

**CITY COUNCIL MEETING
CITY OF WATERTOWN
July 19, 2021
7:00 p.m.**

Mayor Jeffrey M. Smith Presiding

Present: Council Member Sarah V.C. Pierce
Council Member Ryan J. Henry-Wilkinson
Council Member Lisa A. Ruggiero
Council Member Leonard G. Spaziani
Mayor Jeffrey M. Smith

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

City staff present: Police Chief Charles Donoghue, Michael Delaney, Patrick Keenan

The City Manager presented the following reports to Council:

- Resolution No. 1 - Authorizing the Sale of Various Surplus Equipment
- Resolution No. 2 - Accepting Bid for Hydro Plant Upper Safety Rack Replacement Project, DC Building Systems, Inc.
- Resolution No. 3 - Readopting Fiscal Year 2021-22 General Fund Budget and Approving Police Department Overhire
- Resolution No. 4 - Authorizing Granting of American Rescue Plan Act Funds to Hospice of Jefferson County
- Resolution No. 5 - Authorizing New York State Department of Transportation Office of Right-of-Way Assignment of Claim and Release
- Public Hearing - A Local Law Adopted Pursuant to Cannabis Law §131 Opting Out of Licensing and Establishing Retail Cannabis Dispensaries and On-site Cannabis Consumption Establishments Within the City of Watertown
- Sales Tax Revenue – June 2021
- Sales of Surplus Hydro-electricity – June 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 July 6, 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 Jessica DeJesus, seeking reimbursement for damages resulting from an accident with a City garbage truck on June 30, 2021.

Above claim has been referred to the Board of Audit.

PRIVILEGE OF THE FLOOR

Patricia Whalen, 11 Public Square, requested the City extend the bus routes outside the City limits to include Washington Summit Medical and Professional Complex because there are many medical offices located there. She also asked Council not to give into people urging the City to opt into the legalization of marijuana dispensaries within Watertown.

Jason Traynor, 142 Mechanic Street, expressed concerns over the construction of an amphitheater within Thompson Park, wondering if the facility will be maintained. He said he thinks a private investor should fund the amphitheater, as well as the Zoo. Lastly, he asked if some of the COVID-19 money, which was recently awarded to the City, could be used for infrastructure and road repairs.

Jonathan Phillips, 735 Mill Street, discussed his concerns about the amphitheater. Although he liked the design, he commented that it should be built somewhere else. He also informed Council that there are new potholes on Coffeen Street and Gale Street and he thanked the City for repaving Mill Street.

Diane Woodhouse, CEO of Jefferson County Hospice, read from a prepared statement (not on file in the City Clerk's Office), providing additional information for Resolution No. 5 regarding their request for American Rescue Plan (ARP) funds to assist with their project to increase the ventilation system at the Hospice facility. She noted that if the cost ends up being less than estimated, Hospice will give the unused funds back to the City.

Bart Bonner, 23967 County Route 67, expressed concerns with the installation of an amphitheater on Kite Hill within Thompson Park.

Mayor Smith interrupted the Privilege of the Floor at 7:15 p.m in order to proceed into the Public Hearing. Once the Public Hearing was closed at 8:46 p.m. the meeting continued with Privilege of the Floor.

Mr. Bonner continued to speak after the Public Hearing reaffirming that he is opposed to spending the money to build an amphitheater within Thompson Park.

Jason Traynor, readdressed Council about the effects of alcohol abuse and his hope for the expansion of the City's bus system.

Adam Ruppe, 316 Butterfield Avenue, commented that an amphitheater may be detrimental to the Park and he said he is not sure if the benefit will outweigh the cost.

Joanne Hughes, 1033 State Street, spoke in opposition to spending money on the amphitheater and indicated that she would rather see the money put towards repairing the northside pool.

Donnie Lee Barrigar, 134 Union Street, stated the amphitheater should not go in the Park and asked Council to pick another location. He also asked if picnic tables could be placed in the triangular shape area at the intersection of Franklin Street and Sterling Street. Lastly, he asked to sit down with Council and discuss compensation that he feels he is owed, noting he was arrested twice but he feels he was only expressing his rights.

Jonathan Phillips, 735 Mill Street, readdressed Council, asking for the length of time for crosswalk lights to be extended.

SG Gates, 157 Dorsey Street, said he supports the amphitheater in the Park and commented that attractions like that and a dog park would bring people to the City. He asked Council to consider a vote on a dog park to determine who supports it.

