

**CITY COUNCIL MEETING
CITY OF WATERTOWN
March 7, 2022
7:00 p.m.**

Mayor Jeffrey M. Smith Presiding

Present: Council Member Patrick J. Hickey
Council Member Clifford G. Olney III
Council Member Sarah V.C. Pierce
Council Member Lisa A. Ruggiero
Mayor Jeffrey M. Smith

Also Present: Kenneth A. Mix, City Manager
Robert J. Slye, City Attorney

City staff present: Michael Lumbis, James Mills, Jennifer Voss, Michael Delaney

The City Manager presented the following reports to Council:

- Resolution No. 1 - Accepting Bid for Ductile Iron Pipe Fittings, Ferguson Waterworks
- Resolution No. 2 - Accepting Bid for Water Treatment Plant Maintenance & Administration Buildings Repointing Project, Charles T. Driscoll Masonry Restoration Co., Inc.
- Resolution No. 3 - Accepting Bid for Ladder Truck Equipment, First Out Rescue Equipment
- Resolution No. 4 - Accepting Bid for Ladder Truck Equipment, Jerome Fire Equipment Co., Inc.
- Resolution No. 5 - Accepting Bid for Ladder Truck Equipment, McQuade & Bannigan
- Resolution No. 6 - Accepting Bid for Ladder Truck Equipment, Municipal Emergency Services, Inc.
- Resolution No. 7 - Re-Adoption of Fiscal Years 2020-21 through 2024-25 Capital Budget – DRI Streetscape Project
- Resolution No. 8 - Approving the Artist Agreement with David Grieco as the Artist for the DRI Public Art Project
- Resolution No. 9 - Informing Watertown Golf Club About Parking Restrictions
- Resolution No. 10 - Authorizing Public Auction for Sale of City Owned Properties
- Resolution No. 11 - Approving License Agreement with Convalt Energy, Inc. for Sewall's Island, P.N. 4-12-201.100
- Resolution No. 12 - Approving License Agreement with Convalt Energy, Inc. for Sewall's Island, P.N. 4-12-103.100
- Resolution No. 13 – Appointment of Commissioner of Deeds
- Ordinance No. 1 - Changing the Approved Zoning Classification of 108 Flower Avenue East, Parcel Number 11-12-127.000 from Residence B to Neighborhood Business
- Public Hearing - Community Development Block Grant (CDBG) 2022 Annual Action Plan
- Tabled Resolution - Approving License Agreement with Convalt Energy, Inc. for Sewall's Island

Complete Reports on file in the office of the City Clerk

Meeting opened with a moment of silence. Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of February 22, 2022 was dispensed and accepted as written by motion of Council Member Lisa A. Ruggiero, seconded by Council Member Sarah V.C. Pierce and carried with all voting in favor thereof.

COMMUNICATIONS

An email was received from Debra Dermady, 118 Seymour Street, thanking City Council for raising the Ukrainian flag in front of City Hall on Saturday March 5. She also added her support for the addition of a third flagpole.

A letter was received from Nelson Labarge, 507 Binsse Street, expressing his interest in purchasing 506 Binsse Street to use as a parking area.

Above communications were placed on file in the office of the City Clerk.

PRIVILEGE OF THE FLOOR

Anthony Augliano, 332 West Broadway Avenue, addressed the chair regarding his request to purchase the property at 330 Brett Street Ext. which is in the list to be auctioned for Resolution No. 10. He delivered a written request to Council (on file in the City Clerk's office).

Jonathan Phillips, 735 Mill Street, addressed Council regarding issues with CitiBus hours, routes and needs for vehicle repairs.

Al Soluri, 648 Grant Street, addressed the chair regarding his concerns about Watertown Golf Club parking. He declared Council's focus on what is, in his opinion, a trivial issue to be odd.

Ben Shoen, Academy Street, addressed Council regarding parking at Watertown Golf Club. He noted that there are many other private businesses that benefit from public parking and asked how such a parking ban would be enforced. He also clarified for Council Member Olney that costs for public skating at the Municipal Arena are lower for City residents. He also requested to see the City's plan for increasing hydro production by 1200% to make up for the budget shortfall.

Amy Horton, 180 Ward Street, addressed Council regarding Resolution No. 9, stating that it is obvious to her that this resolution benefits just one local developer and does not benefit City residents. She also made accusations against several sitting Council Members and financial support they receive from that same developer. She encouraged Council Members to uphold their promises of transparency.

Michael Ward, 24596 Allen Road, LaFargeville, spoke to Council on behalf of his employer, Convalt Energy, and urged Council's support of Resolutions No. 11 and No. 12.

PUBLIC HEARING

At 7:15 p.m. Mayor Smith asked the Deputy City Clerk to read the notice of Public Hearing concerning the Community Development Block Grant (CDBG) 2022 Annual Action Plan.

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

No one spoke.

Mayor Smith declared the hearing closed at 7:16 p.m.

RESOLUTIONS

Resolution No. 1 - Accepting Bid for Ductile Iron Pipe Fittings, Ferguson Waterworks

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City Purchasing Department has advertised and received sealed bids for Ductile Iron Pipe Fittings in Watertown, New York, as per City specifications, and

WHEREAS bid invitations were also issued to qualified bidders with two (2) sealed bids submitted to the Purchasing Department, and

WHEREAS on Thursday, February 24, 2022, at 11:00 a.m., the bid received was publicly opened and read, and

WHEREAS City Purchasing Manager Dale Morrow reviewed the bids received with the Engineering Department, and it is their recommendation that the City Council accept the bid submitted by Ferguson Waterworks,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid of Ferguson Waterworks in the amount of \$108,407.70, and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to sign all contracts associated with implementing the award to Ferguson Waterworks.

