

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
February 20, 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  
Council Member Benjamin P. Shoen  
Mayor Sarah V.C. Pierce

**Also Present:** Eric F. Wagenaar, City Manager  
Timothy McMahon, Bond, Schoeneck & King PLLC, City Attorney

**City staff present:** Scott Weller, Jordan Northrop, James Mills, Brian Phelps, Meredith Griffin, Matthew Timerman, Michael Kellogg, Tina Bartlett-Bearup, Geoffrey Urda, Michael Lumbis

The City Manager presented the following reports to Council:

- Resolution No. 1 - Performance Review of City Manager, Eric F. Wagenaar
- Resolution No. 2 - Performance Review of City Clerk, Ann M. Saunders
- Resolution No. 3 - Approving Change Order No. 3 for the William J. Flynn Municipal Swimming Pool Rehabilitation Contract #1 – General Construction Con Tech Building Systems, Inc.
- Resolution No. 4 - Readopting Fiscal Year 2023-24 General Fund Budget – Flynn Pool Funding
- Resolution No. 5 - Approving Change Order No. 1 for the 214 Hoard Street Demolition Project, Bronze Contracting, LLC
- Resolution No. 6 - Approving Changes to Annual City Fees And Charges Schedule
- Resolution No. 7 - To Settle Proceeding to Review Real Property Assessment Challenge at 1571 Washington St, Watertown, NY 13601 Parcel No.13-23-104.101
- Resolution No. 8 - To Settle Proceeding to Review Real Property Assessment Challenge at 391 College Heights, Watertown, NY 13601 Parcel Nos. 8-40-110.000 & 8-40-111.000
- Resolution No. 9 - Accepting Bid for 542 Cooper Street Demolition Project – D&S Excavating LLC
- Resolution No. 10 - Accepting Proposal for Food & Beverage Concession Services – Thompson Park Golf Course - David J. Marconi, Jr. (LLC Pending)
- Resolution No. 11 - Approving Change Order No. 3 for the Barben Avenue, Holcomb Street, Bugbee Drive and East Street Water Main Replacement Project, EDGE Civil Corporation
- Resolution No. 12 - Authorizing Application for FEMA Assistance to Firefighters Grant (AFG)
- Resolution No. 13 - Appointment to the Roswell P. Flower Memorial Library Board of Trustees, Stephen Bolton
- Sale of Surplus Hydro-electricity – January 2024
- Sales Tax Revenue – January 2024
- Pro-Housing Community Program
- Complete Streets Annual Progress Report – Calendar Year 2023

**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 February 5, 2024, and work session of February 12, 2024, was dispensed and accepted as written by motion of Council Member Lisa A. Ruggiero, seconded by Council Member Clifford G. Olney III, and carried with all voting in favor thereof.

### **COMMUNICATIONS**

A letter was received from Patti Hancock, on behalf of Carbone's Coffeen Street Plaza, requesting a no-parking sign be installed on the Cedar Street side of the Carbone's Plaza at 605-615 Coffeen Street.

An email was received from Debbie and Bill Dermady, 118 Seymour Street, questioning the advertising of the Thompson Park Solar Eclipse event during a recent newscast on WWNYTV-7 News. She also expressed concern over the sidewalks not being cleared and the process for dealing with it.

An email was received from Steven Massaro, suggesting a fireworks display be done during Watertown's solar eclipse event.

A letter was received from Lowell Joerg, Stockton, CA, along with an old postcard of the Power Plant and Dam at Beebee Island. Known as the Postcard Man, this 95-year-old enjoys the hobby of finding vintage postcards and returning them to the locations from which they originated.

**Above communications were placed on file in the office of the City Clerk.**

A claim was received from Knowlton Technologies, LLC, 213 Factory Street, seeking reimbursement for damages occurring after an unexpected water shutoff on January 31, 2024.

**Above claim has been referred to the Board of Audit.**

### **PROCLAMATION**

Mayor Pierce interrupted the regular course of business to proclaim February 24, 2024 as the 25th Anniversary of the North Country Chili Cook-Off and called upon the residents of Watertown, NY, and the surrounding regions to join her in this observation by celebrating this day with friends, family, community, and great chili.

