

**CITY COUNCIL MEETING
CITY OF WATERTOWN
August 21, 2023
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
H. Todd Bullard, Esq. Harris Beach PLLC, Interim City Attorney

City staff present: James Mills, Michael Lumbis, Meredith Griffin, Logan Eddy, Patrick Keenan, Angel French

The City Manager presented the following reports to Council:

- Resolution No. 1 - Consenting to the Order of New York State Department of Environmental Conservation Pertaining to the Western Outfall Trunk Sewer
- Resolution No. 2 - Approving Change Order No. 1 with EDGE Civil Corporation for the Barben Avenue, Holcomb Street, Bugbee Drive and East Street Water Main Replacement Project
- Resolution No. 3 - Approving the Sale of Real Property Known as 219-221 Lynde Street West Parcel Number 2-02-216.000 to Matteson Property Management, LLC
- Resolution No. 4 - Approving the Sale of Real Property Known as 256 Pleasant Street North Parcel Number 6-13-213.000 to Rios Renovations, LLC
- Resolution No. 5 - Approving Change Order No. 1 with Con Tech Building Systems, Inc. for the William J. Flynn Municipal Swimming Pool Rehabilitation Contract #1 – General Construction
- Resolution No. 6 - Accepting Bid for Flower Memorial Library Cornice Repointing Project - Heritage Masonry Restoration
- Resolution No. 7 - Approve Change Order No. 9 with Power & Construction Group, Inc. for the Public Square Traffic Signal Optimization and Coordination Project, NYSDOT PIN 7807.20
- Resolution No. 8 - Naming Jeffrey E. Graham Drive
- Resolution No. 9 - Naming Joseph M. Butler, Jr. Drive
- Resolution No. 10 - Approving Amendment Number 3 to the Agreement with Barton & Loguidice, D.P.C. for the Downtown Revitalization Initiative Streetscape Project
- Resolution No. 11 - Authorizing Granting of American Rescue Plan Act Funds to Hospice of Jefferson County, Inc.
- Ordinance No. 1 - Amending Section 293-58 of the City Code, Schedule X: Stop Intersections – Jeffrey E. Graham Drive and Joseph M. Butler, Jr. Drive.
- Laid Over Under the Rules - Ordinance Authorizing the Issuance of \$3,100,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Costs of the Renovation and Reconstruction of City Hall, in and for Said City
- Public Hearing for the Community Development Block Grant Program Consolidated Annual Performance and Evaluation Report (CAPER)
- Sales Tax Revenue – July 2023
- Sale of Surplus Hydro-electricity – July 2023
- Thompson Park Golf Course Update

- Thousand Islands Classic Softball Tournament

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 August 7, 2023 and work session of August 14, 2023, 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

A letter was received from Robert South, 728 Arsenal Street and owner of 1360 Gotham Street, requesting Council to consider adding a new subsection to Section 98-1 of the City Code, which would allow natural areas to exist on large lots within the City boundaries. He provided a sample of the language to be used for this subsection.

Above communication was placed on file in the office of the City Clerk.

A notice of complaint was received from Alan Russo, Punta Gorda, Florida, in regard to the relevy of water and sewer bills on his properties located at 513 Olive Street, 718-722 Arsenal Street, 664 Leray Street and 122 South Orchard Street, as well as the demolition of 934 Academy Street.

Above claim has been referred to the Board of Audit.

PRIVILEGE OF THE FLOOR

Robert (no last name given), Watertown resident, provided information about the upcoming meetings for the senior center and spoke in opposition of Resolution No. 10. He stressed there is a difference between keeping parking spaces versus the importance of pedestrian safety. He announced that he is putting the City on notice of the safety concerns if they approve Resolution No. 10.

Matthew McCarthy, 222 Francis Street, complained about the construction noise occurring at 226-228 Francis Street into the night hours and asked Council to help make this stop.

Jason Traynor, 424 Arsenal Street, spoke about his concerns of the City focusing on the wrong priorities instead of focusing on the future of the Zoo and improving the water system. He also expressed concern over his wife not being hired for a position with the City.

Jonathan Phillips, 735 Mill Street, spoke against Resolution No. 10 due to the effect it could have on the City bus system and cause more delays. He also expressed concern over traffic not stopping for pedestrians in the crosswalk and the reverse angle parking on Court Street.

Ben Shoen, asked if the senior center meetings could be scheduled in the evening so that more people could attend. He spoke in opposition to Resolution No. 11 and giving money to a not-for-profit organization, such as Hospice, because he said it is not the role of government to donate to not-for-profits. He also pointed out that the City already had to eliminate \$3.5 million of ARPA projects because the funds were over-appropriated, and he expressed concern that this may open the door for other requests.

Frank Battista, 201 Palmer Street, reminded Council of his safety concerns at the intersection of the apartment complex exiting onto Wealtha Avenue. He was told there is nothing the City could do since it is not City-owned road. He asked again for a stop sign to be installed.

Bill Dermady, 118 Seymour Street, spoke in support of giving funds to Hospice, stating that Hospice assists many people. He also asked for an explanation of the City Attorney's role.