Cliff Olney, 847 Washington Street, remarked that the City should have presented the information about a possible amphitheater in the Park sooner in order to get feedback from the public. He suggested that the downtown area would benefit if an amphitheater was built on the old Mercy site. He also recommended that the City needs a marketing department to present ideas and projects like this to the public. Lastly, he questioned why the pool in Thompson Park was closed last Saturday, noting that if it was due to weather, he did not agree with the decision.

PUBLIC HEARING

At 7:15 p.m. Mayor Smith asked the City Clerk to read the notice of Public Hearing concerning Proposed Local Law Adopted Pursuant to Cannabis Law §131 Opting Out of Licensing and Establishing Retail Cannabis Dispensaries and On-site Cannabis Consumption Establishments Within the City of Watertown.

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

Mayor Smith explained the purpose of the Public Hearing, noting that if the City does not opt out now then it cannot opt out at a later time. He added that the City can always opt in at any time in the future.

The following people spoke in opposition of opting out of the Licensing and Establishing Retail Cannabis Dispensaries and On-site Cannabis Consumption Establishments within the City of Watertown (The video of the Council meeting is available for further details):

Christine Ebey, 115 South Pearl Avenue, Watertown
Jason Traynor, 142 Mechanic Street, Watertown
Ryan Starr, 410 Holcomb Street, Watertown
Cory Pentoney, 167 West Flower Avenue, Watertown
Sarah Maurer, 314 TenEyck Street, Watertown
Joanne Hughes, 1033 State Street, Watertown
SG Gates, 157 Dorsey Street, Watertown
Cliff Olney, 847 Washington Street, Watertown
Krystin LaBarge, 152 Francis Street, Watertown
Adam Ruppe, 316 Butterfield Avenue, Watertown
Damien Morrow, 202 West Main Street, Watertown
Marty Robinson, Lafargeville
Chet Morgan, 845 Starbuck Avenue, Watertown
Cory Soluri, 219 North Hamilton Street, Watertown
Mitch LaBarge, 152 Francis Street, Watertown
Kyle Pederson, 1815 Olmsted Drive, Watertown
Jonathan Phillips, 735 Mill Street, Watertown

Gem Roselle, Leray Street, Watertown
Victoria Pritty Pitcher, Sacket Harbor
Bart Bonner, 23967 County Route 67, Watertown

The following people spoke in support of opting out of the Licensing and Establishing Retail Cannabis Dispensaries and On-site Cannabis Consumption Establishments within the City of Watertown (The video of the Council meeting is available for further details):

Anita Seefried-Brown, 910 Myrtle Avenue, Watertown, representing Alliance for Better Communities
Tammie Miller, representing Youth Coalition of Jefferson County and Alliance for Better Communities
Joseph Wessner, 126 Monroe Avenue, Watertown, representing Downtown Business Association
James Shinholt, 251 West Flower Avenue, Watertown
Lance Evans, 163 East Flower Avenue, Watertown
Donnie Lee Barrigar, 134 Union Street, Watertown

Mayor Smith declared the hearing closed at 8:46 p.m.

RESOLUTIONS

Resolution No. 1 - Authorizing the Sale of Various Surplus Equipment

Introduced by Council Member Ryan J. Henry-Wilkinson

WHEREAS the City of Watertown has various surplus equipment, the description of which is attached and made part of this resolution, and

WHEREAS this equipment may have some value best determined by online auction,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby authorizes the sale, by online auction, of the various surplus equipment as described in the attached listing, 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 Lisa A. Ruggiero and carried with all voting yea.

Resolution No. 2 - Accepting Bid for Hydro Plant Upper Safety Rack Replacement Project, DC Building Systems, Inc.

Introduced by Council Member Ryan J. Henry-Wilkinson

WHEREAS the City Purchasing Department has advertised and received sealed bids for Hydro Plant Upper Rack Replacement Project, as per City specifications, and

WHEREAS bid invitations were also issued to qualified bidders with three (3) sealed bids submitted to the Purchasing Department, and

WHEREAS on Friday, July 9, 2021, at 11:00 a.m., the bids received were publicly opened and read, and

WHEREAS City Purchasing Manager Dale Morrow reviewed the bid received with the Engineering Department, and it is their recommendation that the City Council accept the bid submitted by DC Building Systems, Inc., and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid of DC Building Systems, Inc. in the amount of \$89,900 for Hydro Plant Upper Safety Rack Replacement Project as the lowest qualified bidder meeting our specifications, and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to sign all contracts associated with implementing the award to DC Building Systems, Inc.

