

**CITY COUNCIL MEETING
CITY OF WATERTOWN
December 19, 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: Michael Delaney, Kyle Meehan, James Mills, Michael Lumbis

The City Manager presented the following reports to Council:

- Resolution No. 1 - Designation of Official Newspaper
- Resolution No. 2 - Approving Gas Service Proposal from National Grid for the WTP COAG Generator Replacement
- Resolution No. 3 - Accepting Change Order #1 for WTP COAG Generator Replacement, John R. Dudley Construction
- Resolution No. 4 - Approving Agreement with the County of Jefferson, AAA Transportation Program
- Resolution No. 5 - Readopting Fiscal Year 2022-23 General Fund Budget – Purchase of Golf Course
- Resolution No. 6 - Re-Adoption of Fiscal Years 2022-23 through 2026-27 Capital Budget – Purchase of Golf Course
- Resolution No. 7 - Authorizing the Sale of Various Surplus Equipment
- Resolution No. 8 - Approving CDBG Grant Agreement with CARES of NY, INC for the January 2023 Point in Time Outreach and Education Program
- Resolution No. 9 - Authorizing an Application for Grant Funding through the New York State Department of Environmental Conservation's Urban and Community Forestry Program
- Resolution No. 10 - Approving the Site Plan for the Construction of an 864 sq. ft. Building and Associated Site Improvements at 1851 State St., Parcel Number 5-21-122.200
- Resolution No. 11 - Approving the Site Plan for a 12,632 sq. ft. Parking Lot Expansion and Associated Site Improvements at 111 Breen Avenue, Parcel Number 8-01-214.100
- Resolution No. 12 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 06-04-306.000 Known as 413 Factory Street To EdJe Enterprises
- Resolution No. 13 - Rescinding Resolution No. 2 of May 2, 2022, which Appointed William Kimball to the Community Action Planning Council of Jefferson County
- Ordinance No. 1 - Changing the Approved Zoning Classification of VL-1 Bellew Avenue South, Parcel Number 9-11-108.001 from Residence B to Commercial
- Tabled Resolution - Nominating Stanley Zaremba to the Community Action Planning Council of Jefferson County
- Sales Tax Revenue – November 2022

- Sale of Surplus Hydro-electricity – November 2022
- Year-end Financial Report
- Zoning Ordinance Rewrite Update and Proposed Schedule

Complete Reports on file in the office of the City Clerk

Meeting opened with a moment of silence and Mayor Smith asked that it be in remembrance of former Battalion Chief Patrick Wiley.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of December 5, 2022, the special meeting of December 12, 2022 and the work session of December 12, 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.

P R E S E N T A T I O N

Mayor Smith interrupted the regular course of business to announce this is Attorney Slye's last Council meeting as the City Attorney, mentioning that he will be leaving the position that he has held for 30 years at the end of the year. He offered words of appreciation and gratitude to Attorney Slye for his dedication, hard work and advice given to the City, as well as the guidance given to himself during his time on Council as a Council Member and Mayor.

Stating his father, former Mayor Joseph M. Butler, Sr., could not be in attendance this evening, former Mayor Joseph M. Butler, Jr. relayed his father's words of appreciation. He also gave his own thanks to Attorney Slye as well.

Mayor Smith presented Attorney Slye with a Certificate of Recognition and gifts.

Attorney Slye recounted his time with the City, remembering how he first started 30 years ago by representing the City on a few cases, which led to a lengthy career. He mentioned the various Mayors, Councils and City Managers that he had worked with and encouraged the public to be active in the process of City government.

C O M M U N I C A T I O N S

An email was received from Debbie & Bill Dermady, 118 Seymour Street, regarding the rules for a Special Meeting.

A letter was received from Michael J Wojcicki, 1111 Harrison Street, questioning the lack of public transparency and possible conflicts of interest by certain Council Members in the purchase of the Watertown Golf Club. He also questioned the need for an environmental review since four petroleum storage tanks are on the property site.

A letter was received from Anthony Doldo, 119 Breen Avenue, in opposition to the site plan approval for 111 Breen Avenue. He listed his concerns relating to this parcel being commercial and bordering a residential property.

A notice of cease and desist in the purchase agreement with the Watertown Golf Club, Prime LLC, One Thompson Park, LLC and Ives Hill Country Club, Inc was received from Donnie Lee Barrigar, Natural Bridge, Seth Labarge, Jefferson Street, and Jason Traynor, Arsenal Street.