Debra Dermady, 118 Seymour Street, asked for Council to support Resolution No. 11 to give money to Hospice to assist with their ventilation system. She stated that Hospice supports 85% of the City residents, and, since the County has given them funding, the City should as well.

RESOLUTIONS

Resolution No. 1 - Consenting to the Order of New York State Department of Environmental Conservation Pertaining to the Western Outfall Trunk Sewer

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City received a Notice of Violation dated February 27, 2023 from New York State Department of Environmental Conservation (NYSDEC) as a result of discharging wastewater from a manhole of the Western Outfall Trunk Sewer on Butterfield Avenue into Beaver Meadows wetland, and

WHEREAS NYSDEC subsequently prepared and sent an Order on Consent with five (5) actions required of the City, a copy of which is attached and made part of this resolution.

NOW THEREFORE BE IT RESOLVED that the City Council hereby consents to the order of NYSDEC, and

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

Seconded by Council Member Sarah V.C. Pierce

Prior to the vote on the foregoing resolution, Mr. Mix responded to Council Member Olney's questions, explaining the fines to the City and providing more details of the three violations listed in the order. He rejected Council Member Olney's suggestion to fight the fines, stating that the discharges have been occurring and have been for many years. He further explained that the discharges were done to prevent backups in the basements of property owners in that area. He reviewed the requirements put onto the City and stated that the Town of Watertown will need to assist due to their overflow coming into the City system.

Mayor Smith warned of the potential high cost of fixing this issue and the negative impact to the neighborhood during large storm events now that the overflow discharges are not allowed.

Storm sewer separation was discussed and the continued work that will need to be done for this throughout the City.

Council Member Hickey advised that the federal government is also proposing to look at the cleanliness

of stormwater going into the Black River.

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

Resolution No. 2 - Approving Change Order No. 1 with EDGE Civil Corporation for the Barben Avenue, Holcomb Street, Bugbee Drive and East Street Water Main Replacement Project

Introduced by Council Member Lisa A. Ruggiero

WHEREAS at its April 17, 2023, meeting, the City Council approved a bid from EDGE Civil Corporation in the amount of \$1,597,319.00 for the Barben Avenue, Holcomb Street, Bugbee Drive and East Street Water Main Replacement Project, and

WHEREAS Bugbee Drive has had many water main breaks and drainage issues on the road for many years, resulting in the asphalt being in poor condition, and

WHEREAS it was determined that instead of paving only where the new water main was installed on Bugbee Drive, the entire section would be paved curb to curb, and

WHEREAS EDGE Civil Corporation has now submitted Change Order No. 1 in the amount of \$141,550.00 for the increased paving,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Change Order No. 1 with EDGE Civil Corporation in the amount of \$141,550.00, a copy of which is attached and made part of this Resolution, bringing the total contract amount to \$1,738,869.00, and

BE IT FURTHER RESOLVED that City Manager Kenneth A. Mix is hereby authorized and directed to execute Change Order No. 1 on behalf of the City of Watertown.

Seconded by Council Member Sarah V.C. Pierce

Prior to the vote on the foregoing resolution, Mr. Mix confirmed for Council Member Olney that it was the City that determined the need for additional paving causing the change order and explained the benefit of the additional paving. He added this addition will be paid for by CHIPS funding.

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

Resolution No. 3 - Approving the Sale of Real Property Known as 219-221 Lynde Street West Parcel Number 2-02-216.000 to Matteson Property Management, LLC

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 219-221 Lynde Street West, also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel Number 2-02-216.000, and

WHEREAS title to said lands have since been retained by the City of Watertown as acquired at

said tax sale, which titles were retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real properties have never been assigned by the Council for a public use, and

WHEREAS the City Council deems the property to be excess and not required for any City purpose, and

WHEREAS the City developed a Request for Proposal (RFP) through its Vacant Homes Redevelopment Initiative for the rehabilitation of this property, and

WHEREAS the evaluation of proposals submitted through this RFP process included the consideration of the experience of the developer/contractor, the proposed work scope and investment, the proposed purchase price, the proposed tenancy, the financial capacity of the developer/contractor and the proposed rehabilitation timeline, and

WHEREAS after review of the proposals submitted for this property, Staff is recommending that this property be sold to Matteson Property Management, LLC, and

WHEREAS Micah Matteson of Matteson Property Management, LLC has offered to purchase this parcel for \$6,724.39 and invest additional funding in the property to rehabilitate the home including improvements such as a new roof, siding replacement, front porch repairs, new exterior doors, remodeling of the kitchens and bathrooms, new flooring, interior paint, heat and electric upgrades and plumbing repairs, and

WHEREAS the City Council desires to ensure that property 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,

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 \$6,724.39 submitted by Matteson Property Management, LLC, for the purchase of Parcel Number 2-02-216.000, for the purposes of a housing rehabilitation project as described above is a fair and reasonable offer therefore and the same is hereby accepted, 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 Matteson Property Management, LLC, upon receipt of the above-mentioned sum of money in cash only by the City Comptroller, and

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that the property sold must 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.

