

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
September 3, 2019  
7:00 p.m.**

**Mayor Joseph M. Butler, Jr. Presiding**

**Present:** Council Member Sarah V. Compo  
Council Member Ryan J. Henry-Wilkinson  
Council Member Cody J. Horbacz  
Council Member Lisa A. Ruggiero  
Mayor Butler

**Also Present:** Richard M. Finn, City Manager  
Robert J. Slye, City Attorney

**City staff present:** James Mills, Erin Gardner, Michael Lumbis, Patrick Keenan, Dale Morrow, Michael Lumbis, Police Chief Charles Donoghue

The City Manager presented the following reports to Council:

- Resolution No. 1 - Authorizing Master Agreement Federal Aid Local Project Agreement, Public Square Traffic Signal Optimization & Coordination, PIN 70PS02; D036015, Design Phases I-IV
- Resolution No. 2 - Accepting Bid for Newell Street HVAC Replacement
- Resolution No. 3 - Approving Police Department Overhire
- Resolution No. 4 - Accepting Change Order No. 1 for the Central Street Sidewalk Reconstruction Project
- Resolution No. 5 - Authorizing Change to City Fees and Charges Schedule for Vacant Building Registry
- Public Hearing - Proposed Local Law No. 2 of 2019 - A Local Law Adopting Chapter 290 of the Code of the City of Watertown, Vacant Building Registry
- Board and Commission Appointments
- Tax Sale Certificate Assignment Request – 455 Portage Street
- Verbal Update from City Manager: Swimming Pool and Bathhouse and Use of Rest Rooms Year-Round

**Complete Reports on file in the office of the City Clerk**

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of August 19, 2019 and work session of August 26, 2019, was dispensed and accepted as written by motion of Council Member Cody J. Horbacz, seconded by Council Member Ryan J. Henry-Wilkinson and carried with all voting in favor thereof.

**COMMUNICATIONS**

A claim was received from Sedgwick Claims Management Services, Inc, on behalf of Renzi Bros., Inc, seeking reimbursement for damages to their vehicle after driving over a manhole cover that lifted up on Bellevue Avenue on July 11, 2019.

A claim was received from Danita Salmons, Chaumont, NY for reimbursement of charges totaling \$602.56 for the cleanup and removal costs of a gas spill from her vehicle on West Main Street on April 12, 2017.

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

### **PRIVILEGE OF THE FLOOR**

**Patrick Hickey**, 394 Pawling Street, addressed the chair concerning a saving account to address the loss in revenue once the hydro contract expires and proposed depositing a portion of the current hydro revenue into it each year.

**Jason Traynor**, 142 Mechanic Street, recommended a local contractor for the City to use and spoke of his concerns with drugs, violence and guns within the community.

**Tom Chiarelly**, 302 High Street, thanked Council for the opportunity for him to buy his house back after he lost it to the City for back taxes. He discussed the difficulties that Council needs to deal with on a daily basis and commended them on the good job that they do.

**John Phillips**, 735 Mill Street, applauded Council for agreeing to the pool in Thompson Park but said there are ways to get around paying \$3 million for it. He suggested installing solar panels in several locations to run the pumps and supplement the cost of the pool. He also stated he is opposed to decreasing Arsenal Street to single lane of traffic in front of the County buildings and suggested lowering the speed limit and making the crosswalks more noticeable instead.

**Robert Schorr**, 640 Leray Street, spoke to Council about his concerns with the resolution approving the Police Department overhire and noted that some officers leave the department for other agencies once they are trained by the City.

### **PUBLIC HEARING**

**At 7:30 p.m. Mayor Butler asked the City Clerk to read the notice of Public Hearing concerning Proposed Local Law No. 2 of 2019 - A Local Law Adopting Chapter 290 of the Code of the City of Watertown, Vacant Building Registry**

**Mayor Butler declared the hearing open at 7:30 p.m.**

No one spoke.

