

**CITY COUNCIL MEETING
CITY OF WATERTOWN
September 5, 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
(via videoconference)

City staff present: Vicky Murphy, Meredith Griffin, Jennifer Voss, Scott Weller, Logan Eddy

The City Manager presented the following reports to Council:

- Resolution No. 1 - Approving Agreement with GHD Consulting, Inc., for Engineering Services for the Wastewater Treatment Plant Women's Locker Room and Emergency Generator Project
- Resolution No. 2 - Approving Amendment No. 2 of the Professional Services Agreement with GHD Consulting Services, Inc. for the Pratt Street and Sherman Street Water Main Replacement Project
- Resolution No. 3 - Approving Amendment No. 4 to the Professional Services Agreement with GHD Consulting Services, Inc. for Western Outfall Trunk Sewer Manhole Rehabilitation – Phase 1
- Resolution No. 4 - Approving the Community Development Block Grant (CDBG) Sub-Recipient Agreement with Neighbors of Watertown, Inc. for the 2023 Homebuyer Program
- Resolution No. 5 - Approving the Community Development Block Grant (CDBG) Sub-recipient Grant Agreement with Neighbors of Watertown, Inc. for the 2023 Owner Occupied Rehabilitation Program
- Resolution No. 6 - Approving CDBG Grant Agreement with United Way of Northern New York for the 2023 Watertown City School District Food 4 Families Program
- Resolution No. 7 - Approving the Grant Agreement with Transitional Living Services of Northern New York, for CDBG Funding for the 518 Pine Street Single-Room Occupancy (SRO) Program
- Resolution No. 8 - Approving Change Order No. 1 with Vector Construction Corporation for Vanduzee Street Bridge Repairs
- Resolution No. 9 - Approving Supplemental Consultant Agreement No. 2 with C&S Engineers, Inc. – Vanduzee Street over Black River (BIN 2220210) Bridge Maintenance Repairs
- Tabled Resolution - Authorizing Granting of American Rescue Plan Act Funds to Hospice of Jefferson County, Inc.
- Hydro-Electric Plant Improvements
- Update on Pool Charges

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 Sam

Tufo and Ralph Marzano, longtime members of the community who had recently passed. Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of August 21, 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 Diana Woodhouse, stating she is the CEO of Hospice of Jefferson County and wanting to address questions posed at the recent August 21, 2023, Council meeting regarding the eligibility for ARPA funds and the facility's ventilation upgrade for their current and expanded care areas. She attached sections of the Revised Regulations and Frequently Asked Questions and provided the history and need of this project.

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

PRIVILEGE OF THE FLOOR

Brian Starr, 410 Holcomb Street, addressed the chair to express his disappointment and concerns about Council not yet considering a skate park resolution. He noted the topic has been discussed at the past three meetings and he thought he had unanimous support. He indicated he needs the resolution to proceed with plans and fundraising.

Jason Traynor, 424 Arsenal Street, expressed his concerns with a recent murder in the Town of Watertown and the public not being informed of updates regarding arrests. He offered his thanks for the alcohol policy regarding drinking on the job. He also expressed his concerns with spending on projects such as the skate park when the City has issues with drugs and violence.

Mayor Smith advised Mr. Traynor that the murder he mentioned occurred outside the City, so City Police were not involved and suggested he bring his concerns to the State Police and Jefferson County Sheriff's Department.

Robert (no last name given), Watertown, updated Council on recent developments with the proposed senior center, which included officers being chosen and a name selected (Watertown Senior Center), as well as a regular meeting schedule planned. He noted he had received much positive feedback at the Senior Health Expo. He also offered his apologies for a comparison he made between three Council Members and the Three Stooges at a meeting in April. He thanked them for their support of the senior center and called their participation in its development admirable. He invited the other two Council Members to become involved. He noted the large population of seniors in Watertown and asked for community and business support.