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

**Resolution No. 4 - Approving the Sale of Real Property Known as 256 Pleasant Street North
Parcel Number 6-13-213.000 to Rios Renovations, LLC**

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 256 Pleasant Street North, also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel Number 6-13-213.000, and

WHEREAS title to said lands have since been retained by the City of Watertown as acquired at said tax sale, which titles were retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real properties have never been assigned by the Council for a public use, and

WHEREAS the City Council deems the property to be excess and not required for any City purpose, and

WHEREAS the City developed a Request for Proposal (RFP) through its Vacant Homes Redevelopment Initiative for the rehabilitation of this property, and

WHEREAS the evaluation of proposals submitted through this RFP process included the consideration of the experience of the developer/contractor, the proposed work scope and investment, the proposed purchase price, the proposed tenancy, the financial capacity of the developer/contractor and the proposed rehabilitation timeline, and

WHEREAS after review of the proposals submitted for this property, Staff is recommending that this property be sold to Rios Renovations, LLC, and

WHEREAS Edgar Rios of Rios Renovations, LLC has offered to purchase this parcel for \$4,714.07 and invest additional funding in the property to rehabilitate the home including improvements such as a new roof, new siding, new floors, remodeling of the kitchen and bathrooms, new electrical, a new HVAC system and upgraded interior finishes, and

WHEREAS the City Council desires to ensure that property 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,

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 \$4,714.07 submitted by Rios Renovations, LLC, for the purchase of Parcel Number 6-13-213.000, for the purposes of a housing rehabilitation project as described above is a fair and reasonable offer therefore and the same is hereby accepted, 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 Rios Renovations, LLC, upon receipt of the above-mentioned sum of money in cash only by the City Comptroller, and

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that the property sold must 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.

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

Resolution No. 5 - Approving Change Order No. 1 with Con Tech Building Systems, Inc. for the William J. Flynn Municipal Swimming Pool Rehabilitation Contract #1 – General Construction

Introduced by Council Member Lisa A. Ruggiero

WHEREAS at its June 05, 2023, meeting, the City Council approved a bid from Con Tech Building Systems, Inc. in the amount of \$2,695,000.00 for the William J. Flynn Municipal Swimming Pool Rehabilitation Contract #1 – General Construction, and

WHEREAS it has become necessary to remove approximately 95 cubic yards of very hard, sound granite-like bedrock that has been discovered in the new pool's deep end, which must be removed to continue construction, and

WHEREAS Con Tech Building Systems, Inc. has submitted Change Order No. 1 in the amount of \$57,746.10 for removal of the rock,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Change Order No. 1 with Con Tech Building Systems, Inc. in the amount of \$57,746.10, a copy of which is attached and made part of this Resolution, bringing the total contract amount to \$2,752,746.10, and

BE IT FURTHER RESOLVED that City Manager Kenneth A. Mix is hereby authorized and directed to execute Change Order No. 1 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 asked who made the determination for the need to remove additional rock.

Civil Engineer II Meredith Griffin explained that the additional funds are for the excavation of bedrock found while digging for the deep end of the pool. She confirmed that the deep end of the pool is now 10 feet, which was listed within the specs, and that the old pool was 8 feet. She also responded to Council Member Olney's questions about the ability to dive with a depth of 10 feet and noted that the deep end was designed for lap swimming.

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.

Resolution No. 6 - Accepting Bid for Flower Memorial Library Cornice Repointing Project - Heritage Masonry Restoration

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City desires to repair and restore the cornice that runs the full length around the original Library Building to include raking and repointing from the bottom of the cornice to the top of the coping at the roof line as pieces have fallen above the front entryway to the Library, and

WHEREAS the Purchasing Department advertised and received three (3) sealed bids for the Flower Memorial Library Cornice Repointing Project, and

WHEREAS on August 10, 2023, at 2:00 p.m. the bids received were publicly opened and read, and

WHEREAS Purchasing Manager, Tina Bartlett-Bearup reviewed the bids received with the Engineering Department and it is their recommendation that the City Council accept the lowest responsive responsible bid submitted by Heritage Masonry Restoration,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby accepts the bid received from Heritage Masonry Restoration in the amount of \$72,428.00, and

BE IT FURTHER RESOLVED that the City Manager of the City Watertown is hereby authorized and directed to execute the 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 - Approve Change Order No. 9 with Power & Construction Group, Inc. for the Public Square Traffic Signal Optimization and Coordination Project, NYSDOT PIN 7807.20

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City desires to reduce traffic congestion through the Public Square corridor, and

WHEREAS on June 21, 2021, City accepted the bid of Power & Construction Group, Inc. in the amount of \$416,287.17 for installation of equipment for the Traffic Signal Optimization and Coordination project, and

WHEREAS the City entered into Agreement with Fisher Associates for the construction inspection and management of the Project, and

WHEREAS the current Contract amount is \$486,881.12, and

WHEREAS Power & Construction has completed construction, and

WHEREAS to balance out the increase and decrease in various construction items, there is an overall increase in the Contract price of \$2,740.30.

