

**CITY COUNCIL MEETING
CITY OF WATERTOWN
January 16, 2024
7:00 p.m.**

Mayor Sarah V.C. Pierce Presiding

Present: **Council Member Robert O. Kimball
Council Member Clifford G. Olney III
Council Member Lisa A. Ruggiero (arrived at 7:07 p.m.)
Council Member Benjamin P. Shoen
Mayor Sarah V.C. Pierce**

Also Present: **Eric F. Wagenaar, City Manager
Kristen E. Smith, Bond, Schoeneck & King PLLC, City Attorney**

City staff present: James Mills, Logan Eddy, Michael Lumbis, Tina Bartlett-Bearup, Meredith Griffin

The City Manager presented the following reports to Council:

- Resolution No. 1 - Accepting Bid for Ohio Street Water Main Replacement Project – Edge Civil Corporation
- Resolution No. 2 - Accepting Bid for Winslow Street Water Main Replacement Project – Edge Civil Corporation
- Resolution No. 3 - Approving The Professional Service Agreement for the Ohio Street Water Main Replacement Project, Aubertine and Currier
- Resolution No. 4 - Approving The Professional Service Agreement for the Winslow Street Water Main Replacement Project, Aubertine and Currier
- Resolution No. 5 - Approving Change Order No. 2 for the Washington Street and Keyes Avenue Sanitary Sewer Replacement Project, JL Excavation
- Resolution No. 6 - Approving Change Order No. 1 for the Washington Street and Keyes Avenue Sanitary Sewer Replacement Project, Aubertine and Currier
- Resolution No. 7 - Authorizing Intermunicipal Agreement, Jefferson County Stormwater Coalition
- Resolution No. 8 - Approving Change Order No. 1 for the Remaining Design and Construction Services for City Court and Other City Hall Renovations, GYMO Engineering
- Resolution No. 9 - Accepting Bid for Contracted Hauling Services – Nickles Hauling, LLC
- Resolution No. 10 - Readopting Fiscal Year 2023-24 General Fund Budget to Change a Position Title In the Purchasing Department

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 January 2, 2024 and work session of January 8, 2024, was dispensed and accepted as written by motion of Council Member Clifford G. Olney III, seconded by Council Member Benjamin P. Shoen and carried with all voting in favor thereof.

C O M M U N I C A T I O N S

An email was received from T.G. Kolb, retired Fire Captain, pertaining to the public hearing for the City's 2021 Community Development Block Grant Annual Action Plan Amendment. He asked Council to consider increasing the amount allocated to the Target Area Smoke Detector Program from \$5,000 to \$15,000.

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

A notice of claim was received from Cecilia S. Claudio regarding an interaction with the Police Department on October 3, 2023.

Above claim has been referred to the Board of Audit.

PRIVILEGE OF THE FLOOR

Jonathan Phillips, 735 Mill Street, thanked the various City departments who were involved in the recent windstorm and snowstorm clean up.

PUBLIC HEARING

At 7:15 p.m. Mayor Pierce asked the City Clerk to read the notice of Public Hearing concerning a proposed amendment to the City's Community Development Block Grant Annual Action Plan for Program Year 2021.

Mayor Pierce declared the hearing open at 7:15 p.m.

Planning and Community Development Director Michael Lumbis provided an overview of the proposed amendment, noting that it is meant to adjust the budget to what the actual cost of the projects were. He added that the Grant Street Sidewalk project was significantly under budget so some of those funds will be reallocated to the Grant Street Reconstruction project.

Council Member Olney asked about the communication that was received requesting funding to the Target Area Smoke Detector Program be increased.

Mr. Lumbis explained that under this program smoke detectors can only be distributed to low-to-moderate income population, so it has been slow going since there needs to be proof of income. He said, unlike other programs in which smoke detectors are distributed, the Fire Department cannot hand them out to just anyone in need, noting it is more cumbersome when using CDBG funds. He suggested that the City could look at using other funding sources for a smoke detector program if the need exists.

Mayor Pierce declared the hearing closed at 7:23 p.m.

