

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
October 2, 2023  
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  
Kristen E. Smith, Bond, Schoeneck & King PLLC, City Attorney

**City staff present:** Scott Weller, Geoffrey Urda, Vicky Murphy, Matthew Roy, Logan Eddy

The City Manager presented the following reports to Council:

- Resolution No. 1 - Accepting Bid for Rotating Scum Trough Project – John R. Dudley Construction, Inc.
- Resolution No. 2 - Approving Lease Agreement with Watertown Industrial Center LDC for Space to Store Golf Carts
- Resolution No. 3 - Approving Change Order No. 1 with Howell Enterprises, Inc. dba Blackstone Electric for the William J. Flynn Municipal Swimming Pool Rehabilitation Contract #4 – Electrical
- Resolution No. 4 - Approving Inter-Municipal Agreement Relative to Commercial Driver's License Training with Jefferson, Lewis, Hamilton, Herkimer, Oneida BOCES
- Resolution No. 5 - Approving Change Order No. 2 with EDGE Civil Corporation for the Barben Avenue, Holcomb Street, Bugbee Drive and East Street Water Main Replacement Project
- Resolution No. 6 - Accepting Bid for CDBG Franklin Street Sidewalk ADA Ramp Repair Project - On Point Excavation & Consulting LLC
- Resolution No. 7 - Authorizing Master Federal Aid Local Project Agreement with New York State Dept. of Transportation, Contract No. D040966, for PIN 775418 US Rt. 11 (Mill St.) Over Black River Overflow, BIN 2220230
- Tabled Resolution - Authorizing Fund Raising Through the Northern New York Community Foundation for the Construction of a Dog Park
- Staff Report - Cayuga Avenue
- Staff Report - Sales Tax History

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

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of September 18, 2023 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 P.J. Simao, 137 Main Avenue, which included an email to Mayor Smith asking the Mayor to reveal the names of the administrators of the “City of Watertown Meme Page” and in return, Mr. Simao will pay the taxes allegedly owed by DealMaker Dodge LLC on 235 Main Avenue. Mr. Simao indicated that he will keep his offer open until 5 p.m. on Wednesday, October 4, 2023, so that Council can discuss it publicly at the October 2, 2023 Council meeting.

Three additional emails were received from P.J. Simao, 137 Main Avenue, regarding his thoughts about Mayor Smith, Council Member Pierce and the “City of Watertown Meme Page” and he added to his original offer by offering to donate \$2,500 to Council Member Pierce’s favorite charity, Mayor Smith’s favorite charity and Jenn Dindl Bossuot’s favorite charity, as well as pay the taxes allegedly owed by DealMaker Dodge LLC on 235 Main Avenue if Mayor Smith would reveal the names of the administrators of the “City of Watertown Meme Page” and if Ms. Dindl Bossuot would publicly state and provide proof that she is not involved in the Meme Page.

Today, an additional email was received from Mr. Simao in which he offered to pay taxes on 235 Main Avenue, make donations to several charities and provide the City free heated golf cart storage in exchange for the names of the administrators of the “City of Watertown Meme Page.”

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

A claim was received from Ann Marie Abbass, 933 Leray Street, seeking reimbursement of \$614 for damages to her vehicle while parked on Public Square near a construction zone.

A claim was received from Sarah Harris, 122 Gale Street, seeking reimbursement of \$535.81 for damage to a vehicle tire while driving through a construction zone between Vanduzee Street and Coffeen Street.

A claim was received from Sully Ann Belmis Sanchez, 240 North Indiana Avenue, seeking reimbursement of \$1,565.57 for damages to her vehicle caused by driving over a light pole base while driving down the hill leading to Wiley School on September 5, 2023.

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

## **PRIVILEGE OF THE FLOOR**

**S. G. Gates**, 157 Dorsey Street, welcomed the City’s new attorney and offered advice based on previous incidents with Council and the actions of the previous attorney. He reviewed the multi-year history of his efforts to bring a dog park to the City and his opinions of where the dog park should be located.