Robert Kimball, 927 Ives Street, offered his thanks and commendations to City staff for their work throughout the City this summer mentioning: work being done on Bugbee Avenue, Mill Street and Barben Avenue, the Brew @ The Zoo and Block Parties; repairs to the Library and the management of the City golf course.

Jonathan Phillips, 735 Mill Street, expressed his concerns with sidewalks cracking, and other concrete issues throughout the City including curbing. He also mentioned he acquired a bus pass and noted there is limited space on the streets for bus traffic. He also complained of the appearance of the streets.

Father Don Robinson, 119 West Main Street, addressed the chair concerning the request for Hospice funding. He asked Council to reconsider funding with ARPA funds and noted that 85% of patients are from Watertown.

RESOLUTIONS

Resolution No. 1 - Approving Agreement with GHD Consulting, Inc., for Engineering Services for the Wastewater Treatment Plant Women's Locker Room and Emergency Generator Project

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City of Watertown, Sewer Fund, included in its Fiscal Year 2023-24 Capital Budget, \$460,000 for a new female locker room and \$530,000 for a control building emergency generator replacement, and

WHEREAS GHD has completed the Women's Locker Room and Emergency Generator Evaluation and the project is ready to proceed with engineering design,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York hereby approves the Agreement between the City of Watertown, New York and GHD Consulting Services, Inc., a copy of which is attached and made part of this resolution, to proceed with the engineering design of the Wastewater Treatment Plant Women's Locker Room and Emergency Generator Project in the amount of \$98,800.00, and

BE IT FURTHER RESOLVED that the City Manager Kenneth A. Mix is hereby authorized and directed to sign 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. 2 - Approving Amendment No. 2 of the Professional Services Agreement with GHD Consulting Services, Inc. for the Pratt Street and Sherman Street Water Main Replacement Project

Introduced by Council Member Lisa A. Ruggiero

WHEREAS at its April 04, 2022, meeting, the City Council approved the Professional Service Agreement from GHD Consulting Services, Inc. in the amount of \$82,700.00 for the Pratt Street and Sherman Street Water Main Replacement Project, and

WHEREAS GHD submitted Amendment No. 1 in the amount of \$23,800.00, bringing the total contract amount to \$106,500.00, and

WHEREAS GHD incurred additional expenses for the Resident Project Representative for the Construction Administration services for the Pratt Street and Sherman Street Water Main Replacement Project, and

WHEREAS GHD has now submitted Amendment No. 2 in the amount of \$16,800.00, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Amendment No. 2 from GHD Consulting Services, Inc. in the amount of \$16,800.00, a copy of which is attached and made part of this Resolution, bringing the total contract amount to \$123,300.00, and

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

Seconded by Council Member Sarah V.C. Pierce

Prior to the vote on the foregoing resolution, Mr. Mix responded to Council Member Olney's questions about the reason for the change order, whether the project came to a stop, and how design engineer consultants are chosen.

Council Member Olney noted that the City must take the lowest bid but then change orders are received, which inflates the cost, and he wondered if the lowest bid took into account the full extent of the work when bidding. He questioned the process municipalities must use by accepting the lowest bid.

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

Resolution No. 3 - Approving Amendment No. 4 to the Professional Services Agreement with GHD Consulting Services, Inc. for Western Outfall Trunk Sewer Manhole Rehabilitation – Phase 1

Introduced by Council Member Lisa A. Ruggiero

WHEREAS on November 19, 2018, the City Council approved a Professional Services Agreement and Amendment No. 1 of that agreement with GHD Consulting Services, Inc., for design services to evaluate the Western Outfall Trunk Sewer (WOTS) for infiltration and inflow, selective pipe investigations, sewer manhole inspections, flow metering, sewer modeling and preliminary design concepts, and

WHEREAS GHD Consulting identified 63 manholes on the WOTS that need repair and rehabilitation, and

WHEREAS on April 4, 2022, the City Council approved the Professional Services Agreement Amendment No. 2 with GHD Consulting Services, Inc. in the amount of \$16,500 to prepare design plans and specifications for the repair and rehabilitation of the 63 manholes identified, and

