

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
August 16, 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:** Brian Phelps, Dana Aikins, Michael Lumbis, Mark Crandall, Angel French

The City Manager presented the following reports to Council:

- Resolution No. 1 - Adopting Policy for Spending of the American Rescue Plan Act Funding
- Resolution No. 2 - Accepting Bid for CDBG Tilden Street-300 Block-Sidewalk Repair Project, Upstate Construction Services, Inc.
- Resolution No. 3 - Approving Energy Services Agreement, AMBER Energy U.S. Inc.
- Resolution No. 4 - Accepting Change Order No. 1 for Thompson Park Discovery Center Roof Replacement, Lawman Heating & Cooling, Inc.
- Resolution No. 5 - Authorizing the Acquisition of a Right-of-Way Permanent Easement for Improvements at the Washington Street/Academy Street Intersection in the City of Watertown in Association With the Watertown Pedestrian Signal Improvement
- Resolution No. 6 - Approving the Funding Approval/Agreement for the Program Year 2021 Community Development Block Grant Program
- Resolution No. 7 - Approving the Site Plan for the Construction of a 4,553 Square-Foot Car Wash and Associated Site Improvements at 1068 Arsenal Street, Parcel Number 8-47-106.000
- Resolution No. 8 - Approving the Site Plan for the Construction of a 38,170 sq. ft. Building Addition, an Aggregate 59,304 sq. ft. Asphalt Parking and Loading Area Expansion and Associated Site Improvements at 901 Rail Drive, Parcel Number 9-43-108.000
- Resolution No. 9 - Sponsoring an Application For Transportation Alternatives Program (TAP) Funding to Extend The Black River Trail Within the City of Watertown
- Resolution No. 10 - Authorizing Amendment #6 of the GHD Engineering Agreement for Phase 1B Of the Sludge Disposal Modifications Project
- Resolution No. 11 - Authorizing Amendment #7 of the GHD Engineering Agreement for Phase 1B of the Sludge Disposal Modifications Project
- Ordinance No. 1 - Changing the Approved Zoning Classification of 111 and 145 Clinton Street, Parcel Numbers 10-07-110.000 and 10-07-112.000 from Limited Business to Downtown
- Tabled Resolution - Authorizing Granting of American Rescue Plan Act Funds to Hospice of Jefferson County
- Public Hearing for the Community Development Block Grant Program Consolidated Annual Performance and Evaluation Report (CAPER)

**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 August 2, 2021, and work session of August 9, 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 letter was received from the Mental Health Association in Jefferson County, Inc, 425 Washington Street, requesting support from the local government in relation to the COVID-19 pandemic. The letter listed a description of the services provided, an overview of the organization and the organization's vision and mission statements.

A letter was received from Frederick A. McWayne, 418 Lincoln Street, requesting to purchase a portion of the paper street known as Hancock Street.

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

### **PRIVILEGE OF THE FLOOR**

**Patricia Whalen**, 11 Public Square, spoke to Council about wanting bus stop signs installed, a crosswalk light installed at the intersection of Arsenal and Arcade Streets and allowing more time on crosswalk lights for pedestrians to cross the streets.

**Jason Traynor**, 142 Mechanic Street, expressed concerns with bed bugs at Midtown Towers and other housing complexes within the City

**Diane Woodhouse**, CEO of Hospice, voiced her concerns with Resolution No. 1 and asked Council not to adopt it as written. She also offered to lower Hospice's request for ARP funds to \$225,000.

**T. Urling Walker**, Former Watertown Mayor, stated he agrees with Ms. Woodhouse's comments and offered support for Hospice, urging Council to respond to Hospice's request appropriately.

**Father Don Robinson**, Brownville, stated he is opposed to Resolution No. 1 and supports Hospice's request for funding. He asked Council to reconsider their decision.

**Stephen Beyers**, Cook Road, stated he is the property manager for 140 High Street, which was condemned in July, and discussed the damage that the tenants, who are mainly drug users and low-income, are doing to properties, including 661 Factory Street, resulting in condemnation. He explained that the eviction moratorium has made the situation worse because he cannot get the people to leave the building and noted that he had homeless squatters, living in the building as well.

**Jonathan Phillips**, 735 Mill Street, discussed his disappointment in the condition of the City and he does not think anyone is doing anything about it.