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

PRIVILEGE OF THE FLOOR

Prior to opening the floor to the Privilege of the Floor, Mayor Smith mentioned that at the last meeting he was accused of not adhering to the Rules of Council. He read the Rules of Council pertaining to this section of the meeting and reminded the public that anyone wanting to speak will have three minutes each. Stating that, if the Rules are to be strictly followed then, it should apply to Council Members as well and he read from the Rules pertaining to debate, stressing members are to address the chair prior to speaking and limit themselves to two five-minute discussions.

Anthony Doldo, 119 Breen Avenue, stated that he had sent a package to Council regarding the improvements that were done to the property at 111 Breen Avenue without proper permits or City approval. He discussed a terrace and deck that he felt did not meet setback requirements to his property. He also noted that these changes were not approved by the NYS Liquor Authority since this is a restaurant that serves alcoholic beverages. He mentioned that a greenhouse was installed, stating that this changes the appearance of the other properties. He asked Council to reject the site plan that is presented in Resolution No. 11.

Robert (no last name given), Watertown, addressed the chair stating that he was prepared to speak at the Special Meeting last week but was not given the opportunity to. He expressed concern with approving an agreement without an appraisal, stating it was “risky business” and that Council has a fiduciary responsibility when dealing with taxpayers’ money. He said he feels this decision has been rushed.

Jason Traynor, Arsenal Street, questioned whether the City can afford \$3.4 million for the golf course and wondered if the decision was fully evaluated. He mentioned the cease and desist letter he sent to the City and stated there are more issues to deal with in the City.

Scott Garrabrant, 140 Flower Avenue East, wondered if there has been a discussion of the compensation that will be paid to the employees for the golf course, noting that they will need to be provided health insurance. He asked if this expense has been figured in the profit/loss analysis. He stressed that Council Members must have the public’s trust and wondered if there was something improper happening with this deal. He also mentioned that each of the Council Members supporting this deal received campaign contributions from the developers and said the optics are not great. He suggested tabling the purchase until the appraisal can be done.

Ben Shoen, Academy Street, read from the NYS Comptroller’s Opinion No. 89-64 regarding municipalities purchasing land and requiring appraisals. He compared the case discussed in the opinion

to the purchase of the Watertown Golf Club. He offered to email this information to Council. He also mentioned the process of eminent domain and said that, if it was so important to obtain this land, then it could have been done through eminent domain for the fair market value.

Jonathan Phillips, 735 Mill Street, expressed his frustration with certain Council Members after the last meeting and stressed that Council needs to start listening to the public.

Mike Burgess, Ives Street, stated that he is a member of both golf clubs and has a long history of playing golf. He spoke of the benefits of playing golf and how it relates to life lessons and personal qualities. He said he hoped there could be two 18-hole courses within the City.

Donnie Lee Barrigar, Natural Bridge, said he wanted to speak at the last meeting but was denied and he accused Council Member Ruggiero and Council Member Olney of lying to the public about Privilege of the Floor never being offered during a Special Meeting. He indicated that that it was offered during a Special Meeting held on March 11, 2019. He said he sent a cease and desist letter because the purchase is being done without appraisals against legal advice and he distributed a copy of it (on file in the City Clerk's Office). Lastly, he questioned Council Member Olney's relationship with PJ Simao.

RESOLUTIONS

Resolution No. 1 - Designation of Official Newspaper

Introduced by Council Member Lisa A. Ruggiero

BE IT RESOLVED by the City Council of the City of Watertown, New York, that the *Watertown Daily Times* be and is hereby designated as the official newspaper of the City of Watertown, New York, for the year beginning January 1, 2023 and ending December 31, 2023.

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

Resolution No. 2 - Approving Gas Service Proposal from National Grid for the WTP COAG Generator Replacement

Introduced by Council Member Lisa A. Ruggiero

WHEREAS a contract was awarded to John R. Dudley Construction (Contractor) for the WTP COAG Generator Replacement Project, and

WHEREAS said contract includes the installation of a natural gas line, and

WHEREAS National Grid states that it, and not the Contractor, must install the gas line, and

WHEREAS National Grid has submitted a proposal to install the gas line for \$151,135.86,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the proposal from National Grid to install the gas line, a copy of which is attached and made part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute the proposal.

Seconded by Council Member Sarah V.C. Pierce

Prior to the vote on the foregoing resolution, Council Member Olney questioned the line-item charging for tax and asked if the City would be tax-exempt.

