

**CITY COUNCIL WORK SESSION
CITY OF WATERTOWN
March 13 2023
7:00 p.m.**

Mayor Jeffrey M. Smith Presiding

Present: Council Member Patrick J. Hickey
Council Member Clifford G. Olney III
Council Member Lisa A. Ruggiero
Mayor Jeffrey M. Smith

Not Present: Council Member Sarah V.C. Pierce

Also Present: Kenneth A. Mix, City Manager

City staff present: Scott Weller, Michael Delaney, Police Chief Charles Donoghue, Logan Eddy

Prior to the Discussions, Mayor Smith explained that Council Member Sarah V.C. Pierce's flight had been cancelled due to weather and she was unable to attend.

DISCUSSION

Bail Reform and Drug Task Force

Mayor Smith introduced District Attorney Kristyna Mills, Sheriff's Detective Perry Golden and Police Chief Charles Donoghue.

Ms. Mills gave an overview of the sweeping justice reforms from 2020 that included bail and discovery reform. She noted that there are certain crimes for which bail cannot be set and these include drug crimes and non-violent felonies. She advised that judges can only ask for bail when bail is the "least restrictive means." She explained that the reforms have hampered the Drug Task Force's ability to operate, describing drug crimes as "catch and release." She added that the State prison system adds further complications by releasing drug offenders early. She noted a recent case where a drug dealer sent to jail for seven years was back out in 90 days.

Council Member Ruggiero asked the percentage of people arrested and then released being re-arrested.

Ms. Mills explained she did not have local statistics but the State numbers from January 2020 to June 30, 2022 say 39% were re-arrested while their case was pending and 44% were re-arrested if they had a prior criminal record. She noted that the numbers are even higher for crimes such as burglary and petit larceny which could be as high as 67% re-arrested.

Council Member Ruggiero mentioned she had heard the Governor was planning to make some changes.

Ms. Mills advised that the Governor proposed to eliminate the "least restrictive means" language from the reforms which will give the judges more leeway, but will not offer much change where drug crimes are considered.

Detective Golden clarified that many of the statistics are based on those who file complaints but added that, in his observation, people have stopped making complaints.

Mayor Smith asked what types of offenses are bailable.

Ms. Mills listed murder, rape, felony assaults and some misdemeanor sex crimes.

Mayor Smith commented that the Council receives a lot of complaints about the non-prosecution of property damage crimes in City rental property.

Ms. Mills explained that in order to sustain criminal mischief charges, her office needs to be able to prove beyond a reasonable doubt that the accused committed the damage. She stated this is very difficult to prove in criminal court. She noted that a renter is civilly responsible for damage sustained in a rental property but not necessarily criminally responsible.

Council Member Olney stated that while he approves of bail reform, he is against how it is enforced. He explained that he is interested in consequences for actions. He said he understood that the bail reform was intended to prevent long waits in jail for court dates.

Ms. Mills disagreed saying that long waits never happened in Jefferson County and that was more of a problem in larger cities.

Council Member Olney reiterated that he would like to see consequences for renters who cause damage to apartments. He said that, as a renter, he assumes responsibility for what happens in his apartment.

Ms. Mills clarified that he is civilly responsible, but not necessarily criminally responsible.

Council Member Olney cited a case where \$300,000 in damages was done to a building and noted he recognized that the person accountable would never be able to pay but that arresting them would act as a deterrent. He said the consequences of not prosecuting the person responsible resulted in higher rents and in developers not wanting to come to invest in the area.

Ms. Mills reiterated that Council Member Olney was confusing her ability to prosecute the person criminally with prosecuting the person civilly and added that, in the specific case he is referring to, the person will be arrested. She added that her office is doing what it can.

Council Member Olney expressed frustration that rules of privacy prevent him from mentioning this person's name and, legally, landlords are unable to warn each other not to rent to this person.

Mayor Smith noted that rental properties can ask for references and check those references and this is not illegal.

Ms. Mills noted that she is as frustrated as anyone else but she has to operate within the bounds of the law.

Chief Donoghue clarified that in the particular case Council Member Olney is referring to, a detective has been working on it the entire time, gathering evidence. He added that assigning criminal responsibility is very difficult.

Council Member Olney mentioned that the person he previously referred to as having caused \$300,000 worth of damage in a building had recently been attempting to purchase chainsaws online.

Chief Donoghue informed the Council Member that this is information that the police would like to know as it would show both probable cause and intent.

Ms. Mills stated that, for the record, crime in Jefferson County overall is down with violent crimes down 8%.