**Cliff Olney**, 847 Washington Street, said he was speaking on behalf of the displaced people of 661 Factory Street and expressed his issues with the process and the way it was handled by the City. He said the City needs to develop a plan to address the homeless problem in the area and a committee should be formed to provide oversight of affordable housing.

**Patricia Whalen**, 11 Public Square, readdressed Council regarding the bed bug problem and advised that she had circulated a petition in the past to seek Federal help for this problem. She explained that due to health issues she no longer can do this and asked for someone to take on the collection of signatures for the petition.

**Donnie Lee Barrigar**, 134 Union Street, agreed that 661 Factory Street needed to be condemned but wished it did not have to happen in the middle of the night. He also asked Council to consider following the National Flag Code, similar to what the Village of Clayton did recently.

## **RESOLUTIONS**

### **Resolution No. 1 - Adopting Policy for Spending of the American Rescue Plan Act Funding**

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

WHEREAS the City of Watertown has been awarded \$22,265,728 funding in the American Rescue Plan Act, and

WHEREAS the City Council of the City of Watertown has determined the most appropriate and best initial use of American Rescue Plan Act funds is on City improvement projects that have a widespread positive impact on the City and which will benefit all residents, and

WHEREAS in an effort to keep taxes low, reduce long-term debt, and keep Water and Sewer rates low, this funding will be spent on City improvements and will include Zoo New York of which the City owns the property and buildings, and

WHEREAS final guidance on how monies are to be spent has not yet been issued by the U.S. Department of the Treasury, and therefore, it is most prudent for the City and in the best interest of its residents to retain flexibility and proceed cautiously in developing plans for the allocation of these funds,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby adopts the policy that the American Rescue Plan Act Funding will be spent on City improvements, and

BE IT FURTHER RESOLVED that this policy will be reviewed in one year to determine where the program is, what the spending has benefitted, and what other projects should be considered by City Council.

#### **Seconded by Council Member Sarah V.C. Pierce**

Prior to the vote on the foregoing resolution, Council Member Spaziani stated he would like to see this reconsidered and suggested that this Council determine what should be done with the first allotment and

the next Council, after the November election, decide what should be done with the remaining funds. He said he would like this resolution to be tabled.

Council Member Ruggiero noted that the resolution mentions improvements at the Zoo are included as allowed projects but there have not been discussions as to what will be done at the Zoo. She said she feels more of the funds should be spent towards the community, noting she supports Hospice's request. She also stated she would like to see what the County will be doing with the funds that were awarded to them. Stating she thinks Hospice's offer to reduce their requested amount is acceptable, she suggested other agencies, such as ones helping the homeless and individuals with mental health issues, should be considered as recipients as well.

Stating it is a privilege to sit on Council, Council Member Spaziani said he had hoped he would see more clarity, sincerity, and transparency because of the great minds already on Council, but he said he is not seeing that. He added that he would like to see this process slowed down and would like more discussions with staff.

Council Member Henry-Wilkinson agreed with keeping discussions open and said that is why he suggested the resolution state that this should be re-evaluated in a year. Stating that he is not sure if the City can spend all the money in the allotted timeframe, he said the City may be able to give some of the funds to not-for-profits at a later time, just not now.

Council Member Pierce pointed out that the guidelines for the funding have not been finalized yet, so that is why she supports using the funds for City projects right now. She added that if not-for-profit agencies are to be considered at a later point, then there needs to be a fair process to determine which ones would receive the funding. She also suggested there should be some collaboration with Jefferson County and the other surrounding counties.

Mayor Smith stated his standpoint on these funds has been consistent from the beginning, stressing that he feels it should be spent on City projects which will help decrease taxes and water and sewer rates for City residents. He stated that it is very disingenuous of those people who state that he does not support Hospice, noting his personal experiences with and contributions to Hospice. He added that his wife was a former board member. He explained that it is difficult to pick one not-for-profit agency over another, mentioning several not-for-profit agencies in the community and how they benefit the area and the people they serve. He discussed the priority water and sewer projects that need to be addressed and noted that using these funds toward those projects would save taxpayers money in both taxes and water and sewer fees. He also expressed concerns over requiring the City to provide oversight of the funds for outside agency projects. He summarized that it is in the best interest of the City and its residents to spend the money towards City projects, adding that it benefits the City as a whole. Lastly, he mentioned that this resolution leaves the door open for future discussions and he noted that after meeting with County officials, he was informed that the County is not prepared to finalize their plans for the funds that they were awarded.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea, except Council Member Lisa A. Ruggiero and Council Member Leonard G. Spaziani voting nay.**

