

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
April 20, 2026  
7:00 p.m.**

**Mayor Pro Tem Robert O. Kimball Presiding**

**Present:** Council Member Shane A. Garrabrant  
Council Member Douglas E. Osborne, Jr.  
Council Member Benjamin P. Shoen  
Mayor Pro Tem Robert O. Kimball

**Absent:** Mayor Sarah V.C. Pierce

**Also Present:** Eric F. Wagenaar, City Manager  
Joseph V. Frateschi, Harrison Beach Murtha, City Attorney

**City staff present:** James Mills, Erica Anderson, Thomas Compo, Michael Lumbis, Geoffrey Urda, Daniel VanKouwenberg

The City Manager presented the following reports to Council:

- Resolution No. 1 - Readopting Fiscal Year 2025-26 Sewer Fund Budget and Fiscal Year 2025-26 through 2029-30 Capital Fund Budget to Add Cedar Street Sanitary Sewer Pump Station Rehabilitation Project
- Resolution No. 2 - Accepting Proposal for Sanitary Sewer Pump Station Upgrades/Replacement Project- Lachenauer Drive and Cedar Street, LaBella Associates
- Resolution No. 3 - Accepting Proposal for Community Forestry Tree Planting – Round 1 - All Seasons Landscaping & Garden Center LLC
- Ordinance No. 1 - Changing the Approved Zoning Classification of 337 State Street, Parcel Number 6-02-317.000 from Downtown to Urban Mixed Use
- Proposed Local Law - A Local Law Establishing the In Rem Tax Foreclosure Act
- Proposed Local Law - A Local Law Overriding the Tax Levy Limit Established by New York General Municipal Law §3-c
- Little Trees Visitor Center – Maintenance Evaluation
- Community Development Block Grant CARES Act (CDBG-CV) Unspent Funds
- Community Development Block Grant 2024 Annual Action Plan Amendment and Vacant and Blighted Homes
- Community Development Block Grant 2026 Funding Allocation
- Sales Tax Revenue – March 2026
- Sale of Surplus Hydro-electricity – March 2026

Meeting opened with a moment of silence and Mayor Pro Tem Kimball asked that it be in remembrance of Arthur Zaremba, Sr.

Pledge of Allegiance was given.

The reading of the minutes of the budget session of March 31, 2026, regular meeting of April 6, 2026, and budget session of April 16, 2026 was dispensed and accepted as written by motion of Council Member Benjamin P. Shoen, seconded by Council Member Shane A. Garrabrant and carried with all members present voting in favor thereof.

## COMMUNICATIONS

An email was received from Tammy Angel, 166 Cedar Street, offering support for keeping the City's refuse and recycling services.

## PRIVILEGE OF THE FLOOR

**Chris Tehonica**, Carthage, discussed his concerns with the homeless issue and said he feels the County is not doing enough to help these individuals, although the City is trying to address the issue.

**Julian Mangano**, owner of market garden Della Terra in Castorland, spoke to Council about starting a community garden in Watertown. He said he is willing to help and wondered if the City would donate a vacant City-owned lot. He spoke of the benefits that a community garden could provide for the area.

**Kennedy Quigg**, Wellesley Island, addressed Council in hopes of drawing attention to gun safety and mental health awareness. She spoke of her mother who was very active volunteering in the community as well as being a successful real estate agency owner. She noted that her mother, Maxine Quigg, and co-business owner, Terry O'Brien, were victims of a shooting at their office by a former employee with known mental health issues. She stated that on April 28 it will have been five years since Ms. Quigg and Mr. O'Brien were killed and she requested that the City pay tribute to them by declaring April 28 a Day of Remembrance. She encouraged the City to support mental health awareness and gun safety education.

## PUBLIC HEARING

**At 7:15 p.m. Mayor Pro Tem Kimball asked the City Clerk to read the notice of Public Hearing concerning a Local Law Overriding the Tax Levy Limit Established by New York General Municipal Law §3-c**

**Mayor Pro Tem Kimball declared the hearing open at 7:15 p.m.**

**Holly Nichols**, 225 Flower Avenue East, stated the City's priorities should be investing in the City's future by funding services that add value to the City and enhance quality of life. She noted that she would like to see the Thompson Park pool open, as well as partial hours of operation at the Flynn pool. Regarding the City cutting services, she said that operating on a survival budget will hurt the City and add to further decline.

**Frank Battista**, Palmer Street, pointed out that Council Members ran on fiscal responsibility and cannot ask the taxpayers for more sacrifices. He said the funds should come from other groups. He added that overriding the tax cap will hurt the elderly, low-income families and renters.

**Bill Dermady**, 118 Seymour Street, advised that it is mandatory to override the tax cap to maintain the programs that the City already has in place because the City had gone many years without tax increases.

**Greg Maneeley**, Richards Drive, discussed the recent budget process and proposed cuts to Police and Fire. He said that 70% of all felonies in Jefferson County come from the City of Watertown and new

housing projects will put further strain on the City services. He said Council needs to find ways to bring money back into the City and suggested more events through Parks and Recreation as a revenue generator.

**Jonathan Phillips**, 735 Mill Street, said that the pools are important to keep open because they are heavily used. He said that overriding the tax cap will help get sidewalks and streets fixed.

**Mayor Pro Tem Kimball declared the hearing closed at 7:26 p.m.**

**At 7:27 p.m. Mayor Pro Tem Kimball asked the City Clerk to read the notice of Public Hearing concerning Fiscal Year 2026-27 Operating Budgets and Fiscal Year 2026-27 through 2030-31 Capital Budget**

**Mayor Pro Tem Kimball declared the hearing open at 7:27 p.m.**

**Mark Irwin**, 720 Gotham Street, said he was speaking on behalf of ZooNY and asked Council to reconsider including funding within the budget for the zoo. He advised that the zoo is making strides to be sustainable and the City's funding helps, along with the support of Jefferson County. Noting that the zoo brings visitors into the area, he reviewed statistics on visitors and educational program participants.

**Chris Ebey**, said that she would be happy to pay more in taxes if it meant the City would have clean streets and maintain activities such as the zoo and library.

**Johnathan McCann**, Watertown, offered his support for the zoo, noting that he attends many of the education programs that it offers.

**Danielle Ruppe**, 216 Butterfield Avenue, said she would support raising taxes in order to take care of roads and infrastructure, as well as keeping the pools open and funding the zoo.

**Mark Pacilio**, Vice Chair of Thompson Park Conservancy, commented that the zoo is more than a line item in a spreadsheet and spoke of its goals of being self-sustaining. He asked the City to be a partner with this goal and help with funding.

**Alice Gorham**, West TenEyck Street, spoke in support of the zoo and noted how hard they have tried to save it from being closed.

**Bill Dermady**, 118 Seymour Street, spoke in support of keeping the City's refuse program and wondered how many customers have left the service due to the recent policy changes. He also said he would like the City to maintain two pools, the playground program and fund the zoo. Lastly, he discussed the condition of the library's marble fence wall and asked if the City ever replaced the two message boards.

**Chris Tehonica**, Carthage, suggested the City do more with youth sports to bring in revenue and he offered to provide officials at no cost to the City.

**Debbie Dermady**, 118 Seymour Street, said that Council talks of the doom and gloom of the City and wants to cut services, which will cause the City to lose more young families and the elderly. She offered

suggestions for City staffing and the combination of departments as a way to cut costs. She was opposed to closing a pool and cutting the playground program and said she is willing to have her taxes go up to pay for them.

