

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
March 1, 2021  
7:00 p.m.**

**Mayor Jeffrey M. Smith Presiding**

**Present:** Council Member Sarah V. Compo  
Council Member Ryan J. Henry-Wilkinson  
Council Member Lisa A. Ruggiero  
Mayor Jeffrey M. Smith

**Also Present:** Kenneth A. Mix, City Manager  
Robert J. Slye, City Attorney

**City staff present:** Michael Lumbis, Fire Chief Matthew Timerman, James Mills

The City Manager presented the following reports to Council:

- Resolution No. 1 - Appointing Eric T. Swartz to Part-Time City Court Judge for the City of Watertown Effective April 1, 2021
- Resolution No. 2 - Accepting Bid for Fire Hose, Churchville Fire Equipment
- Resolution No. 3 - Accepting Bid for Fire Hose Fittings, Jerome Fire Equipment
- Resolution No. 4 - Accepting Bid for Fire Hose Fittings, Premier Fire Apparatus
- Resolution No. 5 - Approving Leachate Treatment Agreement Between the City of Watertown and the Development Authority of the North Country
- Resolution No. 6 - Appointment to Fill Vacant City Council Seat, Amy Horton
- Resolution No. 7 - Appointment to Fill Vacant City Council Seat, Benjamin Shoen
- Public Hearing - Community Development Block Grant (CDBG) 2021-2025 Consolidated Plan and 2021 Annual Action Plan Public Hearing
- Board and Commission Appointments
- Sales Tax Revenue – January 2021
- Sale of Surplus Hydro-electricity – January 2021

**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, 2021 and adjourned meeting of February 20, 2021, was dispensed and accepted as written by motion of Council Member Ryan J. Henry-Wilkinson, seconded by Council Member Lisa A. Ruggiero and carried with all voting in favor thereof.

**COMMUNICATIONS**

A claim was received from Jefferson County Agricultural Society, William T. Field Drive, seeking reimbursement for damages to their exhibition hall done by City-owned snow removal equipment.

A claim was received from David Finley, 517 Binsse Street, seeking reimbursement for repairs due to flooding in his residence as a result of a water main break on Morrison Street which occurred on December 30, 2020.

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

### **PROCLAMATION**

In honor of her 99<sup>th</sup> birthday, Mayor Smith proclaimed March 13, 2021, as Margaret Alton Desormeau Day in the City of Watertown, New York, on the occasion of her birthday and urged all citizens to join in wishing her a Happy 99<sup>th</sup> Birthday.

In addition, Mayor Smith proclaimed the month of March 2021 to be Problem Gambling Awareness Month and encouraged all citizens to support the New York Council on Problem Gambling, and the Central Region Problem Gambling Resource Center in their efforts to raise awareness and stimulate action for the issue of problem gambling with friends, family, patients, and clients.

### **PRIVILEGE OF THE FLOOR**

**Dan Daugherty**, 1341 Marra Drive, stated he is the President of Watertown Professional Firefighters Association, Local 191 and advised that the City should apply for the upcoming SAFER grant because it is the first time the SAFER grant is offering to pay 100% of the cost for a new hire. He indicated there is a potential to save approximately \$80,000 - \$100,000 per firefighter. He stated the deadline for the application is March 12 and he encouraged Council to consider applying for the grant.

**Amy Horton**, 180 Ward Street, stated she applied for the recent vacant Council seat. She told the reasons why she would like to be on Council and the goals she would like to accomplish for this community. She spoke of fiscal responsibility and the financial stress of the City residents. She also expressed her disappointment in this process and the treatment that she received from the media in being tagged as the “babysitter” and mother of five. Lastly, she discussed her history and accomplishments within the community and listed her qualifications.

**Jason Traynor**, 142 Mechanic Street, pointed out that he also put his name in for the vacant Council seat and read a portion of his letter of interest that he submitted for consideration. He also expressed his concerns with the condition of the roads and sidewalks, noting he is an advocate for people with disabilities.

**Donnie Lee Barrigar**, 134 Union Street, noted that he has a YouTube channel called Flat Earth Watertown and spoke of his belief in the firmament and that the stars are not what NASA shows they are. He expressed disappointed that Council did not respond to his email containing a picture of a star that he took with a high telescoping camera that proves his theory. He also discussed the appointment to the vacant Council seat, stating Resolution No. 6 and 7 were for individuals that have not attended Council meetings. He pointed out that of all the candidates only Patrick Hickey, Jason Traynor and himself attend Council meetings.