**Mayor Butler declared the hearing closed at 7:31 p.m.**

### **RESOLUTIONS**

**Resolution No. 1 - Authorizing Master Agreement Federal Aid Local Project Agreement, Public Square Traffic Signal Optimization & Coordination, PIN 70PS02; D036015, Design Phases I-IV**

**Introduced by Council Member Cody J. Horbacz**

WHEREAS a project to reduce traffic congestion and vehicle pollution, Public Square Traffic Signal Optimization and Coordination Project, PIN 780720, D036015 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended that calls for the apportionment of the cost such program to be borne at the ratio of 80% Federal and 20% non-federal funds, and

WHEREAS the City of Watertown desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Design Phases I-IV in the amount of \$75,000,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown authorizes the City Comptroller to pay in the first instance 100% of the federal and non-federal share of the costs of Design Phases I-IV for the project, and

BE IT FURTHER RESOLVED that the sum of \$75,000 is hereby appropriated from the City of Watertown Capital Budget and made available to cover the local cost of participation in the above phase of the Project, and

BE IT FURTHER RESOLVED that the City Comptroller is hereby authorized to pay in the first instance 100% of the federal and non-federal share of the costs of the Design Phases I-IV for the project in the amount of \$75,000 from an appropriation of the City of Watertown Capital Budget, and

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

BE IT FURTHER RESOLVED that the City Manager of the City of Watertown is hereby authorized and directed to execute all necessary Agreements, certifications or reimbursement requests for Federal 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 for the local share of federal aid eligible Project costs and all Project costs within appropriations that are not 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 the City Council of the City of Watertown hereby approves the Master, a copy of which is attached and made a part of said resolution, and

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

**Seconded by Council Member Ryan J. Henry-Wilkinson and carried with all voting yea.**

**Resolution No. 2 - Accepting Bid for Newell Street HVAC Replacement**

**Introduced by Council Member Cody J. Horbacz**

WHEREAS the City Purchasing Department has advertised and received sealed bids for Newell Street HVAC Replacement, per City specifications, and

WHEREAS bid invitations were also issued to Bid Net with a total of one (1) sealed bid submitted to the Purchasing Department, and

WHEREAS on Wednesday, August 21, 2019, at 11:00 a.m., the bid received was publically opened and read, and

WHEREAS City Purchasing Manager Dale Morrow reviewed the bid received with City Engineer Fred Damon, and it is their recommendation that the City Council accept the bid submitted by Ontario HVAC Solutions, Inc.,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid of Ontario HVAC Solutions, Inc. in the ~~\*annual~~ amount of \$117,900.00 for Newell Street HVAC Replacement as the lowest qualified bidder meeting our specifications.

**Seconded by Council Member Sarah V. Compo**

Mayor Butler noted this expense was not budgeted for and asked if there is enough money in the contingency fund to cover it.

James Mills, City Comptroller, confirmed it will be paid through the contingency fund because it was unexpected and he normally does not bond for this low of an amount for a repair or replacement-type project. He said throughout the year there may be some budget savings and, at the end of the year, what is not covered by the contingency fund will be covered by the fund balance.

Attorney Slye noted that the word “annual” should be removed from the last paragraph.

**Motion was made by Council Member Cody J. Horbacz to amend the foregoing resolution by deleting the word “annual” in the last paragraph. Motion was seconded by Council Member Ryan J. Henry-Wilkinson and carried with all voting in favor thereof.**

In response to Mayor Butler, Superintendent of Public Works Patrick Keenan reviewed the timeline for when the work could begin and confirmed that the building will have heat for the winter.

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

### **Resolution No. 3 - Approving Police Department Overhire**

**Introduced by Council Member Cody J. Horbacz**

WHEREAS the City of Watertown Police Department is presently operating under its FY 2019-20 Budget of sworn 66 police personnel, and

WHEREAS in addition to being staffed under budget at this time, there is one pending retirement expected in July of 2020, and

WHEREAS the Police Training Academy will be conducted in October 2019,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves hiring one additional police cadet at this time, bringing the total Police Department personnel to one over the current budget of 66, and

BE IT FURTHER RESOLVED that the Chief of Police is hereby authorized and directed to proceed with the requested overhire to enter the October 2019 Police Training Academy.

**Seconded by Council Member Sarah V. Compo**

Prior to the vote on the foregoing resolution, Mayor Butler read the staff memo explaining that there are expected retirements, so an overhire will allow for the hiring and training of an officer in time for the retirement to occur. He noted the net budgetary impact will be \$16,574 and questioned how that was calculated.

Police Chief Donoghue explained that it is offset by the current shortage of four positions. He discussed that sometimes there is difficulty retaining new officers because they leave for other State agencies offering higher salaries, such as State Police, Park Police and SUNY schools. He stressed that the City cannot compete with the salaries that are offered by the State.