Mayor Smith interjected, asking Mr. Gates to sum up his final remarks due to the length of time that he had been speaking.

Mr. Gates continued to proceed despite Mayor Smith’s request and openly expressed his frustration with Council and the proposed location within the Park for the dog park in connection to his fundraising. He threatened to bring a lawsuit against the City. He was escorted by the police officer from Chambers.

**Christopher Mancino**, 662 Cayuga Avenue, thanked the City for looking into their issues and noticed that a garbage vehicle had come down the street since the last meeting.

Mayor Smith indicated that this would be discussed during the staff report and under New Business.

**Jason Traynor**, 424 Arsenal Street, thanked the City for the completion of the work on the street repair projects and questioned when the work downtown would be completed. He also spoke of the City's hiring process, expressing concerns about one applicant not meeting the City's standards.

**Jonathan Phillips**, 735 Mill Street, expressed his concerns with changing the direction of parking on Court Street and with the behavior of Council.

**Robert (no last name given)**, Watertown, provided Council with an update on the proposed Senior Center and its committee, indicating that they have had their fourth meeting. He announced that the next meeting had been rescheduled to Friday, October 13 at 1:00 p.m. at the Library. He welcomed the new attorney and expressed his condolences to City Manager Mix leaving but wished him well in his retirement. Lastly, he expressed his opinion regarding Council's recent conduct and asked them to vote no on Resolution No. 2.

**Ben Shoen**, 1205 Academy Street, thanked Mr. Mix for the work that he has done for the City and wished him well in his retirement.

## **RESOLUTIONS**

### **Resolution No. 1 - Accepting Bid for Rotating Scum Trough Project – John R. Dudley Construction, Inc.**

#### **Introduced by Council Member Lisa A. Ruggiero**

WHEREAS the City desires to replace and install (4) Mega-Skimmer scum troughs for the Final Settling Tank B located on W.T. Fields Drive (Wastewater Treatment Plant), and

WHEREAS the Purchasing Department advertised and received three (3) sealed bids for the Rotating Scum Trough Project, and

WHEREAS on August 25, 2023, at 11:00 a.m. the bids received were publicly opened and read, and

WHEREAS Purchasing Manager, Tina Bartlett-Bearup reviewed the bids received with the Engineering and Water Departments and it is their recommendation that the City Council accept the lowest responsive responsible bid submitted by John R. Dudley Construction, Inc., and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby accepts the bid received from John R. Dudley Construction, Inc. in the amount of \$185,000.00, 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 - Approving Lease Agreement with Watertown Industrial Center LDC for Space to Store Golf Carts**

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

WHEREAS the City of Watertown is in need of building space to store golf carts over the Winter season, and

WHEREAS Watertown Industrial Center Local Development Corporation (WICLDC) has building space available for lease, and

WHEREAS WICLDC has agreed to lease the space needed to the City for \$1,200 per month for six months, and

WHEREAS a lease agreement with WICLDC has been drafted,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the lease agreement with Watertown Industrial Center Local Development Corporation, a copy of which is attached and made part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager 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, Council Member Olney questioned how this agreement had been reached and whether this is something that should have been put out for bid.

City Manager Ken Mix noted that it was an unusual circumstance for the City to enter into a lease contract but that the price was very good, and the money was going to a not-for-profit organization. Mr. Mix added that although the City was new to leasing, it turned out to be a good decision not to build a storage building as this alternative was much less expensive.

Council Member Olney questioned whether there would be ramifications with other businesses perceiving a lack of fairness.

Mr. Mix suggested that Council could require multiple bids next year.

Parks and Recreation Supervisor Scott Weller informed Council that they did consult other businesses and get additional quotes.

Council Member Olney asked Mr. Weller if, considering the recent warm weather, the golf course was closing prematurely.

Mr. Weller stated the current target closing date was October 22.

In response to Council Member Olney's question about whether golfers could still use the course after it is closed, Mr. Weller noted staff would be preparing the grounds for winter.