Seconded by Council Member Sarah V.C. Pierce and carried with all voting yea.

Resolution No. 2 - Accepting Bid for Water Treatment Plant Maintenance & Administration Buildings Repointing Project, Charles T. Driscoll Masonry Restoration Co., Inc.

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City Purchasing Department has advertised and received sealed bids for Water Treatment Plant Maintenance and Administration Buildings Repointing Project in Watertown, New York, as per City specifications, and

WHEREAS bid invitations were also issued to qualified bidders with two (2) sealed bids submitted to the Purchasing Department, and

WHEREAS on Thursday, February 17, 2022, at 2:00 p.m., the bids received were publicly opened and read, and

WHEREAS City Purchasing Manager Dale Morrow reviewed the bids received with the Engineering Department, and it is their recommendation that the City Council accept the bid submitted by Charles T. Driscoll Masonry Restoration Co., Inc.,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid of Charles T. Driscoll Masonry Restoration Co., Inc. in the amount of \$72,700, to include Alternate No. 1, and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to sign all contracts associated with implementing the award to Charles T. Driscoll Masonry Restoration Co., Inc.

Seconded by Council Member Sarah V.C. Pierce

Prior to the vote on the foregoing resolution, there was some discussion regarding the addition of alternate one to the resolution and it was determined that the resolution was correct as it stands.

Mayor Smith inquired as to whether the City would be able to add ARPA funds to offset some of these additional costs.

City Manager Mix explained that ARPA funds could be applied, either through the water/sewer funding or it could be listed under lost revenue and he said that the City would most likely stick with the water/sewer option.

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

Resolution No. 3 - Accepting Bid for Ladder Truck Equipment, First Out Rescue Equipment

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City Purchasing Department has advertised and received sealed bids for Ladder Truck Equipment in Watertown, New York, as per City specifications, and

WHEREAS bid invitations were also issued to qualified bidders with four (4) sealed bids submitted to the Purchasing Department, and

WHEREAS on Thursday, February 16, 2022, at 2:00 p.m., the bids received were publicly opened and read, and

WHEREAS City Purchasing Manager Dale Morrow reviewed the bids received with the Fire Department, and it is their recommendation that the City Council accept the bid submitted by First Out Rescue Equipment, of Tonawanda, NY, in the amount of \$2,060 for the following seven (7) items:

32	Saw Chainsaw Gas Powered Chain Roll (100ft. Roll, 3/8in. Chain Pitch, .063in.GA)	1	575.00	575.00
33	Desert Diamond Roof Max Carbide Blade 14" *	2	85.00	170.00
34	Desert Diamond Fire Rescue Safety Blade 14" *	2	295.00	590.00
57	1" Nylon Tublar Webbing Blue 300' Roll (MBS. 4000 lbs. (17.7 kN)	1	85.00	85.00
58	1" Nylon Tublar Webbing Red 300' Roll (MBS. 4000 lbs. (17.7 kN)	1	85.00	85.00
127	LoneStar Axe The PIG Tool 32" Notched Head, Tan*	2	210.00	420.00
153	Folding Road Cones (Six Pack)	1	135.00	135.00

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid of First Out Rescue Equipment in the amount of \$2,060, and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to sign all contracts associated with implementing the award to First Out Rescue Equipment.

Seconded by Council Member Sarah V.C. Pierce and carried with all voting yea.

Resolution No. 4 - Accepting Bid for Ladder Truck Equipment, Jerome Fire Equipment Co., Inc.

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City Purchasing Department has advertised and received sealed bids for Ladder Truck Equipment in Watertown, New York, as per City specifications, and

WHEREAS bid invitations were also issued to qualified bidders with four (4) sealed bids submitted to the Purchasing Department, and

WHEREAS on Thursday, February 16, 2022, at 2:00 p.m., the bids received were publicly opened and read, and

WHEREAS City Purchasing Manager Dale Morrow reviewed the bids received with the Fire Department, and it is their recommendation that the City Council accept the bid submitted by Jerome Fire Equipment Co., Inc. of Clay, NY, in the amount of \$45,429.03. Attached are forty-five (45) items for reference, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid of Jerome Fire Equipment Co., Inc. in the amount of \$45,429.03 per the attached listing which is made part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to sign all contracts associated with implementing the award to Jerome Fire Equipment Co., Inc.

Seconded by Council Member Sarah V.C. Pierce and carried with all voting yea.

Resolution No. 5 - Accepting Bid for Ladder Truck Equipment, McQuade & Bannigan

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City Purchasing Department has advertised and received sealed bids for Ladder Truck Equipment in Watertown, New York, as per City specifications, and

WHEREAS bid invitations were also issued to qualified bidders with four (4) sealed bids submitted to the Purchasing Department, and

WHEREAS on Thursday, February 16, 2022, at 2:00 p.m., the bids received were publicly opened and read, and

WHEREAS City Purchasing Manager Dale Morrow reviewed the bids received with the Fire Department, and it is their recommendation that the City Council accept the bid submitted by McQuade & Bannigan, of Watertown, NY, in the amount of \$22,085.02. Attached are fifty-eight (58) items for reference, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid of McQuade & Bannigan in the amount of \$22,085.02 per the attached listing which is made part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to sign all contracts associated with implementing the award to McQuade & Bannigan.

