

**CITY COUNCIL MEETING
CITY OF WATERTOWN
December 5, 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: Matthew Timerman, Michael Kellogg, Michael Lumbis, Michael Delaney

The City Manager presented the following reports to Council:

- Resolution No. 1 - Accepting Bid for Contracted Hauling Services T.J. Clement Construction Company Inc.
- Resolution No. 2 - Establishing 2023 County Tax Rate
- Resolution No. 3 - Appointment of Commissioner of Deeds
- Resolution No. 4 - Readopting Fiscal Year 2022-23 General Fund Budget – Used Fire Ladder Truck
- Resolution No. 5 - Accepting Purchase Offer for a 2000 Pierce SkyArm Ladder Truck from City of Geneva
- Resolution No. 6 - Authorizing the City Manager to Enter into an Environmental Easement for the Brownfield Cleanup Project at Ogilvie Foods, 148 Pleasant Street North, PIN 6-15-119.000
- Resolution No. 7 - Approving the Memorandum of Understanding Between the City of Watertown and CNY Fair Housing to Administer a Fair Housing Education and Enforcement Program
- Resolution No. 8 - Finding That Changing the Approved Zoning Classification of the Rear Portions of 528 and 540 State Street, Parcel Numbers 12-03-127.000 and 12-03-128.000 from Residence C to Commercial and Approving the Site Plan for the Construction of a Taco Bell Restaurant at 514, 528 and 540 State Street Will Not Have a Significant Impact on the Environment
- Resolution No. 9 - Nominating Stanley Zaremba to the Community Action Planning Council of Jefferson County
- Resolution No. 10 - Authorizing Public Sale of City Owned Tax Sale Certificate
- Resolution No. 11 - Approving the 2022-2024 Collective Bargaining Agreement Between the City of Watertown and the Local CSEA Unit 7151-00
- Public Hearing - Ordinance Changing the Approved Zoning Classification Of the Rear Portion of 528 and 540 State Street, Parcel Numbers 12-03-127.000 and 12-03-128.000 from Residence C to Commercial
- Laid Over Under The Rules – Ordinance Amending Chapter 216: Parks, Playgrounds, and Recreational Areas of the City Code – Adding Facilities, Prohibiting Camping, and Abandonment of Personal Items
- Amending the City’s 2019 CDBG Annual Action Plan

Complete Reports on file in the office of the City Clerk

Meeting opened with a moment of silence and Mayor Smith asked that it be in remembrance of Jennie Adsit.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of November 21, 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 Glenda Dickson, 120 William Street, stating that she could not attend the public hearing, but she would like to relay that she has no concerns with the newly revised Taco Bell design planned for 528 and 540 State Street.

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

PRIVILEGE OF THE FLOOR

Kathy Burgess, Harris Drive, addressed the chair regarding the tax sale certificate included in Resolution No. 10. She advised that she was the person who won the bid at the original auction and had paid the taxes during the two-year period. She discussed the tax sale certificate process, the error in the notification to a mortgagee, sections of the City Charter, her ability to request her money back and conversations that she had with the property owner. She encouraged Council to now move forward with holding a public auction for this tax sale certificate.

Jason Traynor, Arsenal Street, discussed the homeless issue and expressed concern with some Council Members wanting to spend \$3.4 million on a golf course while the City's infrastructure and quality of life has deteriorated. He also reported a broken light on Arsenal Street.

Ben Shoen, Academy Street, thanked DPW and Parks and Recreation staff for their work during the recent snowstorm. Noting that DPW is short-staffed, he suggested the City should reconsider the free snow removal done from sidewalks in front of businesses along Public Square and partnering with the County for snow removal of parking lots. Regarding the last vote on the 235 Main Street tax sale certificate, he suggested there was a conflict of interest on Council Member Olney's part because he is close friends with the property owner. He then discussed his concerns with the deal to purchase the Watertown Golf Club and mentioned water projects that should be more of a priority to Council.

Jonathan Phillips, 735 Mill Street, stated that he does not agree with the Christmas parade route changing or the tree lighting. He also complained about the way snow removal was done during the recent snowstorm and the condition of sidewalks, roads and City buses.

PUBLIC HEARING

At 7:15 p.m. Mayor Smith asked the City Clerk to read the notice of Public Hearing concerning changing the Approved Zoning Classification Of the Rear Portion of 528 and 540 State Street, Parcel Numbers 12-03-127.000 and 12-03-128.000 from Residence C to Commercial

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

No one spoke.

The above Communication was received in support of the project.

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

RESOLUTIONS

Resolution No. 1 - Accepting Bid for Contracted Hauling Services T.J. Clement Construction Company Inc.