### **PRESENTATION**

#### **Independent Auditors' Report for the Fiscal Year Ending June 30, 2023 - Liz Bush, CPA, Bowers & Company CPAs PLLC**

Ms. Bush presented the Independent Auditors' Report for the Fiscal Year Ending June 30, 2023, a copy of which is available on the City's website and filed in the City Clerk's Office. She began by reviewing the Report of the Audit of Financial Statements, which is found on the pages directly following the table of contents. She highlighted that they issued a clean, unmodified opinion of the audited financial statements, which means they are presented fairly, in all material respects in accordance with general

accepted accounting principles. She added the review was in accordance with generally accepted accounting standards and government auditing standards. She referred Council to the Management's Discussion and Analysis (page 5-24), which is prepared by the City Comptroller and provides valuable information for the financial statements and the financial analysis of the City, and she encouraged Council to read through it.

Ms. Bush reviewed in detail the various Audited Financial Statements, which start on page 26, and highlighted significant notes to the Financial Statements beginning on page 39. She then drew Council's attention to page 93, which shows the Budgetary Comparison Schedule – General Fund. She noted the budgeted and actual amounts, and she offered explanations as to why some of the items had variances.

The next section of the audit pertained to the Federal Awards Program information and Ms. Bush stated the Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance in Accordance with Government Auditing Standards Report (pages 97-98) indicates there were no significant deficiencies or material weaknesses in internal controls or compliance findings. She indicated the Independent Auditor's Report on Compliance for each Major Program and Internal Control Over Compliance Required by the Uniform Guidance (page 99) is the Single Audit Report and it shows an unmodified, clean opinion. She mentioned the Schedule of Expenditures of Federal Awards (pages 102-103) and stated the major program audited was Coronavirus State and Local Fiscal Recovery Funds. She reviewed the summary of the Auditor's Results (page 105), noting there were no findings to report under the Single Audit and the City qualifies as a low-risk auditee.

The last section of the report is regarding State Transportation Assistance Programs, and Ms. Bush advised that a clean, unmodified opinion was issued (pages 108-111) and she noted the CHIPs program was audited this year. She reviewed the summary of the Auditor's Results (page 114), stating that there were no material weaknesses or significant deficiencies identified.

Lastly, Ms. Bush reviewed the findings listed in the management letter and the communication report.

In response to Council Member Olney's inquiry, Ms. Bush confirmed that the ARPA funds were reviewed as part of the Federal funding audit.

### **PRIVILEGE OF THE FLOOR**

**Jonathan Phillips**, 735 Mill Street, expressed concerns about dilapidated buildings within the City, in particular 542 Cooper Street, and the need to rehabilitate them to provide more affordable housing. He also addressed the issue of uncleared sidewalks and Code Enforcement's handling of them.

### **RESOLUTIONS**

#### **Resolution No. 1 - Performance Review of City Manager, Eric F. Wagenaar**

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

WHEREAS the Charter of the City of Watertown under Title III, Section 20-6 requires a performance review of the City Manager annually with findings adopted by March 1 each year, and

WHEREAS it was determined that the City Manager has demonstrated his management and communication style, and has become an outstanding leader of the City's workforce, and

WHEREAS the City Manager has been effective at maintaining the financial strength of the City, managing the infrastructure, tasks and responsibilities, working diligently with Department Heads for the success of the City and,

NOW THEREFORE BE IT RESOLVED that following an assessment and review of the City Manager's duties and performance, the City Council finds that the City Manager, Eric F. Wagenaar, has performed above and beyond expectations and had done an excellent job going forward into the year.  
**Seconded by Council Member Clifford G. Olney III**

Prior to the vote on the foregoing resolution, Mayor Pierce explained that this resolution and the next resolution are required annually per the City Charter.

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

**Resolution No. 2 -Performance Review of City Clerk, Ann M. Saunders**

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

WHEREAS the Charter of the City of Watertown under Title III, Section 20-8 requires a performance review of the City Clerk annually with findings adopted by March 1 each year, and

WHEREAS City Council determined the City Clerk has done an excellent job of carrying out the duties of her office and serving the public, and

WHEREAS the City Clerk has effectively led her staff in a professional, and productive way, and

WHEREAS the City Clerk continues to make her office more efficient,

NOW THEREFORE BE IT RESOLVED that following an assessment and review of the City Clerk's duties and performance, the City Council finds that the City Clerk, Ann M. Saunders, has performed consistent with expectations and did an excellent job in the year.