RESOLUTIONS

Resolution No. 1 - Accepting Bid for Ohio Street Water Main Replacement Project – Edge Civil Corporation

Introduced by Council Member Clifford G. Olney III

WHEREAS the City desires to construct and replace water main and appurtenances located on Ohio Street, and all other associated work, and

WHEREAS the Purchasing Department advertised and received seven (7) sealed bids for the Ohio Street Water Main Replacement Project, and

WHEREAS on December 18, 2023, at 11:00 a.m. the bids received were publicly opened and read, and

WHEREAS Purchasing Manager, Tina Bartlett-Bearup reviewed the bids received with the Engineering, and Water Departments in consultation with Aubertine & Currier and it is their recommendation that the City Council accept the lowest responsive responsible bid submitted by Edge Civil Corporation, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby accepts the bid received from Edge Civil Corporation in the amount of \$834,974, 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 Benjamin P. Shoen and carried with all voting yea except for Council Member Lisa A. Ruggiero who was absent for the vote.

Resolution No. 2 - Accepting Bid for Winslow Street Water Main Replacement Project – Edge Civil Corporation

Introduced by Council Member Clifford G. Olney III

WHEREAS the City desires to construct and replace water main and appurtenances located on Winslow Street, and all other associated work, and

WHEREAS the Purchasing Department advertised and received six (6) sealed bids for the Winslow Street Water Main Replacement Project, and

WHEREAS on December 18, 2023, at 11:00 a.m. the bids received were publicly opened and read, and

WHEREAS Purchasing Manager, Tina Bartlett-Bearup reviewed the bids received with the Engineering and Water Departments in consultation with Aubertine & Currier and it is their recommendation that the City Council accept the lowest responsive responsible bid submitted by Edge Civil Corporation, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby accepts the bid received from Edge Civil Corporation in the amount of \$932,635, 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 Benjamin P. Shoen and carried with all voting yea except for Council Member Lisa A. Ruggiero who was absent for the vote.

Resolution No. 3 - Approving The Professional Service Agreement for the Ohio Street Water Main Replacement Project, Aubertine and Currier

Introduced by Council Member Clifford G. Olney III

WHEREAS on November 15, 2023, the City of Watertown requested a proposal from Aubertine and Currier regarding Construction Administration and Inspection services associated with the Ohio Street Water Main Replacement Project, and

WHEREAS Aubertine and Currier submitted their proposal and corresponding Scope of Services on November 27, 2023, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Professional Service Agreement from Aubertine and Currier in the amount of \$84,000, a copy of which is attached and made part of this Resolution, and

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

Seconded by Council Member Benjamin P. Shoen

Prior to the vote on the foregoing resolution, Council Member Shoen questioned the language of the contract stating “the engineer neither guarantee the performances of any contractor nor assumes responsibility for the contractor’s failure to furnish and perform the work in accordance with the contract documents.” Citing another project in which the City found issues after the contractor had completed the work and is now costing the City more to redo the work, he expressed concerns with an outside engineering company doing project oversight but not guaranteeing the work to be accurate. He said he thinks the City is paying too much and there are no guarantees that Aubertine and Currier is going to make sure the job is done correctly. He asked if the City is required to do this.

Civil Engineer II Meredith Griffin explained that it is protocol to have someone on site when road work is being done and the entire time construction workers are there. She advised that the Engineering Department does not have enough staff on hand to provide that oversight.

Council Member Shoen asked if Aubertine and Currier could be asked for a guarantee that the work be done accurately.

City Manager Wagenaar said that staff would have to go back and look at the RFP. He advised that oversight of projects is one thing that he will be reviewing and will work with staff on.

A lengthy discussion about project oversight occurred and the particular language contained within the contract regarding the guarantee of work. It was questioned whether the language could be changed within this contract or should be reviewed by the City Attorney.

Motion was made by Council Member Benjamin P. Shoen to table the foregoing resolution.

Motion was seconded by Council Member Clifford G. Olney III and carried with all voting in favor thereof except Council Member Robert O. Kimball and Council Member Lisa A. Ruggiero voting nay.