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City's Public Works Department desires to contract with a qualified firm to provide hauling services, as needed, to move a variety of materials to or from work sites and/or specified material suppliers for City Departments, and

WHEREAS the Purchasing Department advertised and received one (1) sealed bid for Contracted Hauling Services, and

WHEREAS on Tuesday, November 15, 2022, at 2:00 p.m. the bids received were publicly opened and read, and

WHEREAS Purchasing Manager, Tina Bartlett-Bearup reviewed the bid received with the Public Works Department and it is their recommendation that the City Council accept the lowest responsive responsible bid submitted by T.J. Clement Construction Company, Inc., and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby accepts the bid received from T.J. Clement Construction Company, Inc. at \$140.00 per hour (prevailing wage) and \$115.00 per hour (non-prevailing wage), 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 Sarah V.C. Pierce and carried with all voting yea.

Resolution No. 2 - Establishing 2023 County Tax Rate

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the Board of Legislators of the County of Jefferson, by resolution dated November 16, 2022, and in accordance with New York State Real Property Tax Law Article 9 Section 904 has certified to the City that the contribution of the City of Watertown to the taxes of the County of Jefferson for the Fiscal Year beginning January 1, 2023 is \$8,695,613.04,

NOW THEREFORE BE IT RESOLVED that this Council shall and hereby does levy the said aggregate amount of taxes of \$8,695,613.04, so ascertained and directed and to be certified to the City and to be extended on the Assessment Rolls by the City Assessor, as provided by Section 115 of the City Charter, and

BE IT FURTHER RESOLVED that the City does hereby levy a total fee of \$8,695,613.04 to be collected at a rate of \$7.795442 per \$1,000 of assessed valuation, of which County tax levy is \$8,681,376.71 and includes \$14,236.33 in omitted taxes.

Seconded by Council Member Sarah V.C. Pierce and carried with all voting yea except Mayor Jeffrey M. Smith voting nay.

Resolution No. 3 - 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, 2024.

City Employee - Police Department

Badalato, Jason J.	Bickel, Charles L. III
Boyle, Sean P.	Bull, Jacob W.
Cooley, Kristopher W. E.	Cummings, George A.
Davis, Joshua W.	Dean, Joel S.
Decker, Tyler R.	Donoghue, Charles P.
Finster, Michael G.	Foote, Jeremy D.
Freeman, Scott J.	Gatch, Ronald E.
Giaquinto, Joseph A.	Gibbs, Gregory P.
Gooshaw, Matthew C.	Horr, David W.
Hunter, Sydney G.	Jamieson, John D.
Kamide II, Christopher J.	Kellogg, David M.
Kolb, Miranda J.	Lamica, Mark A.
Landphere, Lindsey M.	Larkins, Jennifer L.
Mackey, Amanda L.	Maney, Michael S.
March II, Frederick E.	McAdoo, Michael
McConnell, Wayne W.	McIntyre, Scott M.
McKoy, Omar P.	McLane, Eric J.
Miller, Ernest J.	Moran, Joshua
Neddo, Andrew T.	Noone, Kenny C.
O'Brien, Cristin N.	O'Brien, Dennis P.

O'Hearn, Joshua
Pinsonneault, Connor J.
Roll, Matthew T.
Shawcross, Dustin C.
Sines, Robert L.
Thomas, Christopher L.
Trottier, Holly M.
Workman, Travis K.

Parsons, Pearce A.
Preedom, Matthew D.
Ryan, Shane M.
Sherrill, Virginia R.
Spencer, Jr., James R.
Trapp, Vance J.
White, Samuel R.

Non-City Employees

Connell, Robert D.
McDonald, Corey
Rivera, Vilmarie
Taylor, Joy

Kittleson Jr., Timothy
McIntosh, Martha Ann
Ross, Jennifer Ann

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

Resolution No. 4 - Readopting Fiscal Year 2022-23 General Fund Budget – Used Fire Ladder Truck

Introduced by Council Member Lisa A. Ruggiero

WHEREAS on June 6, 2022 the City Council passed a resolution adopting the Budget for Fiscal Year 2022-23, of which \$57,731,644 was appropriated for the General Fund, and

WHEREAS the Fire Department ladder trucks have failed inspections and repairing one of the ladder trucks will put it out of service for an extended period of time leaving the department without a reserve ladder truck, and

WHEREAS the Fire Department has located a used ladder truck being sold for \$40,000 by the City of Geneva which would be suitable for the department's needs,

NOW BE IT RESOLVED that the City Council of the City of Watertown hereby re-adopts the General Fund Budget for Fiscal Year 2022-23 and makes the following adjustments in the re-adopted General Fund Budget:

GENERAL FUND

Appropriated Fund Balance

A.0000.0909 Fund Balance	<u>\$ 40,000</u>
Total Appropriated Fund Balance	<u>\$ 40,000</u>

Expenditures

A.3410.0230 Fire - Vehicles	<u>\$ 40,000</u>
Total Expenditures	<u>\$ 40,000</u>

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

Resolution No. 5 - Accepting Purchase Offer for a 2000 Pierce SkyArm Ladder Truck from City of Geneva