Detective Golden noted he did not have hard numbers but there are more drugs in the area than ever before and he stressed a distinction has to be made between reported and unreported crimes.

Ms. Mills commented that it is important for people to understand that the Drug Task Force falls under the umbrella of the D.A.'s office and therefore higher standards must be met before arrests and prosecution can take place. She noted there was a lot going on behind the scenes that people are not aware of.

Detective Golden informed Council that with the changes in discovery dissemination, people are less willing to come forward with information that will lead to arrests.

In response to Council Member Olney's question if they fear retaliation, Detective Golden noted they may just fear being revealed as a drug user.

Ms. Mills added they might make a great drug arrest and seizure but the dealer will be released right away and people do not feel safe.

In response to Council Member Olney's question about what would happen with the reform laws, Ms. Mills said she felt the pendulum would soon swing the other way.

Detective Golden informed Council that one of the unintended consequences of the current laws is that drug dealers in New York City feel free to send a lower level drug dealer to our area to sell, knowing that, even if they are caught, they will be released. He mentioned that Jefferson County used to have a reputation as a tough place to sell with strict rules and enforcement and that reputation is now gone. He further noted that one of the benefits of putting drug users in jail was getting them off drugs and now, since they are immediately released, they are no longer receiving the help they need.

Ms. Mills clarified that Jefferson County is still tough on drugs with a 95% conviction rate on drug crimes.

Council Member Olney stated his focus is to eliminate the deaths to drug overdoses.

In response to Council Member Olney's statement that there is no recreational cocaine use in the area any more, Detective Golden strongly disagreed saying a good bust 20 years ago would have been an ounce and now they are more likely to find a kilo of cocaine.

Council Member Olney clarified that what he meant is that cocaine use is not recreational anymore as the product is frequently laced with fentanyl and can be deadly.

Mayor Smith stated for the record that the test strips frequently mentioned regarding fentanyl are testing to make sure there is fentanyl in the drugs instead of protecting against it.

Ms. Mills stated that there is less heroin around and more of the much cheaper fentanyl.

Council Member Olney asked if there was a "knock and warn" policy for the homeless, noting he recognized a relationship between homelessness and drug abuse.

Detective Golden responded that they get tips all the time about drug houses but the public does not necessarily know what to look for. He commented his office is looking for the dealers not the users.

Council Member Ruggiero inquired if the Drug Task Force was fully staffed.

Detective Golden said the staffing is the same as it has always been.

Chief Donoghue clarified that one position, a sergeant position, which is a new position, is not filled as of yet.

Detective Golden added that the Task Force has the same number of personnel but the problem has increased. He noted the force does OK, but they are frustrated because they are less effective than they were 10-15 years ago. He further noted that the recidivism has another consequence in that the criminals are learning how the Task Force operates and they can find ways to avoid being caught.

Council Member Olney mentioned he heard that Narcan was being sent to Veterans.

Detective Golden admitted he knew nothing about that but added Narcan is only so effective and has a different impact when used with analog drugs. He described analogs as mixtures of up to three and four kinds of drugs which are only identifiable by being sent to the State labs.

Council Member Olney asked if they are seeing fentanyl in pot.

Detective Golden replied that it exists.

Council Member Olney asked if proposed dispensaries would fix that problem.

Ms. Mills said that the legal dispensaries will have issues because of the depth of the black market in the area where buyers can purchase cannabis at a much lower price.

Council Member Hickey asked if Ms. Mills could email the arrest statistics to Council.

Council Member Olney asked if the Drug Task Force could participate in the Victims Panel.

Ms. Mills replied that the Force does do educational programs in schools and other locations, but she finds that those programs will scare a non-user into not starting to use drugs but have little effect on those who are already addicted.

Detective Golden commented that the mission of the Drug Task Force is not about locking people up but about helping people.

William J. Flynn Pool Update

Patrick Currier of C&S offered Council an update on the Northside pool. He reminded Council that the scope of the project had been clarified at a December meeting to include an L-shaped pool with renovations made to the existing bathhouse to bring it up to current codes and standards. Mr. Currier informed Council that they were on track to go to bid and then there would be three to four weeks of bidding. He noted the plans would be delivered to the City's Engineering Department on March 17th for the department to review. He added the next step would be to have public bidding starting on April 4th with the bids being opened on May 2nd.

Mr. Currier stated the original projected cost of the pool was set at \$2,894,000 and noted C&S is still confident with that number with the addition of a few expected fees. He explained the projected additional charges include a 5% cost contingency (\$144,700), third-party testing which is mandated by New York State (\$20,300) and construction administration costs (\$145,800) which bring the new projected cost to \$3,204,800.

