

**CITY COUNCIL MEETING
CITY OF WATERTOWN
November 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 Lisa A. Ruggiero
Mayor Jeffrey M. Smith

Not Present: Council Member Sarah V.C. Pierce

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

City staff present: Michael Lumbis, Michael Delaney

The City Manager presented the following reports to Council:

- Resolution No. 1 - Reappointment of Deputy City Constable, Robert D. Connell
- Resolution No. 2 - Reappointment of City Constable, Patrick T. Connell
- Resolution No. 3 - Reappointment to Board of Ethics, Stephen A. Jennings
- Resolution No. 4 - Reappointment to Board of Ethics, Cary J. Parker
- Resolution No. 5 - Reappointment to Board of Ethics, Yvonne F. Reff
- Resolution No. 6 - Reappointment to Board of Assessment Review, Benjamin E Grass
- Resolution No. 7 - Reappointment to the Roswell P. Flower Memorial Library Board of Trustees, Paul J. DiFabion
- Resolution No. 8 - Approving the Federal-Aid Local Project Agreement With NYSDOT for the Transportation Alternatives Program Funding for the Black River Trail Western Connection, PIN 780788 and Authorizing the Implementation, and Funding in the First Instance 100% of the Federal-Aid and State "Marchiselli" Program-Aid Eligible Costs, of a Transportation Federal-Aid Project, and Appropriating Funds Therefore
- Resolution No. 9 - Approving Federal and Marchiselli Supplemental Agreement #5 Contract No.D035666 Massey Street, Coffeen Street, & Court Street Bridge, PIN 775362
- Resolution No. 10 - Approving Online Auction Contract, Auctions International, Inc.
- Resolution No. 11 - Approving the Design Proposal for the Flynn Pool and Bathhouse Rehabilitation, C&S Companies
- Resolution No. 12 - Approving the Community Development Block Grant (CDBG) Sub-recipient Grant Agreement with Neighbors of Watertown, Inc. for the 2022 Homebuyer Program
- Resolution No. 13 - Approving the Community Development Block Grant (CDBG) Sub-recipient Grant Agreement with Neighbors of Watertown, Inc. for the 2022 Owner-Occupied Rehabilitation Program
- Resolution No. 14 - Approving Termination of Reverter for a Portion of Tax Parcel No. 7-04-101 Conveyed to JCIDA for the YMCA Aquatics Center
- Resolution No. 15 - Approving the Employment Agreement Between the City of Watertown and Kenneth A. Mix for the Position of City Manager

- Resolution No. 16 - Accepting Bid for Storm Sewer Outfall Bypass – Renzi Project Cunningham Excavation, Inc.
- Resolution No. 17 - Approving The Proposal for Construction Administration and Inspection Services of Storm Sewer Outfalls City Center Industrial Park – Renzi Lots, Aubertine and Currier
- Resolution No. 18 - Authorizing Intent to Apply to the Restore NY Communities Initiative Grant Program – 146 Arsenal Street
- Resolution No.19 - Approving Intent to Purchase Watertown Golf Club, Inc. Real Estate and Equipment Assets
- Sale of Surplus Hydro-electricity – September 2022
- Sales Tax Revenue – September 2022

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 October 17, 2022 was dispensed and accepted as written by motion of Council Member Lisa A. Ruggiero, seconded by Council Member Patrick J. Hickey and carried with all present voting in favor thereof.

COMMUNICATIONS

An email was received from P.J. Simao, 137 Main Avenue, regarding comments that Mayor Smith made to the media and the settlement proposal presented to the City by Mr. Lundy and Mr. Simao pertaining to the Watertown Golf Club in Thompson Park.

A letter was received from William Kimball, PhD, 253 Thompson Boulevard, in opposition to the City of Watertown purchasing the Watertown Golf Club.

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

A claim was received from Verizon, seeking reimbursement for damages to their phone lines caused by a City DPW truck on September 7, 2021.

A claim was received from Molly Jenkins, 323 Stone Street, seeking reimbursement for damages to her vehicle after being hit by a fallen City tree on October 13, 2022.

Above claims have been referred to the Board of Audit.

PRIVILEGE OF THE FLOOR

Robert Kimball, 927 Ives Street, spoke in opposition to the purchase of the Watertown Golf Club, stating the price is too high and he is not comfortable with the way it was presented.

Donald Rickett, 522 B2 Weldon Drive, indicated that he would like the vote on the purchase of the Watertown Golf Club to go through but expressed concern with it being attached to litigation. He asked if Council has looked at the amount of litigation in process in order to assign a value to it.

Leonard Spaziani, 271 Chestnut Street, former Council Member, spoke in support of the purchase of the Watertown Golf Club, stating that prior administration had kicked this issue down the road and now the Council has no choice but to put this to bed.

Jonathan Phillips, 735 Mill Street, spoke in opposition to the purchase of the Watertown Golf Club, stating the money should be spent on more Police Officers and homeless people using the Pavilion. He added that a part of the \$3.4 million could also go towards sidewalks.

Jason Traynor, 424 Arsenal Street, spoke in opposition to the purchase of the Watertown Golf Club, stressing that the money could go towards streets, sewer lines, water lines and other infrastructure. He added that he does not support rehabilitating the Flynn Pool on the north side, pointing out that the new pool design is too small.

Warren Allen, 1404 State Street, spoke in opposition to the purchase of the Watertown Golf Club, mentioning that only a few taxpayers play golf and questioning the review of the finances as profitable. He also indicated that housing already borders Thompson Park and if houses are developed on that property there could be a buffer of hedges.

