

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
April 18, 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:** Kyle Meehan, Michael Delaney, Patrick Keenan, Michael Lumbis, James Mills, Geoffrey Urda

The City Manager presented the following reports to Council:

- Resolution No. 1 – Readopting Fiscal Year 2021-22 General Fund Budget – City Hall Flagpole
- Resolution No. 2 – Accepting Proposal for County Mobility Management Services, Volunteer Transportation Center, Inc
- Resolution No. 3 – Accepting Bid for Ready-Mix Concrete Watertown Concrete
- Resolution No. 4 – Authorizing the Sale of Various Surplus Equipment
- Resolution No. 5 – Approving the Professional Service Agreement for the Barben Avenue, Holcomb Street, and Bugbee Drive Water Main Repair and Barben Avenue Sanitary Sewer Extension Project, GYMO Engineering
- Resolution No. 6 – Approving Professional Service Agreement for Stormwater Drainage System Flow Monitoring - GHD Consulting Services, Inc
- Resolution No. 7 – Readopting Fiscal Year 2021-22 General Fund Budget – Stormwater Flow Monitoring
- Resolution No. 8 – Approving Change Order No. 2 for the Alteri Pool Restoration Project, Sundance Leisure
- Resolution No. 9 – Authorizing the City Manager to Enter Into a Grant Agreement with National Grid for an Urban Center/Commercial District Revitalization Grant to for the City of Watertown’s Downtown Revitalization Initiative (DRI) Streetscape Project
- Resolution No. 10 – Authorizing Sale of Real Property, Known as 117 Exchange Street to Clueless Ventures, LLC, 812 State Street, Watertown, New York 13601
- Resolution No. 11 – Authorizing Sale of Real Property, Known as 248 Moulton Street to Kavon Mason, 200 Washington Street, Suite 203, Watertown, New York 13601
- Resolution No. 12 – Authorizing Sale of Real Property, Known as 510 Main Street East to Jeffrey Graham, 557 Pearl Street, Watertown, New York 13601
- Resolution No. 13 – Authorizing Sale of Real Property, Known as 603 Boyd Street to Brian and Catherine Miller, 609 Boy Street, Watertown, New York 13601
- Resolution No. 14 – Authorizing Public Auction for Sale of City Owned Properties
- Resolution No. 15 – Accepting Surcharge for Ductile Iron Pipe, Ferguson Waterworks
- Resolution No. 16 – Proposing a Chain of Command City Manager Directive Policy

- Resolution No. 17 – Directing City Manager to Allow People in City Hall Without an Appointment
- Resolution No. 18 – Proposing an Open-Door Employee Policy
- Tabled Resolution – Finding that Changing the Approved Zoning Classification of 108 Flower Avenue East from Residence B to Neighborhood Business and that Developing a Gas Station and Convenience Store on 703, 707 and 715 Washington Street and 108 Flower Avenue East Will Not Have a Significant Impact on The Environment
- Tabled Ordinance – Changing the Approved Zoning Classification of 108 Flower Avenue East, Parcel Number 11-12-127.000 from Residence B to Neighborhood Business
- Sales Tax Revenue – March 2022
- Sale of Surplus Hydro-electricity – March 2022
- CitiBus Proposed 2022-2023 Budget & Project Requests
- Zone Change – 108 Flower Avenue East

**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 April 4, 2022 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**

An email was received from Steve Massaro of Empire Hydro Consulting informing Council of two upcoming Black River meetings and conferences.

An email was received from Charles Marshall, representing Stewart's Shops Corp., requesting Mayor Smith recuse himself from future voting regarding the proposed Stewart's Shop on the corner of Washington Street and Flower Avenue East.

A second email was received from Charles Marshall, of Stewart's Shops Corp., submitting revised plans for the proposed Stewart's Shop on the corner of Washington Street and Flower Avenue East

An email was received from Attorney Leah Everhart, on behalf of Stewart's Shops Corp, discussing and offering more information regarding the SEQRA review that was conducted by Council during the April 4 Council meeting.

A letter was received from Debra Dermady, 118 Seymour St., offering the support of her and her husband for the proposed Stewart's Shop and requesting that Council be more business-friendly.

A letter was received from Aileen Martin, Executive Director of Northern Regional Center for Independent Living, requesting Council support the proposed development by Transitional Living Services for a housing facility on Pine Street.

A letter was received from Michelle Appleby, Watertown, supporting the proposed development of the old Angel's Inn on Pine Street to housing for the homeless.

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

**Additional Communications from Mayor Smith:**

Mayor Smith announced, for the public and media's benefit, that Council may report out on a topic after the Executive Session.

Mayor Smith also advised that he contacted a member of the Board of Ethics to review his participation and potential vote on the proposed Stewart's Shop project on the corner of Washington Street and Flower Avenue East. He reported that at 8:00 a.m. this morning (Monday, April 18, 2022) the Board of Ethics met to interview Mayor Smith and discuss the matter further. Mayor Smith read from the minutes of that meeting (on file in the City Clerk's Office) and summarized that the Board unanimously found that there was no ethics violation and that the Mayor could, and should, participate in the discussion of this proposed project.

**PRIVILEGE OF THE FLOOR**

**Mary Ellen Blevins**, 719 Washington Street, addressed the chair regarding safety mechanisms at gas stations regarding the hosing used by delivery trucks. She reviewed several studies (copies given to Council but not on file in the City Clerk's Office) regarding the effect of gas vapors and benzene on people's health. She read from the Comprehensive Plan, noting areas that she thought this project contradicted and she suggested other uses, such as a community garden, for this parcel of land.

**Jason Traynor**, 142 Mechanic Street, addressed the chair stating the City needs a job market and needs to invest more in infrastructure. He also discussed his opposition to wearing a mask on public transit and his feeling that rights are being taken away.

**Nola Bolton**, 741 Myrtle Avenue, stated she was representing her brother, Steven Bolton, who lives at 183 Flower Avenue East and read a letter from him (not on file in the City Clerk's Office) that expressed his opposition to the proposed Stewart's Shop project on the corner of Washington Street and Flower Avenue East.

**Michael Brandi**, 234 Maple Avenue, Saratoga Springs, indicated that he is the attorney for Hedy Cirrincione and spoke in regard to the SEQRA review that was done at the last Council meeting, as well as the Mayor not recusing himself. He cited legal opinions of similar situations in other municipalities and stated that there is the appearance of impropriety so the Mayor should recuse himself.