Seconded by Council Member Sarah V.C. Pierce and carried with all voting yea.

Resolution No. 6 - Accepting Bid for Ladder Truck Equipment, Municipal Emergency Services, Inc.

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City Purchasing Department has advertised and received sealed bids for Ladder Truck Equipment in Watertown, New York, as per City specifications, and

WHEREAS bid invitations were also issued to qualified bidders with four (4) sealed bids submitted to the Purchasing Department, and

WHEREAS on Thursday, February 16, 2022, at 2:00 p.m., the bids received were publicly opened and read, and

WHEREAS City Purchasing Manager Dale Morrow reviewed the bids received with the Fire Department, and it is their recommendation that the City Council accept the bid submitted by Municipal Emergency Services, Inc. of Liverpool, NY, in the amount of \$18,901. Attached are twenty-nine (29) items for reference, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid of Municipal Emergency Services, Inc. in the amount of \$18,901 per the attached listing which is made part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to sign all contracts associated with implementing the award to Municipal Emergency Services, Inc.

Seconded by Council Member Sarah V.C. Pierce and carried with all voting yea.

Resolution No. 7 - Re-Adoption of Fiscal Years 2020-21 through 2024-25 Capital Budget – DRI Streetscape Project

Introduced by Council Member Lisa A. Ruggiero

WHEREAS on June 1, 2020 the City Council adopted the Fiscal Years 2020-21 through 2024-25 Capital Budget, and

WHEREAS the Fiscal Years 2020-21 through 2024-25 Capital Budget included the Downtown Revitalization Initiative Streetscape Project at an estimated cost of \$1,500,000, and

WHEREAS the current project scope has been expanded and the estimated cost of the project is now \$3,700,000, and

WHEREAS City Council desires to continue with the revised project scope and fund the funding deficit with American Rescue Plan Act funds,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby amends the Fiscal Years 2020-21 through 2024-25 Capital Budget to add an additional \$2,000,000 to the estimated cost of the Downtown Revitalization Initiative Streetscape project and to fund the additional costs from the New York Downtown Revitalization Initiative Grant (\$100,000), the American Rescue Plan Act funds awarded to the City (\$1,775,000) and a National Grid Urban Center/Commercial District Revitalization Program Grant (\$250,000).

Seconded by Council Member Sarah V.C. Pierce

Prior to the vote on the foregoing resolution, Council Member Olney noted his confusion about how a City differs from the private sector in bidding out and paying for construction projects and wondered how the costs for this project had jumped from \$1.5 million to \$3.7 million.

City Manager Mix explained that the original proposal for this project was more than four years old and that the engineers, at the time, had developed a plan and estimates to get a budget number. He reiterated that the \$3.7 million is just a budget number.

Council Member Olney asked if perhaps Mr. Lumbis could offer further explanation. He again expressed confusion about the bidding process and suggested that by the City publicly stating they are willing to pay \$3.7 million for a project, then the contractor's bid is unlikely to be less than that.

Mr. Mix explained that the City is a public body and as such the City's budget is made available to the public. He added that sometimes bids are higher than the budget estimate and sometimes they are lower. He offered as an example a recent water project in which the City budgeted for \$80,000 and received two: one for \$72,800 and one for more than \$150,000.

Council Member Hickey asked why the price had jumped more than \$2 million.

Planning and Community Development Director Michael Lumbis explained that the original proposal was four years old, and the scope of the project had changed over the years, adding more streets and areas. He also noted that the original plan had been put together quickly in order to create the strategic plan. Mr. Lumbis went on to explain that the original budget numbers had been based on conceptual drawings, and now the estimates come from a detailed design.

Council Member Olney asked how the designer had been chosen.

Mr. Lumbis indicated that the City had consulted engineers through an RFP and had received around fourteen proposals. He said, from those fourteen, his staff had narrowed it down and finally selected the local company, Barton & Loguidice.

Council Member Olney asked how many companies would be asked to bid.

City Manager Mix stated the project would be advertised and sent to trade organizations.

In response to Council Member Olney's question on whether the City is seeing fewer bidders due to COVID-19, Mr. Mix responded that there had been no large projects recently on which he could judge that.

Mayor Smith clarified that the City does not control how many people or who will bid on a project. He added that the \$3.7 million budget was to develop a scope of the project to put into the budget and then individual bids would be voted on.

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

Resolution No. 8 - Approving the Artist Agreement with David Grieco as the Artist for the DRI Public Art Project

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City of Watertown was awarded \$155,000 through the Downtown Revitalization Initiative (DRI) to create a Public Art project in Public Square, and

WHEREAS the City published a Call for Artists on September 15, 2021 and reviewed the responses based on artistic excellence, design intent, completeness of their submissions and compatibility with the intent and vision of the project, and

WHEREAS the City Council approved selecting David Grieco at their meeting on January 18, 2022, as the artist and his proposed concept design for the sculpture to be placed in Public Square for the DRI Art Project, and

WHEREAS an Artist Agreement has been negotiated and prepared between the City of Watertown and David Grieco,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York hereby approves the Agreement between the City and David Grieco, a copy of which is attached

and made part of this resolution, to design, create, construct and install a sculpture on the east end of the island in Public Square, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey M. Smith, is hereby authorized and directed to execute the Agreement on behalf of the City.