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City's Fire Department desires to purchase a used, surplus ladder truck to support the immediate needs of the Fire Department, and

WHEREAS purchasing surplus/second-hand materials, supplies, and equipment from certain other governments (GML, Section 103 [6]) is exempt and not subject to competitive bidding (Section 103), and

WHEREAS Purchasing Manager, Tina Bartlett-Bearup reviewed the purchase offer received with the Fire Department and it is their recommendation that the City Council accept the purchase offer submitted by the City of Geneva, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby accepts the purchase offer received from the City of Geneva in the amount of \$40,000, 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 Sarah V.C. Pierce

Prior to the vote on the foregoing resolution, Mayor Smith asked if the ladder truck from Geneva had been inspected recently.

Fire Chief Matthew Timerman replied that it had passed an aerial and mechanical test in the last year. He explained that it was 22 years old but had been well maintained. He added that Geneva had invested \$27,000 in repairs to the truck in hopes of auctioning it off but did not receive the purchase price that they had wanted. Lastly, he said the purchase price of \$40,000 was very fair.

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

Resolution No. 6 - Authorizing the City Manager to Enter into an Environmental Easement for the Brownfield Cleanup Project at Ogilvie Foods, 148 Pleasant Street North, PIN 6-15-119.000

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City of Watertown is the owner of record identified on the deed for a lot of land known as 148 Pleasant Street North, Parcel No. 6-15-119.000, and

WHEREAS the City of Watertown entered into a Brownfield Site Cleanup Agreement with the New York State Department of Environmental Conservation on June 12, 2012 related to the remediation of the environmental contamination at the former Ogilvie Foods property at 148 North Pleasant Street ("Ogilvie Foods"), and

WHEREAS 148 Pleasant Street North has been subdivided, creating a new parcel known as 229 California Ave. Parcel No. 6-15-119.100, and

WHEREAS the City of Watertown is seeking an Environmental Easement for the new Parcel 6-15-119.100 as part of the remediation process in order to move forward with redevelopment plans for the site, and

WHEREAS the City of Watertown is required by the New York State Department of Environmental Conservation to bestow upon the executive the authority to sign an Environmental Easement for Parcel No. 6-15-119.100 as a prerequisite for preparing such an Easement,

NOW THEREFORE BE IT RESOLVED that the City Manager of the City of Watertown is authorized to enter into an Environmental Easement on behalf of the City of Watertown as required by the New York State Department of Environmental Conservation.

Seconded by Council Member Sarah V.C. Pierce

Prior to the vote on the foregoing resolution, Mr. Mix responded to Council Member Olney's questions, stating that the hope was to develop the properties along the street frontage. He said the center portion was environmentally cleaned to recreational or commercial standards.

Planning and Community Development Director Michael Lumbis provided more information regarding the prior contamination. He pointed out that the California Street side had a petroleum spill but the whole property needed to be tested. He advised that the street frontage is cleaned to a residential standard, but the center area was not cleaned to that level.

Mayor Smith wondered if the center could get a higher standard of cleaning so there could be more housing.

Mr. Mix indicated that there was concern from neighboring properties with having housing behind them.

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

Resolution No. 7 - Approving the Memorandum of Understanding Between the City of Watertown and CNY Fair Housing to Administer a Fair Housing Education and Enforcement Program

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City of Watertown, as a recipient of Community Development Block Grant (CDBG) entitlement funding under the United States Department of Housing and Urban Development, has certified that it will affirmatively further Fair Housing, and

WHEREAS the City of Watertown desires to work with CNY Fair Housing to provide professional services to educate tenants and housing providers within the City of Watertown regarding their respective Fair Housing rights and responsibilities, and

WHEREAS CNY Fair Housing is a qualified Fair Housing Enforcement Agency, and

WHEREAS the City of Watertown desires to refer any Fair Housing complaints received by the City to CNY Fair Housing for further investigation, and

WHEREAS the City of Watertown has allocated CDBG funding in its Program Year 2022 Annual Action Plan for a Fair Housing Education Project, and

WHEREAS CNY Fair Housing has prepared a Memorandum of Understanding (MOU) for the project.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the MOU with CNY Fair Housing to establish and administer a Fair Housing education and enforcement program, a copy of which is attached and made part of this resolution, and

BE IT FURTHER RESOLVED that the City agrees to pay CNY Fair Housing a not-to-exceed sum of \$5,000 for actual expenses incurred, based on hours worked during the contract period, and

BE IT FURTHER RESOLVED that the City Council hereby authorizes and directs the City Manager, Kenneth A. Mix, to execute the MOU on behalf of the City of Watertown.

