

**CITY COUNCIL MEETING
CITY OF WATERTOWN
September 16, 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
Christina Stone, City Attorney

City staff present: Matthew Roy, James Mills, Erin Gardner, Michael Lumbis

The City Manager presented the following reports to Council:

- Resolution No. 1 - Reappointment to the Board of Assessment Review, Shawn E. Griffin
- Resolution No. 2 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 09-04-123.000 known as 455 Portage Street to Joseph A. Sylvester
- Resolution No. 3 - Approving Thompson Park Pool and Bathhouse Construction Phase Professional Services Agreement, C&S Engineers, Inc.
- Resolution No. 4 - Re-adopting the Fiscal Year 2019-20 General Fund Budget to reflect the Civil Service Commission's reclassifying of a Parks and Recreation Crew Chief to a Parks and Recreation Maintenance Supervisor
- Ordinance No. 1 - Changing the Approved Zoning Classification of the Northwestern Section of 723 State Street, Parcel Number 6-08-103.100, from Residence C to Neighborhood Business
- Ordinance No. 2 - Bond Ordinance Amending the Ordinance Dated December 15, 2014, Authorizing the Issuance of \$948,000 Bonds of the City of Watertown to Pay the Cost of City Court Renovations, to Increase the Estimated Maximum Cost of Bonds Authorized to \$2,900,000
- Public Hearing for the Community Development Block Grant Program Consolidated Annual Performance and Evaluation Report (CAPER)

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 September 3, 2019 and work session of September 9, 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 letter was received from S. G. Gates, 157 Dorsey Street, in support of having a dog park at the "look-out" location within Thompson Park and he hopes to work with Council in moving this project forward.

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

A Notice of Claim was received on behalf of Mary Currie, who sustained an injury upon tripping over power cables on the ground during the July 4th Concert and Fireworks Display at Thompson Park on July 2, 2019.

A claim was received from Ginger Stuckey, 1211 Madison Ave, seeking reimbursement for damages due to a sewer backup within her basement.

Above claims have been referred to the Board of Audit.

PRIVILEGE OF THE FLOOR

Jason Traynor, 142 Mechanic Street, told Council that he appreciates what is being done to improve the downtown area but thinks Council should put more effort into improving the Thompson Park Zoo. He added that another vital investment should be the transportation system.

Bettina Steel, 141 Maywood Terrace, addressed Council concerning skating fees at the Arena and benefits for City employees. She said her child works for the City at the Arena and she feels he should be able to skate at a discounted rate. She also commented that it is difficult for low income individuals to pay for the rental of skates as well as the skating fee and thinks that the City should offer scholarships for people that cannot afford it.

Robert Schorr, 640 LeRay Street, spoke regarding Resolution No. 3 and his concerns about increasing the cost of Thompson Park Pool. He asked Council to vote “no” on this resolution.

PUBLIC HEARING

At 7:30 p.m. Mayor Butler asked the City Clerk to read the notice of Public Hearing concerning the Community Development Block Grant (CDBG) Program Consolidated Annual Performance and Evaluation Report (CAPER)

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

Robert Schorr, 640 LeRay Street, addressed the chair regarding sidewalks on Phelps Street and suggested this project should be considered for the CDBG program.

Michael Lumbis, Planning and Community Development Director, stated this is one of the two public hearings that are required and reviewed the steps of the process up to this point, as well as summarized the accomplishments of the past year. In regard to Mr. Schorr’s comment, he indicated that the 2019 Annual Action Plan contained the installation of several ADA ramps throughout the City, including four at the intersection of Phelps and Griffin Streets. Noting that ADA ramps can be installed anywhere in the City with CDBG funds, he reminded Council that the sidewalks on Phelps Street do not qualify for CDBG funding because that area does not meet the low-to-moderate income requirements.

Discussion took place regarding who is responsible for installing sidewalks in front of a property and the possibility of Phelps Street being included in the next sidewalk program district. City Manager Finn advised Council that the City does have the ability to direct a property owner to install and/or fix sidewalks along their property.

Adam Ruppe, 316 Butterfield Avenue, commented that he appreciates the ADA ramps being installed throughout the City.

Mayor Butler declared the hearing closed at 7:45 p.m.