Shannon Doney, 1324 Sherman Street, addressed the chair with her concerns regarding the denial of her flag raising request. She indicated that she had spoken to the City Manager's Office about this in August and just recently received a denial letter from the Mayor, listing the policy of current flags that are allowed to be raised in front of City Hall. She questioned this policy.

MaryEllen Blevins, 719 Washington Street, spoke in opposition to the purchase of the Watertown Golf Club, questioning the lack of financial records, appraisal and the use of Covid dollars for the purchase.

Nate Holloway, 522 Weldon Drive, spoke in support of the purchase of the Watertown Golf Club, stating this is a one-time opportunity to control the Park and stop all the litigation.

Joseph Butler, Jr., 335 Ten Eyck Street, former Mayor, spoke at length in opposition to the purchase of the Watertown Golf Club, stressing that this is not a one-time opportunity because it could have been purchased five years ago for \$600,000. He said that many people have stated to him that this looks suspicious because there has not been an appraisal or audit of the financial records and there is a question of the value of the assets and equipment that will be included. He addressed the lack of transparency and counter-argued the deed restriction to nine holes at Ives Hills Golf Club, the end of all lawsuits, and potential housing development on the land.

Scott Garrabrant, 140 Flower Avenue East, spoke in opposition to the purchase of the Watertown Golf Club, stating that he agreed with many of the speakers tonight and that spending this much for nine holes does not make sense. He suggested terminating the lease of the nine holes on the City's land and letting Mr. Lundy develop his housing because it will increase taxbase and letting Mr. Simao run an 18-hole golf course.

Ben Shoen, 1205 Academy Street, spoke of the condition of Watertown and the type of people that are being attracted to the City. He asked why Council is allowing squatters to damage City property, such as at the Butler Pavilion and the Black River Walkway. Regarding the purchase of the Watertown Golf Club, he expressed his opposition listing the many reasons why he is against it. He questioned the transparency of it and the intent, using words like “quid pro quo” and “extortion” and wondered if Council Member Olney should recuse himself since he is a close friend of Mr. Simao.

Jake Mazurek, 450 Harris Drive, spoke in opposition to the purchase of the Watertown Golf Club, noting that he purchased a house adjacent to Ives Hills Golf Course and he would like to see it opened. He also asked if the City has done a financial projection and suggested the option of the City giving Ives Hill Golf Club a tax break in order to stop the litigation.

Michael Wojcicki, 1111 Harrison Street, spoke in opposition to the purchase of the Watertown Golf Club, stating the City needs to do its due diligence and conduct a thorough assessment. He mentioned the notice of claim that had been received and read from the Charter regarding the City Clerk’s responsibility to put on file and make available to the public.

John Doldo, III, 439 Harris Drive, spoke in support of the purchase of the Watertown Golf Club, stating it is in the best interests of the City to acquire the land owned by Watertown Golf Club. He clarified that he is in support of acquiring the land but not the City running a golf course.

Bill Dermady, 118 Seymour Street, spoke in support of the purchase of the Watertown Golf Club, stating he agreed with Mr. Spaziani’s comments. He offered his support and his wife’s.

Randy Elie, 247 Elm Street, spoke in opposition to the purchase of the Watertown Golf Club, stating there is the appearance of impropriety and that he would rather have his taxes doubled to pay for litigation than have an increase in taxes to pay \$3.4 million for this deal.

Cody Horbacz, 1137 State Street, former Council Member, spoke in opposition to the purchase of the Watertown Golf Club, stating he was on Council during the last opportunity to purchase this land and, at that time, Council was criticized for the lack of transparency, so much so that it was termed “Golf Gate” and both Council Member Olney and Council Member Ruggiero ran their campaigns based on that. He remarked that there has not been transparency with this recent deal, stressing that this is open government and there is the lack of due diligence on the supporting members of Council’s part.

Debbie Dermady, 118 Seymour Street, spoke in support of the purchase of the Watertown Golf Club, stating the people do not understand the details of this agreement and they need to learn the facts. She added this will provide another place for families and children to enjoy. She also expressed her support for three pools within the City and the reopening of the Flynn Pool on the north side of the City.

Pete Souch, 715 Greensview Drive, spoke in support of the purchase of the Watertown Golf Club, mentioning that he does not know the full process. He said that \$3.4 million sounds like a lot of money, but they need to look at the big picture.

Neil Katzman, 193 Green Street, spoke in support of the purchase of the Watertown Golf Club, noting that the City needs sources of entertainment, and this will enhance the future of the City.

RESOLUTIONS

Resolution No. 1 - Reappointment of Deputy City Constable, Robert D. Connell

Introduced by Council Member Lisa A. Ruggiero

BE IT RESOLVED that the following individual is hereby reappointed as Deputy City Constable for the City of Watertown for a one-year term expiring on December 31, 2023:

Robert D. Connell
115 Fairmont Avenue
Watertown, New York 13601

Seconded by Council Member Patrick J. Hickey and carried with all present voting yea.

Resolution No. 2 - Reappointment of City Constable, Patrick T. Connell

Introduced by Council Member Lisa A. Ruggiero

BE IT RESOLVED that the following individual is hereby reappointed as City Constable for the City of Watertown for a one-year term expiring on December 31, 2023:

Patrick T. Connell
173 Bowers Avenue
Watertown, New York 13601

Seconded by Council Member Patrick J. Hickey and carried with all present voting yea.