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

Resolution No. 8 - Finding That Changing the Approved Zoning Classification of the Rear Portions of 528 and 540 State Street, Parcel Numbers 12-03-127.000 and 12-03-128.000 from Residence C to Commercial and Approving the Site Plan for the Construction of a Taco Bell Restaurant at 514, 528 and 540 State Street Will Not Have a Significant Impact on the Environment

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the City Council of the City of Watertown, New York, has before it an Ordinance to change the approved zoning classification of the rear portions of 528 and 540 State Street, Parcel Numbers 12-03-127.000 and 12-03-128.000 From Residence C to Commercial and

WHEREAS Hospitality Syracuse, Inc. has communicated an intent to develop a Taco Bell Restaurant at 514, 528 and 540 State Street, Parcel Numbers 12-03-126.000, 12-03-127.000 and 12-03-128.000, a development proposal that would require Site Plan Approval, and

WHEREAS the City Council must evaluate all proposed actions submitted for its consideration in light of the State Environmental Review Act (SEQRA), and the regulations promulgated pursuant thereto, and

WHEREAS the adoption of the ordinance, approval of the site plan and proposed construction would constitute such an “Action,” and

WHEREAS the City Council has determined that the proposed ordinance, site plan and proposed development on the site constitute an “Unlisted Action” as that term is defined by 6NYCRR Section 617.2 (al), and

WHEREAS there are no other involved agencies for SEQRA review as that term is defined in 6NYCRR Section 617.2 (t), and

WHEREAS to aid the City Council in its determination as to whether the proposed zone change and site plan will have a significant impact on the environment, Part 1 of a Short Environmental Assessment Form has been prepared by the applicant, a copy of which is attached and made part of this Resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that:

1. Based upon its examination of the Short Environmental Assessment Form and comparing the proposed action with the criteria set forth in 6NYCRR Section 617.7, no significant impact is known, and the adoption of the zone change and the construction of the site plan, as proposed, will not have a significant impact on the environment.
2. The Mayor of the City of Watertown is authorized to execute Part 3 of the Environmental Assessment Form to the effect that the City Council is issuing a Negative Declaration under SEQRA.
3. This Resolution shall take effect immediately.

Seconded by Council Member Sarah V.C. Pierce

Prior to the vote on the foregoing resolution, Council reviewed Part 2 of the Short Environmental Assessment Form.

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

Resolution No. 9 - Nominating Stanley Zaremba to the Community Action Planning Council of Jefferson County

Introduced by Council Member Lisa A. Ruggiero

BE IT RESOLVED that the following individual is hereby nominated to the Community Action Planning Council of Jefferson County, Inc. as the designee of Council Member Lisa Ruggiero to fill the vacant term expiring on December 31, 2023, effective on January 1, 2023:

Stanley Zaremba
247 Wealtha Ave., Apt.647A
Watertown, NY 13601

Seconded by Council Member Sarah V.C. Pierce

Mentioning that he thinks Mr. Zaremba is a good person and has done a lot for the community, Mayor Smith expressed concern that Council already passed a resolution unanimously in May to appoint William Kimball, but the CAPC board rejected that appointment. He noted that Mr. Zaremba was previously on the CAPC board but had reached his time limit, so when his term expired on December 31, 2021, he could not be reappointed for one year. He reviewed his conversations and correspondence with CAPC regarding this and informed Council that CAPC considers it a Council nomination for CAPC approval and not a Council appointment. He questioned why Council would be involved in the

process, if CAPC is ultimately going to pick who they want to be on the board. He added that what happened to Dr. Kimball was a disgrace.

Council Member Olney agreed with Mayor Smith.

There was further discussion on how this has always been done as a Council appointment and Attorney Slye offered Council a copy of the CAPC bylaws, which he obtained after this issue arose, detailing the concept of it being only a nomination. It was also discussed whether the resolution from May appointing William Kimball would need to be rescinded prior to voting on this resolution.

Motion was made by Council Member Patrick J. Hickey to table the foregoing resolution. Motion was seconded by Council Member Lisa A. Ruggiero and carried with all voting in favor thereof.

Resolution No. 10 - Authorizing Public Sale of City Owned Tax Sale Certificate

Introduced by Council Member Sarah V.C. Pierce

WHEREAS the City of Watertown is the owner of a tax sale certificate on the following lot of land as 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>	<u>Original Tax Sale Certificate Amount</u>
02-01-103.001	235 Main Avenue	\$ 11,273.50

and,

WHEREAS the City Council does not wish to take title to the property,

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 tax sale certificates for the 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 6:00 p.m. on the 10th day of January, 2023, in the 3rd Floor City Council Chambers in the Municipal Building, 245 Washington Street, be offered individually for sale to the highest bidder there present, and

BE IT FURTHER RESOLVED that the City Comptroller be and he hereby is authorized to accept the bid for said parcel, 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>
02-01-103.001	235 Main Avenue	\$25,000 \$45,041.18

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 bid with the City Comptroller, and

BE IT FURTHER RESOLVED that said tax sale certificates shall be offered for sale for cash only, and

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

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

Seconded by Mayor Jeffrey M. Smith

Prior to the vote on the foregoing resolution, Council Member Hickey stated that during the last meeting, Council had discussed offering this property for sale after 30 days. He reviewed what would be the revised timeline for the publication of the auction and suggested a new auction date of January 13, 2023.