Council Member Olney stated that although he thinks the Watertown Industrial Center Local Development Corporation (WICLDC) had given a good price and he is not opposed to storing the carts there, another alternative was available to the City that would cost nothing. He suggested taking Mr. Simao's offer to store the carts for free in exchange for the names of the Facebook administrators of The City of Watertown Meme Page.

Mayor Smith commented that accepting Mr. Simao's offer would be accepting a bribe.

Council Member Ruggiero agreed with Council Member Olney that accepting Mr. Simao's offer would save the City money and should at least be discussed. She asked why the Mayor was protecting the people who run the Meme Page. She commented that the people who run the site were bullies, and she is often their target.

Mayor Smith asked what this had to do with golf cart storage. He stated, for the public's benefit, that he and the Council had received 25 emails from Mr. Simao since September 15 offering to pay his taxes and make charitable contributions in exchange for the release of the names of the people running the Meme Page. He added that Mr. Simao had paid an informant and attempted to enlist law enforcement to discover the identity of the administrators. Mayor Smith explained that a City employee cannot legally accept a gift with a value over \$75. He described Mr. Simao's offer as bribery. He stated, "This Mayor is not for sale."

Council Member Pierce commented that it was "insane" to even entertain Mr. Simao's proposition as normal citizens do not have to resort to harassing emails and bribery to pay their taxes. She added that she found it disturbing that Mr. Simao would bring her one-year-old daughter into the discussion and said she wished the public could see the emails. Council Member Pierce agreed that the tone of the Meme Page is bullying but that type of behavior often occurs to public figures. She added that she finds it sad that this has to be discussed at yet another meeting, noting the public has heard enough.

Council Member Ruggiero remarked that she was glad to hear Council Member Pierce agree that the Meme Page is bullying and stated her objections to the anonymity of it. She asked again for Council Member Pierce or Mayor Smith to release the names, noting the Mayor had "bragged" about knowing who they were. She commented that she finds it interesting that when Council received an email from Mr. Simao, within 15 minutes something appeared on the Meme Page.

Mayor Smith redirected discussion to Resolution No. 2.

Council Member Olney, mentioning Robert's comments during Privilege of the Floor, indicated he would be supporting this Resolution even though he would have preferred to accept the offer for free storage and would have preferred that the decision to have been made by using the RFP process. He also reminded Council Member Pierce that she had concerns with the storage last fall and had objected to the City's solution.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea except for Council Member Lisa A. Ruggiero and Mayor Jeffrey M. Smith voting nay.**

**Resolution No. 3 - Approving Change Order No. 1 with Howell Enterprises, Inc. dba Blackstone Electric for the William J. Flynn Municipal Swimming Pool Rehabilitation Contract #4 – Electrical**

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

WHEREAS at its June 05, 2023, meeting, the City Council accepted a bid from Howell Enterprises, Inc. dba Blackstone Electric in the amount of \$361,935.00 for the William J. Flynn Municipal Swimming Pool Rehabilitation Contract #4 – Electrical, and

WHEREAS the electrical panels required for this project have a long lead time due to supply chain issues, resulting in expected delivery of the panel being on June 27, 2024, and

WHEREAS Howell Enterprises, Inc. dba Blackstone Electric has received a quote from Cooper Electric stating that the panel can be expedited and delivered by January 1, 2024 for a fee, and

WHEREAS Howell Enterprises, Inc. dba Blackstone Electric has now submitted Change Order No. 1 in the amount of \$12,204.00,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Change Order No. 1 with Howell Enterprises, Inc. dba Blackstone Electric in the amount of \$12,204.00, a copy of which is attached and made part of this Resolution, bringing the total contract amount to \$374,139.00, and

BE IT FURTHER RESOLVED that City Manager Kenneth A. Mix is hereby authorized and directed to execute Change Order No. 1 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 asked if this increase was due to issues with the supply chain.

