

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
October 16, 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  
Kristen E. Smith, Bond, Schoeneck & King PLLC, City Attorney

**City staff present:** Meredith Griffin, Michael Lumbis, James Mills. Logan Eddy

The City Manager presented the following reports to Council:

- Resolution No. 1 - Accepting Bid for WPD Shooting Range Electrical Upgrades - S&L Electric, Inc.
- Resolution No. 2 - Endorsing the Burlington Street Reconstruction Design Concept
- Resolution No. 3 - Authorizing Fund Raising Through the Northern New York Community Foundation for the Construction of a Skate Park
- Resolution No. 4 - Approving Professional Agreement with GYMO for Remaining Design and Construction Services for City Court and Other City Hall Renovations
- Resolution No. 5 - Approving Amendment No.1 to the Professional Services Agreement with Barton and Loguidice for the Division Street East and Thompson Street Water Main Project
- Resolution No. 6 - Approving Change Order No. 2 with EDGE Civil Corporation for the Division Street East and Thompson Street Water Main Replacement Project
- Resolution No. 7 - Approving Agreement Between the New York State Unified Court System and the City of Watertown for Court Cleaning and Minor Repairs
- Resolution No. 8 - Directing Staff to Conduct Request for Proposal Process for an Analysis of Current and Prospective Hydropower Resources
- Resolution No. 9 - Retaining the Professional Services of John C. Krol to Assist in the Recruitment of Viable Candidates for the Position of Watertown City Manager
- Resolution No. 10 - Approving the 2023-2026 Tentative Agreement Between the City of Watertown and the International Brotherhood of Electrical Workers, Local 1249
- Tabled Resolution - Authorizing Fund Raising Through the Northern New York Community Foundation for the Construction of a Dog Park

**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 October 2, 2023 and work session of October 10, 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 claim was received from JoJo B. Israel, 1142 Bronson Street, seeking reimbursement of \$297 for damage to his basement from water backing up through the sewer drain on September 26, 2023.

A notice of claim was received from Walter Recore, 22564 Eacho Drive, seeking reimbursement for injuries resulting from a sudden stop while riding on a Citibus on July 14, 2023.

A claim was received from Lucas Ordaya and Aryanna Cardena, 435 South Hycliff Drive, seeking reimbursement of \$433.88 for damage to their vehicle tires while driving on Coffeen Street on September 29, 2023.

**Above claims have been referred to the Board of Audit.**

## **PRIVILEGE OF THE FLOOR**

**Cengiz Gulbay**, 132 Court Street addressed the chair concerning his inability to exit his property while construction was taking place in front of his property on Court Street. He cited that he was not notified when the construction would take place and talked about the ongoing dispute that he has with Mr. Bradley, a neighboring property owner, regarding accessing the back of his property.

**Jason Traynor**, 424 Arsenal Street, thanked the Transportation Committee for implementing Wi-Fi on the City buses and expressed a desire for the buses to operate later into the evening. He turned his comments to the Zoo and its future and conveyed concern that it may not be around for future generations. He also questioned a recent news article about the City buying a water district and wants to make sure that it is fully researched.

**Robert Kimball**, 927 Ives Street, expressed concerns with Resolution No. 8 and asked for the tabled resolution to be defeated until an alternative organization could spearhead the project.

**S.G. Gates**, 157 Dorsey Street, told Council that he did not ask for the resolution pertaining to the dog park fundraising, noting that the fundraising can be done through the Northern New York Community Foundation (NNYCF) without a resolution. He indicated that he would rather have the dog park located by the lookout instead of the location proposed in the master plan and gave his reasons. He mentioned the he will submit a notice of claim to get the location that he wants.

**William Bonner**, Watertown, served Mr. Mix and the City Attorney with a Complaint filed in the Supreme Court and spoke of the damage done to one of his rental units, which his insurance company would not cover. He expressed his frustration and displeasure with the City Police and the District Attorney's Office. Mentioning another situation in which the property owner is not paying taxes, he also stated that he will no longer pay taxes on his property.