Discussion occurred reviewing the timeline of the process that occurred with this tax sale certificate. Attorney Slye clarified the routine process that takes place for a property with unpaid taxes. He then provided details that occurred in this particular case, noting it was different because there was an error in notifying a mortgagee, and explained why Ms. Burgess was asked to sell the tax sale certificate back to the City. He stressed that the decisions made were to protect the best interests of the City.

In response to Council Member Olney's question of whether there is contamination of the property, Mr. Mix said the City has no proof of that.

Mayor Smith mentioned that this was a fairly new building which National Grid built in the 1990's, so he questioned what contamination there could be.

Ms. Burgess was asked to speak further regarding her involvement in the purchase of the tax sale certificate process. She responded to several questions from Council, indicating that the property owner had told her there was black mold in the building and she mentioned that the property owner informed her of the right to ask for her money back due to a flawed process. She talked about the sections of the City Charter that allowed for this. She also explained that since she did not receive the property in July as scheduled, she no longer wanted the property due to the "red flags" and she did not want to be involved in a lawsuit.

It was debated whether Council should have voted on returning Ms. Burgess' money and whether the proper procedure was followed. Ms. Burgess argued that the City Charter does not require Council to vote on it.

Council Member Ruggiero stated she had further questions for the City Comptroller but he was not available due to being out of the office.

Discussion on the amount of the minimum bid took place and the process was reviewed again. Whether the City should restart the process or hold onto the tax sale certificate longer was debated.

Attorney Slye clarified that, through the tax sales certificate process, the City does not sell the property, it sells the right to ask for a tax deed to the property.

Council Member Ruggiero suggested amending the resolution to change the minimum bid to the redemption amount at the end of the two-year period (\$37,712.63) plus the additional amount the City has paid in City and School taxes as the tax sale certificate holder (\$7,328.55).

Motion was made by Council Member Lisa A. Ruggiero to amend the foregoing resolution changing the minimum bid to \$45,041.18. Motion was seconded by Council Member Patrick J. Hickey and carried with all voting in favor thereof.

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

Resolution No. 11 - Approving the 2022-2024 Collective Bargaining Agreement Between the City of Watertown and the Local CSEA Unit 7151-00

Introduced by Council Member Lisa A. Ruggiero

WHEREAS the 2021-2022 Collective Bargaining Agreement between the City of Watertown and the Local CSEA Unit 7151-00 expired on June 30, 2022, and

WHEREAS negotiations have concluded on a successor Agreement, a copy of which is attached and made a part of this resolution,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the 2022-2024 Collective Bargaining Agreement between the City and the Local CSEA 7151-00, and

BE IT FURTHER RESOLVED that Mayor Jeffrey M. Smith is hereby authorized and directed to execute the Agreement on behalf of the City of Watertown, as well as City Manager Kenneth Mix and Human Resource Manager Matthew Roy.

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

OLD BUSINESS

Ordinance - Changing the Approved Zoning Classification Of the Rear Portion of 528 and 540 State Street, Parcel Numbers 12-03-127.000 and 12-03-128.000 from Residence C to Commercial.
(Introduced on 11/21/2022; public hearing held this evening; appears in its entirety in the 2022 Minutes Book on page 11-12 of the 11/21/2022 minutes).

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

Ordinance - Amending Chapter 216: Parks, Playgrounds, and Recreational Areas of the City Code – Adding Facilities, Prohibiting Camping, and Abandonment of Personal Items. *(Introduced*

on 11/21/2022; laid over; appears in its entirety in the 2022 Minutes Book on page 12-13 of the 11/21/2022 minutes).

Mentioning that the Butler Pavilion encampment was not in the best interests of the community, Council Member Hickey said he disagreed with restricting residents from being able to access parks, playgrounds and recreational areas. He mentioned this restriction punishes the people who need help and that homelessness and drug abuse is not a new problem. He stressed that the City, County, DSS and other social organizations should be held accountable to solving this problem for the community. He said there is a much bigger problem than restricting the hours of operation for parks, playgrounds, and recreational areas.

Council Member Olney said he is not in favor of restricting camping and thinks this problem should be addressed differently. He mentioned areas and events in which camping might be desired. He said the graffiti and damage done to these areas is wrong, but Council should not legislate to the lowest common denominator and punish everyone. He suggested that surveillance cameras should be put in place to keep track of what is being done and obtain evidence as to who is doing the damage. He said that he would support modifying the ordinance to only restrict tenting in Butler Pavilion. He further discussed the homeless issue in relation to the Butler Pavilion.

