

**CITY COUNCIL MEETING
CITY OF WATERTOWN
January 3, 2022
7:00 p.m.**

Mayor Jeffrey M. Smith Presiding

Present: Council Member Patrick J. Hickey
Council Member Clifford G. Olney III
Council Member Sarah V.C. Pierce
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, Michael Delaney

The City Manager presented the following reports to Council:

- Resolution No. 1 - Designating Depositories of City Funds for 2022
- Resolution No. 2 - Finding That Amending the Allowed Uses in Planned Development District #20, Parcel Number 6-05-201.000 Will Not Have a Significant Impact on the Environment
- Resolution No. 3 - Accepting Donation from L.L. Bean
- Public Hearing Ordinance Amending the Allowed Uses in Planned Development District #20, Parcel Number 6-05-201.000
- Elected and Appointed Officials, NYS Retirement System, New Regulation Reporting Requirements
- FEMA 2021 SAFER Grant
- Work Session Schedule
- Low Income Household Water Assistance Program

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 December 20, 2021, was dispensed and accepted as written by motion of Council Member Lisa A. Ruggiero, seconded by Council Member Sarah V.C. Pierce and carried with all voting in favor thereof.

COMMUNICATIONS

No Communications.

PRIVILEGE OF THE FLOOR

Jonathan Phillips, 735 Mill Street, informed Council that Mill Street Bridge was very icy and that since the snow storm, many sidewalks are still not shoveled. He also mentioned that while viewing the Public

Square Cam, he noticed a police car turned the lights on and went through a redlight but then turned the lights off while continuing to proceed up Washington Street.

Mayor Smith noted that sometimes a call gets change to a lower-level priority, which would then require the lights to not be on.

Donnie Lee Barrigar, 134 Union Street, welcomed the new Council Members and said he hopes that they uphold the oath that they took to the Constitution. He also spoke in opposition to Governor Hochul's mask mandate.

PUBLIC HEARING

At 7:15 p.m. Mayor Smith asked the City Clerk to read the notice of Public Hearing concerning amending the allowed uses in Planned Development District #20, Parcel Number 6-05-201.000.

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

Robert Busler, P.L.S. of LaFave, White & McGivern, stated he was present on behalf of Onondaga Development, LLC and available to answer any questions that Council may have.

No one else from the public spoke.

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

RESOLUTIONS

Resolution No. 1 - Designating Depositories of City Funds for 2022

Introduced by Council Member Lisa A. Ruggiero

WHEREAS Section 30 of the City Charter requires the City Council to designate each year at its first meeting some incorporated bank or banks or trust company located in the City of Watertown for the deposit of all moneys belonging to the City,

NOW THEREFORE BE IT RESOLVED that the following banks be and they are hereby designated as depositories of the City of Watertown, New York, for the year beginning January 1, 2022 and ending December 31, 2022:

Community Bank, N.A.
Key Bank
WSB Municipal Bank

And,

BE IT FURTHER RESOLVED that Community Bank, N.A., Key Bank and WSB Municipal Bank each be required to either execute a bond delivered to the City of Watertown, New York, as approved collateral or to deposit at a mutually agreed upon depository approved collateral of a value up to FIFTY MILLION DOLLARS (\$50,000,000).

Seconded by Council Member Sarah V.C. Pierce and carried with all voting yea.

Resolution No. 2 - Finding That Amending the Allowed Uses in Planned Development District #20, Parcel Number 6-05-201.000 Will Not Have a Significant Impact on the Environment

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City Council of the City of Watertown, New York, has before it an Ordinance for the Planned Development District amendment application submitted by Robert J. Busler, P.L.S. of LaFave, White & McGivern, L.S., P.C. on behalf of Onondaga Development, LLC to amend the allowed uses in Planned Development District #20 located at 559 Factory Street, Parcel Number 6-05-201.000, and

WHEREAS the City Council must evaluate all proposed actions submitted for its consideration in light of the State Environmental Review Act (SEQRA), and the regulations promulgated pursuant thereto, and

WHEREAS the approval of the amendment constitutes such an “Action,” and

WHEREAS the City Council has determined that amending the allowed uses in Planned Development District #20 is an “Unlisted Action” as that term is defined by 6NYCRR Section 617.2 (a), and

