

**CITY COUNCIL MEETING
CITY OF WATERTOWN
October 4, 2021
7:00 p.m.**

Mayor Jeffrey M. Smith Presiding

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

Not Present: Council Member Sarah V.C. Pierce

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

City staff present: Vicky Murphy, Mike Lumbis, Mike Delaney, Pat Keenan

The City Manager presented the following reports to Council:

- Resolution No. 1 - Supporting State Legislation to Allow Billboards on Scenic Byways
- Resolution No. 2 - Directing City Staff to Obtain Proposals for the Completion of a Master Plan for John C. Thompson Park
- Resolution No. 3 - Readopting Fiscal Year 2021-22 Water Fund Budget, Overhire
- Resolution No. 4 - Authorizing Supplementary Agreement #1 for the Professional Services for the Public Square Traffic Signal Optimization and Coordination Project, PIN 7807.20, Fisher Associates
- Resolution No. 5 - Approving Change Order No. 1 for the CDBG Grant Street Sidewalk Repair Project, Upstate Construction Services, Inc.
- Resolution No. 6 - Authorizing the Sale of Various Surplus Equipment
- Resolution No. 7 - Accepting Proposal for Citibus Automated Annunciator System and Associated Technology Improvements, Passio Technologies

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 September 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

No Communications.

PRIVILEGE OF THE FLOOR

Patrick Hickey, 394 Pawling Street, read from a prepared statement (on file in the City Clerk's Office) regarding the FERC Licensing for the Hydro Plant and the money spent on design plans for upgrades to

the turbines, which were not done, and the FERC License was later amended. He asked what the plan is after the National Grid contract expires and why the City spent money on design plans but did not complete the work for the improvements. He also indicated there is a question of who owns the substation.

Jason Traynor, 142 Mechanic Street, spoke of his concerns with cockroaches and bed bugs in his apartment at Midtown Towers. He also expressed concerns over bus stop signs and asked whether any COVID-19 funds could be used to expand the bus hours of operations. Lastly, he questioned whether the YMCA will be expanding into the bottom floor of the former Stream building and cause the Family Dollar store to close because it is the only grocery store downtown.

Phillip Sprague, 1308 Sunset Ridge, indicated that he is speaking on behalf of the Friends of Thompson Park and offered their endorsement of the Thompson Park Master Plan. He asked that there be a delay on decisions for major development within the Park until the Master Plan is completed.

Patricia Whalen, 11 Public Square, spoke to Council about her desire to have bus stop signs installed, repairs to sidewalks in front of the Morgan Stanley building and the Washington Street side of the Woolworth Building, traffic lights installed at the intersection of Arsenal Street and Arcade Street and the intersection of Franklin Street and Sterling Street, and increased timing for the crosswalk from the Henry Keep Apartment to Mr. Sub. Lastly, she expressed concerns of the digital billboard lights shining into her apartment within the Woolworth Building, noting that her seizures can be caused by bright lights.

Jonathan Phillips, 735 Mill Street, spoke about the legalization of marijuana and where it can be used legally, as well as his concerns with lighting on the Riverwalk and the condition of City sidewalks. He also addressed the issue of bed bugs in City apartments, mentioning that it is due to people not being clean.

Patricia Whalen, readdressed Council stressing that bed bugs are not just a problem for people that are dirty. She provided several educational facts and information about bed bugs and how to address the problem.

Al Thompson, 323 Flower Avenue East, spoke of an upcoming proposal for a zone change request on Flower Avenue East and offered his support. He said that he does not think it will increase traffic.

Larry Sorrel, Executive Director of the Thompson Park Conservancy, encouraged Council to consider the resolution directing staff to seek a RFP for a Master Plan of Thompson Park. He said the Zoo should be considered in the overall plan and this would prevent ad hoc projects from being approved.

Cliff Olney, 847 Washington Street, mentioned that the Downtown Streetscape Project ended at Arch Street and did not include Lachenauer Plaza. He suggested using the leftover DRI money to add these additional areas to this project. He also spoke of an issue of swatting (prank calls to Police and Fire emergency services) for April Secor, who lives at 811 Boyd Street. He said that since August of 2019, she has been a victim of 300 incidents of swatting, which are false alarms, but Police arrive with guns drawn even though they know this has been happening for years at this location. He suggested putting together a list of people who have been victim of this so emergency services are aware and he asked for Council's assistance in addressing this.

April Secor, 811 Boyd Street, addressed Council, recounting the various incidents of false alarm calls that have occurred at her residence. She expressed frustration that after two years of being a victim the Police still arrive with guns pointed at her and her family members.

