

**CITY COUNCIL MEETING
CITY OF WATERTOWN
August 18, 2025
7:00 p.m.**

Mayor Pro Tem Lisa A. Ruggiero Presiding

Present: Council Member Robert O. Kimball
Council Member Clifford G. Olney III
Council Member Benjamin P. Shoen
Mayor Pro Tem Lisa A. Ruggiero

Absent: Mayor Sarah V.C. Pierce

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

City staff present: Erica Anderson, James Mills, Thomas Compo, Michael Lumbis, Scott Weller

The City Manager presented the following reports to Council:

- Resolution No. 1 - Authorizing the Sale of Surplus Police Equipment and Various Abandoned Bicycles
- Resolution No. 2 - Approving Agreement for Rental of Ice Time at the Watertown Municipal Arena, Figure Skating Club of Watertown
- Resolution No. 3 - Approving Agreement for Rental of Ice Time at the Watertown Municipal Arena, Watertown Minor Hockey Association
- Resolution No. 4 - Authorizing Adjustment to the 2025-26 City Tax Bill for 848 Morrison Street, Parcel No. 1-09-116.000
- Resolution No. 5 - Approving Supplemental Agreement No. 1 with the New York State Department of Transportation for the Transportation Alternatives Program, Contract D040688 and Authorizing the Implementation, and Funding in the First Instance 100 Percent of the Federal-Aid and State “Marchiselli” Program-aid Eligible Costs, of a Transportation Federal-Aid Project, and Appropriating Funds Therefore – Black River Trail Extension Project
- Resolution No. 6 - Authorizing Professional Services Agreement for Design Services for Traffic Signal Replacement at Various Locations, AKRF Inc.
- Proposed Local Law of 2025 - A Local Law to Repeal Local Law No. 1 of 2021, In Part, Which Opted Out of Licensing and Establishing Retail Cannabis Dispensaries Within the City of Watertown
- Tabled Resolution - Authorizing Limited Waiver of Attorney-Client Privilege and Testimony by Former Harris Beach Murtha Attorneys in Ethics Proceeding Against Council Member Clifford Olney
- Public Hearing for the Community Development Block Grant Program Consolidated Annual Performance and Evaluation Report
- Sale of Surplus Hydro-electricity – July 2025
- Sales Tax Revenue – July 2025

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of August 4, 2025 and work session of August 11, 2025, was dispensed and accepted as written by motion of Council Member Clifford G. Olney III, seconded by Council Member Robert O. Kimball and carried with all present voting in favor thereof.

COMMUNICATIONS

No communications.

PRIVILEGE OF THE FLOOR

Anita Seefried-Brown, Alliance for Better Communities Project Director, addressed the chair concerning the issue of alcohol and marijuana use among youth and expressed concerns against supporting a cannabis dispensary within the City of Watertown.

Jonathan Phillips, 735 Mill Street, expressed his concerns about water flows during two recent house fires, the fountains on Public Square and Court Street, and parking being taken away from the downtown area. He also offered support for the local law allowing cannabis dispensaries in the City of Watertown.

RESOLUTIONS

Resolution No. 1 - Authorizing the Sale of Surplus Police Equipment and Various Abandoned Bicycles

Introduced by Council Member Clifford G. Olney III

WHEREAS the City of Watertown Police Department has surplus equipment and has acquired several abandoned bicycles, the description of which is attached and made a part of this resolution, and

WHEREAS the surplus equipment and abandoned bicycles may have some value best determined by an online auction,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby authorizes the sale, by online auction, of the surplus equipment and abandoned bicycles as described in the attached listing, and

BE IT FURTHER RESOLVED that final acceptance of such bids shall constitute acceptance of the same by the City Manager.

Seconded by Council Member Robert O. Kimball

Prior to the vote on the foregoing resolution, Council Member Olney expressed his opposition to auctioning these abandoned bicycles, stating the City should not profit from someone else's misfortune, and he would like to see more done to return the bicycles to their original owners.

In response to Council Member Olney's suggestion, City Manager Eric Wagenaar stated the City could do more Public Service Announcements (PSAs) and better advocating for people to license their bicycles with the Police Department. He assured Council that these bicycles have been at the Police Department for a long time and were compared to the stolen bicycle reports. He also responded to

Council Member Kimball's questions about the auction process, and he indicated that he would get more information from the Purchasing Manager and report back to Council.