Discussion turned to solutions and incentives for retaining officers in order to keep them from transferring to other agencies once the City has expended the cost of training them, as well as the possibility of recouping some of the training costs from the other agencies. Police Chief Donoghue mentioned the change to 12-hour shifts has been seen as a benefit to new recruits but stressed that it mostly comes down to money. He confirmed that more senior officers tend not to leave for the State agencies because they have more investment in the community and the department. He said that he will look into whether there is an option for a legal binding agreement with the new recruits.

Council Member Ruggiero mentioned that if the City did not do an overhire then it may have to send the new hire away to an academy, which would be more costly.

Police Chief Donoghue agreed that the most cost effective method is to do in-house training and confirmed that in the past few years, the expected retirements have occurred as planned and have not been postponed or delayed.

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

**Resolution No. 4 - Accepting Change Order No. 1 for the Central Street Sidewalk Reconstruction Project**

**Introduced by Council Member Cody J. Horbacz**

WHEREAS on April 1, 2019, the City Council accepted the bid from Luck Brothers, Inc. for the Central Street Sidewalk Reconstruction Project in the amount of \$290,048, per City specifications, and

WHEREAS Luck Brothers, Inc, has submitted Change Order No. 1 in the amount of \$105,730.17 for additional work that was requested by the City and additional work that was required to complete the project,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it hereby accepts Change Order No. 1 submitted by Luck Brothers, Inc. in the amount of \$105,730.17 for the Central Street Sidewalk Reconstruction Project, bringing the total amount of the contract to \$395,778.17, and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to sign all documents necessary to accept Change Order No. 1 on behalf of the City.

**Seconded by Council Member Ryan J. Henry-Wilkinson**

Prior to the vote on the foregoing resolution, Mayor Butler explained the report stating the bid came in under budget so the City expanded the scope of the sidewalk project because the money would need to be returned to the State if it was not used. He indicated the Program Income totaled \$370,000 but the total project cost was \$409,531.57 and asked where the additional funding came from.

Planning and Community Development Director Michael Lumbis explained that the difference was covered by \$37,900 from CHIPs funding and \$1,600 from the City's annual tree planting budget. He added that the work done on Burchard Street is right around the corner from Central Street so it made sense to expand the project that way in order to use up the additional funds.

City Manager Finn pointed out that CHIPs funds were available because the Black River Parkway project came in under budget so it help offset this.

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

**Resolution No. 5 - Authorizing Change to City Fees and Charges Schedule for Vacant Building Registry**

**Introduced by Council Member Cody J. Horbacz**

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

WHEREAS the City Council desires to establish a Vacant Building Registry Program to include fees for registration and inspection, and

WHEREAS the FY 2019-2020 City Fees and Charges Schedule does not presently include such fees,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby adopts the City Fees and Charges Schedule attached and made a part of this Resolution for FY 2019-2020.

**Seconded by Council Member Ryan J. Henry-Wilkinson and carried with all voting yea.**

## **OLD BUSINESS**

**Proposed Local Law No. 2 of 2019 - A Local Law Adopting Chapter 290 of the Code of the City of Watertown, Vacant Building Registry.** *(Introduced on 8/19/19; public hearing held this evening; appears in its entirety in the 2019 Minutes Book on page 22-25 of the 8/19/2019 minutes).*

Mayor Butler indicated that a lot of work has gone into developing this program and the goal is to address blighted properties that are unsafe and have code violations. He added that most of the properties that fall into this category are also a site for issues for the police. He said he will support this because it will go a long way in addressing these trouble properties.

Council Member Horbacz pointed out that some of these properties become a hazard to public safety and the City ends up needing to demolish the property, which is very costly.

Council Member Ruggiero agreed with her colleagues comments and additionally discussed the type of properties that would fall under the exemption category. She asked that information be distributed for public awareness of the program.

Council Member Compo asked if there would be a time period for a warning.

City Manager Finn indicated that information will be sent to the media and clarified that the law does not go into effect immediately.

Council Member Henry-Wilkinson stated that this is a proactive process to deal with blight.

**At the call of the chair, a vote was taken on the foregoing proposed local law and carried with all voting yeas.**

## **STAFF REPORTS**

### **Board and Commission Appointments**

Mayor Butler reviewed the openings on the Board of Assessment Review and Transportation Commission and advised that anyone interested in the positions should contact the City.