## **RESOLUTIONS**

**Resolution No. 1 - Accepting Bid for WPD Shooting Range Electrical Upgrades - S&L Electric, Inc.**

**Introduced by Council Member Lisa A. Ruggiero**

WHEREAS the City desires to complete various electrical upgrades at the Police Department's shooting range located at Huntington Island, 530 NYS Route 3 to include the installation of a new generator, electrical fixtures, LED lights, concrete pads, and electrical components, and

WHEREAS the Purchasing Department advertised and received seven (7) sealed bids for the WPD Shooting Range Electrical Upgrades Project, and

WHEREAS on September 20, 2023, at 3:00 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 S&L Electric, Inc., and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby accepts the bid received from S&L Electric, Inc. in the amount of \$78,850.00, 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. 2 - Endorsing the Burlington Street Reconstruction Design Concept**

**Introduced by Council Member Lisa A. Ruggiero**

WHEREAS the City of Watertown is undertaking a complete reconstruction of Burlington Street on the City's north side, and

WHEREAS the City, following a competitive Request for Proposals process, retained Aubertine and Currier, PLLC and LaBella Associates for design and public outreach services, and

WHEREAS Aubertine & Currier prepared three design concepts, presented them at a public open house on August 30, 2023 and at a City Council work session on October 10, 2023, and

WHEREAS the open house attendees, Planning and Public Works Staff, as well as the City Council all concluded that the one-way option ("Concept 2") was the preferred alternative, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby endorses the one-way design concept for the Burlington Street Reconstruction Project, presented as "Concept 2" at the public open house and City Council work session, and

BE IT FURTHER RESOLVED that the City Council directs Planning Staff and Aubertine and Currier, PLLC to proceed with preparing bid specifications to implement "Concept 2."

**Seconded by Council Member Sarah V.C. Pierce**

Prior to the vote on the foregoing resolution, Council Member Hickey mentioned that, at the last work session, there was a consensus of Council to support “Concept 2” and he asked Council Members to reaffirm their support for this option.

Council Member Olney expressed appreciation for the outreach that was done to the residents of the street for their input.

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

**Resolution No. 3 - Authorizing Fund Raising Through the Northern New York Community Foundation for the Construction of a Skate Park**

**Introduced by Council Member Lisa A. Ruggiero**

WHEREAS Ryan Starr has offered to raise funds for construction of a city skate park, and

WHEREAS the Northern New York Community Foundation was previously designated to serve as a vehicle through which individuals, organizations, and businesses can make charitable contributions in support of City programs, projects and initiatives, and

WHEREAS the City Council of the City of Watertown believes that it is in the best interest of the citizens of the City to authorize fund raising for the construction of a city skate park,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown authorizes fund raising through the Northern New York Community Foundation for the purpose of providing resources to construct a skate park on Sewall's Island, and

BE IT FURTHER RESOLVED that if enough funds to completely pay for the construction of a skate park are not raised within two years from the date of this resolution, then the money will be used for the alternative of making improvements to the current city skate park, and

BE IT FURTHER RESOLVED that the City of Watertown is willing to accept the donated funds from the Northern New York Community Foundation for said purpose.

**Seconded by Council Member Sarah V.C. Pierce**

Prior to voting on the resolution, Council Member Olney thanked staff for reviewing the location on Sewall’s Island and expressed his enthusiasm for this project. He asked about the option agreement related to the property on Sewall’s Island.

Mr. Mix explained that the City owns other land on Sewall’s Island which is not included in the option agreement. He pointed out that one of the parcels is next to the proposed walking trail in that area.