In response to Council Member Olney's suggestion to donate the bicycles, City Attorney Kristin Smith explained that government cannot give a gift of public funds and that the bicycles are considered a City asset.

Council Member Shoen pointed out that someone could always buy the bicycles and then give them away.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all present voting yea except Council Member Clifford G. Olney III voting nay.

Resolution No. 2 - Approving Agreement for Rental of Ice Time at the Watertown Municipal Arena, Figure Skating Club of Watertown

Introduced by Council Member Clifford G. Olney III

WHEREAS the City of Watertown owns and operates a Municipal Arena, and

WHEREAS the City Council of the City of Watertown desires to promote recreational activities at this community recreational facility, and

WHEREAS the Figure Skating Club of Watertown expressed their desire to enter into a one-year Agreement for ice time at the Municipal Arena to support their programs,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby approves the Agreement for Rental of Ice Time at the Watertown Municipal Arena between the City of Watertown and the Figure Skating Club of Watertown, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager or their designee is hereby authorized and directed to execute said Agreement on behalf of the City of Watertown.

Seconded by Council Member Robert O. Kimball

Prior to the vote on the foregoing resolution, Council Member Kimball commented that he received an email from the Figure Skating Club stating that they pay a higher hourly rate than the Minor Hockey Association, and he said the rates should be similar for both groups.

Superintendent of Parks and Recreation Scott Weller confirmed the rates for each group are different because the Minor Hockey Association is the largest user of the arena and, a few years ago, requested a bulk hourly rate, which the Council at the time agreed to.

There was a lengthy discussion of the contracts for the two organizations, their respective hourly rates, the number of hours each week used by each organization, and this year's negotiation process.

Council Member Kimball mentioned that if both organizations want more ice time then the City needs to work with the Hockey Association to pay a higher hourly rate. He also pointed out that this was

discussed last year when Council was presented with a three-year contract, which was then amended and approved to a one-year contract for the purpose of working toward more equity in rates going forward between the two organizations.

At the call of the chair, a vote was taken on the foregoing resolution and was defeated with Council Member Robert O. Kimball and Council Member Benjamin P. Shoen voting nay and Council Member Clifford G. Olney III and Mayor Pro Tem Lisa A. Ruggiero voting yea.

Resolution No. 3 - Approving Agreement for Rental of Ice Time at the Watertown Municipal Arena, Watertown Minor Hockey Association

Introduced by Council Member Clifford G. Olney III

WHEREAS the City of Watertown owns and operates a Municipal Arena, and

WHEREAS the City Council of the City of Watertown desires to promote recreational activities at this community recreational facility, and

WHEREAS the Watertown Minor Hockey Association expressed their desire to enter into a one-year Agreement for ice time at the Municipal Arena to support their programs,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby approves the Agreement for Rental of Ice Time at the Watertown Municipal Arena between the City of Watertown and the Watertown Minor Hockey Association, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager or their designee is hereby authorized and directed to execute said Agreement on behalf of the City of Watertown.

Seconded by Council Member Robert O. Kimball and was defeated with Council Member Robert O. Kimball and Council Member Benjamin P. Shoen voting nay and Council Member Clifford G. Olney III and Mayor Pro Tem Lisa A. Ruggiero voting yea.

Resolution No. 4 - Authorizing Adjustment to the 2025-26 City Tax Bill for 848 Morrison Street, Parcel No. 1-09-116.000

Introduced by Council Member Clifford G. Olney III

WHEREAS an amount of \$405.00 representing an unpaid Code Enforcement invoice for trash removal was relieved to the 2025-26 City tax bill for 848 Morrison Street, and

WHEREAS the property owner, who does not reside at this address and had allowed a family member to live there to help them get established, did not receive the initial violation notice regarding the accumulated garbage because the mail was left unopened by the family member, and believed the garbage issue had been resolved until discovering the bill, and

WHEREAS the property owner is on a fixed income, this is the first time she has encountered such an issue, and the charge presents an unexpected financial hardship, and

WHEREAS the family member no longer resides at the property, and City Council recognizes the property owner's good faith intentions, her assistance to family members, and the genuine difficulty this expense presents, and wishes to extend consideration under these circumstances,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby reduces the 2025-26 City property tax bill for 848 Morrison Street, Parcel No. 1-09-116.000, by \$405.00 for the relieved Code Enforcement invoice for trash removal charges, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that the above amount is abated and the City Comptroller is hereby authorized to mark the books and records accordingly.

