

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
March 4, 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  
Kristen E. Smith, Bond, Schoeneck & King PLLC, City Attorney

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

The City Manager presented the following reports to Council:

- Public Hearing for Community Development Block Grant (CDBG) 2024 Annual Action Plan Public Hearing
- Resolution No. 1 - Approving Change Order No. 2 for the William J. Flynn Municipal Swimming Pool Rehabilitation Contract #1 – Electrical Howell Enterprises, Inc. DBA Blackstone Electric
- Resolution No. 2 - Approving a Supplemental Services Notice with Behan Planning and Design for the Update to the Draft Local Waterfront Revitalization Program
- Resolution No. 3 - Adopting the New York State Pro-Housing Community Pledge
- Resolution No. 4 - Readopting Fiscal Year 2023-24 General Fund Budget for Expenditures Related to the Solar Eclipse

**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 20, 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 SG Gates, requesting that the new City Council pass a resolution designating the ‘lookout location” within Thompson Park as the location for a future dog park. He reviewed the 17-year history of his efforts to bring a dog park to the City of Watertown and what his fundraising plans are for this project.

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

A claim was received from Ascot Insurance, on behalf of Chick-fil-A, seeking reimbursement of \$37,059.21 for lost income sustained due to a water main break occurring on October 19, 2023.

A claim was received from Vonnette Monteith, owner of Empire Square, seeking reimbursement of \$1,941.68 for damage to her vehicle which she believes was done by a City vehicle during snow removal in J.B. Wise parking lot on January 17, 2024. She is also requesting \$78 for a mat in front of her restaurant that she believes was damaged during snow removal on the sidewalk of Public Square on January 20, 2024.

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

### **PRIVILEGE OF THE FLOOR**

**Madelyn McGuire**, 663 South Hamilton Street, requested Council consider using CDBG funding for the Zoo and explained the many benefits that the Zoo offers to the community. She also discussed the importance of the Zoo receiving funding in order to cover its financial needs.

**Jonathan Phillips**, 735 Mill Street, questioned whether a traffic light will be installed at the intersection of Arcade Street and Arsenal Street. He also expressed concerns about the crows along the Riverwalk and that stores are charging for solar eclipse glasses because he thought the City was to be giving them away at no cost.

### **PUBLIC HEARING**

**At 7:15 p.m. Mayor Pierce asked the City Clerk to read the notice of Public Hearing concerning Community Development Block Grant (CDBG) 2024 Annual Action Plan Public Hearing.**

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

**Aileen Martin**, Northern Regional Center for Independent Living, addressed the chair asking for CDBG funding to be used for more accessible, affordable housing. She also stressed the importance of curb cuts and sidewalks to be handicap accessible and would like those types of projects to continue.

**Jonathan Phillips**, 735 Mill Street, suggested using CDBG funds for hiring an inspector for dilapidated houses prior to demolition and to use towards a sidewalk program.

**Mayor Pierce declared the hearing closed at 7:17 p.m.**

### **RESOLUTIONS**

**Resolution No. 1 - Approving Change Order No. 2 for the William J. Flynn Municipal Swimming Pool Rehabilitation Contract #1 – Electrical Howell Enterprises, Inc. DBA Blackstone Electric**

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

WHEREAS at its June 05, 2023, meeting, the City Council approved a bid from Howell Enterprises, Inc. DBA Blackstone Electric in the amount of \$361,935.00 for the William J. Flynn Municipal Swimming Pool Rehabilitation Contract #4 – Electrical, and

WHEREAS at its October 02, 2023, meeting, the City Council approved Change Order No. 1 from Howell Enterprises, Inc. DBA Blackstone Electric in the amount of \$12,204.00, bringing the contract amount to \$374,139.00, and

WHEREAS the style of the Splash Pad for this project changed from the original scope of work, and now requires grounding wires to be installed around the perimeter of the Splash Pad and connected to the existing concrete reinforcement, and

WHEREAS Howell Enterprises, Inc. DBA Blackstone Electric has now submitted Change Order No. 2 in the amount of \$2,160.00, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Change Order No. 2 from Howell Enterprises, Inc. DBA Blackstone Electric in the amount of \$2,160.00, a copy of which is attached and made part of this Resolution, bringing the total contract amount to \$376,299.00, 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 Olney commented that he would like to look at how the bidding process is done and why there are so many change orders with projects.

Civil Engineer II Meredith Griffin confirmed for Council Member Shoen that this change order was due to a design oversight.

Council Member Shoen expressed concern that the need for grounding electrical, especially around water, is a basic requirement which should have been included in the design. He asked if the City could hold the engineering design firm liable for design mistakes.