**Jonathan Phillips**, 735 Mill Street, noted that it is difficult for Council to answer the questions on the SEQRA review and suggested turning the parcel's zoning back into residential. He said he does not believe people are moving out of Watertown because of jobs and said it is because of the drug problems in the City. Lastly, he said he supports Stewart's Shops moving down Washington Street to the proposed site.

**Lance Evans**, 163 Flower Avenue East, mentioned that he lives less than one-fifth of a mile from the proposed project and spoke of his family’s opposition to it. Noting that the project has been downsized from its original proposal, he stated it will be a similar size as the current store and wondered why they would move. He asked Council to vote against the zone change.

**Ben Shoen**, Academy Street, thanked Council Members for responding to his recent email and said he was happy to see Resolution No. 17 to open City Hall without appointments. He also spoke of his opposition to the 3<sup>rd</sup> flag pole, suggesting that, if it is approved, that it be amended to state that the 3<sup>rd</sup> flag pole will only fly flags of other nations and not special interest flags. Lastly, he suggested solar panels be installed on the roof of the arena as well as at the landfill, and asked about the status of the construction fencing on a project that has not been worked on.

**Joanne Stevens**, 943 Gotham Street, discussed her interest in purchasing 330 Brett Street and her disappointment that it might be sold as a private sale and not at public auction for her to have an opportunity to bid. She spoke of the condition of it and the items and trees that have been placed on the property by people that do not own it, noting that it creates a liability for the City.

**Tony Augliano**, 332 Broadway Avenue West, addressed the chair concerning 330 Brett Street and his desire to purchase it for several years. He recalled the history of this property and his attempts to purchase it, mentioning two letters that he received from the City seeking interest from the abutting property owners and noting that the City would pay for surveying and subdividing it.

## **RESOLUTIONS**

### **Resolution No. 1 – Readopting Fiscal Year 2021-22 General Fund Budget – City Hall Flagpole**

#### **Introduced by Council Member Lisa A. Ruggiero**

WHEREAS on May 24, 2021 the City Council passed a resolution adopting the Budget for Fiscal Year 2021-22, of which \$46,539,384 was appropriated for the General Fund, and

WHEREAS Council Member Hickey has requested the installation of an additional flagpole at City Hall which was not included in the original General Fund budget,

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

#### **GENERAL FUND**

Expenditures:

A.1990.0430	Contingency – Contracted Services	(\$7,900)
A.1620.0430	Municipal Building - Contracted Services	<u>\$ 7,900</u>

#### **Seconded by Council Member Clifford G. Olney III**

Prior to the vote on the foregoing resolution, Council Member Pierce stated her concerns remain the same that the City will fly some group’s flags and not others and the problems that could cause. She mentioned lawsuits against other municipalities due to similar situations and stressed that the American Flag represents everyone. She said this is why she cannot support this resolution.

Council Member Olney said he is glad the price came down and talked about diversity, stressing that the requests to fly flags will be well thought out and reasonable.

Mayor Smith stated understands the good will behind this but questioned the need, noting that throughout the year there are approximately seven to eight requests to fly other flags and all but two are from another country. He questioned what would happen if a special interest flag is not what the public wants flown and starts to offend people. He advised that he would vote against this.

Council Member Ruggiero asked how flag requests are currently handled.

Mayor Smith replied that they go through the Mayor's Office, and he assured Council Member Olney that he can share the requests with the other members of Council.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea except Council Member Sarah V.C. Pierce and Mayor Jeffrey M. Smith.**

**Resolution No. 2 – Accepting Proposal for County Mobility Management Services, Volunteer Transportation Center, Inc**

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

WHEREAS the City Purchasing Department has advertised and received sealed proposals for County Mobility Management Services effective May 1, 2022, through April 30, 2023, with the option to renew for two additional one-year contracts, and

WHEREAS proposals were sent to six (6) area service providers, with one (1) proposal submitted to the Purchasing Department, and

WHEREAS on Tuesday, March 25, 2022, at 11:00 a.m., the proposal received was opened, and

WHEREAS City Purchasing Manager Dale Morrow reviewed the proposal received with the Public Works Department and the Jefferson County Planning Department, and it is their recommendation that the City Council accept the proposal submitted by Volunteer Transportation Center, Inc. in the amount of \$109,308 on a lump sum format to provide Mobility Management services in the County for a (1) year period from May 1, 2022, through April 30, 2023, and

WHEREAS after the one-year period, the City Manager may extend the contract for up to two (2) additional years based on acceptable performance,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the contract with Volunteer Transportation Center, Inc. in the amount of \$109,308 on a lump sum format to provide Mobility Management services for Jefferson County from May 1, 2022, through April 30, 2023, a copy of which is attached 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 contract on behalf of the City of Watertown.

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

**Resolution No. 3 – Accepting Bid for Ready-Mix Concrete Watertown Concrete**

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

WHEREAS the City Purchasing Department has advertised and received sealed bids for the purchase of Ready-Mix Concrete products for use by various City Departments during Fiscal Year 2022-2023, and

WHEREAS invitations to bid were also sent to (4) prospective bidders with (1) bid received and publicly opened and read in the City Purchasing Department on Thursday, March 31, 2022, at 2:00 p.m., and

WHEREAS City Purchasing reviewed the bids received with the Engineering Department and the Department of Public Works, and it is their recommendation that the City Council accept the bid from Watertown Concrete as the lowest qualifying bidder, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid submitted by Watertown Concrete of Watertown, New York, being the lowest qualifying bidder meeting City specifications, for the purchase of Ready-Mix Concrete products for use by various City Departments during Fiscal Year 2022-2023 for all requirements, and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to sign all contracts associated with implementing the award to Watertown Concrete.