**Ken Mix**, 1008 Washington Street, said he is the Chairman of the Thompson Park Conservancy and has become more involved with the zoo. He said that the zoo could be the cultural center of the Park but that they cannot do it without City funding.

**Katelyn Humphrey**, Olmsted Drive, spoke in support of keeping the trash service and providing funding for the zoo.

**Jonathan Phillips**, 735 Mill Street, said that if the City eliminates the trash service, then the private haulers would not be able to handle the service. He also questioned the sidewalk work that was done on East Division Street.

**Patrick Hickey**, 394 Pawling Street, suggested renegotiating the agreement with Jefferson County for a larger portion of sales tax revenue.

**Kyle Zimmerman**, 328 Butterfield Drive, commented that it appears everyone wants everything but if the City cannot afford it, then they cannot have it.

**Vaughn Shoen**, Flower Avenue, spoke about the crime rate and he noted that only 50% of the residents pay taxes. He mentioned that the school district budget is twice as much as the City's, but the City has more responsibilities, so the City has no choice but to raise taxes.

**Mayor Pro Tem Kimball declared the hearing adjourned at 8:05 p.m. to May 4, 2026 at 7:15p.m.**

## **RESOLUTIONS**

### **Resolution No. 1 - Readopting Fiscal Year 2025-26 Sewer Fund Budget and Fiscal Year 2025-26 through 2029-30 Capital Fund Budget to Add Cedar Street Sanitary Sewer Pump Station Rehabilitation Project**

#### **Introduced by Council Member Benjamin P. Shoen**

WHEREAS on June 2, 2025 the City Council adopted the Fiscal Years 2025-26 through 2029-30 Capital Budget, and

WHEREAS City staff is recommending that the Cedar Street sanitary sewer pump station rehabilitation project be adopted to address the current condition of the pump station,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby re-adopts the Fiscal Year 2025-26 through 2029-30 Capital Budget to add the Cedar Street Sanitary Sewer Pump Station Rehabilitation project at an estimated cost of \$550,000, and

BE IT FURTHER RESOLVED that the City Council of the City of Watertown hereby re-adopts the Sewer Fund Budget for Fiscal Year 2025-26 and makes the following adjustments in the re-adopted

Sewer Fund Budget:

<u>APPROPRIATED FUND</u>		
<u>BALANCE</u>		
G.0000.0909	Fund Balance	<u>\$ 36,000</u>
 <u>EXPENDITURES</u>		
G.9950.0900	Transfer to Capital Fund	<u>\$ 36,000</u>

**Seconded by Council Member Shane A. Garrabrant**

Prior to the vote on the foregoing resolution, Council Member Osborne asked when Cedar Street pump station was identified as a priority.

City Engineer Thomas Compo explained that the Cedar Street pump station was slated for an update on the controls, but when they were looked at, it was realized that more work was needed for rehab. He noted how old this pump station was and explained that it was not worth doing just the control update.

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

**Resolution No. 2 - Accepting Proposal for Sanitary Sewer Pump Station Upgrades/Replacement Project- Lachenauer Drive and Cedar Street, LaBella Associates**

**Introduced by Council Member Benjamin P. Shoen**

WHEREAS the City owns and maintains several sanitary sewer pump stations as part of the sewer utility infrastructure, and

WHEREAS the City Council of the City of Watertown included in the 2025-2026 Adopted Budget a capital project in the amount of \$350,000 for the Lachenauer Pump Station Rebuild, and

WHEREAS the Chief Operator of the Pollution Control Facility and the City Engineer have determined that the Cedar Street pump station has become a priority that should be addressed, and

WHEREAS at the April 20, 2026 City Council meeting the council was presented with a resolution readopting the fiscal year 2025-26 sewer fund budget and fiscal year 2025-26 through 2029-30 capital fund budget to add the Cedar Street sanitary sewer pump station rehabilitation project, and

WHEREAS the City’s Engineering Department solicited proposals from professional engineering firms for sanitary sewer pump station upgrades, replacement, and miscellaneous projects associated with the Lachenauer Drive and Cedar Street Pump Stations, and

WHEREAS on March 23, 2026, the Engineering Department received and reviewed the proposals with the Water and Public Works departments, and it is their recommendation that City Council accept the proposal from LaBella Associates,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby

approves the proposal received from LaBella Associates for the fee of \$71,500.

BE IT FURTHER RESOLVED that acceptance of this proposal is contingent upon the approval of the resolution readopting Fiscal Year 2025-26 Sewer Fund budget and Fiscal Year 2025-26 through 2029-30 Capital Fund budget to add Cedar Street sanitary sewer pump station rehabilitation project presented at this meeting's agenda, and

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

**Seconded by Council Member Shane A. Garrabrant**

Prior to the vote on the foregoing resolution, Mr. Compo responded to Council's questions. He noted this phase will be a study to determine exactly what is needed and that the \$71,500 cost will be split between Cedar Street and Lachenauer Drive pump stations for the assessment and design.

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

**Resolution No. 3 - Accepting Proposal for Community Forestry Tree Planting – Round 1 - All Seasons Landscaping & Garden Center LLC**

**Introduced by Council Member Benjamin P. Shoen**

WHEREAS the City desires to contract with a qualified tree nursery and landscape professional to provide and plant approximately 130 trees throughout the City, and

WHEREAS the Purchasing Department advertised and received one (1) sealed proposal for the Community Forestry Tree Planting – Round 1, and

WHEREAS on April 1, 2026, at 11:00 a.m. the proposal received was publicly opened and read, and

WHEREAS Purchasing Manager, Tina Bartlett-Bearup reviewed the proposal received with the City Forester, Daniel VanKouwenberg, and Superintendent of Public Works, Brian MacCue, and it is their recommendation that the City Council accept the proposal submitted by All Seasons Landscaping & Garden Center LLC, and

WHEREAS the planting project will be fully funded by a successful Community Forestry grant application to the NYS DEC from the City of Watertown, in partnership with the Watertown Housing Authority and Tree Watertown,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby accepts the proposal received from All Seasons Landscaping & Garden Center LLC in the amount of \$65,000, and

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

**Seconded by Council Member Shane A. Garrabrant**

Prior to the vote on the foregoing resolution, City Forester Daniel VanKouwenberg confirmed that this project will be fully reimbursed by grant funding. He provided more details of the program and the funding and he noted that the tree planting will mostly occur on the north side of the City.

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

## **ORDINANCES**

### **Ordinance No. 1 - Changing the Approved Zoning Classification of 337 State Street, Parcel Number 6-02-317.000 from Downtown to Urban Mixed Use**

#### **Introduced by Council Member Benjamin P. Shoen**

WHEREAS Carrols, LLC has made an application by petition filed with the City Clerk, pursuant to Section 83 of the New York General City Law to change the approved zoning classification of 337 State Street, Parcel Number 6-02-317.000 from Downtown to Urban Mixed Use, and

WHEREAS the Planning Commission of the City of Watertown considered the zone change request at its April 7, 2026 meeting and adopted a motion recommending that City Council approve the zone change, and

WHEREAS a public hearing was held on the proposed zone change on May 4, 2026, after due public notice, and

WHEREAS the City Council has made a declaration of Negative Findings of the impacts of the proposed zone change 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 zone change,

NOW THEREFORE BE IT ORDAINED that the approved zoning classification of 337 State Street, Parcel Number 6-02-317.000 shall be changed from Downtown to Urban Mixed Use, 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 Shane A. Garrabrant**

**Motion was made by Council Member Benjamin P. Shoen to schedule a Public Hearing on the foregoing ordinance for Monday, May 4, 2026 at 7:15 p.m. Motion was seconded by Council Member Shane A. Garrabrant and carried with all members present voting in favor thereof.**

## **LOCAL LAW**

**Proposed Local Law - A Local Law Establishing the In Rem Tax Foreclosure Act**

**Introduced by Council Member Benjamin P. Shoen**

A local law to establish the In Rem Tax Foreclosure Act.

