

**CITY COUNCIL MEETING
CITY OF WATERTOWN
April 20, 2020
7:00 p.m.**

Mayor Jeffrey M. Smith Presiding

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

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

City staff present: Fire Chief Matthew Timerman, Michael Lumbis

This meeting was conducted in accordance with Governor Cuomo's Executive Order No. 202.1 that restricts in-person access to meetings. The public was able to view or listen to the meeting live at: <https://livestream.com/swp/wcc>.

The City Manager presented the following reports to Council:

- Resolution No. 1 - Rejecting Bids for Cooper Street Outfall and Harrison Street Sewer Rehabilitation Project
- Resolution No. 2 - Approving Franchise Agreement for Placement of Fiber Optic Cable, WESTELCOM Network, Inc.
- Resolution No. 3 - Approving Franchise Agreement for Installation of Telecommunications Conduit in the City's Right-of-Way, WESTELCOM Network, Inc.
- Resolution No. 4 - Approving the Contract with Elan.3 Consulting for the Zoning Ordinance Re-Write Project
- Proposed Local Law No. 2 of 2020 A Local Law Overriding the Tax Levy Limit Established by New York General Municipal Law §3-c
- Tabled Resolution Establishing the level of service for Watertown Fire Department Heavy Rescue Truck and EMS calls
- Public Hearings for 2020-21 Operating Budgets and 2020-21 through 2024-25 Capital Budget
- Sales Tax Revenue – March 2020
- Sale of Surplus Hydro-electricity – March 2020

Complete Reports on file in the office of the City Clerk

Meeting opened with a moment of silence. Council Member Ruggiero asked that it be in remembrance of Carolyn Dowd Fitzpatrick, Jefferson County Legislator, who passed away last week.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of April 6, 2020, 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.

PROCLAMATION

Mayor Smith interrupted the regular course of business and proclaimed the month of April 2020 to be TAR Syndrome Awareness Month in the City of Watertown and encouraged awareness of this syndrome by all residents of the City of Watertown.

RESOLUTIONS

Resolution No. 1 - Rejecting Bids for Cooper Street Outfall and Harrison Street Sewer Rehabilitation Project

Introduced by Council Member Ryan J. Henry-Wilkinson

WHEREAS the City Purchasing Department has advertised and received sealed bids for Cooper Street Outfall and Harrison Street Sewer Rehabilitation Project, as per City specifications, and

WHEREAS bid invitations were also issued to Bid Net with one (1) sealed bid submitted to the Purchasing Department, and

WHEREAS on Monday, April 6, 2020, at 2:00 p.m., the bid received was publicly opened and read, and

WHEREAS it is the City Manager's recommendation that the City Council reject the bid submitted for the Cooper Street Outfall and Harrison Street Sewer Rehabilitation Project to allow the project to be delayed until July 2020,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby rejects the bid for Cooper Street Outfall and Harrison Street Sewer Rehabilitation Project.

Seconded by Council Member Jesse C.P. Roshia and carried with all voting yea.

Resolution No. 2 - Approving Franchise Agreement for Placement of Fiber Optic Cable, WESTELCOM Network, Inc.

Introduced by Council Member Ryan J. Henry-Wilkinson

WHEREAS the City of Watertown is a municipal corporation organized under the Laws of the State of New York and , as such, owns underground conduit within the City of Watertown for the City's use in encasing City-owned fiber cable, and

WHEREAS the City has available space in its conduit which can be efficiently utilized by others for similar purposes to the extent such additional facilities do not interfere with the City's needs, and

WHEREAS the City desires to advance the public purpose of promoting, developing or expanding business within the City by permitting the location of private facilities within the City's existing and proposed conduit, and

WHEREAS in pursuit of that public purpose, the City desires to grant non-exclusive franchises for the operation, management and maintenance of private lines within the City's conduit, and

WHEREAS WESTELCOM Network, Inc. has expressed a desire to enter into a non-exclusive franchise with the City,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Franchise Agreement for Placement of Fiber Optic Cable with WESTELCOM Network, Inc., a copy of which is attached and made a part of this resolution, and

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

Seconded by Council Member Jesse C.P. Roshia and carried with all voting yea.

Resolution No. 3 - Approving Franchise Agreement for Installation of Telecommunications Conduit in the City's Right-of-Way, WESTELCOM Network, Inc.