Resolution No. 4 - Approving The Professional Service Agreement for the Winslow Street Water Main Replacement Project, Aubertine and Currier

Introduced by Council Member Lisa A. Ruggiero

WHEREAS on November 15, 2023, the City of Watertown requested a proposal from Aubertine and Currier regarding Construction Administration and Inspection services associated with the Winslow Street Water Main Replacement Project, and

WHEREAS Aubertine and Currier submitted their proposal and corresponding Scope of Services on November 27, 2023, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Professional Service Agreement from Aubertine and Currier in the amount of \$84,000, a copy of which is attached and made part of this Resolution, and

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

Seconded by Council Member Clifford G. Olney III

Prior to the vote on the foregoing resolution, Council Member Shoen mentioned that he has the same concerns with this resolution as he did with the prior resolution.

Motion was made by Council Member Benjamin P. Shoen to table the foregoing resolution.

Motion was seconded by Council Member Clifford G. Olney III and carried with all voting in favor thereof except Council Member Robert O. Kimball and Council Member Lisa A. Ruggiero voting nay.

Resolution No. 5 - Approving Change Order No. 2 for the Washington Street and Keyes Avenue Sanitary Sewer Replacement Project, JL Excavation

Introduced by Council Member Lisa A. Ruggiero

WHEREAS at its June 05, 2023, meeting, the City Council approved a bid from JL Excavation in the amount of \$910,090.50 for the Washington Street and Keyes Avenue Sanitary Sewer Replacement Project, and

WHEREAS at its November 06, 2023, meeting, the City Council approved Change Order No. 1 from JL Excavation in the amount of \$20,399.48, bringing the total contract amount to \$930,489.98, and

WHEREAS JL Excavation has requested that the substantial completion date be extended so that additional work discovered during the final walkthrough can be completed, and

WHEREAS JL Excavation has now submitted Change Order No. 2 to extend the project substantial completion date to 05/30/2024, and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown hereby approves Change Order No. 2 from JL Excavation to extend the project substantial completion date to 05/30/2024, a copy of which is attached and made part of this Resolution, and

BE IT FURTHER RESOLVED by the City Council that City Manager is hereby authorized and directed to execute Change Order no. 2 on behalf of the City of Watertown.

Seconded by Council Member Clifford G. Olney III

Prior to the vote on the foregoing resolution, Mayor Pierce mentioned that this is the project that Council Member Shoen was alluding to earlier and asked what issues were found that need to be addressed.

Ms. Griffin explained that there was minor work within the pipes discovered once the camera inspection was done and there was some pavement that needed to be redone.

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

Resolution No. 6 - Approving Change Order No. 1 for the Washington Street and Keyes Avenue Sanitary Sewer Replacement Project, Aubertine and Currier

Introduced by Council Member Lisa A. Ruggiero

WHEREAS at its May 15, 2023, meeting, the City Council approved the Professional Service Agreement from Aubertine and Currier in the amount of \$65,209 for Construction Administration and Inspection Services for the Washington Street and Keyes Avenue Sanitary Sewer Replacement Project, and

WHEREAS it has been determined that the remaining work for this project would not be completed until Spring 2024, and additional Construction Administration and Inspection Services would be needed, and

WHEREAS Aubertine and Currier has now submitted Change Order No. 1 in the amount of \$18,264 for additional Construction Administration and Inspection Services, and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown hereby approves Change Order No. 1 from Aubertine and Currier in the amount of \$18,264, bringing the total contract amount to \$83,473, a copy of which is attached and made part of this Resolution, and

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

Seconded by Council Member Clifford G. Olney III

Prior to the vote on the foregoing resolution, Council Member Olney questioned the process for change orders, noting that this goes through a bidding process. He added that, in the private sector, the cost is the cost.

Ms. Griffin explained that the engineering design does not go through a bid process.

Council Member Shoen explained that the issues with the work were discovered by City staff and not the engineering firm who was responsible for the oversight of the project. He pointed out that the pavement was laid prior to the issue being discovered, costing the City. He said, in the future, he would like some guarantees on the work from the outside contractor responsible for oversight.

