

**CITY COUNCIL MEETING
CITY OF WATERTOWN
March 18, 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: Logan Eddy, Assistant to the City Manager
Kristen E. Smith, Bond, Schoeneck & King PLLC, City Attorney

Absent: Eric F. Wagenaar, City Manager

City staff present: James Mills, Matthew Timerman, Meredith Griffin, Michael Lumbis, Michael Kellogg

The City Manager presented the following reports to Council:

- Resolution No. 1 - Change Order #4 for 2022 Fire Stations Upgrades to Station 1, 2, and 3 Project Scope of Work Increase
- Resolution No. 2 - Executing the Master Municipal Multi-Modal Agreement with New York State Department Of Transportation for funding for the Thompson Park West Sector Trail Project
- Resolution No. 3 - Authorizing Professional Services Supplemental Agreement #5 - Construction Inspection Services for the Massey Street, Coffeen Street, Court Street Project, PIN 775362, Fisher Associates
- Resolution No. 4 - Approving Franchise Agreement, The Greater Watertown Red and Black, Inc.
- Resolution No. 5 - Approving Agreement for Flat Fee Use of Athletic Fields, Watertown Pop Warner Football Association
- Resolution No. 6 - Approving Agreement for Flat Fee Use of Athletic Fields with Watertown American Little League
- Resolution No. 7 - Approving Agreement for Public Benefit Services, Disabled Persons Action Organization Foundation
- Resolution No. 8 - Authorizing the Waiver of Vendor Fees for Total Eclipse of the Park to be Held on April 8, 2024
- Resolution No. 9 - Approving Fire Engine Loan Agreement with Black River Fire Department Incorporated
- Ordinance No. 1 - Designating the Zoning Classification of an Approximately 0.198-acre Western Section of 414 Lincoln Street, Parcel Number 4-04-211.100 As Residential
- Sale of Surplus Hydro-electricity – February 2024
- Sales Tax Revenue – February 2024
- 2023 Annual Urban Forestry Program Update

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 March 4, 2024 and work session of March 13, 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

An email was received from Debbie Dermady, Watertown Senior Center Activities and PR Committee Member, informing Council of the Senior Center's events for March and the agenda for their upcoming meeting.

A letter was received from John Bellanger, owner of VL-4 South Massey Street, requesting an easement across the City-owned parcel # 9-43-101.211 in order to gain access to his parcel from Roundhouse Drive.

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

PRIVILEGE OF THE FLOOR

John Anderson, 17075 Cook Road, expressed concern with individuals smoking marijuana at the Fairgrounds during the Fair.

John Bellanger, owner of VL-4 South Massey Street, indicated that he has requested an easement from the City in order to access 17 acres of his property so that he can develop a housing project.

Jonathan Phillips, 735 Mill Street, expressed concern over potholes on the Mill Street bridge and East Main Street, noting that he feels them while riding the City bus and he mentioned concerns with the way National Grid is trimming City trees. He also disagreed with the size of shopping carts that are allowed on the City bus.

RESOLUTIONS

Resolution No. 1 - Change Order #4 for 2022 Fire Stations Upgrades to Station 1, 2, and 3 Project Scope of Work Increase

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City Council accepted the bid of **\$234,400.00** from Northern Tier Contracting, Inc., for the 2022 Fire Stations Upgrades to Stations 1,2, and 3 Project on July 17, 2023, and

WHEREAS Change Order No. 1 was approved on November 6,2023 for **\$10,161.20**, and

WHEREAS Change Order No. 2 was approved on December 4, 2023 for **\$15,215.51**, and

WHEREAS Change Order No. 3 was approved on January 2, 2024 for a credit of **\$2,310.00**, and

WHEREAS the City Engineering Department has received Change Order #4 from Norther Tier Contracting for an increase of **\$3,499.40**, and

WHEREAS City Engineering, reviewed the proposed Change Order and it is their recommendation that the City Council accept the Change Order submitted by Northern Tier Contracting, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts Change Order No. 4 revising the Contract Agreement to **\$260,966.11**, and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to sign Change Order No. 4 on behalf of the City.