WHEREAS the City Council of the City of Watertown must comply with the United States Supreme Court’s 2023 decision in *Tyler v. Hennepin County* that held that an in rem tax enforcement proceeding that allows for the tax collecting entity to retain any excess or overage from the proceeds garnered from the tax collection process is a taking in violation of the United States Constitution’s Takings Clause, and

WHEREAS the City of Watertown must revise its current property tax enforcement law in order to comply, and

WHEREAS a public hearing on this was held on May 4, 2026, at 7:15 p.m. in the City Council Chambers,

NOW THEREFORE BE IT ENACTED by the City Council of the City of Watertown, New York, that the City Charter shall be amended as follows:

- A. In TITLE XIII, Assessment and Collection of Taxes, replace Section 126 with the following:

**§126** - All and each of the taxes or assessments paid during the month of the publication of the City Comptroller's notice, as provided by this Title, shall be payable without penalty or interest; provided, however, that upon the state and county taxes, the City Comptroller shall be entitled to receive and shall collect for the benefit of the city the same fees as are received by and paid to town collectors pursuant to the provisions of the Tax Law of the State of New York; and fees so collected by the City Comptroller shall belong to the City of Watertown and shall be deposited by him in the general city fund. On May 1 of each year, the City Comptroller shall prepare a statement of all taxes outstanding and unpaid on the city, and county, school, and state tax rolls, and combine and assemble the same to show the total outstanding against each piece of property; thereafter such statement shall be known as the “total tax” unpaid. Upon payment of any tax in such statement, the same addition shall be charged for collector’s fees paid thereon and penalties and interest as if such tax were separate. During the first ten (10) days in the month of May each year, the City Comptroller shall mail to each delinquent taxpayer a notice in writing stating the taxes unpaid and the amounts thereon assessed and levied against said taxpayer and the fees, interest and penalties that are due thereon on the first day of May of that year, as the same are fixed by § 123 of this Act. Said written notice shall also contain the statement that, unless said tax, penalty, interest and fee is paid to the city Comptroller on or before the 30<sup>th</sup> day of the following June, the City shall have the right to foreclose a delinquent Tax Lien or an Acquired Tax Lien, if such delinquent Tax Lien or Acquired Tax Lien remains delinquent for eighteen months after June 30<sup>th</sup>.

- B. Replace Section 128 with the following:

**§128.** The Comptroller shall give a receipt for each and all payments of city, county, school and state taxes.

C. Delete existing Sections 135 – 151

D. Add the following new Title XIV, entitled *In Rem Tax Foreclosure Act*, with new Charter Sections 152 - 187, as follows:

**§152.** Title XIV of this Charter shall be referred to as the City of Watertown In Rem Tax Foreclosure Act (“Act”) and the following definitions shall apply:

1. “Business Day” means a weekday not falling on a holiday observed by the City.
2. “Court” means New York State Supreme Court of Jefferson County.
3. “Person” shall mean all natural persons and entities able to hold title to, a lien against or other interest in real property.
4. “Service Date” means the date set forth in the Public Notice of Foreclosure from which the twenty-day period in which to submit an Answer to the action begins to run.
5. "Tax foreclosure attorney" shall mean special counsel engaged by the City or hereinafter so engaged to conduct actions to foreclose Tax Liens; and in the absence of such duly engaged counsel, such term shall include the City Attorney or such other person or officer directed by law to act as on the City Attorney’s behalf.
6. "Tax Lien(s)" means any unpaid tax, assessment, or other charges imposed on real property by the City.
7. “Acquired Tax Lien(s)” means any delinquent tax lien against a property, which lien the City acquires from a taxing entity (such as Jefferson County or the Watertown City School District).

**§153.** Establishment of Tax Lien. The said city tax and county and state tax shall from the time a warrant for the collection of each, respectively, is delivered to the City Comptroller, shall become a lien upon the lands, property or person upon which the same and each thereof is assessed and taxed. Each installment of an assessment for a local improvement shall likewise become a lien upon the lands thus assessed from the time when such assessment becomes due and payable.

**§154.** Delinquent Tax Lien and Acquired Tax Lien Vesting in City. A Tax Lien shall be deemed delinquent if not paid by the date by which payment is due. A Tax Lien, once delinquent, shall confer upon the City the right to foreclose such a Tax Lien in accordance with the provisions of this Act. An Acquired Tax Lien shall be deemed vested in the City upon the City’s acquisition of such lien. Vesting of an Acquired Tax Lien shall confer upon the City the right to foreclose such Acquired Tax Lien in accordance with the provisions of this Act.

**§155.** Foreclosure of Delinquent Tax Liens and Acquired Tax Liens.

1. For a delinquent Tax Lien on taxes levied in or before 2023, and for an Acquired Tax Lien that the City acquired on or before June 30, 2024, the City shall have the right to foreclose such a Tax Lien or Acquired Tax Lien pursuant to this Act if, as of June 30, 2026, such Tax Lien or Acquired Tax Lien remains unpaid.
2. For a delinquent Tax Lien on taxes levied in 2024 and for an Acquired Tax Lien that the City acquired from July 1, 2024 through June 30, 2025, the City shall have the right to foreclose such a Tax Lien or Acquired Tax Lien pursuant to this Act if, as of June 30, 2027, such Tax Lien or Acquired Tax Lien remains unpaid.
3. For a delinquent Tax Lien or an Acquired Tax Lien that remains delinquent on the first June 30<sup>th</sup> (“Foreclosure Trigger Date”) following the date such a Tax Lien becomes delinquent or the City acquires such Acquired Tax Lien the City shall have the right to foreclose a delinquent Tax Lien or an Acquired Tax Lien pursuant to this Act, if such delinquent Tax Lien or Acquired Tax Lien remains delinquent eighteen months after the Foreclosure Trigger Date.
4. The City’s right to foreclose a Tax Lien or an Acquired Tax Lien on a property shall include the right to foreclose all other Tax Liens and Acquired Tax Liens on such property, regardless of the amount of time such other Tax Liens or Acquired Tax Liens have been delinquent, and the City may include in a foreclosure sale Tax Liens and Acquired Tax Liens that become due after commencement of the foreclosure action and remain unredeemed.

**§156.** Exclusive Procedure to Foreclose Tax Liens and Acquired Tax Liens. The provisions of this Act shall be the exclusive procedure to be used for an in rem foreclosure of a Tax Lien and an Acquired Tax Lien, but the remedies provided herein for foreclosure by action in rem shall be in addition to such other remedies, and procedures that the City possesses, at law or in equity, including the right to pursue a personal judgment to collect monies due and owing for a Tax Lien or an Acquired Tax Lien that is delinquent for any period of time past the date such Tax Lien or Acquired Tax Lien was due and payable.

**§157.** No Personal Judgment. No personal judgment shall be entered pursuant to an action commenced under this Act for taxes, assessments or other legal charges, or any part thereof.

**§158.** Jurisdiction. New York State Supreme Court, Jefferson County, shall have jurisdiction of actions authorized by this Act.