Seconded by Council Member Sarah V.C. Pierce and carried with all voting yea.

Resolution No. 9 - Informing Watertown Golf Club About Parking Restrictions

Introduced by Council Member Lisa A. Ruggiero

BE IT RESOLVED that Watertown Golf Club, Inc. is informed that parking by its employees, golfers and visitors to its club, will be limited to the property boundaries that are owned or leased by Watertown Golf Club, Inc.

Seconded by Council Member Clifford G. Olney III

Prior to the vote on the foregoing resolution, Council Member Hickey inquired whether the roads in Thompson Park are designated as City streets.

City Manager Mix informed Council that the roads are named but are not City streets and they are as much Park land as the lawns are.

Council Member Hickey cited City Code 216-2 regarding the driving and parking of vehicles in Thompson Park and noted the designated parking areas. He expressed his concerns about selective enforcement of this rule if the resolution was passed and offered alternate thoughts on charging members of the Golf Club for overflow parking in the event of a large tournament and suggested other ways to monetize parking. He noted that concerns about parking at the Golf Club had been addressed by the Planning Board years back and wondered why there had not been a solution. Council Member Hickey commented that the proposed Thompson Park Master Plan could solve many of these problems.

Mayor Smith advised that Watertown Golf Club had constructed a 50-space parking lot in 2020 in addition to its existing 40-space parking lot.

Mr. Lumbis informed Council that the Golf Club had a site plan approval in 2020 to build an additional parking lot on the opposite side of the building from the existing lot.

Council Member Ruggiero asked if the site plan review took into account the City-owned lot.

Mr. Lumbis noted that, at the time, the Council had banned public parking in that location and so that lot had nothing to do with the site plan review.

In response to Council Member Ruggiero's question of how many parking spaces were required of a business the size of the Watertown Golf Club, Mr. Lumbis stated there is no requirement specific to golf courses but, generally speaking, the requirement is five parking spaces per 1,000 square feet of a building. He noted that Watertown Golf Club is around 5,000 square feet and so it has three times as many spaces as are required.

Council Member Ruggiero suggested that this meant the amount of parking available is sufficient for the property.

Mr. Mix clarified that in a site plan approval you cannot use off-site parking to meet any requirements. He noted that usually the number of parking spaces is set by the ordinance and sometimes the number of spaces works for the business and sometimes it does not. He offered, as an example, fast food restaurants that always build more parking spaces than are required by the ordinance. He also mentioned that Walgreens has the proper number of parking spaces required by the ordinance although the number of spaces far exceeds their usage. He stated that the number of parking spaces is not discretionary.

Council Member Ruggiero advised that the parking lot in question does not meet the standard of a public parking lot in that it is not improved, does not have proper signage and does not have handicapped parking spaces. She added that she liked Council Member Hickey's idea of charging parking fees.

Council Member Pierce asked for clarification of the wording on the resolution noting that the way it reads is that golfers, employees and visitors of the Watertown Golf Club may not park anywhere else in the park, even if they are in the park for other reasons.

Council Member Olney stated that was not the intention, adding that the purpose of the resolution is clear.

Council Member Pierce stressed that was exactly how the resolution read and there was a lengthy discussion about wording and intent of the resolution.

Council Member Olney commented that the deed for the Park never allowed parking for a private or commercial venture and said this resolution was righting an old wrong and forcing the Golf Club to provide more parking.

Council Member Pierce suggested the way the resolution could lead to confusion regarding who is allowed to park where in the Park.

Council Member Olney stated the resolution goes to intent and if someone intends to golf, they should park in the designated lots and not anywhere else in the park.

Mayor Smith advised that a site plan was done, and the Golf Club had added a parking lot which now gave them three times the number of required parking spaces. He noted that the City could not discriminate and decide who can park where and added that this resolution was unenforceable.

Council Member Olney suggested that it was illegal for a person going to the Golf Club to park anywhere other than the Golf Club's parking lot. He said the deed to the park restricted parking throughout the park.

Attorney Slye stated that he would like to focus on the resolution and offered an example of someone wanting to have lunch at the Golf Club and parking up by the flagpole. He indicated this should be allowed. He informed Council that attempting to determine intent is a slippery slope and noted that drafting legislation is tricky. He also explained that there has been a mischaracterization in what the

deed says. He stated the 1917 deed says that the park premises should never be used for anything other than a public park. Attorney Slye said nothing is mentioned specifically about commercial or business use. He reiterated that the land would have to be used as a public park. He mentioned his 2018 memo, regarding the construction of townhouses, which were not allowed due to that not being a public park use.

Council Member Olney asked how this is different.

Attorney Slye stated that he did not know whether or not it was different and added that he also did not know whether the State Legislature, when it gave permission to the City of Watertown to lease to the Golf Club, intended that to include a parking area. He noted, however, the strip of land was not what the State Legislature voted on. He noted that the golf course itself was determined to be a legitimate use of a public park.

Attorney Slye also suggested there was some discrepancy in the use of the terms parking lot and parking area. He stated the City Code allowed for designated parking areas.

Council Member Ruggiero asked if there had ever been any formal agreement over the use of that parking lot.

City Manager Mix stated that he was not aware of any agreement but noted that it looked as though it was a driveway that people parked along. He added the only obvious parking lot in the park is at the Zoo.