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

**Resolution No. 3 - Approving Change Order No. 3 for the William J. Flynn Municipal Swimming Pool Rehabilitation Contract #1 – General Construction Con Tech Building Systems, Inc.**

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

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

WHEREAS at its August 21, 2023, meeting, the City Council approved Change Order No. 1 from Con Tech Building Systems, Inc. in the amount of \$57,746.10, bringing the total contract amount to \$2,752,746.10, and

WHEREAS at its November 06, 2023, meeting, the City Council approved Change Order No. 2 from Con Tech Building Systems, Inc. in the amount of \$29,629.75, bringing the total contract amount to \$2,782,375.85, and

WHEREAS it has been decided that Handicap Door Operators must be installed on the Women's and Men's Locker Room Doors entry locations when entering from the pool deck and there have also been unexpected changes in construction costs, and

WHEREAS Con Tech Building Systems, Inc. has now submitted Change Order No. 3 in the amount of \$23,054.93,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Change Order No. 3 from Con Tech Building Systems, Inc. in the amount of \$23,054.93, a copy of which is attached and made part of this Resolution, bringing the total contract amount to \$2,805,430.78, and

BE IT FURTHER RESOLVED that City Manager is hereby authorized and directed to execute Change Order No. 3 on behalf of the City of Watertown.

**Seconded by Council Member Clifford G. Olney III**

Prior to the vote on the foregoing resolution, Patrick Currier of C & S Engineering provided the status of this project and answered questions posed by Council Members regarding the need for this change order. He addressed specific items, such as the handicap door opener, French drain, lifeguard office walls and the men's handicap shower wall relocation.

Noting that Council tends to see a lot of change orders on projects, Council Member Olney questioned the way bids are put together along with the engineering designs. He suggested there may be a better way, mentioning a pilot program, and more open discussions with Council and engineering firms prior to finalizing contracts.

Mr. Currier added that most of the additional expense of the change order will fall within the budgeted contingency amount.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yeas except Mayor Sarah V.C. Pierce voting nay.**

#### **Resolution No. 4 - Readopting Fiscal Year 2023-24 General Fund Budget – Flynn Pool Funding**

**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 on June 5, 2023 the City Council passed a resolution re-adopting the Budget for Fiscal Year 2022-23 appropriating \$3,150,000 to fund the Flynn Pool and Bathhouse project funding shortfall, and

WHEREAS on August 21, 2023 City Council approved change order #1 with Con Tech Building Systems, Inc. in the amount of \$57,746.10 for rock removal, and

WHEREAS on October 2, 2023 City Council approved change order #1 with Howell Enterprises, Inc in the amount of \$12,204.00 to expedite the delivery of the electrical panels, and

WHEREAS on November 6, 2023 City Council approved change order #2 with Con Tech Building Systems, Inc. in the amount of \$29,629.75 for asbestos abatement, and

WHEREAS on December 4, 2023 City Council was to consider change order #1 with Hyde Stone Mechanical in the amount of \$36,873.00 for asbestos abatement, and

WHEREAS City Council wishes to rehabilitate the pool parking lot at an estimated cost of \$85,000 excluding Department of Public Works staff and equipment costs,

NOW BE IT 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 adjustments in the re-adopted General Fund Budget:

GENERAL FUND

Appropriated Fund Balance:

A.0000.0909

Fund Balance

\$85,000

Expenditures:

A.9950.0900

Transfer to Capital Project Fund

\$85,000

**Seconded by Council Member Clifford G. Olney III**

Prior to the vote on the foregoing resolution, Mr. Wagenaar explained that staff decided to pave the Flynn pool parking lot because there were issues with the existing one, and since the pool would be brand new, it made sense to improve the parking lot belonging to the new facility. He noted that the work will be completed by in-house staff, saving the City a significant amount of expense.

Council Member Olney agreed that the aesthetics of the facility is important and said he thought paving should have been included in the original bid packet. He once again questioned the bidding process and who was responsible for certain elements of it.

Council Member Shoen stated he appreciated the City Manager using in-house staff as a cost saving and said that DPW is more than capable of performing this kind of work.