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

**Resolution No. 4 - Approving Professional Agreement with GYMO for Remaining Design and Construction Services for City Court and Other City Hall Renovations**

**Introduced by Council Member Lisa A. Ruggiero**

WHEREAS at their April 17, 2023, meeting, the City Council of Watertown approved the Professional Service Agreement with GYMO Engineering for the Preliminary Design Services for the City Court and Other City Hall Renovations in the amount of \$84,411.60, and

WHEREAS the City of Watertown requested a proposal from GYMO Engineering for the remaining design and construction services for this project, and

WHEREAS on September 28, 2023, the City of Watertown received a proposal from GYMO Engineering for their projected construction budget and design fees based on the proposed remaining scope of work,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the proposal from GYMO Engineering in the amount of \$337,646.40 for remaining Design and Construction Professional Services, 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 Professional Service Agreement on behalf of the City of Watertown.

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

**Resolution No. 5 - Approving Amendment No. 1 to the Professional Services Agreement with Barton and Loguidice for the Division Street East and Thompson Street Water Main Project**

**Introduced by Council Member Lisa A. Ruggiero**

WHEREAS at its May 16, 2022 meeting, the City Council approved the Professional Services Agreement with Barton and Loguidice for the Division Street East and Thompson Street Water Main Replacement Project in the amounts of \$59,200.00 for design services and \$39,800.00 for construction services for a total contract cost of \$99,000.00, and

WHEREAS there were changes to the final cost breakdown for Barton and Loguidice due to modifications occurring during construction,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Amendment No. 1 from Barton and Loguidice in the amount of \$7,068.58, a copy of which is attached and made part of this Resolution, bringing the final contract amount to \$106,068.58, and

BE IT FURTHER RESOLVED that Mayor Jeffrey M. Smith is hereby authorized and directed to execute Amendment 1 on behalf of the City of Watertown.

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

**Resolution No. 6 - Approving Change Order No. 2 with EDGE Civil Corporation for the Division Street East and Thompson Street Water Main Replacement Project**

**Introduced by Council Member Lisa A. Ruggiero**

WHEREAS at its April 06, 2023, meeting, the City Council awarded the contract to EDGE Civil Corporation in the amount of \$914,790.00 for the Division Street East and Thompson Street Water Main Replacement Project, and

WHEREAS at its April 17, 2023, meeting, the City Council approved Change Order No. 1 from EDGE Civil Corporation in the decrease of \$5,885.00, for the Division Street East and Thompson Street Water Main Replacement Project, bringing the construction cost to \$908,905.00, and

WHEREAS unexpected construction costs and labor were calculated at the end of construction, and needs to be addressed before the final payment for this project can be issued, and

WHEREAS EDGE Civil Corporation has now submitted Change Order No. 2 in the amount of \$10,523.89, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Change Order No. 2 from EDGE Civil Corporation in the amount of \$10,523.89, a copy of which is attached and made part of this Resolution, bringing the total final contract amount to \$919,428.89, and

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

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

**Resolution No. 7 - Approving Agreement Between the New York State Unified Court System and the City of Watertown for Court Cleaning and Minor Repairs**

**Introduced by Council Member Lisa A. Ruggiero**

WHEREAS the City of Watertown is required by law to furnish and maintain adequate court facilities for use by Trial Courts of the State of New York, and

WHEREAS Chapter 686 of the Laws of 1996 was enacted to invest the State of New York with the fiscal responsibility of managing the interior cleaning of court facilities and performance of minor repairs therein, and with the ability to cover the cost thereof, and

WHEREAS Chapter 686 of the Laws of 1996 requires the State of New York to contract with political subdivisions of the State for the cleaning of court facilities, as well as minor emergency repairs thereof, and

WHEREAS the City of Watertown is responsible for furnishing and maintaining the City Court facility,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves the Agreement between the New York State Unified Court System and the City of Watertown, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute this Agreement and the budget incorporated as Appendix B on behalf of the City of Watertown.

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

**Resolution No. 8 - Directing Staff to Conduct Request for Proposal Process for an Analysis of Current and Prospective Hydropower Resources**

**Introduced by Council Member Lisa A. Ruggiero**

WHEREAS the City Council of the City of Watertown desires to seek the services of a consultant to assist the City with evaluating opportunities to increase hydro power generation for the City of Watertown, and

WHEREAS the City Council wishes to evaluate various consulting firms through a Request for Proposal process,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby directs the City Manager to draft a Request for Proposal (RFP) for an analysis of current and potential hydropower resources, and

BE IT FURTHER RESOLVED that the City Manager is directed to issue the RFP to prospective consulting firms, evaluate responses and make a recommendation to the City Council for consideration.