Seconded by Council Member Robert O. Kimball

Prior to the vote on the foregoing resolution, City Manager Wagenaar responded to Council Member Olney's questions regarding the circumstances leading to the recommendation that the fee be abated, the use and expense of a private contractor for the work, and the administrative fee charged by the Code Enforcement Office. Mr. Wagenaar stressed that when DPW crews are too busy for this type of work, a private contractor performs it, and the fee is then passed along to the property owner.

Council Member Kimball expressed concern with the City's inability to donate bicycles, which was discussed during a previous resolution, however, Council can waive a fee such as this one. He wondered about the criteria for determining whether a waiver is recommended.

Mr. Wagenaar noted there was an administrative error on the City's part in not notifying the property owner correctly.

Further discussed ensued about the administration fee charged by the City.

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

Resolution No. 5 - Approving Supplemental Agreement No. 1 with the New York State Department of Transportation for the Transportation Alternatives Program, Contract D040688 and Authorizing the Implementation, and Funding in the First Instance 100 Percent of the Federal-Aid and State "Marchiselli" Program-aid Eligible Costs, of a Transportation Federal-Aid Project, and Appropriating Funds Therefore – Black River Trail Extension Project

Introduced by Council Member Clifford G. Olney III

WHEREAS a project for the Black River Trail Western Connection, P.I.N. 780788 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% local funds, and

WHEREAS the City of Watertown desires to advance the Project by making a commitment of 100% of the local share of the costs of the Final Design Phase, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, duly convened hereby approves the above-subject project, and

BE IT FURTHER RESOLVED that the City Council of the City of Watertown hereby authorizes the City Comptroller to pay in the first instance 100% of the federal and non-federal share of the cost of Final Design Phase work for the Project or portions thereof, and

BE IT FURTHER RESOLVED that the sum of \$133,500 is hereby appropriated, including \$26,700 of Program Year 2023 Community Development Block Grant Entitlement funds, and made available to cover the cost of participation in the above phase of the Project, and

BE IT FURTHER RESOLVED that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the City of Watertown City Council shall convene as soon as possible to appropriate said excess amount immediately upon notification by the City Manager thereof, and

BE IT FURTHER RESOLVED that the City Manager of the City of Watertown, Henricus F. Wagenaar, is hereby authorized and directed to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Watertown with the New York State Department of Transportation in connection with the advancement or approval of the project and providing for the administration of the project and the municipality's first instance funding of project costs and permanent funding of the local share of federal aid eligible and state aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

Seconded by Council Member Robert O. Kimball and carried with all present voting yea except Council Member Benjamin P. Shoen voting nay.

Resolution No. 6 - Authorizing Professional Services Agreement for Design Services for Traffic Signal Replacement at Various Locations, AKRF Inc.

Introduced by Council Member Clifford G. Olney III

WHEREAS the City of Watertown Public Works Department has included the upgrade of traffic signals in the Adopted Capital Budgets for fiscal years 2024-2025 and 2025- 2026 for the intersections of Mill St. & Main St. East/West , Mill St. & Main Avenue, Stone Street & South Massey Street and Washington Street & Paddock Street, and

WHEREAS in support of this project, the City Engineering Department has negotiated professional service agreements with AKRF, Inc. for the design of both the traffic signal improvements and associated ADA corner ramps in the total amount of \$127,640,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreements between the City of Watertown and AKRF, Inc., a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that funding is through the New York State Department of Transportation Consolidated Local Street and Highway Improvement Program (CHIPS), and

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

Seconded by Council Member Robert O. Kimball

Prior to the vote on the foregoing resolution, Mayor Pro Tem Ruggiero mentioned that she received an email from a resident expressing concern that some intersections have cameras to sense vehicles in order to change the traffic light but they do not sense someone riding a bicycle.

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

LOCAL LAW

Proposed Local Law of 2025 - A Local Law to Repeal Local Law No. 1 of 2021, In Part, Which Opted Out of Licensing and Establishing Retail Cannabis Dispensaries Within the City of Watertown

Introduced by Council Member Clifford G. Olney III

A Local Law to Repeal Local Law No. 1 of 2021, In Part, Which Opted Out of Licensing and Establishing Retail Cannabis Dispensaries Within the City of Watertown.