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

Resolution No. 2 - Executing the Master Municipal Multi-Modal Agreement with New York State Department Of Transportation for funding for the Thompson Park West Sector Trail Project

Introduced by Council Member Lisa A. Ruggiero

WHEREAS former New York State Assemblyman Mark Walczyk requested that the City of Watertown receive a \$50,000 Capital Project Multi-Modal Grant for the expansion of the trail system in Thompson Park, and

WHEREAS the grant was secured to pay for the cost of the construction of a multi-use trail in Thompson Park, and

WHEREAS the New York State Department of Transportation (NYSDOT) has approved the City's application, and the City has fulfilled all of the criteria necessary to receive the Multi-Modal grant, and

WHEREAS the City must enter into and execute a Master Municipal Multi-Modal Agreement with NYSDOT for the project,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves the Master Municipal Multi-Modal Agreement with the New York State Department of Transportation for the construction of an expanded trail system in Thompson Park (Project ID # 7MA542.30A), a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City Mayor is hereby authorized and directed to enter into and execute the Master Municipal Multi-Modal Agreement on behalf of the City of Watertown.

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

Resolution No. 3 - Authorizing Professional Services Supplemental Agreement #5 - Construction Inspection Services for the Massey Street, Coffeen Street, Court Street Project, PIN 775362, Fisher Associates

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City of Watertown, on October 2, 2017, entered into an Agreement with the New York State Department of Transportation for funding for the Rehabilitation of Massey Street, Coffeen Street, and the Court Street Bridge, and

WHEREAS the City on June 4, 2018, authorized a Professional Services Agreement between the City and Fisher Associates for the design of the Project, and

WHEREAS in support of this project the addition of underground repair to numerous deteriorated manhole and catch basins that was not included in the original Contract and requested by the Department of Public Works, and

WHEREAS in support of this project additional time was needed for engineering services for redesign and inspection of a retaining wall to increase worker safety during construction, and

WHEREAS the cost for inspection, construction administration and final closeout services for the Project will be an additional amount of \$78,000, and

WHEREAS THE City is financing this project using Federal and State Aid, and local funds, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Supplemental Agreement # 5 between the City of Watertown and Fisher Associates, 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 the Agreement on behalf of the City of Watertown.

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

Resolution No. 4 - Approving Franchise Agreement, The Greater Watertown Red and Black, Inc.

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City is a municipal corporation organized under the laws of the State of New York and, as such, owns a facility known as the Alex T. Duffy Fairgrounds within the City of Watertown, and the Fairgrounds are a community recreational facility, and

WHEREAS the City desires to promote future recreational activities at the Fairgrounds for the valid public purpose of the benefit, recreation, entertainment, amusement, convenience and welfare of the people of the City, and

WHEREAS in pursuit of that public purpose, the City desires to contract for the use, operations, management and maintenance of the Fairgrounds multi-purpose field and all football-related activities, and

WHEREAS the Greater Watertown Red and Black, Inc. owns and operates a football team as a member and franchise of the Empire Football League, and

WHEREAS Greater Watertown Red and Black, Inc. desires to have its team, Red and Black, play football games within the confines of the Fairgrounds,

NOW THEREFORE BE IT RESOVLED that the City Council of the City of Watertown approves the Franchise Agreement between the City of Watertown and the Greater Watertown Red and Black, Inc., attached hereto and made part thereof, and

BE IT FURTHER RESOLVED that City Manager, Eric F. Wagenaar is hereby authorized and directed to execute the Agreement on behalf of the City.

Seconded by Council Member Clifford G. Olney III

Prior to the vote on the foregoing resolution, Parks and Recreation Superintendent Scott Weller explained, at the request of Council Member Kimball, the difference between the fees from last year's contract. He noted there was an increase of approximately 6%.

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

Resolution No. 5 - Approving Agreement for Flat Fee Use of Athletic Fields, Watertown Pop Warner Football Association

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City of Watertown owns and operates numerous athletic fields throughout the City, and

WHEREAS the Pop Warner Football Association has expressed their desire to enter into an Agreement for Flat Fee Use of Athletic Fields for practice events, and

WHEREAS City Council of the City of Watertown desires to promote recreational activities at these community recreational facilities,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby approves the Agreement for Flat Fee Use of Athletic Fields between the City of Watertown and the Pop Warner Football Association, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Eric F. Wagenaar is hereby authorized and directed to execute said Agreement on behalf of the City of Watertown.

Seconded by Council Member Clifford G. Olney III

Prior to the vote on the foregoing resolution, Mr. Weller responded to Council Member Olney's questions regarding the negotiation process for the flat fee agreements. He also clarified for Council Member Kimball the fees to be charged with this contract.