WHEREAS on August 1, 2022, the City Council approved the Professional Services Agreement Amendment No. 3 with GHD Consulting Services, Inc. in the amount of \$36,500 for the bid and construction administration of the project, and

WHEREAS on September 6, 2022, the City Council approved the Contract with National Water Main Corp. for the repair of the 63 manholes, and

WHEREAS GHD has submitted a proposal for Amendment No. 4 of the Agreement for

additional construction administration and inspection services for the project for a cost of \$16,700,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Amendment No. 4 of the Professional Service Agreement with GHD Consulting Services, Inc. in the amount of \$16,700, a copy of which is attached and made part of this Resolution, and

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

Seconded by Council Member Sarah V.C. Pierce

Prior to the vote on the foregoing resolution, Mr. Mix responded to questions posed by Council Member Olney regarding the reason for the change order. Mr. Mix pointed out that the initial inspection was done approximately four years ago, so since that time, it was discovered that there had been more deterioration than the original inspection.

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

Resolution No. 4 - Approving the Community Development Block Grant (CDBG) Sub-Recipient Agreement with Neighbors of Watertown, Inc. for the 2023 Homebuyer 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 2023 includes funding for the purchase and rehabilitation of approximately six (6) housing units to income eligible homebuyers within the City of Watertown, and

WHEREAS the Annual Action Plan identifies the Homebuyer Program to be \$196,000 in funding for the purchase, rehabilitation, administration, and program delivery, and

WHEREAS Neighbors of Watertown, Inc. will serve as the Sub-Recipient of the funds for program administration, and

WHEREAS a Sub-Recipient Agreement between the City of Watertown and Neighbors of Watertown, Inc. for the CDBG funds has been prepared,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it hereby approves the Sub-Recipient Agreement with the Neighbors of Watertown, Inc. for the 2023 Homebuyer Program, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager, Kenneth A. Mix, is hereby authorized and directed to sign the Sub-Recipient Agreement on behalf of the City Council for the 2023 Homebuyer Program.

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

Resolution No. 5 - Approving the Community Development Block Grant (CDBG) Sub-recipient Grant Agreement with Neighbors of Watertown, Inc. for the 2023 Owner Occupied Rehabilitation 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 2023 includes funding for the rehabilitation of approximately six (6) substandard housing units within the City of Watertown, and

WHEREAS the Annual Action Plan identifies the Owner-Occupied Rehabilitation activity to be \$196,000 in funding for rehabilitation, administration, and program delivery, and

WHEREAS Neighbors of Watertown, Inc. will serve as the Sub-Recipient of the funds for program administration, and

WHEREAS a Sub-Recipient Agreement between the City of Watertown and Neighbors of Watertown, Inc. for the CDBG funds has been prepared,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it hereby approves the Sub-Recipient Agreement for program administration with the Neighbors of Watertown for the 2023 Owner Occupied Rehabilitation Program, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager, Kenneth A. Mix, is hereby authorized and directed to sign the Sub-Recipient Agreement and all contracts associated with implementing the award to Neighbors of Watertown, Inc. for the 2023 Owner-Occupied Rehabilitation Program.

Seconded by Council Member Sarah V.C. Pierce

Prior to the vote on the foregoing resolution, Council Member Olney noted that the City has used Neighbors of Watertown for this program for some time and wondered if City staff could possibly run the program in-house to avoid paying the percentage to Neighbors of Watertown.

Mr. Mix explained that the City used to have an in-house CDBG program run by four people but that was eliminated many years ago. He advised that it is more efficient to have Neighbors of Watertown oversee the program.

Senior Planner Jennifer Voss stated that the Planning Department has evaluated running the program in-house but determined that using Neighbors of Watertown is the best option. She explained the work done by Neighbors of Watertown, stressing that it would cost the City more to run it in-house than what is paid to Neighbors of Watertown. She responded to questions posed by Council Member Olney, noting that the City occasionally receives complaints but overall, Neighbors of Watertown do a good job. She confirmed that City staff oversees the work done through the program and by Neighbors of Watertown.