RESOLUTIONS

Resolution No. 1 - Reappointment to the Board of Assessment Review, Shawn E. Griffin

Introduced by Council Member Cody J. Horbacz

RESOLVED that the following individual is reappointed to the Board of Assessment Review for a five-year term, such term expiring on September 30, 2024:

Shawn E. Griffin
351 Arlington Street
Watertown, New York 13601

Seconded by Council Member Ryan J. Henry-Wilkinson

Prior to the vote on the foregoing resolution, Mayor Butler extended his appreciation for Mr. Griffin's willingness to serve on this board.

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

Resolution No. 2 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 09-04-123.000 known as 455 Portage Street to Joseph A. Sylvester

Introduced by Council Member Cody J. Horbacz

WHEREAS the City of Watertown is the owner of a certain tax sale certificate on a lot of land known as 455 Portage Street as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 09-04-123.000 and,

WHEREAS Joseph A. Sylvester has requested the assignment of the tax sale certificate from the City for the amount of the tax sale certificate plus all subsequent property taxes paid by the City as holder of the tax sale certificate with applicable interest per City Charter Section 140,

NOW THEREFORE BE IT RESOLVED that the offer of \$4,202.90 submitted by Joseph A. Sylvester for the purchase of the tax sale certificate for Parcel No. 09-04-123.000 is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the City Comptroller is directed to assign the City's tax sale certificate for the above parcel to Joseph A. Sylvester upon the City Comptroller's receipt of certified

funds in the amount of \$4,202.90.

Seconded by Council Member Lisa A. Ruggiero and carried with all voting yea.

Resolution No. 3 - Approving Thompson Park Pool and Bathhouse Construction Phase Professional Services Agreement, C&S Engineers, Inc.

Introduced by Council Member Cody J. Horbacz

WHEREAS the City of Watertown owns and operates a facility known as the Thompson Park, for the purpose of promoting recreational activities for the citizens of the City of Watertown, and

WHEREAS on August 19, 2019, the City Council of the City of Watertown approved bids for the Thompson Park Pool and Bathhouse Project, and

WHEREAS the Construction Phase Services Agreement will provide contract administration and construction inspection of this project,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Construction Phase Services Agreement with C&S Engineers, Inc. in the amount of \$157,100, a copy of which is attached hereto and made part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Richard M. Finn is hereby authorized and directed to execute this Agreement on behalf of the City of Watertown.

Seconded by Council Member Lisa A. Ruggiero

Prior to the vote on the foregoing resolution, Mayor Butler explained the staff memo and resolution, noting that the expense of using C&S Engineers for the construction oversight is \$157,100 and it was included in the initial cost of \$3.1 million.

Reading from the minutes of the August 5 Council Meeting, Council Member Horbacz noted that C&S Engineers was willing to waive the fees if it was an awardable project or the work could be done in-house by the Engineering Department.

City Manager Finn explained that the Engineering Department is short staffed by two positions, pointing out that Justin Wood recently left his position as the City Engineer and that an Engineer Tech is vacating a position to move into a supervisor position in DPW. He stressed the City could not do the work in-house with the current staffing level without affecting other projects that have been planned. He suggested that the City could take this responsibility over later in the project once the positions within the Engineering Department were filled.

Council Member Horbacz questioned whether that would be possible if the City already had a signed contract with C&S Engineers in place.

Mr. Finn advised that Council could direct the City Attorney to amend the contract so that it includes a clause that the City has the ability to terminate the contract upon notice and suggested this resolution be put on hold. Responding to Council Member Ruggiero's inquiries about whether the contracts were all signed and the timeline of the project, he confirmed that the contracts were all signed shortly after Council approved them and that the first planning meeting with all parties involved was held today. He

noted that the contractors have 300 days from the start of the project to get it completed and advised that the General Contractor will set the pace.

Council Member Horbacz pointed out that there was a third party that oversaw the Arena project but with this project it is the same company that did the design. He asked if this was standard.

Mr. Finn indicated that Council could choose to do it either way. He also assured Council that C&S Engineers is from Syracuse but there is a local representative that will be assigned to this project.

Council Member Ruggiero mentioned the changes to the plan due to the Department of Health's review and wondered if C&S Engineers will be charging for the design work necessary for these changes.

Mr. Finn replied that he will look into this and let Council know the answer.