Mr. Mix explained that it is in order to keep the project on schedule, and it will cost \$12,204 more for expediting the required electrical panels, which will now be delivered by January 1, instead of June 27.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea except Council Member Sarah V.C. Pierce and Mayor Jeffrey M. Smith voting nay.**

**Resolution No. 4 - Approving Inter-Municipal Agreement Relative to Commercial Driver's License Training with Jefferson, Lewis, Hamilton, Herkimer, Oneida BOCES**

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

WHEREAS Jefferson, Lewis, Hamilton, Herkimer, Oneida BOCES is a duly constituted Board of Cooperative Educational Services formed pursuant to the provisions of Article 40 of the New York State Education Law; and

WHEREAS City of Watertown is a municipal corporation formed pursuant to the laws and the Constitution of the State of New York; and

WHEREAS New York State General Municipal Law, Article 5-G (§§119-m through 119-oo) authorizes the Parties to each enter into an inter-municipal cooperation agreement (“ICA”) to carry out any function or responsibility each has authority to undertake alone; and

WHEREAS BOCES, as part of its educational mission offers Entry Level Driver Training Instruction pursuant to the Federal Motor Carrier Safety Act (“FMSCA”) which prepares trainees to seek a Commercial Driver’s License (“CDL”) from the New York State Department of Motor Vehicles (“DMV”); and

WHEREAS City desires to have individuals in its employ participate in BOCES program of Entry Level Driver Training; and

WHEREAS BOCES is willing to accept City’s designees into its Entry Level Driver Training, subject to the terms and conditions set forth below and City’s agreement to abide by the same; and

WHEREAS an Inter-Municipal Agreement with BOCES to provide its Entry Level Driver Training has been drafted,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Inter-Municipal Agreement relative to Entry Level Commercial Driver’s License Training with Jefferson, Lewis, Hamilton, Herkimer, Oneida BOCES, a copy of which is attached and made part of this resolution, and

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

**Seconded by Council Member Clifford G. Olney III and carried with all voting yea.**

**Resolution No. 5 - Approving Change Order No. 2 with EDGE Civil Corporation for the Barben Avenue, Holcomb Street, Bugbee Drive and East Street Water Main Replacement Project**

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

WHEREAS at its April 17, 2023, meeting, the City Council accepted a bid from EDGE Civil Corporation in the amount of \$1,597,319.00 for the Barben Avenue, Holcomb Street, Bugbee Drive and East Street Water Main Replacement Project, and

WHEREAS at its August 21, 2023, meeting, the City Council approved Change Order No. 1 from EDGE Civil Corporation in the amount of \$141,550.00 bringing construction cost to \$1,738,869.00, and

WHEREAS East Street’s asphalt is in poor condition, and approximately 70 feet of Holcomb Street from Mullin Street to Ten Eyck Street is in poor condition due to water main breaks, and

WHEREAS it was determined that instead of paving only where the new water main was installed on East Street and in this section of Holcomb Street, both areas would be paved curb to curb, and

WHEREAS EDGE Civil Corporation has now submitted Change Order No. 2 in the amount of \$74,100.00,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Change Order No. 2 with EDGE Civil Corporation in the amount of \$74,100.00, a copy of which is attached and made part of this Resolution, bringing the total contract amount to \$1,812,969.00, and

BE IT FURTHER RESOLVED that City Manager Kenneth A. Mix is hereby authorized and directed to execute Change Order No. 2 on behalf of the City of Watertown.

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

**Resolution No. 6 - Accepting Bid for CDBG Franklin Street Sidewalk ADA Ramp Repair Project - On Point Excavation & Consulting LLC**

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

WHEREAS the City desires to reconstruct twelve (12) ADA handicap ramps along Franklin Street and Gotham Street, replacing the existing handicap ramps and to install new five-foot-wide sidewalk ramps in the marked-out areas, and all other associated work, and

WHEREAS the Purchasing Department advertised and received three (3) sealed bids for the CDBG Franklin Street Sidewalk ADA Ramp Repair Project, and

WHEREAS on September 25, 2023, at 11:00 a.m. the bids received were publicly opened and read, and

WHEREAS Purchasing Manager, Tina Bartlett-Bearup reviewed the bids received with the Engineering and Planning Departments and it is their recommendation that the City Council accept the lowest responsive responsible bid submitted by On Point Excavation & Consulting LLC,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby accepts the bid received from On Point Excavation & Consulting LLC in the amount of \$103,145.00, and

BE IT FURTHER RESOLVED that the City Manager of the City of 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, City Planner Geoffrey Urda responded to Council Member Olney's question as to why there might have been a large difference in the bid amounts received, although he indicated that he did not have a definite answer.

