

**CITY COUNCIL WORK SESSION
CITY OF WATERTOWN
November 9, 2015
7:00 p.m.**

Mayor Jeffrey E. Graham Presiding

Present: Council Member Roxanne M. Burns
Council Member Joseph M. Butler, Jr.
Council Member Stephen A. Jennings
Council Member Teresa R. Macaluso
Mayor Graham

Also Present: Sharon Addison, City Manager

City staff present: Matthew Roy, Justin Wood, Yvonne Reff, Michael Sligar

DISCUSSION

Employee Handbook - Jeff Travers, Public Sector HR

Matthew Roy, Confidential Assistant to the City Manager, introduced Jeff Travers from Public Sector HR, which is the City's HR consultant that worked on the Employee Handbook. He said Mr. Travers is here to help with any questions and concerns that Council may have.

Mayor Graham said there were questions raised about elected officials having separate designations in the handbook. He stated that obviously elected officials are employees, but he wondered how necessary it was to include them in a document like this because he does not think most of the items within it applied to elected officials. In addition, he noted elected officials are not under the direct supervision of anyone so he does not see a need for that class of people to be in this document.

Mr. Roy explained there are two options for elected officials; verbiage that would exclude elected officials from the handbook or verbiage that states for the purposes of this handbook elected officials are not considered to be employees.

Mayor Graham indicated that excluding elected officials is the better option because they are employees but they are not under supervision of anyone, in terms of when they have to show up for work, etc. He added that if there are policies related to the terms of employment, such as salary, it could be addressed separately as it has been discussed by Attorney Slye before.

Mr. Travers commented that some of the more important policies in here are in respect to compliance issues, such as EEO regulations, sexual harassment parameters and violence in the workplace. He pointed out this would have an impact on the City if an elected official were to violate one of those compliance policies.

Mayor Graham stated it is understood that there are compliance requirements of the law but Council Members take an oath to uphold the law. Regarding sexual harassment and workplace violence, he said Council has been briefed on these policies.

Council Member Butler asked for additional information regarding the second option.

Mr. Travers replied elected officials would be clarified under the definitions. Reading from the handbook, he said elected officials refers to the Mayor and City Council Members and a further clarification could be added stating that the term employee shall not include elected officials within this handbook.

Council Member Macaluso remarked that she sees this as a code of conduct more than an employee handbook. She said she does not consider herself as a City employee and she sees herself as a representative of the City so what she would ask of the employees is what she would expect of herself. Therefore, she has no objection to being included in the handbook.

During discussion, Mayor Graham stated there is no enforcement or regulatory person other than the body itself censuring Council. He stressed this is not enforceable against elected officials and it sets a dichotomy in which elected officials answer to a staff level person.

Mr. Travers pointed out there is no recourse for anyone to take against an elected official that acts in a manner that is contrary to what the handbook says other than through the Public Officer's Law. He stressed that one of the purposes of the handbook is to put protections in place for the City, such that the City has clearly established and clearly enforces prohibitions against certain actions. He said if someone wants to sue the City over a discriminatory action, then the City has greater protection by having this in place.

Mayor Graham commented that elected officials may not be inclined to sign the statement at the end, but he feels the handbook should be handed out in order to know the laws that are in place.

Council Member Butler said he does not have a problem including elected officials as long as there is a distinction between an elected official and an employee.

Council Member Burns agreed with Mayor Graham in that elected officials should not be included because she is not sure who could enforce it, mentioning an elected official speaking to the media without prior approval.

Mr. Travers said they were very careful throughout the handbook so that this does not take place, and stressed he understands the distinction between an elected official and an employee.

Council Member Burns remarked there are people that will not go through the complete document with the same interest or experience of someone like him or herself. She said she thinks this could create an uncomfortable situation between Council and the City Manager.

Council Member Jennings stated he supports removing references to the elected officials.

Mayor Graham summarized that three Council Members want it removed.

Mr. Roy suggested removing "an appointed official and an appointed member of Council or a commission" from the definition of an employee as well.

Council agreed.

Mayor Graham mentioned the policy on speaking to the media and wondered how this could be controlled in a union environment and with freedom of speech. He discussed the City vehicle policy and said sometimes they are taken home so he wondered how enforceable it is.

Mr. Roy replied that it is all enforceable but there are always situations that will arise when things will not gravitate to a disciplinary process. He noted there are situations in which cars are allowed to go home with staff. He added that a lot of this is built on the worst case scenario and having these rules in place becomes an important part of the disciplinary process.

Council Member Butler commented that this should be a work in progress and not set in stone.

Mayor Graham discussed some of the items listed under prohibited conduct, indicating that he has witnessed these recently, and wondered how the City is able to enforce any of this with the current constraints of collective bargaining agreements. He said his point is that the ability to discipline is limited by civil service and union contracts.

Mr. Travers responded that by having this tool in place, the City is in a much better position to be able to do so when it becomes necessary.