**Resolution No. 2 - Accepting Bid for CDBG Tilden Street-300 Block-Sidewalk Repair Project, Upstate Construction Services, Inc.**

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

WHEREAS the City Purchasing Department has advertised and received sealed bids for CDBG Tilden St-300 Block-Sidewalk Repair Project, as per City specifications, and

WHEREAS bid invitations were also issued to BidNet and (49) contractors with three (3) sealed bids submitted to the Purchasing Department, and

WHEREAS on Thursday, August 5, 2021, at 11:00 a.m., the bids received were publicly opened and read, and

WHEREAS the City Purchasing Department reviewed the bids received with City Engineering, and it is their recommendation that the City Council accept the bid submitted by Upstate Construction Services, Inc. in the amount of \$79,399, and

WHEREAS the City is financing this project using Community Development Block Grant (CDBG) Entitlement funding,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid of Upstate Construction Services, Inc. in the amount of \$79,399 for CDBG Tilden St-300 Block-Sidewalk Repair 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 Upstate Construction Services, Inc.

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

**Resolution No. 3 - Approving Energy Services Agreement, AMBER Energy U.S. Inc.**

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

WHEREAS the City of Watertown owns and operates a Hydro-electric Plant, and

WHEREAS AMBER Energy U.S. Inc. has expert knowledge pertaining to energy procurement, energy generation, ISOs and RTOs, electric markets, on-site and distributed electric generation, and

WHEREAS the City desires to enter into a consulting agreement with AMBER Energy U.S. Inc. for evaluation of the City of Watertown Hydro-electric Plant, and

WHEREAS an agreement has been drafted with a term beginning in August 2021 and a cost of \$10,000 plus expenses for Phase 1 services,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Energy Services Agreement between the City and AMBER Energy U.S. Inc., a copy of which is attached hereto and made part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Kenneth A. Mix is hereby 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, Mayor Smith explained this is for a contract with a company to help the Hydro Committee and the work that they are doing in evaluating options for the sale of electricity after the National Grid contract expires.

Mentioning that she is a member of the Hydro Committee, Council Member Pierce stated that she can attest to the need for this.

Council Member Ruggiero asked why the City has not tried to work with National Grid to extend or renew the current contract.

City Manager Mix said he knows that National Grid has already cancelled most other contracts already, so he is not sure if they would be interested.

City Attorney Slye explained that the City's contract is only still in place because it was established as a payment method for National Grid's purchase of the City's distribution system. He said that the City has been successful in holding National Grid to this contract because of that, noting that the Power Choice program allowed National Grid to cancel contracts with other organizations. He reiterated that because National Grid bought the City's distribution system and still needs to pay for it through the payments worked into the contract, the contract cannot be cancelled, but, once it expires, National Grid will not want to continue it.

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

**Resolution No. 4 - Accepting Change Order No. 1 for Thompson Park Discovery Center Roof Replacement, Lawman Heating & Cooling, Inc.**

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

WHEREAS the City of Watertown accepted the bid from Lawman Heating & Cooling Inc. in the amount of \$62,868 for the Thompson Park Discovery Roof Replacement Project on July 6, 2021, and

WHEREAS additional time and labor were needed to the scope of work on the project, and

WHEREAS Lawman's has now submitted Change Order No. 1 in the amount of \$3,464.72 for this additional work,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it accepts Change Order No. 1 from Lawman's Heating & Cooling Inc. in the amount of \$3,464.72 bringing the total project to \$66,332.72,

BE IT FURTHER RESOLVED that City Manager Kenneth A. Mix is hereby authorized and directed to sign all documents necessary to accept Change Order No. 1 on behalf of the City.

