

**CITY OF WATERTOWN, NEW YORK  
AGENDA**

This shall serve as notice that the next regularly scheduled meeting of the City Council will be held on Tuesday, September 7, 2010, at 7:00 p.m. in the City Council Chambers, 245 Washington Street, Watertown, New York.

**MOMENT OF SILENCE**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**ADOPTION OF MINUTES**

**COMMUNICATIONS**

**PRIVILEGE OF THE FLOOR**

**RESOLUTIONS**

- Resolution No. 1 - Approving “The Process of Site Plan and Subdivision Review” Workshop on September 22, 2010 as Valid Training for Meeting the New York State Municipal Planning and Zoning Officials’ Training Requirement
  
- Resolution No. 2- Approving the 19<sup>th</sup> Annual Local Government Conference at SUNY Potsdam on October 12, 2010, as Valid Training for Meeting the New York State Municipal Planning and Zoning Officials’ Training Requirement
  
- Resolution No. 3 - Authorizing Budget Modification Request No. 3 for the FY 2007 Small Cities Community Development Block Grant
  
- Resolution No. 4 - Accepting Bid for Fire Hydrants and Pipe and Accessories for Water Main Installation at 1200 Block of Columbia Street and 1200 Block of Madison Avenue, Ferguson Waterworks
  
- Resolution No. 5 - Approving Amendments to the City of Watertown Health Insurance Plan Design
  
- Resolution No. 6 - Approving Option Agreement Extension – City Center Industrial Park

- Resolution No. 7 - Abandoning a Portion of Massey Street North Adjacent to 229 Massey Street North
- Resolution No. 8 - Scheduling a Public Hearing in Connection With the Exercise of Eminent Domain to Acquire Sewer Facilities and Street Access from Stateway Plaza Shopping Center, Reg.
- Resolution No. 9 - Request by City Council of the City of Watertown For the Enactment of a Special Law
- Resolution No. 10 - Finding that Changing the Approved Zoning Classification of 561-579 Burdick Street, Parcel Numbers 1-04-114 through 1-04-120, from Light Industrial to Residence B Will Not Have a Significant Impact on the Environment
- Resolution No. 11 - Finding That Amending the Zoning Ordinance, Chapter 310 of the Code of the City of Watertown, To Allow Beer Production in Light Industrial Districts Will Not Have a Significant Impact on the Environment

## **ORDINANCES**

- Ordinance No. 1 - Approving the Zoning Amendment Request Submitted by Brian J. Drake of GYMO, P.C. on behalf of Purcell Construction Corp. to Amend Planned Development District # 16 to Allow Two Enriched Living Buildings and Five Two-Unit Dwellings and Eliminate a Previously Approved Assisted Living Facility on Parcels Number 14-49-101, 14-49-101.005 and 14-49-101.101
- Ordinance No. 2 - Amending City Municipal Code Chapter 293, Vehicles and Traffic

## **LOCAL LAW**

### **PUBLIC HEARING**

- 7:30 p.m. Ordinance Approving the Zone Change Request Submitted by John and Amy MacGregor, to Change the Approved Zoning Classification of 561-579 Burdick Street, Parcel Numbers 1-04-114 through 1-04-120, from Light Industry to Residence B
- 7:30 p.m. Amending Zoning Ordinance, Chapter 310 of the Code of the City of Watertown, Pertaining to Beer and Wine Production

## **OLD BUSINESS**

Tabled - Approving Geothermal Professional Services Agreement,  
Sack and Associates PLLC

## **STAFF REPORTS**

1. Noise Control Legislation
2. Sales Tax Revenue – July 2010

## **NEW BUSINESS**

## **EXECUTIVE SESSION**

1. Discuss the employment history of particular individuals.
2. Discuss proposed, pending or current litigation.

## **WORK SESSION**

## **ADJOURNMENT**

**NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING IS MONDAY,  
SEPTEMBER 20, 2010.**

Res No. 1

September 1, 2010

To: The Honorable Mayor and City Council

From: Kenneth A. Mix, Planning and Community Development Coordinator

Subject: Approving “The Process of Site Plan and Subdivision Review” Workshop on September 22, 2010 as Valid Training for Meeting the New York State Municipal Planning and Zoning Officials’ Training Requirement

The City Council, Planning Board and Zoning Board of Appeals are subject to the four hour training requirement that the New York State Legislature adopted as Chapter 662 of the Laws of 2006 which took effect January 1, 2007. This law requires that the City Council approve courses before they can be used to meet the training requirement.

Attached is a flyer for a workshop on “The Process of Site Plan and Subdivision Review” to be held on Wednesday, September 22, 2010 from 6:30 p.m. to 8:30 p.m. at Jefferson Community College. Upon review of the agenda, staff believes that this workshop meets the intent of the State legislation for training and will therefore qualify as two hours toward meeting the training requirement upon approval of the City Council. A resolution approving the training has been prepared for Council’s consideration.

September 7, 2010

# RESOLUTION

Page 1 of 1

Approving "The Process of Site Plan and Subdivision Review" Workshop on September 22, 2010 as Valid Training for Meeting the New York State Municipal Planning and Zoning Officials' Training Requirement

Council Member BURNS, Roxanne M.  
 Council Member BUTLER, Joseph M. Jr.  
 Council Member MACALUSO, Teresa R.  
 Council Member SMITH, Jeffrey M.  
 Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

### *Introduced by*

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WHEREAS the New York State Chapter 662 of the Laws of 2006 which took effect on January 1, 2007 requires all municipal planning and zoning officials to have four hours of training per year, and

WHEREAS the training must be approved by the City Council before it can be used to meet the training requirement, and

WHEREAS the Fort Drum Regional Liaison Organization, Jefferson County Department of Planning, New York State Tug Hill Commission and the Center for Community Studies at JCC are cosponsoring "The Process of Site Plan and Subdivision Review" workshop on September 22, 2010 from 6:30 to 8:30 p.m. at Jefferson Community College,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that "The Process of Site Plan and Subdivision Review" workshop is approved to provide credit toward meeting the New York State municipal planning and zoning officials' training requirement.

### **Seconded by**



## Land Use Planning Workshop Notice

### "The Process of Site Plan and Subdivision Review"

Wednesday, September 22, 2010

6:30 – 8:30 p.m.

Jules Center Amphitheater (Room 6-002)

Jefferson Community College, 1220 Coffeen St., Watertown, NY

The Fort Drum Regional Liason Organization, Jefferson County Department of Planning, NYS Tug Hill Commission, and The Center for Community Studies at JCC are co-sponsoring a training session featuring staff from the NYS Tug Hill Commission explaining the procedural steps for site plan and subdivision review.

#### Agenda

6:30 - 6:35 p.m. Welcome and Opening Remarks.

6:35 - 8:00 p.m. Presentation by Phil Street, NYS Tug Hill Commission.

From the applicant's first sketch on the back of a napkin to the final approved project, the complete land development review process including SEQR will be explained in detail. Helpful checklists, forms, and outlines will be provided. Planning boards, zoning boards of appeal, code enforcement officers, and all those interested in learning more about the review of proposals for development are invited to attend in order to better understand the project review process.

Phil Street is Planning Director for NYS Tug Hill Commission. He has been with the Commission for over 30 years and Planning Director for the past 14. Phil has a Bachelors degree in Political Science from SUNY Cortland and a Masters of Regional Planning from Pennsylvania State University. He works with many of the Tug Hill Regions towns and villages on land use laws and comprehensive plans.

8:00 - 8:30 p.m. Ample time will be reserved for questions and answers.

RSVPs are strongly encouraged by September 20<sup>th</sup>. Please call The Center for Community Studies at (315) 786-2333 or send an e-mail to [hbarben@sunyjefferson.edu](mailto:hbarben@sunyjefferson.edu).

Note to Planning Board and ZBA Chairpersons and Clerks - Please share this notice with other Board members and officials in your community!!!

If approved by your municipality, this workshop can provide 2 hours of training to meet the NYS Municipal Training requirement.

Directions and map are provided on reverse side.

Res No. 2

August 26, 2010

To: The Honorable Mayor and City Council

From: Kenneth A. Mix, Planning and Community Development Coordinator

Subject: Approving the 19<sup>th</sup> Annual Local Government Conference at SUNY Potsdam on October 12, 2010 as Valid Training for Meeting the New York State Municipal Planning and Zoning Officials' Training Requirement

The City Council, Planning Board and Zoning Board of Appeals are subject to the four hour training requirement that the State Legislature adopted as Chapter 662 of the Laws of 2006, which took effect January 1, 2007. This state law requires that the City Council approve courses before they can be used to meet the training requirement.

Attached is a copy of the pamphlet for the 19<sup>th</sup> Annual Local Government Conference at SUNY Potsdam to be held on Tuesday, October 12, 2010, from 8:00 a.m. to 3:30 p.m. The conference includes a track on planning and zoning that meets the intent of the state legislation and will, therefore, qualify toward meeting the training requirement upon approval of the City Council. A resolution approving the training has been prepared for City Council's consideration.

September 7, 2010

# RESOLUTION

Page 1 of 1

Approving the 19<sup>th</sup> Annual Local Government Conference at SUNY Potsdam on October 12, 2010, as Valid Training for Meeting the New York State Municipal Planning and Zoning Officials' Training Requirement

Council Member BURNS, Roxanne M.  
 Council Member BUTLER, Joseph M. Jr.  
 Council Member MACALUSO, Teresa R.  
 Council Member SMITH, Jeffrey M.  
 Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

### *Introduced by*

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WHEREAS the New York State Chapter 662 of the Laws of 2006 which took effect on January 1, 2007 requires all municipal planning and zoning officials to have four hours of training per year, and

WHEREAS the training must be approved by the City Council before it can be used to meet the training requirement, and

WHEREAS SUNY Potsdam is sponsoring their 19<sup>th</sup> Annual Local Government Conference on October 12, 2010,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that the 19<sup>th</sup> Annual Local Government Conference at SUNY Potsdam is approved to provide credit toward meeting the New York State municipal planning and zoning officials' training requirement.

### **Seconded by**



**Potsdam**  
THE STATE UNIVERSITY OF NEW YORK

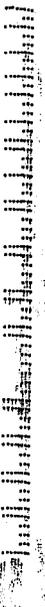
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Center for Lifelong Education and Recreation  
Van Housen Extension  
Potsdam, NY 13676

[www.potsdam.edu/localgovernment](http://www.potsdam.edu/localgovernment)

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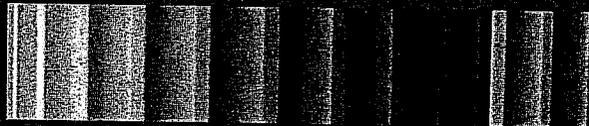
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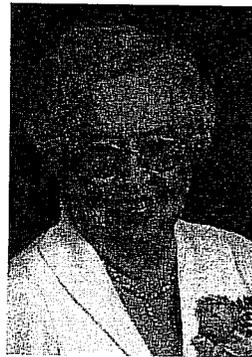
19TH ANNUAL  
**LOCAL GOVERNMENT  
CONFERENCE** AT SUNY POTSDAM

Tuesday, October 1



**Potsdam**





**Welcome from Local Government  
Committee Chairwoman,  
Ruth Garner**

On behalf of the Local Government Planning Committee, I invite you to participate in the 19th annual Local Government Conference on **Tuesday, October 12, 2010** hosted at SUNY Potsdam. Please join us for this opportunity to interact with colleagues and other local government officials from across the state as we work together to find solutions to problems and issues that challenge our communities.

This year's conference will be held in **Kellas Hall**. Opening remarks will begin at 8:45 a.m. in Kellas 106. Vendors will be showcased in the Kellas Hallway. Lunch and Keynote will take place in the Barrington Student Union – just a short distance from Kellas Hall. Buses will shuttle you to the Student Union and back to Kellas Hall for the final session of the day.

Steven J. Hancox, Deputy Comptroller for the NYS Division of Local Government and School Accountability will be our keynote speaker for this year's conference. Steve will be providing insight into the status of NYS and local government's role. In addition, he will also be speaking at Session 3 of the combined Board Member and Budget & Finance tracks to allow local officials the opportunity to discuss local issues of importance.

We look forward to seeing you at the 19th Annual Local Government Conference as well as many of our returning businesses, vendors and state agencies.

Please take a moment to complete and return the registration form at the back of this booklet or you may complete the registration form online at

**<https://secure.potsdam.edu/conf/localgov/>**

*Ruth A. Garner*

# SCHEDULE OF EVENTS

8:00 – 8:30 a.m. REGISTRATION, COFFEE & VISIT WITH VENDORS

8:30 – 8:40 a.m. WELCOMING REMARKS Kellas Hall 106

## 8:45 – 10:15 a.m. SESSION 1

Assessors – Legal Issues and Legislation for 2010

Board Members – Motions, Resolutions and Local Laws – Is There A Difference?

Budget & Finance – Reading and Understanding Your Budget and How to Calculate Your Tax Rate

Code Enforcement – Wall Bracing #49-5749

Community Development – Bio-Energy: Untapped Potentials in Northern New York

Municipal Clerks – What Auditors Look for in the Clerk’s Minutes and How to Prepare for an Audit

Planning & Zoning – The Use Variance: What Every Zoning Board of Appeals Member Should Know

Public Works – SPDES General Permit Requirements and SPDES Compliance Approach Updates

10:15 – 10:45 a.m. BREAK & VISIT WITH VENDORS

## 10:45 a.m. – 12:15 p.m. SESSION 2

Assessors – Effectively Communicating With Your Public

Board Members – Workplace Violence

Budget & Finance – Labor Contracts, Unions and Civil Service

Code Enforcement – Wall Bracing #49-5749

Community Development – Finding and Acquiring Grants for Your Community

Municipal Clerks – Records Management Grants – Electronic Document Imaging

Planning & Zoning – Article 78 Proceedings and Injunctive Relief – an Introduction

Public Works – Unidirectional Flushing in the Distribution System

12:30 – 1:15 p.m. LUNCH – Barrington Student Union Multi-Purpose Room

(Buses will provide transportation to the Union and back to Kellas Hall for the afternoon session)

1:15 – 1:45 p.m. KEYNOTE SPEAKER – Steven J. Hancox, Deputy Comptroller for the NYS

Division of Local Government and School Accountability

## 2:00 – 3:30 p.m. SESSION 3

Assessors – Exemption Administration and How Exemptions Affect Your Tax Base

Board Members – Update on the Status of New York State

Budget & Finance – Update on the Status of New York State

Code Enforcement – Deck Design and Inspection #49-5307

Community Development – Regional Infrastructure Initiatives That Can Grow the Economy and Sustain the Community

Municipal Clerks – Refresher Session on Births, Deaths and Marriage Records

Planning & Zoning – On-line Mapping and Planning Information Resources

Public Works – Asbestos Awareness

# WORKSHOPS

## Assessors

Kellas Hall

CEUs awarded

8:45 – 10:15 a.m. — SESSION 1, Kellas 101

### Legal Issues and Legislation for 2010

This session will cover the 2010 legislation and budget bills passed in Albany related to the Real Property Tax. We will also look at the latest opinions of counsel and any significant court cases. This is also the opportunity for you to bring any questions you may have on the administration of the property tax in your community.

Presented and moderated by Jane Powers, Director, St. Lawrence County Real Property Tax Office.

10:45 a.m. – 12:15 p.m. — SESSION 2, Kellas 101

### Effectively Communicating With Your Public

This session will cover some communication techniques that all local government officials can use when dealing with their public. These recommendations are intended to assist assessors with improving the public perception and understanding of the assessment function. The most heightened public scrutiny of the assessment function often occurs when assessors are adjusting assessments to reflect changes in market value.

Presented by Chris Coffin, Sole Assessor, Town of Macomb, St. Lawrence County and moderated by Jane Powers, Director, St. Lawrence County Real Property Tax Office.

2:00 – 3:30 p.m. — SESSION 3, Kellas 101

### Exemption Administration and How Exemptions Affect Your Tax Base

This session will cover the relationship between the full assessed value and the taxable assessed value on your assessment roll. We will look at the different types of exemptions and their impact on the tax base. Please bring any questions you may have on exemptions, how to administer them, what choices you have in granting them, what may be out there that you are unaware of, etc.

Presented and moderated by Jane Powers, Director, St. Lawrence County Real Property Tax Office.

## Board Members

Kellas Hall

8:45 – 10:15 a.m. — SESSION 1, Kellas 102

### **Motions, Resolutions and Local Laws – Is There A Difference?**

While many decisions by municipal boards are accomplished through motions, many actions require resolutions and the passage of local laws. Resolutions usually state the reasons for the action being taken in the preamble. Local laws, a form of municipal legislation, cannot be adopted, amended or repealed until after a public hearing is held. This session will clarify their use.

Presented by Lori Mithen-Demasi, Counsel, Association of Towns and moderated by Mary Jane Watson, a founding partner of Pinto, Mucenski and Watson, CPAs and Secretary/Treasurer of the Colton Fire District.

10:45 a.m. – 12:15 p.m. — SESSION 2, Kellas 102

### **Workplace Violence**

This session will focus on the New York State Workplace Violence Prevention Act requiring that public employees prepare a risk assessment for workplace violence, provide employee training, and (under certain circumstances) implement a workplace violence-prevention program. The workshop will address the requirements set forth in that law and provide a forum for exploring compliance strategies. Information will also be provided on the risks employees face from workplace violence incidents, and why it is important that public sector employers focus on identifying and reducing those risks.

Presented by Nanette L. Hatch, Senior Consultant, Public Sector HR Consultants LLC and moderated by Mark Hall, Supervisor, Town of Fine.

2:00 – 3:30 p.m. — SESSION 3, Kellas 103

### **Update on the Status of New York State**

Recent cutbacks in state funding continue to adversely affect municipalities in the North Country already struggling to provide services to their constituents. This session will cover recent changes in Albany and how municipalities can best meet the challenges they face.

Presented by Steve Hancox, New York State Deputy Comptroller, Local Government and School Accountability and moderated by David Button, Supervisor, Town of Canton.

## Budget & Finance

Kellas Hall

8:45 – 10:15 a.m. — SESSION 1, Kellas 103

### **Reading and Understanding Your Budget and How to Calculate Your Tax Rate**

The budget process is often lengthy and contentious and usually involves making some hard decisions. This session will enable board members to exercise their fiscal oversight responsibilities in budget preparation and monthly monitoring of expenditures in relation to the budget.

Presented by Peggy Mousaw, CFMO Lake Placid Treasurer/CFO and Phil Cosmo, City of Ogdensburg Comptroller and moderated by Bob McNeil, Treasurer, St. Lawrence County.

10:45 a.m. – 12:15 p.m. — SESSION 2, Kellas 103

### **Labor Contracts, Unions and Civil Service**

While municipalities report to local civil services offices on the status of their employees, confusion often results over part-time and full-time employees and the rules governing them. This session will examine the similarities and differences between Civil Service regulations and terms specified in union contracts.

Presented by Dan McKillip, North Country Relations Associates and moderated by Joseph Gray, Supervisor, Town of Massena.

2:00 – 3:30 p.m. — SESSION 3, Kellas 103

### **Update on the Status of New York State**

Recent cutbacks in state funding continue to adversely affect municipalities in the North Country already struggling to provide services to their constituents. This session will cover recent changes in Albany and how municipalities can best meet the challenges they face.

Presented by Steve Hancox, New York State Deputy Comptroller, Local Government and School Accountability and moderated by David Button, Supervisor, Town of Canton.

## Code Enforcement

Kellas Hall

CEUs awarded

8:45 – 10:15 a.m. — SESSION 1, Kellas 106

### Wall Bracing #49-5749

This two-session presentation will cover building code requirements for wall bracing. The sessions will focus on the sections of code that pertain to building in NY and New England as well as common problem areas such as framing garage doors and two story walls. After this session you will be able to do a plan review to locate the problem areas and find a solution that satisfies code requirements.

Presented by Louis Daviau, Simpson Strong-Tie Company, Inc. and moderated by John Hill, Village of Potsdam Code Enforcement Officer.

10:45 a.m. – 12:15 p.m. — SESSION 2, Kellas 106

### Wall Bracing #49-5749

Continuation of Session 1 - Session will focus on information not covered in Session 1.

Presented by Louis Daviau, Simpson Strong-Tie Company, Inc. and moderated by John Hill, Village of Potsdam Code Enforcement Officer.

2:00 – 3:30 p.m. — SESSION 3, Kellas 106

### Deck Design and Inspection #49-5307

This course is based on the 2003 International Residential Code (IRC) with clarifications from the 2006-2009 IRC, as well as the DCA6. Discussed will be what to look for when inspecting decks as well as footings, posts, beams, ledgers, joists, railings and all the associated connections. There will be a particular focus on the areas that cause the most failures and injuries.

Presented by Louis Daviau, Simpson Strong-Tie Company, Inc. and moderated by John Hill, Village of Potsdam Code Enforcement Officer.

## Community Development

Kellas Hall

8:45 – 10:15 a.m. — SESSION 1, Kellas 100

### Bio-Energy: Untapped Potential in Northern New York

Part one of this session focuses on renewable grass energy. Learn about the efforts of the St. Lawrence County Grass Energy Working Group whose goal is to develop a viable, local grass energy economy in the North Country that will replace fossil fuel use for space heating and hot water, increase local economic benefits and reduce greenhouse gas emissions. Part two covers how the Edwards-Knox Central School District researched, planned for, obtained funding assistance and voter approval and implemented their successful multi-fuel biomass boiler project. Biomass fuels save money, reduce greenhouse gas emissions and support local economies.

Presented by Jon Montan, St. Lawrence County Planning Office and Amanda Fuller, Edwards-Knox Central School Board.

10:45 a.m. – 12:15 p.m. — SESSION 2, Kellas 100

### Finding and Acquiring Grants for Your Community

This panel presentation and discussion forum features experienced grant writers from a variety of backgrounds. You will get an overview of grants geared toward community development/local governments and have the opportunity to ask your questions of these professionals.

Presented by Cheryl Shenkle-O'Neill, Exec. Dir, Snow Belt Housing Co., Inc.; Zoe Smith, Comm. Coord., Wildlife Conservation Society's Adirondack Communities and Conservation Program; and Chris Hunsinger, Principal, C. Hunsinger & Associates.

2:00 – 3:30 p.m. — SESSION 3, Kellas 105

### Regional Infrastructure Initiatives That Can Grow the Economy and Sustain the Community

Several large scale projects are proposed for the North Country that will have a positive impact on the community and the economy. You are invited to learn about these exciting initiatives which include broadband development, municipal power in the North Country and the regional benefits of the proposed new natural gas line that will run through St. Lawrence and Franklin Counties.