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

**Resolution No. 4 – Authorizing the Sale of Various Surplus Equipment**

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

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 on-line auction,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby authorizes the sale, by on-line 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 Sarah V.C. Pierce and carried with all voting yea.**

**Resolution No. 5 – Approving the Professional Service Agreement for the Barben Avenue, Holcomb Street, and Bugbee Drive Water Main Repair and Barben Avenue Sanitary Sewer Extension Project, GYMO Engineering**

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

WHEREAS on April 08, 2022, the City of Watertown requested a proposal from GYMO Engineering regarding Civil Engineering and Design Services associated with the Barben Avenue, Holcomb Street, and Bugbee Drive Water Main Repair and Barben Avenue Sanitary Sewer Extension

Project occurring from Washington Street to Holcomb Street on Barben Avenue, from Mullin Street to Ten Eyck and from Chestnut Street to Barben Avenue on Holcomb Street, from Holcomb Street to Harris Drive on Bugbee Drive, and extending the sanitary sewer line on Barben Avenue to include three parcels in the City's sewer line.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Professional Service Agreement from GYMO Engineering in the amount of \$89,000 for professional services and an additional \$41,000 in services pertaining to construction administration and resident project representation, a copy of which is attached and made part of this Resolution, and

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

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

Prior to the vote on the foregoing resolution, Mayor Smith pointed out that the report mentions the word "replacement" in some parts and the word "repair" in other parts. He asked if the work would be repairs or replacements.

Mr. Mix clarified that there would be replacements and he also confirmed for Mayor Smith that this project would include the properties in this area that are still on leach fields.

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

**Resolution No. 6 – Approving Professional Service Agreement for Stormwater Drainage System Flow Monitoring - GHD Consulting Services, Inc**

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

WHEREAS a proposal was requested from GHD Consulting Services, Inc. for professional services regarding stormwater drainage system flow monitoring, and

WHEREAS GHD submitted a proposal to do the requested work for \$125,500, and

WHEREAS a Professional Services Agreement with GHD has been drafted,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Professional Service Agreement with GHD Consulting Services, Inc. for the amount of \$125,500, a copy of which is attached and made part of this Resolution, and

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

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

**Resolution No. 7 – Readopting Fiscal Year 2021-22 General Fund Budget – Stormwater Flow Monitoring**

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

WHEREAS on May 24, 2021 the City Council passed a resolution adopting the Budget for Fiscal Year 2021-22, of which \$46,539,384 was appropriated for the General Fund, and

WHEREAS the City was awarded \$22,265,728 in funding from the American Rescue Plan Act of 2021, and

WHEREAS stormwater management activities are an allowable use of the American Rescue Plan Act of 2021 funds, and

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

GENERAL FUND

Revenues:

A.0000.4960 Federal Aid – American Rescue Plan Act of 2021 \$ 125,500

Expenditures:

A.8140.0430 Storm Sewer - Contracted Services \$ 125,500

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

**Resolution No. 8 – Approving Change Order No. 2 for the Alteri Pool Restoration Project, Sundance Leisure**

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

WHEREAS at its December 20, 2021, meeting, the City Council approved a bid from Sundance Leisure in the amount of \$112,830.76 for the Alteri Pool Restoration Project, and

WHEREAS Sundance Leisure submitted Change Order No. 1 in the amount of \$6,202.23, bringing the total contract amount to \$119,032.99, and

WHEREAS it has become necessary to replace the backer rod and caulk in the expansion joint in the pool that is damaged and to clean the pool shell surface as it is covered with dirt and algae, and

WHEREAS Sundance Leisure has now submitted Change Order No. 2 in the amount of \$4,312.00,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Change Order No. 2 from Sundance Leisure in the amount of \$4,312.00, a copy of which is attached and made part of this Resolution, bringing the total contract amount to \$123,344.99, and

BE IT FURTHER RESOLVED that City Manager Kenneth A. Mix is hereby authorized and directed to execute Change Order No. 2 on behalf of the City of Watertown.

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

Prior to the vote on the foregoing resolution, Council Member Olney questioned the date in the staff report of the second change order and it was clarified that it should have listed February 22, 2022 in

place of February 22, 2021. He asked if there was a thorough understanding of what work was needed when the bid was put out. In addition, he questioned the process of change orders and whether the contractor or City initiates the change order.

City Engineer Michael Delaney replied that it was put together to the best of their knowledge based on visualization. He added that once the work began and things were taken apart, the need for additional work was realized for the long-term benefit of the pool. He explained why change orders arise and stressed that any project of this matter and size will have change orders for unforeseen changes, as well as confirmed that change orders also arise with new construction. He advised Council that a City Engineer is onsite at the project and will ensure that the change order is necessary for the project.

Mayor Smith noted that Brian Fraser, Sundance Leisure, is a reputable contractor and that the pool was covered for the winter so when it was opened, Mr. Fraser discovered there were cracks and additional work needed. He stressed that it is common to have change orders, and this was typical of what happens with change orders.

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

**Resolution No. 9 – Authorizing the City Manager to Enter Into a Grant Agreement with National Grid for an Urban Center/Commercial District Revitalization Grant to for the City of Watertown’s Downtown Revitalization Initiative (DRI) Streetscape Project**

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

WHEREAS the current estimated cost of the City of Watertown’s Downtown Revitalization Initiative (DRI) Streetscape Project is \$3,700,000, which represents an increase over its initial estimated cost in the original DRI Strategic Plan, and

WHEREAS on March 7, 2022, the City Council unanimously approved a resolution readopting the Fiscal Years 2020-21 through 2024-25 Capital Budget to accommodate the estimated cost increase to the project, and

WHEREAS the revised budget anticipated a \$250,000 Urban Center/Commercial District Revitalization Grant from National Grid that would also pay for part of the project, and

WHEREAS National Grid recently informed the City that it has approved the City’s application for \$250,000 in grant funding for the project, and

WHEREAS National Grid has sent a Private Customer Agreement (Grant Agreement) for this funding for signature by the City Manager, a copy of which is attached and made part of this resolution, and

NOW THEREFORE BE IT RESOLVED that the City Council hereby directs the City Manager to sign the grant agreement with National Grid for an Urban Center/Commercial District Revitalization Grant, and

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

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

**Resolution No. 10 – Authorizing Sale of Real Property, Known as 117 Exchange Street to Clueless Ventures, LLC, 812 State Street, Watertown, New York 13601**

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

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as 117 Exchange Street, approximately 66' x 75' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 09-01-119.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$1,000 submitted by Clueless Ventures, LLC, for the purchase of Parcel No. 09-01-119.000, is a fair and reasonable offer therefore and the same is hereby accepted subject to the conditions which follow, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey M. Smith be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Clueless Ventures, LLC upon receipt of the above mentioned sum of money in cash only by the City Comptroller, and

BE IT FURTHER RESOLVED that the Quit Claim Deed shall not be issued unless and until all outstanding property taxes owed by the putative purchaser on all parcels owned by said purchaser within the City shall have been satisfactorily paid to the City Comptroller.