Resolution No. 3 - Reappointment to Board of Ethics, Stephen A. Jennings

Introduced by Council Member Lisa A. Ruggiero

BE IT RESOLVED that the following individual is hereby reappointed to the Board of Ethics for a one-year term expiring on December 31, 2023:

Stephen A. Jennings
219 Green Street
Watertown, NY 13601

Seconded by Council Member Patrick J. Hickey and carried with all present voting yea.

Resolution No. 4 - Reappointment to Board of Ethics, Cary J. Parker

Introduced by Council Member Lisa A. Ruggiero

BE IT RESOLVED that the following individual is hereby reappointed to the Board of Ethics for a one-year term expiring on December 31, 2023:

Cary J. Parker
212 North Orchard Street
Watertown, New York 13601

Seconded by Council Member Patrick J. Hickey and carried with all present voting yea.

Resolution No. 5 - Reappointment to Board of Ethics, Yvonne F. Reff

Introduced by Council Member Lisa A. Ruggiero

BE IT RESOLVED that the following individual is hereby reappointed to the Board of Ethics for a one-year term expiring on December 31, 2023:

Yvonne F. Reff
621 Frontenac Street
Watertown, New York 13601

Seconded by Council Member Patrick J. Hickey and carried with all present voting yea.

Resolution No. 6 - Reappointment to Board of Assessment Review, Benjamin E Grass

Introduced by Council Member Lisa A. Ruggiero

BE IT RESOLVED that the following individual is hereby reappointed to the Board of Assessment Review for a five-year term expiring on September 30, 2027:

Benjamin E. Grass
168 Ward Street
Watertown, New York 13601

Seconded by Council Member Patrick J. Hickey and carried with all present voting yea.

Resolution No. 7 - Reappointment to the Roswell P. Flower Memorial Library Board of Trustees, Paul J. DiFabion

Introduced by Council Member Lisa A. Ruggiero

BE IT RESOLVED that the City Council of the City of Watertown, New York, hereby appoints to the Roswell P. Flower Memorial Library Board of Trustees, to an 11-year term, which term expires December 31, 2033:

Paul J. DiFabion
328 Bugbee Drive
Watertown, NY 13601

Seconded by Council Member Patrick J. Hickey and carried with all present voting yea.

Resolution No. 8 - Approving the Federal-Aid Local Project Agreement With NYSDOT for the Transportation Alternatives Program Funding for the Black River Trail Western Connection, PIN 780788 and Authorizing the Implementation, and Funding in the First Instance 100% of the Federal-Aid and State "Marchiselli" Program-Aid Eligible Costs, of a Transportation Federal-Aid Project, and Appropriating Funds Therefore

Introduced by Council Member Lisa A. Ruggiero

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

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

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

BE IT FURTHER RESOLVED that the sum of \$200,000 is hereby appropriated including \$40,000 from the Black River Trust Fund and made available to cover the cost of participation in the above phase of the Project, and

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

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

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

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

Seconded by Council Member Patrick J. Hickey and carried with all present voting yea.

Resolution No. 9 - Approving Federal and Marchiselli Supplemental Agreement #5 Contract No.D035666 Massey Street, Coffeen Street, & Court Street Bridge, PIN 775362

Introduced by Council Member Lisa A. Ruggiero

WHEREAS a project for the reconstruction of Massey Street, Coffeen Street & Court St. Bridge, PIN 7755362, (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the cost of such program to be borne at the ratio of eligible costs at 80% federal funds and 20% non-federal funds, and

WHEREAS the City of Watertown desires to advance the Project by making a commitment of 100% of the federal and non-federal share of the costs of the Design, Right-of-Way Incidentals and Right-of-Way Acquisition and Construction in the amount of \$6,832,079, and

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, Right-of-Way Incidentals, Right of Way Acquisition and Construction, and

BE IT FURTHER RESOLVED that the sum of \$6,129,079 is hereby appropriated from the existing Bond and made available to cover the cost of participation in the construction 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 associated with the phase of the projects listed above in the amount of \$6,129,079 from the Bond, and

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

BE IT FURTHER RESOLVED that the City Manager of the City of Watertown, Kenneth Mix, is hereby authorized and directed to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and Marchiselli Aid on behalf of the City of Watertown with the New York State Department of Transportation in connection with the advancement or approval of the project and providing for the administration of the project and the municipality's first instance funding of project costs and permanent funding 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 this Resolution shall take effect immediately.
Seconded by Council Member Patrick J. Hickey and carried with all present voting yea.

Resolution No. 10 - Approving Online Auction Contract, Auctions International, Inc.

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City of Watertown has successfully used the services of Auctions International, Inc. over the past ten years for various City Departments, and

WHEREAS it is the City's desire to get the best price possible for vehicles and/or equipment it deems surplus or excess, and

WHEREAS the Purchasing Manager, Tina Bartlett-Bearup, has contacted Auctions International, Inc., which conducts online auctions of vehicles and equipment, and

WHEREAS there is no cost to the City, as the buyer pays a fee charged by Auctions International, Inc.,

NOW THEREFORE BE IT RESOLVED by the City Council that it hereby approves the Online Auction Contract with Auctions International, Inc. a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that if the highest bid does not meet the City's estimated scrap value, no sale will take place, without prior approval of the City Council, and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute the Contract and accept the highest offer at the time of sale above the City's estimated scrap values, on behalf of the City.

Seconded by Council Member Patrick J. Hickey and carried with all present voting yea.