Presented by Phil Wagschal, President and General Manager, SLIC Network Solutions; Robert Best, Chairman of the Alliance for Municipal Power; Richard Campbell, President and General Manager; and James Ward, Manager Strategic Accounts & Planning from St. Lawrence Gas.

All sessions moderated by Dawn Mullaney, St. Lawrence County Planning Board.

## Municipal Clerks

Kellas Hall

RMC certification credits awarded

8:45 – 10:15 a.m. — SESSION 1, Kellas 104

### **What Auditors Look for in the Clerk’s Minutes and How to Prepare for an Audit**

This session will cover the important items that clerks must include in their board meeting minutes. There will be further discussion on a clerk preparing records for a State Audit.

Presented by Laird Petrie, Associate Examiner of the NYS Office of the State Comptroller and moderated by Janet Wheater, Oswegatchie Town Clerk.

10:45 a.m. – 12:15 p.m. — SESSION 2, Kellas 104

### **Records Management Grants- Electronic Document Imaging**

Imaging systems can store and quickly retrieve a large volume of documents. Use of this technology help frees up valuable space and saves time when searching for records. Attendees will better understand this technology and how it can be implemented into their offices to increase efficiency.

Presented by Denis Meadows, New York State Archives, Region 4 Advisory Office and moderated by Georgette Davis, Massena Town Clerk.

2:00 – 3:30 p.m. — SESSION 3, Kellas 104

### **Refresher Session on Births, Deaths, and Marriage Records**

Who can have access to birth and death records? Can a registrar correct them if there is an error? Are there filing deadlines? These are only a few of the questions that will be answered during this session.

Presented by James O’Connor, Field Agent, New York State Department of Health and moderated by Cindy Goliber, Potsdam Town Clerk.

## Planning and Zoning

Kellas Hall

8:45 – 10:15 a.m. — SESSION 1, Kellas 105

### **The Use Variance: What Every Zoning Board of Appeals Member Should Know**

Use variances, if properly administered by zoning boards of appeals, should be very difficult for the applicant to obtain. And, if the standards in State Statute are not followed, the Zoning Board of Appeals could weaken the integrity of the zoning regulations. We will discuss how, and, in considerable detail, the four-part “test” ZBAs should follow in reviewing appeals for use variances. Case law examples helps illustrate how boards might consider the four factors in that test.

Presented by Sean Maguire, Land Use Training Specialist, NYS Department of State and moderated by Jason Pfothenauer, Deputy Director, St. Lawrence County Planning Office.

10:45 a.m. – 12:15 p.m. — SESSION 2, Kellas 105

### **Article 78 Proceedings and Injunctive Relief - An introduction**

Is there an appeal process for your Planning Board or Zoning Board of Appeals decision? The answer is... Come and find out about Article 78 proceedings. How do municipalities effectively enforce a land use or zoning regulation? Injunctive Relief might be an option. Kevin Crawford, Executive Director of NYMIR, will present on these infrequently discussed but important topics.

Presented by Kevin Crawford, Executive Director, New York Municipal Insurance Reciprocal (NYMIR) and moderated by Jason Pfothenauer, Deputy Director, St. Lawrence County Planning Office.

2:00 – 3:30 p.m. — SESSION 3, Kellas 100

### **On-line Mapping and Planning Information Resources**

So you need to review an area variance or a site plan? Wouldn’t it be nice to be able to see the site in question from the air? Where are the property boundaries? Are there wetlands nearby? Much of this information is available for free on-line. Come and see a hands-on demonstration of St. Lawrence County’s Open Geo Portal, Bing Maps, Google Earth and other sites than can help with your project reviews.

Presented and moderated by Jason Pfothenauer, Deputy Director, St. Lawrence County Planning Office.

## Public Works

Kellas Hall

CEUs awarded

8:45 – 10:15 a.m. — SESSION 1, Kellas 217

### SPDES General Permit Requirements and SPDES Compliance Approach Updates

New York State has a state program which has been approved by the U.S. Environmental Protection Agency for the control of wastewater and storm water discharges in accordance with the Clean Water Act. During this session NYSDEC personnel will review General SPDES requirements and common compliance methods.

Presented by Koon Tank, Acting Director Bureau of Water Permits and Joseph DiMura, Bureau of Water Compliance.

10:45 a.m. – 12:15 p.m. — SESSION 2, Kellas 217

### Unidirectional Flushing in the Distribution System

Presented in this session will be information on unidirectional flushing. Also included will be updates on DOH Regulations related on Long Term 2 Enhanced Surface Water Treatment Rule (LT2), Stage 2 Disinfection By-products rule, Groundwater Rule, and Appendix 75-A (Wastewater Treatment Standards – Residential Onsite Systems).

Presented by Ron Sheppard and Joseph Brant of the NYS Department of Health Canton District Office.

2:00 – 3:30 p.m. — SESSION 3, Kellas 217

### Asbestos Awareness

This session presents information on the properties and uses of asbestos and commonly found asbestos-containing materials (ACM), health effects, general responsibilities of building and facility owners and employers, and the preventive approach of presuming that certain materials are ACM until proven otherwise. It will also include an overview of the many asbestos regulations, activities that may result in potential exposure, recognition of damage and deterioration, housekeeping requirements, proper response to fiber release episodes, and a discussion of protective measures including engineering controls, work practices, administrative controls, and personal protective equipment.

Presented by John Usher, Associate Industrial Hygienist of the NYS Department of Labor Public Employee Safety and Health Bureau.

All sessions moderated by Bob Henninger, Chief Operator for the Village of Potsdam Water and Wastewater Treatment Plant and Hydro Power Facilities.

## 2010 Local Government Conference

### REGISTRATION FORM

Register online:  
<https://secure.potsdam.edu/conf/localgov/>

Name/Title \_\_\_\_\_

Organization \_\_\_\_\_

Address \_\_\_\_\_

Daytime Phone \_\_\_\_\_ Fax \_\_\_\_\_

E-Mail \_\_\_\_\_

Please indicate your first and second choice for each session.

	SESSION 1		SESSION 2		SESSION 3	
	1st Choice	2nd Choice	1st Choice	2nd Choice	1st Choice	2nd Choice
Assessors						
Board Members						
Budget & Finance						
Code Enforcement						
Comm. Development						
Municipal Clerks						
Planning & Zoning						
Public Works						

Please indicate your method of payment for (amount) \$ \_\_\_\_\_

Voucher  Check (please make payable to Potsdam College Foundation)

Visa # \_\_\_\_\_ Exp. Date \_\_\_\_\_

MasterCard # \_\_\_\_\_ Exp. Date \_\_\_\_\_

#### 4 EASY WAYS TO REGISTER:



Mail

Local Government Conference  
c/o SUNY Potsdam  
44 Pierrepont Avenue  
Potsdam, NY 13676-2294



Phone, Fax or Online

Call (315) 267-2167 or 267-2538  
Fax this form to (315) 267-3350

Online – <https://secure.potsdam.edu/conf/localgov/>

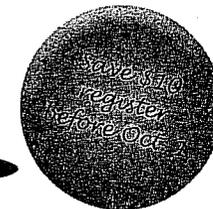


Conference Fee

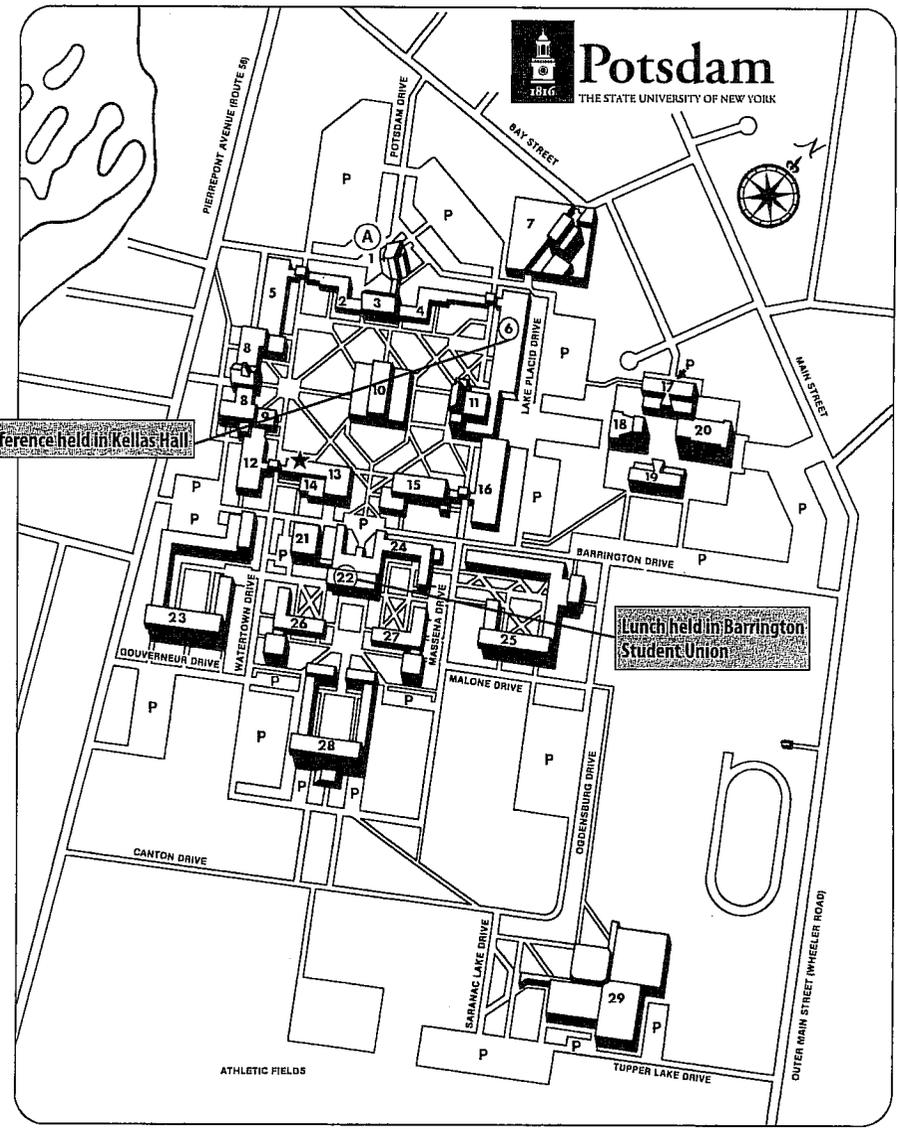
**Early registration: \$35.00**  
**After October 3: \$45.00**  
**Day of event: \$60.00**

75% refund if cancelled by  
October 6

**Questions?** Contact Nancy Hess  
at (315) 267-2538  
or e-mail: [hessnl@potsdam.edu](mailto:hessnl@potsdam.edu)



Further  
conference  
information  
will be sent  
to you upon  
registration.



Conference held in Kellas Hall

Lunch held in Barrington Student Union

- |                                      |                        |                        |
|--------------------------------------|------------------------|------------------------|
| A Admissions Office,<br>Raymond Hall | 5 Flagg Hall           | 7 Service Building     |
| 19 Bishop Hall                       | 20 Hosmer Concert Hall | 17 Schuette Hall       |
| 28 Bowman Hall                       | <b>6 Kellas Hall</b>   | 24 Sisson Hall         |
| 12 Brainerd Hall                     | 25 Knowles Hall        | 18 Snell Music Theater |
| 3 Carson Hall                        | 23 Lehman Hall         | 15 Stowell Hall        |
| 9 College Theater                    | 4 MacVicar Hall        | 21 Thatcher Hall       |
| <b>22 Barrington Student Union</b>   | 29 Maxcy Hall          | 16 Timmerman Hall      |
| 10 Crumb Memorial Library            | 11 Merritt Hall        | ★ University Police,   |
| 27 Draime Hall                       | 2 Morey Hall           | 26 Van Housen Hall     |
| 13 Dunn Hall                         | P Parking Areas        |                        |
| 14 Dunn Recital Hall                 | 1 Raymond Hall         |                        |
|                                      | 8 Satterlee Hall       |                        |

All buildings accessible to handicapped.

Res No. 3

September 1, 2010

To: The Honorable Mayor and City Council

From: Kenneth A. Mix, Planning and Community Development Coordinator

Subject: Authorizing Budget Modification Request No. 3 for FY 2007 Small Cities Community Development Block Grant

City Council awarded the contract for the Franklin Street Sidewalk Reconstruction Project on August 16, 2010. At that time, staff informed the Council that there is enough money in the 2007 Community Development Block Grant to cover the entire cost of the project, but a budget modification is necessary to shift funds between activities.

The proposed Budget Modification is shown on the attached form. It shifts \$25,885.66 from Commercial Loans to Franklin Street Sidewalk Reconstruction. This will cover Con Tech's contract and \$1,800.00 for an asbestos contractor to remove an asbestos pipe under the sidewalk.

The scheduling of the project will allow the Engineering Department to do the construction inspection. This means that \$5,813.00 left under the Engineering activity will be drawn for City Staff time.

The resolution prepared for City Council authorizes the Mayor to sign the Budget Modification Request to the Office of Community Renewal.

# RESOLUTION

Page 1 of 1

Authorizing Budget Modification Request No. 3 for the FY 2007 Small Cities Community Development Block Grant

Council Member BURNS, Roxanne M.  
 Council Member BUTLER, Joseph M. Jr.  
 Council Member MACALUSO, Teresa R.  
 Council Member SMITH, Jeffrey M.  
 Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

### *Introduced by*

---

WHEREAS the Grant Agreement with the New York State Housing Trust Fund Corporation represented by the Office of Community Renewal for the City of Watertown’s FY 2007 Small Cities Community Development Block Grant contains budget amounts for each activity, and

WHEREAS a budget modification must be approved by the Office of Community Renewal if the budget amounts are to be altered, and

WHEREAS to allow the shifting of additional funds from the Commercial Microenterprise Loan activity to Franklin Street Sidewalk Reconstruction as shown on Form 7-1, 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 it hereby authorizes the proposed Budget Modification No. 3 for the FY 2007 Small Cities Community Development Block Grant, and

BE IT FURTHER RESOLVED that the Mayor Jeffrey E. Graham is hereby authorized and directed to sign the Budget Modification form on behalf of the City of Watertown.

### **Seconded by**



Res No. 4

August 31, 2010

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Accepting Bid for Fire Hydrants, Pipe and Accessories for Water Main Installation at 1200 Block of Columbia Street and 1200 Block of Madison Avenue, Ferguson Waterworks

The City Purchasing Department advertised for sealed bids for fire hydrants, 875 feet of ductile iron water pipe and related accessories for water main installation in the 1200 block of Columbia Street and the 1200 block of Madison Avenue, per the City's specifications. The work will be done by City crews. Invitations to bid were issued to six (6) prospective bidders with five (5) sealed bids submitted to the City Purchasing Department where they were publicly opened and read on Monday, August 23, 2010, at 11:00 a.m.

City Purchasing Agent Robert J. Cleaver has reviewed the bids received with Water Superintendent Gary E. Pilon, and it is their recommendation that the City Council accept the bid submitted by Ferguson Waterworks, 800 Starbuck Avenue, Suite B102, Watertown, New York, in the amount of \$6,960.00 for fire hydrants, \$9,215.00 for pipe and accessories for Columbia Street, and for \$23,024.00 for pipe and accessories for Madison Avenue, for a total bid amount of \$39,199.00 as the lowest qualifying bid meeting the City's specifications. The other bids submitted are detailed in the attached report of Mr. Cleaver.

Funding to support this work is included in the 2010-2011 Capital Budget.

A resolution has been prepared for City Council consideration.

**RESOLUTION**

Page 1 of 1

Accepting Bid for Fire Hydrants and Pipe and Accessories for Water Main Installation at 1200 Block of Columbia Street and 1200 Block of Madison Avenue, Ferguson Waterworks

Council Member BURNS, Roxanne M.  
 Council Member BUTLER, Joseph M. Jr.  
 Council Member MACALUSO, Teresa R.  
 Council Member SMITH, Jeffrey M.  
 Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

***Introduced by***

---

WHEREAS the City Purchasing Department has advertised and received sealed bids for fire hydrants and 875 feet of ductile iron water pipe and related accessories for water main installation at 1200 block of Columbia Street and 1200 block of Madison Avenue per City specifications, and

WHEREAS plan sets were issued to six (6) prospective bidders, with five (5) bids being received and publicly opened and read in the City Purchasing Department on Monday, August 23, 2010 at 11:00 a.m., and

WHEREAS City Purchasing Agent Robert J. Cleaver reviewed the bids received with Water Superintendent Gary E. Pilon, and it is their recommendation to accept of the bid submitted by Ferguson Waterworks, 800 Starbuck Avenue, Suite B102, Watertown, New York, in the amount of \$6,960.00 for fire hydrants, \$32,239.00 for pipe, valves and fittings, for a total bid amount of \$39,199.00 as the lowest qualifying bid meeting the City’s specifications,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York, hereby accepts the bid in the total amount of \$39,199.00 submitted by Ferguson Waterworks, 800 Starbuck Avenue, Suite B102, Watertown, New York, for fire hydrants and pipe and accessories for Water Main Installation at 1200 Block of Columbia Street and 1200 Block of Madison Avenue per City specifications.

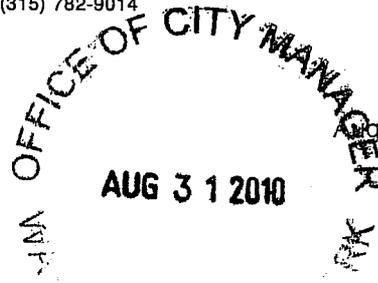
**Seconded by**



# CITY OF WATERTOWN, NEW YORK

ROOM 205, MUNICIPAL BUILDING  
245 WASHINGTON STREET  
WATERTOWN, NEW YORK 13601  
Tel. (315) 785-7749 • Fax (315) 782-9014

ROBERT J. CLEAVER  
PURCHASING AGENT



August 31, 2010

To: Mary Corriveau  
From: Robert J. Cleaver  
Subject: Madison Ave & Columbia St  
Water Main Bid

The City's Purchasing Department advertised in the Watertown Daily Times on Monday August 9<sup>th</sup>, 2010 calling for sealed bids for the purchase of 875ft' of Ductile Iron Water Pipe and related accessories for installation by the City's Water Department on Madison Avenue and Columbia Street per our bid specifications.

Invitations to bid were issued to 6 prospective bidders with 5 bids received in the Purchasing Department where they were publicly opened and read on Monday, August 23, 2010 at 11:00 a.m. local time. Results of those bids are as follows:

	<u>Group A – Fire Hydrants</u>	<u>Group B &amp; C Pipe, Vales &amp; Fittings</u>	<u>Total Bid</u>
Ferguson Waterworks 800 Starbuck Avenue Watertown, N.Y. 13601	\$6,960.00	\$32,239.00	\$39,199.00
Vellano Brothers, Inc. 7 Hemlock Street Latham, N.Y. 12110	\$8,260.00	\$32,518.40	\$40,778.40
Blair Supply Corp 22320 Teal Ave Watertown, N.Y. 13601	\$8,340.00	\$32,509.46	\$40,849.46
E J Prescott, Inc. 241 Farrell Road Syracuse, N.Y. 13209	\$6,352.64	\$34,099.10	\$40,451.74
M.J Pipe & Supply 609 Buffalo Road Rochester, N.Y. 14611	no bid	\$36,559.00	\$36,559.00

A sixth bid was received from Martisco on Tuesday, August 24<sup>th</sup> at 12:40 pm well after the announced bid opening date of Monday, August 23<sup>rd</sup> at 11:00 am. Therefore their bid is ruled late and remains sealed in the bid folder.

I have reviewed the bid submittals with Water Superintendent Mr. Gary Pilon, and based on our discussion it is my recommendation that we accept the lowest qualifying bid for Groups A, B & C in the amount of \$39,199.00 submitted by Ferguson Waterworks, Watertown, N.Y.

The bid submitted by E.J. Prescott Inc. for Group A items was disqualified as a result of their untimely delivery of 5 weeks for the hydrants. These hydrants are scheduled for installation by the Water Department in September for both the Columbia and Madison Avenue projects.

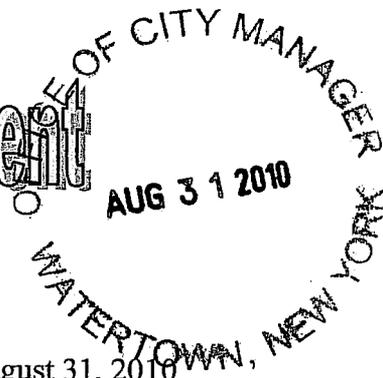
If you have any questions regarding this recommendation please contact me at your convenience.

A handwritten signature in black ink that reads "Robert J. Clever". The signature is written in a cursive style with a large initial 'R' and a long, sweeping underline.

cc: Gary Pilon, Water Superintendent  
Jim Mills, Comptroller  
File

# Watertown Water Department

## Inter-office Memo



DATE: August 31, 2010

TO: Mary Corriveau, City Manager

FROM: Gary Pilon, Supt. of Water

SUBJECT: Recommendation for Award of Bids  
Fire Hydrants, Pipe and Accessories for Water Main Installation  
1200 Block of Columbia Avenue and 1200 Block of Madison Avenue

Bids were received and opened at 11:00 am on Monday, August 23, 2010 for Fire Hydrants and Pipe and Accessories for Water Main Installation in the 1200 Block of Columbia Avenue and the 1200 Block of Madison Avenue. The work will be done by water department crews.