Mr. Mix explained that the charge for taxes would be removed and pointed out that the amount listed in the resolution is the adjusted correct amount.

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

Resolution No. 3 - Accepting Change Order #1 for WTP COAG Generator Replacement, John R. Dudley Construction

Introduced by Council Member Lisa A. Ruggiero

WHEREAS a contract was awarded to John R. Dudley Construction (Contractor) on August 15, 2022, for the WTP COAG Generator Replacement Project, and

WHEREAS the City Engineering Department has received Change Order #1 for the WTP COAG Generator Replacement from the Contractor, because National Grid will be installing the natural gas line, and

WHEREAS the Contractor's Original Contract Price of \$389,000.00 has been reduced by \$116,305.00 due to the reduction in the scope of work, and

WHEREAS City Engineer, Michael Delaney reviewed the Change Order with the Engineering Department, and it is their recommendation that the City Council accept the Change Order submitted by the Contractor, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts Change Order #1, a copy of which is attached and made part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to sign the Change Order.

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

Resolution No. 4 - Approving Agreement with the County of Jefferson, AAA Transportation Program

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the New York State Office for the Aging has agreed to provide State and Federal funds to the County of Jefferson to furnish specified transportation services to certain elderly residents within the County of Jefferson, and

WHEREAS Jefferson County, acting through the Jefferson County Office for the Aging, wishes to enter into an Agreement with the City of Watertown to provide this service within the Citibus service area, and

WHEREAS the Agreement is to provide transportation services through our CitiBus program to residents of Jefferson County who are sixty years of age or older to enable them to access and receive health, welfare and nutrition services, and

WHEREAS the term of this Agreement is from April 1, 2022 through March 31, 2023, with payment not-to-exceed \$5,600.00 annually,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it hereby approves the Agreement between the City of Watertown and Jefferson County, acting through the Jefferson County Office for the Aging, a copy of which is attached and made a part of this resolution, and

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

Seconded by Council Member Sarah V.C. Pierce

Prior to the vote on the foregoing resolution, Council Member Ruggiero mentioned that the City already has a contract with Cleveland and asked what this contract was for.

Mr. Mix explained that the contracts are for separate services and that this contract reimburses the City for the half fare rate bus program.

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

Resolution No. 5 - Readopting Fiscal Year 2022-23 General Fund Budget – Purchase of Golf Course

Introduced by Council Member Lisa A. Ruggiero

WHEREAS on June 6, 2022 the City Council passed a resolution adopting the Budget for Fiscal Year 2022-23, of which \$57,731,644 was appropriated for the General Fund, and

WHEREAS on December 12, 2022 the City Council approved the asset purchase agreement with Watertown Golf Club, Inc. and 1 Thompson Park, LLC in the amount of \$3,400,000,

NOW BE IT RESOLVED that the City Council of the City of Watertown hereby re-adopts the General Fund Budget for Fiscal Year 2022-23 and makes the following adjustments in the re-adopted General Fund Budget:

GENERAL FUND

Expenditures:

A.9945.0900	Transfer to Capital Reserve	(\$3,400,000)
A.9950.0900	Transfer to Capital Fund	3,400,000

Seconded by Council Member Clifford G. Olney III

Prior to the vote on the foregoing resolution, Mayor Smith explained that this approves funds to be taken out of the Capital Reserve Fund for the purchase of the golf course.

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

Resolution No. 6 - Re-Adoption of Fiscal Years 2022-23 through 2026-27 Capital Budget – Purchase of Golf Course

Introduced by Council Member Lisa A. Ruggiero

WHEREAS on June 6, 2022 the City Council adopted the Fiscal Years 2022-23 through 2026-27 Capital Budget, and

WHEREAS on December 12, 2022 the City Council approved the asset purchase agreement with Watertown Golf Club, Inc. and 1 Thompson Park, LLC in the amount of \$3,400,000,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby amends the Fiscal Years 2022-23 through 2026-27 Capital Budget to include the asset purchase agreement with Watertown Golf Club, Inc. and 1 Thompson Park, LLC in the amount of \$3,400,000.

Seconded by Council Member Clifford G. Olney III

Prior to the vote on the resolution, Mayor Smith noted that a prior report stated there would need to be a budget readoption for the construction of a cart storage building and the golf course operating budget. He asked if that has been finalized yet.

Mr. Mix explained that staff does not have an estimate for the cart storage and is still working on the operating budget. He noted that they are looking at all options, including leasing it out, because there is a short timeline to have everything in place by March.