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

Resolution No. 6 - Approving Agreement for Flat Fee Use of Athletic Fields with Watertown American Little League

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City of Watertown owns and operates numerous athletic fields throughout the city, and

WHEREAS the Watertown American Little League has expressed its desire to enter into an Agreement for Flat Fee Use of Athletic Fields, and

WHEREAS City Council of the City of Watertown desires to promote recreational activities at these community recreational facilities,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby approves the Agreement for Flat Fee Use of Athletic Fields between the City of Watertown and the Watertown American Little League, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Eric F. Wagenaar is hereby authorized and directed to execute said Agreement on behalf of the City of Watertown.

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

Resolution No. 7 - Approving Agreement for Public Benefit Services, Disabled Persons Action Organization Foundation

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the Disabled Persons Action Organization Foundation (“the Foundation”) provides quality and effective individualized services to developmentally disabled children and adults in the City of Watertown, and

WHEREAS the work of the Foundation serves the public and/or municipal purposes set forth at Section 21 of the New York General City Law, and, thereby, promotes the general welfare of the citizens of the City of Watertown, and

WHEREAS the City of Watertown (City) desires to enter into a contract with the Foundation to provide those services which fall within the ambit of General City Law Section 21 in furtherance of the City’s “public or municipal purposes,” and

WHEREAS the City owns a public park known as The Alex T. Duffy Fairgrounds (the “Fairgrounds”) located in the City of Watertown and the Fairgrounds is home to the Watertown Municipal Arena, and

WHEREAS the City further owns a public park known as the John C. Thompson Park (“Thompson Park”), and

WHEREAS the Foundation promotes and, in part, funds its services through the sponsorship of music concerts at the Fairgrounds, which concerts also serve to promote amusement and recreational opportunities in the City, which is also a valid City public or municipal purpose and may, in the future, sponsor concerts or other performances at Thompson Park, and

WHEREAS the City desires to provide both financial and in-kind services in support of the Foundation's operations including, but not limited to, providing a venue at reasonable cost to the Foundation in order to facilitate the Foundation's promotion of public or municipal purposes,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement for Public Benefit Services Between the City of Watertown and Disabled Persons Action Organization Foundation, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Eric F. Wagenaar is hereby authorized and directed to execute this Agreement on behalf of the City of Watertown.

Seconded by Council Member Clifford G. Olney III

Prior to the vote on the foregoing resolution, Mr. Weller explained, in response to Council Member Shoen's question, that it costs the City \$12,000 to hold an outdoor show and \$9,000 for an indoor show.

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

Resolution No. 8 - Authorizing the Waiver of Vendor Fees for Total Eclipse of the Park to be Held on April 8, 2024

Introduced by Council Member Lisa A. Ruggiero

WHEREAS by City Code there is a Parks & Recreation charge for vendors at City events, and

WHEREAS the City Council has received a request from City Staff that vendor fees be waived for this extremely rare event in order to encourage vendor participation, and

WHEREAS the City Council of the City of Watertown desires to waive the vendor fee for the solar eclipse event to be held on Monday, April 8, 2024, and

WHEREAS the City Code authorizes the City Council, to charge a fee other than what is contained in the City Code,

NOW THEREFORE BE IT RESOLVED that City Manager, Eric F. Wagenaar, and City Staff are hereby authorized to waive vendor fees for Total Eclipse of the Park.

Seconded by Council Member Clifford G. Olney III

Prior to the vote on the foregoing resolution, Mayor Pierce explained the purpose of this resolution was to waive the fees in hopes of attracting more vendors. She noted that vendors have expressed concern over the risk of outlaying costs not knowing what the weather will be and the number of people who will be attending this event.

Council Member Olney mentioned that there was a Solar Eclipse meeting today and he was told there is a list of vendors waiting to see if Council approves waiving the vendor fee.

Mr. Weller confirmed there were some vendors waiting to see if this passed tonight and he mentioned that his staff will continue to seek vendor participation. In response to Council Member Shoen's inquiry, he said that four vendors have currently committed to the event.

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

Resolution No. 9 - Approving Fire Engine Loan Agreement with Black River Fire Department Incorporated

Introduced by Council Member Lisa A. Ruggiero

WHEREAS, the City of Watertown Fire Department is currently experiencing operational limitations due to frame corrosion issues on two of its fire engines; and

WHEREAS, these issues have resulted in the department being without reliable reserve fire engines, which are essential for maintaining uninterrupted fire service; and

WHEREAS, in the interest of maintaining the level of fire service needed by the citizens of Watertown, the City has proactively reached out to the Black River Fire Department to request the use of one of their fire engines; and

WHEREAS, the Black River Fire Department has graciously agreed to loan a fire engine to the City of Watertown Fire Department for a period of up to six months at a nominal fee of five dollars, under an agreement that outlines provisions related to insurance and routine maintenance work, for which the City will be responsible; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown hereby approves the Agreement with the Black River Fire Department Incorporated, 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 the Agreement with the Black River Fire Department Incorporated on behalf of the City.