Introduced by Council Member Ryan J. Henry-Wilkinson

WHEREAS the City is a municipal corporate organized under the laws of the State of New York and, as such, owns property in the City's street margins which can be utilized by the City and its franchisees for the location of utilities and other services having a public benefit, and

WHEREAS the City desires to advance the public purpose of promoting, developing or expanding business within the City by permitting the location of private telecommunications conduit within the City's street margins by means of a non-exclusive franchise, and

WHEREAS WESTELCOM Network, Inc. has expressed a desire to enter into a Franchise Agreement with the City allowing them, by permit only, to install, repair and maintain Franchisee's conduit in the City's right-of-way,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Franchise Agreement for Installation of Telecommunications Conduit in the City's right-of-way with WESTELCOM Network, Inc., a copy of which is attached and made a part of this resolution, and

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

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

Resolution No. 4 - Approving the Contract with Elan.3 Consulting for the Zoning Ordinance Re-Write Project

Introduced by Council Member Ryan J. Henry-Wilkinson

WHEREAS the City's current Zoning Ordinance dates to 1959 and desperately needs to be overhauled, and

WHEREAS the Zoning Ordinance Re-Write Project will completely update the Ordinance and will make it easier for residents and developers to do work in the City, and

WHEREAS updating the Zoning will be the main tool to implement the City's recently adopted Comprehensive Plan, and

WHEREAS the Zoning Ordinance Re-Write Project is being entirely funded with Community Development Block Grant (CDBG) funds, and

WHEREAS on January 17, 2020 the City issued a Request for Proposals (RFP) and six (6) proposals were submitted to the City's Purchasing Department on February 21, 2020, and

WHEREAS a proposal review committee reviewed the proposals and interviewed two firms and determined that Elan.3 Consulting was the most qualified, has the proven ability and competitive pricing to complete the plan within the project budget,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York, hereby approves the contract between Elan.3 Consulting and the City of Watertown, a copy of which is attached and made part of this resolution, to complete the Zoning Ordinance Re-Write Project for an amount not to exceed \$149,000, and

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

Seconded by Council Member Sarah V. Compo

Prior to the vote on the foregoing resolution, Council Member Ruggiero asked what the other bids were and noted they were not attached.

City Manager Mix explained that this was a Request for Proposals (RFP), not a bid, and that an RFP can be judged by the criteria of experience and quality, rather than solely on price. He said the City had taken these into account when choosing Elan.

Mayor Smith said he had some questions and asked that Planning and Community Development Director Michael Lumbis, who was watching via live stream from his office, be brought to Council Chambers.

When Mr. Lumbis arrived, Mayor Smith asked how many of the firms that had been in competition for the RFP were local.

Mr. Lumbis explained that of the six firms, one (GYMO) was local, one other (Elan) was in New York State and the rest were from out of state.

In response to Mayor Smith's questions about GYMO's bid, Mr. Lumbis explained that while they had submitted the lowest bid (\$119,000), they also had considerably less experience than Elan, as GYMO's primary strengths were in landscape architecture.

Mayor Smith asked how the names of stakeholders and steering committee members in Elan's proposal had been chosen. He questioned why there were no members of the Planning Board on the steering committee.

There was considerable debate on the difference between a stakeholder and someone who would actually be on the steering committee.

Mr. Lumbis explained that this would be like the City had done with the Strategic Plan, in that certain stakeholders would be invited to contribute ideas and concerns for the Zoning Re-Write Project, but there would be a much smaller group of people who would serve on the steering committee. He added that the steering committee would have much more work to do as they would go line by line through the Zoning Ordinance.

Council Member Ruggiero asked if the resolution should be amended to say that City Council would choose these members.

Attorney Slye stated that Elan's proposal had suggestions for the type of individual who should be involved in this project but that the City would inform Elan who would be on the steering committee.

Council Member Compo asked when this project would start and wondered about the difficulty of including the public if the City were still under pandemic mandates.

Mr. Lumbis said work would begin right away and that public input would be in the future, so perhaps after things were back to normal. He noted that his department would work with City Council to form the steering committee, as they had done with the Strategic Plan, with perhaps a member of Council serving on the committee.

Mayor Smith stressed that the Zoning Ordinance absolutely needs to be addressed.

At the call of the chair a vote was taken on the foregoing resolution and carried with Council Member Sarah V. Compo, Council Member Henry-Wilkinson, Council Member Jesse C.P. Roshia and Council Member Lisa A. Ruggiero voting yea and Mayor Jeffrey M. Smith voting nay.

Mayor Smith explained that his nay vote was because a local company had provided a much lower bid.

Mr. Lumbis left Council Chambers.