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

Resolution No. 6 - Approving CDBG Grant Agreement with United Way of Northern New York for the 2023 Watertown City School District Food 4 Families 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 2023 includes support for the Food 4 Families Program in the Watertown City School District, and

WHEREAS the Action Plan identifies the Food 4 Families activity to be \$8,000 in funding for food and associated supplies, and

WHEREAS the recipient of funds for the Food 4 Families Program will be the United Way of Northern New York, Inc., and

WHEREAS a Grant Agreement between the City of Watertown and United Way of Northern New York, 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 United Way of Northern New York, Inc., a copy of which is attached and made part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager, Kenneth A. Mix, is hereby authorized and directed to sign the Grant Agreement and all contracts associated with implementing the award to United Way of Northern New York, Inc. for the 2023 Food 4 Families Program.

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

Resolution No. 7 - Approving the Grant Agreement with Transitional Living Services of Northern New York, for CDBG Funding for the 518 Pine Street Single-Room Occupancy (SRO) 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 2023 includes funding to support the Single-Room Occupancy Program at 518 Pine Street, and

WHEREAS the Action Plan identifies the 518 Pine Street Single-Room Occupancy Program to be \$25,000 in funding to help support a Case Manager salary to provide supportive services to individuals experiencing homelessness, and

WHEREAS the recipient of funds for the 518 Pine Street Single-Room Occupancy Program will be Transitional Living Services of Northern New York, and

WHEREAS a Grant Agreement between the City of Watertown and Transitional Living Services of Northern New York 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 Transitional Living Services of Northern New York, a copy of which is attached and made part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager, Kenneth A. Mix, is hereby authorized and directed to sign the Grant Agreement and all contracts associated with implementing the award to

Transitional Living Services of Northern New York for the 2023, 518 Pine Street Single-Room Occupancy Program.

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

Resolution No. 8 - Approving Change Order No. 1 with Vector Construction Corporation for Vanduzee Street Bridge Repairs

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City desires to remove and replace bridge joints, perform localized painting to the steel superstructure and bearings, curb resetting, bridge railing resetting, and concrete deck and fascia repairs to the Vanduzee Street Bridge over Black River, and

WHEREAS on April 17, 2023, City Council approved an Agreement with Vector Construction Corporation for Repairs to the Vanduzee Street Bridge in the amount of \$720,982.50, and

WHEREAS on April 17, 2023, City Council approved an Agreement with C&S Engineers, Inc. for design and construction oversight of the Vanduzee Street Bridge Repairs, and

WHEREAS C&S Engineers, Inc. has recommended additional concrete deck repairs, and

WHEREAS Vector Construction Corporation has proposed to complete the additional concrete deck repairs for \$165,000.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Change Order 1 in the amount of \$165,000 from Vector Construction Corporation, a copy of which is attached and made part of this resolution, for a Contract total of \$885,982.50, and

BE IT FURTHER RESOLVED that the City Manager 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

Prior to the vote on the foregoing resolution, Council Member Olney asked questions about the number of bids received on this project and whether staff has looked at the additional work that is required.

Mr. Mix explained that the bids submitted were based on the bid specs and drawings, however, as the work progressed, it was discovered that there was additional deterioration of the concrete. He explained that with any project, the original work needed is based on the view from the surface, but there is always the possibility of finding additional work needed once you get below the surface. He responded to additional questions from Council Member Olney. In response to Mayor Smith's inquiry about the funding for the change order, Mr. Mix indicated that it will be funded by ARPA or CHIPs funds.