Regarding the prohibition of pitching a tent or campsite, Council Member Ruggiero pointed out that the proposed ordinance does state there is the ability to make exceptions for sanctioned events.

Mayor Smith noted that the current ordinance in place does not allow for camping. He also reminded Council that they all asked for the ordinance change to be brought forward. He expressed concern that some individuals have paid to have exclusive rights to the Butler Pavilion but this group of individuals used it without paying and prevented others from using it.

Council Member Olney again suggested installing surveillance cameras to watch for illegal activity.

Council Member Ruggiero added that there are people working in the area of the pavilion that have been harassed and are uncomfortable, so having a curfew would help that. She stated that they need to ensure that people feel safe getting to their cars in the J.B. Wise parking lot. She said she would support this.

Council Member Olney warned that this is not the solution to homelessness and that the City will see homeless people using it again.

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

STAFF REPORTS

Amending the City's 2019 CDBG Annual Action Plan

A report was available for Council to review, which explained that the City's 2019 Community Development Block Grant (CDBG) Annual Action Plan included three projects that came in under budget. They are the demolition of 428 Maple Avenue, the Rutland Street North Sidewalk Project and the North Side ADA Ramps Project. Staff proposed amending the 2019 CDBG Annual Action Plan in

order to transfer funds to pay for a portion of the Grant Street Reconstruction project. A public hearing is required as part of the amendment process.

Motion was made by Council Member Lisa A. Ruggiero to schedule a Public Hearing for Tuesday, January 3, 2023, at 7:15 P.M. to solicit public input on amending the City's 2019 CDBG Annual Action Plan. Motion was seconded by Council Member Sarah V.C. Pierce and carried with all voting in favor thereof.

NEW BUSINESS

Recent Meetings and Upcoming Events

Council Member Hickey stated that he attended the Friends of Thompson Park meeting on December 1 and the Stewart's Ribbon Cutting on December 2. He also announced the following upcoming meetings and events: A Human Trafficking Presentation by Rebecca Bender at Jefferson Community College on December 6, City Planning Board meeting on December 6, Advantage Watertown meeting on December 8 and Development Authority of the North Country (DANC) meeting on December 15.

Homelessness

Council Member Hickey mentioned a recent article in the Watertown Daily Times in which Maureen Cean, Executive Director of Transitional Living, discussed the Salvation Army opening up a warming center. He said this would be open from 8:00 p.m. to 8:00 a.m. once they could secure staffing. He stated the homeless are still waiting for this temporary warming center, as well as a permanent homeless shelter which would be open during the day. He stressed the City, County, DSS and various not-for-profit organizations must make this a priority, noting there are millions of dollars available to build or rehab an existing facility. Speaking of the temporary homeless shelter at Main Avenue, he indicated there were 30+ people that have taken advantage of it and said he believes the homeless population has been grossly underestimated in multiple HUD sponsored head counts. He commented that the homeless are at risk of serious injury or death due to exposure to the environment and mentioned that an individual who had been living in his car died recently. He encouraged people who knew of anyone in need of help to contact the Police.

Emergency Veterinary Clinic

Council Member Hickey discussed the need for an emergency veterinary clinic in the area, which would care for animals after hours. He noted that many veterinarians are not available after hours, or, if they are, they refuse to care for animals that are "new clients" to them. He noted that the closest emergency hospital for animals is in Syracuse, but if that facility is closed, then the next nearest one is either Ithaca or Albany.

Hydro Committee

Council Member Hickey said he had spoken to former Mayor Butler, Chair of the Hydro Committee, and was told that he is close to finishing the executive summary to the committee's findings. He asked if Council could receive an update at an upcoming work session.

Homelessness and Affordable Housing

Council Member Olney noted that the man who died outside his car of heart attack was named Bob Compeau, adding he was homeless and lived in the car with his three cats. He commented that not much was in the newspaper about the death, but he wanted the community to know of this tragedy.

Council Member Olney went on to say that more developers were looking to build affordable housing in our area, which he feels is good because there are many people in the area on the edge of being homeless due to much of their income being spent on housing and rent. He commented that he does not start out to enflame issues, but he feels the County and City are not doing enough to combat this issue and are taking too long, so he would be taking to Facebook Live tomorrow to inform the public what is being done, what is being proposed and what needs to be done.

Bail Reform

Council Member Olney asked Council Member Ruggiero to talk about her proposal for a work session on bail reform.

Council Member Ruggiero indicated that she had spoken with D.A. Krystina Mills about giving Council an update about bail reform issues. She indicated that Council could use an explanation for how bail reform is affecting the area and noted she had heard complaints from the public about people being arrested and then immediately put back on the street. She added she had reached out to Detective Perry Golden to also give Council an update on the Drug Task Force.