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

Resolution No. 7 - Authorizing Intermunicipal Agreement, Jefferson County Stormwater Coalition

Introduced by Council Member Lisa A. Ruggiero

WHEREAS on October 20, 2014, City Council authorized an Intermunicipal Agreement and joining the Jefferson County Stormwater Coalition, and

WHEREAS the group members recognize the benefits of cooperation to achieve improved water quality and a greater cost-effective approach for accomplishing same, and

WHEREAS the City Council of the City of Watertown wishes to confirm the decision to continue working with the Coalition by formal Resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that the City of Watertown hereby confirms continued membership in the Jefferson County Stormwater Coalition, and

BE IT FURTHER RESOLVED by the City Council that the City of Watertown hereby authorizes and directs the City Manager to sign the Intermunicipal Agreement, a copy of which is attached and made part of this resolution.

Seconded by Council Member Clifford G. Olney III

Prior to the vote on the foregoing resolution, Council Member Kimball pointed out that the beginning term date of this five-year contract was January 1, 2023.

Mr. Wagenaar explained that the original contract had expired a year earlier so this contract term was backdated.

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

Resolution No. 8 - Approving Change Order No. 1 for the Remaining Design and Construction Services for City Court and Other City Hall Renovations, GYMO Engineering

Introduced by Council Member Lisa A. Ruggiero

WHEREAS at its April 17, 2023, meeting, the City Council approved the Professional Service Agreement from 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 at its October 16, 2023, meeting, the City Council approved the Proposal from GYMO Engineering for the remaining design and construction services for the City Court and Other City Hall Renovations in the amount of \$337,646.40, and

WHEREAS the Proposal included the design and replacement of the City Hall Elevator, which was put out to bid as a separate project, and

WHEREAS GYMO Engineering has now submitted Change Order No. 1 in the decrease of \$25,200.00 to remove work pertaining to the City Hall Elevator from their Proposal, and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown hereby approves Change Order No. 1 from GYMO Engineering in the decrease of \$25,200.00, bringing the total contract amount to \$312,446.40, a copy of which is attached and made part of this Resolution, and

BE IT FURTHER RESOLVED by the City Council that the City Manager is hereby authorized and directed to execute Change Order no. 1 on behalf of the City of Watertown.

Seconded by Council Member Clifford G. Olney III and carried with all voting yea.

Resolution No. 9 - Accepting Bid for Contracted Hauling Services – Nickles Hauling, LLC

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City's Public Works Department desires to contract with a qualified firm to provide hauling services, as needed, to move a variety of materials to or from work sites and/or specified material suppliers for City Departments, and

WHEREAS the Purchasing Department advertised and received two (2) sealed bids for contracted hauling services, and

WHEREAS on Monday, December 28, 2023, at 11:00 a.m. the bids received were publicly opened and read, and

WHEREAS Purchasing Manager, Tina Bartlett-Bearup reviewed the bid received with the Public Works Department and it is their recommendation that the City Council accept the lowest responsive responsible bid submitted by Nickles Hauling, LLC, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby accepts the bid received from Nickles Hauling, LLC at \$140 per hour (prevailing wage) and \$115 per hour (non-prevailing wage), 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 Clifford G. Olney III

Prior to the vote on the foregoing resolution, Council Member Shoen noted that this contract was previously held by T.J. Clement, who was reliable and effective in the assistance of snow removal. He asked if Nickles Hauling would offer a comparable service.

Mr. Wagenaar explained that both companies were compared, and they both have the same number of trucks in service.

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

Resolution No. 10 - Readopting Fiscal Year 2023-24 General Fund Budget to Change a Position Title In the Purchasing Department

Introduced by Council Member Lisa A. Ruggiero

WHEREAS on June 5, 2023 the City Council passed a resolution adopting the Budget for Fiscal Year 2023-24, of which \$54,436,090 was appropriated for the General Fund and,

WHEREAS the FY 2023-24 Budget for the Purchasing Department included an Account Clerk Typist position, and

WHEREAS the Purchasing Manager is recommending the position be upgraded to a Senior Account Clerk Typist in order for that position to perform more of the department's mid-level tasks which will then allow the Purchasing Manager to focus on more higher-level department objectives,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the elimination of the Account Clerk Typist position and adds the Senior Account Clerk Typist position in the Purchasing Department.