Seconded by Council Member Clifford G. Olney III

Prior to the vote on the foregoing resolution, Council Member Shoen commented that this is a generous offer from the Black River Fire Department and thanked them for assisting the City.

In response to Council Member Olney's question, City Attorney Kristen Smith explained that she recommended adding a fee of \$5 as consideration of an exchange and to make sure the contract was enforceable.

Council Member Ruggiero added that the loan of this vehicle is to cover the City until the replacement vehicles can be received.

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

ORDINANCES

Ordinance No. 1 - Designating the Zoning Classification of an Approximately 0.198-acre Western Section of 414 Lincoln Street, Parcel Number 4-04-211.100 As Residential

Introduced by Council Member Lisa A. Ruggiero

BE IT ORDAINED where the City of Watertown has made an application by petition filed with the City Clerk, pursuant to Section 83 of the New York General City Law to designate the zoning classification of an approximately 0.198-acre western section of 414 Lincoln Street, Parcel Number 4-04-211.100 as Residential, and

WHEREAS the Planning Commission of the City of Watertown considered the zoning designation request at its March 5, 2024 meeting and adopted a motion recommending that City Council approve the zoning designation, and

WHEREAS a public hearing was held on the proposed zoning designation on April 1, 2024, after due public notice, and

WHEREAS the City Council has made a declaration of Negative Findings of the impacts of the proposed zoning designation according to the requirements of SEQRA, and

WHEREAS the City Council deems it in the best interest of the citizens of the City of Watertown to approve the requested zoning designation,

NOW THEREFORE BE IT ORDAINED that the zoning classification an approximately 0.198-acre western section of 414 Lincoln Street, Parcel Number 4-04-211.100 shall be designated as Residential, and

BE IT FURTHER ORDAINED that the Zoning Map of the City of Watertown shall be amended to reflect the zone change, and

BE IT FURTHER ORDAINED this amendment to the Zoning Ordinance of the City of Watertown shall take effect as soon as it is published once in the official newspaper of the City of Watertown, or otherwise printed as the City Manager directs.

Seconded by Council Member Clifford G. Olney III

Motion was made by Council Member Lisa A. Ruggiero to schedule a Public Hearing on the foregoing ordinance for Monday, April 1, 2024 at 7:15 p.m. Motion was seconded by Council Member Clifford G. Olney III and carried with all voting in favor thereof.

STAFF REPORTS

Sale of Surplus Hydro-electricity and Sales Tax Revenue – February 2024

A report was available for Council to review.

2023 Annual Urban Forestry Program Update

At the request of Council Member Olney, Planning and Community Development Director Michael Lumbis explained the details of the memo. He announced that the City of Watertown was again designated as a Tree City USA for the 24th consecutive year and noted the standards that must be met in order to receive this recognition.

Council Member Olney asked what the plan was for planting more trees within the City. He indicated that former Council Member Henry-Wilkinson approached him regarding the need to rebuild the canopy along Holcomb Street.

Mr. Lumbis advised that, in 2018, a street tree inventory was completed and identified potential tree planting sites. He added that his department also reviews requests for tree planting from the public.

NEW BUSINESS

Zoo

Council Member Kimball said that he has heard from constituents wanting the Zoo to close instead of their taxes being raised to support it. He asked what the associated cost would be to close the Zoo and what the plan would be for the land if it did close. He also asked if there is a legal obligation to anyone who has donated funding to the Zoo.

Assistant to the City Manager Logan Eddy explained that the Planning Department is reviewing options for the closing of the Zoo. He also said that staff can look at the costs associated with that.

Attorney Smith stated that she will research whether there are any legal obligations.

Council Member Olney said he has also received feedback about the Zoo, and he believes the answer is to invest in the Zoo in order to make it self-sustaining. He added that he would like to see the County contribute funding as well and feels there is more work and discussion to be had on this topic.

ARPA Funding to Hospice

Council Member Olney stated that he has heard from Hospice wanting to know the status of their funding request, which was approved by Council last year. He said he was told there have been some back-and-forth conversations with City staff and he wanted an update of what needs to be done.