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

Resolution No. 9 - Approving Supplemental Consultant Agreement No. 2 with C&S Engineers, Inc. – Vanduzee Street over Black River (BIN 2220210) Bridge Maintenance Repairs

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City of Watertown is rehabilitating the Vanduzee Street Bridge, and

WHEREAS on February 16, 2021, City Council approved a Professional Services Agreement with C&S Engineers, Inc. for the preliminary design for the Bridge Rehabilitation in the amount of \$10,000, and

WHEREAS on April 17, 2023, City Council approved Supplemental Consultant Agreement No. 1 with C&S Engineers, Inc. for the final design and construction support for the Bridge Rehabilitation in an amount of \$90,000, and

WHEREAS C&S Engineers has now submitted Supplemental Consultant Agreement No. 2 in the amount of \$50,000 for the addition of full-time inspection,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Supplemental Consultant Agreement No. 2 in the amount of \$50,000, between the City of Watertown and C&S Engineers, Inc., a copy of which is attached and made a part of this resolution, bringing the total for the project to \$150,000, 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 and carried with all voting yea.

OLD BUSINESS

Resolution - Authorizing Granting of American Rescue Plan Act Funds to Hospice of Jefferson County, Inc. *(Introduced on August 21, 2023; tabled; appears in its entirety in the 2023 Minutes Book on page 11-12 of the 8/21/2023 minutes).*

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

Referring to Mr. Mix's memo to Council, Mayor Smith stated that there was an update on whether the ARPA funds could be used for this project, and he noted that new construction is not an allowable use.

Mr. Mix advised that the Federal Register makes it very clear that new construction for congregate housing is not allowed, although upgrading ventilation in the existing facility is eligible. He noted that there was a change that would allow CDBG funds to be used for new construction as long as the service provided benefits low-to-moderate income individuals and a federal environmental review is done prior to the start of the construction.

Council Member Olney said that he believes there are elements of this project that are allowed, and he disagrees with the City Manager's opinion.

Council Member Ruggiero remarked that this is an upgrade to their system and mentioned the letter

from Hospice, read into Communications, which included regulations on the use of ARPA funds. She also pointed out that Northern New York Community Foundation went through the guidelines and also approved funding for this project.

Mr. Mix advised that the regulations that came today do not provide a complete picture, stating that they are summaries. He said the Federal Register outlines it clearer, in terms of new construction not being allowed. In response to Council Member Pierce's suggestion to reach out to Federal representatives for clarity, he said it might not be possible to get a clear answer from the U.S. Treasury at this point, noting that there is a risk with all projects, but some, such as water projects, clearly meet the regulations. He discussed the eligibility under the loss revenue calculations as being more flexible.

Further discussions occurred about the elements of the project, whether it meets the guidelines and the auditing process. Attorney Bullard referred to his comments and points made at the last meeting, reviewing each one in detail, and he stressed that there should be a fair and transparent process to distributing the funds to not-for-profit organizations. A lengthy discussion ensued, resulting with Attorney Bullard suggesting that the City obtain a legal opinion from the Hospice attorney indicating that this project is an eligible use for ARPA funds and that Hospice indemnify the City if there was a recoupment of the funds.

Mr. Mix explained further that this could be done as part of the agreement and if Hospice would agree to pay back the funds if it was determined later that it was ineligible, then the risk would be off the City.

Council Member Olney suggested that it is possible to do this after Council takes the vote to allocate the money. In response to Mayor Smith's question of whether the Councilman wants to wait to find out after the fact whether it is legal or not, Council Member Olney indicated that he thinks Council has done that before. He stressed that he thinks it is legal.

Council Member Ruggiero remarked that she is willing to amend the resolution so that it is contingent upon receiving a legal opinion from the Hospice attorney.

Attorney Bullard clarified that the amendment should also include that Hospice is willing to indemnify the City if their legal opinion turns out to be incorrect.

Motion was made by Council Member Lisa A. Ruggiero to amend the foregoing resolution in order to make it contingent on upon receiving a legal opinion from the Hospice of Jefferson County's attorney and Hospice agreeing to indemnify the City if their legal opinion results in being incorrect.

Motion was seconded by Council Member Patrick J. Hickey and carried with all voting in favor thereof.

Mayor Smith commented that Hospice is a great organization but there are other great organizations in the Community that are worthy of receiving public funds. He listed several not-for-profit organizations. He suggested amending the resolution so that every not-for-profit organization in the City of Watertown receive \$225,000 as well because organizations, such as DPAO and the Urban Mission, are not any less deserving of money than Hospice.