**§159.** Certification of List of Delinquent Tax Liens and Properties. The City Comptroller annually shall present to the City Council a list of properties whose delinquent Tax Liens and Acquired Tax Liens have vested in the City. Such list may include properties whose delinquent Tax Liens and Acquired Tax Liens were eligible to be foreclosed in prior years and, for any reason, remain on the list of properties having delinquent Tax Liens and Acquired Tax Liens, any portion of which are in arrears the requisite period of time stated in Section 155(4) as of June 30<sup>th</sup>. The City Comptroller’s failure to present the list of delinquent Tax Liens or Acquired Tax Liens to the City Council in any year shall not waive or otherwise preclude the City Comptroller’s right to

present properties on said list in subsequent years, together with such additional properties, as may arise, having delinquent Tax Liens and Acquired Tax Liens, nor shall the City Comptroller's failure to include on such list a property having delinquent Tax Liens or Acquired Tax Liens pursuant to this Act be deemed to preclude the City Comptroller from including such property on a list of delinquent taxes and properties in an action to be conducted under this Act in subsequent years. Upon the presentation of a list of delinquent taxes and properties, the City Council shall review and certify the list for foreclosure pursuant to this Act but may deny certification of certain properties on the list only for good cause, as defined herein. If the City Council shall fail to certify the list, or fail to certify the list with certain properties excluded for good cause, within forty-five (45) days of the date the City Comptroller presents the list to the City Council, the list of delinquent taxes properties shall be deemed to be certified and the right of the City Council to deny certification of specific properties for good cause shall be deemed waived. The City Council's certification of a list of delinquent properties shall be deemed a directive to the City Comptroller to foreclose the delinquent Tax Liens and Acquired Tax Liens on such list. Properties on the list of delinquent properties and taxes shall be numbered serially and shall contain:

1. A brief description of each property sufficient to identify the same. Such property description shall be deemed sufficient when it states, as to subdivision lots, the subdivision lot number and the map reference of the subdivision as filed in the County Clerk's office; as to all other parcels the description appearing on the latest tax roll in the office of the City Comptroller. The tax account number, if available, also shall be indicated. If a lot or parcel is assessed upon an approved tax map, it shall be identified and described as indicated thereon.
2. The name of the last owner as the same appears on the latest tax roll in the office of the City Comptroller, or a statement that the owner is unknown, if that is the case.
3. A statement of the amount of each Tax Lien and Acquired Tax Lien, including accrued interest, vested in the City pursuant to this Act.
4. The tax year to which each Tax Lien and Acquired Tax Lien applies.
5. The address of any owner or assignee of any Tax Lien.

**§160.** Exclusion of Properties from List of Delinquent Taxes and Properties. Neither the City Comptroller nor the City Council may exclude a parcel of property from foreclosure except for good cause. Any of the following shall constitute good cause:

1. The Tax Lien or Acquired Tax Lien has been paid and no longer is due and owing.
2. There exists a legitimate doubt that Tax Lien or Acquired Tax Lien is delinquent.
3. The City has instituted proceedings to enforce such delinquent Tax Lien or Acquired Tax Lien by another action or proceeding or is in the process of instituting such other action or proceeding and it satisfactorily appears that such action can be completed within a reasonable period of time.

4. The owner of a property has filed a petition for protection under the bankruptcy laws of the United States and the City is stayed from proceeding by federal law.
5. The City is enjoined by court order or other legal process from proceeding against a property.
6. A property is known or reasonably believed to contain hazardous waste.

**§161.** Withdrawal of Properties from Foreclosure Action. The City Comptroller may at any time prior to final judgment withdraw any parcel from an action commenced under this Act with the approval by resolution of the City Council stating the reason therefor. No parcel shall be withdrawn from such action except for one of the reasons set forth in Section 160 hereof as a reason for exclusion of a parcel from a list of delinquent taxes and properties. Upon such withdrawal each Tax Lien or Acquired Tax Lien on a withdrawn parcel shall be and remain, as applicable, a Tax Lien or an Acquired Tax Lien, as if no action had been instituted, and the City Comptroller shall issue a certificate of withdrawal for withdrawn properties which shall be filed with the County Clerk who shall note the word "withdrawn" and the date of such filing opposite the description of such parcel of property on the list. A certificate of withdrawal may include one or more parcels of property appearing on any list and shall operate to cancel the notice of pendency of action with respect to every such property. Withdrawal of a property from an action shall not preclude the City from pursuing foreclosure of the same or new Tax Liens or Acquired Tax liens, or both, against a withdrawn property in subsequent years.

**§162.** Filing the List of Delinquent Taxes and Properties. Once certified by the City Council pursuant to Section 159 of this Act, the City Comptroller shall verify the list of delinquent taxes and properties by affidavit and the City shall file said list and verification in the County Clerk's office, using the following caption:

"State of New York, Supreme Court, Jefferson County. In the matter of the foreclosure of tax liens by the City of Watertown pursuant to the provisions of the City of Watertown's In Rem Tax Foreclosure Act and the resolution of City Council designated as Resolution No. .... of \_\_\_\_\_ 20\_\_."

The filing of such list of delinquent taxes and properties in the office of the County Clerk shall constitute and have the same force and effect and shall be deemed to give the same notice of such foreclosure proceeding as the filing and recording in said Clerk's office of an individual notice of pendency of a tax foreclosure action and of the filing in supreme court of a separate and individual summons and complaint by the City against the real property therein described, to enforce the payment of the delinquent Tax Liens or Acquired Tax Liens, and other lawful charges which have accumulated and have become Tax Liens or Acquired Tax Liens against such property and which remain unpaid on said tax rolls in the office of the City Comptroller.

**§163.** Duty of the County Clerk. The County Clerk shall index the list of delinquent taxes and properties in a separate book kept for that purpose to the name of the City and the filing and

indexing of such list shall constitute due filing, recording and indexing of the notice of pendency as to each parcel of property notwithstanding and in lieu of the provisions of any other law.

**§164.** Public Notice of Foreclosure. Upon filing the list of delinquent taxes and properties in the office of the County Clerk, the tax foreclosure attorney shall forthwith cause a public notice of foreclosure to be published at least once a week for six successive weeks in a newspaper designated by them and published or otherwise distributed within the County of Jefferson. Such notice shall bear the caption prescribed in section 160 of this Act and be in substantially the following form:

*Please take notice that on the ..... day of ....., the City of Watertown commenced an action to foreclose tax liens against parcels of real property having unpaid taxes owed to the City of Watertown or acquired by the City of Watertown, by filing a list of delinquent taxes and properties with the County Clerk of Jefferson County. Such list contains as to each such parcel (a) a brief description of the property affected by each tax lien, (b) the name of the last known owner of such property as the same appears on the latest tax roll in the hands of the City Comptroller, or a statement that the owner is unknown if such be the case, (c) a statement of the amount of each tax lien upon each parcel of property, (d) the name and address of any owner or assignee other than the City of Watertown.*

*All persons having or claiming to have an interest in the real property described in such list of delinquent taxes and properties are hereby notified that the filing of such list constitutes the commencement by the City of Watertown of an action in New York State Supreme Court, Jefferson County, to foreclose the tax liens therein described by a foreclosure proceeding in rem and that such list constitutes a notice of the pendency of action and a complaint by the City of Watertown against each piece or parcel of land therein described to enforce the payment of such tax liens. Such action is brought against real property only and is to foreclose the tax liens described in such list.*

*No personal judgment shall be entered pursuant to this action against any owner for such taxes, assessments or other legal charges or any part thereof.*