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

**Resolution No. 5 - Authorizing the Acquisition of a Right-of-Way Permanent Easement for Improvements at the Washington Street/Academy Street Intersection in the City of Watertown in Association With the Watertown Pedestrian Signal Improvement**

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

WHEREAS the City has identified a need to make pedestrian safety improvements to six intersections consistent with the New York State Pedestrian Safety Action Plan and to upgrade curb ramps and pedestrian signals to meet current American with Disabilities Act (“ADA”) standards, and

WHEREAS the City, in conjunction with the New York State Department of Transportation (“DOT”) and the Federal Highway Administration (“FHA”) seek to upgrade pedestrian signals at six signalized intersections throughout the City. Work will include new ADA compliant accessible pedestrian signals (APS) with countdown timers along with new ADA compliant pushbuttons. In addition, handicap ramps will be made ADA compliant at many of the six intersections. Work will also include installation of new poles, pullboxes, conduit, wiring and controllers (where necessary) and crosswalk pavement markings. This project is identified by Project Identification Number (PIN) 70PS02, and

WHEREAS the City, as sponsor, has applied for and has been awarded funding from the FHA that is to be administered by the DOT and the project is 80% federally funded and 20% locally funded, and

WHEREAS the details regarding the proposed improvements to be made are more specifically set forth in the Initial Project Proposal/Final Design Report for the Watertown Pedestrian Safety Project dated July 2019, and

WHEREAS to complete the improvements, there is a need to construct sidewalks and sidewalk ramps that impact property beyond the existing roadway boundaries including property owned by The People of the State of New York. More specifically, at the intersection of Washington and Academy Street there is an area identified behind the existing sidewalk outside of the existing highway boundary as shown on the attached Map No. 8. A permanent easement of approximately 32 square feet in size required, and

WHEREAS it is anticipated the construction of the Project will begin during the fall of 2021 and be completed during 2022, and

WHEREAS in accordance with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 and the New York Eminent Domain Procedure Law, all property interests to be acquired must be approved and just compensation established based upon the highest approved appraisal, and

WHEREAS the property owner has agreed to accept \$1.00 from the City for this permanent easement,

NOW THEREFORE BE IT RESOLVED that the Mayor, Jeffrey M. Smith, is authorized and empowered through the City Council to apply for the conveyance of an easement in the subject property for the consideration of \$1.00, and

BE IT FURTHER RESOLVED that this Resolution shall constitute a formal request by the Mayor for the conveyance of an easement in the property identified herein and for the purposes set forth herein.

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

**Resolution No. 6 - Approving the Funding Approval/Agreement for the Program Year 2021 Community Development Block Grant Program**

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

WHEREAS the City of Watertown has completed its Program Year 2021 Annual Action Plan for the Community Development Block Grant Program and submitted it to the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS HUD has approved the City's Annual Action Plan and has prepared a Funding Approval/Agreement for the grant funding,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Funding Approval/Agreement with the U.S. Department of Housing and Urban Development for the Program Year 2021 Community Development Block Grant Program, a copy of which is attached and made part of this Resolution, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey M. Smith, is hereby authorized and directed to sign the Agreement on behalf of the City Council.

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

**Resolution No. 7 - Approving the Site Plan for the Construction of a 4,553 Square-Foot Car Wash and Associated Site Improvements at 1068 Arsenal Street, Parcel Number 8-47-106.000**

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

WHEREAS Robert Osterhoudt, P.E. of Bohler Engineering on behalf of Richard Schneider of ROC Wash Holding, LLC, has submitted an application for Site Plan Approval for the construction of a 4,553 square-foot (SF) car wash and associated site improvements at 1068 Arsenal Street, Parcel Number 8-47-106.000, and

WHEREAS City of Watertown Planning Staff referred the application to the Jefferson County Planning Board, pursuant to Section 239-m of New York State General Municipal Law, and

WHEREAS the Jefferson County Planning Board was unable to establish a quorum for its July 27, 2021 meeting and will not reconvene within the next thirty (30) days, thus freeing the local board to make its final decision, and



WHEREAS the City of Watertown Planning Board reviewed the site plan at its meeting held on August 3, 2021 and voted to recommend that the City Council of the City of Watertown approve the site plan with the following conditions:

1. Site Plan Approval is contingent upon the Subdivision Approval for 1068 Arsenal Street that the Planning Board granted on June 1, 2021 taking permanent effect following the demolition of the existing structure on the property no later than December 2, 2021 and upon the City Assessment Department's receipt of new deeds filed with the County Clerk that establish the two resultant parcels.
2. The applicant shall paint a stop bar in the westbound lane that enters the internal four-way intersection from in front of the car wash structure.
3. The applicant shall add a street tree in each of the landscaped areas located at the southwest and southeast corners of the site.
4. The applicant shall consult the New York State Department of Environmental Conservation (DEC) to confirm that detergent and other chemicals are acceptable to enter the sewer system and provide the City with proof of correspondence and the DEC's response.
5. The applicant shall work with the City Fire Department to determine if or where a fire hydrant needs to be added to the proposed work site.
6. The applicant or the current property owner must commission an asbestos survey prior to issuance of a Demolition Permit and perform subsequent abatement prior to demolition if the survey reveals the presence of asbestos.
7. The applicant must obtain the following permits, minimally, prior to demolition and construction: Demolition Permit, Building Permit, Sanitary Sewer Connection Permit, and a Water Supply Permit/
8. The applicant must consult with the New York State Department of Transportation (NYSDOT) regarding the proposed ingress and egress and obtain a Highway Work Permit from NYSDOT for any work to be performed within the Arsenal Street Right-of-Way.
9. The applicant shall modify the proposed western entrance/exit to allow for the continuation of the sidewalk through the driveway area.

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 impact on the environment, and

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 impact 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 directed 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 Site Plan Approval is hereby granted to Robert Osterhoudt, P.E. of Bohler Engineering on behalf of Richard Schneider of ROC Wash Holding, LLC for the construction of a 4,553 square-foot (SF) car wash and associated site improvements at 1068 Arsenal Street, Parcel Number 8-47-106.000, as depicted on the site plan submitted to the City Planning and Community Development Department on July 14, 2021, contingent upon the applicant meeting the conditions listed above.

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

Prior to the vote on the foregoing resolution, Council considered Part 2 of the Short Environmental Assessment Form.

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

**Resolution No. 8 - Approving the Site Plan for the Construction of a 38,170 sq. ft. Building Addition, an Aggregate 59,304 sq. ft. Asphalt Parking and Loading Area Expansion and Associated Site Improvements at 901 Rail Drive, Parcel Number 9-43-108.000**

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

WHEREAS Matthew R. Morgia, P.E. of Aubertine and Currier, PLLC on behalf of Renzi Foodservice, has submitted an application for Site Plan Approval for the construction of a 38,170 sq. ft. building addition, an aggregate 59,304 sq. ft. asphalt parking and loading area expansion and associated site improvements at 901 Rail Drive, Parcel Number 9-43-108.000, and

WHEREAS the City Planning Board reviewed the site plan at its meeting held on August 3, 2021 and voted to recommend that the City Council of the City of Watertown approve the site plan with the following conditions:

1. The applicant must obtain, minimally, the following permits prior to construction: Building Permit and Water Supply Permit.
2. The applicant shall coordinate the construction of the new truck access drive with the Jefferson County Industrial Development Agency (JCIDA), as the adjacent owner, prior to work commencing on the JCIDA property and shall provide the City and JCIDA a construction detail showing the proposed at grade road crossing of the rail spur.

And,

WHEREAS the City Council has reviewed the Full Environmental Assessment Form, responding to each of the questions contained in Part 2, and has determined that the project, as submitted, is a Type 1 Action and will not have a significant impact 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 a Type 1 Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant impact 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 directed 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 Site Plan Approval is hereby granted to Matthew R. Morgia, P.E. of Aubertine and Currier, PLLC on behalf of Renzi Foodservice for the construction of a 38,170 sq. ft. building addition, an aggregate 59,304 sq. ft. asphalt parking and loading area expansion and associated site improvements at 901 Rail Drive, Parcel Number 9-43-108.000, and, as depicted on the site plan submitted to the City Planning and Community Development Department on July 20, 2021, contingent upon the applicant meeting the conditions listed above.

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

Prior to the vote on the foregoing resolution, Mayor Smith announced, for the record, that Jude Renzi is the godfather of two of his children.

Council considered Part 2 of the Full Environmental Assessment Form.

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

**Resolution No. 9 - Sponsoring an Application For Transportation Alternatives Program (TAP) Funding to Extend The Black River Trail Within the City of Watertown**

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

WHEREAS the City of Watertown is eligible for grant funding under the New York State Department of Transportation's (NYSDOT) Transportation Alternatives Program (TAP), and

WHEREAS the City of Watertown is a member jurisdiction of the Watertown-Jefferson County Area Transportation Council (WJCTC), the Metropolitan Planning Organization (MPO) for the region and

WHEREAS the WJCTC Policy Committee adopted a motion at its July 15, 2021 meeting directing Barton & Loguidice to write a TAP Grant application to extend the Black River Trail west from Marble Street Park to Sewall's Island within the City of Watertown, and