BE IT ENACTED by the City Council of the City of Watertown, New York as follows:

Section 1.

Legislative Intent It is the intent of this local law to repeal, in part, Local Law No. 1 of 2021, which opted the City of Watertown out of hosting retail cannabis dispensaries within its boundaries, and thereby opt back in and allow the establishment of cannabis dispensaries within its boundaries.

Section 2.

Authority This local law is adopted pursuant to New York State Cannabis Law § 131, which allowed cities to opt-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments and operate within their boundaries, and additionally allows cities to repeal such opt-out at any date.

Section 3.

Repeal of Opt-Out of Local Cannabis Retail Dispensary Licensure and Establishment The City Council of the City of Watertown hereby repeals, in part, Local Law No. 1 of 2021, and opts back in to permit only the licensure and establishment of retail dispensary licenses within its boundaries, under the terms of Article Four of the New York State Cannabis Law.

Section 4.

Continued Opt-Out of On-Site Cannabis Consumption Establishments This Local Law is not intended to repeal the City of Watertown's opt-out of hosting on-site cannabis consumption establishments within

its boundaries. Local Law No. 1 of 2021 shall remain in effect only to the extent it opts out of hosting on-site cannabis consumption establishments.

Section 4.

Severability If any clause, sentence, paragraph, subdivision, or part of this local law, or the application thereof to any person, individual, firm or corporation or circumstance shall be adjudicated by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 5.

Effective Date This local law shall take effect immediately upon filing with the Secretary of State.

Seconded by Council Member Robert O. Kimball

Motion was made by Council Member Clifford G. Olney III to schedule a Public Hearing on the foregoing local law for Tuesday, September 2, 2025 at 7:15 p.m. Motion was seconded by Council Member Robert O. Kimball and carried with all present voting in favor thereof.

OLD BUSINESS

Tabled Resolution - Authorizing Limited Waiver of Attorney-Client Privilege and Testimony by Former Harris Beach Murtha Attorneys in Ethics Proceeding Against Council Member Clifford Olney. *(Introduced on August 4, 2025; tabled; appears in its entirety in the 2025 Minutes Book on page 5-6 of the August 4, 2025 minutes).*

Motion was made by Council Member Robert O. Kimball to remove the foregoing resolution from the table. Motion was seconded by Council Member Benjamin P. Shoen and was defeated with Council Member Clifford G. Olney III and Council Member Lisa A. Ruggiero voting nay and with Council Member Robert O. Kimball and Council Member Benjamin P. Shoen voting yea.

The Resolution will remain tabled and exceed the time limit for a motion to remove it from the table; therefore, the question dies per Robert's Rules of Order Section 34 – Paragraph 3: Time Limits on Taking a Question from the Table.

STAFF REPORTS

Public Hearing for the Community Development Block Grant Program Consolidated Annual Performance and Evaluation Report

A staff report was available for Council to review.

Motion was made by Council Member Clifford G. Olney III to schedule a Public Hearing to allow public comments on the City's Consolidated Annual Performance and Evaluation Report (CAPER) for Monday, September 15, 2025 at 7:15 p.m. Motion was seconded by Council Member Robert O. Kimball and carried with all present voting in favor thereof.

Sale of Surplus Hydro-electricity – July 2025

A report was available for Council to review.

Sales Tax Revenue – July 2025

A report was available for Council to review.

NEW BUSINESS

Pool Usage

Council Member Kimball said it was good to see the City pools being heavily used this summer.

City Trees in the Margin/Dry Summer

Council Member Kimball reminded the public that, with the extreme dry weather, many trees are under stress, and he encouraged residents to water trees, especially any newly planted City trees in the margins.

Water Flows During Recent House Fires

Council Member Olney thanked Mr. Phillips for bringing community concerns to Council during Privilege of the Floor. He asked if the new line that will be installed as part of the water reservoir project would do anything to improve water flows in these areas.

City Engineer Thomas Compo stressed that the City's water system contains many old pipes and when staff reviews capital projects to be done, they look at all of the infrastructure in the area of each project. He said that their criteria for choosing capital projects is "worst first", but staff is always reviewing concerns and reevaluating the project needs.

Richards Drive Flooding

Council Member Olney said he had received a call recently from a resident on Richards Drive.

Mr. Compo said that this year's budget includes a capital project for this street, and he explained the details of the proposed work to be done within the project..