WHEREAS there are no other involved agencies for SEQRA review as that term is defined in 6NYCRR Section 617.2 (t), and

WHEREAS to aid the City Council in its determination as to whether the proposed amendment will have a significant impact on the environment, the applicant has prepared Part 1 of a Short Environmental Assessment Form, a copy of which is attached and made part of this Resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that:

1. Based upon its examination of the Short Environmental Assessment Form and comparing the proposed action with the criteria set forth in 6NYCRR Section 617.7, no significant impact is known and that adopting the ordinance amending the allowed uses in Planned Development District #20 will not have a significant impact on the environment.
2. The Mayor of the City of Watertown is authorized to execute Part 3 of the Environmental Assessment Form to the effect that the City Council is issuing a Negative Declaration under SEQRA.
3. This Resolution shall take effect immediately.

Seconded by Council Member Sarah V.C. Pierce

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

Discussion occurred regarding item 1 and whether this would create a material conflict with an adopted land use plan or zoning regulations.

Planning and Community Development Director Michael Lumbis explained that the Comprehensive Plan lists the future land use for this parcel as waterfront use. He described the character of the area and stated that there is a slight conflict because redevelopment should be oriented on the river. He mentioned comments made by the Planning Board Members during their discussion and their decision to recommend approval of this change, noting there was slight impact.

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

Resolution No. 3 - Accepting Donation from L.L. Bean

Introduced by Council Member Lisa A. Ruggiero

WHEREAS L.L. Bean held an outdoor shopping pop-up shop in Public Square this past fall, and

WHEREAS as a thank you to the City for allowing them to setup their shop on Public Square, L.L. Bean is making a \$2,500 donation to the City, and

WHEREAS the money is to be used for a project that encourages individuals to spend time outdoors or other projects that benefit downtown or the waterfront, and

WHEREAS the City of Watertown accepts this donation with the intent of using these funds for new landscaping materials to enhance the aesthetics of Public Square,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby accepts the financial donation from L.L. Bean in the amount of \$2,500 for landscape materials in Public Square.

Seconded by Council Member Sarah V.C. Pierce

Prior to the vote on the foregoing resolution, Council Member Pierce noted that the staff report listed general guidelines as to how the donation was to be spent but she wondered if L.L. Bean indicated a specific use. She mentioned that the resolution states the money will be spent towards landscaping downtown, however, people from the downtown area had reached out to her with other ideas. She remarked that one suggestion was to create a historic tour of the downtown area, along with signage and brochure or map.

Mr. Lumbis advised that the use of the funds was not specific, and that L.L. Bean only indicated that it is to be spent for something within the downtown area.

In regard to signage, Council Member Olney asked whether there was DRI funding that was to be used for signs.

Mr. Lumbis explained that part of the DRI funding was approved for signage, in particular wayfinding signs, but there is some leeway so a portion could possibly be used for historic signage.

Council Member Olney suggested that the individual who reached out to Council Member Pierce should work with the Planning Department on their ideas for this.

Mayor Smith noted this was the second year that L.L. Bean hosted their sale in the City, as well as the second year that they have given a donation back to the community. He stated that this is a well-received event, which draws many people from around the area into the City.

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

OLD BUSINESS

Ordinance Amending the Allowed Uses in Planned Development District #20, Parcel Number 6-05-201.000 *(Introduced on December 20, 2021; public hearing held this evening; appears in its entirety in the 2021 Minutes Book on page 13-14 of the 12/20/2021 minutes).*

Mayor Smith indicated that he had emailed the City Manager, and copied all the Council Members, regarding whether the property owner was current on the property taxes. He noted that this question is usually asked when someone wants to buy City property or make changes to the use of the property. He stated that staff reported that the property owner is in arrears for property taxes.

City Manager Mix pointed out that this property owner typically lets the property taxes go into arrears and then pays them along with the interest penalties prior to the deadline.

Mayor Smith questioned the request letter from the original application in 1999 and thought there had been a mention of further development of the property in the future.