I have reviewed the bids with Bob Cleaver, the Purchasing Agent, and recommend award to Ferguson Waterworks, 800 Starbuck Avenue-Suite B102, Watertown, NY 13601, as the lowest qualified bidder, in the following amounts:

Group A-Fire Hydrants**	\$ 6,960.00
Group B-Pipe and Accessories for Columbia Street	\$ 9,215.00
Group C- Pipe and Accessories for Madison Avenue	<u>\$ 23,024.00</u>
Total Bid Amount	\$ 39,199.00

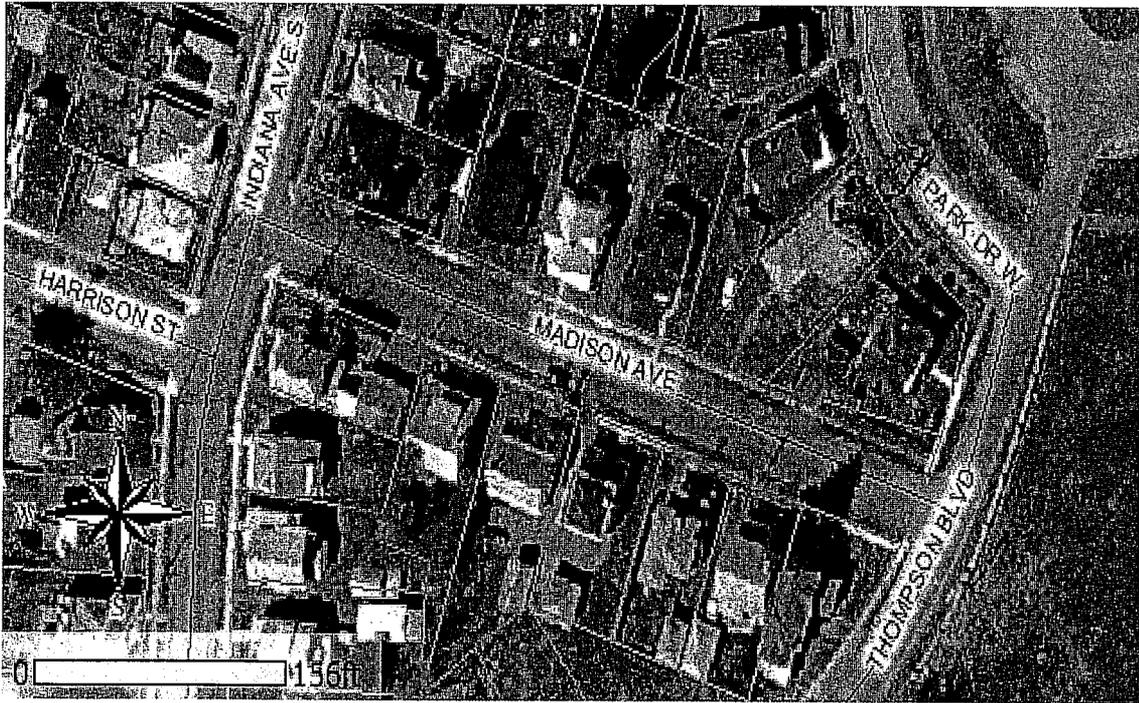
\*\* I will note that another vendor actually submitted a lower bid for supplying Group A- fire hydrants, in the amount of \$6,352.64. That vendor did not provide a delivery time with his bid. When contacted by Mr. Cleaver, he indicated, in writing, that the hydrants could be delivered in five (5) weeks. Ferguson Waterworks have indicated a fifteen (15) day delivery time with their bid, for the fire hydrants and the pipe and accessories. They have told Mr. Cleaver that the fire hydrants are in stock and could be provided immediately, if required. For these reasons, I am recommending that the fire hydrant bid also be awarded to Ferguson Waterworks.

Please have a resolution prepared for City Council action in this matter.

A handwritten signature in black ink, appearing to read "Gary Pilon".

cc: Bob Cleaver, Purchasing Agent  
Jim, Mills, City Comptroller  
Cody Salisbury, Supervisor of Water Distribution System Maintenance  
Julie Bailey, Principal Account Clerk

FISCAL YEAR 2010-2011  
 CAPITAL BUDGET  
 INFRASTRUCTURE  
 WATER MAIN CONSTRUCTION

PROJECT DESCRIPTION	COST
<p>Madison Avenue</p> <p>Replacement of approximately 475 l.f. of 4" water main with 8" ductile iron pipe. The project will enhance fire flows in the immediate area.</p> 	<p>\$48,000</p>
TOTAL	\$48,000

FISCAL YEAR 2010-2011  
 CAPITAL BUDGET  
 INFRASTRUCTURE  
 WATER MAIN CONSTRUCTION

PROJECT DESCRIPTION	COST
<p>Columbia Street – 1200 Block</p> <p>Installation of approximately 280 l.f. of 8” ductile iron pipe on Columbia Street between Michigan Avenue and Indiana Avenue. The purpose of the project is to enhance fire flows in the immediate area where water supply has historically been marginal.</p>  <p>Funding to support this project will be through a transfer from the Water Fund (F9950).</p>	<p>\$22,600</p>
TOTAL	\$22,600

September 2, 2010

To: The Honorable Mayor and City Council  
From: Mary M. Corriveau, City Manager  
Subject: Health Insurance Plan Design Changes

During the August 9, 2010 City Council work session, the City's Health Insurance Advisory Committee presented for City Council consideration, a number of plan design changes to the City's Health Insurance Plan. This issue first came to the City Council on February 2, 2009. At that time, the City Council unanimously concurred to hold off considering these proposals until after reviewing the proposed 2009-10 Budget. Following that discussion with the City Council, the Health Insurance Advisory Committee met again and modified their proposal and in November 2009 it came before the City Council, at which time no action was taken.

Fringe Benefits Manager Melanie Rarick has confirmed that the steps required under the terms of the Collective Bargaining Agreements have been completed and the Health Insurance Advisory Committee.

Listed below is an excerpt which details the negotiated process for considering these types of plan changes:

“The purpose of this Advisory Committee shall be to review all activity of this self insurance fund on no less than a quarterly basis, and to make recommendations to the respective unions and the City of Watertown, of any proposed conditions and changes of common interest. All such items of common interest will be addressed in the following manner:

- (I) Discussion by Advisory Committee
- (II) Upon majority vote by the Advisory Committee, said items will go to the unions' respective memberships for approval/disapproval.
- (III) Advisory Committee will meet again to discuss the various recommendations from the unions' memberships.
- (IV) If there is unanimous consent of all three (3) unions, such items go to the City Council, for approval.
- (V) If recommendations are rejected by the City Council, items of common interest will remain the same.”

As a result of the discussion that occurred on August 9, 2010, staff was asked to prepare a resolution that incorporates the following changes agreed upon by the City Council: add a National Provider Network; add coverage for Cardiac Rehabilitation; revise Multiple Surgery Benefit and add coverage for Air Ambulance (with protocols).

Attached is a Resolution which incorporates the proposed plan design changes detailed in the attached document. The actual plan language changes will be developed by POMCO and incorporated into the plan document with a January 1, 2011 effective date.

# RESOLUTION

Page 1 of 1

Approving Amendments to the City  
of Watertown Health Insurance Plan Design

Council Member BURNS, Roxanne M.  
 Council Member BUTLER, Joseph M. Jr.  
 Council Member MACALUSO, Teresa R.  
 Council Member SMITH, Jeffrey M.  
 Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

### ***Introduced by***

---

WHEREAS the City of Watertown provides health insurance for its employees under a self-funded health insurance plan, and

WHEREAS the plan design was negotiated between the City of Watertown and its three Unions at the time the City became self-insured, and

WHEREAS as part of the negotiations the City established a Health Insurance Advisory Committee whose charge is to monitor the health insurance plan and its finances, and as part of those negotiations also established a process for proposing changes to the City’s plan structure, and

WHEREAS the City’s Health Insurance Advisory Committee has followed the required steps, and made a proposal to the City Council for consideration,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the changes detailed in the Proposed Plan Design Changes document, which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that these proposed design changes will be effective for services provided on or after January 1, 2011.

### **Seconded by**

# **PROPOSED PLAN DESIGN CHANGES**

Packet modified based on feedback received during August 9, 2010 City Council session

*Presented by:*

City of Watertown Health Insurance Committee

## Executive Summary

The City of Watertown Health Insurance Committee presents the following plan changes. The annual cost information included is based on 7/1/08-4/30/09 claims experience and the percentage represents overall cost for the 2008/2009 year.

For further detail on the current and proposed plan benefits, please review the pages following this summary.

<b>Page #</b>	<b>Proposed Plan Change</b>	<b>Projected Plan Impact*</b>	<b>Other Benefits (Not Considered in Cost Estimate)</b>
3	Add a National Provider Network	\$8,020 annual savings (considers 2009/2010 PPO Utilization)  <i>.12% Decreased Cost</i>	
4	Add coverage for Cardiac Rehabilitation	\$4,600 annually  <i>.07% Increased Cost</i>	Prevent repeat events  Prevent future hospital stays  Decreased time to return to work  Improved overall health and risk reduction
5	Revise Multiple Surgery Benefit	\$65,300 annually  <i>1.0% Increased Cost</i>	Decreased costs associated with additional operative sessions  Decreased time employees are absent from work
6	Add coverage for Air Ambulance	\$5,800 annually  <i>.09% Increased Cost</i>	Decreased risks and costs associated with delayed treatment

\*The above illustration and subsequent contents of this presentation represent estimated cost avoidance savings in year one only based on current plan experience, enrollment and trends. Once these savings are in place, the base cost of the plan will be lowered; therefore you will realize the hard dollar savings of these changes year over year. However, cost increases including healthcare inflation will still affect the total cost of the plan. Because healthcare inflation can account for as much as a 10-12% increase per year, consideration of a CPI index to some of the co-payment items would assist in keeping the cost avoidance for in line for future years.

# National Provider Network

## Current Network

There is opportunity for plan savings by adding a national provider network. It is most cost effective for the plan when members obtain services from network providers. The City of Watertown health plan members currently access the following provider network.

- POMCO Provider Network
- 45,000 providers
- Tri-State Area (NY, NJ, CT)

## Proposed Additional Network

**In addition to the POMCO network**, add a national network that gives members greater access to participating providers. This is especially applicable to retirees and other members who live out of state. With this additional network, members can access the following networks:

<b>POMCO Provider Network</b>	<b>PHCS-Multiplan Provider Network</b>
45,000 providers Tri-State Area (NY, NJ, CT)	600,000 providers Nationwide

# Cardiac Rehabilitation

## Current Plan Benefits

Physical therapy and respiratory therapy are covered in full under the outpatient hospital benefit. Cardiac rehabilitation is NOT covered by the plan.

## Proposed Benefit

Revise the plan to include a benefit for Cardiac Rehabilitation which is considered the standard of care.

# Multiple Surgeries

## **Current Plan Benefits**

The Plan will only benefit the most expensive and the second most expensive procedure. The first procedure may be covered at 100% of the Allowed Amount and the second procedure is covered at 50% of the Allowed Amount. There are no benefits for subsequent procedures.

## **Proposed Plan Language**

The first procedure may be covered at 100% of the Allowed Amount and subsequent procedures are covered at 50% of the Allowed Amount. If the multiple surgical procedures are for the same condition or if the procedures are performed by physicians of different specialties for treatment of different conditions, the benefit for the subsequent procedures will not be reduced.

# Air Ambulance

## Current Plan Benefits

Benefits are available for land ambulance transportation when found Medically Necessary. Ambulance transportation benefits are available if the following criteria are met:

- When member could not have been safely transported by other means
- When medically necessary or ordered by a Physician, a police officer or firefighter
- When transported to the nearest facility that can treat the patient's condition
- When transferred from one hospital to another hospital because it is medically necessary

## Proposed Benefit

Cover air ambulance according to the provisions applicable to current coverage for land ambulance. Air ambulance may also be reimbursed if the location from which the patient required emergency transportation was inaccessible by land ambulance.

- When medically necessary
- When member could not have been safely transported by other means
- When transported to the nearest facility that can treat the patient's condition
- When transferred from one hospital to another hospital because it is medically necessary

Res No. 6

September 1, 2010

To: The Honorable Mayor and City Council

From: Kenneth A. Mix, Planning and Community Development Coordinator

Subject: Approving Option Agreement Extension with Watertown Local Development Corporation for City Center Industrial Park

The Watertown Local Development Corporation has had an Option Agreement with the City for City Center Industrial Park since July 2003. The Agreement was for a seven year period and has expired.

The City Council discussed extending the Agreement during a meeting earlier this year. A seven year extension to the Agreement has been prepared. All other terms and conditions of the original agreement remain in place. A copy of the original agreement is attached for review.

Section 1411(d) of the New York Not-For-Profit Corporation Law requires a public hearing before land can be sold to a Local Development Corporation by a City. It is recommended that a public hearing be scheduled for Monday, September 20, 2010, at 7:30 p.m.

**RESOLUTION**

Page 1 of 1

Approving Option Agreement Extension with Watertown Local Development Corporation for City Center Industrial Park

Council Member BURNS, Roxanne M.  
Council Member BUTLER, Joseph M. Jr.  
Council Member MACALUSO, Teresa R.  
Council Member SMITH, Jeffrey M.  
Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

***Introduced by***

WHEREAS the City of Watertown is owner of vacant land known as City Center Industrial Park, and

WHEREAS the City of Watertown has no public purpose for said land, and

WHEREAS the City Council approved an Option Agreement with the Watertown Local Development Corporation for the Industrial Park on July 7, 2003, and

WHEREAS said Option Agreement has expired, and

WHEREAS the City Council desires to extend said Option Agreement, and

WHEREAS in accordance with Section 1411(d) of the New York Not-For-Profit Corporation Law, a public hearing was held on September 20, 2010, at 7:30 p.m.,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Option Agreement Extension between the City of Watertown and the Watertown Local Development Corporation, a copy of which is attached and made part of this resolution, and

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

**Seconded by**

**OPTION AGREEMENT EXTENSION**

This Agreement made this \_\_\_\_\_ day of September 2010 by and between the **CITY OF WATERTOWN, NEW YORK**, a New York State municipal corporation having its offices at 245 Washington Street, Watertown, New York 13601 (hereinafter referred to as "**City**") and **WATERTOWN LOCAL DEVELOPMENT CORPORATION**, a New York State not-for-profit corporation, with an office and place of business at 82 Public Square, Watertown, New York 13601 (hereinafter referred to as "**WLDC**").

**WITNESSETH:**

**WHEREAS** the City Council approved an Option Agreement with the WLDC on July 7, 2003, for property known as City Center Industrial Park as described in said Option Agreement, and

**WHEREAS** after a public hearing held pursuant to Section 1411(d) of the New York Not-For-Profit Corporation Law held on September 20, 2010,

**NOW THEREFORE** the City, in consideration of the sum of Ten and no/100 dollars (\$10.00), plus other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, duly paid by the WLDC, does hereby extend the term of the Option Agreement for seven (7) years from the date of the original expiration of the Agreement. All other terms and conditions of the Option Agreement remain the same.

**IN WITNESS WHEREOF** this Agreement has been executed by the parties hereto, the day and year first above written.

CITY OF WATERTOWN, NEW YORK

By: \_\_\_\_\_  
Mary M. Corriveau  
City Manager

WATERTOWN LOCAL DEVELOPMENT  
CORPORATION

By: \_\_\_\_\_  
Donald W. Rutherford  
Executive Director

STATE OF NEW YORK     )  
  ) SS.:  
COUNTY OF JEFFERSON )

On the \_\_\_\_\_ day of September in the year 2010 before me, the undersigned, a notary public in and for said state, personally appeared **MARY M. CORRIVEAU**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK     )  
  ) SS.:  
COUNTY OF JEFFERSON )

On the \_\_\_\_\_ day of September in the year 2010 before me, the undersigned, a notary public in and for said state, personally appeared **DONALD W. RUTHERFORD**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

## OPTION AGREEMENT

**THIS OPTION AGREEMENT** made this \_\_\_ day of July, 2003, by and between the **CITY OF WATERTOWN, NEW YORK**, a New York State municipal corporation having its offices at 245 Washington Street, Watertown, New York 13601 (hereinafter referred to as "**City**") and **THE LOCAL DEVELOPMENT CORPORATION OF THE CITY OF WATERTOWN, NEW YORK**, a New York State not-for-profit corporation, with an office and place of business at 800 Starbuck avenue, Watertown, New York 13601 (hereinafter referred to as "**WLDC**").

### **WITNESSETH:**

**WHEREAS**, the City is the owner of the Premises situate in the City and more particularly described in Schedule "A" attached (the "**Premises**"); and

**WHEREAS**, after a public hearing held pursuant to Section 1411 (d) of the New York Not-For-Profit Corporation Law held on June 23, 2003, a resolution was duly adopted by the City Council approving this Agreement on July 7, 2003.

**NOW THEREFORE**, the City, in consideration of the sum of Ten and no/100 Dollars (\$10.00), plus other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, duly paid by the WLDC, does hereby give and grant to the WLDC the exclusive right and option to purchase the Premises or any part thereof upon the terms and conditions as hereinafter contained (the "**Option**").

1. In the event that the WLDC elects to exercise the Option for any or all of the Premises, it shall deliver written notice to the City, at any time on or before seven (7) years from the date of this option, (the "**Option Period**"), either by certified mail, return receipt requested, or personal delivery at its address as set forth above, or at such other address which the City shall designate to the WLDC from time to time in writing. The notice given pursuant to this paragraph 1 shall designate that portion of the Premises the WLDC is purchasing from the City pursuant to this Option. If the WLDC fails to exercise this Option as herein provided during the Option Period then this Agreement and the rights and obligations created hereby shall terminate automatically at midnight on said date. It is the intent of the parties that during the Option Period the WLDC may elect to purchase portions of the Premises from time to time as it in its sole discretion deems advisable.
2. The total purchase price for each portion or all of the Premises as the case may be shall be the sum of One Hundred and no/100 (\$100.00) Dollars (the "**Purchase Price**") payable by cash, certified check or bank draft at Closing.
3. The City agrees to make available for WLDC's review, upon execution hereof, such deeds, abstracts, and other title information and such existing boundary surveys, topographic maps, soil reports and other pertinent data as the City may have obtained

from time to time, and which WLDC deems to be relevant to the purpose of the Agreement.

4. The City agrees that during the Option Period without the prior written approval of WLDC, which approval shall not be unreasonably withheld, it will not (a) grant any easements or other rights affecting the Premises to any person; (b) lease all or any portion of the Premises; (c) convey any interest in the Premises or grant any encumbrance upon the Premises.
5. Transfer of title to the Premises or any portion thereof from time to time (the "Closing") shall be no longer than sixty (60) days after the City receives notice of WLDC's election to exercise this Option at the office of the attorney for the WLDC, or any such other place or on such other day as shall be agreed upon by the parties hereto.
6. At Closing, the City shall convey good and marketable title to the Premises or any portion thereof by bargain and sale deed in proper statutory form for recording, which deed shall be duly executed and acknowledged so as to convey to the WLDC the fee simple title to the Premises or any portion thereof, free of all encumbrances, easements or liens of any kind except utility and railroad easements of record as of the date of this Agreement and the covenants and restrictions set forth in a certain Declaration of Covenants and Restrictions which Declaration shall be recorded in the Jefferson County Clerk's Office, a copy of which is attached as Schedule "B".
- 7A. The City has provided an Abstract of Title to the Premises, beginning with a Warranty Deed recorded at least forty years prior to the date of this Agreement, showing the City to be vested with good and marketable and insurable fee simple title to the Premises.
- 7B. Prior to any closing pursuant to this Agreement, the City shall deliver to the WLDC a redate of the Abstract, certified to a date which is less than thirty (30) days prior to the closing date. The City shall give and the WLDC shall accept such title as any title insurance company licensed to do business in New York State will approve and insure, with standard exceptions. In the event that City is unable to provide insurable title as set forth hereinabove, the WLDC shall have the option to accept title in its existing condition without abatement of the Purchase Price or rescinding this Agreement.
8. Each party will pay its own closing costs which are normally attributable to a transaction of this type.
9. The City shall provide WLDC with a current survey and legal description for the Premises prepared by a licensed New York State surveyor, and certified to the City and WLDC prior to November 1, 2003. The legal description provided will then be substituted as Schedule "A" by the parties as the description of the Premises.

10. Notwithstanding any exercise by the WLDC of its rights to purchase all or any portion of the Premises, it may, in its sole discretion, at any time prior to any Closing notify the City that it does not intend to purchase that part of the Premises described in its notice to the City pursuant to paragraph 1 of this Agreement. Its notice not to purchase will not terminate this Agreement and the WLDC will continue to have a right to purchase the Premises or any portion thereof pursuant to this Agreement including that part of the Premises.
11. WLDC agrees that, except for any part of the Premises upon which it has constructed a building, the proceeds of the sale by WLDC of any part of the Premises which is vacant land and for which it has exercised an option to purchase hereunder shall be utilized by the WLDC solely for the purpose of promoting interest in, improvements to, and use of the Premises as an industrial park including, but not limited to, roads and infrastructure, advertisement, signage, and maintenance of common areas, but shall specifically not include the construction, financing, or maintenance of speculative buildings on the Premises or WLDC activities which are not directly related to the Premises. Proceeds shall be considered the net proceeds, after closing costs. If the WLDC constructs a speculative building or buildings, however, WLDC shall not be obligated to separately establish a value for the land for purposes of allocating proceeds for promotion of the Premises. WLDC's obligation to utilize net proceeds as set forth in this paragraph shall continue for a period of ten (10) years from the date of this Option Agreement, at which time the proceeds shall become the property of WLDC. A failure to apply net proceeds as agreed in this paragraph shall entitle the City to seek recover of those amounts, but shall not constitute a breach entitling the City to seek the termination of this Option.
12. In the event either party brings an action to enforce its rights pursuant to this Agreement in a court of competent jurisdiction, the successful party shall be entitled to reimbursement by the other party of its reasonable attorneys fees and other reasonable expenses incurred in prosecuting or defending such action whichever the case may be.
13. This Agreement shall be binding upon and inure to the benefit of each of the parties hereto and their successors and assigns and shall be construed in accordance with the laws of the State of New York. Any exercised option for all or a portion of the Premises may be assigned by the WLDC to any contract vendee prior to closing. It is the intent of this Agreement, however, to keep the WLDC as the sole optionee under this Agreement.
14. All notices required or permitted to be given hereunder shall be in writing and delivered personally to the addressee or, at the sender's election, sent by registered or certified mail, postage prepaid, return receipt requested, addressed to the other party at such party's address shown at the beginning of this Agreement or to such other address as the other party shall have designated in the manner herein provided for the

giving of such notice. Such notice shall be deemed to have been given on the date personally delivered, or on the date deposited with the United States Postal Service, as the case may be, except a notice of change of address or revocation of a prior notice shall be effective only upon receipt by the other party.

**IN WITNESS WHEREOF**, this Agreement has been executed by the parties hereto, the day and year first above written.

CITY OF WATERTOWN, NEW YORK

By: \_\_\_\_\_

THE LOCAL DEVELOPMENT CORPORATION  
OF THE CITY OF WATERTOWN, NEW YORK

By: \_\_\_\_\_

Donald W. Rutherford  
Executive Director

STATE OF NEW YORK     )  
  ) SS.:  
COUNTY OF JEFFERSON )

On the \_\_\_ day of \_\_\_\_\_, in the year 2003 before me, the undersigned, a notary public in and for said state, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her their signatures(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK     )  
  ) SS.:  
COUNTY OF JEFFERSON    )

On the \_\_\_\_ day of \_\_\_\_\_, in the year 2003 before me, the undersigned, a notary public in and for said state, personally appeared **DONALD W. RUTHERFORD** personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her their signatures(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

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Notary Public

Res No. 7

September 1, 2010

To: The Honorable Mayor and City Council

From: Kenneth A. Mix, Planning and Community Development Coordinator

Subject: Abandoning a Portion of Massey Street North Adjacent to  
229 Massey Street North

The City Council has discussed and agreed to sell a portion of the Massey Street North right of way to Stewart's Shop Corp. that is adjacent to their store at 229 Massey Street North. In order to sell part of a public street, the City Council must formally discontinue its use as a public street. General City Law (GCL) Section 29 provides the process for abandoning public streets by changing the City's official map.