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

**Resolution No. 5 - Approving Change Order No. 1 for the 214 Hoard Street Demolition Project, Bronze Contracting, LLC**

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

WHEREAS at its November 20, 2023, meeting, the City Council approved a bid from Bronze Contracting, LLC in the amount of \$39,850.00 for the 214 Hoard Street Demolition Project, and

WHEREAS it has since been determined that the bid specifications included a discrepancy on page 12 regarding the requirement for performance and payment bonds, and

WHEREAS Bronze Contracting, LLC has now submitted Change Order No. 1 in the amount of \$1,196.00 for the cost of obtaining the required performance and payment bonds, and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown hereby approves Change Order No. 1 from Bronze Contracting, LLC in the amount of \$1,196.00, a copy of which is attached and made part of this Resolution, bringing the total contract amount to \$41,046.00, 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**

Prior to the vote on the foregoing resolution, Council Member Kimball explained that he will be voting against this as a symbolic vote due to the way the previous Council decided to handle this property and flipped their votes quickly from rehabbing it to demolishing it.

Council Member Olney, Council Member Ruggiero and Mayor Pierce explained their reasons for voting the way they did in the past.

Council Member Olney wondered if City employees could do demolition work in the future in an effort to save costs.

Council Member Shoen explained why he would support demolishing this property and suggested trying to sell the vacant lot to a developer instead of the neighboring property owner. He noted that developed properties hold more value than vacant lots. He also mentioned that many years ago City staff were trained and had the equipment to perform demolitions but then this practice was discontinued.

Council Member Ruggiero agreed, suggesting an RFP be done requesting something to be built on the property.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea except Council Member Robert O. Kimball voting nay.**

**Resolution No. 6 - Approving Changes to Annual City Fees And Charges Schedule**

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

WHEREAS City Council established a City Fees and Charges Schedule for the City of Watertown, as authorized by Local Law No. 2 of 2016, and

WHEREAS the Fiscal Year 2023-2024 City Fees and Charges Schedule was adopted by City Council on June 5, 2023 when the Fiscal Year 2023-2024 Budget was adopted, and

WHEREAS the City of Watertown operates an eighteen-hole golf course, and

WHEREAS the Parks and Recreation Department has proposed changes to this schedule to include the golf course fees for the 2024 golf season,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes the below changes to the City Fees and Charges Schedule:

<b>Thompson Park Golf Course</b>		<b>City Resident</b>	<b>Non-City Resident</b>
<b>Season Passes</b>			
18 & Under		\$ 125	\$ 150
22 & Under		\$ 275	\$ 325
Adult		\$ 750	\$ 825
Senior (62)		\$ 600	\$ 675
Senior Couple (62)		\$ 850	\$ 925
Family (2 Adults)		\$ 950	\$ 1,050
	<i>Additional Student</i>	\$ 70	\$ 80
<b>Greens Fees</b>			
9-Holes		\$ 18	\$ 20
18-Holes		\$ 25	\$ 28
Fall Rates (Effective September 15th)			
9-Holes		\$ 9	\$ 11
18-Holes		\$ 13	\$ 15
<b>Carts (Per Golfer)</b>			
9-Holes		\$ 10	\$ 11
18-Holes		\$ 15	\$ 16
<b>Tournament Fees</b>			
Per Entry		\$ 40	\$ 40
<b>Driving Range</b>			
Small		\$ 7	\$ 7
Large		\$ 10	\$ 10
<b>Club Rentals</b>			
Per Outing		\$ 5	\$ 10

*ID required in order to receive resident rate.*

**Seconded by Council Member Clifford G. Olney III**



Prior to the vote on the foregoing resolution, Superintendent of Parks and Recreation Scott Weller confirmed for Council Member Olney that the proposed prices were competitive. He also reviewed, at the request of Council Member Ruggiero, the rate increases compared to last year's rate. It was noted that the rates for the Fall season were not increased and that the military discount would be the same as the City-resident rate. Regarding a league rate, he explained there was one last year, but it was removed for the upcoming season's fee schedule.

Golf Course Manager Jordan Northrop provided the determination for removing the league rates in hopes of encouraging the purchase of season passes. He also answered questions about corporate passes, stating they are hard to track and sometimes abused.