Council Member Ruggiero indicated aerial shots of the lot looked like a driveway, but suggested people thought the Golf Club owned it.

Mayor Smith noted there is a gravel lot in front of a City baseball field and people park in the grass around that as well.

At the call of the chair, a vote was taken on the foregoing resolution and defeated with all voting nay except for Council Member Clifford G. Olney III and Council Member Lisa A. Ruggiero voting yea.

Resolution No. 10 - Authorizing Public Auction for Sale of City Owned Properties

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City of Watertown owns certain lots of land acquired at Tax Sale and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as follows:

<u>Parcel Number</u>	<u>Address</u>
01-10-310.000	103 Alexandria Avenue
09-01-123.000	551 Arsenal Street
09-01-122.000	561 Arsenal Street
01-03-112.000	506 Binsse Street
12-05-217.000	603 Boyd Street

11-12-128.000	330 Brett Street
07-07-304.000	330 Coffeen Street
09-01-119.000	117 Exchange Street
06-06-319.000	632 Factory Street
11-12-130.001	VL Flower Avenue East
03-06-207.000	M24 Francis Street
09-42-103.000	314 Haney Street
03-12-133.000	VL Haven Street
06-03-307.000	121 High Street
05-16-320.200	140 Hinds Avenue
06-04-115.000	512 Jefferson Street
01-01-115.000	549 Leray Street
02-01-307.000	230 Main Avenue
02-01-308.000	242 Main Avenue
02-01-309.000	246 Main Avenue
04-02-123.000	510 Main Street East
01-14-105.000	428 Maple Avenue
02-09-115.000	759 Mill Street
03-01-109.000	248 Moulton Street
06-07-206.000	659 Olive Street
04-19-207.000	39 Wise Street
04-19-206.000	40 Wise Street
05-11-304.001	VL-4 Rear Wyoming Avenue
05-11-308.001	VL-6 Rear Wyoming Avenue

And,

WHEREAS title said land has been retained by the City of Watertown, and

WHEREAS the City Council deems the properties to be excess and not required for any City purposes, and

WHEREAS the City Council desires to ensure that properties such as those listed above be brought into compliance with all applicable provisions of the New York State Fire Prevention and Building Code and all City of Watertown zoning and health codes within one (1) year of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 13 adopted by the Council, on June 6, 1977, the Comptroller of the City of Watertown be and he hereby is authorized to publish a Notice of Sale of the parcels of land above mentioned once a week for three (3) consecutive weeks in the official newspaper of the City of Watertown to the effect that said parcels of land will, at ~~*10:00 a.m.~~ **6:00 p.m.** on the 28th day of March, 2022, in the 3rd Floor City Council Chambers in the Municipal Building, 245 Washington Street, be offered individually for sale to the highest bidder and there present, under the conditions herein set forth:

The aforesaid parcels are conveyed, together with all rights and privileges affecting the same, and also together with all buildings, improvements and appurtenances located upon said described parcels, and

BE IT FURTHER RESOLVED that the City Comptroller be and he hereby is authorized to accept bids for said parcels, in an amount not less than the minimum price set below, subject to the rights of the said City Council to reject any and all bids, and

<u>Parcel Number</u>	<u>Address</u>	<u>Minimum Bid</u>
01-10-310.000	103 Alexandria Avenue	\$ 100
09-01-123.000	551 Arsenal Street	\$ 1,000
09-01-122.000	561 Arsenal Street	\$ 1,000
01-03-112.000	506 Binsse Street	\$ 1,000
12-05-217.000	603 Boyd Street	\$ 1,000
11-12-128.000	330 Brett Street	\$ 5,500
07-07-304.000	330 Coffeen Street	\$ 1,000
09-01-119.000	117 Exchange Street	\$ 500
06-06-319.000	632 Factory Street	\$ 3,000
11-12-130.001	VL Flower Avenue East	\$ 100
03-06-207.000	M24 Francis Street	\$ 100
09-42-103.000	314 Haney Street	\$ 1,000
03-12-133.000	VL Haven Street	\$ 200
06-03-307.000	121 High Street	\$ 250
05-16-320.200	140 Hinds Avenue	\$ 25,000
06-04-115.000	512 Jefferson Street	\$ 500
01-01-115.000	549 Leray Street	\$ 500
02-01-307.000	230 Main Avenue	\$ 1,000
02-01-308.000	242 Main Avenue	\$ 100
02-01-309.000	246 Main Avenue	\$ 100
04-02-123.000	510 Main Street East	\$ 100
01-14-105.000	428 Maple Avenue	\$ 500
02-09-115.000	759 Mill Street	\$ 600
03-01-109.000	248 Moulton Street	\$ 1,500
06-07-206.000	659 Olive Street	\$ 2,500
04-19-207.000	39 Wise Street	\$ 500
04-19-206.000	40 Wise Street	\$ 100
05-11-304.001	VL-4 Rear Wyoming Avenue	\$ 100
05-11-308.001	VL-6 Rear Wyoming Avenue	\$ 100

BE IT FURTHER RESOLVED that the highest bidder deposit at least 10 percent (10%) of the bid price at the same time of each said successful bid with the City Comptroller, and

BE IT FURTHER RESOLVED that said parcels of land shall be then sold to the successful bidder for cash or certified funds only, and

BE IT FURTHER RESOLVED that the Notice of Sale, any offer to purchase, and any deed issued by the City contain a provision that if the property sold is not brought into compliance with all

applicable provisions of the State Fire Prevention and Building Code and all City of Watertown zoning and health codes within one (1) year of the City's delivery of the deed to the buyer, the City shall have the right to seek reversion of title to the City, and

BE IT FURTHER RESOLVED that the said bids shall be submitted to the Mayor and City Council for their approval or rejection, and

BE IT FURTHER RESOLVED that the City reserves the right to withdraw any parcel prior to the public sale of said parcels.