*This notice is directed to all persons having or claiming to have an interest in the real property described in such list of delinquent taxes and properties and such persons hereby are notified further that a certified copy of such list of delinquent taxes and properties has been filed in the office of the City Comptroller of the City of Watertown and will remain open for public inspection for one year from the date of this notice. \_\_\_\_\_, 20XX [insert a date at least eight weeks from the date of the first publication of this notice but before the date the City will send notices to property owners and others holding an interest in or lien against a parcel of property subject to this action] is hereby fixed as the service date (the date this notice will be deemed to have been served). The City, in its discretion, may extend said service date unilaterally by filing a document in this action extending said service date.*

*A person having any right, title or interest in or lien upon any parcel of real property described in such list of delinquent taxes and properties may serve a duly verified answer upon the tax foreclosure attorney setting forth in detail the nature and amount of his interest and any defense or objection to the foreclosure. Such answer must be filed in the office of the County Clerk and served upon the tax foreclosure attorney no later than twenty days after the service date. And take further notice that any person having or claiming to have an interest in any such parcel of real property and the legal right thereto, on or before noon of the date set for any public sale of the properties in this action, may redeem a property by paying to the City Comptroller all outstanding taxes, interest and fees thereon, plus the costs of this action, including the expenses of the proceedings to sell, if any, allocated against such parcel, computed to and including the date of redemption.*

*If such taxes are paid by a person holding a recorded lien against such property, the person so paying shall be entitled to have the tax liens affected thereby satisfied of record or to receive an assignment of such tax liens evidenced by a written instrument. In the event such a lienholder pays taxes and takes an assignment of the Tax Lien, including acquired any Tax Lien thereon, such lienholder shall have the right to foreclosure the tax liens(s) acquired via assignment by foreclosing such liens utilizing the procedures applicable to foreclosure of a mortgage lien set forth in Article 13 of the state's Real Property Actions and Proceedings Law.*

*In the event of failure to redeem or answer by any person having the right to redeem or answer, a judgment of foreclosure may be taken by default. Once a judgment is entered, the City of Watertown shall be entitled to sell the property and taxes are not redeemed on or before noon of the day before the foreclosure sale, the owner of a property may be forever barred and foreclosed of all right, title, interest and equity of redemption in and to the parcel of real property described in such list of delinquent taxes and properties.*

*Take further notice that the City's ownership of the tax liens, tax liens acquired from other taxing municipal entities and, if applicable, tax certificates, set forth on such list of delinquent taxes and properties is conclusive evidence of the fact that the taxes, assessments or other legal charges represented thereby have not been paid.*

*Please be further advised that it is also the purpose of this notice to determine if any person having any right, title or interest in or lien upon any parcel of real property described in the aforesaid list of delinquent taxes and properties is in the military service of the United States, or of the state of New York; and request is made that any knowledge or information relating to such military service and interest, if any, be transmitted to the City Attorney for the City of Watertown.*

*City Comptroller*

*Tax Foreclosure Attorney,*

*(Address). ”*

**§165.** Posting a Copy of Public Notice of Foreclosure. On or before the date of the first publication of the public notice of foreclosure, the City shall post a copy of such notice in the office of the City Comptroller, in at least one other location in the City Hall of the City of Watertown and in three other conspicuous public places in the City of Watertown.

**§166.** Notice to Owner, Lienholders and Holders of an Interest in Property.

1. Contemporaneously with or after posting and publishing the Public Notice of Foreclosure, the tax foreclosure attorney shall mail a copy of the Public Notice of Foreclosure and a copy of the Statutory Notice Letter described below in this Section 169 of the Act, by ordinary first class mail and by registered mail, to each owner, lienholder and other holders of an interest in a property on the list of delinquent taxes and properties who own, hold a lien against or hold an interest in such property as of the date the list of delinquent taxes and properties was filed, at the following mailing addresses:
  - a) For an owner, such notice shall be sent to the last known tax billing address as the same appears upon the current tax rolls. If the billing address is different from the address of the property subject of the action, the City also shall mail a copy of the Public Notice of Foreclosure and the Statutory Notice Letter to the property address by ordinary first-class mail only (“property address notice”).
  - b) For lienholders and other interest holders other than owners, notice shall be mailed by ordinary first-class mail to such parties at the address that appears in public land records that indicate the nature of a lienholder’s or other interest holder’s interest in the property for which notice is given.
  - c) It shall be the responsibility of any owner, lienholder or other interest holder to notify the City of any change of address. Any owner, lienholder or other interest holder in real property in the City may file a change of address notice to which all notices under this Act are to be served, by filing with the City Comptroller a notice stating such Person’s name and current address, and the address to which the City is directed to send notices thereafter.
  - d) A notice served in accordance with this section via certified mail and ordinary mail, such notice shall be deemed received unless both the certified mailing and the ordinary first-class mailing are returned by the United States postal service. If such notice is served only via first class mail, the same shall be deemed received unless the same is returned by the United States postal service. If the certified mailing and the copy of the notice served by ordinary first-class mail are returned, or if a notice is required to be and is sent only via ordinary first class mail and is returned, the City shall undertake reasonable efforts to locate an alternate mailing address and send a copy of the Public Notice of Foreclosure and the Statutory Notice Letter by ordinary first-class mail to such alternate mailing address. The City shall be deemed to have complied with its obligation to undertake reasonable efforts to identify an alternate mailing address and

mail notice to such alternate mailing address if it mails notice to an alternate address discovered by doing one or more of the following:

- i. Searching the public record, such as land records and records of the surrogate of the county.
  - ii. Using a service designed to locate a Person's addresses.
  - iii. Filing a request for mail forwarding address change with the United States Postal Service.
  - iv. Conducting a search for obituaries and other sources, such as Surrogate's Court, to ascertain names and addresses of heirs
  - v. For domestic business entities, conducting an online department of state business entity search.
  - vi. Other searches or efforts that the City determines are reasonably calculated to identify an alternate mailing address.
2. In lieu of searching for and mailing notice to an alternative address of a property owner, the City may post notice on the property to which the delinquent Tax Lien or Acquired Tax Lien relates. Such posting shall be deemed sufficient if it is affixed to a door of a residential or commercial building or is attached to a vertical object such as a tree or post and is visible to a person entering such property. If the enforcing officer, or such person or persons acting at the behest of the enforcing officer, delivering such notice finds a person of suitable age and discretion occupying such property, the enforcing officer may deliver a copy of such notice to such occupant in addition to posting it. The cost of posting such notice shall be added to the recoverable costs of such property.
  3. The failure to provide notice to an owner or lienholder of a property shall not affect the validity of the proceeding against any other property made part the action.

**§167. Redemption.** A parcel of property included in an action commenced under this Act may be redeemed at any time before noon of the business day preceding the tax foreclosure sale of that property by payment of all outstanding taxes, interest and other fees and charges due. A property shall not be considered redeemed unless the City receives payment timely; payments mailed before the end of the redemption period but received after the end of the redemption period set forth above, shall not be deemed to have been made timely. When a property is redeemed by payment of all taxes, interest and other fees, after commencement of an in rem foreclosure pursuant to this Act, the City shall issue and record a certificate executed by the City Comptroller, describing the property in the same manner as it is described in the list of delinquent taxes and properties and noting therein that the property has been redeemed, is withdrawn from the action, the action is discontinued as to that property and that the notice of pendency against such property is canceled. Upon filing a certificate of redemption with the County Clerk, the County Clerk shall note the word "redeemed" and the date of such filing opposite the description of said parcel on the list of

delinquent taxes and properties. Such notation shall operate to cancel the notice of pendency with respect to such parcel.

