



CITY OF WATERTOWN, NEW YORK

OFFICE OF CITY CLERK

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Ann M. Saunders
City Clerk/City Historian

WAIVER AND CONSENT TO SPECIAL MEETING OF COUNCIL

We, the undersigned, constituting the Mayor and all of the Council of the City of Watertown, hereby waive all notice whatsoever of a special meeting of the Council, as called by Council Member Lisa A. Ruggiero, as otherwise required by the Rules of Council contained in Section A321-4 of the Watertown City Code, and do agree and consent that a special meeting may be held in the City Council Chambers on Friday, September 15, 2023 at 3:00 p.m. for the object of an Executive Session to discuss proposed, pending, or current litigation.

Refused to sign

Mayor Jeffrey M. Smith

Patrick J. Hickey

Council Member Patrick J. Hickey

Clifford G. Olney III

Council Member Clifford G. Olney III

Refused to sign

Council Member Sarah V.C. Pierce

Lisa A. Ruggiero

Council Member Lisa A. Ruggiero

**CITY COUNCIL SPECIAL MEETING
CITY OF WATERTOWN
September 15, 2023
3:00 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 (arrived after roll call)
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

Council Member Lisa Ruggiero has scheduled a Special Meeting of the City Council for Friday, September 15, 2023, at 3:00 p.m. in City Council Chambers, on the third floor of City Hall for the purpose of holding an executive session to discuss proposed, pending, or current litigation.

Mayor Smith opened Privilege of the Floor.

Council Member objected to the Privilege as it was not on the agenda.

Mayor Smith noted there was precedent for hosting a Privilege of the Floor at a special meeting and indicated a motion would have to be made to repeal the Privilege.

Motion was made by Council Member Clifford G. Olney to repeal the Mayor's ruling. Motion was seconded by Council Member Patrick J. Hickey.

Mayor Smith instructed that one member of the objecting members of Council could have two minutes to speak.

Council Member Olney stated that there is no need for a Privilege of the Floor since the only purpose of the meeting is an Executive Session.

Mayor Smith countered that there is precedent for allowing the Privilege and mentioned a Special meeting held during the era of a previous Council, which included Council Member Ruggiero and Mayor Joseph Butler Jr. He noted that Council Member Ruggiero offered no objections at that meeting.

Called for a vote on holding a Privilege of the Floor.

At the call of the chair, a vote was taken on whether the decision of the chair would be sustained, and the Mayor's ruling was upheld with all voting yea except Council Member Olney who voted nay, and Council Member Hickey voted "Present."

Mayor Smith opened Privilege of the Floor.

No one spoke.

Motion was made by Council Member Lisa A. Ruggiero to move into Executive Session to discuss proposed, pending or current litigation.

Motion was seconded by Council Member Clifford G. Olney III

Prior to the vote, Mayor Smith expressed his concerns about the clarity of the purpose of the Executive Session commenting that the agenda said it was to discuss proposed, pending, or current litigation. He noted, however, that the reason for the meeting given in an earlier email from Council Member Ruggiero which stated the executive session was to be for the purpose of discussing the employment of an individual.

Council Member Ruggiero noted that City Manager Mix suggested changing the purpose of the session to discuss, proposed pending or current litigation.

Mayor Smith asked what litigation had cropped up since the last meeting that warranted an emergency meeting. He asked Mr. Mix and Mr. Bullard if they knew of any and both answered no.

Mayor Smith asked that it be noted in the record the purpose of the meeting and what the proposed litigation was.

Council Member Ruggiero noted there was new litigation that was to be discussed on Monday, September 18 and she felt that they needed to discuss it in Executive Session before that meeting.

Council Member Olney instructed the Deputy City Clerk to re-read the Notice of the Meeting.

After it was read, Council Member Olney stated that he believed the purpose of the executive session was correct as he intended to propose litigation involving a particular issue.

Mayor Smith informed Council Member Olney that he would have to let the public know his intentions.

Council Member Olney accused the Mayor of trying to prevent the truth from coming out.

Council Member Olney pointed his finger at Attorney Bullard and instructed him not to look perplexed.

Mayor banged the gavel and called for order.

He noted Council would be reporting out of Executive Session if anything other than proposed, pending or current litigation was discussed.

Mr. Bullard expressed his disappointment with the way he and his firm have been treated by the City Council.

At the call of the chair, a vote was taken on entering Executive Session and carried with all voting yea except Council Member Pierce and Mayor Smith voted nay.

Council moved into Executive Session at 3:20 p.m.

Council reconvened at 3:59 p.m.

Mayor Smith reported that, as he predicted, the topic of the Executive Session had changed from litigation to golf courses and deed restrictions. He explained that there is a reference in a document received by the City of Watertown showing the payment for the deed restriction on Ives Hill Golf Course would be \$1.7 million instead of the previously reported amount of \$850,000. Mayor Smith discussed the Supreme Court case and other details involving the purchase of the Watertown Golf Course.

Mayor Smith thanked Attorney Bullard for a letter of inquiry he wrote to Mr. Lundy and Mr. Simao regarding the deed restriction. He noted the details would be made public and indicated his belief that the deal involved a cover-up. Lastly, he noted for the record that during Executive Session, Council Member Olney had attacked Attorney Bullard verbally.

ADJOURNMENT

At the call of the chair, meeting was duly adjourned at 4:03 p.m. by motion of Council Member Lisa A. Ruggiero seconded by Council Member Sarah V.C. Pierce and carried with all voting in favor thereof.

Lisa M. Carr
Deputy City Clerk