LOCAL LAW

Proposed Local Law No. 2 of 2020 - A Local Law Overriding the Tax Levy Limit Established by New York General Municipal Law §3-c

Introduced by Council Member Ryan J. Henry-Wilkinson

A local law to override the tax levy limits established by New York General Municipal Law §3-c.

WHEREAS, the City Council of the City of Watertown desires to override the limit on the amount of real property taxes that may be levied by the City of Watertown pursuant to General Municipal Law §3-c, and to allow the City of Watertown to adopt a budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c; and

WHEREAS, such override is authorized by the provisions of subdivision 5 of General Municipal Law §3-c, which expressly authorizes the City Council to override the tax limit by adoption of a local law approved by a vote of at least sixty percent (60%) of the City Council.

WHEREAS a public hearing on this was held on May 4, 2020, at 7:30 p.m. in the City Council Chambers;

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF WATERTOWN, NEW YORK AS FOLLOWS:

Tax Levy Limit Override: The City Council of the City of Watertown, County of Jefferson is hereby authorized to adopt a budget for the fiscal year 2020-2021 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Severability: If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, individual, firm or corporation, or circumstance, shall be adjudicated by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Effective Date: This local law shall take effect immediately upon filing with the Secretary of State.

Seconded by Council Member Jesse C.P. Roshia

Motion was made by Council Member Ryan J. Henry-Wilkinson to schedule a Public Hearing on the foregoing local law for Monday, May 4, at 7:30 p.m. Motion was seconded by Council Member Sarah V. Compo.

Prior to the vote, Council Member Roshia asked if this public hearing should be postponed in light of the pandemic which would hamper the public’s ability to attend.

City Manager Mix responded that a plan was in place to use webinar software to allow live public commentary. In response to Mayor Smith’s question of whether it could not be done just through Steve Weed’s live stream, Mr. Mix said the public needed to be able to comment through an audio system and that would be possible with the webinar plan. He indicated it would be ready by May 4.

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

OLD BUSINESS

Resolution No. 9 - Establishing the level of service for Watertown Fire Department Heavy Rescue Truck and EMS calls. *(Introduced on 4/6/2020; tabled; appears in its entirety in the 2020 Minutes Book on page 11-13 of the 4/6/2020 minutes).*

Prior to discussion on the foregoing resolution, Fire Chief Matthew Timmerman, who was waiting in another room, was asked to join in Council Chambers.

Mayor Smith offered his apologies to Fire Chief Timmerman for not including him in the prior Council meeting. He noted that in conversations with the Chief since the meeting, they had been 95% in agreement.

Motion was made by Mayor Jeffrey M. Smith to amend the resolution to strike the use of the word “heavy,” leaving just the words “rescue truck.” The motion was seconded by Council Member Ryan J. Henry-Wilkinson and carried with all voting yea.

Prior to the vote on the amended resolution, Council Member Ruggiero asked for clarification on what the changes would be for County dispatch.

Mayor Smith explained that the purpose of this resolution and the change in dispatch is just to have the level of dispatch in the City be the same as everywhere else in the County by following national Emergency Medical Dispatch (EMD) guidelines. He noted that the City is currently over-dispatching. He questioned whether this could cause liability for the City should there be injuries to firefighters, motorists or pedestrians.

Attorney Slye clarified that the City would not be liable and that liability would fall to the County, who dispatched the vehicles, and they would be protected if they followed their matrix for dispatch. He reminded Council that it is the duty of City Council to determine the level of service that they desire for the residents of the City of Watertown.

Council Member Ruggiero asked what would happen if the County would not comply with the City’s request, stating that the cost for the County could go up if they needed more dispatchers.

Attorney Slye stated that should not be an issue as the City is asking for the same level of dispatch that they already provide to the rest of the County.

Mayor Smith clarified that the County is in charge of dispatch and that the purpose is to just have City dispatch be the same as all other parts of the County.

An in-depth conversation occurred regarding the difference in the way response would be handled under this resolution for basic life support (BLS) and advance cardiac life support (ACLS) calls. The services that the Fire Department can provide and the ways they currently supports Guilfoyle on response calls was reviewed as well.

Chief Timmerman informed Council that this would be a significant change in the level of service. He continued by stating his belief is that the change in dispatch will have a cost to the residents of Watertown and that the cost would be in response time. He noted that 30 seconds difference in response time will not matter as much to the person who cut their finger with a paring knife as it would to a person in cardiac arrest. He noted that the response time should outweigh the savings in diesel fuel. He recommended that Council think this resolution through further.

Council Member Henry-Wilkinson suggested that it might be worthwhile to talk to a representative from Guilfoyle.