Council Member Butler mentioned the last page of the document and asked if it is a condition of employment.

Mr. Roy said if a new hire's contingent job offer states they must sign the employee handbook and he/she refuses to sign it, the person would not be hired. He added that if an existing employee refuses to sign for it, then a memo would be written and put in their file stating it was given to the employee but they refused to sign the acknowledgement form. He advised this gives enough basis for disciplinary actions if the employee is contrary to one of the policies and procedures.

On page 800-3, Council Member Butler discussed the prohibited activity on electronic devices and asked if this includes the employee's personal devices as well as City-owned devices.

Mr. Travers advised this would include both on work time and off work time. He provided an example in which a department head was harassing an employee on his own communication device outside of work hours. He said this cannot be allowed.

On page 1100-1, Council Member Butler questioned the seven day timeline for submitting a dispute and questioned if it should be longer.

Mr. Travers indicated that most contracts allow five days for a grievance but noted the City Manager and Council have the ability to waiver this timeline.

On page 600-2, Council Member Butler asked that the language of "presumably at retirement when the tax bracket may be lower" be eliminated.

In response to Council Member Butler's inquiry, Mr. Travers confirmed the collective bargaining agreement supersedes any language or policy that contradicts it.

Mr. Roy pointed out that three out of the four bargaining units have given approval to the handbook.

Mayor Graham asked that the suggested revisions be made and be presented at an upcoming meeting.

Crow Hazing

Council Member Macaluso said she was told that someone tried calling about crow hazing and could not get through to anyone. She mentioned the crows were bad on Paddock and Ten Eyck Streets.

Council Member Butler commented the crows are at the Historical Society as well.

Ms. Addison said she will have staff look into this.

Flower Memorial Library HVAC Evaluation - Justin L. Wood, City Engineer

Justin Wood, City Engineer, introduced Matt Walldroff of Jade Stone Engineering, who was hired to look at the existing system and evaluate what would be the best course of action. He discussed in detail the current system of 45 pumps and its maintenance issues, stressing that currently half of the pumps are clogged.

Mayor Graham asked why the building did not have a central furnace or blower.

Mr. Wood replied that when the system was designed in the 1970's, it was thought to be the best system at the time but history has shown that this was not the case. He suggested being proactive and getting a design in place so construction can proceed before a full-scale replacement is needed.

Mayor Graham commented that a new centralized heating system should be the goal rather than trying to fix the current system. He asked if it will be fine for this winter.

Mr. Wood replied this has not been determined, reminding Council that the system is functioning at approximately 50% capacity. He advised that the Central Constant Volume AHU System listed on page 10 of his report is the best system for replacement.

Mr. Walldroff reviewed the equipment that could be reused and how the system works, noting the difficulties with trying to reuse the new cooling tower. He explained the current cooling tower would be removed and either an air-cooled chiller or air-cooled condenser would be needed. He referred Council to the last page of the report showing potential construction cost and potential yearly maintenance costs.

Council Member Burns said the City is wasting money with the on-going maintenance costs and this is not the solution, mentioning there are constant issues. Stating the library is a public building, she said people have expectations of having air-conditioning and heat in the building. She noted another concern is the valuable artifacts that are housed there. She advised that temperature, moisture and humidity are all important factors in housing these artifacts.

Discussion focused on the geothermal study that was done for the library a few years ago and Mr. Walldroff indicated that it would not be much different than the system that is in place now.

Council Member Butler said he does not have a problem spending money on this because the library is one of the City's most precious assets but he wants to make sure it is done right. He discussed the duct work needed and wondered how that would impact the aesthetic value of the ceiling.

Mr. Walldroff replied he would not know until the design is done but in general, he hopes there would be no difference noticed. He described in detail the duct work and registers that would be needed and accommodations that could be made to protect the aesthetics of the library interior. He confirmed that the entry and reading rooms are mostly ducted already. He indicated maintenance and noise were factors for going with the Central Constant Volume AHU System.

Council concurred to move ahead with this.

JCIDA Letter

Mayor Graham mentioned a letter received (on file in the City Clerk's Office).

Ms. Addison said staff has been involved with this and said a report will be available for the next meeting.

Van Duzee Street Fire

Council Member Burns said that she has been approached by residents concerned that there might be an arsonist in the City, mentioning the three recent car bombs and two arson fires within in new apartment complexes as well as this fire. She said it is just a matter of time before someone gets hurt and people are not feeling safe in their homes. She stressed this is one of the most important issues the community is facing so she hopes the Fire Department and the Police Department are focusing on it.

Council Member Butler asked if the investigation is complete at Van Duzee Street.

Ms. Addison said that it is ongoing but the fire inspection at the site is complete.

Dog Park

Mayor Graham mentioned the proposed dog park site and wondered if it would be better to have this Council rescind the designation of the Factory Square Park. He said he is willing to consider this in the current calendar year.

Work session ended at 8:23 p.m.

Ann M. Saunders

City Clerk