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

Resolution No. 7 - 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. 8 - Approving CDBG Grant Agreement with CARES of NY, INC for the January 2023 Point in Time Outreach and Education Program

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City of Watertown's Community Development Block Grant (CDBG) Annual Action Plan for program year 2022 includes funding in support of the Point in Time Outreach and Education Initiative, and

WHEREAS the Action Plan identifies the Point in Time Outreach and Education Initiative to be \$7,500 in funding to develop marketing and outreach program to promote numerous "Homeless No More" events, and

WHEREAS the recipient of funds for the Point in Time Outreach and Education Program will be CARES of NY, Inc. on behalf of the Points North Housing Coalition, and

WHEREAS a Grant Agreement between the City of Watertown and CARES of NY, INC. for the CDBG funds has been drafted,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it hereby approves the Grant Agreement with CARES of NY, INC, a copy of which is attached and made part of this resolution, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey M. Smith, is hereby authorized and directed to sign the Grant Agreement and all contracts associated with implementing the award to CARES of NY, INC for the 2022 Point in Time Education and Outreach Program.

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

Resolution No. 9 - Authorizing an Application for Grant Funding through the New York State Department of Environmental Conservation's Urban and Community Forestry Program

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the New York State Department of Environmental Conservation (NYS DEC) has announced that grant funding is available through the Urban and Community Forestry Program for Tree Planting in Disadvantaged Communities After Ash Tree Loss, and

WHEREAS the City of Watertown has made the planting, care, and management of its urban forest a priority over the last three decades in the wake of several devastating storms in the 1990's, and most recently a city-wide infestation of the destructive Emerald Ash Borer, and

WHEREAS Tree Watertown, the City's Street Tree Advisory Board, has recommended that the City Council apply for funding through this program, and

WHEREAS City Staff will utilize data collected in the City's 2018 Tree Inventory and Management Plan to identify priority planting locations in eligible neighborhoods as defined by NYS DEC, and

WHEREAS the City Council of the City of Watertown is applying to the NYS DEC for a reimbursement project grant under the Urban and Community Forestry Program to be located along streets and in parks in the City, located within the territorial jurisdiction of the City Council, and

WHEREAS as a requirement of the Urban and Community Forestry Program, Staff must obtain the approval/endorsement of the governing body of the municipality in which the project will be located,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves and endorses the City's application to the NYS DEC for a grant under the Urban and Community Forestry Program for a project known as the City of Watertown Ash Tree Replacement Project located in the City, and

BE IT FURTHER RESOLVED that City Manager Kenneth A. Mix is hereby authorized and directed to file an application for funding in an amount not to exceed \$30,000, and upon approval of said request, to enter into and execute a project agreement with the NYSDEC for such financial assistance for the City of Watertown Ash Tree Replacement Project.

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

Resolution No. 10 - Approving the Site Plan for the Construction of an 864 sq. ft. Building and Associated Site Improvements at 1851 State St., Parcel Number 5-21-122.200

Introduced by Council Member Lisa A. Ruggiero

WHEREAS Heidi M. Stemkoski of PHZ Architects on behalf of Northern Credit Union, has submitted an application for Site Plan Approval for the construction of an 864 square-foot building to house two (2) drive-thru Interactive Teller Machines (ITM), an interior asphalt loop, and related site improvements at 1851 State Street, Parcel Number 5-21-122.200, and

WHEREAS the Jefferson County Planning Board reviewed the application at its August 30, 2022, meeting, pursuant to Section 239-m of New York State General Municipal Law, and determined the proposal was of local concern only, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on December 6, 2022, and voted to recommend that the City Council of the City of Watertown approve the site plan with the following conditions:

1. The applicant must obtain, minimally, the following permits prior to construction: Building Permit, Sidewalk Permit, Curb Cut Permit, Sign Permit, NYSDOT Highway Work Permit and a Zoning Compliance Certificate.