Mayor Smith noted that he was not sure what more information they could provide since they are dispatched to all calls.

Council Member Compo said she respects Council Member Henry-Wilkinson's desire to speak to Guilfoyle and would support allowing him the time to do so.

Council Member Ruggiero indicated that she had heard from Mr. Plummer and Mr. Doldo and thought a work session on this topic might be beneficial. Citing the concerns raised by Chief Timmerman, she suggested a postponement of the vote.

Mayor Smith noted that this change for dispatch will just have City dispatch follow national guidelines, not the arbitrary change made by the previous Fire Chief.

At the call of the chair, a vote was taken on the foregoing resolution and carried with Council Member Sarah V. Compo, Council Member Jesse C.P. Roshia and Mayor Jeffrey M. Smith voting yea, and Council Member Ryan J. Henry-Wilkinson and Council Member Lisa A. Ruggiero voting nay.

Fire Chief Timmerman left Council Chambers.

STAFF REPORTS

Public Hearings for 2020-21 Operating Budgets and 2020-21 through 2024-25 Capital Budget

Sales Tax Revenue – March 2020

Sale of Surplus Hydro-electricity – March 2020

There was no comment or discussion on any of the staff reports.

Motion was made by Council Member Ryan J. Henry-Wilkinson to schedule a Public Hearing on the 2020-21 Operating Budgets and 2020-21 through 2024-25 Capital Budget for Monday, May 4, at 7:30 p.m. Motion was seconded by Council Member Jesse C.P. Roshia and carried with all voting yea.

NEW BUSINESS

COVID-19 Response

Council Member Compo offered her thanks to the City and staff for their response during these complicated times.

Council Member Henry-Wilkinson added his thanks, as a retail employee, to the general public for their compliance with the mask mandate.

Council Member Roshia added his thoughts for all the employees who had been impacted by the recent furloughs at large local companies as a result of the pandemic.

U.S. Census

Council Member Henry-Wilkinson reminded Council and the general public to fill out their Census forms.

Coronavirus (COVID-19) Advertisement by Running Boards

Council Member Roshia offered his thanks to Running Boards for providing free ad space for the City's COVID resources website. He noted that the company was interested in donating another free ad space if any member of Council had any ideas.

Council Member Henry-Wilkinson asked that the space be used to promote how to complete the U.S. Census.

Drug Overdoses

Council Member Ruggiero mentioned there had been an increase in the number of drug overdose calls during the pandemic. She added that there are resources for help, especially Alliance for Better Communities which had been running radio ads.

Ives Hill Country Club and Watertown Golf Club

Council Member Ruggiero asked if there were any outstanding code or zoning enforcement issues with the Ives Hill Golf Club that Council needed to be aware of.

City Manager Mix said he knew of no issues.

Mayor Smith clarified that the specific issue had to do with the year-round restaurant.

Attorney Slye stated that he knew of no current complaints about Ives Hill Golf Club. He said the question is whether the year-round restaurant represented an illegal use. He explained that if someone had wanted to press the issue, they should have done so when the Club became public, thirteen years ago. At this point, it would be difficult to argue that it impairs the neighborhood in any way. He noted that a technical claim could be made, but all parties should understand that he cannot recommend making a claim after so much time had passed. He said there had been no legal issues, to his knowledge with Ives Hill Golf Club other than a couple of sewer easements.

Mayor Smith noted that the argument seemed to be that thirteen years of a restaurant open in a residential neighborhood is no more negative effect than seventy years of a septic system at a golf club that is not in a residential area, as is the case at Watertown Golf Club.

Attorney Slye stated that City Engineer Michael Delaney was going to insist that the septic system be torn out. He further explained that the small building that covers up the water connections at the Club is not harming anything, stating his research showed that the City installed the waterline in 1932. He said that the concern had been a contingency in the deed, but noted he has discovered that the statute of limitations had expired on that contingency after ten years. He said that the City could make the Watertown Golf Club move the building, but there was no point since there was no risk to the City.

Motion was made by Council Member Ryan J. Henry-Wilkinson to move into Executive Session to discuss collective bargaining and the employment history of a particular individual.

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

Council moved into Executive Session at 8:26 p.m.

Council reconvened at 9:45 p.m.

A D J O U R N M E N T

At the call of the chair, meeting was duly adjourned at 9:45 p.m. by motion of Council Member Ryan J. Henry-Wilkinson, seconded by Council Member Jesse C.P. Roshia and carried with all voting in favor thereof.

Ann M. Saunders and Lisa M. Carr
City Clerk and Deputy City Clerk