Seconded by Council Member Clifford G. Olney III

Prior to the vote on the foregoing resolution, Council Member Kimball asked if there is any financial change due to this.

Mr. Wagenaar indicated that there would be a slight increase in pay, but it is within the budget.

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

NEW BUSINESS

Recent Windstorm and Snowstorm

Mayor Pierce commended the City staff and departments who responded to the recent storms, noting many worked around the clock. She also thanked National Grid and the many local, State and Federal representatives who reached out to her and offered assistance.

Each member of Council echoed the Mayor's sentiments during their portion of New Business.

Council Member Olney asked if the City has a better way to communicate with the public, in particular about which stores and gas stations are open.

Mentioning the City has the RAVE system, Mayor Pierce said she is not sure what meets the criteria for sending out a RAVE alert. She noted that she sent a couple of press releases out during the day with storm updates.

Senior Center

Council Member Olney said that, at a recent meeting, the County said there are a lot of services available for seniors, but he said the challenge has been communicating what these services are to the public. He noted there is now an app available that outlines the services.

Bus Services

Council Member Olney noted that he has been riding the City's bus system and has heard there is a lot of interest from people wanting to learn more about how the system is changing and new routes being added.

Potholes

Council Member Olney spoke about the process for fixing cracks in the pavement caused by the freeze and thaw cycle. He mentioned there is an asphalt spraying machine used by the State and he wondered if the City has this type of equipment.

Logan Eddy, Confidential Assistant to the City Manager, indicated that DPW does have one of those machines but there are specific parameters, such as temperature and time of year, as to when it can be used.

Council Member Olney questioned what the City spends on cold patch versus being proactive to prevent the potholes. He asked for a cost benefit analysis.

Budget for Solar Eclipse

Council Member Olney mentioned there may need to be an increase in funding for advertising this event.

Mayor Pierce indicated that the advertising cost has been covered but there will be a need to fund the expense for transportation and shuttle buses.

City Manager's Updates

Council Member Olney stated that he likes the City Manager's Updates and is glad they will be continued.

Water Reservoir

Mentioning the leak in the City's reservoir, Council Member Olney said that some people have suggested that it may be the pipe that is leaking. He asked if that had been looked at or whether a chlorine test on the water had been performed.

Mr. Wagenaar replied that the contractor is still looking at the issue.

Sidewalk Program

Council Member Olney mentioned that Council had talked about revisiting the sidewalk program and looking at other communities, such as Syracuse, for ideas.

Senior Center (continued)

Council Member Ruggiero provided an update from the last meeting, stating the committee has been focused on finding a location. She said that Neighbors of Watertown have offered space in the Marcy building at no cost for one year.

Jefferson Leadership Institute (JLI)

Council Member Ruggiero mentioned that she, along with the Mayor and Council Member Kimball attended this event hosted by the City in Council Chambers last Friday.

Microphone in Council Chambers

Council Member Shoen suggested getting a better microphone for the public podium in Council Chambers.

Downtown Snow Removal

Council Member Shoen mentioned that two large rotary snowblowers are broken, so he was happy to see the City had borrowed a loader snowblower from the County to test out. He said he would like to see more shared services between the County and City. He thanked the County for allowing the City to borrow this equipment.

Communication to the Public

Council Member Shoen mentioned that information about the storm and what stores and gas stations are open should be pushed out to the radio stations.

Mentioning that it would be nice to have a better way to distribute information to the public, Mayor Pierce stated that she would like to look into a mass email system and have people sign up for email alerts.

Federal Representatives Meeting

Mayor Pierce advised that she will be meeting with staff from Senator Schumer's Office and Congresswoman Tenney's Office and asked Council for input on any issues that they would like her to discuss with them.

A D J O U R N M E N T

At the call of the chair, meeting was duly adjourned at 7:51 p.m. by motion of Council Member Lisa A. Ruggiero, seconded by Council Member Clifford G. Olney III and carried with all voting in favor thereof.

Ann M. Saunders

City Clerk