WHEREAS said application will be submitted to the New York State Department of Transportation (NYSDOT) with the City of Watertown as applicant and project sponsor, and

WHEREAS any funding awarded under a TAP Grant requires a 20 percent local match, and that the TAP program is a reimbursement-based program that will require the City of Watertown to pay for the project in its entirety prior to obtaining reimbursement from NYSDOT,

NOW THEREFORE BE IT RESOLVED that the City Council hereby supports and will sponsor an application for TAP funding to extend the Black River Trail from Marble Street Park to Sewall's Island within the City of Watertown, and

BE IT FURTHER RESOLVED that the City of Watertown will administer the grant in accordance with all applicable rules and regulations established by NYSDOT, and

BE IT FURTHER RESOLVED that the City Manager is authorized to sign the application and any agreements required by NYSDOT for grant funding that results from the application, and

BE IT FURTHER RESOLVED that the City of Watertown commits to providing the required 20 percent local share if the TAP application is successful.

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

**Resolution No. 10 - Authorizing Amendment #6 of the GHD Engineering Agreement for Phase 1B Of the Sludge Disposal Modifications Project**

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

WHEREAS GHD Consulting Services Inc., and the City of Watertown entered into an Agreement dated September 16, 2016 to perform engineering services for design and construction of Phase 1B Sludge Disposal Modifications; and

WHEREAS the City of Watertown requested an Amendment to offset the additional construction costs incurred by the City of Watertown for the correction of a conflict; and

WHEREAS there is a reduction in contract value for Construction Administration, in the amount of \$8,499.78, to offset the cost of correcting a conflict associated with the configuration of the new waste gas burner system; and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes amending the GHD agreement, a copy of which is attached and made part of this resolution, to include the reduction in Construction Administration in the amount of \$8,499.78; and

BE IT FURTHER RESOLVED that the City Manager, Kenneth Mix, is hereby authorized and directed to execute the Professional Services Agreement on behalf of the City of Watertown.

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

**Resolution No. 11 - Authorizing Amendment #7 of the GHD Engineering Agreement for Phase 1B of the Sludge Disposal Modifications Project**

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

WHEREAS GHD Consulting Services Inc., and the City of Watertown entered into an Agreement dated September 16, 2016 to perform engineering services for design and construction of Phase 1B Sludge Disposal Modifications, and

WHEREAS the Construction Phase was expected to have been completed in April 2021, and

WHEREAS due to delays associated with the COVID-19 pandemic, the construction is now anticipated to be completed in November 2021, and

WHEREAS the Engineer requests an Amendment for the additional cost of Construction Administration services and Resident Representative services, and

WHEREAS, the additional Construction Administration and Resident Representative services will increase the contract by an estimated \$55,500,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes amending the GHD agreement, a copy of which is attached and made part of this resolution, to include the additional services in the amount of \$55,500, and

BE IT FURTHER RESOLVED that the City Manager, Kenneth Mix, is hereby authorized and directed to execute the Professional Services Agreement on behalf of the City of Watertown.

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

**ORDINANCES**

**Ordinance No. 1 - Changing the Approved Zoning Classification of 111 and 145 Clinton Street, Parcel Numbers 10-07-110.000 and 10-07-112.000 from Limited Business to Downtown**

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

BE IT ORDAINED where Lundy Construction, LLC has made an application by petition filed with the City Clerk, pursuant to Section 83 of the New York General City Law to change the approved zoning classification of 111 and 145 Clinton Street, Parcel Numbers 10-07-110.000 and 10-07-112.000 from Limited Business to Downtown, and

WHEREAS the Jefferson County Planning Board was scheduled to review the application at its August 31, 2021 meeting, pursuant to Section 239-m of New York State General Municipal Law, and

WHEREAS the Planning Board of the City of Watertown considered the zone change request at its August 3, 2021 meeting and adopted a motion recommending that City Council approve the zone change, and

WHEREAS a public hearing was held on the proposed zone change on September 20, 2021, 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 zone change,

NOW THEREFORE BE IT ORDAINED that the approved zoning classification of 111 and 145 Clinton Street, Parcel Numbers 10-07-110.000 and 10-07-112.000 shall be changed from Limited Business to Downtown, and

BE IT FURTHER ORDAINED that the Zoning Map of the City of Watertown shall be amended to reflect the zone change, 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 otherwise printed as the City Manager directs.