A resolution abandoning the portion of the street that Stewart's wishes to buy has been prepared and is attached for City Council consideration. GCL Section 29 requires the proposed change to be referred to the Planning Board for a report and that a public hearing be held. The subject has been placed on the Planning Board's agenda for their September 7, 2010 meeting. It is recommended that the public hearing be set for Monday, September 20, 2010 at 7:30 p.m.

# RESOLUTION

Page 1 of 1

Abandoning a Portion of Massey Street North  
Adjacent to 229 Massey Street North

Council Member BURNS, Roxanne M.  
 Council Member BUTLER, Joseph M. Jr.  
 Council Member MACALUSO, Teresa R.  
 Council Member SMITH, Jeffrey M.  
 Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

***Introduced by***

---

WHEREAS a portion of Massey Street North as described in Exhibit A is outside of the sidewalk and is not needed for street purposes, and

WHEREAS the City of Watertown has no plans to widen the use of Massey Street North to include the described land, and

WHEREAS a public hearing concerning the abandoning of the described portion of Massey Street North was held on September 20, 2010 after due public notice pursuant to General City Law Section 29,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that the portion of Massey Street North described in Exhibit A is hereby abandoned, discontinued and closed as a public street, and

BE IT FURTHER RESOLVED that the City Manager Mary M. Corriveau is hereby directed to cause the removal of said portion of Massey Street North from all City maps, "Official" and otherwise, including the Tax Assessment maps.

**Seconded by**

## Exhibit A

All that piece or parcel of land situate, lying and being in the City of Watertown, County of Jefferson and State of New York, being bounded and described as follows:

Beginning at a point marked by a capped iron pin on the west bounds of North Massey Street and lands of the City of Watertown 141.31 feet south of the intersection of said west bounds of North Massey Street with the south bounds of Coffeen Street, said point being the northeast corner of lands of Peter G. Cavallario and Brenda T. Cavallario and the southeast corner of lands of the grantee herein, Stewart's Shops Corp.; running thence along said west bounds of North Massey Street and lands of the City of Watertown, and the east bounds of said lands of Stewart's Shops Corp.

N 23° 05' 24" E 141.31' to a point at the aforementioned intersection of said west bounds of North Massey Street with the south bounds of Coffeen Street, said point being the northeast corner of said lands of Stewart's Shops Corp.; running thence through lands of the City of Watertown

N 23° 05' 24" E 1.22' to a point at the edge of a concrete sidewalk; thence continuing through lands of the City of Watertown and running along the edge of said concrete sidewalk the following seven courses:

S 52° 54' 01" E 24.25' to a point;

along a curve which bears to the right having a central angle of 42°01'06", a radius of 29.63', a length of 21.73' and a chord of S33°05'57"E 21.25' to a point;

S 01° 52' 25" E 9.60' to a point;

S 20° 04' 42" W 5.65' to a point;

S 30° 30' 58" W 42.60' to a point;

S 30° 09' 01" W 33.24' to a point; and

S 30° 37' 25" W 36.31' to a point marked by a capped iron pin;

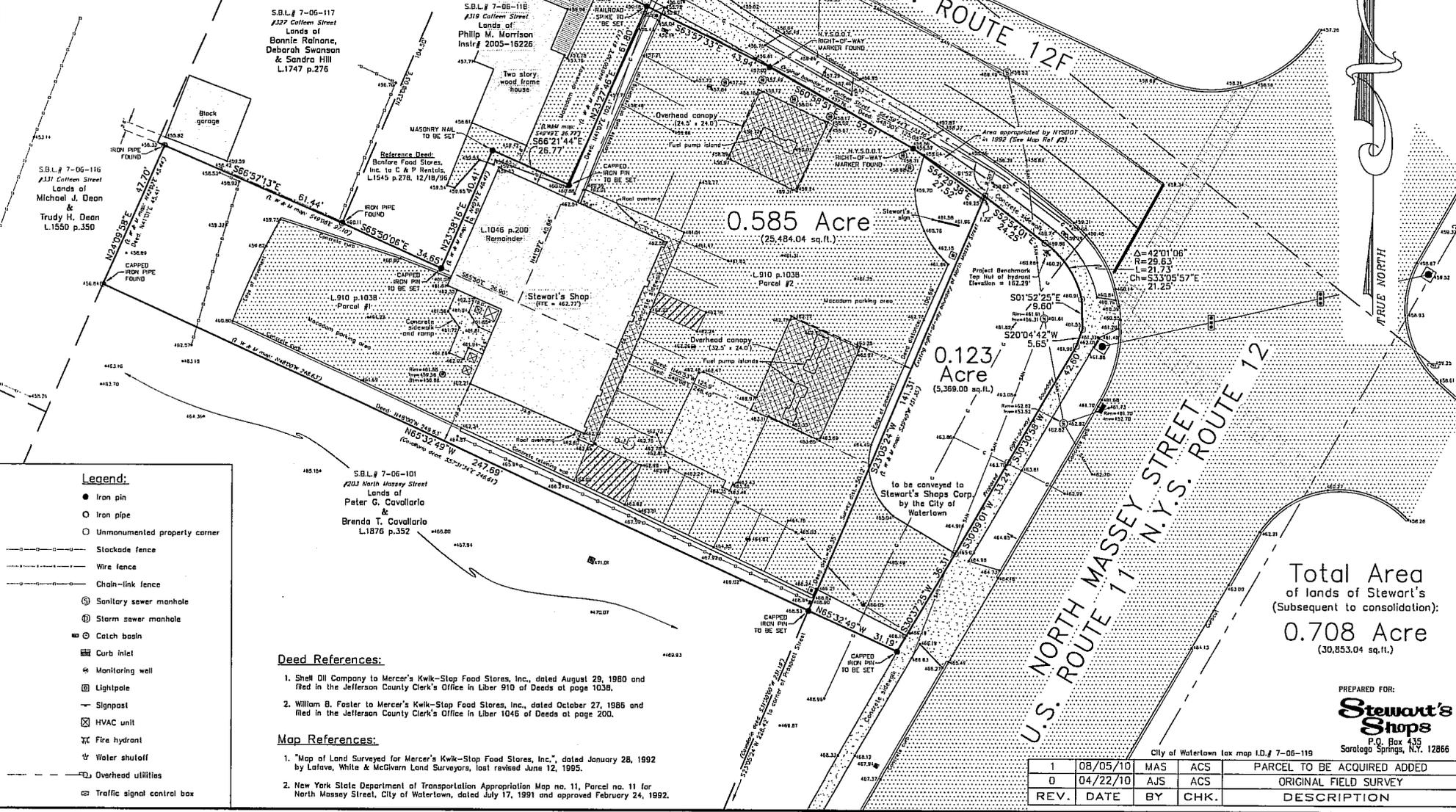
thence continuing through lands of the City of Watertown on an extension of the division line between lands of Stewart's Shops Corp. to the north and the aforementioned lands of Peter G. Cavallario and Branda T. Cavallario to the south

N 65° 32' 49" W 31.19' to the point and place of beginning. Containing 0.123 acre (5,369.00 square feet) of land.

**Notes:**

- Original street boundaries are mapped as being 4.0 feet from, and parallel to, City of Watertown monument lines as shown on maps obtained from City Engineer's Office. The original monument located at the southwest corner of the intersection of Coffeen and North Massey Streets was not recovered.
- Elevations shown herein have been adjusted to conform to vertical datum utilized by City of Watertown Engineer's Office on City Monument drawings. Origin of this datum is unknown.
- Underground utilities are shown hereon as they were marked on the surface on the date of the field survey and are only as accurate as the markings.
- Survey is subject to all rights-of-way and/or assessments of record.

- Underground gas line (as marked)
- Water line (as marked)
- Sanitary sewer line (as marked)
- Underground electric line (as marked)



- Legend:**
- Iron pin
  - Iron pipe
  - Unmonumented property corner
  - Stockade fence
  - Wire fence
  - Chain-link fence
  - ⊕ Sanitary sewer manhole
  - ⊕ Storm sewer manhole
  - ⊕ Catch basin
  - ⊕ Curb inlet
  - ⊕ Monitoring well
  - ⊕ Lightpole
  - ⊕ Signpost
  - ⊕ HVAC unit
  - ⊕ Fire hydrant
  - ⊕ Water shutoff
  - Overhead utilities
  - ⊕ Traffic signal control box

**Deed References:**

- Shell Oil Company to Mercer's Kwik-Stop Food Stores, Inc., dated August 29, 1980 and filed in the Jefferson County Clerk's Office in Liber 910 of Deeds at page 1038.
- William B. Foster to Mercer's Kwik-Stop Food Stores, Inc., dated October 27, 1986 and filed in the Jefferson County Clerk's Office in Liber 1046 of Deeds at page 200.

**Map References:**

- "Map of Land Surveyed for Mercer's Kwik-Stop Food Stores, Inc.", dated January 28, 1992 by Latava, Whita & McIlvren Land Surveyors, last revised June 12, 1995.
- New York State Department of Transportation Appropriation Map no. 11, Parcel no. 11 for North Massey Street, City of Watertown, dated July 17, 1991 and approved February 24, 1992.

Total Area of lands of Stewart's (Subsequent to consolidation):  
**0.708 Acre**  
(30,853.04 sq.ft.)

PREPARED FOR:  
**Stewart's Shops**  
P.O. Box 435  
Saratoga Springs, N.Y. 12866

City of Watertown tax map I.D.# 7-06-119				
1	08/05/10	MAS	ACS	PARCEL TO BE ACQUIRED ADDED
0	04/22/10	AJS	ACS	ORIGINAL FIELD SURVEY
REV.	DATE	BY	CHK.	DESCRIPTION

Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice of Land Surveys adopted by the N.Y. State Association of Professional Land Surveyors. Said certifications shall run only to the title insurance company, governmental agency, and lending institution listed hereon and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owners.

Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209, Subdivision 2 of the N.Y. State Education Law. Only copies from the original of this survey marked with an original of the land surveyor's embossed seal shall be considered to be valid copies.

In addition, only copies from the original of this survey marked with an original of the land surveyor's signature in RED shall be considered to be valid copies.

**SANTO ASSOCIATES**  
LAND SURVEYING AND ENGINEERING, P.C.

1 BARNEY ROAD • SUITE 109 • CLIFTON PARK, NY 12065  
PHONE: (518) 383-8001 • FAX: (518) 383-6026

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**TOPOGRAPHIC SURVEY MAP OF LANDS OF  
MERCER'S KWIK-STOP  
FOOD STORES, INC.**  
AT 229 NORTH MASSEY STREET, WATERTOWN, N.Y. 12091

DRAWN BY: AJS	CITY OF: WATERTOWN	SCALE: 1" = 20'
CHECKED BY: ACS	COUNTY OF: JEFFERSON	DWG. NO.: 7087
DATE: 04/02/10	STATE OF: NEW YORK	REV.: 1

ANDREW G. SCHWARTZ, L.S. LICENSE NO. 049901

Res No. 8

September 2, 2010

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Scheduling Public Hearing to Exercise Eminent Domain  
to Acquire Sewer Facilities and Street Access,  
Stateway Plaza Shopping, Reg.

As the City Council is aware, the area on the western edge of the City has seen tremendous amount of commercial development over the past couple of years, with even more in the planning stage. This is one of the last large areas for development within the City of Watertown. To support and promote commercial development within this area, the City has taken title to a portion of Gaffney Drive and to the pump station and sewer main immediately adjacent to Gaffney Drive. We have repaired the street, and performed repairs to the sewer line at the upper end of the street.

The City has applied for and received funding from the Jefferson County Local Development Corporation's Community Development Fund to assist with the installation of water and sewer lines in this area. We have also applied for funding from the USDA to support the rehabilitation of the sewer lift station to accommodate the increased flows we will see in this area.

To further accommodate commercial development in this area, Staff is recommending that we take steps to make the private sewer lines public. We are also recommending that the City Council consider obtaining title to a portion of lands located at the intersection of Gaffney Drive and Commerce Park Drive. This acquisition will allow public access through this area and allow us to maintain the area.

This Resolution schedules a Public Hearing to permit the City Council to make a determination as to whether the proposed condemnation proceedings are in the overall public interest.

# RESOLUTION

Page 1 of 2

Scheduling a Public Hearing in Connection With the Exercise of Eminent Domain to Acquire Sewer Facilities and Street Access from Stateway Plaza Shopping Center, Reg.

Council Member BURNS, Roxanne M.  
 Council Member BUTLER, Joseph M. Jr.  
 Council Member MACALUSO, Teresa R.  
 Council Member SMITH, Jeffrey M.  
 Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

### *Introduced by*

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WHEREAS the City of Watertown has previously taken title, in fee, to a portion of Gaffney Drive and to a pumping station and sewer lines immediately adjacent to Gaffney Drive for the purposes of promoting commercial development in that area of the City and to permit the City's paving of a portion of Gaffney Drive which, under private ownership, had deteriorated, and

WHEREAS the City Council believes that it is in the best interests of the citizens of the City to continue to promote commercial development of the Gaffney Drive area by making public all private sewer mains in the area which, in the discretion of the City, can then be expanded and/or improved to accommodate development, and

WHEREAS in addition to potential upgrades of sewer service in the area, the City Council believes that it should consider whether it should obtain title to a portion of lands located at the intersection of Gaffney Drive Extension and Commerce Park Drive to ensure continued public access and appropriate maintenance of the area for vehicular traffic, and

WHEREAS the New York Eminent Domain Procedure Law is the exclusive procedure by which real and/or personal property may be acquired to exercise the power of eminent domain in New York State, and

WHEREAS Article 2 of the Eminent Domain Procedure Law requires that a condemnor, prior to acquisition, and in order to inform the public and to review the public use to be served by a proposed public project and its impact on the environment and residents of the locality where such project will be constructed, must conduct a public hearing at a location reasonably proximate to the property which may be acquired, and

# RESOLUTION

Page 2 of 2

Scheduling a Public Hearing in Connection With the Exercise of Eminent Domain to Acquire Sewer Facilities and Street Access from Stateway Plaza Shopping Center, Reg.

Council Member BURNS, Roxanne M.  
 Council Member BUTLER, Joseph M. Jr.  
 Council Member MACALUSO, Teresa R.  
 Council Member SMITH, Jeffrey M.  
 Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

WHEREAS the City Council of the City of Watertown, on behalf of the City of Watertown, as condemnor, contemplates the acquisition of a 25 foot- and 30 foot-wide sanitary sewer easement to be located at the northerly end of the Stateway Plaza Shopping Center, together with the acquisition of title to existing 8 inch PVC pipe, manholes, and other sanitary sewer facilities located within the easement, all of which is currently owned by Stateway Plaza Shopping Center, Reg., and

WHEREAS the City Council further contemplates the acquisition of a piece of property in fee to be dedicated as a right of way for a City street in an area commonly called Gaffney Drive Extension, which area is currently owned by Stateway Plaza Shopping Center, Reg.,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown shall hold a public hearing in the City Council Chambers, Watertown City Hall, Third Floor, 245 Washington Street, Watertown, New York, on October 4, 2010, at 7:30 p.m., for purposes of informing the public concerning, and reviewing the public use to be served by, the proposed acquisition of the 30 foot and 25 foot sewer easement and the acquisition of the piping, manholes, and existing sewer system located within the easement; and further acquisition of fee title to real property located at the intersection of Gaffney Drive and Commerce Park Drive, all of which real and personal property is currently owned by Stateway Plaza Shopping Center, Reg., and

BE IT FURTHER RESOLVED that the City Clerk of the City of Watertown shall cause a notice of the public hearing to be published as required by Section 202 of the New York Eminent Domain Procedure Law, and shall further cause a copy of said notice of public hearing to be mailed to the condemnee.

**Seconded by**

Res No. 9

September 2, 2010

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Request by City Council of the City of Watertown  
For the Enactment of a Special Law

City Clerk Donna M. Dutton serves as the registrar for the City of Watertown and is empowered by State Law to issue certified copies of birth, death and marriage records. During this year's budget deliberations, Mrs. Dutton made a recommendation to the City Council regarding fees charged by the Clerk's Office.

One of the recommendations was to request the enactment of Home Rule Legislation so that the City could increase the fee currently charged for certified Vital Records. The last time the vital record fee was changed was in 1991, when the fee increased from \$5.00 to \$10.00.

The New York Department of Health also issues the same records and charges \$30. per document. When the State increased their fee structure, they did not increase the fee structure for municipalities

Over the past couple of years, four counties and one city have asked that they be allowed to charge an amount up to the amount charged by the State of New York. Those communities are listed in Public Health Law, § 4173 (3), a copy of which is attached.

Most of the documents issued by our City Clerk's Office are issued to individuals who do not live in our community. The proposed fee increase will more fairly assess the costs to the users of the service and decrease the burden on City taxpayers.

City Clerk Donna M. Dutton is asking that the City Council consider adopting this resolution that allows the City to seek enactment of a Special Law to allow the City to charge an amount up to the amount charged by the Commissioner of Public Health, and that the actual fee to be charged by the City of Watertown will be set by the City Council.

# RESOLUTION

Page 1 of 1

Request by City Council of the City of Watertown  
For the Enactment of a Special Law

Council Member BURNS, Roxanne M.  
 Council Member BUTLER, Joseph M. Jr.  
 Council Member MACALUSO, Teresa R.  
 Council Member SMITH, Jeffrey M.  
 Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

### *Introduced by*

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WHEREAS the City Clerk serves as the registrar for the City of Watertown and is empowered by State Law to issue certified copies of birth, death and marriage records, and

WHEREAS §4173 (3) of the Public Health Law defines the amount that the City can charge for providing certified copies of these documents, and

WHEREAS City Clerk Donna M. Dutton is recommending that the City Council of the City of Watertown request that a Law be enacted by the State of New York that will allow the City to charge an amount up to the amount charged by the Commissioner of Public Health, and that the fee to be charged by the City of Watertown will be set by the City Council, and

WHEREAS the City of Watertown continues to face increasing costs associated with providing these services to residents and non-residents of the City of Watertown, and

WHEREAS the City Council of the City of Watertown desires to obtain State Legislative approval for the allow the City to charge an amount up to the amount charged by the Commissioner of Public Health, and that the fee to be charged by the City of Watertown will be set by the City Council,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown authorizes the City Manager, Mary M. Corriveau, to seek the approval of the New York State Legislature to allow the City to charge an amount up to the amount charged by the Commissioner of Public Health, and that the fee to be charged by the City of Watertown will be set by the City Council, and authorizes the City Manager and City Clerk to execute a Home Rule Request for the same.

### **Seconded by**

## TITLE VI—REGISTRATION OF PERSONS IN INSTITUTIONS

## § 4165. Persons in institutions; registration

## Research References

## Encyclopedias

NY Jur. 2d, Hosp. & Related Hlth. Care Facil. § 10, Generally; Patient Records.

## TITLE VII—VITAL STATISTICS RECORDS

## Section

4173. Records; transcripts and certifications by registrars; fees.

4174. Records; transcripts and certifications by commissioner; fees.

4178. Repealed.

## § 4170. Records; general duties of registrars

## Research References

## Encyclopedias

NY Jur. 2d, Cemeteries & Dead Bodies § 79, Record of Burial or Other Disposal.

## § 4171. Records; duties of physicians and others to furnish information

## Research References

## Encyclopedias

NY Jur. 2d, Health & Sanitation § 131, Who Must File; Failure to File.

## § 4173. Records; transcripts and certifications by registrars; fees

1. Upon request, a certification of birth or of death or a certified copy or certified transcript of a birth or death record shall be issued by the registrar under regulations prescribed by the commissioner.

2. A certified copy or certified transcript of a birth record shall be issued only upon order of a court of competent jurisdiction or upon a specific request therefor by the person, if eighteen years of age or more, or by a parent or other lawful representative of the person to whom the record of birth relates.

3. The registrar shall be entitled to a fee of ten dollars, except in the county of Chemung and the county of Monroe and the county of Onondaga and the county of Tompkins whereby such fee shall be set by the county health commissioner and in the city of Oswego whereby such fee shall be set by the Oswego common council, up to the amount charged by the commissioner as prescribed in subdivision two of section forty-one hundred seventy-four of this title for each certification of birth or death or for each certified copy or certified transcript of any record of a birth or of a death or for a certification that a search discloses no record of a birth or of a death, furnished by him to an applicant, except that no fee shall be charged for a search, certification of birth or death or certified copy or certified transcript of a birth or a death record to be used for school entrance, employment certificate or for purposes of public relief or government compensation or when required by the veterans administration to be used in determining the eligibility of any person to participate in the benefits made available by the veterans administration, provided, however, that if such registrar is a city clerk, town clerk or village clerk, he shall collect such fees for and on behalf of the city, town or village in which he serves, provided, however, that an amount equivalent to the sum of

such fees shall be paid at least monthly by such city, town or village to such city clerk, town clerk or village clerk entitled to receive fees as a registrar of vital statistics.

4. All fees for searches, certification, certified copies and certified transcripts collected by a registrar of vital statistics in a state hospital, charitable or penal institution shall be transmitted by him to the executive department, having jurisdiction, management and control of such hospital or institution, to be paid into the state treasury as provided by section one hundred twenty-one of the state finance law.

(L.1953, c. 879, § 1; amended L.1954, c. 155, § 24; L.1954, c. 607, § 2; L.1955, c. 611, § 6; L.1961, c. 168, § 1; L.1963, c. 545, § 1; L.1974, c. 894, § 3; L.1974, c. 969, §§ 5, 6; L.1981, c. 103, § 157; L.1988, c. 644, § 12; L.1991, c. 413, § 52; L.1995, c. 157, § 3; L.2004, c. 192, § 1, eff. July 20, 2004; L.2005, c. 234, § 1, eff. July 19, 2005; L.2005, c. 235, § 1, eff. July 19, 2005; L.2005, c. 278, § 1, eff. July 19, 2005; L.2007, c. 524, § 1, eff. Aug. 15, 2007.)

### Research References

#### Encyclopedias

NY Jur. 2d, Health & Sanitation § 132, Fees.

NY Jur. 2d, Records & Recording § 24, Birth and Death Records.

NY Jur. 2d, Veterans § 9, Birth, Death, or Marriage Records.