WHEREAS the City is financing this project using Federal and State Aid.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby accepts Change Order No. 9 from Power & Construction Group, Inc. in the amount of \$2,740.30, for a Contract total of \$489,621.42, and

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

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

Resolution No. 8 - Naming Jeffrey E. Graham Drive

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City Council named the 2,490-foot length of drive within John C. Thompson Park between Park Circle and Pinnacle Wood Drive “North Entrance Drive” on December 15, 2008, and

WHEREAS the City Council wishes to honor former Mayor Jeffery E. Graham by renaming this drive after him,

NOW THEREFORE BE IT RESOLVED that the City Council hereby changes the name of “North Entrance Drive” to “Jeffrey E. Graham Drive.”

Seconded by Council Member Sarah V.C. Pierce

Prior to the vote on the foregoing resolution, Council Member Olney remarked that he supports both mayors having something named after them but wondered if it should be the streets in the Park. He suggested naming the arena after Mayor Graham and the newly renovated fairgrounds’ ballfield after Mayor Butler, Jr.

Mayor Smith indicated that the standard in the past was to name streets after former mayors and he expressed hope in selling naming rights to the municipal arena.

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

Resolution No. 9 - Naming Joseph M. Butler, Jr. Drive

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City Council named the 4,335-foot length of drive within John C. Thompson Park between Gotham Street and East Tower Drive “Gotham Street Entrance Drive” on December 15, 2008, and

WHEREAS the City Council wishes to honor former Mayor Joseph M. Butler, Jr. by renaming this drive after him,

NOW THEREFORE BE IT RESOLVED that the City Council hereby changes the name of “Gotham Street Entrance Drive” to “Joseph M. Butler, Jr. Drive.”

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

Resolution No. 10 - Approving Amendment Number 3 to the Agreement with Barton & Loguidice, D.P.C. for the Downtown Revitalization Initiative Streetscape Project

WHEREAS the City of Watertown has undertaken a Downtown Revitalization Initiative (DRI) Streetscape Project, and

WHEREAS Barton and Loguidice served as the City's lead design consultant during the design phase of the project and prepared the Bid Book as well as all construction documents on behalf of the City, and

WHEREAS the project has been under construction since July 2022, and the City's contractor has undertaken construction activities related to reconstructing the intersection of Washington and Stone Streets, and

WHEREAS on July 6, 2023, the City Council made the decision to remove some of the elements of this corner that had been installed thus far and reconfigure the corner to mitigate the lost parking, thereby necessitating a redesign, including Stamped Construction drawings for the requested reconfiguration, and

WHEREAS Barton & Loguidice has developed an amendment to the Professional Services Agreement dated July 11, 2023 between the City of Watertown and Barton & Loguidice to add Engineering services to create new stamped construction drawings for the requested reconfiguration to the scope of services for the additional amount of \$4,060.

NOW THEREFORE BE IT RESOLVED that the City Council hereby approves Amendment Number 3 to the contract with Barton & Loguidice, D.P.C., a copy of which is attached and made part of this resolution, for an additional amount not to exceed \$4,060, and,

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute Amendment Number 3 on behalf of the City.

Motion to reconsider the foregoing resolution failed due to the lack of a moving party.

Council Member Ruggiero offered a motion for introduction of the foregoing resolution.

Mayor Smith called for a point of order, noting that per the Rules of Council, the City Attorney is the Parliamentarian. He noted that this resolution had been defeated at the last meeting and he stated that a motion to reconsider must be presented by a member that was in the majority on the resolution. He explained that the majority of that vote would have been those members that voted against it or the "no votes" because it did not pass; therefore, he said neither Council Member Ruggiero nor Council Member Hickey could bring this forth.

Attorney Bullard provided more explanation, citing Rules of Council Section A321-17 (Reconsideration of Question), Roberts Rules of Order and Interpretive Notes and Comments of Robert Rules, which also indicated that a person that was absent could not bring this reconsideration forward, referring to Council Member Olney. He said the reason for this rule on reconsideration is so that there is not dilatory conduct and Council does not keep arguing the same issue over and over. He clarified that, typically, a motion to reconsider is brought up at the same meeting with respect to when it was voted upon. He added it can be brought up subsequent to that, but it would have to be moved by a person who was part

of the prevailing side. In response to his question of which members were on the prevailing side, City Clerk Ann Saunders referred Attorney Bullard to the minutes that were adopted earlier in this meeting, and he read the recording of the last vote.

Council Member Ruggiero questioned why she was not notified of this prior to the meeting since the agenda was sent out last Thursday.

Mayor Smith clarified that he asked the City Attorney to research this point of order.

Attorney Bullard explained that the attorney's duties are described in the Rules of Council and in the City Charter and he does not opine or respond to things until he is asked to do so. He indicated that this question was brought to him and then he did the research, stating that is how things are handled through the Chair. He added that if any Council Member has an issue prior to the meeting regarding a resolution, then that could be brought to his attention as well.

There was a lengthy conversation of whether this resolution could be reworded, the ability to suspend the rules with unanimous consent and circumstances, such as additional information received, in which reconsideration of a resolution could occur.