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

**Resolution No. 7 - To Settle Proceeding to Review Real Property Assessment Challenge at 1571 Washington St, Watertown, NY 13601 Parcel No.13-23-104.101**

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

WHEREAS certain premises owned by ARHC NCWTNNY01 LLC. in the City of Watertown at 1571 Washington St, Parcel No.: 13-23-104.101 is assessed for the following tax roll years:

2020 through 2023	\$9,161,600
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and

WHEREAS ARHC NCWTNNY01 LLC. has heretofore duly instituted in the Supreme Court proceedings to review the assessment for tax years 2020 through 2023, and

WHEREAS the parties have agreed that the total assessment for both parcels the following years shall be reduced and set as:

2020	\$9,161,600
2021	\$9,161,600
2022	\$8,800,000
2023	\$8,300,000

and

WHEREAS ARHC NCWTNNY01 LLC and the City agree to be bound to the provisions of RPTL §727 limiting the ability to challenge or change future assessments for tax years 2024, 2025 or 2026, and

WHEREAS a compromise and settlement of the aforesaid proceedings upon the above basis is deemed in the best interest of the Respondents,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that the City attorneys of the City of Watertown be and are hereby authorized, empowered, and

directed to enter into a formal Stipulation & Order of the aforesaid proceedings with counsel for ARHC NCWTNNY01 LLC. on the following terms and conditions:

1. The assessments of the subject property shall be set for the following years as follows:

2020	\$9,161,600
2021	\$9,161,600
2022	\$8,800,000
2023	\$8,300,000
2. That the above adjustments may result in rebates for taxes paid in excess of the amounts that would have been due based on the adjusted assessments.
3. That an Order of the Supreme Court shall be made and entered settling the aforesaid proceedings to review said assessment without costs to either party as against the other and upon the terms and conditions set forth above, and

BE IT FURTHER RESOLVED that the City Assessor and all other municipal officers, agents or employees be, and they hereby are directed to do such acts and things as may be necessary to give full force and effect to the aforesaid settlement, and

BE IT FURTHER RESOLVED this Resolution shall take effect immediately.

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

**Resolution No. 8 - To Settle Proceeding to Review Real Property Assessment Challenge at 391 College Heights, Watertown, NY 13601 Parcel Nos. 8-40-110.000 & 8-40-111.000**

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

WHEREAS certain premises owned by Home Depot USA Inc. in the City of Watertown at 391 College Heights, Parcel Nos.: 8-40-110.000 & 8-40-111.000 are assessed for the following tax year:

2023	Parcel #: 8-40-110.000	\$3,937,500
2023	Parcel #: 8-40-111.000	\$2,362,500

and

WHEREAS Home Depot USA Inc. has heretofore duly instituted in the Supreme Court proceedings to review the assessment for tax year 2023, and

WHEREAS the parties have agreed that the total assessment for both parcels the following years shall be reduced and set as:

2023	\$6,300,000
2024	\$6,105,000

and

WHEREAS Home Depot USA Inc. and the City agree to be bound to the provisions of RPTL §727 limiting the ability to challenge or change future assessments for tax years 2024, 2025 or 2026, and

WHEREAS a compromise and settlement of the aforesaid proceedings upon the above basis is deemed in the best interest of the Respondents,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that the City attorneys of the City of Watertown be and are hereby authorized, empowered and directed to enter into a formal Stipulation & Order of the aforesaid proceedings with counsel for Home Depot USA Inc. on the following terms and conditions:

1. The assessments of the subject property shall be set for the following years as follows:

2024	Parcel #: 8-40-110.000	\$3,815,625
2024	Parcel #: 8-40-111.000	\$2,289,375
2. That the above adjustments may result in rebates for taxes paid in excess of the amounts that would have been due based on the adjusted assessments.
3. That an Order of the Supreme Court shall be made and entered settling the aforesaid proceedings to review said assessment without costs to either party as against the other and upon the terms and conditions set forth above, and

BE IT FURTHER RESOLVED that the City Assessor and all other municipal officers, agents or employees be, and they hereby are directed to do such acts and things as may be necessary to give full force and effect to the aforesaid settlement, and

BE IT FURTHER RESOLVED this Resolution shall take effect immediately.

**Seconded by Council Member Clifford G. Olney III**

Prior to the vote on the foregoing resolution, Council Member Olney asked how someone would go about challenging their assessment.

City Assessor Brian Phelps explained there is a formal grievance process and provided the details of it. He stated that this year's grievance day was held last week.

