



CITY OF WATERTOWN, NEW YORK

OFFICE OF CITY CLERK

CITY HALL, ROOM 101

245 WASHINGTON STREET

WATERTOWN, NEW YORK 13601-3387

(315) 785-7780 Fax (315) 785-7796

Email: asaunders@watertown-ny.gov

Ann M. Saunders
City Clerk/City Historian

WAIVER AND CONSENT TO SPECIAL MEETING OF COUNCIL

We, the undersigned, constituting the Mayor and all of the Council of the City of Watertown, hereby waive all notice whatsoever of a special meeting of the Council, as called by Council Member Lisa A. Ruggiero, as otherwise required by the Rules of Council contained in Section A321-4 of the Watertown City Code, and do agree and consent that a special meeting may be held in the City Council Chambers on December 12, 2022 at 7:00 p.m. for the purpose of Resolution No. 1 - Approving the Asset Purchase Agreement with Watertown Golf Club, Inc. and 1 Thompson Park, LLC.

A handwritten signature in black ink, appearing to read "Jeffrey M. Smith", written over a horizontal line.

Mayor Jeffrey M. Smith

A handwritten signature in black ink, appearing to read "Patrick J. Hickey", written over a horizontal line.

Council Member Patrick J. Hickey

A handwritten signature in black ink, appearing to read "Clifford G. Olney III", written over a horizontal line.

Council Member Clifford G. Olney III

A handwritten signature in black ink, appearing to read "Sarah V.C. Pierce", written over a horizontal line.

Council Member Sarah V.C. Pierce

A handwritten signature in black ink, appearing to read "Lisa A. Ruggiero", written over a horizontal line.

Council Member Lisa A. Ruggiero

**CITY COUNCIL SPECIAL MEETING
CITY OF WATERTOWN
December 12, 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:

The City Manager presented the following reports to Council:

- Resolution No. 1 - Approving the Asset Purchase Agreement with Watertown Golf Club, Inc. and 1 Thompson Park, LLC

Complete Report on file in the office of the City Clerk

The Deputy Clerk was asked to read the notice of the Special Meeting.

Mayor Smith called for a Privilege of the Floor citing the Rules of Council that say the presiding officer Council, in this case the Mayor, has the powers and duties to call for this without debate.

Council Member Ruggiero objected on the grounds that a Special Meeting does not offer a Privilege of the Floor and, in her research, a Privilege of the Floor has never been held during a Special Meeting.

The City Attorney was asked to advise. City Attorney Slye noted that there is a particular order of business for a Regular Meeting and a different order for a Special Meeting. Reading from Roberts' Rules, he stated that the Mayor could make a ruling, but one Council Member could appeal the ruling. He further explained that the appealing Council member could speak once about their reasons for opposition and then the Mayor could state his reasons for making the ruling.

Mayor Smith ruled that there should be Privilege of the Floor.

Council Member Olney made a motion to appeal and Council Member Ruggiero seconded the motion.

Council Member Olney expressed that the public had been given ample opportunity to speak on this matter as it had been in discussion for months. He accused the Mayor of creating a circus atmosphere. He suggested a vote be taken on the Resolution with no more public input.

Mayor Smith defended his ruling by saying that members of Council and the Mayor are elected by the people and are therefore required to listen to public input. He commented that this vote is essentially a vote to silence the public and the public should be allowed to have an opinion before the City spends \$3.4 million of its money.

A vote was called on whether the appeal would stand against the Privilege of the Floor with Council Member Patrick J. Hickey, Council Member Clifford G. Olney III and Council Member Lisa A. Ruggiero voting yea and Council Member Sarah V.C. Pierce and Mayor Jeffrey M. Smith voting nay.

After several loud outbursts from the members of the public in attendance the Mayor called the meeting back into order and the meeting proceeded.

RESOLUTIONS

Resolution No. 1 - Approving the Asset Purchase Agreement with Watertown Golf Club, Inc. and 1 Thompson Park, LLC

Introduced by Council Member Lisa A. Ruggiero

WHEREAS Watertown Golf Club, Inc. ("The Club") and 1 Thompson Park LLC ("1TP") own real estate and personal assets needed to operate the golf course known as the Watertown Golf Club in Thompson Park, and

WHEREAS The Club and 1TP have offered to sell their real estate and personal assets for \$3.4 million, and

WHEREAS the City Council wishes to purchase the assets to expand John C. Thompson Park and continue the operation of a golf course, and

WHEREAS an Asset Purchase Agreement has been drafted,

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

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

Seconded by Council Member Patrick J. Hickey

Prior to the vote on the foregoing resolution, Council Member Hickey read from a prepared statement citing his reasons for supporting this Resolution. He noted that John C. Thompson had tried in vain in 1916 to obtain all the land that is now being offered to the City and this is the City's opportunity to right that wrong. He gave a detailed listing of all the assets listed in the purchase agreement as well as citing the intangibles that the City would be acquiring along with the physical assets. He also offered some potential ways the City could pay for this purchase.

Council Member Olney offered his support of this Resolution comparing this purchase to President Teddy Roosevelt creating the National Park System. He objected to the suggestion that he was going to profit in any way from this deal. He suggested the cost to purchase the golf course might be able to be covered by increased sales tax.

There were numerous outbursts from the public in attendance. The Mayor struck his gavel, calling for order several times.