And,

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part 2, and has determined that the project, as submitted, is an Unlisted Action and will not have a significant impact on the environment, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed construction and site plan constitute an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant impact on the environment, and

BE IT FURTHER RESOLVED that it is an express condition of this Site Plan Approval that the applicant provide the City Engineer with a copy of any change in stamped plans forming the basis for this approval at the same time such plans are provided to the contractor. If plans are not provided as required by this condition of site plan approval, the City Code Enforcement Officer shall direct that work on the project site shall immediately cease until such time as the City Engineer is provided with the revised stamped plans. Additionally, any change in the approved plan, which, in the opinion of the City Engineer, would require Amended Site Plan Approval, will result in immediate cessation of the affected portion of the project work until such time as the amended site plan is approved. The City Code Enforcement Officer is directed to periodically review on-site plans to determine whether the City Engineer has been provided with plans as required by this approval, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that Site Plan Approval is hereby granted to Heidi M. Stemkoski of PHZ Architects on behalf of Northern Credit Union for the construction of an 864 square-foot building to house two (2) drive-thru Interactive Teller Machines (ITM), an interior asphalt loop, and related site improvements at 1851 State Street, Parcel Number 5-21-122.200, as depicted on the site plan submitted to the City Planning and Community Development Department on November 22, 2022, contingent upon the applicant meeting the condition listed above.

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 Review.

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

Resolution No. 11 - Approving the Site Plan for a 12,632 sq. ft. Parking Lot Expansion and Associated Site Improvements at 111 Breen Avenue, Parcel Number 8-01-214.100

Introduced by Council Member Lisa A. Ruggiero

WHEREAS Thomas H. Ross of Storino Geomatics, PLLC on behalf of Puccia Olive Oil Company, LLC, has submitted an application for Site Plan Approval for a 12,632 sq. ft. parking lot expansion and associated site improvements at 111 Breen Avenue, Parcel Number 8-01-214.100, and

WHEREAS the Jefferson County Planning Board reviewed the application at its November 29, 2022 meeting, pursuant to Section 239-m of New York State General Municipal Law, and determined the proposal was of local concern only, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on December 6, 2022 and voted to recommend that the City Council of the City of Watertown approve the site plan with the following conditions:

1. The applicant shall install planter boxes, as proposed and depicted on the site plan, along the north-south property line with 119 Breen Avenue to the north of the existing deck to fulfill the five-foot buffer requirement. The vegetation in these planter boxes shall consist of taller bamboo plants or other vegetation to provide privacy to the adjacent parcel at 119 Breen Avenue.
2. The applicant shall address the adequacy of illumination of the westernmost parking bay on the site to the satisfaction of the City Engineering Department as verified by a site visit performed by the City Engineer.
3. The applicant must obtain a Zoning Compliance Certificate.

And,

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part 2, and has determined that the project, as submitted, is an Unlisted Action and will not have a significant impact on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed construction and site plan constitute an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant impact on the environment, and

BE IT FURTHER RESOLVED that it is an express condition of this Site Plan Approval that the applicant provide the City Engineer with a copy of any change in stamped plans forming the basis for this approval at the same time such plans are provided to the contractor. If plans are not provided as required by this condition of site plan approval, the City Code Enforcement Officer shall direct that work on the project site shall immediately cease until such time as the City Engineer is provided with the revised stamped plans. Additionally, any change in the approved plan, which, in the opinion of the City Engineer, would require Amended Site Plan Approval, will result in immediate cessation of the affected portion of the project work until such time as the amended site plan is approved. The City Code Enforcement Officer is directed to periodically review on-site plans to determine whether the City Engineer has been provided with plans as required by this approval, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that Site Plan Approval is hereby granted to Thomas H. Ross of Storino Geomatics, PLLC on behalf of Puccia Olive Oil Company, LLC for a 12,632 SF parking lot expansion and associated site improvements at 111 Breen Avenue, Parcel Number 8-01-214.100, as depicted on the site plan submitted to the City Planning and Community Development Department on November 15, 2022, contingent upon the applicant meeting the conditions listed above.

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 Review. Planning and Community Development Director Michael Lumbis explained that this site plan review does not include the deck and greenhouse that was mentioned in the letter from

neighboring property owner, Anthony Doldo. He stated the greenhouse received a site plan waiver and during part of that process, staff noticed the paving had been done without a permit or site plan. He added that the contractor had told the property owner that a permit was not needed for the paved parking lot, so now the property owner is trying to bring everything into compliance with the City regulations.

Mayor Smith questioned how Council approves something that has already happened and wondered if it would set a precedent.

Attorney Slye stated the work has already been done so, without asking the property owner to tear it all out and then go through the proper process, Council can look at it and see if it meets the criteria for site plan approval. He added that if it does not, then those components can be addressed to resolve it.

Returning to question 1 of Part 2 of the Short Environmental Assessment Review form, setback requirements were discussed. Mr. Lumbis noted that the neighbor's concerns are with the deck, but the deck is not part of this site plan. He described various setback rules but noted there is nothing in zoning that applies to decks.