Motion was made by Mayor Jeffrey M. Smith to amend the foregoing resolution to include that every not-for-profit organization in the City of Watertown that requests ARPA funds, and meets the standards put into the resolution, will receive \$225,000. Motion was seconded by Council Member Sarah V.C. Pierce.

Council Member Olney agreed that all the organizations that Mayor Smith listed are great organizations and deserve the funds, but if this resolution was to pass as is, nothing precludes the other organizations from requesting funds. He said this particular organization has a particular need at this time.

Attorney Bullard called for a point of order and asked Council Member Ruggiero whether she considers Mayor Smith's amendment as a "hostile amendment" under Roberts Rules because this resolution deals with a specific request.

Council Member Ruggiero agreed with the attorney, noting that this was a specific request and explained what triggered her to ask for this resolution.

Mayor Smith pointed out that there is a resolution on the record stating that ARPA funds will only be used for City improvements.

Council Member Ruggiero mentioned that the City helps other not-for-profit organizations by other means and listed a few examples.

Council Member Olney explained why he would be voting no on the amendment.

At the call of the chair, a vote was taken on the foregoing amendment and was defeated with all voting nay except for Council Member Sarah V.C. Pierce and Mayor Smith voting yea.

A discussion occurred about the help given to for-profit organizations through the use of the CARES funding. It was also debated whether scheduled projects to be covered by ARPA funds would need to be cut. Council Member Ruggiero advised that any project removed from the ARPA-funded list could now be funded by the General Fund. Council Member Pierce, Council Member Ruggiero, Mayor Smith and Council Member Olney each provided reasons for the way they would be voting.

Resolution now appears as the following:

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 this resolution is contingent on the City of Watertown receiving a legal opinion from the Hospice of Jefferson County, Inc's attorney indicating that their use of ARPA funds is an eligible use, and that Hospice shall indemnify the City if U. S. Treasury determines that it is not an eligible expense and recoups the funds, 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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At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea except for Council Member Sarah V.C. Pierce and Mayor Smith voting nay.

STAFF REPORTS

Hydro-Electric Plant Improvements

Mayor Smith explained that he asked for this report of the recent improvements to the hydro-electric plant so that Council and the public are aware of what has been done to maintain the plant and the associated costs.

Update on Pool Charges

Mayor Smith summarized the report on the process of implementing the pool fees, noting the main issue appeared to be with parents leaving children 12 and under unattended at the pool.

NEW BUSINESS

Senior Center Meeting - Response to Privilege of the Floor

Mayor Smith commented that he would like to attend the Senior Center meetings and his absence is not due to not supporting it, but, unfortunately, the meetings are held when he has work commitments.

Pin-on Curbing - Response to Privilege of the Floor

Mayor Smith responded to negative comments made about pin-on curbing, stating that the City has used them for over two decades. He said that pin-on curbing has worked well in the City and helps to direct water. He stated he does not know why they were not put on Mill Street.

Update on Lawsuit Regarding Main Avenue Property

Mayor Smith mentioned that P.J. Simao has withdrawn the suit against the City over back taxes on a

property on Main Avenue. He said this suit has cost the taxpayers over \$10,000 in legal fees. He added that last week depositions were supposed to be held, listing everyone who was in attendance to be deposed, but Mr. Simao and his attorney did not appear.

NYS Concealed Carry Permits and Background Check System

Council Member Hickey informed Council that the validity of concealed carry permits had been reduced from five years to three years and the time to rectify your permit with the State Police had expired on August 31. He added that, effective September 13, all gun and ammunition purchases in New York State will now be processed through the new State Police Background Check system and buyers will see extra fees of \$9 for firearms and \$2.50 for ammunition.

International Overdose Awareness Day

Council Member Hickey reported that Overdose Awareness Day had been held on Public Square on August 31 and advised parents to look over their students' school supplies for a newly available drug delivery device, which is a vape pen disguised as a highlighter.