Council Member Ruggiero stated that, contrary to what was publicized, she did not call for this Special Meeting. She said the City Attorney had asked that a meeting be called.

City Attorney Slye clarified that he had recommended that a Special Meeting be called in order to give him more time to get the tax report from the State Department of Tax and Finance, so that this deal could be completed before the end of the year.

In response to Council Member Ruggiero's question regarding whether that was because the City Attorney was leaving his position at the end of the year, Mr. Slye indicated that he would not be able to offer private practice after the first of the year.

Council Member Ruggiero mentioned that she had seen all the profit/loss statements from the Watertown Golf Club and felt the club was profitable. She noted her objections to releasing Mr. Lundy's financial statements.

In response to Council Member Ruggiero's question about whether the City had received all the documents requested from the Golf Club, Mr. Mix replied that there were some documents missing including the survey information. He noted the City would receive them before closing. He also mentioned that the concern is where the golf course abuts private property, as the City is not really concerned with the parts of the parcel that abut City property.

Council Member Ruggiero informed Council that all the greens and fairways had been treated and the carts were all operational. She expressed surprise that the public comments regarding this sale had been so rude, condescending and nasty. She commented that she supposed people who serve in public office have to expect that kind of behavior.

In response to Council Member Ruggiero asking for clarification about why this portion of the land was not part of the park originally, Mr. Mix noted that in 1916 there was a 2/3 partnership and John C. Thompson had been outbid for the parcel.

Council Member Ruggiero summed up her support of this by saying it was an addition of 64 acres to City property that could never be achieved in any other way.

Council Member Pierce apologized to the members of the public in attendance who had come to speak for the lack of a Privilege of the Floor. She noted that \$3.4 million was a lot of money and, while she thought it would be wonderful to obtain this property, the cost was exorbitant and needed a lot more research before a decision could be made. She mentioned that before a golf course was to be purchased by the City, there was a lot of homework to be done on and a plan to be made on how to run a golf course. She expressed concerns about staffing when the City currently has issues filling positions. She compared this purchase to a bailout for a developer and stated that it was wrong.

Mayor Smith added his apologies for the public being denied the right to speak at the meeting. He noted that in his 22 years of service to the City and his 30 years of service to the Community, this was the first time in his memory that a governing body had voted to not listen to the public. He expressed his

concerns with the rush to get this sale through without the traditional steps that would be taken before making a purchase of this size. Referring to Council Member Hickey's list of assets, the Mayor pointed out that much of the equipment listed is more 20 to 30 years old. Mayor Smith informed Council that he had spoken with the New York Conference of Mayors and wondered why no SEQR or environmental study was conducted. He characterized the purchase of the golf course as reckless spending stating he had heard no coherent argument why the City needs a golf course.

In response to Mayor Smith's question about the acreage in the Park, Mr. Mix said the Park was 355 acres. Mayor Smith expressed surprise that the City needed 64 more acres.

Mayor Smith commented that running a profitable golf course in this area is very difficult due to the short season and noted that, although he has a lot of confidence in the City's Parks and Recreation Department, none of them have any experience running a golf course. He also noted that creating housing in that area would be difficult due to the presence of rock and the lack of water and sewer. He again expressed confusion about the rush to get this sale through.

Council Member Ruggiero stated that Mr. Lundy had noted his intention to build housing on that property. Regarding the haste to pass this resolution, she noted that Attorney Slye had asked for a quicker timeline to deal with the State. She also noted that the golf season starts soon.

Mr. Mix agreed that, if the City was going to make this purchase, the season would be starting in four months and staff would need as much time as possible to prepare and ensure the scheduled tournaments could be held.

Council Member Ruggiero noted Parks and Recreation Director Scott Weller seemed confident in his staff's ability to run the course. In response to the Mayor's comments about silencing the public, Council Member Ruggiero reminded Council that the public has had ample time to give input on this plan as it has been under discussion for months. She again noted that there is never Privilege of the Floor at a Special Meeting.

Council Member Pierce pointed out that a Special Meeting is usually not about such a controversial topic and such a large expenditure of money and that is why there is not usually a need for public input.

Mayor Smith asked if the Resolution should contain information on how the City would pay for this property.

Mr. Mix noted that the City would not be able to borrow money because they lacked a 4/5 vote, so the best option would be to use the Capital Reserve Fund. He noted that the Council would have to readopt the budget at the next meeting.

At the call of the chair, a vote was taken on the foregoing and carried with Council Members Patrick J. Hickey, Clifford G. Olney III and Lisa A. Ruggiero voting yea and Council Member Sarah V.C. Pierce and Mayor Jeffrey M. Smith voting nay.

Mr. Mix asked if Council still wanted the appraisals they asked for at the previous meeting.

Council Member Ruggiero asked how much the appraisal would cost.

Mr. Mix indicated he only had one response so far and it was for \$4,600.

Council Member Hickey stated he did still want to see the appraisal.

Council Member Olney said he is fine with this since Council Member Hickey feels this is something the public is interested in.

In response to Council Member Ruggiero's question of how it would be appraised, Mr. Mix said he will have to discuss it with the appraiser.

ADJOURNMENT

At the call of the chair, meeting was duly adjourned at 8:30 p.m. by motion of Council Member Lisa A. Ruggiero, seconded by Council Member Patrick J. Hickey and carried with all voting in favor thereof.

Lisa M. Carr
Deputy City Clerk