S.G. Gates, 157 Dorsey Street, said he would like Council's support for a dog park within Thompson Park and indicated that he spoke at a recent Friends of Thompson Park meeting regarding his proposal. He mentioned other cities that have dog parks and spoke of people and groups that support his idea.

RESOLUTIONS

Resolution No. 1 - Supporting State Legislation to Allow Billboards on Scenic Byways

Introduced by Council Member Ryan J. Henry-Wilkinson

WHEREAS billboards are prohibited on New York State Scenic Byways, and

WHEREAS the Olympic Trail and Black River Trail Scenic Byways run through the City of Watertown, and

WHEREAS the City Council feels that billboards are acceptable with appropriate lighting restrictions in urban areas such as the City of Watertown,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby encourages the State Legislators representing the City of Watertown to introduce legislation that will allow billboards with appropriate lighting restrictions on New York State Scenic Byways, and

BE IT FURTHER RESOLVED that Mayor Jeffrey M. Smith is directed to inform the State Legislators of the City Council's desire to allow billboards on Scenic Byways.

Seconded by Council Member Lisa A. Ruggiero

Prior to the vote on the foregoing resolution, Council Member Ruggiero mentioned Ms. Whalen's comments during Privilege of the Floor regarding her concern of the lights shining into her apartment and asked if there is a mechanism to turn the lights down at night.

Mayor Smith pointed out that paragraph 3 of the resolution states "billboards are acceptable with appropriate lighting restrictions" and explained that should cover this concern.

Council Member Henry-Wilkinson asked what the intent of the resolution was.

Mayor Smith commented that this would allow the three current grandfathered billboards to become electronic billboards but would not allow any additional billboards to be built.

Council Member Henry-Wilkinson mentioned the EMC sign on Arsenal Street, which is a scenic byway, and wondered if it was allowed because it was considered on-site advertising.

Mayor Smith clarified that this resolution only states that the City will allow billboards on the scenic byways, but the billboard would still need to get over the hurdle of the State requirements. He rephrased it, stating if the State allows the billboard, then the City will allow it.

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

Resolution No. 2 - Directing City Staff to Obtain Proposals for the Completion of a Master Plan for John C. Thompson Park

Introduced by Council Member Ryan J. Henry-Wilkinson

WHEREAS the last master plan for John C. Thompson Park was drafted in 1985, and

WHEREAS the City Council desires to prepare an updated plan to guide the future development of the park,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby directs staff to obtain a proposal or proposals for professional design services to complete a master plan for John C. Thompson Park.

Seconded by Council Member Lisa A. Ruggiero

Prior to the vote on the foregoing resolution, Council Member Henry-Wilkinson thanked Council Member Ruggiero for bringing this forward and stated that it is long overdue.

Council Member Ruggiero agreed, stating that she mentioned this when Council was trying to decide whether the proposed COVID-19 monument should be put in Thompson Park. She commented that the Master Plan will be a nice blueprint moving forward and provide a guide for future Councils.

City Manager Mix explained that there is now a lot more information to be evaluated for the Master Plan, noting that the electric system, lighting system, sewer system, traffic patterns, parking and tree planting should all be looked at. In response to Council Member Spaziani's question regarding restrictions in the Park's deed, Mr. Mix explained that the only restriction is that it needs to be used as a park.

Mayor Smith indicated that updating the Master Plan was a good idea, but he asked that any current proposals and projects not be delayed until this is completed.

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

Resolution No. 3 - Readopting Fiscal Year 2021-22 Water Fund Budget, Overhire

Introduced by Council Member Ryan J. Henry-Wilkinson

WHEREAS on May 24, 2021, the City Council passed a resolution adopting the Budget for Fiscal Year 2021-22, of which \$5,741,683 was appropriated for the Water Fund, and

WHEREAS the City is in the process of selecting an individual to permanently fill the Water Distribution System Supervisor position due to the retirement of Thomas Johnston, and

WHEREAS Thomas Johnston is currently filling in as the Water Distribution System Supervisor position on a temporary basis until the permanent successor is hired, and

WHEREAS the Superintendent of Water has requested the addition of a temporary Water Distribution System Supervisor until the end of the calendar year for the past Supervisor to train the new Supervisor,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby re-adopts the Water Fund Budget for Fiscal Year 2021-22 to add the temporary second position of Water System Distribution Supervisor, and

BE IT FURTHER RESOLVED that the City Council of the City of Watertown hereby makes the following adjustments in the re-adopted Water Fund Budget:

WATER FUND

Expenditures:

F.1990.0430	Contingency	(\$21,500)
	Transmission and Distribution - Water Distribution	
F.8340.0110	System Supervisor (temporary)	\$ 20,000
F.8340.0830	Transmission and Distribution – Social Security	\$ 1,500
Total Expenditures		\$ _____

Seconded by Council Member Lisa A. Ruggiero

Prior to the vote on the foregoing resolution, Mayor Smith asked if American Rescue Plan (ARPA) funds could be used for this.