Further debate occurred with Council Member Olney stating he was absent due to the death of his father and that he changed his mind on this issue based on additional information.

Mayor Smith noted that the additional information was received prior to the initial vote on the resolution.

Council Member Hickey asked Council Member Pierce whether she would make a motion to introduce this resolution for reconsideration.

Council Member Pierce did not offer a motion.

Resolution No. 11 - Authorizing Granting of American Rescue Plan Act Funds to Hospice of Jefferson County, Inc.

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the American Rescue Plan Act (ARPA) established the Coronavirus Local Fiscal Recovery Fund (CLFRF), and

WHEREAS the City of Watertown was allocated \$22,265,728 from CLFRF, which may be spent on eligible uses identified in ARPA and the rules promulgated by the U. S. Department of the Treasury, and

WHEREAS the City Council wishes to grant \$225,000 to Hospice of Jefferson County, Inc. from the CLFRF,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes granting up to \$225,000 of the City's allotted CLFRF funds to Hospice of Jefferson County for ventilation improvements, and

BE IT FURTHER RESOLVED that the City Manager is authorized and directed to enter into an agreement with Hospice of Jefferson County that defines the allowed uses of the funds, explains how and when the funds will be disbursed, and states the documentation required before disbursement, and

BE IT FURTHER RESOLVED that the City Council of the City of Watertown hereby re-adopts the General Fund Budget for Fiscal Year 2023-24 and makes the following adjustment in the re-adopted General Fund Budget:

GENERAL FUND

A.0000.4089	Federal Aid, Other	<u>\$ 225,000</u>
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Total Expenditures

A.4989.0430	Other Health – Contracted Services	<u>\$ 225,000</u>
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Seconded by Council Member Patrick J. Hickey

Prior to the vote on the foregoing resolution, Council Member Pierce noted that the City had received requests from other not-for-profit organizations for use of the American Rescue Plan Act (ARPA) funds.

Mr. Mix reviewed the prior requests and reminded Council that in 2021, the Council at the time adopted a policy that all ARPA funding would go towards City projects, including the Zoo because it is on City property. He also stated that, as more requests came in, Council mentioned developing a review process for not-for-profit organization requests, similar to the County's program. He indicated that he researched the final rules for the use of ARPA funds, which have changed from the interim rules that were in place at the time of Hospice's initial request. He provided Council with a summary of the changes and the final rules, and he stated he needed more time to determine if Hospice's request fits into the new guidelines.

Council Member Pierce asked if there was a comparison of the needs of Hospice with the needs of other not-for-profit organizations prior to putting this resolution forward, and, if so, what it showed.

Council Member Ruggiero listed the other requesting agencies and noted that the City has helped other not-for-profit organizations in the past. In regard to what changed, she said it was the fact that two years ago Council Member Pierce suggested working with the County on the ARPA funds to determine what qualified, but that never happened. She noted that recently the County has given Hospice ARPA funding through the Northern New York Community Foundation, so she thought it was time to revisit this. She added that 85% of Hospice clients are City residents.

Council Member Pierce reiterated her concerns about whether there was a comparison, such as of their financials, between other not-for-profit organizations. She wondered if other requests would now come into the City since they know the City is giving funding to Hospice.

Council Member Ruggiero stressed that this is the only request that she felt needed to be revisited and it is the only organization she sees that is short of their goal, in terms of funding their project and getting it completed.

Mentioning that the list of ARPA projects had to be reduced because the ARPA funds had already been overextended, Council Member Pierce asked which projects would now be cut in order to fund the Hospice request.

Council Member Ruggiero said that nothing would need to be cut because any project removed from ARPA could be paid for through the General Fund, as long it is not a water project.

Council Member Pierce relayed her support for Hospice as a service to the community but expressed her concerns with giving them ARPA funding considering what the City is currently faced with financially, in particular the \$50 million water project. She stressed that Council needs to address the City's needs first and she expressed concern that this will set a precedent for other not-for-profit organizations.

Council Member Ruggiero pointed out that when the requests were received previously, no one submitted their financials. She reiterated her support for Hospice receiving this request over other organizations because they serve a large portion of the community.

Noting that the City is part of Jefferson County, Mayor Smith commented that County Legislators who represent the City have provided funding to Hospice and questioned why City residents are supposed to pay more when they are also part of the County. He also stated he had concerns with comments made by Ms. Dermady during Privilege of the Floor regarding her knowledge of members of Council who personally used Hospice, and he wondered if healthcare information was being divulged to people in the community. In regard to working with the County, Mayor Smith noted that Council Member Ruggiero was to take the lead, but the County Chairman explained to him that this did not go through. He also referenced a quote of Council Member Ruggiero's in the local media, which he read, and indicated that it implied that the City was helping Hospice with their fundraising goal. He said this was not an appropriate use of the funds.