Council Member Olney agreed with Council Member Shoen, comparing this situation to the private sector in which an architect would be held accountable for an omission in the design. He also discussed his concern with the City's inability to use the "design-build" process for projects and suggested looking into NYS law about this further.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea except Council Member Benjamin P. Shoen and Mayor Sarah V.C. Pierce voting nay.**

**Resolution No. 2 - Approving a Supplemental Services Notice with Behan Planning and Design for the Update to the Draft Local Waterfront Revitalization Program**

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

WHEREAS the City's current Local Waterfront Revitalization Program (LWRP) Plan has been in draft form since it was finalized in 2010, and

WHEREAS since the Plan was drafted more than a decade ago, an update is needed to ensure that the goals and projects meet the City's current vision for the future, and

WHEREAS the City Council authorized an application for the funding and the LWRP Update is being paid for with a grant received from the New York State Department of State, and City funds previously budgeted for this purpose, and

WHEREAS the LWRP must be adopted by City Council to make the City eligible for grants to implement the recommendations within the plan, and

WHEREAS on May 16, 2022, the City Council approved a contract with Behan Planning and Design for \$60,000 to complete the update to the LWRP, and

WHEREAS since the original LWRP was drafted, the State has amended the requirements for completing an LWRP which has resulted in additional time to complete the project, and

WHEREAS Behan Planning based their original contract amount on 540 professional hours which has been exceeded, and

WHEREAS Behan Planning has prepared a Supplemental Services Notice requesting an additional allowance for hourly services to complete the LWRP in a not to exceed amount of \$9,000,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York, hereby approves the Supplemental Services Notice between Behan Planning and Design and the City of Watertown, a copy of which is attached and made part of this resolution, to complete the Update to the Local Waterfront Revitalization Program Project for an amount not to exceed \$9,000, and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized and directed to execute the Supplement on behalf of the City.

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

Prior to the vote on the foregoing resolution, Planning and Community Development Director Michael Lumbis explained, at the request of Council Member Olney, the additional work that needs to be completed. He noted that the City works with a representative of the NYS Department of State, which reviews the documentation and provides feedback. He also summarized the next steps and timeline to the completion of the final draft, noting that he hopes to have it in front of Council for approval by the end of the year. Lastly, he responded to questions posed by Council Member Shoen regarding the initial costs and the hours of work that have been put into this.

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

### **Resolution No. 3 - Adopting the New York State Pro-Housing Community Pledge**

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

WHEREAS, the City of Watertown (hereinafter “local government”) believes that the lack of housing for New York residents of all ages and income levels negatively impacts the future of New York State’s economic growth and community well-being; and

WHEREAS, the housing crisis has negative effects at regional and local levels, we believe that every community must do their part to contribute to housing growth and benefit from the positive impacts a healthy housing market brings to communities; and

WHEREAS, we believe that supporting housing production of all kinds in our community will bring multiple benefits, including increasing housing access and choices for current and future residents, providing integrated accessible housing options that meet the needs of people with sensory and mobility disabilities, bringing economic opportunities and vitality to our communities, and allowing workers at all levels to improve their quality of life through living closer to their employment opportunities; and

WHEREAS, we believe that evidence showing that infill development that reduces sprawl and supports walkable communities has significant environmental and public health benefits; and

WHEREAS, we believe that affirmatively furthering fair housing and reducing segregation is not only required by law, but is essential for keeping our community strong and vibrant;

NOW, THEREFORE, IT IS HEREBY RESOLVED that City Council of the City of Watertown, in order to take positive steps to alleviate the housing crisis, adopts the Pro-Housing Communities pledge, which will have us endeavor to take the following important steps:

1. Streamlining permitting for multifamily housing, affordable housing, accessible housing, accessory dwelling units, and supportive housing.
2. Adopting policies that affirmatively further fair housing.
3. Incorporating regional housing needs into planning decisions.
4. Increasing development capacity for residential uses.
5. Enacting policies that encourage a broad range of housing development, including multifamily housing, affordable housing, accessible housing, accessory dwelling units, and supportive housing.

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

Prior to the vote on the foregoing resolution, Council Member Olney asked for Mr. Lumbis to explain what this requires of the City and the benefits of the program.

Mr. Lumbis explained the requirements of the program by reading the items listed within the resolution and noted that some of this is being done already due to the new zoning ordinance. He responded to questions asked by both Council Member Shoen and Council Member Olney regarding the housing stock, whether there is a housing crisis and how this program addresses the redevelopment of housing as well as new housing.

Council Member Shoen further expressed his concerns with this program and provided his reasons for not supporting it.

Council Member Olney mentioned a housing study done by the Development Authority of the North Country (DANC) and said that he hopes providing more housing units will help decrease the cost of rent.

Mayor Pierce commented that Council Member Shoen's concerns were valid, but after looking more at the details of this program, she is not as concerned by the requirements. She added that she thought it is a way for the State to obtain more data and will help the City's chances of being awarded more grants.

Council Member Kimball stated that he is not as concerned as Council Member Shoen and expressed his support for the resolution.