**§168.** Interest Accruing on Delinquent Tax Liens After June 30th. All Tax Liens delinquent as of June 30<sup>th</sup> shall accrue interest at a rate of twelve per centum (12%) per annum beginning July 1st.

**§169.** Statutory Notice Letter. The following notice letter shall accompany the Public Notice of Foreclosure mailed to owners, lienholders and other interest holders on letterhead bearing the City's name:

***FORECLOSURE WARNING!***  
***IF YOU ARE AN OWNER, YOU ARE IN DANGER OF LOSING TITLE TO REAL PROPERTY; IF YOU ARE A LIENHOLDER OR HOLD ANOTHER INTEREST IN THE REAL PROPERTY IN ISSUE, YOU MAY LOSE YOUR LIEN OR PROPERTY INTEREST***

*REAL PROPERTY IN ISSUE: [INSERT ADDRESS OF PROPERTY TO WHICH THE NOTICE RELATES]*

*We have enclosed a copy of a Public Notice of Foreclosure, to notify you that the City of Watertown has commenced an action to foreclose the above-noted parcel of real property ("property") for failure to pay back taxes due and owing on such property. We are sending you this notice because our records and other information we have acquired indicate you either may be an owner of the property or may hold a lien against or other interest in the property. Upon completion of the foreclosure process your interest in the property will be extinguished.*

*As of [DATE] property taxes for the years [YEARS] totaling [AMOUNT] are outstanding. Also, additional interest, costs and disbursements made may be added to the tax arrearage. You may redeem the property from the foreclosure action by payment of the back taxes. To find out more about redeeming the property to keep it from being sold at a tax foreclosure sale, and to get an accurate payoff figure you should call the City of Watertown Office of the Comptroller at (315)\_\_\_\_\_.*

*You have a right to interpose an answer challenging the foreclosure of the property. You may wish to consult an attorney to assist you in doing so.*

*Attached to this notice is a list of government approved housing counseling agencies in your area which provide free counseling. You can also call the NYS Office of the Attorney General's Homeowner Protection Program (HOPP) toll-free consumer hotline to be connected to free housing counseling or legal services in your area at 1-855-HOME-456 (1-855-466-3456) or visit their website. A statewide listing by county is also available at the website of the New York State Department of Financial Services. Qualified free help is available; watch out for companies or people who charge a fee for these services.*

*If you are a senior citizen, a person with a physical disability and/or a veteran, you may be entitled to a partial exemption from property taxes. If you are not already receiving one or more of these exemptions and would like information about the eligibility and application requirements, please contact your local assessor's office.*

*If you are in the military service of the United States, or of the State of New York, or if anyone else within your knowledge is in such military service, and you are, he or she is, the owner of any right, title or interest in or lien against any parcel of real property described in the list of delinquent taxes and properties listing all properties subject of this foreclosure action, you should immediately advise the Tax Foreclosure Attorney whose name and address is noted at the bottom of this letter.*

*City Comptroller*

*Tax Foreclosure Attorney*

*[Address and Phone Number of Attorney]*

**§170.** Answer. Each Person on whom notice is served under this Act may serve a verified answer upon the tax foreclosure attorney, setting forth in detail the nature and amount of that answering party's interest and any defense or objections to the foreclosure action. The caption of such answer shall contain a reference to the address and serial number, or numbers of the parcels of property to which the answer relates and must be filed in the office of the County Clerk or through the court's electronic filing system and served on the tax foreclosure attorney no later than twenty days after the service date noted in the Public Notice of Foreclosure. If any Person having the right to redeem or answer fails to do so timely, such Person shall be in default and shall be barred forever and foreclosed of all his right, title, and interest in, and lien upon the parcels described in such list of delinquent taxes and properties and a judgment in foreclosure shall be taken as herein provided.

**§171.** Trial of Issues. If a Person timely files and serves a verified answer upon the tax foreclosure attorney, upon the City's application, the court shall summarily hear and determine the issues raised by the complaint and answer in the same manner and under the same rules as it hears and determines other actions. At the time the City moves for judgment by default or for summary judgment, it may seek partial judgment, not proceeding against some or all parcels of property for which an answer has been interposed. The City's election not to proceed at that time against a property that has interposed an answer shall not waive the City's right to proceed against that property separately by way of a trial or by way of a subsequent motion, or motions, for summary judgment.

**§172.** Presumption of Validity; Burden of Proof. It shall not be necessary for the City to plead or prove any act, proceeding or notice or to establish the validity of a Tax Lien or Acquired Tax Lien. If a Person in interest shall claim that any Tax Lien, Acquired Tax Lien or certificate is irregular or invalid, such invalidity, irregularity or defect must be specifically pleaded and must be established affirmatively by the Person pleading the same, and in any such action or proceeding an affidavit of the City Comptroller shall be presumptive evidence of the legality of the taxes and assessments therein described and of the regularity of all proceedings required by law to be taken.

**§173. Judgment of Foreclosure.**

1. The court shall determine upon proof by affidavit or otherwise whether the City has complied with the provisions of this Act and shall make its findings upon such proof; and, if it so finds, shall issue a judgment of foreclosure authorizing the City to proceed to public sale, selling the properties in the action made subject of the motion for judgment. In accordance with the sale provisions set forth in this Act, the judgment of foreclosure shall grant the City a reasonable period of time but no fewer than nine months from the sale date to evaluate properties for which there was no bid to determine whether the City wishes to take title to such properties.
2. The City shall be entitled to recover and the court shall award to the City in the judgment of foreclosure all reasonable costs of the foreclosure action, all statutory costs and allowances provided by the civil practice law and rules in cases of judicial foreclosures of mortgages on real property and the necessary disbursements made in such action, including filing fees, title search fees, publication costs, service fees, posting fees, attorneys' fees, postage fees and stationery costs. The City, without a court order, may add a fee per property for each property redeemed after commencement of the action but prior to entry of a judgment of foreclosure. The City, without a court order, may also add a fee per property for each property redeemed or sold after entry of a judgment of foreclosure. Such fees shall be set forth in the City's schedule of fees adopted annually by City Council in connection with the City's budget.
3. The court shall direct properties be sold via public auction by the referee appointed by the court. The court shall appoint the City Comptroller or such person in the City's employ who the City Comptroller requests the court designate to serve as referee. The referee shall serve without compensation above such referee's normal compensation as a City employee. If a referee, by reason of absence, resignation or any other incapacity, is unable to attend, conduct or complete said sale, the court shall appoint a replacement referee by order granted upon an ex parte application by the City; such replacement referee shall be a City employee who shall serve as referee without any compensation above such employee's normal compensation as a City employee.
  - a) A public auction conducted hereunder, at the City's discretion, may be live and in-person, live and online, a multi-day auction style online listing, or any combination of the foregoing.
  - b) The judgment of foreclosure and sale shall direct the person serving as referee to execute and deliver to the purchaser a referee's deed conveying title to the parcel or parcels affected by such judgment and sold at such sale. The property description used in such deed shall be that contained in the list of delinquent taxes and properties or such other description as the court in its judgment may direct.
  - c) All Tax Liens comprising the City's minimum bid amount and any lien or liens held by any third party or parties to the action shall be cancelled and the final judgment in said tax foreclosure action shall so provide, and the delivery of a copy

of said final judgment to the director of finance shall be authority for him to cancel said taxes and lien on the books in his office.

4. A judgment of foreclosure in favor of the City shall not operate to release any lien of such amount due on the real estate until fully satisfied.