### § 4174. Records; transcripts and certifications by commissioner; fees

1. The commissioner or any person authorized by him shall:

(a) upon request, issue to any applicant either a certified copy or a certified transcript of the record of any death registered under the provisions of this chapter (1) when a documented medical need has been demonstrated, (2) when a documented need to establish a legal right or claim has been demonstrated, (3) when needed for medical or scientific research approved by the commissioner, (4) when needed for statistical or epidemiological purposes approved by the commissioner, (5) upon specific request by municipal, state or federal agencies for statistical or official purposes, (6) upon specific request of the spouse, children, or parents of the deceased or the lawful representative of such persons, or (7) pursuant to the order of a court of competent jurisdiction on a showing of necessity; except no certified copy or certified transcript of a death record shall be subject to disclosure under article six of the public officers law;

(b) issue certified copies or certified transcripts of birth certificates only (1) upon order of a court of competent jurisdiction, or (2) upon specific request therefor by the person, if eighteen years of age or more, or by a parent or other lawful representative of the person, to whom the record of birth relates, or (3) upon specific request therefor by a department of a state or the federal government of the United States;

(c) upon request, issue a wallet-size certification of birth, in a form and bearing a design provided by the commissioner. Each applicant for a wallet-size certification of birth shall remit to the commissioner with such application, a fee determined by the department;

(d) upon request, issue certification of birth or death unless in his judgment it does not appear to be necessary or required for a proper purpose;

(e) furnish non-identifiable statistical information in tabular or machine readable format for research activities if satisfied that the same is required for a proper purpose, and the commissioner is authorized to fix and to require

Res No. 10

August 26, 2010

To: The Honorable Mayor and City Council

From: Kenneth A. Mix, Planning and Community Development Coordinator

Subject: Finding that Changing the Approved Zoning Classification of 561-579 Burdick Street, Parcel Numbers 1-04-114 through 1-04-120, From Light Industrial to Residence B Will Not Have a Significant Impact on the Environment

At its August 3, 2010 meeting, the City Planning Board recommended the above subject zone change. The City Council has scheduled a public hearing on the request for Tuesday, September 7, 2010 at 7:30 p.m.

The City Council must complete Part II and Part III, if necessary, of the attached Environmental Assessment Form and adopt the resolution before it may vote on the Zone Change Ordinance. This resolution states that the zone change will not have a significant negative impact on the environment.

# RESOLUTION

Page 1 of 2

Finding that Changing the Approved Zoning Classification of 561-579 Burdick Street, Parcel Numbers 1-04-114 through 1-04-120, From Light Industrial to Residence B Will Not Have a Significant Impact on the Environment

Council Member BURNS, Roxanne M.  
 Council Member BUTLER, Joseph M. Jr.  
 Council Member MACALUSO, Teresa R.  
 Council Member SMITH, Jeffrey M.  
 Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

### *Introduced by*

WHEREAS the City Council of the City of Watertown, New York, has before it an ordinance for a zone change for parcels located at 561-579 Burdick Street from Light Industrial to Residence B, and

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

WHEREAS the adoption of the proposed ordinance would constitute such an “Action,” and

WHEREAS the City Council has determined that the proposed ordinance is an “Unlisted Action” as that term is defined by 6NYCRR Section 617.2(ak), and

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

WHEREAS to aid the City Council in its determination as to whether the proposed zone change will have a significant effect on the environment, Part I of a Short Environmental Assessment Form has been prepared, a copy of which is attached and made part of this resolution,

**RESOLUTION**

Page 2 of 2

Finding that Changing the Approved Zoning Classification of 561-579 Burdick Street, Parcel Numbers 1-04-114 through 1-04-120, From Light Industrial to Residence B Will Not Have a Significant Impact on the Environment

Council Member BURNS, Roxanne M.  
 Council Member BUTLER, Joseph M. Jr.  
 Council Member MACALUSO, Teresa R.  
 Council Member SMITH, Jeffrey M.  
 Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

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 in comparison of 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 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**

## SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART 1 - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR <u>John Mac Gregor II + Amy Mac Gregor</u>	2. PROJECT NAME <u>561-579 Burdick St Zone Change</u>
3. PROJECT LOCATION: Municipality <u>City of Watertown</u> County <u>Jefferson</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>561-579 Burdick St</u>	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>To change The Approved Zoning Classification of 561-579 Burdick St FROM Light Industry - to Residence B Zoning</u>	
7. AMOUNT OF LAND AFFECTED: Initially <u>183</u> acres      Ultimately <u>83</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No      If no, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No      If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No      If yes, list agency(s) and permit/approvals	
12. AS A RESULT OF PROPOSED ACTION, WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>John Mac Gregor II + Amy Mac Gregor</u>	Date: <u>7-15/10</u>
Signature: <u>John Mac Gregor II      Amy Mac Gregor</u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II – ENVIRONMENTAL ASSESSMENT / To be completed by Agency

<p>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12?      If yes, coordinate the review process and use the FULL EAF.</p> <p><input type="checkbox"/> Yes      <input type="checkbox"/> No</p>
<p>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?    If NO, a negative declaration may be superseded by another involved agency.</p> <p><input type="checkbox"/> Yes      <input type="checkbox"/> No</p>
<p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</p> <p>C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:</p> <p>C2. Aesthetic agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</p> <p>C3. Vegetation or fauna, fish shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</p> <p>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:</p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.</p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.</p> <p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.</p>
<p>D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA?</p> <p><input type="checkbox"/> Yes      <input type="checkbox"/> No</p>
<p>E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</p> <p><input type="checkbox"/> Yes      <input type="checkbox"/> No    If yes, explain briefly</p>

PART III – DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

- Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
  
- Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

\_\_\_\_\_

Name of Lead Agency

\_\_\_\_\_

Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_

Title of Responsible Officer

\_\_\_\_\_

Signature of Responsible Officer in Lead Agency

\_\_\_\_\_

Signature of Preparer (If different from responsible officer)

\_\_\_\_\_

Date

Res No. 11

September 2, 2010

To: The Honorable Mayor and City Council

From: Kenneth A. Mix, Planning and Community Development Coordinator

Subject: Finding The Amending the Zoning Ordinance, Chapter 310 of the Code of the City of Watertown, To Allow Beer Production in Light Industrial Districts Will Not Have a Significant Impact on the Environment

The City Council has before it an amendment to the Zoning Ordinance which will allow beer production in Light Industrial Districts as requested by Thomas W. Scozzafava, CEO and President of Sackets Harbor Brewing Company. At its August 3, 2010 meeting, the City Planning Board recommended that the Amendment be approved. The City Council has scheduled a public hearing on the request for Tuesday, September 7, 2010 at 7:30 p.m.

This is a Type 1 Action, but there are no other Involved Agencies to coordinate the review with.

The City Council must complete Part II and Part III of necessary of the attached Environmental Assessment Form and adopt the SEQRA resolution before it may vote on the Zoning Amendment Ordinance. This resolution states that the Zoning Ordinance Amendment will not have a significant negative impact on the environment.

# RESOLUTION

Page 1 of 2

Finding That Amending the Zoning Ordinance, Chapter 310 of the Code of the City of Watertown, To Allow Beer Production in Light Industrial Districts Will Not Have a Significant Impact on the Environment

Council Member BURNS, Roxanne M.  
 Council Member BUTLER, Joseph M. Jr.  
 Council Member MACALUSO, Teresa R.  
 Council Member SMITH, Jeffrey M.  
 Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

### *Introduced by*

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WHEREAS the City Council of the City of Watertown, New York, has before it an Ordinance to amend the Zoning Ordinance, Chapter 310 of the Code of the City of Watertown, to allow beer production in Light Industrial Districts, and

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

WHEREAS the adoption of the proposed Ordinance would constitute such an “action,” and

WHEREAS the City Council has determined that the proposed Ordinance is a “Type I Action” as that term is defined in 6NYCRR Section 617.2, and

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

WHEREAS to aid the City Council in its determination as to whether the proposed Zoning Ordinance Amendment will have a significant effect on the environment, Part I of a Full Environmental Assessment Form has been prepared, a copy of which is attached and made part of this resolution,

# RESOLUTION

Page 2 of 2

Finding That Amending the Zoning Ordinance,  
Chapter 310 of the Code of the City of Watertown,  
To Allow Beer Production in Light Industrial Districts  
Will Not Have a Significant Impact on the Environment

Council Member BURNS, Roxanne M.  
 Council Member BUTLER, Joseph M. Jr.  
 Council Member MACALUSO, Teresa R.  
 Council Member SMITH, Jeffrey M.  
 Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

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

1. Based upon its examination of the Full Environmental Assessment Form and comparison of the proposed action with the criteria set forth in 6NYCRR Section 617.7, no significant impact is known and the Amendment to the Zoning Ordinance will not have a significant impact on the environment.
2. The Mayor of the City of Watertown is authorized to execute Part III of the Environmental Assessment Form to the effect that the City Council is issuing a Negative Declaration under SEQRA.
3. This resolution shall effect immediately.

**Seconded by**

617.20

Appendix A

State Environmental Quality Review

FULL ENVIRONMENTAL ASSESSMENT FORM

PURPOSE: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance. The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

FULL EAF COMPONENTS: The full EAF is comprised of three parts:

- Part 1: Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Part 2 and 3.
- Part 2: Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identified whether an impact can be mitigated or reduced.
- Part 3: If any impact in Part 2 is identified as potentially-large, than Part 3 is used to evaluate whether or not the impact is actually important.

DETERMINATION OF SIGNIFICANCE – Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project:  Part 1  Part 2  Part 3

Upon review of the information recorded on this EAF (Parts 1, 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore, a negative declaration will be prepared.
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore, a CONDITIONED negative declaration will be prepared.\*.
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore, a positive declaration will be prepared.

\*A Conditioned Negative Declaration is only valid for Unlisted actions.

Zoning Ordinance Amendment - Section 310-10, Light Industrial Districts

NAME OF ACTION

City of Watertown

NAME OF LEAD AGENCY

Jeffrey E. Graham

PRINT OR TYPE NAME OF RESPONSIBLE OFFICER IN LEAD AGENCY

Mayor

TITLE OF RESPONSIBLE OFFICER

SIGNATURE OF RESPONSIBLE OFFICER IN LEAD AGENCY

SIGNATURE OF PREPARED (IF DIFFERENT FROM RESPONSIBLE OFFICER)

Date



6. Is project substantially contiguous to, or contain a building, site, or district listed on the State or the National Registers of Historic Places?  Yes  No
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks?  Yes  No
8. What is the depth of the water table? N/A (in feet)
9. Is site located over a primary, principal, or sole source aquifer?  Yes  No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area?  Yes  No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? N/A  
 Yes  No According to \_\_\_\_\_  
 Identify each species \_\_\_\_\_
12. Are there any unique or unusual landforms on the project site? (i.e. cliffs, dunes, other geological formations)  
 Yes  No Describe \_\_\_\_\_
13. Is the project site presently used by the community or neighborhood as an open space or recreation area?  
 Yes  No If yes, explain Whitewater Park, a portion of Factory Square Park, Waterworks Park and Marble Street Park are located in Light Industrial Zoning Districts. However, the sites are designated parkland and this zoning ordinance amendment will not impact the use of these sites.
14. Does the present site include scenic views known to be important to the community?  Yes  No
15. Streams within or contiguous to project area: N/A  
 a. Name of Stream and name of River to which it is tributary \_\_\_\_\_
16. Lakes, ponds, wetland areas within or contiguous to project area:  
 a. Name N/A b. Size (In acres) \_\_\_\_\_
17. Is the site served by existing public utilities?  Yes  No  
 a. If Yes, does sufficient capacity exist to allow connection?  Yes  No N/A  
 b. If Yes, will improvements be necessary to allow connection?  Yes  No N/A
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?  Yes  No
20. Has the site ever been used for the disposal of solid or hazardous wastes?  Yes  No N/A

## B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate)
- Total contiguous acreage owned or controlled by project sponsor N/A acres.
  - Project acreage to be developed: N/A acres initially; \_\_\_\_\_ acres ultimately.
  - Project acreage to remain undeveloped N/A acres.
  - Length of project, in miles: N/A (If appropriate)
  - If the project is an expansion, indicate percent of expansion proposed \_\_\_\_\_ %;
  - Number of off-street parking spaces existing N/A; proposed \_\_\_\_\_
  - Maximum vehicular trips generated per hour N/A (upon completion of project)?
  - If residential: Number and type of housing units: N/A

	One Family	Two Family	Multiple Family	Condominium
Initially	_____	_____	_____	_____
Ultimately	_____	_____	_____	_____
  - Dimensions (in feet) of largest proposed structure N/A height \_\_\_\_\_ width; \_\_\_\_\_ length
  - Linear feet of frontage along a public thoroughfare project will occupy is? N/A ft.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? N/A tons/cubic yards
3. Will disturbed areas be reclaimed?  Yes  No  N/A
- a. If yes, for what intended purpose is the site being reclaimed? \_\_\_\_\_
- b. Will topsoil be stockpiled for reclamation?  Yes  No
- c. Will upper subsoil be stockpiled for reclamation?  Yes  No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? N/A acres
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?  
 Yes  No
6. If single phase project: Anticipated period of construction N/A months, (including demolition)
7. If multi-phased: **N/A**
- a. Total number of phases anticipated \_\_\_\_\_ (number)
- b. Anticipated date of commencement phase 1 \_\_\_\_\_ month \_\_\_\_\_ year (including demolition)
- c. Approximate completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year.
- d. Is phase 1 functionally dependent on subsequent phases?  Yes  No
8. Will blasting occur during construction?  Yes  No **N/A**
9. Number of jobs generated: during construction N/A; after project is complete \_\_\_\_\_
10. Number of jobs eliminated by this project N/A
11. Will project require relocation of any projects or facilities?  Yes  No If yes explain \_\_\_\_\_
12. Is surface liquid waste disposal involved?  Yes  No
- a. If yes, indicate type of waste (sewage, industrial, etc.) and amount \_\_\_\_\_
- b. Name of water body into which effluent will be discharged \_\_\_\_\_
13. Is subsurface liquid waste disposal involved?  Yes  No Type \_\_\_\_\_
14. Will surface area of an existing water body increase or decrease by proposal?  Yes  No  
Explain \_\_\_\_\_
15. Is project or any portion of project located in a 100 year flood plain?  Yes  No **N/A**
16. Will the project generate solid waste?  Yes  No
- a. If yes, what is the amount per month \_\_\_\_\_ tons
- b. If yes, will an existing solid waste facility be used?  Yes  No
- c. If yes, give name \_\_\_\_\_; location \_\_\_\_\_
- d. Will any wastes not go into a sewage disposal system or into a sanitary landfill?  Yes  No
- e. If Yes, explain \_\_\_\_\_
17. Will the project involve the disposal of solid waste?  Yes  No
- a. If yes, what is the anticipated rate of disposal? \_\_\_\_\_ tons/month.
- b. If yes, what is the anticipated site life? \_\_\_\_\_ years.
18. Will project use herbicides or pesticides.  Yes  No
19. Will project routinely produce odors (more than one hour per day?)  Yes  No
20. Will project produce operating noise exceeding the local ambient noise levels?  Yes  No
21. Will project result in an increase in energy use?  Yes  No If yes, indicate type(s) \_\_\_\_\_
22. If water supply is from wells, indicate pumping capacity N/A gallons/minute.
23. Total anticipated water usage per day N/A gallons/day.
24. Does project involve Local, State or Federal funding?  Yes  No

If yes, explain \_\_\_\_\_

25. Approvals Required:

			Type	Submittal Date
City, Town, Village Board	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Zoning Ord. Amend.</u>	<u>Sept. 2010</u>
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Zoning Ord. Amend.</u>	<u>Sept. 2010</u>
City, Town Zoning Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
City, County Health Department	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
Other Local Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
Other Regional Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
State Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
Federal Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____

**C. Zoning and Planning Information**

1. Does proposed action involve a planning or zoning decision?  Yes  No

If yes, indicate decision required:

- zoning amendment  zoning variance  special use permit  subdivision  site plan  
 new/revision of master plan  resource management plan  other \_\_\_\_\_

2. What is the zoning classification(s) of the site? Light Industrial

3. What is the maximum potential development of the site if developed as permitted by the present zoning? N/A

4. What is the proposed zoning of the site? N/A

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning? N/A

6. Is the proposed action consistent with the recommended uses in adopted local land use plans?  Yes  No

7. What are the predominate land use(s) and zoning classifications within a 1/4 mile radius of proposed action? The surrounding land uses and zoning are a mixture of residential, commercial, and industrial.

8. Is the proposed action compatible with adjoining/surrounding land uses within a 1/4 mile?  Yes  No

9. If the proposed action is the subdivision of land, how many lots are proposed? N/A

a. What is the minimum lot size proposed? N/A

10. Will proposed action require any authorization(s) for the formation of sewer or water districts?  Yes  No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?  Yes  No

a. If yes, is existing capacity sufficient to handle projected demand?  Yes  No

12. Will the proposed action result in the generation of traffic significantly above present levels?  Yes  No

a. If yes, is the existing road network adequate to handle the additional traffic?  Yes  No

**D. Informational Details**

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

**E. Verification**

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name City of Watertown - Michael A. Lumbis Date 9/2/10

Signature Michael A. Lumbis Title Planner

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

**PART 2 – PROJECT IMPACTS AND THEIR MAGNITUDE  
RESPONSIBILITY OF LEAD AGENCY**

**GENERAL INFORMATION (Read Carefully)**

- In completing the form, the reviewer should be guided by the question: *Have my responses and determinations been reasonable?* The reviewer is not expected to be an expert environmental analyst.
- The examples provided are to assist the reviewer by showing types of impacts and, wherever possible, the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects .

**INSTRUCTIONS (Read Carefully)**

- a. Answer each of the 20 questions in PART 2. Answer *Yes* if there will be *any* impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering *Yes* to a question, check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur, but threshold is lower than example, check column 1.
- d. Identifying that an impact will be potentially large (column 2) does not mean that it is also necessarily significant. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact, then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the *Yes* box in column 3. A *No* response indicates that such a reduction is not possible. This must be explained in Part 3.

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
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<b>IMPACT ON LAND</b>			
1. Will the proposed action result in a physical change to the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Examples</b> that would apply to column 2:			
■ Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Construction on land where the depth to the water tables is less than 3 feet.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Construction of paved parking area for 1,000 or more vehicles.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Construction of land where the depth to the water table is less than 3 feet.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Construction that will continue for more than 1 year or involve more than one phase or stage.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Construction or expansion of a sanitary landfill.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Construction in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.) <input type="checkbox"/> Yes <input type="checkbox"/> No			
■ Specific land forms:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
3. Will proposed action affect any water body designated as protected? (Under articles 15, 24, 25 of the Environmental Conservation Law, ECL) <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Examples that would apply to column 2:</b>			
■ Developable area of site contains a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Dredging more than 100 cubic yards of material from channel of a protected stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Extension of utility distribution facilities through a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Construction in a designated freshwater or tidal wetland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Will proposed action affect any non-protected existing or new body of water? <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Examples that would apply to column 2:</b>			
■ A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Construction of a body of water that exceeds 10 acres of surface area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. Will Proposed Action affect surface surface or groundwater quality or quantity? <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Examples that would apply to column 2:</b>			
■ Proposed action will require a discharge permit.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action requires use of a source of water that does not have approval to serve proposed (project) action.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action requires water supply from wells with greater than 45 gallons per minute pumping capacity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Construction or operation causing contamination of a water supply system.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will adversely affect groundwater.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Liquid affluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action would use water in excess of 20,000 gallons per day.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action would likely cause siltration or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will require the storage of petroleum or chemical products greater than 1,100 gallons.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will allow residential uses in areas without water and/or sewer services.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
6. Will proposed action alter drainage flow or patterns, or surface water runoff? <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Examples that would apply to column 2:</b>			
■ Proposed action would change flood water flows.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action may cause substantial erosion.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action is incompatible with existing drainage patterns.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will allow development in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>IMPACT ON AIR</b>			
7. Will proposed action affect air quality? <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Examples that would apply to column 2:</b>			
■ Proposed action will induce 1,000 or more vehicle trips in any given hour.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will result in the incineration of more than 1 ton of refuse per hour.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will allow an increase in the amount of land committed to industrial use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will allow an increase in the density of industrial development within existing industrial areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
<b>IMPACT ON PLANTS AND ANIMALS</b>			
8. Proposed action affect any threatened or endangered species? <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Examples that would apply to column 2:</b>			
■ Reduction of one or more species listed on the New York or Federal list, using the site, over or near site, or found on the site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
9. Will Proposed action substantially affect non-threatened or non-endangered species? <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Examples that would apply to column 2:</b>			
■ Proposed action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>IMPACT ON AGRICULTURAL LAND RESOURCES</b>			
10. Will the Proposed action affect agricultural land resources? <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Examples that would apply to column 2:</b>			
■ Proposed action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Construction activity would excavate or compact the soil profile of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action would irreversibly convert more than 10 acres of agricultural land or if located in an Agricultural District, more than 2.5 acres of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g., cause a farm field to drain poorly due to increased runoff).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:			
<b>IMPACT ON AESTHETIC RESOURCES</b>			
11. Will proposed action affect aesthetic resources? <input type="checkbox"/> Yes <input type="checkbox"/> No (if necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.) <b>Examples that would apply to column 2:</b>			
■ Proposed land uses, or project components obviously different from, or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed land uses or project components visible to users of aesthetic resources which will eliminate, or significantly reduce, their enjoyment of the aesthetic qualities of that resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed components that will result in the elimination, or significant screening, of scenic views known to be important to the area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES</b>			
12. Will proposed action impact any site or structure of historic, pre-historic or paleontological importance? <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Examples that would apply to column 2:</b>			
■ Proposed action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or national Register of historic places.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Any impact to an archaeological site or fossil bed located within the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
<b>IMPACT ON OPEN SPACE AND RECREATION</b>			
13. Will proposed action affect the quantity or quality of existing or future open spaces or recreational opportunities? <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Examples</b> that would apply to column 2:			
■ The permanent foreclosure of a future recreational opportunity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ A major reduction of an open space important to the community.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>IMPACT ON CRITICAL ENVIRONMENTAL AREAS</b>			
14. Will proposed action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g)? <input type="checkbox"/> Yes <input type="checkbox"/> No. List the environmental characteristics that caused the designation of the CEA.:			
<b>Examples</b> that would apply to column 2:			
■ Proposed action to locate within the CEA.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will result in a reduction in the quantity of the resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will result in a reduction in the quality of the resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will impact the use, function or enjoyment of the resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>IMPACT ON TRANSPORTATION</b>			
15. Will there be an affect to existing transportation systems? <input type="checkbox"/> Yes <input type="checkbox"/> No. <b>Examples</b> that would apply to column 2:			
■ Alteration of present patterns of movement of people and/or goods.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will result in major traffic problems.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>IMPACT ON ENERGY</b>			
16. Will proposed action affect the community's sources of fuel or energy supply? <input type="checkbox"/> Yes <input type="checkbox"/> No. <b>Examples</b> that would apply to column 2:			
■ Proposed action will cause a greater than 5% increase in the use of any form of energy in the municipality.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>NOISE AND ODOR IMPACTS</b>			
17. Will there be objectionable odors, noise, or vibrations as a result of the Proposed Action? <input type="checkbox"/> Yes <input type="checkbox"/> No. <b>Examples</b> that would apply to column 2:			
■ Blasting within 1,500 feet of a hospital, school or other sensitive facility.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Odors will occur routinely (more than one hour per day).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will produce operating noise exceeding the local ambient noise levels for noise outside of structures..	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will remove natural barriers that would act as a noise screen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>IMPACT ON PUBLIC HEALTH</b>			
18. Will Proposed action affect public health and safety? <input type="checkbox"/> Yes <input type="checkbox"/> No. <b>Examples</b> that would apply to column 2:			
■ Proposed action may cause a risk of explosion or release of hazardous substances (i.e., oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Storage facilities for one million or more gallons of liquified natural gas or other flammable liquids.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
<b>IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD</b>			
19. Will Proposed action affect the character of the existing community? <input type="checkbox"/> Yes <input type="checkbox"/> No. <b>Examples</b> that would apply to column 2:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ The Proposed action will conflict with officially adopted plans or goals.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ The Proposed action will cause a change in the density of land use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ The Proposed action will replace or eliminate existing facilities, structures or areas of historic importance to the community.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Development will create a demand for additional community services (e.g., schools, police, fire, etc.).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will create or eliminate employment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
20. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts? <input type="checkbox"/> Yes <input type="checkbox"/> No			
<b>If any action in Part 2 is identified as a potential large impact, or if you cannot determine the magnitude of impact, proceed to Part 3.</b>			

**PART 3 – EVALUATION OF THE IMPORTANCE OF IMPACTS  
RESPONSIBILITY OF LEAD AGENCY**

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions:

Discuss the following for each impact identified in column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is important.