Mr. Mix stated he will review whether they can.

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

Resolution No. 4 - Authorizing Supplementary Agreement #1 for the Professional Services for the Public Square Traffic Signal Optimization and Coordination Project, PIN 7807.20, Fisher Associates

Introduced by Council Member Ryan J. Henry-Wilkinson

WHEREAS the City of Watertown is planning to improve traffic flow, reduce congestion, improve air quality, and improve access to the businesses around Public Square, and

WHEREAS in support of this project, the City Engineering Department has negotiated a professional services agreement with Fisher Associates for the Inspection and Construction Administration services for the construction of the Project in the amount of \$156,000,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement between the City of Watertown and Fisher Associates, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute the 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 Henry-Wilkinson mentioned Ms. Whalen's comments during Privilege of the Floor regarding the timing of crosswalks needing to be longer. He asked if this would be included in this study.

Mr. Mix stated that it was and clarified for Mayor Smith that the Arsenal Street and Arcade Street intersection was not part of this project.

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

Resolution No. 5 - Approving Change Order No. 1 for the CDBG Grant Street Sidewalk Repair Project, Upstate Construction Services, Inc.

Introduced by Council Member Ryan J. Henry-Wilkinson

WHEREAS at its July 6, 2021, meeting, the City Council approved a bid from Upstate Construction Services, Inc. in the amount of \$251,290.25 for the CDBG Grant Street Sidewalk Repair Project, and

WHEREAS the installation of wider sidewalks on Grant Street, combined with the existing slope of the front yard(s) resulted in a grade differential between the new sidewalk and existing lawn area, thus requiring the installation of retaining walls, and

WHEREAS the additional retaining walls are considered extra work that was not in the original scope of the project but are needed to finish the construction, and

WHEREAS Upstate Construction Services, Inc. has submitted Change Order No. 1 in the amount of \$20,262.25 to include the new retaining walls,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 1 from Upstate Construction Services, Inc. in the amount of \$20,262.25, a copy of which is attached and made part of this Resolution, bringing the total contract amount to \$271,552.50, and

BE IT FURTHER RESOLVED that City Manager Kenneth A. Mix is hereby authorized and directed to execute Change Order No. 1 on behalf of the City of Watertown.

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

Resolution No. 6 - 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 a 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 present voting yea.

Resolution No. 7 - Accepting Proposal for Citibus Automated Annunciator System and Associated Technology Improvements, Passio Technologies

Introduced by Council Member Ryan J. Henry-Wilkinson

WHEREAS the City Purchasing Department has advertised and received sealed proposals for Citibus Automated Vehicle Annunciator System and Associated Technology Improvements, and

WHEREAS proposals were also sent to two (2) providers, with two (2) proposals submitted to the Purchasing Department, and

WHEREAS on Wednesday, June 30, 2021, at 11:00 a.m., the proposals received were opened, and

WHEREAS City Purchasing Manager Dale Morrow reviewed the proposals received with the review committee, and it is their recommendation that the City Council accept the proposal submitted by Passio Technologies in the amount of \$45,126.65,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby accepts the proposal of Passio Technologies in the amount of \$45,126.65, and

BE IT FURTHER RESOLVED that City Manager Kenneth A. Mix is hereby authorized and directed to execute this contract on behalf of the City of Watertown.

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

NEW BUSINESS

Downtown Weekend Activities - Veterans Memorial Riverwalk Park Art Mural / October Festival

Council Member Henry-Wilkinson mentioned that the new art mural at the Veterans Memorial Riverwalk was unveiled this past weekend. He said he is excited for the future of the walkway and hopes by next year the whole wall will be covered with artwork.

Council Member Ruggiero indicated that there were a lot of activities occurring in the City on Saturday, including the Fall Festival downtown and the Truck Pull at the Fairgrounds.

405 Arsenal Street

Council Member Henry-Wilkinson asked if Code Enforcement had been notified that there has been garbage in front of this address for several days.

Mr. Mix replied that he will check on this.

Bus Stop Signs

Council Member Ruggiero asked for the status of the installation of bus stop signs

Superintendent of Public Works Patrick Keenan explained that this is being done in two phases. He said the first phase, which has taken longer due to staff changes and shortages, is approximately 60-70% completed and that the signs for the second phase will be ordered this week to be installed through the year as time allows.