Resolution No. 11 - Approving the Design Proposal for the Flynn Pool and Bathhouse Rehabilitation, C&S Companies

Introduced by Council Member Lisa A. Ruggiero

WHEREAS on February 1, 2022, the City of Watertown requested a proposal from C&S Companies regarding an evaluation and feasibility study on the Flynn Pool and Bathhouse, and

WHEREAS C&S would evaluate Flynn Pool and determine a probable cost opinion for the two alternatives the City of Watertown would consider for the Flynn Pool and Bathhouse,

WHEREAS on February 22, 2022, the City Council of the City of Watertown approved the Professional Service Agreement from C&S Companies,

WHEREAS C&S Companies completed their evaluation and submitted their report along with an outside estimator's calculations for the two alternatives, and presented it at the City Council Work Session on July 11, 2022, and,

WHEREAS the City Council requested additional services from C&S Companies to determine approximate costs for other pool shapes and bathhouse construction, and

WHEREAS C&S Companies completed their updated study for the Flynn Pool and Bathhouse Rehabilitation and presented it to the City Council at the meeting on October 17, 2022, and,

WHEREAS the City Council determined that C&S Companies would proceed with design services for the Flynn Pool and Bathhouse Rehabilitation, and,

WHEREAS C&S Companies has submitted a proposal for design services at a cost of \$287,400.00, and,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves the design proposal from C&S Companies in the amount of \$287,400.00 for design services, a copy of which is attached and made part of this Resolution, and

BE IT FURTHER RESOLVED that City Manager Kenneth A. Mix is hereby authorized and directed to execute the Council's decision on behalf of the City of Watertown.

Seconded by Council Member Patrick J. Hickey

Prior to the vote on the foregoing resolution, Council Member Olney mentioned that the staff report lists \$13,850 for preliminary engineering and \$4,300 for preliminary engineering update and he questioned what this pertained to.

Mr. Mix indicated that this was for the work that C & S has already done.

Mayor Smith noted that the cost of the project has now gone up to \$3.5 million due to the soft costs being added into it. Stating his position on this is well-known, he expressed his opposition, stating the City already has two pools with ongoing operational costs.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all present voting yea except Mayor Jeffrey M. Smith voting nay.

Resolution No. 12 - Approving the Community Development Block Grant (CDBG) Sub-recipient Grant Agreement with Neighbors of Watertown, Inc. for the 2022 Homebuyer Program

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City of Watertown's Community Development Block Grant (CDBG) Annual Action Plan for Program Year 2022 includes funding for the purchase and rehabilitation of approximately seven (7) housing units to income eligible homebuyers within the City of Watertown, and

WHEREAS the Annual Action Plan identifies the Homebuyer Program to be \$196,000 in funding for the purchase, rehabilitation, administration, and program delivery, and

WHEREAS Neighbors of Watertown, Inc. will serve as the Sub-Recipient of the funds for program administration, and

WHEREAS a Sub-Recipient Agreement between the City of Watertown and Neighbors of Watertown, Inc. for the CDBG funds has been prepared,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it hereby approves the Sub-Recipient Agreement with the Neighbors of Watertown, Inc. for the 2022 Homebuyer Program, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager, Kenneth A. Mix, is hereby authorized and directed to sign the Sub-Recipient Agreement on behalf of the City Council for the 2022 Homebuyer Program.

Seconded by Council Member Patrick J. Hickey and carried with all present voting yea.

Resolution No. 13 - Approving the Community Development Block Grant (CDBG) Sub-recipient Grant Agreement with Neighbors of Watertown, Inc. for the 2022 Owner-Occupied Rehabilitation Program

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City of Watertown's Community Development Block Grant (CDBG) Annual Action Plan for Program Year 2022 includes the rehabilitation of approximately seven (7) substandard housing units within the City of Watertown, and

WHEREAS the Annual Action Plan identifies the Owner-Occupied Rehabilitation activity to be \$196,000 in funding for rehabilitation, administration, and program delivery, and

WHEREAS Neighbors of Watertown, Inc. will serve as the Sub-Recipient of the funds for program administration, and

WHEREAS a Sub-Recipient Agreement between the City of Watertown and Neighbors of Watertown, Inc. for the CDBG funds has been prepared,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it hereby approves the Sub-Recipient Agreement for program administration with the Neighbors of Watertown for the 2022 Owner Occupied Rehabilitation Program, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager, Kenneth A. Mix, is hereby authorized and directed to sign the Sub-Recipient Agreement and all contracts associated with implementing the award to Neighbors of Watertown, Inc. for the 2022 Owner-Occupied Rehabilitation Program.

Seconded by Council Member Patrick J. Hickey and carried with all present voting yea.

Resolution No. 14 - Approving Termination of Reverter for a Portion of Tax Parcel No. 7-04-101 Conveyed to JCIDA for the YMCA Aquatics Center

Introduced by Council Member Lisa A. Ruggiero

WHEREAS a 75' x 135' portion of Tax Parcel No. 7-04-101 was conveyed by the City of Watertown to Jefferson County Industrial Development Agency for the YMCA Aquatics Center with the right of reversion to the City if the project is not built, and

WHEREAS the permanent financing lender has requested that the reverter clause be subordinated to their loan or terminated, and

WHEREAS the reverter clause is no longer necessary, because the project is under construction, and

WHEREAS a "Termination of Reverter" has been drafted for filing in the County Clerk's Office,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, hereby approves the "Termination of Reverter", a copy of which is attached and made part of this resolution, and

BE IT FURTHER RESOLVED that Mayor Jeffrey M. Smith is authorized and directed to sign the "Termination of Reverter" on behalf of the City of Watertown.