Seconded by Council Member Sarah V.C. Pierce

Prior to the vote on the foregoing resolution, there was a question as to the time of the auction since it was listed in the resolution at 10:00 a.m. and at 6:00 p.m. in the accompanying memo.

City Manager Mix stated it had been suggested that the later time might be better attended.

Mayor Smith listed off the City property owners who were requesting to purchase several of the parcels listed in this auction. He offered his support of letting these parcels be sold to the interested parties.

City Manager Mix explained the complications in trying to sell some of these parcels to neighboring property owners when there is any kind of dispute with abutting property owners or any division of the property between more than one interested party. He added that in these situations the City becomes mediators and it takes an incredible amount of staff time, which is why they prefer to sell through the auction process.

Mayor Smith directed Council to decide whether the City wants to sell to property owners and some discussion ensued.

City Comptroller James Mills pointed out there are some other properties on this list that have had offers made on them by other property owners, not just the ones brought to Council's attention this evening.

Council Member Olney mentioned that there have been complaints in the past that during the auction process, many properties get snapped up by one buyer and adjacent property owners have no chance to bid.

Council agreed that abutting property owners should have first rights to purchase the properties with Mayor Smith clarifying that it must be adjacent property and not properties across the street.

City Manager Mix suggested Council adopt the resolution with this list and then staff will contact owners by mail to assess if there is any interest in adjacent property owners purchasing the parcels. He added that properties can be pulled from the list later. He asked whether Council wanted the auction to be held in the morning or the evening.

Council decided the auction should be held at 6:00 p.m. for better attendance.

Motion was made by Council Member Lisa A. Ruggiero to amend the foregoing resolution. Motion was seconded by Council Member Sarah V.C. Pierce 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.

Resolution No. 11 - Approving License Agreement with Convalt Energy, Inc. for Sewall's Island, P.N. 4-12-201.100

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City of Watertown owns a portion of Sewall's Island that contains an unused hydro-electric site, and

WHEREAS Convalt Energy, Inc. is interested in acquiring approval to investigate the potential for the renovation of the hydro-electric facility, and

WHEREAS a License Agreement has been developed that gives Convalt the exclusive right to conduct studies of the hydro-electric plant on Tax Parcel Number 4-12-201.100,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the License Agreement with Convalt Energy, Inc., a copy of which is attached and made part of this resolution, and

BE IT FURTHER RESOLVED that Mayor Jeffrey M. Smith is hereby authorized and directed to execute the License Agreement on behalf of the City of Watertown.

Seconded by Council Member Sarah V.C. Pierce

Prior to the vote on the foregoing resolution, Council Member Hickey expressed concern that a competing company might show interest in the property and requested that Convalt provide ongoing periodic reports of their findings.

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

Resolution No. 12 - Approving License Agreement with Convalt Energy, Inc. for Sewall's Island, P.N. 4-12-103.100

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City of Watertown owns a portion of Sewall's Island that formerly contained a foundry, and

WHEREAS Convalt Energy, Inc. is interested in acquiring approval to investigate the potential for redevelopment, and

WHEREAS a License Agreement has been developed that gives Convalt the non-exclusive right to conduct studies of Tax Parcel Number 4-12-103.100 for commercial, retail and public purposes,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the ***amended** License Agreement with Convalt Energy, Inc., a copy of which is attached and made part of this resolution, and

BE IT FURTHER RESOLVED that Mayor Jeffrey M. Smith is hereby authorized and directed to execute the ***amended** License Agreement on behalf of the City of Watertown.

Seconded by Council Member Sarah V.C. Pierce

Prior to the vote on the foregoing resolution, Council Member Ruggiero expressed her concerns with the term “non-exclusive” and asked if the City had any rights to terminate this contract should they receive a better offer. She also questioned the small fee of \$10 a month that Convalt would pay for this privilege.

Mr. Mix explained that the contract did not tie up the land and explained the fee was just a nominal fee.

Attorney Slye clarified that this contract was not considered an “interest in real property.”

In response to Council Member Ruggiero’s question of why the City even needs this contract, Attorney Slye said this contract protects the City by requiring Convalt Energy to provide their own insurance and indemnification. He added that the City could offer this same contract to any other potential developers who showed interest.

Council Member Ruggiero asked what would happen if someone came along with a million dollars and wanted to buy the property while the City was under contract to Convalt. She suggested amending the resolution to address what would happen if such an offer appeared.

Attorney Slye admitted that he had not considered the possibility that someone would come forward with a million dollar offer in the next two years. He suggested adding a clause that if a bona fide offer was made that Convalt could have the option to match it.

Council Member Olney expressed his concerns of tying up the property with this particular company and questioned Mayor Smith’s involvement with the company.

Mayor Smith commented that this is the first developer to show any interest in this property which has sat vacant for forty years.

Council Member Olney suggested advertising the property.