Attorney Bullard read from the minutes of various prior Council meetings, including statements from former Council Member Spaziani, former Council Member Henry-Wilkinson, Council Member Pierce and Council Member Olney, which implied that if the City was to honor these requests, then it should be through a process which has transparency and clarity, and that there should be guidelines and parameters set to determine which not-for-profits organizations should be awarded. He agreed that the framework to determine who would be awarded should be transparent, forthright and through a process. He said that it is hard to address a quote in the media, but there is constitutional prohibition against gifts of money to private entities, although he cannot opine on a quote in the paper. Regarding what the City Manager discussed about the final rules for ARPA funding, he read from the Federal Register/Vol. 87, No. 18/Thursday, January 27, 2022 (on file in the City Clerk's Office) which states that new facilities are excluded for the purpose of mitigating the spread of COVID-19. He also pointed out that executive orders are no longer in effect and the COVID crisis, from an emergency standpoint, is no longer in existence. He advised that Council needs to weigh this in their decision-making regarding the ventilation system. He stressed, reading from the U.S. Department of the Treasury – Reporting, Compliance & Recoupment Section (on file in the City Clerk's Office), that funds used in violation of the final rule are subject to remediation and recoupment. He further clarified that if the City disburses funds for a use that violates the regulations, then the City is responsible to pay the funds back. He summarized that Council needs to consider the following: A process that is clear and transparent and equitable, reminding them of the legislative history through the meeting minutes; to be fiscally responsible; to understand that what

was eligible in 2021 may not be eligible now; and, if Council makes an error, then the City must come up with the funds to be paid back. He also warned of setting a precedent.

Mayor Smith suggested tabling this resolution to give the City Manager and City Attorney more time to analyze this.

Motion was made by Mayor Jeffrey M. Smith to table the foregoing resolution, motion was seconded by Council Member Sarah V.C. Pierce; however, there was interest in discussing this further, so the motions to table were withdrawn.

Further discussion and debate ensued between Council Member Ruggiero, Mayor Smith, Council Member Olney, each offering the reasons for their position regarding this topic.

Motion was made by Mayor Jeffrey M. Smith 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 and Council Member Lisa A. Ruggiero voting nay.

ORDINANCES

Ordinance No. 1 - Amending Section 293-58 of the City Code, Schedule X: Stop Intersections – Jeffrey E. Graham Drive and Joseph M. Butler, Jr. Drive.

Introduced by Council Member Lisa A. Ruggiero

BE IT ORDAINED by the City Council of the City of Watertown that the Municipal Code, Section 293-58, Schedule X: Stop Intersections is hereby amended by adding to the location of stop signs therein contained the following:

Stop Sign on	Direction of Travel	At Intersection of
Jeffrey E. Graham Drive	North	Park Circle
Joseph M. Butler, Jr. Drive	West	Gotham Street
Joseph M. Butler, Jr. Drive	East	East Tower Drive

, and

BE IT FURTHER ORDAINED by the City Council of the City of Watertown that the Municipal Code, Section 293-58, Schedule X: Stop Intersections is hereby amended by deleting from the location of stop signs therein contained the following:

Stop Sign on	Direction of Travel	At Intersection of
Thompson Park	North	Academy Circle
Thompson Park	South	Gotham Street

, and

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

Seconded by Council Member Sarah V.C. Pierce

Motion for unanimous consent moved by Council Member Lisa A. Ruggiero, 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 ordinance and carried with all voting yea.

OLD BUSINESS

Ordinance Authorizing the Issuance of \$3,100,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Costs of the Renovation and Reconstruction of City Hall, in and for Said City. (Introduced on 8/7/2023; laid over; appears in its entirety in the 2023 Minutes Book on page 13-15 of the 8/7/2023 minutes).

Council Member Olney asked if this renovation would include work on the windows.

Mr. Mix indicated the windows were not included and explained the leakage that occurs around some windows, noting that caulking does not resolve the issue. He reminded Council of the work session in which this project was discussed and that the scope of the project is based on the items that Council agreed to be renovated at that time. He also said that the project description was included in the budget, which was adopted by Council.

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

STAFF REPORTS

Public Hearing for the Community Development Block Grant Program Consolidated Annual Performance and Evaluation Report (CAPER)

Motion was made by Council Member Lisa A. Ruggiero to schedule a Public Hearing for Monday, September 18, 2023 at 7:15 p.m. to solicit public input on the Community Development Block Grant Program Consolidated Annual Performance and Evaluation Report (CAPER). Motion was seconded by Council Member Sarah V.C. Pierce and carried with all voting in favor thereof.

Sales Tax Revenue and Sale of Surplus Hydro-electricity – July 2023

A report was available for Council to review.

Thompson Park Golf Course Update

Council Member Ruggiero mentioned that, earlier today, she asked City Comptroller James Mills for a more itemized description of the expenses, similar to how it is listed in the proposed budget.

Mr. Mills indicated that he would need to work with Parks and Recreation Superintendent Scott Weller in order to provide this information and will report back to Council with the information. He noted the reporting difficulty of the one seasonal enterprise occurring across two separate fiscal years.

