, it gets picked up by certain services and can be seen across the Country, Mrs. Pastuf said.

Council Member Butler asked how many employees he has and how long he has been in business.

Mrs. Pastuf replied that she does not have that information.

Council Member Butler inquired how much can be asked in an RFP, in addition to providing a quote, it would be nice to find out as much information as possible about who is being hired.

Council Member Macaluso noted that the individual being hired would have to be certified by New York State.

Council Member Burns said she would like to have the opportunity to do some investigation, because she said she does not have a good feeling about this. She said this makes no sense and there is more to this than what meets the eye.

**Motion was made Council Member Burns to table the foregoing resolution, seconded by Council Member Smith.**

Attorney Slye wished to be heard on the matter, saying he is not seeking to debate as he is not a member of the Body, but rather that he would like to give advice to Council.

Mayor Graham said a motion to table has been made.

Attorney Slye noted that is not debatable.

Council Member Butler commented that procedurally, if Attorney Slye wants to weigh in on something to prevent Council from doing something it should not, that is important.

Council Member Burns remarked that she cannot imagine why this resolution cannot be tabled like any other.

Attorney Slye said he is not going to debate it but rather talk about something else.

Mayor Graham said it can come up under new business then and Council should not deviate from 100 years of Robert's Rules.

**At the call of the chair, vote was taken on the foregoing motion, with Council Member Burns, Council Member Smith and Mayor Graham voting yea, and Council Member Butler and Council Member Macaluso voting nay.**

Mayor Graham asked Attorney Slye what he wished to mention to Council.

Attorney Slye said the question was raised about it being an RFP, and it was not an RFP. The City reviewed specifications, published specifications, the sealed bids were made just like any other, he said. Mrs. Pastuf spoke correctly when she said they were the lowest responsive responsible bidder and the law requires the City to award that contract, whether they live in the Bronx or Oswego County.

Mayor Graham noted that if the premise is that these have to be approved perfunctorily, then what is the point of having the matter come before Council.

Attorney Slye said he was not objecting to the matter being tabled, but pointed out that the alternative course could have been to reject all bids and rebid the matter. If that is not what Council wishes to do, the law requires Council to accept the lowest responsive responsible bidder, he said.

Council Member Burns asked if that is required to be done this evening.

Attorney Slye replied that it can be tabled.

Council Member Burns remarked that Attorney Slye has given the same lecture in the past and said she thinks the Mayor raises a point, and if Attorney Slye is saying Council has to accept these why does Council vote on them because, to be honest, she said she is not going to vote on something that she does not think is in the best interest of the City of Watertown.

Attorney Slye reiterated that Council can reject all bids.

Council Member Burns said she does not know if she wants to do that yet, because there were several unanswered questions.

Mayor Graham said the matter is becoming argumentative and can be discussed further in private.

In this particular process of asking for proposals, Mayor Graham said if there is going to be some theoretical minimum rate, that someone could be hired locally who would do that. There is no documentation about their certifications or other places they have secured, he said, and the stated reason for having security over there is to prevent pilferage and to protect patrons, especially children, from nefarious activities.

Council Member Burns wished to bring to everyone's attention a point which she said she does not like to say in a public forum, but there are so many extremely valuable pieces in the City's collection. She said the collection does not include just books, and having a firm coming from the Bronx which will make no money off of this job, raises a red flag. As the liaison to the Library Board, she said she feels an obligation to make sure that what she is doing is in the best interest of the building, the employees and the artifacts that are housed there.

### **Resolution No. 3 - Accepting Bid for Filter Press Feed Pump for the Waste Water Treatment Plant**

#### **Introduced by Council Member Jeffrey M. Smith**

WHEREAS the City Purchasing Department has advertised and received sealed bids for the purchase of one (1) filter press feed pump for the City of Watertown Waste Water Treatment Plant, per City specifications, and

WHEREAS funding for one (1) filter press feed pump is included in the 2013-2014 Adopted Sewer Fund Budget, and

WHEREAS bid specifications were requested by two (2) vendors, with one (1) bid received and publicly opened and read in the City Purchasing Department on September 4, 2013 at 11:00 a.m., and

WHEREAS City Purchasing Manager Amy Pastuf and staff from the Waste Water Treatment Plant reviewed the bid received, and it is their recommendation that the City Council accept the bid submitted by Universal Filtration & Pumping, Inc. as the lowest responsive bidder in the amount of \$114,225;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid submitted by Universal Filtration & Pumping, Inc. for the purchase of one (1) filter press feed pump for the City of Watertown Waste Water Treatment Plant.

**Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.**

**Resolution No. 4 - Accepting Bid for the Purchase of Discharge Pipes and Hoses for the Water Department Dredge Unit**

**Introduced by Council Member Jeffrey M. Smith**

WHEREAS the City Purchasing Department has advertised and received sealed bids for the purchase of discharge pipes and hoses for the dredge unit recently purchased by the City Water Department, per City specifications, and

WHEREAS funding for said purchase is included in the 2013-2014 Adopted Water Fund Budget, and

WHEREAS bid specifications were requested by six (6) vendors, with one (1) bid received and publicly opened and read in the City Purchasing Department on September 11, 2013 at 11:00 a.m., and

WHEREAS City Purchasing Manager Amy Pastuf and Water Department staff reviewed the bid received, and it is their recommendation that the City Council accept the bid submitted by VMI, Inc. as the lowest responsive bidder in the amount of \$36,690;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid submitted by VMI, Inc. for the purchase of discharge pipes and hoses for the Water Department dredge unit.

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

**Resolution No. 5 - Accepting Bid for the Purchase of a Trailer Mounted Power Vacuum Unit for the City Water Department**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS the City Purchasing Department has advertised and received sealed bids for the purchase of one (1) trailer mounted power vacuum unit for use by the City Water Department, per City specifications, and

WHEREAS funding for said purchase is included in the 2013-2014 Adopted Water Fund Budget, and

WHEREAS bid specifications were sent to two (2) vendors, with three (3) bid received and publicly opened and read in the City Purchasing Department on September 11, 2013 at 11:00 a.m., and

WHEREAS City Purchasing Manager Amy Pastuf and Water Department staff reviewed the bid received, and it is their recommendation that the City Council accept the bid submitted by E.H. Wachs, Co. as the lowest responsive bidder in the amount of \$38,330;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid submitted by E.H. Wachs, Co. for the purchase of one (1) trailer mounted power vacuum unit for use by the City Water Department.

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

**Resolution No. 6 - Approving Professional Services Agreement Between the City of Watertown and Public Sector HR Consultants, LLC**

**Introduced by Council Member Jeffrey M. Smith**

WHEREAS the City of Watertown seeks to develop an Employee Handbook and supporting policies for the City's workforce, and

WHEREAS the City Manager has proposed utilizing the professional services of a private Human Resources consulting group to assist the City with creating an Employee Handbook, 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 \$6,500.00 plus related travel costs;

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 Joseph M. Butler Jr. and carried with all voting yea.**

**Resolution No. 7 - Approving a Special Use Permit Request To Operate An Auto Sales Lot In A Neighborhood Business District At 816 Coffeen St, Parcel 8-21-306**

**Introduced by Council Member Joseph M. Butler Jr.**

WHEREAS Scott Gerni has made an application for a Special Use Permit to operate an auto sales lot in a Neighborhood Business District at 816 Coffeen Street, parcel 8-21-306, and

WHEREAS the Planning Board of the City of Watertown reviewed the request for a Special Use Permit at its meeting held on September 3, 2013, and voted 4-1 against recommending that the City Council of the City of Watertown approve the request as submitted, subject to the following condition:

1. No more than 3 vehicles shall be offered for sale at one time.

And,

WHEREAS a public hearing was held on the proposed Special Use Permit on October 7, 2013, after due public notice, and

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part II and has determined that the project, as submitted, is Unlisted and will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed Special Use Permit to allow auto sales at 816 Coffeen St is an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that a Special Use Permit is hereby granted to Scott Gerni to allow operation of an auto sales lot in a Neighborhood Business District at 816 Coffeen Street, parcel 8-21-306, subject to the condition that no more than 3 vehicles shall be offered for sale at one time.

**Seconded by Council Member Roxanne M. Burns**

**Motion was made by Council Member Smith to schedule a Public Hearing on the foregoing resolution for Monday, October 7, 2013 at 7:30 P.M. Motion was seconded by Council Member Butler and carried with all voting in favor thereof.**

**Resolution No. 8 - Amending The Approved Site Plan To Enlarge And Relocate The Drive-Through Window For The Proposed Express Mart At 1268 Arsenal Street, Parcel 8-53-102.100**

**Introduced by Council Member Joseph M. Butler Jr.**

WHEREAS Wendy Ferrie of Carmina Wood Morris has submitted a request to amend the approved site plan to enlarge and relocate the drive-through window for the proposed Express Mart at 1268 Arsenal Street, parcel 8-53-102.100, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on September 3, 2013, and voted to recommend that the City Council of the City of Watertown approve the amendment to the site plan with the following conditions:

1. The applicant shall adjust the drive-through layout so that the bypass lane is not obstructed by queuing vehicles.
2. The applicant shall provide a stop sign at the 4-way intersection to the north of the project site.
3. The applicant shall provide 2 sets of full-size revised plans to the Engineering Department, printed at their noted scale, with all of the graphical changes listed in the Staff Memorandum of August 28, 2013.