Free Household Hazardous Waste Collection

Council Member Hickey advised there would be a free hazardous waste collection on Saturday, October 7, from 8 a.m. to Noon at the Jefferson County Highway Department.

Upcoming Events and Meetings

Council Member Hickey announced the following upcoming events and meetings: Bravo Italiano Festival at the Italian American Club on September 8; the 52nd anniversary of the Attica uprising and the 14th Annual Run for Recovery on September 9; Senior Center meeting at the Library on September 12, and the 8th anniversary of the death of Trooper Kyle Young and the Out of the Darkness (Suicide) walk in Thompson Park on September 17.

September 11th Ceremony at American Legion

Council Member Hickey announced the We Will Never Forget ceremony would be held at 9:30 am on Monday, September 11 at the Sterling Street location.

Mayor Smith clarified that the ceremony would actually be held on Saturday, September 9 at the Legion.

Recent EMS Calls

Council Member Hickey listed seven recent EMS calls involving potential drug use and abuse. He noted that the City has not seen "the bubble" yet and there are more and more issues with violence.

Flower Memorial Library Membership

Council Member Hickey advised that September is Flower Library's membership month and suggested taking the Library's survey available online. He noted the survey is to determine additional services the public might want to see in the future.

Dog Park Location

Council Member Olney questioned whether water service is available at the potential dog park location in the City's Master Plan.

Mr. Mix said the water/sewer lines run right by that location.

Council Member Olney asked if water was available at the proposed Gotham Street location. Mr. Mix said water was available there as well.

In response to Council Member Olney's question as to which was the better location, Gotham or the one proposed in the Master Plan, Mr. Mix noted it was the one in the Master Plan.

Skatepark

Council Member Olney asked which location was the best for the skateboard park.

Mr. Mix indicated that his proposal was the Sewall's Island location and noted it had been discussed by Council, but no formal decision was made.

Council Member Olney mentioned that he had heard suggestions to put the park in Thompson Park to increase usage of the park, but he questioned whether that location was accessible to users.

Mr. Mix noted that the proposals for the skatepark, which featured a concrete landscape, were more suited to an urban location. He added that the Park does not really need more features to draw in users.

Disinfectant Byproducts Grant Opportunities

Council Member Olney questioned whether the grant proposal written by GHD for \$20 million should have been written for a lower amount. He also wondered whether GHD had worked with the City's grant writer.

Mr. Mix indicated that the grant proposal was written before the City hired La Bella.

Mayor Smith added that this was a specialized grant, which featured a lot of assistance from Fort Drum Garrison Command.

Council Member Olney asked if the Department of Defense (DOD) would provide an evaluation of the grant to explain what elements could have been stronger.

Mr. Mix stated the DOD will provide that evaluation after September 30.

Mayor Smith noted that Senator Schumer's office will be getting an after-action plan informing the City on where they came up short with the previous grant proposal, so they can make a new grant proposal.

Skatepark in the Mall – Response to Privilege of the Floor

Responding to Mr. Starr's Privilege of the Floor comments, Council Member Olney suggested that what the City could provide might be better than what the Mall had to offer.

Use of Taxpayer Money

Council Member Olney clarified that he is very mindful when spending taxpayer money and commented that taxpayers are stakeholders in the City and, therefore, Council is interested in the opinions and criticisms of the taxpayer.

Cracks in Concrete DRI Streetscape Project – Response to Privilege of the Floor

Council Member Olney agreed with Mr. Phillips' comments during Privilege of the Floor and noted he had his own concerns with the quality of the concrete being poured. He expressed surprise to see concrete being poured on Washington Street since he had heard there was a shortage.

Mr. Mix clarified that concrete is still being poured when available, but it tends to just come when it comes. He noted Court Street was finished last week and crews have moved on to Washington Street.

Mayor Smith offered further clarification that Fort Drum was getting much of the concrete available and that is causing shortfalls elsewhere.