Water Reservoir

Noting that the source of the leak has possibly been discovered, Council Member Olney expressed concern that this problem was known for years but Council was never informed about it until he mentioned a stream that he discovered in Thompson Park. He expressed frustration that problems like this are known by management and not Council, and he said he wished to know all the major issues that management is aware of so that Council and management can work collectively on them.

Shopping Carts on City Buses – Privilege of the Floor

In response to Mr. Phillips' comments, Council Member Olney said they need to investigate what size will work best and what people are currently using.

Jefferson Community College (JCC) President

Council Member Ruggiero congratulated Dan Dupee for being chosen as JCC's President. She said she attended the ceremony and wished him well.

Irish Festival Events

Council Member Ruggiero noted that the Irish Flag Raising, Irish Festival and Irish Parade were this past weekend, noting they were well attended and successful events.

Zoo (continued)

Referring to Council Member Kimball's prior comments, Council Member Ruggiero pointed out that one of the members of the Conservancy estimated that it would cost \$1 million to close the Zoo and re-home the animals. She noted that she has also heard from individuals wanting to close the Zoo and received a suggestion of making it a nature center, similar to the one that is on Wellesley Island.

Drainage Issue on Richards Drive

Council Member Ruggiero reminded Council and staff that she sent an email to the previous City Manager and staff regarding a constituent's complaint of a drainage issue, but she has not received a response. She asked for an update and whether there is a solution to this problem and any associated costs.

St. Patrick's Day Benefit Hockey Game

Council Member Ruggiero advised that this past weekend there was a benefit hockey game held between fire personnel and law enforcement.

Marijuana Use At Fairgrounds – Privilege of the Floor

In response to Mr. Anderson's comments, Council Member Shoen asked if any smoking is allowed at the Fairgrounds property.

Attorney Smith said she thinks smoking is prohibited in parks, so it may be an enforcement issue. She said that she will look into this further.

Housing Development on Corner of Mill Street and Main Avenue

Council Member Shoen congratulated Neighbors of Watertown for being awarded funding for their apartment project. He commented that he does have an issue with this property becoming nontaxable and more developable land coming off the tax roll. He said this pushes the burden onto the other property tax holders of the City. He said whoever benefits from this, such as the County, should give funding to make up for the lack of taxable value to this property and contribute to the City services that are received.

Bike Lanes

Mentioning that there was a discussion of bike lanes at the last work session and the effect the purchase of eBikes would have on sales tax, Council Member Shoen said he feels sales tax revenue will decrease, instead of increasing, since the purchase of an eBike is less than the purchase of a car. He added that it is nice to have bike lanes for the safety of people using this mode of transportation.

Housing Development on Corner of Mill Street and Main Avenue (continued)

Referring to Council Member Shoen's comments, Council Member Ruggiero asked if the City could restrict what property owners do with their land, in terms of for-profit or not-for-profit. She also asked if there is a way to charge not-for-profit organizations a user fee for the benefit of City services received.

Attorney Smith responded there is not a way to restrict what a private property owner can do with their property in this way. She said there is a model where some universities agree to make contributions, on a voluntary basis, to cities for the use of the services. She responded to Council Member Shoen's questions in regard to restricting the use of property for parking lots through zoning.

Request for Easement – Privilege of the Floor

In response to Mr. Bellanger's request, Mayor Pierce said that Council will review the material he submitted.

Solar Eclipse

Mayor Pierce indicated that a press release was distributed this afternoon containing an interactive map showing the shuttle bus route and road closures for the event. She said the interactive map will be posted on the City's website as well. She also announced that a press conference will be held on Thursday at 1:00 p.m. in Council Chambers to highlight the safety concerns and other aspects of this event.

April Work Session

Mayor Pierce announced that there will not be a work session on Monday, April 8 due to it being the day of the Solar Eclipse.

Motion was made by Council Member Lisa A. Ruggiero to move into Executive Session to discuss the employment history of a particular individual.

Motion was seconded by Council Member Clifford G. Olney III and carried with all voting in favor thereof.

Council moved into Executive Session at 7:51 p.m.

Council reconvened at 8:11p.m.

ADJOURNMENT

At the call of the chair, meeting was duly adjourned at 8:11 p.m. by motion of Council Member Lisa A. Ruggiero, seconded by Council Member Benjamin P. Shoen and carried with all voting in favor thereof.

Ann M. Saunders

City Clerk