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

**Resolution No. 4 - Readopting Fiscal Year 2023-24 General Fund Budget for Expenditures Related to the Solar Eclipse**

**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 City staff has estimated the additional expenses that the City will incur related to the solar eclipse, and

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:

Appropriated Fund Balance

A.0000.0909	Fund Balance	<u>\$ 123,000</u>
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Expenditures:

A.3120.0150	Police - Overtime	\$ 20,000
A.3120.0820	Police - Retirement	\$ 6,900
A.3120.0830	Police - Social Security	\$ 1,530
A.3410.0150	Fire - Overtime	\$ 15,000
A.3410.0460	Fire - Materials and Supplies	\$ 8,500
A.3410.0820	Fire - Retirement	\$ 5,220
A.3410.0830	Fire - Social Security	\$ 1,150
A.7110.0150	Parks and Playgrounds Maintenance - Overtime	\$ 5,000
A.7110.0420	Parks and Playgrounds Maintenance - Insurance	\$ 1,200
A.7110.0430	Parks and Playgrounds Maintenance - Contracted Services	\$ 55,000
A.7110.0460	Parks and Playgrounds Maintenance - Materials and Supplies	\$ 2,250
A.7110.0810	Parks and Playgrounds Maintenance - Retirement	\$ 865
A.7110.0820	Parks and Playgrounds Maintenance -Social Security	<u>\$ 385</u>
		<u>\$ 123,000</u>

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

Prior to the vote on the foregoing resolution, Mayor Pierce pointed out that the bulk of the cost is related to safety, and she thanked the staff who have worked to put this event together.

In response to Council Member Kimball's question regarding the cost of the bus service, City Comptroller James Mills confirmed that the \$24,000 is included in the \$55,000 listed under Parks and Recreation Maintenance – Contracted Services.

Noting there have been complaints about the cost of this event increasing, Council Member Olney stressed that it is better to be prepared from a safety standpoint.

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

## **NEW BUSINESS**

### **Colon Cancer Awareness Month**

Council Member Kimball announced that March is Colon Cancer Awareness Month and discussed the benefits of early screening.

### **Zoo NY**

Council Member Olney mentioned that there will be an upcoming discussion about the future of the Zoo. Noting that he has done research on how to make the Zoo more sustainable, he suggested adding attractions such as a miniature golf course and animatronic dinosaurs.

### **Snow Removal Budget/Marketing Department**

Council Member Olney pointed out that there must be a significant amount of savings in snow removal budget due to the mild winter conditions, and he suggested using this savings towards a marketing department.

### **City Flag**

Council Member Olney suggested the City develop a City Flag to be hung on the third flagpole in front of City Hall.

### **Senior Center**

Council Member Ruggiero provided an update on the Open House event that was held last Thursday and announced that the next meeting will be held tomorrow at 1:00 p.m. at the new Marcy Building location.

### **Western Outfall Sewer Truck Consent Order**

At the request of Council Member Ruggiero, Mr. Wagenaar provided an update on the response to this consent order. He said it is still in the process of being approved, noting that the major concerns have been addressed and they are working on cleaning up some administrative language.

### **Massey Street Island Park**

Council Member Ruggiero noted that the individual who volunteers to maintain this park was asked to take down the Ukrainian Flag. She said she had received a complaint as to why it was taken down.

Mr. Wagenaar stated the City had received several complaints asking for it to come down and there is an ordinance in the Code regarding displays of this nature. He clarified that the City did not demand that it come down, and that the person responsible for the area was asked about it and she complied.

### **Irish Flag Raising**

Council Member Ruggiero questioned whether the flag raising would be held at the State Office Building or in front of City Hall.

Mayor Pierce clarified that she received a request for it to be done at City Hall. She explained that the State Office Building no longer allows any flags other than the NYS and US flags to fly in front of their building.

### **Water Reservoir Leak**

Mentioning that one of the reservoirs has been drained, Council Member Shoen noticed that he has not seen the water flowing along Thompson Boulevard like it normally does. He said this indicates that the leak is limited to the reservoir that was drained.

### **Sidewalk Repairs**

Council Member Shoen discussed the importance of maintaining sidewalks, noting that many concerns have been raised, and he would like the City to look at a way to fund a sidewalk program.

Mayor Pierce agreed, stating that Council has discussed looking at other communities' sidewalk programs in hopes of developing a better one for Watertown.

### **City Flag (continued)**

Mayor Pierce agreed that the City should have a City flag.

### **Solar Eclipse Glasses**

In response to Mr. Phillips' comments during the Privilege of the Floor, Mayor Pierce advised that glasses will be given away at the Library and the Chamber of Commerce closer to the event.

**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 7:52 pm.

Council reconvened at 8:57 p.m.

## **ADJOURNMENT**

**At the call of the chair, meeting was duly adjourned at 8:57 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