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

Resolution No. 3 - Readopting Fiscal Year 2021-22 General Fund Budget and Approving Police Department Overhire

Introduced by Council Member Ryan J. Henry-Wilkinson

WHEREAS the City of Watertown Police Department is presently operating under its FY 2021-22 Budget of sworn 67 police personnel, and

WHEREAS there is one pending retirement expected in August of 2022, and

WHEREAS the Police Training Academy will be conducted in October 2021,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves hiring one additional police cadet at this time, bringing the total Police Department personnel to one over the current budget of 67, and

BE IT FURTHER RESOLVED that the Chief of Police is hereby authorized and directed to proceed with the requested overhire to enter the October 2021 Police Training Academy, and

BE IT FURTHER RESOLVED that the City Council of the City of Watertown hereby re-adopts the General Fund Budget for Fiscal Year 2021-22 and makes the following adjustments in the re-adopted General Fund Budget:

GENERAL FUND

Appropriated Fund Balance \$ 67,200

Expenditures:

A.3120.0130	Police – Wages	\$ 45,000
A.3120.0820	Police - Retirement	\$ 8,700
A.3120.0830	Police – Social Security	\$ 3,500
A.3120.0850	Police – Health Insurance	<u>\$ 10,000</u>
Total Expenditures		<u>\$ 67,200</u>

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

Resolution No. 4 - Authorizing Granting of American Rescue Plan Act Funds to Hospice of Jefferson County

Introduced by Council Member Ryan J. Henry-Wilkinson

WHEREAS the American Rescue Plan Act (ARPA) established the Coronavirus Local Fiscal Recovery Fund (CLFRF), and

WHEREAS the City of Watertown was allocated \$22,265,728 from CLFRF, which may be spent on eligible uses identified in ARPA and the rules promulgated by the U. S. Department of the Treasury, and

WHEREAS Hospice of Jefferson County has requested \$445,000 from the City’s CLFRF allocation to be used for general upgrade to their current ventilation system, installation of enhanced ventilation to include increased filtration and ionization of the 4-bed addition and establishing 2 rooms as negative pressure rooms to contain and mitigate the spread of COVID-19, and

WHEREAS Hospice’s proposed use of CLFRF money is allowed pursuant to §35.6 (b)(1)(xvi) of the Department of the Treasury’s Interim Final Rule for the CLFRF,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes granting up to \$445,000 of the City’s allotted CLFRF funds to Hospice of Jefferson County for ventilation improvements, and

BE IT FURTHER RESOLVED that the City Manager is authorized and directed to enter into an agreement with Hospice of Jefferson County that defines the allowed uses of the funds, explains how and when the funds will be disbursed, and states the documentation required before disbursement, and

BE IT FURTHER RESOLVED that the City Council of the City of Watertown hereby re-adopts the General Fund Budget for Fiscal Year 2021-22 and makes the following adjustment in the re-adopted General Fund Budget:

GENERAL FUND

A.0000.4089 Federal Aid, Other \$ 445,000

Total Expenditures

A.4989.0430 Other Health – Contracted Services \$ 445,000

Seconded by Council Member Lisa A. Ruggiero

Prior to the vote on the foregoing resolution, Council Member Ruggiero recalled that Hospice’s request had been informally discussed by Council in the past, but since then, more information has been given by Hospice and the requested amount has been reduced significantly. She stated that she and Council Member Spaziani visited Hospice for a presentation of the project and expenses. Mentioning that 85% of Hospice admissions are Watertown residents, she said there is only 11 Hospice residences in New York State. She stressed that the proposed improvements to the facility are directly related to COVID-19 and the prevention of its spread. Noting that Hospice is a need, and not a want, she stated that if \$1

million of the funds are going to be earmarked for an amphitheater, then \$445,000 is not that much to give to an agency which does more for the community than any other agency.

Council Member Spaziani agreed with Council Member Ruggiero, mentioning that some Council Members want to spend \$1 million for an amphitheater in an effort to build relationships with Fort Drum, but Hospice does a lot for the community as well. He added that many Fort Drum soldiers retire in this community so the improvements to Hospice would affect everyone and be a wise investment for the City and Council. Lastly, he expressed his opinion of the way this request was handled up until this point and stressed that he is supportive of open discussion on topics, so that is why he requested that this resolution be put on the agenda.

Council Member Pierce commented that she also met with Hospice and understands the merit of their request.