Mayor Butler talked about how expensive construction oversight can be for a municipality and compared it to the cost of employing two full-time employees for one year.

Further discussion occurred regarding the hiring a third party for the construction oversight and whether it would be done through a request for proposal process. Council decided to defeat this resolution in order to allow more time to make a decision and to amend the attached agreement so that the City had the ability for an early termination.

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

Resolution No. 4 - Re-adopting the Fiscal Year 2019-20 General Fund Budget to reflect the Civil Service Commission's reclassifying of a Parks and Recreation Crew Chief to a Parks and Recreation Maintenance Supervisor.

Introduced by Council Member Cody J. Horbacz

WHEREAS on May 29, 2019 the City Council passed a resolution adopting the Budget for Fiscal Year 2019-20, of which \$44,148,031 was appropriated for the General Fund, and

WHEREAS on August 19, 2019 the City Council passed a resolution re-adopting the General Fund Budget for Fiscal Year 2019-20 in the amount of \$47,048,031 to include \$2,900,000 of funding for the Thompson Park pool and bathhouse, and

WHEREAS the Civil Service Commission has reclassified a Parks and Recreation Crew Chief to a Parks and Recreation Maintenance Supervisor,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby re-adopts the General Fund Budget for Fiscal Year 2019-20 to abolish one Parks and Recreation Crew Chief and establish one Parks and Recreation Maintenance Supervisor, and

BE IT FURTHER RESOLVED that the City Council of the City of Watertown hereby that the following adjustments be included in the re-adopted General Fund Budget:

Expenditures

A.1990.0430	Contingency	(\$ 2,345)
A.7140.0130	Playgrounds – Wages	\$ 95
A.7140.0810	Playgrounds – Retirement	\$ 15
A.7140.0830	Playgrounds – Social Security	\$ 7
A.7141.0130	Outdoor Recreation – Wages	\$ 588
A.7141.0810	Outdoor Recreation – Retirement	\$ 94
A.7141.0830	Outdoor Recreation – Social Security	\$ 45
A.7180.0130	Pools – Wages	\$ 133
A.7180.0810	Pools – Retirement	\$ 21
A.7180.0830	Pools – Social Security	\$ 10
A.7265.0130	Arena – Wages	\$ 1,081
A.7265.0810	Arena – Retirement	\$ 173
A.7265.0830	Arena – Social Security	\$ 83
Total Expenditures		<u>\$ - 0 -</u>

Seconded by Council Member Ryan J. Henry-Wilkinson

Prior to the vote on the foregoing resolution, Superintendent of Parks and Recreation Erin Gardner responded to questions regarding how this affects her department and how this came about. She explained that the employee asked for the review of their duties and the Civil Service Commission agreed to the title change. She stressed that not much will change in the duties of this employee and that this is a change in title only.

Mr. Finn confirmed that this is a process through Civil Service in which the employee can ask for the review and complete a questionnaire of the duties being performed and then Civil Service will do a review and make a recommendation.

A quick discussion arose regarding proposed changes within the Parks and Recreation and Public Works Departments and whether there will be a consolidation of departments. Mayor Butler suggested this is unrelated to the resolution on the table for consideration and recommended this be discussed further under New Business.

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

ORDINANCES

Ordinance No. 1 - Changing the Approved Zoning Classification of the Northwestern Section of 723 State Street, Parcel Number 6-08-103.100, from Residence C to Neighborhood Business

Introduced by Council Member Cody J. Horbacz

BE IT ORDAINED where Edward G. Olley, Jr., RA, AIA, of GYMO, DPC 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 the northwestern section of 723 State Street, Parcel Number 6-08-103.100 from Residence C to Neighborhood Business, and

WHEREAS the Planning Board of the City of Watertown considered the zone change request at its September 3, 2019 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 October 7, 2019, 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 the northwestern section of 723 State Street, Parcel Number 6-08-103.100 shall be changed from Residence C to Neighborhood Business, 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 Ryan J. Henry-Wilkinson

Motion was made by Council Member Cody J. Horbacz to schedule a Public Hearing on the foregoing ordinance for Monday, October 7, 2019 at 7:30 p.m. Motion was seconded by Council Member Ryan J. Henry-Wilkinson and carried with all voting in favor thereof.