**Jonathan Phillips**, 735 Mill Street, expressed concerns with the bus service, noting that some people have difficulty getting on them and that the buses do not run on schedule. He also thinks there should be

a bus stop added at Sam's Club since the bus already goes as far as Walmart. Lastly, he stated his concerns with people walking into the streets and the dangers of being hit by vehicles.

**Tony Augliano**, 332 Broadway Avenue, requested Council reconsider the resolution to sell Brett Street Extension to him and he would like an explanation why Council Member Ruggiero and Council Member Henry-Wilkinson voted against it. He recounted the history of how he cared for this parcel behind his property and the improvements that he had done to it. He also discussed his disappointment in the process leading up to the City selling the parcel and the rejection of his offer to purchase it, noting there was a disagreement over who would be responsible for the cost of the survey and deeds. He indicated that if the City put this parcel out to public auction, his plan is to seek adverse possession of the land.

**Ben Shoen**, 1205 Academy Street, spoke about the vacant Council seat and that he had been interviewed for it. He mentioned that Mayor Smith had told him that some Council Members wanted to reach out to other candidates, even though they had not gone through the process, which was open to the community, of submitting resumes and letters of interest. He said he felt this could be considered unethical and disingenuous to the candidates that did submit their interests. He read an email that he sent to Council Members which provided additional information and answers to questions that were asked during the interview and he spoke of what he would like to see done on Council. In addition, he noted there seems to be a division within Council and he stressed the importance of Council coming together and to start working as a group.

### **PUBLIC HEARING**

**At 7:15 p.m. Mayor Smith asked the City Clerk to read the notice of Public Hearing concerning the Community Development Block Grant (CDBG) 2021-2025 Consolidated Plan and 2021 Annual Action Plan Public Hearing**

**Mayor Smith declared the hearing open at 7:15 p.m.**

No one spoke.

**Mayor Smith declared the hearing closed at 7:16 p.m.**

### **RESOLUTIONS**

**Resolution No. 1 - Appointing Eric T. Swartz to Part-Time City Court Judge for the City of Watertown Effective April 1, 2021**

**Introduced by Council Member Ryan J. Henry-Wilkinson**

WHEREAS the Mayor of the City of Watertown is empowered by the laws of the State of New York to appoint to the office of Part-Time City Court Judge for the City of Watertown, subject to the consent of City Council, and

WHEREAS at the January 19, 2021 meeting, City Council appointed Eric T. Swartz to the position of Part-Time City Court Judge, and

WHEREAS according to the home rule legislation (S8302) (A10514), this appointment is to be effective April 1, 2021,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby confirms the appointment of Eric T. Swartz, 140 Park Avenue, Watertown, New York, to the position of Part-Time City Court Judge effective April 1, 2021 for a six (6) year term ending December 31, 2026.  
**Seconded by Council Member Lisa A. Ruggiero and carried with all voting yea.**

**Resolution No. 2 - Accepting Bid for Fire Hose, Churchville Fire Equipment**

**Introduced by Council Member Ryan J. Henry-Wilkinson**

WHEREAS the City Purchasing Department has advertised and received sealed bids for fire hose and fittings, as per City specifications, and

WHEREAS bid invitations were also issued to qualified bidders with five (5) sealed bids submitted to the Purchasing Department, and

WHEREAS on Friday, February 12, 2021, at 11:00 a.m., the bids received were publicly opened and read, and

WHEREAS City Purchasing reviewed the bids received with Fire Chief Timerman and Battalion Chief Hayman, and it is their recommendation that the City Council accept the bid from Churchville Fire Equipment as detailed below:

<b>Vendor</b>	<b>Item #</b>	<b>Description</b>	<b>Quantity</b>	<b>Unit Price</b>	<b>Total Price</b>
<b>Churchville Fire</b>	1	50' length 1 3/4" fire hose	220	\$198.00	\$43,560.00
	2	75' length 1 3/4" fire hose	30	\$305.00	\$9,150.00
	3	50' length 2 1/2" fire hose	20	\$225.00	\$4,500.00
	4	50' length 3" fire hose	48	\$290.00	\$13,920.00
				<b>TOTAL</b>	<b>\$71,130.00</b>

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid submitted by Churchville Fire Equipment as detailed above, being the lowest qualifying bidder meeting City specifications, for the purchase of fire hose items #1-#4 for use at the City's Fire Department.

**Seconded by Council Member Lisa A. Ruggiero**

Prior to the vote on the foregoing resolution, Mayor Smith noted that Harbor Fire Apparatus submitted a lower bid than Churchville Fire Equipment.