**§174.** Notice of Sale.

1. The sale directed by the court shall be at public auction under the direction of the referee.
2. At least two weeks prior to the date of sale, the City shall mail notice of sale by ordinary mail to the owners of properties in the action remaining unredeemed, and shall serve such notice on all others who have appeared in the action and have requested service of the same, or who have answered, in accordance with the methods and requirements of service prescribed by the civil practice laws and rules.
3. Public notice of the sale shall be given once a week for three successive weeks in a newspaper published or distributed daily or weekly in the county of Jefferson, and such sale shall take place on any day on or after the twenty-first day and on or before the twenty-eighth day after the day of the first publication. In addition to the foregoing publication of the notice of sale, such notice of sale also shall be posted on or before the date of the first publication thereof in three conspicuous public places in the City.

**§175.** Sale. The City shall set a minimum bid on each property to be sold, comprising all taxes, accrued interest, together with all costs, disbursements and fees the court awards and such other costs, expenses and fees to which the City otherwise is entitled as a matter of law. On the day specified in the notice of sale, the referee appointed shall commence such sale and shall continue the same, if required, from day to day, excepting and omitting Saturdays, Sundays and holidays the City observes, until each parcel shall be called for bids. The description of a parcel of land offered for sale in such notice shall be that contained in the list of delinquent taxes and properties or such other description of such parcel as the court in its judgment may direct. If a property receives no bid the City shall have a reasonable period of time, but no fewer than nine months following the sale date, as may be specified in the judgment of foreclosure, to determine whether the City wishes to take title to such property. If the City, within that time period, notifies the referee of the City's election to take title to a property, such election shall be deemed exercised timely. Following receipt of notice of the City's election, the referee shall convey to the City title to each such property subject to the City's election. If the City submits the minimum bid as a credit bid on a property in the sale and such minimum bid is the high bid on a property, the referee shall not require the City to pay any part of the minimum bid, but said referee shall execute and deliver to the City a deed of the premises sold without payment. In the event the City submits a bid greater than the amount of the minimum bid, the City shall be required to pay only that portion of such bid that is greater than the amount of the minimum bid.

**§176.** Properties to Which the City Takes Title. All real property conveyed to the City, pursuant to a sale held under this Act shall be deemed, from the date of such conveyance to the City, to be owned, possessed and held by the City for a public use and shall have the same exemptions from taxation accorded the real property of a municipal corporation held for a public use.

**§177.** Report of Sale and Confirmation Thereof Not Required. Notwithstanding the provisions of any general, special or local law to the contrary, it shall not be necessary for the referee to make a report of the sale or proceedings, nor shall it be necessary for the court to confirm by order or otherwise the sale conducted by or the proceedings of such referee.

**§178.** Surplus Monies. The referee shall pay the City the amount of the minimum bid for each property sold and shall deposit the excess proceeds of sale, if any, in trust as surplus monies in accordance with the terms of this Act. If surplus monies arise from any such sale of a property sold in an action conducted under this Act, the referee shall report the fact of such surplus monies to the court. The court by order shall accept the report of surplus monies and shall direct the referee to deposit such surplus monies in trust in an account maintained by the City Comptroller, without interest, for the benefit of any or all Persons who may be justly entitled to all or any part of such surplus monies. Any Person whose interest in real property sold pursuant to a foreclosure conducted under this Act was extinguished by such foreclosure shall have the right to make an application for distribution of surplus monies. An application for distribution of surplus monies shall be conducted in accordance with Article 13 of the real property actions and proceedings law relating to mortgage foreclosures. The date of entry of the order of the court accepting the referee's report of surplus monies shall be deemed to be the date of confirmation of a referee's report of sale presented under the provisions Article 13 of the real property actions and proceedings law. The City Comptroller shall be entitled to withhold, as a fee for services for holding the same, two percent of any surplus monies the City Comptroller is ordered to and does distribute. Provisions of the abandoned property law shall apply to such surplus monies, except that payment of the abandoned surplus, after the prescribed proceedings, shall be made to the City and not to the state comptroller.

**§179.** Deed in Lieu of Foreclosure. The City, when authorized by City Council, may under the conditions of such authorization, and in lieu of prosecuting an action to foreclose a Tax Lien on any parcel of property pursuant to this Act, accept a conveyance of the interest of any Person having any right, title, interest, claim, lien or equity of redemption in or to such parcel.

**§180.** Statute of Limitation. There shall be no period of limitation applicable to the City's commencement of an action under this Act, so no action commenced by the City under this Act may be barred as having been commenced untimely.

**§181.** No Waiver. The failure of the City to enforce against a property any rights set forth herein shall not be deemed a waiver of the City's right thereafter to enforce such rights against that property.

**§182.** Irregularities and Inability to Convey Good Title. It shall be the sole responsibility of a buyer at a foreclosure sale conducted under this Act to determine whether the City has complied with all notice and other requirements of this Act and, except for the remedies specified in this section, the City shall not be liable to reimburse a bidder for costs, interest, expenses, damages or penalties of any kind. If the City fails to comply with any provisions of this Act and such irregularities would prevent a high bidder from obtaining clean title to a property the following shall apply:

1. If a high bidder discovers such irregularities before closing, the high bidder may refuse to close on such property; upon receipt of notice of the bidder's refusal, the City, upon its confirmation of such irregularities, shall return any deposit monies such high bidder paid on such property and the sale of such property to that bidder shall be deemed canceled.
2. If a high bidder discovers such irregularities after closing and obtains a court order setting aside the sale, the City shall refund the purchase monies and recording fees paid as may be directed in such court order.

**§183.** Application of Proceeds of Sale. The proceeds of the sale of each property, other than those struck off to the City, shall be applied first, to pay, the expenses of the sale, next, to defray all costs, disbursements and fees awarded by the court in the judgment of foreclosure and, lastly, to pay the Tax Liens, Acquired Tax Liens and accrued interest and any other recoverable charges.

**§184.** Conclusive Presumption of Deed; Limitation. Every deed given pursuant to this Act shall be presumptive evidence that the action and all proceedings therein and all proceedings prior hereto from and including the assessment of the real property affected and all notices required by law were regular and in accordance with all provisions of law relating thereto. After two-years from the date of the recording of such deed, the presumption shall be conclusive. A Person seeking to set aside a deed conveying a property sold under this Act may only do so by motion filed in the action pursuant to which the property in question was sold. No motion to set aside such deed may be maintained unless it is filed prior to the date on which the presumption becomes conclusive.

**§185.** A Person to whom a property is conveyed pursuant to a foreclosure conducted under this Act, upon delivery of the deed to such property, shall become the fee interest owner and may cause any occupants of such lands to be removed therefrom and the possession thereof delivered in the same manner as in the case of a tenant holding over after the expiration of his/her term without permission of his/her landlord.

**§186.** Whenever any assessment, water rate, sewer rate, or lien upon real estate under this Act, except taxes, shall have remained unpaid in whole or in part for three (3) months, such assessment, water rate, sewer rate, or lien shall be become and shall be deemed to have been a Tax Lien as of the date they arose against the property to which they relate and shall be subject to all the provisions of this Act.

**§187.** Filing with the County Clerk. For purposes of this Act, filing in New York State Courts Electronic Filing system shall be deemed to fulfill an obligation to file a document or other record in the County Clerk's office.

BE IT FURTHER ENACTED that this Local Law shall take effect immediately upon being filed with the New York Secretary of State.