Ordinance No. 2 - Bond Ordinance Amending the Ordinance Dated December 15, 2014, Authorizing the Issuance of \$948,000 Bonds of the City of Watertown to Pay the Cost of City Court Renovations, to Increase the Estimated Maximum Cost of Bonds Authorized to \$2,900,000.

Introduced by Council Member Cody J. Horbacz

WHEREAS, by ordinance dated December 15, 2014, the Council of the City of Watertown, Jefferson County, New York, authorized the issuance of \$948,000 bonds of said City to pay the cost of City Court Renovations, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, a specific object or purpose, at an estimated maximum cost of \$948,000, in and for the City of Watertown, Jefferson County, New York; and

WHEREAS, the Council now wishes to increase the estimated maximum cost of the aforesaid specific object or purpose from \$948,000 to \$2,900,000, an increase of \$2,052,000 over that previously authorized, and to authorize the issuance of bonds sufficient to pay said estimated maximum cost;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section A. The title and Sections 1 and 2 of the ordinance of this Council dated and duly adopted December 15, 2014, authorizing the issuance of \$948,000 bonds to pay the cost of City Court renovations, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, a specific object or purpose, at an estimated maximum cost of \$948,000, in and for the City of Watertown, Jefferson County, New York, are hereby amended, in part, to read as follows:

“AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$2,900,000 BONDS OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK, TO PAY THE COST OF CITY COURT RENOVATIONS, IN AND FOR SAID CITY.”

. . . .

“Section 1. For the specific object or purpose of paying the cost of City Court renovations, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$2,900,000 bonds of said City pursuant to the provisions of the Local Finance Law.

“Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific object or purpose is \$2,900,000 and that the plan for the financing thereof is by the issuance of the \$2,900,000 bonds of said City authorized to be issued pursuant to this bond ordinance, provided however, that the amount of bonds to be issued shall be reduced by the amount of any grant funds received therefor.

- Section B. The validity of such bonds and bond anticipation notes may be contested only if:
- (1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
 - (2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
 - (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section C. Upon this ordinance taking effect, the same shall be published in summary in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section D. This ordinance is effective immediately.

Seconded by Council Member Lisa A. Ruggiero

Motion for unanimous consent moved by Council Member Cody J. Horbacz, seconded by Council Member Lisa A. Ruggiero and carried with all voting in favor thereof.

Mayor Butler explained this amendment was due to the increase in cost and to get reimbursed by the Court System for a portion of the interest expense.

Council Member Horbacz questioned the amount listed for construction oversight and compared it to the pool project.

Mr. Finn clarified that this is an estimate and it will be verified by the Engineering Department.

City Comptroller James Mills explained that this estimate was provided by former City Engineer Justin Wood prior to his departure and the purpose of this is to proceed with the application to the NYS Court Facilities Board for the interest subsidy on the project and to show proof of funding. He noted that the bond ordinance will be amended once the final numbers are determined. In response to Council Member Horbacz's question, Mr. Mills estimated that the City will be reimbursed approximately \$450,000 over the life of the bond.

At the call of the chair, a vote was taken on the foregoing ordinance and carried with all voting yea except Council Member Cody J. Horbacz voting nay.

NEW BUSINESS

214 Gale Street

Council Member Compo reported that she received a complaint from a constituent with flooding issues at this address.

Community Events – Memorial to Monument Run and Downtown Block Party

Council Member Henry-Wilkinson thanked all the volunteers that made these two events successful.

Council Member Horbacz added his thank you to staff and the volunteers as well.

Comprehensive Plan

Council Member Henry-Wilkinson announced that there will be two public forums to review the draft document. They are scheduled for Tuesday, September 24 at 3:00 – 7:00 p.m. at the Northern New York Community Foundation and Wednesday, September 25 at 3:00 – 7:00 p.m. at the Italian American Civic Association.

Fall Tree Planting

Council Member Henry-Wilkinson advised that the Fall Tree Planting will be held on Saturday November 2 at 9:00 a.m. at Knickerbocker School.

Concern for Homeless Individuals

Council Member Henry-Wilkinson indicated that he was contacted by Patricia Whalen regarding her concerns for homeless individuals going into the winter months. She wondered if there is something that the City could do.

Mr. Finn stated that the City would have to partner with other agencies.