City Manager Mix stated that it would be too short notice to get that ready for the December Work Session and that it might have to wait until at least January.

Dog Park

Council Member Olney informed Council that he has someone to speak about the Dog Park and asked that it being incorporated into the Thompson Park Master Plan Work Session.

FOIL

Council Member Olney stated that a reporter for the Watertown Daily Times had requested a FOIL on all of Council Member Olney's emails since he took office in January. He commented that he was certain they were looking for examples of his effectively micromanaging everything. Responding to Council Member Ruggiero's query, he noted there were 1,075 pages of emails.

Mr. Shoen's Privilege of the Floor Comments

Council Member Olney stated he had no conflict of interest with Mr. Simao's business because he is an honest man and can keep personal and business relations separate.

Mr. Traynor's Comments During Privilege of the Floor

Council Member Olney had advice for Mr. Traynor which was "Talk less, listen more." As for the conflict of interest, he stated he feels that the Golf Course deal has not been well understood by the public but that once it is explained, the public will feel differently about it. He clarified that what he wants out of the deal is the land.

Snowplow Drivers

Council Member Olney questioned whether the plow driver positions are posted on the website.

Hydro Power

Council Member Olney said he would like to know the next step in the City being able to sell electricity to the City's residents and small businesses.

Privilege of the Floor

Council Member Olney stated he had no problem addressing the speakers at Privilege of the Floor at the time they are speaking instead of waiting until New Business. He said he would prefer to respond at that time. He suggested setting up a rule where the speaker can speak and the Council Member can answer.

Mayor Smith responded that Privilege of the Floor is, and always has been, the public's opportunity to inform Council of issues and is not a forum for discussion.

Council Member Ruggiero that it is sometimes frustrating for people who come to Privilege of the Floor and then leave, never hearing a response to their issues.

Mr. Phillips' Privilege of the Floor Comments

Council Member Olney informed Mr. Phillips that he is not being ignored and that everyone on Council is committed to doing their very best for the City of Watertown.

Council Member Olney's Birthday

Council Members Pierce and Ruggiero wished Council Member Olney a Happy Birthday.

Christmas Parade and Tree Lighting

Council Member Ruggiero complimented the City's Annual Parade and Tree Lighting, noting the tree in front of City Hall looked beautiful. She thanked staff, Stan Zaremba and the DBA. She noted some people disliked the new parade route. She also noted that the parade's length is based solely on the number of participants and encouraged more people to get involved.

Stewart's on Washington Street Ribbon Cutting

Council Member Ruggiero remarked that she attended this event and that the new Stewart's looked really nice and had more parking.

Festival of Trees

Council Member Ruggiero noted this event had the largest attendance in its history and had raised a lot of money for Samaritan and the YMCA.

Holiday Social at Fort Drum's LeRay Mansion

Council Member Ruggiero informed Council that this had been a nice event and she had been able to sample some of the General's homemade limoncello.

Mr. Shoen's Privilege of the Floor Comments

Council Member Ruggiero responded to Ben Shoen's comments by saying she had, in fact, voted for Stewart's. Regarding his comments about broken water mains and focusing on infrastructure projects, she stated that she believed the City had \$9 million budgeted in ARPA funds for repairs to water mains, including those at Barben, Bugbee and Holcomb Streets. She added that \$3 million has been set aside for the water filtration project. She responded to his comments about the purchase of the golf course, stating the City did not ask for the deed restriction and spoke about the information requiring the nondisclosure agreement (NDA).

Mr. Traynor's Comments During Privilege of the Floor

Referring to his comments on broken lights on Arsenal Street, Council Member Lisa A. Ruggiero noted that would be an issue for the State as that is a NYS route or National Grid, depending on what type of light it is.

Paddock Grand Re-Opening

Council Member Ruggiero indicated that this event had gone very well with tons of people and vendors attending.

Stewart's Grand Opening and Christmas Parade Event

Mayor Smith thanked Council Member Ruggiero for standing in for him at these events, explaining that he had to be out of town with his daughter. Regarding comments about him not being present at the Stewart's event, he explained that he did not vote for it or support it but, once the vote is taken, it is time to move on and he would have attended if he could have. As far as comments about the Christmas parade route changing, he said he remembers when it went down State Street and there were marching bands. He also mentioned that when he became Mayor three years ago, he had the lights put up in front of City Hall, like it had been done many years ago and he has received a lot of compliments regarding it.

Purchase of the Watertown Golf Course

Mayor Smith said Council received an email from Mr. Mix about a possible agreement being on the next agenda. He also mentioned a letter from Attorney Slye and various rulings or opinions from the NYS Comptroller about appraisal of property and equipment.

Council Member Ruggiero noted that this was marked as attorney/client privilege confidential.