Mr. Lumbis replied that there has not been any development since then. He read from a letter in the original request made in 1999 which stated that the only plan for development of the property at that time was the construction of two billboards but Mr. Simao did plan to develop the balance of the property in the future.

Council Member Ruggiero mentioned the details of the above-mentioned email, noting that she was cited as making similar inquiries regarding code violations in another recent property transaction. She pointed out that the minutes did not reflect her asking those questions and stated that she does not remember questioning whether property taxes were due with other zone change requests.

There was further discussion and debate of the recent adoption of a resolution supporting electronic billboards on scenic byways and whether similar inquiries were made, as well as whether the approval of that resolution was to only benefit one person.

Discussion turned to the 559 Factory Street property and the agreement that Mr. Simao will demolish a building on the property and the approval of the Planned Development District to build two billboards.

Council Member Olney pointed out that, at that time, electronic signs were not available so Mr. Simao could not have known to ask for the approval of them as well. He also mentioned that with the future

development of the riverfront, the electronic billboards could be used to benefit the City and advertise the riverfront development and City events.

Council Member Hickey stated that the City had boards and committees, such as the Planning Board, to advise Council. He read from the Planning Board minutes regarding the vote to approve the electronic billboard and make its recommendation to Council.

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

STAFF REPORTS

Elected and Appointed Officials, NYS Retirement System, New Regulation Reporting Requirements

City Clerk Ann Saunders explained that any newly elected official who participates in the NYS retirement system must track their time spent working on City business for three consecutive months. She said this is to determine the time to be reported to the NYS retirement system, since elected officials do not work a standard workday.

Both Council Member Ruggiero and Council Member Olney indicated that they did not plan to participate in the NYS retirement system.

FEMA 2021 SAFER Grant

Fire Chief Matthew Timerman presented his report and the history of prior SAFER grant applications. He pointed out that the application submission date is much earlier this year than in years past and stressed that the grant will reimburse 100% of the employee expenses for three years. His report also offered the proposals of applying for four additional firefighters, five additional firefighters and 7 additional firefighters. In response to Council Member Ruggiero's question of how many firefighters were retiring in the next three years, he indicated that in 2025, 30 personnel will be eligible to retire so he believes there will be a lot of staff turnover in the next three years. He discussed the number of overall staff required to maintain the 15 minimum manning requirements, noting the department is currently at 66, and the reduction in overtime costs by hiring additional employees. He reviewed two charts (Long Term Savings - Without SAFER and Potential SAFER Savings per Year), which showed trends of the savings over three fiscal years based on the number of employees ranging from 64 to 74. He summarized that he thinks a staffing level of 69 – 70 firefighters is the best fiscally responsible level for the City.

Mayor Smith asked if the savings included the expense for health insurance and other employee benefits.

Prior proposed savings versus actual savings from other SAFER grants were reviewed and Mr. Mix explained that other factors, which were not planned such as long-term medical leaves, affect the overall savings. He also provided details regarding the expense for benefits in relation to the percentage of an employee's salary, noting that overtime is sometimes paid to higher earning salaries which increases the cost of benefits.

In response to Council Member Olney's inquiry, Chief Timerman reviewed the entry-level salary and top-level salary for a firefighter.

Council Member Olney suggested his calculations showed that the amount paid in overtime could equate to the cost of eight additional employees.

Chief Timerman agreed with the Mayor in that it is sometimes better to pay overtime than to increase staffing and the expense of salary and benefits, but warned that there is a breaking point at which too much overtime decreases or loses the cost savings. He reiterated that he feels that about 70 personnel is the ideal level.

Council Member Olney added that additional employees would increase safety and staff morale.

Chief Timerman discussed his proposal to keep the Administrative Captain position in addition to the recently approved Deputy Fire Chief position and the various public safety and education programs that could be accomplished by the Administrative Captain position. He answered several questions from Council Members regarding these programs and provided details as to what each entailed. Company level inspections and past practices were discussed, and he clarified that he is not recommending the implementation of company level inspections as part of this proposal.

Chief Timerman reviewed more details of his proposals to add either four, five or seven employees to the fire staff as part of the grant application.

Mayor Smith asked for the total salary and benefits for the additional employees of each proposal and expressed concerns over the cost to the taxpayers at the end of the grant period. He pointed out that a requirement of the grant is to maintain the new staffing level throughout the grant period.