Thousand Islands Classic Softball Tournament

Mayor Smith mentioned that he asked for this in response to the gentleman's negative comments during the Privilege of the Floor at the last meeting directed towards two Council Members. He explained that Council acts upon things like this as a body. He said the report shows that this event was still subsidized by the taxpayers without an adjustment to the fees and he stressed that the Parks and Recreation staff does great work for this event.

Mr. Mix reviewed the amount of fees paid versus the cost incurred by the City and clarified that it cost the City over \$1,000 above the fees collected.

Council Member Ruggiero noted that this shows the City is losing money to hold this event, but it still provides a good service.

Council Member Olney said that the City provides as much help as it can, but this organization's event brings many people into the City, which is important. He wondered if more could have been explained to this individual to help him understand the service the City provides and why the cost is charged as it is.

NEW BUSINESS

City Council Work Session – National Marijuana Initiative

Council Member Hickey invited the public to listen to the next Council Work Session, which will be held on September 11 and will feature Dale Quigley, National Deputy Coordinator of the National Marijuana Initiative. He said that Mr. Quigley will be speaking via Zoom about High Intensity Drug Trafficking Areas, which includes the City of Watertown.

New York Office Addiction Services and Support Data

Council Member Hickey noted that Watertown and Jefferson County have begun to see the increase in opioid overdoses and reviewed data from first responder calls for the City of Watertown.

Transportation Commission Update

Council Member Hickey reminded Council that the county-wide bus initiative is still planned for Fall of 2024, noting the grant funding had been delayed for several years. He listed the potential routes the buses would cover. Council Member Hickey described a recent problem the Volunteer Transportation Commission was having obtaining drivers, but added they would be resuming wheelchair transport in the next couple weeks. He also informed Council that the Passio GO system would soon be active on CitiBus, allowing riders with a smart phone to see where the bus is on its route. He also stated that eventually the communication system would be tied to the County bus system.

Car Insurance Changes

Council Member Hickey noted that spousal coverage was automatically being added to all insurance policies in NYS, regardless of marital status, and advised unmarried drivers to contact their insurance company to opt out.

City Pools Closing for the Season

Council Member Hickey announced that the Alteri pool would close for the season on August 25 with the Thompson Park pool remaining open until September 4.

Passing of Clifford Olney Sr.

Council Member Olney thanked the public for their kind wishes on the death of his father earlier this month. He noted he was happy to be back at work and was eager to help his constituents.

Dog Park

Council Member Olney reminded Council that S.G. Gates had been coming to City Council for 15 years asking for a dog park in Thompson Park. He commented that he believed Mr. Gates had the funding to complete this project and asked for Council's support to place the dog park in the original location Mr. Gates requested.

Mr. Mix responded that the area Mr. Gates wants is now designated for other uses. He mentioned that the Park's Master Plan designates an area below the Zoo for the potential dog park. Mr. Mix asked if Council Member Olney would be requesting a resolution for a park in that area, suggesting that any resolution should specify the exact location.

Skate Park

Council Member Olney informed Council that he would be bringing forward a resolution for a skate park as the skate park developer needs City support to go any further with his plans and begin raising funds.

Mr. Mix reminded the Councilman that, as with the dog park, he should include a specific location in the resolution.

Responding to Council Member Ruggiero mentioning the Sewall Island location as a possibility, Mr. Mix agreed that the location shows promise.

Council Member Pierce asked if a location had to be specified in the resolution or if the resolution could just offer Council support.

Mr. Mix indicated that the resolution should have a location.

Locked Bathroom Doors at Pool

Council Member Olney suggested that since the outer doors of the pool bathrooms are locked when the pool is in operation, there should be signage indicating patrons should use the other entrance.

Zoo Committee

Council Member Olney offered to be on the Zoo Committee, commenting that he had a lot of ideas.

Pool Fees

Council Member Olney commented that he has received complaints that children are being turned away from using the pool because they cannot provide ID showing that they are a City resident.

Later in the meeting, Attorney Bullard noted that he has concerns with this and thinks it should be looked into, especially since most children do not have the ability to have an ID.

Pedestrian Safety on Public Square – Response to Privilege of the Floor

Referring to comments made during Privilege of the Floor, Council Member Olney indicated that he has many concerns with the design of this project. He also mentioned many issues that he sees with the work and questioned the oversight.

Planning and Community Development Director Michael Lumbis explained that the streetscape design was done by Barton and Loguidice.

Council Member Olney provided more details about the areas of the work that he is dissatisfied with, and he noted that the Engineering Department outsources projects because they are short-staffed.

Mr. Lumbis explained that the oversight of this project is being partnered between the Engineering department and the Planning department. He addressed some of Council Member Olney's concerns and offered to meet with him to speak further in detail.

Increase Sales Tax Revenue/ Concern of Increased Assessments

Council Member Olney spoke of his thoughts for the reasons that sales tax revenue has increased and his ideas for recreational activities to increase sales tax revenue further. This led to him relaying that he does not see a need to increase property taxes since sales tax revenue has increased significantly. He also advised that he has received complaints from property owners who state their taxes were higher this year, but they did not make any improvements to their property. Council Member Olney questioned how this could happen when Council has not increased the tax rate and he indicated that he was not pleased with the answers that he has received from staff.