Seconded by Council Member Patrick J. Hickey

Prior to the vote on the foregoing resolution, Attorney Slye clarified for Council Member Hickey that this is for the property that was needed for the larger pool.

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

Resolution No. 15 - Approving the Employment Agreement Between the City of Watertown and Kenneth A. Mix for the Position of City Manager

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City Council desires to continue employing Kenneth A. Mix as City Manager, and

WHEREAS an employment agreement for the term from January 1, 2023 to December 31, 2024 has been drafted,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the agreement between Kenneth A. Mix and the City of Watertown, a copy of which is attached and made part of this resolution.

Seconded by Council Member Patrick J. Hickey

Prior to the vote on the foregoing resolution, Council Member Olney asked who worked on the language of this contract.

Attorney Slye replied that he received direction from the Mayor.

Council Member Olney questioned the wording of Section 13.

Council Member Ruggiero also questioned this section, in particular the mention of “majority of City Council in open session.” She said this sounds like no decisions can be made unless it is in open session, mentioning that sometimes the City Manager will send out an email asking if there is support for a certain action or activity.

Mr. Mix commented that he does not have a problem with not doing everything in open session, noting that it would depend on how big the decision is. He offered a recent example of authorizing Operation Greenlight on the Public Square in which he solicited Council’s support through an email.

Mayor Smith explained the intent of this section is to clarify that only the majority of Council can give direction to the City Manager. He also summarized the other changes to the contract and thanked Mr. Mix for continuing to serve in this position.

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

Resolution No. 16 - Accepting Bid for Storm Sewer Outfall Bypass – Renzi Project Cunningham Excavation, Inc.

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City desires to construct storm sewer outfall bypasses through an active project site for the northern and southern storm sewer outfalls. The storm sewer outfall bypass project passes through 901 Rail Drive (Renzi's Foodservice construction site), and

WHEREAS the Purchasing Department advertised and received one (1) sealed bid for the Storm Sewer Outfall Bypass - Renzi Project, and

WHEREAS on Monday, October 31, 2022, at 2:00 p.m. the bids received were publicly opened and read, and

WHEREAS Purchasing Manager, Tina Bartlett-Bearup reviewed the bids received with the Engineering Department and in consultation with Aubertine & Currier and it is their recommendation that the City Council accept the lowest responsive responsible bid submitted by Cunningham Excavation, Inc., and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby accepts the bid received from Cunningham Excavation, Inc. in the amount of \$168,777, and

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

Seconded by Council Member Patrick J. Hickey and carried with all present voting yea.

Resolution No. 17 - Approving The Proposal for Construction Administration and Inspection Services of Storm Sewer Outfalls City Center Industrial Park – Renzi Lots, Aubertine and Currier

Introduced by Council Member Lisa A. Ruggiero

WHEREAS on June 22, 2022, the City of Watertown received a proposal from Aubertine and Currier regarding Civil Engineering, Design Services and Surveying Services associated with the construction and upgrades to two Storm Sewer Outfalls across the Renzi lots within the City Center Industrial Park, including improvements to a 900 ft. long segment located north of the Renzi Building, and a 620 ft. segment to the south of the building, and

WHEREAS the City Council approved this proposal on September 06, 2022, and

WHEREAS on October 31, 2022, the City of Watertown received a proposal from Aubertine and Currier regarding Construction Administration and Inspection Services associated with the construction and upgrades to two Storm Sewer Outfalls across the Renzi Lots within the City Center Industrial Park, including their overall Project Overview and Scope of Services, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the proposal from Aubertine and Currier in the amount of \$11,870.00 for professional services, a copy of which is attached and made part of this Resolution, and

BE IT FURTHER RESOLVED that City Manager Kenneth A. Mix is hereby authorized and directed to execute Professional Service Agreement on behalf of the City of Watertown.

Seconded by Council Member Patrick J. Hickey and carried with all present voting yea.

Resolution No. 18 - Authorizing Intent to Apply to the Restore NY Communities Initiative Grant Program – 146 Arsenal Street

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City of Watertown is eligible for grant funding under Round 7 of the Restore NY Community Initiative Grant Program, and

WHEREAS the Empire State Development Corporation (ESDC) must be notified of the City's Intent to Apply by November 30, 2022, and

WHEREAS the YMCA, as the sponsor of a redevelopment project for 146 Arsenal Street, has indicated an interest in applying for Restore NY funds,

NOW THEREFORE BE IT RESOLVED that the City Manager is authorized to submit an Intent to Apply form for Round 7 of the Restore NY Community Initiative Grant Program for 146 Arsenal Street for the Downtown YMCA Community Center Project.

Seconded by Council Member Patrick J. Hickey and carried with all present voting yea.

Resolution No. 19 - Approving Intent to Purchase Watertown Golf Club, Inc. Real Estate and Equipment Assets

Introduced by Council Member Lisa A. Ruggiero

WHEREAS Watertown Golf Club, Inc. has offered to sell its real estate and equipment assets, along with other assurances to the City of Watertown, and

WHEREAS the City Council of the City of Watertown feels that the land will be a valuable addition to John C. Thompson Park and that operating the golf course as municipal course will ensure that it continues as a recreational asset within the city,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown intends to purchase the assets of Watertown Golf Club, Inc. including the real estate and equipment for \$3.4 million contingent on an acceptable purchase agreement being drafted and necessary information on operating the course being provided, and

BE IT FURTHER RESOLVED that the City Manager is hereby directed to work with Watertown Golf Club, Inc. to develop a satisfactory purchase agreement and obtain the necessary information on operating the course.