**Seconded by Council Member Patrick J. Hickey**

Prior to the vote on the foregoing resolution, Council Member Olney explained his reasons for requesting this request for proposals, stressing that it is important to increase the revenue gained from hydro. He mentioned investigating the use of Kaplan turbines in addition to the Francis turbines that are currently installed in the hydro plant.

Mayor Smith advised that this has been reviewed in the past, in particular, when the plant was built, and the cost benefit analysis determined that it was not cost effective. He noted that this was determined factoring in the higher rate as opposed to what the rate will be in the upcoming years, which will become a lower market rate when the contract expires.

Mr. Mix informed Council that three City Engineers have advised that installing the Kaplan turbines would not be cost effective.

In response to Council Member Pierce questioning whether there was a budget in mind for this, Council Member Olney stated that it would need to be discussed once the proposals were received. In regard to the prior studies, he said there is more than one way to look at this and what could be done. He discussed the importance of creating more hydro revenue.

Council Member Pierce asked for staff's opinion.

Mr. Mix explained again that several City Engineers have reviewed this throughout the years and opined that the cost did not outweigh the benefit, but noted that by doing a RFP, there would be an outside opinion so the City could finally put this topic to bed.

**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. 9 - Retaining the Professional Services of John C. Krol to Assist in the Recruitment of Viable Candidates for the Position of Watertown City Manager**

**Introduced by Council Member Lisa A. Ruggiero**

WHEREAS the City Council of the City of Watertown is the appointing authority for the position of City Manager and desires to expeditiously commence a search for a person to serve as City Manager on a full-time basis pursuant to contract, and

WHEREAS the City Council of the City of Watertown desires to retain the professional services of a person qualified to assist the City Council in its recruitment efforts,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that the City shall retain the services of John C. Krol of Waddington, New York, to facilitate the recruitment of City Manager candidates, all in accordance with the Proposal to Facilitate the Recruitment of a City Manager attached to, and made a part of, this Resolution, and

BE IT FURTHER RESOLVED that the Mayor shall, on behalf of the City, direct Mr. Krol to commence his recruiting efforts as soon as practicable.

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

**Resolution No. 10 - Approving the 2023-2026 Tentative Agreement Between the City of Watertown and the International Brotherhood of Electrical Workers, Local 1249**

**Introduced by Council Member Lisa A. Ruggiero**

WHEREAS the 2019-2023 Employment Contract between the City of Watertown and the International Brotherhood of Electrical Worker, Local 1249 expired on June 30, 2023, and

WHEREAS the parties have agreed to a Tentative Agreement which will cover the period of July 1, 2023 thru June 30, 2026,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it hereby approves the Tentative Agreement between the City of Watertown and the International Brotherhood of Electrical Workers, Local 1249 the terms of which will be incorporated into the Collective Bargaining Agreement and a copy of which is attached and made a part of this resolution.

**Seconded by Council Member Sarah V.C. Pierce**

Prior to the vote on the foregoing resolution, Council Member Olney said this will allow a better salary range in order to fill the vacancy within the department.

Mr. Mix confirmed that there is one vacancy and one person who was ready to leave the department but will now stay with the upgrade of Lineworker II to Lineworker I.

Council Member Olney stressed that it is important to maintain staff in this department, due to the role that they play within the City.