**Seconded by Council Member Shane A. Garrabrant**

**Motion was made by Council Member Benjamin P. Shoen to schedule a Public Hearing on the foregoing local law for Monday, May 4, 2026 at 7:15 p.m. Motion was seconded by Council Member Shane A. Garrabrant and carried with all members present voting in favor thereof.**

## OLD BUSINESS

**Proposed Local Law - A Local Law Overriding the Tax Levy Limit Established by New York General Municipal Law §3-c.** *(Introduced on April 6, 2026; public hearing held this evening; appears in its entirety in the 2026 Minutes Book on page 10-11 of the 4/6/2026 minutes).*

Council Member Shoen stated that he is not ready to decide on overriding the tax cap limit at this point of the budget discussion so he would like to table the local law.

**Motion was made by Council Member Benjamin P. Shoen to table the foregoing local law. Motion was seconded by Council Member Shane A. Garrabrant and carried with all members present voting yea, except for Mayor Pro Tem Robert O. Kimball voting nay.**

## STAFF REPORTS

### **Little Trees Visitor Center – Maintenance Evaluation**

Mr. Wagenaar explained that the Conservancy requested the City assume maintenance responsibilities of the Little Trees Visitor Center as part of the updated lease agreement. He said staff did an inspection and identified multiple areas of concern and a total estimate of the cost to address these issues is approximately \$163,500. He indicated that staff is recommending that the agreement not include maintenance of this facility, so further negotiation and discussion will occur with the Conservancy.

### **Community Development Block Grant CARES Act (CDBG-CV) Unspent Funds**

Mr. Wagenaar explained that there are unspent Coronavirus relief funds that must be spent within the next four months, so staff is recommending these remaining funds be allocated to food pantry activities.

Senior City Planner Geoffrey Urda offered further explanation and Council agreed to staff's recommendation.

### **Community Development Block Grant 2024 Annual Action Plan Amendment and Vacant and Blighted Homes**

Mr. Wagenaar summarized the report stating there is approximately \$30,000 remaining from the demolition of 531 Bradley Street, and due to the closure of 518 Pine Street facility, there is approximately \$25,000 remaining for that project. He indicated that staff is recommending these combined remaining funds be put towards the demolition of 405 Arsenal Street.

Council agreed.

### **Community Development Block Grant 2026 Funding Allocation**

A report was available for Council to review.

### **Sales Tax Revenue – March 2026**

A report was available for Council to review.

### **Sale of Surplus Hydro-electricity – March 2026**

A report was available for Council to review.

## **NEW BUSINESS**

### **Tax Cap Override**

Council Member Garrabrant offered an explanation for his vote to table the local law to override the tax cap. He said he would like to get closer to the final budget discussion before making a decision. He also thanked everyone who spoke during the public hearings for their input.

### **Request for Day of Remembrance**

Referring to Ms. Quigg's request during privilege of the floor, Council Member Garrabrant indicated that he would support having a Day of Remembrance.

### **Budget**

Council Member Garrabrant said that the City is looking at an 11% tax increase if no more changes are made to the proposed budget, but he noted that the 11% tax increase is artificial because the City is still using \$2 million in fund balance to get to that, which he is not comfortable with. He said the City cannot support adding nonessential funding to the budget, such as for the zoo, although he personally supports the zoo. He stated he would continue to support the City providing in-kind services to the zoo.

### **Golf Course**

Council Member Garrabrant announced that the golf course would be opening on Wednesday, weather permitting. He noted that, at a previous meeting, there were discussions on options for the golf course to increase attendance. He suggested the City research Group Golfer to help with recruiting additional users, and he explained how this program worked. He also suggested offering reciprocal golf with other local golf courses. Lastly, he mentioned that some golfers have requested that the course and driving range open earlier in the day, and he said he would like the golf course to be successful this year so there are more options for the future.

### **Request for Day of Remembrance (continued)**

Council Member Osborne said Ms. Quigg's comments during privilege of the floor were very touching. He commented that he hopes the City never has to experience a situation like this again and he also agreed with having a Day of Remembrance and increasing awareness and education on gun safety.

### **Community Garden**

Referring to Mr. Mangano's comments during privilege of the floor, Council Member Osborne said he would like more information on this.

### **Budget (continued)**

Council Member Osborne said there is a lot of negativity surrounding the City and tonight the public expressed a lot of ideas of what residents want. He said he would like to sustain the zoo, the park and playgrounds, but there needs to be focus on fundamental infrastructure and public safety. He stated that recreational activities are wonderful, but trash service, public safety and clean drinking water need to be addressed first.

### **Sales Tax**

Referring to Mr. Hickey's suggestion during privilege of the floor to increase sales tax revenue, Council Member Osborne said he would like to see the County give the City a larger percentage of sales tax, but he is not sure if the County would agree to this.

### **Deputy Clerk Retirement**

Council Member Osborne recognized Margaret Puccia for retiring from her position as one of the City's Deputy Clerks. He said that she served the City for over a decade, and he wished her well in her next endeavor.

### **Budget (continued)**

Council Member Shoen thanked everyone who spoke during the public hearings, noting that it is difficult when times get tough. He said the City needs to think about what it absolutely needs to spend money on and that he is doing his best to get the budget in line, although the financial picture is not rosy. He noted the City's continued use of fund balance, as well as the loss of hydro revenue in the future, and he said the City does not have the ability to fund things that are not essential.

### **Sales tax (continued)**

Council Member Shoen mentioned that, in the past, he had asked the City Manager about the potential of increasing the City's percentage of sales tax received from the County. He noted that the City is the hub of the County and that City services are burdened with County issues, so the County needs to realize the importance of having the City of Watertown.

### **Community Garden (continued)**

Council Member Shoen mentioned, at one point, there was discussion about having a community garden at the zoo.

Mr. Wagenaar said this was discussed as an option for the property at the zoo if the zoo was to close. He added that there could be a possible option of having a community garden on the land that is currently used for the golf course.

Council Member Shoen noted that there is land behind the Massey Street fire station or by the Public Safety Building that possibly could be used for a community garden.

### **Arbor Day Celebration**

Council Member Shoen noted that the Arbor Day Celebration is this Saturday in Thompson Park at noon. He added that a tree will be planted in honor of Planning and Community Development Director Michael Lumbis and he discussed Mr. Lumbis' years of dedication to the planting of trees throughout the City.

### **Trash Service**

Mayor Pro Tem Kimball said that when looking at the budget, Council needs to consider the essential services. He said the trash service is not a fundamental service like Police and Fire. He added that he has not heard anything bad about the refuse staff or the work that they do, and he hoped that the City could make improvements to the service and market it more to increase its use.

### **Zoo Funding**

Mayor Pro Tem Kimball mentioned that he supports the zoo, and he hopes the City can find a way to offer the zoo the support that it needs.

**Community Garden (continued)**

Mayor Pro Tem Kimball suggested offering the opportunity to have community gardens on some of the City-owned vacant lots that are too small to build a home on.

**Budget (continued)**

Mayor Pro Tem Kimball mentioned comments made during privilege of the floor and noted that whatever is spent to provide services to Watertown will have to come from the taxpayers. He added that the City has been successful in obtaining grant funding, which helps, but that the City needs to consider options that will make people want to move into the City. He noted that those are things like the pools, the park and the zoo, and the City should continue to support them.

**ADJOURNMENT**

**At the call of the chair, meeting was duly adjourned at 8:51 p.m. by motion of Council Member Benjamin P. Shoen, seconded by Council Member Shane A. Garrabrant and carried with all members present voting in favor thereof.**

*Ann M. Saunders*  
City Clerk