DRI Funding

Addressing comments during Privilege of the Floor, Council Member Ruggiero noted that approximately \$2 million of DRI funding dedicated to the JCC project will not be used since JCC has decided to not go through with the project.

Mr. Mix said the State is the entity to determine what will happen with those unused funds and the City has not received their decision yet.

Mayor Smith confirmed that this is State money, which the State could retain but he is trying to maintain the funds for other downtown uses.

Swatting (Prank Calls to Emergency Services) to April Secor, 811 Boyd Street

Stating she sympathizes with Ms. Secor, Council Member Ruggiero said the City needs to see if there is a way to make this stop.

Hydro Contract / FERC Licensing

Council Member Ruggiero pointed out that a stipulation of the contract is that the City is supposed to set \$10,000 aside each year to be used for recreation and education of the river, and she asked if this has been done and what projects have been funded with it.

Mr. Mix explained that the City puts \$20,000 per year into the fund. He explained that this year's budget contained a project to extend the trail system along the Black River near Factory Square, but Council decided to put this money towards repairing the Route 3 Wave project instead.

City Engineer Michael Delaney explained that staff have spoken with the diver that worked on this in the past and has the equipment to move the debris. He indicated they are waiting for DEC approval but otherwise everything is in place to move forward with the project.

Planning and Community Development Director Michael Lumbis explained other projects that have been done through the years with this funding.

Mentioning the comments that were made during Privilege of the Floor in regard to the National Grid contract expiring in 2030 and the FERC Licensing expiring in 2035, Council Member Spaziani asked if the City is allowed to sell on the open market once the contract expires or whether the City will need to obtain a new license.

Mr. Mix explained that the Power Purchase Agreement sells power to National Grid through 2030 and part of what the Hydro Committee is looking at is how the City is going to sell it from there. He said that when the electric system was deregulated, it separated out transmission and distribution and generation, so all generators must sell it over the grid to someone else. He clarified for Council Member Spaziani that after 2030 the City will have to find someplace else to sell it and that the FERC Licensing is a separate issue. He noted that staff will have to work on renewing the license and this work could take three to five years to complete.

Later in the meeting, Mayor Smith referred to comments made during Privilege of the Floor, in particular why the City did not complete the upgrades to the Hydro Plant as planned in the original FERC license. He pointed out that he was not on Council at the time and cannot speak to details of that Council's decision but knows that the cost of the upgrades was a major factor. He said he believes the original plan was not done purely due to financial reasons. He added that the Hydro Committee is looking at what to do between the National Grid contract expiring in 2030 and the FERC license expiring in 2035. He also pointed out that part of the agreements negotiated with National Grid was that the City sold its distribution system to National Grid.

Attorney Slye confirmed that the project was scaled back due to its cost and that was the decision made by the Council at the time.

At the Mayor's request, Mr. Delaney reviewed the various repairs and improvements that have been made through the years. He noted that a cost benefit analysis was done at the time and the cost of the turbine changes could not be recouped within the life of the turbine. He added that the condition of the plant is very good considering its age. Lastly, he mentioned that six to seven other hydro plants along the Black River will have contracts expiring prior to the City's so it gives the City an opportunity to review the paths taken by those plants.

Council Member Spaziani noted that the State is moving towards everything being electric by 2035 and he thinks that hydro power will be better than solar. He stressed that the hydro plant is an asset for the City.

LL Bean Boot Sale

Mayor Smith reported that the sale went well. He asked if the City could plan a date next year for this event and the closing of Public Square to traffic, so it could be coordinated with a Fall Festival along with other downtown businesses.

Council Member Ruggiero mentioned that she received a complaint that LL Bean did not pay anything for the use of downtown but reported that last year LL Bean donated \$2,500 to the City for the beautification of downtown.

Mr. Mix also noted that the LL Bean Boot Sale is a large traffic generator and brings a lot of people to the downtown area.

Sale of Surplus Property Auction

Mayor Smith asked when the City Comptroller would be scheduling the next property auction.

Motion was made by Council Member Ryan J. Henry-Wilkinson to move into Executive Session to discuss proposed, pending or current litigation and the proposed acquisition or sale of real property when publicity would significantly affect the value thereof.

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

Council moved into Executive Session at 8:31 p.m.

Council reconvened at 9:09 p.m.

ADJOURNMENT

At the call of the chair, meeting was duly adjourned at 9:09 p.m. by motion of Council Member Ryan J. Henry-Wilkinson, seconded by Council Member Lisa A. Ruggiero and carried with all present voting in favor thereof.

Ann M. Saunders
City Clerk