Chief Timerman replied that the cost of adding four employees would be approximately \$350,000, five employees would be approximately \$437,000 and seven employees would be approximately \$612,000. He confirmed that the Administrative Captain position would be an additional \$100,000 on top of the Deputy Fire Chief position costing \$140,000.

Council Member Olney mentioned that 30 employees will be eligible for retirement by the end of the three-year grant period and wondered who would be able to step into those positions. He said the benefit to adding positions now would be that new staff is trained prior to those retirements.

In response to Council Member Pierce, Fire Chief Timerman explained the timeline of the application submission and the award notification, summarizing that the City should know by September 1 whether the grant will be awarded. He confirmed for Council Member Olney that the application would be looked upon more favorably if the addition of a firefighter allows for the creation of an Administrative Captain position, which would handle the additional public safety and education programs.

Mayor Smith compared the staffing levels of the Fire Department to the staffing levels of the Police Department and requested more information on the number and types of calls handled by each department.

After further debate, Mayor Smith surveyed Council on whether there was support to apply for the application and if so, for how many additional employees.

Council Member Hickey indicated he supported applying and for the five firefighters option.

Council Member Olney said he supported seven additional firefighters.

Council Member Pierce supported applying but had reservations as to what will happen at the end of the three-year grant.

Council Member Ruggiero supported the application but was not sure between five or seven firefighters.

Regarding the Administrative Captain position in addition to the Deputy Chief position, Council Member Hickey, Council Member Olney and Council Member Ruggiero said they support it. Council Member Pierce said she is not prepared to make a decision about it at this time.

Work Session Schedule – Flynn/Alteri Pool & Hydro Topics

Council reviewed the City Manager's report outlining the timeline for proposed topics for future work sessions.

Council Member Olney requested that the Flynn Pool repairs be moved up to the next work session. He stated he had spoken to Aquatic Development Group, a manufacturing group in Albany, and thinks it is possible that the City only needs to replace the sand within the pool filter. He said that the representative from this company would like to look at the numbers to see if a study has been done. He indicated that this company is willing to provide the City with a second opinion. He clarified that he was discussing the filter in the Alteri Pool, which is to be replaced with the filter from the Flynn pool. He further discussed the condition of the Alteri pool, which he viewed during his tour of the facility with Superintendent of Parks and Recreation Scott Weller. He said that he has not had a chance to go see the Flynn pool, which he thinks is important for him to do because the repair estimate came in at approximately \$750,000 and he would like see how the figure was arrived at.

Mayor Smith asked for staff to provide the new Council Members with the recent report on the evaluation of the pools because he thinks there is more work needed than just a filter.

Mayor Smith pointed out that Council Members should make recommendations to staff and let the City staff manage the work. He said he cannot perceive five different Council Members calling five different vendors and stated staff should handle that work. He noted there is a contract already in place for the work to be done on the Alteri pool, which includes changing out the filter. He said that Council can decide to delay the contract, but there will be financial ramifications and the work will be delayed, possibly causing the pool not to open this season.

Mr. Mix explained that the contract for work was approved by Council and work was to start on Monday, but if Council desires, it can be delayed.

Council Member Olney advised that he is not recommending breaking the contract or delaying the work, stating he just wants a second opinion to ensure the City is not spending money on unnecessary work.

Mayor Smith explained there is a process to obtaining a second opinion and bidding on a government project, noting that you cannot just ask someone in particular, such as a friend or neighbor, to do the work.

Attorney Slye explained the type of contract approved for the Alteri pool repairs, noting the contract is a fixed price contract based upon their appraisal of the work to be done. He said if the question is whether the City is going to change the scope of the contract, there needs to be agreement from the contractor to do the lesser scope of work and provide a new price or the City can cancel the original contract. He warned that if the contract was cancelled, the City would still need to pay the cost of the mobilization, demobilization and any work done up to the point of cancellation. He added that Council can decide to do that but there will be costs associated with it.

Council Member Olney added that he has reached out to Brian Frazer from Sundance pools, the contractor, about this issue and he confirmed that Sundance does this kind of work. He asked if anyone from the City's Engineering Department looked at the filter from the sand point of view.