Employee Discounts for Ice Skating – Privilege of the Floor Comments

Mentioning Ms. Steel's comments, Council Member Horbacz asked if the City has any partners in the community that help people in need in covering the cost of skating.

Ms. Gardner explained that she has spoken about this to Rande Richardson at the Northern New York Community Foundation and in the past the YMCA has mentioned that the City could partner on a

scholarship program. She added that she has been told in the past that the City cannot give away City funds because it is a municipality. She indicated that she heard about this complaint today and is in the process of arranging a meeting with Mr. Richardson to see what could be done. In regard to City employees skating for free, she stated that this would be giving away taxpayer dollars and stressed that if employees come in on their own time, they have always had to pay because it is part of the revenue for the Arena that is budgeted. She pointed out that she does not even come close to meeting the cost of the Arena, so giving waivers and discounted fees is going backwards instead of trying to get close to what is actually spent in the Arena.

Council Member Horbacz asked for Council to receive an annual profit and loss statement for the Arena.

Mr. Finn mentioned that he has also had discussions with the Community Foundation and there seems to be a willingness to subsidize the rates based on income. He said he would investigate it further and report back to Council.

Consolidated Building and Grounds Crew from Parks and Recreation and Public Works

In response to Council Member Horbacz's inquiry regarding the prior discussion during Resolution No. 4, Mr. Finn explained that he refers to this as a consolidation operation and services for ground maintenance, which means grass cutting throughout the City and maintenance on the exterior of City buildings, will be done by this group of employees. He said they will not necessarily work under Parks and Recreation or Public Works, but rather they will be a ground building maintenance crew. He added that during the wintertime this crew will be responsible for snowplowing these areas throughout the City. He pointed out the benefits of moving in this direction, stating that one of the main goals and cost savings would be to consolidate the equipment inventory. He responded to specific questions from Council and then clarified that the details are still in the process of being worked out and, once everything is finalized, he will update Council.

In response to Council Member Horbacz's suggestion to hold a work session to discuss this further, Mayor Butler pointed out that the City Manager is responsible for operations and personnel so at the end of the day, it is his decision and he should do what he thinks is best for the City. He added that keeping Council informed and well-educated on the reasoning behind the decision is important for the communication process.

Vacant Building Registration

Council Member Horbacz stressed the importance of public education and awareness of this new legislation.

Mr. Finn agreed and indicated that staff is working on that component of it now.

Athena Award Dinner

Council Member Ruggiero stated that she attended this event along with other members of Council and offered her congratulations to Judy Gentner, Deputy to the Garrison Commander at Fort Drum, for being chosen to receive this award.

123 Keyes Avenue

Council Member Ruggiero said she received a complaint regarding furniture along the street in front of this property.

Mr. Finn replied to questions about the citation process and stated that staff is looking at this ordinance and ways to improve it.

603 Boyd Street

Council Member Ruggiero stated she received an email from Ms. Shapiro stating the owner of this property is fine with the City looking at it for code issues but there has not been cooperation on this. She asked for a status update.

Mr. Finn responded that the former owner will be meeting with the City Attorney to work out the details of the City taking the property without having to have the tenants move out before Ms. Shapiro takes ownership. He explained the City was having trouble getting in contact with the previous owner and he confirmed that Ms. Shapiro is now willing to put the parking stipulation into the deed.

Watertown Golf Club/Thompson Park Parking Lot

Council Member Ruggiero asked if there were any updates on the construction of this parking lot.

Mr. Finn indicated that he is still waiting for more information but will check on this and let Council know.

Morrison Street Flooding Behind Property

Mayor Butler reminded staff there is a complaint of flooding behind the property of Ed Scharf's property on Morrison Street and asked that they work towards resolving this problem.

Mr. Traynor's Comments Regarding the Zoo – Privilege of the Floor

Mayor Butler noted that the City made a large financial commitment to the Thompson Park Zoo in the last few years.

Motion was made by Council Member Cody J. Horbacz to move into Executive Session to discuss proposed, pending or current litigation and to discuss collective bargaining/labor relations.

Motion was seconded by Council Member Sarah V. Compo and carried with all voting in favor thereof.

Council moved into Executive Session at 8:30 p.m.

Council reconvened at 9:17 p.m.

A D J O U R N M E N T

At the call of the chair, meeting was duly adjourned at 9:17 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