And

WHEREAS the applicant submitted revised plans satisfying the above conditions on September 10, 2013, and

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part 2, and has determined that the project, as submitted, is an Unlisted Action and will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed construction and site plan constitute an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED that it is an express condition of this site plan approval that the applicant provide the City Engineer with a copy of any change in stamped plans forming the basis for this approval at the same time such plans are provided to the contractor. If plans are not provided as required by this condition of site plan approval, the City Code Enforcement Officer shall direct that work on the project site shall immediately cease until such time as the City Engineer is provided with the revised stamped plans. Additionally, any change in the approved plan which, in the opinion of the City Engineer, would require Amended Site Plan approval, will result in immediate cessation of the affected portion of the project work until such time as the amended site plan is approved. The City Code Enforcement Officer is requested to periodically review on-site plans to determine whether the City Engineer has been provided with plans as required by this approval, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that the approved site plan for the Express Mart at 1268 Arsenal Street, parcel 8-53-102.100, is hereby amended to enlarge and relocate the drive-through window, as depicted on the plans submitted to the City Engineer on September 10, 2013.

**Secoded by Council Member Jeffrey M. Smith and carried with all voting yea.**

**Resolution No. 9 - Approving Bus Shelter Easement Between the City of Watertown and 81 Land Co., LLC**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS the City of Watertown desires to construct bus shelters at various locations throughout the City, and

WHEREAS the City of Watertown has negotiated an easement for the placement of a bus shelter near Western Boulevard, and

WHEREAS the City Attorney has reviewed the negotiated easements, and

WHEREAS the easement document contains language that allows the property owner the ability to extinguish the easement, requiring the City to relocate the shelter within one year of notification;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Bus Shelter Easement between the City and 81 Land Co., LLC, attached hereto and made part of this resolution, and

BE IT FURTHER RESOLVED that upon execution of said easement, it shall be filed with the Office of the Jefferson County Clerk.

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

Prior to the vote on the foregoing resolution, Council Member Butler inquired about 81 Land Company.

Kurt Hauk, City Engineer, responded that it is one of the companies that Mr. Donegan runs as part of the complex in that area.

Council Member Butler asked if the City is paying for the bus shelter.

Mr. Hauk replied the City is installing and providing the shelter.

Council Member Butler recalled receiving a letter from an attorney on behalf of a client willing to pay for bus shelters.

Mayor Graham mentioned that was a donation.

Mr. Hayes said the City is in the process of installing five bus shelters and the one paid for with an anonymous gift will be the largest one. He said the purchase requisition will be going out tomorrow. The other four were purchased through 5311 funds, which is the FTA purchase and arrived last year but it has taken this long to get the easements, he said.

**Resolution No. 10 - Approving Change Order No. 1 to Agreement, Thompson Park Zoo Pavilion Project**

**Introduced by Council Member Jeffrey M. Smith**

WHEREAS the City Council of the City of Watertown authorized the expenditure of \$254,902.37 for the construction of a pavilion at the NYS Zoo at Thompson Park, 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 Change Order No. 1 results in an additional charge of \$1,839.48, bringing the total contract amount to \$256,741.85,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 1 for the construction of a pavilion at the NYS Zoo at Thompson Park in the amount of \$1,839.48, 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 Change Order documents on behalf of the City of Watertown.

**Seconded by Council Member Jeffrey M. Smith and carried with all voting yea, except Council Member Butler voting nay.**

Prior to the vote on the resolution, Mayor Graham wished to reiterate that the dedication ceremony is coming up one week from this Saturday at 9:00 a.m. and added that Council Members should make themselves available for that event.

## **ORDINANCES**

### **Ordinance No. 1 - Amending PDD #3 to Allow Construction Of A Community Building At Maple Court Apartments, 591 Weldon Drive, Parcel 14-49-102**

#### **Introduced by Council Member Teresa R. Macaluso**

BE IT ORDAINED where Charlie Allen of Evergreen Partners has submitted a request to amend Planned Development District #3 to allow construction of a community building at Maple Court Apartments, 591 Weldon Drive, parcel 14-49-102, and

WHEREAS the Planning Board of the City of Watertown considered the request at its meeting held on September 3, 2013, and adopted a motion recommending that the City Council approve the amendment with two conditions that have since been met, and

WHEREAS a public hearing was held on the proposed amendment on October 7, 2013, after due public notice, and

WHEREAS the City Council has made a declaration of Negative Findings of the impacts of the proposed zone change according to the requirements of SEQRA, and

WHEREAS the City Council deems it in the best interest of the citizens of the City of Watertown to approve the requested amendment,

NOW THEREFORE BE IT ORDAINED that Planned Development District #3, located at 591 Weldon Drive, parcel 14-49-102, known as Maple Court Apartments, is hereby amended to allow the construction of a community building, as depicted on the district plan submitted to the Engineering Department on September 9, 2013, and