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

**OLD BUSINESS**

**Resolution - Authorizing Fund Raising Through the Northern New York Community Foundation for the Construction of a Dog Park** *(Introduced on September 18, 2023; tabled; appears in its entirety in the 2023 Minutes Book on page 9 of the 9/18/2023 minutes).*

**Motion was made by Council Member Patrick J. Hickey to remove the foregoing resolution from the table. Motion was seconded by Council Member Clifford G. Olney III and carried with all voting in favor thereof.**

**Motion was made by Council Member Patrick J. Hickey to amend the foregoing resolution by adding the seventh paragraph. Motion was seconded by Council Member Sarah V.C. Pierce and carried with all voting in favor thereof.**

**The resolution now appears as follows:**

WHEREAS Scott "S.G." Gates has offered to raise funds for construction of a dog park, and

WHEREAS the Northern New York Community Foundation was previously designated to serve as a vehicle through which individuals, organizations, and businesses can make charitable contributions in support of City programs, projects and initiatives, and

WHEREAS the City Council of the City of Watertown believes that it is in the best interest of the citizens of the City to authorize fund raising for the construction of a dog park, and

WHEREAS the recently completed Thompson Park Master Plan identified a suitable area for a dog park within Thompson Park, and

WHEREAS in the event that adequate funds are not raised, such charitable contributions will be used by the city for dog friendly improvements to city parks,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown authorizes fund raising through the Northern New York Community Foundation for the purpose of providing resources to construct a dog park in Thompson Park in the location identified in the Master Plan, and

**\* BE IT FURTHER RESOLVED that if enough funds to completely pay for the construction of the dog park are not raised within two years from the date of this resolution, then the money will be used for the alternative of making dog friendly improvements to city parks, and**

BE IT FURTHER RESOLVED that the City of Watertown is willing to accept the donated funds from the Northern New York Community Foundation for said purpose.

Prior to the vote on the foregoing resolution, Council Member Olney explained his role in working with Mr. Gates to bring a dog park to the City and he expressed his frustration with Mr. Gates not being

flexible with the location chosen within the Park. He noted the benefits of the location suggested within the master plan of the park and suggested that Mr. Gates had his own interests in mind instead of what is best for the community.

Mr. Mix explained that the City as a municipality cannot fundraise, so someone within the community would need to volunteer to do that if Council is not interested in working with Mr. Gates.

Further discussion ensued about fundraising and the need for someone else to spearhead those efforts. Both Council Member Pierce and Council Member Ruggiero noted that Mr. Gates is passionate about this project but is not willing to compromise on the location of the dog park.

**At the call of the chair, a vote was taken on the foregoing resolution and defeated with all voting nay.**

## **NEW BUSINESS**

### **Response to Privilege of the Floor**

Mayor Smith responded to comments made by Mr. Gulbay, Mr. Traynor and Mr. Bonner during the Privilege of the Floor.

### **Upcoming Events**

Council Member Hickey announced the following events: Full Alliance meeting and Council candidates debate on October 17; Transportation Committee meeting and Mayoral debate on October 18; Daniel Dupree Inauguration on October 20; Eclipse Meeting and Local Waterfront Revitalization program meeting on October 25; Watertown Local Development Corporation meeting and Friends of Thompson Park meeting on October 26; and, Council and Mayoral candidates 11-day pre-general electronic submission deadline on October 27.

### **CSX Tracks on Burdick Street**

Council Member Olney mentioned that a resident contacted him with complaints that the rail tracks on Burdick Street are bumpy. He asked if the City is responsible for maintaining these and wondered if the City could pave over the rail tracks since that line is no longer used.

### **Signage at Work Zone**

Council Member Olney asked if there could be better signage placed prior to vehicles entering an area that contains a work zone.

### **Evergreen Trailer Park/Lead in Water Pipes**

Council Member Olney indicated that a resident informed him of her daughter testing higher than normal for lead exposure and mentioned that he was told North Elementary School has a lead filter on its drinking fountains. He discussed the lead pipe replacement program and wondered if the City should investigate this area.

Mr. Mix said he cannot speak on behalf of the school but noted that it is an older building. He also thought that the trailer park may have internal water pipes. He said he will refer this to the Water Superintendent.

### **City Holding Its Own Elections**

Council Member Olney would like the City to look into holding its own elections since it is a nonpartisan election.