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



**Resolution No. 7 - Authorizing Master Federal Aid Local Project Agreement with New York State Dept. of Transportation, Contract No. D040966, for PIN 775418 US Rt. 11 (Mill St.) Over Black River Overflow, BIN 2220230**

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

WHEREAS a project for the US Route 11 (Mill Street) over Black River Overflow, P.I.N. 775418 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 95% Federal funds and 5% non-federal funds, and

WHEREAS the City of Watertown will design, let and construct the Project, and

WHEREAS the City of Watertown desires to advance the Project by making a commitment of 100% of the costs of the work for or portions thereof,

NOW THEREFORE BE IT RESOLVED that the City Council of Watertown does hereby approve 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 100% of the federal and non-federal share of the cost of the preliminary engineering design for Project or portions thereof, with the understanding that qualified costs may be eligible for federal-aid, state-aid, or reimbursement from Bridge NY funds, and

BE IT FURTHER RESOLVED that a sum of \$165,000 is hereby appropriated from the City of Watertown Capital Budget and be made available to cover the cost of participation in the above phase of the Project, and

BE IT FURTHER RESOLVED that the City Council hereby agrees that the City of Watertown shall be responsible for all costs of the Project which exceed the amount of the federal-aid, state-aid, or NY Bridge funding awarded to the City of Watertown, and

BE IT FURTHER RESOLVED that in event the Project costs by federal-aid, state-aid, or NY Bridge funding exceed 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 the notification by the City Manager's Office thereof, and

BE IT FURTHER RESOLVED that City Council hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months, and

BE IT FURTHER RESOLVED that the City Manager of the City of Watertown be and is hereby authorized to execute on behalf of the City of Watertown all necessary agreements, certifications or reimbursement requests for federal-aid and/or state aid with the New York Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the City of Watertown's funding of Project costs and permanent funding of the local share of federal-aid 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 Sarah V.C. Pierce and carried with all voting yea.**

### **OLD BUSINESS**

**The Resolution Authorizing Fund Raising Through the Northern New York Community Foundation for the Construction of a Dog Park.** *(Introduced on September 18; tabled; appears in its entirety in the 2023 Minutes Book on page 9 of the 9/18/2023 minutes).*

**Motion was made by Council Member Lisa A. Ruggiero to take the foregoing resolution from the table. Motion was seconded by Council Member Clifford G. Olney III and carried with all voting in favor thereof.**

Council Member Olney remarked that there are still some unresolved issues with this Resolution that caused Council to table it previously. He cited the legal responsibilities of the City when funds are being raised and compared this to the skate park fundraising, noting that the contributors required assurances that the money they donate would go to the project they donated for. He asked the City Attorney for clarity on the legal responsibilities of accepting this money.

Mr. Mix interjected to clarify that this resolution is driven by the Northern New York Community Fund to guarantee that, if they agree to receive and hold the funds raised, that the City Council agrees with the project and will accept the funds when the time comes.

Council Member Olney reminded Council that the original location of the proposed dog park had changed and that Mr. Gates strongly objects to the new location. He asked the City Attorney to look into the legal aspects of the fundraising and assurances to the donors.

Attorney Smith indicated she did not have an answer off the top of her head but would be happy to look into it for Council.

Council Member Olney expressed concerns with Mr. Gates and his adamant opposition to the new location and suggested Mr. Gates accept compromise.

Council Member Ruggiero expressed her concerns with the Resolution, citing lack of a timeline and cost estimates. She stated that she is in favor of a dog park but commented that the Resolution on the table is not specific enough, adding Council needs more information.

Council Member Olney mentioned there was also a lack of design costs.