Seconded by Council Member Patrick J. Hickey

Prior to the vote on the foregoing resolution, Council Member Ruggiero stated there are a lot of comments about lack of due diligence, but Mr. Mix is doing the due diligence now.

Mr. Mix explained that staff is looking into options for running a golf course and has spoken to other municipalities which have golf courses. He added there is still a lot of due diligence that must be done in terms of a purchase agreement and the details of the equipment and assets involved.

Council Member Ruggiero pointed out that the resolution approves the intent to purchase the Watertown Golf Club but stressed that it is contingent on an acceptable purchase agreement. Stating she feels they have been doing their due diligence prior to the decision being announced at the last Council meeting, Council Member Ruggiero noted the first meeting about this, which was attended by the City Manager, the City Attorney, Mr. Lundy, Mr. Simao, their attorneys and herself, was at the end of August and since there have since been two executive sessions to discuss it further. She asked the City Attorney to explain the notice of claim that was received.

Attorney Slye offered further explanation of the past lawsuits which the City defended and won, and how that same defense would apply to the recently received notice of intent on the other side of the issue. He stressed that the notice of intent was not put into suit yet and so he is not sure if it constitutes a mature claim or liquidated claim.

Council Member Ruggiero addressed the accusation that this agreement is being settled due to threats or blackmail and said she is here to do her job and make the best decisions for the City. Speaking about the cost of litigation, she said there is the potential for litigation that could come in the future. She explained that, at the meeting in August, they were given two options: one was for the City to purchase the land and possibly run the golf course and one was that Mr. Simao would purchase the Watertown Golf Club and close it, with the possibility of developing housing in its location. She added that if the City chooses not to do this, there is also the possibility that Ives Hill Golf Course would not open and she feels that would bring forward potential litigation. She noted there have been many FOIL requests for information.

In response to Council Member Ruggiero's inquiry, Mr. Mix provided the history of this parcel of land and how it did not end up in the ownership of Mr. Thompson and the original plans of the Park.

Regarding the need for an appraisal, Council Member Ruggiero stated that the original meeting with the developers was for a proposal for a settlement. In terms of settling litigation and past subsidies, she noted that, in 2006, Mayor Smith was in favor of selling the City-owned nine holes to the Watertown Golf Club. Council Member Ruggiero went on to defend her decision regarding the purchase in terms of the other arguments made against it, and she discussed the vision of the Park and its future, the importance of providing recreational activities and how obtaining this land fits into the master plan for Thompson Park.

Council Member Hickey indicated that he looks at this strictly as a land purchase and the golf course is secondary, contingent on whether the City can run it profitably. He said obtaining this land allows Watertown to control development and increase parkland, which are both positive. He noted that the value of the land is much greater than it was six years ago, and it allows the City to expand its master plan for Thompson Park. He said the purchase value is a once in a lifetime correction which will allow Thompson Park to unify this land back into parkland. He stressed the improvement to the irrigation, equipment and clubhouse have a value in addition to the value of the land. He said it fixes decades of mismanagement and executed conflict of interest contracts that the City had with interested parties. He agreed it is an overpriced land purchase but, without this purchase, the City would continue to maintain

contracts that favor one golf club owner over another. He read an excerpt from a book about the history of the gift of the Park to the City, summarizing its original intent. He said he is fully supportive of having a third-party appraisal and receiving audited financials with taxes returns in order to show the public.

Council Member Olney addressed the comments from the Privilege of the Floor, countering all the points made against the purchase. He said the people opposed do not have all the information on this situation, noting that he has the most knowledge of it second to Mr. Simao. He spoke of the unfairness of the previous lease agreements with the City and discussed his responsibilities as a member of Council. He remarked that the land purchase allows the City to control what will happen with the Park in conjunction with the master plan that is being developed by Starr Whitehouse. He noted that this was a settlement agreement, so he was unable to speak publicly about it at first and stressed there is a value to each component of the deal. He said he sees this as a legacy investment in City resources for future generations. Council Member Olney explained he ran for Council because he saw what was being done by a few for special interest groups and he wants the investments in the City to benefit all. Regarding the price, he agreed it is a little high, but the alternative would be that both golf courses would close and there will be housing developed in the Park. He discussed the ARPA funds and their use as it applies to this purchase. He went on to question Mayor Smith's involvement in the previous deals with the Watertown Golf Club.

Mayor Smith mentioned that the purchase of 65 acres of land, which is private property, has been referred to tonight as two different things: land purchase and settlement agreement. Regarding a settlement agreement, he said it is difficult to settle a lawsuit when there are no active lawsuits. He asked Attorney Slye if it is possible to settle a lawsuit that is nonexistent and not filed.

Attorney Slye clarified that he has not heard that the City would be settling lawsuits, but that they would be settling claims or potential claims. Explaining there are two types of due diligence, he said there is the due diligence that Council should be doing and there is the due diligence that he must do as the City's attorney. He explained that he must make sure what the City pays money for is something that it can legally pay money for, noting that there are some things that the City cannot pay money for. He further explained that if there is an active claim out there that justifies paying money, then it is called a liquidated claim and therefore, it has risen to the level that it means something. He provided the example of a recent incident in which a City tree fell on a person's vehicle as a claim, which then can be paid. Referring to the potential for claims, he wondered how that has matured into something that is real and which can be paid. Regarding the interest to develop this land into single-family homes, Attorney Slye noted that the developer has not made any actions to obtain subdivision approval, site plan approval for development, or NYS Dept of State approval for sewer and water lines to cross parkland to access the property, so therefore there is nothing that qualifies this currently to be a liquidated claim. He said he has not heard this level of engagement for the development of this property that would justify the settlement of claim. He noted if it cannot be shown that there is that sort of development of a claim to where it has matured to a liquidation claim, then paying money for it is an unconstitutional gift. He reiterated that Council has to do its own due diligence in regard to whether they want to purchase the land, which is not his concern, but Council must prove to him that this is a real claim if they are going to pay money to settle a claim. He offered further explanation, noting that it is still zoned Residential A and the developer could start the process to build houses tomorrow. Lastly, he suggested that paying someone for not doing that when they have not liquidated their claim seems to be outside of the scope of what he is authorized to allow Council to do.