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

**Resolution No. 9 - Accepting Bid for 542 Cooper Street Demolition Project – D&S Excavating LLC**

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

WHEREAS the City desires to abate and demolish the abandoned existing structure located on 542 Cooper Street, and

WHEREAS the Purchasing Department advertised and received six (6) sealed bids for the 542 Cooper Street Demolition Project, and

WHEREAS on February 1, 2024, 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 Planning & Community Development Department and it is their recommendation that the City Council accept the lowest responsive responsible bid submitted by D&S Excavating, LLC, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby accepts the bid received from D&S Excavating, LLC in the amount of \$42,000.00, 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 Clifford G. Olney III**

Prior to the vote on the foregoing resolution, Council Member Shoen asked why tipping fees are not included in the demolition bid.

Planning and Community Development Director Michael Lumbis explained that the City receives a discounted rate for tipping fees when it pays directly versus the contractor paying for it.

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

**Resolution No. 10 - Accepting Proposal for Food & Beverage Concession Services – Thompson Park Golf Course - David J. Marconi, Jr. (LLC Pending)**

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

WHEREAS the City of Watertown desires to contract for the use, operation, maintenance and management of food and beverage concession services at Thompson Park Golf Course, and

WHEREAS proposals were solicited through a Request for Proposals (RFP) for providing the food and beverage services at the golf course, and

WHEREAS only one proposal was submitted in response to the RFP by David J. Marconi Jr. (LLC pending acceptance), and

WHEREAS Purchasing Manager, Tina Bartlett-Bearup reviewed the proposal received with the Superintendent of Parks and Recreation and City Manager, and it is their recommendation that the City Council accept the proposal submitted by David J. Marconi Jr., and

BE IT FURTHER RESOLVED that the City Manager of the City Watertown is hereby authorized and directed to execute any related agreements 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 Ruggiero questioned whether this RFP could have included a minimum amount and she asked if Council would be reviewing the contract

because she wondered about the review of the concessions' financials and the possibility of extending the contract into a second year for a higher amount.

Mr. Wagenaar indicated that these items could be looked into further.

Stating that he wished Mr. Marconi well and thanking him for responding to the RFP, Council Member Olney agreed that the RFP should have a minimum and he questioned the lack of response from vendors. He mentioned that he called around to other vendors who indicated that they did not receive the RFP and wondered how this was distributed and advertised.

Purchasing Manager Tina Bartlett-Bearup explained her process for sending out RFPs and bids and how the vendor lists are developed. She also indicated that the contract could include Council Member Ruggiero's suggestions.

Council Member Kimball commended Mr. Marconi for his due diligence in submitting his proposal and he wished him well.

Mayor Pierce also wished Mr. Marconi well, noting that he plans to cater to what the golfers want.

Council Member Shoen noted that the utilities of the clubhouse are paid for by the City and not the vendor. He wondered if this could be separated out in the future.

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

**Resolution No. 11 - Approving Change Order No. 3 for the Barben Avenue, Holcomb Street, Bugbee Drive and East Street Water Main Replacement Project, EDGE Civil Corporation**

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

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

WHEREAS at its August 21, 2023, meeting, the City Council approved Change Order No. 1 from EDGE Civil Corporation in the amount of \$141,550.00, bringing the construction cost to \$1,738,869.00, and

WHEREAS at its October 02, 2023, meeting, the City Council approved Change Order No. 2 from EDGE Civil Corporation in the amount of \$74,100.00, bringing the construction cost to \$1,812,969.00, 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. 3 in the amount of \$135,844.23, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Change Order No. 3 from EDGE Civil Corporation in the amount of \$135,844.23, a copy of which is attached and made part of this Resolution, bringing the total contract amount to \$1,948,813.23, and

BE IT FURTHER RESOLVED by the City Council that City Manager Eric F. Wagenaar 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, Council Member Shoen pointed out that the total change orders are now equating to 22% of the original project. He said this is too high and he does not like change orders for no bid items.

Council Member Ruggiero commented that the City must go with the lowest bid but, with the change orders, she wondered if the second lowest bidder's pricing would have been better.

Council Member Shoen said the City needs to start watching and tracking the change orders on projects.

Council Member Olney agreed, stating there is more to be understood about the bidding process.