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

**Seconded by Council Member Joseph M. Butler Jr.**

**Motion was made by Council Member Smith to schedule a Public Hearing on the foregoing ordinance for Monday, October 7, 2013 at 7:30 p.m. Motion was seconded by Council Member Butler and carried with all voting in favor thereof.**

## **OLD BUSINESS**

**The Resolution “Approving Agreement for Services for Vision and Dental City Employee Plan, Relph Benefit Services”.** *(Introduced on 9/3/2013 and was tabled at that time; appears in its entirety in the 2013 Minutes Book on page 3 of the 9/3/2013 minutes).*

Council Member Butler commented that with regard to this resolution, he said he went back and looked at the resolution Council passed in May and noted that there is some cost to the City, as minor as it may be. A resolution has already been passed saying there will be no additional cost to the City, but this counters that resolution and for that reason, he said he will not support it.

Council Member Macaluso and Council Member Smith inquired if the language could be changed.

Ms. Addison said she would have to check into that and stated as far as the resolution passed in May, that was regarding the premiums for the coverage for dental and vision. The City did not consider COBRA at that point, she said, it was Relph Benefits that brought it to the City’s attention that to comply with the law, the City has to take on those responsibilities.

Mayor Graham asked if these are fees to Relph Benefits.

Ms. Addison replied they are for incurring COBRA coverage.

Council Member Butler suggested letting Relph Benefits pay the fee.

Council Member Smith remarked it could be passed on to those who want it.

Mayor Graham said Council Member Butler is correct in saying it was presented to Council as a no-cost to the City scenario.

Attorney Slye commented that it not simply be amended, but that staff be given the opportunity to look at the question of whether the City has the ability to pass on an administrative cost to the members and suggested re-tabling the resolution.

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

**The Ordinance “Amending City Municipal Code § A320-4”.** *(Introduced on 8/19/2013 and was tabled at that time; taken off the table and retabled on 9/3/2013; appears in its entirety in the 2013 Minutes Book on page 11-12 of the 8/19/2013 minutes).*

**At the call of the chair, a vote was taken on the foregoing ordinance and carried with all voting yea, except Council Member Butler and Council Member Smith voting nay.**

## **STAFF REPORTS**

No staff reports.

## **NEW BUSINESS**

### **Haunted Trail for Halloween**

Council Member Butler said he received a letter from Kayla Condit, Duffy Street, asking to have a haunted trail for Halloween and asked if this is something Council would weigh in on.

Elliott Nelson, Assistant to the City Manager, responded that the City does not own that land. He said Mike Lumbis, City Planner, and himself took a look at the property map and the City has no right to tell her that she can or cannot have a trail there.

### **Elm Street**

Council Member Smith noted that on the 200 block of Elm Street the street sign says “dead end” and does not have the street name on the post.

### **Elaine’s Return**

Mayor Graham wished to make Council aware that Elaine has returned to work and is in the office half-days, which is good news for the office. He said he is glad to see she is on the mend and is sure she would appreciate any calls or visits on behalf of Council to welcome her back.

### **Election Law**

Mayor Graham noted there was a kerfuffle recently over election law as printed in the Watertown Daily Times, and some assertions that the City’s election law or home rule legislation is antiquated. He said there was some misunderstanding on a mistake made prior to the primary, but just for Council’s clarification, the City’s original non-partisan election law was passed by the legislature in Albany in 1920. In 1993, he said, that was repealed and replaced with the current version of it which specifically says in most instances that the primary will be run in accordance with the current state election law. He said he would welcome any time that the County Attorney feels there is some legal deficiency that that would be an appropriate subject for him and Corporation Counsel to discuss.

### **524 Clay Street**

Mayor Graham said he had a call regarding a house on Clay Street, which might possibly be a hoarder. He noted a woman who does not live there but owns the property brings cats there and leaves food for them. He suggested City Codes examine the property.

### **Niagara Frontier Grotto**

Mayor Graham said he had the chance to meet individuals from Niagara Frontier Grotto, who for the last two Saturdays have done cave explorations and also recovered the wallet of Mr. Sweet, which was presented to him the other day. He said it was a good experience and it gave good insight into the cave issue and thanked City staff for their cooperation. Mayor Graham said Mr. Sweet wanted to take the time to say what was not said in 1996, which is specific thanks to the Fire Department and the Police Department for their work in leading to his recovery. Mayor Graham recounted the chain of events which led to the discovery that Mr. Sweet was trapped in the cave with another individual.

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

**Motion was seconded by Council Member Macaluso and carried with all voting in favor thereof.**

Council moved into Executive Session at 8:50 p.m.

Council reconvened at 8:55 p.m.

## **A D J O U R N M E N T**

**At the call of the chair, meeting was duly adjourned at 8:55 p.m. by motion of Council Member Smith, seconded by Council Member Butler and carried with all voting in favor thereof.**

*Amanda C. Lewis*  
Deputy City Clerk