Mayor Smith reminded Council that this is a company with local ties that is interested in developing an unused property.

Council Member Olney stated that it was his job to look after taxpayers’ interests.

In response to Council Member’s Olney question as to whether or not he wrote the agreement, Attorney Slye stated that he wrote the documents based on what was discussed at the meeting he attended.

Motion was made by Council Member Lisa A. Ruggiero to amend the contract attached to the foregoing resolution. Motion was seconded by Council Member Sarah V.C. Pierce 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 for Council Member Clifford G. Olney who voted nay.

Resolution No. 13 – Appointment of Commissioner of Deeds

Introduced by Council Member Lisa A. Ruggiero

WHEREAS Commissioner of Deeds in the cities of this state shall be appointed by the common councils of such cities, and

WHEREAS Commissioner of Deeds shall hold the term of two years, and

WHEREAS any person who resides in or maintains an office or other place of business in any such city and who resides in the county in which said city is situated shall be eligible to appointment,

NOW THEREFORE BE IT RESOLVED that the following individuals are hereby appointed Commissioner of Deeds for the term expiring December 31, 2022.

Non-City Employee

Olivia G. Patterson

Seconded by Council Member Sarah V.C. Pierce and carried with all voting yea.

ORDINANCES

Ordinance No. 1 - Changing the Approved Zoning Classification of 108 Flower Avenue East, Parcel Number 11-12-127.000 from Residence B to Neighborhood Business

Introduced by Council Member Lisa A. Ruggiero

BE IT ORDAINED where Stewart's Shops Corporation 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 108 Flower Avenue East, Parcel Number 11-12-127.000, from Residence B to Neighborhood Business, and

WHEREAS the Planning Board of the City of Watertown considered the zone change request at its October 5, 2021 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 March 21, 2022, 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 108 Flower Avenue East, Parcel Number 11-12-127.000 shall be changed from Residence B 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 Sarah V.C. Pierce

Motion was made by Council Member Lisa A. Ruggiero to schedule a Public Hearing on the foregoing ordinance for Monday, March 21, 2022 at 7:15 p.m. Motion was seconded by Council Member Sarah V.C. Pierce and carried with all voting in favor thereof.

OLD BUSINESS

Resolution - Approving License Agreement with Convalt Energy, Inc. for Sewall's Island
(Introduced on 2/22/2022; tabled; appears in its entirety in the 2022 Minutes Book on page 7 of the 2/22/2022 minutes).

Motion was made by Council Member Lisa A. Ruggiero to take the foregoing resolution from the table. Motion was seconded by Council Member Sarah V.C. Pierce and carried with all voting in favor thereof.

At the call of the chair, a vote was taken on the foregoing resolution and defeated with all voting nay except for Council Member Patrick J. Hickey and Council Member Clifford G. Olney III voting yea.

NEW BUSINESS

Recent Meetings and Upcoming Events

Council Member Hickey listed off some of the recent meetings and events he had attended including the Transportation Committee on February 24 and the Peyton Morse Memorial on February 25. He noted the Planning Board meeting had been cancelled on March 1 due to the lack of a quorum but mentioned it would be rescheduled. He mentioned upcoming events including the NYS Housing and Finance Zoom meeting on March 8, the Stop DWI meeting on March 9, virtual meetings for Advantage Watertown and NYS Office of Cannabis, both to be held on March 10 and the Friends of Thompson Park meeting on March 10. He also noted that March 10 is the last day the Ogdensburg Correctional Facility will be open. Lastly, he asked if the Irish flag would be raised for St. Patrick's Day.

Council Member Ruggiero added that the Alliance for Better Communities Meeting would be held on March 15 at 2:00 p.m. and the Active Shooter Seminar at JCC would be held from 9:00 a.m. to 1:00 p.m. on April 2. She added that she could get information about registration to the newspaper.

Snowmobilers Free Weekend

Council Member Hickey mentioned that this weekend was the last of these free weekends for the season, adding that the registration fee of around \$100 is waived for this event.

Raising the Ukrainian Flag

Council Member Hickey noted there was a flag raising event on March 5 to support the people of Ukraine and thanked members of Council, staff and the public for attending.

Council Member Pierce mentioned that there was a very nice crowd in attendance and thanked Brian Ashley for acquiring the flag.

Council Member Ruggiero added thanks to Brian Ashley for contacting her to suggest this flag raising event and noted that he had done great work in obtaining the last available Ukrainian flag from the Salmon Run Mall.

Solar Eclipse Committee

Council Member Hickey stated there would be a meeting of the Solar Eclipse Committee on March 9 in City Hall Chambers.

Council Member Pierce added that the meeting would be held at 3:00 p.m. and urged people to get involved, noting that other communities in the path of the eclipse were preparing now for the April 2024 event and the City should capitalize on the opportunity.

CitiBus Repairs

Council Member Hickey indicated it had been publicized that the CitiBus was running on a modified schedule due to some mechanical issues.

Fire Hydrants on Winslow Street

Council Member Hickey asked for an update on the fire hydrant issue that occurred recently on Winslow Street. He also requested an analysis be made of the size of the water mains and the flow of those hydrants.

Animals in Inclement Weather

Council Member Hickey requested an update on the issue, asking what could be done about animals who are left outside in inclement weather.