Council Member Hickey referred to the Resolution noting it is clear what will happen to the money if the funds are not raised. He cited a lack of specificity in the Resolution, adding the public should know what they are giving money for.

**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.**

## **STAFF REPORTS**

### **Cayuga Avenue**

Mr. Mix summarized this report, stating that Cayuga Avenue beyond Erie Street is not an accepted City street nor owned by the City, so it is a private street. He explained that private streets receive minimal care only to ensure access for emergency vehicles and the City is prohibited from doing more than that. Discussing the other concerns of the residents, he reviewed the two times, once in 2018 and once in 2022, that there were issues with the hydrant, stating it is an older style hydrant. He also advised that the street is plowed with a City pickup truck and trash services have been implemented to that area.

Mr. Mix pointed out that there are multiple private streets within the City, and he advised that if Council wants to take responsibility for this street, then the City will need to research the ownership of the property. He then explained the process that would need to be followed to take ownership of the street.

Council Member Hickey asked for a list of the other private streets within the City.

Council Member Ruggiero asked for an estimate to upgrade to hydrant.

Further discussion ensued about private streets, also called paper streets, and how they came to fruition. There was a conversation with the property owners of the street, who were in the audience, and one noted that they had their property abstract, which could be of use to the City in researching the ownership of the private street.

### **Sales Tax History**

A report was available for Council to review, which showed the sales tax history for each fiscal year from 2013-14 to 2023-24.

Council Member Olney reviewed the report and informed Council that the increased sales tax revenue should be looked at as a funding source for City expenses. He mentioned that, according to Corey Fram, Director of the Thousand Island Tourism Council, not all the increases are necessarily driven by inflation. Council Member Olney noted that there has been an increase in development in the Town of Watertown and added they have a dog park. He added there has been some commercial development in the City as well, mentioning the State Street Taco Bell. He summarized that overall, the increased sales tax revenue should allow Council to make some assumptions.

Mayor Smith clarified that, to properly understand the sales tax numbers, Council must look at them in totality. He noted the increase began during Covid, when the Federal Government dumped millions of dollars into the economy and the numbers have continued to rise because of inflation. He cited the price of gas, cost of groceries, increased mortgage rates and dining out in restaurants as examples of costs that have skyrocketed and, therefore, increased the sales tax revenue. Mayor Smith also noted that comparisons to the Town of Watertown do not take into consideration the expenses of the City, such as the City Police and Fire Departments which make up 50% of the City budget and the cost of funding the City's retirement plans. He advised Council to look at the entire picture when it comes to sales tax.

## **NEW BUSINESS**

### **Meetings and Events**

Council Member Hickey listed the following events and meetings: City Planning Commission on Oct. 3; Re-Naming the Streets in Thompson Park for former Mayors Graham and Butler and German Flag Raising on Oct. 5; October 6 last day to file financial reports for general election; LL Bean Pop-up store on Public Square Oct. 7 and 8; Senior Center meeting and Council Work Session on Oct. 10, and Brookside Walking/Driving Tour on Oct. 14.

NOTE: The Senior Center Meeting was moved to Oct. 13 according to Mr. Avallone during privilege of the floor.

### **Emergency Broadcast**

Council Member Hickey informed Council and the public that the Emergency Broadcast System would be performing a test on cell phones, TVs and radios Wednesday, October 4, at 2:20 p.m. He stressed this will be just a test and there is no emergency. He also noted that there was no ability to opt-out of the test.

### **Emergency Calls Involving Drugs**

Council Member Hickey listed a week's worth of emergency calls in the City of Watertown that involved drugs. He indicated that this was a sign of the wave he has been warning of.

### **Convalt Energy Study**

Council Member Hickey reminded Council that on March 7, 2022, the City had given Convalt Energy exclusive rights to conduct studies on Sewall's Island and that there would be an automatic renewal of these rights if Convalt got a FERC license. He advised Council to be aware of this in March 2024 when the rights would expire if Convalt had no license. He also advised Council that on September 28, 2023, FERC had received a competing application for Sewall's Island in a different location.