### **Tax Sale Certificate Assignment Request – 455 Portage Street**

Mayor Butler explained the memo reporting that Joseph Sylvester requested to be assigned the City's tax sale certificate for 455 Portage Street. He noted that Mr. Sylvester owns 457 Portage Street and that the City was the default bidder on the auction.

Council agreed to the request and asked staff to prepare a resolution for the next Council meeting.

### **Verbal Update from City Manager: Swimming Pool and Bathhouse and Use of Rest Rooms Year-Round**

City Manager Finn said he wanted to provide Council with an update because there are some questions about the restrooms and the availability of the restrooms during non-swimming pool months. He explained that the alternative bid for installing the heating system was accepted but the actual building is not set up to allow access into it other than when the pool is open, so adjustments to the design need to

be made if Council intends to allow use of those bathrooms year-round. He reminded Council that the original year-round bathrooms, which would have had an exterior entrance, were eliminated during the design process in an attempt to cut costs, but could always be added down the road when the funding was available. He indicated that there are concerns of vandalism if there is total access to the whole building because it will not be staffed when the pool is not in operation. He also mentioned that Council will need to consider adding security features to the building.

John Trimble, C&S Engineers, showed Council a drawing of the layout of the building, explaining where the bathrooms are located within the building. He provided Council with two options for limited access to the whole building and described the details of each. Option 1 would provide limited access to both the women's and men's room with an estimated cost of \$15,000 - \$20,000 and Option 2 would provide access only to the Family Room bathroom with an estimated cost of \$5,000 - \$7,000. Further discussion ensued and Mr. Trimble responded to detailed questions regarding the needed changes to the design, the cost and square footage of the limited access, as well as the possibility and cost of future expansion of the building for exterior bathrooms.

Council Member Henry-Wilkinson said he preferred Option 1 because it should be built in line with the goal of offering year-round programming.

Council Member Horbacz stated this is a much more cost effective approach. In regard to Mr. Finn's suggestion for security, he said the long term goal was to have more security in this area, as well as the splash pad area.

Mayor Butler mentioned that it could be done now or down the road if there is a need.

Council Member Ruggiero advised that it is better to make the changes in design and build it that way now from a construction stand point versus trying to retrofit it later. She said there is a need for year-round bathrooms so it makes sense to do it now.

Council Member Horbacz and Council Member Henry-Wilkinson agreed.

Attorney Slye recommended that a formal motion be made to authorize the spending of additional money on the design changes. He offered the following wording: Council resolves that off-season access shall be granted through the building and requests the preparation of a Change Order by the Engineer to be included in the initial contract to call for access to both men's room and women's room, as described.

Mayor Butler noted that the design is forthcoming and offered further explanation that the design on the Change Order must be finished but this tells the contractor to be prepared for a Change Order and C&S Engineers will provide preliminary information and drawings to accommodate this.

Mr. Finn added that this should also direct the City Manager to proceed in making this happen.

**Resolution - To Authorize a Change Order to Accommodate Bathroom Access throughout the Entire Year**

**Introduced by Council Member Cody J. Horbacz**



Council resolves that off-season access shall be granted through the building and requests the preparation of a Change Order by the Engineer to be included in the initial contract to call for access to both men's room and women's room, as described.

Council directs the City Manager to take the necessary action to proceed with the Change Order.

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

**Rules waived by Motion of Council Member Cody J. Horbacz, seconded by Council Member Lisa A. Ruggiero and carried with all voting in favor thereof.**

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea except Council Member Sarah V. Compo and Mayor Joseph M. Butler, Jr. voting nay.**

## **NEW BUSINESS**

### **Thompson Boulevard Between Gotham Street and the Park Circle**

Council Member Compo thanked staff for the work that is being done in this area, stating it looks nice and will be safer.

### **Italian Bravo Festival**

Council Member Compo commented that she attended this event and she thanked City staff for their work in making this successful. She said members of the association commended the work that was put into this.

Council Member Ruggiero said this was a well attended event and mentioned that they raised \$1,500 in donations for the JRC capital campaign.

### **2024 Solar Eclipse Over Watertown**

Mentioning that she attended a recent meeting of the Friends of Thompson Park, Council Member Compo said the topic of the upcoming solar eclipse in 2024 was discussed and the need to start planning events to view it since Watertown will be in its direct path. She said that if the City is interested in being a part of this then she would be willing to take the lead in the project.

Mayor Butler appreciated Council Member Compo's offer and said she can be in charge of the planning process.