Fire Chief Matthew Timerman explained that Harbor Fire Apparatus submitted a bid with exceptions and that the hose was of lesser quality.

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

**Resolution No. 3 - Accepting Bid for Fire Hose Fittings, Jerome Fire Equipment**

**Introduced by Council Member Ryan J. Henry-Wilkinson**

WHEREAS the City Purchasing Department has advertised and received sealed bids for fire hose and fittings, as per City specifications, and

WHEREAS bid invitations were also issued to qualified bidders with five (5) sealed bids submitted to the Purchasing Department, and

WHEREAS on Friday, February 12, 2021, at 11:00 a.m., the bids received were publicly opened and read, and

WHEREAS City Purchasing reviewed the bids received with Fire Chief Timerman and Battalion Chief Hayman, and it is their recommendation that the City Council accept the bid from Jerome Fire Equipment as detailed below:

<b>Vendor</b>	<b>Item #</b>	<b>Description</b>	<b>Quantity</b>	<b>Unit Price</b>	<b>Total Price</b>
<b>Jerome Fire</b>	6	Manifold with built-in press relief valve	3	\$891.65	\$2,674.95
	7	In-Line form educator	3	\$529.00	\$1,587.00
	10	Smoothbore Nozzle	5	\$282.90	\$1,414.50
	11	Aluminum Ball Valve	5	\$305.20	\$1,526.00
				<b>TOTAL</b>	<b>\$7,202.45</b>

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid submitted by Jerome Fire Equipment as detailed above, being the lowest qualifying bidder meeting City specifications, for the purchase of items # 6, #7, #10, and #11 for use at the City's Fire Department.

**Seconded by Council Member Lisa A. Ruggiero and carried with all voting yea.**

**Resolution No. 4 - Accepting Bid for Fire Hose Fittings, Premier Fire Apparatus**

**Introduced by Council Member Ryan J. Henry-Wilkinson**

WHEREAS the City Purchasing Department has advertised and received sealed bids for fire hose and fittings, as per City specifications, and

WHEREAS bid invitations were also issued to qualified bidders with five (5) sealed bids submitted to the Purchasing Department, and

WHEREAS on Friday, February 12, 2021, at 11:00 a.m., the bids received were publicly opened and read, and

WHEREAS City Purchasing reviewed the bids received with Fire Chief Timerman and Battalion Chief Hayman, and it is their recommendation that the City Council accept the bid from Premier Fire Apparatus as detailed below:

Vendor	Item #	Description	Quantity	Unit Price	Total Price
Premier Fire	5	TFT Ball Intake Relief Valve	2	\$1,210.00	\$2,420.00
	8	Akron Mid-Range Nozzle	3	\$801.90	\$2,405.70
	9	Akron Quick-Attack tube	3	\$257.40	\$772.20
				<b>TOTAL</b>	<b>\$5,597.90</b>

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid submitted by Premier Fire Apparatus as detailed above, being the lowest qualifying bidder meeting City specifications, for the purchase of items # 5, #8, and #9 for use at the City's Fire Department.

**Seconded by Council Member Lisa A. Ruggiero and carried with all voting yea.**

**Resolution No. 5 - Approving Leachate Treatment Agreement Between the City of Watertown and the Development Authority of the North Country**

**Introduced by Council Member Ryan J. Henry-Wilkinson**

WHEREAS the Development Authority of the North Country (Authority) owns, operates and maintains a solid waste management facility in the Town of Rodman, New York, in accordance with the New York Environmental Conservation Law and Part 360 of Title 6 of the N.Y.C.R.R., which requires construction of a double liner and leachate collection and detection systems, and

WHEREAS the leachate generated by the solid waste management facility must be properly disposed of through a wastewater treatment facility capable of accepting the leachate for treatment, and

WHEREAS the wastewater treatment facility owned and operated by the City has the reserve capacity to treat the projected quantity and quality of such leachate and the City desires to undertake such treatment subject to certain terms and conditions and other environmental regulations, and

WHEREAS the parties have reached an Agreement for providing Leachate treatment services for twenty (20) years, beginning April 1, 2021,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Leachate Treatment Agreement between the City of Watertown and the Development Authority of the North Country, a copy of said Agreement is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that Mayor Jeffrey M. Smith is authorized and directed to execute this Agreement on behalf of the City of Watertown.

**Seconded by Council Member Lisa A. Ruggiero**

Prior to the vote on the foregoing resolution, Council Member Compo thanked the Mayor for his efforts in bringing this forward.