Marketing Position and Budget

Council Member Olney informed Council that he would like to see the creation of a Marketing department for the City to promote the positive things in the City and cited Oswego as an example of a City doing this well.

Update on Street Projects

Council Member Pierce asked that an update be provided to the public on the street construction projects being done and their proposed completion dates.

Climate Smart Committee

Council Member Pierce mentioned the Climate Smart Committee Resolution that had recently passed through Council and asked if there was anything Council needed to be doing to keep the ball rolling.

Mr. Mix indicated he would have to get back to Council with that information.

Senior Center Meeting - Response to Privilege of the Floor (con't)

In response to Mr. Avallone's comments during Privilege of the Floor, Council Member Pierce noted she was unable to get to the Senior Center meetings during the times that they are held during the workday but added she would do her best to attend the next one.

Council Member Ruggiero commended Mr. Avallone for his work with the senior center and offered her continued support.

DRI Streetscape Project/Planters Infront of Key Bank Building

Council Member Ruggiero mentioned the previous meeting in which there was a resolution that was not introduced due to a point of order. She said she felt that information regarding the point of order was withheld from her and other members of the Council prior to the meeting. She read from the Rules of Council as it pertains to the Reconsideration of Question (Section A321-17) and stated she thinks it only deals with the reconsideration occurring within the same meeting. She advised that she consulted with the NYS Committee on Open Government and explained that Council Member Olney was absent from the original meeting in which the resolution was defeated due to the death of his father. She summarized previous discussions on this topic and said she felt she was refused the right to decide on the resolution. Referring back to Rules of Council, she read the section titled Timing of Resolutions (Section A321-24) and said she feels that there is an urgency to considering the resolution, so it qualifies as an emergency.

Council Member Ruggiero offered the following resolution:

**Resolution - Approving Amendment Number 3 to the Agreement with Barton & Loguidice, D.P.C.
For the Downtown Revitalization Initiative Streetscape Project**

Introduced by Council Member Lisa A. Ruggiero

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 project will be stopped until the design elements can be completed, and

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

Seconded by Council Member Clifford G. Olney III

Mayor Smith called for a point of order.

There was a lengthy and heated debate, resulting in many points of order being called. Attorney Bullard was consulted as the Parliamentarian as to procedural direction, Rules of Council and Roberts Rules. The minutes of the previous Council meeting were reviewed and the determination of whether this resolution and the circumstances qualify as an emergency was argued.

A heated exchange continued between Mayor Smith, Council Member Olney, Council Member Ruggiero and Attorney Bullard. Attorney Bullard referred to Section A321-7 of the Rules of Council and advised that it is within the power and duties of the Mayor, as the presiding officer, to make a ruling

on whether there is an emergency, and any member of Council has the right to appeal the presiding officer's ruling. He further explained the procedure for this.

Mayor Smith made the ruling that this is not an emergency and that this is not a proper resolution.

Motion was made by Council Member Lisa A. Ruggiero to appeal the presiding officer's ruling. Motion was seconded by Council Member Clifford G. Olney III.

Both Council Member Ruggiero, as the appellant, and Mayor Smith, as the presiding officer, were allowed their opportunity to speak.

At the call of the chair, a vote was taken on whether the decision of the chair would be sustained, and the chair was overruled with all voting nay except Council Member Sarah V.C. Pierce and Mayor Jeffrey M. Smith voting yea.

Further discussion ensued regarding stopping work on the project and the purpose of the project being for pedestrian safety.

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

Thompson Park Master Plan

In response to Council Member Hickey's inquiry, Mr. Mix informed Council that the final Thompson Park Master Plan was received today and was distributed to Council for their review.

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 10:01 p.m.

Council reconvened at 11:34 p.m.

A D J O U R N M E N T

At the call of the chair, meeting was duly adjourned at 11:34 p.m. by motion of Council Member Sarah V.C. Pierce, seconded by Council Member Patrick J. Hickey and carried with all voting in favor thereof.

Ann M. Saunders
City Clerk