City Engineer Michael Delaney cautioned that these are estimated numbers based on the current market but the accuracy would not be known until the bids were opened.

In response to Council Member Ruggiero's question about whether third-party testing was done during the construction of the Thompson Park pool, Mr. Currier confirmed that it was as this testing was not a new requirement.

Council Member Ruggiero asked how long it would take for construction to start once the bids were opened and Council approved the project.

Mr. Delaney responded that the standard was four weeks.

In response to Council Member Ruggiero's inquiry about whether the various parts of the project were broken down into electrical and plumbing and other areas, Mr. Currier explained that New York State requires that those elements be separated as opposed to Federal projects which can have one contractor for an entire project. He noted this is why a project such as this requires construction administration to manage all the various contractors.

Council Member Olney asked if the Splash Pad was part of the plan.

Mr. Currier indicated it was and showed on the displayed blueprint where it was located. He informed Council that the pad was around 40 feet square and had the added feature of being able to be opened and closed completely separately from the pool. He noted this would allow the splash pad to have both a longer season and to have extended hours from the pool schedule.

In response to a question from Council Member Olney regarding bathroom access in the bathhouse, Mr. Delaney noted there were separate exterior bathrooms that would be accessible when the pool was closed.

Council Member Olney asked if there would be closed-circuit television.

Mr. Currier indicated that a system was built into the plan.

Mr. Delaney added that the security camera locations had already been chosen.

Council Member Olney suggested the addition of benches, tables and umbrellas.

Mr. Delaney informed Council that benches had been added to the design and, on the suggestion of the Parks and Recreation Department, they would be mounted so that they could not be thrown into the pool.

Council Member Ruggiero asked if the cost of lifeguard chairs was included in the plan and how many there would be.

Mr. Currier stated that lifeguard chairs were a budget item but the number would be determined by safety requirements.

Thompson Park Bandstand Roof Proposal

Brian Ashley of Ashley Creative Enterprises thanked Council for the opportunity to bring his proposal to add a roof to the existing bandstand in Thompson Park. He distributed a folder of drawings and photos (on file in the City Clerk's office.)

He explained that the idea for the project began with the late Mayor T. Urling Walker who wanted to apply some of his assets to a Park project. After struggling to come up with a suitable idea, they finally landed on the roof. He explained that the idea came from a local band which had to cancel a concert in the park due to rain. Mr. Ashley noted that a roof on the bandstand would make the structure useful, not only for musical acts, but for many types of events including weddings, community meetings, birthday parties and other activities.

Mr. Ashley informed Council that some drawings had been done in the 1990s (included in the folder) for a proposed roof and that his group had taken the drawings to an architect who had created 3-D drawings for Council to review. He noted that some of the suggestions have included a roof made of industrial fabric, similar to the one at the Salmon Run Mall, and added that long-term maintenance of the roof would need to be considered. He mentioned there had been no significant improvements to the structure which means the stonework would likely need repointing and a new cement floor would need to be poured. He suggested that work of this type could be done as a community project. He pointed out that electrical hookup had been added at one point and this was an asset.

Mr. Ashley stated that he felt this project fit in well with the Thompson Park Master Plan and could be a good project to kick off improvements as well as show the results of public and private partnerships. He indicated that the cost of the roof, projected to be \$150,000, will be funded in part by a donation by the Walker family. He asked the City for \$25,000 toward the cost and indicated he felt the rest could be raised by donations from several large donors rather than small individual donations.

He added that, with the approval and support of Council, he hoped to call the finished project the Walker Bandstand due to the family's continuing support.

In response to Council Member Olney's question of whether an audio system or lighting would be installed, Mr. Ashley indicated that there would not be audio as most musical groups provide their own audio but portable lighting is a suggestion.

Council Member Olney offered his support of the project.

Council Member Hickey advised that he had seen the plans and he was very much in support of the proposal, and noted he found it an appropriate way to honor the late Mayor Walker's legacy.

Council Member Ruggiero mentioned that she had previously met with Mayor Walker about the roof and could sense his enthusiasm for his project.

Mayor Smith asked which of the designs were more in keeping with the Olmstead's original design.

Mr. Mix explained that the Olmsteads were not architects and that the overall aesthetic in the Park was eclectic – noting there was no one style that defines the Park.

Mayor Smith indicated he supported the project.

Work session ended at 8:54 p.m.

Lisa M. Carr
Deputy City Clerk