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers, the City shall have the right to seek and be entitled to receive reversion of title to the premises to the City.

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

**Resolution No. 11 – Authorizing Sale of Real Property, Known as 248 Moulton Street to Kavon Mason, 200 Washington Street, Suite 203, Watertown, New York 13601**

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

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as 248 Moulton Street, approximately 47' x 90' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 03-01-109.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$5,400 submitted by Kavon for the purchase of Parcel No. 03-01-109.000, is a fair and reasonable offer therefore and the same is hereby accepted subject to the conditions which follow, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey M. Smith be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Kavon Mason upon receipt of the above mentioned sum of money in cash only by the City Comptroller, and

BE IT FURTHER RESOLVED that the Quit Claim Deed shall not be issued unless and until all outstanding property taxes owed by the putative purchaser on all parcels owned by said purchaser within the City shall have been satisfactorily paid to the City Comptroller.

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers, the City shall have the right to seek and be entitled to receive reversion of title to the premises to the City.

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

**Resolution No. 12 – Authorizing Sale of Real Property, Known as 510 Main Street East to Jeffrey Graham, 557 Pearl Street, Watertown, New York 13601**

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

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as 510 Main Street East, approximately 30' x 70' in size, and also known and designated on

the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 04-02-123.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$100 submitted by Jeffrey Graham for the purchase of Parcel No. 04-02-123.000, is a fair and reasonable offer therefore and the same is hereby accepted subject to the conditions which follow, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey M. Smith be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Jeffrey Graham upon receipt of the above mentioned sum of money in cash only by the City Comptroller, and

BE IT FURTHER RESOLVED that the Quit Claim Deed shall not be issued unless and until all outstanding property taxes owed by the putative purchaser on all parcels owned by said purchaser within the City shall have been satisfactorily paid to the City Comptroller.

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers, the City shall have the right to seek and be entitled to receive reversion of title to the premises to the City.

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

Prior to the vote on the foregoing resolution, Council Member Olney discussed the recent public auction and the situation that bidders possibly did not know what they were bidding on, and in particular, one bidder that chose not to pay for the parcels that she won. He questioned whether there was enough information provided about the properties that were for sale and wondered if some of the properties have any value or use. He also asked if these types of property had been to auction more than once because there is not a use for them.

City Comptroller James Mills explained the auction process, including how he provides information to Council and the public on the properties that are for sale. He stated the bidder should know what they are bidding on before they bid.

Council Member Olney questioned whether this parcel should be sold to anyone and whether Jeffrey Graham, abutting property owner, wanted it.

Council Member Ruggiero pointed out that there was an email attached to the staff report from Mr. Graham offering to pay to \$100 for the parcel.

Council Member Olney expressed concern with erosion on the property and the possibility of the road collapsing.

Mayor Smith noted that Mr. Mills does a good job detailing the properties available to Council and the public and he has not seen a situation like what happened at the last public auction happen in his 16 years on Council.

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

**Resolution No. 13 – Authorizing Sale of Real Property, Known as 603 Boyd Street to Brian and Catherine Miller, 609 Boy Street, Watertown, New York 13601**

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

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as 603 Boyd Street, approximately 37' x 66' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 12-05-217.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$4,200 submitted by Brian and Catherine Miller for the purchase of Parcel No. 12-05-217.000, is a fair and reasonable offer therefore and the same is hereby accepted subject to the conditions which follow, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey M. Smith be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Brian and Catherine Miller upon receipt of the above mentioned sum of money in cash only by the City Comptroller, and

BE IT FURTHER RESOLVED that the Quit Claim Deed shall not be issued unless and until all outstanding property taxes owed by the putative purchaser on all parcels owned by said purchaser within the City shall have been satisfactorily paid to the City Comptroller.

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers, the City shall have the right to seek and be entitled to receive reversion of title to the premises to the City.

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

Prior to the vote on the foregoing resolution, Council Member Olney indicated that he spoke with Meira Shapiro, and she wants this property, and is now willing to purchase the other properties that she won to avoid any consequences.

There was a discussion of whether Ms. Shapiro was told that there would be consequences to her decision not to purchase some of the properties that she won at the auction and the confusion caused with other properties that she bid on.

Mr. Mills indicated that any consequences to Ms. Shapiro would be a Council decision.

In response to Council Member Olney’s further comments about Ms. Shapiro not being aware there would be consequences, Mayor Smith reminded Council Member Olney that this was discussed by Council at the last meeting and Council decided to bar her from the next public auction and not to sell this property to her.

Council Member Pierce commented that it was irresponsible of Ms. Shapiro to bid on the properties not knowing what they were and that it created a lot of wasted staff time and resulted in the need for a second public auction.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea except Council Member Clifford G. Olney III voting nay**

**Resolution No. 14 – Authorizing Public Auction for Sale of City Owned Properties**

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

WHEREAS the City of Watertown owns certain lots of land acquired at Tax Sale and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as follows:

<u>Parcel Number</u>	<u>Address</u>
11-12-128.000	330 Brett Street
07-07-304.000	330 Coffeen Street
11-12-130.001	VL Flower Avenue East
03-06-207.000	M24 Francis Street
03-12-133.000	VL Haven Street
06-04-115.000	512 Jefferson Street

01-14-105.000	428 Maple Avenue
06-07-206.000	659 Olive Street
04-19-207.000	39 Wise Street
04-19-206.000	40 Wise Street
05-11-308.001	VL-6 Rear Wyoming Avenue

And,

WHEREAS title said land has been retained by the City of Watertown, and

WHEREAS the City Council deems the properties to be excess and not required for any City purposes, and

WHEREAS the City Council desires to ensure that properties such as those listed above be brought into compliance with all applicable provisions of the New York State Fire Prevention and Building Code and all City of Watertown zoning and health codes within one (1) year of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 13 adopted by the Council, on June 6, 1977, the Comptroller of the City of Watertown be and he hereby is authorized to publish a Notice of Sale of the parcels of land above mentioned once a week for three (3) consecutive weeks in the official newspaper of the City of Watertown to the effect that said parcels of land will, at 6:00 p.m. on the 10<sup>th</sup> day of May, 2022, in the 3<sup>rd</sup> Floor City Council Chambers in the Municipal Building, 245 Washington Street, be offered individually for sale to the highest bidder and there present, under the conditions herein set forth:

The aforesaid parcels are conveyed, together with all rights and privileges affecting the same, and also together with all buildings, improvements and appurtenances located upon said described parcels, and

BE IT FURTHER RESOLVED that the City Comptroller be and he hereby is authorized to accept bids for said parcels, in an amount not less than the minimum price set below, subject to the rights of the said City Council to reject any and all bids, and

<u>Parcel Number</u>	<u>Address</u>	<u>Minimum Bid</u>
11-12-128.000	330 Brett Street	\$ 5,500
07-07-304.000	330 Coffeen Street	\$ 1,000
11-12-130.001	VL Flower Avenue East	\$ 100
03-06-207.000	M24 Francis Street	\$ 100
03-12-133.000	VL Haven Street	\$ 200
06-04-115.000	512 Jefferson Street	\$ 500
01-14-105.000	428 Maple Avenue	\$ 500
06-07-206.000	659 Olive Street	\$ 2,500
04-19-207.000	39 Wise Street	\$ 500
04-19-206.000	40 Wise Street	\$ 100

05-11-308.001 VL-6 Rear Wyoming Avenue \$ 100

BE IT FURTHER RESOLVED that the highest bidder deposit at least 10 percent (10%) of the bid price at the same time of each said successful bid with the City Comptroller, and

BE IT FURTHER RESOLVED that said parcels of land shall be then sold to the successful bidder for cash or certified funds only, and

BE IT FURTHER RESOLVED that the Notice of Sale, any offer to purchase, and any deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the State Fire Prevention and Building Code and all City of Watertown zoning and health codes within one (1) year of the City's delivery of the deed to the buyer, the City shall have the right to seek reversion of title to the City, and

BE IT FURTHER RESOLVED that the said bids shall be submitted to the Mayor and City Council for their approval or rejection, and

BE IT FURTHER RESOLVED that the City reserves the right to withdraw any parcel prior to the public sale of said parcels, and

BE IT FURTHER RESOLVED that the City Council bars Meira Shapiro, as well as any of her companies or agents, from participating in this auction.

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

Prior to the vote on the foregoing resolution, Mayor Smith explained this resolution approves putting the remaining properties, including 330 Brett Street, back to public auction. He further explained for Mr. Augliano that the letters he received regarding 330 Brett Street were sent under the direction of other Councils and that, until a Council votes on the matter, it is not final.

Council Member Olney mentioned that the 330 Brett Street property might be part of the water and drainage issue that the City agreed to assist with for neighboring properties.

Mr. Mix noted that he heard from one property owner, Mr. Marsh, and they plan to take care of their problem on their own by working with the neighbor.

Further discussion occurred regarding the past events and attempts to sell 330 Brett Street.

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

**Resolution No. 15 – Accepting Surcharge for Ductile Iron Pipe, Ferguson Waterworks**

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

WHEREAS the City Council approved Bid #2022-02 for Ductile Iron Pipe to Ferguson Waterworks in the amount of \$393,957.20 per Resolution No. 4 on January 18, 2022, and

WHEREAS, due to global supply issues, all three (3) domestic ductile iron pipe manufacturers that deliver for Ferguson Waterworks have implemented a surcharge for every truckload of pipe shipped. The surcharge works out to \$3,100 per truck load with an estimated 10 truck loads which equates to \$31,000, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts Ferguson Waterworks surcharge in the amount of \$31,000, with the understanding that the dollar amount will fluctuate.

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

Prior to the vote on the foregoing resolution, Council Member Olney asked how many bids were received for this work.

Mr. Mix indicated that he did not remember how many bids originally came in but that this was the lowest bid at the time. He explained that the increase in cost was due to a global supply issue.

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

**Resolution No. 16 – Proposing a Chain of Command City Manager Directive Policy**

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

WHEREAS the City of Watertown has a City Charter that states we are a Strong City Manager Form of Government. This means that all directives to City Department heads emanate directly from the City Manager, and

NOW THEREFORE BE IT RESOLVED the City Manager will receive all his “directives” from a majority vote from the Members of City Council, and

BE IT FURTHER RESOLVED no single City Council Member or the Mayor shall issue a “directive” to the City Manager or to any City Department Head for any reason without the authorization from a majority City Council vote which directs the City Manager to act.

BE IT FURTHER RESOLVED it is therefore proposed that this City Council adopt a “**Chain of Command City Manager Directive policy**” that reads:

Every employee of the City of Watertown will take their “directives” only through their established chain of command and Watertown’s City Manager.

If any City Department Head or Employee receives a “directive” from any Member of City Council, including the Mayor, the Employee shall inform the Council Member or Mayor that all “directives” must come through the chain of command or from the City Manager; with no fear of insubordination or reprisal.

The City Manager will act on “directives” **only after a majority vote** from City Council. No “non-majority directive” to the City Manager shall be given or acted upon by the City Manager.

Requests for information and/ or an analysis of a city project are excluded from the need for a majority vote from Council.

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

Prior to the vote on the foregoing resolution, Council Member Pierce asked Council Member Olney for an example of a type of directive that this resolution was intended for.

Council Member Olney explained that it is not pertaining to day-to-day operations. He referred back to his first Council meeting and that he was told he could not speak directly to a Department Head, but he feels the Mayor does this, as well as gives directives that a Strong Mayor form of government would. He stressed that Watertown has a City Manager form of government and directives to Mr. Mix should come from a majority vote of Council.

Council Member Pierce expressed concerns that this resolution reads like Council is micromanaging things.

A lengthy conversation occurred in which both Council Member Olney and Mayor Smith accused each other of examples of acting on their own, and issuing directives, and not waiting for a majority vote of Council. They also attempted to define what constitutes a directive and where directives should come from.

**Motion was made by Council Member Clifford G. Olney III to call the foregoing resolution to question. Motion was seconded by Council Member Lisa A. Ruggiero and was defeated with all voting nay except Council Member Clifford G. Olney III voting yea.**

Attorney Slye offered clarity to what he was trying to relay during Council Member Olney's first Council meeting, stressing that the Department Heads work for the City Manager and should only receive direction from the City Manager.

Council Member Olney discussed another example involving a request for SAFER grant information that he felt took too long to receive, and once received, he felt the information was inaccurate and portrayed a biased message of the Mayor's viewpoint of the issue. He said he feels the public is not getting a clear understanding of some of the topics that have been debated. He said that when he asks for information from one of his Department Heads or Mr. Mix, he does not get the accurate information that he feels he needs.