Council Member Olney agreed that Council should be aware of this situation.

### **Skateboard Park and Sewall's Island**

Council Member Olney asked if the Convalt situation would impact the proposed skate park.

Mr. Mix advised that there would be Resolution on the skate park at the next meeting. He clarified that Convalt had two license agreements: one that would renew if they had a FERC license and one for commercial development in another area on Sewall's Island that would not automatically renew. He noted that no matter what happens with Convalt, the City owns enough property on the island to construct a skate park.

### **Garbage at Factory Square**

Council Member Olney informed Council that a constituent had complained of garbage at the Factory Square park. He noted that he understands the park is owned by Brookfield Electric, but they are required to allow public access. He asked what the City could do to clean up the garbage problem.

Mr. Mix indicated the property was Brookfield's and they would be the ones to clean it.

Council Member Olney asked if the City had any control of their property.

Mayor Smith stressed that it is Brookfield's property.

Council Member Olney reiterated that he would like some ideas on how to clean the area up.

### **Housing Costs**

Council Member Olney informed Council that housing costs continue to rise and cited destruction of rental properties as a potential cause. He stated his belief that this is a criminal matter even though the District Attorney said rental destruction is a civil matter.

### **Vacancies on City Staff**

Council Member Olney asked how many employment positions were still vacant within the City.

Mr. Mix noted that it varied at any given time but added there would be a resolution at the next meeting for a three-man overhire for the Fire Department to fill two vacancies and prepare for a third. He listed the current vacancies in several other departments.

Council Member Olney asked if the City responded to every person who applied for a job with the City.

Mr. Mix explained that it varies, and some jobs require Civil Service testing.

### **City Attorney**

Council Member Olney offered words of thanks and welcome to the new attorney.

### **Radio Show and Social Media**

Council Member Olney expressed concerns with the way he has been portrayed on certain radio shows and on Social Media.

### **City Manager Resignation**

Council Member Olney thanked Mr. Mix for his service and for all the projects completed in his tenure as City Manager and, additionally, wished him the best in his retirement.

### **City Attorney Smith cont.**

Council Member Pierce thanked Attorney Smith for being at the meeting.

### **Community Office Hours**

Council Member Pierce advised that she would be holding another Community Office Hours event at Flower Library on October 11.

### **Eclipse Committee**

Council Member Pierce informed Council that there had been good progress at the recent meeting and the committee had some great volunteers. She noted they had started advertising with the Thousand Islands Tourism Council. In response to Council Member Hickey's inquiry about the committee's budget, Council Member Pierce indicated she did not have the exact numbers in front of her.

### **City Manager Resignation cont.**

Council Member Pierce offered her thanks on behalf of the community to Mr. Mix for his service. She also noted that Council should begin the process of hiring a new City Manager by getting a list of candidates.

Council Member Ruggiero asked if John Krol, Ogdensburg, had been contacted yet as he has been involved in many previous City Manager searches.

**Eclipse Cont.**

Council Member Ruggiero noted that preparations are being made throughout the City and mentioned the Chamber of Commerce already had viewing glasses available.

**Italian Flag Raising**

Council Member Ruggiero asked whether the Italian Flag Raising would be held at City Hall or at the Italian American Club.

Mr. Mix said he would confirm but thought it would be at the Club as in previous years.

**Debris at VanDuzee and West Main Streets**

Council Member Ruggiero mentioned a constituent had emailed her photos of a cluster of bicycles, shopping carts and other debris at the intersection of VanDuzee and West Main streets and asked for the area to be checked out.

**Town of Watertown Emergency Vehicles**

Council Member Ruggiero informed Council that she had heard from the Town of Watertown Fire Department of concerns that with the road improvements on outer Massey Street, an emergency vehicle will no longer fit under the Massey St. railroad bridge.

**Mr. Traynor's Comments During Privilege of the Floor Regarding his Wife's Employment**

Council Member Ruggiero asked whether there was an issue with Mrs. Traynor's qualifications because her education and experience was from another country.