A lengthy discussion ensued, and it was noted that sales tax is up partly due to inflation and that the expenses of the City have also proportionately increased. The conversation turned to the work done by the assessment department and the concept of property assessment, as well as the tax levy versus tax rate being explained. The upcoming loss of hydro revenue at the end of the National Grid contract was also debated.

Solar Eclipse Meeting

Council Member Pierce offered an update from the Solar Eclipse Committee and distributed a handout (on file in the City Clerk's Office) of various marketing packages offered by the Thousand Islands Tourism Council. She asked if Council wants to be a part of their marketing campaign.

Trees In Front of the Church of the Nazareth (Thompson Boulevard)

In response to Council Member Pierce's inquiry, Mr. Mix explained that the original trees are ash trees, and the new smaller trees are meant to be replacements.

Traffic Island at the Mill and LeRay Streets Entrance of City

Council Member Pierce indicated that the letter to NYS DOT, which was discussed at the prior meeting, was mailed.

Grant Street Project

Council Member Pierce indicated that she received concerns from a resident about sidewalk repairs.

Mr. Lumbis provided an update from the contractor and the timeframe for the completion of the work.

Bishop Street House Complaints

Council Member Pierce commented that there have been many complaints of neglect of a house on Bishop Street and wondered if there is more that the City could do to resolve the issue.

Mr. Mix advised that the City continues to respond and bring the property into compliance. He said that the fines and fees are billed to the property owner, which then typically results with the costs being levied onto the property taxes, but the property owner continues to pay the taxes.

Attorney Bullard advised that this should be looked into further from a policy perspective.

Burlington Street Reconstruction

Council Member Ruggiero commented that she has received some questions about the upcoming Burlington Street Reconstruction project, and she announced that there will be an open house on August 30, 6:00 p.m. to 8:00 p.m., at North Elementary School to provide the public with more information.

Parking In Front of Key Bank Building

Council Member Ruggiero expressed concern over enough space for wheelchair accessible vans in the proposed handicapped parking spots if the planters were to stay.

Mr. Lumbis assured her that a regular parking spot is to be converted into a handicapped parking spot and that the design must be compliant with all ADA requirements.

Book Giveaway – City Pools

Council Member Ruggiero mentioned that she hosted a book giveaway at the City pools last week.

Response to Privilege of the Floor - Mr. McCarthy's Comments

Council Member Ruggiero addressed Mr. McCarthy's concerns and obtained more information about the noise complaint.

Later in the meeting, Mayor Smith asked that the City Manager look into this situation.

Use of the Word "Socialism"/ Watertown Meme Page

Council Member Ruggiero took offense to Mayor Smith using the word "socialism" in describing recent decisions made by some Council Members. She denied that she is a socialist and declared that she is a registered Republican, although she stressed that City Council is nonpartisan.

Council Member Ruggiero expressed concerns with the Watertown Meme Page on Facebook, stating that it is making personal attacks against members of Council and she thinks it is a form of cyberbullying. She asked the Mayor if he knows who is behind it and encouraged him to help in making it stop.

Attorney Bullard commented that the use of the term "socialist" in a derogatory manner to describe policy or infer it about another member is not appropriate.

Mayor Smith stressed that he is not responsible for the Watertown Meme Page. He also discussed what he termed as hypocrisy because he had been the brunt of Council Member Olney's memes for years, even before Council Member Olney was on Council, and no one seemed concerned at that time. Regarding the use of the term "socialism," Mayor Smith indicated that he did not call Council Member Ruggiero a socialist and explained that he was referring to the recent voting style being liberal and not fiscally responsible.

A heated debate ensued, which involved members of the audience as well.

Response to Privilege of the Floor – Questions About City Attorney's Role

Mayor Smith asked the City Attorney to respond to the question that had been posed at the beginning of the meeting.

Attorney Bullard explained the Charter creates the position of the City Attorney and he outlined his responsibilities and role.

Sales Tax and Hydro Revenue

Referring to Council Member Olney's prior comments, Mayor Smith stressed that City expenses, such as health insurance and retirement costs, have increased alongside the increase in sales tax revenue. He also related it to the increase in inflation and addressed remarks about assessments going up. He concluded that only stating sales tax revenue has increased significantly, is not looking at the full picture in relation to other expense increasing. He explained the tax levy versus the tax rate and how each one of those works. He then discussed hydro revenue and the significant decrease that will occur at the end of the National Grid contract and expressed concern for the fiscal future of the City.

Motion was made by Council Member Lisa A. Ruggiero to move into Executive Session to discuss proposed, pending, or current litigation and to discuss the employment history of particular persons or corporations.

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

Council moved into Executive Session at 10:09 a.m.

Council reconvened at 11:50 p.m.

A D J O U R N M E N T

At the call of the chair, meeting was duly adjourned at 11:50 p.m. by motion of Mayor Jeffrey M. Smith, seconded by Council Member Sarah V.C. Pierce and carried with all voting in favor thereof.

Ann M. Saunders
City Clerk