Mayor Smith questioned whether the NYS Comptroller's opinions are confidential.

Attorney Slye explained that when something is marked as attorney/client privilege confidential, it means that Council is the one that holds the privilege and they have a right to waive that, which he does not. Clarifying Council Member Ruggiero's further comments, he explained there are times when he advises Council not to share information if it involves negotiations.

Mayor Smith added that this is not executive session material.

Council Member Ruggiero said that she believed it was for Council's information and not to be made public.

Council Member Olney commented that he feels it all should be public, noting there is a lot that the public still does not understand.

Mayor Smith argued that these are opinions from the NYS Comptroller Office to hopefully avoid any public litigation of Council not doing its job.

Council Member Ruggiero continued with her thoughts that this was confidential information under attorney/client privilege. She asked why this letter from the attorney is being issued now, since it has been discussed for months, and asked if someone requested that he look into this.

Attorney Slye indicated that no one did. He explained that, after the vote at the most recent Council meeting regarding obtaining an appraisal, which was defeated, he felt that he had a duty as the attorney for the City to advise members of Council as to what the law is. He reiterated that it is Council's privilege to waive, and not his, and he wrote that privilege so that Council would have the information if they chose to talk about it. He clarified that it was not for him to go out and tell the public what he thought, it was for Council. He stressed that privilege always belongs to the client, not the attorney.

Mayor Smith summarized that the NYS Comptroller's opinion is that there should be two independent appraisals.

Attorney Slye provided more details of the NYS Comptroller's opinion.

Council Member Olney said he understands this opinion if the only thing Council is purchasing is the land, but there are other components to the deal that are hard to put a value to, such as the nine-hole deed restriction to Ives Hill Golf Course.

Mayor Smith commented that he does not think the City should limit somebody else's property. He mentioned that Mr. Simao had, at one time, valued the deed restriction at \$700,000 - \$750,000. He said, given the NYS Comptroller's opinion, the Council should get an appraisal and questioned other members what they would give the public as a reason not to. He pointed out that Council Member Hickey had previously supported getting an appraisal.

Council Member Hickey stated he still supports getting an appraisal but not requesting the tax returns.

The following resolution was offered:

Resolution No. 12 - Directing the City Manager to Obtain Third Party Appraisals of Real Estate and Personal Property owned by Watertown Golf Club, Inc. and 1 Thompson Park LLC

Introduced by Mayor Jeffrey M. Smith

WHEREAS the City Council agreed by resolution adopted on November 7, 2022 to purchase the real estate and equipment owned Watertown Golf Club, Inc. for \$3.4 million contingent on an acceptable purchase agreement being drafted and necessary information on operating the course being provided, and

WHEREAS 1 Thompson Park, LLC owns the course maintenance and mowing equipment, and golf accessories and carts, and

WHEREAS the City Council desires to obtain additional information about the value of the property,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown directs the City Manager to obtain third-party appraisals of the value of the real estate and personal property owned by Watertown Golf Club, Inc. and 1 Thompson Park, LLC.

Seconded by Council Member Sarah V.C. Pierce

Rules waived by Motion of Mayor Jeffrey M. Smith, seconded by Council Member Sarah V.C. Pierce and carried with all voting in favor thereof except for Council Member Clifford G. Olney III and Council Member Lisa A. Ruggiero voting nay.

Council Member Olney stated that an appraisal is not needed or required, but just suggested, from what he read. He indicated the example listed is a different type of deal. He said that he does not think anyone would dispute that the land is not worth \$3.4 million but there is more than the land to this deal. He argued that the public does not understand all the facts and went on to discuss what he feels is happening.

Council Member Ruggiero said she thinks the timing of this is suspect, especially since the documents for the deal are almost done. She mentioned that this feels like a last-ditch effort by someone to stop this and she wondered why this advice had not been given since the original August meeting. She commented that she looks at this like a cash offer and cash offers do not require an appraisal.

Mayor Smith said he does not understand why his colleagues would not want the public to know all the facts, noting there is not an itemized accounting for what the \$3.4 million is going to. He agreed with Council Member Olney that the public should know all of the details to have a better understanding. Referring to Council Member Ruggiero's comment about a cash offer, he said he understands, but this is the taxpayer's money and Council is supposed to be good stewards of it.

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 III and Council Member Lisa A. Ruggiero voting nay.

Council Member Ruggiero expressed her frustration with this vote, stating that now Mr. Lundy will build housing on this property and that he has land that will give him direct access and utilities from Gotham Street.

Work Session Topics

Mr. Mix reviewed potential topics for future work sessions.

A D J O U R N M E N T

At the call of the chair, meeting was duly adjourned at 9:37 p.m. by motion of Council Member Lisa A. Ruggiero, seconded by Council Member Sarah V.C. Pierce and carried with all voting in favor thereof.

Ann M. Saunders
City Clerk