### **Response to Privilege of the Floor – Mr. Gulbay**

Council Member Olney mentioned that Mr. Gulbay was notified several times of the street closure after the construction had started and he discussed the long-standing dispute between Mr. Gulbay and Mr. Bradley. He mentioned that Mr. Gulbay has a legal easement for the alleyway and part of Mr. Bradley's property and asked the City Attorney to look into this to see if this issue could be resolved.

### **Zoo**

Council Member Olney advised that he is an advocate for the zoo and thinks there is more that can be done to make the zoo successful and self-sustaining. He mentioned that the Sci-Tech Center and Zoo could collaborate together and suggested building a planetarium.

### **Solar Eclipse Meeting**

Council Member Pierce provided an update, mentioning that she had marketed the event at a recent event held at Dry Hill.

### **Flower Memorial Library Book Sale**

Council Member Pierce announced that the annual book sale will be taking place, noting that it is an important fundraiser for the Library

### **Climate Smart Committee and Energy Smart Community**

Council Member Pierce provided information on both of these and mentioned that she recently attended an event which hosted a speaker from another community implementing these initiatives.

### **EV Hookups**

Council Member Ruggiero mentioned that she had brought this topic up in the past and wondered if there was an update.

Mr. Mix indicated that the City was working on installing some for use by City vehicles but that there was not a plan for use by the public.

Council Member Pierce mentioned that there is federal funding available for installing the infrastructure for charging stations.

Council Member Ruggiero noted that she has received several inquiries about this and that the City should look into it more.

### **Court Street Bump-outs**

Council Member Ruggiero mentioned that she sent an email to the City Manager about an individual hitting the bump-out in front of the Liberty Building during a rainy evening, causing a flat tire. She wondered if the bump-outs should have better markings.

### **Brookside Cemetery Historic Tour**

Council Member Ruggiero announced that this event was held this past Saturday and that it went very well. She talked about the chapel being open for viewing.

**Speed Limit**

Mayor Smith said he was asked by Council Member Olney to remind people of the 30-mph speed limit on City streets. He suggested moving the electronic reminder signs to various locations within the City.

**EV Hookups (continued)**

Mayor Smith said he had discussed this years ago and noted that some car dealers have chargers installed at their locations. He also mentioned the mall has chargers for Teslas. He agreed that the City should look into these further.

**Cease and Desist Letter from Mr. Simao**

Mayor Smith indicated that he received a cease-and-desist letter from Mr. Simao is regard to the Mayor's comments that Mr. Simao's emails offered a bribe. Mayor Smith discussed this further and read quotes from some of Mr. Simao's emails, stressing why he feels this constitutes a form of a bribe and that there would be a financial benefit to the City. Mayor Smith commented that he had received advice that this represents a bribe, and in following that advice, he has forwarded it to the District Attorney and the Attorney General's Office.

**Mayor's FOIL Request**

Mayor Smith indicated that he submitted a FOIL request for copies of Council Members' emails, and he only received Council Member Hickey's and part of Council Member Olney's emails but that Council Member Ruggiero denied the Mayor's request. He questioned the appeal process since the Mayor is the Appeal Officer for a FOIL request and asked for the City Attorney's advice on how to proceed.

There was a lengthy back-and-forth between Mayor Smith and Council Member Ruggiero in regards to this FOIL request, both quoting an email containing an opinion from the Committee on Open Government. This led to discussing the handling of an incident occurring last year in which an email from the City Clerk to Council, as her employer, regarding her concerns of feeling threatened by Mr. Simao was then forwarded to Mr. Simao by a Council Member.

**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 proposed acquisition, sale or lease of real property when publicity would affect the value thereof.**

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

Council moved into Executive Session at 8:23p.m.

Council reconvened at 8:37 p.m.

**ADJOURNMENT**

**At the call of the chair, meeting was duly adjourned at 8:37 p.m. by motion of Council Member Patrick J. Hickey, seconded by Council Member Lisa A. Ruggiero and carried with all voting in favor thereof.**

*Ann M. Saunders*  
City Clerk