To answer the question of importance, consider:

- The probability of the impact occurring
- The duration of the impact
- Its irreversibility, including permanently lost resources of value
- Whether the impact can or will be controlled
- The regional consequence of the impact
- Its potential divergence from local needs and goals
- Whether known objections to the project relate to this impact

(Continue on attachments)

Ord No. 1

September 1, 2010

To: The Honorable Mayor and City Council

From: Kenneth A. Mix, Planning and Community Development Coordinator

Subject: Approving the Zoning Amendment Request Submitted by Brian J. Drake of GYMO, P.C. on Behalf of Purcell Construction Corp. to Amend Planned Development District No. 16 to Allow Two Enriched Living Buildings and Five Two-Unit Dwellings and Eliminate a Previously Approved Assisted Living Facility on Parcel Nos. 14-49-101, 14-49-101.005 and 14-49-101.101

The Planning Board reviewed the above subject request at its August 3, 2010 meeting and will be reviewing a revised plan on September 7, 2010. We expect that a recommendation will be coming out of the Tuesday meeting. If not, staff will inform the City Council at its meeting Tuesday night.

The applicant has requested that the public hearing be scheduled for September 20, 2010 rather than waiting another two weeks for the complete package of information to be forwarded to the City Council. If the City Council wishes to move ahead in an expedited manner, it is recommended that the public hearing be scheduled for 7:30 p.m. on Monday, September 20, 2010.

Ord No. 1

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To: The Honorable Mayor and City Council

From: Kenneth A. Mix, Planning and Community Development Coordinator

Subject: Approving the Zoning Amendment Request Submitted by Brian J. Drake of GYMO, P.C. on Behalf of Purcell Construction Corp. to Amend Planned Development District No. 16 to Allow Two Enriched Living Buildings and Five Two-Unit Dwellings and Eliminate a Previously Approved Assisted Living Facility on Parcel Nos. 14-49-101, 14-49-101.005 and 14-49-101.101

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# ORDINANCE

Page 1 of 1

Approving the Zoning Amendment Request Submitted by Brian J. Drake of GYMO, P.C. on behalf of Purcell Construction Corp. to Amend Planned Development District # 16 to Allow Two Enriched Living Buildings and Five Two-Unit Dwellings and Eliminate a Previously Approved Assisted Living Facility on Parcels Number 14-49-101, 14-49-101.005 and 14-49-101.101.

Council Member BURNS, Roxanne M.

Council Member BUTLER, Joseph M. Jr.

Council Member MACALUSO, Teresa R.

Council Member SMITH, Jeffrey M.

Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

### *Introduced by*

BE IT ORDAINED where Brian J. Drake, Project Engineer of GYMO, P.C., on behalf of Purcell Construction Corp., has made application by petition filed with the City Clerk, pursuant to Section 83 of the New York General City Law to amend Planned Development District # 16 to allow two enriched living buildings and five two-unit dwellings and eliminate a previously approved assisted living facility on Parcels Number 14-49-101, 14-49-101.005 and 14-49-101.101, and

WHEREAS the Planning Board of the City of Watertown considered the request at its meetings held on August 3, 2010 and September 7, 2010, and adopted a motion recommending that the City Council approve the amendment to the approved plan and allowed uses, and

WHEREAS the City Council deems it in the best interest of the citizens of the City of Watertown to approve the amendment to Planned Development District #16, and

WHEREAS a public hearing was held on the proposed zone amendment on September 20, 2010, after due public notice, and

WHEREAS the City Council has made a declaration of Negative Findings of the impacts of the proposed zone amendment according to the requirements of SEQRA,

NOW THEREFORE BE IT ORDAINED that the zoning for Planned Development District #16, Parcels Number 14-49-101, 14-49-101.005 and 14-49-101.101, is hereby amended to allow two enriched living buildings and five two-unit dwellings and eliminate a previously approved assisted living facility as shown on the Planned Development Plan submitted to the City Engineering Department on August 24, 2010, which in its entirety replaces all previous plans, and

BE IT FURTHER ORDAINED this amendment shall take effect as soon as it is published once in the official newspaper of the City of Watertown, or printed as the City Manager directs.

### **Seconded by**

Ord No. 2

August 25, 2010

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Amending City Municipal Code Chapter 293-61,  
Restricted Time Limit Parking, Samaritan Medical Center –  
Neighborhood Parking

In December 2007, the City Council adopted a resolution restricting the parking on the south side of Haley St., Ward St., and Bishop St., and the north side of Park Ave., and Bowers Ave. in response to concerns raised by property owners regarding increased on-street parking in this residential neighborhood, associated with the construction work at Samaritan Medical Center.

The construction work is nearing completion, the parking garage has opened and the residents in this area are asking that the City Council consider returning the parking back to what it was prior to the construction. Staff is recommending that the City Council approve the attached Ordinance.

If adopted, the attached Ordinance will remove the parking restrictions put into place on December 3, 2007.

Amending City Municipal Code Chapter 293,  
Vehicles and Traffic

Council Member BURNS, Roxanne M.  
 Council Member BUTLER, Joseph M. Jr.  
 Council Member MACALUSO, Teresa R.  
 Council Member SMITH, Jeffrey M.  
 Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

BE IT ORDAINED that Chapter 293 of the City Code of the City of Watertown is amended to delete the following:

§ 293-61. Schedule XIII: Parking Prohibited at All Times

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Haley Street	South	From Washington Street to Myrtle Avenue
Ward Street	South	From Washington Street to Myrtle Avenue
Bishop Street	South	From Washington Street to Myrtle Avenue
Park Avenue	North	From Washington Street to Myrtle Avenue
Bowers Avenue	North	From Washington Street to Myrtle Avenue

Amending City Municipal Code Chapter 293,  
Vehicles and Traffic

Council Member BURNS, Roxanne M.  
 Council Member BUTLER, Joseph M. Jr.  
 Council Member MACALUSO, Teresa R.  
 Council Member SMITH, Jeffrey M.  
 Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

and,

BE IT FURTHER ORDAINED that Chapter 293 of the City Code of the City of Watertown is amended to add the following:

§ 293-61. Schedule XIII: Parking Prohibited at All Times

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Haley Street	South	From Washington Street to a point 200 feet east thereof
Bishop Street	South	From Washington Street to a point 140 feet east thereof
Bowers Avenue	South	From Washington Street to a point 450 feet east thereof

and,

BE IT FURTHER ORDAINED that this amendment to the Code of the City of Watertown shall take effect as soon as it is published once in the official newspaper of the City of Watertown or printed as the City Manager directs.

**Seconded by**

Public Hearing – 7:30 p.m.

August 26, 2010

To: The Honorable Mayor and City Council

From: Kenneth A. Mix, Planning and Community Development Coordinator

Subject: Approving the Zone Change Request Submitted by John and Amy MacGregor to Change the Approved Zoning Classification of 561-579 Burdick Street, Parcel Numbers 1-04-114 through 1-04-120, From Light Industrial to Residence B

A request has been submitted by John and Amy MacGregor to change the zoning classification of 561-579 Burdick Street from Light Industrial to Residence B.

The Planning Board reviewed the request at its August 3, 2010 meeting and adopted a motion recommending that the City Council approve the zone change. Attached is the report prepared for the Planning Board and an excerpt from its minutes.

The County Planning Board did not have a quorum for its August 31, 2010 meeting, so the City Council may act without their recommendation.

The City Council scheduled a public hearing on the zone change ordinance for 7:30 p.m. on Tuesday, September 7, 2010. The City Council must also approve the SEQRA resolution before voting on the attached ordinance.

ORDINANCE

Page 1 of 2

Approving the Zone Change Request Submitted by John and Amy MacGregor, to Change the Approved Zoning Classification of 561-579 Burdick Street, Parcel Numbers 1-04-114 through 1-04-120, from Light Industrial to Residence B

Council Member BURNS, Roxanne M.  
Council Member BUTLER, Joseph M. Jr.  
Council Member MACALUSO, Teresa R.  
Council Member SMITH, Jeffrey M.  
Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

*Introduced by*

Council Member Jeffrey M. Smith

BE IT ORDAINED where John and Amy MacGregor, have made application by petition filed with the City Clerk, pursuant to Section 83 of the New York General City Law to change the approved zoning classification of Parcel Numbers 1-04-114, 1-04-115, 1-04-116, 1-04-117, 1-04-118, 1-04-119 and 1-04-120 located at 561-579 Burdick Street from Light Industry to Residence B, and

WHEREAS the Planning Board of the City of Watertown considered the zone change request at its meeting held on August 3, 2010, and adopted a motion recommending that the City Council approve the zone change as requested, and

WHEREAS the Jefferson County Planning Board reviewed the request at its meeting held on August 31, 2010, pursuant to General Municipal Law Section 239-m and adopted a motion that the project does not have any significant county-wide or inter-municipal issues and is of local concern only, and

WHEREAS a public hearing was held on the proposed zone change on September 7, 2010, after due public notice, and

WHEREAS the City Council has made a declaration of Negative Findings of the impacts of the proposed zone change according to the requirements of SEQRA,

WHEREAS the City Council deems it in the best interest of the citizens of the City of Watertown to approve the requested zone change, and

NOW THEREFORE BE IT ORDAINED that the zoning classification shall be changed for Parcel Numbers 1-04-114 through 1-04-120 located at 561-579 Burdick Street, from Light Industrial to Residence B, and

BE IT FURTHER ORDAINED that the Zoning Map of the City of Watertown shall be amended to reflect the zone change, and

# ORDINANCE

Page 2 of 2

Approving the Zone Change Request Submitted by John and Amy MacGregor, to Change the Approved Zoning Classification of 561-579 Burdick Street, Parcel Numbers 1-04-114 through 1-04-120, from Light Industrial to Residence B

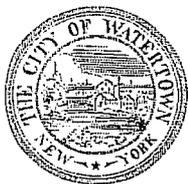
Council Member BURNS, Roxanne M.  
 Council Member BUTLER, Joseph M. Jr.  
 Council Member MACALUSO, Teresa R.  
 Council Member SMITH, Jeffrey M.  
 Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY

BE IT FURTHER ORDAINED this amendment to the Zoning Ordinance of the City of Watertown shall take effect as soon as it is published once in the official newspaper of the City of Watertown, or printed as the City Manager directs.

**Seconded by Council Member Joseph M. Butler Jr.**



# MEMORANDUM

## City of Watertown Planning Office

245 Washington Street, Room 304

Watertown, New York 13601

315-785-7730

Fax: 315-782-9014

TO: Norman J. Wayte II, Chairman, Planning Board

FROM: Kenneth A. Mix, Planning and Community Development Coordinator *KAM*

SUBJECT: Zone Change Request – 561-579 Burdick Street

DATE: July 27, 2010

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**Request:** To change the approved zoning classification of 561-579 Burdick Street, Parcel Numbers 1-04-114 through 1-04-120 from Light Industrial to Residence B.

**Applicant:** John and Amy Macgregor.

**Property Owner:** 561-563 Burdick Street, Parcels 1-04-118 through 1-04-120, Amy J. Campaney.  
565 Burdick Street, Parcel 1-04-117, James Paige.  
567 Burdick Street, Parcel 1-04-116, Gary Rambone.  
571-573 Burdick Street, Parcel 1-04-115, Jack and Wendy Rambone.  
579 Burdick Street, Parcel 1-04-114, Keith and Doris Combs.

**SEQRA:** Unlisted Action.

**County Planning Board review required:** Yes

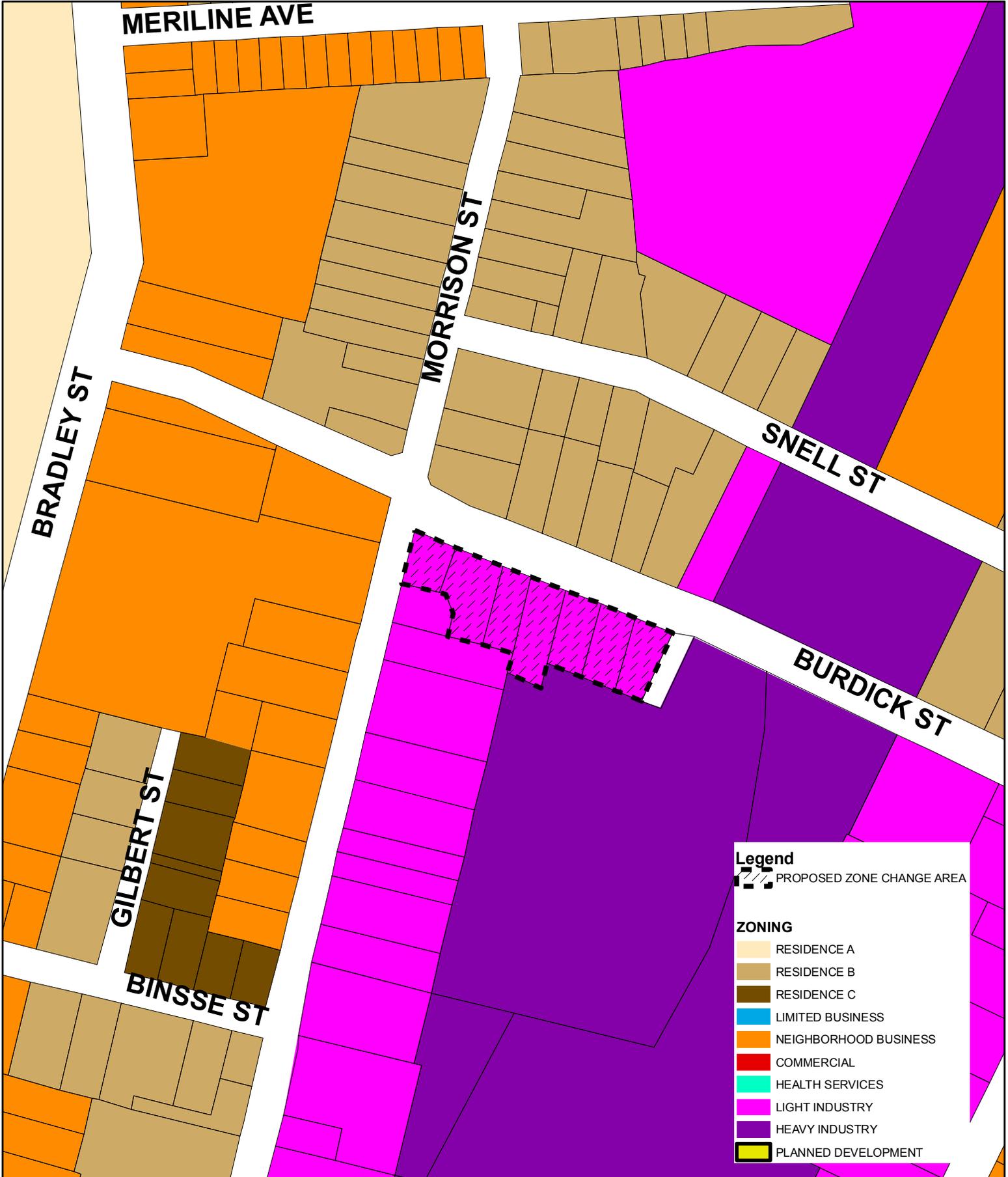
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**Comments:** The proposed zone change is being requested by John and Amy Macgregor as detailed in the attached documents. The existing zoning of the parcels is Light Industrial and the existing land use is residential. The homes on each of the lots are therefore legal non-conforming uses. The Macgregor's want to build an addition on their house but they cannot do so because they are prohibited by the Zoning Ordinance from expanding their legal non-conforming use.

Part I of the Short Environmental Assessment Form has been completed and submitted as part of the application. The Land Use Plan calls for Medium Density Residential in this area which is suitable for one and two family dwellings.

cc: Planning Board Members  
City Council Members  
Robert J. Slye, City Attorney  
Justin Wood, Civil Engineer II  
John and Amy Macgregor

PROPOSED ZONE CHANGE  
561 THROUGH 579 BURDICK STREET  
LIGHT INDUSTRY TO RESIDENCE B



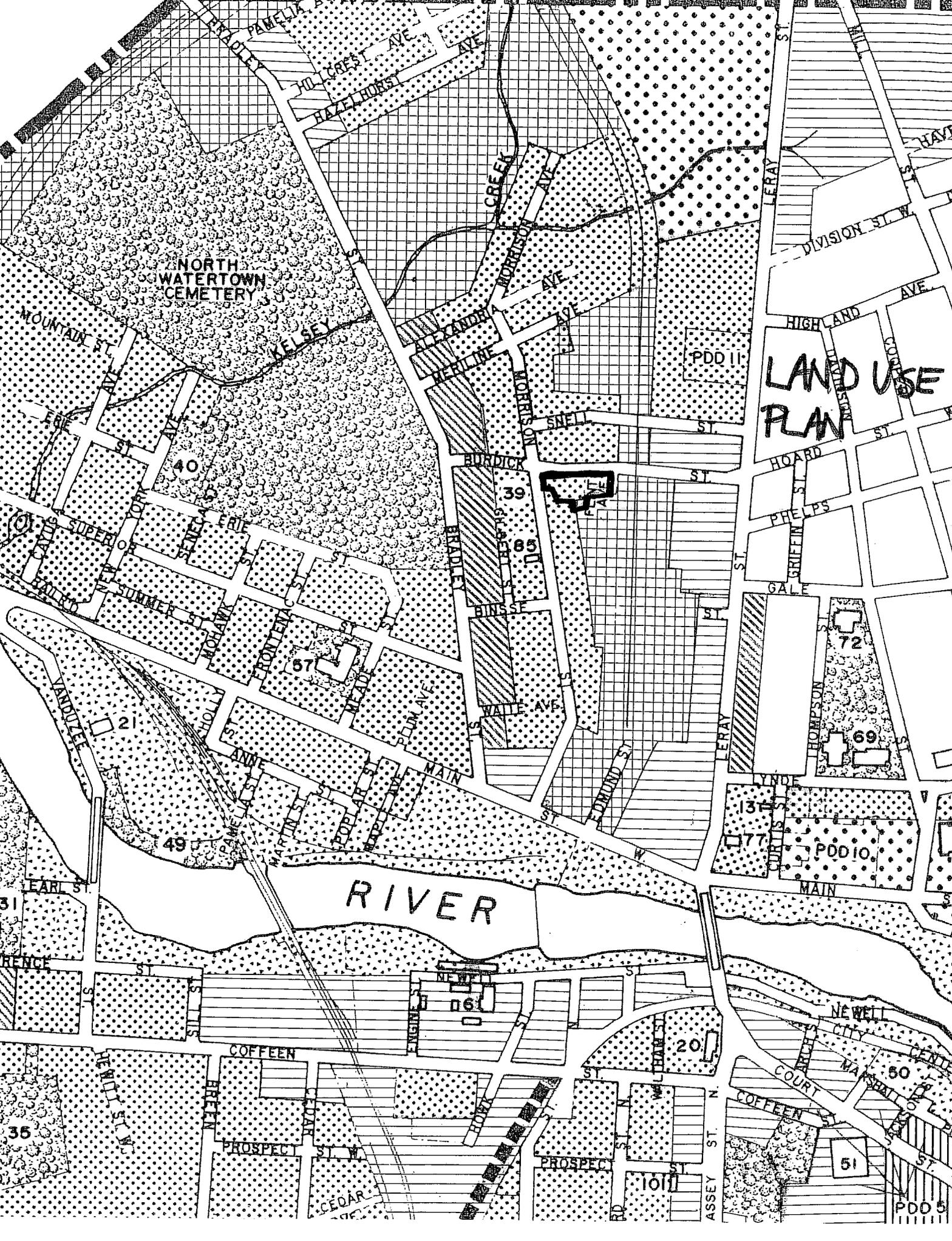
**Legend**

 PROPOSED ZONE CHANGE AREA

**ZONING**

-  RESIDENCE A
-  RESIDENCE B
-  RESIDENCE C
-  LIMITED BUSINESS
-  NEIGHBORHOOD BUSINESS
-  COMMERCIAL
-  HEALTH SERVICES
-  LIGHT INDUSTRY
-  HEAVY INDUSTRY
-  PLANNED DEVELOPMENT

0 100 200 Feet



NORTH  
WATERTOWN  
CEMETERY

LAND USE  
PLAN

RIVER

MOUNTAIN ST

YORK ST

SUPERIOR ST

WINDY ST

EARL ST

FRANCE ST

HEWITT ST

PROSPECT ST

CEEDAR ST

700 CREST AVE

HAZELHURST AVE

WELLS ST

WYOMING ST

WYOMING ST

WYOMING ST

WYOMING ST

WYOMING ST

WYOMING ST

WELLS ST

WYOMING ST

40

21

49

31

35

39

69

72

69

131

77

PDD II

PDD 10

20

51

1011

PDD 5

**LAND USE OBJECTIVES**

THIS PLAN ESTABLISHES BASIC LAND USE OBJECTIVES OF THE CITY OF WATERTOWN. THE LAND USE PATTERNS AND FUNCTIONS SHOWN ON THE PLAN SHOULD BE PROTECTED AND PROMOTED THROUGH THE ZONING ORDINANCE AND OTHER LAND USE AND DEVELOPMENT CONTROLS.