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

**Motion was made by Council Member Ryan J. Henry-Wilkinson to schedule a Public Hearing on the foregoing ordinance for Monday, September 20, 2021 at 7:15 p.m. Motion was seconded by Council Member Lisa A. Ruggiero.**

Prior to the vote on the foregoing motion, Council Member Ryan J. Henry-Wilkinson asked why there was a delay to scheduling the public hearing until September 20, 2021.

Planning and Community Development Director Michael Lumbis explained that the project has a site plan associated with it, which the Planning Board is reviewing at its next meeting in September and then will be presented to Council at the September 20 meeting.

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

### **OLD BUSINESS**

**Resolution - Authorizing Granting of American Rescue Plan Act Funds to Hospice of Jefferson County** *(Introduced on 7/19/2021; tabled; appears in its entirety in the 2021 Minutes Book on page 6-8 of the 7/19/2021 minutes).*

**Motion was made by Council Member Lisa A. Ruggiero to take the foregoing resolution from the table. Motion was seconded by Council Member Leonard G. Spaziani and defeated with all voting nay, except Council Member Lisa A. Ruggiero and Council Member Leonard G. Spaziani voting yea.**

**Remained tabled.**

## STAFF REPORTS

### Public Hearing for the Community Development Block Grant Program Consolidated Annual Performance and Evaluation Report (CAPER)

Mr. Lumbis explained his staff memo to Council, noting the need for a public hearing.

**Motion was made by Council Member Ryan J. Henry-Wilkinson to schedule a Public Hearing on the foregoing topic for Monday, September 20, 2021 at 7:15 p.m. Motion was seconded by Council Member Lisa A. Ruggiero and carried with all voting in favor thereof.**

## NEW BUSINESS

### Condemnation of 661 Factory Street

Mayor Smith noted there was a lot of misinformation circulating regarding the events causing the condemnation of 661 Factory Street, which displaced several people from their homes last Sunday during the night, and the situation that has followed, resulting with people living in tents. He recalled the events, noting the initial call was for a faulty Fire Alarm system, but once Code Enforcement staff was inside the building, they discovered exposed wiring, garbage, feces on the walls, bug infestation and unlivable conditions. He advised that posting a Fire Marshall, as suggested by some during Privilege of the Floor, would not have fixed these other issues. He said there has been an outpouring of support from the community with several donations of food and water dropped off. Stating he visited the site early Monday morning, he explained that the County is the lead agency on this situation because they deal with social services issues, and he commended County Legislature Chairman Scott Gray and Director of Community Service Timothy Ruetten for doing a phenomenal job handling this situation. He stressed the County has the resources and staff to handle the displaced people, but it has been discovered that there is a shortage of emergency housing County-wide. He provided more details of the situation and how the City has tried to help the displaced people.

Code Enforcement Supervisor Dana Aikins stressed that most emergencies like this do not happen during business hours and agreed that it was unfortunate that the people needed to leave the house during the night. He explained that posting a Fire Watch was not called for because there were additional issues with the building causing it to be unlivable. He reviewed the previous code violations and partial condemnation that occurred in the last 18 months and clarified that the Electrical Inspector is not affiliated with the City and is hired by the property owner. Lastly, he confirmed that there were multiple issues with the Fire Alarm system and it was not an easy fix, as suggested during Privilege of the Floor.

Discussion occurred regarding previous inspections to the building and Mr. Mix confirmed that the last full inspection was done in 2019 and it is on a three year cycle.

Mayor Smith expressed support for Mr. Aikins' decision to condemn the building and displace the people, noting it was not an easy decision.

Council Member Henry-Wilkinson pointed out that the City is not licensed to provide social services but wondered if the City could work with the County to help increase the supply of emergency housing. He suggested offering a house in the NDC program.

Mr. Mix indicated that there is a potential for coordination with the County and use some CDBG funding towards it. He also advised that the Points North Program does a count for the number of homeless people.

### **Afghanistan Uprising**

Council Member Henry-Wilkinson would like the City to explore what could be done locally to help with the recent crisis in Afghanistan.

Mayor Smith stated he will contact Former Mayor Butler, Civilian Aide to the Secretary of the Army, and Fort Drum Commanding General Beagle to find out Fort Drum's involvement and how the City can support the military community.

### **Increased Deer Population near Thompson Park**

Council Member Pierce said she was contacted by a woman concerned about the deer population near the Thompson Park area. She wondered if deer crossing signs should be installed.