Court Street Fountain

Referring to Mr. Phillips' comments during Privilege of the Floor, Council Member Olney said he does not like the new fountain and was hoping for more of a "wow factor" once it was fully installed and running. Stating the City is named Watertown, he said he would like to see more water features throughout the City.

Ethics Complaint Against Council Member Olney

Council Member Olney discussed his interpretation of the City Charter in regard to the handling of ethics complaints and process of a hearing, and he relayed his concerns that he feels the original complaint filed against him by former Mayor Smith was improperly handled from the start. He also expressed issue with the amount of money spent on legal fees for this matter.

Council Member Kimball addressed Council Member Olney's comments and stated his belief that Council Member was presenting misinformation to the public. He reviewed the process for evaluating an ethics complaint and the role of the Ethics Board in recommending whether the complaint should

proceed to Council for final determination. He also commented on why he feels it is important to continue with the hearing process, and he said the hearing would allow for the transparency that Council Member Olney has been asking for and allow Council Member Olney to present his point of view.

City Residency

Council Member Shoen said he recently questioned the definition of residency, so he looked up the legal definition and read it to Council.

Sale of Surplus Hydro-electricity and Sales Tax Revenue – July 2025

Council Member Shoen discussed these two staff reports further, noting that hydro is down because of the dry weather and sales tax is up slightly.

City Manager Ride-Along

Council Member Shoen mentioned that the City Manager went on a six-hour ride-along with the City Police last Friday evening and he appreciated the City Manager taking the time to do this. He said he looks forward to hearing how it went.

Traffic Lights Not Sensing Bicycles

Mentioning Mayor Pro Tem Ruggiero's comments earlier, Council Member Shoen noted that, if a traffic light takes too long to recognize someone waiting to go through the intersection on their bicycle, the bicyclist could always walk their bicycle across the intersection.

Labor Day and Downtown Block Party

Council Member Shoen announced that Labor Day weekend and the last Downtown Block Dance is coming up soon.

Pool Usage (continued)

Mayor Pro Tem Ruggiero discussed the pool usage and mentioned there was the potential for Flynn Pool to close early due to the lack of staffing caused by employees returning to college.

Mr. Wagenaar confirmed this, noting there is an age requirement for the senior lifeguard. He also confirmed the Thompson Park Pool would be staying open.

First Female Firefighter

Mayor Pro Tem Ruggiero announced that the City has hired their first female firefighter. She congratulated Olivia Simpson, stating that her father recently retired from the Watertown Fire Department.

Response to Privilege of the Floor – Cannabis Dispensaries

Mayor Pro Tem Ruggiero thanked Anita Seefried-Brown for expressing her opinion and she encouraged members of the public to voice their concerns and opinions at the public hearing scheduled for the next meeting. She also mentioned that law enforcement in communities which currently have dispensaries have recently provided the City with feedback, noting there have not been many issues.

Response to Privilege of the Floor – Fountain on Public Square

Mayor Pro Tem Ruggiero wondered whether an iron fence around the fountain was included in the DRI project.

Mr. Wagenaar responded that at one point it was in the design but was later eliminated when the total project cost rose. He concluded that it no longer had funding allocated for it.

NYS Police Investigation

Mayor Pro Tem Ruggiero discussed the NYS Police investigation into certain members of Council and questioned how it was initiated. She asked several questions of the City Attorney and wondered how it originally started as an investigation into a member of the public and possible bribery and then was expanded.

Attorney Smith said that she reviewed her records for more information, and she stated that she was not collaborating with former Mayor Smith on this matter.

Mayor Pro Tem Ruggiero expressed concern that former Mayor Smith sent a letter to the District Attorney and the Attorney General without informing the other members of Council or getting authorization from Council.

Motion was made by Council Member Clifford G. Olney III to move into Executive Session to discuss proposed, pending, or current litigation and to discuss the employment history of a particular individual.

Motion was seconded by Council Member Robert O. Kimball and carried with all present voting in favor thereof.

Council moved into Executive Session at 8:16 p.m.

Council reconvened at 8:45 p.m.

A D J O U R N M E N T

At the call of the chair, meeting was duly adjourned at 8:45 p.m. by motion of Council Member Robert O. Kimball, seconded by Council Member Benjamin P. Shoen and carried with all present voting in favor thereof.

Ann M. Saunders
City Clerk