**CITY CENTER:** HIGH DENSITY CONCENTRATION OF SHOPPING, SERVICE, OFFICE, CULTURAL, RESIDENTIAL, AND RELATED USES APPROPRIATE AND NECESSARY TO SERVE THE COMMUNITY AND REGION. PROMOTES RETAIL AND FOOD SERVICE USES ON GROUND FLOOR WITH OTHER SERVICE, OFFICE AND RESIDENTIAL USES IN UPPER FLOORS.



**PUBLIC AND INSTITUTIONAL SERVICES INCLUDING PARK AND OTHER OPEN SPACE:** ADMINISTRATIVE, EDUCATIONAL, RELIGIOUS, RECREATIONAL, CULTURAL, AND RELATED SERVICE FACILITIES. SUCH USES ARE DETERMINED BY GOVERNMENT AND OTHER SPONSORS, MAY GENERALLY BE LOCATED IN ANY OTHER LAND USE AREAS, AND ARE SUBJECT TO EXPANSION, MODIFICATION, AND REMOVAL AS THE NEED FOR SERVICES CHANGES. SEE LIST: SMALLER FACILITIES ARE IDENTIFIED ONLY BY NUMBER.



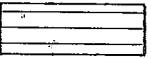
**LOW DENSITY RESIDENTIAL:** PREDOMINANT USE FOR ONE-FAMILY DWELLINGS.



**MEDIUM DENSITY RESIDENTIAL:** SUBSTANTIAL USE FOR ONE- AND TWO-FAMILY DWELLINGS.



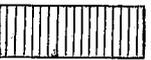
**HIGH DENSITY RESIDENTIAL:** CONCENTRATIONS OF MULTI-FAMILY DWELLINGS, MAY HAVE OTHER DWELLINGS.



**COMMERCIAL:** CONCENTRATIONS OF SHOPPING, SERVICE, AND RELATED USES SERVING THE NEIGHBORHOOD, COMMUNITY, OR REGION, AND COMPATIBLE WITH THE LOCATION.



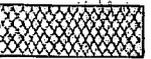
**LIMITED OFFICE:** NEW CONSTRUCTION AND CONVERSION OF RESIDENTIAL STRUCTURES TO OFFICE AND MIXED (OFFICE PLUS APARTMENT) USE, EXCLUDING RETAIL USE.



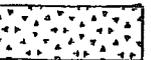
**OFFICE/BUSINESS:** PREDOMINANT USE FOR OFFICES AND NON-RETAIL BUSINESSES.



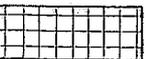
**NEIGHBORHOOD BUSINESS:** HIGH DENSITY CONCENTRATION OF LOCAL SHOPPING, SERVICE AND OFFICE USES TO SERVE IMMEDIATE NEIGHBORHOODS.



**HEALTH SERVICES:** PREDOMINANT USE FOR HOSPITAL WITH ACCESSORY USES - MEDICAL OFFICES, INTERMEDIATE AND LONG-TERM CARE FACILITIES AND DIRECT SUPPORT SERVICES.



**RIVERFRONT DEVELOPMENT:** RECOGNIZES AND PROMOTES THE BLACK RIVER AS AN AMENITY WHICH CAN SPUR DEVELOPMENT OF ADJOINING OLDER AREAS OF THE CITY. REDEVELOPMENT WILL COMBINE ADAPTIVE RE-USE OF HISTORIC BUILDINGS AND NEW CONSTRUCTION TO UTILIZE THE RIVERFRONT TO ITS FULLEST POTENTIAL. LAND USES WILL INCLUDE A MIX OF RESIDENTIAL, COMMERCIAL AND PARK AND RECREATIONAL USES.



**INDUSTRY:** PERMITTED MANUFACTURING AND OTHER INDUSTRIAL USES.

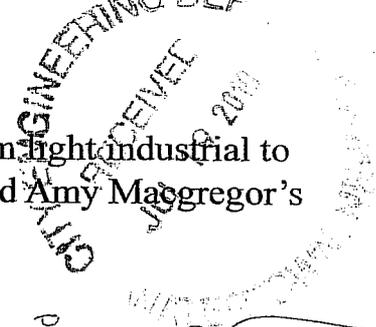


**DRAINAGE MANAGEMENT AREAS:** PORTIONS OF VACANT AREAS MAY HAVE SOME DEVELOPMENT LIMITATIONS TO MAINTAIN DRAINAGE CAPACITY.



**MAJOR HIGHWAY SYSTEM IMPROVEMENT.**

I am not opposed to changing my zoning class from light industrial to Residential B, nor am I opposed to having John and Amy Macgregor's 3 lots/parcels changed to Residential B separately.



Name Neil S. Sweet & Mavis R Sweet

Address 565 Burdick ST WATERTOWN N.Y. 13601

Name Keith Combs

Address 579 Burdick St Watertown 13601

Name Jack & Wendy Rambone

Address 571 Burdick St. Watertown, NY 13601

Name Ray R Rambone

Address 362 Burdick St Watertown, NY

Name [Signature]

Address \_\_\_\_\_



## Excerpt From Planning Board's 8/3/10 Meeting Minutes

### ZONE CHANGE REQUEST – 561-579 BURDICK STREET

The Planning Board then considered a request submitted by John and Amy MacGregor to change the approved zoning classification of 561-579 Burdick Street, Parcel Nos. 1-04-114, 1-04-115, 1-04-116, 1-04-117, 1-04-118, 1-04-119 and 1-04-120 from Light Industrial District to Residence B District. In attendance to represent the proposed request was John MacGregor.

Mr. MacGregor began by stating that he is proposing to build an addition onto his house but that when he tried to obtain a building permit from Code Enforcement, he was told that he cannot obtain a permit for the addition because he is located in a Light Industrial District. He said that he obtained signatures from the other property owners and his neighbors involved in the zone change area and none are opposed to it. A brief discussion followed regarding the proposed zone change request.

Mr. Mix noted that there is an adjoining property owner who is in attendance who may want to address the Board. Harry Cleaves then addressed the Planning Board. He said he was representing the owner of the property who is his mother. He stated that they are not opposed to Mr. MacGregor building an addition on his house but they are concerned about the effect the zone change will have on their property. He said that he just received the packet of information today and has concerns over the proposed change. Mrs. Freda asked what the current use is of Mr. Cleaves' property. Mr. Cleaves responded that it was heavy industrial use and that it was a lumber distribution facility.

Mr. Wayte noted that the Planning Board has come across this issue before where there are homes located in industrial districts and that people are unable to improve their homes because they cannot expand in the industrial district. Mrs. Freda noted that she would be inclined to support the request because of the fact that there are homes located in this district and that a more appropriate zoning would be a residential zone. Mr. Wayte noted that Mr. Cleaves' property would remain the same and did not see where his property would be impacted by the zone change. Mr. Cleaves stated that it is his understanding that the zone change could impact the use of his property and that he met with Mr. Mix earlier in the day to discuss the issue. Mr. Mix said that the zone change would in no way affect the allowed uses on Mr. Cleaves' property. He said that the zoning on his property would remain unchanged. He said that the only additional regulation would be that if and when a site plan for Mr. Cleaves' property ever came before the Planning Board and City Council, a 5' to 15' buffer area would be required along any residentially zoned property line. Mr. Cleaves said that the buffer requirement could impact his property in that the buffer could possibly require the relocation of a detention pond that is currently located near the property line.

Mrs. Freda noted that regardless of what the zoning is for the homes along Burdick Street, she would be inclined to require a buffer zone along those residential homes if a site plan is ever submitted for a project on Mr. Cleaves' property. Mrs. Gervera further explained that if the Planning Board and City Council were to leave the homes in an industrial

zoning classification and a site plan came in for the Cleaves' property, the Planning Board would likely require a buffer in that area anyway in order to protect the neighboring properties.

Mr. Wayte said that the Board really has to look at the neighborhood and the fact that the owners of the homes are unable to do what they want with their properties because of the existing zoning, and he did not think it would be a major impact to Mr. Cleaves. Mrs. Gervera noted that because the housing units exist now, the highest and best use of those parcels is housing and she felt the properties should be rezoned. She also noted that the highest and best use of Mr. Cleaves' property is for industrial use and that zoning for that parcel should remain industrial. Mr. Harris noted that he would be in favor of rezoning the residential properties.

Hearing no further discussion, Mrs. Gervera moved to recommend that the City Council approve the Zone Change Request submitted by John and Amy MacGregor to change the approved zoning classification of 561-579 Burdick Street, Parcel Nos. 1-04-114 through 1-04-120 from Light Industrial District to Residence B District. The motion was seconded by Mr. Harris and all voted in favor.

Public Hearing – 7:30 p.m.

August 26, 2010

To: The Honorable Mayor and City Council

From: Kenneth A. Mix, Planning and Community Development Coordinator

Subject: Amending Zoning Ordinance, Chapter 310 of the Code of the City of Watertown, To Allow Beer Production in Light Industrial Districts

The City Council scheduled a public hearing for 7:30 p.m. on Tuesday, September 7, 2010 on amending the Zoning Ordinance, Chapter 310 of the Code of the City of Watertown, to allow beer production in Light Industrial Districts.

Thomas W. Scozzafava, CEO and President of Sackets Harbor Brewing Company, is considering building a microbrewery adjacent to Alteri's Bakery in the City Center Industrial Park, which is in a Light Industrial District. Light Industrial Districts have a list of prohibited uses that includes "alcohol manufacture." Mr. Scozzafava is requesting that beer brewing be allowed in Light Industrial Districts.

The Planning Board adopted a motion on August 3, 2010 recommending approval of the proposed ordinance amendment. Attached is a copy of the report prepared for the Planning Board and an excerpt from its minutes.

The Jefferson County Planning Board reviewed the proposal on July 27, 2010 and adopted a motion that the project does not have any significant county-wide or inter-municipal issues and is of local concern only.

The Ordinance drafted for City Council consideration deletes "alcohol manufacture" from the prohibited list and adds "beer production" as an allowed use.

The City Council must also approve the related SEQRA resolution before voting on the Ordinance.

ORDINANCE

Page 1 of 1

Amending Zoning Ordinance, Chapter 310 of the Code of the City of Watertown, to Allow Beer Production

Council Member BURNS, Roxanne M.  
 Council Member BUTLER, Joseph M. Jr.  
 Council Member MACALUSO, Teresa R.  
 Council Member SMITH, Jeffrey M.  
 Mayor GRAHAM, Jeffrey E.  
 Total .....

YEA	NAY

*Introduced by*

Council Member Roxanne M. Burns

BE IT ORDAINED where Thomas W. Scozzafava, CEO and President of Sackets Harbor Brewing Company, has requested that the Zoning Ordinance, Chapter 310 of the Code of the City of Watertown, be amended to allow the brewing of beer in Light Industrial Districts, and

WHEREAS the City Planning Board at its August 3, 2010 meeting adopted a motion recommending to the City Council that it approve the proposed amendment, and

WHEREAS the County Planning Board reviewed the proposed amendment on July 27, 2010 pursuant to the requirements of New York State General Municipal Law § 239-m and adopted a motion that the project does not have any significant county-wide or inter-municipal issues and is of local concern only, and

WHEREAS a public hearing on the proposed amendment was held on September 7, 2010 after public notice, and

WHEREAS the City Council has made a Declaration of Negative Findings of Adverse Environmental Impacts from the proposed amendment according to the requirements of the State Environmental Quality Review Act, and

WHEREAS the City Council deems it in the best interest of the citizens of the City of Watertown to amend the Code of the City of Watertown to allow the production of beer in Light Industrial Districts,

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Watertown that it hereby amends Section 310-10 of the Code of the City of Watertown by deleting "Alcohol manufacture" from Paragraph "F" and adding "I. Beer production," and

BE IT FURTHER ORDAINED that this amendment to the Code of the City of Watertown shall take effect as soon as it is published once in the official newspaper of the City of Watertown or printed as the City Manager directs.

Seconded by Council Member Jeffrey M. Smith



# MEMORANDUM

## City of Watertown Planning Office

245 Washington Street, Room 304

Watertown, New York 13601

315-785-7730

Fax: 315-782-9014

TO: Norman J. Wayte II, Chairman, Planning Board

FROM: Kenneth A. Mix, Planning and Community Development Coordinator *KAM*

SUBJECT: Zoning Ordinance Amendment Request – Light Industrial Districts

DATE: July 27, 2010

---

**Request:** To amend Section 310-10, Light Industrial Districts, of the City's Zoning Ordinance to allow the production of alcohol.

**Applicant:** Thomas W. Scozzafava, CEO & President of Sackets Harbor Brewing Co.

**SEQRA:** Type I.

**County Planning Board review required:** Yes.

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**Comments:** The City has received a request from Thomas W. Scozzafava, CEO & President of Sackets Harbor Brewing Co., asking the City to amend Section 310-10, Light Industrial Districts, of the Zoning Ordinance to allow the production of alcohol. Currently, Light Industrial Districts specifically prohibit alcohol manufacture. The applicant is requesting the change because they are considering the construction of a microbrewery at the Alteri Bakery site in the City Center Industrial Park. Currently, Sackets Harbor Brewing Company, Inc. has their beer produced and bottled in Rochester and they are looking to bring those operations to this area.

The process to amend the zoning ordinance is similar to a zone change application in that the Planning Board will have to make a recommendation to the City Council and a public hearing will have to be held prior to the Council voting on the ordinance.

Since this request involves the change in the allowable uses within a zoning district affecting 25 or more acres, the action is considered a Type I Action under SEQRA.

cc: Planning Board Members  
City Council Members  
Robert J. Slye, City Attorney  
Justin Wood, Civil Engineer II  
Thomas W. Scozzafava



July 13, 2010

Michael Lumbis, Planner  
245 Washington St.  
Watertown, NY 13601

Mr. Lumbis:

I am pleased to report to you that Harbor Brewing Company, Inc. and its wholly owned subsidiary, Sackets Harbor Brewing Company, Inc., are currently in the planning process for the design and construction of a microbrewery where our beer would be produced, bottled and shipped to distributors throughout the region. Currently our beer production is outsourced and is produced and bottled by High Falls Brewing Company in Rochester, New York. Our goal is to bring this production "home" to increase profitability and better-position the company for continued growth. To this end we are exploring locations for this plant, and one such location is on the property of our sister company, Alteri Bakery, Inc.

However, we recently learned that as zoned as "Light Industrial" there currently exist certain prohibitions for the production of alcohol in the business park. I am writing to respectfully request that the zoning ordinance be amended to accept the brewing of beer in the Light Industrial district. As it relates specifically to Alteri Bakery, it should be noted brewing beer is complementary with baking as the barley grains used in the production of beer can then subsequently be used in the production of bread. We feel a microbrewery is appropriate for the Light Industry zone.

We would appreciate your support in this matter. I can be reached at 315-771-3034 or at [tom@1812ale.com](mailto:tom@1812ale.com) for any comments or questions. Thank you for your support.

Regards,

A handwritten signature in black ink that reads "Thomas W. Scozzafava". The signature is stylized and written in a cursive-like font.

Thomas W. Scozzafava  
CEO & President

Cc:/ Ashar Nelson, Bread Loaf; file

## **Excerpt From Planning Board's 8/3/10 Meeting Minutes**

### **ZONING ORDINANCE AMENDEMENT LIGHT INDUSTRIAL DISTRICTS**

The Planning Board then considered a Zoning Ordinance Amendment Request submitted by Thomas W. Scozzafava, CEO and President of Sackets Harbor Brewing Company, to amend Section 310-10, Light Industrial Districts, of the City's Zoning Ordinance to allow the production of alcohol. In attendance to represent the proposed request was Thomas W. Scozzafava.

Mr. Scozzafava began by saying that Sackets Harbor Brewing Company is looking to build a production facility in the area and is considering the Alteri's Bakery property located in the City Center Industrial Park. He said that most of the company's brewing currently occurs at High Falls Brewery in Rochester, and they are looking to bring much of that back into the area. He said that the spent grains used in the process are used for bread-making, which is why they are looking at building at the Alteri's Bakery site. He said they are requesting this change because Light Industrial Districts currently prohibit the manufacture of alcohol.

Mrs. Freda asked if there would be new jobs created as a result of this project. Mr. Scozzafava that there would be new jobs created in that they would be brewing, marketing and kegging at the new location. He estimated 12-17 jobs being created as part of the project. Mr. Wayte said that this is exactly the type of industry that we are looking for, and the fact that it is an environmentally friendly process and that jobs will be created make it important.

Hearing no further discussion, Mrs. Freda moved to recommend that the City Council approve the Zoning Ordinance Amendment Request submitted by Thomas W. Scozzafava, CEO and President of Sackets Harbor Brewing Company, to amend Section 310-10, Light Industrial Districts, of the City's Zoning Ordinance to allow the production of alcohol. The motion was seconded by Mr. Harris and all voted in favor.



Department of Planning  
175 Arsenal Street  
Watertown, NY 13601



Donald R. Canfield  
Director of Planning

(315) 785-3144  
(315) 785-5092 (Fax)

July 29, 2010

Michael Lumbis, Planner  
City of Watertown  
245 Washington St. Room 304  
Watertown, N.Y. 13601

Re: Sackets Harbor Brewing Co., Zoning Text Amendment to allow breweries in the Light Industrial District, JCDP File # C 5 – 10

Dear Michael:

On July 27, 2010, the Jefferson County Planning Board reviewed the above referenced project, referred pursuant to General Municipal Law, Section 239m.

The Board adopted a motion that the project does not have any significant County-wide or intermunicipal issues and is of local concern only.

The County Planning Board noted that New York State General City Law requires zoning amendments to be made in accordance with a Comprehensive Plan. The local board should ensure that this amendment is consistent with any current plans and vision for the City.

Please note that the above advisory comment is not a condition of the County Planning Board's action. It is listed to assist the local board in its review of the project. The local board is free to make its final decision.

General Municipal Law, Section 239m requires the local board to notify the County of its action on this matter within thirty (30) days after taking a final action.

Thank you.

Sincerely,

Michael J. Bourcy  
Senior Planner

MJB

Tabled

August 27, 2010

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Geothermal Professional Services Agreement,  
Sack and Associates PLLC

The FY 2009-2010 and 2010-2011 Capital Budget's contain a project to replace the aging chiller and tower in City Hall. The two air conditioning chillers, one that was installed in the early 1960s and a replacement that was installed in the mid 1980s, are in dire need of replacement. Staff's initial thought was to replace this equipment with newer more energy efficient models. At the same time, we have been looking at the continuing need to replace heat pumps at the Library.

Earlier this year, City Engineer Kurt Hauk, Superintendent of Public Works Eugene Hayes, Purchasing Agent Robert Cleaver, Code Enforcement Officer Shawn McWayne and I had an opportunity to visit Indian River Central School and meet with their staff and Engineer and do a walkthrough of their geothermal HVAC system.

After visiting this facility and in keeping with the City Council's desire to look at alternative energy opportunities, we took a step back and formulated a Request for Proposal to evaluate City facilities to determine the feasibility of using geothermal energy systems. The facilities that will be considered are City Hall, Flower Memorial Library, Municipal Ice Arena, Water Treatment Plant and Sewage Treatment Plant.

The City Engineering Department issued the RFP to ten firms, with four proposals received and considered. City Engineer Kurt Hauk is recommending that the City Council approve the attached Professional Services Agreement with Sack and Associates PLLC to evaluate City facilities to determine feasibility of using geothermal energy systems at each building. The cost associated with this work is for a not to exceed amount of \$38,000.

The evaluation by Sack and Associates will provide the City with an assessment on the replacement of the existing HVAC system with a conventional system versus a geothermal system at each building, along with estimated construction costs and required upgrades associated with each alternative. The most critical facilities will be addressed first in the review process, those being City Hall and the Flower Memorial Library.

The attached resolution was presented to the City Council for consideration at the August 16, 2010 Council Meeting, at which time it was tabled. Since that meeting, Mr. Hauk and I have met with Council Member Smith to discuss his concerns regarding this Agreement and made copies of the RFP responses available for Council review. Staff is asking that the City Council consider approval of this Agreement.

# RESOLUTION

Page 1 of 1

Approving Geothermal Professional Services Agreement, Sack and Associates PLLC

Council Member BURNS, Roxanne M.  
 Council Member BUTLER, Joseph M. Jr.  
 Council Member MACALUSO, Teresa R.  
 Council Member SMITH, Jeffrey M.  
 Mayor GRAHAM, Jeffrey E.  
 Total .....

YEA	NAY

***Introduced by***

Council Member Roxanne M. Burns

WHEREAS the City Council of the City of Watertown desires to investigate the use of geothermal systems for use in City facilities versus conventional upgrades necessary, and

WHEREAS the City of Watertown Engineering Department issued an RFP to ten firms and received five responses, after reviewing the responses, City Engineer Kurt Hauk is recommending that the City enter into an Agreement for Professional Services with Sack and Associates PLLC for an evaluation of feasibility,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Geothermal Professional Services Agreement between the City of Watertown, New York and Sack and Associates PLLC, for a not to exceed amount of \$38,000, a copy of which is attached and made a part of this resolution, and

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

**Seconded by Council Member Jeffrey M. Smith**

August 12, 2010

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Geothermal Professional Services Agreement,  
Sack and Associates PLLC

The FY 2009-2010 and 2010-2011 Capital Budget's contain a project to replace the aging chiller and tower in City Hall. The two air conditioning chillers, one that was installed in the early 1960s and a replacement that was installed in the mid 1980s, are in dire need of replacement. Staff's initial thought was to replace this equipment with newer more energy efficient models. At the same time, we have been looking at the continuing need to replace heat pumps at the Library.

Earlier this year, City Engineer Kurt Hauk, Superintendent of Public Works Eugene Hayes, Purchasing Agent Robert Cleaver, Code Enforcement Officer Shawn McWayne and I had an opportunity to visit Indian River Central School and meet with their staff and Engineer and do a walkthrough of their geothermal HVAC system.

After visiting this facility and in keeping with the City Council's desire to look at alternative energy opportunities, we took a step back and formulated a Request for Proposal to evaluate City facilities to determine the feasibility of using geothermal energy systems. The facilities that will be considered are City Hall, Flower Memorial Library, Municipal Ice Arena, Water Treatment Plant and Sewage Treatment Plant.

The City Engineering Department issued the RFP to ten firms, with four proposals received and considered. City Engineer Kurt Hauk is recommending that the City Council approve the attached Professional Services Agreement with Sack and Associates PLLC to evaluate City facilities to determine feasibility of using geothermal energy systems at each building. The cost associated with this work is for a not to exceed amount of \$38,000.