Attorney Slye advised that it is bad policy for members of the Council to be contacting the City's contractors in connection with the specifications of work. He clarified that there is a City Manager to work through, who is responsible for the City Engineer, and there is a process and chain of command. He noted that it puts the City Engineer in a difficult position, as well as the City Manager, if the contractors that the City has a contract with are getting different signals. He explained that the question of whether the sand should come out should go to Mr. Mix, who will relay it to the City Engineer. He stressed that is the way it needs to work otherwise this is not a government and this is just five people deciding what they want to do.

Council Member Olney clarified that he was not directing Mr. Frazer to do anything and was only asking him for an opinion.

Mayor Smith agreed that if there are questions for contractors who have contracts with the City and information that needs to be obtained, then it should be addressed to the City Manager, who oversees the day-to-day operations of the City. He stressed Council Members should not be contacting contractors directly. He reiterated that if there is support to pause the contract, then Council can do that in order to get a second opinion, but knowing there will be associated costs and delays to the project. He added that the second opinion will need to be from a qualified vendor which goes through a process.

Further discussion occurred regarding whether there was support to pause the contract and seek a second opinion. Council decided to add the Flynn pool topic to next week's work session. It was noted that Mr. Frazer from Sundance Pool should be present for the work session.

Council Member Olney asked for the discussion on hydro to be moved to a month prior to the budget. He also asked for a copy of the original plans for the redevelopment of the plant from 1995 and noted that it was on the FERC licensing website.

Council agreed.

Low Income Household Water Assistance Program

A report was available for Council's review and Mr. Mix explained that it is for informational purposes. He indicated that the program will be promoted and distributed to any account that is in arrears.

NEW BUSINESS

Swearing In of New Council Members

Council Member Hickey and Council Member Olney both thanked residents for electing them to office.

Council Member Pierce welcomed the new Council Members, stating she looks forward to working with them. She thanked City Clerk Saunders for hosting the Swearing In Ceremony held in the Library on New Year's Day.

Council Member Ruggiero thanked her supporters as well and offered welcoming words to Council Member Hickey and Council Member Olney.

Mayor Smith congratulated the new Council Members, expressing disappointment in not being able to attend due to illness and the risk of exposing other people.

Lead Pipe Replacement Program

Council Member Olney mentioned that this program did not get a large response and funding is still available. He suggested promoting it to the public again.

State-supplied Masks and Testing Kits

In response to Council Member Pierce's inquiry, Mr. Mix indicated that the City was given 6,000 masks to distribute, and this is being done through various locations, such as the Housing Authority and Library.

Employee Recognition

Council Member Ruggiero mentioned that Sewer Treatment Plant employees recently won a competition and would like them to be recognized and awarded Certificates of Appreciation.

City Manager's Status and Information Updates

Council Member Ruggiero asked for this report to be implemented again, stating that the public enjoyed them. She added that it was a good way to recognize the work the City staff does.

Mr. Mix stated that he does not dispute the value of it, noting that it is just a matter of available time to do it. He suggested possibly doing them on non-Council weeks when staff is not working on agendas.

City Council Facebook Page

Council Member Pierce informed the new Council Members that she administers the Council's Facebook page so if there is something that they would like to add, she would be happy to do it.

Property Auction Sale

Mayor Smith asked for an update on the properties due to be auctioned. He said he would like to see a list of the properties to be sold and the timeframe for when it will be scheduled.

Council Concerns Addressed With City Manager

Referring to the prior conversation regarding this, Mayor Smith reiterated that concerns of Council Members should be addressed with the City Manager so that there is no confusion caused by a Council Member addressing a vendor directly. He stated that, otherwise, it puts the vendor and Department Heads in a bad position. He stressed that if the Council directs questions and concerns to the City Manager, then he will get an answer and report back to Council.

ADJOURNMENT

At the call of the chair, meeting was duly adjourned at 8:55 p.m. by motion of Council Member Lisa A. Ruggiero, seconded by Council Member Sarah V.C. Pierce and carried with all voting in favor thereof.

Ann M. Saunders
City Clerk