Mr. Mix noted there were ways of transferring overseas degrees, but he did not have specific information about her credentials.

**Brookside Cemetery Tour**

Council Member Ruggiero mentioned that the annual Brookside tour would offer a look at the on-site chapel again this year and noted that the public should check it out.

**Privilege of the Floor Time Allowance**

Council Member Ruggiero asked if the Mayor had acted too hastily with Mr. Gates earlier in the evening, noting the amount of time used by speakers during Privilege of the Floor is inconsistent and the three-minute limit is not always enforced.

Mayor Smith noted that Mr. Gates was well over five minutes when he suggested that Mr. Gates wrap up his remarks.

**Street Naming Ceremony**

Mayor Smith reminded Council of the street naming ceremony to be held in Thompson Park on Thursday at 9 a.m. in honor of former Mayors Jeffrey Graham and Joseph Butler Jr.

### **German Flag Raising**

Mayor Smith mentioned the German Flag Raising ceremony at City Hall at noon on Thursday.

### **Thanks to City Manager Mix**

Mayor Smith offered his thanks and congratulations to Mr. Mix on his re-retirement. He stated it had been an honor and a pleasure to serve with him and they could hold the door for each other on their way out on January 1. He cited that Mr. Mix takes with him a wealth of experience and knowledge which will be missed.

### **Concerns with Transparency with City Attorney**

Mayor Smith welcomed Ms. Smith to the City and asked her, in the interest of transparency, if she was aware of one of the Bond, Schoeneck and King attorneys having prior knowledge of a deed document pertaining to the purchase of the golf course, which the previous attorney had been accused of conspiring over.

Ms. Smith stated she did know about the situation and that the attorney had been informed about the document by former City Attorney Bob Slye.

### **Mr. Simao's Emails**

Mayor Smith stated, for the purpose of informing the public, that P.J. Simao had sent numerous emails to the members of City Council offering various types of payment in exchange for information. The Mayor, speaking in his capacity as the Mayor of the City of Watertown, described Mr. Simao as a "disturbed individual" and characterized his offers of donations and tax payments as "bribery." He commented that property owners in the City of Watertown have an obligation to pay their taxes and offering to pay taxes in exchange for a favor is not normal behavior. He noted that Mr. Simao had previously sued the City over the 237 Main Avenue property and now he was offering to pay those taxes in order to obtain information. He reiterated that Mr. Simao's offers to donate \$2,500 to certain Council Members' favorite charities, far exceeded the legal limit for a gift, which is \$75. He listed off other unusual, potentially unethical behavior by Mr. Simao. He offered to send copies of all his emails to Attorney Smith for her review.

Attorney Smith offered to read through the emails and research the legality of such an offer.

Mayor Smith also noted that in his time as Mayor he has received hundreds of emails from Mr. Simao that bordered on harassment.

In response to Council Member Ruggiero's question regarding whether he was offering a professional opinion about Mr. Simao, Mayor Smith said he was offering his opinion as the Mayor of the City of Watertown and was not diagnosing anyone. He also noted that any emailed correspondence that Council Member Ruggiero receives on her phone during Council Meetings are FOILable. He stated that he had no outside contact with this person outside of his position as Mayor.

He described Mr. Simao's overall behavior as "disgusting and disturbing, at best." He noted he was going to investigate whether he could post all of Mr. Simao's emails on the Mayor's page so the public

can see for themselves. In summation, he asked the Attorney to look into the legal repercussions of the emails. He also informed Attorney Smith that the City of Watertown has authorized litigation for the property taxes owed on 237 Main Avenue.

Attorney Smith agreed to look into the email situation and noted she was aware of the impending litigation.

**City Manager Resignation**

Council Member Ruggiero thanked Mr. Mix for everything he has done for the City, noting how much his staff respects him. She further noted his work with the Friends of Thompson Park, and she commented on his ability to always maintain his composure.

**A D J O U R N M E N T**

**At the call of the chair, meeting was duly adjourned at 9:03 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.**

Lisa M. Carr

Deputy City Clerk