Mayor Smith provided background on Hospice's initial request, for the public's behalf, and noted that they were seeking unused DRI money, but they did not meet the requirements for DRI. He stressed that Council had informally agreed to say no to all requests from agencies, since it is hard to "pick winners and losers" among the agencies, and it agreed to use all of the American Recue Plan (ARP) funds only for City projects, which would ultimately save the taxpayers.

Referring to family members that have used Hospice services, Council Member Pierce said she fully supports what they do for their patients and the community, but she is hesitant to give money to a not-for-profit agency when there are other agencies that are just as deserving of these funds. She referenced a list that she generated of other not-for-profit agencies and provided examples of what they do for the community. She suggested the County contribute as well since they were awarded similar funding.

Discussion ensued regarding the various requests that have been received, or will be received, from not-for-profit agencies and what they agencies do for the community.

Mayor Smith indicated that if Council is going to give ARP funds to not-for-profit agencies, then the City must have a policy or standard for determining how, and if, the request meets the guidelines and whether the agencies should be awarded the funds. He suggested that Council Member Ruggiero and Council Member Spaziani develop a standard since they seem supportive of giving ARP funds to Hospice. He added that although he would like a standard for gifting the ARP funds, he completely supports Hospice and all that they do for the community.

Council Member Spaziani reiterated that he is supportive of this request.

Mayor Smith explained that the City set standards for businesses to apply for the CARES funding so that everyone was treated fairly.

Council Member Ruggiero pointed out that the initial request from Hospice was quite high, but they have now come back with a more reasonable requested amount.

Council Member Pierce stressed that no one is saying that they do not want to support Hospice, but she does not think it is fair to give close to \$500,000 to one organization when there are a lot of

organizations that could benefit from these funds. She added that some may not have known to ask for the funding.

Mayor Smith reiterated that the City needs to set a standard for giving the funds away and needs to decide how much of the ARP funds will be given to not-for-profit. He stated there needs to be a cap set.

Council Member Spaziani interjected that the City should give it all away.

Mayor Smith pointed out that the taxpayers would then have to pay for all of the water and sewer projects that could have been done with these funds.

Council Member Ruggiero argued that \$1 million of the ARP funds are going towards the construction of an amphitheater in Thompson Park.

Council Member Henry-Wilkinson noted that the City is responsible for the ethical use of the funds, so the City is accountable for how the agencies spends the money.

Mr. Mix clarified that the funds will not be given without proper invoices to back up that the ventilation system meets the ARP requirements.

Council Member Henry-Wilkinson commented that he thought Council was going to say no to everyone so that it did not feel bad saying no to one agency over another. He suggested the City wait to consider requests like this until later in the process, suggesting that if there are not enough contractors to do the work for all the City projects then maybe some of the funds could be given to this type of request.

Mr. Mix stated that if Council wishes to open up the funds to other not-for-profit agencies, then it should come up with a process similar to what was used for the CARES Act funds.

Motion was made by Mayor Jeffrey M. Smith to table the foregoing resolution. Motion was seconded by Council Member Sarah V.C. Pierce and carried with all voting in favor thereof except Council Member Lisa A. Ruggiero and Council Member Leonard G. Spaziani voting nay.

Resolution No. 5 - Authorizing New York State Department of Transportation Office of Right-of-Way Assignment of Claim and Release

Introduced by Council Member Ryan J. Henry-Wilkinson

WHEREAS the New York State Department of Transportation (DOT) is currently working on a project north of the City of Watertown constructing a round-about, and

WHEREAS DOT is purchasing land for the project's right-of-way from Carole A. Foster Living Trust, and

WHEREAS the City has a lease on said land, to allow the running of power lines across the property from the hydro-plant to our quarry in Pamela, and

WHEREAS the City must assign, transfer, and set over all right, title, and interest to the property being acquired and to the compensation to be paid before the property owner will be paid by New York State,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the New York State Department of Transportation Office of Right-of-Way Assignment of Claim and Release, a copy of which is attached and made part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager, Kenneth A. Mix, is hereby authorized and directed to execute said Release.

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

LOCAL LAW

A Local Law Adopted Pursuant to Cannabis Law §131 Opting Out of Licensing and Establishing Retail Cannabis Dispensaries and On-site Cannabis Consumption Establishments Within the City of Watertown. *(Introduced on 7/6/2011; public hearing held this evening; appears in its entirety in the 2021 Minutes Book on page 11-12 of the 7/6/2021 minutes).*

Council Member Ruggiero stated that the people who spoke tonight, both for and against the opting out, provided a lot of information. Noting that Council is under a timeline and that she has received calls from people wanting the right to vote on this, she explained that adopting the local law to opt out starts a process which gives people the option to petition for a referendum. She spoke about the discussion with law enforcement in Colorado and the issues that have occurred since the legalization of marijuana, pointing out that marijuana is still not legal at the Federal level. She said this is not an easy decision and she sees both sides.