Referring back to his due diligence, Attorney Slye said he is working with Mr. Lundy's attorney to make sure the City gets a list of assets and equipment with serial numbers, and that they receive abstracts of title to the land. He noted this abstract should already have the release of the right to have a nine-hole course at Ives Hill Golf Club because Mr. Lundy should be obtaining that from Mr. Simao first. He also said the surveys of the property should be certified to the City of Watertown and stressed that this would all be required of any commercial closing going through a bank loan.

Mayor Smith further expressed opposition to the deal, reiterating that there are no claims to settle and questioning why the City is purchasing assets without an appraisal. He pointed out that there was an appraisal from a few years ago that the property was worth \$600,000. He expressed concerns with not having a list of the equipment to be purchased and wondered how you then assign a value to that. He added that they have not provided tax returns and there is no estimate of the repairs needed to the clubhouse, stressing that no bank would approve a loan without some of this information and documents. Turning to operating costs, he expressed concerns that this money will have to come from the taxpayers going forward. He argued that this is not once in a lifetime because the City had an offer to buy this property a few years ago and disputed the statements made by Council Member Ruggiero regarding the Mayor being interested in selling the City's nine holes to the Watertown Golf Course in 2006. He then went on to point out prior campaign messages of Council Members in regard to support for housing developments on the land owned by Mr. Lundy.

Further debate ensued among Council Member Olney, Council Member Ruggiero and the Mayor all presenting their reasons for supporting their position on this.

Council Member Hickey interrupted to point out that the resolution is only approving the intent to purchase this and that it is still contingent on an unacceptable agreement being drafted and necessary information being provided.

More discussion occurred until a vote was asked for by Council Member Hickey.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all present voting yea except Mayor Jeffrey M. Smith voting nay.

STAFF REPORTS

Sales Tax Revenue – September 2022

A report was available for Council to review.

Sale of Surplus Hydro-electricity – September 2022

A report was available for Council to review.

NEW BUSINESS

Recent Meetings and Upcoming Events

Council Member Hickey listed the meetings/events he had recently attended including: Chick-Fil-A Open House, Take Back the Night Domestic Violence Awareness at JCC, Thompson Park Harvest Festival and meeting with Starr Whitehouse Consultants, City Planning Commission discussion of proposed Taco Bell, Local Waterfront Revitalization Program, Fort Drum Regional Liaison Organization and ACR Open House at their new Court Street location.

Council Member Hickey went on to list the events that were upcoming and they include: Election Day and Youth in Crisis Summit on November 8; DEC seminar on protecting waterways and the Watertown Fire Department awards ceremony on November 9; Open House for Transitional Living Services of NNY on November 10; Washington Street Stewart's opening, Alliance for Better Communities meeting and American Association of University Women meeting on November 15; two 4-County-wide Bus System community input sessions on November 16; Eclipse meeting on November 17; Elks Lodge yearly Harvest Dinner on November 20, and the 20 under 40 Awards Dinner on December 8.

Recent Drug Activity and Arrest

Council Member Hickey reported that a 38-year-old City resident had recently been arrested in possession of 7,000 doses of suspected Fentanyl. He noted that he had received an email from Congresswoman Elise Stefanik concerning illicit Fentanyl entering the United States and expressing her support of the Stop Our Scourge Act of 2022, which categorizes Fentanyl as a weapon of mass destruction.

National Diabetes Month and Awareness Day

Council Member Hickey informed Council that November is National Diabetes Month and November 14 is National Diabetes Awareness Day.

ACR Health Open House

Council Member Hickey explained that at the Open House, he learned of the various services provided by the ACR Organization. They are the following: care management services, support services, HIV and STD testing, prevention services, drug users health, syringe exchange program, youth center – Q Center and health insurance.

Seasonal On-Street Parking and Snow Removal

Council Member Hickey made a public service announcement noting there is no on-street parking in the City of Watertown between 2 a.m. and 6 a.m. from November 1 through April 30. He also reminded residents that during the upcoming snow season they must work to keep sidewalks and hydrants cleared of snow for the safety of everyone.

Council Member Olney added later in the meeting that he had received a complaint from a resident that the City is not enforcing the on-street parking rule, but he noted that it has not been an issue yet due to the lack of snow.

Children's Home of Jefferson County (CHJC)

Council Member Hickey advised that the CHJC had received a community impact grant through the United Way to fund the pro-social peer lounge at the SoZo Teen Center on Polk Street.

City Property Purchase

Council Member Olney informed Council and the City Manager that he had received two emails from residents inquiring about purchasing parcels adjacent to their properties.