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

**Resolution No. 12 - Authorizing Application for FEMA Assistance to Firefighters Grant (AFG)**

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

WHEREAS the City of Watertown Fire Department is seeking City Council approval to apply for grant funding under FEMA's Assistance to Firefighters Grant (AFG) Program, and

WHEREAS the purpose of this program is for critically needed resources necessary for Trench rescue training, which involves the rescue of victims buried by soil and debris at the bottom of ditches or trenches, and

WHEREAS the application, in a total project amount not to exceed \$225,000.00, with the City's share not to exceed \$20,455.00, would provide funding to cover equipment, labor and training expenses related to confined space and trench rescue, for both City employees and the Community,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes the Fire Department to submit a grant application under FEMA's Assistance to Firefighters Grant (AFG) Program, and

BE IT FURTHER RESOLVED that the Fire Chief is hereby authorized and directed to execute the grant application on behalf of the City of Watertown and for the City Manager to approve the grant if awarded.

**Seconded by Council Member Clifford G. Olney III**

Prior to the vote on the foregoing resolution, Fire Chief Matthew Timmerman responded to questions about the need for this type of training. He indicated the last formal training was approximately 17 years ago and many of those firefighters have either retired or been promoted to higher positions. He stressed the importance of having firefighters trained in this specialized skill.

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

**Resolution No. 13 - Appointment to the Roswell P. Flower Memorial Library Board of Trustees, Stephen Bolton**

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

BE IT RESOLVED that the City Council of the City of Watertown, New York, hereby appoints the following individual to the Roswell P. Flower Memorial Library Board of Trustees, to an 11-year term, which term expires December 31, 2034.

Stephen Bolton  
183 Flower Avenue East  
Watertown, New York,

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

**STAFF REPORTS**

**Sale of Surplus Hydro-electricity – January 2024**

A report was available for Council to review.

In response to Council Member Olney's inquiry, City Comptroller James Mills explained that the months of August and September were down due to concrete repair work being completed.

**Sales Tax Revenue – January 2024**

A report was available for Council to review.

**Pro-Housing Community Program**

A report was provided by Planning and Community Development Director Michael Lumbis, explaining Governor Hochul's Executive Order creating a Pro-Housing Community Program. This is a certification program for local governments who are working to support housing growth to address the housing shortage throughout New York State and it will provide preference in the scoring and evaluation of certain NYS grant programs. The necessary steps to obtain the certification determination were explained within the report.

Council Member Olney, Council Member Ruggiero and Mayor Pierce expressed support for moving forward with this program.

Council Member Kimball expressed concerns with some of the language of the requirements within the resolution and stated he would like more information.

Mr. Lumbis discussed the sample of a resolution to be used, which was provided by New York State. He noted that many of the requirements are already being met as part of other programs in place with the City or through the new zoning ordinance. He said the biggest component is to provide information on the development of housing.

Council Member Kimball stated he was more comfortable with this after hearing Mr. Lumbis' explanation.

Mr. Lumbis also stressed that being a part of this program makes the City more competitive when applying for grant funding.

Council Member Shoen mentioned that this may be a way for the State to control more and said he would like more information.

Mr. Wagenaar said that staff can provide a report with more details of the program.

### **Complete Streets Annual Progress Report – Calendar Year 2023**

A report outlining the activities of the Complete Streets Committee for 2023 was available for Council to review. It described the improvements that will result from the review of six upcoming transportation projects. It also included data from the policy's prescribed performance measures for physical improvements implemented in Calendar Year 2023.

Council Member Shoen noted that curbing was to be installed on Green Street and expressed concern that this may push more stormwater into the Western Outfall Truck Sewer (WOTS), which already has capacity issues.

City Planner Geoffrey Urda explained that this project was reviewed in early 2023, however the committee could reevaluate the need for curbing on this street.

## **NEW BUSINESS**

### **Water Reservoir Leak**

Mentioning that a resident presented his calculations of \$460,000 to \$582,000 in lost revenue at the previous Council meeting, Council Member Kimball advised that he did his own calculations of the monetary loss, and he estimated a range of \$104,000 to \$149,000. He noted that he based his calculations on chemical and utility costs, and not costs that are fixed costs of the Water Department regardless of the leak.