Mayor Smith provided the history behind this new contract being negotiated. He explained the prior contract discounted the amount DANC was charged for the leachate in exchange for the landfill taking all the ash and grit from the City's incinerator. He mentioned that the City shut down the incinerator in 2016 because the sludge is now utilized as fertilizer, so since the City does not need to dispose of ash and grit, the charge to DANC will be increased.

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

**Resolution No. 6 - Appointment to Fill Vacant City Council Seat, Amy Horton**

**Introduced by Council Member Sarah V. Compo**

WHEREAS there is a vacancy on the City Council of the City of Watertown by reason of resignation of Jesse C.P. Roshia, and

WHEREAS this Council pursuant to law in such cases made and provided, is authorized to fill such vacancy,

NOW THEREFORE BE IT RESOLVED that Amy Horton is hereby appointed as Council Member to fill the vacancy created by the resignation of former Council Member Jesse C.P. Roshia for the remainder of 2021, such term to expire on December 31, 2021.

**Seconded by Mayor Jeffrey M. Smith**

Prior to the vote on the foregoing resolution, Council Member Compo stated that she was supportive of both Amy Horton and Benjamin Shoen and that she was appreciative of their willingness to serve. She said she was impressed by what they had to say in the interview and that both came highly recommended.

Council Member Henry-Wilkinson thanked both candidates as well but said he was not ready to make a decision right now.

Council Member Ruggiero also thanked both candidates and she offered an explanation for the process and why it had been mentioned that other people should be considered. She noted that after the interviews it was obvious there was not going to be a consensus among the Council Members. She provided further details as to how the candidates were chosen to be interviewed, noting that each Council Member was asked to submit their top three choices, and that the Mayor only scheduled interviews for individuals that were on three or more of the lists.

Mayor Smith also provided details of the process and stressed there was no consensus to interview all of the people that submitted letters of interest. He further explained that Council Member Compo, Council Member Henry-Wilkinson, and himself did not want to interview all of the people and that Council Member Ruggiero wanted to interview all of the people except three: Donnie Lee Barrigar, Jason Traynor and Calvin Stanley. He indicated that a candidate needed to have the consensus of Council in order to be granted an interview. Regarding the media attention and treatment of candidates, he said that Ms. Horton was treated differently, and he clarified, for the record, that Ms. Horton watched his two boys approximately 16-17 years ago once or twice and that his wife attended a Zumba class that Ms. Horton had taught at the YMCA years ago. He said that both Council Member Ruggiero and Council

Member Henry-Wilkinson mentioned they would like to interview more people but neither of them has offered any suggestions of other people to consider. In regard to Patrick Hickey not being chosen for an interview, Mayor Smith explained the electorate had a chance to put him in office during the last election but chose not to.

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

**Resolution No. 7 - Appointment to Fill Vacant City Council Seat, Benjamin Shoen**

**Introduced by Council Member Sarah V. Compo**

WHEREAS there is a vacancy on the City Council of the City of Watertown by reason of resignation of Jesse C.P. Roshia, and

WHEREAS this Council pursuant to law in such cases made and provided, is authorized to fill such vacancy,

NOW THEREFORE BE IT RESOLVED that Benjamin Shoen is hereby appointed as Council Member to fill the vacancy created by the resignation of former Council Member Jesse C.P. Roshia for the remainder of 2021, such term to expire on December 31, 2021.

**Seconded by Council Member Ryan J. Henry-Wilkinson**

Prior to the vote on the foregoing resolution, Council Member Ruggiero corrected the Mayor's prior comment and stated that she originally wanted to interview all the people that submitted a letter of interest, but since there was not a consensus on that, she suggested interviewing all but three. She added that she feels she is being blamed for talking to the media.

Mayor Smith reiterated that there was not a consensus to interview all the people that applied, and that Council Members felt that the prior process of interviewing all the candidates at a public meeting was considered unfair to some candidates that had to go first and an advantage to the later candidates that heard the questions and had more time to develop their answers.

Council Member Ruggiero stated again that she thinks Council needs to look at more people.

Mayor Smith advised that when Council Member Henry-Wilkinson and Council Member Ruggiero are asked, neither of them has suggestions or a consensus of who else to interview.

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

**STAFF REPORTS**

**Board and Commission Appointments**

In response to Council Member Ruggiero's question as to whether the Empire Zone Board is still in existence, Mayor Smith stated that it is close to coming to an end. He asked Council to think of suggestions of individuals willing to fill the upcoming vacancies and submit their names.

**Sales Tax Revenue – January 2021**

City Manager Mix explained that January is about where it was last year, and it is down compared to what was budgeted.