Further debate ensued.

Council Member Pierce asked if this resolution would require something such as the request for information on the SAFER grant to come before Council in a resolution, which would require a majority vote before staff proceeded.

Attorney Slye replied that this is what this new resolution calls for.

Mayor Smith reiterated his comments from prior meetings and discussion that he did not issue a directive to staff not to talk to Council Member Olney. He referred to a prior statement of Council

Member Olney's and clarified that they are not Council Member Olney's Department Heads, they are Mr. Mix's Department Heads.

**Motion was made by Council Member Lisa A. Ruggiero to call the foregoing resolution to question. Motion was seconded by Council Member Sarah V.C. Pierce and carried with all voting yea except Council Member Patrick J. Hickey voting nay.**

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

**Resolution No. 17 – Directing City Manager to Allow People in City Hall Without an Appointment**

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

NOW THEREFORE BE IT RESOLVED that the City Manager is hereby directed to allow people to enter City Hall without the need for an appointment.

**\* BE IT FURTHER RESOLVED that the City Manager has the discretion to close City Hall in the case of an emergency situation.**

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

Prior to the vote on the foregoing resolution, Mayor Smith explained that the intent of "appointment-only" for City Hall was security, noting that the City is still working with the Court Administration for a permanent security solution. He expressed concern that the resolution did not allow the City Manager any discretion if there was an emergency.

**Motion was made by Council Member Lisa A. Ruggiero to amend the foregoing resolution to add the second paragraph. Motion was seconded by Council Member Sarah V.C. Pierce 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.**

**Resolution No. 18 – Proposing an Open-Door Employee Policy**

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

WHEREAS all Employees of the City of Watertown are a vital resource and are entitled to due process with regard to their employment or in all other matters. It is understood that in most departments there are processes in place to deal with employee concerns, and

WHEREAS in most cases, the chain of command needs to be respected so that employee concerns can be dealt with in a manner that allows a progression of the matter up the chain of command when feasible, and

WHEREAS according to the current "unwritten policy", employees are not allowed to bring their concerns directly to the Mayor or another Member of City Council. In fact, taking such an action can be construed as an act of insubordination and result in discipline up to and including the employees discharge, and

WHEREAS in the interest of fairness and as a means to improve employee relations, it is the intent of this City Council to establish an “**open-door employee policy**” for city employees,

NOW THEREFORE BE IT RESOLVED it is proposed that this Council adopt an “**open door-employee policy**” that reads:

Every employee of the City of Watertown is entitled to fair treatment and due process. When employee issues arise, employees are encouraged to utilize their rights and processes that were afforded under a collective bargaining agreement and rules within the Employee Handbook. As is the case, employees should first bring their concerns to their immediate supervisor, and they should follow the chain of command up to and including the City Manager.

In those cases, where the issue involves an individual along their chain of command, the employee may choose to escalate their issue to the next person along the chain of command without fear of that action being deemed “Insubordinate”.

No city employee shall be disciplined, retaliated against or discharged for bringing an issue to light nor shall they be retaliated against for such actions or for reaching out to any Member of City Council.

In all cases where the employee has attempted to resolve the issue through the normal recourses and the issue has not been resolved adequately, according to the employee, the employee may bring the issue to any Member of the City Council without fear of retaliation. **Any City Employee may now initiate a conversation with any City Council Member for any reason.**

Once an issue has been brought forward to a Council Member, the City Council Member will seek to resolve the issue in concert with other Members of City Council and the City Manager.

**When any City Department Head or Employee has been contacted by any Member of City Council, they will accept the call or return the call as soon possible.** If the Employee is on sick leave or vacation, the Employee will contact the City Council Member within 2 business days; once they have returned to work. Employees will also cooperate in all City Council Members’ inquiries and be truthful in their responses.

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

Prior to the vote on the foregoing resolution, Attorney Slye commented that he has no objection to the intent of this resolution but said it cannot be done as a resolution and needed to be done through a local law. Noting that this will change the City Charter and the City Manager’s authority, Attorney Slye read from Section 5 of the City Charter and reviewed the powers of a City Manager under a City Manager form of government. He said the only question that he has is whether this would require a referendum and stated that he would need more time to research that answer. He referred to prior legal cases similar to this situation.

Council Member Olney advised that he has read the Employee Handbook and Charter and does not agree with Attorney Slye, adding that he has received other legal advice.

Attorney Slye clarified that the Employee Handbook allows employees to communicate directly with Council under certain situations, such as harassment, but it does not allow an employee to go over the City Manager's head about a decision the City Manager makes.

Mayor Smith explained the three ways the City Charter can be revised.

Council Member Olney stressed that his intent for bringing this forward was not to take any power away from the City Manager.

Further discussion occurred regarding the need for a Charter amendment and how it should be done.

**Motion was made by Council Member Lisa A. Ruggiero to table the foregoing resolution. Motion was seconded by Council Member Sarah V.C. Pierce and carried with all voting in favor thereof except Council Member Clifford G. Olney III voting nay.**

### **OLD BUSINESS**

**Resolution – Finding that Changing the Approved Zoning Classification of 108 Flower Avenue East from Residence B to Neighborhood Business and that Developing a Gas Station and Convenience Store on 703, 707 and 715 Washington Street and 108 Flower Avenue East Will Not Have a Significant Impact on The Environment.** *(Introduced on 4/4/2022; tabled; appears in its entirety in the 2022 Minutes Book on page 40-41 of the 4/4/2022 minutes).*

**Motion was made by Council Member Lisa A. Ruggiero to remove the foregoing resolution from the table. Motion was seconded by Council Member Sarah V.C. Pierce and carried with all voting in favor thereof.**

Discussion occurred regarding how to proceed with this resolution since Stewart's Shop submitted a revised design which is smaller and does not need the full parcel at 108 Flower Avenue East to be rezoned.

Attorney Slye indicated that it did not need to go back to the Planning Board and have another public hearing. Upon Mayor Smith's request, he also reviewed the findings of the Ethics Board regarding Mayor Smith participation in the process and read the minutes of the Ethics Board's meeting (on file in the City Clerk's Office).

It was decided to amend the resolution to refer to "a portion of" 108 Flower Avenue and proceed with the review of Part II of the Short Environment Assessment form.