Mr. Mix indicated that there is a problem with deer throughout the City, listing many streets that have reported issues, so it would be difficult to install signs in only one location.

Council Member Ruggiero noted she has contacted the City Manager about a resident wanting deer crossing signs on Clinton Street.

### **Bug Problem at Midtown Towers – Privilege of the Floor**

Council Member Ruggiero advised Mr. Traynor to contact the Watertown Housing Authority about this and to put his complaint in writing. She said this problem is outside the City's authority.

### **Inspection of Buildings**

Council Member Ruggiero recalled that fire inspections were done annually when there were two fire personnel stationed within Codes, but that this was taken out of the union contract. She suggested reinstating this or hiring more staff for Code Enforcement, and she advised the inspections should be done more frequently.

Mr. Mix noted that the City went through a long fight to separate this out of the union contract.

Council Member Spaziani agreed with Council Member Ruggiero's comments but would rather not see this be part of a union contract and just have the firefighters do it for the good of the City.

Attorney Slye explained the City's stance in the recent arbitration process, noting the City won this almost 18 months ago. He also pointed out that the annual inspections were for public assembly and not commercial building inspections. He reviewed the recent arbitration and the history of the inspections done by the fire personnel.

Mayor Smith asked the City Manager to evaluate the need for additional staff in Code Enforcement.

### **Speeding in the Park**

Mayor Smith stated he received a complaint about speeding in the Park and asked if there could be more police patrols done.



**Request to Purchase Portion of Hancock Street – Communications Letter**

Mr. Mix reminded Council of the letter received as communications requesting to purchase a portion of Hancock Street. He said that if Council would like to proceed with it, he will have staff begin to work on it.

Council agreed to this.

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

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

Council moved into Executive Session at 8:57 p.m.

Council reconvened at 9:15 p.m.

The following resolution was offered:

**Resolution - To Settle Proceeding to Review Real Property Assessment Challenge at 1015 Water Street, Watertown, NY 13601, Parcel No. 4-27-503.002**

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

WHEREAS, certain premises owned by H2O Street, LLC (“H2O”), in the City of Watertown at 1015 Water St, Parcel No.: 4-27-503.002 are assessed for the following tax years:

2017 – 2021 Parcel #: 4-27-503.002 \$330,900

and

WHEREAS, H2O, has heretofore duly instituted in the Supreme Court proceedings to review the assessment for tax years 2017-2021, and

WHEREAS, the parties have agreed that the assessment for the following years shall be reduced and set as:

2017 Parcel #: 4-27-503.002 \$235,000

2018-2019 Parcel #: 4-27-503.002 \$215,000

2020-2021 Parcel #: 4-27-503.002 \$210,000

and

WHEREAS, H2O and the City agree to be bound to the provisions of RPTL §727 limiting the ability to challenge or change future assessments for tax years 2022, 2023 or 2024, and

WHEREAS, a compromise and settlement of the aforesaid proceedings upon the above basis is deemed in the best interest of the Respondents,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that the City attorneys of the City of Watertown be and are hereby authorized, empowered and directed to enter into a formal Stipulation & Order of the aforesaid proceedings with counsel for H2O on the following terms and conditions:

1. The total assessment of the subject property shall be set for the following years as follows:

|      |           |
|------|-----------|
| 2017 | \$235,000 |
| 2018 | \$215,000 |
| 2019 | \$215,000 |
| 2020 | \$210,000 |
| 2021 | \$210,000 |
2. That the above adjustments will result in rebates for taxes paid in excess of the amounts that would have been due based on the adjusted assessments.
3. That an Order of the Supreme Court shall be made and entered settling the aforesaid proceedings to review said assessment without costs to either party as against the other and upon the terms and conditions set forth above, and

BE IT FURTHER RESOLVED, that the City Assessor and all other municipal officers, agents or employees be and they hereby are directed to do such acts and things as may be necessary to give full force and effect to the aforesaid settlement, and

BE IT FURTHER RESOLVED, this Resolution shall take effect immediately.

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

**Rules waived by Motion of Council Member Ryan J. Henry-Wilkinson, seconded by Council Member Lisa A. Ruggiero and carried with all voting in favor thereof.**

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

### **ADJOURNMENT**

**At the call of the chair, meeting was duly adjourned at 9:16 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