**Sale of Surplus Hydro-electricity – January 2021**

City Manager Mix said that hydro revenue has a long way to go to get to where it needs to be, and he hoped the snow melt will help to increase it.

**NEW BUSINESS**

**SAFER Grant**

City Manager Ken Mix explained that while reviewing this year's SAFER grant, he noticed that it is offering to pay for 100% of the cost of a new hire for three years. He advised that this is very unusual, and it could provide the City the opportunity to save on overtime costs due to the 15 minimal manning clause in the union contract. He proposed that hiring four new firefighters could save the City approximately \$400,000 - \$500,000 per year. He explained that due to the minimal manning of 15, there are a certain number of man hours that must be staffed, and that they can be paid through regular pay or through overtime, so with the grant paying 100% of regular pay, there would be a decrease in overtime.

Council Member Ruggiero said she supports this, adding that she supported the SAFER grant the last time. She asked how many firefighters would be eligible for retirement in three years.

Fire Chief Timerman replied that 15 firefighters are currently eligible and by the end of the three-year grant, 29 firefighters would be eligible. He noted the City should have ample opportunity to reduce staffing by attrition once the grant ends. He discussed the possible savings in overtime further and concluded it could be a savings of approximately \$1.2 million over the length of the grant. He also pointed out that this is the first time the grant has ever offered the funding level of 100%.

Mayor Smith noted the proposed overtime savings from the last SAFER grant was not realized. He argued that this locks the City into an increased staffing level and expressed concern with paying the new employees' salary after the grant ends in three years. In addition, he noted that there could be an increase in health insurance expense with new employees since the City is self-funded.

Council Member Ruggiero pointed out that it does not cost the City anything to apply and Council could always decide not to accept the grant if it was awarded.

Fire Chief Timerman explained that the last grant did not decrease overtime cost as expected because the department had a couple employees go out on extended leave or medical injuries. He said he understands the concerns with committing to higher staffing levels but noted that the City is heading into arbitration which could take the three years of the grant to settle. He added that staffing levels could be adjusted at the end of the arbitration and noted that attrition was very possible.

Mayor Smith commented that the City cannot guarantee that staff will retire by the end of the three years.

Council Member Compo remarked that she has reservations with locking the City into the higher staffing levels.

A discussion over staffing levels currently versus three years ago took place as a result of Council Member Ruggiero's inquiry.

Council Member Henry-Wilkinson said he supports applying for the SAFER grant and mentioned that the City could always layoff the new employees when the grant expires.

There was not a consensus among Council to apply for the grant with Council Member Ruggiero and Council Member Henry-Wilkinson saying they supported moving forward with an application and Mayor Smith and Council Member Compo saying they do not support it.

### **Police Reform**

In response to Council Member Henry-Wilkinson's inquiry on the status, City Manager Mix stated a draft report was sent out tonight for Council to begin reviewing.

### **Brett Street Extension – Mr. Augliano's Comments (Privilege of the Floor)**

Council Member Henry-Wilkinson explained that he voted to send this parcel to auction because the City was approached by another individual to purchase it for more money. He said that Council and the City should not get in the middle of a neighbor dispute and that all parties would be better served through the auction process.

Council Member Ruggiero stated that if someone is willing to pay more for the property then it is Council's responsibility to accept the best offer.

### **Mr. Barrigar's Comments (Privilege of the Floor)**

Council Member Ruggiero apologized to Mr. Barrigar for not responding to his email, stating that she is cautious of emails that have attachments due to computer viruses. She also said that Council cannot help him regarding this topic and his thoughts about misinformation from NASA.

### **Vacant Council Seat**

Mayor Smith advised that the City Charter is clear in that Council must fill the vacancy and asked that if anyone has a suggestion of a person in which there is an interest in interviewing, then it should be forwarded to him.

Council Member Ruggiero mentioned an email from Attorney Slye and the possibility of the Governor calling for a special election.

Mayor Smith noted that the special election would fall within the November election cycle and that there is already going to be a special election to fill the remaining two years of the term.

**Motion was made by Council Member Ryan J. Henry-Wilkinson to move into Executive Session to discuss proposed, pending or current litigation and to discuss collective bargaining.**

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

Council moved into Executive Session at 8:36 p.m.

Council reconvened at 10:04 p.m.

**ADJOURNMENT**

**At the call of the chair, meeting was duly adjourned at 10:04 p.m. by motion of Council Member Ryan J. Henry-Wilkinson, seconded by Council Member Lisa A. Ruggiero and carried with all voting in favor thereof.**

*Ann M. Saunders*  
City Clerk