Council debated on how to settle the concerns between the neighbor and business owner. It was noted several times that the property owner made the improvements without following the rules and requirements of the City. Council heard from both Anthony Doldo, the neighbor, and Thomas H. Ross of Storino Geomatics, PLLC, on behalf of Puccia Olive Oil Company, LLC, the property owner. A lengthy discussion ensued, and members of Council recommended having the two parties meet with Planning staff to come up with a compromise before Council votes on this.

Motion was made by Council Member Patrick J. Hickey to table the foregoing resolution. Motion was seconded by Council Member Lisa A. Ruggiero and carried with all voting in favor thereof.

Resolution No. 12 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 06-04-306.000 Known as 413 Factory Street To EdJe Enterprises

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City of Watertown is the owner of a certain tax sale certificate on a lot of land as 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>	<u>Original Tax Sale Certificate Amount</u>
06-04-306.000413	Factory Street	\$4,143.31

And,

WHEREAS the City Council does not wish to take title to this property, and

WHEREAS the City Comptroller held a public auction on December 13, 2022 as authorized by City Council on November 21, 2022 for the purpose of assigning the City's tax sale certificate,

NOW THEREFORE BE IT RESOLVED that the City Comptroller is directed to assign the City's tax sale certificate for the above parcel to EdJe Enterprises upon the Comptroller's receipt of certified funds in the amount of \$10,000 which is a fair and reasonable offer.

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

Resolution No. 13 - Rescinding Resolution No. 2 of May 2, 2022, which Appointed William Kimball to the Community Action Planning Council of Jefferson County

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City Council adopted Resolution No. 2 of May 2, 2022, which appointed William Kimball to Community Action Planning Council of Jefferson County, and

WHEREAS the Community Action Planning Council of Jefferson County did not accept the appointment of Mr. Kimball, and

WHEREAS the City Council wishes to nominate another person to the Council,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, Resolution No. 2 of May 2, 2022, is rescinded.

Seconded by Council Member Sarah V.C. Pierce and carried with all voting yea except Mayor Jeffrey M. Smith voting nay.

ORDINANCES

Ordinance No. 1 - Changing the Approved Zoning Classification of VL-1 Bellew Avenue South, Parcel Number 9-11-108.001 from Residence B to Commercial

Introduced by Council Member Lisa A. Ruggiero

BE IT ORDAINED where Robert J. Busler, P.L.S. of LaFave, White & McGivern, L.S., P.C. on behalf of ARBEL, LLC has made an application by petition filed with the City Clerk, pursuant to Section 83 of the New York General City Law to change the approved zoning classification of VL-1 Bellew Avenue South, Parcel Number 9-11-108.001 from Residence B to Commercial and

WHEREAS the Jefferson County Planning Board is scheduled to review the application at its December 27, 2022, meeting, pursuant to Section 239-m of New York State General Municipal Law, and

WHEREAS the Planning Board of the City of Watertown considered the zone change request at its December 6, 2022 meeting and adopted a motion recommending that City Council approve the zone change, and

WHEREAS a public hearing was held on the proposed zone change on January 3, 2023, after due public notice, and

WHEREAS the City Council has made a declaration of Negative Findings of the impacts of the proposed zone change according to the requirements of SEQRA, and

WHEREAS the City Council deems it in the best interest of the citizens of the City of Watertown to approve the requested zone change,

NOW THEREFORE BE IT ORDAINED that the approved zoning classification of VL-1 Bellew Avenue South, Parcel Number 9-11-108.001 shall be changed from Residence B to Commercial, and

BE IT FURTHER ORDAINED that the Zoning Map of the City of Watertown shall be amended to reflect the zone change, and

BE IT FURTHER ORDAINED this amendment to the Zoning Ordinance of the City of Watertown shall take effect as soon as it is published once in the official newspaper of the City of Watertown, or otherwise printed as the City Manager directs.

Seconded by Council Member Sarah V.C. Pierce

Motion was made by Council Member Lisa A. Ruggiero to schedule a Public Hearing on the foregoing ordinance for Tuesday, January 3, 2023 at 7:15 p.m. Motion was seconded by Council Member Sarah V.C. Pierce and carried with all voting in favor thereof.