**Motion was made by Council Member Lisa A. Ruggiero to amend the title and first paragraph of the foregoing resolution to read as "a portion of 108 Flower Avenue East." Motion was seconded by Council Member Sarah V.C. Pierce and carried with all voting in favor thereof.**

It now reads as follows:

**Resolution – Finding that Changing the Approved Zoning Classification of a portion of 108 Flower Avenue East from Residence B to Neighborhood Business and that Developing a Gas Station and Convenience Store on 703, 707 and 715 Washington Street and 108 Flower Avenue East Will Not Have a Significant Impact on The Environment**

WHEREAS the City Council of the City of Watertown, New York, has before it an Ordinance for the zone change application of Stewart’s Shops Corporation to change the approved zoning classification of **\*a portion of 108 Flower Avenue East**, Parcel Number 11-12-127.000, from Residence B to Neighborhood Business, and

WHEREAS the Stewart’s Shops Corporation has communicated an intent to develop a gas station and convenience store on the subject parcel and the three adjacent parcels at 703, 707 and 715 Washington Street, respectively Parcel Numbers 11-12-126.000, 11-12-125.00 and 11-12-124.000, a development proposal that would require both Site Plan Approval and a Special Use Permit, 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 Zone Change and the anticipated future Site Plan and Special Use Permit would collectively constitute such an “Action,” and to avoid any SEQRA segmentation, the Council must consider these together as a single action, and

WHEREAS the City Council has determined that changing the zoning classification of this property and that the proposed development on the site constitute an Unlisted Action as that term is defined by 6NYCRR Section 617.2 (al), and

WHEREAS the New York State Department of Environmental Conservation (DEC) has jurisdiction over bulk underground petroleum storage, as established by 6 NYCRR part 613, and therefore is an Involved Agency, as that term is defined by 6 NYCRR 617.2 (t), necessitating a Coordinated Review, and

WHEREAS City Staff initiated a coordinated review with the DEC on March 9, 2022 to determine the most appropriate Lead Agency for the project and to request any comments or concerns on the project, and

WHEREAS the DEC has submitted correspondence to the City of Watertown agreeing that the City Council is the appropriate entity to act as Lead Agency for the environmental review and communicating all the DEC’s comments regarding the proposed action, a copy of which is attached and made part of this Resolution, and

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

WHEREAS to also aid the Council in its determination, the applicant has also submitted the following materials, copies of which are attached and made part of this resolution: Conceptual site

plan and elevation drawings, a PowerPoint presentation, trip-generation analysis, real estate analysis and a truck routing plan.

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, as well as the communication received from the DEC, no significant impact is known and the adoption of the zone change and the construction of the site plan, as proposed, will not have a significant impact on the environment.
2. The Mayor of the City of Watertown is authorized to execute 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.

After a lengthy discussion and review, as well as hearing from representatives from Stewart's Shops and a new traffic study, it was determined that only one item under Part II created a moderate to large impact.

Planning and Community Development Director Michael Lumbis reviewed ways that this impact could be minimized and assured Council that it could be addressed through the special use permit and site plan process.

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

**Ordinance – Changing the Approved Zoning Classification of 108 Flower Avenue East, Parcel Number 11-12-127.000 from Residence B to Neighborhood Business. (Introduced on 3/7/2022; tabled; appears in its entirety in the 2022 Minutes Book on page 17-18 of the 3/7/2022 minutes).**

**Motion was made by Council Member Lisa A. Ruggiero to remove the foregoing resolution from the table. Motion was seconded by Council Member Sarah V.C. Pierce and carried with all voting in favor thereof.**

Council took Mr. Mix's recommendation of presenting a new zone change ordinance at the next meeting which would include the legal description of the portion of 108 Flower Avenue East to be zoned.

**Council Member Lisa A. Ruggiero withdrew her introduction from March 7, 2022.**

**Council Member Sarah V.C. Pierce withdrew her second from March 7, 2022**

## **STAFF REPORTS**

### **Sales Tax Revenue – March 2022**

A report was available for Council to review.

**Sale of Surplus Hydro-electricity – March 2022**

A report was available for Council to review.

**CitiBus Proposed 2022-2023 Budget & Project Requests**

A report was available for Council to review.

**Zone Change – 108 Flower Avenue East**

A report was available for Council to review, and it was discussed under the prior SEQRA Resolution under Old Business.

**NEW BUSINESS**

**Possible CitiBus Shuttle to Sackets Harbor Event**

Mayor Smith stated the Mayor of Sackets asked if the City would be able to provide a shuttle for some of the events that are held in Sackets Harbor.

Transit Supervisor Kyle Meehan advised that the City would not be able to as the City does not have operating authority because Sackets Harbor is not an adjoining municipality.

Frank Doldo, Regional Mobility Manager, confirmed that the City was not able to do this due to the current operating authority of CitiBus. He suggested that it could be a charter, which Sackets Harbor could bid out, but that CitiBus could not provide this service.

**Upcoming Events and Meetings**

Council Member Hickey announced the following upcoming meetings and events: NYS Tug Hill Local Government Training on Tuesday, April 19; Alliance for Better Community Meeting on Tuesday, April 19; Food Policy Council Meeting on Thursday, April 21; Thompson Park Volunteer Day on Saturday, April 23; Beaver and Black River Meeting on Wednesday; Friends of Thompson Park Meeting on April 28; Neighborhood Meeting for Grant, Steward and Henry Streets Reconstruction on Thursday, April 28; Arbor Day Tree Planting on Friday, April 29; and Tree Planting in Thompson Park on Saturday, April 30.

**Lead Pipe Replacement Grant**

In response to Council Member Olney's inquiry on the status of this program, Mr. Mix said the Water Department is still trying to distribute the funding.

**Mask Policy on Buses – Privilege of the Floor Comments**

In response to Mr. Traynor's comments, Council Member Olney stated the City has to follow Federal guidelines for the bus service.

Later in the meeting, Mayor Smith advised that there may be a court ruling soon that changes this mandate.

**Third Flagpole – Privilege of the Floor Comments**

Council Member Olney advised that he is 100% in support of this and suggested creating a City Flag to fly on the third flagpole.

**Engineering/DPW Projects – In-House Work**

Council Member Olney said he would like to see more of the engineering work done in-house versus hiring outside firms. He also suggested that more street work could be done in-house by DPW staff and thinks this will save the City money.