### **Ethics Board Decision**

Council Member Kimball said he looks forward to the Council taking on the issue of the Ethics Board report, so that appropriate action can be taken and then the City can move on. He said he would leave it to the Mayor to decide when she thinks the Council has time to meet on this.

### **Plans for Zoo Future**

Council Member Kimball mentioned there should be a report coming forward from the Zoo Taskforce and he hopes Council will be discussing what should be done for the Zoo's future, possibly at a work session.



### **Water Reservoir Leak (continued)**

At the request of Council Member Olney, Mr. Wagenaar provided an update on the status of finding the leak. He said not much has changed from his report given last week at the work session and that the Water Department is now going to evaluate the pipes leading in and out of the reservoir for leakage.

### **Parking Garage**

Council Member Olney noted that the repairs needed in the parking garage were discussed by the media recently, so he went through some of the things that, from an engineering perspective, would indicate extensive work needs to be done.

Mr. Wagenaar explained that there are a couple of RFPs to be reviewed and a decision to be made, noting that the dollar value is less than \$10,000 for the assessment of it.

### **Bidding Process**

Council Member Olney said the bidding process needs to be reviewed and he made a list of some of the things that he thinks should be done differently. He advised that the City may need to contact state representatives to challenge some of the things that NYS believes cities should be able to do with design-build. He added that he does not like how change orders are handled and suggested having a work session with some of the local engineering firms to explain their process.

### **City Engineer Vacancy**

At the request of Council Member Olney, Mr. Wagenaar stated that interviews are being conducted and it is still in process.

### **Jefferson Street Drug Concern**

Council Member Olney reported that he was contacted by a resident from Jefferson Street concerned there may be drug activity at a neighboring house and that this individual was not satisfied with the response from the Drug Taskforce when it was reported to them. He asked what oversight the City has over the County Drug Taskforce, noting that the City of Oswego recently created their own Drug Taskforce. Mentioning that Council outreach can sometimes assist in solving issues, such as what has been resolved with the senior housing gang situation, he advised the City needs to reach out to the person in charge of the Drug Taskforce.

### **Senior Center**

Council Member Ruggiero announced there will be an open house event for the Senior Center at the Marcy Building on February 29 from 12:00 p.m. to 3:00 p.m. and she encouraged the public to attend.

### **Chickens Within the City**

Council Member Shoen said he was contacted about a complaint of chickens on South Hamilton Street, and he did not realize that chickens were allowed in the City.

Mayor Pierce remarked that this has come up in the past and chickens are allowed.

Attorney McMahon stated that he can review what is allowed in the City Code.

Council Member Kimball mentioned that he forwarded the complaint to Code Enforcement, and he noted that the Code allows up to six chickens depending on the size of the parcel.

**Snowplowing of Rainsford Street**

Council Member Shoen explained that Rainsford Street is a private street, which has been plowed and maintained for 34 years, but this year the property owner received a letter stating it will no longer be plowed. He expressed concern with this decision and would like it to be reviewed.

**Uncleared Sidewalks**

Mentioning Mr. Phillips' comments during Privilege of the Floor, Council Member Shoen indicated that he has spoken to the City Manager regarding how the City deals with uncleared sidewalks.

**Independent Auditors' Report**

Council Member Shoen commended the City Comptroller for the findings within the audits.

**Zoo Taskforce**

Mayor Pierce mentioned that the taskforce had their last meeting, and she will be pulling all the information from them, City staff and the City Manager together to create a report for Council to review.

**Solar Eclipse Meeting**

Mayor Pierce provided an update from the Solar Eclipse Committee and mentioned that businesses can contact her about their own events to be listed on the Eclipse website.

**Climate Smart Community**

Mayor Pierce reminded Council that a resolution was passed agreeing to become a Climate Smart Community. She provided a summary of this program and advised that a committee needs to be created and chairperson appointed. She asked for Council Members' interest in serving on this committee.

**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 and carried with all voting in favor thereof.**

Council moved into Executive Session at 9:08 p.m.

Council reconvened at 9:48 p.m.

**A D J O U R N M E N T**

**At the call of the chair, meeting was duly adjourned at 9:48 p.m. by motion of Council Member Clifford G. Olney III, seconded by Council Member Robert O. Kimball and carried with all voting in favor thereof.**

**Ann M. Saunders**  
City Clerk