OLD BUSINESS

Resolution - Nominating Stanley Zaremba to the Community Action Planning Council of Jefferson County. *(Introduced on 12/5/2022; tabled; appears in its entirety in the 2022 Minutes Book on page 9-10 of the 12/5/2022 minutes).*

Motion was made by Council Member Patrick J. Hickey to remove the foregoing resolution from the table. Motion was seconded by Council Member Lisa A. Ruggiero and carried with all voting yea.

Council Member Ruggiero mentioned that County Legislator Anthony Doldo knew more about this issue with CAPC and is present in the audience.

Mr. Doldo explained the guidelines under the law which allows the CAPC to reject a nominee of Council to their board.

Stating that he has nothing against Mr. Zaremba and that he does a good job, Mayor Smith said he still does not understand why Dr. Kimball was rejected to be on the board. He feels that CAPC wants to pick their own members and expects the Council to “rubberstamp” it. He said he will not support this resolution due to the process.

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.

STAFF REPORTS

Sales Tax Revenue – November 2022

A report was available for Council to review.

Sale of Surplus Hydro-electricity – November 2022

A report was available for Council to review.

Year-end Financial Report

The City Comptroller provided Council with the un-audited financial report for fiscal year ending June 30, 2022.

Zoning Ordinance Rewrite Update and Proposed Schedule

Mr. Lumbis explained the report was to inform Council of what happened during the last public open house and to obtain consent to move forward with the approval process.

Council agreed to move on to the next steps.

NEW BUSINESS

Human Trafficking Presentation

Council Member Hickey announced that he attended this presentation by Rebecca Bender at Jefferson Community College on December 6. He noted that she is an author, FBI and Homeland Security consultant and survivor of human trafficking and she spoke in support of Human Trafficking Awareness Month beginning January 1.

Fire Department SAFER Grant

Council Member Hickey expressed disappointment in the City not being awarded the Fire SAFER grant for 2021 and encouraged an application be submitted for the year 2022.

City of Watertown Census

Council Member Hickey reviewed the results of the 2021 Census, which showed a population of 24,575 and compared it to 2020 and 2010. He also mentioned various other statistics of the population breakdown.

NYS Park Rangers

Council Member Hickey announced that NYS is looking for Park Rangers and provided the information on how and when individuals could apply and interview.

Homelessness

Council Member Hickey provided an update on the number of people staying at the Main Avenue shelter and stated that the Transitional Living Services facility on Pine Street has not opened yet. He also provided information on future facilities at the Salvation Army and on State Street at the prior Great American location, as well as more permanent housing solutions in the works by Eagle Star Housing and Transitional Living Services, CREDO and Neighbors of Watertown.

NYS Renewal Energy

Council Member Hickey announced that Governor Hochul signed legislation on November 30 to help make 70% of the state energy renewable by 2030. He indicated that Adirondack North Country Association is partnering with Cornell Cooperative Extension of Jefferson and St. Lawrence Counties and SUNY Canton Career Ready Education and Success Training (CREST) to serve as an energy hub for the North Country region.

Snowtown USA Festival

Council Member Hickey mentioned that the Snowtown USA Festival will be held from January 13 through January 16, 2023.

Transfer Station Fees

Mentioning recent increases in transfer station fees, Council Member Hickey wondered how the City is to be affected.

Payment in Lieu of Taxes (PILOT) Program

Council Member Hickey asked if the City currently has any PILOT programs and what the status of each would be.

Biosolid Study and Disinfection Byproducts

Council Member Hickey asked for the status of both of these.

Watertown Golf Club Purchase / Legal Advice

Mentioning that the City receives an exterior revenue from National Grid, Council Member Hickey stated that the \$6.6 million that the City received in hydro revenue last year can be used to buy the golf course, therefore no funds from Federal, State, County or taxpaying citizens will be used to pay for this purchase of land in Thompson Park.

Council Member Olney responded to several comments made about this topic during Privilege of the Floor. He stressed that he did not receive campaign contributions from Mr. Lundy or Mr. Simao, and he explained how Mr. Simao and he became familiar with each other due to similar interests in what he termed "Golfgate." He stated the public does not understand how much money the City has and mentioned the Year-end Financial Report included in this meeting's agenda. He reviewed in length why he supports purchasing the golf course and why he did not agree with obtaining an appraisal prior to the purchase. He recalled how the deal developed and was put together, noting the purpose of it, and he discussed the alternative if the deal did not go through. Lastly, he advised there are other opportunities for the City to increase funds through hydro and by the use of a grant writer.