**Solar Eclipse Meeting**

Council Member Pierce announced that the next meeting will be held on May 5. She said the committee is working on a website and is looking for more people to get involved.

**Adopt-A-Spot Program**

Council Member Pierce asked the City Manager for an update and said she is willing to help with this program.

**Summer Lifeguards**

In response to Council Member Pierce's inquiry, Mr. Mix reported that the Department of Parks and Recreation is receiving a number of applications.

**City Flag**

Council Member Ruggiero noted that former Council Member Walczyk had suggested a City Flag in the past and may have some ideas.

**The Eatery**

Council Member Ruggiero announced that a new restaurant called The Eatery opened on Court Street and is serving breakfast and lunch.

**Asbestos Testing of Roof**

Mayor Smith mentioned a recent issue brought to his attention requiring testing when roof work is completed. He said that he received an email from Code Enforcement explaining that unless the homeowner does the work on his own home, the roof needs to be tested for asbestos.

**Arsenal Street – Privilege of the Floor Comments**

Mayor Smith reiterated that New York State DOT is responsible for maintaining Arsenal Street.

**Solar Panels – Privilege of the Floor Comments**

Mayor Smith said he agrees with Mr. Shoen's comments regarding solar panels.

**Construction Fencing – Privilege of the Floor Comments**

Mayor Smith noted the construction fencing around the old Medical Arts Building has been up for a long time with no activity. He asked the City Manager to look into the status of this.

**Brett Street – Privilege of the Floor Comments**

Mayor Smith addressed Mr. Augliano's concerns, noting that the second letter he received was in error. He added that there was discussion of a private sale but it did not pass with a 4/5<sup>th</sup> majority vote, which is required for property sales.

**Hydro Committee**

Mayor Smith mentioned that there has been talk of needing a resolution to form the Hydro Committee. He noted that the committee is close to finishing its work and presenting its conclusions to Council.

**Police Department Investigation Resolution**

Mayor Smith mentioned prior discussions that occurred in tonight's meeting regarding directives to the City Manager and said he will ask for a resolution to direct the City Manager to perform an investigation into Council Member Olney's allegations of false arrest.

**Motion was made by Council Member Lisa A. Ruggiero to move into Executive Session to discuss proposed, pending, or current litigation and collective bargaining.**

**Motion was seconded by Council Member Sarah V.C. Pierce and carried with all voting in favor thereof.**

Council moved into Executive Session at 11:14 p.m.

Council reconvened in Council Chambers at 12:12 a.m.

Mr. Mix explained that during Executive Session Council took a vote on approving a settlement agreement and general release with Erin Gardner. He summarized the vote was four members in support and one member (Mayor Jeffrey M. Smith) not in favor. He further explained that the settlement agreement and general release authorizes paying Ms. Gardner and her attorneys a total of \$100,000 to be distributed as follows: \$40,000 to Ms. Gardner; \$40,000 to the law firm of Gleason, Dunn, Walsh and O'Shea; and \$20,000 to Attorney James Hartt. He said this will settle both lawsuits.

The minutes from Executive Session are as follows:

**Minutes of Executive Session – 04/18/2022**

The Watertown City Council went into executive session at 11:17 p.m. The first order of business was a conference call with Attorney Jonathan Fellows of Bond, Schoenek & King. Attorney Fellows explained the terms of a tentative global settlement of all issues pending in the U.S. District Court for the Northern District of New York and the New York Appellate Division, Fourth Department, related to the claims of Erin Gardner. Attorney Fellows related that the terms of the settlement agreement have been agreed upon by Ms. Gardner and her attorney. The City Council posed several questions to Attorney Fellows, who responded to each question asked.

Upon completion of the telephone call, Council Resolution No. 19 dated April 18, 2022 was introduced at 11:37 p.m. by Council Member Ruggiero, seconded by Council Member Hickey. A motion for a waiver was also introduced by Council Member Ruggiero and seconded by Council Member Hickey, with a voice vote of approval 5/0. After a brief discussion on the resolution, a roll call vote was taken, with Council Member Hickey, Olney, Pierce, and Ruggiero voting yea, and Mayor Smith voting nay. Accordingly, Resolution No. 19 of April 18, 2022 was adopted. City Manager Mix was instructed to sign the Settlement Agreement on behalf of the City. Mr. Mix stated that he would announce the adoption of the resolution of Council during the Executive Session upon the return to the public session.

General discussion continued in connection with ongoing negotiations with the City's Fire Union.

At 12:10 a.m. (April 19, 2022) motion by Council Member Ruggiero, seconded by Council Member Hickey, to close executive session and the City Council returned to Council Chambers.

Respectfully submitted,

Robert J. Slye, City Attorney  
Recording Secretary

Resolution voted upon during Executive Session is as follows:

**Resolution No. 19 - Approving Settlement Agreement and General Release, Erin Gardner**

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

WHEREAS Erin Gardner's (Gardner) employment as the City's Superintendent of Parks and Recreation was terminated in 2020 following a hearing conducted pursuant to Section 75 of the New York Civil Service Law, and

WHEREAS Gardner has appealed the City's decision to terminate her employment by commencing a special proceeding pursuant to Article 78 of the CPLR, and

WHEREAS Gardner has also commenced an action in the United States District Court for the Northern District of New York seeking damages, and

WHEREAS Gardner and the City wish to avoid the costs of further litigation and desire to settle fully and finally all differences between them including, but not limited to, the claims raised in the Action and the Article 78 Proceeding, and

WHEREAS Gardner has accepted a Settlement Agreement and General Release that has the City paying a total settlement amount of One Hundred Thousand Dollars (\$100,000),

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves the Settlement Agreement and General Release, which is attached and made part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Kenneth A. Mix is hereby authorized and directed to sign the Settlement Agreement and General Release on behalf of the City Council.

**Seconded by Council Member Patrick J. Hickey**

**Rules waived by Motion of Council Member Lisa A. Ruggiero, seconded by Council Member Patrick J. Hickey 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 except Mayor Jeffrey M. Smith voting nay.**

**ADJOURNMENT**

**At the call of the chair, meeting was duly adjourned at 12:14 a.m. by motion of Council Member Ruggiero, seconded by Council Member Sarah V.C. Pierce and carried with all voting in favor thereof.**

*Ann M. Saunders*  
City Clerk