Council Member Spaziani mentioned that most people want medical marijuana and suggested that maybe something could be done to get a medical marijuana dispensary location closer to Watertown. He agreed with Council Member Ruggiero, stating that his vote on the local law will give people the option to petition for a referendum.

Mr. Mix explained the timing of the petition process and that it would be difficult to get it on the ballot for this November's election because the turnaround time for the submission of a petition is two weeks.

Council Member Henry-Wilkinson said he is going to vote no on this local law because he agrees with the points brought up tonight.

Mr. Mix clarified that there are two issues to opt out of: retail cannabis dispensaries and on-site cannabis consumption establishments.

Council Member Pierce said she agreed with the safety issues brought up during Privilege of the Floor but has concerns that if the City opts in now, then it cannot opt out later, so she wants to be cautious. She added that approving the local law also allows the opportunity for the topic to go to a public vote through the petition process.

Mayor Smith commented that he understands the medical marijuana uses and the benefits, although he does not prescribe it. He agreed this allows for the topic to go to a public vote and advised that anyone circulating a petition be sure to follow all the regulations for it.

At the call of the chair, a vote was taken on the foregoing local law and carried with all voting ye except Council Member Ryan J. Henry-Wilkinson voting nay.

STAFF REPORTS

Sales Tax Revenue – June 2021

A report was available for Council to review.

Sales of Surplus Hydro-electricity – June 2021

A report was available for Council to review.

NEW BUSINESS

Maintenance of Arsenal Street Cemetery

Council Member Henry-Wilkinson said he received a call asking who is responsible for the maintenance of the cemetery because one of the headstones was knocked over.

Water Hydrant – 200 Block of Mullin Street

Council Member Henry-Wilkinson said he noticed that the flag on the water hydrant was bent and needed to be repaired.

Legalization of Marijuana Impact on HR

Council Member Henry-Wilkinson said he recently attended a seminar for his employment regarding the impact of the legalization of marijuana on employers and human resource policies. He wondered if the City is reviewing this as well.

Mr. Mix explained that Matthew Roy, HR Manager, has been working towards updating the City policies. He confirmed that certain positions, such as CDL drivers, still fall under Federal guidelines.

Upcoming Work Session Topics

Mr. Mix confirmed for Council Member Ruggiero that the next work session will be for refuse and recycling and that the topic of transportation will be in August.

Medical Marijuana Dispensaries

Council Member Ruggiero advised people to contact the State representatives about getting a medical marijuana dispensary closer to Watertown.

Letter for Board of Elections

Council Member Spaziani mentioned he received a letter from the Board of Elections asking for payment to hold the City elections.

Attorney Slye stated that all the Council Members receive those letters but the City is not required to pay this. He explained the history of this topic and his reasoning for the City not needing to pay. He also

pointed out that in the recent proposal for changes to the City election law submitted by the Board of Elections, the language regarding the payment has been removed.

Thompson Park Pool Closure - Saturday

In response to comments made during Privilege of the Floor, Mayor Smith explained that the pool was closed because the National Weather Center was predicting thunder and lightning storms all day.

Severe Rainstorm Over the Weekend

Mayor Smith stated he received a lot of calls from people with flooded basements due to the unexpected amount of rainfall that occurred Saturday night. He explained that most were in the Sherman Street and Marra Drive area.

Patrick Keenan, Superintendent of Public Works, explained that four inches of rain fell in a fast period of time and there were issues throughout the City but mostly in the Western Outfall, which has had issues in the past. He reviewed the projects that have been done in the past to mitigate the problem, as well as upcoming projects that will also address the issue. He noted that most of the Western Outfall is separated between sanitary and storm sewer.

Mayor Smith asked if the flooding was mostly due to backflow or outside water coming into the basements.

Mr. Keenan replied that it was due to various reasons depending on the area and the house. He pointed out that if a house has a backflow preventor, then it should not get backflow from the sewer. He further explained projects planned in the next five years that could help address the issues and noted that these projects could all be funded through the ARP funds.

ADJOURNMENT

At the call of the chair, meeting was duly adjourned at 10:26 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 except Council Member Ryan J. Henry-Wilkinson and Mayor Jeffrey M. Smith voting nay.

Ann M. Saunders

City Clerk