The evaluation by Sack and Associates will provide the City with an assessment on replacing the existing HVAC system with a conventional system versus a geothermal system at each building, along with estimated construction costs and required upgrades associated with each alternative.

A resolution for Council consideration is attached.

# RESOLUTION

Page 1 of 1

Approving Geothermal Professional Services Agreement, Sack and Associates PLLC

Council Member BURNS, Roxanne M.  
 Council Member BUTLER, Joseph M. Jr.  
 Council Member MACALUSO, Teresa R.  
 Council Member SMITH, Jeffrey M.  
 Mayor GRAHAM, Jeffrey E.  
 Total .....

YEA	NAY

***Introduced by***

---

WHEREAS the City Council of the City of Watertown desires to investigate the use of geothermal systems for use in City facilities versus conventional upgrades necessary, and

WHEREAS the City of Watertown Engineering Department issued an RFP to ten firms and received five responses, after reviewing the responses, City Engineer Kurt Hauk is recommending that the City enter into an Agreement for Professional Services with Sack and Associates PLLC for an evaluation of feasibility,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Geothermal Professional Services Agreement between the City of Watertown, New York and Sack and Associates PLLC, for a not to exceed amount of \$38,000, a copy of which is attached and made a part of this resolution, and

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

**Seconded by**



**SACK & ASSOCIATES**  
*CONSULTING ENGINEERS, PLLC*

## **AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES**

THIS IS AN AGREEMENT made as of August 9, 2010, between The City of Watertown (OWNER) and Sack & Associates Consulting Engineers, PLLC, (ENGINEER).

OWNER and ENGINEER in consideration of their mutual covenants herein agree in respect of the performance of professional engineering services by ENGINEER and the payment for those services by OWNER as set forth below.

ENGINEER shall provide professional engineering services for OWNER in all phases of the Project to which this Agreement applies, serve as OWNER's professional engineering representative for the Project as set forth below and shall give professional engineering consultation and advice to OWNER during the performance of services hereunder.

### **1.1 General.**

- 1.1.1. ENGINEER shall perform professional services as hereinafter stated which include customary mechanical and electrical engineering services and customary architectural services incidental thereto.

### **1.2 Study and Report Phase.**

After written authorization to proceed, ENGINEER shall:

- 1.2.1. Consult with OWNER to clarify and define OWNER's requirements for the Project and review available data.
- 1.2.2. Advise OWNER as to the necessity of OWNER's providing or obtaining from others data or services of the types described in paragraph 1.3 and act as OWNER's representative in connection with any such services.
- 1.2.3. Provide analyses of Owner's needs, mechanical and electrical system surveys, site evaluations and comparative studies of prospective systems and solutions.
- 1.2.4. Provide a general economic analysis of OWNER's requirements applicable to various alternatives.
- 1.2.5. Prepare a Report containing schematic layouts, sketches, and conceptual design criteria with appropriate exhibits to indicate clearly the considerations involved and the alternative solutions available to OWNER and setting forth ENGINEER's findings and recommendations with opinions of probable costs for the Project, including Construction Cost, contingencies, allowances for charges of all professionals and consultants (all of which are hereinafter called "Project Costs").
- 1.2.6. Furnish five bound copies of the Report and present and review it in person with OWNER.

The duties and responsibilities of ENGINEER during the Study and Report Phase are amended and supplemented as indicated in Exhibit A "Scope of Work" (copy attached).

**1.3 OWNER'S Responsibilities**

- 1.3.1. OWNER shall furnish the following to the ENGINEER, as required for performance of ENGINEER's Basic Services (except to the extent provided otherwise in Exhibit A "Scope of Work"):
  - 1.3.1.1. Geothermal test borings (as arranged by ENGINEER)
  - 1.3.1.2. Laboratory tests and inspections of piping or similar samples (as arranged by ENGINEER)
  - 1.3.1.3. Property, boundary, easement, right-of-way, topographic and utility surveys
  - 1.3.1.4. Property descriptions
  - 1.3.1.5. Zoning, deed, and other land use restriction
  - 1.3.1.6. Other special data or consultations not covered

**1.4 Payments to ENGINEER**

- 1.4.1. Basic Services. OWNER shall pay ENGINEER for The Project based on hours expended performing work. This amount shall be based on rates for Principal and employees in accordance with Exhibit B, "Standard Rate Schedule A-2010 for Professional Services" (copy attached). Sub-consultants' costs shall be included based on their hourly rates as scheduled times hours worked. Notwithstanding the total hours expended, the maximum amount paid for The Project, with the exclusion of reimbursable expenses, shall not exceed **THIRTY EIGHT THOUSAND DOLLARS (\$38,000)**.
- 1.4.2. Additional Services. OWNER shall pay ENGINEER for additional services not described as being part of The Project. This amount shall be based on rates for principal and employees in accordance with Exhibit B, "Standard Rate Schedule A - 2010 for Professional Services."
- 1.4.3. Reimbursable Expenses. In addition to payments provided for in Paragraphs 1.4.1 and 1.4.2, OWNER shall pay ENGINEER for actual costs of all reimbursable expenses incurred in connection with The Project. Expenses for traveling and printing, etc., shall be reimbursed at cost times a multiplier of 1.0. Expenses for hired testing agencies shall be reimbursed at cost times a multiplier of 1.1.

**ENGINEER**

**OWNER**

Name \_\_\_\_\_

Name \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

SCOPE OF WORK  
GEOHERMAL ENERGY FEASIBILITY STUDY  
7 JUNE 2010

I. Project Description:

The Geothermal Energy Feasibility Study entails the evaluation of several City-owned buildings for replacement HVAC systems and the potential application of geothermal energy systems. City Hall, Flower Memorial Library, Municipal Ice Arena, Water & Sewage Treatment Plants shall be included as part of this study. The Feasibility Study may also lead to a request for design services of some or all of these replacement facilities.

II. Detailed Project Scope:

1. Complete evaluation of each building's existing HVAC system, pipe & duct work, and building characteristics.

2. Develop an annual energy model for each building and determine annual operating costs.

3. Provide a detailed report for the feasibility of using a geothermal energy system at each building. Also provide a detailed cost breakdown that incorporates the existing annual operating expenses, the City's contracted electricity rates with National Grid, and the gas usage costs. Determine estimated construction costs and required upgrades associated with each site.

4. Provide an assessment on replacing the existing HVAC system with a conventional system versus a geothermal system at each building. Determine estimated construction costs and required upgrades associated with each alternative.

5. Provide an Executive Summary on the findings of the study.

III. Engineering Requirements:

1. The required engineering work will consist of six phases.

a. Phase I will commence with a Project Kickoff Meeting that will finalize schedule, deliverables, flow of information, and principal players. Staff hours will be broken out and tracked by funding share (sewer, water, library, general) to capture each portion. Work may begin after the agreement is approved by the City Council.

b. Phase II consists of taking an inventory of the existing system at each building.

c. Phase III will evaluate each building system for conventional replacement.

d. Phase IV will evaluate each building system for geothermal feasibility. For each building deemed feasible, conduct a Thermal Test Bore and Thermal Conductivity Test in accordance with ASHRAE Standards.

e. Phase V consists of an economic comparison between Phases II & III for each building. This shall include a detailed breakdown of the costs and projected savings (if applicable).

f. Phase VI will provide a recommendation for a replacement system at each building. The report shall be broken down into separate sections (Phases II – V) for each building.

2. Proposed timeline and required delivery date:

a. Draft Report and Recommendation: 8 October 10

b. Final Report and Recommendation: 29 October 10

IV. Detailed Design:

The City may request detailed design for the systems analyzed as part of this study in a separately negotiated professional services agreement. However, this makes no assurance that any or all of these facilities will be considered for detailed design.



**SACK & ASSOCIATES**  
 CONSULTING ENGINEERS, PLLC

**STANDARD RATE SCHEDULE A-2010  
 FOR PROFESSIONAL SERVICES**

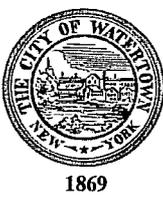
<u>Title</u>	<u>Hourly Rates</u>
Principal .....	\$172.00
Manager: Project Engineer .....	\$136.00
Manager: Engineer .....	\$121.00
Engineer, Senior .....	\$115.00
Associate Engineer, Senior .....	\$105.00
Engineer .....	\$99.00
Associate Engineer .....	\$94.00
Designer, Senior .....	\$84.00
Engineer, Intern .....	\$84.00
Designer .....	\$79.00
Manager, Administration .....	\$74.00
Drafter, Senior .....	\$69.00
Administrative Assistant, Senior .....	\$69.00
Administrative Assistant .....	\$52.00
Drafter .....	\$52.00

**REIMBURSABLE EXPENSES**

The following items are not included in the fee for professional services and will be invoiced at their corresponding cost with adjustment as stated in the proposal/agreement:

<b>In-house Reproduction Services</b>	
Bond Plots or Copies .....	\$0.10/sf
Contracted Reproduction Services .....	At cost
Photocopies .....	\$0.08/page
Long-distance Phone Calls .....	At cost
Courier Service .....	At cost
Express Mail .....	At cost
Mileage .....	Current IRS Rate/Mile

3/30/10  
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CITY OF WATERTOWN  
ENGINEERING DEPARTMENT  
MEMORANDUM

DATE: August 11, 2010

TO: Mary Corriveau, City Manager

FROM: Kurt W. Hauk, City Engineer *KWH*

SUBJECT: Geothermal Professional Services Agreement

Enclosed is a Professional Services Agreement for the evaluation of City facilities for the feasibility of using geothermal system versus a conventional system upgrade.

The facilities to be evaluated are: City Hall, Flower Memorial Library, Municipal Ice Arena, Water Treatment Plant and Sewage Treatment Plant.

The need and scope of this agreement was developed from the combination of two separate inquiries concerning City facilities. The first was the short term need to replace HVAC systems in City Hall and Flower Library. The second was the request from the City Council to look at City facilities in general for the feasibility of moving toward an alternate energy solution for HVAC needs. The result was this Request for Proposal and ensuing Professional Services Agreement.

Sack and Associates PLLC was chosen by a three person selection committee composed staff from the Engineering and Planning Departments. A total of five proposals were received and reviewed.

The enclosed agreement is for \$38,000. The additional costs not covered would be test boring for each feasible site and laboratory testing. This is estimated to be \$15,000 for each boring and would be charged to the appropriate fund (General, Library, Sewer, Water) when the work was performed. It would only be done for sites deemed feasible by the analysis.

The City Attorney has reviewed and provided comment on the agreement.

Please prepare a Resolution for City Council consideration. The original copies are in the Engineering Office and will be forwarded for your signature after the Resolution has been approved.

cc: Jim Mills, City Comptroller  
File

**SLYE & BURROWS**  
ATTORNEYS AT LAW  
104 WASHINGTON STREET  
WATERTOWN, NEW YORK 13601

 **COPY**

ROBERT J. SLYE  
JAMES A. BURROWS  
CHRISTINA E. STONE

(315) 786-0266  
FAX: (315) 786-3488

August 24, 2010

City Council  
City of Watertown  
245 Washington Street  
Watertown, New York 13601



**Re: Noise Control Legislation**

Dear Council Members:

The City Manager has asked us to follow up on Councilman Butler's request that the City consider adopting noise control legislation to address quality of life issues in the City. This letter will attempt to describe the types of legislation available to the City Council so that we may obtain more specific direction in connection with the City Council's wishes prior to the drafting of any legislation.

**The Existing Noise Control Ordinance**

Chapter 205 of the Watertown City Code addresses the issue of noise. Subsections 1-4 were adopted in 1949. An additional prohibition against idling truck motors was added in 1951 (Subsection 5). A penalties provision was adopted in 1986, making any violation of Subsections 1-5 a "violation," and imposing a maximum penalty of up to 15 days in jail and/or a fine of \$250.00. Penalties can be cumulative based upon "each day of continued violation."

In 1993, an additional provision was added for noise limits in Thompson Park, defining "unreasonable, loud, disturbing or unnecessary noise" as being "any sound that can be heard from twenty (20) feet away from the source of the noise that is eighty (80) decibels or more." Presumably, a violation of this noise limit is punishable under the prior-numbered penalties provision.

In our view, the 1949/1951 provisions of Chapter 205 are generally unenforceable. The provisions speak in terms of noise which endangers public comfort, or which is detrimental to the "life or health of any individual." The existing legislation is essentially "nuisance" legislation, and provides no real guidelines for interpretation or enforcement. Thus, the essential reason that Chapter 205 is not enforced is that it is unenforceable.

### Existing State Law

We are aware of four separate provisions of New York law dealing with noise. The first three deal with vehicular noise, and are separately contained at Section 375(31) of the Vehicle and Traffic Law (adequate muffler and exhaust system . . . to prevent any excessive or unusual noise); Section 375(47)(a) (prohibiting the operation of an “audio amplification system which generates an A-weighted sound level in excess of seventy dB(A) measured at, or adjusted to, a distance of twenty-five feet from the vehicle which is driven, standing or parked on a public highway, or within one hundred feet of a public highway unless that system is being operated to request assistance or warn of a hazardous situation.”) (McKinney Supp. 2010); and Section 306 (vehicles in excess of 10,000 pounds and motorcycles governed by specified A-weighted sound levels at certain speeds). The fourth provision is a general prohibition contained in the definition of “Disorderly Conduct” under Section 240.20 of the New York Penal Law, which states that “a person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, [that person] makes unreasonable noise.” Id. at Section 240.20(2) (McKinney 2008).

The obvious difference between the “excessive or unusual noise” unreasonable noise standard and the sound amplification prohibitions by decibel measurement from a source is the measure of proof required to establish a violation. The latter is capable of scientific proof (a calibrated and accurate decibel meter, operated by a qualified and trained peace officer, within a specified and measured distance and producing a sound level in excess of a prescribed decibel level, if found credible by the trier of fact, constitutes the offense). In proving a violation of “unreasonable noise” provisions, it is always a question of fact as to whether, under all of the circumstances, the noise was “unreasonable.”

### Are Noise Control Ordinances Constitutional?

Generally speaking, government restrictions on “time, place or manner of protected speech” can withstand constitutional scrutiny [if they are]:

- (1) content neutral, in that they target some quality other than substantive expression;
- (2) [are] narrowly tailored to serve a significant and governmental interest; and
- (3) permit alternative channels for expression.

Deegan v. City of Ithaca, et al., 444 F3rd 135, 142 (2<sup>nd</sup> Cir. 2006), citing Ward v. Rock Against Racism, 491 U.S. 781, 791 (1989). See, also, Genco Importing, Inc. v. City of New York, 552 F. Supp. 2d 371, (SDNY 2008).

In People v. Bakolas, 59 N.Y.2d, 51, 462 N.Y.S.2d 844 (1983), the New York Court of Appeals addressed the facial constitutionality of the State's disorderly conduct statute in connection with the term "unreasonable noise." Finding that "the term 'unreasonable noise' is not incapable of definition," the New York Court of Appeals described the phrase "unreasonable noise" as follows:

A noise of a type or volume that a reasonable person, under the circumstances, would not tolerate (citation omitted).

Id. at 53. The Court of Appeals was careful to say, however, that the disorderly conduct statute required an element of intent, or recklessness, which narrowed the definition, "so that no inadvertently disturbing act may be punished (citation omitted)." Id. at 54.

A noise ordinance must be constitutional not only on its face (facial constitutionality), but in the manner in which it is applied. In considering the facial constitutionality of noise ordinances, the Second Circuit upheld an ordinance which prohibited "loud or unreasonable noise" and which defined "unreasonable" noise as follows:

that which 'disturbs, injures or endangers the peace or health of another or . . . endangers the health, safety or welfare of the community.'

Howard Opera House Associates, et al. v. City of Burlington, Vermont v. Urban Outfitters, Inc., 322 F.3d 125, 128 (2d Cir. 2003).

Finding that "the elimination of excessive noise is a substantial and laudable goal," the Second Circuit, in Carew-Reid, et al. v. Metropolitan Transportation Authority, et al., 903 F.2d 914 (2d Cir. 1990), found that a ban on the use of amplifiers on subway platforms constituted "a reasonable time, place or manner restriction as a matter of law." Id. at 919. More recently, and in a New York State Court case, the Appellate Division, First Department, held that "it was not impermissibly vague" to adopt an ordinance banning "unreasonable noise" defined as:

any excessive or unusually loud sound that disturbs the peace, comfort or repose of a reasonable person of normal sensitivities, injures or endangers the health or safety of a reasonable person of normal sensitivities or which causes injury to plant or animal life, or damage to property or business (citation omitted).

Harlem Yacht Club v. New York City Environmental Control Board, 40 A.D.3d 331, 836 N.Y.S.2d 66, 67 (1<sup>st</sup> Dep't 2007).

A statute which is facially constitutional, however, can separately be found to be unconstitutional in its application. For example, in Deegan v. City of Ithaca, supra, a noise ordinance which was “interpreted, construed and enforced” in such a way as to prohibit a street preacher from preaching, because it could be heard from twenty-five feet away in the Ithaca Commons area, was held to be unconstitutional. The Court stated that the ordinance, on its face, did not necessarily raise constitutional concerns. The City, however, had stipulated on appeal that its ordinance would prohibit any noise that could be heard twenty-five feet away. Finding that such an application would include the footsteps of a person in high heeled boots or a conversation among several people, the statute, as interpreted and applied by the City, failed to take into consideration the “nature and purposes of the [area], along with its ambient characteristics,” and was thus not narrowly tailored to the circumstances. Id. It was stricken as being unconstitutional in its application.

The City of Ithaca noise ordinance was, as noted by the Second Circuit, likely facially valid. However, to be validly enforced, it was required to have been applied as written, and not as stipulated on appeal, utilizing Ithaca’s “12 non-exclusive factors” designed to be used to determine whether noise is “unreasonable.”

### Conclusion

If the Watertown City Council determines that it desires to adopt noise control legislation, the initial determination must center on whether the legislation should be framed in terms of decibel levels from a certain distance, or based upon a legislative determination of “reasonableness.” If it is the former, we recommend that the City obtain some expert guidance on decibel levels at certain distances such that appropriate levels can be established above ambient levels, and further obtain an estimate concerning the expected cost of appropriate decibel meters and training.

If the City Council wishes to proceed to adopt legislation based upon a doctrine of reasonableness, we recommend that the Council consider which time, place and manner restrictions, under all the circumstances, it would deem to be reasonable. We further believe that the matter should be made enforceable strictly as a civil matter (fines only), and not as a criminal matter.

One final note - - - this letter offers no opinion as to whether any legislation regulating “unreasonable noise” may be utilized to override and/or circumvent the State’s statutory noise regulations contained at Section 375(31), Section 375(47), and Section 386 of the Vehicle and Traffic Law. In other words, this letter does not address the question of whether the operation of vehicular audio amplification systems may be governed by local, rather than State, law.

City of Watertown City Council  
August 24, 2010  
Page 5

We look forward to assisting the Council in its deliberations.

Very truly yours,

SLYE & BURROWS

By:



Robert J. Slye

RJS/ktl

cc: Ms. Mary M. Corriveau, City Manager ✓

August 27, 2010

To: The Honorable Mayor and City Council  
From: Mary M. Corriveau, City Manager  
Subject: Sales Tax Revenue - July 2010

The City has received the monthly sales tax revenue numbers from Jefferson County. In comparison to July 2009, the July 2010 sales tax numbers are up \$239,795 or 22.75%, actual to actual. In comparison to our budget projection for the month of July, the sales tax numbers are up \$234,469 or 22.13%.

As this is the first payment accrued for the current fiscal year, the year-to-date numbers match the month to date numbers. This is an estimated payment, and may or may not reflect the true revenue to the City for this month once the quarterly adjustments are made in the October payment.

The attached spreadsheet shows the detail collections for this year and last year, along with the budgeted numbers. Collections for Fiscal Year's 2007-2008 and 2008-2009 have been added for historical prospective.

	<u>Actual 2007-08</u>	<u>Actual 2008-09</u>	<u>Actual 2009-10</u>	<u>Actual 2010-11</u>	<u>Variance</u>	<u>% Inc/(Dec)to Prior Year</u>
July	\$ 1,202,556	\$ 1,276,583	\$ 1,054,235	\$ 1,294,030	\$ 239,795	22.75%
August	\$ 1,150,965	\$ 1,268,437	\$ 1,111,868	\$ -	\$ -	0.00%
September	\$ 1,777,545	\$ 1,529,231	\$ 1,805,736	\$ -	\$ -	0.00%
October	\$ 1,041,228	\$ 1,103,267	\$ 1,081,394	\$ -	\$ -	0.00%
November	\$ 1,089,851	\$ 1,106,240	\$ 1,056,203	\$ -	\$ -	0.00%
December	\$ 1,554,307	\$ 1,413,485	\$ 1,606,018	\$ -	\$ -	0.00%
January	\$ 1,055,815	\$ 1,073,261	\$ 1,103,884	\$ -	\$ -	0.00%
February	\$ 925,894	\$ 843,971	\$ 921,272	\$ -	\$ -	0.00%
March	\$ 1,591,250	\$ 1,458,063	\$ 1,572,098	\$ -	\$ -	0.00%
April	\$ 1,044,484	\$ 954,271	\$ 1,121,188	\$ -	\$ -	0.00%
May	\$ 1,070,945	\$ 960,159	\$ 1,079,512	\$ -	\$ -	0.00%
June	\$ 1,689,660	\$ 1,479,763	\$ 1,709,687	\$ -	\$ -	0.00%
YTD	<u>\$ 15,194,501</u>	<u>\$ 14,466,732</u>	<u>\$ 15,223,095</u>	<u>\$ 1,294,030</u>	<u>\$ 239,795</u>	<u>22.75%</u>

	<u>Original Budget</u>		<u>Variance</u>	<u>%</u>
	<u>2010-11</u>	<u>Actual 2010-11</u>		
July	\$ 1,059,561	\$ 1,294,030	\$ 234,469	22.13%
August	\$ 1,117,485	\$ -	\$ -	0.00%
September	\$ 1,814,859	\$ -	\$ -	0.00%
October	\$ 1,086,857	\$ -	\$ -	0.00%
November	\$ 1,061,538	\$ -	\$ -	0.00%
December	\$ 1,614,131	\$ -	\$ -	0.00%
January	\$ 1,109,461	\$ -	\$ -	0.00%
February	\$ 925,926	\$ -	\$ -	0.00%
March	\$ 1,580,040	\$ -	\$ -	0.00%
April	\$ 1,126,852	\$ -	\$ -	0.00%
May	\$ 1,084,966	\$ -	\$ -	0.00%
June	\$ 1,718,325	\$ -	\$ -	0.00%
YTD	<u>\$ 15,300,000</u>	<u>\$ 1,294,030</u>	<u>\$ 234,469</u>	<u>22.13%</u>