Council Member Pierce thanked the people who spoke this evening, stating it is an important part of the political process. She said there are a lot of questions about the golf course purchase that have not been answered and she does not understand the need to rush the deal through. She stressed that Council should have all the answers to questions when spending taxpayers' dollars. Stating that she thinks everyone agrees with obtaining more public land, she said she feels the public has lost trust in Council because of the way this has taken place.

Regarding the rules of a Special Meeting, Council Member Ruggiero said she searched agendas and Privilege of the Floor was not listed, but after the last meeting, she found Privilege of the Floor in the minutes of the March 11, 2019 meeting which she attended. She apologized for making a mistake, stating she had forgotten about that meeting. She also noted that there was only one person that wanted to speak at that meeting. She reviewed the timeline of the golf course deal, stating the first meeting was at the end of August and there were several executive sessions discussing it, in which the price was negotiated. She said that she is not happy with the price but was concerned with the alternative of not buying the course. She listed the times when people spoke about this topic during Privilege of the Floor,

stating there were many opportunities for the public to speak. She read the email to Council explaining the need for the Special Meeting in order to close the purchase by the end of the year.

Responding to comments made about this topic during Privilege of the Floor, Council Member Ruggiero advised that she did receive a small campaign donation from Mr. Lundy but also noted that she voted to close the parking lot that his golf patrons were using, which resulted in her being named in the notice of claim by him. Regarding obtaining an appraisal, she indicated that she had spoken to Chuck Marshall, representative of Stewart's Shoppes, and he said they often do not obtain appraisals when purchasing land for their stores. In regard to eminent domain, she said that can become a hostile process and noted that the price could have resulted in more than \$3.4 million.

A lengthy back and forth occurred between Council Member Ruggiero and Attorney Slye pertaining to his legal opinion letter about obtaining an appraisal prior to purchasing the golf course.

Council Member Ruggiero questioned the timing of the opinion letter and accused him of trying to throw Council and the City "under the bus" near the end of the four-month long process.

Attorney Slye argued that he has a professional responsibility to his clients to inform them of what he believes the law is. He added that if he had written this letter before the vote on whether to do an appraisal, he would have been accused of trying to sway Council's vote, so that is why he wrote it when he did. He added that he stands by his opinion letter.

Mayor Smith added that the attorney's duty is to protect the City.

Bridge Program

Council Member Ruggiero informed Council that the Bridge Program held an event last week for people trying to turn their lives around from drug and/or DWI charges. She said that she has participated as a speaker for 22 years, noting that she lost her brother to a drunk driver 23 years ago today.

Rules of Council

Mayor Smith addressed the topics brought up previously about the Rules of Council. Regarding Privilege of the Floor, he clarified that there was never a written rule giving speakers a limit of five minutes or any length of time during Privilege of the Floor. He noted it was not until he proposed a three-minute rule that there were any guidelines whatsoever. As to the rules for Special Meetings, he pointed out that, contrary to Council Member Ruggiero's research, public input had, in fact, been allowed by former Mayor Butler Jr. during a Special Meeting on March 11, 2019, regarding the City Courtroom project. He added that he was following that same procedure and not setting a new precedent. He commented that the only precedent set was that the majority of Council had voted to silence the public by not allowing their input.

Watertown Golf Club Purchase / Legal Advice (con't)

Mayor Smith reiterated that it was the job of the City Attorney to protect the City. Noting none of the members of Council have legal degrees, he cited the importance of listening to good legal advice. He continued, saying the legal advice offered had suggested that an appraisal was necessary because if the City were to overpay for a piece of property, it could be perceived as a gift in violation of State law. He disputed many of the claims being made publicly about the golf course deal should it have failed to go through, including the following: potential lawsuits, a lack of golf courses available in the City, and a

reversion of the Park ownership to the Sherman family. He also disputed claims that Council had negotiated with the developers to lower the price, commenting that the developers dropped the initial asking price themselves in exchange for not doing some of the repairs to buildings. He commented that this deal is bad for the City taxpayers and it is not just about acquiring 63 acres of land and he mentioned a Citizens group could go forward with a potential injunction.

Motion was made by Council Member Lisa A. Ruggiero to move into Executive Session to discuss the employment history of a particular individual or corporation.

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

Council moved into Executive Session at 9:38 p.m.

Council reconvened at 9:55 p.m.

ADJOURNMENT

At the call of the chair, meeting was duly adjourned at 9:55 p.m. by motion of Council Member Patrick J. Hickey, seconded by Council Member Lisa A. Ruggiero and carried with all voting in favor thereof.

Ann M. Saunders
City Clerk