City Priorities and Issues with Homelessness and Squatting

Council Member Olney noted that one of the biggest arguments he has heard against the purchase of the golf course is that it should not be a priority when there is a huge problem with homelessness. He indicated he had heard comments that the Joseph M. Butler Pavilion was disgusting and despicable. He agreed, noting he had made the same argument against building a skateboard park. Council Member Olney said the County closed the Hotis Motel down in a cold month like November rather than during the summer months when residents could have been relocated to a tent. He discussed a recent story a landlord told him about a person breaking into his property and illegally occupying an apartment there. He noted that he is mindful of homelessness and pointed out some places that can offer shelter. He further indicated that he feels bad for some of these people, but some are just there to cause trouble. Council Member Olney mentioned he stopped by to talk to some of the squatters in the pavilion and described some of them as “looped” and unable to utter a coherent sentence. He commented that he thinks it is the City’s responsibility to help the County come up with a plan to deal with the homeless problem and help those who want to be helped.

Bail Reform

Council Member Olney referred back to the arrest of the person carrying 7,000 packets of Fentanyl, complaining that the perpetrator had been released on his own recognizance that night. He expressed dismay with the Justice system that allows this to happen. He stated he had read the Bail Reform law and noted it does not say to release everybody. He questioned local judges’ decision making.

Chick-Fil-A Open House

Council Member Ruggiero noted she had taken the opportunity to talk to the owner of the restaurant, which had hired over 100 employees, and inquired how the hiring process had gone for him. She noted the company had interviewed over 1000 people for the 120 jobs they filled and mentioned that jobs there started at \$15 per hour and offered benefits, all of which impressed her.

Homelessness and the Butler Pavilion

Council Member Ruggiero mentioned that the Transitional Living Housing at 518 Pine Street will be opening soon and could possibly offer some solutions for homeless people. Regarding the Butler Pavilion, she likes the idea suggested during Privilege of the Floor to set hours for it to be open and closed, and she asked for the process to do that.

Mr. Mix explained that setting hours for open and closed would allow the Police to charge people with trespassing if they stay there overnight. He said this would have to be done through an ordinance.

Council Member Ruggiero, Council Member Olney and Council Member Hickey offered support for this.

Council Member Olney suggested adding surveillance cameras as well.

Council Member Ruggiero also said that the people staying at the Pavilion should seek assistance from the Salvation Army.

Later in the meeting, Mayor Smith stressed that the person who set up a tent at the Pavilion should be removed. Regarding homelessness, he advised that this is a function of the County and that people need to speak to the County legislators that represent the City of Watertown to push for homelessness to be addressed.

Friends of Thompson Park Meeting

Council Member Ruggiero mentioned the recent meeting and said there was good discussion and many members were supportive of the City buying the Watertown Golf Club.

Vacant Position in the City's Workforce

Council Member Ruggiero mentioned a recent article in the Watertown Daily Times and asked for an update on the current vacancies.

Mr. Mix provided an update on the positions that are open within several departments, saying it varies and changes every day. He said that some positions have been easy to fill, but some departments, such as the Police Department, has had difficulty filling their vacant positions. He further explained that the Police Officers must be hired first before they can be entered into a Police Academy, and there seems to be a trend with other law enforcement agencies having difficulty filling positions.

Green Waste Pickup on Hold

In response to Council Member Hickey's inquiry of today's announcement, Mr. Mix explained that this is temporary and that two recycling trucks need repairs, so they are using the green waste vehicle to pick up the recycling.

Flag Raising Request – Ms. Doney's Comments from Privilege of the Floor

Council Member Ruggiero mentioned that a request to raise a flag was denied by the Mayor recently and she said she thought this was the reason why the City put up a third flagpole. Mentioning there were questions over whether there was a policy, she suggested that one be formalized.

Mayor Smith explained that he had spoken to prior Mayors, and they all agreed with the policy that Mayor Smith had listed in the denial letter regarding the flags that had been approved in the past. He indicated that requests go through the Mayor's Office, and he was just following what has always been done in the past. He mentioned a recent court ruling in Massachusetts regarding a denial of a flag and said the best practice is to not pick and choose which flags might be offensive or controversial to one person but not to another. He warned that this will set a precedent, which could increase the number of flag requests and asked what the City would do if they received a request for a flag raising for something that would definitely be controversial, such the KKK flag.

A lengthy back and forth occurred between the Mayor, members of Council and Ms. Doney. Attorney Slye was asked to render his opinion and he compared it to a situation that occurred in the past when the Wiccans tried to set something up near the creche scene on Public Square and his winning defense could be applied to the City's flagpole. He suggested Council take time to think about this before changing a policy.

Resolution Request – Purchase of Watertown Golf Club

Mayor Smith asked that a resolution be prepared for the next Council meeting asking that a third-party appraisal be done on the 65 acres of land and equipment of the Watertown Golf Club. He also asked that a resolution requiring the IRS tax returns be required.

Council Member Hickey said he would support this request as well.

Tax Certificate Sale Auction

Mentioning that Council Member Olney relayed that an abutting property owner wants to buy a property, Mayor Smith suggested that an auction be scheduled for any city-owned property and tax sale certificate. He also explained that the unwritten policy had been to offer it to an abutting property owner first prior to auction.

Bail Reform

Since Council Member Olney questioned some of the local judges' decisions, Mayor Smith suggested contacting the NYS Office of Court Administration to determine whether the judge's decision was appropriate.

Motion was made by Council Member Lisa A. Ruggiero to move into Executive Session to discuss collective bargaining.

Motion was seconded by Council Member Patrick J. Hickey and carried with all voting in favor thereof.

Council moved into Executive Session at 10:39 p.m.

Council reconvened at 11:15 p.m.

A D J O U R N M E N T

At the call of the chair, meeting was duly adjourned at 11:15 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.

Ann M. Saunders

City Clerk