SAFER Grant Savings

Council Member Olney asked for information on what the City's savings would be over the three years of the SAFER Grant which covers the hiring of five new firemen and then also for the projected cost savings over the three subsequent years due to the decrease in overtime.

Mayor Smith requested a 10-year outlook on the SAFER grant savings.

City Hall Open-Door Policy

Council Member Olney informed Council of his intention to introduce a resolution to create an open-door policy in City Hall, which would permit any City employee or Department Head to speak to any member of Council at any time without fear of insubordination. He noted this stemmed from a directive to him that he was not permitted to speak to a Department Head due to a “chain of command” issue. He added that it is his understanding that it is his job to gather information in any way necessary to make decisions for the taxpayers of the City of Watertown. He further noted that he understood that it was not his position to direct any City employees since that was the job of the City Manager.

Council Member Ruggiero requested that Human Resources Manager Matthew Roy send a copy of the City of Watertown’s Employee Handbook to each Council Member since some of the Council Members do not have one. She suggested it would be useful for Council to understand the rules that City employees must follow and what is expected of them. She noted that the handbook may have been updated since her copy is two years old.

Mr. Mix indicated that the handbook is the same, but he would get each Council Member a copy.

Mayor Smith stated that the City of Watertown has always had an open-door policy and does not think that a resolution would change who the Department Heads report to since that is driven by the City Charter. He explained that the Charter says that all City employees, other than the City Manager and the City Clerk, work for the City Manager. He added that he does not ever remember being told by the City Manager that he could not speak to Department Heads.

Hydro Plan

Council Member Olney advised that he would be releasing his hydro plan very soon. He noted that he had plans to introduce a resolution to bring Steve Massaro to consult on this topic. He added that he intended to invite Mr. Massaro to the April work session on hydro. He mentioned he is interested to see what the City’s Hydro Committee has come up with as well.

Mayor Smith mentioned that Council had received an email from Mr. Massaro late this afternoon and asked Mr. Mix to get some background information about Mr. Massaro and his education, credentials and experience with FERC licensing. He commented the City’s next FERC licensing is in 2035 and the City usually starts working on it about five years prior to that.

Mayor Smith noted that former Mayor Joe Butler and Skip Trumble of the Hydro Committee were finalizing the numbers and he looked forward to seeing their plan at the April work session.

Adopt-A-Spot Park Adoption Program

Council Member Pierce handed out a draft of her Adopt-A-Spot program (on file in the City Clerk’s office) which identifies areas around the City that residents can choose to care for and improve to help beautify public spaces in the City of Watertown. She noted that anyone interested would eventually be able to register online and that she hoped to get the program off the ground by May. She informed Council that she modeled her plan after plans that existed in communities of a similar size to Watertown.

Council Member Ruggiero suggested a copy of the plan be handed out at the next Advantage Watertown meeting since some businesses and organizations might like to get involved.

Mrs. Horton's Comments During Privilege of the Floor

Council Member Ruggiero said that she took offense to comments Ms. Horton made suggesting her banner ads had been paid for by a third party. She stated that she paid for all her own advertising. She explained that she had called her longtime advertising representative who informed her how the banner ad could be acquired and then she contacted P.J. Simao, told him the dates she wanted to reserve and paid for the ads on those dates. She added that her campaign finance report can easily be checked online to verify this information. Council Member Ruggiero stated that she did not receive any campaign contribution from the developer in question. She suggested Ms. Horton attend to her own campaign report, which she said has not been filed and may still show an illegal campaign contribution.

Council Emails and Social Media Posts – Transparency/Removal of City Attorney

Mayor Smith expressed his concern regarding certain Council Members exchanging emails that excluded other Council Members. He noted that he only sees these emails because of a long-standing City policy to reply to all of Council when emailed by a member of Council. He commented that this seems contrary to the need for transparency in government, which was touted in the campaigns of those Council Members. He also mentioned that he received an email showing a social media post by a Council Member that suggested a plan was in place to “get rid” of the City Attorney. Mayor Smith advised that would be very unfair after City Attorney Slye’s multiple years of service, and he should be informed along with the rest of Council and the public of any plans to remove him.

City as an Internet Service Provider

Mayor Smith noted that he had heard that Council Member Olney had requested the City Manager to investigate having the City of Watertown be an internet service provider but added that it had not been discussed or advocated by Council. He added that if this plan were to go through, the City would be in direct competition with a number of local businesses. He stated that the usual procedure for a directive such as this would be to discuss it with the entire Council, decide by a majority vote and then direct it to City staff. He explained that a project such as this would be complicated by agreements already in place regarding poles and wires and rights of way.

DPW Street Repair

Mayor Smith complimented the Department of Public Works for their hard work in maintaining the City streets, recognizing that they are frequently criticized. He urged the public to contact DPW or a member of Council when they find a pothole. He added that he hears frequent complaints about Arsenal Street but noted that is maintained by New York State Department of Transportation and mentioned that he had seen trucks out over the weekend working on those problem areas.

Motion was made by Council Member Lisa A. Ruggiero to move into Executive Session to discuss proposed, pending or current litigation.

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

Council moved into Executive Session at 9:19 p.m.

Council reconvened at 10:21 p.m.

ADJOURNMENT

At the call of the chair, meeting was duly adjourned at 10:21 p.m. by motion of Council Member Lisa A. Ruggiero, seconded by Council Member Patrick J. Hickey and carried with all voting in favor thereof.

Lisa M. Carr

Deputy City Clerk