### **Christmas Parade**

Council Member Henry-Wilkinson mentioned that he was speaking to Stan Zaremba and he would like to meet with the City Manager to begin work on the Christmas Parade.

### **Compost Pile Program**

Council Member Henry-Wilkinson asked if Superintendent Keenan is ready to meet on this topic in October.

Mr. Keenan indicated that he needs more time to put the information together.

### **1340 Washington Street**

Council Member Horbacz said a resident contacted him about a commercial property at 1340 Washington Street and the concerns of parking in the area.

Stating he is aware of the desire to expand the parking lot for this property, City Manager Finn said that the owners need to demolish two houses in order to expand the parking lot and they need to go through the site plan review process with the Planning Board. He explained that is what is holding up the process and clarified that it is not because of the City, but that the owners have not submitted their application for the site plan review. He added that the owners did come in today to request permits to demolish the two units, which is being processed, but the City is still waiting for the owners to come in for the site plan process.

Attorney Slye mentioned that a zone change will be required as well.

#### **Parkland Apartments Ribbon Cutting**

Council Member Ruggiero indicated that several members of Council attended this ribbon cutting and these units were the former 801 housing property that has been rebranded. She thanked the owners for making the investment into the community.

#### **Alliance for Better Communities Overdose Awareness**

Council Member Ruggiero reported that this event was held last week and it was very informative. She indicated that the number of deaths due to overdoses has decreased this year and they hope to continue this momentum in order to eradicate the problem.

#### **Misunderstood Comments During the Last Meeting**

Council Member Ruggiero apologized for misunderstood comments that her microphone picked up while Mr. French was speaking during Privilege of the Floor at the last meeting. She indicated that it was not meant towards Mr. French or his comments and explained what it was actually directed towards. She stressed that she spoke to Mr. French after the meeting in regard to this.

#### **Watertown Golf Club Encroachments**

Council Member Ruggiero mentioned the City parking lot that was to be built by the Watertown Golf Club (WGC) to rectify the encroachment issue and asked for the timeline of it and whether it would require a site plan review.

Mr. Finn indicated that Mr. Lundy was to submit the plans for review but it has not been past practice for the Planning Board to do a site plan review for park improvements. He said he hoped to have it done this year.

Council Member Ruggiero reminded Council that the original deadline was July 31, and after that, the use was to cease and desist.

Mr. Finn said he will schedule a meeting with Mr. Lundy this week and provide Council with an update.

In regard to the WGC tying into the City's sewer line, Attorney Slye advised that it would require a Home Rule request so Council needs to decide if it wants to proceed with that. He said Mr. Lundy's only other alternative would be to build a new septic system on club-owned property.

Mr. Finn commented that he would prefer Mr. Lundy not to do that from an environmental standpoint and said the best solution would be to connect to the City's sewer system, so he would recommend Council consider the Home Rule request process.

Council Member Ruggiero questioned the ownership of the WGC, noting that there are rumors of the previous owners' names on the liquor license. She asked if that would put the City at risk.

Attorney Slye advised that it would not impact the City's liability or create liability for the City. He listed examples of events at the Fairgrounds and Ice Arena in which there are people on the liquor license that are not the City.

Asking the motivation behind the question by Council Member Ruggiero, Mayor Butler defended his prior comments, made in June, that his father sold his shares in the Golf Club. He indicated that he recently found out his father's name is on the liquor license until the entity changes it to update to the new entity, and he added that the Liquor Authority is aware of this so it is not a secret.

#### **Black River Fall Festival**

Mayor Butler announced that the Black River Fall Festival will be held this upcoming Saturday.

#### **Memorial to Monument Run**

Mayor Butler advised that this event will be held on Saturday beginning at 9:00 a.m. and stated that Fort Drum has spent a significant amount of time and planning to make this event successful.

Superintendent of Parks and Recreation Erin Gardner provided more details of what will be happening during this event.

#### **Downtown Block Party**

Mayor Butler reminded everyone that the last of three summer block parties will be held on September 14 from 5:00 p.m. to 10:00 p.m.

### **ADJOURNMENT**

**At the call of the chair, meeting was duly adjourned at 8:42 p.m. by motion of Council Member Cody J. Horbacz, seconded by Council Member Ryan J. Henry-Wilkinson and carried with all voting in favor thereof.**

*Ann M. Saunders*  
City Clerk